



**CITY OF PORT ALBERNI**

**Council Procedures Bylaw, 2013, Bylaw No. 4830**

**(with amendments to March 26, 2018)**

**Consolidated for convenience only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

**Bylaw No. 4860 - adopted February 10, 2015**

**Bylaw No. 4895 - adopted March 14, 2016**

**Bylaw No. 4938 - adopted June 12, 2017**

**Bylaw No. 4961 - adopted March 26, 2018**

**BYLAW NO. 4830**

**COUNCIL PROCEDURE BYLAW 2013**

**Consolidated to Include Bylaws No. 4860, No. 4895,  
No. 4938 and No. 4961**

**A BYLAW TO GOVERN THE PROCEEDINGS OF COUNCIL**

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**CITY OF PORT ALBERNI**

**BYLAW NO. 4830**

**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 Procedures Bylaw, 2013, Bylaw No. 4830**".

**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;

“**Presiding Member**” means the member presiding over the meeting and may be the Mayor, the Acting Mayor or in the absence of both, the member chosen by the Council to preside over the meeting.

“**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.
- (2) In cases not provided for under this Bylaw, the current edition of Robert's Rules of Order Newly Revised, apply to the proceedings of Council, and Council committees to the extent that those Rules are:
  - applicable in the circumstances, and
  - 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**

**Bylaw #4961 amendment: By deleting Section 5 (1) and replacing it with the following:**

### **5. Inaugural and Organizational Meetings**

- (1) Following a general local election, the first Council meeting must be held on the first Monday in November 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
  - be held on the second and/or the fourth Monday of each month as scheduled;
  - begin at 2:00 pm or 7:00 pm as scheduled;
  - be adjourned no later than 3 hours after being called to order unless Council resolves to proceed beyond that time in accordance with Section 32, and
  - 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;

**Bylaw #4860 amendment added:**

- include a scheduled 10 minute break at a convenient time mid-way through the meeting.
- (3) Regular Council meetings may:
- be cancelled by Council, provided that two consecutive meetings are not cancelled; and
  - 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) Special Meetings:
- 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.
  - 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 above 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 31<sup>st</sup> of the time and duration that the schedule of Regular Council meetings will be available beginning on January 1<sup>st</sup> 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

- posting a copy of the notice at the Public Notice Posting Places,  
and
  - providing one copy of the notice for each Council member.
- (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.

**Bylaw #4860 amendment added new Section 9 and re-numbered subsequent sections including references to same:**

## **9. Closed Special Meetings**

1. Closed Special Meetings may be scheduled prior to the commencement of a Regular Meeting with sufficient notice as outlined in Section 8 of this Bylaw, or at other such times as mutually convenient to the majority of Council, or with the passing of a resolution prior to the closing of a Meeting to the public, stating the fact that the Meeting or future Meeting is to be closed and the basis under Section 90 of the Community Charter on which the meeting is to be closed.

2. **Release of In-Camera Resolutions and Information**

Council may, by resolution passed by a majority vote of the members of Council present, release to the public portion of a Council Meeting, any or all of the written material provided to a closed Special Meeting or any or all of the Resolutions passed at such closed Special Meeting, subject to the Freedom of Information and Protection of Privacy Act.

The release of confidential deliberations and information shall not be made public unless specific authorization to do so has been given by Council resolution adopted at a duly constituted Meeting by a majority of the members of Council present. Unauthorized disclosure of such confidential information is deemed to be improper conduct.

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

**Bylaw #4961 amendment: By deleting Section 10 (1) and replacing it with the following:**

## **10. Acting Mayor**

- (1) 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 10(1) must fulfill the responsibilities of the Mayor in his or her absence.

- (3) If both the Mayor and the member designated under Section 10(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting, pursuant to Section 13(2).
- (4) The member designated under Section 10(1) or chosen under Section 10(3) has the same powers and duties as the Mayor in relation to the applicable matter.

#### **PART 4 - COUNCIL PROCEEDINGS**

##### **11. 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:
  - standing and select committees,
  - Court of Revision,
  - Board of Variance,
  - advisory bodies established by Council.
- (4) Despite Section 11(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 26(8).

##### **12. Minutes of Meetings to be Maintained and Available to Public**

- (1) Minutes of the proceedings of Council and its committees and commissions must be:
  - legibly recorded,
  - certified as correct by the Corporate Officer, and
  - signed by the Mayor or other member presiding at the meeting 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:
  - The place, date and time of meeting;
  - The names of the Presiding Member or members and record of the attendance of the members;
  - Motions of the meeting without note or comment.

- (3) Subject to subsection 12(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.

### **13. 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 10 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 10 does not attend within 15 minutes of the scheduled time for a Council meeting:
  - the Corporate Officer must call to order the members present, and
  - the members present must choose a member to preside at the meeting.

### **14. 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

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

### **15. 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 Council, staff and 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) The Corporate Officer must make the agenda available to the members of Council and the public by 5 p.m. on the Thursday afternoon prior to each Regular meeting.

- (4) 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 16(1).
- (5) If the Council makes a resolution under Section 15(4), information pertaining to late items must be distributed to the members.

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

### **Bylaw #4860 amendment replaced order of proceedings as follows:**

- (1) The agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
  - Approval of Agenda, including introduction of late items;
  - Adoption of Minutes;
  - Public Input
  - Delegations;
  - Unfinished Business;
  - Staff Reports;
  - Bylaws;
  - Correspondence for Action;
  - Proclamations;
  - Informational Correspondence;
  - Report from In-Camera;
  - Council Reports;
  - New Business;
  - Question Period;
  - 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.

## **17. Duties of Presiding Member**

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

- (1) to open the meeting of Council by taking the chair and calling the members to order,
- (2) 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,
- (3) to decline to put to vote motions which infringe the rule of procedure,
- (4) to restrain the members, within the rules of order, when engaged in debate,

- (5) to enforce on all occasions the observance of order and decorum among the members,
- (6) to call by name any member persisting in breach of the rules or order of the Council, thereby ordering the member to vacate the Council Chamber,
- (7) to authenticate, by his signature when necessary, all bylaws, resolutions, and minutes of the Council,
- (8) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
- (9) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (10) to ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council,
- (11) to terminate the meeting when the business is concluded,
- (12) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

## **18. 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.
  - (b) when the presiding member is putting the matter to a vote under paragraph (a) a member must not:
    - cross or leave the room,
    - make a noise or other disturbance, or
    - 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) when the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition shall be taken separately; and
  - (h) if the vote of the members present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated.

(2) Recorded Votes

A member of Council may request their vote be recorded **prior** to the question being called. Once the debate has concluded, the Mayor will ask each member in turn whether they vote for or against the motion and will then declare the result of the vote. In the case of a recorded vote, each member's name and the vote shall be recorded in the minutes.

**19. Public Input Period**

Members of the public may address Council on topics of relevance during the Public Input Period.

- (1) A maximum of four speakers for no more than three minutes each will be accommodated.
- (2) The presiding member will ask for a show of hands from those wishing to speak and will invite speakers one at a time to come forward to the podium
- (3) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (4) Speakers may not address items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.

**20. Delegations**

- (1) All delegations requesting permission to appear before Council shall submit a written request to the Corporate Officer to address the members of Council, including a written brief outlining their intended presentation, by the deadline stated in Section 15(2).
- (2) A maximum of three delegations will be permitted unless otherwise authorized by the Mayor.
- (3) Where written application has not been received by the Corporate Officer as prescribed in Section 20(1), an individual or delegation may address the meeting if approved by a 2/3 vote of the members present.
- (4) Each address shall be limited to 10 minutes and be restricted to the topic as included on their written submission. Additional time may be available, at the discretion of the Chair, for answering questions from members of Council.

- (5) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (6) 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.

## **21. Notice of Motion**

- (1) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by either:
  - a) giving a copy of such motion to the Corporate Officer during a meeting of the Council and upon the member being acknowledged by the Chair, the Notice of Motion being read to the meeting; or
  - b) by verbally stating the intent of the Notice of Motion which shall be confirmed in writing by the Corporate Officer.
- (2) A copy of the motion presented under Section 21(1) (a) or (b) shall appear in the Minutes of that meeting as a "Notice of Motion". The Corporate Officer shall place the motion on the Agenda of the next Council meeting, or other future meeting designated by the member bringing forward the Notice of Motion, for consideration.

**Bylaw #4895 amendment: By deleting Section 22 (1) and replacing it with the following:**

## **22. Question Period**

- (1) At the conclusion of the proceedings, the Council members shall provide time to answer inquiries from the media and any member of the public on any topic of relevance to the City. If an answer cannot immediately be provided, the Chair shall provide a response at the next meeting. The Chair shall determine, if necessary, when sufficient discussion has taken place.

## **PART 5 – PETITIONS AND COMMUNICATIONS**

### **23. Proper Form**

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

## **24. Referrals**

- (1) Communications addressed to Council which relate to matters that fall within the scope of responsibility of a particular City department may be referred by the Corporate Officer directly to that department.
- (2) If a matter is referred under Section 24(1), a copy of the communication shall be copied to each member of the Council and the City Manager. An acknowledgement shall be provided to the writer on receipt of the communication.
- (3) A right of appeal from any referral under Section 24(1) may be made to the City Manager who shall determine the final disposition of the matter. As well, Council may refer any item of correspondence as it deems appropriate.

## **25. 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 entertain the motion, unless the motion is in violation of the law.

## **PART 6 – RULES OF CONDUCT AND DEBATE**

## **26. 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:
  - 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*.

- (7) 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.
- (8) If a member does not adhere to subsection (7), 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 members seat, and
  - 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 member may speak more than once in connection with the same question only
    - with the permission of Council, or
    - if the member is explaining a material part of a previous speech without introducing a new matter;
  - a member who has made a substantive motion to the Council may reply to the debate;
  - a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
  - a member may speak to a question, or may speak in reply, for longer than a total time of 10 minutes only with the permission of Council.

## **PART 7 – MOTIONS**

### **27. 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 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 by the mover.
- (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 27(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.

**28. 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.

**29. 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:
  - 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
  - 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.

### **30. 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) Amendments shall be decided upon before the main question is put to a vote.
- (4) An amendment may be amended once only.
- (5) An amendment that has been negative by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.
- (7) 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.

### **31. Reconsideration**

- (1) A motion/resolution which was adopted or defeated may be reconsidered by Council provided that the resolution has not had the assent of the electors, has not been reconsidered under this Section or Section 131 of the *Community Charter*, and has not been acted upon by an officer or agent of the Municipality.

A reconsideration motion:

- (a) must be brought forward by a member who voted on the prevailing side of the motion, or by any member who was absent during the original vote;
  - (b) may be seconded by any member;
  - (c) must be brought forward at the next meeting of Council after the original vote, or in the case of when a member was absent at the time of the original vote, at the next meeting to which this member is able to attend;
  - (d) must receive a majority vote of Council for it to be adopted;
  - (e) if defeated, and the outcome being that the resolution is preserved unchanged, the same resolution may not be brought back before Council for six (6) months from the date of the latest vote, except with two-thirds consent of all the members of Council.
- (2) Each resolution or reading of a bylaw may be reconsidered under the provisions of Section 31(1).
- (3) Notwithstanding Section 31(2), once a bylaw is finally adopted, it may not be reconsidered except in accordance with Section 131 of the *Community Charter*.

- (4) Notwithstanding Section 31(2), resolutions for third reading or final adoption of an Official Community Plan Bylaw or Zoning Bylaw shall not be reconsidered.

### **32. Privilege**

- (1) In this section, a matter of privilege refers to any of the following motions:
- fix the time to adjourn;
  - adjourn;
  - recess;
  - raise a question of privilege of the Council;
  - 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.

### **33. 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 negative, 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 motion to adjourn to a specific day;
  - a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 8 - BYLAWS**

### **34. 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.

### **35. Form of Bylaws**

A bylaw introduced at a Council meeting must:

- be printed;
- have a distinguishing name;
- have a distinguishing number;
- contain an introductory statement of purpose;
- be divided into sections;

### **36. Reading and Adopting Bylaws**

- (1) When considering a proposed bylaw the presiding member of a Council meeting shall:
  - have the Corporate Officer read a synopsis of the proposed bylaw and then
  - 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.

### **37. 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:

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

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## PART 9 – COMMITTEES

**Bylaw #4938 amendment added (by adding new Section 9 as follows and renumbering subsequent sections accordingly):**

### **38. Going into Committee of the Whole**

- (1) At any time during a council meeting, Council may by resolution go into Committee of the Whole.
- (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of Committee of the Whole.

### **39. Notice for Committee of the Whole meetings**

- (1) Subject to subsection (2) a notice of the day, hour and place of a Committee of the Whole meeting must be given at least 24 hours before the time of the meeting by:
  - a. posting a copy of the notice at the Public Notice Posting Places; and
  - b. leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) Subsection (1) does not apply to a Committee of the Whole meeting that is called, in accordance with section 38, during a Council meeting for which public notice has been given under section 6 or 7.

### **40. Agenda**

The Corporate Officer must:

- (1) Prepare an agenda setting out all items for consideration at each meeting, except for a Committee of the Whole Meeting called in accordance with s.38(1);
- (2) Make the agenda available to the public and Council at least 24 hours before the time of the meeting by posting a copy of the agenda at the Public Notice Posting Places

### **41. Minutes of Committee of the Whole meetings to be maintained and available to public**

- (1) Minutes of the proceedings of Committee of the Whole 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* [other records to which public access must be provided].

**42. Presiding members at Committee of the Whole meetings and Quorum**

- (1) The Mayor or the member designated under section 10 shall preside in a Committee of the Whole meeting.
- (2) If both the Mayor and the member designated under section 10 are absent, the members of Council attending a meeting of Committee of the Whole must appoint a presiding member for the meeting.
- (3) The quorum of Committee of the Whole is the majority of Council members.

**43. Points of order at meetings**

The presiding member must preserve order at a Committee of the Whole meeting and, subject to an appeal to other members present, decide points of order that may arise.

**44. Conduct and debate**

- (1) The following rules apply to Committee of the Whole meetings:
  - a. a motion is not required to be seconded;
  - b. a motion for adjournment is not allowed during discussion or debate of a motion;
  - c. a member may speak any number of times on the same question, as long as they are presenting new information, questions or perspectives;
  - d. a member must not speak longer than a total of 10 minutes on any one question.

**45. Voting at meetings**

- (1) Votes at a Committee of the Whole meeting must be taken by a show of hands if requested by a member.
- (2) The presiding member must declare the results of voting.

#### **46. Reports**

- (1) Committee of the Whole may consider reports and bylaws only if
  - a. they are printed and the members each have a copy, or
  - b. a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for Committee of the Whole to rise and report to Council must be decided without debate.
- (3) The Committee of the Whole's reports to Council must be presented by the Corporate Officer.

#### **47. Rising without reporting**

- (1) A motion made at a Committee of the Whole meeting to rise without reporting
  - a. is always in order and takes precedence over all other motions,
  - b. may be debated, and
  - c. may not be addressed more than once by any one member.
- (2) If a motion to rise without reporting is adopted by Committee of the Whole at a meeting constituted under section 38(1), the Council meeting must resume and proceed to the next order of business.

#### **48. General Duties of Standing Committees**

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

- (1) 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.
- (2) 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.

**49. 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.

**50. 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.

**51. 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:
  - posting a copy of the schedule at the Public Notice Posting Places;  
and
  - 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 40(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

**52. Attendance at Committee Meetings**

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

**53. Quorum**

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

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**54. 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.

**55. Voting at Meetings**

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

**Bylaw #4895 amendment added (by adding new Section 10 as follows and renumbering subsequent sections accordingly):**

**PART 10 - GENERAL**

**56. Electronic Participation in Meetings**

- (1) Provided the conditions set out in Subsection 128(2) of the *Community Charter* are met, a member of Council or a Council Committee who is unable to attend at a Regular, Special, or Council Committee meeting, may participate in the meeting by means of electronic or other communication facilities.
- (2) A member participating in a Council or Council Committee meeting electronically may do so for a maximum of four meeting days per calendar year.
- (3) The Presiding Member at a Council or Council Committee meeting must not participate electronically in that meeting.
- (4) If the electronic or other communication facilities fail or malfunction during a meeting, the meeting may be continued without the member who is participating electronically, assuming there is still a quorum without that member, or adjourned.
- (5) A member participating electronically by audio means only must indicate his or her vote verbally.
- (6) A member attending a Council or a Council Committee meeting electronically must notify the Corporate Officer or designate of his or her intention to participate in the meeting electronically at least 60 minutes prior to commencement of the meeting.
- (7) A member participating in a Council or Council Committee meeting electronically is deemed to be present at the meeting as though he or she were physically present.

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- (8) The Corporate Officer shall record in the minutes of a Council meeting the members present, including the member(s) participating electronically.
- (9) At any Council or Council Committee meeting where a member is attending electronically, the addition of on table written reports shall not be permitted, unless the item can be supplied to the member attending electronically in advance of the meeting, and providing all other requirements are met.

## **PART 11 - GENERAL**

### **57. 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.

### **58. 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*.

### **59. Repeal**

City of Port Alberni Council Procedure Bylaw No. 4547 and its associated amendments are hereby repealed.

**READ A FIRST TIME THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013**

**READ A SECOND TIME THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013**

**READ A THIRD TIME THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013**

**PUBLIC NOTICE PROVIDED PURSUANT TO SECTION 94 OF THE *COMMUNITY CHARTER* THIS 19<sup>TH</sup> DAY OF DECEMBER 2013 AND 2<sup>ND</sup> DAY OF JANUARY, 2014**

**FINALLY ADOPTED THIS 13<sup>TH</sup> DAY OF JANUARY, 2014.**

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**Mayor**

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**Clerk**