

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. 817

A bylaw to provide for the procedures of Council Meetings and Committees of Council

Section 124 of the *Community Charter* states that a council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business; the Council of the Village of Ashcroft, in open meeting assembled enacts as follows:

PART 1 – INTRODUCTION

Citation

1.1 This Bylaw may be cited as the “Village of Ashcroft Council Procedure Bylaw No. 817, 2018”.

Interpretation

1.2 In this bylaw,

“Acting Mayor” means a Council Member appointed to assume the role of the Mayor in the duly elected Mayor’s absence or their inability to act;

“Clerk” is synonymous with “Corporate Officer” and means the Chief Administrative Officer (CAO), or Deputy Corporate Officer in the absence of the Chief Administrative Officer;

“Chair” means the Mayor, or Member of Council presiding at a meeting;

“Community Charter” means the BC legislation *Community Charter [SBC 2003] C. 26* and as amended;

“Council” means the Council of the Village;

“Council Committee” means a standing, select, or other committee of Council, but does not include Committee of the Whole;

“Corporate Officer” means the CAO who is identified as the Corporate Officer for the Village of Ashcroft in *The Village of Ashcroft Officers and Employees Bylaw No. 807, 2016* and designate;

“COTW” means the Committee of the Whole Council;

“Delegate” means a person, group of people with a common interest, business representatives, government officials, special interest groups, societies, community service groups, or petitioner with the intention to address Council;

“Local Government Act” means the BC legislation *Local Government Act [RSBC 2015] Ch. 1*, and as amended;

“Mayor” means the Mayor of the Village or Acting Mayor in the Mayor’s absence;

“Public Notice Board” means the notice board located adjacent to the Village Office entrance;

“Robert’s Rules of Order” means *Robert’s Rules of Order, 11th Edition*, and as amended;

“Village” means the Village of Ashcroft;

“Village Office” means the Village of Ashcroft Administrative Office located in the building located at 601 Bancroft Ave. Ashcroft, BC;

“Website” means the Village website located at the address: www.ashcroftbc.ca

Application of rules of procedure

- 1.3 The provisions of this bylaw govern the proceedings of Council, COTW, and all Council Committees, as applicable.
- 1.4 In cases not provided for under this Bylaw, *Robert’s Rules of Order*, apply to the proceedings of Council, COTW, and Council Committees to the extent that those rules are:
 - a) applicable in the circumstances, and
 - b) not inconsistent with provisions of this bylaw or the *Community Charter*.

PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS

Inaugural Meeting

- 2.1 Following the general election for Mayor and Council, the first Council meeting known as the Inaugural Meeting, must be held on the first Monday of November immediately after the general municipal election.
- 2.2 If a quorum of council members elected at the general municipal election has not taken office by the date of the meeting referred to in section 2.1, the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

Time and Location of Council Meetings

- 2.3 All Council meetings must take place in the Council Chambers located within the Village Office except when Council resolves to hold meetings elsewhere.
- 2.4 Regular Council meetings will be held;
 - a) on the second Monday at 4:30 pm and the fourth Monday at 7 pm of each month, except:
 - i) any designated Monday that falls on a statutory holiday, the meeting will then be held on the following Tuesday;
 - ii) the months of July and August, meetings will be held on the fourth Monday of each month at 7 pm;
 - iii) the month of December, meetings will be held on the second Monday of that month at 4:30 pm;
- 2.5 Regular Council meetings shall adjourn at 11:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time with a unanimous affirmative vote.
- 2.6 Regular Council Meetings may, by a resolution of Council:
 - a) be cancelled, provided that two consecutive meetings are not cancelled; and

- b) be postponed to a different day, time and place determined by the Mayor, provided the Clerk is given at least 2 days written notice.

Notice of Council Meetings

- 2.5 In accordance with sections 94 and 127 of the Community Charter, the Clerk must post on the Notice Board the schedule of times and place of Council Meetings at least once annually.
- 2.6 Where revisions are necessary to the annual schedule of Regular Council Meetings, the Clerk must, as soon as possible, post to the Notice Board and website any revisions to the date, time, place, or cancellation of a Council Meeting.
- 2.7 At least 72 hours before a Council Meeting, the Clerk must give public notice on the Notice Board detailing the time, place and date of the meeting.
- 2.8 The Clerk shall post the agenda for the Council Meeting in accordance with the provisions stated in section 2.14.

Notice of Special Meetings

- 2.9 The Mayor may call a special meeting at their discretion.
- 2.10 Two or more members of Council may, in writing, request that the Mayor call a special meeting.
- 2.11 If the Mayor or Acting Mayor is absent or unable to act within 24 hours after receiving a request under Section 2.10, then two or more members of the Council may themselves call for a Special Meeting to be held within the next 7 days.
- 2.12 Notice of any Meeting called under Section 2.11 will be signed by the Clerk in the place of the Mayor.
- 2.13 Except where a notice of a special meeting is waived by the unanimous vote of all Council Members, the Clerk must give the public notice of a Special Meeting:
 - a) at least 24 hours before the scheduled start of the meeting;
 - b) including the time, place and date of the special meeting;
 - c) by posting a notice and a copy of the agenda on the Notice Board and website;
 - d) by advising Members of Council of the special meeting by email.

Agenda

- 2.14 The Clerk must prepare an agenda before every Council Meeting and shall:
 - a) circulate a copy to each Council Member at least seventy-two (72) hours before the meeting.
 - b) make copies available to the public at the Village Office prior to 2 pm on the Friday before the Meeting.
- 2.15 Any person with items to be placed on the Agenda must provide the items to the Clerk no later than 3:30 pm on the Tuesday preceding the Council Meeting the agenda is applicable to.

PART 3 - DESIGNATION OF MEMBER TO ACT IN THE PLACE OF THE MAYOR

Acting Mayor

- 3.1 At the first regular meeting held in November each year, or at the inaugural meeting held immediately after the General Municipal Election, Council must designate Councillors to serve as Acting Mayor for portions of the year in the place of the Mayor when:
 - a) the Mayor is absent;
 - b) is unable to act; or
 - c) if the office of the Mayor is vacant.
- 3.2 The Acting Mayor must fulfill the responsibilities of the Mayor in their absence.
- 3.3 If both the Mayor and the Acting Mayor are absent from a Council Meeting, the Council Members present must choose a member to preside at the Council Meeting in accordance to section 6.3.
- 3.4 The Council Member designated under section 3.1 or chosen under section 3.3 has the same powers and duties of the Mayor in relation to the applicable matter.

PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS

Meetings to be Open to the Public

- 4.1 Except where the provisions of Section 90 the *Community Charter* apply, all Council Meetings must be open to the public.
- 4.2 Before closing a meeting or a part of a meeting to the public, Council must, by resolution passed in a public meeting, state the reason, as provided Section 90 of the *Community Charter*, the meeting or a portion of it is to be closed to the public.
- 4.3 This section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter*, including:
 - a) COTW,
 - b) standing and select committees,
 - c) parcel tax review panel,
 - d) board of variance, and
 - e) commissions created by Council.
- 4.4 Despite section 4.1, the Mayor or the Acting Mayor may expel or exclude from a Meeting any person pursuant to section 133 of the *Community Charter*.
- 4.5 The Chair presiding may request assistance from a peace officer to remove any person ordered to leave the meeting, pursuant to section 4.4, if that person refuses to leave the meeting.

Delegations

- 4.6 COTW and Delegations shall be subject to the rules and procedures as outlined in this section of the Bylaw, unless explicitly stated otherwise.
- 4.7 COTW shall be an opportunity for dialogue between delegates or the public in the gallery with Council.
- 4.8 COTW will be held at 6 pm, before Regular Meetings that are scheduled to begin at 7 pm.
- 4.9 In addition to section 4.7, at any time, during a Council meeting, Council may, by resolution, go into a COTW for the purpose of discussing an issue thoroughly.

- 4.10 Delegations shall be scheduled during Regular Council Meetings and any delegate wanting to address Council during this section of the Meeting must:
- a) provide notice to the clerk as outlined in section 4.14; and
 - b) submit the subject matter the delegate wishes to bring forward to Council in writing to the Clerk.
- 4.11 No delegate will be provided an opportunity to address Council during any Regular Council Meeting without providing notice, as outlined in section 4.14.
- 4.12 A delegate must not address Council for more than 15 minutes during a Regular Council Meeting or COTW, unless Council, through a unanimous vote, resolves to allow that presenter to exceed the time limit.
- 4.13 A delegate wishing to address Council during a COTW, without providing the notice described in section 4.14, may be given the opportunity to address Council, provided there is sufficient time to do so, so as not to interfere with the Regular Council Meeting beginning at 7 pm.
- 4.14 The order of priority to address Council during the COTW is given to delegates who provide notice to the Clerk prior to 3:30 pm on the Tuesday prior to the meeting and are therefore indicated on the Council Meeting Agenda.
- 4.15 The Clerk may refuse to place a matter on the agenda brought forward by a potential delegate if the issue is considered to fall outside the jurisdiction of Council.
- 4.16 Notwithstanding section 4.15, a delegate may appeal the Clerk's decision and the Clerk must distribute the information, under separate cover, to Council for their consideration.
- 4.17 The Clerk may schedule delegations to another Council Meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- 4.18 Council shall not make any decisions in regards to any topic discussed or questions asked by the delegate or the public in the gallery during the COTW or during the Regular Council Meeting where the delegation was made.
- 4.19 Notwithstanding section 4.18, Council may direct the Clerk to investigate and report on a matter brought forward during the COTW or a Regular Council Meeting.
- 4.20 Council must not permit a person to address Council regarding a bylaw where a public hearing has been held, or where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- 4.21 Every petition presented to Council shall include of each petitioners':
- a) legal name;
 - b) civic address or legal description of the property of which they are the owner or which they occupies in the municipality;
 - c) in the case of a corporation, the authority given by the corporation for that person to speak on behalf of the corporation.

PART 5 – MEETING MINUTES

Minutes of Meetings to be Maintained and Available to the Public

- 5.1 Minutes of every Council meeting must be:
- a) legibly recorded;
 - b) certified as correct by the Clerk; and
 - c) signed by the Mayor at the next meeting at which the minutes are adopted.

- 5.2 In accordance with section 97(1)(b) of the *Community Charter*, minutes of the proceedings of Council must be open for inspection at the Village Office during its regular office hours.
- 5.3 Notwithstanding Section 5.2, minutes of a Council meeting or that portion of the meeting which persons were excluded under section 90 of the *Community Charter*, will not be available for public inspection.

PART 6 – COUNCIL PROCEEDINGS

Community Charter Provisions

- 6.1 Matters pertaining to Council proceedings are governed by the *Community Charter*.

Calling Meeting to Order

- 6.2 At the time specified for a Council meeting or immediately after when a quorum is present, the Mayor must take the Chair and call the Council Meeting to order.
- 6.3 If a Quorum of Council is present but the Mayor or Acting Mayor does not attend within 15 minutes of the scheduled time for a Council Meeting to begin:
- a) the Clerk must call to order the members present, and
 - b) the members present must choose a member to preside at the meeting.

Adjourning Meeting Where no Quorum is Present

- 6.4 If there is no quorum of Council present within 15 minutes of the scheduled time for a Council Meeting, the Clerk must:
- a) record the names of the members present, and those absent; and
 - b) adjourn the meeting until the next scheduled meeting.

Order of Proceedings and Business

- 6.5 Unless the Mayor or two-thirds of the Council otherwise directs, the business at all regular meetings of the Council shall be proceeded with in the following order:

- | | |
|------|---------------------------|
| 1st | Call to Order |
| 2nd | Minutes |
| 3rd | Petitions and Delegations |
| 4th | Correspondence |
| 6th | Unfinished Business |
| 6th | New Business |
| 7th | Bylaws and Resolutions |
| 8th | Council Reports |
| 9th | CAO Reports |
| 10th | CFO Reports |
| 11th | Question Period |
| 12th | Termination |

- 6.6 When any Order, Resolution or Question is lost by reason of the Council or any Committee losing quorum, the order, resolution or question lost must be the first item of business to be proceeded with and disposed of at the next meeting of the Council or Committee under that particular heading.

Rules of Conduct and Debate

- 6.7 Every Council member shall address themselves to the Chair before speaking to any question or motion.
- 6.8 Council members shall address the Mayor as "MAYOR (Surname)" and shall refer to other members as "COUNCILLOR (Surname)".
- 6.9 No Council member shall:
- a) speak disrespectfully of Her Majesty the Queen, any of the Royal Family, the Governor-General, Lieutenant-Governor, or persons administering the Government of Canada or the Province of British Columbia;
 - b) use offensive words in or against the Council or against any member;
 - c) reflect upon any vote of Council except for the purpose of moving that such vote be rescinded;
 - d) resist the rules of the Council, disobey the decision of the Mayor, or the interpretation of the rules of the Council;
 - e) resist or disobey, if ordered by the Mayor, to leave their seat for that meeting, subject to section 133 of the *Community Charter*; but in case of apology being made by the offender, they may, by an unanimous vote of the remaining Council members present, be permitted to re-take their seat;
 - f) contravene the Foundational Principles of Responsible Conduct for BC's Local Governments as endorsed by the Union of British Columbia Municipalities.
- 6.10 No member may speak more than once to the same question except:
- a) by leave of the Council;
 - b) for explanation of a material part of their speech which may have been misconceived;
 - c) when replying to a member who has made a substantive motion to Council, but not a member who has moved an amendment.
- 6.11 Notwithstanding section 6.10(b), a Council member must not introduce a new matter.
- 6.12 After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- 6.13 The decision of the Mayor as to whether the question has been finally put shall be conclusive.

Points of Order

- 6.12 The Mayor shall preserve order and decide all points of order which may arise, but subject to an appeal by the other Council members present.
- 6.13 If an appeal is made by a member of the Council arising from the decision of the Mayor, the question shall be immediately put, and decided without debate.
- 6.14 The Mayor shall be governed by the majority vote of the remaining Council members when the question "Shall the Chair be sustained?" is put, and the names of the members of the Council voting for or against the question shall be recorded on the minutes.
- 6.15 If the Mayor refuses to put the question "Shall the Chair be sustained?", Council must appoint one of its numbers to preside temporarily in lieu of the Mayor, and the member of Council so temporarily appointed shall proceed in accordance with Section 3.2.

- 6.16 In the event of the votes being equal, relating to the provisions in sections 6.14 and 6.15, the question shall pass in the affirmative.

Reports

- 6.17 A standing or select committee of Council may report to the Council at any regular meeting or shall report at the point of time as required by Council.
- 6.18 Reports from staff and committees shall be submitted to the Clerk subject to section 2.15, who shall approve each report, make copies and attach a copy to the agenda of the next regular Council meeting before it is circulated to the members of Council.

Motions

- 6.19 Motions other than routine motions shall be put in writing by the Clerk and seconded before being debated or put from the Chair.
- 6.20 When a question is under consideration, no motion shall be received except for the following:
- a) to commit;
 - b) to amend;
 - c) to lay on the table;
 - d) to postpone indefinitely;
 - e) to postpone to a certain time;
 - f) to move the previous question; or
 - g) to terminate.
- 6.21 The motions indicated in Section 6.20 shall have precedence in the order in which they are named, and the last five shall be neither amendable nor debatable.
- 6.22 Amendments shall be recorded in writing by the Clerk and shall be decided upon before the main question is put to a vote.
- 6.23 Only one amendment shall be allowed to an amendment.
- 6.23 A motion to commit the subject matter to a Committee, until it is decided, shall preclude all amendments of the main question.
- 6.24 A motion to adjourn the Meeting or to adjourn the debate shall always be in order, but if such motion is negative, no second motion to the same effect shall be made until the intermediate business or matter has been disposed of.

Voting at Meetings

- 6.25 The following rules apply to voting at Council meetings:
- a) When debate on a matter is closed, the Chair must put the matter to a vote of Council members;
 - b) When the Council is ready to vote, the Chair must put the matter to a vote by stating: "Those in favor raise your hand." and then "Those opposed raise your hand."
 - c) When the Chair has put the matter to a vote under paragraphs (a) and (b) a member must not:
 - i) Cross or leave the room,
 - ii) Make noise or a disturbance, or
 - iii) Interrupt the voting procedure unless the interrupting member is raising a point of order.

- d) After the Chair finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
 - e) The Chair's decision about whether a question has been finally put to vote is conclusive;
 - f) A vote of a Council member is deemed as a vote in the affirmative by raising their hand or in absence of doing so as per provision 6.28; and
 - g) The Chair must declare the result of the voting by stating that the motion is "Carried" in the affirmative or "Defeated" in the negative.
- 6.26 Every Council member present when a question is put shall be required to vote unless they declare themselves in a conflict of interest pursuant to Section 100 of the *Community Charter*.
- 6.27 A member of Council who declares a conflict of interest shall not vote but shall leave their chair, vacate the Council Chambers during the discussion and while the vote is conducted, and return to the meeting immediately thereafter.
- 6.28 Should any member refrain from voting when any question is put, for any reason other than that mentioned in section 6.26, they shall be regarded as having voted in the affirmative and their vote shall be counted accordingly:
- a) All acts authorized or required by the *Local Government Act* and *Community Charter* are to be done by the Council, and all other questions that may come before the Council, shall be decided by the majority vote of the members of the Council who are present at the meeting, unless stipulated otherwise in legislation.
 - b) In all cases where the votes of the members of Council present, including the vote of the Mayor are equal for and against a question, the result shall be negative, and it shall be the duty of the Mayor to so declare.

Question Period

- 6.29 A question period shall be held prior to the termination of all Regular Council meetings.
- 6.30 Any member of the public in the gallery may ask a question directed to Council if:
- a) that question is based on the topics identified in the agenda for the in the current Council meeting;
 - b) that person has not already asked a question;
 - c) the question is addressed in a respectful manner;
 - d) no longer than 15 minutes has elapsed since Question Period commenced.
- 6.31 Notwithstanding section 6.30(b) and pursuant to section 6.30(d), a member of the public may ask an additional question if no other person desires to ask a question.
- 6.32 The order in which people from the gallery may ask a question during Question Period is the sole discretion of the Mayor.

PART 7 - BYLAWS

- 7.1 Every bylaw shall be read three times on three separate days and may be referred to a COTW between second and third reading, unless otherwise ordered by a two-thirds vote of the members of the Council present at the meeting.
- 7.2 Notwithstanding the provisions of Section 7.1, a bylaw may receive up to three readings at one meeting upon the affirmative vote of at least two-thirds of the members of Council present at the meeting, excluding any provisions identified in the *Community Charter* and the *Local Government Act* requiring the input or approval of the electorate, or approval of the Inspector of Municipalities.
- 7.3 First reading of every bylaw shall include an introduction with the title and intended object of the bylaw, and the question of the first reading shall be decided without amendment or debate.

- 7.4 Second reading of the bylaw shall consist of debate upon the general principles of the bylaw.
- 7.5 If the bylaw has been referred to a COTW as specified in Section 7.1, the Committee shall proceed by first postponing the preamble of the bylaw and then every clause shall be considered individually in its proper order; the preamble and title to be last considered.
- 7.6 The Chair of the COTW shall report the bylaw to the Council once the Regular Meeting has resumed and the bylaw may then be read a third time and passed upon motion, provided that upon request by any member of the COTW, any part of the bylaw be read again before the motion is put.
- 7.7 Every bylaw passed shall be reconsidered not less than one clear day after it has received third reading; however, that if a bylaw must be approved by the electorate or the Inspector of Municipalities, pursuant to the *Community Charter, Local Government Act*, or any other Act, it shall not be reconsidered until such approval has been obtained.
- 7.8 One copy of every bylaw bearing evidence of approval, if any, and one copy of every adopted bylaw signed, sealed and bearing evidence of registration in the office of the Inspector of Municipalities, if required, shall be kept among the records of the Village.
- 7.9 The Mayor may, at any time within one month after the adoption of a bylaw, may intervene and return for reconsideration any bylaw, resolution or proceeding of the Council provided the bylaw or resolution:
- a) has not been given the assent of the electors;
 - b) has not been reconsidered by the Council in the manner mentioned in Section 7.7; or
 - c) has not been acted upon by any officer, servant or agent of the Village.
- 7.10 Referring to section 7.9, the Mayor may state his objections to the Council, and the Clerk shall record in the minutes of such objections which includes suggestions or proposed amendments of the Mayor.
- 7.11 The Council shall, as soon as convenient, consider such objections, and either:
- a) reaffirm the bylaw, resolution or proceeding; or
 - b) reject the bylaw, resolution or proceeding; in which case it is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or affect whatsoever, and shall not be reintroduced into the Council within a period of six months except with the unanimous consent of Council; or
 - c) the conditions which applied to the passage of the original bylaw, resolution or proceeding apply to rejection thereof.

PART 8 – STANDING AND SELECT COMMITTEES

- 8.1 The Mayor shall establish standing Committees for any purpose which he considers would be better regulated and managed by means of such committees, and he shall appoint members of Council to serve on the committee.
- 8.2 The Council may from time to time appoint a select committee to enquire into any matter and to report its findings and opinions to the Council.
- 8.3 Any member of the Council may be placed on a standing or select committee, notwithstanding the absence of such member at the time of being named upon such committee; the first named of any committee shall be the Chair of that committee.
- 8.4 Members of the Council may attend the meetings of any of its committees with the following exceptions:
- a) a quorum is not present;

- b) members shall not be allowed to vote, but may be allowed to take part in any discussion or debate by permission of a majority of the committee.

8.5 The general duties of all the standing committees of the Council shall be as follows:

- a) to investigate and consider topics requested by the Mayor or Council; and
- b) to report to Council any findings or recommendations as deemed necessary by the committee in relation to the subject matter put to them at a Regular Meeting at a time as determined by Council.

8.6 Every member who introduces a motion upon any subject which requires the appointment of a select committee shall be one of the committee.

8.7 No standing or select committee shall have a number of Council members greater than or equal to quorum.

8.8 All standing and select committees shall adhere to the rules governing proceedings in a Regular Council meeting.

8.9 A select committee shall, on completion of its assignment or on submitting its final report to the Council, be automatically dissolved.

PART 9 - ATTENDANCE AND EXAMINATION OF WITNESSES

9.1 The Council, or any standing or select committee shall have power, under the hand of the Mayor, and seal of the municipality, to summon witnesses for examination on oath in any and all matters connected with or relating to the administration of the municipality, and shall have the same power to enforce the attendance of such witnesses and compel them to give evidence as is vested in any court of law in civil cases.

9.2 Any member of Council may administer the oath to any witness called before Council or select committee, and such witness may be examined, cross-examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

9.2 In all unspecified cases in the proceedings of the Council or in committees *Robert's Rules of Order* shall be followed.

PART 10 - REPEAL AND AMENDMENTS

10.1 Bylaw No. 731, cited as "Village of Ashcroft Procedures Bylaw" is hereby repealed in its entirety.

10.2 In respect to Section 124(3) of the *Community Charter*, this bylaw may not be amended, or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

READ A FIRST TIME THIS	9 th	DAY OF	April	, 2018
READ A SECOND TIME THIS	9 th	DAY OF	April	, 2018
PUBLIC NOTICE PROVIDED TO THE ELECTORS THIS	3 rd & 10 th	DAY OF	May	, 2018
READ A THIRD TIME THIS	14 th	DAY OF	May	, 2018
RECONSIDERED AND ADOPTED THIS	28 th	DAY OF	May	, 2018

John C. (Jack) Jeyes, Mayor

J. Michelle Allen, Chief Administrative Officer

Certified to be a true and correct copy
of Bylaw No. 817 as adopted by Council.

J. Michelle Allen, Chief Administrator

WR/kw