



COUNCIL PROCEDURE BYLAW NO. 711, 2022
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**A BYLAW TO ESTABLISH REGULATIONS AND PROCEEDINGS OF MUNICIPAL
COUNCIL**

Now therefore the Council for the Village of Nakusp, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

TITLE

1. (1) This Bylaw may be cited as Council Procedure Bylaw No. 711, 2022.

DEFINITIONS

2. In this Bylaw:
 - (1) 'CAO' means the Chief Administrative Officer of the Village of Nakusp;
 - (2) 'Chairperson' means the person for the time being who is authorized to control the proceedings and procedures at any meeting of Council or any Committee of Council and may include the Mayor or Acting Mayor as the case may be, when such person is in attendance at a meeting.
 - (3) 'Committee' means a standing, select or other committee of Council, but does not include COTW;
 - (4) 'Community Charter' means the *Community Charter [SBC 2003] Chapter 26* as amended;
 - (5) 'COTW' means the Committee of the Whole Council;
 - (6) 'Council' means the Council of the Village of Nakusp;
 - (7) 'Emergency Service Building' means the building located at 300 8th Avenue NW, Nakusp British Columbia.
 - (8) 'Local Government Act' means the *Local Government Act [RSBC 2015] Chapter 1* as amended;
 - (9) 'Mayor' means the Mayor of the Village of Nakusp or the person appointed as Acting Mayor;
 - (10) 'Member' means an elected official of Council or an appointed member of the public to a committee.
 - (11) 'Municipal Regional District Director' means the member of Council appointed to serve as a Regional District Board member.
 - (12) 'Public Notice Posting Place' means the notice board at the Village Office, and the Village of Nakusp website, www.nakusp.com;
 - (13) 'Regional District' means the Regional District of Central Kootenay.
 - (14) 'Regular Office Hours' means Monday to Friday 8AM – 4PM, except for Statuary Holidays or otherwise posted.
 - (15) 'Village' means the Village of Nakusp;
 - (16) 'Village Office' means the Municipal office of the Village of Nakusp located at 91 1st Street NW, PO Box 280 Nakusp, British Columbia V0G1R0.

APPLICATION OF RULES OF PROCEDURE

3. (1) The provisions of this Bylaw govern the proceedings of *Council, COTW* and all standing and select *committees* of *Council*, as applicable.
- (2) In cases not provided for under this Bylaw, the most current edition of Robert's Rules of Order apply to the proceedings of *Council, COTW* 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*.

PART 2 – COUNCIL MEETINGS

INAUGURAL MEETING

4. (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the election.
- (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 *CAO* and held as soon as reasonably possible after a quorum has taken office.

TIME AND LOCATION OF MEETINGS

5. (1) All Council meetings must take place within the *Emergency Service Building* except when *Council* resolves to hold meetings elsewhere.
- (2) Regular Council meetings must:
 - (a) be held on the second (2nd) and fourth (4th) Monday of each month;
 - (b) begin at 6:30 pm;
 - (c) be adjourned at 8:30 pm, as notified by the *CAO*, on the day scheduled for the meeting unless *Council* resolves via a unanimous vote to proceed beyond that time;
 - (d) when such meeting falls on a statutory holiday, the meeting shall be held the following Wednesday; and,
 - (e) despite subsection (a) meetings will not be scheduled on the fourth (4th) Monday in July, the second (2nd) Monday in August, the second (2nd) Monday in September and the fourth (4th) Monday in December.
- (3) Regular Council meetings may:
 - (a) be cancelled by *Council*, provided that two consecutive meetings are not cancelled;
 - (b) be postponed to a different day, time and place by the *Mayor*, provided the *CAO* is given at least 2 days written notice and the *CAO* notifies Council members of the new date and time for the meeting.

NOTICE OF COUNCIL MEETINGS

6. (1) In accordance with the *Community Charter*, Council must prepare annually on or before January 31st, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the *Public Notice Posting Place*.
- (2) Where revisions are necessary to the annual schedule of regular Council meetings, the CAO must, as soon as possible, post a notice at the *Public Notice Posting Place* which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.
- (3) Where a Regular meeting of Council is to be held by electronic means, the CAO must, as soon as possible, post a notice at the *Public Notice Posting Place* advising of:
 - (a) The date and time of the meeting;
 - (b) The way in which the meeting is to be conducted by means of electronic or other communication facilities; and,
 - (c) The place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public.

NOTICE OF SPECIAL MEETINGS

7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under the *Community Charter*, a notice of the day, 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 at the *Public Notice Posting Place*; and,
 - (b) notifying Council members directly.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the *Mayor* or the *CAO*.
- (3) When a special meeting of Council is to be conducted by electronic means or other communication facilities, except where notice is waived by unanimous vote of all Council members, the CAO must post notice to the *Public Notice Posting Places* at least 24 hours in advance of the meeting, advising of:
 - (a) the date and time of the meeting;
 - (b) the way in which the meeting is to be conducted by means of electronic or other communications facilities; and,
 - (c) the place where the public may attend to hear, or watch and hear, the meeting proceedings that are open to the public.

ELECTRONIC MEETINGS

8. (1) The following meetings may be conducted by electronic means:
 - (a) regular council meetings;
 - (b) special council meetings; and,
 - (c) council committees.

CC S. 128,
128.1 & 128.2

- (2) During a meeting conducted by electronic means, the *Chairperson* shall ask *members* to confirm their vote in the negative by asking the question 'those opposed?' and provide

the *members* an opportunity to respond with 'nay'; members who do not respond are considered to have voted in the affirmative of the motion.

- (3) For certainty, any *member* attending a meeting by electronic means that is otherwise conducted in person, shall be deemed as voting in the affirmative, unless that *member* states 'nay', when the question is called.
- (4) In the event of equipment failure, the *CAO* will:
 - (a) interrupt the *Chairperson* and request a temporary recess of the meeting;
 - (b) attempt to re-establish contact through the electronic means;
 - (c) if contact cannot be re-established in 5 minutes or less; or, disconnects more than three times within the meeting, the *CAO* will record the time the connection was lost and request that the *Chairperson* resume the meeting without electronic means; and,
 - (d) Notwithstanding subsection (c), if the meeting is being held entirely through electronic means, the *CAO* will record the time, declare the meeting adjourned, and contact the *Chairperson* to advise the meeting is adjourned.
- (5) If an InCamera session is outlined on the Agenda, the *CAO* will:
 - (a) request a recess from the *Chairperson*,
 - (b) ensure all meeting attendee not authorized to attend the InCamera portion of the meeting are placed in a virtual waiting room where they cannot hear or see the proceedings of the meeting, or otherwise disconnected; and,
 - (c) Allow for the excluded attendees to return to the remainder of the meeting after the InCamera portion of the meeting has concluded.
- (5) In the event the *Mayor* or Council member identifies a conflict of interest, the affected *member* must:
 - (a) before debate resumes, the *member* must be placed in a virtual waiting room by the *CAO*; or,
 - (b) if such a virtual space does not exist, the *member* must disconnect from the meeting and wait for confirmation from the *CAO*, via text or phone call that they may return to the meeting.

ELECTRONIC PARTICIPATION

- 9.** (1) A member of *council*, or a council committee may attend by electronic means and be deemed present.

CC S. 128.3

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

DESIGNATION OF ACTING MAYOR

- 10.** (1) At the first Regular Meeting held in November each year, *Council*, upon considering the recommendations of the *Mayor*, in respect of the ensuing calendar year, must appoint:
 - (a) one of its *members* to be *acting Mayor*; or,
 - (b) on a scheduled rotation, as the *Mayor* sees fit, to serve as *Acting Mayor*.
- (2) Each Councillor designated under Section 10(1) must fulfill the responsibilities of the *Mayor* in their absence.

- (3) If both the *Mayor* and the *member* designated under Section 10(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- (4) The *member* designated under Section 10(1) or chosen under Section 10(3) has the same powers and duties as the *Mayor* in relation to the applicable matter.
- (5) Where the office of *Mayor* becomes vacant, *Council* shall appoint a member of Council to be *acting Mayor*, and that person shall continue in office until such a time as another *Mayor* is elected.

PART 4 – COUNCIL PROCEEDINGS

ATTENDANCE OF PUBLIC AT MEETINGS

- CC S. 133
11. (1) In addition to provision of the *Community Charter* in respect to the expulsion of a person from a meeting, for certainty, where meetings are conducted by electronic means, or where the member of the public is participating by electronic means, the *Mayor* may direct the *CAO* to disconnect the member of the public from the meeting.

MINUTES OF MEETINGS TO BE MAINTAINED AND AVAILABLE TO PUBLIC

12. (1) Minutes of the proceedings of *Council* must be:
 - (a) legibly recorded;
 - (b) certified as correct by the *CAO*;
 - (c) signed by the *Mayor* at the next meeting at which the minutes are adopted; and,
 - (d) posted to the *Public Notice Posting Places* after approval at a Regular Council meeting.
- (2) With the exception of closed meetings, the minutes of the proceedings of Regular meetings, Special meetings, Committees and Commissions of *Council* must be open for public inspection at the *Village Office* during its *regular office hours*.
- (3) In the event that the *CAO* is excused from the closed portion of a meeting, an appointed Officer of the *Village*, must record the minutes of the meeting.
- (4) The content of a closed portion of a meeting must not be released or announced publicly by *Council* or any individual *member* unless specifically authorized by *Council*; authorization to release information shall be made by motion to Rise and Report.

CALLING MEETING TO ORDER

13. (1) As soon after the time specified for a Council meeting there is a quorum present, the *Mayor* must call the meeting to order.
- (2) If a quorum of *Council* is present but the *Mayor* or *Acting Mayor* do not attend within 15 minutes of the scheduled time for a Council meeting:
 - (a) the *CAO* must call to order the *members* present; and,
 - (b) the *members* present must choose a *member* to preside at the meeting.

- (3) The quorum of *Council* shall be three (3) *members*.
- (4) A quorum for all Committees shall be a majority of current *members* of the Committee.

ADJOURN MEETING WHERE NO QUORUM IS PRESENT

14. (1) If there is no quorum of *Council* present within 15 minutes of the scheduled time for a Council meeting, the *CAO* must:
 - (a) record the names of the *members* present and those absent; and,
 - (b) adjourn the meeting until the next scheduled meeting.

AGENDA

15. (1) Prior to each Council meeting, the *CAO* 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) Any person submitting an item to be included on a regular meeting agenda, must submit it to the *CAO* no later than noon on the Wednesday prior to the meeting.
 - (3) The *CAO* must make the agenda available to the members of Council and the public by 4 pm the Friday afternoon prior to the meeting by:
 - (a) posting a copy of the agenda at the *Public Notice Posting Place*; and,
 - (b) leaving a copy of the agenda at the front counter at the *Village Office* for the purpose of making them available to the public.

ORDER OF PROCEEDINGS AND BUSINESS

16. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - CALL TO ORDER
 - INTRODUCTION OF LATE ITEM(S)
 - A – Adoption of Agenda
 - B – Adoption of Minutes
 - C – Presentations, Delegations and Petitions
 - D – Public Hearing(s)
 - E – Business Arising from Minutes
 - F – Unfinished Business
 - G – Monthly Reports:
 - First meeting of the month – Council, Council Committees, COTW
 - Second meeting of the month – Staff
 - H – Motions Arising from Reports
 - I – Bylaws
 - J – New Business
 - K – Information item(s)
 - L – Action Item(s)
 - M – Notice of Motion
 - N – Questions from Public or Press
 - O – Notice of In-Camera
 - P – Item(s) brought forward from In-Camera
 - Q - 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*.

LATE ITEMS

17. (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) The deadline for late item(s) to be included on an agenda is 12:00 PM (Noon) on the day of the Council meeting; and those items must be received by the *CAO*.

VOTING AT MEETINGS

18. (1) The following procedures apply to voting at Council meetings:
 - (a) When debate on a matter is closed the *Mayor* must put the matter to a vote of Council members;
 - (b) When the *Council* is ready to vote, the *Mayor* must put the matter to a vote by stating: 'Those in favour', followed by 'Those opposed';
 - (c) When the *Mayor* is putting the matter to a vote under paragraphs (a) and (b) a *member* must not:
 - i. Cross or leave the room;
 - 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) After the *Mayor* finally puts the question to a vote under paragraph (b), a *member* must not speak to the question or make a motion concerning it;
 - (e) The *Mayor's* decision about whether a question has been finally put is conclusive;
 - (f) Whenever a vote of *Council* on a matter is taken, each *member* present shall signify their vote by raising their hand, or if participating by electronic means, by verbally stating their vote as either in favour or opposed;
 - (g) The *Mayor* must declare the result of the voting by stating that the question is decided and is either carried or defeated;
 - (h) If a Council member does not indicate how they vote, the *member* is deemed to have voted in the affirmative;
 - (i) If the votes of the *members* present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated; and,
 - (j) Unless a member of *Council* requests that their vote be recorded within the minutes, the minutes shall only indicate if the motion was carried or defeated.

PRESENTATIONS, DELEGATIONS AND PETITIONS

19. (1) The number of presentations at any Council meeting shall be a maximum of two (2), unless the *CAO* authorizes otherwise.
- (2) Delegations must submit a copy of their presentation to the *CAO* by noon on the Wednesday prior to the meeting.
- (3) Each delegation must be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those *members* present.

- (4) The *CAO* shall notify the *Chairperson* when the delegation has reached the ten (10) minute time limit.
- (5) Every petition presented to *Council* shall include the name and area of residence of each petitioner; in the case of a corporation the authority given by the corporation to sign the petition shall be produced in connection therewith.
- (6) *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 prerequisite to the adoption of the bylaw.
- (7) The *CAO* may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (8) The *CAO* 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 *CAO*'s decision, the information must be distributed by:
 - (a) separate cover to *Council* for their consideration; and,
 - (b) as a petition pursuant to the time frame outlined under s. 19(2).
- (9) *Council* may not make decisions pertaining to the subject matter of a presentation, delegation, or petition during the same meeting in which it is received, unless it is direction to staff to prepare a report for a following meeting, pertaining to the subject matter in question.
- (10) Notwithstanding s. 19(9), when a person brings forward a petition requesting the reconsideration by *Council* of a decision made by the *CAO*, as allowed for in applicable legislation and bylaws, *Council* shall make a decision by resolution of whether to confirm or overrule the *CAO*'s decision.

PUBLIC HEARING(S)

20.
 - (1) All persons with an interest in the subject of the public hearing shall be afforded a reasonable opportunity to be heard or to present written submissions on matters contained in the bylaw, after first identifying themselves by stating their name and address, and the name and address of the person or body they represent (if applicable).
 - (2) Before the public hearing, the *CAO* shall make available to each member of *Council* a copy of any correspondence pertaining to the subject of the public hearing that has been received by the *CAO* after the date and time of required statutory notification of the public hearing.
 - (3) The *Mayor* or *Chairperson* shall only entertain submissions that are pertinent to the proposed subject matter under discussion.
 - (4) Presentations by an owner or applicant shall be limited to a maximum of fifteen (15) minutes.
 - (5) The *CAO* shall notify the *Chairperson* when the presenter has reached the fifteen (15) minute time limit.

- (6) Presentations by members of the public shall be limited to a maximum of five (5) minutes for each person; if a person has additional information that they are unable to provide within that time frame, they may be given further opportunities to address *Council* after all other interested members of the public have been heard a first time and shall limit their additional comments to new information.
- (7) The owner or applicant shall be given an opportunity to respond to comments or questions raised during the public hearing after all of the public comments are heard, but before the hearing is closed; the applicant will only be provided up to a total of ten (10) minutes for this response.
- (8) Notwithstanding time limits for presentations set out in s. 20(4), 20(6), and 20(7) of this bylaw, *Council* may ask questions of any presenter and of staff for clarification purposes.
- (9) Debate on any bylaw that is the subject matter of the Public Hearing shall only take place at a regular meeting of Council following the public hearing when the bylaw is presented for reading consideration.
- (10) Public may participate in the public hearing by means of electronic or other communication facilities.
- (11) Persons who are authorized to present at a Council meeting and who are unable to attend in person may participate in the meeting by means of electronic or other communication facilities.

POINTS OF ORDER

21. (1) Without limiting the *Chairperson's* duty, the *Chairperson* 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 *Chairperson* is required to decide a point of order:
 - (a) the *Chairperson* 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 *Chairperson* under Subsection (2)(a); and,
 - (c) the *Chairperson* may reserve the decision until the next Council meeting.

CONDUCT AND DEBATE

22. (1) A Council member may speak to a question or motion at a Council meeting only if that *member* first addresses the *Chairperson*.
- (2) *Members* must address the *Chairperson* by that person's title of *Mayor, Acting Mayor* or *Councillor*.
- (3) *Members* must address other non-*chairpersons* by the title *Councillor*.

- (4) A *member* shall not interrupt another *member* who is speaking except to raise a point of order.
- (5) If more than one *member* speaks the *Chairperson* must call on the member who, in the *Chairperson's* opinion, first spoke.
- (6) *Members* who are called to order by the *Chairperson*:
 - (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.
- (7) *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 previous vote of *Council* only for the purpose of making a motion that the vote be rescinded; only if the *member* voted in the affirmative on the previous vote; and,
 - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the *Chairperson* and *Council* in connection with the rules and points of order.
- (8) When a *member* poses a question to staff they must pose the question through the *Chairperson* who will direct the question to the *CAO*.
 - (a) If the *CAO* believes another staff member is more qualified to respond, the *CAO* will direct the question to them.
- (9) If a *member* does not adhere to Subsection (7), the *Chairperson* may order the *member* to leave the *member's* seat, and
 - (a) if the *member* refuses to leave, the *Chairperson* 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.
- (10) 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.
- (11) The following rules apply to limit speech on matters being considered at a Council meeting:
 - (a) a *member* may speak more than once in connection with the same question only:
 - i. with the permission of *Mayor*; 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; and,
 - (d) a *member* may speak to a question, or may speak in reply, for longer than a total time of 10 minutes only with the permission of *Council*.

MOTIONS GENERALLY

23. (1) A recommended motion shall be presented for each matter brought before *Council*.
- (2) Each recommended motion must be moved and seconded before *Council* can debate and vote on a matter.
- (3) 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* permission.
- (4) 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; and,
 - (g) to adjourn.
- (5) A motion made under Subsections (4)(c) to (g) is not amendable nor debatable.
- (6) *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.
- (7) A motion that has been put to a vote must be dealt with before any other amendments are made to the motion.
- (8) If the motion for the main question, or for the main question as amended, is decided in the negative, *Council* may debate the question again or proceed to other business.

MOTION TO REFER TO COMMITTEE

24. (1) Until it is decided, a motion made at a Council meeting to refer to *committee* precludes an amendment of the main question.

AMENDMENTS GENERALLY

25. (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, 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 *Chairperson*.
- (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 vote of *Council* cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.
- (8) The *Chairperson* 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) the main question.

RECONSIDERATION BY COUNCIL MEMBER

- 26. (1) Subject to subsection (3), a Council member 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.
- (2) *Council* must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (3) A vote to reconsider must not be reconsidered.
- (4) *Council* may only reconsider a matter that has not:
 - (a) had the assent of the electors;
 - (b) been reconsidered under subsection (1); or,
 - (c) been acted on by an officer, employee or agent of the *Village*.
- (5) The conditions that applied to the adoption of the original bylaw, resolution or proceeding apply to its rejection under this section.

PRIVILEGE

- 27. (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*; or,
 - (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

- 28. (1) *Council* may take any of the following actions in connection with a resolution it receives from a *committee* or a *COTW*:
 - (a) agree or disagree with the resolution;

- (b) amend the resolution;
- (c) refer the resolution back to the *committee* or the *COTW*; and,
- (d) postpone its consideration of the resolution.

ADJOURNMENT

29. (1) A *Council* may continue a Council meeting after 8:30 pm only by an affirmative vote by a majority 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; or,
 - b. a motion that adds an opinion or qualification to a preceding motion to adjourn.
- (4) A motion to adjourn before the end of the Agenda requires a seconder and a vote.
- (5) At the end of the Agenda a motion to adjourn does not require a seconder or a vote.

PART 5 – BYLAWS

COPIES OF PROPOSED BYLAWS TO COUNCIL MEMBERS

30. (1) A proposed bylaw may be introduced at a Council meeting only if a true 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

31. (1) A bylaw introduced at a Council meeting must:
 - (a) be circulated electronically and only printed upon request;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number;
 - (d) contain an introductory statement of purpose; and,
 - (e) be divided into sections.

BYLAWS TO BE CONSIDERED SEPARATELY OR JOINTLY

32. (1) *Council* must consider a proposed bylaw at a Council meeting either:
 - (a) separately when directed by the *Chairperson* or requested by another Council member; or,
 - (b) jointly when other proposed bylaws in the sequence determined by the *Chairperson*.

READING AND ADOPTING BYLAWS

33. (1) The *Chairperson* of a Council meeting may
 - (a) have the *CAO* read a synopsis of each proposed bylaw, and then;
 - (b) request a motion that the proposed bylaw be provided a reading.

- (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 up until the third reading is provided; a bylaw that has been given third reading must have the third reading rescinded to be further amended.
- (4) Unless otherwise stated in applicable legislation, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) Unless otherwise restricted by a provision of the *Community Charter*, or *Local Government Act, Council* may give up to three readings to a proposed bylaw at the same Council meeting.
- (6) *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) *Council* must not vote on the reading or adoption of a bylaw when the meeting is closed to the public.

BYLAWS MUST BE SIGNED

- 34.** (1) After a bylaw is adopted, and signed by the *CAO* and the *Chairperson* of the Council meeting at which it was adopted, the *CAO* must have it placed in the *Village's* records for safekeeping and endorse upon it:
- (a) the *Village's* corporate seal;
 - (b) the dates of its readings and adoption; and,
 - (c) the date of Ministerial approval or approval of the electorate if applicable.

PART 6 – RESOLUTIONS

COPIES OF RESOLUTIONS TO COUNCIL MEMBERS

- 35.** (1) The *Chairperson* of a Council meeting may have the *CAO* read the resolution.

PART 7 – COMMITTEE OF THE WHOLE

GOING INTO COMMITTEE OF THE WHOLE

- 36.** (1) At any time during a council meeting, *Council* may by resolution go into *COTW*.
- (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 *Village's* business, is a meeting of *COTW*.

PURPOSE OF COMMITTEE OF THE WHOLE

- 37.** (1) The purpose of the *COTW* is to allow *Council* to meet in a less formal and structured manner to:
- (a) discuss issues of long-term planning and policy development;
 - (b) discuss complex administration, finance, zoning and land development issues;

- (c) consider other matters that from time to time may require *Council's* in-depth consideration; and,
 - (d) receive public input on matters placed before the *Committee*.
- (2) *COTW* will be considered separate from *Council* and will report and make recommendations to *Council*.

NOTICE FOR COTW MEETINGS

38. (1) A special meeting may be convened in the format of a *COTW*.
- (2) The notice of the day, hour and place of a *COTW* meeting must be given at least 24 hours before the time of the meeting by:
- (a) posting a copy of the notice at the *Public Notice Posting Place*; and,
 - (b) contacting Council members directly of the date and time for the meeting.
- (3) Subsection (1) does not apply to a *COTW* meeting that is called, in accordance with s. 36(1), during a Council meeting for which public notice has been given under S. 5 or 6.

MINUTES OF COTW MEETINGS TO BE MAINTAINED AND AVAILABLE TO PUBLIC

39. (1) Minutes of the proceedings of *COTW* must be:
- (a) legibly recorded;
 - (b) certified by the *CAO*; and,
 - (c) open for public inspection in accordance with the *Community Charter*.

CC S. 124

CHAIRPERSON AT COTW MEETINGS AND QUORUM

40. (1) The *Mayor* presides in *COTW*
- (2) The quorum of *COTW* is the majority of Council members.

POINTS OF ORDER AT MEETINGS

41. (1) The *Chairperson* must preserve order at a *COTW* meeting and, subject to an appeal to other *members* present, decide points of order that may arise.

CONDUCT AND DEBATE

42. (1) The rules of the Council procedure must be observed during *COTW* meetings, so far as is possible and unless as otherwise provided in the Bylaw, except that a reduced formality can be provided, the public can be afforded additional opportunities for input, and Council members provided multiple opportunities to address an issue.
- (2) The following rules apply to *COTW* meetings:
- (a) a motion is not required to be seconded;
 - (b) a motion for adjournment is not allowed;
 - (c) a *member* may speak any number of times on the same question;
 - (d) a *member* must not speak longer than a total of 10 minutes on any one question.

VOTING AT MEETINGS

43. (1) Votes at a *COTW* meeting must be taken by a show of hands if requested by a *member*, or if participating by electronic means, by verbally stating their vote as either in favour or opposed.
- (2) The *Chairperson* must declare the results of voting.

REPORTS

44. (1) *COTW* may consider reports and bylaws only if:
- (a) they are printed and the *members* each have a copy; and,
 - (b) the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for *COTW* to rise and report to *Council* must be decided without debate.
- (3) The *COTW*'s reports to *Council* must be presented by the *CAO*.

RISING WITHOUT REPORT

45. (1) A motion made at a *COTW* meeting to rise without reporting:
- (a) is always in order and takes precedence over all other motions;
 - (b) may be debated; and,
 - (c) may not be addressed more than once by any one *member*.
- (2) If a motion to rise without reporting is adopted by *COTW* the Council meeting must resume and proceed to the next order of business.

PART 8 – COMMITTEES AND THE MUNICIPAL REGIONAL DISTRICT DIRECTOR

DUTIES OF THE MUNICIPAL REGIONAL DISTRICT DIRECTOR

46. (1) The *Municipal Regional District Director* shall in accordance with the *Local Government Act*, be appointed by *Council* from among its *members*.
- LGA S 198
- (2) The term of office of a *Municipal Regional District Director* begins when that director takes the oath of office at the *Regional District* and continues until:
- (a) the earlier of another director taking office in the original director's place; and,
 - (b) November 30th in the year of a General Local Election.
- (3) As the *Municipal Regional District Director* is appointed by *Council* and not elected, the director's protocol is to express the opinion of *Council* at the *Regional District* Board Meetings, and while voting on issues that effect the *Village of Nakusp* where *Council* has established a position or opinion.
- (4) The *Municipal Regional District Director* will seek the advice and instruction of *Council* on *Regional District* matters that involve budget or money bylaws, and is obligated to report accurately to *Council*, the agendas and minutes of *Regional District* business.

DUTIES OF THE MUNICIPAL STANDING COMMITTEES

47. (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 assigned by *Council*;
 - (c) matters that are assigned 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 assigned by *Council* or 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.

DUTIES OF SELECT COMMITTEES

48. (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.

SCHEDULE OF COMMITTEE MEETINGS

49. (1) At its first meeting after its establishment a standing or select committee must elect a *chairperson* and establish a regular schedule of meetings.
- (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

50. (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 at the *Public Notice Posting Place*, 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 *CAO* must, as soon as possible, post a notice at the *Public Notice Posting Place* which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The *chairperson* of a *committee* must cause a notice of the day, time and place of a meeting called under section 50(2) to be given to all *members* of the committee at least 24 hours before the time of the meeting.

MINUTES OF COMMITTEE MEETINGS TO BE MAINTAINED AND AVAILABLE TO PUBLIC

51. (1) Minutes of the proceedings of a *committee* must be:
- (a) legibly recorded;
 - (b) certified by the *CAO*; and,
 - (c) open for public inspection in accordance with the *Community Charter*.

QUORUM

52. (1) The quorum for a *committee* is a majority of all of its *members*.

CONDUCT AND DEBATE

53. (1) The rules of the Council procedure must be observed during *committee* meetings, so far as is possible and unless as otherwise provided in this bylaw.
- (2) Council members attending a meeting of a *committee*, of which they are not a *member*, may participate in the discussion only with the permission of a majority of the committee members present.
- (3) A motion made at a meeting of a *committee* is not required to be seconded.

VOTING AT MEETINGS

54. (1) Council members attending a meeting of a *committee* of which they are not a *member* must not vote on a question.

COMMISSIONS

55. (1) Commission meetings must abide by the same procedures as Council Committees.

PART 9 – GENERAL

56. (1) 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.

57. (1) This bylaw may not be amended or repealed and substituted unless *Council* first gives notice in accordance with the *Community Charter*.

CC S. 94

58. (1) This bylaw comes into effect on September 27, 2022.

59. (1) Village of Nakusp Procedure Bylaw No. 585, 2004 as amended is hereby repealed.

READ A FIRST TIME THIS 11th DAY OF July, 2022

READ A SECOND TIME THIS 11th DAY OF July, 2022

READ A THIRD TIME THIS 11th DAY OF July, 2022

ADOPTED THIS 22nd DAY OF August, 2022

Mayor

Chief Administrative Officer