



## COUNCIL PROCEDURES BYLAW 3694-2004

**THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY** and is a consolidation of "District of Mission Council Procedures Bylaw 3694-2004" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
3770-2005-3694(1)	March 7, 2005	Section 5
3852-2005-3694(2)	November 28, 2005	Section 3
3863-2006-3694(3)	March 20, 2006	Section 3
3867-2006-3694(4)	April 3, 2006	Sections 3 and 6
3885-2006-3694(5)	May 1, 2006	Section 5
3935-2006-3694(6)	October 2, 2006	Section 3
4035-2008-3694(7)	March 17, 2008	Section 10
5037-2009-3694(8)	June 15, 2009	Section 3, new Section 11
5048-2009-3694(9)	July 20, 2009	Section 3(k)
5108-2009-3694(10)	January 18, 2010	Section 13(b)

Individual copies of any of the above bylaws are available from the Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

## DISTRICT OF MISSION

### BYLAW 3694-2004

A bylaw to regulate the meetings of Council  
and the conduct thereof

The Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

#### 1. TITLE

This bylaw may be cited as "District of Mission Council Procedure Bylaw 3694-2004".

#### 2. ACTING MAYOR

- (a) To address temporary absences of the Mayor for two consecutive calendar months or less, Council shall, at its Inaugural Meeting, designate each member to serve as Acting Mayor for a two month period commencing in December, and the Mayor shall decide which member shall serve at which time.
- (b) In the event the office of the Mayor becomes vacant for a period which is anticipated to be in excess of two consecutive calendar months due to resignation, invalidation, disqualification, incapacity, or death, and subject to the *Community Charter*, the Council may, by majority vote of its members, elect a member of Council to serve as Acting Mayor during the said absence and until a by-election or general election fills the vacancy. In the event that Council does not elect such an Acting Mayor, the office of Acting Mayor will continue to be filled by the respective Councillors designated under section 2(a).
- (c) For the period that each Councillor is designated as the Acting Mayor, that Councillor must fulfill the responsibilities and duties of the Mayor during the Mayor's absence.

#### 3. MEETINGS OF COUNCIL

- (a) The first Regular Council meeting following a general local election shall be held on the first Monday in December immediately following the general local election.
- (b) 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 3 (a), the first Council meeting must be called by the Director of Corporate Administration and held as soon as reasonably possible after a quorum has taken office.
- (c) After the Statutory meeting of Council held in accordance with the *Community Charter*, Regular Committee of the Whole Council meetings shall be held on the first and third Mondays of every month, commencing at 6:30 p.m. and, when required, Regular Public Hearing Council meetings shall be held on the fourth Mondays of each month commencing at 6:30 p.m. In case such Monday is a holiday, the meeting shall be held on the next day the municipal offices are open.

Council, may by resolution, direct that its Regular meetings be held on a different date or at a different time.

The agenda for Regular Council meetings shall be as outlined in section (k), except as may be amended by Council resolution at the commencement of the Regular meeting.

- (d) In the event of weather conditions being so inclement as to prevent Council members from attending a meeting, the Mayor shall be authorized to cancel the meeting and set an alternate date.

- (e) A Special meeting of Council, called in accordance with sections 126 and 127 of the *Community Charter* may only be called for a specific purpose or purposes.
- (f) Except when the provisions of section 90 of the *Community Charter* apply, all Council meetings shall be open to the public.
- (g) Business conducted at either a Regular or Special meeting of Council that has been closed to the public, in accordance with section 90 of the *Community Charter*, shall be restricted to those matters identified in said section 90.
- (h) The Mayor shall take the chair and call the members to order at the scheduled starting time of a meeting provided that there is a quorum present. Subject to section 3 (j), if there is no quorum present, the meeting shall be called to order as soon as a quorum is present.
- (i) In case the Mayor does not attend within fifteen minutes after the appointed time for a meeting, the Acting Mayor shall take the chair and call the members to order, or if the Acting Mayor is absent the Director of Corporate Administration shall call the members to order and, if a quorum is present, the members shall appoint a Chairman who shall preside during the meeting or until the arrival of the Mayor. Such person so appointed as Chairman has all the powers and is subject to the same rules as the Mayor.
- (j) Should there be no quorum present within thirty minutes after the time appointed for the meeting, the Director of Corporate Administration shall record in the Minute Book the names of the members present at the expiration of such thirty minutes, and the meeting shall stand adjourned until the next regular day of meeting.
- (k) Unless the Mayor or two-thirds of the Council otherwise directs at the commencement of a meeting, the business of the Council for a Regular Committee of the Whole Council meeting shall proceed in the following order:
  - (1) Proclamations
  - (2) Delegations and Presentations
  - (3) Adoption of Informational Items
  - (4) Committee of the Whole
  - (5) Rise and Report
  - (6) Adoption of Committee of the Whole Report
  - (7) Bylaws
  - (8) Council Minutes for Adoption
  - (9) Other Business
  - (10) Chief Administrative Officer's Report
  - (11) Mayor's Report
  - (12) Councillor's Reports on Committees, Boards and Activities
  - (13) Question Period
  - (14) Adjournment

Unless the Mayor or two-thirds of the Council otherwise directs at the commencement of a meeting, the business of the Council for a Regular Public Hearing Council meeting shall proceed in the following order:

- (1) Delegations and Presentations
  - (2) New Business (if any)
  - (3) Question Period (on new business only)
  - (4) Public Hearing
  - (5) Development Variance Permits
  - (6) Other Business
  - (7) Adjournment
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- (l) The deadline for submissions for inclusion on the agenda shall be 4:30 p.m. on the Monday of the week preceding the Council meeting.
  - (m) The Director of Corporate Administration shall prepare the agenda before any Regular meeting of Council and shall place a copy in each Council member's Municipal Hall mailbox no later than by close of business on the Friday before the Council meeting.
  - (n) Late items shall be added to the agenda and considered by Council only with the approval of a majority of Council.
  - (o) Copies of the agenda shall be made available for the public following deposit of the agenda in the Councillor member's Municipal Hall mailboxes.
  - (p) The Director of Corporate Administration must give public notice of a Regular meeting of Council and/or its standing and select committees by posting a notice on the bulletin board in the lobby of the Municipal Hall at least four (4) days before the meeting.
  - (q) The Director of Corporate Administration shall prepare the agenda before any Special meeting of Council and shall place a copy in each Council member's Municipal Hall mailbox at least twenty-four (24) hours before the meeting.
  - (r) The Director of Corporate Administration must give public notice of a Special meeting of Council and/or its standing and select committees by posting a notice on the bulletin board in the lobby of the Municipal Hall at least twenty-four (24) hours before the meeting; unless notice of such special meeting of Council is waived under Section 127 of the *Community Charter*.
  - (s) In December of each year, the Director of Corporate Administration shall publish for two (2) consecutive weeks in a local newspaper a schedule which sets out the time and location of the Regular Council meetings for the following year, and provides notice of the availability of the schedule. A copy of the schedule shall be posted on the bulletin board in the lobby of the Municipal Hall.
  - (t) Regular meetings of Council shall be held at the Municipal Hall, unless Council, by resolution adopted at a prior meeting, determines to meet at another location.
  - (u) When any Order, Resolution or Question is lost by reason of the Council or any Committee thereof breaking up for want of a quorum, the Order, Resolution or Question so lost shall be the first item of business to be proceeded with and disposed of at the next meeting of the Council or Committee.
  - (v) During Question Period, the person posing the question must pose the question within 30 seconds.
  - (w) The Council shall always adjourn at the hour of 9:30 p.m. if in session at that hour, unless otherwise determined by a two-thirds vote of the members present.

#### 4. COMMITTEE OF THE WHOLE

- (a) A meeting of the Committee of the Whole may be called at any time by the Mayor.
- (b) A Committee of the Whole held during the meeting of the Council shall be adopted by a resolution "that the Council now resolve itself into Committee of the Whole." The Mayor shall leave the Chair, and the Chair of the Committee of the Whole shall rotate sequentially between the Councillors who Chair each Committee for which there is business listed on the agenda. The Chair shall maintain order in the Committee and shall report the proceedings thereof.
- (c) The rules of the Council shall be observed in Committee of the Whole, as far as may be applicable, except that no motion shall require to be seconded, nor shall a motion for the previous questions, nor shall an adjournment be allowed; nor shall the number of times of speaking on any question be limited.
- (d) When the question under consideration contains distinct propositions, upon request of any member the vote upon each proposition shall be taken separately.
- (e) A motion in Committee of the Whole that the Chair of the Committee leave the chair shall always be in order and shall take precedence over any other motion. On such motion, debate shall be allowed but no member shall speak more than once to such a motion and on an affirmative vote the subject referred to the Committee shall be considered disposed of in the negative, and the Mayor shall resume the chair and proceed with the next order of business.
- (f) When all matters referred to a Committee of the Whole have been considered, a motion to rise and report shall be adopted. The Committee, when it has partly considered a matter, may report progress and ask leave to sit again.
- (g) In resumption of business the Committee of the Whole shall report to the Council and the adoption of the report shall be moved.

#### 5. STANDING AND SELECT COMMITTEES

- (a) Any member of the Council may be placed on a standing or select committee established in accordance with sections 141 or 142 of the *Community Charter*, notwithstanding the absence of such member at the time of being named to such committee; the first named to any committee shall be the Chairman of that committee, the second named to any committee will be the alternate committee chair, and the third named to any committee will be the second alternate committee chair. Should none of those Councillors be present, the Mayor will assume the chair.
- (b) All members of the Council may attend the meetings of any of its committees, and may take part in any discussion, however only those appointed as member(s) of a select committee or their alternates are allowed to vote.
- (c) The general duties of standing committees of Council shall be as follows:
  - (i) to consider and report to Council as directed from time to time, on all matters referred to it by the Mayor or Council or coming within the purview, and to recommend such action by Council in relation thereto as the Committee deems necessary or expedient;
  - (ii) to carry out the instruction(s) of Council, expressed by resolution, in regard to any matter referred by the Council to any Committee for immediate action thereupon, but in such cases the instructions of the Council shall be specific and the Committee shall report its action in detail at the next meeting of the Council thereafter.
- (d) A majority of the number of members appointed to compose any standing or select committee shall constitute a quorum competent to transact business.

- (e) In the transaction of business all standing and select committees shall adhere as far as possible to the rules governing proceedings in meetings of Council.
- (f) A select committee shall, on completion of its assignment or on submitting its report to the Council, be automatically dissolved.

## **6. PETITIONS AND DELEGATIONS**

- (a) Delegations are permitted to appear at the Council meetings occurring on the first, third and fourth Mondays of the month, with the number of delegations for meetings on the first and third Monday meetings limited to two, and the number of delegations for the meeting on the fourth Monday of the month limited to three.
- (b) No individual delegation may speak to the same topic again until the passage of at least two months time from the date of their most recent presentation.
- (c) Persons or groups of persons wishing to appear as a delegation before Council shall request permission to appear by the close of business on the Monday preceding the Regular Council meeting. This request must be made to the Director of Corporate Administration or designate and must include the name and address of the person who wishes to speak on behalf of the delegation and the purpose of the presentation. Written submissions that will form part of the presentation must be provided at the time of application.
- (d) Every delegation shall be allowed a maximum time of ten minutes to present its petition or submission unless extended by a two-thirds vote of the Council, after which the Council may dispose of the petition or submission at the meeting, refer the subject matter to a committee, or take such other action as is deemed expedient.
- (e) Persons or groups wishing to appear as a delegation before a Regular Council meeting, and who have not submitted a request in accordance with subsection (b), will be permitted to appear only with the agreement of a two-thirds majority of the members of Council, and shall be limited to a presentation of not more than five (5) minutes unless extended by a two-thirds majority of the members of Council, after which the Council may dispose of the petition or submission at the meeting or take such action as is deemed expedient and appropriate.
- (f) Every petition presented to Council shall include the name of the petitioner and the petitioner's address. In the case of a corporation, the authority given by the corporation to sign the petition shall be produced in connection therewith. The notice of petition shall name a spokesman for the delegation, and shall indicate the purpose for which it is desired to appear.

## **7. RULES OF CONDUCT AND DEBATE**

- (a) Every member shall address himself/herself to the Chair before speaking to any questions or motion.
- (b) The presiding member shall decide on issues of procedure and order, and shall cite the applicable rule or authority if requested by another member. Another member must not comment on the rule or authority cited by the presiding member, and the presiding member may reserve the decision until the next Council meeting. On appeal by a Council member as to whether the Chair is to be sustained, the question must be put immediately by the presiding member and decided without debate.
- (c) Members shall address the Chair as "Mr. Mayor" and shall refer to each other as "Councillor".

(d) No member shall:

- (i) speak disrespectfully of Her Majesty the Queen, or any of the Royal Family, or of the Governor General, Lieutenant Governor or persons administering the Government of Canada or of the Province of British Columbia;
- (ii) use offensive words to or against the Council or against any member thereof;
- (iii) speak beside the Question in debate;
- (iv) resist the rules of the Council or disobey the decision of the Mayor or of the Council on questions of order or practice, or upon the interpretation of the rules of the Council, and in case any member shall so resist or disobey, the member may be ordered by the Council to leave his seat for that meeting, and in case of refusing to do so may, on the order of the Mayor, be removed therefrom by a Peace Officer; but in case of apology being made by the Offender, the member may by vote of the Council be permitted to forthwith re-take his seat.

(e) No member may speak more than once to the same question without leave of the Council, except in explanation of a material part of a member's speech which may have been misconceived, and in doing so a member may not introduce new matter. A reply shall be allowed to a member who has made a substantive motion to the Council, but not to a member who has moved an amendment.

(f) When debate is closed on a matter, the Mayor must put the matter to a vote. When the Council is ready to vote, the Mayor must ask for a show of hands indicating those in favour of the resolution, and for a show of hands indicating those opposed to the resolution.

(g) After a question is finally put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor as to whether the question has been finally put shall be conclusive.

(h) If the Mayor desires to leave the Chair for the purpose of taking part in the debate or otherwise, the Mayor shall call on the Council member appointed as the Acting Mayor for that date to take the Chair until the Mayor resumes the Chair.

## 8. MOTIONS

(a) Motions shall be seconded before being debated or put from the Chair.

(b) All motions, other than those arising from the recommendations of senior officials or committees, shall be read by the mover.

(c) When a question is under consideration, no motion shall be received except for the following:

- (a) to refer;
- (b) to defer;
- (c) to amend;
- (d) to lay on the table;
- (e) to postpone indefinitely;
- (f) to postpone to a certain time;
- (g) to move the previous question;
- (h) to adjourn.

The several motions mentioned above shall have the precedence in the order in which they are named, and the last five shall be neither amendable nor debatable.

- (d) Amendments to motions shall be decided upon before the main question is put to a vote. Only one amendment shall be allowed to a motion at any one time, and that amendment shall be voted upon before further amendments are moved.
- (e) A motion to refer the subject matter for further information or consideration, until it is decided, shall preclude all amendments of the main question.
- (f) A motion to adjourn the Council or to adjourn the debate shall always be in order, but if such motion is defeated no second motion to the same effect shall be made until some intermediate business or matter has been disposed of.

## 9. VOTING ON QUESTIONS

- (a) Every member who is present when a question is put shall be expected to vote thereon unless the member is personally interested in the question, provided such interest is resolvable into a directly or indirectly pecuniary interest or is peculiar to the member and not in common with the citizens at large, and in such cases the member shall not participate in the debate and shall not vote but shall declare the reason for not voting and shall leave the room until the vote is being taken and resume it immediately thereafter.
- (b) Should any member refrain from voting when any question is put, for any reason other than that mentioned in section 9 (a), the member shall be regarded as having voted in the affirmative and the member's vote shall be counted accordingly.
- (c) All Acts whatsoever authorized or required by the *Community Charter* or the *Local Government Act* to be done by the Council, or all other questions, including questions of adjournment, that may come before the Council, shall, save where otherwise so expressed, be done and decided by the majority of the members of the Council who shall be present at the meeting.
- (d) In all cases where the votes of the members of the Council then present, including the vote of the Mayor or other person presiding, are equal for and against a question, the question shall be negatived, and it shall be the duty of the member so presiding to so declare.
- (e) The names of those who vote against the question shall be entered upon the minutes.
- (f) When the question under consideration contains distinct propositions, upon request of any member the vote upon each proposition shall be taken separately.

## 10. RECONSIDERATION

- (a) In accordance with the provisions of Section 131 of the *Community Charter*, the Mayor may require the Council to reconsider and vote again on a matter that has been the subject of a vote:
  - (i) at the same meeting as the vote took place; or
  - (ii) within the 30 days following the meetingprovided that the matter has not:
  - (i) had the approval or assent of the electors and has been adopted;

- (ii) been acted upon by an officer, employee or other agent of the Municipality.
- (b) In addition to the provisions of article 10 (a), and subject to articles 10 (c) and (d) a council member who voted affirmatively for a resolution adopted by Council, or a council member who obtains new and substantive information that was not provided to or known by Council at the time of the voting, may at any time:
  - (i) move to rescind or reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; or
  - (ii) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (c) Council must not discuss the matters referred to in subsection 10 (b) unless a motion to reconsider the matter is approved by a 2/3 majority vote of Council.
- (d) Council may only reconsider a matter that has not:
  - (i) had the approval or assent of the electors and has been adopted;
  - (ii) been acted upon by an officer, employee or agent of the Municipality.
- (e) A bylaw, resolution or proceeding that is either reaffirmed or amended by a majority of Council in accordance with these provisions is as valid and has the same effect as it had before reconsideration.

## 11. REMOTE PARTICIPATION

- (a) At the commencement of a regular council meeting, committee meeting or special council meeting, council may resolve by majority vote to permit remote participation by absent council member(s) provided that a majority of council members are present at the location of the meeting.
- (b) Remote participation must conform to the following requirements:
  - (i) participation may be by means of electronic or other communication facilities / equipment;
  - (ii) the facilities / equipment must enable the participants to hear, or watch and hear, each other.
- (c) Members of council who are participating in meetings in accordance with this section are deemed to be present at the meeting.
- (d) Except for any portion of a meeting that is closed to the public, the facilities / equipment must enable the public to hear, or watch and hear, the participation of the member(s).
- (e) A special council meeting may be conducted by means of electronic or other communication facilities provided:
  - (i) the notice under section 127 (2) of the *Community Charter* must include notice of the way in which the meeting is to be conducted and the place where the public may attend to hear the proceedings that are open to the public, and
  - (ii) except for any part of the meeting that is closed to the public the facilities must enable the public to hear, or watch and hear the meeting at the specified place and a designated municipal officer must be in attendance at the specified place.

Notwithstanding any of the provisions in this section, in cases of extreme emergency when the

majority or all of the council members may not be physically able to meet in one location, including during a state of local emergency, the mayor may convene a special meeting where most or all council members participate remotely by whatever means are available.

## 12. MINUTES

- (a) The minutes of the proceedings of all meetings of the Council shall be legibly recorded in the Minute Book. The minutes shall be certified as correct by the Director of Corporate Administration, and shall be signed by the Mayor or other member presiding at such meeting or at the next meeting at which they are adopted; and, with the exception of the minutes of a meeting or a portion of a meeting from which persons were excluded under section 90 of the *Community Charter*, the said minutes shall be open for the inspection of any person. Copies may be purchased on payment of a fee in accordance with the District of Mission Fees and Charges Bylaw.
- (b) The minutes of the proceedings of standing committees, Courts of Revision and other administrative bodies shall be legibly recorded in a minute book, and shall be signed by the Mayor or member presiding, and, with the exception of the minutes of a standing committee or other administrative body relating to matters for adoption by the Council, the said minutes shall be open for inspection of any person. Copies may be purchased on payment of a fee in accordance with the District of Mission Fees and Charges Bylaw.

## 13. BYLAWS

- (a) Two or more readings of a bylaw is permitted at one meeting of Council. However, first and second readings of Official Community Plan and/or Zoning Amending Bylaws may be given at separate meetings.
- (b) Every bylaw passed, with the exception of an Official Community Plan Bylaw or Zoning Bylaw, or an amendment thereto, shall be reconsidered and adopted not less than one clear day after it has received third reading, provided however that if a bylaw must be approved pursuant to the *Community Charter* or the *Local Government Act* or any other Act, it shall not be reconsidered until such approval has been obtained.  

Official Community Plan Bylaws or Zoning Bylaws, or amendments thereto, may receive second and/or third readings and/or adoption at the same meeting.
- (c) One copy of every bylaw bearing evidence of approval, if any, and one of every adopted bylaw signed and sealed shall be kept among the records of the Municipality.
- (d) The Mayor:
  - (i) may, at any time within one month after the adoption thereof, intervene and return for consideration any bylaw, resolution or proceeding of the Council which has not been given the assent of the electors, or which has not been reconsidered by the Council or which has not been acted upon by any officer, servant or agent of the municipality; and
  - (ii) shall state his objections to the Council, and the Director of Corporate Administration shall record in the Minute Book such objections, suggestions and amendments of the Mayor.
- (e) The Council shall, as soon thereafter as convenient, consider such objections and either:
  - (i) reaffirm the bylaw, resolution or proceeding; or
  - (ii) reject the bylaw, resolution or proceeding; in which case it is deemed to be absolutely vetoed, rescinded and repealed, and is of no force or effect whatever, and shall not be reintroduced to the Council within a period of six months except with the unanimous consent

of Council.

- (iii) the conditions or approvals which applied to the passage of the original bylaw, resolution or proceeding apply to the rejection thereof.

#### **14. ATTENDANCE AND EXAMINATION OF WITNESSES**

The Council, or any standing or select committees thereof shall have power, under the hand of the Mayor and seal of the Municipality, to summon witnesses for examination on oath in any and all matters connected with or relating to the administration of the Municipality, and shall have the same power to enforce the attendance of such witnesses and compel them to give evidence as is vested in any Court of law in civil cases. Any member of such Council or standing or select committee may administer the oath to any witness called before such Council or committee, and such witness may be examined, cross-examined and re-examined according to the rules and practices of the Supreme Court in civil cases.

#### **15. UNPROVIDED CASES**

- (a) In all un-provided cases in the proceedings of the Council or in committees, Robert's Rules of Order shall be followed.
- (b) "District of Mission Procedure Bylaw 1581-1986", and all amendments thereto, is hereby repealed.

READ A FIRST TIME this 19<sup>th</sup> day of April, 2004

READ A SECOND TIME this 19<sup>th</sup> day of April, 2004

READ A THIRD TIME this 19<sup>th</sup> day of April, 2004

ADOPTED this 3<sup>rd</sup> day of May, 2004

(original signed by Mayor Abe Neufeld)  
MAYOR

(Original signed by Dennis Clark)  
DIRECTOR OF CORPORATE  
ADMINISTRATION