

TOWN OF CRESTON
COUNCIL PROCEDURES BYLAW NO. 1875

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**TOWN OF CRESTON
BYLAW NO. 1875**

A bylaw to establish procedures of Council for the conduct of business.

WHEREAS the *Community Charter* requires Council, by bylaw, to establish procedures for the conduct of Council business during meetings, the manner for passing resolutions and/or adopting bylaws, the Selection of Standing or other Committees of Council and the time, date and place of meetings, including advance notice as required;

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

1.1 Title

This bylaw may be cited as “Council Procedures Bylaw No. 1875, 2018”.

1.2 Definitions

In this Bylaw, unless the context otherwise requires:

“**Act**” shall mean the *Community Charter of British Columbia*;

“**Committee of the Whole (COTW)**” shall mean the Standing Committee of the Whole Council;

“**Committee**” shall mean a Select or other Committee of Council, but does not include COTW;

“**Corporate Officer**” shall mean the person appointed by Council as the Corporate Officer of the Town and where reference is made to the Town Manager this shall include the Corporate Officer;

“**Council**” shall mean the Municipal Council of the Town of Creston;

“**Director of Finance and Corporate Services**” shall mean the person appointed as the Director of Finance and Corporate Services and a Deputy Corporate Officer of the Town, and where reference is made to the Town Manager or the Corporate Officer, this shall include the Deputy Corporate Officer;

“**Mayor**” shall include the Mayor, Acting Mayor or other Member presiding at a meeting of Council in the absence of both the Mayor and Acting Mayor;

“**Member**” shall mean a duly elected Member of Council;

“**Public Notice Posting Places**” shall mean the notice board located in the foyer at the Town Hall Office and the notice board located in the Council Chambers;

“**Town Hall**” shall mean the municipal office located at 238 – 10th Avenue North.

“**Town Manager**” shall mean the person appointed by Council as Chief Administrative Officer and Corporate Officer of the Town;

“**Town**” shall mean the Town of Creston;

Application of Rules of Procedure

The provisions of this Bylaw govern the proceedings of Council, COTW, and all Standing and Select Committees of Council, as applicable.

In cases not provided for under this Bylaw, the New Robert's Rules of Order, Revised, applies to the proceedings of Council, COTW and Council Committees to the extent that those Rules are applicable in the circumstances and not inconsistent with provisions of the Bylaw or the *Community Charter*.

PART 2 – COUNCIL MEETINGS

2.1 Inaugural Meeting

- (1) Following a general local election, the first Council meeting must be held on the first *Tuesday* after November 1, in the year of the election.
- (2) The first Council meeting must be Called to Order by the Corporate Officer and following Oaths of Office, must be Chaired by the newly elected Mayor.
- (3) The order of business for the Inaugural Meeting shall be as follows:
 - (a) Call to Order;
 - (b) Oath of Office of Council Members;
 - (c) Invocation;
 - (d) Mayor's Address;
 - (e) Appointment of COTW (Standing Committee);
 - (f) Appointment of Select Committees;
 - (g) Appointment of Representatives to Other Organizations;
 - (h) Acting Mayor's Schedule;
 - (i) Appointment of Auditor's, Solicitor's, RDCK Director's, Others as required;
 - (j) Signing Authority;
 - (k) Adjournment.

2.2 Time and location of meetings

- (1) All Council meetings must take place within Town Hall except when Council resolves to hold meetings elsewhere within the Town.
- (2) Regular Council meetings must:
 - (a) be held on the *second* and *fourth Tuesday* of each month, with the exception of the months of July, August and December, where only one Regular meeting will be held per month, on the *second Tuesday* of the month;
 - (b) convene at *4:00 p.m.*;
 - (c) adjourn by *10:00 p.m.* on the day scheduled for the meeting, unless Council resolves by unanimous vote, to proceed beyond *10:00 p.m.*
- (3) When a regularly scheduled Council meeting falls on a Statutory Holiday, the meeting shall be held on the next working day following the Statutory Holiday.
- (4) Regular Council meetings may:
 - (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and

- (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two days written notice.

2.3 Notice of Council Meetings

- (1) In accordance with section 127 of the *Community Charter*, Council must prepare annually a schedule of the dates, times and places of Council and Committee meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with section 94 of the *Community Charter*, Council must give public notice of the time and duration that the schedule of Council meetings will be available.
- (3) Where revisions are necessary to the annual schedule of Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Council meeting.

2.4 Notice of Special Council Meetings

- (1) Except where notice of a Special Council meeting is waived by unanimous vote of all 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 meeting, by posting a copy of the notice at the Public Notice Posting Places, and leaving one copy of the notice for each Member in the Member's mailbox at Town Hall.
- (2) The notice under subsection (1) above must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

2.5 Participation in Meetings by Electronic Means

- (1) Provided the conditions set out in subsection 128 of the *Community Charter* are met:
 - (a) a Special Council or Committee Meeting may, upon authorization of the Mayor, be conducted by means of electronic or other communication facilities;
 - (b) a member of Council who is unable to attend at a Council or Committee of the Whole meeting, may, upon authorization of the Mayor, participate in the meeting by means of electronic or other communication facilities.
- (2) The Member presiding at a Council meeting or Committee of the Whole meeting must not participate electronically.
- (3) No more than two (2) members of Council at one time may participate at a Council meeting or Committee of the Whole meeting under section 2.5 (1) (b).
- (4) A Member participating in a meeting electronically is deemed to be present in the meeting as though they were physically present.
- (5) The Corporate Officer shall record in the minute book the members present including those participating electronically.

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

3.1 Council Meetings Presiding Member

- (1) It shall be the duty of the Mayor to preside over Council meetings and to perform such other duties as are assigned to the Mayor by the *Local Government Act, Community Charter* and/or the bylaws of the Town;
- (2) If both the Mayor and the Member designated are absent from the Council meeting, the Members present must choose a Member to preside as Acting Mayor at the Council meeting.

3.2 Acting Mayor Appointments

- (1) Council must (from amongst its Members), designate a Member 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.
- (2) Each Member designated under subsection 3.1 (1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) The Member designated under section 3.2 (1) above or chosen under section 3.1(2) above has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL PROCEEDINGS

4.1 Community Charter Provisions

The *Community Charter* governs matters pertaining to Council proceedings.

4.2 Attendance of Public at Meetings

- (1) Except where the provisions of section 90 of the *Community Charter* applies, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - (a) Committee of the Whole;
 - (b) Standing and Select Committees;
 - (c) Parcel Tax Review Panel; and
 - (d) Board of Variance.
- (4) If a Member arrives late at a Council meeting no prior discussion shall be reviewed for the Member's benefit, except with the consent of the majority of the Members present at that meeting.

4.3 Minutes of Meetings to be maintained and available to Public

- (1) Minutes of the proceedings of Council must be legibly recorded, certified as correct by the Town Manager or Corporate Officer, and signed by the Mayor or other Member presiding at the meeting following adoption of the Minutes at the next meeting.
- (2) In accordance with section 97(1)(b) of the *Community Charter*, Minutes of the proceedings of Council must be open for public inspection at Town Hall during its regular office hours.
- (3) Subsection (2) above does not apply to Minutes of a Closed Council or Committee meeting, from which persons were excluded under section 90 of the *Community Charter*.

4.4 Calling Meeting to Order

- (1) As soon after the time specified for a Council meeting as there is a quorum (4 Members) present, the Mayor, if present, must take the Chair and call the Council meeting to order. However, where the Mayor is absent the Member designated as the Acting Mayor must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Member designated as the Acting Mayor, do not attend within 15 minutes of the scheduled time for a Council meeting:
 - (a) the Town Manager or the Corporate Officer must call to order the Members present, and
 - (b) the Members present must choose a Member to preside at the meeting.

4.5 Adjourn Meeting Where no Quorum

If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Town Manager, Corporate Officer or designate must record the names of the Members present, and those absent, and adjourn the meeting until the next scheduled meeting.

4.6 Agenda

- (1) Prior to each Council meeting, the Corporate Officer or designate must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by the public to the Corporate Officer or designate of items for inclusion on the Council Meeting Agenda must be 12:00 p.m. on the Wednesday immediately preceding the scheduled meeting.
- (3) The Corporate Officer or designate must make the agenda available to the Members of Council and the public no later than the end of day on the Friday, immediately preceding the scheduled meeting.

4.7 The Order of Business

- (1) The order of business on all Regular Council Meeting Agenda's, shall be as follows:
 - (a) Call to Order at 4:00 p.m.;
 - (b) Adoption of Agenda (and late items, if appropriate);
 - (c) Adoption of Minutes;
 - (d) Third reading and/or adoption of bylaws where applicable, after a Public Hearing;
 - (e) Delegations;
 - (f) Council Committee – Reports:

- (g) Bylaws;
 - (h) Review Strategic Priorities Chart (to be reviewed at the first Council meeting of each month);
 - (i) Review Follow-Up Action List (to be reviewed the first Council meeting of each month);
 - (j) New Business;
 - (k) Reports of Representatives;
 - (l) Giving of Notices;
 - (m) Question Period;
 - (n) Move to Closed Meeting, if required;
 - (o) Reconvene to Regular Meeting, if required;
 - (p) Resolutions from Closed Meeting, if required;
 - (q) Adjournment.
- (2) The order of business on all Closed Council Meeting Agenda's shall be as follows:
- (a) Call to Order
 - (b) Adoption of Agenda (and late items if appropriate);
 - (c) Adoption of Minutes;
 - (d) Delegations;
 - (e) Council Committee – Reports;
 - (f) New Business;
 - (g) Report to Regular Meeting;
 - (h) Reconvene to Regular Meeting or Adjournment.
- (3) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

4.8 Late Items

An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is considered urgent and documentation is provided by the Town Manager.

4.9 Voting at Meetings

- (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed the presiding Member must put the matter to a vote of the Members;
 - (b) when the Council is ready to vote, the presiding Member must put the matter to a vote by stating:
"Those in favour" and then "Those opposed".
 - (c) when the presiding Member is putting the matter to a vote under paragraphs (a) and (b) a Member must not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure under paragraph (b) unless the interrupting Member is raising a point of order;
 - (d) after the presiding Member finally puts the question to a vote under paragraph (b), a Member must not speak to the question or make a motion concerning it;
 - (e) the presiding Member's decision about whether a question has been finally put is conclusive;
 - (f) whenever a vote of Council on a matter is taken, each Member present shall signify their vote by raising their hand, or if participating by electronic means or other communication facilities, by clearly communicating verbally their voting intent; and
 - (g) the presiding Member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

- (2) Every Member present at a Council meeting shall vote on a question when it is put, unless he/she has declared a direct or indirect conflict of interest in the matter and has removed themselves from Council Chambers in accordance with the *Community Charter*.
- (3) Should any Member refrain from voting when any question is put, he/she shall be deemed to have voted in the affirmative and their vote shall be counted accordingly.
- (4) Where the votes of the Members present are equal for and against the question, the question shall be decided in the negative and the Mayor shall so declare.
- (5) The Town Manager or the Corporate Officer, shall on request, RECORD the names of the Members voting against a main motion in the Minutes.
- (6) No vote shall be taken in Council by ballot or any other method of secret voting.

4.10 Conflict of Interest

- (1) If a Member considers that they are not entitled to participate in the discussion of a matter or to vote on a question in respect of the matter, the Member shall declare this in accordance with section 100(1) of the *Community Charter* and state the general nature of why the Member considers this to be the case.
- (2) After making a declaration required by subsection (1), the Member:
 - (a) shall not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter;
 - (b) shall immediately leave the meeting or that part of the meeting during which the matter is under consideration; and
 - (c) shall not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
- (3) When a declaration required by subsection (1), is made:
 - (a) the person recording the Minutes of the meeting shall record the Member's declaration, the reasons given for it and the times of the Members' departure from the meeting room and, if applicable, of the Member's return; and
 - (b) the person presiding at the meeting shall ensure that the Member is not present at the meeting at the time of any vote on the matter.

4.11 Delegations

- (1) The Members may hear up to two (2) delegations at each Closed, Regular, Special, Council and/or Committee meeting, with a time limit of 15 minutes per delegation, unless additional time is approved by the Mayor or the Town Manager.
- (2) Requests by delegates will be reviewed by the Town Manager or designate to determine whether
 - (i) ..the delegation concerns an administrative issue that should be dealt with by the Mayor, in which case the Town Manager will arrange a meeting between the requestor and the Mayor, or,
 - (ii) ..the delegation should be heard by a Council Committee or by Council at one of the regular scheduled meetings, in which case the Town Manager will arrange for the delegation to be included on the agenda for the appropriate meeting. If there are two delegations already on the agenda for the next meeting, the matter will be put on the agenda of the following available meeting.

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- (a) If the issue is not resolved under clause (a)(i), the requestor may write a letter to Council requesting to appear before Council as a delegation and Council may refuse the request if Council is satisfied that the Mayor has made a reasonable effort to resolve the issue or if the issue cannot be resolved as requested.
 - (b) All delegation requests must be made in writing and submitted to the Corporate Officer or designate, clearly setting out the subject matter to be dealt with, the proposals the delegation intends to make or resolution of the issue to request, and the name of the spokesperson(s).
 - (c) All delegation requests must be submitted to the Corporate Officer or designate no later than 12 p.m. on the Wednesday preceding the next regular meeting, for review and approval by the Town Manager or designate.
 - (d) If the delegation wishes to submit written and/or electronic materials to the Council or Committee, that material must also be submitted to the Corporate Officer no later than 12 p.m. on the Wednesday preceding the next regular meeting.
 - (3) Council must not permit delegations to address a meeting of the Council or its committees on the following:
 - (a) A bylaw, other than a bylaw referred to in Clause (b) of this section 4.11, in respect of which a public hearing required under an enactment as a pre-requisite to the adoption of the bylaw has been held, and the bylaw has not been adopted, defeated or abandoned.
 - (b) Official Community Plan Bylaws, or Zoning & Development Bylaws, including amendments to such bylaws, which have received first reading and which have not been adopted, defeated, or abandoned, except as a delegation at the statutory public hearing.
 - (c) Matters on which the Town Manager has commenced prosecution, and on which judgement has not been rendered.
 - (d) Business Licence Hearings conducted in accordance with section 60 of the *Community Charter*, unless the delegation is the holder of the licence that is the subject of the hearing.
 - (e) The promotion of commercial products or services that, in the opinion of the Member presiding at the meeting, have no connection to the business of the Town.
 - (f) Publicly tendered contracts or proposal calls for the provision of goods or services for the Town, from the time a contract or proposal call has been issued and the time the contract or proposal call has been awarded, either by Council or Town staff.
 - (g) Invitations for Council to participate in events and/or special occasions.
 - (h) Promotion of a private business or group.
 - (4) A petition to Council shall include the name and residential address of each petitioner and the name and mailing address of a contact person.
 - (5) The provisions of clause (b) of subsection 4.11(3) do not apply to delegations requesting to be heard at a second or subsequent Public Hearing held on an Official Community Plan Bylaw or Zoning & Development bylaw, or amendments to such bylaws, whichever is the case.

4.12 Points of Order

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

4.13 Conduct and Debate

- (1) A Member may speak to a question or motion at a Council meeting only if that Member first addresses the presiding Member.
- (2) No Member must interrupt a Member who is speaking except to raise a point of order.
- (3) If more than one Member speaks the presiding Member must call on the Member who, in the presiding Member's opinion, first spoke.
- (4) Members who are called to order by the presiding Member must immediately stop speaking, may explain their position on the point of order, and may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (5) Members speaking at a Council meeting must use respectful language, must not use offensive gestures or signs, must speak only in connection with the matter being debated, may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding Member and Council in connection with the rules and points of order.
- (6) If a Member does not adhere to subsection (5), the presiding Member may order the Member to leave the Member's seat, and if the Member refuses to leave, the presiding Member may cause the Member to be removed by a peace officer from the Member's seat, and if the Member apologizes to the Council, Council may, by resolution, allow the Member to retake the Member's seat.
- (7) A Member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another Member who is speaking.
- (8) The following rules apply to limit speech on matters being considered at a Council meeting:
 - (a) a Member may speak more than once in connection with the same question only with the permission of Council; or
 - (b) if the Member is explaining a material part of a previous speech without introducing a new matter; or
 - (c) a Member who has made a substantive motion to the Council may reply to the debate; or
 - (d) a Member who has moved an amendment, the previous question, or an instruction to a Committee may not reply to the debate; or
 - (e) a Member may speak to a question, or may speak in reply, for longer than a total time of 15 minutes only with the permission of Council.

- (9) An appeal from the decision of the Mayor or the presiding Member on a point of order shall be determined in accordance with section 132(2) of the *Community Charter*. A tie vote on an appeal sustains the decision of the chair.
- (10) The Mayor or any other Member may raise a point of order while another Member is speaking, and the debate shall be suspended until the point of order is determined.
- (11) Appeal process:
 - (a) If an appeal is taken by a Member of Council, from the decision of the Mayor, this question shall be immediately put by her/him and decided without debate. "Shall the Chair be sustained?" and the Mayor shall be governed by the vote of the majority of the Members of the Council then present (exclusive of the Mayor), and the names of the Members of Council voting for or against the question shall be recorded in the Minutes and in the event the votes are equal, the questions shall pass in the affirmative;
 - (b) If the Mayor refuses to put the question, "Shall the Chair be sustained?", the Council shall appoint one of its' Members to preside temporarily and proceed in accordance with subsection (a) above; and
 - (c) Any resolution or motion, as carried under the circumstances in subsection (b) above, is in effect and binding as if carried under the presidency of the Mayor.
- (12) Members shall address the Mayor as "Your Worship" and shall refer to other Members of Council by their title of "Councillor".
- (13) Members shall address their remarks to the Mayor and confine themselves to the question.
- (14) Where more than one Member addresses the Mayor at the same time, the Mayor shall determine the order in which the Members shall speak.

4.14 Motions Generally

- (1) Council may debate and vote on a motion only if it is first made by one Member.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) A Member may make only the following motions, when the Council is considering a question:
 - (a) to refer to Committee;
 - (b) to amend;
 - (c) to table;
 - (d) to postpone indefinitely;
 - (e) to postpone to a certain time;
 - (f) to move the previous question;
 - (g) to adjourn.
- (4) A motion made under subsection (3) shall have precedence over the main motion and is not amendable or debatable.
- (5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting, if requested by a Member.

4.15 Motion to Commit

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

4.16 Motion for the Main Question

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

4.17 Amendments Generally

- (1) A Member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding Member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended once only.
- (6) An amendment that has been defeated by a vote of Council cannot be proposed again.
- (7) A Member may propose an amendment to an adopted amendment.
- (8) The presiding Member must put the main question and its amendments in the following order for the vote of Council:
 - (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (1) is positive;
 - (c) the main question.

4.18 Reconsideration by Council Member

- (1) Subject to subsection (5), the Mayor may, at the next Council meeting, move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.

- (3) Council must not discuss the main matter referred to in subsection (1), unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not had the approval or assent of the electors and been adopted, been reconsidered under subsection (1) or section 131 of the *Community Charter*, been acted on by an officer, employee, or agent of the Town.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is valid and has the same effect as it had before reconsideration.

4.19 Privilege

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

4.20 Reports from Committees

Council may take any of the following actions in connection with a recommendation it receives from a COTW:

- (a) agree or disagree with the recommendation;
- (b) amend the recommendation;
- (c) refer the recommendation back to the COTW;
- (d) postpone its consideration of the recommendation.

4.21 Adjournment

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

PART 5 – BYLAWS

5.1 Copies of Proposed Bylaws to Council Members

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

5.2 Form of Bylaws

A bylaw introduced at a Council meeting must:

- (a) be printed;
- (b) have a distinguishing name;
- (c) have a distinguishing number;
- (d) contain an introductory statement of purpose;
- (e) be divided into sections.

5.3 Reading and Adopting Bylaws

- (1) The readings of the bylaw may be given by stating its title and object.
- (2) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter* or the *Local Government Act*.
- (3) Subject to section 477 of the *Local Government Act* (Official Community Plan), each reading of a proposed bylaw must receive the affirmative vote of a majority of the Members present.
- (4) In accordance with section 135 of the *Community Charter*, Council may give up to three readings to a proposed bylaw at the same Council meeting.
- (5) Despite section 135(3) of the *Community Charter*, and in accordance with section 477(6) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.
- (6) If a bylaw requires the assent of the electors or the approval of the Lieutenant Governor in Council, a Minister or the Inspector, the assent or approval must be obtained after third reading and prior to adoption.
- (7) If a bylaw requires both the assent of the electors and the approval of the Lieutenant Governor in Council, a Minister or the Inspector, the approval must be obtained before the bylaw is submitted for the assent of the electors.

5.4 Bylaws Must be Signed

After a bylaw is adopted and signed by the Town Manager or the Corporate Officer and the presiding Member of the Council meeting at which it was adopted, the Corporate Officer must affix the Town's corporate seal; have a certified copy produced for the general files; and store the original bylaw in the bylaw binders for safekeeping.

PART 6 – RESOLUTIONS

6.1 Copies of Draft Resolutions to Council Members

A Draft resolution may be introduced at a Council meeting, subject to Council's approval, only if a true copy of it has been delivered to each Councillor before the Council meeting and it has been considered and reviewed by the Town Manager or Acting Town Manager.

6.2 Form of Draft Resolutions

Draft resolutions introduced at a Council meeting must be in typed format.

6.3 Introducing Draft Resolutions

The presiding Member of a Council meeting may have the Town Manager read the Draft resolution and request a motion that the Draft resolution be introduced.

PART 7 – COMMITTEE OF THE WHOLE

7.1 Going into Committee of the Whole (COTW)

- (1) The Mayor shall establish a Standing COTW.
- (2) At any time during a Council meeting, Council may by resolution go into COTW.
- (3) The Committee must consider, inquire into, report, and make recommendations to Council about all of the following matters:
 - (a) hear from delegations and/or refer these on to Council;
 - (b) review matters forwarded to it by the Town Manager or by Council;
 - (c) consider matters placed on its agenda by Members of Council or by referral by the Town Manager and may refer such issues to the Town Manager for a report;
 - (d) refer any matter on to a regular meeting of Council which is not the subject of current policy;
 - (e) review reports or Minutes from external boards and committees so that there is some degree of consistency as to how each is treated by the Council;
 - (f) may determine to meet in a closed meeting on a vote of the committee at the conclusion of a meeting; closed meeting matters are limited as per the *Community Charter*;
 - (g) meet principally as a forum for discussion rather than as a decision-making arena; enables all of Council to review and discuss key issues without the requirement to decide;
 - (h) may refer an item to the Town Manager for more information or clarification but must move the issue forward to Council for its consideration and decision upon receipt of the clarifying information.
 - (i) related to the municipal goals, objectives, progress reports and measures of the Annual Report (*Community Charter* section 98) as provided in the *Act* section 90 (1) (l).

7.2 Notice for Committee of the Whole (COTW) Meetings

- (1) Meetings shall take place on an as needed basis, commencing at 4:00 p.m., in Council Chambers at Town Hall. Within the first two months of the Inaugural Meeting as provided in Section 2.1 of this Bylaw, Members must pass a resolution to hold and attend meetings to discuss issues, goals and reports provided in section 7.1 (3) (i) of this Bylaw within the first four months of the term of office. One meeting may be held outside the Town for such purposes.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 7.1, during a Council meeting for which public notice has been given.

7.3 Minutes of Committee of the Whole (COTW) Meetings to be maintained and available to Public

Minutes of the proceedings of COTW must be:

- (a) legibly recorded,
- (b) certified by the Corporate Officer,
- (c) signed by the Member presiding at the meeting, and
- (d) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

7.4 Committee of the Whole (COTW) Meetings and Quorum

- (1) The quorum of COTW is four or more Members.

7.5 Points of Order at Committee of the Whole (COTW) Meetings

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

7.6 Conduct and Debate at Committee of the Whole (COTW) Meetings

The following rules apply to COTW meetings:

- (a) a motion is not required to be seconded;
- (b) a Member may speak any number of times on the same question;
- (c) a Member must not speak longer than a total of 10 minutes on any one question.

7.7 Voting at Committee of the Whole (COTW) Meetings

- (1) Votes at a COTW meeting must be taken by a show of hands, or if participating by electronic means or other communication facilities, by clearly communicating verbally their voting intent, if requested by a Member.
- (2) The presiding Member must declare the results of voting.

7.8 Reports at Committee of the Whole (COTW) Meetings

- (1) COTW may consider reports and bylaws only if they are printed or provided by electronic means and the Members each have a copy.
- (2) A motion for COTW to rise and report to Council must be decided without debate.

- (3) The Committee must report and make recommendations to Council at all of the following times:
 - (a) in accordance with the schedule of the Committee's meetings;
 - (b) on matters that are assigned by Council or the Mayor; or
 - (c) as required by Council.

7.9 Rising Without Reporting at Committee of the Whole (COTW) Meetings

A motion made at a COTW meeting to rise without reporting is always in order and takes precedence over all other motions, may be debated, and may not be addressed more than once by any one Member.

PART 8 – COMMITTEES

8.1 Duties of Select Committees

Select Committees must consider, inquire into, report, and forward recommendations to staff, prior to referral to the COTW or Council.

8.2 Schedule of the Committee Meeting

- (1) At its first meeting after its establishment, a Select Committee must establish a regular schedule of meetings.
- (2) The chair of a Committee may call a meeting of the Committee in addition to the scheduled meetings or may cancel a meeting subject to the *Community Charter* and this Bylaw.

8.3 Notice of Committee Meetings

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

8.4 Attendance at Committee Meetings

Members of Council who are not Members of a Committee may attend the meetings of the Committee to observe the proceedings.

8.5 Minutes of Committee Meetings to be maintained and available to Public

Minutes of the proceedings of a Committee must be legibly recorded, signed by the chair or Member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

8.6 Quorum

The quorum for a Committee is a majority of all of its Members.

8.7 Conduct and Debate

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

8.8 Voting at Meetings

Members attending a meeting of a Committee of which they are not a Member must not vote on a question.

PART 9 – GENERAL

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.

This Bylaw may not be amended or repealed and substituted unless Council first gives public notice in accordance with section 94 of the *Community Charter*.

Town of Creston Council Procedures Bylaw No. 1647, 2006, and all amendments, is hereby repealed.

This bylaw shall come into full force and effect upon adoption.

PUBLIC NOTICE, pursuant to section 124 of the *Community Charter*, was given the 4th and 11th day of October, 2018.

READ A FIRST time by title and SECOND TIME by content the 9th day of October, 2018.

READ A THIRD TIME by title the 9th day of October, 2018.

ADOPTED the 23rd day of October, 2018.

“Joanna Wilson”
Acting Mayor Joanna Wilson

“Stacey Hadley”
Stacey Hadley, Corporate Officer