

# CITY OF KELOWNA

## BYLAW NO. 9200

### Council Procedure Bylaw

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

#### **PART 1 – INTERPRETATION**

##### **General**

- 1.1 The provisions of this bylaw govern the proceedings of Council and all standing, select and other committees of Council, as applicable.
- 1.2 In cases not provided for under this bylaw, Council may determine the appropriate rules of procedure, or may follow The New Robert's Rules of Order, 2<sup>nd</sup> edition, 1998, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with 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 City of Kelowna, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 This bylaw may be cited for all purposes as City of Kelowna "Council Procedure Bylaw No. 9200".
- 1.7 City of Kelowna Council Bylaw No. 7906, together with all amendments to it, is hereby repealed.

##### **Interpretation**

- 1.8 In this bylaw:

"Acting Mayor"	means the Councillor designated pursuant to section 3.1 of this bylaw for the applicable date
"City"	means the City of Kelowna

Bylaw No. 9200 - 2 -

“City Clerk”	means the individual appointed by Council as the officer assigned the responsibility of corporate administration of the City of Kelowna, or his or her lawful deputy
“City Hall”	means Kelowna City Hall located at 1435 Water Street, Kelowna, British Columbia
“City Manager”	means the individual appointed by Council as the City Manager or who holds the position of chief administrative officer of the City of Kelowna, or his or her lawful deputy
“Council”	means the municipal council of the City of Kelowna
“Notice Board”	means the notice board at City Hall designated by the City Clerk for posting of legal notices and Council meeting information
“Public Notice Posting Place”	means the Notice Board

- 1.9 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Community Charter* or the *Local Government Act*, as applicable.

## **PART 2 – SCHEDULE AND NOTICE OF COUNCIL MEETINGS**

### **Schedule of Meetings**

- 2.1 An inaugural Council meeting shall be held on the first Monday in December following a general election of Council, unless a quorum of Council has not yet taken office in which case the inaugural Council meeting shall be called as soon as reasonably possible after a quorum has taken office.
- 2.2 (a) Regular Monday afternoon and Tuesday evening Council meetings, and public hearings, shall be held on the dates each year established by a resolution of Council prior to December 15<sup>th</sup> of the preceding year, unless Council passes a resolution to cancel a particular meeting.
- (b) Regular Monday morning Council meetings shall be held on the dates each year established by a resolution of Council prior to December 15<sup>th</sup> of the preceding year, unless Council passes a resolution to cancel a particular meeting or the City Manager determines that there is not sufficient business to be discussed to warrant the holding of a particular meeting.
- 2.3 Regular Monday afternoon Council meetings shall be scheduled to begin at 1:30 p.m. unless Council passes a resolution to change the time of a particular meeting
- 2.4 Public hearings shall begin at 7:00 p.m. on Tuesday evening, unless Council passes a resolution to change the time of a particular hearing, and Regular Tuesday evening Council meetings shall begin after the conclusion of the public hearing or if there is no public hearing, at 7:00 p.m.

### **Special Meetings**

Bylaw No. 9200 - 3 -

- 2.5 A special meeting of Council, which is any meeting other than a regular meeting scheduled pursuant to this Part or an adjourned meeting, may be called by the Mayor or by two members of Council in accordance with the provisions of the *Community Charter*.

**Location of Council Meetings and Public Hearings**

- 2.6 All Council meetings and public hearings shall take place within City Hall unless Council passes a resolution to hold a particular meeting elsewhere.

**Notice of Regular Council Meetings and Public Hearings**

- 2.7 The annual schedule of regular Council meetings, established pursuant to subsections 2.2(a) and (b) of this bylaw, shall be available to the public through posting on the Notice Board, and notice of the availability of the schedule shall be advertised by January 15<sup>th</sup> in each year in accordance with the public notice provisions set out in the *Community Charter*.
- 2.8 At least 48 hours before a regular Council meeting or public hearing the City Clerk must give notice of the meeting or hearing agenda, including confirmation of the time, place, and date, by:
- (a) posting the agenda on the Notice Board at City Hall;
  - (b) leaving copies of the agenda at a public counter at City Hall for distribution to members of the public as requested; and
  - (c) providing a paper or electronic copy to each member of Council.
- 2.9 The City Clerk's Office shall also endeavour to post agendas on the City's internet web site.

**Notice of Special Council Meetings**

- 2.10 At least 24 hours before a special Council meeting the City Clerk must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for agendas in section 2.8 of this bylaw.
- 2.11 Each copy of a notice of a special Council meeting must be signed by the Mayor or the City Clerk.
- 2.12 Notwithstanding sections 2.10 and 2.11, notice of a special Council meeting may be waived by unanimous vote of all Council members.

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

- 3.1 At least once during each term of Council, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act, or when the office of the Mayor is vacant.
- 3.2 Each Councillor designated under section 3.1 of this bylaw must fulfill the responsibilities of the Mayor in his or her absence, and shall have the same powers and duties as the Mayor during a period of service as Acting Mayor.

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

## **PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS**

### **Meetings to be Open to the Public**

- 4.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter*, all meetings of Council shall be open to the public.

### **Visitors and Delegations to Council**

- 4.2 A person, other than a Council member or an officer or employee of the City, shall only address Council during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if Council has passed a resolution to hear from that person at that time.
- 4.3 A person who is not an officer or employee of the City, who wishes to have a report or presentation scheduled to a Council meeting agenda, shall request the same through the City Clerk's Office. The request shall include the name(s) of the person(s) who would be making the report or presentation if approved (referred to as a "delegation"), and a copy of the report or presentation in written form. The written submission must clearly state any requests being made of Council and any recommended Council resolutions.
- 4.4 Requests dealing with a matter that is outside the jurisdiction of the City of Kelowna shall be refused.
- 4.5 So long as a request deals with a matter that is within the jurisdiction of the City Kelowna, and is received in accordance with section 4.3 of this bylaw, the City Clerk's Office shall handle such a request by recommending to the City Manager one or more of the following actions:
- (a) that the request be referred to the appropriate City staff member or department, if the request is operational in nature;
  - (b) that the person(s) making the request be encouraged to contact members of Council directly with the concerns raised;
  - (c) that the request be referred to a Council committee or advisory body; or
  - (d) that the request be granted and the delegation be scheduled to the next available meeting agenda.
- 4.6 A person who is not an officer or employee of the City shall be limited to 10 minutes to make his or her presentation to Council, but may be asked to take additional time to respond to any questions from Council and may include additional information if necessary in the copy of the report or presentation submitted to the City Clerk's Office prior to agenda preparation for the relevant meeting.

### **Proceedings at Public Hearings**

Bylaw No. 9200 - 5 -

- 4.7 All persons with an interest in the proposed bylaw which is the subject of the public hearing shall be afforded a reasonable opportunity to be heard or to present written submissions on matters contained in the bylaw, after first identifying themselves by stating their name and address, and the name and address of the person or body they represent (if applicable).
- 4.8 The City Clerk shall make available to each member of Council before the public hearing a copy of any correspondence pertaining to the subject of the public hearing that has been received after the date of required statutory notification of the public hearing. All correspondence or information received prior to that date shall be available through the Planning Department.
- 4.9 The Mayor or presiding member shall only entertain submissions that are germane to the purpose of the proposed bylaw under discussion.
- 4.10 Presentations by an owner or applicant shall be limited to a maximum of 15 minutes. Owners or applicants who have additional information that they are not able to include within that time frame shall be encouraged to provide the additional information in writing, and if possible electronically, to the City Clerk's Office by 12:00 noon on the Wednesday preceding the public hearing so that the information can be copied to Council as part of the agenda package.
- 4.11 Presentations by members of the public shall be limited to a maximum of 5 minutes each. If a person has additional information that he is unable to provide within that time frame, he shall be given further opportunities to address Council after all other interested members of the public have been heard a first time. Without limiting the opportunity provided for in section 4.7 of this bylaw, speakers shall be encouraged to confine their comments to new information.
- 4.12 The owner or applicant shall be given an opportunity to respond to comments or questions raised during the public hearing before the hearing is closed on their application. The response shall be limited to a maximum of 10 minutes.
- 4.13 Notwithstanding time limits for presentations set out in sections 4.10, 4.11 and 4.12 of this bylaw, Council may ask questions of any presenter and of staff for clarification purposes. Debate on the bylaw shall take place at a regular meeting of Council following the public hearing when the bylaw is presented for reading consideration.

## **PART 5 – RULES OF PROCEDURE AT COUNCIL MEETINGS**

### **Agenda Preparation and Order of Proceedings**

- 5.1 Prior to each meeting of Council the City Clerk shall prepare an agenda for approval by the City Manager of all items to be considered by Council at the meeting
- 5.2 All items or reports for the agenda of a meeting of Council, other than a special Council meeting, must be delivered to the City Clerk prior to 12:00 noon on the Wednesday preceding a Monday or Tuesday meeting. Any item not delivered complete and in an agenda-ready format by that deadline shall be held to the next meeting of Council, unless approved as a late item by the City Manager.
- 5.3 A late item may be approved for addition to an agenda by the City Manager, or by resolution of Council, if the subject matter is of an urgent nature such that the item cannot be held to the next meeting of Council.

Bylaw No. 9200 - 6 -

5.4 The agendas for all regular Council meetings shall contain the following matters where there are items pertaining to them, and in the order in which they are listed:

(a) Monday Regular Meeting (morning)

- Call to order
- Appointment of member to check minutes
- Reports
- Resolution to approve those items on the agenda proposed for a closed meeting pursuant to the *Community Charter* and to close the meeting to the public
- Closed session
- Termination

(b) Monday Regular Meeting (afternoon)

- Call to order
- Appointment of member to check minutes
- Public in attendance
- Unfinished business
- Development application reports
- Bylaws (zoning and development related, including information reports for bylaws to be adopted)
- Non-development application reports
- Resolutions
- Bylaws (other than zoning and development related)
- Councillor Items
- Termination

(c) Tuesday Regular Meeting (following Public Hearing, if applicable)

- Call to order
- Prayer
- Confirmation of minutes
- Appointment of member to check minutes
- Bylaws considered at public hearing
- Liquor license application reports
- Development permit and development variance permit reports
- Unfinished business
- Reports
- Resolutions
- Bylaws
- Reminders
- Termination

(d) Public Hearing

- Reading or summarizing the notice of public hearing
- Staff presentation

Bylaw No. 9200 - 7 -

- Summarizing any correspondence received in relation to the item being heard
  - Presentation by owner or applicant
  - Call for any person to speak or to present a written submission in relation to the item being heard
  - Applicant to respond to concerns raised by speakers or Council
- 5.5 No Council meeting or public hearing may start or continue past 11:00 p.m. unless Council passes a resolution to start or continue that meeting past that time.
- 5.6 Council may proceed with an item of business at a regular Council meeting in the absence of the Council member in whose name the business is listed on the agenda only if that member has given written permission for another member to proceed with that business.
- 5.7 During the agenda item "Councillor Items" members of Council may make motions, introduce new business, pose inquiries and make suggestions upon being recognized by the presiding member. Items of new business which are not included in the agenda and are of a complex nature or that may affect existing City bylaws or policies shall be introduced as a "Notice of Motion" for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature may be accepted as verbal reports from any member of Council. Members of Council who request that a letter of appreciation be sent on behalf of the Council shall be responsible for preparing a draft of the letter for signature by the Mayor.

**Quorum**

- 5.8 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 meeting to order. Where the Mayor is absent, the Council member designated in accordance with this bylaw to act in the Mayor's place for that meeting must take the chair and call the meeting to order.
- 5.9 If a quorum of Council is present, but neither the Mayor nor the Council member designated in accordance with this bylaw to act in the Mayor's place for that meeting is present within 15 minutes of the time specified for the Council meeting, the City Clerk shall call the meeting to order and the members of Council present shall choose one among them to preside at the meeting.
- 5.10 If there is no quorum of Council present within 15 minutes of the time specified for the Council meeting, the City Clerk shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

**Voting at Meetings**

- 5.11 If a Council member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, he shall conduct himself in accordance with the law, including with the provisions of the *Community Charter*.

Bylaw No. 9200 - 8 -

- 5.12 When debate on a matter is closed and Council is ready to vote, the presiding member must put the matter to a vote by asking who is in favour of the question, and then who is opposed.
- 5.13 Voting shall be by show of hands or by electronic vote, if facilities are so provided, and a member of Council shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 5.14 After the presiding member has finally put the question to a vote, a member of Council shall not speak to the question or make a motion concerning it. The presiding member's decision as to whether a question has been finally put is conclusive.
- 5.15 Should the votes on a question, other than an appeal of a decision of the presiding member on a point of order, be equal for and against, the motion is defeated.
- 5.16 The presiding member must declare the result of the voting by stating whether the motion is carried or is defeated.

**Points of Order**

- 5.17 Without limiting the presiding member's duty pursuant to section 132(1) of the *Community Charter*, 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.
- 5.18 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, and another member shall not question or comment on the rule or authority cited by the presiding member; or
  - (b) the presiding member may reserve the decision until the next Council meeting.
- 5.19 A member of Council may appeal the decision of the presiding member in accordance with section 132 of the *Community Charter*.

**Conduct and Debate at Meetings**

- 5.20 A member shall speak at a Council meeting only after being recognized by the presiding member, except to raise a point of order.
- 5.21 Members shall address other members of Council by their title and their surname, as applicable (for example, Mayor \_\_\_\_\_ or Acting Mayor \_\_\_\_\_ or Councillor \_\_\_\_\_).
- 5.22 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.

Bylaw No. 9200 - 9 -

- 5.23 A member of Council may require the question being debated at a Council meeting to be voted upon at any time during the debate so long as this does not interrupt another member who is speaking.
- 5.24 Members of Council may be limited to speaking once only in connection with a single question, by the presiding member, except to reply to debate on a substantive motion which the member has made.
- 5.25 Despite section 4.1 of this bylaw, the Mayor or presiding member at a Council meeting may expel and exclude from any Council meeting a person, including another Council member, which the Mayor or presiding member considers is engaging in inappropriate conduct.

**Motions Generally**

- 5.26 Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- 5.27 The following motions are not amendable nor debatable:
  - (a) to table the main motion;
  - (b) to defer the main motion, either indefinitely or to a specified time;
  - (c) to move the previous question; or
  - (d) to adjourn.
- 5.28 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.

**Amendments Generally**

- 5.29 A Council member may without notice move to amend a motion that is being considered at a Council meeting.
- 5.30 A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- 5.31 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote, unless there is a call for the main question.
- 5.32 An amendment may be amended once only.
- 5.33 A motion to amend that has been defeated by a vote of Council cannot be proposed again.

**Reconsideration**

Bylaw No. 9200 - 10 -

- 5.34 The Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with section 131 of the *Community Charter*.
- 5.35 Council may, within one month of a Council decision, consider a motion to reconsider a matter, and if adopted, the same terms and conditions as set out in section 131 of the *Community Charter* apply as if the Mayor had required the reconsideration.
- 5.36 A vote to reconsider a matter, whether affirmative or negative, must not be reconsidered.

**Privilege**

- 5.37 In this section, a matter of privilege refers to any of the following motions:
- (a) to fix the time to adjourn;
  - (b) to adjourn;
  - (c) to recess;
  - (d) to raise a question of privilege of Council; and
  - (e) to raise a question of privilege of a member of Council.
- 5.38 A matter of privilege must be immediately considered when it arises at a Council meeting.
- 5.39 For the purposes of section 5.38, a matter of privilege listed in section 5.37 has precedence over those matters listed after it.

**PART 6 – MINUTES**

- 6.1 Minutes of the proceedings of Council must be legibly recorded, certified as correct by the City Clerk, and signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- 6.2 Subject to section 6.3 of this bylaw, the minutes of the proceedings of Council must be open for public inspection at City Hall during regular office hours.
- 6.3 Section 6.2 of this bylaw does not apply to minutes of a Council meeting, or part of a meeting, from which persons were excluded pursuant to section 4.1 of this bylaw.

**PART 7 – BYLAWS**

**Copies of Proposed Bylaws to Council Members**

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

**Form of Proposed Bylaws**

- 7.2 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into sections.

**Reading Consideration of Proposed Bylaws**

Bylaw No. 9200 - 11 -

- 7.3 Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another Council member, or
  - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.
- 7.4 The presiding member of a Council meeting may read, or have the City Clerk read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be read.
- 7.5 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- 7.6 Each reading of a proposed bylaw must receive the affirmative vote of a majority of Council members present, unless the *Community Charter* or the *Local Government Act* requires otherwise.

**Bylaws must be Signed**

- 7.7 After a bylaw is adopted and signed by the City Clerk and the presiding member of the Council meeting at which it was adopted, the City Clerk must have it placed in the City's records for safekeeping and endorse upon it:
- (a) the City's corporate seal, and
  - (b) the dates of its readings, adoption and any required approvals that have been obtained.

**PART 8 – RESOLUTIONS**

**Copies of Proposed Resolutions to Council Members**

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

**Form of Proposed Resolutions**

- 8.2 A resolution must be printed and have a distinguishing number.

**Consideration of Proposed Resolutions**

- 8.3 The presiding member of a Council meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced.

**PART 9 – COUNCIL COMMITTEES**

**Establishment of Committees**

Bylaw No. 9200 - 12 -

- 9.1 The Mayor or Council, may establish standing or select committees of Council, respectively, in accordance with the provisions of the *Community Charter*.
- 9.2 Council may establish other committees in accordance with the provisions of the *Community Charter*.

**Duties of Standing Committees**

- 9.3 Standing Committees must consider, inquire into, report on, and make recommendations to Council about any of the following:
  - (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council;
  - (c) matters that are assigned by the Mayor.
- 9.4 Standing Committees must report and make recommendations to Council as required by Council or the Mayor.

**Duties of Select Committees**

- 9.5 Select Committees must consider, inquire into, report on, and make recommendations to Council about matters referred to the committee by Council.
- 9.6 Select Committees must report and make recommendations to Council as soon as possible, unless a date and time is established by Council.

**Duties of Other Committees**

- 9.7 Other Committees must consider, inquire into, report on, and make recommendations to Council about matters referred to the committee by Council.
- 9.8 Other Committees must report and make recommendations to Council as required by Council.

**Location and Schedule of Committee Meetings**

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

**Notice of Committee Meetings**

Bylaw No. 9200 - 13 -

- 9.12 After a committee has established a regular schedule of meetings, including times, dates and places, notice of the schedule shall be given to each member of the committee.
- 9.13 At least three days before a regularly scheduled committee meeting, or at least one day before an additionally scheduled committee meeting, public notice must be given of the time, place, and date of the meeting by way of a notice posted on the Notice Board.
- 9.14 At least one day before a committee meeting, a copy of the agenda for the meeting must be delivered to each member of the committee.

**Attendance non-Committee Members at Committee Meetings**

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

**Minutes of Committee Meetings**

- 9.17 Minutes of the proceedings of a committee meeting must be legibly recorded, signed by the chair or presiding member of the meeting, and open for public inspection in accordance with the requirements of the *Community Charter*.
- 9.18 Section 9.17 of this bylaw does not apply to minutes of a committee meeting, or part of a meeting, from which persons were excluded pursuant to section 9.16 of this bylaw.

**Quorum**

- 9.19 Unless otherwise stated in the terms of reference of the committee as adopted by Council, the quorum for a committee is a majority of all of its members.

**Conduct and Debate**

- 9.20 A motion made at a meeting of a Council committee is not required to be seconded.
- 9.21 Council members who are attending a meeting of a Council committee of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee.
- 9.22 Council members who are attending a meeting of a Council committee of which they are not a member must not vote on a question.
- 9.23 Section 5.11 of this bylaw applies to a Council member's conduct and debate at a committee meeting, in the same manner as it does in relation to a Council meeting.

Read a first, second and third time by the Municipal Council this     day of     , 2004.

Bylaw No. 9200 - 14 -

Adopted by the Municipal Council of the City of Kelowna this      day of      , 2004.

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Mayor

\_\_\_\_\_  
City Clerk