



## THE CORPORATION OF THE DISTRICT OF BARRIERE

### COUNCIL PROCEDURE BYLAW NO. 251

#### A bylaw to govern meetings of the Council of the District of Barriere.

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The Council for the District of Barriere, in open meeting lawfully assembled, **ENACTS** as follows:

##### 1. **Citation**

This bylaw may be cited as the "**Council Procedure Bylaw No. 251** "

#### **PART I - GENERAL**

##### 2. **Definitions**

In this bylaw, unless the context otherwise requires:

- 2.1. **Acting Mayor** means the Councillor designated to act in place of the Mayor when the Mayor is absent or otherwise unable to act for the applicable date;
- 2.2. **Advisory Body** means an advisory committee appointed by Council for the purpose of providing advice to Committees, Commissions and staff.
- 2.3. **CAO** means the Chief Administrative Officer appointed by Council for the District of Barriere, or their designate;
- 2.4. **Code of Conduct** means the standards applicable to members of Council of the District of Barrier, as set out in the District of Barriere Code of Conduct Bylaw No. 250, as may be amended or replaced from time to time.
- 2.5. **Commission** means a municipal commission appointed by Council under Section 143 of the Community Charter.
- 2.6. **Committee of the Whole** means a committee of Council comprised of all members of Council.
- 2.7. **Corporate Officer** means the person responsible for corporate administration as set out under Section 147 of the Community Charter, or their designate.
- 2.8. **Council** means the municipal council of the District of Barriere;
- 2.9. **Delegation** means any person wishing to appear as a speaker and/or make a presentation to *Council*, a Committee, or Commission;
- 2.10. **District** means the District of Barriere.
- 2.11. **District Council Chambers** means Council Chambers located at the District Offices.

- 2.12. **District Offices** means District Offices at 4936 Barriere Town Road.
- 2.13. **District Website** means the information resource found at [www.barriere.ca](http://www.barriere.ca).
- 2.14. **In-Camera Meeting** means a meeting that is closed to the public in accordance with Sections 90 and 92 of the Community Charter.
- 2.15. **Mayor** means the Mayor of the District.
- 2.16. **Member** means:
  - 2.16.1. in the case of Council, a member of Council, including the Mayor; or
  - 2.16.2. in the case of an Advisory Board, Committee, or Commission, a person appointed by Council to sit on that Advisory Board, Committee, or Commission.
- 2.17. **Notice Board** means the public notice board at the District Offices designated by the Corporate Officer for posting of legal notices and Council meeting information.
- 2.18. **Parcel Tax Roll Review Panel** means a panel consisting of at least 3 members appointed by Council under Section 204 of the Community Charter to consider complaints respecting the parcel tax roll and to authenticate the roll.
- 2.19. **Presiding Member** means the Member who has the authority to preside over a meeting as chairperson.
- 2.20. **Public Notice Posting Place** means the Notice Board and/or the District website.
- 2.21. **Quorum** means:
  - 2.21.1. In the case of Council, a majority of the number of members of which the council consists under the Community Charter; and
  - 2.21.2. (2) In the case of a committee or other body, a majority of the voting members appointed.
- 2.22. **Standing Committee** means a committee appointed by the Mayor under Section 141 of the Community Charter for matters the Mayor considers would be better dealt with by a Committee and at least half of the members must be Council members.
- 2.23. **Select Committee** means a committee appointed by Council under Section 142 of the Community Charter for a select purpose and to report its findings and opinion to the Council. At least one member of a select committee must be a Council Member

3. Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the Community Charter or the Local Government Act, as applicable.

4. **Application of Rules of Procedure**

- 4.1. The provisions of this Bylaw govern the proceedings of Council, Commissions, Standing Committees, Select Committees, the Committee of the Whole, and Advisory Bodies.

- 4.2. In cases not provided for under this Bylaw, the current edition of Robert's Rules of Order, apply to the proceedings of Council and Council Committees to the extent that those Rules are:
  - 4.2.1. applicable in the circumstances;
  - 4.2.2. not inconsistent with provisions of this Bylaw, the Community Charter or the Local Government Act.

## **PART II – COUNCIL MEETINGS**

### **5. Inaugural Meeting**

- 5.1. An inaugural meeting of Council shall be held within the first ten (10) days of November, but no sooner than the third Monday following a general local election to allow time for judicial recount as specified in Section 149 of the Local Government Act.
- 5.2. If a Quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in Section 5.1, the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a Quorum has taken office.
- 5.3. The inaugural meeting shall be chaired by the Chief Administrative Officer or delegate until the Mayor and Councillors have completed signing their Oath of Office per the Community Charter.
- 5.4. The Oath of Office used by the District shall be as shown in Schedule "A" attached to and forming part of this bylaw.

### **6. Time and Location of Meetings**

- 6.1. All Council meetings will take place within the District Council Chambers, except when Council resolves to hold meetings elsewhere and directs the Corporate Administration Department to give notice of the different meeting place by posting a notice of the change on the Public Notice Posting Place at least 24 hours prior to the time of the Council meeting.
- 6.2. Regularly scheduled meetings shall be held on the dates each year as established by a resolution of Council prior to December 15 of the preceding year, unless Council passes a resolution to cancel or alter a particular meeting, or the Corporate Officer determines that there is not sufficient business to be discussed to warrant the holding of a particular meeting.
- 6.3. Meetings shall be scheduled to begin at 5:30pm, typically on a Monday but subject to the dates selected per section 6.2.

6.4. Regular Council meetings may:

- 6.4.1. be cancelled by Council, provided that two consecutive meetings are not cancelled;
- 6.4.2. be rescheduled by Council, provided the notice requirements set out in Section 127 and 94 of the Community Charter are met.

**7. Notice of Council and Special Meetings**

- 7.1. In accordance with Section 127 of the Community Charter, Council must prepare annually, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Place.
- 7.2. Council must give notice annually, in accordance with Section 94 or 94.2 [Bylaw to provide for alternative means of publication] of the Community Charter, of the time and location that the schedule of Regular Council meetings is available to the public.
- 7.3. All Council meetings shall take place at the District Council Chambers, unless Council passes a resolution to hold a particular meeting elsewhere, or the meeting is conducted by means of electronic or other communication facilities.
- 7.4. The Mayor or two members of Council, in accordance with the provisions of the Community Charter, may call a Special meeting of Council, which is any meeting other than a regularly scheduled meeting scheduled pursuant to this section or an adjourned meeting.
  - 7.4.1. Committee-of-the-Whole meetings may be considered Special Meetings of Council and may be called in the same way, or scheduled by Council resolution.
- 7.5. Except where notice of a Special meeting is waived by unanimous vote of all Council members under Section 127(4) of the Community Charter, a notice of the date, hour, and place of a Special Council meeting must be given at least 24 hours before the time of the meeting, by:
  - 7.5.1. posting a copy of the notice on the Public Notice Posting Place, and
  - 7.5.2. emailing the notice to each Council Member.
- 7.6. The notice under Section 7.5 must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

**PART III - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

**8. Acting Mayor**

- 8.1. Council must, on an annual basis, from amongst its members, designate Councillors to serve on a rotating basis as the member responsible for acting 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.

- 8.2. Each Councillor designated under Section 8.1 is responsible for fulfilling the duties of the Mayor in their absence.
- 8.3. If both the Mayor and Acting Mayor are absent from a Council meeting, the next Member in succession on the rotating roster established under Section 8.1 shall preside at the Council meeting.
- 8.4. Other than at a Council meeting, if both the Mayor and the Acting Mayor are absent or otherwise unable to act, the next Member in succession on the rotating roster established under 8.1 shall be the Acting Mayor.
- 8.5. The Member designated under Section 8.1, 8.3 or 8.4 shall have the same powers and duties as the Mayor during a period of service as Acting Mayor.

## **PART IV - COUNCIL PROCEEDINGS**

### **9. Attendance of Public at Meeting**

- 9.1. Except where the provisions of Section 90 of the Community Charter apply, all Council meetings must be open to the public.
- 9.2. Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with Section 92 of the Community Charter.
- 9.3. Section 9 applies to all meetings of the bodies referred to in Section 93 of the Community Charter including Council committees, commissions, a Parcel Tax Roll Review Panel, a board of variance, or advisory bodies.
- 9.4. Notwithstanding Subsection 9.1, if the Presiding Member feels a member of the public is acting improperly at a meeting, the Presiding Member may expel that person from the meeting or have the person removed by a peace officer in accordance with Section 133 of the Community Charter.

### **10. Calling the Meeting to Order**

- 10.1. As soon after the time specified for a Council meeting as there is a Quorum present, the Mayor, if present, must take the chair and call the Council meeting to order; however, where the Mayor is absent, the Councillor designated as the Member responsible for acting in the place of the Mayor in accordance with Section 8 must take the chair and call such meeting to order. The Presiding Member has, for that purpose, all the powers of, and is subject to, the same rules as the Mayor.

### **11. Adjourning Meetings**

- 11.1. If there is no Quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:
  - 11.1.1. record the names of the members present and those absent; and,
  - 11.1.2. adjourn the meeting until the next scheduled meeting.

- 11.2. Notwithstanding section 11.1 if the Corporate Officer knows in advance that there will not be a Quorum present for a regularly scheduled meeting, they may cancel the meeting and shall use reasonable efforts to provide public notice of the cancellation by posting notice to the Public Notice Posting Place.
- 11.3. Council Meetings shall adjourn no later than 10:00 p.m. unless an extension beyond that time is determined by unanimous vote of Members present.

## **12. Electronic Meetings and Electronic Participation of Members**

- 12.1. Electronic Meetings are meetings where all members of Council or Committee participate electronically (e.g. videoconference, audioconference or telephone).
- 12.2. Electronic participation allows for a hybrid meeting where some members of Council or Committee attend in person, and other members attend by electronic means (e.g. telephone).
- 12.3. In accordance with Section 128 of the Community Charter, a member of Council or a Council Committee who is unable to physically attend a Council meeting or a Council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.
- 12.4. At the call of the Mayor, Presiding Member, or two members of Council, a Regular, Special, or Committee Meeting, may be held electronically in addition to special meetings already authorized under the Charter.
- 12.5. A meeting conducted under this Section is subject to the rules of procedural fairness of this Council Procedure Bylaw.
- 12.6. A meeting conducted under this Section, except for any part of the meeting that is closed to the public, the method must enable the public to hear, or watch and hear, the proceedings of the meeting and be able to participate during the appropriate section of the Agenda or at the call of the Presiding Member.
- 12.7. Council members participating by electronic means will be deemed to have voted in the affirmative on any and all motions made during technical interruptions and disconnections during the course of the Council meeting.
- 12.8. The Presiding Member must verbally confirm the response from any Council Member who is participating electronically to ensure the vote is recorded accurately.
- 12.9. In extenuating circumstances, the Presiding Member at a council meeting may participate electronically, with the unanimous vote of members present.

## **13. Order of Proceedings and Business**

- 13.1. The agenda for all regular Council meetings contains the following matters in the order in which they are listed below, however, where appropriate for timing or other reasons, the Corporate Officer may determine an alternative order or variation in the agenda:

- 13.1.1. Adoption of Agenda
- 13.1.2. Public Hearing
- 13.1.3. Adoption of Minutes
- 13.1.4. Registered Delegations and Petitions
- 13.1.5. Unfinished Business from Previous Meetings
- 13.1.6. Staff Reports
- 13.1.7. Bylaws
- 13.1.8. Councillor's Business
  - 13.1.8.1. Councillor and Committee Reports
  - 13.1.8.2. Notice of Motion
- 13.1.9. Mayor's Business
  - 13.1.9.1. Mayor's Report
- 13.1.10. Decisions from Registered Delegations (if required)
- 13.1.11. Correspondence
  - 13.1.11.1. For Information
  - 13.1.11.2. For Action
- 13.1.12. Late Items
- 13.1.13. Public or Media Inquiries (can include items not on Agenda)
- 13.1.14. Closed Session (unless logical placement suggests otherwise)
- 13.1.15. Items Released from In-Camera
- 13.1.16. Adjournment

  

- 13.2. Notwithstanding the provisions under Section 13.1, it shall always be in order for the Council to vary the order in which business on the Agenda shall be dealt with by a majority vote of the members present.
- 13.3. The Corporate Officer may determine the business order, alternative order, or variation in the agendas for all other regulatory and Advisory Body meetings held by the District, such as, and not limited to Public Hearing, In-Camera, Committee of the Whole, and Inaugural meetings.

#### **14. Agenda**

- 14.1. Prior to each Council meeting the Corporate Officer shall prepare an Agenda setting out all items for consideration at that meeting.
- 14.2. The deadline for the public to submit items to the Corporate Officer for inclusion on the Council meeting Agenda shall be 1:00 p.m. on the Monday preceding the meeting, unless otherwise approved by the CAO.
- 14.3. Items received in the Corporate Administration Department after the appropriate deadline in Section 14.2 shall be placed on the Agenda for consideration at the next Regular Council meeting, unless the item is introduced as a Late Item pursuant to Section 14.7 of this Bylaw.
- 14.4. Council Agendas will generally be available electronically online on the District Website to the members of the Council and the public at least 72 hours prior to Regularly Scheduled Council Meetings. Printed agendas will be available by request only.

- 14.5. Only those matters included on the Agenda shall be considered or dealt with at the Council meeting unless a new matter for consideration is properly introduced as a Late Item pursuant to Section 14.7 of this Bylaw.
- 14.6. In cases where documents are too unwieldy to be readily reproduced, they will be available for review on file in the Corporate Administration Department and noted on the Agenda.
- 14.7. A late item may be approved for addition to an agenda by the CAO, or by resolution of Council, if the subject matter is of an urgent nature such that the item cannot be held to the next meeting of Council.
- 14.8. The CAO, with the Corporate Officer, shall establish items to be included in the agenda.
- 14.9. The CAO will review the order of proceedings with the Presiding Member prior to release of agendas to Council.

## **15. Delegations and Public Inquiries**

### Delegations

- 15.1. All delegations requesting permission to appear before Council shall submit a written request, which must include:
  - 15.1.1. the name, physical address, and contact phone number or contact email address of the person(s) that will address Council;
  - 15.1.2. a description of the matter to be presented;
  - 15.1.3. a clear ask of Council, and proposed resolution; and
  - 15.1.4. a copy of all materials that will be discussed.

Staff is authorized to define the format that the materials under d) must be presented in, for example (but not limited to) PowerPoint or PDF format, maximum 10 slides, etc.
- 15.2. Any request to appear before Council shall be received, in writing, prior to the appropriate deadline stated in Section 14.2 in order to be placed as a new matter on the Council Agenda.
- 15.3. All delegations shall be afforded ten (10) minutes to make their presentation and shall be restricted to the topic as included on their written submission, unless a longer period is agreed by a majority of members present.
- 15.4. A person, other than a Council Member or an officer or employee of the District, shall only address Council during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if Council has unanimously passed a resolution to hear from that person at that time.
  - 15.4.1. This section shall not limit participation during "Public or Media Inquiries" or other Public Inquiry sections that may be implemented from time to time. The

same limitations would apply for other Public Inquiry sections as defined in s.15.12 & 15.13.

15.5. The Corporate Officer shall be granted the authority to:

- 15.5.1. screen delegation requests and, if deemed appropriate, refuse to place a delegation on the Agenda if the issue is not within the mandate or jurisdiction of a Municipal Council.
- 15.5.2. assign the delegation to a future Agenda if the next Council Meeting Agenda is deemed unsuitable by the Corporate Officer for any reasonable reason.
- 15.6. Where a delegation has addressed Council on a particular issue, if a subsequent request is received from the same delegation to address Council on the same issue, and no new significant information is being provided, the Corporate Officer will be granted the authority to not place the item on the Agenda, but may circulate the request under separate cover as an item of general information.
- 15.7. An appeal may be made to the CAO where the Corporate Officer has rescheduled a Delegation to a later meeting or refused the Delegation entirely. In the event the delegation wishes to appeal the CAO's decision, the information shall not be placed on the Agenda but shall be distributed under separate cover to Council for their consideration.
- 15.8. Council shall not permit a Delegation to address Council during a Council meeting:
  - 15.8.1. regarding a bylaw in respect of which a Public Hearing will be, or has been, held as a pre-requisite to the adoption of the bylaw, or
  - 15.8.2. if the purpose is to address an issue which is before the Courts or on which Council has authorized legal action.
- 15.9. Members shall not engage in debate, except to ask clarifying questions or to correct incorrect information.
- 15.10. There will generally be a limit of three (3) delegations permitted at a given meeting, but the Corporate Officer shall have authority to adjust this number dependent on other items and timing needs for the rest of the agenda.
- 15.11. The "Registered Petitions and Delegations" section of all meetings shall be suspended from the close of the nomination period preceding a general local election or by-election until the meeting of Council following the election.

Public Inquiries:

- 15.12. All Public or Media Inquiries, as outlined in s. 13.1, shall be limited to two (2) minutes, no more than fifteen (15) minutes in total, be restricted specifically to asking questions, and shall not use the opportunity as a public speaking platform or they will be removed from the meeting in accordance with s. 9.4.
- 15.13. The Public Inquiry periods at Council meetings shall be suspended from the close of the nomination period preceding a general local election or by-election until the

meeting of Council following the election. Only media inquiries are permitted during the Public or Media Inquiries period during that time.

**16. Notice of Motion**

- 16.1. Any Council Member may give a "Notice of Motion" respecting an item which they intend to present by giving a written copy of such motion to the Corporate Officer during a meeting of the Council and upon the Member being acknowledged by the Presiding Member and the Notice of Motion being read at the meeting.
- 16.2. A copy of the motion presented under Section 18.1 shall appear in the Minutes of that meeting as a "Notice of Motion". The Corporate Officer shall place the motion on the Agenda of the next Council meeting, or other future meeting designated by the Member bringing forward the Notice of Motion, for consideration.

**PART V- PETITIONS AND COMMUNICATIONS**

**17. Proper Form**

- 17.1. All communications and petitions intended to be presented to Council shall be legibly written, typed or printed, signed by at least one person, and shall be dated and include a contact name, physical address, mailing address, contact phone number or email address, before being accepted.

**18. Referrals**

- 18.1. Communications addressed to Council which relate to matters that fall within the scope of responsibility of a particular District department may be referred by the Corporate Officer directly to that department.
- 18.2. If a matter is referred under Section 18.1, a consolidated digital weekly summary of the communication shall be forwarded to each Member of the Council and to the appropriate Staff members. An acknowledgement may be provided to the writer on receipt of the communication, advising where the matter has been referred.
- 18.3. The Corporate Officer is granted the authority to forward correspondence items to the meeting considered to be most appropriate.
- 18.4. A right of appeal from any referral under Sections 18.1 and 18.3 may be made to the CAO who shall determine the final disposition of the matter. As well, Council may refer any item of correspondence as it deems appropriate to the CAO for follow up.
- 18.5. All petitions or other written communications in which Council requests a report may be referred to the CAO by means of a formal motion.

## **PART VI - BYLAWS**

### **19. Form of Bylaws**

- 19.1. A proposed bylaw may be introduced at a Regular Council meeting only if a copy of it is included in the final agenda package for the Council meeting, or all Council members unanimously agree to waive this requirement.
- 19.2. A bylaw must:
  - 19.2.1. be printed;
  - 19.2.2. have a distinguishing name;
  - 19.2.3. have a distinguishing number;
  - 19.2.4. contain an introductory statement of purpose;
  - 19.2.5. be divided into sections.

### **20. Bylaws to Consider Separately or Jointly**

- 20.1. Council must consider a proposed bylaw at a Council meeting either:
  - 20.1.1. separately when directed by the Presiding Member or requested by another Council Member; or,
  - 20.1.2. jointly with other proposed bylaws in the sequence determined by the Presiding Member.

### **21. Reading of Bylaws**

- 21.1. The Presiding Member of a Council meeting may:
  - 21.1.1. read, or have the Corporate Officer read, a synopsis of each proposed bylaw or group of proposed bylaws, and then
  - 21.1.2. request a motion that the proposed bylaw or group of bylaws be read;
- 21.2. The readings of the bylaw may be given by stating its title and object.
- 21.3. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the Community Charter and, if amended, a motion at third reading shall be "to give the bylaw third reading as amended".
- 21.4. Subject to Part 14, Division 4 of the Local Government Act [OCP adoption procedures], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- 21.5. In accordance with Section 135 of the Community Charter [requirements for passing bylaws], Council may give up to three readings to a proposed bylaw at the same Council meeting.
- 21.6. If Council wishes to amend a bylaw after third reading, with the exception of those specific provisions respecting an Official Community Plan designation bylaw or a Zoning bylaw, they may do so by:

- 21.6.1. making a motion to rescind third reading; and if carried,
- 21.6.2. making a motion to amend the bylaw; and if carried,
- 21.6.3. making a motion to pass third reading of the bylaw as amended.

- 21.7. Despite section 135(3) of the Community Charter [requirements for passing bylaws], and in accordance with Part 14 Division 3 of the Local Government Act [public hearings], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading providing all outstanding conditions have been addressed.
- 21.8. All bylaws which have not completed the requirements to be adopted after a 2-year period may be deemed stale dated and closed.
- 21.9. The Corporate Officer is hereby authorized to consolidate one or more of the bylaws of the municipality pursuant to Section 139 [consolidation of bylaws] of the Community Charter for official use, and to make minor corrections to bylaws at third reading or once adopted including, but not limited to, typographical errors, sequential numbering errors, and grammatical errors.

## **22. Bylaws must be signed**

- 22.1. After a bylaw is adopted, 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 with the following affixed to the bylaw:
  - 22.1.1. the dates of its readings and adoption,
  - 22.1.2. the date of the Public Hearing, if applicable; and,
  - 22.1.3. the date of required approvals, if applicable.

## **PART VII - RESOLUTIONS**

### **23. Copies of Resolutions to Council Members**

- 23.1. A resolution may be introduced and considered at a meeting as long as it has been included as an item on the Council's printed Agenda or placed as a late item in accordance with Section 14.7 of this bylaw.

## **PART VIII - MOTIONS**

### **24. Introduction of Motion and Voting at Meetings**

- 24.1. Every motion must be moved and seconded before it is deemed to be in the possession of the Council. If a motion is not seconded, then the presiding Member shall move onto the next item on the Agenda without further discussion of that motion.
- 24.2. The following procedures apply to voting at Council meetings:
  - 24.2.1. when debate on a matter is closed, the Presiding Member may summarize the motion and must put the matter to a vote.
  - 24.2.2. Council members who are in the room shall take their places when a vote is called for, and shall not leave until the vote has been taken;

- 24.2.3. after the Presiding Member finally puts the question to a vote under Section 24.2.1, a Member must not speak to the question or make a motion concerning it;
- 24.2.4. the Presiding Member's decision about whether a question has been finally put is conclusive;
- 24.2.5. whenever a vote of the Council is taken for any purpose, each Member present and voting shall signify their vote upon the question, openly and individually by raising their hand, and the Presiding Member shall declare the motion carried or defeated as the case may be;
- 24.2.6. A Member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- 24.2.7. If the votes of the members present at the meeting at the time of the vote are equal for and against a matter, the motion is defeated and the Presiding Member must declare this result.
- 24.2.8. no vote shall be taken in a Council meeting by ballot or by any other method of secret voting.

## **25. Recording of Motions in Minutes**

- 25.1. The names of those who voted against the motion shall be entered in the minutes.
- 25.2. Notwithstanding Section 25.1, motions that have been withdrawn as per Section 27 of this Bylaw, or did not receive a Seconder and therefore not considered, by Council, shall not be recorded in the Minutes.
- 25.3. The names of the members who moved and seconded a motion presented may be recorded in the Minutes.

## **26. Considerations of Motions**

- 26.1. While Council is considering a question, only the following motions may be made:
  - 26.1.1. to refer the question to committee or staff,
  - 26.1.2. to amend the motion,
  - 26.1.3. to lay on the table (until later in the meeting),
  - 26.1.4. to postpone indefinitely or to a certain time,
  - 26.1.5. to move the previous question, or
  - 26.1.6. to adjourn
- 26.2. A motion to move (or "call") the previous question (26.1.5) must be dealt with before any other amendments are made to the motion on the main question, and if the motion on the previous question is decided in the negative Council may again debate the main question or proceed to other business.
- 26.2.1. A motion to move the previous question (26.1.5) requires a seconder and needs a two- thirds majority to cut off debate.

- 26.3. Motions made under section 26.1.3 to 26.1.5 are not amendable nor debatable.
- 26.4. Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Member.
- 26.5. A Council Member may without notice move to amend a motion that is being considered at a Council meeting.
- 26.6. A proposed amendment to the main motion must be relevant to the main motion and not have the effect of negating or rejecting the main motion.
- 26.7. A proposed amendment must be reproduced in writing by the mover if requested by the Presiding Member.
- 26.8. A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote.
- 26.9. An amendment may be amended only once.
- 26.10. A motion to amend that has been defeated by a vote of Council cannot be proposed again.

## **27. Withdrawal of Motions**

- 27.1. After a motion has been made and seconded, it shall be deemed to be in the possession of the Council, but the motion may be withdrawn by the mover of the motion at any time before a decision or amendment is made, provided that the mover has the consent of the seconder.

## **28. Appeal Ruling of Presiding Member**

- 28.1. Whenever the Presiding Member is of the opinion that a motion is contrary to the rules and privileges of the Council, the Presiding Member shall apprise the members thereof without proposing the question and shall cite the rule or authority applicable to the case without argument or comment. The ruling of the Presiding Member may be appealed by the other members of Council then present as per Section 28.2 of this bylaw.
- 28.2. On an appeal by a Council Member from the decision of the Presiding Member, the question shall be immediately put by them, and decided without debate "Shall the Presiding Member be sustained?" and the Presiding Member shall be governed by the vote of the majority of the Council members then present, excluding themself. In the event of the votes being equal, the question shall pass in the affirmative.
- 28.3. If the Presiding Member refuses to put the question "Shall the Presiding Member be sustained?", the Council shall immediately appoint a Presiding Member pro tem. They shall proceed in accordance with Section 28.2 of this bylaw. A resolution or motion carried under this Section is binding.

## **29. Reconsideration**

- 29.1. The Mayor may require 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.
  - 29.1.1. The Mayor may initiate reconsideration at the same meeting as the vote took place, or within 30 days following that meeting.
- 29.2. A vote on a matter which was adopted or defeated may be reconsidered by Council provided that the matter has not had the assent of the electors, has not been reconsidered under this Section or Section 131 of the Community Charter, and has not been acted upon by an officer, servant or agent of the Municipality.

Such a reconsideration motion:

  - 29.2.1. must be brought forward and seconded by Members who voted on the prevailing side of the motion or were not present at the meeting;
  - 29.2.2. must be brought forward within thirty (30) days of Council following the original vote;
  - 29.2.3. must receive a majority vote of Council for the matter to be open for discussion again;
  - 29.2.4. if defeated, and the outcome being that the resolution is preserved unchanged, the same resolution may not be brought back before Council for six (6) months from the date of the latest vote, except with consent of two-thirds of all the members of Council.
- 29.3. A vote to reconsider a matter, whether affirmative or negative, must not be reconsidered.

## **PART IX – RULES OF DEBATE**

### **30. Decorum in Debate**

- 30.1. Every Council Member who wishes to speak to any question or motion shall raise their hand, wait to be recognized by the Presiding Member and shall address themselves to the Presiding Member.
- 30.2. Members of Council shall address the Presiding Member as "Mr. Mayor", "Madam Mayor", or "Your Worship" or "Mr. or Madam Acting Mayor", or "Mr. or Madam Chair" as the case may be, and shall refer to each other as "the Mayor" or "Councillor", as the case may be.
- 30.3. Members of staff shall be addressed as Mr., Mrs., or Ms. or else shall be referred to by their official title.
- 30.4. Any questions addressed to staff shall be put through the Presiding Member to the CAO who shall refer the matter to the appropriate staff representative if necessary.

- 30.5. When two or more Council Members desire to speak at the same time, the Presiding Member shall name the Member who shall have the floor.
- 30.6. Members of Council shall seek permission of the Presiding Member to speak more than once in connection with a single question, except to explain a material part of a previous speech, to reply to debate on a substantive motion which the Member has made, or to introduce new information.
- 30.7. No Council Member shall speak longer than a total of ten (10) minutes to a question without the permission of the Presiding Member to any matter other than the question in debate or reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.
- 30.8. While in a Council meeting, a Member must comply with the Code of Conduct Bylaw as amended or replaced from time to time, must speak only in connection with the matter being debated, and may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded.
- 30.9. Despite section 9 of this bylaw, the Mayor or Presiding Member at a Council meeting may expel and exclude from any Council meeting a person, including another Council Member, which the Mayor or Presiding Member considers is engaging in inappropriate conduct.
- 30.10. When the Presiding Member is of the opinion that there has been sufficient debate, the Presiding Member may put the question.

### **31. Presiding Member – Questions of Order**

- 31.1. When a Council Member is speaking, no other Member may interrupt the speaker except to raise a point of order.
- 31.2. The Presiding Member may call any Council Member to order while that Member is speaking.
- 31.3. When such action is taken, the Presiding Member shall immediately suspend the debate, and the Council Member in question shall refrain from speaking until the point of order is determined by the Presiding Member, whose ruling is subject to an appeal by the Council Members.
- 31.4. Should any Council Member resist or disobey the decision of the Presiding Member, the Members may order the Member in question to leave their seat for that meeting, and in the event of their refusing to do so, the Presiding Member may order that the Member be removed from the meeting.
- 31.5. In the event of satisfactory apology being made by the offending Member, the Council may, by vote of the majority, permit the Member to resume their seat forthwith.
- 31.6. No Council Member shall resist the rules of the Council nor disobey the decision of the Presiding Member on points of order or practice, or upon the interpretation of the rules of the Council.

- 31.7. Any Council Member may require the question being debated to be read for their information at any period of the debate, but shall not do so in order to interrupt a Member speaking.
- 31.8. When the question under consideration contains more than one recommendation, any Member may request, by motion, that the vote upon each recommendation shall be taken separately and the Council Members shall decide by majority vote of the Members present how such vote shall be taken.

## **PART X – MINUTES**

### **32. Adoption and Distribution**

- 32.1. Minutes of the proceedings of Council, Committees, and Commissions must be legibly recorded, certified as correct by the Corporate Officer and signed by the Mayor or other Member presiding at the meeting. Minutes of Advisory Bodies may be signed off by the Presiding Member of that Advisory Body.
- 32.2. Prior to adoption, the Corporate Officer shall distribute a copy of all Minutes of Council meetings to each Member of Council.
- 32.3. Whenever possible, Minutes of a given meeting shall be adopted at the next Council meeting or Committee/Commission meeting, as appropriate.
- 32.4. In accordance with Section 97 of the Community Charter, Minutes of the proceedings of Council/Committees and Commissions must be available for public inspection at the District of Barriere offices during its regular office hours.
- 32.5. Section 32.4 of this bylaw does not apply to Minutes of a Council meeting or that part of a Council meeting from which persons were excluded under Section 90 of the Community Charter.
- 32.6. The names of all members of Council present and absent shall be recorded in the meeting minutes.
- 32.7. If a Member has declared a conflict of interest pursuant to the Community Charter, the reason the Member is not participating in the discussion of the matter, and the time at which they left the room and returned, will be recorded in the minutes.
- 32.8. The Corporate Officer is authorized to make minor amendments to approved minutes including, but not limited to, typographical errors, sequential numbering errors, and grammatical errors.
- 32.9. An error or omission in the minutes may be identified by a Member of Council orally and rectified by resolution. Depending on the scale of amendment the adoption of the minutes may be postponed to the next meeting.

## **PART XI – CONDUCT OF COMMITTEE BUSINESS**

### **33. Committee of the Whole**

- 33.1. The Committee of the Whole shall meet on an as needed basis.
- 33.2. The Acting Mayor shall act as Presiding Member of the Committee of the Whole, unless otherwise determined by the Mayor.
- 33.3. As per the Community Charter Section 154 (1) (a), Council is delegating administrative powers to the Committee of the Whole.

### **34. Schedule of Meetings**

- 34.1. At its first meeting after its establishment a Commission, Committee, or Advisory Body must establish a regular schedule of meetings.
- 34.2. The Presiding Member of a Commission, Committee, or Advisory Body may call a meeting in addition to the scheduled meetings or may cancel a meeting.

### **35. Notice of Meetings**

- 35.1. After the Commission, Committee, or Advisory Body has established the regular schedule of meetings, including the times, dates and places of the meetings, notice of the schedule must be given by:
  - 35.1.1. posting a copy of the schedule at the applicable Public Notice Posting Place.
  - 35.1.2. providing a copy of the schedule to each member of the Commission, Committee, or Advisory Body.
- 35.2. Where revisions are necessary to the annual schedule of Commission, Committee or Advisory Body meetings, as soon as possible a notice must be posted at the applicable Public Notice Posting Place and District website which indicates any revisions to the date, time and place or cancellation of a meeting.

### **36. Minutes of Meetings**

- 36.1. Minutes of Committee of the Whole, Commissions, Standing, or Select Committees must be maintained and available to public and:
  - 36.1.1. legibly recorded,
  - 36.1.2. certified as correct by the Corporate Officer,
  - 36.1.3. signed by the Mayor or Member presiding at the meeting, and
  - 36.1.4. open for public inspection in accordance with Section 97(1)(c) of the Community Charter.
  - 36.1.5. Subsection 36.1.4 does not apply to minutes of a Commission, Standing, or Select Committee meeting from which persons were excluded under Section 90 of the Community Charter.

**37. Quorum**

- 37.1. The Quorum for a Committee of the Whole, Standing, Select, or Advisory Committee or Commission is a majority of all of its members.
- 37.2. If a Committee/Commission member misses more than 3 meetings in a row, Council may rescind their appointment at any time and appoint another person in place of the person whose appointment was rescinded.

**38. Conduct and Debate**

- 38.1. The rules of the Council procedure must be observed during Standing or Select Committees, Commission, or Advisory Body meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- 38.2. Council members may attend any meetings of a Standing or Select Committee, Commission, or Advisory Body and may participate in discussions; however, only members who have been appointed, or an alternate member attending in the absence of an appointed committee member, may introduce or vote on the proceedings.
- 38.3. The Mayor shall be an ex-officio voting member of all Committees and Commissions and, when in attendance, shall possess all the rights, privileges, powers and duties of other members. The Mayor shall not be considered, if absent, when determining a Quorum.

**39. Delegations**

- 39.1. When a person or a group of persons wish to appear as a delegation before a Standing or Select Committee, Commission, or Advisory Body on a matter within the jurisdiction of the Committee, they shall be subject to the requirements set out in this bylaw.

**40. Recommendations**

- 40.1. Standing or Select Committee, Commission, or Advisory Body recommendations shall be subject to the approval of the Council, except where the Standing, Select, Committee of the Whole, or Advisory Committee has been delegated administrative power by the Council.

**PART XII - GENERAL**

41. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
42. Any one or more of the rules and orders contained in this bylaw may be temporarily suspended by an affirmative vote of the majority of all Council members.
43. District of Barriere Council Procedure Bylaw No.100" and its amendments are hereby repealed.
44. This bylaw may not be amended, repealed or substituted unless Council first gives notice in accordance with Section 94 of the Community Charter.

Read a first, second, and third time by the Municipal Council this 16<sup>th</sup> day of December, 2024.

Notice of intention to proceed with this bylaw was published on the 23<sup>rd</sup> day of January, 2025 and the 30<sup>th</sup> day of January, 2025 in the Star Journal newspaper, circulating in the District of Barriere, pursuant to Section 94 of the Community Charter.

**Adopted this 3<sup>rd</sup> day of February, 2025.**

Original signed by,  
Acting Mayor, Scott Kershaw

Original signed by,  
Tasha Buchanan, Corporate Officer

## **SCHEDULE “A” – OATH OF OFFICE**

**OATH OF OFFICE**  
**CANADA**  
**PROVINCE OF BRITISH COLUMBIA**  
**DISTRICT OF BARRIERE**

I, (name of elected official), do (swear, solemnly affirm) that:

I am qualified to hold the office of (Mayor, Councillor) for the District of Barriere to which I have been elected.

I have not, by myself or by any other person, knowingly contravened the Local Government Act respecting vote buying or intimidation in relation to my election to this office.

As required by the Community Charter, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of that matter nor vote in respect of the matter.

I will faithfully, and with integrity, perform the duties of my office and will not allow any private interest to influence my conduct in public matters.

I will abide by the statutes, bylaws and policies that govern the District and promote openness, accountability, collaboration, and responsible leadership.

I will provide stewardship of the public assets through the development and evaluation of the District's policies and programs; and

I will make well-informed and transparent decisions, prioritizing the best interests and well-being of the entire community while guiding the growth of a vibrant and sustainable District.

I affirm, ascribe to, and agree to follow the District of Barriere Code of Conduct Bylaw No. 250 adopted by the District Council of the District of Barriere, as amended or replaced from time to time.

(Sworn, Affirmed) before me )  
in the District of Barriere )  
in the Province of British Columbia )  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. )

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Corporate Officer (or as defined in the  
Community Charter S. 120)

Elected Official