

TOWN OF PORT MCNEILL

PROCEDURE BYLAW NO. 557, 2003

Being a bylaw to regulate the meetings of Council and Committee and conduct thereof.

WHEREAS under Section 124 of the *Community Charter* Council must establish the procedure to be followed for the conduct of its business and, in particular, must, by bylaw,

- a. establish the procedures to be followed for the conduct of council and committee meetings;
- b. establish the time and place of regular council meetings; and
- c. require advance public notice respecting the time, place and date of council and committee meetings and establish procedures for giving that notice, and

NOW, THEREFORE, the Council of the Town of Port McNeill in open meeting assembled enacts as follows:

1. Title

This Bylaw may be cited as “Town of Port McNeill Procedure Bylaw No. 557, 2003”.

2. Definitions

“Notice Board” means the notice board at the Town of Port McNeill Office.

3. Acting Mayor

- a. The Council shall, at the statutory meeting of Council in each year **and as nominated by the Mayor**, appoint one of its members to be Acting Mayor, and such Acting Mayor has, during the absence or illness of the Mayor, all the powers and is subject to the same rules as the Mayor.
- b. In the event that the office of the Mayor becomes vacant, the Acting Mayor shall continue until such time as another Mayor has been elected or appointed.

4. Closed Meetings

- a. The Council may or must close all or part of a Council meeting to the public during which the subject matter being considered relates to one or more of the matters set out in Section 90 of the *Community Charter*.
- b. Before a meeting or part of a meeting is closed to the public, the council must adopt a resolution which states:

- i. The fact that the meeting or part of the meeting is to be closed, and
- ii. The basis under Section 92 of the *Community Charter* on which the meeting or part of the meeting is to be closed.

5. Meetings of the Council

The statutory meeting of Council shall be held on the first Monday in December after the Town of Port McNeill local government election.

After the statutory meeting of the Council, the Council shall meet on the first and third Monday of each month at the hour of 7:30 p.m. or in the case such Monday is a holiday, the meeting shall be **cancelled**. The Council meetings shall be held in the Council Chambers of the Town Office Building unless the location is changed by Council resolution.

6. Notice of Regular Council Meetings

- a. At least 48 hours before a regular Council meeting, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board.
- b. At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by posting a copy of the agenda on the notice board: and
 - i. leave copies of the agenda at the reception counter at the Town Office for the purpose of making them available to members of the public.
- c. At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

7. Notice of Special Council Meetings

- a. Except where notice of a special meeting is waived by a unanimous vote of all council members under Section 127 of the *Community Charter*, at least 24 hours before a special meeting of Council, the Corporate Officer must:
 - i. give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board at the Town Office; and
 - ii give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

8. Notice of Committee Meetings

- a. Except as otherwise stated, the procedure for committee meetings shall follow the same rules as a regular meeting of Council or special meeting of Council.
- b. The time, place and date of committee meetings shall be left to the discretion of the Chairperson of the specific committee.

9. Attendance of Public at Meetings

- a. Subject to Section 89 of the *Community Charter*, all Council meetings must be open to the public.
- b. Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 90 of the *Community Charter*.
- c. This section applies to meetings of bodies referred to in Section 145 of the *Community Charter*, without limitation:
 - i. Select or standing committees of Council;
 - ii. The board of variance;
 - iii. The court of revision;
 - iv. An Advisory committee, or other advisory body, established by council under the *Community Charter* or another act.

10. Minutes of Meeting

- a. Minutes of Council meetings must be kept in accordance with Section 124 of the *Community Charter*.
- b. Minutes of Committee meetings must be kept in accordance with Section 145 of the *Community Charter*.

11. Opening Procedures

- a. As soon after the hour of the meeting as there is a quorum present, the Mayor shall take the chair and call the members to order.
- b. In case the Mayor does not attend within 15 minutes after the time appointed for the meeting, the Acting Mayor shall take the chair and call the members to order or if the Acting Mayor is absent, the Corporate Officer shall call the members to order and, if a quorum is present, the members shall appoint an Acting Mayor who shall preside during the meeting or until the arrival of the Mayor. Such person appointed as Acting Mayor has all the powers and is subject to the same rules as the Mayor.

c. Should there be no quorum present within 30 minutes after the time appointed for the meeting, the Corporate Officer shall record in the minute book the names of the members present, and the meeting shall stand adjourned until the next regular meeting.

12. Agenda

Unless the Mayor or two-thirds of the Council otherwise directs, the business at all the meetings of the Council shall proceed in the following order:

- (1) Adoption of the Minutes
- (2) Petitions/Delegations
- (3) Correspondence
- (4) Reports
 - a. Administrator
 - b. Treasurer
 - c. Council Members
- (6) Bylaws
- (7) New Business
- (8) Public Participation and questions from the media
- (9) Adjournment

13. Adjournment

The Council shall always adjourn no later than 10:00 p.m., unless otherwise determined by a two-thirds vote of the members present.

14. Rules of Conduct and Debate

- a. Every member shall address themselves to the Chair before speaking to any question or motion.
- b. The Mayor or Acting Mayor shall have the discretion to conduct the meeting in a formal or informal manner for use of personal names.
- c. No member shall speak disrespectfully or use offensive words in or against the Council; nor shall they resist the rules of the Council or disobey the decision of the Mayor or of any interpretation of the rules of the Council. In case any member shall so resist or disobey, they may be ordered by the **Mayor** to leave their seat for that meeting, and in case of their refusing to do so they may, on the order of the Mayor, be removed there from by the Police. In case of an apology being made by the offender, they may by vote of the Council be permitted to remain for the meeting.
- d. No member may speak more than twice to the same question, except in explanation of a material part of their speech which may have been misconceived. In doing so they may not introduce a new matter. A reply shall be allowed to a member who has made a substantive motion to the Council, at the discretion of Council.

e. 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. The decision of the Mayor as to whether the question has been finally put shall be conclusive.

15. Voting on Questions

- a. Each Council member present at the time of a vote must vote on the matter.
- b. If a Council member does not indicate how he or she votes, the member is deemed to have voted in the affirmative.
- c. If the votes of the council members present at the meeting at the time of the vote are equal for and against a motion, the motion is defeated.

16. Declaration if not entitled to vote

- a. If a Council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter or vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter or for any other reason, the member must declare this and state the general nature of why the member considers this to be the case.
- b. After making the declaration, the member must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter and he or she must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
- c. When the declaration is made, the person recording the minutes of the meeting must record the member's declaration, the reasons given for it and the times of the member's departure from the room and, if applicable, of the member's return. The person presiding at the meeting must ensure that the member is not present at the meeting at the time of any vote on the matter.

17. Petitions and Delegations

- a. Any person wishing to appear before Council may do so by first notifying the Corporate Officer, in writing, by noon on the Wednesday preceding the meeting except on extraordinary occasions declared as such by the Mayor.
- b. Every delegation shall be allowed a maximum of 10 minutes to present its submission or petition unless extended by a two-thirds vote of Council, after which the Council may take whatever appropriate action as they deem necessary.

18. Reports

- a. A standard or select committee of Council may report to the Council at any regular meeting or as required by Council.
- b. Department heads may prepare, in addition to any other reports required by Council, reports of the activities and responsibilities of their respective departments, when and as required by the Council. The reports shall be prepared in time to be included with the agenda for the regular meeting of Council and shall be submitted to the Corporate Officer who shall make copies of each report for inclusion with the agenda.

19. Motions

- a. Motions, other than routine motions (including motions to adopt a report, to receive and file, to refer to a committee or an official, to introduce or pass a bylaw, or adjourn) shall be put in writing by the Corporate Officer and seconded before any debate.
- b. Amendments shall be in writing by the Corporate Officer and shall be decided upon before the main question is put to a vote. Only one amendment shall be allowed to an amendment.

20. Bylaws

- a. Before a bylaw is adopted by Council, it must be given 3 readings by the Council.
- b. There must be a least one-day between the third reading and the adoption of the bylaw.
- c. If this or another Act requires that a bylaw receive the assent of the electors or the approval of the Lieutenant Governor in Council, a minister or the inspector, the assent or approval must be obtained after the bylaw has been given third reading and before it is adopted.
- d. If this or another Act requires that a bylaw receive both, the assent of the electors and the approval of the Lieutenant Governor in Council, a minister or the inspector, the approval must be obtained before the bylaw is submitted for assent.
- e. Once adopted, a bylaw must be signed by the Mayor or other presiding member of the council meeting at which it was adopted and be signed by the municipal officer assigned responsibility under Section 148 of the *Community Charter*.
- f. A bylaw may receive **up to three** readings at one meeting as long as there is a 24-hour period between third reading and adoption.

g. A bylaw comes into force on the later of the date it is adopted by Council and a date set by the bylaw.

h. A bylaw of the municipality must be available for public inspection in the municipal hall during regular office hours.

21. Standing and Select Committee

a. 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 a member of Council thereto.

b. Members of Council may attend the meetings of any of its committees and shall not be allowed to vote, but may be allowed to take part in the discussion or debate by permission of a majority of the members of the committee.

c. The general duties of all standing committees shall be as follows:

- i. To consider and report to Council from time to time, or whenever desired by the Council and as often as the interest of the Town may require, on all matters referred to them by the Mayor or Council as necessary;
- ii. To carry out the instructions of Council expressed by resolution in regard to any matter referred by Council to a committee for immediate action, but in such cases the instruction of Council shall be specific and the committee shall report its action in detail at the next meeting of Council.

d. Of the number of members appointed to compose any standing or select committee, a majority shall be a quorum competent to transact business.

e. In the transaction of business, all standing and select committees shall adhere as far as possible to the rules governing proceedings in meetings of Council.

22. Committee of the Whole

a. The rules of the Council shall be observed in committee of the whole.

b. The number of times speaking on any question shall not be limited.

c. In taking the ayes and nays the names of the members may be recorded.

23. Robert's Rules of Order

Any procedure that is not outlined in this bylaw shall be governed by the *Community Charter* and then Robert's Rules of Order.

24. Repeal:

"Town of Port McNeill Procedures Bylaw No. 524, 1999", and all amendments thereto, are hereby repealed as of 2400 hrs on December 31, 2003.

This bylaw comes into effect January 01, 2004.

Read a first time this 01st day of December 2003.

Read a second time this 01st day of December 2003.

Read a third time this 15th day of December 2003 **as amended.**

Reconsidered and finally adopted this 15th day of December 2003.

Mayor

Corporate Officer

I hereby certify that the above is a true copy of "Procedure Bylaw No. 557, 2003" as adopted on the 15th day of December, 2003 by the Council of the Town of Port McNeill.

Corporate Officer