



**The Corporation of the City of Penticton**

**Council Procedure Bylaw**

**No. 2018-35**

Consolidated for convenience only

**Amended by:**

Bylaw No. 2020-04  
Bylaw No. 2021-29  
Bylaw No. 2022-18

**On:**

March 3, 2020  
October 19, 2021  
May 17, 2022

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# The Corporation of the City of Penticton

## Bylaw No. 2018-35

*A Bylaw to regulate the proceedings of Council, Council Meetings and other Council reporting bodies*

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WHEREAS pursuant to the *Community Charter*, Council must, by bylaw, establish general procedures to be followed by Council and committees in conducting their business;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the City of Penticton, in open meeting assembled ENACTS AS FOLLOWS:

### PART 1 – INTRODUCTION

#### Title

1. This Bylaw may be cited as the “Council Procedure Bylaw No. 2018-35”.

#### Definitions

2. In this Bylaw,

“City” means the City of Penticton;

“City Hall” means Penticton City Hall located at 171 Main Street, Penticton, British Columbia;

s. 94(7)

“City Web Site” means the information resource found at an internet address provided by the City, the current home landing page located at [www.penticton.ca](http://www.penticton.ca);

“committee” means a standing, select, or other committee of Council, but does not include COW;

“COW” means the Committee of the Whole Council, which includes the Mayor and all Councillors;

“Corporate Officer” means the Corporate Officer for the City as defined in Section 148 of the *Community Charter* and the Deputy in the absence of the Corporate Officer;

“Council” means the Council of the City of Penticton;

“Mayor” means the mayor (or acting mayor in the Mayor’s absence) of the City;

“Member” means the Mayor or Councillor in relation to Council, or for committees an appointed individual;

“Motion” means a formal proposal made by a Member at a meeting of Council or committee that directs an approval or a specified course of action (see also Resolution);

s.124(2)(e)

“Public Notice Posting Places” means the notice board at City Hall and the City Website;

“Question” means the subject matter of a motion except where referring to public question period;

“Quorum” means:

- (1) In the case of Council, a majority of the number of members of which the council consists under the *Community Charter*; and
- (2) In the case of a committee or other body, a majority of the voting members appointed;

“Resolution” means a formal determination made by Council or Committee that approves or orders a specified course of action (see also Motion).

### **Application of rules of procedure**

s.124(2)(a)  
and (b)

3. (1) The provisions of this Bylaw govern the proceedings of Council, COW and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, Robert’s Rules of Order apply to the proceedings of Council, COW, and Council committees to the extent that those Rules are
  - (a) applicable in the circumstances, and
  - (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.
- (3) The rules of procedure contained in this bylaw except those that are governed by statutory provisions, maybe be temporarily suspended, by unanimous vote of all members present.

## **PART 2 – COUNCIL MEETINGS**

### **Inaugural Meeting**

s.124(2)(g)  
s.125(1)

4. (1) Following a general local election, the first Council meeting must be within the first 10 days of November in accordance with s. 124(2)(g) of the *Community Charter* in the year of the election.

s.125(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 subsection (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.

### **Time and location of meetings**

s.125(2)

5. (1) All Council meetings must take place within City Hall except when Council resolves to hold meetings elsewhere. Except in the case of a meeting outside of City boundaries, Council may pass the resolution to hold a meeting outside of City Hall at the commencement of that meeting.

- (2) Regular Council shall establish annually by resolution a schedule of regular meetings and meetings will normally:
  - (a) be held on the first and third Tuesday of each month unless otherwise scheduled by Council resolution, and
  - (b) begin at 1:00 p.m.;
  - (c) be adjourned at 11:00 p.m. at the latest on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with s. 29;
  - (d) when such meeting falls on a week of a statutory holiday, be cancelled or held on a different week. **(Bylaw No. 2022-18)**
- (3) Regular Council meetings may:
  - (a) be cancelled by Council; and
  - (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice and the Corporate Officer will post a notice of the change;
  - (c) be recessed by the Mayor for a short period with a statement of approximate time the meeting will be reconvened.

### Notice of Council Meetings

s.127(1)

- 6. (1) As required under Section 127 of the *Community Charter*, Council will annually adopt, on or before December 31, a schedule of dates, times and places of regular Council meetings for the following year and make the schedule available to the public by posting it at the Public Notice Posting Places and by publishing it in accordance with Section 94 of the *Community Charter*. **(Bylaw No. 2022-18)**
- (2) Where revisions are necessary to the annual schedule of regular Council 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.
- (3) The Corporate Officer need not give public notice of a cancelled or rescheduled meeting in respect of which Council has resolved to exclude the public.

### Notice of special meetings

s.127(2)

- 7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
  - (a) posting a copy of the notice in the Council chambers at City Hall,

- (b) posting a copy of the notice at the Public Notice Posting Places, and
- (c) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall or forwarding an electronic copy for each member to a City provided electronic device.

s.127(3)

- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

### **Cancelled, Rescheduled, or Called Regular Meetings**

8. The Council may by resolution:

- (1) Cancel or reschedule any regular meeting;
- (2) Change the time or location for holding the meeting; or
- (3) Call an additional regular meeting at the time and place stipulated in the Council resolution.

### **Electronic Meetings**

s. 128

- 9. (1) Provided the conditions set out in the *Community Charter* are met, any meeting of Council or a Committee may be held electronically.
  - (a) Council or Committee members participating electronically are deemed to be present at the meeting.
  - (b) The technology used will enable the meeting participants and the public to hear, or watch and hear, each other.
  - (c) Public Notice indicating that the meeting is being held electronically will be posted on the Public Notice Posting Places no less than 24 hours before the meeting.
  - (d) The Public Notice will include how the public can access information on how to participate in the meeting.
  - (e) If a regular or special meeting of Council is being held electronically, the Public Notice will include the place where the public can attend to hear, or watch and hear, the proceedings that are open to the public. A designated municipal officer will be at the place where the public can attend.

**(Bylaw No. 2021-29)**

### **Annual Meeting**

10. The Corporate Officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider:

- (1) The annual report prepared under section 98 of the *Community Charter*, and

- (2) Submissions and questions from the public;
- (3) By giving notice by:
  - (a) Posting notice of the date, time and place of the annual meeting in the public notice posting places; and
  - (b) Publishing notice of the date, time and place of the annual meeting in accordance with section 94 of the *Community Charter*.

**PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

s. 130

- 11. (1) At the inaugural meeting, Council from among its members will designate Councillors to serve on a monthly 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 Mayor is vacant.
- (2) The table below will be utilized to determine which Council member will be the Acting Mayor. If the Councillor designated as number 1 in the month is unavailable, number 2 will act in the Mayor’s absence and so on. The order will remain for the four year term unless a change is made by a resolution of Council.

Acting Mayor	November May	December June	January July	February August	March September	April October
Highest votes received at the General Election	1	6	5	4	3	2
Second highest votes	2	1	6	5	4	3
Third highest votes	3	2	1	6	5	4
Fourth highest votes	4	3	2	1	6	5
Fifth highest votes	5	4	3	2	1	6
Sixth highest votes	6	5	4	3	2	1

- (3) The member designated as Acting Mayor has the same powers and duties as the Mayor in relation to the applicable matter.
- (4) When possible, the Mayor will notify the Corporate Officer when the Acting Mayor will be required to serve as Mayor.

**(Bylaw No. 2022-18)**

**PART 4 – COUNCIL PROCEEDINGS**

***Community Charter Provisions***

- 12. Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 4 [*Open Meetings*] and Division 2 of Part 5 [*Council Proceedings*].

**Application of Rules in This Part to Other Bodies**

s. 93

- 13. In addition to applying to Council meetings, this Part also applies to meetings of the following (note: other Parts of this Bylaw may also apply to these bodies as applicable):

- (1) Committee of the Whole (COW);



- (2) Standing committees;
- (3) Select committees;
- (4) An advisory body established by Council;
- (5) A municipal commission;
- (6) A body that under the *Community Charter* or other Act may exercise the powers of the City or Council;
- (7) The Board of Variance;
- (8) The Parcel Tax Roll Review Panel;
- (9) A body prescribed by Provincial Regulation.

### **Attendance of Public at Meetings**

s. 89 14. (1) Except where the provisions of section 90 of the *Community Charter [meetings that may or must be closed to the public]* apply, all Council meetings must be open to the public.

s. 92 (2) 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]*, which includes the reason for the closed meeting as described in section 90 of the *Community Charter*.

(3) Despite section 14(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 11 may expel or exclude from a Council meeting a person in accordance with section 18.

### **Attendance at Closed Meetings**

- 15. (1) Council may allow one (1) or more City officers or employees to attend, or may choose to exclude them from attending closed meetings, as it considers appropriate.
- (2) Council may allow a person other than a City officer or employee to attend closed meetings, if Council considers it necessary and if the person already has knowledge of confidential information or is a lawyer attending to provide legal advice in relation to the matter.
- (3) The minutes of closed meetings must record the names of all persons in attendance.

### **Resolution Required Before Closed Meeting**

- 16. Before a closed meeting is held, Council must state by Resolution passed in a public meeting, the fact that the meeting or part thereof is to be closed, and the basis under the

applicable sections of the *Community Charter* under which the meeting or part thereof is to be closed.

### **Bylaws and Closed Meetings**

17. Council must not vote on the reading or adoption of a bylaw at a closed meeting.

### **Expulsion from Closed Meetings**

18. (1) If the Mayor considers another person at the meeting is acting inappropriately, the Mayor may order that the person is expelled from the meeting.
- (2) If the person expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a Court Order.

### **Minutes of meetings to be maintained and available to public**

s.124(2)(c)

19. (1) Minutes of the proceedings of Council must be:
- (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer; and
  - (c) signed by the Mayor or other member presiding at the meeting.
- (2) City staff are authorized to amend the wording of Council's motions provided the intent of the motion is not altered.
- (3) The minutes of previous meeting and reports of committees may, by resolution of Council, be received into the record.
- (4) Subject to subsection 19(3), and in accordance with section 97(1)(b) of the *Community Charter [other records to which public access must be provided]* minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (5) Subsection 19(4) 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]*.

s.97(1)(b)  
s.97(2)

s.97(1)(b)

### **Calling meeting to order**

s.124(1)  
s.124(2)(a)

20. (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 11 must take the Chair and call such meeting to order.
- (2) 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 11 are not present at the time at which the meeting is scheduled to begin:

- (a) the Corporate Officer must call to order the members present, and
- (b) by resolution the Council members present must choose a member to preside at the meeting.
- (c) Upon arrival the Mayor or Councillor designated as the member responsible for acting in the place of Mayor will take the chair and preside.

### **Adjourning meeting where no quorum**

21. If there is no quorum of Council present within 30 minutes of the scheduled time for a Council meeting, the Corporate Officer must:
- (1) record the names of the members present, and those absent; and
  - (2) adjourn the meeting until the next scheduled meeting.

### **Agenda**

22. (1) 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 form a summary for each item on the agenda.
- (2) When preparing the agenda prior to the meeting, the Mayor, Chief Administrative Officer or Corporate Officer may in their discretion:
- (a) vary the order set out in section 23;
  - (b) delete agenda headings if there is not business under those items.
- (3) The deadline for complete submissions to the Corporate Officer of items for inclusion on the Council meeting Agenda must be 12:00 noon on the Monday prior to the meeting.
- (4) The Corporate Officer must make the agenda available to the members of Council and the public on the Friday prior to the meeting.
- (5) 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 24.

### **Order of proceedings and business**

23. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below, however, where appropriate for timing or other reasons, the Corporate Officer may determine an alternative order or variation in the agenda:
- (a) Call to Order;
  - (b) Introduction of late items;
  - (c) Approval of agenda;
  - (d) Recess to Committee of the Whole

- To hear all delegations and applicable staff presentations
  - (e) Reconvene Regular Meeting;
  - (f) Adoption of Council minutes;
  - (g) Consent Agenda<sup>1</sup>
    - 1. Committee and Board Minutes and Reports
    - 2. Staff Reports for information purposes (No action required)
    - 3. Correspondence (No action required)
    - 4. Release of Closed Meeting items;
  - (h) Committee and Board Recommendations;
  - (i) Correspondence, Council decision requested;
  - (j) Staff Reports;
  - (k) Public Question Period;
  - (l) Recess to Closed Meeting as required;
  - (m) Public and statutory hearings 6:00 p.m.;
  - (n) Reconvene Regular Meeting;
  - (o) Readings or adoption of bylaws where applicable where required, and approval of permits;
  - (p) Land Matters;
  - (q) Notice of Motion;
  - (r) Business Arising;
  - (s) Council Round Table & Public Question Period;
  - (t) Adjournment.
- (2) 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.
- (3) Public Question Period: At the end of Council business, the public will be afforded an opportunity to address Council. The format must be restricted to questions with respect to items that are on the current agenda and each question must be limited to two (2) minutes, with a total of 15 minutes per Public Question Period. Public Question Period may be extended with approval of Council through an affirmative vote.

### **Late Items**

24. (1) 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.
- (2) If the Council makes a resolution under section 24(1), information pertaining to late items must be distributed to the members.

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<sup>1</sup> Consent Agenda: Council may approve the Consent Agenda through resolution. Once moved and seconded, any member may request that any item be removed from the consent agenda and discussed and decided separately, the balance of the items would be voted on together for approval. Each item removed from the Consent Agenda will be debated and voted on by Council separately.

- (3) The member must, when making the request, inform the Council of the general nature of the business and the reason for urgent consideration.

### **Voting at meetings**

25. (1) The following procedures apply to voting at Council meetings:
  - (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
  - (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating something similar to:

"Those in favour raise your hands." and then "Those opposed raise your hands."
  - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not:
    - (i) cross or leave the room, unless excused as a result of not being entitled to vote under the *Community Charter* or if excused by Council;
    - (ii) make a noise or other disturbance; or
    - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
  - (d) if requested by a member, Council must vote separately on each distinct part of a motion that is under consideration;
  - (e) after the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it, except to defer the motion (there is no debate or discussion on a deferral) or to refer the item back to staff which will supersede the main motion and must be voted on first;
  - (f) the presiding member's decision about whether a question has been finally put is conclusive; and
  - (g) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand, failure for a member to raise their hand in favour or opposed, abstaining from voting, is considered to be a vote in favour (affirmative); and
  - (h) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative and the result will be recorded in the Minutes as "CARRIED UNANIMOUSLY", "CARRIED" or "DEFEATED" as circumstances dictate;
  - (i) the names of those who vote negative, against a question, shall be entered into the Minutes.

## Delegations

26. (1) Delegations or persons wishing to appear before Council to present briefs or submissions may be received by Council at the meeting (typically COW) provided that written notice on a prescribed form including the subject matter is delivered to the Corporate Officer seven (7) days in advance of the preparation of the agenda for that particular meeting, and the Mayor shall have the authority to determine if the said subject matter warrants the delegation to come before Council at that particular meeting and may determine at which meeting of Council such delegation may appear and be heard.
- (2) Each address must be limited to five (5) minutes. Groups defined as a community partner (e.g. other government agencies) delegations must be limited to ten (10) minutes no more than twice per year.
- (3) The Council may waive strict compliance of the time limit by unanimous vote of those members present.
- (4) To be considered each submission must include:
  - (a) The name and address of the person(s) that will address Council;
  - (b) A description of the matter to be presented;
  - (c) The request being made and the reason(s) for making the request;
  - (d) Summary of current and proposed legislation and policy relevant to the request; and
  - (e) A copy of all materials that will be discussed.
- (5) A maximum of four (4) delegations will be scheduled per COW meeting.
- (6) A maximum of two (2) delegations will be heard on any given issue; up to one (1) in favour and up to one (1) opposed in any calendar year.
- (7) Council must not permit a delegation to address a meeting of the 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.
- (8) A delegation must be not be permitted if the purpose is to address an issue which is before the courts or on which Council has authorized legal action.
- (9) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (10) The Mayor or 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.
- (11) In the event that the Mayor has refused permission for a delegation or person to appear and be heard by Council at any meeting thereof, Council may, if the subject matter of the brief or submission to be presented by such delegation or person is

germane to the business then before Council, by affirmative vote permit such delegation or person to appear before it and be heard.

### **Petitions**

27. Petition requests must include:
- (1) The name and address of the petition presenter;
  - (2) The complete petition;
  - (3) The name and address and signature of each person who has signed the petition;
    - (a) Petitions form part of the public record and the names and addresses of the petitioners are considered germane to the topic and will be published on the city website as part of the agenda package;
    - (b) Organizers of petitions must inform those who sign a petition that their names and addresses may become public.

### **Points of order**

s. 132

28. (1) 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
- (a) if the motion is contrary to the rules of procedure in this bylaw, and
  - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the presiding member is required to decide a point of order
- (a) the presiding member must cite the applicable rule or authority if requested by another Council member,
  - (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(a), and
  - (c) the presiding member may reserve the decision until the next Council meeting.

### **Conduct and debate**

29. (1) The Chair shall at all times conduct the manner and order of speaking to ensure that each member is allowed equal opportunity to speak.
- (2) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (3) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Chair.

- (4) Members must address other non-presiding members by the title Councillor.
- (5) It shall be in order for officers and employees of the City, upon receiving permission from the presiding member to do so, to comment on matters before Council, and in so doing they shall direct their comments to the presiding member and shall confine themselves to the question before Council.
- (6) No member must interrupt a member who is speaking except to raise a point of order.
- (7) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (8) Members who are called to order by the presiding member
  - (a) must immediately stop speaking,
  - (b) may explain their position on the point of order, and
  - (c) 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]*.
- (9) Members speaking at a Council meeting
  - (a) must use respectful language,
  - (b) must not use offensive gestures or signs,
  - (c) must speak only in connection with the matter being debated,
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded or reconsidered, and
  - (e) 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.
- (10) If a member does not adhere to subsections (8) and (9), the presiding member may order the member to leave the member's seat, and
  - (a) 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
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (11) 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.
- (12) The following rules apply to limit speech on matters being considered at a Council meeting:

s. 132

s. 133(1)

s. 133(2)



- (a) a member may speak more than once in connection with the same question only
  - (i) with the permission of Council, or
  - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
- (b) a member who has made a substantive motion to the Council may reply to the debate;
- (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
- (d) a member may speak to a question, or may speak in reply, for longer than a total time of 15 minutes only with the permission of Council.

### **Motions generally**

- 30. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's approval through the notice of motion process per subsection (6) below.
- (3) A Council member may make only the following motions, when the Council is considering a question:
  - (a) to refer to committee;
  - (b) to amend;
  - (c) to lay on the table;
  - (d) to postpone indefinitely;
  - (e) to postpone to a certain time;
  - (f) to move the previous question;
  - (g) to adjourn.
- (4) A motion made under subsections (3)(c) to (g) is not amendable or debatable.
- (5) 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.
- (6) Notice of Motion Process:
  - (a) A notice of motion, if forwarded to the Corporate Officer prior to the Council agenda deadline, will be placed on the upcoming Regular agenda under the heading Notice of Motion with the requesting Councillor's name so they may introduce the motion for consideration at that time or a future meeting; or
  - (b) During the Notice of Motion portion of a meeting, a member may, when acknowledged by the Chair, give notice of a motion they wish considered by Council by reading out the motion. A copy of the motion will be

provided to the Corporate Officer. The motion and any relevant information provided by the member will be placed on the agenda of the next Regular Council meeting or future meeting for consideration.

- (c) If the member who submitted the motion is not in attendance at the Council meeting where the motion is brought forward, the matter will be held over until the member who submitted the motion is in attendance.

**(Bylaw No. 2022-18)**

### **Motion to commit**

- 31. Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

### **Motion for the main question**

- 32. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
  - (a) if a member of Council moves to put the main question, or 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
  - (b) 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.

### **Amendments generally**

- 33. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (4) 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.
- (5) An amendment may be amended once only.
- (6) An amendment that has been defeated by a (negative) vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.
- (8) The presiding member must put the main question and its amendments in the following order for the vote of Council:

- (a) a motion to amend a motion amending the main question;
- (b) a motion to amend the main question , or an amended motion amending the main question if the vote under subparagraph (a) is positive;
- (c) the main question.

### **Reconsideration by Council Member**

34. (1) Subject to subsection (5), a Council member who voted with the majority either for against a motion may, at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
  - (c) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (2) A vote to reconsider must not be reconsidered.
- (3) Council may only reconsider a matter that has not
- (a) had the approval or assent of the electors and been adopted,
  - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]*,
  - (c) been acted on irreversibly by an officer, employee, or agent of the City.
- (4) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
- (5) Subject to applicable enactments, the Council may by resolution, rescind the most recent reading of a proposed bylaw, other than first reading, and then give the proposed bylaw that reading with or without amendment.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]* is as valid and has the same effect as it had before reconsideration.

### **Privilege**

35. (1) In this section, a matter of privilege refers to any of the following motions:
- (a) fix the time to adjourn;

- (b) adjourn;
  - (c) recess;
  - (d) raise a question of privilege of the Council;
  - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

### **Reports from committees**

36. Council may take any of the following actions in connection with a resolution it receives from COW or any committee, task force or other body appointed by Council:
- (a) agree or disagree with the resolution, support or deny support;
  - (b) amend the resolution;
  - (c) refer the resolution back to COW or committee, etc.;
  - (d) postpone its consideration of the resolution.

### **Adjournment**

37. (1) A Council may continue a Council meeting after 11 p.m. only by unanimous affirmative vote of the Council members present.
- (2) 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.
- (3) Subsection (2) does not apply to either of the following motions:
- (a) a motion to adjourn to a specific day;
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 5 – BYLAWS**

### **Copies of proposed bylaws to Council members**

- s.124(2)(a) 38. A proposed bylaw 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.

## Form of bylaws

39. A bylaw introduced at a Council meeting must:
- be printed;
  - have a distinguishing name;
  - have a distinguishing number;
  - contain an introductory statement of purpose;
  - be divided into sections if applicable.

## Bylaws to be considered separately or jointly

40. Council must consider a proposed bylaw at a Council meeting either:
- separately when directed by the presiding member or requested by another Council member, or jointly with other proposed bylaws in the sequence determined by the presiding member.

## Reading and adopting bylaws

41. (1) The presiding member of a Council meeting may
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws, and then
  - (b) request a motion that the proposed bylaw or group of bylaws be read;
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter* and, if amended, a motion at third reading shall be "to give the bylaw third reading as amended".
- (4) Subject to section 882 of the *Local Government Act [OCP adoption procedures]*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with section 135 of the *Community Charter [requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (6) Despite section 135(3) of the *Community Charter [requirements for passing bylaws]*, and in accordance with section 890(9) of the *Local Government Act [public hearings]*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.
- (7) All bylaws which have not completed the requirements to be adopted after a 2-year period may be deemed stale dated and closed.

s.135(2)

- (8) The Corporate Officer is hereby authorized to consolidate one or more of the bylaws of the municipality pursuant to Section 139 [*consolidation of bylaws*] of the *Community Charter*.

### **Bylaws must be signed**

- s.135(6) 42. 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:
- s.148(a)
- s.148(f) the City's corporate seal, the dates of its readings and adoption; and,  
the date of Ministerial approval or approval of the electorate if applicable.

## **PART 6 - RESOLUTIONS**

### **Form of resolution**

43. A resolution introduced at a Council meeting must be printed and have a distinguishing number and once voted on in the affirmative becomes effective from the date and time passed.

## **PART 7 - COMMITTEE OF THE WHOLE (COW)**

### **Going into Committee of the Whole**

44. (1) At any time during a council meeting, Council may by resolution go into COW.
- (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of COW.

### **Notice for COW meetings**

- s.124(2)(d) 45. (1) Subject to subsection (2) a notice of the day, hour and place of a COW meeting must be given at least 24 hours before the time of the meeting by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
- (b) leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall or forwarding an electronic copy for each member to a City provided electronic device or email.
- (2) Subsection (1) does not apply to a COW meeting that is called, in accordance with section 45, during a Council meeting for which public notice has been given under section 6 or 7.

### **Minutes of COW meetings to be maintained and available to public**

- s.124(2)(c)  
s.145 46. (1) Minutes of the proceedings of COW must be

s.97(1)(c)

- (a) legibly recorded,
- (b) certified by the Corporate Officer,
- (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

### **Presiding members at COW meetings and Quorum**

- 47. (1) The Mayor or Acting Mayor shall preside in COW.
- (2) The quorum of COW is the majority of Council members.

### **Points of order at meetings**

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

### **Conduct and debate**

- 49. The following rules apply to COW meetings:
  - (1) a member may speak any number of times on the same question;
  - (2) a member must not speak longer than a total of five (5) minutes on any one question.

### **Voting at meetings**

- 50. (1) Votes at a COW meeting must be taken in accordance with section 25.
- (2) The presiding member must declare the results of voting.

### **Reports**

- 51. (1) COW may consider reports only if
  - (a) they are printed and the members each have a copy, or
  - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) The COW's reports to Council must be presented by the Corporate Officer at the next regular Council Meeting unless otherwise directed by Council or in cases where additional information is required for Council to consider a motion.

## PART 8 – COMMITTEES

### Appointment of Committees except Standing Committees and Other Bodies

52. Council shall appoint all representatives on committees and all boards, commissions, or other bodies to which the City is entitled to appoint representatives except standing committees.

### Standing Committees

53. The Mayor must establish standing committees for matters the Mayor considers would be better dealt with by committee and must appoint persons to those committees. At least half of the members of a standing committee must be Council members. The Mayor shall be an ex officio of each standing committee.

### Duties of Standing Committees

s. 141

54. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are referred by Council;
  - (c) matters that are referred by the Mayor.
- (2) 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 matters that are referred by Council or assigned by the Mayor;
    - i) as required by Council or the Mayor, or
    - ii) at the next Council meeting if the Council or Mayor does not specify a time.

### Select Committees

s. 142

55. Council may establish and appoint Select Committees to consider and enquire into any matter and to report their findings and opinions to Council. At least one member of a Select Committee must be a Council member.

### Duties of Select Committees

56. (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.



## Advisory Committees

57. Council may establish and appoint advisory committees to consider and make recommendations on matters set out in the committee's terms of reference or matters referred by Council and to report their findings and opinions only to Council unless otherwise specifically authorized in writing by Council.

## Schedule of committee meetings

58. (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings to be held at City Hall unless otherwise stated in the terms of reference for the committee.
- (2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

## Notice of committee meetings

- s.124(2)(d) 59. (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule on the City's website; and
  - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places and/or the City's website which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The chair of a committee must cause a notice of the day, time and place of a meeting called under section 59(2) to be given to all members of the committee at least 24 hours before the time of the meeting.

## Attendance at Committee meetings

60. Council members who are not members of a committee may attend the meetings of the committee.

## Minutes of committee meetings to be maintained and available to public

- s.124(2)(c)  
s.97(1)(c) 61. (1) Minutes of the proceedings of a committee must be
- (a) legibly recorded,
  - (b) certified as correct and signed by the committee secretary once approved by the committee, and
  - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

- (2) Sections (a), (b) and (c) shall only apply to meetings of the following, unless this bylaw provides for other procedures for taking of minutes by one or more bodies referred to in this subsection, the body is exempted by regulation, or to the extent they are modified by regulations:
- (a) an advisory body, standing or select committee established by Council;
  - (b) a municipal commission established under section 143 of the *Community Charter*;
  - (c) a body that under the *Community Charter* or any other Act may exercise the powers of Council;
  - (d) the Board of Variance;
  - (e) a parcel tax review panel established under section 204 of the *Community Charter*; and
  - (f) a body prescribed by regulation.

### **Quorum**

62. The quorum for a committee is a majority of all of its members unless otherwise noted in the terms of reference for that committee.

### **Conduct and debate**

63. (1) The rules and procedures of Council defined in this bylaw must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.

### **Voting at meetings**

64. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

## **PART 9 – GENERAL**

65. 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.
66. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter* [*public notice*].

### **Repeal**

67. "Council Procedure Bylaw No. 2016-35" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this

5 day of

June, 2018

READ A SECOND time this	5 day of	June, 2018
READ A THIRD time this	5 day of	June, 2018
ADOPTED this	19 day of	June, 2018

Notice of intention to proceed with this bylaw was published on the 8 day of June, 2018 and the 13 day of June, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

*Original signed by* \_\_\_\_\_  
Andrew Jakubeit, Mayor

*Original signed by* \_\_\_\_\_  
Dana Schmidt, Corporate Officer