

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3102

A bylaw to amend Council Procedure Bylaw No. 2370, 2013

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

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

1. This bylaw may be cited for all purposes as “*Council Procedure Amendment Bylaw No. 3102, 2023*”.
2. Council Procedure Bylaw No. 2730, 2013 is hereby amended as follows:
 - a) By deleting **Section 2** and substituting the following:

Definitions

2. In this bylaw:

“Acting Mayor” means the person designated to act in place of the Mayor pursuant to section 4(1) of this bylaw;

“Closed Meeting” means a regular or special Council meeting, Committee of the Whole meeting, or Committee meeting, or portion thereof, closed to the public pursuant to section 90 of the Community Charter;

“Corporate Officer” means the Corporate Officer appointed pursuant to Section 148 of the Community Charter and includes their Deputy or Delegate;

“Commission” means a municipal commission established under Section 143 of the Community Charter;

“Committee” means a standing, select, or other Committee of Council, but does not include Committee of the Whole;

“Delegation” means an address to Council or Committee at the request of the person wishing to speak and which is generally related, but not limited to, an item of business on the agenda of the Meeting at which the person wishes to appear;

“Inaugural Meeting” means the first Council meeting following a General Local Election;

“Member” means any member of Council and includes the Mayor;

“Notice Board” means the notice board located at City Hall, 830 Cliffe Avenue, Courtenay, B.C.

“Public Notice Posting Place” means the notice board located at City Hall and the City of Courtenay Website;

“Robert’s Rules of Order” means the text, Robert’s Rules of Order, Newly Revised, 12th Edition by Henry M. Robert (Public Affairs, 2020), or the most recent subsequent edition.

- b) By deleting **Section 3** and substituting the following:

Application of Rules of Procedure

- 3.** (1) *The provisions of this bylaw govern the proceedings of Council and all Committees of Council, as applicable.*
- (2) *In cases not provided for under this bylaw, Robert’s Rules of Order apply to the proceedings of regular Council, standing Committees, select Committees, and Committee of the whole to the extent those rules are:*
- a) *applicable to the circumstances;*
 - b) *not inconsistent with provisions of this bylaw; and*
 - c) *not inconsistent with the Community Charter or other applicable enactments.*

- c) By deleting **Section 4(2)**.

- d) By deleting **Section 5** and substituting the following:

Inaugural Meeting

- 5.** *Following a general local election, the first regular Council meeting will be held on the first Monday in November.*

- e) By deleting **Section 6** and substituting the following:

Notice Requirements for Regular Council Meeting Schedule

- 6.** (1) *Prior to December 31st each year, the Corporate Officer must provide to Council, for approval, an annual schedule of all regular meetings including dates, times and places and give notice of the availability of the schedule in accordance with the Community Charter.*

- (2) *At least 48 hours before a regular meeting of Council, the Corporate Officer will give public notice of the time, place, and date of the meeting by posting a notice and a copy of the agenda, except for those meetings closed to the public, at the Public Notice Posting Place.*
- (3) *Where revisions to the annual schedule of regular Council meetings are made as a result of a cancellation or a change to the date, time, and/or place of a regular Council meeting, the Corporate Officer will post a notice at the Public Notice Posting Place.*

f) By deleting **Section 7** and substituting the following:

Regular and Special Council Meetings

- N7.** (1) *Unless Council otherwise resolves, regular and special Council meetings will take place in the Civic Room located at 770 Harmston Avenue, Courtenay or at Courtenay City Hall located at 830 Cliffe Avenue, Courtenay.*
- (2) *Notwithstanding Subsection (1), and subject to Subsections (3) and (4), Council may meet at a place other than City Hall, or outside the boundaries of the City.*
 - (3) *Where a Council meeting is to be held at a place other than the Civic Room or at Courtenay City Hall, the Corporate Officer will post a notice as to the alternate location at the Public Notice Posting Place.*
 - (4) *Regular Council meetings will:*
 - a) *be held in accordance with the schedule of Council meetings, as approved by Council; and*
 - b) *begin at 4:00 p.m., unless preceded by a Closed Meeting, or a public hearing.*
 - (5) *Notwithstanding Subsection (4), the Corporate Officer may, in consultation with the Mayor and City Manager, cancel, postpone or reschedule a regular Council meeting, and establish a different day, time or place for that meeting.*

g) By deleting **Section 8** and substituting the following:

Notice of Special Council Meetings

- 8.** *Except where notice of a special meeting is waived by a unanimous vote of all Council Members, at least 24 hours before a special meeting of Council,*

the Corporate Officer will give public notice of the time, place and date of the special meeting by posting a notice, and a copy of the agenda, except for those meetings closed to the public, in the Public Notice Posting Place.

h) By deleting **Section 9** and substituting the following:

Electronic Meetings

- 9.** (1) *Subject to Section 128 of the Community Charter, regular Council meetings may be conducted by means of electronic or other communication facilities.*
- (2) *Subject to Section 128.1(1) of the Community Charter, special meetings of Council may be conducted by means of electronic or other communication facilities.*
- (3) *Subject to Section 128.2(1) of the Community Charter, Committee meetings may be conducted by means of electronic or other communication facilities.*
- (4) *At least 48 hours before an electronic regular Council meeting, special meeting of Council, or Committee meeting, the Corporate Officer will give advanced public notice in the same manner as provided in Section 6(2) of the way in which the meeting is to be conducted by means of electronic or other communication facilities.*
- (5) *A member of Council or a Committee who is unable to attend in person at a regular Council meeting, a special meeting of Council or a Committee meeting may participate in the meeting by means of electronic or other communication facilities if the requirements of Subsection (5) are met.*
- (6) *The following rules apply in relation to a meeting referred to in Subsection (5):*
- a) *the meeting must be conducted in accordance with this bylaw;*
 - b) *the facilities must enable the meeting's participants to hear, or watch and hear, the participation of the member of Council or a Committee; and*
 - c) *Except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member of Council or a Committee.*

(7) *Members of Council or a Committee who are participating under this Section in a meeting conducted in accordance with this Section are deemed to be present at the meeting.*

i) By deleting **Section 10** and substituting the following:

Order of Business at Regular Meetings

10. (1) *Prior to each:*

- a) *Regular Council meeting;*
- b) *Regular Council public hearing; and*
- c) *Special Council meeting;*

the Corporate Officer, in consultation with the Mayor and City Manager, must prepare an agenda of all items to be considered by Council at such meeting, and Council must proceed in the order set out, unless that order is varied by Council.

(2) *The agenda for a regular Council meeting may consist of any items of interest to Council or requiring Council action or direction.*

(3) *Late items not included on the agenda may be considered at a regular Council meeting if the introduction of the late item is approved by a majority vote of Council.*

(4) *The agenda for a regular Council public hearing may consist of any items referred to a public hearing by Council motion or for which a public hearing is required by legislation, or other Council policy.*

(5) *The agenda for a special Council meeting shall include only those items which are identified in the notice of such meeting.*

(6) *Council may add a late item of an urgent nature to a special Council meeting that was not stated on the notice with a 2/3 majority vote of those present.*

j) By deleting **Section 11**.

k) By deleting **Section 12(1)**.

l) By deleting **Section 13** and substituting the following:

Delegations to Council Meetings

13. (1) *The Mayor and or the Corporate Officer is responsible for considering Delegation requests, having the authority to approve or deny based on the criteria contained in Section 13(3) and 13(4).*
- (2) *The Corporate Officer is responsible for determining:*
- a) *the meeting type the Delegation will be presenting to including regular or special Council meeting, Closed Meeting, standing or select Committee; and*
 - b) *the meeting date of the Delegation's presentation.*
- (3) *Delegation requests must include:*
- a) *the full particulars of the subject matter;*
 - b) *the proposed action which is within the jurisdiction of Council;*
 - c) *the name and department or division of the city staff that the Delegation has consulted with;*
 - d) *the names and addresses of the person(s) or the organization comprising the Delegation; and*
 - e) *the name, address, email address and telephone number of the designated speaker(s).*
- (4) *Except otherwise permitted by Council, Delegations must not be heard to address the following:*
- a) *a bylaw in respect of which a public hearing has been or will be held where the public hearing is required under an enactment as a pre-requisite to the adoption of a bylaw;*
 - b) *an issue which is before the courts or on which Council has authorized legal action;*
 - c) *a matter in respect of which a city-led public consultation process is planned or in progress;*
 - d) *the promotion of commercial projects and services; and*
 - e) *the promotion of a political party or of a candidate for elected office.*
 - f) *publicly tendered contracts or proposal calls for the provision of goods or services for the city, between the time that such contract or proposal call has been authorized and*

the time that such a contract or proposal call has been awarded, either by Council or city staff;

g) a Delegation having appeared before Council within the previous twelve (12) months on the same topic or request; or

h) a purpose or subject that is beyond the jurisdiction of Council.

(5) Only two (2) Delegations are permitted at each meeting of Council unless by resolution Council permits additional Delegations at a meeting.

(6) The maximum time for appearance of a Delegation before Council is ten (10) minutes, with an additional allowance to respond to Council's questions, if any.

(7) A presentation by a Delegation at a Council or Committee meeting shall be confined to the subject which was indicated in the application.

(8) Questions of members of Council shall be limited to seeking clarification or additional details and not engage in a debate on the merits of the issue.

(9) Council may waive strict compliance with Section 13(6) by resolution passed by a majority of Members present.

(10) A motion resulting from a Delegation must be made by way of a notice of motion.

m) By deleting **Section 14** and substituting the following:

Public Attendance at Meetings

14. *(1) Unless a meeting or part of a meeting is authorized to be closed to the public in accordance with Section 90 of the Community Charter, all meetings shall be open to the public.*

(2) Before closing a meeting or part of a meeting to the public, Council must pass a resolution in accordance with Section 92 of the Community Charter.

n) By deleting **Section 15** and substituting the following:

Minutes of Council Meetings

15. (1) *Minutes of the proceedings of Council meetings must be:*
- a) *legibly recorded with decisions and action items;*
 - b) *adopted by resolution of Council;*
 - c) *certified as correct by the Corporate Officer; and*
 - d) *signed by the Chair of the meeting.*
- (2) *The Corporate Officer must record in the minutes:*
- a) *the text of every motion;*
 - b) *the names of any Members who voted in the negative regarding a motion;*
 - c) *the name of any Member absent from the meeting at a vote.*
- (3) *Discussion may be recorded in the minutes at the discretion of the Corporate Officer.*

o) By adding a new section, **Section 16**, after Section 15 as follows:

Minutes of Committee, Commission and Board Meetings

16. (1) *Minutes of the proceedings of Committee, Commission and board Meetings must be:*
- a) *legibly recorded with decisions and action items;*
 - b) *adopted by the Committee, Commission or board by resolution;*
 - c) *certified as correct by the Committee Secretary; and*
 - d) *signed by the chair of the meeting; and*
 - e) *meet the minute standards established by the Corporate Officer.*
- (2) *Draft or amended minutes must be provided to Council for information.*
- (3) *The Committee Secretary must record in the minutes:*
- a) *The text of every motion;*

- b) *The names of any Members who voted in the negative regarding a motion;*
- c) *The name of any Member absent from the meeting at a vote.*
- (4) *Discussion may be recorded in the minutes at the discretion of the Committee Secretary.*

p) By deleting **Section 16** and substituting the following:

Adjournment

- 17.** (1) *If there is no quorum of Council present within fifteen (15) minutes of the scheduled time for a Council Meeting, the Corporate Officer must:*
- a) *record the names of the Members present;*
 - b) *record the names of the Members absent; and*
 - c) *adjourn the meeting until the next scheduled Council meeting.*
- (2) *A Council meeting may continue after 9 p.m. only by an affirmative vote of two-thirds (2/3) of the Council members present.*
- (3) *A motion for continuation under Section 17(2) must establish a specific time for the adjournment of the Council meeting.*

q) By deleting **Section 17**.

r) By adding a new section, Section 35.1, after Section 35 as follows:

Notice of Motion

- 35.1.** (1) *A Council member who wishes to bring before Council a motion resulting from a Delegation, presentation, agenda item or other business that is not listed as Council action on the meeting agenda may do so by way of notice of motion.*
- (2) *A Council member making a notice of motion must provide written notice and the motion as it is to appear on the agenda to the Mayor, City Manager and Corporate Officer on or before 4:30 p.m. on the Monday of the week preceding the week of the meeting at which the motion is to be considered.*
- (3) *Upon receipt of the written notice and motion, the Corporate officer will circulate a copy of the motion to Council as soon as practicable.*

(4) *The notice of motion must be read aloud at the meeting preceding the meeting at which the motion is to be considered.*

(5) *Council may waive strict compliance with this Section 35.1 and present such a motion for immediate consideration by a 2/3 majority vote of all the members present.*

3. Upon the foregoing amendments being made to the *Council Procedure Bylaw No. 2730, 2013*, all sections following any deletions or additions to the bylaw shall be renumbered sequentially and all internal cross-referencing between sections shall be renumbered accordingly.
4. If any section or subsection 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.

Read a first time this 31st day of May, 2023.

Read a second time this 31st day of May, 2023.

Read a third time this __ day of _____, 2023.

Notice published pursuant to section 94 of the Community Charter on the 14th and 21st day of June, 2023.

Finally passed and adopted this __ day of _____, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer