



STAFF REPORT TO COUNCIL

Council Meeting: November 23, 2021
500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: JOSEPH ROTENBERG, MANAGER OF CORPORATE SERVICES

FILE NO: 3900-25 BYLAW 1300

SUBJECT: COUNCIL PROCEDURE BYLAW NO. 1300, 2021 (READINGS 1-3)

REPORT NO: 21-164

ATTACHMENT(S): APPENDIX A- PROPOSED COUNCIL PROCEDURE BYLAW NO. 1300, 2021

RECOMMENDATION(S):

THAT Council give District of Ucluelet Council Procedure Bylaw No. 1300, 2021, first, second and third reading; and further,

THAT Staff be authorized to provide notice to the public in accordance with Sections 94 and 124(3) of the Community Charter.

PURPOSE:

The purpose of this report is to introduce an updated version of District of Ucluelet Council Procedure Bylaw No. 1300, 2021 (the "Draft Bylaw") for Council to consider.

BACKGROUND:

On November 9, 2021, Council received Report No. 21-162. It introduced new report templates, a new approach to Council minutes and the Draft Bylaw. A redlined version of District of Ucluelet Council Procedure Bylaw No. 1264, 2020 (the "Bylaw 1264") which tracked the proposed procedural changes and a clean version of the Draft Bylaw were attached to that report.

In response to the report, Council directed staff to rework the Draft Bylaw to retain the Public Input section and Question Period as set out in Bylaw 1264.

The Draft Bylaw, attached as Appendix A, incorporates these changes by:

- reintroducing the provision of Bylaw 1264 related to Public Input which had been deleted; and
- expanding the scope of the Question Period to include any matter within Council's jurisdiction rather than limiting questions to matters on Council's agenda.

TIME REQUIREMENTS – STAFF & ELECTED OFFICIALS:

If the recommended motions are adopted, Staff time would be required to publish notice of the Draft Bylaw. Further Staff time would be required for Staff to bring back the Draft Bylaw and any public input for Council to consider before adoption.

Further Council time would be required to consider adoption of the Draft Bylaw at a future Council meeting.

FINANCIAL IMPACTS:

Adoption of the Draft Bylaw requires that two consecutive advertisements be placed in the Westerly News newspaper. The approximate costs of these advertisement would be about \$350.00 per advertisement.

POLICY OR LEGISLATIVE IMPACTS:

Municipal Councils are required by the *Community Charter* to adopt a procedure bylaw which addresses specific subject matter. The Draft Bylaw addresses those matters and includes the revisions related to Question Period and Public Input requested by Council.

NEXT STEPS:

If the recommended motion was adopted, Staff would:

1. provide notice of the Draft Bylaw in accordance with the Community Charter;
2. collect any public input received; and
3. present the public input for consideration and the Draft Bylaw for adoption at the Regular meeting in January. Staff also anticipate presenting a public hearing policy at that meeting.

OPTIONS REVIEW:

The resolutions listed above are recommended.

Alternatively, Council could direct Staff to further rework the Draft Bylaw by making the following motion:

THAT Council direct Staff to redraft District of Ucluelet Council Procedure Bylaw No. 1300, 2021 to:

- a. _____;
- b. _____;
- c. _____, And further,

THAT Council direct Staff to present the redrafted bylaw at a future meeting.

-OR-

Council could also take no action at this time.

Respectfully submitted:

Joseph Rotenberg, Manager of Corporate Services
Duane Lawrence, Chief Administrative Officer

Appendix A

DISTRICT OF UCLUELET

Bylaw No. 1300, 2021

A Bylaw to establish procedures for Council and Committees

WHEREAS the *Community Charter* requires that Council must, by bylaw, establish the general procedures to be followed by council and council committees;

AND WHEREAS the Mayor and Council are further empowered to establish additional procedures and otherwise facilitate the conduct of the District's business;

AND WHEREAS this table of contents is inserted for purposes of ease of reference only:

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NOW THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

PART 1 – ADMINISTRATION & INTERPRETATION

1. TITLE AND REPEAL

- 1.1. This bylaw may be cited for all purposes as "District of Ucluelet Council Procedure Bylaw No. 1300, 2021" or the "Council Procedure Bylaw".
- 1.2. "District of Ucluelet Council Procedures Bylaw No. 1264, 2020" and all amendments thereto are hereby repealed.

2. INTERPRETATION AND DEFINITIONS

- 2.1. In this bylaw, the following terms have the following meanings:
 - (a) **"Acting Mayor"** means the Councillor designated under section 11 of this bylaw to act in place of the Mayor when the Mayor is absent or otherwise unable to act, or when the Office of the Mayor is vacant;
 - (b) **"Acting Mayor Schedule"** means a schedule of when each Councillor is to serve as Acting Mayor on a rotating basis for the period January 1 to December 31;

- (c) **"Agenda Deadline"** means:
 - (i) 12:00 P.M. five clear days before a Council Meeting or Committee of the Whole Meeting, for all matters other than those submitted by District Staff; and
 - (ii) a time at the discretion of the Corporate Officer for matters submitted by District Staff provided advance permission is obtained from the Corporate Officer and the notice requirements of this bylaw are satisfied;
- (d) **"Annual Meeting Schedule"** means a schedule of the date, time and place of Regular Council Meetings for the period of January 1 to December 31;
- (e) **"Chair"** means a person who has authority to preside over a meeting or public hearing and is also known as the Presiding Member;
- (f) **"Committee"** means a Standing, Select, or other committee of Council but does not include a Committee of the Whole;
- (g) **"Committee of the Whole"** means a committee comprised of all Council Members that meets to consider, but not decide, matters of District of Ucluelet business. The Committee of the Whole sits in a deliberative capacity only and must forwards its recommendations to Council for consideration;
- (h) **"Corporate Officer"** means the District of Ucluelet's appointed Corporate Officer and his or her deputy;
- (i) **"Council"** means District of Ucluelet Council;
- (j) **"Council Meeting"** means:
 - (i) an Inaugural Council Meeting;
 - (ii) a Regular Council Meeting; and
 - (iii) a Special Council Meeting;
- (k) **"Council Member"** means Mayor or a Councillor;
- (l) **"Councillor"** means a person who currently holds office as a District of Ucluelet Councillor;
- (m) **"District"** means the District of Ucluelet;
- (n) **"District Office"** means the District of Ucluelet local government administration office, located at 200 Main Street, Ucluelet, British Columbia;
- (o) **"Inaugural Council Meeting"** means the first Regular Council Meeting following a general local election;
- (p) **"Mayor"** means the Mayor for the District of Ucluelet, and includes the Councillor designated to act as Mayor during such periods necessary;
- (q) **"Member"** means a Council Member, Committee of the Whole Member or any member of a Committee;
- (r) **"Motion"** includes a resolution;

- (s) **"Presiding Member"** means the Mayor, Acting Mayor or other Member who presides over a Council Meeting, Committee meeting or Committee of the Whole Meeting, and is also known as the Chair;
 - (t) **"Public Notice Posting Places"** means:
 - (i) the notice board at the District Office;
 - (ii) the notice board at the Ucluelet Community Centre; and
 - (iii) the District's website, except when subject to electronic failures.
 - (u) **"Quorum"** means a majority of all Members of Council, Committee of the Whole, or Committee, as the case may be;
 - (v) **"Regular Committee of the Whole Meeting"** means a Committee of the Whole meeting listed on the Regular Committee of the Whole Schedule;
 - (w) **"Regular Council Meeting"** means a Council Meeting listed on the Annual Meeting Schedule;
 - (x) **"Select Committee"** means a committee established and the members appointed by Council in accordance with the *Community Charter* for a specific purpose;
 - (y) **"Standing Committee"** means a committee established and members appointed by the Mayor in accordance with the *Community Charter* for matters the Mayor considers would be better dealt with by committee;
 - (z) **"Special Committee of the Whole Meeting"** means a Committee of the Whole meeting other than a Regular Committee of the Whole Meeting.
 - (aa) **"Special Council Meeting"** means a Council meeting other than a Regular Council Meeting or an adjourned Council meeting;
 - (bb) **"Ucluelet Community Centre"** means the District of Ucluelet Community Centre, located at 500 Matterson Drive, Ucluelet, British Columbia.
- 2.2. Any legislation or statute referred to in this bylaw is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to in this bylaw is a reference to an enactment of the Council of the District of Ucluelet as amended, revised, consolidated or replaced from time to time.
- 2.3. Any section, subsection, sentence, clause or phrase of this bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this bylaw without affecting the validity of the remaining portions of this bylaw.

3. SCOPE AND APPLICATION

- 3.1. The provisions of this bylaw govern public hearings, Council Meetings, Committee of the Whole Meetings, and Committee meetings, as applicable.
- 3.2. The failure of Council or District staff to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council otherwise in compliance with statutory requirements.

4. ADDITIONAL AND ALTERNATE PROCEDURAL RULES

- 4.1. In circumstances not provided for under this bylaw or applicable legislation, the most current edition of Robert's Rules of Order, Newly Revised, apply to the extent that those rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this bylaw, the *Community Charter, Local Government Act* or other applicable legislation.
- 4.2. Any one or more of the procedures in this bylaw, except those required by the *Community Charter, Local Government Act* or any other legislation, may be temporarily suspended by majority vote.

PART 2 – MEETINGS & NOTICE

5. INAUGURAL COUNCIL MEETING

- 5.1. Following a general local election, the Inaugural Council Meeting must be held on the first Tuesday in November in the year of the election.
- 5.2. If Quorum of the Council Members elected at the general local election has not taken office by the date of the Inaugural Council Meeting referred to in subsection 5.1, the first meeting must be called by the Corporate Officer and held as soon as reasonably possible after Quorum has taken office.

6. MEETING PLACE AND TIME

- 6.1. All Council Meetings must take place within the Ucluelet Community Centre unless Council resolves to hold the meeting elsewhere and the Corporate Officer gives notice of a different meeting place by posting a notice of the change on the Public Notice Posting Places at least twenty-four hours prior to the time of the meeting.
- 6.2. After the Inaugural Council Meeting, Regular Council Meetings must occur on the dates and at the times specified in the Annual Meeting Schedule, except where such a meeting, is cancelled or rescheduled in accordance with subsection 7.
- 6.3. Council Meetings:
 - (a) are adjourned no later than three and a half hours after commencement, unless Council otherwise resolves; and
 - (b) may include recesses for any reason called by the Mayor or by resolution of Council. The approximate length of time or the approximate time when the meeting will reconvene must be stated.

7. CANCELLATIONS AND RESCHEDULING

- 7.1. Council Meetings may be cancelled or rescheduled:
 - (a) by Council resolution;
 - (b) by the Mayor;
 - (c) if the Corporate Officer determines that there is insufficient business to warrant holding the Meeting; or

- (d) if the Corporate Officer has been notified by a majority of members no later than thirty-six hours prior to the meeting that they will not be present for the meeting, provided notice is given in accordance with subsection 7.2.
- 7.2. If a Council Meeting is cancelled or rescheduled, the Corporate Officer must give at least twenty-four hour advanced notice:
 - (a) to Council Members, by delivering a copy of the notice to the place that each Council Member designated for receiving notices; and
 - (b) to the public, by posting a copy of the notice at the Public Notice Posting Places.
- 7.3. Where a Meeting is cancelled or rescheduled, the business on the Agenda for that meeting is to be included in the next meeting.

8. NOTICE OF REGULAR COUNCIL MEETINGS

- 8.1. In accordance with the *Community Charter*, Council must annually:
 - (a) adopt an Annual Meeting Schedule which establishes the date, time and place that Regular Council Meetings are to be held in the upcoming year;
 - (b) post the Annual Meeting Schedule at the Public Notice Posting Places; and
 - (c) give notice of the Annual Meeting Schedule's availability on or before January 31, in accordance with the *Community Charter*.
- 8.2. Where revisions are necessary to the Annual Meeting Schedule, 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.

9. SPECIAL COUNCIL MEETINGS

- 9.1. A Special Council Meeting may be called in accordance with the *Community Charter*.
- 9.2. Except where notice of a Special Council Meeting is waived by unanimous vote of all Council Members, a notice of the date, hour, and place of Special Council Meeting must be given at least twenty-four hours before the time of the meeting, by:
 - (a) posting a copy of the notice at the Public Notice Posting Places; and
 - (b) by delivering a copy of the notice to the place that each Council Member designated for receiving notices.
- 9.3. The notice under subsection 9.2. of this bylaw must describe in general terms the purpose of the meeting and be signed by the Mayor or Corporate Officer.

10. COUNCIL MEETINGS BY ELECTRONIC MEANS

- 10.1. Council, Committee of the Whole, and Committee meetings may be conducted by electronic or other communications facilities provided the conditions set out in the *Community Charter* are met and the Corporate Officer receives authorization of the Mayor, or Committee Chair, as applicable.

- 10.2. At least twenty-four hours before a Committee of the Whole Meeting, Committee meeting, or Regular Council Meeting is conducted by electronic means pursuant to subsection 10.1., notice must be posted to the Public Notice Posting Places which describes:
- (a) the way in which the meeting is to be conducted by electronic or other communication facilities; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceeding of the meeting that is open to the public.
- 10.3. Notice of a Special Council Meeting to be conducted by electronic means pursuant to subsection 10.1. must describe:
- (a) the way in which the meeting is to be conducted by electronic or other communication facilities; and
 - (b) the place where the public may attend to hear, or watch and hear, the proceeding of the meeting that is open to the public.
- 10.4. A Member who is unable to attend an in-person Council Meeting, Committee of the Whole Meeting, or Committee meeting may participate by electronic means.
- 10.5. Participation by a Member by electronic means in an in-person meeting pursuant to subsection 10.4. is only available:
- (i) for up to two Members per meeting; and
 - (ii) for up to four meetings per year, per Member, unless Council resolves otherwise.
- 10.6. A Member that is participating in an in-person meeting electronically pursuant to subsection 10.4. of this bylaw may not:
- (a) Chair the meeting; or
 - (b) attend a meeting or any part of a meeting that is closed to the public.
- 10.7. A Member participating by audio means only must indicate his or her name and vote verbally.
- 10.8. If communication facilities fail or malfunction during a Meeting, the affected Member will be deemed to have left the meeting.

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

11. DESIGNATION PROCEDURES

- 11.1. Annually, in December, Council must, from amongst its Members, adopt an Acting Mayor Schedule for the upcoming year, which designates Councillors to serve as Acting Mayor on a rotating basis when:
- (a) the Mayor is absent;
 - (b) the Mayor is otherwise unable to act; or
 - (c) the office of the Mayor is vacant.

- 11.2. Each Councillor so designated must fulfil the responsibility of the Mayor in his or her absence.
- 11.3. If both the Mayor and Councillor designated as Acting Mayor are absent from the Council meeting, the Council Members present must choose, by an affirmative vote of the Majority of the Council Members present, a Councillor to Chair the Council Meeting.
- 11.4. The Councillor designated under subsection 11.1. or chosen under subsection 11.3. has the same power and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL PROCEEDINGS

12. OPEN MEETING RULE

- 12.1. All Council Meetings must be open to the public, except as provided for under the *Community Charter*.
- 12.2. Before holding a meeting or part of a meeting that is to be closed to the public, Council must state, by resolution passed in open meeting:
 - (a) the fact that the meeting or part is to be closed; and
 - (b) the basis under the *Community Charter* on which the meeting or part is to be closed.
- 12.3. Despite subsection 12.1., the Chair may expel or exclude from a meeting a person in accordance with the rules set out in the *Community Charter*.

13. CALLING TO ORDER

- 13.1. As soon as there is a Quorum present, at the time specified for a Council meeting, the Mayor, if present, must take the Chair and call the Council meeting to order.
- 13.2. If the Mayor is absent, the Acting Mayor, must take the Chair and call the meeting to order.
- 13.3. If Quorum of Council is present but the Mayor and Acting Mayor do not attend within fifteen minutes of the scheduled time for a Council meeting:
 - (a) the Corporate Officer must call the Council meeting to order; and
 - (b) by resolution the Council must appoint a Councillor as Chair for that meeting until the Mayor or Acting Mayor arrives.
- 13.4. If the Mayor arrives after commencement of a meeting, he or she will preside upon arrival.
- 13.5. The acting Chair of a meeting has the power and duties of the Mayor in respect of that meeting.

14. ADJOURNING THE MEETING – NO QUORUM

- 14.1. If there is no Quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:

- (a) record the names of the Council Members present and those absent; and
 - (b) adjourn the meeting until the next scheduled meeting.
- 14.2. If Quorum is lost for the balance of the agenda, the time of conclusion and the names of the members then present shall be entered in the minutes.

15. AGENDA AND ORDER OF BUSINESS

- 15.1. Prior to each Council Meeting and Committee of the Whole Meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at the meeting.
- 15.2. The deadline for submission to the Corporate Officer of items for inclusion on the Council Meeting or Committee of the Whole agenda is the Agenda Deadline.
- 15.3. Items received by the Corporate Officer after the Agenda Deadline must not be placed on the agenda, but instead must be placed on the agenda for consideration at the following Council Meeting or Committee of the Whole Meeting, as applicable, unless the items are introduced as late items pursuant to section 16 of this bylaw.
- 15.4. The Corporate Officer must make the agenda available to Members and the public:
 - (a) forty-eight hours before a Regular Council Meeting;
 - (b) forty-eight hours before a Regular Committee of the Whole Meeting;
 - (c) twenty-four hours before a Special Council Meeting; and
 - (d) twenty-four hours before a Special Committee of the Whole Meeting.
- 15.5. Only those matters included on the agenda may be considered or dealt with at the Council or Committee of the Whole Meeting unless a new matter is introduced as a late item pursuant to section 16 of this bylaw.
- 15.6. The usual order of business at a Regular Council Meeting is as set out in the agenda for that meeting under the following headings, as appropriate:
 - (a) CALL TO ORDER;
 - (i) ACKNOWLEDGEMENT OF THE YUULU?IL?ATH;
 - (ii) NOTICE OF VIDEO RECORDING;
 - (b) LATE ITEMS;
 - (c) APPROVAL OF THE AGENDA;
 - (d) ADOPTION OF MINUTES;
 - (e) PUBLIC INPUT & DELEGATIONS;
 - (f) PUBLIC HEARINGS (if required);
 - (g) UNFINISHED BUSINESS;
 - (h) COMMITTEE OF THE WHOLE (if required);
 - (i) BYLAWS;
 - (j) REPORTS;

- (k) NOTICE OF MOTION;
 - (l) CORRESPONDENCE;
 - (m) INFORMATION ITEMS;
 - (n) MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS;
 - (o) QUESTION PERIOD;
 - (p) CLOSED SESSION (if required);
 - (q) ADJOURNMENT.
- 15.7. The usual order of business at a Regular Committee of the Whole Meeting is as set out in the agenda for the meeting under the following headings, as appropriate:
- (a) CALL TO ORDER;
 - (i) ACKNOWLEDGEMENT OF YUULU?IL?ATH? FIRST NATIONS;
 - (ii) NOTICE OF VIDEO RECORDING;
 - (b) LATE ITEMS;
 - (c) APPROVAL OF THE AGENDA;
 - (d) ADOPTION OF MINUTES ;
 - (e) PUBLIC INPUT & DELEGATIONS;
 - (f) BYLAWS;
 - (g) REPORTS;
 - (h) NOTICE OF MOTION;
 - (i) CORRESPONDENCE;
 - (j) INFORMATION ITEMS;
 - (k) QUESTION PERIOD;
 - (l) CLOSED SESSION (if required);
 - (m) ADJOURNMENT.
- 15.8. When preparing the agenda prior to the meeting, the Mayor and Corporate Officer may, in their discretion:
- (a) vary the order set out in subsections 15.6. or 15.7.; and
 - (b) delete agenda headings if there is no business under those items.
- 15.9. All items on an agenda must be taken up in the order in which they appear on the agenda unless the Committee of the Whole or Council resolves otherwise.
- 15.10. An item of business may by Council resolution be:
- (a) deleted; or
 - (b) postponed to a future meeting of the same body.
- 15.11. Agendas are adopted by resolution either as presented or as amended.

16. LATE ITEMS

- 16.1. A late item may be approved for addition to an agenda by resolution of Council at the time Council adopts the agenda, if the subject matter is of an urgent nature such that the item cannot be held to the next Regular Council Meeting.
- 16.2. The deadline for late items to be included on an Agenda is two hours before the Council Meeting. Late items must be distributed to Council prior to the commencement of the Council Meeting.

17. NOTICE OF MOTION

- 17.1. A Council Member must give notice of his or her intention to introduce a motion for Council's consideration by:
 - (a) verbally stating at the appropriate point in the agenda (NOTICE OF MOTION) that he or she intends to introduce the motion at a subsequent meeting; and
 - (b) submitting a written copy of the motion to the Corporate Officer by the Agenda Deadline for the next Council Meeting.
- 17.2. Notwithstanding subsection 17.1., in the case of urgent business a Council Member may introduce a Motion for Council's consideration without prior notice by:
 - (a) submitting a written copy of the proposed motion to the Corporate Officer at least twenty-four hours before the Council Meeting; and
 - (b) obtaining Council's approval to introduce the motion as a late item.

18. PUBLIC INPUT AND DELEGATIONS

- 18.1. At each Regular Council Meeting and Regular Committee of the Whole Meeting, ten minutes will be made available for public input on any matter on the Agenda or within the competence of Council, in accordance with the following procedures:
 - (a) when recognized by the Mayor, each person will be allowed up to two minutes to address Council; and
 - (b) if at the end of the ten-minute Public Input period there remain any persons who wish to speak, the Members may, by unanimous resolution, agree to extend the length of the Public Input period.
- 18.2. Persons or groups wishing to address Council or who have been invited by Council, may be received as a delegation in accordance with the following procedures:
 - (a) prospective delegations must be made by prior arrangement through the Corporate Officer before the Agenda Deadline or at the Meeting by resolution of Council;
 - (b) prospective delegations must provide to the Corporate Officer information concerning the subject matter, and the name(s), address(es) and contact information of the spokesperson(s);
 - (c) prospective delegations must provide to the Corporate Officer any materials that they will present to Council by the Agenda Deadline;
 - (d) delegations must limit their presentation to ten minutes, except by prior

arrangement through the Corporate Officer before the Agenda Deadline or at the meeting by resolution of Council; and

- (e) at the Chair's discretion, members of Council may query or converse with delegations, notwithstanding the specified time limit.
- 18.3. The number of delegations on any Council Meeting Agenda will be limited to two.
- 18.4. Council must not consider a submission or act on a request made during Delegations, including but not limited to requests that may affect District bylaws, policies, resources or finances, until at least the next Regular Council Meeting, unless:
 - (a) Council resolves unanimously to consider the matter; or
 - (b) the matter is elsewhere included on the agenda.
- 18.5. Notwithstanding subsection 18.3., following a delegation Council may by resolution:
 - (a) refer the issue to staff for a report or refer the issue to a Committee;
 - (b) provide a letter of comment or support if requested, where Council determines no additional information is necessary.
- 18.6. Delegates must not be heard by Council on:
 - (a) any matter that has been the subject of a public hearing held in accordance with a legislation as a pre-requisite to the:
 - (i) adoption of a bylaw; or
 - (ii) passing of a resolution authorizing a permit;
 - (b) District employee relations;
 - (c) the promotion of commercial products or services;
 - (d) litigation or potential litigation affecting the District;
 - (e) any matter related to an election campaign; or
 - (f) any matter about records held in confidence by the District unless that record has been lawfully released to the public by the District.
- 18.7. The Corporate Officer has the authority to screen delegation requests and, if appropriate, refuse to place a delegation on the Agenda if the subject matter of the proposed delegation:
 - (a) is listed under subsection 18.5. of this bylaw;
 - (b) the delegate has previously made a delegation to Council on the same issue and no new information is provided; or
 - (c) is not within the jurisdiction of Council.

19. CORRESPONDENCE ADDRESSED TO MAYOR AND COUNCIL

- 19.1. Correspondence addressed to the Mayor or Council which requires, or requests Council action must:
 - (a) be legible

- (b) be signed by, or identified as being from, at least one person who provides a name;
 - (c) not contain libellous statements about third parties;
 - (d) be submitted to the Corporate Officer by the Agenda Deadline, unless Council so resolves to accept the correspondence as a late item; and
 - (e) be approved by the Corporate Officer or Mayor and placed on the agenda for the next Regular Council Meeting.
- 19.2. District staff must acknowledge receipt of the correspondence and advise the writer of where the correspondence has been referred.
- 19.3. Correspondence referred to the Agenda must be presented in its entirety, excluding personal contact information other than the author's name and address, unless the author requests that specific personal information, except the author's name, be redacted.

20. INFORMATION ITEMS

- 20.1. Information items include:
 - (a) staff reports provided for information only;
 - (b) correspondence of interest to the public or Council which does not require or request Council action; and
 - (c) in-camera items approved for public release.

21. QUESTION PERIOD

- 21.1. At each Regular Council Meeting, ten minutes must be made available for members of the public to question Council on any matter within the competence of Council, in accordance with the following procedures:
 - (a) persons wishing to ask questions must state their name before asking their question;
 - (b) a person asking a question may ask a supplementary question but must, following the response to the supplementary question, yield to allow other persons opportunity to ask questions; and
 - (c) no speeches are permitted during Question Period.
- 21.2. If at the end of the ten-minute question period there remains any person wishing to speak, Council may, by unanimous resolution, agree to extend the length of the question period.
- 21.3. The provisions of this section do not permit verbal representations regarding any matter that has been the subject of a public hearing held in accordance with a legislation as a pre-requisite to the:
 - (a) adoption of a bylaw; or
 - (b) passing of a resolution authorizing a permit.

22. MINUTES

- 22.1. Minutes of Council meetings must be:
 - (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer; and
 - (c) signed by the Mayor or other Member presiding at the meeting or at the next meeting at which the minutes are adopted.
- 22.2. The minutes of a previous meeting may be corrected, but not debated or reflected upon, at the time they are considered for adoption.
- 22.3. Subject to subsection 22.4 of this bylaw and in accordance with the *Community Charter*, Minutes of the proceeding of Council, Committees of the Whole, and Committees must be available for public inspection at the District Office during regular office hours.
- 22.4. Subsection 22.3 does not apply to Minutes of a Council Meeting or part thereof which persons were excluded under Section 90 of the *Community Charter*.

PART 5 – MOTIONS

23. READING AND CONSIDERATION OF MOTIONS

- 23.1. Council may debate and vote on a motion only if it is first made by one Council Member and then seconded by another.
- 23.2. A Member may require the motion under consideration to be read.
- 23.3. A Member may not introduce a motion in respect of a matter that has not been properly included on the agenda.
- 23.4. The Chair may refuse to accept a motion if he or she is of the opinion that the motion is:
 - (a) contrary to this bylaw;
 - (b) relates to matters outside the competence of Council or Council's jurisdiction under legislation; or
 - (c) deals with a matter that was voted upon by Council and defeated within the last six months.
- 23.5. If a motion is refused pursuant to subsection 23.4. the Chair must apprise the Council Members of the refusal to accept and must state the rule or authority applicable.
- 23.6. A Council Member may appeal the Chair's refusal to accept a motion according to the *Community Charter*.

24. RECORDING OF MOTIONS IN THE MINUTES

- 24.1. The names of the Council Members who moved and seconded a motion will not be recorded in the Minutes.

25. MOTIONS PERMITTED WHILE MATTER UNDER DEBATE

- 25.1. When a matter is under debate, no motion is in order except:

- (a) to defer (postpone) to a certain day (time);
- (b) to postpone indefinitely;
- (c) to lay on the table;
- (d) to move the previous question;
- (e) to refer to a committee or Staff for report; or
- (f) to amend.

25.2. A motion made under subsection 25.1 (a) to (d) is not amendable or debatable.

26. PRIVILEGE

26.1. In this section a matter of privilege refers to any of the following motions:

- (a) fix a time to adjourn;
- (b) adjourn;
- (c) recess;
- (d) raise a question of privilege of Council;
- (e) raise a question of privilege of a member of Council.

26.2. A matter of privilege must be immediately considered when it arises at a Council meeting.

26.3. For the purpose of subsection 26.2., a matter of privilege listed in subsection 26.1. has precedence over those matters listed after it.

27. AMENDMENTS

27.1. A Council Member may, without notice, move to amend a motion that is being considered at a Council Meeting.

27.2. An amendment may propose removing, replacing, or adding to the words of an original motion.

27.3. A proposed amendment must be reproduced in writing by the mover if requested by the Chair.

27.4. 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.

27.5. An amendment may be amended once only.

27.6. A Council Member may propose an amendment to an adopted amendment.

27.7. An amendment that has been defeated by a vote of Council cannot be proposed again.

27.8. The Chair 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 subsection (a) is positive; then
- (c) the main question.

28. RECONSIDERATION

- 28.1. The Mayor may require Council reconsideration of a matter in accordance with the *Community Charter*.
- 28.2. Subject to subsection 28.6. a Councillor who voted with the majority either for or against a motion may, at any time within one month of the vote, introduce a motion to reconsider the resolution, motion or proceeding, including the defeat of a motion.
- 28.3. Council must not discuss the main matter to be reconsidered unless the motion to reconsider that matter introduced under subsection 28.2. is first adopted in the affirmative.
- 28.4. No matter may be reconsidered more than once.
- 28.5. A vote to reconsider must not be reconsidered.
- 28.6. Council may only reconsider a matter under subsection 28.2., that has not:
 - (a) had the approval or assent of the electors and been adopted;
 - (b) been reconsidered by the Mayor in accordance with the Community Charter; or
 - (c) been acted on by an officer, employee, or agent of the District.
- 28.7. The conditions that applied to the original bylaw, resolution, or proceeding apply to its rejection under this section.
- 28.8. A bylaw, resolution, or proceeding that is reaffirmed after reconsideration is as valid and has the same effect as it had before reconsideration.

PART 6 – BYLAWS

29. COPIES OF THE BYLAW

- 29.1. A proposed bylaw may be introduced at a Council Meeting only if a copy of it has been delivered to each Member before the Council Meeting unless all Council Members unanimously agree to waive this requirement.

30. FORM OF BYLAWS

- 30.1. A bylaw introduced at a Council meeting must:
 - (a) have a distinguishing name;
 - (b) have a distinguishing number; and
 - (c) be divided into sections.

31. BYLAWS TO BE CONSIDERED SEPERATELY OR JOINTLY

- 31.1. Council must consider a proposed bylaw at a Council meeting either:
 - (a) separately when directed by the Chair or requested by another Council

Member; or

- (b) jointly with other proposed bylaws in the sequence determined by the Chair.

32. READING AND ADOPTING BYLAWS

- 32.1. The readings of the bylaw may be given by stating the Bylaw title or Bylaws titles.
- 32.2. In accordance with the *Community Charter, Local Government Act or other enactment*, Council may give up to three readings to a proposed bylaw at the same Council Meeting.
- 32.3. Subject to any statutory requirement or a Council Member requesting that the reading be considered separately, a proposed bylaw may be introduced and given first, second and third reading in one motion.
- 32.4. Each reading of a proposed bylaw must receive the affirmative vote of a majority of Council Members present, unless the *Community Charter* or the *Local Government Act* stipulates otherwise.
- 32.5. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter, Local Government Act* or other enactment.
- 32.6. There must be at least one day between third reading and adoption of the bylaw except:
 - (a) in the case of an official community plan, zoning, land use contract amendment bylaw, or heritage designation bylaw, the proposed bylaw may, in accordance with the *Local Government Act* be adopted at the same meeting it received third reading; and
 - (b) where the *Community Charter, Local Government Act* or any other enactment requires otherwise.
- 32.7. Readings may be reconsidered in accordance with the procedures set out in section 28. of this bylaw.

33. BYLAW MUST BE SIGNED

- 33.1. 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 7 – VOTING

34. GENERAL VOTING RULES

- 34.1. Voting is to proceed in accordance with the general voting rules determined by the *Community Charter*.

- 34.2. When the motion under consideration contains distinct propositions, and a Council Member so requests, the vote may be taken upon each proposition separately.
- 34.3. When debate on a motion is complete, the Chair must immediately put the motion to a vote.
- 34.4. In Conducting a vote, the Chair must:
- (a) first call for all members in favour of the motion and then all those opposed to the motion; and
 - (b) announce the outcome of the vote by declaring the motion carried or defeated.
- 34.5. After the Chair has put the motion to a vote, a Member must not speak to the question or make a further motion concerning it. The Chair's decision as to whether a motion has been finally put is conclusive.
- 34.6. Votes must be by show of hand except:
- (a) where votes are taken by unanimous consent according to subsection 34.9.; or
 - (b) where subsection 10.7. applies.
- 34.7. A Member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- 34.8. If the votes of the Members present at the meeting at the time of the vote are equal for and against, the motion is defeated, and the Chair must declare the motion defeated.
- 34.9. Some motions may be voted on by unanimous consent, an informal way of taking a vote that is used for routine and non-controversial decisions of a procedural nature. The procedure involves asking if any Member objects to adopting the motion and if no one does, it is adopted. Where one Member objects, a vote must be taken.

PART 8 – RULES OF CONDUCT AND DEBATE

35. POWERS AND DUTIES OF THE CHAIR

- 35.1. The Chair at a Council Meeting or a Committee of the Whole Meeting is:
- (a) the Mayor;
 - (b) in the absence of the Mayor, the Acting Mayor; or
 - (c) in the absence of both the Mayor and Acting Mayor, the Councillor appointed according to subsection 11.3.
- 35.2. Where the Mayor or Acting Mayor joins a meeting already in progress, he or she shall Chair the Meeting upon arrival.
- 35.3. If the Mayor wishes to vacate the Chair for any reason during a meeting, he or she shall call upon the Acting Mayor to Chair the Meeting or, in the absence of the Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.
- 35.4. The Chair is responsible for:

- (a) maintaining order and decorum at Council Meetings;
- (b) recognizing Council Members, District staff, delegations and other meeting attendees who, in accordance with this bylaw, wish to address Council;
- (c) ruling on which Council Member has a right to speak;
- (d) ensuring that all Council Members who wish to speak to a motion or an agenda item have spoken;
- (e) deciding points of order;
- (f) deciding questions of privilege;
- (g) calling a Member or person to order;
- (h) ruling on whether or not a motion is out of order;
- (i) stating motions and announcing the outcome of votes; and
- (j) providing other leadership functions as necessary to conduct Council Meetings in an efficient and effective manner.

35.5. The Chair:

- (a) may make and second motions;
- (b) may participate in debate without vacating the Chair; and
- (c) must vote under the same rules as Members, in accordance with section 34 of this bylaw.

35.6. The Chair must recognize Members desiring to speak in the order in which the Members indicate their request, preference being given to the mover and to the seconder, should either or both wish to speak.

35.7. Debate is closed by the Chair when in the Chair's opinion there has been adequate debate.

36. GENERAL CONDUCT

36.1. When the Chair desires to speak, any Member desiring to speak at the same time must cede to the Chair.

36.2. Members and other participants should be addressed, as appropriate, in the following manner:

- (a) the Mayor as:
 - (i) Your Worship; or
 - (ii) Mayor;
- (b) a Presiding Member who is not elected as the Mayor as Chair;
- (c) a Councillor as Councillor (here use the surname).

36.3. No Member or other person attending the meeting may:

- (a) interrupt a Member who is speaking, except in accordance with this bylaw;
- (b) cause a disturbance, disrupt or in any manner delay the conduct of business at

- a meeting; or
 - (c) use rude or offensive language.
- 36.4. If a Member, or person other than a Member, resists or disobeys an order of the Chair, that person may be removed at the direction of the Chair in accordance with the *Community Charter*.
- 36.5. If, through the Corporate Officer, an expelled Member advises the Chair that he or she wishes to apologize:
- (a) the Chair must so advise Council; and
 - (b) Council, without debate and by a two-thirds vote of the Members present, may:
 - (i) pass a motion allowing the expelled Member to proceed to the public podium to apologize; and
 - (ii) where an apology is permitted and made, pass a motion allowing the expelled Member to return to the meeting.

37. CONDUCT OF SPEAKER

- 37.1. A Member wishing to speak for the purpose of making a motion or entering the debate may speak after being recognized by the Chair but only to:
- (a) make the motion; or
 - (b) speak directly and concisely on the matter under debate.
- 37.2. A Member wishing to speak for the purpose of requesting the Chair consider and decide on any of the following matters may do so without recognition and, if necessary, by interrupting a Member who is speaking:
- (a) a violation of a specific rule or a particular mistake, omission, or error in procedure (point of order); or
 - (b) a matter of the comfort, convenience or privilege of the Council or a Member (question of privilege),
- but a Member must cease speaking when called to order and while the point of order or question of privilege is being stated, after which the Member may explain.

38. POINTS OF ORDER

- 38.1. When a point of order is raised, the Chair must:
- (a) interrupt a matter of consideration on the agenda;
 - (b) interrupt a Member who had been speaking, until the point of order is ruled upon;
 - (c) ask the Member raising the point of order to state the substance of and basis of the point of order; and
 - (d) state the provision of the bylaw or other rule of order applicable to the point of order, which the Chair must do at once without debate.

- 38.2. A Member may immediately appeal a ruling of the Chair under 38.1. in accordance with the *Community Charter*.

PART 9 – PUBLIC HEARINGS

39. TIME AND PLACE OF PUBLIC HEARINGS

- 39.1. Public hearings required by legislation must occur in the Ucluelet Community Centre unless otherwise advertised.
- 39.2. Public hearings are held on an as required basis and may be scheduled by the Corporate Officer to occur:
- (a) during a Regular Council Meeting;
 - (b) during a Special Council Meeting; or
 - (c) as a public hearing held independently of a Special Council Meeting or Regular Council Meeting.

40. PROCEDURES

- 40.1. Prior to each public hearing, the Corporate Officer must prepare an Agenda.
- 40.2. The Corporate Officer must make the Agenda available to the Members of Council and the public forty-eight hours before the public hearing.
- 40.3. Subject to subsection 40.4., any written materials and submissions considered by Council at the public hearing will be available for review by the public at the hearing.
- 40.4. Written submissions received during the notice period will be added to the public record in their entirety, including the writer's civic address and name but excluding other personal contact information, unless at the time of submission the author requests that other personal information, except the author's name, be redacted.
- 40.5. Written submissions submitted to the District Office via email, mail or hand delivery, must be received by noon on the day of the public hearing. After this time written submissions may be presented at the public hearing.
- 40.6. Individuals that speak during the public input portion of the public hearing must:
- (a) first identify themselves by stating their name and address and, where applicable, the name and address of the person or persons they represent;
 - (b) limit their remarks to matters contained in the proposed bylaw; and
 - (c) not make a reply, rebuttal, or further submission without the Chair or Presiding Member's permission.
- 40.7. Only Council Members may ask questions of speakers to clarify what has been said.
- 40.8. The Chair may establish additional rules of conduct that apply to public hearings provided they are consistent with this bylaw, the *Community Charter*, *Local Government Act* and any other applicable enactment.
- 40.9. A public hearing may be cancelled by the Corporate Officer where insufficient public notice is given.

PART 10 – COMMITTEES

41. COMMITTEE OF THE WHOLE

- 41.1. Council may annually adopt a Regular Committee of the Whole Schedule which specifies the date, time and location of Regular Committee of the Whole Meetings.
- 41.2. If a Regular Committee of the Whole Meeting Schedule is adopted:
 - (a) Council must meet in accordance with the Regular Committee of the Whole Schedule except where a Regular Committee of the Whole Meeting is cancelled or rescheduled in accordance with section 7; and
 - (b) forty-eight hours before a Regular Committee of the Whole Meeting, the Corporate Officer must provide notice:
 - (i) to Members, by delivering a copy of the Regular Committee of the Whole Schedule to the place to which each Member has directed notices be sent; and
 - (ii) to the public, by posting a copy of the Regular Committee of the Whole Schedule to the Public Notice Posting Places.
- 41.3. Special Committee of the Whole Meetings may be called in the same manner as a Special Council Meeting and notice must be given in the same manner as a Special Council Meeting.
- 41.4. At any time during a Council Meeting for which proper notice has been given, Council may, by resolution, go into Committee of the Whole.
- 41.5. There is no notice requirement for a Committee of the Whole Meeting that takes place during a Council Meeting for which notice has already been provided.
- 41.6. If Council resolves to go into a Committee of the Whole under subsection 41.4. and a motion to rise without reporting is adopted by the Committee of the Whole, the Council Meeting resumes and proceeds to the next order of business.
- 41.7. A motion made during Committee of the Whole 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.
- 41.8. If Council resolves to go into a Committee of the Whole under subsection 41.4. and a motion to rise and report is adopted, the Council meeting resumes and the first order of business thereafter being Council considering the report of the Committee of the Whole.
- 41.9. Quorum is a majority of the Committee of the Whole's Members.
- 41.10. The following sections of this bylaw apply to meetings of the Committee of the Whole, with references to the Chair, the body and other provisions modified as appropriate:
 - (a) Section 2 [Interpretation and Definitions];
 - (b) Section 4 [Additional and Alternate Procedural Rules];

- (c) Subsections 6.1. and 6.3 [Meeting Place and Time];
- (d) Section 7 [Cancellation and Rescheduling];
- (e) Section 10 [Council Meetings by Electronic Means];
- (f) Part 4 [Council Proceedings];
- (g) Part 5 [Motions];
- (h) Part 7 [Voting];
- (i) Part 8 [Rules of Conduct and Debate].

42. COMMITTEES

- 42.1. Council may establish Select Committees and the Mayor may establish Standing Committees in accordance with the *Community Charter*.
- 42.2. The rules of the Council procedure must generally be observed during Committee meetings:
 - (a) so far as is possible in the determination of the Chair recognizing the more informal nature of such bodies; and
 - (b) except strict compliance is required for sections specifically referenced in this section or elsewhere in this bylaw.
- 42.3. The terms of reference for each Committee must be approved by Council.
- 42.4. Quorum for a Committee is a majority of its members.
- 42.5. At its first meeting after its establishment, a Committee must establish a regular schedule of meetings.
- 42.6. The Chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings and may cancel or reschedule a meeting.
- 42.7. Notice of the time, place and date of a meeting must be given by posting a notice at the Public Notice Posting Places:
 - (a) seventy-two hours before a regularly scheduled Committee meeting; and
 - (b) twenty-four hours before a Committee meeting called under subsection 42.6.
- 42.8. At least twenty-four hours before a Committee meeting, the meeting agenda must be delivered to Members and made available to the public, except for closed committee meetings.
- 42.9. 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.
- 42.10. The following sections of this bylaw apply to meetings of a Committee with references to the Chair, the Committee and other provisions modified as appropriate:
 - (a) Section 2 [Interpretation and Definitions];
 - (b) Section 4 [Additional and Alternative Procedural Rules];
 - (c) Section 7 [Cancellation and Rescheduling];

- (d) Section 10 [Council Meetings by Electronic Means] at the discretion of the Chair Member noting the cost and availability of electronic meeting facilities;
- (e) Section 12 [Open Meeting Rule];
- (f) Section 13 [Calling to Order];
- (g) Section 14 [Adjourning the Meeting – No Quorum];
- (h) Section 22 [Minutes], except minutes are certified by the recording secretary;
- (i) Section 23 [Reading and Consideration of Motions], except a motion is not required to be seconded;
- (j) Section 27 [Amendments];
- (k) Part 7 [Voting];
- (l) Part 8 [Rules of Conduct and Debate] excluding subsection 35.1 to 35.3.

PART 11 – WORKSHOPS

43. COUNCIL WORKSHOPS

- 43.1. Members of Council may meet informally for educational, political, social or spiritual purposes, including attendance at the annual Union of British Columbia Municipalities conference and other such conferences.
- 43.2. Provided no District business is formally advanced through the taking of votes:
 - (a) such encounters are not to be considered meetings of Council;
 - (b) no notice is required; and
 - (c) the rules of procedures in this Bylaw do not apply.

READ A FIRST TIME this day of , .

READ A SECOND TIME this day of , .

READ A THIRD TIME this day of , .

PUBLIC NOTICE given in accordance with the *Community Charter*,

ADOPTED this day of , .

A TRUE AND CORRECT COPY of "District of Ucluelet Council Procedures Bylaw No. 1300, 2021".

Mayco Noël
Mayor

Joseph Rotenberg
Corporate Officer

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Joseph Rotenberg
Corporate Officer