

BYLAW NO. 4547

COUNCIL PROCEDURE BYLAW 2004

A BYLAW TO GOVERN THE PROCEEDINGS OF COUNCIL

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CITY OF PORT ALBERNI

BYLAW NO. 4547

A BYLAW TO GOVERN THE PROCEEDINGS OF COUNCIL

WHEREAS Section 124 of the *Community Charter* requires that council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

PART 1 - INTRODUCTION

1. Title

This Bylaw may be known and cited for all purposes as the "**Council Procedure Bylaw, 2004**".

2. Definitions

In this Bylaw,

"**City**" means the City of Port Alberni;

"**City Hall**" means Port Alberni City Hall, located at 4850 Argyle Street, Port Alberni, British Columbia;

"**City Web Site**" means the information resource found at an internet address provided by the City;

"**Committee**" means a standing, select or other committee of Council;

"**Corporate Officer**" means the City Clerk for the City;

"**Council**" means the Council of the City of Port Alberni;

"**Mayor**" means the Mayor of the City;

"**Public Notice Posting Places**" means the Notice Board in the upper lobby of City Hall and the City Web Site.

3. Application of Rules of Procedure

(1) The provisions of this Bylaw govern the proceedings of Council, and all standing and select committees of Council, as applicable.

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- (2) In cases not provided for under this Bylaw, The New Robert's Rules of Order, 2nd Edition, 1998, apply to the proceedings of Council, and Council committees to the extent that those Rules are:
 - (a) applicable in the circumstances, and
 - (b) not inconsistent with provisions of this Bylaw or in the *Community Charter*.

4. Quorum of Council

The Council of the City of Port Alberni shall consist of a Mayor and six Councillors. The Quorum shall consist of four members present.

PART 2 - COUNCIL MEETINGS

5. Inaugural and Organizational Meetings

- (1) Following a general local election, the first Council meeting must be held on the first Monday in December in the year of the election.
- (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 subsection (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.
- (3) In each year in which a general local election is not conducted, Council will hold an organizational meeting on the first Monday in December for the purpose of confirming appointments, designating the next year's regular meeting schedule and other business as deemed appropriate by Council.

6. Time and Location of Meetings

- (1) All Council meetings must take place at the Council Chambers within City Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must
 - (a) be held on the second and/or the fourth Monday of each month as scheduled;
 - (b) begin at 2:00 pm or 7:00 pm as scheduled;
 - (c) be adjourned no later than 3 hours after being called to order unless Council resolves to proceed beyond that time in accordance with Section 26, and

- (d) when such meeting falls on a statutory holiday, be held on the next day City Hall is open following which is not a statutory holiday;
- (3) 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 2 days written notice,
- (4) (a) A special meeting, being a meeting other than a statutory, regular or adjourned meeting, may be called by the Council at a meeting of Council, or at any time by the Mayor, or upon request, in writing, of two or more members of the Council.
- (b) Two or more members of Council may call a special meeting when the Mayor is absent, or in the event the Mayor, within 24 hours after receiving the written request mentioned in Sub-section 4(a) refuses or neglects to call the special meeting. The special meeting must be held within 7 days after the day upon which the request was received by the Mayor.

7. Notice of Council Meetings

- (1) In accordance with Section 127 of the *Community Charter*, Council must prepare annually at its inaugural or organizational meeting, a schedule of the dates, times and places of regular Council meetings for the following year and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with Section 127 of the *Community Charter*, Council must give notice annually on or before January 31st of the time and duration that the schedule of Regular Council meetings will be available beginning on January 1st in accordance with Section 94 of the *Community Charter*.
- (3) Where revisions are necessary to the annual schedule of Regular 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 Regular Council meeting.

8. Notice of Special Meetings

- (1) 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 meeting, by
 - (a) posting a copy of the notice at the Public Notice Posting Places, and
 - (b) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

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

9. Acting Mayor

- (1) In December, at its inaugural or organizational meeting, Council must 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 for the following year.
- (2) Each Councillor designated under section 9(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 9(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting, pursuant to section 12(2).
- (4) The member designated under section 9(1) or chosen under section 9(3) has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 - COUNCIL PROCEEDINGS

10. Attendance of Public at Meetings

- (1) Except where the provisions of Section 90 of the *Community Charter* apply, 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) standing and select committees,
 - (b) Court of Revision,
 - (c) Board of Variance,
 - (d) advisory bodies established by Council .
- (4) Despite section 10(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 9 may expel or exclude from a Council meeting a person in accordance with Section 20(8).

11. Minutes of Meetings to be Maintained and Available to Public

- (1) Minutes of the proceedings of Council and its committees and commissions must be:
 - (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer, and
 - (c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) Minutes of the proceedings of Council and its committees and commissions shall record:

- (a) The place, date and time of meeting;
 - (b) The names of the Presiding Member or members and record of the attendance of the members;
 - (c) Motions of the meeting without note or comment.
- (3) Subject to subsection 11(4), and in accordance with section 97(1)(b) of the *Community Charter*. Minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (4) Subsection 12(3) 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.

12. Calling Meeting to Order

- (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 9 must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 9 does not attend within 15 minutes of the scheduled time for a Council meeting:
- (a) the Corporate Officer must call to order the members present, and
 - (b) the members present must choose a member to preside at the meeting.

13. Adjourning Meeting Where no Quorum

If there is no quorum of Council present with 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must

- (a) record the names of the members present, and those absent, and
- (b) adjourn the meeting until the next scheduled meeting.

14. Agenda

- (1) Prior to each Regular Council meeting, the Corporate Officer 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 of items for inclusion on the Regular Council meeting Agenda must be 12 noon on the Wednesday prior to the meeting, or in the event the municipal offices are closed for a public or civic holiday, such next earlier day as the municipal offices shall be open.
- (3) Every communication to be presented to Council shall be legibly written or printed; shall not contain any obscene or improper matter or language; shall be endorsed by at least 1 person and shall be filed with the Clerk.
- (4) The Corporate Officer must make the agenda available to the members of Council and the public on the Friday afternoon prior to each Regular meeting.
- (5) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced and approved by resolution of Council as a late item pursuant to Section 15(1)(a).
- (6) If the Council makes a resolution under Section 14(5), information pertaining to late items must be distributed to the members.

15. Order of Proceedings and Business

- (1) The agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Approval of Agenda, including introduction of late items;
 - (b) Adoption of Minutes;
 - (c) Delegations;
 - (d) Proclamations;
 - (e) Correspondence for Action;
 - (f) Informational Correspondence;
 - (g) Unfinished Business;
 - (h) Bylaws;
 - (i) Reports;
 - (j) Question Period;

- (k) Other Competent Business;
- (l) Adjournment.

(2) 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.

16. Duties of Presiding Member

Without limiting the authority under Section 132 of the *Community Charter*, it shall be the duty of the presiding member:

- (a) to open the meeting of Council by taking the chair and calling the members to order,
- (b) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
- (c) to decline to put to vote motions which infringe the rule of procedure,
- (d) to restrain the members, within the rules of order, when engaged in debate,
- (e) to enforce on all occasions the observance of order and decorum among the members,
- (f) to call by name any member persisting in breach of the rules or order of the Council, thereby ordering him to vacate the Council Chamber,
- (g) to authenticate, by his signature when necessary, all bylaws, resolutions, and minutes of the Council,
- (h) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
- (i) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (j) to ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council,
- (k) to terminate the meeting when the business is concluded,

- (l) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

17. 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 Council members by stating:

“Those in favour raise your hands.” and then “Those opposed raise your hands.”
 - (b) when the presiding member is putting the matter to a vote under paragraphs (a) a member must not:
 - (i) cross or leave the room,
 - (ii) make a noise or other disturbance, or
 - (iii) interrupt the voting procedure under paragraph (a) unless the interrupting member is raising a point of order;
 - (c) after the presiding member finally puts the question to a vote under paragraph (a), a member must not speak to the question or make a motion concerning it;
 - (d) the presiding member’s decision about whether a question has been finally put is conclusive;
 - (e) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
 - (f) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;
 - (g) the names of those who vote for and those who vote against the question shall be entered upon the minutes whenever a member calls for a recorded vote, and the Mayor shall state the names of those voting for and against the question, before the result of the vote has been declared, in order that any mistake may be rectified;

- (h) when the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition shall be taken separately; and
- (i) no member, without leave of the Council shall speak to any question, or in reply, for a longer time than ten minutes.

18. Delegations

- (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application has been received by the Corporate Officer by 4:00 pm on the Wednesday prior to the regular meeting. Such notification shall specify the matter or matters which the delegation intends to present to Council and except with the leave of Council, no delegation shall address Council on any matter not specified in the notification.
- (2) Where written application has not been received by the Corporate Officer as prescribed in Section 18(1), an individual or delegation may address the meeting if approved by a 2/3 vote of the members present.
- (3) Each address must be limited to 10 minutes unless a longer period is agreed to by a 2/3 vote of those members present.
- (4) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (5) The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.

19. Points of Order

- (1) Without limiting the presiding member's duty under section 132(1) of the *Community Charter*, points of order shall be raised at the time the breach of order occurs. After the motion has been discussed, it is too late to raise the question as to whether it was in order for the Chair to rule the motion out of order, unless the motion is in violation of the law, or of these rules and orders or of fundamental parliamentary principles.

20. Conduct and Debate

- (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member:
 - (a) must immediately stop speaking,
 - (b) may explain their position on the point of order, and
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (7) Members speaking at a Council meeting
 - (a) must use respectful language,
 - (b) must not use offensive gestures or signs,
 - (c) must speak only in connection with the matter being debated,
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
 - (e) 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.

- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
 - (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the members seat, and
 - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) 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.
- (10) 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
 - (i) with the permission of Council, or
 - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
 - (b) a member who has made a substantive motion to the Council may reply to the debate;
 - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
 - (d) 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.

21. Motions Generally

- (1) Council may debate a vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) Motions other than routine motions (including motions to adopt a report, receive and file, to refer to a Committee or an Official, to introduce or pass a bylaw, or adjourn) and any amendments to motions shall be put in writing and seconded before being debated or put from the chair.

- (3) A motion that has been seconded shall be read by the Mayor or Corporate Officer before debate, if so requested by any member of Council.
- (4) With the permission of Council, a motion may, at any time before decision or amendment, be withdrawn.
- (5) When a question is under consideration, no motion shall be received except for the following:
 - (a) to refer
 - (b) to amend
 - (c) to adjourn
 - (d) to lay on the table
 - (e) to move the previous question
 - (f) to postpone to a certain time
 - (g) to postpone indefinitely
- (6) The several motions in subsection (5) shall have precedence in the order in which they are named.
- (7) A motion made under subsections 5(c) to (g) is not amendable or debatable.
- (8) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

22. 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.

23. 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 of Council 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.

24. Amendments Generally

- (1) A Council 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) Amendments shall be decided upon before the main question is put to a vote.
- (5) An amendment may be amended once only.
- (6) An amendment that has been negated by a vote of Council cannot be proposed again.
- (7) A Council 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 (a) is positive;
 - (c) the main question.

25. Privilege

- (1) In this section, a matter of privilege refers to any of the following motions:
 - (a) fix the time to adjourn;
 - (b) adjourn;
 - (c) recess;
 - (d) raise a question of privilege of the 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 (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

26. Adjournment

- (1) Council may continue a Regular Council meeting after 10:00 pm only by an affirmative vote of 2/3 of the Council members present.
- (2) A motion to adjourn the Council or to adjourn the debate shall always be in order, but if such motion is negatived, no second motion to the same effect shall be made until some intermediate business or matter has been disposed of.
- (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

27. Copies of Proposed Bylaws to Council members

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

28. 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;

29. Reading and Adopting Bylaws

- (1) When considering a proposed bylaw the presiding member of a Council meeting shall:
 - (a) have the Corporate Officer read a synopsis of the proposed bylaw and then
 - (b) request a motion that the proposed bylaw be read;
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to section 882 of the *Local Government Act* each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with section 135 of the *Community Charter* Council may give up to three readings of a proposed bylaw at the same Council meeting.
- (6) Despite section 135(3) of the *Community Charter* and in accordance with section 890(9) 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.

30. Bylaws must be signed

After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:

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- (a) the City's corporate seal,
 - (b) the dates of its readings and adoption; and
 - (c) the date of Ministerial approval or approval of the electorate if applicable.

PART 6 - COMMITTEES

31. General Duties of Standing Committees

The general duties of all the standing committees of the Council shall be as follows:

- (i) To consider and report to Council from time to time, or whenever desired by the Council and as often as the interest of the City may require, on all matters referred to them by the Mayor or Council or coming within their purview, and to recommend such action by Council in relation thereto as they, the Committee, deem necessary or expedient.
- (ii) To carry out the instructions of the 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.

32. Duties of Select Committees

- (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.
- (3) A select committee shall, on completion of its assignment or on submitting its report to the Council, be automatically dissolved.

33. Schedule of committee meetings

- (1) At its first meeting after its establishment a standing or 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.

34. Notice of committee meetings

- (1) Subject to subsection (2), after the committee has established the 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.
- (3) The Chair of a committee must cause a notice of the day, time and place of a meeting called under section 33(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

35. Attendance at Committee meetings

Council members who are not members of a committee may attend the meetings of the committee.

36. Quorum

The quorum for a committee is a majority of all its members.

37. Conduct and debate

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

38. Voting at meetings

Council members attending a meeting of a committee of which they are not a member must not vote on a question.

PART 7 - GENERAL

39. Severability

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.

40. Notification of Amendment

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

41. Repeal

City of Port Alberni Council Procedure Bylaw No. 4434, Council Procedure First Amendment Bylaw No. 4500 and Council Procedure Second Amendment Bylaw No. 4503 are hereby repealed.

READ A FIRST TIME THIS 23RD DAY OF FEBRUARY, 2004.

READ A SECOND TIME THIS 23RD DAY OF FEBRUARY, 2004.

READ A THIRD TIME THIS 23RD DAY OF FEBRUARY, 2004.

**PUBLIC NOTICE PROVIDED PURSUANT TO SECTION 94 OF THE
COMMUNITY CHARTER THIS 5TH DAY OF MARCH, 2004.**

FINALLY ADOPTED THIS 26TH DAY OF APRIL, 2004.

Mayor

Clerk