

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2522

A BYLAW TO GOVERN MEETINGS OF THE COUNCIL OF THE CITY OF ROSSLAND BYLAW NO. 2522, 2011

WHEREAS under section 124 of the *Community Charter* Council must, by bylaw, establish the general procedures to be followed by Council and Council Committees in conducting their business;

NOW, THEREFORE, the Council of the City of Rossland in open meeting assembled enacts as follows:

PART 1 – INTERPRETATION

1.1. Title

This Bylaw may be cited as the “COUNCIL PROCEDURE BYLAW NO. 2522, 2011”.

1.2. Definitions

In this Bylaw,

“**Act**” means the *Community Charter*, SBC 2003, Chapter 26, as amended.

“**City**” means the Corporation of the City of Rossland;

“**City Email List**” means the list of public email addresses maintained by the Corporate Officer for the purpose of informing citizens of Council business.

“**City Hall**” means Rossland City Hall located at 1899 Columbia Avenue, Rossland, British Columbia;

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

“**Committee**” means any Committee of Council formed under the *Act*.

“**Corporate Officer**” means the person assigned by Council the responsibility of corporate administration pursuant to section 148 of the *Act*.

“**Council**” means the governing and executive body of the City of Rossland constituted as provided in the *Act*;

“**Councillor**” means a member of the Council of the City of Rossland;

“inaugural meeting” means the meeting at which the members elected at the most recent general local election are sworn in;

“Mayor” means the Mayor of the City;

“member” means the Mayor or a Councillor of the City of Rossland

“Public Notice Posting Places” means the notice board at City Hall and the City Web Site.

“special meeting” means a meeting of the Council other than a regular or inaugural meeting.

1.3. Incorporation Of *Acts*’ Definitions

(a) Any definition in the *Act* which is incorporated into this bylaw has the meaning given to it in the *Act* as of the date of adoption of this bylaw.

1.4. Interpretation of Bylaw

(a) Reference in this bylaw to:

- i. A numbered “section” or “part” is a reference to the correspondingly numbered section or part of this bylaw;
- ii. The plural is to be considered to be a reference also to the singular, unless the context otherwise requires; and
- iii. Unless the context otherwise dictates, a resolution of the Council is a reference to a vote passed in the affirmative of a majority of the Councillors present and entitled to vote on the matter.

1.5. Application of rules of procedure

- (a) The provisions of this Bylaw govern the proceedings of Council and all Committees of Council, as applicable.
- (b) In cases not provided for under this Bylaw, the then most-current edition of Robert’s Rules of Order applies to the proceedings of Council and each Committee, to the extent that those Rules are:
 - i. applicable in the circumstances, and
 - ii. not inconsistent with provisions of this Bylaw or the *Act*.

PART 2 – INAUGURAL MEETINGS

2.1. Inaugural and First Regular Meeting

- (a) Following a general local election, the Inaugural Meeting of Council must be held prior to the first regular meeting described in Section 2.1(b).
- (b) A Swearing In Ceremony may be held separate from the Inaugural Meeting at a place, time and date determined by the Corporate Officer and in compliance with Section 137 of the *Local Government Act*.
- (c) Following a general local election, the first Regular Meeting of Council shall be held within the first ten (10) days of December in the year of the election.
- (d) 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 2.1.(a), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

PART 3 – REGULAR MEETINGS: TIME, LOCATION, NOTICE AND QUORUM

3.1. Time and location of meetings

- (a) All Council meetings must take place within City Hall except when Council resolves to hold meetings elsewhere.
- (b) Commencing following the Inaugural Meeting of a new Council, regular meetings are scheduled by resolution of Council adopted at the first regular meeting in December, or as soon as practicable thereafter.
- (c) Regular meetings of Council are to begin at 7:00 pm or such other time as is fixed by resolution of the Council from time to time.
- (d) Regular Council meetings may:
 - i. Be cancelled by Council, provided that two consecutive meetings are not cancelled, except that in the month of August Council may cancel two consecutive meetings; and
 - ii. Be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice,

3.2. Notice of Regular Council Meetings

- (a) At least 72 hours before a regular meeting of Council, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted in the “Public Notice Posting Places” and sent out to the City email list. The City of Rossland Website posting will include all background information.
- (b) At least 72 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by leaving one copy of the agenda, including all background information, at the reception counter at City Hall and one copy to the Rossland Public Library for the purpose of making them available to members of the public.
- (c) At least two (2) working days before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda and all background information to each member of Council electronically to each member of Council’s City email address.
- (d) The Corporate Officer must
 - i. Post in the Public Notice Posting locations and,
 - ii. Publish in accordance with section 94 of the *Act* at least once a yeara schedule of the date, time and place of regular Council meetings.
- (e) If the agenda for the meeting contains a proposal to close all or part of the meeting to the public, the notice must state the basis under the *Act* on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.

3.3. Quorum

- (a) A quorum of the Council is a majority of Councillors on the Council, including the Mayor, as per section 129 of the *Act*.

3.4. Postponement If No Quorum

- (a) If there is no quorum of Councillors at the location for regular meetings within 15 minutes after the usual time for a regular meeting, or a quorum is lost during a meeting:
 - i. The Corporate Officer shall record in the Minute Book the names of the members present at the expiration of such fifteen minutes;
 - ii. The members present must direct that the regular meeting be held or continued

- a. The same hour the following night, or
 - b. On the date of the next scheduled regular meeting
- iii. All business on the agenda for that regular meeting not dealt with at that regular meeting is incorporated in the agenda for the regular meeting held on the earlier of the dates referred to in sub clause (a) ii.

3.5. Cancellation If No Quorum

- (a) Notwithstanding section 3.4, if the Corporate Officer knows in advance that there will not be a quorum present at the location for a regularly scheduled meeting of Council he may cancel the regular meeting and he shall use reasonable efforts to give advance public notice of the cancellation of the regular meeting by posting notice of the cancellation in the Public Notice Posting Places.

PART 4 – SPECIAL MEETINGS

4.1. Notice of special meetings

- (a) Except where notice of a special meeting is waived by unanimous vote of all Council members under section 127(4) of the *Act*, 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
 - i. Posting a copy of the notice at the Public Notice Posting Places and describe in general terms the purpose of the meeting, and
 - ii. give notice of the special meeting in accordance with section 127 of the *Act*.
- (b) Where a special meeting is called and where notice may be waived by a unanimous vote under section 127(4) of the *Act*, the Corporate Officer shall use reasonable efforts to give advance public notice of the proposed special meeting by posting a notice of the proposed meeting in the Public Notice Posting Places.
- (c) If the agenda for the meeting contains a proposal to close all or part of the meeting to the public, the notice must state the basis under the *Act* on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.

PART 5 – ANNUAL MEETING

5.1. Notice of Annual Meeting

- (a) The corporate officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider
 - i. The annual report prepared under section 98 of the *Act*, and
 - ii. Submissions and questions from the public,

By giving public notice by

- iii. Posting notice of the date, time and place of the annual meeting in the Public Notice Posting Places and
- iv. Publishing notice of the date, time and place of the annual meeting in accordance with section 94 of the *Act*.

PART 6 - COMMITTEE MEETINGS: TIME, LOCATION AND NOTICE

6.1. Time and Location of Committee Meetings

- (a) Commencing following the Inaugural Meeting of a new Council a Committee meeting is to be held as per resolution of Council adopted at the first regular meeting in December.
- (b) Committee meetings are to begin at the adjournment of the Regular meetings of Council as per section (a) or such other time as is fixed by resolution of the Council from time to time.
- (c) Committee meetings are to take place within City Hall unless, by resolution, Council has chosen another location specified in the resolution.
- (d) Despite subsections 6.1 (a), (b) and (c), no Committee meeting is to be held if the meeting has been cancelled by a resolution of Council passed at a previous regular Council meeting.
- (e) The Corporate Officer is hereby authorized to cancel such Committee meetings as are considered unnecessary for the reason of lack of business and shall post notice of such cancellation in accordance with section 6.2.

6.2. Notice of Committee Meetings

- (a) At least 72 hours before a Committee meeting of Council, the Corporate Officer must give public notice of the time, place and date of the meeting by way of a notice posted in the Public Notice Posting Places and sent out to the City email list. The City of Rossland Website posting will include all background information.
- (b) At least 72 hours before a Committee meeting of Council, the Corporate Officer must give further public notice of the meeting by leaving one copy of the agenda, including all background information, at the reception counter at City Hall and one copy to the Rossland Public Library for the purpose of making them available to members of the public.
- (c) At least two (2) working days before a Committee meeting of Council, the Corporate Officer must deliver a copy of the agenda and all background information to each member of Council electronically to each member of Council's City email address.

PART 7 – OTHER MATTERS REGARDING ALL MEETINGS OF COUNCIL

7.1. Attendance of Public at Meetings

- (a) Subject to sections 90 and 133 of the *Act*, all meetings must be open to the public.
- (b) Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with section 92 of the *Act*.
- (c) This section applies to all meetings of the bodies referred to in section 93 and 145 of the *Act*, including without limitation:
 - i. Committee-of-the-Whole, select or standing committees of Council;
 - ii. The board of variance;
 - iii. The court of revision,
 - iv. An advisory committee, or other advisory body, established by Council under the *Act*, or any other legislation.
- (d) the public may participate in accordance with section 8.2(a)ii, 8.2(a)v and 9.2 (a)ii in accordance with the rules and procedures established by a policy of Council as amended from time to time.

7.2. Time Allowed For Petitions and Delegations

- (a) Time limitations for presentations of a petition or appearance of a delegation before the Council will be in accordance with the rules and procedures established by a policy of Council, as amended from time to time.

7.3. Adding Correspondence or Business

- (a) Any member of Council, with the consent of the Mayor or Presiding Member, or with written consent of two members of Council, may request the Corporate Officer to add an item of correspondence or business to the agenda five (5) working days prior to the date on which the regular meeting is to be held.
- (b) Any member may request an item of correspondence or business be added as a late item at the date of the regular meeting of Council before the adoption of the agenda by consent of a majority of Council members after informing Council of the general nature of the correspondence or business and the reason for urgent consideration.

7.4. Improper Conduct

- (a) No member or person attending the meeting may interrupt a member who is speaking, except that a Councillor may raise a point of order.
- (b) No member or person attending the meeting may cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting.
- (c) No member or person permitted or invited to speak on any matter coming before the Council or a committee may use rude or offensive language or, by tone or manner of speaking, express a point of view or opinion or make an allegation which, directly or indirectly, reflects upon the public conduct or private character of any person.

7.5. Removal of Those Behaving Improperly

- (a) The Mayor or other person presiding may expel from a meeting of Council any person he or she considers guilty of improper conduct.
- (b) If a person resists or disobeys an order of the Mayor or Presiding Member to leave a meeting of Council, that person may be removed by the Corporate Officer, or, if necessary, by a peace officer at the direction of the Mayor or other person presiding.

- (c) In addition to its application to Council meetings, the ability of the person presiding to expel persons he or she considers guilty of improper conduct also applies to meeting of the following:
 - i. Committee-of-the-Whole, select or standing committees of Council;
 - ii. The board of variance;
 - iii. The court of revision,
 - iv. An advisory committee, or other advisory body, established by Council under the *Act*, or any other legislation.

7.6. Adjournment

- (a) The Council may at any time by resolution adjourn any meeting to a date, time and location specified in the resolution.
- (b) Council Meetings shall adjourn no later than 10:00 p.m. unless an extension beyond that time is determined by Unanimous Resolution of the Council.

7.7 Cancellation of Meetings

- (a) The Council may at any time by resolution cancel any meeting to a date, time and location specified in the resolution.

7.8. Acting Mayor

- (a) Annually in December, the 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.
- (b) Each Councillor designated under subsection 7.8. (a) must fulfill the responsibilities of the Mayor in his or her absence.
- (c) If both the Mayor and the member designated under subsection 7.8. (a) are absent from the Council meeting, the Council member next on the approved list of Acting Mayors shall be chosen to fulfill the role of Acting Mayor and shall have the same powers and duties as the Mayor or the Presiding Member in relation to the applicable matter.

7.9. Minutes Of Meetings

- (a) Minutes of Council meetings must be kept in accordance with section 97 of the *Act*.

- (b) Minutes of Committee meetings referred to in section 7.1. (c) must be kept in accordance with section 97 of the *Act*.

7.10. Recording and Certification of Minutes Of Council

- (a) The Corporate Officer must cause minutes of every Council meeting to be recorded legibly in a minute book.
- (b) The minutes of every Council meeting must be certified as correct by the Corporate Officer and must be signed by the Mayor or presiding member following the meeting at which the minutes are adopted.

7.11. Authority

- (a) The Provisions of PART 5, Division 2 of the *Act* on “Council Proceedings” are to be considered as part of this Bylaw and to have the same force and effect by reference as though the same were severally, fully, and particularly set forth herein.

PART 8 – PROCEDURE FOR REGULAR MEETINGS OF COUNCIL

8.1. Calling meeting to order

- (a) As soon after the time specified for a Regular 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 7.8 must take the Chair and call such meeting to order.
- (b) 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 7.8 do not attend within 15 minutes of the scheduled time for a Council meeting:
 - i. the Corporate Officer must call to order the members present, and
 - ii. the members present must choose a member to preside.

8.2. Order Of Business At Regular Council Meetings

- (a) Unless the Mayor or Presiding Member otherwise directs, the business at all regular meetings shall be proceeded with in the following order:
 - i. Call to order;
 - ii. Public Input Period;
 - iii. Adoption of agenda;
 - iv. Adoption of minutes and Committee recommendations;
 - v. Registered Petitions and Delegations;

- vi. Unfinished Business;
 - vii. Recommendations from Staff for Decision;
 - viii. Requests Arising from Correspondence;
 - ix. Information Items;
 - x. Bylaws;
 - xi. Council member reports;
 - xii. Adjournment.
- (b) When preparing the agenda prior to the meeting, the Mayor or Acting Mayor and Corporate Officer may in their discretion:
- i. vary the order set out in section 8.2(a), and
 - ii. delete agenda headings if there is no business under those items.
- (c) The order of business specified in section 8.2. (a) and (b) hereof may be varied, as the Council deems necessary.

8.3. Regular Meeting Agenda

- (a) The Corporate Officer must prepare an agenda for each regular meeting, which must:
- i. Set out each item of business to be dealt with specified in subsection 8.2 (a) and (b);
 - ii. State the general nature of each item of business to be dealt with at the regular meeting; and
 - iii. Be made available to each Council member electronically to Council's City email address at least two (2) working days before the date on which the regular meeting is to be held.
- (b) Prior to each Council meeting, the Chief Administrative Officer and the Corporate Officer must set the agenda in consultation with the Mayor or Acting Mayor.
- (c) To enable the Corporate Officer to prepare for the Regular Meeting agenda, all documents, matters and business to be included on the agenda shall be delivered to the Corporate Officer not later than 10 days prior to the Regular Meeting.

8.4. Adoption Of Minutes

- (a) The minutes of every Council meeting must be adopted by a resolution of Council. If each Councillor has received a copy of the minutes of a meeting, those minutes may be adopted by a resolution of the Council without their being read to the meeting. The minutes of a meeting may not be adopted until the Corporate Officer makes any changes which the Council has by resolution directed be made so that the minutes accurately record the meeting.

- (b) The minutes of Committee Meetings, that include recommendations to Council, must be adopted by a resolution of Council at a Regular Meeting of Council and specifically recommend adoption of minutes as well as confirmation of Committee recommendations as adopted or defeated.

PART 9 – PROCEDURE FOR COMMITTEE MEETINGS

9.1. Calling meeting to order

- (a) As soon after the time specified for a Committee Meeting as there is a quorum present, the Mayor or Presiding Member, must take the Chair and call the meeting to order.
- (b) If a quorum of the Committee is present and the Mayor or Presiding Member do not attend within 15 minutes of the scheduled time for a Committee Meeting;
 - i. the Corporate Officer must call to order the members present, and
 - ii. the members present must choose a member to preside.

9.2. Order Of Business At Committee Meetings

- (a) Unless the Chair or Acting Chair otherwise directs, the business at all committee meetings shall be proceeded with in the following order:
 - i. Call to order;
 - ii. Public Input Period;
 - iii. Adoption of agenda;
 - iv. Operational Discussions & Presentations by Staff;
 - v. Recommendations for Consideration;
 - vi. Requests from Correspondence;
 - vii. Information Items;
 - viii. Proposed Bylaws for Discussion;
 - ix. Reports, Questions and Inquiries from Members of Council (verbal);
 - x. Adjournment.
- (b) When preparing the agenda prior to the meeting, the Mayor or Acting Mayor and Corporate Officer may in their discretion:
 - i. vary the order set out in section 9.2. (a), and
 - ii. delete agenda headings if there is no business under those items.
- (c) The order of business specified in section 9.2 (a) and (b) hereof may be varied, as the Committee deems necessary.

PART 10 – ELECTRONIC COUNCIL MEETINGS OR COMMITTEE MEETINGS

10.1. Electronic Meetings

- (a) Provided the conditions set out in subsection 128(2) of the *Act* are met, a Council or Committee meeting may be conducted by audio electronic means or other communication facilities if the Mayor, Presiding Member or Council requires.
- (b) A member of Council or a Council Committee member who is unable to attend at a Council meeting or Council Committee meeting, as applicable, may participate in the meeting by means of audio electronic or other communication facilities, if:
 - i. The meeting is a regular, special or committee meeting;
 - ii. The member is unable to attend because of illness or absence from the community;
- (c) The member presiding at a Special Council or Council Committee meeting must not participate electronically.
- (d) No more than two members of Council at one time may participate at a meeting under section 10.1 (b).
- (e) Council members participating electronically shall be in receipt of agendas and information applicable to the meeting.
- (f) The Corporate Officer must be in attendance at meetings held electronically.
- (g) The meeting shall be adjourned should the electronic audio link fail during a meeting resulting in loss of communication with the participating member(s) unless a Council resolution is passed to continue the proceedings.
- (h) The meeting shall be adjourned should the electronic audio link fail during the meeting resulting in loss of communication causing a lack of quorum for the meeting.

PART 11 – RULES OF DEBATE FOR ALL MEETINGS

11.1. Recognition of Speakers

- (a) A Councillor may speak in a meeting after the Councillor has raised his or her hand and the Mayor or Presiding Member has recognized the Councillor. If two or more Councillors raise their hands at the same time, the Mayor or Presiding Member may designate the order in which each is to speak. If the Mayor wishes to speak in a meeting, the Mayor or Presiding Member need only address the meeting. If a Councillor has raised his or her hand at the same time the Mayor or Presiding Member begins to speak, the Mayor or Presiding Member may speak first.

11.2. Manner Of Address By Speakers

- (a) Members must address the Mayor or Presiding Member by that person's title of Mayor, Acting Mayor, or Councillor. Members must address other non-presiding members by that Councillors surname preceded by "Councillor".

11.3. Conduct and Debate

- (a) A member may speak only to a matter being debated in the meeting.
- (b) Speak only twice to a matter unless the member is providing clarification on the material of the speech or is asking questions of another member.
- (c) Speak for no more than five minutes at a time except with the permission of the Mayor or Presiding Member, may speak longer provided the Mayor or Presiding Member allows equal time to other members who may wish to speak.
- (d) A member may not speak to a matter already dealt with in the meeting.
- (e) A member shall not speak unless a motion has been moved and seconded and further once a question has been called.
- (f) A member may not interrupt another member who has the floor. However, a member may require a matter being debated, or require the presiding member to state the provision of the bylaw, resolution, or other rule of order be read for the member's information.
- (g) The Mayor or Presiding Member must inform the Council upon which the point of order is decided.
- (h) On an appeal by a council member from a decision of the Mayor or Presiding Member under section 11.3(g), the question as to whether the Mayor or Presiding Member is to be sustained must be immediately put by the Mayor or Presiding Member and decided without debate.

11.4. Voting By Show Of Hands

- (a) Whenever a vote is called for, the question shall be decided by a show of hands. The presiding member shall call aloud the results of any vote and the names of those members voting contrary to the majority. These names may be entered in the minutes, when requested by the dissenting member.

PART 12 – ADOPTION OF BYLAWS IN A REGULAR OR SPECIAL COUNCIL MEETING

12.1. Proposing Bylaws

- (a) Unless the Council otherwise resolves, the Council may not consider a proposed bylaw unless:
 - i. the Corporate Officer has given a copy of it to each Councillor and the Mayor, and
 - ii. it is on the agenda for the meeting.

12.2. Adoption Of Bylaws

- (a) The only motion required for the introduction of a Bylaw shall be “That the “.....Bylaw” (giving the short title) be now Read for the First, Second or Third Time”, whichever the case may be, provided that upon request by any member of the Council the whole or any part of the draft bylaw shall be read before the motion is put.
- (b) The only motion necessary for the final passing shall be “That the “.....Bylaw” (giving the short title) be adopted”.

12.3. Reconsideration Of Bylaws

- (a) The Council may reconsider any part or all of a proposed bylaw before its adoption.

PART 13 – DECISIONS OF COUNCIL

13.1. Resolutions and Bylaws

- (a) Resolutions, the reading of bylaws and the adoption of bylaws must be dealt with on a motion put by a member and seconded by another member.

13.2. Reconsideration Of Decisions Of Council

- (a) No bylaw, resolution, proceeding or other decision of Council shall be reconsidered by motion of Council within six (6) months except where the motion to reconsider the matter has received the unanimous consent of all members of Council and thereafter by majority vote of members present.

PART 14 – GENERAL

14.1. Severance

- (a) If any section, subsection, clause or other provision of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the validity of the remaining portions of the bylaw.

14.2. Irregularity

- (a) The failure of Council to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaw enacted by Council.

PART 15 – REPEAL AND ADOPTION

15.1. Repeal Of Existing Bylaw

- (a) City of Rossland Procedure Bylaw No.2449 and amendments thereto are hereby repealed.

15.2. Adoption Of Bylaw

- (a) This Bylaw shall come into full force and effect on the final adoption thereof.

PUBLIC NOTICE ADVERTISED
READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED



Mayor

this 24th day of November, 2011
this 19th day of December, 2011
this 19th day of December, 2011
this 19th day of December, 2011
this 9th day of January, 2012



Corporate Officer