

THE CORPORATION OF THE VILLAGE OF TELKWA
COUNCIL PROCEDURE BYLAW NO. 589, 2009

The Municipal Council of the Corporation of the Village of Telkwa enacts as follows:

PART 1 – INTRODUCTION

1. Purpose

The Village of Telkwa must, by bylaw, establish the general procedures to be followed by Council and Council Committees in conducting their business as per the Community Charter [Part 5 Div 2 Section 124].

2. Title

A. This bylaw may be cited as the “Council Procedure Bylaw No. 589, 2009”.

3. Repeal

A. Village of Telkwa Procedure Bylaw No. 574, 2007 is repealed.

4. Definitions

A. In this Bylaw;

- i. Committee: means a standing, select, or other committee of Council, but does not include Committee of the Whole;
- ii. Commissions: A group of people officially authorized to perform certain duties or functions;
- iii. Corporate Officer: means the Corporate Officer appointed by Council for the Village of Telkwa;
- iv. Council: means the Council of the Village of Telkwa;
- v. COTW: means all the members of Council present at a meeting sitting in committee;
- vi. Mayor: means the Mayor of the Village of Telkwa;
- vii. Presiding Member: the officer who chairs the meeting;
- viii. Motion: most common way to present business to the members at a meeting;
- ix. Resolution: A formal way of presenting a motion handled like any other motion except that it is always presented in writing;
- x. Member: means a duly elected Mayor and Councillors (4) for the Village of Telkwa;
- xi. Public Notice Posting Places: means the prominent notice boards normally used for public notice postings within the Village and the Village’s Website;
- xii. Village: means the Village of Telkwa;

In this bylaw, references to persons by gender shall be understood to refer to persons of either gender.

5. Applications of Rules of Procedure:

A. The provisions of this Bylaw govern the proceedings of Council, COTW and all standing and select committees, commissions and other bodies of Council as applicable.

B. In cases not provided under this Bylaw, The New Robert’s Rule of Order, 2nd edition, 1998 apply to the proceedings of Council, Council Committees, with, Commissions and other bodies (the exception of establishing Committee’s) to the extent that those Rules are:

- i. Applicable in the circumstances, and
- ii. Not inconsistent with provisions of this Bylaw or the Community Charter

PART 2 – COUNCIL PROCEEDINGS

6. Inaugural Meeting:

- A. Following a general local election, the first Council meeting must be held within the first 10 days of December in accordance with Section 124 (2) (g) of the Community Charter in the year of the election.
- B. If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in Subsection (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.

7. Time and Location of Meetings

- A. All Council meetings must take place within the Village Office except when Council resolves to hold meetings elsewhere.
- B. Regular Council meetings must:
 - i. Be held on the second and fourth Monday of each month,
 - ii. Begin at 7:00 p.m.,
 - iii. Be adjourned at 10:00 p.m. on the day of the scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with Section 27 below,
 - iv. When such meeting falls on Federal or Provincial statutory holidays, the meeting will be held on the day after the statutory holiday.
- C. Regular Council meetings may:
 - i. Be cancelled by Council, provided that two consecutive meetings are not cancelled, and
 - ii. Be postponed or cancelled to a different day, time and place by Council provided a decision is made by resolution at a meeting preceding the meeting that is affected.

8. Notice of Council Meetings

- A. In accordance with section 127 of the Community Charter [notice of Council meetings], Council must make available to the public a schedule of the date, time and place of regular council meetings and give notice of the availability of the schedule in accordance with section 94 of the Community Charter (public notice) at least once a year. Council must prepare annually on or before January 15, a schedule of the coming year's regular Council meetings and give notice of the availability of the schedule.
- B. Where revisions are necessary to the annual schedule of regular 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.

9. Special Meetings

- A. A special meeting is a separate meeting of Council held at a time different from the regular meeting.
- B. The calling of a special meeting will follow Division 2 Section 126 of the Community Charter.

- C. At a special meeting, members can discuss only the business that is on the agenda. If any emergency business is transacted for which no notice was given, Council must ratify that business at a regular Council meeting or at another special meeting.
- D. Except where notice of a special meeting is waived by unanimous vote all Council members under section 127 (4) of the Community Charter [notice of Council meeting], a notice of the date, hour and place of a Special Council meeting must be given at least 24 hours before the time of the meeting, by
 - i. Posting a copy of the notice at the Public Notice Posting Places,
 - ii. Leaving one copy of the notice for each Council member in the Councillor's and Mayor's mailboxes at the Village Office, and by attempting to contact each council member by phone or email.
- E. The notice under subsection (D) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

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

10. Designation of Acting Mayor

- A. In December each year, Council must, from amongst its members designate a Councillor to serve 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. The Councillor designated under Section 10 (A) must fulfill the responsibilities of the Mayor in their absence.
- C. If the Mayor and the member designated under Section 10 (A) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- D. The member designated under Section 10 (A) or chosen under Section 10 (C) has the same powers and duties as the Mayor in relation to the applicable matter.

PART – 4 COUNCIL PROCEEDINGS

11. Community Charter Provisions

- A. The Community Charter, including those provisions found in Division 3 [Open Meetings] of Part 4 [Public Participation and Council Accountability] and Division 2 [Council Proceedings] of Part 5 [Municipal Government and Procedures] governs all Council proceedings. The relevant extracts from the Community Charter are appended to this bylaw for convenient reference.

12. Attendance of Public Meetings

- A. Except where the provisions of Section 90 of the Community Charter [meetings that may or must be closed to the public (In-Camera)] apply, all meetings must be open to the public.
- B. 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 [requirements before Council meeting is closed].

- C. This section applies to all meetings of the bodies referred to in Section 93 of the Community Charter, including without limitation:
 - i. COTW,
 - ii. Standing and Select Committees,
 - iii. Commissions,
 - iv. Parcel Tax Review Panel,
 - v. Board of Variance.

- D. Despite Section 12 (A), the Mayor or the Councillor designate may expel or exclude a person from a Council meeting in accordance with Section 22 (H).

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

- A. Minutes of the proceedings of Council must be:
 - i. Legibly recorded,
 - ii. Certified as correct by the Corporate Officer,
 - iii. Signed by the Mayor or other presiding Council member, and the Corporate Officer upon adoption.
- B. Subject to Subsection 13 (C), and in accordance with Section 97 (1) (b) of the Community Charter [other records which public assess must be provided] minutes of the proceedings of Council must be open for public inspection at the Village Office during regular office hours.
- C. Subsection 13 (B) 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 [meetings that may be closed to the public].

14. Calling Meeting to Order

- A. As soon after the time specified for a Council meeting as there is a quorum present, the Mayor or presiding member as in Section 10, must take the Chair and call the Council 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 10 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 at the meeting.

15. Adjournment Meeting Where No Quorum

- A. If there is no quorum of Council present within 20 minutes of the scheduled time for a Council meeting, the Corporate Officer must:
 - i. Record the names of the members present, and those absent, and
 - ii. Adjourn the meeting until the next scheduled meeting.

16. Agenda

- A. Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short a summary for each item on the agenda.
- B. The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda must be 4:30 p.m. Wednesday prior to the meeting.
- C. The Corporate Officer must make the agenda available to all Council members and the public on the Friday Morning prior to the meeting.

- D. Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to Section 18.

17. Order of Proceedings and Business

- A. The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - i. Regular Meeting of Council – Call to Order
 - ii. Adoption of the Agenda
 - iii. Adoption of the Previous Minutes
 - iv. Fire Department Report
 - v. Public Works Report
 - vi. Bylaw Officer Report
 - vii. Financial Report
 - viii. Delegation
 - ix. Unfinished Business
 - x. Administrative Matters
 - xi. Correspondence For Action (refer to policy)
 - xii. Reading File (refer to policy)
 - xiii. Administrator Report
 - xiv. Bylaws/Policies
 - xv. Council Reports
 - xvi. Other Business
 - xvii. Calendar of Events
 - xviii. Public Comment (refer to policy)
 - xix. In – Camera (if required)
 - xx. Adjournment
- B. 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.

18. Late Items

- A. An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.
- B. If the Council makes a resolution under section 18 (A), information pertaining to late items must be distributed to the members.

19. Voting at Meetings

- A. The following procedures apply to voting at Council meetings:
 - i. When debate on a matter is closed, the Mayor or presiding member must put the matter to a vote of Council members;
 - ii. When the presiding member is putting the matter to vote, must not:
 - 1. Cross or leave the room,
 - 2. Make a noise or other disturbance, or
 - 3. Interrupt the voting procedure under paragraph (ii) unless the interrupting member is raising a point of order.
 - iii. After the presiding member finally puts the question to a vote, a member must not speak to the question or make a motion concerning it;
 - iv. The presiding member's decision about whether the question has been finally put is conclusive;

- v. Whenever a vote of Council on a matter is taken, all members present shall signify their respective votes by raising their hands; those members who do not raise their hands are considered to be voting in the affirmative, and
- vi. The presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

20. Delegations

- A. An individual or a delegation may address Council at a meeting provided written application, on a prescribed form has been received by the Corporate Officer by 4:30 p.m. on Wednesday prior to the meeting. Each address must be limited to 15 minutes unless a longer period is agreed to by a majority vote of those members present.
- B. Where written application has not been received by the Corporate Officer as prescribed in Section 16 (B), an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- C. Council must not permit a delegation to address a meeting of Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- D. The Corporate Officer may schedule delegations for a future Council meeting or defer delegations to an advisory body as deemed appropriate according to the subject matter of the delegation.
- E. 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. Points of Order

- A. Without limiting the presiding member's duty under section 132 (1) of the Community Charter [authority of presiding member], the presiding member must apply the correct procedure to a motion:
 - i. If the motion is contrary to the rules of procedure in this bylaw,
 - ii. Whether or not another Council member has raised a point of order in connection with the motion.
- B. When the presiding member is required to decide a point of order:
 - i. The presiding member must cite the applicable rule or authority if requested by another Council member,
 - ii. Another member must not question or comment on the rule or authority cited by the presiding member under section 21 (B) (i) above,
 - iii. The presiding member may reserve the decision until the next Council meeting.

22. Conduct and Debate

- A. A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- B. Members must address the presiding member by that person's title of Mayor, Your Worship, Acting Mayor, or Councillor.
- C. Members must address other non-presiding members by the title of Councillor.
- D. No member must interrupt a member who is speaking except to raise a point of order.
- E. If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.

- F. Members who are called to order by the presiding member
 - i. Must immediately stop speaking,
 - ii. May explain their position on the point of order, and
 - iii. May appeal to Council for its decision on the point of order in accordance with Section 132 of the Community Charter [authority of presiding member].

- G. Members speaking at a Council meeting
 - i. Must use respectful language,
 - ii. Must not use offensive gestures or signs,
 - iii. Must speak only in connection to the matter being debated,
 - iv. May speak about a vote of Council only for the purposes of making a motion that the vote be rescinded, and
 - v. 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.

- H. If a member does not adhere to Subsection (G), the presiding member may order the member to leave the member's seat and:
 - i. If a member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
 - ii. If the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.

- I. 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.

- J. The following rules apply to limit speech on matters being considered at a Council meeting:
 - i. A member may speak more than once in connection with the same question only:
 - 1. With permission of Council, or
 - 2. If the member is explaining a material part of a previous speech without introducing a new matter.
 - ii. A member who has made a substantive motion to the Council may reply to the debate,
 - iii. A member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate,
 - iv. A member may speak to a question, or may speak in reply, for no longer than 5 minutes without permission of Council.

23. Motions Generally

- A. Council may debate and vote on a motion only if it is first made by one Council member and seconded by another member.
- B. A motion that deals with a matter not on the Council meeting agenda may be introduced with a vote of Council.
- C. When Council considers a question, Council may only make motions:
 - i. To refer to committee
 - ii. To amend
 - iii. To lay on the table
 - iv. To postpone indefinitely
 - v. To postpone to a certain time
 - vi. To move the previous question
 - vii. To adjourn

- D. A motion made under Subsection C (iii) and (vii) is not amendable or debatable.
- E. 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.

24. Amendments Generally

- A. A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- B. An amendment may propose removing, substituting, or adding to the words of an original motion.
- C. The mover must produce a proposed amendment in writing if requested by the presiding member.
- D. A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- E. An amendment may be amended once.
- F. An amendment that has been negated by a vote of Council cannot be proposed again.
- G. A Council member may propose an amendment to an adopted amendment.
- H. The presiding member must put the main question and its amendment in the following order for the vote of Council:
 - i. A motion to amend a motion amending the main question,
 - ii. A motion to amend the main question, or an amended motion amending the main question if the vote under Sub paragraph (i) is positive,
 - iii. The main question.

25. Mayor may require Council Reconsideration of a Matter

The duties of reconsideration of a matter follow the Community Charter Section 131.1 through 4.

26. Privilege

- A. In this section, a matter of privilege refers to any of the following motions:
 - i. Fix the time to adjourn
 - ii. Adjourn
 - iii. Recess
 - iv. Raise a question of privilege of the Council
 - v. Raise a question of privilege of a member of Council
- B. A matter of privilege must be immediately considered when it arises at a Council meeting.
- C. For the purpose of Subsection (B), a matter of privilege listed in Subsection (A) has precedence over those matters listed after it.

27. Adjournment

- A. A Council may continue a Council meeting after 10:00 PM only by an affirmative vote of the Council members present.

PART 5 – BYLAWS

28. Bylaw Procedures

All bylaw procedures will follow Division 3 – Sections 135 to 140 in the Community Charter.

PART 6 – RESOLUTIONS

29. Copies of Resolution to Council Members

- A. A resolution 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.

30. Form of Resolution

- A. A resolution introduced at a Council meeting must be printed and have a distinguishing number.

31. Introducing Resolutions

- A. The presiding member of a Council meeting may:
 - i. Have the Corporate Officer read the resolution, and
 - ii. Request a motion that the resolution be introduced.

PART 7 – Committees, Commissions and other Bodies

Division 4, Sections 141 to 145 - Community Charter

32. Going into Committee of the Whole

- A. At any time during a Council meeting, Council may by resolution go into COTW.
- B. In addition to Subsection (A), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not decide on matters of the Village's business, is a meeting of COTW.

33. Notice for Committee of the Whole

- A. Subject to Subsection (B) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
 - i. Posting a copy of the notice at the Public Notice Posting Places, and
 - ii. Leaving a copy of the notice for each of the Council members in the Council member's mailboxes at the Village Office.
- B. Subsection (A) does not apply to a COTW meeting that is called, in accordance with Section 30, during a Council meeting for which public notice has been given under Sections 6 and 7.

34. Minutes of the Committee of the Whole

- A. Minutes of the proceedings of the COTW must be:
 - i. Legibly recorded,
 - ii. Certified by the Corporate Officer,
 - iii. Signed by the member presiding at the meeting, and
 - iv. Open for public inspection in accordance with Section 97 (1) (c) of the Community Charter [other records to which public access must be provided].

35. Presiding Members at COTW meetings and Quorum

- A. Any Council member may preside in COTW;
- B. The members of Council attending a meeting of COTW must appoint a presiding member for the COTW meeting;
- C. The quorum of COTW is the majority of Council members.

36. Points of Order at Meetings

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

37. Conduct and Debate

- A. The following rules apply to COTW meetings:
 - i. A member may speak any number of times on the same question,
 - ii. A member must not speak longer than 10 minutes on any one question.

38. Voting at Meetings

- A. Votes at a COTW meeting must be taken by a show of hands if requested by a member.
- B. The presiding member must declare the results of voting.

39. Standing Committees of Council

As per section 141 of the Community Charter.

40. Select Committees of Council

As per section 142 of the Community Charter:

- i. Robert Rules do not apply to the establishment of select committee's as per Section 5 (B).

41. Municipal Commissions

As per section 143 of the Community Charter.

42. Authority to rescind appointment

The authority to appoint under this Division includes the authority to rescind the appointment at any time and appoint another person in place of the person whose appointment was rescinded.

43. Application of procedure rules to other bodies

As per section 145 of the Community Charter.

44. Quorum

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

45. Conduct and Debate

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

46. Voting At Meeting

- A. Council members attending a meeting of a committee who are not members must not vote on a question.

47. Severability

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

READ A FIRST TIME THIS	14 th day of April, 2009
READ A SECOND TIME THIS	14 th day of April, 2009
PUBLIC MEETING ON	27 th day of April, 2009
READ A THIRD TIME THIS	27 th day of April, 2009
ADOPTED THIS	11 th day of May, 2009

Carman Graf
MAYOR

Kim Martinsen
CORPORATE OFFICER

Certified to be a true copy of the
Council Procedure Bylaw No. 589
Dated this 11th day of May, 2009

Kim Martinsen
Corporate Officer