



## **CITY OF DUNCAN**

### **Council Procedure Bylaw No. 3050, 2012**

**(With Amendments to January 7, 2019)**

### **Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

Bylaw No. 3050.01, 2016 ó Adopted October 17, 2016

Bylaw No. 3050.02, 2017 ó Adopted December 18, 2017

Bylaw No. 3050.03, 2018 ó Adopted January 7, 2019



# CITY OF DUNCAN

## COUNCIL PROCEDURE BYLAW NO. 3050, 2012

### Contents

PART 1 - INTERPRETATION .....	1
Title .....	1
Application.....	1
Definitions .....	1
Incorporation of Charter & Definitions .....	2
General .....	2
PART 2 . INAUGURAL MEETING .....	3
Inaugural Meeting.....	3
PART 3 - REGULAR MEETINGS .....	3
Time and Location of Regular Meetings.....	3
Notice of Regular Council Meetings .....	4
Postponement for Statutory Holiday.....	4
Quorum .....	5
Postponement if No Quorum.....	5
Cancellation If No Quorum .....	5
PART 4 - SPECIAL MEETINGS .....	5
Notice of Special Council Meetings.....	5
Postponement if No Quorum.....	6
PART 5 . ANNUAL MEETING.....	6
Notice of Annual Meeting .....	6
PART 6 . C/W MEETINGS.....	7
Time and Location of C/W Meetings .....	7
Notice of C/W Meetings.....	7

PART 7 - OTHER MATTERS REGARDING MEETINGS .....	7
Meetings Outside City .....	7
Attendance of Public at Meetings.....	8
Participation of Public at Council/C/W Meetings .....	8
Improper Conduct.....	8
Removal of Those Behaving Improperly .....	9
Adjournment of Meeting .....	9
Cancellation of Meetings.....	10
Acting Mayor .....	10
PART 8 - PROCEDURE FOR MEETINGS .....	10
Mayor To Open Meetings.....	10
Order Of Business At Regular Meetings .....	11
Meeting Agenda .....	11
Notice to Corporate Officer of Petitions and Delegations .....	12
Time Allowed For Petitions And Delegations .....	13
Adding Correspondence.....	13
Minutes of Meetings .....	14
Recording and Certification of Minutes Of Council.....	14
Adoption of Minutes.....	14
C/W Procedures.....	14
Order of Business at Committee of the Whole Meetings.....	15
Electronic Meetings .....	15
Public Question Period.....	16
PART 9 - RULES OF DEBATE .....	16
Recognition of Speakers .....	16
Manner Of Address By Speakers.....	17
Voting at Meetings.....	17
Points of Order .....	17
Motions Generally .....	18
Notice of Motion .....	18
PART 10 . PUBLIC HEARINGS.....	18
Opportunity to be Heard.....	18
Order of Business.....	19
Council May Ask Questions .....	19
No Reply, Rebuttal or Further Submission .....	19

PART 11 - ADOPTION OF BYLAWS.....	19
Proposing Bylaws.....	19
Adoption Of Bylaws.....	20
Reconsideration Of Bylaws .....	20
PART 12 . DECISIONS OF COUNCIL.....	20
Resolutions and Bylaws .....	20
Reconsideration of Decisions of Council.....	20
PART 13 . COMMITTEES .....	21
Time and Location of Committee Meetings .....	21
Committee Meeting Procedures.....	22
Reporting to Council by Committees .....	22
Mayor a Member of All Committees .....	22
PART 14 - GENERAL .....	22
Severance .....	22
Irregularity .....	22
PART 15 - REPEAL OF EXISTING BYLAW .....	22
Repeal of Existing Bylaw.....	22

## THE CORPORATION OF THE CITY OF DUNCAN

### BYLAW NO. 3050, 2012

#### COUNCIL PROCEDURE BYLAW

---

**WHEREAS** under section 124 of the *Community Charter* Council must by Bylaw establish the procedures to be followed by Council and Council Committees in conducting their business;

**NOW, THEREFORE**, the Council of the City of Duncan enacts as follows:

#### PART 1 - INTERPRETATION

##### **Title**

1. (1) This Bylaw may be cited for all purposes as %Council Procedure Bylaw No. 3050, 2012+.

##### **Application**

2. (1) The provisions of this Bylaw govern the proceedings of Council, C/W and all Committees of Council, as applicable.
- (2) All meetings of the Council, C/W and all Committees, and all other matters of practice and procedure not otherwise herein specified shall be governed by the current edition of *Robert's Rules of Order Newly Revised* or by any authority whose codification of Canadian Procedure shall be declared by the Parliament of Canada to replace or supersede Robert's Rules of Order.
- (3) Notwithstanding the above statements of Authority, the Provisions of Part 5: Division 2 of the Charter on %Council Proceedings+are to be considered a part of this Bylaw and to have the same force and effect by reference as though the same were severally, fully, and particularly set forth herein.

##### **Definitions**

3. (1) In this Bylaw:

%**Charter**+means the *Community Charter*, SBC 2003, Chapter 26, as amended;

%**City**+means the City of Duncan;

**%City Hall%** means Duncan City Hall located at 200 Craig Street, Duncan British, Columbia, V9L 1W3;

**%City Website+** means the information resource found at an internet address provided by the City;

**%Committee+** means a standing, select, or other committee of Council, but does not include Committee of the Whole;

**%Corporate Officer+** means the person assigned by Council the responsibility of corporate administration pursuant to section 148 of the Charter, or their designate;

**%Council+** means the municipal council of the City of Duncan;

**%Councillor+** means a member of the Council;

**%C/W+** means the Committee of the Whole, a committee comprised of all Council members that provides preliminary consideration of matters and makes recommendations to Council.+

**%Delegation+** means an individual or group appearing before Council to present information or make a request of Council;

**%Inaugural Meeting+** means the meeting at which the members elected at the most recent general local election are sworn in;

**%Mayor+** means the Mayor of the City;

**%Public Notice Posting Places+** means the notice board inside the front doors of City Hall, and the front door of the Council Chambers inside City Hall;

**%Special Meeting+** means a meeting of the Council or Committee of the Whole other than a regular or inaugural meeting.

Amend #  
3050.03

### **Incorporation of Charter's Definitions**

4. (1) Any definition in the Charter which is incorporated into this Bylaw has the meaning given to it in the Charter as of the date of adoption of this Bylaw.

### **General**

5. (1) Reference in this Bylaw to:
  - (a) a numbered ~~%section+~~ or ~~%part+~~ is a reference to the correspondingly numbered section or part of this Bylaw;
  - (b) the plural is to be considered to be a reference also to the singular, unless the context otherwise requires; and
  - (c) unless the context otherwise dictates, a resolution or vote of the Council is a reference to a resolution or vote passed by the

affirmative vote of a majority of the Council members present and entitled to vote on the matter.

**PART 2 – INAUGURAL MEETING**

**Inaugural Meeting**

6. (1) The first regular Council meeting following a general local election must be held on the first Monday of the month following the general local election.

**PART 3 - REGULAR MEETINGS**

**Time and Location of Regular Meetings**

Amend #  
3050.03

7. (1) Commencing following the Inaugural Meeting of a new Council two regular meetings are to be held on the first and the third Monday of each month, except in July and August when one meeting will take place on the third Monday of each month

Amend #  
3050.01

- (2) Regular meetings of Council are to begin at 6:00 p.m. or such other time as is fixed by resolution of the Council from time to time.

Amend #  
3050.01

- (3) Despite subsection (2), if a Public Hearing is held prior to a regular Council meeting, the regular meeting shall begin after the conclusion of the Public Hearing or at 6:00 p.m., whichever is later.

- (4) Regular meetings of Council are to take place within City Hall unless, by resolution, Council has chosen another location specified in the resolution.

- (5) Despite subsection (1), no regular meeting is to be held if the meeting has been cancelled by a resolution of Council passed at a previous meeting, provided that two consecutive meetings are not cancelled.

- (6) Regular meetings of Council may be postponed to a different day, time, and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice.

- (7) The Corporate Officer is hereby authorized to cancel any regular meetings as are considered unnecessary for the reason of lack of business and shall post notice of such cancellation in accordance with section 8 (7)

### **Notice of Regular Council Meetings**

8. (1) A schedule of the date, time, and place of regular Council meetings shall be made available to the public by:
  - (a) posting the schedule in the Public Notice Posting Places;
  - (b) posting the schedule on the City website.
- (2) Notice of the availability of the schedule of regular Council meetings shall be given annually, on or before January 15 in accordance with section 94 of the Charter.
- (3) At least seventy-two (72) hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda and all background information to each member of Council at the place to which the Council member has directed notices to be sent.
- (4) At least 24 hours before a regular meeting of Council, the Corporate Officer must make available a copy of the agenda of the meeting by:
  - (a) posting a copy of the agenda at the Public Notice Posting Places;  
and
  - (b) Section Deleted
- (5) The Corporate Officer shall also endeavour to post agendas on the City Website.
- (6) If the agenda for the meeting contains a proposal to close all or part of the meeting to the public, the notice must state the basis under the Charter on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.
- (7) 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.

Amend #  
3050.01

### **Postponement for Statutory Holiday**

9. (1) If the regular meeting of Council falls on a statutory holiday, the meeting must be held at the usual time on the next day which is not a statutory holiday, a Saturday or a Sunday.

### **Quorum**

10. (1) A quorum of the Council is a majority of Councillors on the Council, including the Mayor, as per section 129 of the Charter.

### **Postponement if No Quorum**

11. (1) If there is no quorum of Council at the location for regular meetings within 15 minutes after the usual time for a regular meeting, or a quorum is lost during a meeting:
- (a) the Corporate Officer shall record in the Minute Book the names of the members present and those absent at the expiration of such 15 minutes;
  - (b) the members present must direct that the regular meeting be held or continued:
    - (i) the same hour the following night; or
    - (ii) on the date of the next scheduled regular meeting;
  - (c) all business on the agenda for that regular meeting not dealt with at that regular meeting is incorporated in the agenda for the regular meeting held on the earlier of the dates referred to in subclause (b) (i) or (ii).

### **Cancellation If No Quorum**

12. (1) Notwithstanding section 11, if the Corporate Officer knows in advance that there will not be a quorum present at the location for a regularly scheduled meeting of Council he/she may cancel the regular meeting and he/she shall use reasonable efforts to give advance public notice of the cancellation of the regular meeting by posting notice of the cancellation in the Public Notice Posting Places.

## **PART 4 - SPECIAL MEETINGS**

### **Notice of Special Council or C/W Meetings**

13. (1) Except where notice of a special meeting is waived by a unanimous vote of all Council members under section 127 (4) of the Charter, at least 24 hours before a special meeting of Council or C/W, the Corporate Officer must:
- (a) give public notice of the time, place and date of the meeting and describe in general terms the purpose of the meeting by way of a notice posted at the regular meeting place and at the Public Notice

- Posting Places; and
- (b) give notice of the special meeting to each Council member at the place to which the member has directed notices be sent.
- (2) The Corporate Officer shall also endeavour to post notice of the special meeting on the City Website.
  - (3) Where a special meeting is called and where notice may be waived by a unanimous vote under section 127 (4) of the Charter, the Corporate Officer shall use reasonable efforts to give advance public notice of the proposed special meeting by posting a notice of the proposed meeting at the Public Notice Posting Places.
  - (4) If the agenda for the meeting contains a proposal to close all or part of the meeting to the public, the notice must state the basis under the Charter on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.

### **Postponement if No Quorum**

- 14. (1) Sections 11 and 12 apply to special meetings with the necessary changes, except that the Corporate Officer need not give public notice of a cancelled or rescheduled meeting in respect of which Council has resolved to exclude the public.

## **PART 5 – ANNUAL MEETING**

### **Notice of Annual Meeting**

- 15. (1) The Corporate Officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider:
  - (a) the annual report prepared under section 98 of the Charter; and
  - (b) submissions and questions from the public;by giving public notice by:
  - (c) posting notice of the date, time and place of the annual meeting in the Public Notice Posting Places; and
  - (d) publishing notice of the date, time and place of the annual meeting in accordance with section 94 of the Charter.

- (2) The Corporate Officer shall also endeavour to post notice of the annual meeting on the City Website.

## **PART 6 – C/W MEETINGS**

### **Time and Location of C/W Meetings**

Amend #  
3050.03

16. (1) The Corporate Officer shall schedule C/W meetings as needed.
- (2) C/W meetings are to take place within City Hall unless, by resolution, Council has chosen another location specified in the resolution

### **Notice of C/W Meetings**

Amend #  
3050.03

17. (1) At any time during a meeting of Council, Council may by resolution go into C/W meeting.
18. (1) At least seventy-two (72) hours before a C/W meeting, the Corporate Officer must deliver a copy of the agenda and all background information to each member of Council at the place to which the Council member has directed notices to be sent.

Amend #  
3050.01

- (2) At least twenty-four (24) hours before a C/W meeting, the Corporate Officer must make available a copy of the agenda of the meeting by posting a copy of the agenda at the Public Notice Posting Places:
- (3) The Corporate Officer shall also endeavour to post notice of the C/W meeting on the City Website.

## **PART 7 - OTHER MATTERS REGARDING MEETINGS**

### **Meetings Outside City**

19. (1) If the Council passes a resolution to that effect, the following meetings, hearings and other proceedings may be held outside the boundaries of the City:
  - (a) Council meetings;
  - (b) C/W and Committee meetings;
  - (c) Other public meetings conducted by or on behalf of Council or a Council Committee;

- (d) Council hearings that are required by law or authorized by an enactment;
- (e) Council proceedings in which a person is entitled under the Charter to make representations to Council.

### **Attendance of Public at Meetings**

20. (1) Subject to sections 90 and 133 of the Charter, all Council meetings must be open to the public.
- (2) Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with section 92 of the Charter.
- (3) This section applies to meetings of bodies referred to in section 93 of the Charter, including, without limitation:
- (a) C/W;
  - (b) standing and select Committees;
  - (c) court of revision;
  - (d) board of variance;
  - (e) an advisory Committee, or other advisory body, established by Council under the Charter, or any other legislation.

### **Participation of Public at Council/C/W Meetings**

21. (1) The public may participate in the Question Period portion of regular Council and C/W meetings in accordance with the rules and procedures established by resolution of Council from time to time.
- (2) From the close of nominations preceding a general local election or by-election, the Public Question Period portion of regular Council and C/W meetings shall be suspended until the Council/C/W meeting following the election.
- (3) From the close of nominations preceding a general local election or by-election, the Delegations portion of regular Council meetings and C/W meetings shall be suspended until the meeting of Council following the election unless the Council, by resolution, consents otherwise, on a case-by-case basis.

### **Improper Conduct**

22. (1) No member or person attending the meeting may interrupt a member who is speaking except that a Councillor may raise a point of order.

- (2) No member or person attending the meeting may cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting.
- (3) No member or person permitted or invited to speak on any matter coming before the Council or a Committee may use rude or offensive language, gestures or signs or, by tone or manner of speaking, express a point of view or opinion or make an allegation which, directly or indirectly, reflects upon the public conduct or private character of any person.

### **Removal of Those Behaving Improperly**

23. (1) In accordance with section 133 of the Charter, the Mayor or other person presiding may expel from a meeting of Council any person he or she considers guilty of improper conduct.
- (2) If a person resists or disobeys an order of the Mayor or other person presiding to leave a meeting of Council, that person may be removed by the Corporate Officer, or, if necessary, by a peace officer at the direction of the Mayor or other person presiding.
- (3) In addition to its application to Council meetings, the ability of the person presiding to expel persons he or she considers guilty of improper conduct also applies to meetings of the following:
  - (a) C/W;
  - (b) Standing and select Committees;
  - (c) court of revision;
  - (d) Board of Variance;
  - (e) an advisory Committee, or other advisory body, established by Council under the Charter, or any other legislation.

### **Adjournment of Meeting**

24. (1) The Council may at any time by resolution adjourn any meeting to a date, time and location specified in the resolution.
- (2) Council Meetings shall adjourn no later than 10:30 p.m. unless an extension beyond that time is determined by resolution passed by two thirds of the Council members present.

### **Cancellation of Meetings**

25. (1) The Council may by resolution cancel any regular meeting. The Corporate Officer must give public notice of cancellation of any regular meeting by posting notice of cancellation at the Public Notice Posting Places.
- (2) The Corporate Officer shall also endeavour to post notice of the cancellation of any regular meeting on the City Website.

### **Acting Mayor**

26. (1) At the first Council meeting held in December each year, or at an inaugural meeting held under section 6 or as soon after those meetings as practicable, Council must in respect of the ensuing calendar year designate from among its members Councillors to serve on a rotating basis as Acting Mayor to act in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor designated under subsection 26 (1) must fulfill the responsibilities of the Mayor in the absence of the Mayor and shall have the same powers and duties as the Mayor in relation to the applicable matter.
- (3) If both the Mayor and the member designated under subsection (1) are absent from the Council meeting, the Council member next on the approved list of Acting Mayors shall be chosen to fulfill the role of Acting Mayor and shall have the same powers and duties as the Mayor in relation to the applicable matter.

## **PART 8 - PROCEDURE FOR MEETINGS**

### **Mayor To Open Meetings**

27. (1) If a quorum is present, the Mayor must call the meeting to order; however, where the Mayor is absent, the Councillor designated as Acting Mayor in accordance with section 26 must take the Chair and call the meeting to order.

### **Order Of Business At Regular Meetings**

28. (1) Unless the Mayor or Acting Mayor otherwise directs, or unless otherwise noted in this section, the business at all regular meetings shall be proceeded with in the following order:
- (a) Call to order
  - (b) Introduction of Late Items
  - (c) Adoption of Agenda
  - (d) Adoption of Minutes
  - (e) Public and Statutory Hearings
  - (f) Petitions and Delegations
  - (g) Report of the Chief Administrative Officer
  - (h) Unfinished Business
  - (i) Correspondence
  - (j) Reports of Committees, C/W and Commissions
  - (k) Reports of Mayor and Council
  - (l) Resolutions
  - (m) Bylaws
  - (n) New Business
  - (o) Question Period
  - (p) Adjournment
  - (q) Questions from the Press.
- (2) When preparing the agenda prior to the meeting, the Mayor and Corporate Officer may in their discretion:
- (a) vary the order set out in subsection (1); and
  - (b) delete agenda headings if there is no business under those items.
- (3) The order of business specified in subsections (1) and (2) hereof may be varied, as the Council deems necessary.

### **Meeting Agenda**

29. (1) The Corporate Officer, or designate, must prepare an agenda for each regular meeting, which must:
- (a) set out each item of business to be dealt with specified in sections 28 (1) and 28 (2);
  - (b) state the general nature of each item of business to be dealt with at the regular meeting;

- (c) be made available at the place to which each Council member has directed agendas and notices to be sent at least two (2) working days before the date on which the regular meeting is to be held; and
  - (d) be made available to the public at the Public Notice Posting Places at least 24 hours before the date on which the regular meeting is to be held.
- (2) The Corporate Officer shall also endeavour to post the agenda for each regular meeting on the City Website.
  - (3) The deadline for submissions by Council, staff and the public to the Corporate Officer of items for inclusion on the Council meeting Agenda must be 4:00 p.m. on the Wednesday prior to the meeting. Any item not delivered complete and in an agenda-ready format by that deadline shall be held to the next meeting of Council, unless approved as a late item by the Chief Administrative Officer.

### **Notice to Corporate Officer of Petitions and Delegations**

- 30. (1) At least three (3) working days before the date of the meeting at which:
  - (a) any person wishes to present a petition to the Council, that person must deliver to the Corporate Officer:
    - (i) a written request to present the petition and the name and address of the presenter;
    - (ii) the complete petition; and,
    - (iii) the name and address of each person who has signed the petition.
  - (b) any delegation wishes to appear before the Council, the convener of the delegation must fill out a Delegation Application form, or, provide a letter to the Corporate Officer which contains:
    - (i) full particulars of the subject matter to be submitted to Council;
    - (ii) the proposed action, which is within the authority of the City which the delegation wishes the City to take in response to the submission;
    - (iii) the names and addresses of the persons or the organization comprising the delegation; and
    - (iv) the name, civic address and telephone number of the person who will speak to the Council on behalf of the delegation.

- (2) No petition or delegation may be presented to, appear before, or be received by the Council unless this section has been complied with, except that the Council may resolve by a simple majority vote to waive compliance with this section.
- (3) There may be a limit of a maximum of three (3) petitions or delegations at any meeting of Council or the C/W as determined in accordance with the rules and procedures established by resolution of Council from time to time.
- (4) The Corporate Officer may schedule delegations to another Council, C/W or advisory body meeting, or may refer the request to a staff member or department if the request is operational in nature, 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.

#### **Time Allowed For Petitions And Delegations**

31. (1) Unless the Council otherwise resolves, the maximum time for presentation of a petition or appearance of a delegation before the Council or the C/W is ten (10) minutes unless a longer period of time is agreed to by unanimous vote of those members present. This section does not apply to public hearings conducted by the Council under the Charter.

#### **Adding Correspondence**

32. (1) Any member of Council, with the consent of the Mayor or Chair, may request the Corporate Officer to add an item of correspondence or business to the agenda three (3) working days prior to the date on which the regular meeting is to be held.
- (2) Any member may request an item of correspondence or business be added as a late item at the time of the regular meeting of Council before the adoption of the agenda by consent of a majority of Council members after informing Council of the general nature of the correspondence or business and the reason for urgent consideration.

### **Minutes of Meetings**

33. (1) Minutes of Council meetings must be kept in accordance with section 97 of the Charter.
- (2) Minutes of Committee meetings referred to in subsection (3) must be kept in accordance with section 97 of the Charter.
- (3) Subsection (2) applies to meetings of:
  - (a) C/W;
  - (b) Select or standing Committees of Council; and
  - (c) Any other body composed solely of Council members acting as Council members.

### **Recording and Certification of Minutes Of Council**

34. (1) The Corporate Officer must cause minutes of every Council meeting to be recorded legibly in a minute book.
- (2) The minutes of every Council meeting must be certified as correct by the Corporate Officer and must be signed by the Mayor, or other member presiding at the meeting, following the meeting at which the minutes are adopted.

### **Adoption of Minutes**

35. (1) The minutes of every Council meeting must be adopted by resolution of Council. If each Council member has received a copy of the minutes of a meeting, those minutes may be adopted by resolution of the Council without their being read to the meeting. The minutes of a meeting may not be adopted until the Corporate Officer makes any changes which the Council has by resolution directed be made so that the minutes accurately record the meeting.

### **C/W Procedures**

36. (1) For certainty, the rules and procedures of the Council under Parts 7, 8 and 9 this Bylaw shall be observed in C/W meetings as far as may be applicable.

### **Order of Business at Committee of the Whole Meetings**

37. (1) Unless the Chair or Acting Chair of the C/W otherwise directs, or unless otherwise noted in this section, the business at all C/W meetings shall be proceeded with in the following order:
- (a) Call to order
  - (b) Introduction of Late Items
  - (c) Adoption of Agenda
  - (d) Petitions and Delegations
  - (e) Correspondence
  - (f) Sustainable Development
  - (g) Public Works & Engineering
  - (h) Finance & Administration
  - (i) Emergency Services
  - (j) Information Items
  - (k) Proposed Bylaws for Discussion
  - (l) Reports, Questions and Inquiries from members of Council (verbal)
  - (m) Question Period from the Public
  - (n) Adjournment.
- (2) When preparing the agenda prior to the meeting, the Mayor and Corporate Officer may in their discretion:
- (a) vary the order set out in subsection (1); and
  - (b) delete agenda headings if there is no business under those items.
- (3) The order of business specified in subsections (1) and (2) hereof may be varied, as the C/W deems necessary.

### **Electronic Meetings**

38. (1) Subject to section 128 of the Charter:
- (a) a special meeting may be conducted by means of electronic or other communication facilities;
  - (b) a member of Council or a Committee who is unable to attend a Council, C/W, or Committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities;
  - (c) the member presiding at a Council, C/W, or Committee meeting must not participate electronically.

- (d) notwithstanding Section 38(1)(b) and (c), no more than two (2) members may participate at any one time by means of electronic or other communication facilities, in a Council, C/W, or Committee meeting, as applicable.

### **Public Question Period**

- 39. (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.

## **PART 9 - RULES OF DEBATE**

### **Recognition of Speakers**

- 40. (1) A Councillor may speak in a meeting after the Councillor has raised his or her hand and the Mayor has recognized the Councillor. If two or more Councillors raise their hands at the same time, the Mayor may designate the order in which each is to speak. If the Mayor wishes to speak in a meeting, the Mayor need only address the meeting. If a Councillor has raised his or her hand at the same time the Mayor begins to speak, the Mayor may speak first.

### **Manner Of Address By Speakers**

41. (1) A Councillor must address the Mayor as ~~%Mister Chair+~~ or ~~%Madame Chair+~~ as the case may be, or ~~%Your Worship+~~ and must address another Councillor by that Councillor's surname preceded by ~~%Councillor+~~.

### **Voting at Meetings**

42. (1) If a Council or Committee member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, they shall conduct themselves in accordance with the law, including with the provisions of the Charter.
- (2) Whenever a vote is called for, the question shall be decided by a show of hands.
- (3) After the Chair puts the question to a vote, a member must not speak to the question or make a motion concerning it.
- (4) The Chair shall call aloud the results of any vote and the names of those members voting contrary to the majority. These names shall be entered in the minutes.

### **Points of Order**

43. (1) Without limiting the presiding member's duty pursuant to section 132 (1) of the Charter, 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, and another member shall not question or comment on the rule or authority cited by the presiding member; or
- (b) the presiding member may reserve the decision until the next Council meeting.

- (c) A member of Council may appeal the decision of the presiding member in accordance with section 132 of the Charter.

### **Motions Generally**

- 44. (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (3) After a motion has been seconded it shall be deemed to be in the hands of Council but the mover may, with the permission of the seconder, withdraw the motion at any time before the decision or amendment.

### **Notice of Motion**

- 45. (1) Any member who during a meeting wishes to bring before Council any new matter, other than a point of order or of privilege, shall do so by way of a motion.
- (2) If any member present at the time such motion is presented, and before debate thereon, calls for notice of motion, then the motion shall be placed on the agenda of the next regular Council meeting.
- (3) Any member may give notice of a motion which they intend to present to Council by giving a copy of the motion to the Corporate Officer during a meeting of Council and upon it being acknowledged by the Mayor, it shall appear in the minutes of that meeting as notice of motion and be placed on the agenda of the next regular Council meeting.

## **PART 10 – PUBLIC HEARINGS**

### **Opportunity to be Heard**

- 46. (1) All persons who believe their interest in property is affected by the proposed Bylaw shall be afforded an opportunity to be heard in person or by a representative in matters contained in the Bylaw after first identifying themselves by stating their name and address and the name and address of the person or persons they represent.

### **Order of Business**

47. (1) The order of business at a Public Hearing shall be as follows:
- (a) Explanation of the purpose and Process of the Public Hearing;
  - (b) the Notice of Public Hearing is summarized;
  - (c) any staff reports are identified and any staff recommendations are summarized;
  - (d) any correspondence received is identified;
  - (e) the applicant details his/her application;
  - (f) the Chair calls for any person to be heard or to present a written submission respecting the Bylaw;
  - (g) the applicant responds to new information or factual matters raised by previous speakers or Council;
  - (h) The Chair adjourns the Public Hearing.

### **Council May Ask Questions**

48. (1) Only members of Council may ask questions of any person who has been heard.

### **No Reply, Rebuttal or Further Submission**

49. (1) No person, having been heard, may make a reply or rebuttal or further submission without the leave of Council.

## **PART 11 - ADOPTION OF BYLAWS**

### **Proposing Bylaws**

50. (1) Unless the Council otherwise resolves, the Council may not consider a proposed Bylaw unless:
- (a) the Corporate Officer has given a copy of it to each Councillor and the Mayor; and
  - (b) it is on the agenda for the meeting.

### **Adoption Of Bylaws**

51. (1) The only motion required for the introduction of a Bylaw shall be ~~that~~ the ~~%a . . . .~~ Bylaw+(giving the short title) be now Introduced and Read for the First, Second, or Third Time+, whichever the case may be, provided that upon request by any member of the Council the whole or any part of the draft Bylaw shall be read before the motion is put.
- (2) A proposed Bylaw may be debated and amended at any time during the first three readings unless prohibited by the Charter.
- (3) The only motion necessary for the final passing shall be ~~that the %a . . . .~~ Bylaw+(giving the short title) be adopted+.

### **Reconsideration Of Bylaws**

52. (1) The Council may reconsider any part or all of a proposed Bylaw before its adoption.

## **PART 12 – DECISIONS OF COUNCIL**

### **Resolutions and Bylaws**

53. (1) Resolutions, the reading of Bylaws and the adoption of Bylaws must be dealt with on a motion put by a member and seconded by another member.
- (2) Council may take any of the following actions in connection with a resolution it receives from C/W or Council Committee:
- (a) Agree or disagree with the resolution;
  - (b) Amend the resolution;
  - (c) Refer the resolution back to C/W or Council Committee;
  - (d) Postpone its consideration of the resolution.

Amend #  
3050.01

### **Reconsideration of Decisions of Council**

54. (1) The Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with section 131 of the *Community Charter*.

Amend #  
3050.02

(2) No Bylaw, resolution, proceeding or other decision of Council this rejected after reconsideration under section 54 (1) or 54 (4) is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except where the motion to reconsider the matter has received the unanimous consent of the Council members present.

(3) A vote to reconsider a matter, whether affirmative or negative, must not be reconsidered.

Amend #  
3050.02

(4) Subject to section 54 (5) and section 54 (6), 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 twenty-four (24) hours following its adoption.

Amend #  
3050.02

(5) Council must not discuss the main matter referred to in section 54 (4) unless the motion to reconsider that matter is adopted in the affirmative and all members of Council are present.

(6) 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 section 54 (1) or section 131 of the *Community Charter*; or
- c) been acted on by an officer, employee, or agent of the City.

Amend #  
3050.02

## **PART 13 – COMMITTEES**

### **Time and Location of Committee Meetings**

55. (1) Committee meetings are to be held in accordance with the Terms of Reference of the Committee, or at the call of the Committee Chair.
- (2) Committee meetings are to take place within City Hall unless, by resolution, the Committee has chosen another location specified in the resolution.
- (3) At least 24 hours before a Committee meeting, the Corporate Officer must give public notice of the meeting by posting a copy of the agenda at the Public Notice Posting Places.

Amend #  
3050.01

### **Committee Meeting Procedures**

56. (1) For certainty, the rules and procedures of the Council under Parts 7, 8 and 9 of this Bylaw shall be observed in Committee meetings as far as may be applicable.
- (2) The quorum for a committee is a majority of all its members.

### **Reporting to Council by Committees**

57. (1) A Committee:
- (a) may report to the Council at any regular meeting of Council; and
  - (b) must report to the Council when directed by resolution of the Council.

### **Mayor a Member of All Committees**

58. (1) The Mayor is an ex-officio member of all Committees and is afforded the same rights as other members, including debate, making formal motions, and voting.

## **PART 14 - GENERAL**

### **Severance**

59. (1) If any section, subsection, clause or other provision of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the validity of the remaining portions of this Bylaw.

### **Irregularity**

60. (1) The failure of Council to observe the provisions of this Bylaw does not affect the validity of resolutions passed or Bylaws enacted by Council.

## **PART 15 - REPEAL OF EXISTING BYLAW**

### **Repeal of Existing Bylaw**

61. (1) City of Duncan Council Procedure Bylaw No. 1962, 2004, together with any amendments thereto, is hereby repealed.

READ A FIRST TIME THIS 22<sup>nd</sup> DAY OF MAY, 2012 .

READ A SECOND TIME THIS 22<sup>nd</sup> DAY OF MAY, 2012.

READ A THIRD TIME THIS 18<sup>th</sup> DAY OF JUNE, 2012.

IN ACCORDANCE WITH SECTION 124(3) OF THE COMMUNITY CHARTER, NOTICE OF THE PROPOSED REPEAL OF BYLAW NO. 1962, 2004 AND ITS SUBSTITUTION BY THIS BYLAW WAS PLACED IN THE MAY 11, 2012 AND MAY 16, 2012 EDITIONS OF THE CITIZENqNEWSPAPER.

ADOPTED THIS 16<sup>th</sup> DAY OF JULY, 2012.

---

Director of Corporate Services

---

Mayor