



AGENDA
DISTRICT OF PORT HARDY
COMMITTEE OF THE WHOLE MEETING
6:30pm TUESDAY JANUARY 8, 2019
COUNCIL CHAMBERS, MUNICIPAL HALL
7360 COLUMBIA STREET

Mayor: Mayor Dennis Dugas
Councillors: Pat Corbett-Labatt, Janet Dorward, Fred Robertson, Treena Smith, John Tidbury and Leightan Wishart

Staff: Allison McCarrick, CAO; Lynda Sowerby, Director of Financial Services; Abbas Farahbakhsh, Director of Operational Services; Heather Nelson-Smith, Director of Corporate Services

Page

A. CALL TO ORDER

Time:

B. APPROVAL OF AGENDA

Motion required

1.

2.

C. BUSINESS ARISING

1. Question Period

- Staff Report
- Council Procedure Bylaw

1-3
4-26

D. ADJOURNMENT

Motion required

1.

2.

Time:



DISTRICT OF PORT HARDY STAFF REPORT

TO: Allison McCarrick, CAO
FROM: Heather Nelson-Smith, Director of Corporate Services
SUBJECT: Question Period Council Meetings
DATE: October 30, 2018

BACKGROUND

An open Council meeting is an opportunity for the public to observe the Council in its decision-making role, questions arise from decisions made and clarification may be required following the meeting.

The District Procedure Bylaw does not provide any policies or procedures for question period but historically the Chair has welcomed questions informally following adjournment.

A request has been submitted to Council to amend the Council Procedure Bylaw No. 03-2009 to change the agenda to include a fixed question period on the agenda.

QUESTION PERIOD

Question period that has been added as part of the agenda under the procedure bylaw refer to questions pertaining to the current agenda or past motions of Council. This is not the opportunity for those in attendance to prepare delegation statements or create requests for Council as already provided for under delegations (included in the procedure bylaw).

Some Procedure Bylaws use wording as follows:

The City of Penticton permits question period on their agenda at the end of the meeting:

At the end of Council business, the public will be afforded an opportunity to address Council. The format must be restricted to questions with respect to items that are on the current agenda and each question must be limited to two (2) minutes.

The City of North Vancouver has a public input section on their agenda close to the beginning with the following provisions:

- (a) A period of thirty minutes will be made available on each regular Council meeting agenda for public input.*
- (b) An individual shall not speak more than once at the meeting or for a period longer than three minutes. No person shall speak on a bylaw that is subject of a closed public hearing and which has not yet been adopted. No person shall speak on an item that is, or has been the subject of a public participation process.*
- (c) Speakers shall sign up in advance through the Municipal Clerk by providing their name, approximate residential location, and the subject they wish to speak on. The speakers list shall be on a first come, first served basis. Individuals must sign up in person. Speaking slots will not be reserved nor can someone sign up on behalf of another. Where the speakers list has not filled the allotted thirty minutes and those signed up have already spoken, the Mayor may ask for speakers from the gallery on*

Question Period Council Meetings

a first come, first served basis to fill any remaining time under the same rules of this section.

(d) Speakers wishing to speak on an agenda item may sign up to speak during the thirty minute public input period or during the meeting at the time when the agenda item is on the floor. Speakers speaking at the time when the agenda item is on the floor shall be limited to one in support of the item and one opposed. Speakers wishing to speak on an item not on the agenda shall do so only during the thirty minute public input period.

(e) Council members shall not respond to public input nor engage in debate except to ask clarifying questions or to correct incorrect information.

(f) Following a speaker Council may refer an issue to staff for a report or refer the issue to a committee.

The District of Stewart has guidelines in a policy regarding question period:

- 1. The Open Question Period will commence after the all Regular Meeting items of the regular Council meeting.*
- 2. A maximum time of 15 minutes for questions from public will be permitted; subject to curtailment at the discretion of the Chair if other business necessitates.*
- 3. Questions may be asked of any Council member, but directed through the Chair.*
- 4. Questions must be truly questions and not statements or opinions by the questioner.*
- 5. Not more than 4 separate questions per questioner will be allowed.*
- 6. Questions should be related to the Regular meeting Agenda's topics.*
- 7. The Chair will recognize the questioner and will direct questions to the Councillor or staff member whom he/she feels is best able to reply.*
- 8. More than one Councillor or Staff member may reply if he/she feels he/she has something to contribute.*

The City of Duncan Procedure bylaw provisions for public question period following the meeting:

- (1) Public Question Period is limited to ten (10) minutes in duration, unless extended by a majority vote of Council.*
- (2) A member of the public may have two (2) minutes during the Public Question and Comment Period to address Council on items on the agenda for the meeting, unless extended by a majority vote of Council.*
- (3) A member of the public wishing to address Council must begin their presentation by stating their name and address.*
- (4) A member of the public must not address Council or Committee regarding a Bylaw for which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the Bylaw.*
- (5) A Council or Committee member may ask or answer questions of a member of the public who is addressing Council or Committee, but must not enter into debate.*
- (6) The Mayor or Chair may refer members of the public to the appropriate department or Committee for response.*

MINUTES

The minutes of the above-mentioned communities only show that a question period occurred, with the exception of North Vancouver where they put the name and address and the subject of the public input.

AUTHORITY

Amending the Council Procedure Bylaw requires that Council publish a notice in accordance with Section 94 of the *Community Charter* be published in the newspaper for two (2) consecutive weeks prior to the adoption of any changes to the procedure bylaw.

COUNCIL CONSIDERATION

Option 1- Continue with an informal question period without changing the Council Procedure Bylaw No. 03-2009.

Option 2- Change the Council Procedure bylaw to add provisions for a question period. If this option is chosen, council must consider how they want to word the procedure:

1. Questions pertaining to items on the agenda only.
2. Questions pertaining to the agenda and other questions as asked.
3. Beginning of the meeting.
4. End of the meeting.
5. Time limits for duration of question period.
6. Time limit per person asking question.
7. Limit of questions per person.

Option 3- Consider offering other times where the public can engage with Council, including lunch box meetings at town hall with the Mayor, coffee and tea gatherings with select councillors, videoing and posting council meetings online, comment boxes, etc...

Respectfully Submitted,

I support this staff report,

Original Signed

Original Signed

Heather Nelson-Smith,
Director of Corporate Services

Allison McCarrick,
CAO



**DISTRICT OF PORT HARDY
BYLAW NO. 03-2009 COUNCIL PROCEDURE BYLAW**

As Amended: Bylaw No.1028-2014, Bylaw No. 1077-2018
Consolidated for Convenience only – April 2018

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**DISTRICT OF PORT HARDY
BYLAW NO. 03-2009**

COUNCIL PROCEDURE BYLAW

A BYLAW OF COUNCIL PROCEDURES OF THE DISTRICT OF PORT HARDY

The Municipal Council of the District of Port Hardy enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “Council Procedure Bylaw No. 03-2009”.

Definitions

2. In this Bylaw,

"Chief Administrative Officer" means the District Officer position appointed by bylaw to act as Chief Administrative Officer."

"Committee" means a standing, select, or other committee of Council, but does not include COTW;

“COTW” means the Committee of the Whole Council;

"Corporate Officer" means the District Officer position appointed by bylaw to act in the capacity of Corporate Officer in accordance with the *Community Charter*, and in the absence of the Corporate Officer, the Chief Administrative Officer shall act in the capacity of Corporate Officer;

“Council” means the Council of the District of Port Hardy;

“Deputy Mayor” means the Council member designated or appointed to act in the place of and in the capacity of Mayor, as per sections 9(1) or 9(3) herein, as the case may be;

“District” means the District of Port Hardy;

“Mayor” means the mayor of the District;

“Municipal Hall” means the District of Port Hardy administrative office building located at 7360 Columbia Street, Port Hardy, British Columbia;

"Presiding Member" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, who is presiding as chair of a meeting of Council or committee of Council."

“Public Notice Posting Places” means the notice board at the Municipal Hall.

“Quorum” is a majority of those members elected and serving on council;

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the most current or available 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.

AMENDED Sec.3 (2)
BYL 1077-2018 April
2018

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

4. (1) Following a general local election, the inaugural meeting of Council must be held on the first Tuesday in November in the year of the election.
- (2) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (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.

AMENDED Sec.4(1)
BYL 1077-2018 April
2018

Time and location of meetings

5. (1) All Council meetings must take place within the Municipal Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must
- (a) be held on the second and fourth Tuesday of each month,
- (b) begin at 7:00 p.m.;
- (c) be adjourned by 10:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 28;
- (d) when such meeting falls on a statutory holiday, be held on the next day the Municipal Hall is open.
- (3) Regular Council meetings may:
- (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and

AMENDED Sec.5(2)(c)
BYL 1077-2018 April
2018

- (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice.
- (4) For the purpose of section 5.(3)(a), where the cancellation of a Regular Council meeting is proposed, a poll of the Council members may be conducted by the Mayor, Corporate Officer or Chief Administrative Officer, either in person, by email or by telephone, and where a majority of all of the members of Council agree to cancel a Regular Council meeting, the meeting shall be cancelled accordingly and the Corporate Officer shall ensure a notice is posted at the public notice posting place to that effect.
- (5) For the purpose of section 5.(3)(b), where a Regular Council meeting has been postponed, the Corporate Officer shall post a notice to that effect at the public notice posting place.

Notice of Council Meetings

- 6. (1) In accordance with section 127 of the *Community Charter [notice of council meetings]*, Council must prepare annually on or before December 31st, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with section 127 of the *Community Charter [notice of council meetings]*, Council must give notice annually on or before January 15th of the time and duration that the schedule of regular Council meetings will be available beginning on December 31st in accordance with section 94 of the *Community Charter [requirements for public notice]*.
- (3) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

Notice of special meetings

- 7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter [notice of council meeting]*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
 - (a) posting a copy of the notice at the public notice posting place; and,
 - (b) advising each Council member at least 24 hours before the time of the commencement of the special meeting, by email or by putting a

copy of the notice in the Council member's mailbox at the Municipal Hall, or by telephoning, or a combination thereof.

- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

Electronic Meetings

8. (1) Provided the conditions set out in subsection 128(2) of the *Community Charter [electronic meetings and participation by members]* are met,
 - (a) a special Council meeting may be conducted by means of visual or audio electronic or other communication facilities;
 - (b) a member of Council or a Council Committee member who is unable to attend at a Council meeting or Council Committee meeting, as applicable, may participate in the meeting by means of visual or audio electronic or other communication facilities.
- (2) The member presiding at a special council or council committee meeting must not participate electronically.
- (3) No more than 2 members of council at one time may participate at a council meeting under subsection (1)(b).
- (4) No more than 2 members of a Council Committee at one time may participate at a Council Committee meeting under subsection (1)(b).
- (5) In the event of a failure of technology, the member(s) participating electronically will be deemed to have left the meeting.

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

9. (1) At the inaugural meeting of Council, Council must designate each of its members to serve, on a rotating basis, as Deputy Mayor. The Deputy Mayor shall be responsible to act in the place of the Mayor when the Mayor is absent or otherwise unable to act, or when the office of Mayor is vacant.
- (2) Each Councillor designated under subsection (1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the Deputy Mayor designated under subsection (1) are absent from a Council meeting, the Council members present at the Council meeting must appoint one of its members as Deputy Mayor for that Council meeting.
- (4) The Council member designated as Deputy Mayor in accordance with subsection (1) or appointed as Deputy Mayor to preside at a Council

meeting under subsection (3), has the same powers and duties as the Mayor while acting in those capacities.

PART 4 – COUNCIL PROCEEDINGS

Attendance of Public at Meetings

10. (1) Except where the provisions of section 90 of the *Community Charter [meetings that may or must be closed to the public]* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter [requirements before Council meeting is closed]*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - (a) COTW,
 - (b) standing and select committees,
 - (c) parcel tax review panel,
 - (d) board of variance,
 - (e) advisory bodies such as advisory planning commission.

Minutes of meetings

11. (1) Minutes of the proceedings of Council must be
 - (a) legibly recorded,
 - (b) signed as being correct by the Corporate Officer, or when the Corporate Officer is absent, by another Officer who was present at the meeting; and,
 - (c) signed by the Mayor or Deputy Mayor, whomever was present at the meeting to which the minutes apply.
- (2) Subject to subsection (3), and in accordance with section 97(1)(b) of the *Community Charter [other records to which public access must be provided]* minutes of the proceedings of Council must be open for public inspection at the Municipal Hall during its regular office hours.
- (3) Subsection (2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under

section 90 of the *Community Charter [meetings that may be closed to the public]*.

- (4) The names of the mover and seconder of resolutions shall not be recorded in the minutes.
- (5) The name of a member voting in opposition to a resolution will be recorded in the minutes if the member so requests.

Calling meeting to order

12. (1) As soon after the time specified for a Council meeting to commence and there is a quorum of members present, the Mayor, if present, must take the Chair and call the Council meeting to order however, where the Mayor is absent, the Deputy Mayor must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Deputy Mayor do not attend within 15 minutes of the scheduled time for the Council meeting to commence:
 - (a) the Corporate Officer must call to order the members present, and
 - (b) the members present must appoint a member to act as Deputy Mayor as per section 9(3) herein to preside at that meeting.

Adjourning meeting where no quorum

13. If there is no quorum of Council present within fifteen (15) minutes of the scheduled time for a Council meeting, the Corporate Officer must
 - (a) record the names of the members present, and those absent, and
 - (b) adjourn the meeting until the next scheduled meeting.

Agenda

14. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by Council members, staff and the public of items for inclusion on the Council meeting Agenda must be submitted to the Confidential Secretary as follows:
 - (a) All Council or staff longhand reports and material requiring further work by the confidential Secretary must be submitted to the confidential secretary on or before 12:00 noon the Thursday prior to the meeting;

- (b) All material typed and ready for copying submitted by Council members, staff or the public and public requests for delegations, etc. must be submitted to the Confidential Secretary on or before 4:30 p.m. the Thursday prior to the meeting;
 - (c) The only exception to the above will be when emergency situations arise and such will be ruled upon by the Mayor or Chief Administrative Officer.
- (3) The Corporate Officer must make the agenda available to the members of Council and the public by 4:30 p.m. on the Friday afternoon prior to the meeting.
 - (4) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 15.

Order of proceedings and business

- 15. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Call to Order
 - (b) Approval of agenda;
 - (c) Adoption of minutes;
 - (d) Delegations and requests to address Council;
 - (e) Business Arising from the Minutes and Unfinished Business
 - (f) Correspondence
 - (g) New Business
 - (h) Council Reports
 - (i) Committee Reports
 - (j) Staff Reports
 - (k) Current Bylaws and Resolutions
 - (l) Pending Bylaws
 - (m) Information and Announcements
 - (n) Notice of In Camera Meeting
 - (o) Adjournment
- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

Late Items

16. (1) An item of business not included on the Agenda must not be considered at a Council meeting unless Council approves introduction of the late item at the time allocated on the Agenda for such matters.
- (2) If the Council makes a resolution under subsection (1), information pertaining to late items must be distributed or presented to its members.

Voting at meetings

17. (1) The following procedures apply to voting at Council meetings:
 - (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
 - (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:

"Those in favour raise your hands." and then "Those opposed raise your hands."
 - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
 - (i) cross or leave the room,
 - (ii) make a noise or other disturbance, or
 - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;

after the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;

the presiding member's decision about whether a question has been finally put is conclusive;

whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and

the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

Delegations

18. (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application on a prescribed form has been received by the Corporate Officer by 4:30 p.m. on the Thursday prior to the meeting.

Each address must be limited to fifteen (15 minutes) unless a longer period is agreed to by unanimous vote of those members present.

- (2) Where written application has not been received by the Corporate Officer, as prescribed in subsection (1), an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- (3) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (4) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (5) The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- (6) Council will not consider a matter at the same meeting as proposed by a delegation unless approved by a unanimous vote of the members present.

Points of order

19. (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter [authority of presiding member]*, the presiding member must apply the correct procedure to a motion
 - (a) if the motion is contrary to the rules of procedure in this bylaw;
and
 - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the presiding member is required to decide a point of order
 - (a) the presiding member must cite the applicable rule or authority if requested by another Council member;
 - (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(a);
and
 - (c) the presiding member may reserve the decision until the next Council meeting.

Conduct and debate

20. (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor or Deputy Mayor as the case may be, and in a situation whereby a Council member has been appointed by Council to preside at the Council meeting in accordance with section 9(3) herein, that member shall be addressed as Deputy Mayor. The Mayor or Deputy Mayor may also be addressed as Your Worship.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member
- (a) must immediately stop speaking,
 - (b) may explain their position on the point of order, and
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter [authority of presiding member]*.
- (7) Members speaking at a Council meeting
- (a) must use respectful language,
 - (b) must not use offensive gestures or signs,
 - (c) must speak only in connection with the matter being debated,
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
 - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and

- (a) if the member refuses to leave, the presiding member may cause the member to be removed from the member's seat by a peace officer; and
 - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only
 - (i) with the permission of Council, or
 - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;

a member who has made a substantive motion to the Council may reply to the debate;

a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;

a member may speak to a question, or may speak in reply, for longer than a total time of 10 minutes only with the permission of Council.

Motions generally

21. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) A Council member may make only the following motions, when the Council is considering a question:
- (a) to refer to committee;
 - (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;
 - (g) to adjourn.

- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

Motion to commit

22. Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

Motion for the main question

23. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
 - (a) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
 - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

Amendments generally

24. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover, if requested by the presiding member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended once only.
- (6) An amendment that has been negated by a vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.

- (8) The presiding member must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question , or an amended motion amending the main question if the vote under subparagraph (a) is positive;
 - (c) the main question.

Reconsideration by Council Member

25. (1) Subject to subsection (5), a Council member may, at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
- (a) had the approval or assent of the electors and been adopted,
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]*,
 - (c) been acted on by an officer, employee, or agent of the District.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]* is as valid and has the same effect as it had before reconsideration.

Privilege

26. (1) In this section, a matter of privilege refers to any of the following motions:
- (a) fix the time to adjourn;
 - (b) adjourn;
 - (c) recess;
 - (d) raise a question of privilege of the Council;
 - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

Reports from committees

27. Council may take any of the following actions in connection with a resolution it receives from COTW:
- (a) agree or disagree with the resolution;
 - (b) amend the resolution;
 - (c) refer the resolution back to COTW;
 - (d) postpone its consideration of the resolution.

Adjournment

28. (1) A Council may continue a Council meeting after 10:00 p.m. only by an affirmative vote of a majority of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
- (a) a motion to adjourn to a specific day;
 - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

PART 5 – BYLAWS

Copies of proposed bylaws to Council members

29. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Form of bylaws

30. A bylaw introduced at a Council meeting must:
- (a) be printed;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number;
 - (d) contain an introductory statement of purpose;
 - (e) be divided into sections.

Bylaws to be considered separately or jointly

31. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another Council member, or
 - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

Reading and adopting bylaws

32. (1) The presiding member of a Council meeting may
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read;
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to section 882 of the *Local Government Act* [OCP adoption procedures], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.

- (4) In accordance with section 135 of the *Community Charter [requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (5) Despite section 135(3) of the *Community Charter [requirements for passing bylaws]*, and in accordance with section 890(9) of the *Local Government Act [public hearings]*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Bylaws must be signed

33. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:
 - (a) the District's corporate seal;
 - (b) the dates of its readings and adoption; and
 - (c) the date of Ministerial approval or approval of the electorate if applicable.

PART 6 - RESOLUTIONS

Copies of resolutions to Council members

34. A resolution may be introduced at a Council meeting only if it relates to a matter that is included on the agenda associated with that Council meeting, or in the alternative, all Council members unanimously agree to waive this requirement.

PART 7 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

35. (1) At any time during a council meeting, Council may by resolution go into COTW.
- (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the District's business, is a meeting of COTW.

Notice for COTW meetings

36. (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:

- (a) posting a copy of the notice at the Public Notice Posting Places; and
 - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at the Municipal Hall.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 36, during a Council meeting for which public notice has been given under section 5 or 6.

Minutes of COTW meetings

37. (1) Minutes of the proceedings of COTW must be
- (a) legibly recorded,
 - (b) certified by the Corporate Officer,
 - (c) signed by the member presiding at the meeting, and
 - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

Presiding members at COTW meetings and Quorum

38. (1) Any Council member may preside in COTW.
- (2) The members of Council attending a meeting of COTW must appoint a presiding member for the COTW meeting.
- (3) The quorum of COTW is the majority of Council members.

Points of order at meetings

39. The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

Conduct and debate

40. The following rules apply to COTW meetings:
- (a) a motion is not required to be seconded;
 - (b) a motion for adjournment is not allowed;
 - (c) a member may speak any number of times on the same question;
 - (d) a member must not speak longer than a total of 5 minutes on any one question.

Voting at meetings

41. (1) Votes at a COTW meeting must be taken by a show of hands if requested by a member.
- (2) The presiding member must declare the results of voting.

Reports

42. (1) COTW may consider reports and bylaws only if
 - (a) they are printed and the members each have a copy, or
 - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.
- (3) The COTW's reports to Council must be presented by the Corporate Officer.

Rising without reporting

43. (1) A motion made at a COTW meeting to rise without reporting
 - (a) is always in order and takes precedence over all other motions,
 - (b) may be debated, and
 - (c) may not be addressed more than once by any one member.
- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 36(1), the Council meeting must resume and proceed to the next order of business.

PART 8 – COMMITTEES

Duties of standing committees

44. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
 - (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.

-
- (2) Standing committees must report and make recommendations to Council at all of the following times:
 - (a) in accordance with the schedule of the committee's meetings;
 - (b) on matters that are assigned by Council or the Mayor,
 - (i) as required by Council or the Mayor, or
 - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

Duties of select committees

- 45. (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

Schedule of committee meetings

- 46. (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings.
- (2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

Notice of committee meetings

- 47. (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
 - (a) posting a copy of the schedule at the Public Notice Posting Places; and
 - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The chair of a committee must cause a notice of the day, time and place of a meeting called under subsection (2) to be given to all

members of the committee at least 24 hours before the time of the meeting.

Attendance at Committee meetings

48. Council members who are not members of a committee may attend the meetings of the committee.

Minutes of committee meetings

49. Minutes of the proceedings of a committee must be
- (a) legibly recorded,
 - (b) certified by the Corporate Officer,
 - (c) signed by the chair or member presiding at the meeting, and
 - (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

Quorum

50. The quorum for a committee is a majority of all of its members.

Conduct and debate

51. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
- (3) A motion made at a meeting of a committee is not required to be seconded.

Voting at meetings

52. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

PART 9 – GENERAL

53. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

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54. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter [public notice]*.
55. District of Port Hardy Council Procedure and Notice of Meeting Bylaw No. 11-2000 and District of Port Hardy Council Procedure Amendment Bylaw No. 02-2004 are hereby repealed.

READ A FIRST TIME THIS 24th DAY OF MARCH, 2009.

READ A SECOND TIME THIS 24th DAY OF MARCH, 2009.

READ A THIRD TIME THIS 24th DAY OF MARCH, 2009.

THIRD READING RESCINDED THIS 14TH DAY OF APRIL, 2009

AMENDED APRIL 14, 2009 to delete: 2. Definitions – “District Web Site” means the information source found at an internet address provided by the District.

READ A THIRD TIME AS AMENDED THIS 14TH DAY OF APRIL, 2009.

ADOPTED THIS 28TH DAY OF APRIL, 2009.

Certified correct.

Original signed by:

DEPUTY DIRECTOR OF
CORPORATE SERVICES

MAYOR

Certified to be a true copy of the District of Port Hardy
Council Procedure Bylaw No. 03-2009.

DIRECTOR OF CORPORATE SERVICES