

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4052

A Bylaw to regulate the proceedings of the Municipal Council of
The Corporation of the District of Oak Bay
(*amended by Bylaws No. 4088, 4203, 4278, 4479 and 4565, 4657, 4715, and 4750)

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

Interpretation

1. In this Bylaw, unless the context otherwise requires:
 - (1) “Chairperson” means the person who is authorized to control the proceedings and procedures at any meeting of Council or a Committee of Council;
 - (2) “Corporation” meant The Corporation of the District of Oak Bay;
 - (3) “Council” means the Municipal Council of The Corporation of the District of Oak Bay;
 - (4) “Municipal Clerk” means the officer assigned the responsibility of corporate administration.

Meetings of Council

2. Following a general local election, the first regular meeting of Council shall be held on the first Monday after November 1 in the year of the election. Thereafter, regular meetings of Council shall be held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, at 7:00 p.m. on the second and fourth Monday in each calendar month, unless
 - (1) a quorum is not present within thirty (30) minutes after the time appointed for the meeting, or it has been confirmed in advance to the Municipal Clerk that a quorum will not be present for the meeting;
 - (2) such Monday falls on a Statutory Holiday, in which case the Council shall meet on the next business day after the Statutory Holiday;
 - (3) a Public Hearing has been scheduled to be held at the time normally scheduled for a regular meeting in which case the regular meeting will be held immediately following the Public Hearing; or
 - (4) a resolution is passed at a meeting of Council that a subsequent regular meeting shall be held at another time and/or location.
3. Should there be no quorum present within thirty minutes after the time appointed for the meeting, the Municipal Clerk shall record the names of the members present at the expiration of such thirty minutes and the meeting of Council shall stand adjourned.

4. Council may by resolution, suspend the regular meeting schedule provided for under Section 2 of this Bylaw.

Electronic Participation in Meetings

- 4.1 Meetings of Council and Committee of the Whole may be conducted by means of electronic or other communication facilities, if necessary to ensure the minimum number of members required are present for the conduct of the intended business.
- 4.2 The communication facilities used for electronic meetings must permit the meeting participants to hear each other and, except for any part of the meeting which is closed to the public, permit the public to hear the participation of all members during the meeting.
*(**Bylaw, 4750, adopted June 29, 2020)*

Designation of Acting Mayor

- 4.11 (1) At the first regular meeting of Council in December of each year, Council shall, by resolution, make one or more appointments to ensure that a member of Council is designated to act in place of the Mayor at times during the ensuing calendar year when the Mayor is absent or otherwise unable to act, or when the office of Mayor is vacant.
*(**Bylaw 4203, adopted Oct. 27, 2003)*
- (2) If, during an emergency, neither the Mayor nor the person designated as Acting Mayor pursuant to Subsection (1) is within the Capital Regional District, or is for any other reason unavailable or unable to assume the role of head of a local authority within the meaning of the *Emergency Program Act*, then for the purpose of Section 12 of the *Act* regarding the declaration of a state of local emergency, the designation of Acting Mayor shall, for that purpose only, be conferred upon the first member of Council arriving at the emergency operations centre of the Corporation after having been called to that location by either the Chief Administrative Officer or the Emergency Program Coordinator of the Corporation to consider the making of that declaration.
*(**Bylaw 4479, adopted August 17, 2009)*

Committees

5. The Mayor may, at the first meeting of Council in December each year
 - (1) establish Standing Committees, including a Standing Committee of the Whole, for the following year,
 - (2) establish times when and places where meetings of the Committees will be held, and
 - (3) appoint members of Council to act as chairpersons for respective sections of a Committee's business that have been divided by subject matter.
6. Council may by resolution at any regular meeting, establish a Select Committee and appoint one of its members as chairperson.
7. (1) The rules for the conduct of meetings of Council, including the preparation of the agenda, shall be observed in Committee, so far as may be applicable, except that
 - (a) no motion shall require to be seconded;

- (b) no motion for the previous question be allowed; and
 - (c) oral submissions from the public relating to an agenda item may be allowed with the consent of the Chairperson.
- (2) Section 7(1)(a) shall not apply to meetings of Committee of the Whole.
*(**Bylaw No. 4088, adopted July 24, 2000)*
8. When a matter referred to a Committee has been considered, a resolution to report and recommend a course of action to Council shall be adopted, provided, however, that the Committee, when it has partly considered a matter, may report progress.
9. A recommendation of a Committee shall take effect upon the adoption of the minutes of the Committee by the Council.
*(**Bylaw 4203, adopted Oct.27, 2003)*
- 9.1 *(Repealed by Bylaw 4278, adopted May 24, 2005)*

Agenda

10. The Municipal Clerk shall prepare an agenda for each meeting of Council or a Committee and shall deliver a copy of the agenda, with supporting documents, to each member of Council or the Committee, at least 24 hours before the meeting.
11. To be considered by the Municipal Clerk for inclusion on the agenda of a regular meeting of Council, a document submitted by a member of the public for Council's attention, addressing a matter that affects the Corporation and with which Council has the authority to deal, must be delivered to the Municipal Clerk not later than 4:30 p.m. on the Wednesday immediately preceding the day on which the next regular meeting is to take place, except that should a Statutory Holiday fall on a Friday preceding a regular Council meeting, the agenda deadline, as noted in the previous Section, shall be 24 hours earlier.
*(**Bylaw 4657, adopted Dec. 7, 2015)*
12. Any item received by the Municipal Clerk after the appropriate deadline, as outlined in the previous Section, shall not be placed on the agenda for the next regular meeting unless,
- (1) in the opinion of the Mayor or the Municipal Clerk, the item is urgent in nature; or
 - (2) it bears directly upon a matter which is already scheduled to be dealt with by Council at such meeting.
13. On receiving a submission or application intended for consideration by Council, the Municipal Clerk may determine that it should be accompanied by a staff report or briefing note, and may, despite Section 11 and regardless of the time that the submission or application was received, delay placing it before Council until such report or briefing note has been prepared; provided, however, that a delay imposed for this purpose shall not exceed sixty (60) days.
14. Notwithstanding Section 12, Council may, by an affirmative vote of at least two-thirds of its members, add items to the agenda at any regular meeting.

Meeting Notice

15. At least 24 hours before a meeting of Council or a Committee of Council, the Municipal Clerk shall cause a Notice of Meeting to be posted at the places hereby designated as public posting places within the meaning of the legislation governing local government in British Columbia, being the outside notice boards located on the north and south facades of the Oak Bay Municipal Hall, with such notice to include the time, date and place of the meeting
*(**Bylaw 4203, adopted Oct.27, 2003)*
16. The Municipal Clerk may cause additional notices of meetings to be posted at other locations and/or on the Corporation's World Wide Web internet site.

Meeting Procedure

17. Unless a majority of the members of Council otherwise resolve, the business at all regular Council meetings shall proceed in the following order:
 - Minutes of Council and Committees
 - Reports of Public Hearings
 - Mayor's Remarks
 - Public Participation Period
 - Original Communications
 - Petitions
 - New Business
 - Tabled Items (Unfinished Business)
 - Resolutions
 - Bylaws

*(**Bylaw 4203, adopted Oct.27, 2003)*
*(**Bylaw 4565, adopted June 25, 2012)*
18. Every member who wishes to speak to a question or motion shall address him/herself to the chairperson and no member shall speak until recognized by the chairperson.
19. No member shall speak more than once on the same question without leave of the Council, except in explanation of a material part of a speech which may have been misconstrued, and in doing so, the member shall not introduce new matter.
20. A reply shall be allowed to a member who has made a substantive motion to Council, but not to a member who has moved an amendment or the previous question.
21. No member, without leave of Council, shall speak to any question for a longer time than fifteen (15) minutes on moving an original motion, or for more than five (5) minutes on all other occasions.
22. A matter of privilege dealing with the rights or interests of Council as a whole or of a member personally may be raised at any time and shall be dealt with immediately before resumption of business.
23. The chairperson shall preserve order and decide points of order which may arise.
24. Oral submissions from the public may be heard only when Council so resolves, and shall be restricted solely to items on the circulated agenda for that meeting.

25. The chairperson may, at his or her discretion, call for a recess up to 15 minutes in duration.
26. A meeting of Council, or a Committee of Council, shall always adjourn at 10:30 p.m., if in session at that hour, unless otherwise determined by a unanimous vote of those members in attendance.
(**Bylaw 4657, adopted Dec. 7, 2015)

Public Participation Period

- 26.1 Persons wishing to address Council during the Public Participation Period must state their name and address.
- 26.2 Subjects must relate strictly to municipal matters or community concerns as determined by the Chair.
- 26.3 Subjects must be on topics which are not normally dealt with by municipal staff as a matter of routine and must not be regarding a bylaw for which a public hearing has been held or must be held pursuant to legislation governing local government in British Columbia.
- 26.4 Subjects must be brief and to the point.
- 26.5 Subjects shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members will not be allowed.
- 26.6 No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of Council.
- 26.7 Twenty minutes will be allotted for the Public Participation Period.
- 26.8 Each speaker is limited to speaking for three minutes.
- 26.9 All questions from members of the public must be directed to the Chair. Members of the public are not permitted to direct their questions or comments to members of staff.
(**Bylaw 4565, adopted June 25, 2012)
(**Bylaw 4657, adopted Dec. 7, 2015)

Motions/Resolutions

27. The chairperson may require that a motion be formally moved and seconded prior to discussion of any matter.
28. Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result, and the chairperson may require a motion to be put in writing.
29. No member shall move any motion to amend that negates the purpose of the main motion.
30. If the mover or seconder of the main motion states that a proposed amending motion would negate the main motion, the chairperson shall immediately rule whether it does, and the ruling is subject to an appeal to the members.
31. Council shall decide any amendment to a motion before the main motion is put to a vote.
32. If an amendment to a main motion is

- (1) carried, the main motion as amended is before Council; or
 - (2) defeated, the main motion is again before Council.
33. Only one motion to amend an amending motion shall be permitted to be before the meeting at the same time.
34. An individual member of Council may move only one amendment to the main motion.
35. A member of Council may make any one of the following subsidiary motions at any time notwithstanding the members are actively considering another motion, and those motions take precedence over each other in the following order:
- (1) to adjourn;
 - (2) to table;
 - (3) to close debate (the previous question);
 - (4) to postpone to a certain time;
 - (5) to refer;
 - (6) to postpone indefinitely;
 - (7) to amend;
 - (8) to withdraw, if made by the mover and if made before a decision or amendment.
36. The following motions are not debatable:
- (1) a motion to adjourn;
 - (2) a motion to table;
 - (3) a motion to close debate (the previous question).

Closure of Debate (the Previous Question)

37. At any meeting, a motion for the previous question, until a decision thereof has been made, shall preclude all amendments to the main motion and shall be in the following words, "that this question be now called". If the previous question is resolved in the affirmative, the original main motion shall be called forthwith without any amendment or debate, but if the previous question be resolved in the negative, then the main motion shall not be proceeded with at the same meeting.

Reconsideration

38. After any question, except one of indefinite postponement has been decided, any member of Council may, at the first meeting of Council held thereafter, move for a reconsideration thereof, provided the question has not
- (1) had the assent of the electors,

- (2) been previously reconsidered by Council, or
 - (3) been acted upon by an officer, employee or agent of the Municipality.
39. A motion to reconsider is debatable but does not, until passed, open the main question to debate.

Public Hearings

40. The date, time and location of a Public Hearing required by Statute shall be scheduled by resolution of Council.
41. All persons who believe their interest in property is affected by a bylaw being considered at a Public Hearing shall be afforded an opportunity to be heard in person or by a representative in matters contained in the bylaw after first identifying themselves by stating their name and residential address and, if applicable, the name and residential address of the person or persons they represent.
42. Subject to Section 43(3), the Municipal Clerk shall furnish, 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 prior to the Public Hearing.
43. The order of business at a Public Hearing shall be as follows:
- (1) Reading or summarizing the Notice of Public Hearing;
 - (2) Formally receiving any correspondence or staff reports pertaining to the Public Hearing that has been distributed to Council members prior to the Public Hearing;
 - (3) Reading of any correspondence pertaining to the Public Hearing which has been received by the Municipal Clerk prior to the commencement of the Public Hearing and not having been dealt with as specified in the preceding subsection;
 - (4) Members of the public, including, where applicable, the applicant, to be given an opportunity to be heard or present written submissions respecting the matters contained in the bylaw that is the subject of the Public Hearing.

Bylaws

44. Before Council considers any proposed bylaw, the Municipal Clerk shall provide each member with a copy of the bylaw at least 24 hours before the meeting at which first reading is to be considered.
45. Bylaws shall be introduced and moved for first reading by bylaw number and citation only and without debate or amendment.
46. After a bylaw has been introduced and read a first time, a motion to read the bylaw a second time may be made.
47. Following second reading but before third reading, Council may, by resolution adopted by a majority of the Council, amend, strike out or add clauses to a bylaw, or refer the bylaw to a Standing or Select Committee for detailed examination.

48. Subject to the provisions of the legislation governing local government in British Columbia, Council may give a bylaw more than one reading at the same meeting.
*(**Bylaw4203, adopted Oct.27, 2003)*
49. Every bylaw before Council for final passage shall be adopted and finally passed upon the adoption of a motion reading substantially "That Bylaw No. ____ be adopted".
50. The Municipal Clerk shall
- (1) endorse on all bylaws the dates of all readings and passage thereof, and
 - (2) affix the seal of the Municipality to every bylaw which has been adopted by Council.
51. A copy of every bylaw, signed by the Mayor and Municipal Clerk, shall be available for public inspection at the Municipal Hall.
52. The Municipal Clerk is authorized to consolidate a bylaw by incorporating in it all amendments that have been made to the bylaw, and by omitting any provision that has been repealed or that has expired.
- 52.1 (1) Minutes of meetings of Council and its Standing Committees shall be recorded by the Municipal Clerk, or a person designated by the Municipal Clerk for that purpose, and shall be certified as correct by the Municipal Clerk if present at the meeting, and otherwise by the person designated by the Municipal Clerk to record the minutes. Upon adoption by Council, such minutes shall be signed by the chair or person presiding at the meeting.
- (2) Minutes of meetings of Select Committees of Council which are in the nature of working sessions need not be recorded or certified, provided that the proceedings of any such Committee containing recommendations to Council, or exercising a power delegated by Council, are to be recorded and certified as set out in Subsection 52.1(1).
*(**Bylaw4203, adopted Oct.27, 2003)*

General

53. Procedural questions not provided for in this Bylaw, the legislation governing local government in British Columbia, or other statute, shall be determined by the latest edition of Robert's Rules of Order, Newly Revised. A recess may be called to enable the Municipal Clerk or Secretary of the meeting to advise the meeting on meeting procedure.
*(**Bylaw4203, adopted Oct.27, 2003)*
*(**Bylaw 4657, adopted Dec. 7, 2015)*
54. Any one or more of the procedural provisions of this Bylaw may be temporarily suspended by a vote of two-thirds of the whole Council, except sections which
- (1) require the unanimous consent of Council,
 - (2) cannot be suspended without violating the provisions of the legislation governing local government in British Columbia,
*(**Bylaw4203, adopted Oct.27, 2003)*
 - (3) , by the suspension, would render a previous action of Council or an officer or employee unlawful.

Repeals

55. Bylaw 732, being the "Procedure Bylaw, 1934" is hereby repealed.

Citation

56. This Bylaw may be cited as the "**Procedure Bylaw, 1999**".

READ a first, second and third time by the Municipal Council on September 13, 1999

ADOPTED and FINALLY PASSED by the Municipal Council on September 27, 1999

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the
District of Oak Bay.