

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW #2580

A BYLAW TO GOVERN MEETINGS OF THE COUNCIL OF THE CITY OF ROSSLAND BYLAW NO. 2580, 2014

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. 2580, 2014”.

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 duly elected member of the Council of the City of Rossland;

“Inaugural Meeting” means the first meeting of the newly elected council at which the members elected at the most recent general local election are sworn in or are meeting for the first time after the Swearing In Ceremony

“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, including the City Newsletter email list.

“Regular Meeting” means meetings where the normal business of Council is conducted.

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

“Swearing in Ceremony” means the event at which the newly elected members of Council take the oath of office. This could take place at the Inaugural Meeting or at a different time and place.

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.

iv. References to the male gender include the female gender

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. consistent with provisions of this Bylaw or the Act.

PART 2 – INAUGURAL MEETINGS

2.1. Swearing In and Inaugural Meeting

- (a) Subject to 2.1(c), following a general local election, the Inaugural Meeting of Council shall be held within the first ten (10) days of November in the year of the election.
- (b) A Swearing In Ceremony may be held prior to the Inaugural Meeting at a place, time and date determined by the Corporate Officer in consultation with newly elected members and in compliance with Section 137 of the *Local Government Act*.
- (c) 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 Regular Meeting of Council 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) Regular Meetings are scheduled by resolution of Council adopted at the first Regular Meeting in November, or as soon as practicable thereafter
- (c) Regular Meetings of Council are to begin at 6:00 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;

- 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 of the postponement.

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 the agenda and 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 emailing 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 electronically deliver a copy of the agenda and all background information to each member of Council.
- (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 year
 - a. 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 and must provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting.

3.3. Quorum

- (a) A quorum of the Council is four members of Council; the mayor is counted as a member of council. as per section 129 of the Act.

3.4. Postponement If No Quorum

- (a) If there is no quorum of members at the location for a Regular Meeting 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 the fifteen minutes or at the loss of the quorum;
 - a. All business on the agenda not dealt with at that cancelled Regular Meeting shall be incorporated in the agenda for the meeting held on the earlier of the following:
 - a. The next Regular Meeting
 - b. A Special Meeting called by the Mayor.

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, and must provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting.

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-OF-THE-WHOLE MEETINGS: TIME, LOCATION AND NOTICE

6.1. Time and Location of Committee-of-the-Whole Meetings.

- (a) At any time during a Council meeting, Council may by resolution go into Committee-of-the-Whole.
- (b) Committee-of-the-Whole meetings may be scheduled prior to a Regular Meeting of Council or as per section (a) or such other time as is fixed by resolution of the Council from time to time.
- (c) Committee-of-the-Whole 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) and (b), no Committee-of-the-Whole 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, in consultation with the Mayor is hereby authorized to cancel such Committee-of-the-Whole 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-of-the-Whole Meetings

- (a) At least 72 hours before a Committee-of-the-Whole 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. The City of Rossland Website posting will include all background information.

- (b) At least 72 hours before a Committee-of-the-Whole 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 deliver via email a 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-of-the-Whole meeting of Council, the Corporate Officer must deliver electronically a copy of the agenda and all background information to each member of Council.

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)vii and 9.2 (a)ii of this bylaw in accordance with the rules and procedures established by a policy of Council as amended from time to time or at the discretion of the mayor..

7.2. Time Allowed for Petitions and Delegations

- (a) Time limitations for presentations of a petition or appearance of a delegation before the Council, unless otherwise authorized by the mayor will be no more than 15 minutes.
- (b) Unless otherwise specified by the mayor and Corporate Officer, there shall be no more than two delegations per Regular Meeting.

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

7.3. 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 a allegation which, directly or indirectly, reflects upon the public conduct or private character of any person.

7.4. 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 the Mayor or Presiding Member may direct the Corporate Officer to call the RCMP.
- (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.

7.5. 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 members present.

7.6. 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 7.6.(a) must fulfill the responsibilities of the Mayor in his or her absence except for committees of Council that have a named alternate.
- (c) If both the Mayor and the member designated under subsection 7.6. (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.

7.7. Minutes of Meetings

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

7.8. Recording and Certification of Minutes of Council

- (a) The Corporate Officer must cause minutes of every Council meeting to be recorded electronically and a hardcopy is made as a permanent record.
- (b) The minutes of every Council meeting must be certified as correct by the Mayor and Corporate Officer and must be signed by the Mayor or presiding member and the Corporate Officer following the meeting at which the minutes are adopted.

7.9. 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 if there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order. However, when 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 and the Councillor designated as the member responsible for acting in the place of the Mayor under Section 7.6 do not attend within 15 minutes of the scheduled time for a Council meeting the Councillor designated as next in the Acting Mayor rotation will take the Chair and call the meeting to order.

8.2. Order Of Business at Regular Council Meeting

- (a) Unless there is a Council resolution to change the Order of Business at the time the agenda is adopted, the business at all regular meetings shall be conducted in the following order:
 - i. Call to order;
 - ii. Public Input Period;
 - iii. Adoption of agenda;
 - iv. Registered Petitions and Delegations;
 - v. Adoption of minutes and Committee recommendations;
 - vi. Unfinished Business;
 - vii. Recommendations from Staff for Decision;
 - viii. Bylaws;
 - ix. Staff Updates and Reports;
 - x. Requests Arising from Correspondence;
 - xi. Information Items; Including declassified in camera material
 - xii. Council member reports & Notice of Motions;
 - xvii. Release of declassified In camera matters
 - xviii. Adjournment

8.3. Meeting Agenda

- (a) The Corporate Officer must prepare an agenda for each meeting, which must:
 - i. Set out each item of business to be dealt with specified in subsection 8.2 (a);

- ii. State the general nature of each item of business to be dealt with at the meeting; and
 - iii. Be made available to each Council member electronically by email at least two (2) working days before the date on which the 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) When preparing the agenda prior to the meeting, Corporate Officer and Chief Administrator, in consultation with the Mayor or Acting Mayor and may in their discretion:
 - i. vary the order set out in section 8.2(a), and
 - ii. If there is no business under a heading write NIL
- (d) To enable the Corporate Officer to prepare for the 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.
- (e) **Members Adding Correspondence or Business**
 1. Any member of Council may add an agenda item by Notice of Motion at a previous Regular Meeting or by submitting the item to the Mayor and Corporate Officer 10 days or more before the meeting.
 2. Short notice business: With consent of the mayor, any Member of Council may request the Corporate Officer to add an item to the agenda, no later than five (5) working days prior to the date on which the meeting is to be held.
 3. Late Items: Any member may request an item of correspondence or business be added as a late item on the date of the meeting, before the adoption of the agenda, by consent of a majority of Council or committee members after informing Council or committee of the general nature of the correspondence or business and the reason for urgent consideration.

8.4. Adoption of Minutes

- (a) The minutes of every Council meeting must be adopted by a resolution of Council. If each Council member 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, including Committee-of-the-Whole and other bodies designated by Council, must be reviewed at a Regular Meeting. The minutes and recommendations contained therein may be adopted or defeated by a resolution of Council at a Regular Meeting

PART 9 – PROCEDURE FOR COMMITTEE-OF-THE-WHOLE MEETINGS

9.1. Calling meeting to order

- (a) As soon after the time specified for a Committee-of-the-Whole meeting as there is a quorum present, the Mayor or Presiding Member, must take the Chair and call the meeting to order.

9.2. Order Of Business at Committee-of-the-Whole Meetings

- (a) Unless the Chair or presiding member otherwise directs the business at all Committee-of-the-Whole meetings shall be conducted 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;
 - x. Adjournment.
- (b) When preparing the agenda for a Committee of the Whole, Section 8 (3) applies.

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 electronic means or other communication facilities.
- (b) A member of Council or a Council Committee member who is unable to attend at a Council meeting or Committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities if

- i. The member is unable to attend because of illness or absence from the community;
- (c) The member presiding at a meeting must not participate electronically.
- (d) Council members participating electronically shall be in receipt of agendas and information applicable to the meeting.
- (e) The Corporate Officer must be in attendance at meetings held electronically.

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. A 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 to a matter unless a motion has been moved and seconded or after the question on the matter has been called.
- (f) A member may not interrupt another member who has the floor except when raising a point of order or other question of privilege.
- (g) The Mayor or Presiding Member must inform the Council of the basis 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.
- (b) 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 reading 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.
 - 1) First Reading is the introduction of the bylaw (no debate)
 - 2) Second Reading is for debate
 - 3) Third Reading is for reconsideration, if changes are required, the bylaw returns to Second Reading.
 - 4) Fourth Reading is for adoption- there is no debate.
- (b) The only motion necessary for the final passing shall be “That the “.....Bylaw” (giving the short title) be adopted”.

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) Council may reconsider a matter in compliance with Section 131 of the Act.

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 bylaws enacted by Council.

PART 15 – REPEAL AND ADOPTION

15.1. Repeal of Existing Bylaw

- (a) City of Rossland Procedure Bylaw No.2522 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
RESCINDED SECOND READING
RE-READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED

November 28th and December 5th, 2014
this 8th day of December, 2014
this 8th day of December, 2014
this 26th day of January, 2015
this 26th day of January, 2015
this 26th day of January, 2015
this 10th day of February, 2015



Mayor



Corporate Officer

