



CITY OF COLWOOD BYLAW NO. 1890

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CITY OF COLWOOD
BYLAW NO. 1890

A BYLAW TO REGULATE THE CONDUCT OF MEETINGS OF COUNCIL AND COMMITTEES

This bylaw is created in accordance with *Community Charter* and the *Local Government Act*.

The Council of the City of Colwood in an open meeting assembled enacts as follows:

PART 1 – INTRODUCTION

1. Citation

This Bylaw may be cited as “Council Procedure Bylaw No. 1890, 2021”.

2. Definitions

In this bylaw,

“Acting Mayor” means the Council Member who acts in the Mayor’s absence, unable to act, or when the office of Mayor is vacant.

“Chief Administrative Officer” means the individual appointed by Council as the Chief Administrative Officer assigned, or their authorized deputy or designate.

“City” means the City of Colwood.

“City Hall” means Colwood City Hall located at 3300 Wishart Road, Colwood, British Columbia.

“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.

“Committee of the Whole” means a Committee comprised of all Council Members and no other persons.

“Corporate Officer” means the individual appointed by Council as the Corporate Officer assigned, or their authorized deputy or designate.

“Council” means the Council of the City of Colwood.

“Councillor” means a person elected and holding the office of Councillor with the City of Colwood.

“Delegation” means a person, group or organization that makes a request to speak at a meeting of Council.

“Electronic Participation” means participation by use of electronic, telephone, or other communication facilities that enable the meeting participants to hear and speak with each other and allow the public to hear the participation of members during the part of the meeting that is open to the public.

“Hybrid” means a meeting held both in person and by electronic means.

“In-Camera” means a portion of a meeting closed to the public.

“Member” means a Member of a Committee or Commission appointed by either the Mayor or Council.

“Meeting” means a meeting of Council, Committee of the Whole, and Committees.

“Mayor” means the Mayor of the City of Colwood.

“Public Notice Posting Location” means the notice board located at City Hall and may include the City Website.

“Quorum” means the majority of membership required to conduct business.

“Special Council Meeting” means a Council Meeting other than a regular or adjourned meeting.

“Unanimous Consent” means an informal method of taking a vote, used for routine and non-controversial decisions, to expedite progress and save time.

PART 2 – DESIGNATION OF MEMBER TO ACT IN PLACE OF THE MAYOR

3. Acting Mayor

- a) At the first Regular Meeting of Council held in November following a general local election, and annually thereafter, Council will by resolution, approve an appointment schedule designating Councillors to serve as Acting Mayor. Staff shall forward a draft schedule that randomizes the appointments for Council consideration.
- b) Each Councillor designated as Acting Mayor must fulfill the responsibilities of the Mayor in their absence.
- c) If both the Mayor and the Acting Mayor are absent from the Meeting, the Councillors present must select a Councillor by resolution, to chair the Meeting. The Councillor designated as Acting Mayor has the same powers and duties as the Mayor.

- d) In the event the office of the Mayor becomes vacant, Council shall appoint a member of Council to be Acting Mayor, and that person shall continue in office until such time as another Mayor is elected.

PART 3 – SCHEDULE, LOCATIONS AND NOTICE OF MEETINGS

4. Meeting Locations

- a) All Meetings shall take place within City Hall, or at other locations specified in the “Notice of Meeting”.
- b) All Meetings may be conducted by electronic means, other communication facilities, or a hybrid, allowing members to participate and enable them to hear, or watch and hear, one another.

5. Inaugural Meeting

- a) Following a general local election, the first Council Meeting will be held on the first Monday in November.
- b) If a quorum of Council Members elected at the general local election has not taken office by the first Monday in November, the first Regular Meeting of Council must be called by the Corporate Officer and be held as soon as reasonably possible after a quorum has taken office.

6. Council Meeting Schedule

- a) Regular Meetings of Council shall be held on the second and fourth Monday of each month, in accordance with the schedule of meetings adopted by resolution of Council prior to December 24th in each year, for the following calendar year except as follows:
 - i. There shall be no meetings after the second Monday in July and before the last Monday in August;
 - ii. In December, Council shall meet only on the 2nd Monday of the month;
 - iii. When a Regular Meeting of Council day falls on a statutory holiday, the meeting shall be held on the next business day.

7. Committee of the Whole Meeting Schedule

- a) At any time during a Council meeting, Council may by resolution go into Committee of Whole.
- b) If required, meetings of Committee of the Whole may be held on the first and third Monday of each month except as follows:
 - i. No meetings shall be held after the second Monday in July or before the third Monday in August;
 - ii. In December, the Committee shall be held after the first Monday of the month.

8. Notice of Council Meetings

- a) Council must prepare annually on or before December 24th, a schedule of the date, time and place of the Regular Meetings of Council and must:
 - i. make the schedule available to the public by posting it at the Public Notice Posting Location; and
 - ii. be published in a newspaper that is distributed at least weekly, for two consecutive weeks.

9. Notice of Committee Meetings

- a) The Corporate Officer shall, at least 24 hours prior to the advertised start time of a meeting:
 - i. Post notice of the meeting in the Public Notice Posting Location; and
 - ii. Deliver notice of the Committee or Commission meeting to all Committee or Commission Members and all Members of Colwood Council by either hard copy or electronic means.

10. Notice of Special Council Meetings

- a) A Special Council Meeting may be called by the Council, at a meeting of Council, or at any time by the Mayor, or upon written request of two or more Council Members.
- b) If within twenty-four (24) hours after receiving a written request from two (2) or more Council Members, the Mayor refuses or neglects to call a Special Meeting to be held within seven (7) days, then two or more Council Members may call a Special Meeting.

11. Notice of Special Committee Meetings

- a) Except where notice of a Special Meeting is waived by a unanimous vote of all Council Members, at least twenty-four (24) hours before a Special Meeting of Council, Committee of the Whole or a Closed meeting, the Corporate Officer shall:
 - i. Give advance public notice of the time, place, and date of the special meeting by way of a notice posted at the Public Notice Posting Locations;
 - ii. State in the notice the specific purpose or purposes of the Special Meeting;
 - iii. Deliver an electronic copy or printed copy of the notice to each Council Member;
 - iv. Each notice shall be signed by the Mayor or the Corporate Officer.

12. Cancellations

- a) A scheduled meeting of the Committee of the Whole or of Council may be cancelled by the Mayor and Chief Administrative Officer.

- b) A scheduled meeting of a Council Committee may be cancelled by the Chair.
- c) The Corporate Officer shall give public notice of the cancellation of a Committee, Committee of the Whole or Council Meeting by posting a notice of cancellation in the Notice Board at least 24 hours before the time the meeting was scheduled.

12. Meetings Outside the Boundaries of the Municipality

- a) Meetings may be held, and all powers, duties and functions may be exercised in relation to those meetings, outside the boundaries of the municipality as approved by the Chief Administrative Officer.

PART 4 – COMMITTEES/COMMISSIONS/WORKSHOPS

13. Committee of the Whole

- a) Membership shall be comprised of the Mayor and all Council Members.
- b) Committee of the Whole allows all Council Members to sit as a Committee in a less formal structure to discuss complex issues that may require more in-depth consideration.
- c) Committee of the Whole is not a decision-making entity and will consider and provide recommendations to Council such as, but not limited to, the following business items:
 - i. Long term planning and policy development;
 - ii. Annual budget deliberations;
 - iii. Zoning and land development plans and strategies;
 - iv. Complex rezoning applications; and
 - v. Other matter that may require Council's in-depth consideration and community input.
- d) The Chair will be the Council Member designated as Acting Mayor at the time of the meeting.
- e) In the event that the Chair is absent, the Mayor will assume Chair for the meeting or if the Mayor is not in attendance Council can, by motion, select a Chair from Members present.

14. Standing and Select Committees

- a) Committees must be established in accordance with the provisions of the *Community Charter*.
- b) The duration, duties and reporting requirements will be defined by a Terms of Reference set out by Council.

- c) Council members not appointed to the Committee can take part in discussion and debate but will not be permitted to vote.
- d) Standing Committees must be established by the Mayor for matters the Mayor considers would be best dealt with by Committee and must appoint persons to those Committees. Standing Committees must report and make recommendations to Council as required by Council or the Mayor;
- e) Select Committees may be established by Council to consider, inquire, report, and make recommendations to about matters referred to the Committee by Council.

15. Commissions

- a) Council may establish and appoint a Commission to do one or more of the following:
 - i. Operate services;
 - ii. Undertake operation and enforcement in relation to the Council's exercise of its authority to regulate, prohibit and impose requirements.
- b) At least one Council Member will be appointed as a Council Liaison to each Commission.
- c) The terms, duties and reporting requirements will be defined by bylaw for that Commission.

16. Meeting Procedures and Order of Business

- a) A Member may speak to a motion twice for a maximum of five (5) minutes each time unless more opportunities to speak are granted by unanimous consent.
- b) Recommendations requiring a Council decision will be forwarded to a meeting of Council.
- c) Through the Chief Administrative Officer, additional information can be requested to come back or be referred to a Committee or Council.
- d) The rules of the Council shall be observed, with exception that no motion shall require to be seconded.
- e) The order of business shall be:
 - 1. Call to Order
 - 2. Approval of the Agenda
 - 3. Adoption of the Minutes
 - 4. Public Participation
 - 5. Unfinished Business
 - 6. New Business
 - 7. Adjournment

17. Workshops

- a) Council Members may meet informally for educational, political, social, or spiritual purposes provided no City business is formally advanced through the taking of votes:
 - i. Such encounters are not to be considered meetings of Council;
 - ii. No notice is required;
 - iii. The rules of procedures outlined in this bylaw do not apply.

PART 5 – MEETING PROCEEDINGS

This Part applies to all Meetings

18. Electronic Meetings

- a) All regular and special meetings of Council and Council Committees, Commissions and Select Committees including closed meetings are permitted to be conducted by electronic means.
- b) Electronic meetings or Hybrid meetings the following must be provided:
 - i. Advance notice to the public advising the Meeting will be conducted by means of electronic or other communication facilities; and
 - ii. The place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
 - iii. Instructions on how to participate electronically in the meeting must be included in the notice of meeting.

19. Rules of Procedure

In cases not provided for under this bylaw, Council may determine the appropriate rules of procedure or may follow the current edition of Robert's Rules of Order so long as the rules are not in contravention of this bylaw or the *Community Charter*.

20. Agendas

- a) The Corporate Officer shall prepare meeting agendas outlining matter to be considered.
- b) All agenda items must be reviewed and approved by the Chief Administrative Officer prior to distribution.

- c) The Corporate Officer shall:
 - i. Distribute agenda packages for all meetings by 4:30 pm on the Thursday preceding the scheduled meeting;
 - ii. Post the agenda in the Public Notice Posting Locations and,
 - iii. Deliver agendas to all Members, including Members of Council, by either hard copy or electronic means.
- d) At the discretion of the Corporate Officer minor revisions may be considered no later than 4:30 pm on the Friday preceding the meeting and all members will be notified of the revisions at that time.
- e) Late items must be added by a majority vote of members present at the meeting.

21. Attendance of Public at Meetings

- a) Subject to the provisions of the *Community Charter*, all Meetings must be open to the public.
- b) Council may close a meeting to the public by resolution in a public meeting stating the basis under which the meeting is being closed pursuant to the *Community Charter*.
- c) If the Chair considers a person guilty of improper conduct, the Chair may expel and exclude that person from the meeting.

22. Quorum

- a) A quorum is a majority of all Members.
- b) Should there be no quorum present within 20 minutes after the meeting start time, the Corporate Officer or their designate shall record, in the minutes, the names of those Members then present, and the meeting shall stand adjourned.
- c) If a quorum of Members are present but the Chair fails to attend the meeting within 15 minutes of the start time:
 - i. Council: The Acting Mayor shall take the chair.
 - ii. Council Committees: The Mayor shall take the chair.
- d) If the Mayor or Acting Mayor is not present the Corporate Officer must call to order the members present, and the Members present must appoint a Chair through resolution.

23. Consent Agenda

- a) The Corporate Officer may prepare a consent agenda for any Meeting.
- b) Members may vote on and adopt in one motion all recommendations appearing in a consent agenda.

- c) A Member may make a request to remove an item from the Consent Agenda for the purpose of:
 - i. Debate or discussion;
 - ii. Voting in opposition to a recommendation in the consent items; or
 - iii. Declaring a conflict of interest.
- d) If a Member requests that an item be removed from the consent agenda and no other Member objects, the item will be dealt with as New Business.

24. Public Participation

Public Participation is an opportunity to present any concerns or ask questions of Council.

- a) Verbal
 - i. Twenty minutes is allotted for Public Participation. The time may be extended upon a majority vote of Members present.
 - ii. Name and street address must be provided to confirm residency or property ownership. Colwood residents and/or property owners will be provided first opportunity to speak.
 - iii. Each participant will be granted one opportunity to speak for up to two (2) minutes. Speaking times may be extended for an additional two (2) minutes upon unanimous consent.
 - iv. Debate with, or by, any Member or staff is not permitted
- b) Written Comments
 - i. Written comments will be received up until noon on the day of the meeting and be appended to the agenda and circulated to Council for consideration.

25. Rules of Conduct and Debate:

- a) Every Member shall address the Chair when speaking to any question or motion.
- b) In advance of a motion being put forward, an opportunity for discussion and questions will be provided.
- c) In a Council Meeting, Members shall address the Chair as: "Your Worship" or "Mayor". In meetings of Committee or Committee of the Whole, Members shall address the Chair as the "Chair".
- d) No Member shall interrupt a Member who is speaking except to raise a point of order.

- e) Debates shall be strictly relevant to the motion and the Chair shall warn speakers who violate this rule.
- f) No Member shall speak until recognized by the Chair. A Member may speak to a motion twice for a maximum of five (5) minutes each time.
- g) No Member shall speak a second time until all Members have had their first opportunity to speak.
- h) Once the Chair calls the vote on a motion, no Member shall speak to the motion, nor shall any other motion be made until after the result of the vote has been declared.
- i) The Chair may call a recess or adjourn the meeting if appropriate conduct is not observed.
- j) The Chair may expel from the meeting any person engaging in inappropriate conduct.
 - i. The following conduct will not be tolerated:
 - o outbursts or criticisms aimed at individuals or group
 - o rude or offensive language or gestures
 - o disrupt or unnecessarily delay the conduct of business
 - o question the motives of any person
 - o express a negative opinion about the personality or character of any person
 - o speak disrespectfully about or act aggressively towards any person

26. Points of Order

- a) A Point of Order is a question raised by a Member who believes that the rules or procedures have been incorrectly applied or overlooked.
- b) A Member may raise a Point of Order at any time before a motion is passed.
- c) A Member raising a Point of Order must only state the rules or procedures that have been breached.
- d) The Chair is responsible to determine the merits and resolve the issue.
- e) One Point of Order must be resolved prior to another one being raised.
- f) If a Member wishes to appeal the decision of the Chair, it must be done through a vote of all Members present, excluding the Chair.

27. Voting

- a) Each voting Member is entitled to one (1) vote on any motion.
- b) When a motion is put forward every Member present shall be expected to vote with the exception of a Member that declares a conflict of interest pursuant to the *Community Charter*.

- c) A Member that does not indicate their vote is deemed to have voted in favour.
- d) When debate is closed, the Chair must put the motion to a vote of all Members present.
- e) A motion is considered defeated when the vote is tied.
- f) Voting will be verbally stated by the Chair as follows:
 - i. Carried – Members opposed.
 - ii. Defeated – Members in favour.
- g) The Chair must state the disposition of the vote by advising if the motion is carried or defeated.

28. Motions

- a) To formalize the introduction of a motion and before being put forward by the Chair:
 - i. At Council:
 - o a motion must be moved and seconded prior to debate
 - o if a motion is not seconded the motion fails and may not be brought back at the same meeting
 - ii. At Committee:
 - o a motion must be moved prior to debate, a seconder is not required
- b) The Chair may refuse to recognize a motion that conflicts with legislation, bylaws, or policies.
- c) The Chair may request that the wording of a motion be clarified, or that it be presented in writing before debate begins.
- d) The Mayor or Chair, at the request of any Member, shall require the Corporate Officer to read the motion prior to it being debated or put forward for consideration.
- e) When a motion is under debate, no further motion shall be received except for the following:
 - i. Withdraw a Motion - only if made by the original mover and with the consent of the seconder;
 - ii. Defer - to a certain date and time [delays actions to later in meeting or future meeting] and cannot interrupt a motion on the floor;
 - iii. Refer - to a Committee or staff to obtain further information;
 - iv. Postpone Indefinitely – kills the motion for the time being, and the motion can't be brought up again in the same meeting;
 - v. Amendment – to amend a main motion;
 - vi. Table the Motion – to temporarily set aside a pending motion to introduce urgent business; and
 - vii. Adjournment.

- f) If the Chair fails to perform the duties of the chair properly in a meeting, a motion that the Chair relinquish their chair shall take precedence over any other motion and the following rules will apply:
 - i. Debate is allowed but no Member shall speak more than once.
 - ii. If the motion is defeated the Chair shall resume the chair.

29. Amendments to Motions

- a) A Council Member may, without notice, amend a motion that is being considered at a Council Meeting.
- b) An amendment may propose to remove, replace, or add wording to an original motion.
- c) A proposed amendment must be provided in writing by the mover if requested by the Chair.
- d) A proposed amendment must be decided or withdrawn before the main motion being considered is put to a vote unless there is a call for the main question.
- e) An amendment may be amended, but only one amendment to an amendment can be considered at a time.
- f) An amendment that has been defeated by a vote of Council cannot be proposed again.

30. Time of Adjournment

- a) Meetings of Council or any Committee shall always adjourn three-and-one-half (3.5) hours after the scheduled start time unless otherwise determined by a unanimous vote of the Members present.

31. Minutes

- a) Meeting minutes must be kept in accordance with the *Community Charter*.
- b) Minutes of all Meetings must be:
 - i. Legibly recorded;
 - ii. Record the names of all Members in attendance;
 - iii. Voting will be recorded and verbally stated by the Chair as follows:
 - o Carried – Members opposed
 - o Defeated – Members in favour

- c) Minutes of Meetings will be:
 - i. Decision based;
 - ii. Will include brief summary of discussion; and
 - iii. Comments will not be attributed to individuals.
- d) Upon adoption, minutes must be signed certified correct by the Corporate Officer and signed as approved and confirmed by the Chair of the meeting.
- e) All minutes must be available for public inspection at City Hall during its regular office hours and may posted to the City Website.
- f) Minutes for public inspection does not include minutes of a Meeting which the public was excluded under the provision of the *Community Charter*.

PART 6 – COUNCIL PROCEEDINGS

32. Agenda (Council Meeting)

- a) The agenda for all regular Council Meetings may contain the following matters, if required, in the following order:
 - 1. Call to Order
 - 2. Approval of the Agenda
 - 3. In-Camera (if required)
 - 4. Release of In-Camera Resolutions (if required)
 - 5. Mayor's Message
 - 6. Adoption / Receipt of the Minutes
 - 7. Public Participation
 - 8. Delegations
 - 9. Consent Agenda (if required)
 - 10. Correspondence Requiring Council Direction
 - 11. Notice of Motion
 - 12. Unfinished Business (if required)
 - 13. New Business
 - 14. Bylaws
 - 15. Adjournment
- b) Prior to each Council Meeting, the Corporate Officer must prepare an agenda setting out all items for consideration at the meeting.
- c) No late items shall be added after the agenda has been circulated, except by a majority vote of the Council present.

33. Delegations

- a) A person or group on behalf of an organization or association may present to Council as a Delegation regarding topics that benefit or effect the Colwood Community.
- b) Council will not hear Delegations on subject matters that has been subject to any of the following:
 - i. Considered by Council at a closed meeting;
 - ii. Before the courts or subject to legal action;
 - iii. Claim for damages against the City;
 - iv. Bylaw enforcement action by the City;
 - v. A Public Hearing held in accordance with an enactment that is a pre-requisite to the adoption of a bylaw;
 - vi. Application before the Board of Variance that is pending or has been decided;
 - vii. Has been referred to a Committee or staff;
 - viii. An issue that public input opportunity is scheduled on the matter.
 - ix. Development application that is currently under consideration and which a public input opportunity will be held.
- c) Delegations must submit a Delegation request form and provide any written materials or presentations to the Corporate Officer for inclusion on the agenda at least ten (10) days before the scheduled meeting.
- d) No more than two (2) Delegations will be permitted at each meeting.
- e) Delegations will be provided ten (10) minutes to address Council with five (5) minutes allotted for discussion. Speaking times may be extended for a duration as determined by a majority of Council present through resolution.
- f) A Council Member may ask questions of the Delegation to clarify or correct information but must not enter into debate.

34. Notice of Motion

- a) A Council Member must provide a Notice of Motion in writing to the Corporate Officer seven (7) days in advance of the meeting date.
- b) In the case of urgent business, a Council Member may obtain Council's approval to introduce the motion as a late item.

PART 7 – BYLAWS**35. Proposed Bylaws**

- a) A proposed bylaw may be introduced at a Council Meeting only if a copy of it has been provided to each Council Member before the Council Meeting, or if all Council Members unanimously agree to waive this requirement.
- b) Council must consider a proposed bylaw at a Council Meeting either:
 - i. Separately when directed by the Chair or requested by another Council Member,
or
 - ii. Jointly with other proposed bylaws
- c) The Chair of a Council Meeting may request a motion that the proposed bylaw or group of bylaws be read.
- d) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- e) There must be a least one day between third reading and adoption of a bylaw with the exception being Council may adopt an Official Community Plan, Zoning Bylaw or Heritage Designation Bylaw at the same meeting that the plan or bylaw received third reading provided the bylaw does not require Provincial or Elector approvals.
- f) In accordance with the *Local Government Act*, each reading of a proposed bylaw that adopts, amends, or repeals an Official Community Plan must receive an affirmative vote of a majority of all Council Members.
- g) A bylaw may receive up to three readings at the same Council Meeting unless otherwise stipulated by the *Community Charter* or the *Local Government Act*.
- h) After a bylaw is adopted, the Chair of the Council Meeting at which it was adopted must sign it, and the Corporate Officer must:
 - i. Sign the bylaw;
 - ii. Affix the City's corporate seal;
 - iii. Include the dates of its readings and adoption;
 - iv. Include the date the Public Hearing was held, if applicable;
 - v. Include dates of its Ministerial Approval or Electoral Approval, and
 - vi. Have it immediately placed in the city's vault.

PART 8 – PUBLIC HEARINGS**36. Public Hearings**

- a) Submissions from the public for, or during, a Public Hearing must relate to the matters in the bylaw which is the subject of the hearing and may be in oral, written, or diagrammatic form.
- b) No submissions may be received by the city after the close of the hearing.
- c) A Public Hearing for a bylaw required in accordance with the *Community Charter* or *Local Government Act*, shall be held after second reading of the bylaw.
- d) A motion to request a report from staff on a matter raised during the Public Hearing is in order at the hearing but may not be debated.
- e) Notice of Public Hearings and waiver of notice of Public Hearings shall be in accordance with the provisions of the *Community Charter* and *Local Government Act*.

REPEAL


City of Colwood Bylaw No. 754, "Council/Committee Procedural Bylaw No. 754, 2004" and amendments thereto, are hereby repealed.

READ A FIRST TIME on this the 25th day of October, 2021

READ A SECOND TIME on this the 25th day of October, 2021

READ A THIRD TIME on this the 25th day of October, 2021

**ADOPTED BY THE MUNICIPAL COUNCIL
OF THE CITY OF COLWOOD** on this the 22nd day of November, 2021



MAYOR



CORPORATE OFFICER

