

SUMMARY:

The Council Procedure Bylaw to govern the proceedings of City Council and all Standing, Select and other Committees of Council.

This bylaw is a “consolidated” version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Administration office at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

THE CORPORATION OF THE CITY OF NELSON
Council Procedure Bylaw No. 3491, 2020
Revised: December 9, 2022

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| Consolidated for Convenience to Include Bylaw No. 3534, 3561 |
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**Being a bylaw to govern the proceedings of City Council and all Standing, Select
and other Committees of Council**

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THE CORPORATION OF THE CITY OF NELSON
Council Procedure Bylaw No. 3491, 2020

WHEREAS the *Community Charter* requires that municipal Councils enact a Council Procedure bylaw;

NOW THEREFORE be it resolved that the municipal Council of the Corporation of the City of Nelson, in open meeting assembled, enacts as follows:

PART 1 – INTERPRETATION

Application of rules of procedure

- 1.1 The provisions of this bylaw govern the proceedings of Council, the Committee of the Whole Council and all standing, select, commission and other committees of Council, as applicable.
- 1.2 In cases not provided for under this bylaw, Council may determine the appropriate rules of procedure, or may follow the most current version of *Robert's Rules of Order* so long as those rules are:
 - (a) applicable in the circumstance, and
 - (b) not inconsistent with the provisions of this bylaw or with the *Community Charter*.

General

- 1.3 Any enactment referred to in this bylaw is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to is a reference to an enactment of the Council of the City of Nelson, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 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 shall not affect the validity of the remaining portions of the bylaw.
- 1.6 This bylaw may not be amended, revised, consolidated or replaced unless Council first gives notice in accordance with the relevant provisions of the *Community Charter*.

Definitions (amended by BL 3534)

1.7 In this bylaw:

“Acting Mayor” means the Councillor designated pursuant to Section 3.1 of this bylaw for the applicable date

“Chair” means the Mayor, Acting Mayor or presiding officer appointed under the *Local Government Act*, the *Community Charter* or this bylaw who is chairing a meeting

“City” and **“City of Nelson”** means the Corporation of the City of Nelson

“City Hall” means Nelson City Hall located at Suite 101 – 310 Ward Street, Nelson, British Columbia

“City Manager” means the individual appointed by Council as the City Manager or who holds the position of Chief Administrative Officer of the City of Nelson, or their lawful deputy, Assistant City Manager or Acting City Manager

“Commission” means a municipal commission established under the provisions of the *Local Government Act* or the *Community Charter*

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

“Committee of the Whole (COW)” means the Committee of the Whole of Council in which the members of Council may give detailed consideration to a matter under conditions of freedom approximating those of a committee

“Committee of the Whole Meeting” means a meeting of the Committee of the Whole of Council

“Corporate Officer” means the individual appointed by Council as the officer assigned the responsibility of corporate administration of the City of Nelson, or their lawful deputy

“Council” means the Municipal Council of the Corporation of the City of Nelson

“Electronic Meeting” means a meeting where a meeting is held entirely virtually and all members of Council attend electronically

“Electronic Participation” means a meeting where some, but not all members of Council, attend a meeting by electronic means

“Inaugural Meeting” means the first Regular Open Meeting of City Council following a general local election

“Notice Board” means the notice board designated by the Corporate Officer for posting of legal notices and Council meeting information located at the ground floor at City Hall located at Suite 101 – 310 Ward Street, Nelson, British Columbia

“Public Hearing” means a hearing held pursuant to the *Local Government Act*

“Public Notice posting places” means the “Notice Board” and/or the City of Nelson Web Site located at www.nelson.ca

“Quorum” means:

- (a) in the case of Council, four members
- (b) in the case of a committee or other body, four of the voting members appointed unless otherwise stated in the Terms of Reference or Bylaw

“Regular Open Meeting” means a regularly scheduled meeting of Council where Council decisions are made

“Staff” means the City Manager and/or Corporate Officer

“Special Meeting” means any meeting other than a Regular Open Meeting, a Committee of the Whole Meeting, or an adjourned meeting

- 1.8 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Community Charter and Interpretation Act R.S.B.C. 1996 c 238*.

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

- 2.1 An Inaugural Council Meeting shall be held within the first 10 days of November following a general local election of Council. The meeting will be held at 7:00 p.m. at a location to be chosen by the Mayor-elect, in consultation with the Corporate Officer.
- 2.2 If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in Section 2.1, the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.
- 2.3 Public notice of the Inaugural Meeting will be posted at the posting location at least four days before the date and time of the Inaugural Meeting.

Regular Open Meetings (Amended by BL 3561, 2022)

- 2.4 Regular Open Meetings of Council must:
- (a) be held at City Hall on the dates established by a resolution of Council prior to January 1st of each year, unless Council passes a resolution to cancel a particular meeting;
 - (b) begin at 4:30 p.m. on the date designated, unless Council passes a resolution to change the time of a particular meeting;
 - (c) be adjourned by 11:00 p.m. on the day scheduled for the meeting, unless Council passes a resolution to proceed beyond that time;
 - (d) when such meeting falls on a statutory holiday, be held on the next day City Hall is open.
- 2.5 Regular Open Meetings may:
- (a) be cancelled by resolution of Council, provided that two consecutive meetings are not cancelled; and
 - (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two days written notice.
- 2.6 When a Regular Open Meeting is cancelled or postponed the business on the agenda shall be moved to the next Regular Open Meeting.

Special Meetings

- 2.7 A Special Meeting of Council may be called by the Mayor or by two members of Council in accordance with the provisions of the *Community Charter*.
- 2.8 A Special Committee of the Whole Meeting may be called or scheduled by Council resolution.

Committee of the Whole Meetings (Amended by BL 3561, 2022)

- 2.9 Committee of the Whole Meetings are held to receive information from staff and also external organizations who have requested to appear as a Delegation in accordance with Section 4.5 of this bylaw. These meetings also include an opportunity for public participation whereby the Chair permits comments or questions from the public in accordance with Section 4.12 of this bylaw.
- 2.10 Council will not make decisions at the public portion of a Committee of the Whole meeting except to refer matters to a Regular Meeting. Where appropriate and consistent with Section 90 of the *Community Charter*, Council may move into a closed session of Council from a Committee of the Whole Meeting.

Closed Meetings (Amended by BL 3561, 2022)

- 2.11 Where the provisions of Section 90 of the *Community Charter* are satisfied, a Closed Meeting of Council may be held as part of either a Regular Meeting, Special Meeting, or Committee of the Whole Meeting.

Public Hearing

- 2.12 When required by the *Local Government Act*, Public Hearings shall be held prior to a Regular Open Meeting of Council.

Location of Council Meetings

- 2.13 All Council meetings and Public Hearings, with the exception of the Inaugural Meeting, shall take place within City Hall unless Council passes a resolution to hold a particular meeting elsewhere.
- 2.14 Inaugural Meetings of Council shall take place at a venue to be determined by the Corporate Officer, such location to be selected at least 14 days prior to the Inaugural Meeting and posted at the Public Notice Posting Place per Section 2.3 of this bylaw and, when time permits, advertised in a local newspaper.

Notice of Regular Open Council and Committee of the Whole Meetings

- 2.15 In accordance with the *Community Charter*, Council must prepare annually, on or before December 31st each year, a schedule of the dates, times and places of Regular Open Council Meetings.
- 2.16 The annual schedule of Regular Open Council Meetings referred to in Section 2.17 of this bylaw, shall be available to the public through posting at the Public Notice Posting Place and notice of the availability of the schedule shall be advertised by January 15th each year in accordance with the public notice provisions set out in the *Community Charter*.
- 2.17 At least 48 hours before a Regular Open Council Meeting or a Committee of the Whole Meeting, the Corporate Officer must give notice of the meeting, including confirmation of the time, place, and date, by:
- (a) posting a copy of the meeting agenda on the Notice Board;
 - (b) providing a paper or electronic copy of the meeting agenda to each member of Council;
 - (c) posting a copy of the meeting agenda at the Public Notice posting places;
 - (d) providing a copy of the meeting agenda at City Hall for viewing by the public.

Notice of Special Council Meetings

- 2.18 Except where notice of a Special Meeting is waived by unanimous vote of all members of Council, a notice of the date, time and place of a Special Meeting must be given at least 24 hours before the time of the meeting, by:
- (a) posting a copy of the meeting agenda on the Notice Board;
 - (b) providing a paper or electronic copy of the meeting agenda to each member of Council;
 - (c) posting a copy of the meeting agenda at the Public Notice posting places;
 - (d) providing a copy of the meeting agenda at City Hall for viewing by the public.
- 2.19 The notice under Section 2.20 must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

Notice of Annual Meeting on Annual Report

- 2.20 The Corporate Officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider:
- (a) the Annual Report prepared in accordance with the *Community Charter*; and
 - (b) submissions and questions from the public,
- and giving public notice by:
- (a) publishing notice of the date, time and place of the annual meeting on the annual report in accordance with the *Community Charter*, and
 - (b) posting notice of the date, time and place of the annual meeting on the annual report on the Notice Board and Public Notice posting places.

Electronic Meetings (amended by BL 3534)

- 2.21 Providing the conditions set out in the *Community Charter* are met, a Special meeting may, upon authorization of the Mayor, may be held in the form of an electronic meeting.
- 2.22 Where either the City of Nelson or the Province of British Columbia has declared a state of emergency and provided that the conditions set out in the *Community Charter* are met, a Regular, Committee of the Whole, or other Committee meeting may be held in the form of an electronic meeting.
- 2.23 Where an electronic meeting is held pursuant to Section 2.24, advance public notice describing the way in which the meeting will be conducted and the place where the public may attend to hear, or watch and hear, the open portion of the meeting, shall be provided as soon as such information is available.

Electronic Participation (amended by BL 3534)

2.24 Provided the conditions set out in the *Community Charter* are met:

(a) a member of Council that is unable to attend a Regular, Special, Committee of the Whole, other Committee meeting, or Public Hearing, may participate electronically;

(b) no more than 2 members of Council may participate electronically pursuant to Section 2.26(a) unless authorized by the Mayor or by a majority of Council in attendance at the meeting in question (including those seeking to participate electronically);

(c) notwithstanding Section 2.26(a) and (b), no more than 5 members of Council may participate electronically under this Section 2.26 at any time;

(d) notwithstanding Section 2.26(a) and (b), the member presiding at a Regular Open Meeting or Committee of the Whole meeting may not participate electronically.

2.25 A member participating in a meeting electronically is deemed to be present in the meeting as though they were physically present.

2.26 The Corporate Officer shall record in the minute book the members present including those participating electronically.

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

3.1 At least once during each term of Council, 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.

3.2 Each Councillor designated under Section 3.1 of this bylaw must fulfill the responsibilities of the Mayor in their absence, and shall have the same powers and duties as the Mayor during a period of service as Acting Mayor.

3.3 If both the Mayor and the member designated under Section 3.1 are absent or otherwise unable to act, the member who is next on the rotation shall be the Acting Mayor.

PART 4 – COUNCIL PROCEEDINGS

Community Charter Provisions:

- 4.1 Matters pertaining to Council proceedings are governed by the *Community Charter*.

Public Attendance at Council Meetings

- 4.2 (a) Except as provided by the *Community Charter*, all Council 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 the *Community Charter*;
- (c) This Section applies to all meetings of the bodies referred to in the *Community Charter* including, without limitation:
- (i) Committee of the Whole
 - (ii) Standing and Select Committees
 - (iii) Parcel Tax Review Panel
 - (iv) Board of Variance
 - (v) Advisory Bodies
 - (vi) Commissions
- 4.3 Despite Section 4.2(a), the Mayor or Council member designated to act in the place of the Mayor under Part 3 of this bylaw may expel or exclude a member or person from a Council meeting in accordance with Section 4.46(i).

Delegations

- 4.4 A person, other than a Council member or an officer or employee of the City, shall only address Council during a Regular Open Meeting, Special Meeting or Committee of the Whole Meeting if that person has been scheduled under Delegations on the agenda for that meeting, or if Council has passed a resolution to hear from that person at that time with the exception of the means provided by Section 4.12 of this bylaw.
- 4.5 An individual or group from the public who wishes to have a report or presentation scheduled on a Regular Open Meeting, Special Meeting or Committee of the Whole Meeting agenda shall make a request to appear as a Delegation in writing to the Corporate Officer. The request shall include the name(s) of the person(s) who would be making the report or presentation if approved, and a copy of the report or presentation shall be submitted in written form. The written submission must be received by the Corporate Officer by noon ten days prior to the Council meeting at which the delegation is sought and must clearly state any requests being made of Council.

- 4.6 Delegation requests that deal with a matter that is outside the jurisdiction of the City of Nelson may be refused.
- 4.7 There shall be no more than three delegations scheduled at any Regular Open Meeting or Committee of the Whole Meeting unless the Mayor, in consultation with the Corporate Officer, directs otherwise. The Corporate Officer and Mayor hold the authority to schedule delegations as according to the nature and priority of the presentation subject matter.
- 4.8 Provided that a Delegation request deals with a matter that is within the jurisdiction of the City Nelson, and is received in accordance with Section 4.5 of this bylaw, the Corporate Officer shall handle such requests by taking one or more of the following actions as deemed appropriate in the circumstances:
- (a) that the request be referred for action to the appropriate City staff member or department, if the request is operational in nature;
 - (b) that the request be referred to a Council committee or advisory body; and/or
 - (c) that the request be granted and the audience be scheduled to the next available meeting agenda.
- 4.9 An appeal may be made to the City Manager in the instance where the Corporate Officer rescheduled the delegation to a later meeting or refused the delegation entirely.
- 4.10 A person who is not an officer or employee of the City may be limited to five minutes to make their presentation to Council, and may be asked to take additional time to respond to any questions from Council which may include additional information, if necessary, to be included in the copy of the report or presentation submitted to the Corporate Officer prior to agenda preparation for the relevant meeting.
- 4.11 Council must not permit an audience 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 prerequisite to the adoption of the bylaw.
- 4.12 During the Committee of the Whole Meeting agenda item titled "Public Participation", the presiding member will permit comments from the public on the issues Council is presently dealing with or on any other issue that is of interest to the general public. Comments from individual members of the public may be limited to a maximum of three minutes and all comments during this session may be limited to fifteen minutes in total. The presiding member shall read the instructions governing this public participation, prior to permitting members of the public to speak.

Minutes

- 4.13 Minutes of the proceedings of Council and the Committee of the Whole must be:
- (a) legibly recorded,
 - (b) certified as correct by the Corporate Officer, and
 - (c) signed by the Mayor or other member of Council presiding at the meeting or at the meeting at which the minutes are adopted.
- 4.14 Following their adoption by Council, the minutes of the proceedings of Council must be open for public inspection at City Hall during regular office hours.
- 4.15 Section 4.14 of this Bylaw does not apply to minutes of a Council meeting, or part of a meeting, from which persons were excluded pursuant to the relevant provisions of the *Community Charter*.

Agenda Preparation

- 4.16 Prior to each Inaugural Meeting, Regular Open Meeting, Committee of the Whole Meeting, Public Hearing or Special Meeting, the Corporate Officer must prepare an agenda of all items to be considered by Council at the meeting, and Council must proceed in the order set out, unless that order is varied by a resolution of Council.
- 4.17 The agenda must state the general nature of each item of business to be dealt with at the meeting.
- 4.18 The deadline for submissions by the public, Council members or staff to the Corporate Officer for inclusion on the Council meeting agenda, other than a Special Meeting, must be not later than ten days in advance of the scheduled meeting. Any item not delivered complete and in an agenda-ready format by that deadline shall be held until the next Council meeting agenda, unless otherwise approved for inclusion on the meeting agenda by the City Manager.
- 4.19 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 Sections 4.43 and 4.44 of this bylaw.

Availability of Council Meeting Agendas

- 4.20 The Corporate Officer will make available to the public the Council meeting agenda package for Regular Open Meetings, Committee of the Whole Meetings and Public Hearings by noon on the Friday of the week preceding the meeting. Special Meeting agenda packages shall be made available as soon as is possible at the discretion of the Corporate Officer.

Calling the Meeting to Order

- 4.21 At the hour set for a Council meeting to commence and provided there is a quorum present, the Mayor, if present, must take the chair and call the meeting to order. Where the Mayor is absent, the Council member designated for acting in the Mayor's place in accordance with Part 3 of this Bylaw must take the chair and call the meeting to order.

Lack of Quorum

- 4.22 If there is no quorum of members at the location for a meeting within 15 minutes of the time stated in the public notice for the meeting, or if a quorum is lost during a meeting:
- (a) the Corporate Officer shall record in the minute book the members present and those absent;
 - (b) the meeting shall be adjourned to the next scheduled meeting date.
- 4.23 If a Council meeting is adjourned under Section 4.22, all business on the agenda for that meeting shall be incorporated into the agenda for the next scheduled meeting.

Order of Proceedings (Amended by BL 3561)

- 4.24 The agendas for all Regular Open meetings shall contain the following matters where there are items pertaining to them. Particular business at a Council meeting must in all cases be taken up in the order in which it is listed in the agenda unless otherwise resolved by Council:

- Call to Order
- Introduction of Late Items
- Adoption of the Agenda
- Adoption of the Minutes of Previous Meetings
- City Manager's Verbal Report
- Council Reports
- Recommendations from Committee of the Whole Meetings
- Requests
- Delegations
- Bylaws
- Recommendations from Staff
- Information Items
- Notices of Motion
- Late Items
- Adjournment

- 4.25 The agendas for Committee of the Whole Meetings shall contain the following matters where there are items pertaining to them:

- Call to Order
- Introduction of Late Items
- Adoption of the Agenda
- Adoption of the Minutes of Previous Meetings
- City Manager's Verbal Report
- Council Reports
- Workshop/Educational Session
- Cultural Presentation
- Public Participation
- Delegations
- Late Items
- Adjournment

- 4.26 In the case of an Inaugural Meeting of Council, the Corporate Officer shall prepare an agenda under the following headings:

- Call to Order by Corporate Officer
- Administration of oaths of office and oaths of allegiance
- Appointments
- Presentations
- Mayor's inaugural address
- Adjournment

- 4.27 The agendas for Public Hearings shall contain the following matters where there are items pertaining to them, and in the order in which they are listed:

- Call to Order
- Statement by the Chair
- Confirmation of Statutory Notice requirements
- Staff presentation (or background report) including the proposed bylaw that is the subject of the Public Hearing
- Applicant Presentation
- Question Period
- Identification of correspondence received in relation to the item being heard
- Public Representation (Mayor Calls for)
- Applicant responds to any new information / factual matters raised by previous speakers
- Council questions
- Adjournment

Proceedings at Public Hearings

- 4.28 All persons with an interest in the proposed bylaw which is the subject of the Public Hearing shall be afforded a reasonable opportunity to be heard or to present written submissions on matters contained in the bylaw, after first identifying themselves by stating their name, address (street name only) and the name and address of the person or body they represent (if applicable).
- 4.29 The Corporate Officer shall make available to each member of Council before the Public Hearing a copy of any correspondence pertaining to the subject of the Public Hearing that has been received after the date of required statutory notification of the Public Hearing.
- 4.30 The Mayor or presiding member shall only entertain submissions that are relevant to the proposed bylaw under discussion.
- 4.31 Presentations by an owner or applicant shall be limited to a maximum of ten minutes unless an extension of time is granted by a unanimous Council resolution. Owners or applicants who have additional information that they are not able to include within that time frame shall be encouraged to provide the additional information in writing, and if possible electronically, to the Corporate Officer by 12:00 noon seven days prior to the Public Hearing so that the information can be copied to Council as part of the agenda package.
- 4.32 Presentations by members of the public shall be limited to a maximum of five minutes each. If a person has additional information that they are unable to provide within that time frame, they shall be given further opportunities to address Council after all other interested members of the public have been heard a first time. Without limiting the opportunity provided for in Section 4.28 of this bylaw, speakers shall be encouraged to confine their comments to new information.
- 4.33 The owner or applicant shall be given an opportunity to respond to comments or questions raised during the Public Hearing before the hearing is closed on their application. The response shall be limited to a maximum of ten minutes.
- 4.34 Notwithstanding time limits for presentations set out in Sections 4.31, 4.32 and 4.33 of this bylaw, Council may ask questions of any presenter and of staff. Debate on the bylaw shall take place at a Regular Open Meeting of Council following the Public Hearing when the bylaw is presented for consideration.

Correspondence

- 4.35 All communications and petitions intended to be presented to Council shall be addressed to Council and delivered to the Corporate Officer, signed by at least one

person, dated and include a contact phone number, email, or address before being accepted.

- 4.36 Communications addressed to Council, which relate to a matter that falls within the scope of responsibility of a particular City department, may be referred by the Corporate Officer directly to that department. If a matter is referred to another department, a copy of the communication shall be filed with each member of Council and the City Manager with a copy forwarded to the appropriate staff member. An acknowledgement shall be mailed to the author on receipt of the communication advising on where the matter has been referred.
- 4.37 The Corporate Officer may forward the communication to the meeting considered to be the most appropriate according to the matter of the communication.
- 4.38 The right of appeal on any referral made may be made to the City Manager who shall determine the final disposition of the matter.
- 4.39 Council members may refer any item of communication received directly by the member to the Corporate Officer for inclusion on the Regular Open Meeting agenda.

Notice of Motion

- 4.40 Any Council member who wishes to bring before Council any new matter of business, bylaw or policy other than a point of order or of privilege may do so by way of a Notice of Motion.
- 4.41 Any Council member making a Notice of Motion shall be required to submit the proposed resolution to the Corporate Officer in writing 10 days before the next Regular Open Council Meeting. The member making the Notice of Motion may also provide the relevant background information supporting the proposed motion to be included on the next Regular Open Council Meeting Agenda.
- 4.42 Upon being acknowledged by the Mayor, or member designated to act in the Mayor's place, the Notice of Motion shall be subject to a vote of Council to determine whether it shall be placed on the agenda of the next Regular Open Council Meeting Agenda. If a majority of Council votes in favor, the Notice of Motion shall be placed on the agenda of the next Regular Open Council Meeting Agenda.

Late Items

- 4.43 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 resolution by a majority vote at the time allocated on the agenda for such matters.

- 4.44 If Council passes a resolution to include late items on the agenda as per Section 4.43, any available information pertaining to the late item may be distributed to members of Council, the public and those media present.

Council Reports

- 4.45 During the agenda item titled “Council Reports” members of Council may use this time to inform Council and the public of the activities they have been involved with during the previous weeks, including their community and committee liaison activities.

Conduct and Debate

- 4.46 (a) A 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, Acting Mayor or Councillor.
- (c) Members must address other non-presiding members by the title Councillor.
- (d) No member may 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) When two or more members wish to speak, the Chair shall name the member who is to have the floor.
- (g) 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 the *Community Charter*.
- (h) 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 with the matter being debated,
 - (iv) may speak about a previous vote of Council only for the purpose of making a motion that the vote be amended or 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.

- (i) If a member does not adhere to subsection 4.46(h) of this bylaw, the presiding member may order the member to leave the member's seat, and
 - (i) if the 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 their seat.
- (j) 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.
- (k) The Chair may use discretion in applying the following rules for limits to speech on matters being considered at a Council meeting:
 - (i) a member may speak more than twice in connection with the same question only:
 - (a) with the permission of Council; or
 - (b) if the member is explaining a material part of a previous speech without introducing a new matter;
 - (ii) a member who has made the main motion to the Council may reply to the debate;
 - (iii) the total time permitted for a Council member to speak to a question during debate may be limited to 15 minutes.
- (l) Every member who is present shall vote when a question is put by the presiding member.
- (m) The Corporate Officer shall record when members withdraw from and return to a Council meeting.

Points of Order

- 4.47 (a) Without limiting the presiding member's duty under the *Community Charter*, 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; and
 - (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 subsection 4.47(b)(i);

- (iii) and
the presiding member may reserve the decision until the next Council meeting.

Privilege

- 4.48 (a) In this Section, a matter of privilege refers to any of the following motions:
- (i) to fix the time to adjourn;
 - (ii) to adjourn;
 - (iii) to recess;
 - (iv) to raise a question of privilege of Council; and
 - (v) to 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.

Motions Generally

- 4.49 (a) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (b) Only the following motions may be made when Council is considering a question:
- (i) to refer to committee or staff
 - (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
- (c) A motion made under subsections 4.49(b) (iii) to (vi) is not amendable or debatable.
- (d) Council must vote separately on each distinct part of a question that is under consideration at a Regular Open or Committee of the Whole Meeting if requested by a Council member.
- (e) With the permission of Council, a motion may, at any time before decision or amendment, be withdrawn.
- (f) Except when a motion to adjourn has been made, a Council member may make a motion to table and the Council member may debate the motion to table when it is made but shall not debate the content of the motion that is the subject of the tabling motion.

Motion to Refer to a Committee

- 4.50 Until it is decided, a motion made at a Council or Committee of the Whole Meeting to refer to a committee or staff precludes an amendment of the main question.

Motion for the Main Question

- 4.51 (a) “Main Question”, in relation to a matter, means the motion that first brings the matter before the Council.
- (b) At a Council meeting, the following rules apply to a motion for the Main Question, or for the Main Question as amended:
- (i) if a member of Council moves the Main Question, as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the Main Question, and
 - (ii) if the motion for the Main Question, or for the Main Question as amended, is decided in the negative, the Council may again debate the question or proceed to other business.

Motion for the Previous Question

- 4.52 (a) In this Section, “Previous Question”, in relation to a matter, means the motion used to bring Council to an immediate vote on one or more pending questions by closing the debate and stopping the amendment of the motion.
- (b) At a Council meeting, the following rules apply to a motion for the Previous Question, or for the Previous Question as amended:
- (i) if a member of Council moves the Previous Question, as amended, to a vote, that motion must be seconded;
 - (ii) the Previous Question is not debatable; and
 - (iii) a two thirds vote in favor is required to pass a motion for the Previous Question.

Amendments Generally

- 4.53 (a) A Council member may, without notice, move to amend a Main Motion that is being considered at a Council or Committee of the Whole Meeting.
- (b) An amendment may propose removing, substituting for, or adding to the words of a Main Motion.
- (c) An amendment to the Main Motion must be relevant to the Main Motion and must not have the effect of making the Motion a rejection of the Main Motion.
- (d) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.

- (e) A proposed amendment must be decided or withdrawn before the Main Motion is put to a vote.
- (f) An amendment may be amended once only.
- (g) A proposed amendment that has been defeated by a vote of Council cannot be proposed again.
- (h) A Council member may propose an amendment to an adopted amendment.
- (i) The presiding member must put the Main Motion and its amendments in the following order for the vote of Council:
 - (i) A motion to amend a motion amending the Main Motion
 - (ii) A motion to amend the Main Motion, or an amended motion amending the Main Motion if the vote under 4.53(i)(i) above is in the affirmative;
 - (iii) The Main Motion.

Reconsideration of a Previously Adopted Resolution – Initiation by the Mayor

- 4.54 (a) The Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with the *Community Charter*. The Mayor may only initiate reconsideration at the same Council meeting as the vote took place or within the 30 days following that meeting.
- (b) A bylaw, resolution, or proceeding that is reaffirmed pursuant to this Section 4.54 is as valid and has the same effect as it had before reconsideration.

Reconsideration of a Previously Adopted Resolution – Initiation by a Councillor

- 4.55 (a) Council members other than the Mayor do not have the ability to initiate the reconsideration of a previously-adopted resolution. Rather, Councillors may rely on motions to rescind or amend previously adopted resolution as provided for in Section 4.56.

Rescinding or Amending Previously Adopted Resolutions of Council

- 4.56 (a) A motion to rescind is used to cancel a resolution that has been previously adopted.
- (b) A motion to amend a resolution previously adopted is used to make a change to a resolution that has been previously adopted.

- (c) A motion to rescind or amend a resolution previously adopted may only be moved by a Councillor that voted in favor of the resolution at issue.
- (d) A motion to rescind or amend a resolution previously adopted requires a majority vote of Council in order to be carried.

Voting at Meetings

- 4.57
- (a) If a Council member considers that they are not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, they shall conduct themselves in accordance with the law, including the provisions of the *Community Charter*.
 - (b) When debate on a matter is closed and Council is ready to vote, the presiding member must put the matter to a vote by asking who is in favor the question and then who is opposed.
 - (c) Whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand.
 - (d) When the presiding member is putting the matter to a vote under subsections 4.57(b) and (c) of this Bylaw, a member must not:
 - (i) cross or leave the room,
 - (ii) make a noise or other disturbance,
 - (iii) interrupt the voting procedure under subsection 4.57(b) unless the interrupting member is raising a point of order.
 - (e) Should a member of Council refrain from voting upon any question, they shall be regarded as having voted in the affirmative and their vote shall be counted accordingly.
 - (f) Council members must state their name if more than one member is attending via electronic means and verbalize whether their vote is in favor or in opposition.
 - (g) After the presiding member has finally put the question to a vote, a member of Council shall not speak to the question or make a motion concerning it.
 - (h) The presiding member's decision as to whether a question has been finally put is conclusive.
 - (i) Should the votes on a question be equal for and against, the motion is defeated.

- (j) The presiding member must declare the result of the voting by stating whether the motion is carried or is defeated.

Reports from Committees

- 4.58 Council may take any of the following actions in connection with a resolution it receives from the Committee of the Whole of Council, Council Committee or Commission Meeting minutes:
- (a) Agree or disagree with the resolution,
 - (b) Amend the resolution,
 - (c) Refer the resolution back to the Committee of the Whole of Council, Council Committee or Commission,
 - (d) Postpone the consideration of the resolution.

Adjournment

- 4.59 (a) A motion to adjourn either a Council meeting or the debate at a Council Meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (b) Section 4.59(a) of this bylaw does not apply to either of the following motions:
- (i) a motion to adjourn to a specific day
 - (ii) a motion that adds an opinion or qualification to a preceding motion to adjourn.

PART 5 – BYLAWS

Copies of Proposed Bylaws to Council Members

- 5.1 A proposed bylaw may be introduced at a Council meeting only if a copy of it has been made available to each Council member prior to the Council meeting, or if all Council members unanimously agree to waive this requirement.

Form of Proposed Bylaws

- 5.2 A bylaw introduced at a Council meeting must:
- (a) be printed,
 - (b) have a distinguishing name,
 - (c) have a distinguishing number,
 - (d) contain an introductory statement of purpose,
 - (e) be divided into sections.

Bylaws to be considered separately or jointly

- 5.3 Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another member of Council; or
 - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

Reading and adopting bylaws

- 5.4 Every proposed bylaw shall be given three readings prior to its final adoption.
- 5.5 The first three readings of a bylaw may be given on the same day, except in the case of an Official Community Plan bylaw or a Zoning bylaw which must be considered at a Public Hearing unless it qualifies for an exception under the *Community Charter*.
- 5.6 An Official Community Plan bylaw or a Zoning bylaw which is to be considered at a Public Hearing may receive only first and second reading at the time of introduction.
- 5.7 The presiding member of a Council meeting may:
- (a) have the Corporate Officer read a synopsis of each proposed bylaw, or group of bylaws, and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read.
- 5.8 The readings of a bylaw may be given by stating its title and object.
- 5.9 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- 5.10 Where Council desires to amend a bylaw after third reading with the exception of those specific provisions respecting an Official Community Plan bylaw or a Zoning bylaw, it may do so as follows:
- (a) By motion to repeal third reading and, if carried;
 - (b) By motion to amend the bylaw at third reading in accordance with the procedure set down in this Bylaw;
 - (c) By motion to pass third reading of the bylaw as amended.
- 5.11 Pursuant to the *Local Government Act*, each reading of a proposed Official Community Plan bylaw must receive the affirmative vote of a majority of all Council members.

- 5.12 Despite any relevant section of the *Community Charter* and in accordance with the *Local Government Act*, Council may adopt a proposed Official Community Plan bylaw or Zoning bylaw at the same meeting at which the bylaw passed third reading.

Bylaws must be Signed

- 5.13 After a bylaw is adopted and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it the dates of its readings, adoption and any required approvals that have been obtained.

PART 6 – RESOLUTIONS

General

- 6.1 All resolutions and all bylaw readings shall be by motion duly moved and seconded by Council members.

Copies of Resolutions to Council Members

- 6.2 A resolution that is to be introduced at a Council meeting should be delivered to each Council member before the Council meeting.

Introduction of Proposed Resolutions

- 6.3 The presiding member of Council may:
- (a) read or have a staff member read aloud the resolution,
 - (b) request a motion that the resolution be introduced.

PART 7 - COUNCIL COMMITTEES

Establishment of Committees

- 7.1 The Mayor or Council may establish standing or select committees of Council in accordance with the provisions of the *Community Charter*.
- 7.2 Council may establish other committees or commissions in accordance with the provisions of the *Community Charter* or the *Local Government Act*.

Duties of Standing Committees

- 7.3 In accordance with the *Community Charter*, Standing Committees must consider, inquire into, report on, and make recommendations to Council about any of the

following:

- (a) matters that are related to the general subject indicated by the name of the committee;
- (b) matters that are assigned by Council;
- (c) matters that are assigned by the Mayor.

7.4 Standing Committees must report and make recommendations to Council at all of the following times:

- (a) in accordance with the schedule of the committee's meetings;
- (b) on all matters that are assigned by Council or the Mayor;
 - (i) as required by Council or the Mayor;
 - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

Duties of Select Committees

7.5 A Select Committee is created by Council for one specific task.

7.6 A Select Committee must carry out the instruction of Council expressed by resolution in regard to any matter referred by Council to any Select Committee for action thereupon, but in such cases, the instruction of Council shall be specific and the Select Committee shall report its action in detail by providing copies of meeting minutes or reports to Council on a regular basis.

7.7 All members of Council may attend meetings of any Select Committee and may take part in any discussion.

7.8 In any Select Committee, a majority of members appointed to that Committee shall be a quorum.

7.9 The Chair and the Deputy Chair of a Select Committee shall be appointed by Council or by the members of the Select Committee from amongst themselves.

Duties of Other Committees or Commissions

7.10 Other committees or commissions must consider, inquire into, report on and make recommendations to Council about matters referred to the committee or commission by Council.

7.11 Other committees or commissions must report and make recommendations to Council as required by Council.

Schedule and Location of Committee or Commission Meetings

- 7.12 At the first meeting after its appointment, a standing, select or other committee or commission shall establish a regular schedule of meetings.
- 7.13 Standing, select and other committees or commissions shall establish the location of their meetings by resolution, with priority being given to holding meetings at City Hall whenever possible.
- 7.14 The chair of a standing, select or other committee or commission may call a meeting in addition to the scheduled meetings or may cancel a meeting.

Notice of Committee or Commission Meetings

- 7.15 After a committee or commission has established a regular schedule of meetings, including times, dates and places, notice of the schedule shall be given to each member of the committee or commission.

Attendance by non-members of Committee or Commission Meetings

- 7.16 Council members who are not members of a committee or commission may attend the meetings of the committee or commission.
- 7.17 Unless a meeting or part of a meeting of a committee or commission is authorized to be closed to the public by the *Community Charter*, all meetings of committees or commissions shall be open to the public.

Minutes of Committee or Commission Meetings

- 7.18 Minutes of the proceedings of a committee or commission meeting must be:
 - (a) legibly recorded,
 - (b) open for public inspection in accordance in accordance with the *Community Charter*. This does not apply to minutes of a meeting, or part of a meeting, from which persons were excluded pursuant to Section 2.11 of this bylaw.
- 7.19 All minutes of Committee or Commission Meetings must be delivered to the Corporate Officer.

Conduct and Debate at Committee or Commission Meetings

- 7.20 The rules of this bylaw must be observed during committee or commission meetings, so far as is possible and unless as otherwise provided in this bylaw.
- 7.21 Council members who are attending a meeting of a Council committee or commission of which they are not a member may participate in a discussion only

with the permission of the majority of all members of the committee or commission.

- 7.22 A motion made at a meeting of a Council committee or commission is not required to be seconded.
- 7.23 Council members who are attending a meeting of a Council committee or commission of which they are not a member must not vote on a question.

Bylaws Governing Committees or Commissions

- 7.24 If establishment bylaws governing the conduct or meetings of committees or commissions are not consistent with this Part 7, the establishing bylaw shall prevail, subject to the provisions of the *Community Charter* or *Local Government Act*.

PART 8 - REPEAL

- 8.1 The “Council Procedure Bylaw No. 3184, 2011” and all amendments thereto are hereby repealed in their entirety.

PART 9 - CITATION

- 9.1 This bylaw may be cited for all purposes as the “**Corporation of the City of Nelson Council Procedure Bylaw No. 3491, 2020**”.

| | |
|------------------------|--|
| READ A FIRST TIME the | 17 th day of August, 2020. |
| READ A SECOND TIME the | 17 th day of August, 2020. |
| READ A THIRD TIME the | 9 th day of November, 2020. |

FINALLY PASSED AND ADOPTED the 7th day of December, 2020

John Dooley
Mayor

Sarah Winton
Corporate Officer