

DISTRICT OF LAKE COUNTRY

BYLAW 1105, 2019

CONSOLIDATED VERSION

(Includes amendment as of February 16, 2021)

This is a consolidated copy to be used for convenience only. Users are asked to refer to the Council Procedures Bylaw as amended from time to time to verify accuracy and completeness.

Amending Bylaw	Summary of Amendments	Adoption
1126	Delete and replace Section 12.1	October 6, 2020
1137	Insert section 32 and renumber remaining sections	February 16, 2021

DISTRICT OF LAKE COUNTRY
COUNCIL PROCEDURES BYLAW 1105, 2019

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DISTRICT OF LAKE COUNTRY

BYLAW 1105, 2019

A BYLAW TO ESTABLISH PROCEDURES FOR THE CONDUCT OF COUNCIL AND ITS COMMITTEES

NOW THEREFORE the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. INTERPRETATION

- 1.1. The provisions of this bylaw govern the proceedings of Council, and where applicable, select committees, standing committees and commissions.
- 1.2. In cases not provided for under this bylaw, the current edition of Robert's Rules of Order apply to the proceedings of Council, its Committees and commissions to the extent that those rules are applicable and not inconsistent with the provisions of the Community Charter.
- 1.3. Any enactment referred to herein 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 herein is a reference to an enactment of the Council of the District of Lake Country, as amended, revised, consolidated or replaced from time to time.
- 1.4. In this bylaw the singular shall also include the plural, and the masculine shall also include the feminine.

2. DEFINITIONS

Acting Mayor means the Member designated to act in place of the Mayor when that person is absent or otherwise unable to act, or when the office of the Mayor is vacant.

Chair means the person presiding at a meeting of Council or a Committee, or the person authorized to act in their absence.

Chief Administrative Officer ("CAO") means the person appointed as the Chief Administrative Officer for the District of Lake Country and includes his or her deputy.

Closed Meeting means a meeting that is closed to the public in accordance with the Community Charter.

Corporate Officer means the person appointed as the Corporate Officer for the District of Lake Country and includes his or her deputy.

Committee means a standing, select, advisory or other Committee of Council and includes a commission.

Council means the municipal Council of the District of Lake Country and includes the Mayor.

Council Representative means the Member of Council appointed to a Committee to act as direct communication link between Council and the Committee and ensure Committee objectives, as set by Council, are met.

District means the municipal organization of the District of Lake Country.

District Web Site means the information resource found at www.lakecountry.bc.ca.

Mayor means the person elected to the office of Mayor for the District of Lake Country and includes the Acting Mayor.

Member means a Member of Council, including the Mayor, or a Member of a Committee.

Municipal Hall means the offices of the District of Lake Country located at 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1.

Posting Places means the notice boards located in the main floor foyer at the Municipal Hall and the District Web Site.

Quorum means a majority of the total membership of a Council, Commission or Committee except where otherwise set out. A vacancy does not invalidate the right of the Members so long as there is a Quorum of Members.

Staff Liaison means the District staff person(s) assigned by the CAO to a Committee to provide information and support.

Two-thirds (2/3) vote means at least 2/3 of the voting Members present at the meeting, except where otherwise set out in legislation.

3. INAUGURAL MEETING

- 3.1. Following a general election, the first regular meeting of **Council** will be held on the first Tuesday in November in the year of the election.
- 3.2. If a **Quorum** of **Council** has not taken office by the date of the meeting in item 3.1, the inaugural **Council** meeting shall be called by the **Corporate Officer** as soon as reasonably possible after a **Quorum** has taken office.

4. TIME AND LOCATION OF MEETINGS

- 4.1. **Council** meetings will regularly be held on the first and third Tuesdays of each month starting at 7 p.m., hereinafter referred to as “Regular **Council** Meetings”, as indicated on the annual schedule of Regular Council Meetings, unless otherwise cancelled or postponed.
- 4.2. Regular **Council** Meetings will take place within the **Municipal Hall** except where **Council** passes a resolution to hold a meeting elsewhere and provides at least 1-day notice of the change of location.
- 4.3. The CAO and **Mayor** may cancel a Regular **Council** Meeting provided notice of the cancelled meeting is posted at the **Posting Places** at least 1-day prior to the scheduled meeting.
- 4.4. **Council** may allow municipal officers, employees or other persons they consider necessary to attend a **Closed Meeting**, or may exclude them from attending, as it considers appropriate.

5. AGENDA TIMELINES

- 5.1. The **Corporate Officer** shall prepare an agenda for approval of the **CAO**, of all items to be considered by **Council** at the meeting.
- 5.2. All items to be included on a Regular **Council Meeting** agenda must be submitted to the **Corporate Officer** no later than 4:30 p.m., Friday two weeks before the meeting. Items received after the deadline may be held to the next **Council** meeting unless approved for inclusion as “Late Item” as contained herein.
- 5.3. An agenda shall be posted in the **Posting Places** and made available to **Members** and the public, generally by the Wednesday afternoon prior to the meeting but no later than the Friday afternoon prior to the meeting.

6. LATE ITEMS

- 6.1. **Council** must not consider any item that is not on an agenda unless it has been introduced as a Late Item as contained herein. Late items are strongly discouraged although where a matter is of an urgent nature and cannot be held to the next **Council** meeting, the **CAO** or **Mayor** may approve inclusion.
- 6.2. Where a late item has been approved for inclusion by the **CAO** or **Mayor**:
 - (a) after the agenda has been posted, up to the Friday afternoon prior to the meeting, the agenda will be updated, recirculated to **Council** and reposted in the **Posting Places**;
 - (b) after the Friday afternoon prior to the meeting, the item will be added to the agenda on the date of the meeting by resolution during the adoption of the agenda;
 - (c) all relevant information for late submissions, including reasons for the late inclusion, must be distributed to **Council** as soon as possible.

7. QUORUM

- 7.1. Once **Quorum** is established after the scheduled start time for the meeting, the **Chair** must call the meeting to order as soon as possible.
- 7.2. If **Quorum** is established and both the **Chair** and **Acting Mayor** are absent for 15 minutes after the scheduled start time for the meeting, the **Member** who is next on the rotation for **Acting Mayor** shall call the meeting to order as soon as possible.
- 7.3. If no **Quorum** is established within 30 minutes after the scheduled start time for the meeting, the **Corporate Officer** must record the names of the **Members** present and absent and the **Chair** shall adjourn the meeting.
- 7.4. Where membership requirements set out a minimum and maximum number of **Members**, **Quorum** shall be at least $\frac{1}{2}$ of the appointed **Members**, as long as the number of **Members** is within the minimum or maximum number authorized.
- 7.5. A vacancy in the membership of **Council** or a **Committee** does not invalidate the constitution of the association or impair the right of the **Members** in office to act, if the number of **Members** in office is not less than a **Quorum**.
- 7.6. This section applies to **Council Committees**, parcel tax roll review panel, board of variance, advisory body or a body under legislation or prescribed by regulation.

8. AGENDA HEADINGS

- 8.1. Agendas for Regular **Council** Meetings shall contain the following headings in the order in which they are listed, unless otherwise amended the **Corporate Officer** or **CAO** with approval from the **Mayor**:

Call to Order
Adoption of Agenda
Adoption of Minutes
Report from Mayor
Announcements
Delegations and Petitions
Bylaws following a Public Hearing <i>(No Public Comment)</i>
Public Comment <i>(For items not included on the Agenda)</i>
Development Related Applications <i>(Public Comment)</i>
Development Related Applications <i>(No Public Comment)</i>
Non-Development Related Reports
Report from In Camera
Council Committees
Information Items
Strategic Priorities
Councillor Items
Adjournment

9. ACTING MAYOR

- 9.1. At least once during each term of **Council**, **Council** must, from amongst its **Members**, designate a **Member** to serve, on a rotating basis, as the **Member** responsible for acting in place of the **Mayor** when the **Mayor** is absent or otherwise unable to act or when the office of the **Mayor** is vacant.
- 9.2. While acting in the role of **Acting Mayor**, the designated **Member** must fulfil the responsibilities of the **Mayor** in their absence and shall have the same powers and duties as the **Mayor**.
- 9.3. If both the **Mayor** and the **Acting Member** are absent or otherwise unable to act, the **Member** who is next on the rotation shall be the **Acting Mayor**.

10. NOTICE OF MEETINGS

- 10.1. An annual schedule of Regular **Council** Meetings, including the date, time and location shall be published in accordance with the *Community Charter* and posted in the **Posting Places** at least once per year. Where revisions to the annual schedule are necessary, revisions shall be posted by the **Corporate Officer** in the **Posting Places** as soon as possible.
- 10.2. Notice of a **Committee** meeting including the date, time and location of the meeting, shall be posted in the **Posting Places**, delivered to each **Member** and made available to the public, no later than 3 days prior to the meeting.
- 10.3. Notice of a Special **Council** Meeting including the date, time, location and general purpose, shall be posted in the **Posting Places** and delivered to each **Member** no later than 1 day prior to the meeting.
- 10.4. Notice of a Special **Council** Meeting must be signed by the **Mayor** or Corporate Officer.

10.5. Notice of a Special **Council** Meeting may be waived by unanimous vote of all **Council Members**.

11. SPECIAL COUNCIL MEETINGS

11.1. A Special **Council** Meeting is a meeting of **Council** other than a Regular **Council** Meeting.

11.2. Special **Council** Meetings may be called by the **Mayor** or by 2 **Members** of **Council** in accordance with the Community Charter.

11.3. Special **Council** meetings shall not continue more than 4 hours following the start time unless a resolution authorizing the meeting to continue is approved by a majority vote.

11.4. Notice of Special **Council** Meetings shall be provided in accordance with section 10 of this bylaw.

12. ELECTRONIC MEETINGS

12.1. A **Member** may attend a meeting by electronic or other means of communication so long as:

Deleted and
replaced by
Bylaw 1126

- (a) attendance is verbally approved by the **Chair**;
- (b) the **Chair** is physically present;
- (c) the facilities enable the participants to hear each other and the public to hear the **Members**, except for any part of the meeting that is closed to the public.

12.2. A Special Meeting may be conducted by electronic or other means of communication if the requirements set out in 12.1 are met and:

- (a) notice of the Special Meeting sets out that meeting is to be held by electronic or other means of communication and where the public may attend to hear the proceedings; and
- (b) a municipal officer is in attendance.

12.3. **Members** participating electronically must vote by audibly stating “aye” or “nay”.

12.4. A **Member** will be considered absent if they have not joined the meeting electronically within 15 minutes of the start time.

12.5. If there is an interruption in the connection with a **Member** who is participating electronically, the other **Members** may decide on a short recess until a connection can be re-established or continue the meeting and treat the interruption in the same manner as if a **Member** who physically present leaves the meeting room. If the connection is unable to be re-established within 15 minutes, the **Member** will have been considered to have left the meeting.

13. PUBLIC ATTENDANCE

13.1. All meetings must be open to the public except where a meeting, or part of a meeting, may be closed to the public pursuant to the provisions of the *Community Charter*.

13.2. Before closing a meeting or part of a meeting to the public, **Council** must pass a resolution in a public meeting to close the meeting to the public.

13.3. This section applies to **Council Committees**, parcel tax roll review panel, board of variance, advisory body or a body under legislation or prescribed by regulation.

14. DELEGATIONS AND PETITIONS

- 14.1. A request to present as a delegation, including the subject, name of person(s) addressing **Council** and requests or recommendations to/from **Council**, shall be submitted to the **Corporate Officer** within the Agenda deadlines as contained herein. A request to present as a delegation must be approved by the **Mayor** or **CAO**.
- 14.2. Delegations approved for inclusion on a **Council** agenda shall be limited to a 10-minute presentation but may be asked to take additional time to respond to questions from **Council**.
- 14.3. Delegations denied being placed on a **Council** agenda may appeal the decision to the **Corporate Officer** where the information will be distributed to **Council** under separate cover for their consideration.
- 14.4. A petition to **Council** is deemed to be presented when it is filed with the Corporate Officer. Petitions must include the full name, residential address and signature of each petitioner.
- 14.5. Where **Council** wishes to take action in response to an issue presented during Delegations and Petitions at the same meeting where the presentation took place, the proposed action shall be made through a Notice of Motion, as contained herein.

15. PUBLIC COMMENT

- 15.1. Each Regular **Council** Meeting shall provide a 15-minute Public Comment opportunity where the public may present comments or concerns on issues not listed on the agenda. The 15-minute period shall be distributed amongst the **Members** of the public that wish to address **Council** i.e. 3 speakers with 5-minutes each.
- 15.2. During an election year Public Comment will be suspended during Nomination Period.
- 15.3. Where **Council** wishes to take action in response to an issue presented during Public Comment at the same meeting where the presentation took place, the proposed action shall be made through a Notice of Motion, as contained herein.
- 15.4. **Members** of the public may only address **Council**:
- (a) on Development Variance Permits, Development Permits with a variance or Temporary Use Permits;
 - (b) on items where staff's recommendation is negative and the person addressing **Council** is the applicant or person directly responsible for the item;
 - (c) as required under legislation or bylaw;
 - (d) as a delegation as contained herein;
 - (e) during public comment as contained herein; or
 - (f) if approved by **Council** resolution.
- 15.5. **Council** must not permit any person to address **Council** where:
- (a) a public hearing has been held for a bylaw as a required prerequisite to adoption;
 - (b) the presentation has the sole purpose of promoting a business;
 - (c) the matter is to do with litigation or potential litigation;
 - (d) the matter is to do with employee relations.
- 15.6. Persons presenting to **Council** will identify themselves by stating their name and address or the name and address of the person they represent (if applicable).

16. DOCUMENTS SUBMITTED CONSIDERED PUBLIC

- 16.1. Any written correspondence submitted at a public meeting, received in response to an item that has been publicized for community input or received in response to a public hearing, is considered part of the public record. Written submissions marked 'confidential' will not be accepted.

17. MOTIONS

- 17.1. **Council** may debate and vote on a motion only if the motion is first made by one **Member** and seconded by another.
- 17.2. The **Mayor** may make a motion or invite a motion from a **Councillor**.
- 17.3. **Council** shall not make motions to receive.
- 17.4. A motion to not approve an item, application or bylaw reading is not required.
- 17.5. When a motion is on the floor for debate, a **Member** may only make the following motions:
- (a) to amend;
 - (b) to refer to a **Committee**;
 - (c) to move the previous question (call the question);
 - (d) to postpone to a certain time;
 - (e) to lay on the table;
 - (f) to adjourn.
- 17.6. A motion to move the previous question (call the question) is usually made in an unqualified form and used to bring the assembly to an immediate vote on the pending question. A motion for the previous question (call the question):
- (a) is out of order when another **Member** has the floor;
 - (b) must be seconded;
 - (c) is not debatable;
 - (d) is not amendable;
 - (e) requires a 2/3 vote to be carried.
- 17.7. A **Member** may require the question being debated to be read at any time during the debate so long as this does not interrupt another **Member**.
- 17.8. A motion may be postponed so it may be considered at a more convenient time or because debate has shown reasons for holding off a decision until later. A motion is postponed by making a motion to postpone to a certain time. A motion to postpone to certain time can be made as a main motion or as a subsidiary motion to a main motion, must be moved and seconded and is debatable.
- 17.9. A motion to lay on the table is a motion enabling **Council** to lay the pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the question is resumed. A motion to Lay on the Table is out of order if the evident intent is to kill or avoid dealing with a matter. The motion to Lay on the Table is commonly misused in place of a motion to postpone, postpone to a certain time or postpone indefinitely.

18. MODIFY OR WITHDRAW MOTIONS

- 18.1. A motion that has been moved and seconded becomes the property of the assembly and cannot be modified or withdrawn without a motion.
- 18.2. When a motion has been moved and as long as there has not been a seconder, any **Member** may request the motion be modified or withdrawn. The **Member** who made the motion can agree or disagree to modifications and accept or decline to withdraw the motion.
- 18.3. So, as long as a motion has not been seconded, the **Member** who made the motion can withdraw their motion by stating they are doing.

19. AMENDMENTS TO MOTIONS

- 19.1. A motion that has been moved and seconded may be amended by a motion to amend. The motion to amend must be moved and seconded to be considered. The motion to amend must be dealt with before the main question is considered.
- 19.2. If the motion to amend fails, the main motion may be debated or amended again but the same amendment cannot be proposed.
- 19.3. Amendments may only be amended one time.

20. RECONSIDERATION

- 20.1. A motion may only be reconsidered if the matter has not had the assent of the electors, has not already been reconsidered and has not been acted upon.
- 20.2. The **Mayor** may initiate reconsideration of a matter at the same meeting as the vote took place or within 30 days following that meeting. Reconsideration by the Mayor occurs by the Mayor having the matter placed on the agenda during the usual agenda setting process or by the Mayor bringing the matter forward during a meeting as an addition to the agenda.
- 20.3. Where the **Mayor** brings forward a matter for reconsideration, no motion to reconsider takes place. The matter is placed before **Council** for reconsideration in its original condition as if no vote took place.
- 20.4. A **Member** may make a motion to have a matter reconsidered if they were on the prevailing side of the original motion. A motion to reconsider by a member must be made at the same meeting where the original motion occurred, or at the next meeting. Any **Member** may second a motion to reconsider. If the motion to reconsider is carried, **Council** considers the original matter as if no vote took place. If the motion to reconsider is defeated, the original motion continues as it was originally adopted.
- 20.5. Matters brought forward for reconsideration by the **Mayor** shall be placed under the heading **Mayor's Report**. Matters brought forward for reconsideration by a **Member** shall be placed under the agenda heading where the item was originally discussed.
- 20.6. **Council** must deal with the matter brought forward for reconsideration as soon as convenient, which does not necessarily mean at the meeting at which the reconsideration processes is initiated. **Council** may consider the motion to reconsider as contained herein and then choose to table the matter to a subsequent meeting.

- 20.7. The **Mayor** or **Member** who initiated the reconsideration opens debate by stating their reasons for reconsideration.
- 20.8. At the close of debate a vote is taken on the motion just as it was taken on the original motion. The decision stands as the decision of the **Council** notwithstanding its decision on the original motion, which remains in the minutes of the previous meeting but is superseded by the decision reached after reconsideration of the matter.
- 20.9. A matter that has been reconsidered must not be reconsidered.

21. RESCIND OR AMEND SOMETHING PREVIOUSLY ADOPTED

- 21.1. Any **Member** may make a motion to rescind or amend a motion that has been previously adopted regardless of how they voted on the original question.
- 21.2. Previous notice of a motion to rescind or amend must be made at the meeting preceding the meeting where the motion to rescind or amend is to be made.
- 21.3. A motion to rescind or amend may only be considered if the main motion has not been implemented or it is impossible to undo.
- 21.4. If previous notice of a motion to rescind or amend is given, a majority vote of the **Members** present is required to adopt a motion to rescind or amend. If previous notice is not given, **Two-thirds (2/3)** vote is required to adopt a motion to rescind or amend.
- 21.5. If a motion to rescind is carried, the original main motion no longer exists and the situation remains in the state it was in prior to the original main motion being made. If the motion to amend is adopted, the original motion is changed in accordance with the terms of the amendment.

22. NOTICE OF MOTION

- 22.1. Where a **Member** wishes to have a matter considered that is not on an agenda, they may provide notice of a proposed motion by reading the proposed motion during the agenda heading Councillor Items, or by providing the proposed motion in writing to the **Corporate Officer** for inclusion on the next Regular **Council** Meeting agenda in accordance with the timelines for agenda preparation.
- 22.2. Once a motion is presented as a notice of motion on a Regular **Council** Meeting, it will be placed on the next Regular **Council** Meeting under the heading Councillor Items where it must be moved and seconded prior to being debated.

23. VOTING

- 23.1. If requested by a **Member**, **Council** must vote separately on each distinct part of a question that is under consideration.
- 23.2. When debate on a matter is closed the **Chair** must put the matter to a vote by asking who is in favour of the question and then who is opposed.
- 23.3. Voting shall be by a show of hands. If a **Member** does not indicate how they vote the **Member** is deemed to have voted in the affirmative.

- 23.4. Unless otherwise provided, a motion is decided by a majority of the **Members** present.
- 23.5. Where votes on a question are equal for and against, the motion is defeated.
- 23.6. After the **Chair** has put the question to a vote a **Member** shall not speak to the question or make a motion concerning it. The **Chair's** decision as to whether a question has been finally put is conclusive.
- 23.7. The **Chair** must declare the result of the voting by stating whether the motion is carried or defeated and the names of those opposed to the motion.
- 23.8. No vote shall be taken by ballot or any other method of secret voting.

24. ADJOURN

- 24.1. Regular **Council** Meetings shall not continue past 11:00 p.m. without a **Council** resolution authorizing the meeting to continue.
- 24.2. The **Chair** may declare a meeting adjourned with no motion required if:
- (a) the agenda is complete,
 - (b) the hour adopted for adjournment has arrived,
 - (c) in the case of an emergency or immediate danger.
- 24.3. A motion to adjourn to a specific time and place has the effect of establishing a continuation of the meeting which does not require further notice, although notice is desirable if feasible.
- 24.4. This section applies to **Council Committees**, parcel tax roll review panel, board of variance, advisory body or a body under legislation or prescribed by regulation.

25. MINUTES

- 25.1. Minutes of the proceedings of **Council** or a **Committee** shall:
- (a) record business decisions only;
 - (b) record names of all **Members** and staff in attendance;
 - (c) record names of **Members** who voted in opposition to a motion;
 - (d) be legibly recorded;
 - (e) be adopted by resolution of **Council** or **Committee** at the next available meeting;
 - (f) be certified correct by the **Corporate Officer** or **Recording Secretary**; and
 - (g) be signed by the **Chair**.
- 25.2. Minutes of **Council** meetings must be open for public inspection at the **Municipal Hall** during regular office hours, other than minutes or portions thereof, closed to the public pursuant to the Community Charter.
- 25.3. When a declaration of conflict of interest is made, the declaration of conflict, the reasons for the conflict, the time of the **Member's** departure and, if applicable, the time of the **Member's** return, shall be recorded in the minutes.
- 25.4. Minutes of a **Committee** meeting shall be placed on the next available **Council** meeting.
- 25.5. This section applies to **Council Committees**, parcel tax roll review panel, board of variance, advisory body or a body under legislation or prescribed by regulation.

26. CONDUCT AND DEBATE

- 26.1. The **Chair** must preserve order and decide points of order that may arise.
- 26.2. **Members** shall:
- (a) address the **Mayor** as Mr. **Mayor** or Madam **Mayor**, Your Worship or **Mayor** and surname;
 - (b) address **Members** of **Council** by their title of **Councillor** and surname;
 - (c) speak only after being recognized by the **Chair**, except to raise a Point of Order;
 - (d) address themselves to the **Chair** before speaking by saying “through the **Chair**”;
 - (e) use respectful language;
 - (f) not use offensive language, gestures or signs;
 - (g) not disregard the **Chair** with respect to preserving order at meetings;
 - (h) not interrupt another **Member** who is speaking, except to raise a Point of Order;
 - (i) adhere to the rules of procedure established under this bylaw and to the decisions of the **Chair** in connection with the rules and points of order.
- 26.3. If more than one **Member** speaks, the **Chair** must call on the **Member** who, in the **Chair**’s opinion, spoke first.
- 26.4. The **Chair** may expel and exclude any person they consider to be acting improperly or **Members** who are not adhering to the rules of procedure established under this bylaw. If the person refuses to leave, a peace officer may enforce the order.
- 26.5. **Members** may be limited to speaking once only in connection with a single question by the **Chair**, except to reply to debate on a motion which the **Member** has made.
- 26.6. **Council** and persons presenting or addressing **Council** shall abide by the following rules (OFEEDS):
- (a) only one person may speak at any given time;
 - (b) only the **Chair** may invite the public, **Council** or staff to speak;
 - (c) stay on topic;
 - (d) be respectful of other speakers’ needs to present their point of view
 - (e) all attendees must have an equal opportunity to speak when appropriate;
 - (f) there will be no heckling, clapping, booing, cheering, signs, silent waving, etc.
 - (g) remain civilized and respectful;
 - (h) participants must be permitted to share unpopular but necessary points without fear.

27. POINT OF ORDER

- 27.1. Where a **Member** believes the **Chair** is failing to enforce the procedures of the meeting, they may call attention to the issue by stating “Point of Order”. The **Chair** will ask the **Member** to outline the procedural breach raised, wherein the **Chair** is required to make a ruling and enforcement.
- 27.2. The **Chair** may reserve decision on a Point of Order until the next Regular **Council** meeting.
- 27.3. When the **Chair** is required to decide a Point of Order, the **Chair** must cite the rule or authority if requested by another **Member** and a **Member** must not question or comment on the rule or authority cited.

- 27.4. **Members** who are called to order by the **Chair**:
- (a) Must immediately stop speaking;
 - (b) May explain their position on the point of order; and
 - (c) May appeal the **Chair's** decision on the point of order in accordance with the Community Charter.

28. CONFLICT OF INTEREST

- 28.1. If a **Member** considers that he or she is not entitled to participate in the discussion or to vote on a question because the **Member** has a direct or indirect pecuniary interest in the matter or another interest that constitutes a conflict of interest, the **Member** must declare the conflict and state, in general terms, why the **Member** considers this to be the case. After making this declaration the **Member** must excuse themselves from that portion of the meeting where the item is being discussed or voted on and must not attempt to influence the voting on any question in respect of the matter, either before, during or after the meeting.
- 28.2. As an exception, if a **Member** has made a declaration of a conflict of interest and, after receiving legal advice on the issue, determines no conflict exists and they are entitled to participate in the matter, the **Member** may: return to the meeting or attend another meeting on the topic or withdraw the declaration by stating in general terms why they are entitled to participate, and then vote in relation to the matter.
- 28.3. If a **Member** has a direct or indirect pecuniary interest in a matter, whether the **Member** has made a declaration, the **Member** must not:
- (a) Attend any part of a meeting during which the matter is under consideration;
 - (b) Participate in any discussion of the matter at a meeting;
 - (c) Vote on a motion or question in respect of the matter at such a meeting; or
 - (d) Attempt, whether before, during or after a meeting, to influence the voting on any question in respect of the matter.
- 28.4. A conflict of interest does not apply if:
- (a) The pecuniary interest is in common with the electors of the **District** generally;
 - (b) The matter relates to a local service, the pecuniary interest is in common with other persons who are or would be liable for the local service tax;
 - (c) The matter relates to remuneration, expenses or benefits payable to one or more **Members** in relation to their duties;
 - (d) The pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the **Member** in relation to the matter;
 - (e) The pecuniary interest is of a nature prescribed by regulation.
- 28.5. This section applies to **Council Committees**, parcel tax roll review panel, board of variance, advisory body or a body under legislation or prescribed by regulation.

29. COUNCILLOR ITEMS

- 29.1. During **Councillor Items**, **Members** may make announcements, pose inquiries and make suggestions.
- 29.2. Any requests for staff action during Councillor Items must be presented as a notice of a motion to be debated at a future Regular **Council Meeting**.
- 29.3. The **CAO** shall be responsible for directing staff and assigning staff action or tasks arising out of Councillor Items.

30. BYLAWS

- 30.1. A bylaw may be introduced at a **Council** meeting only if a copy of it has been delivered to each **Member** before the **Council** meeting.
- 30.2. A bylaw must have a distinguishing name and number and have a place for the **Chair** and **Corporate Officer** to sign.
- 30.3. **Council** may consider bylaws separately or jointly with other bylaws.
- 30.4. **Council** may give up to three readings to a bylaw at the same **Council** meeting.
- 30.5. A bylaw may be debated and amended any time during the first three readings unless prohibited by legislation. A bylaw that has received third reading shall only be amended by passing a resolution to rescind third reading, a resolution to amend the bylaw and a resolution to reading the bylaw a third time as amended, which may be considered jointly or separately.
- 30.6. Each reading of a bylaw must receive the affirmative vote of a majority of **Council Members** present, except for an official community plan bylaw which must receive an affirmative vote of a majority of all **Council Members**.
- 30.7. There must be at least 1 day between third reading and adoption of a bylaw, except for an official community plan or zoning bylaw, or amendments, may receive third reading and adoption at the same meeting.
- 30.8. If a bylaw requires approval from another level of government as per legislation, the approval must be obtained prior to the bylaw being submitted for assent or approval of the electors.
- 30.9. After a bylaw is adopted, it must be:
 - (a) signed by the **Corporate Officer** and **Chair**;
 - (b) endorsed with date of readings, adoption and any approvals obtained;
 - (c) placed in the **District's** records for safekeeping.

31. COMMITTEES

- 31.1. **Council** may establish **Committees** in accordance with the provisions of the *Community Charter*.
- 31.2. **Committee** meetings shall be held at the **Municipal Hall** whenever possible.
- 31.3. Unless a meeting or part of a meeting is authorized to be closed to the public under the *Community Charter*, all **Committee** meetings shall be open to the public.

Procedure and Quorum

- 31.4. Committees shall consider, inquire into, report and make recommendations to **Council** on matters determined by **Council** and set out in Terms of Reference, as amended from time to time. Reporting to **Council** when required shall be done as soon as reasonability possible or on a date and time specified by **Council**.

- 31.5. At the first **Committee** Meeting of each calendar year the **Members** shall appoint a **Chair** by resolution of the **Committee**. The **Committee** may appoint an Acting **Chair** to act in the absence of the **Chair** for a specified term. The Acting **Chair** shall have the same powers and duties as the **Chair** while acting in that role. A **Member** of **Council** shall not be appointed as **Chair** or Acting **Chair** for select committees or commissions.
- 31.6. Where both the **Chair** and the Acting **Chair** are absent, the **Members**, by resolution, shall choose a **Member** from those present, to preside at the meeting.
- 31.7. As permitted by **Council** priorities and operational workload, the **CAO** may delegate a **Staff Liaison** to a **Committee**. **Staff Liaisons** are not directed by **Committee Members**.
- 31.8. Requests for funding, resources or expenses from Committees must be pre-approved by the **CAO**, **Council** or Chief Financial Officer.
- 31.9. A person other than a **Committee Member** or **District** employee shall only address the **Committee** when scheduled to the agenda or with the approval of the **Chair**.
- 31.10. Where a matter on the agenda considers a **District** application or permit, the applicant shall be advised of the **Committee** meeting date, time and location so they may attend if desired.
- 31.11. Recommendations to **Council** shall be made by resolution of the Committee.

Agendas and Notice

- 31.12. The **Chair** and **Council Representative** shall jointly determine items to be included on the agenda, which shall be submitted to the Recording Secretary 4 days prior to a scheduled meeting.
- 31.13. Notice of a **Committee** meeting shall be provided in accordance with section 10.2 of this bylaw.
- 31.14. The Recording Secretary is responsible for:
- (a) compiling agenda items provided by the **Chair** and **Council Representative**;
 - (b) distributing and posting the agenda;
 - (c) recording and signing **Committee** minutes in accordance with section 25 of this bylaw;
 - (d) ensuring **Committee** minutes are provided to the **Corporate Officer** no later than 5 days after the meeting.
- 31.15. The **Committee Chair** is responsible for:
- (a) jointly determining items to be included on the agenda with the **Council Representative**;
 - (b) scheduling, organizing and arranging **Committee** meetings or cancelling a meeting;
 - (c) presenting to **Council** when required;
 - (d) acting as the liaison with the **Council Representative** and **Staff Liaison**.
- 31.16. A matter which is not on an agenda for consideration, may be added as a late item by resolution.

Voting and Conduct

- 31.17. The rules of Conduct and Debate as set out in section 26 apply to **Committee** meetings so far as is possible and unless otherwise provided in this Bylaw.

- 31.18. **Council Members** may attend meetings of committees they are not appointed to. They may participate in the discussion but shall not vote on motions.
- 31.19. **Council Members** appointed to select committees are non-voting **Members**. **Council Members** appointed to commissions are voting **Members**. **Council Members** appointed to standing committees are voting **Members**.

Section 32 added by Bylaw 1137 and the balance renumbered accordingly.

32. PUBLIC HEARINGS AND PUBLIC COMMENT ON PERMITS

- 32.1 Pursuant to the *Local Government Act* a public hearing must be held prior to adoption of official community plan bylaws or zoning bylaws, or amendments thereto, except that a public hearing may be waived where a zoning bylaw is consistent with the official community plan.
- 32.2 All persons with an interest in the subject of the public hearing shall be afforded a reasonable opportunity to be heard or to present submissions at the public hearing after first stating their name and address or the name and address of the body they represent.
- 32.3 Public hearings shall be held at the Municipal Hall at 7:00 pm on Tuesday evenings immediately preceding the Regular Council Meeting unless Council passes a resolution changing the time or location of a particular hearing.
- 32.4 The Corporate Officer shall:
- (a) Prepare an agenda for each public hearing for approval of the CAO. All items to be included must be submitted to the Corporate Officer no later than 4:30 pm, Friday, two weeks before the meeting;
 - (b) post notice of the public hearing including the date, time, location and general purpose in the Posting Places and deliver the agenda to each Member, generally by the Wednesday afternoon prior to the meeting but no later than the Friday afternoon prior to the meeting.
- 32.5 A copy of all correspondence received in relation to the public hearing received after the date of statutory notification, shall be distributed to Council prior to the public hearing. Submissions received up until 12:00 pm (noon) the Tuesday preceding the public hearing will be circulated as part of the agenda package and submissions received after distribution of the agenda will be distributed in electronic or hard copy.
- 32.6 The following procedural rules are established for the conduct of public hearings:
- (a) The Chair shall read a statement of procedures for the conduct of public hearings.
 - (b) Staff shall present details of the application and announce how many pieces of correspondence have been received in support of or opposed to the application.
 - (c) The owner or applicant shall be given the opportunity to make a fifteen (15) minute presentation (maximum).
 - (d) Members of the public shall be given the opportunity to make a ten (10) minute presentation (maximum) on each occasion.
 - (e) Members of the public may make multiple presentations but only after all other interested have been heard a first time. Without limiting the opportunity for all persons to be heard, speakers shall be encouraged to confine comments to new information.
 - (f) The owner or applicant shall be given a ten (10) minute opportunity to respond to comments or questions raised during the public hearing at the end of the public hearing, immediately preceding the closure of the hearing.

- (g) Notwithstanding the time limits set out above, Council may ask questions of any presenter or staff for clarification purposes.
- (h) Debate on the proposed bylaw shall take place at a Regular Council Meeting following the public hearing when the bylaw is presented for future reading consideration.
- (i) When the Chair considers a reasonable opportunity has been provided for all who wished to make submissions and be heard, the Chair shall call three times for persons wishing to speak at the public hearing prior to adjourning.

32.7 Council shall not receive any submissions, written or verbal, once a public hearing has been adjourned. Any information received after the close of a public hearing shall be retained by the Corporate Officer until the conclusion of the application or, if received by Council, shall be provided to the Corporate Officer unread and unopened, where possible.

- 32.8 Where members of the public or an owner or applicant are permitted to address Council on items set out in section 15.4,
- (a) The owner or applicant shall be given the opportunity to make a presentation to a maximum of ten (10) minutes;
 - (b) Presentations by members of the public shall be a maximum of five (5) minutes on each occasion; and
 - (c) Members of the public shall be provided a maximum of two (2) opportunities to address Council but only after all other interested members of the public have been heard a first time.

33. SEVERANCE

33.1 If any section, subsection or clause of this bylaw is for any reason held to be invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this bylaw.

34. REPEALS

34.1 **District of Lake Country Council** Procedures Bylaw 487, 2004 and all amendments thereto are hereby repealed.

35. CITATION

35.1 This Bylaw may be cited for all purposes as “Council Procedures Bylaw 1105, 2019.”

READ A FIRST TIME this 5th day of November, 2019.

READ A SECOND TIME this 5th day of November, 2019.

READ A THIRD TIME this 5th day of November, 2019.

ADVERTISED on the 14th and 21st days of November, 2019 pursuant to the provisions of Section 94 of the *Community Charter*.

ADOPTED this 3rd day of December, 2019.

Original signed by James Baker

Mayor

Original signed by Reyna Seabrook

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Council Procedures Bylaw 1105, 2019" as adopted by Council on the 3rd day of December, 2019.

Dated at Lake Country, B. C.

Corporate Officer