

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW NO. 2004-23

A BYLAW OF THE CORPORATION OF THE CITY
OF PENTICTON TO REGULATE THE
PROCEEDINGS OF COUNCIL AND COUNCIL MEETINGS

WHEREAS pursuant to Section 124 of the *Community Charter*, Council must, by bylaw, establish general procedures to be followed by Council and committees in conducting their business.

AND WHEREAS it is deemed expedient that rules be made for the better regulation and conduct of such meetings; and

THAT such rules be supplemental to and interpreted in accordance with the statutory provisions of the *Community Charter*.

NOW THEREFORE, Council of the Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

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PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited for all purposes as the “CITY OF PENTICTON PROCEDURE BYLAW NO. 2004-23 (2004)”.

Definitions

2. In this Bylaw,

“**City**” means the Corporation of the City of Penticton;

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

“**City Web Site**” means the information resource found at an internet address provided by the City;

“**COTW**” means the Committee of the Whole Council;

“**Community Charter**” means Community Charter S.B.C. c. 26 and any amendments thereto;

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

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

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

“**Councillor**” means a Councillor of the City;

“**Closed meeting**” means a meeting or part thereof closed to the public;

“**Mayor**” means the mayor or acting mayor of the City;

“**Public Notice Posting Places**” means the notice board at City Hall, and the City Web Site;

“**Resolution**” means a formal determination made by Council on the basis of a motion.

Application of rules of procedure

3. (1) The provisions of this bylaw govern the proceedings of Council, COTW and all committees of Council, as applicable.
- (2) In cases not provided for under this bylaw, Bourinots Rules of Order shall apply to the proceedings of Council, COTW, and committees to the extent that those Rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this bylaw or the *Community Charter*.
- (3) The rules of procedure contained in this bylaw except those that are governed by statutory provisions, may be temporarily suspended, by unanimous vote of Council members.

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 December 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 Corporate Officer 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 Council chambers at City Hall except when Council resolves by Council Resolution to hold meetings elsewhere.
- (2) Regular Council meetings must:
 - (a) be held on the first and third Monday of each month except that there will be no regular Council meeting:
 - i) when such meeting falls on a statutory holiday; in which case the regular Council meeting will be held on the next day City Hall is open; and
 - ii) the week during which the annual general meeting of the Union of British Columbia Municipalities is held.
 - (b) begin at 7:00 pm;.
 - (c) be adjourned at 11:00 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with s. 32.;
- (3) Regular Council meetings may:
 - (a) be cancelled by Council, provided that two consecutive meetings are not cancelled; and
 - (b) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice thereof.
- (4) In the event of the death, illness, resignation or removal from office, or absence from the City of the Mayor, a meeting of Council may be called by the Corporate Officer upon receipt of a requisition to the Corporate Officer, signed by at least two members of Council. Due notice of the said meeting shall be given to each Councillor in the manner required by the *Community Charter*.

Notice of Council Meetings

6. (1) A schedule of the date, time and place of regular Council meetings shall be made available to the public and notice shall be given annually, on or before January 30th of the availability of the schedule in accordance with Section 94 of the *Community Charter*.
- (2) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

Notice of special meetings

7. (1) Except where notice of a special meeting is waived by unanimous vote of all Council members under section 127(4) of the *Community Charter*, a notice of the date, time, 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 Places; and
 - (b) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

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

8. (1) Annually, in December, Council must from amongst its members designate Councillors to serve on a rotating basis as the Council 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.
- (2) Each Councillor designated under section 8(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) The Council member designated under section 8(1) has the same powers and duties as the Mayor.

PART 4 – ATTENDANCE OF PUBLIC MEETINGS

Application of Rules In This Part To Other Bodies

9. In addition to applying to Council meetings, this Part also applies to meeting of the following:
- (1) COTW;
 - (2) Committees;
 - (3) An advisory body established by Council;
 - (4) A municipal commission established under Section 143 of the *Community Charter*;
 - (5) A body that under the *Community Charter* or other Act may exercise the powers of the City or Council;
 - (6) The Board of Variance established under Section 899 of the *Local Government Act*;
 - (7) The Parcel Tax Roll Review Panel established under Section 204 of the *Community Charter*;
 - (8) A body prescribed by Provincial Regulation.

Closed Meetings May be Held

10. A Council meeting or part thereof may be closed to the public, and shall be called a Closed meeting, if the subject matter being considered relates to the matters as specified in section 90 of the *Community Charter*.

Closed Meetings Must be Held

11. A Council meeting or part thereof must be closed to the public, and shall be called a Closed meeting, if the subject matter being considered relates to the matters as set out in section 90(2) of the *Community Charter*.

Attendance at Closed Meetings

12. (1) Council may allow one (1) or more City officers or employees to attend or exclude them from attending Closed meetings, as it considers appropriate;
- (2) Council may allow a person other than a City officer or employee to attend Closed meetings, if Council considers it necessary and in the case of Closed meetings under section (11) of this bylaw if the person

already has knowledge of confidential information or is a lawyer attending to provide legal advice in relation to the matter;

- (3) The minutes of Closed meetings must record the names of all persons in attendance.

Resolution Required Before Closed Meeting

13. Before a Closed meeting is held, Council must state by Resolution passed in a public meeting, the fact that the meeting or part thereof is to be closed, and the basis under the applicable sections 10 or 11 under which the meeting or part thereof is to be closed.

Bylaws and Closed Meetings

14. Council must not vote on the reading or adoption of a bylaw at a Closed meeting.

Expulsion from Closed Meetings

15.
 - (1) If the Mayor considers another person at the meeting is acting inappropriately, the Mayor may order that the person is expelled from the meeting;
 - (2) If the person expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a Court Order.

PART 5 – COUNCIL PROCEEDINGS

Quorum

16. A quorum for a COTW, statutory, regular and special meetings of Council shall be four (4) Councillors.

Calling a Meeting to Order

17. As soon after the time specified for a Council meeting as there is a quorum present the Mayor must take the Chair and call the meeting to order.

No Quorum

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

Agenda

19. (1) Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting.
- (2) The deadline for submissions to the Corporate Officer of items for inclusion on Council meeting agenda must be 12:00 noon on the Wednesday prior to the Council meeting.
- (3) The Corporate Officer must make the agenda available to members of Council and the public on the Friday afternoon prior to the meeting.
- (4) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 21.

Order of proceedings

20. (1) The agenda for all regular Council meetings shall include the following:
 - (a) Presentations;
 - (b) Agenda Addenda;
 - (c) Delegations, Petitions and Hearings;
 - (d) Land Use (Bylaws and Permits);
 - (e) Minutes;
 - (f) Record of Correspondence;
 - (g) Correspondence;
 - (h) Committee Reports;
 - (i) Staff Reports;
 - (j) Bylaws (Other);
 - (k) Staff Information Reports;
 - (l) Council Liaison, Interagency & Advisory Committee Reports;
 - (m) Media and Public Question Period;
 - (n) 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

21. (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the agenda for such matters.

- (2) If Council makes a Resolution under section 21(1), information pertaining to late items must be distributed to Council members.

Voting at meetings

22. (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 Council is ready to vote, the Mayor must put the matter to a vote by stating:

"Those in favour raise your hands." and then "Those opposed raise your hands";
 - (c) when the Mayor is putting the matter to a vote under paragraphs (a) and (b) a Council member must not:
 - (i) cross or leave the room; or
 - (ii) make a noise or other disturbance; or
 - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting Council member is raising a point of order.
 - (d) after the Mayor puts the question to a vote under paragraph (b), a Council 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 Council member present shall signify their vote by raising their hand;
 - (g) in the case of a vote on a motion, a tie vote means that the required majority was not achieved and the motion is defeated;
 - (h) the presiding member must declare the result of the vote by stating that the question is decided in either the affirmative or the negative and shall be recorded in the Minutes as "CARRIED UNANIMOUSLY", "CARRIED" or "DEFEATED" as circumstances dictate;
 - (i) should a Council member abstain from voting upon any question, they shall be regarded as having voted in the affirmative; and

- (j) the names of those who vote against the question shall be entered upon the minutes.

Delegations

- 23. (1) Delegations or persons wishing to appear before Council to present briefs or submissions may be received by Council at the meeting provided that written notice of the subject matter is delivered to the Corporate Officer in advance of the preparation of the agenda for that particular meeting, and the Mayor shall have the authority to determine if the said subject matter warrants the delegation to come before Council at that particular meeting and may determine at which meeting of Council such delegation may appear and be heard. Each address must be limited to five (5) minutes unless a longer period is agreed to by the Mayor.
- (2) In the event that the Mayor has refused permission for a delegation or person to appear and be heard by Council at any meeting thereof, Council may, if the subject matter of the brief or submission to be presented by such delegation or person is germane to the business then before Council, by affirmative vote permit such delegation or person to appear before it and be heard.
- (3) The Mayor must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.

Points of order

- 24. (1) Without limiting the Mayor's duty under 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.
- (2) When the Mayor is required to decide a point of order :
 - (a) the Mayor must cite the applicable rule or authority if requested by another Council member;
 - (b) another Council member must not question or comment on the rule or authority cited by the Mayor under subsection (2)(a); and

- (c) the Mayor may reserve the decision until the next Council meeting.

Conduct and debate

- 25. (1) The Mayor shall at all times conduct the manner and order of speaking to ensure that all sides of a question may be as fully presented as the circumstances warrant, and shall ensure that each Council member is allowed equal opportunity to speak.
- (2) A Council member may speak to a question or motion at a Council meeting only if that Council member first addresses the Mayor.
- (3) Council members must address the Mayors by that person's title of Mayor or Acting Mayor.
- (4) Council members must address other non-Mayors by the title Councillor.
- (5) It shall be in order for officers and employees of the City, upon receiving permission from the Mayor to do so, to comment on matters before Council, and in so doing they shall direct their comments to the Chair and shall confine themselves to the question before Council.
- (6) No Council member must interrupt a Council member who is speaking except to raise a point of order.
- (7) If more than one Council member speaks the Mayor must call on the Council member who, in the Mayor's opinion, first spoke.
- (8) Council Members who are called to order by the Mayor:
 - (a) must immediately stop speaking;
 - (b) may explain their position on the point of order; and
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (9) Council Members speaking at a Council meeting:
 - (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated;
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded; and

- (e) must adhere to the rules of procedure established under this bylaw and to the decisions of the Mayor and Council in connection with the rules and points of order.
- (10) If a Council member does not adhere to subsection (8 and 9), the Mayor may order the Council member to leave the Council member's seat; and
- (a) if the Council member refuses to leave, the Mayor may cause the Council member to be removed by a peace officer from the Council member's seat ; and
 - (b) if the Council member apologizes to the Council, Council may, by Resolution, allow the Council member to retake the Council member's seat.
- (11) A Council 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 Council member who is speaking.
- (12) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a Council member may speak more than once in connection with the same question only:
 - (i) with the permission of Council; or
 - (ii) if the Council member is explaining a material part of a previous speech without introducing a new matter;
 - (b) a Council member who has made a substantive motion to Council may reply to the debate;
 - (c) a Council member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
 - (d) a Council member may speak to a question, or may speak in reply, for longer than a total time of fifteen (15) minutes only with the permission of Council.

Motions generally

26. (1) Council members may give notice of motion respecting an item which the Councillor intends to present by giving a copy of such motion to the Corporate Officer during a meeting of Council and upon the Council member being acknowledged by the Chair and the Notice of motion being read.

- (2) A copy of the motion shall be distributed to each member of Council and shall appear in the minutes of meeting referred to in Section 26(1) as a notice of motion. The Corporate Officer shall place the motion on the agenda of the next Council meeting or other future meeting designated by the member bringing forward the notice of motion for consideration.
- (3) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (4) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's approval through the notice of motion process
- (5) A Council member may make only the following motions, when Council is considering a question:
 - (a) to refer to staff;
 - (b) to refer to a committee;
 - (c) to amend;
 - (d) to lay on the table;
 - (e) to postpone indefinitely;
 - (f) to postpone to a certain time;
 - (g) to move the previous question;
 - (h) to adjourn.
- (6) A motion made under subsections (5)(c) to (h) is not amendable or debatable.
- (7) Every motion shall be stated clearly by the mover and shall be repeated if necessary until the Corporate Officer signifies that he has the motion in writing. The mover alone may make introductory remarks and when duly moved and seconded, the question shall be open for consideration.
- (8) Only the mover with consent of the seconder may withdraw motions.
- (9) The Mayor or Corporate Officer shall read every question before Council to the meeting prior to the question being put.
- (10) 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.

Motion for the main question

27. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- (a) if a Council member moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
 - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, Council may again debate the question, or proceed to other business.
- (3) Until it is decided, a motion made at a Council meeting to refer to staff or committee precludes an amendment of the main question.

Amendments generally

28. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (4) An amendment may be amended once only.
- (5) An amendment that has been defeated by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.
- (7) The Mayor must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (a) is positive;

- (c) the main question.

Reconsideration by Council Member

29. (1) Subject to subsection (5), 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) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not:
- (a) had the approval or assent of the electors and been adopted;
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*;
 - (c) been acted on by an officer, employee, or agent of the City.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

Privilege

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

Reports from committees

- 31. Council may take any of the following actions in connection with a resolution it receives from COTW or a committee;
 - (a) agree or disagree with the resolution;
 - (b) amend the resolution;
 - (c) refer the resolution back to COTW or a committee;
 - (d) postpone its consideration of the resolution.

Adjournment

- 32. (1) A Council may continue a Council meeting after 11:00 pm only by a unanimous affirmative vote of Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
 - (a) a motion to adjourn to a specific day;
 - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

Attendance of Public at Meetings

- 33. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a Resolution in a public meeting in accordance with section 92 of the *Community Charter*.

- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - (a) COTW;
 - (b) committees;
 - (c) parcel tax review panel;
 - (d) board of variance;
- (4) Despite section 33(1), the Mayor may expel or exclude from a Council meeting a person in accordance with section 25(10).

Minutes of meetings to be maintained and available to public

34. (1) Minutes of the proceedings of Council must be:
 - (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer; and
 - (c) signed by the Mayor or other Council member presiding at the meeting.
- (2) City staff are authorized to amend the wording of Council's motions provided intent of the motion is not altered.
- (3) The minutes of the previous meeting and reports of committees may, by Resolution of Council, be received.
- (4) Subject to subsection (3), and in accordance with section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at City Hall during regular office hours.
- (5) City staff is authorized, once the item has been dealt with in a public forum, to release any Closed meeting Resolution with respect thereto.
- (6) Subsection 4 does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

PART 6 – BYLAWS

Form of bylaws

35. A bylaw introduced at a Council meeting must:

- (a) be printed;
- (b) have a distinguishing name;
- (c) have a distinguishing number;
- (d) contain an introductory statement of purpose;
- (e) be divided into sections;

unless waived by the members of Council present at the meeting.

Bylaws to be considered separately or jointly

36. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the Mayor or requested by another Council member; or
 - (b) jointly with other proposed bylaws in the sequence determined by the Mayor.

Reading and adopting bylaws

37. (1) The Mayor of a Council meeting may:
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws; and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read.
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter* and if amended a motion at third reading shall be “to give the bylaw third reading as amended”.
- (4) Unless otherwise specified by statute, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with section 135 of the *Community Charter*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- (6) Notwithstanding section 135(3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

- (7) All bylaws which have not completed the requirements to be adopted after a 2-year period will be deemed stale dated and rescinded.
- (8) The Corporate Officer is hereby authorized to consolidate one or more of the bylaws of the municipality pursuant to Section 139 of the *Community Charter*.

Bylaws must be signed

38. After a bylaw is adopted, and signed by the Corporate Officer and the Mayor of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:
 - (a) the City'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.

Bylaw requiring Provincial or Electoral Approvals

39. Where a bylaw requires approval of the Lieutenant Governor in Council, a Minister, Inspector of Municipalities, or the approval or assent of the electors, approval or assent must be obtained after the bylaw has received third reading and before it is adopted.

PART 7 - RESOLUTIONS

Form of resolution

40. A Resolution is effective from the date and time passed, must be printed and have a distinguishing number.

PART 8 - COMMITTEE OF THE WHOLE

Going into Committee of the Whole

41.
 - (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 Council members are invited to consider but not to decide on matters of the City's business, is a meeting of COTW.

Notice for COTW meetings

42. (1) Subject to subsection (2) a notice of the day, time 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 Places; and
 - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 41 during a Council meeting for which public notice has been given under section 6 or 7.

Minutes of COTW meetings to be maintained and available to public

43. (1) Minutes of the proceedings of COTW must be:
- (a) legibly recorded;
 - (b) certified by the Corporate Officer; and
 - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Presiding members at COTW meetings and Quorum

44. (1) The Mayor shall preside as the Chair in a COTW meeting.
- (2) The quorum of COTW is four Council members.

Points of order at meetings

45. The Mayor must preserve order at a COTW meeting and, subject to an appeal to other Council members present, decide points of order that may arise.

Conduct and debate

46. The following rules apply to COTW meetings:
- (a) a Council member may speak any number of times on the same question;
 - (b) a Council member must not speak longer than a total of 10 minutes on any one question.

Voting at meetings

47. (1) Votes at a COTW meeting must be taken in accordance with Section 22.
- (2) The Mayor must declare the results of voting.

Reports

48. (1) COTW may consider reports and bylaws only if:
- (a) they are printed and the members each have a copy, or
 - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) The COTW's reports and recommendations to Council must be presented by the Corporate Officer at the next regular Council meeting.

PART 8 – COMMITTEES**Appointment of Committees except Standing Committees and Other Bodies**

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

Standing Committees

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

Duties of Standing Committees

51. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are referred by Council;
 - (c) matters that are referred by the Mayor.

- (2) Standing committees must report and make recommendations to Council at all of the following times:
 - (a) in accordance with the schedule of the committee's meetings;
 - (b) on matters that are referred by Council or assigned by the Mayor;
 - (i) as required by Council or the Mayor, or
 - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

Select Committees

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

Duties of Select Committees

53.
 - (1) Select Committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
 - (2) Select Committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

Advisory Committees

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

Schedule of Committee Meetings

55.
 - (1) At its first meeting after its establishment a standing or select committee must 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

56.
 - (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 Places; and
 - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
 - (3) The chair of a committee must cause a notice of the date, time and place of a meeting called under section 55(2) to be given to all members of the committee at least 24 hours before the time of the meeting.

Attendance at Committee meetings

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

Minutes of committee meetings to be maintained and available to public

58.

- (1) Minutes of the proceedings of a committee must be:
 - (a) legibly recorded,
 - (b) signed by the chair or member presiding at the meeting; and
 - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter* .
- (2) Sections (a), (b) and (c) shall only apply to meetings of the following, unless this bylaw provides for other procedures for taking of minutes by one or more bodies referred to in this subsection, the body is exempted by regulation, or to the extent they are modified by regulations:
 - (a) an advisory body established by Council;
 - (b) a municipal commission established under section 143 of the *Community Charter*;
 - (c) a body that under the *Community Charter* or any other Act may exercise the powers of Council;

- (d) the Board of Variance;
- (e) a parcel tax review panel established under section 204 of the *Community Charter*, and
- (f) a body prescribed by regulation.

Quorum

59. Save and except for advisory committees the quorum for a committee is a majority of all of its members.

Council Rules and Procedures to Apply

60. For certainty, the rules and procedures of Council for this bylaw shall be observed in the COTW and committees as far as may be applicable.

Conduct and debate

61. (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.

Voting at meetings

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

PART 9 - COMMISSIONS

Schedule of Commission meetings

63. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a Commission may call a meeting of the Commission in addition to the scheduled meetings or may cancel a meeting.

Notice of Commission meetings

64. (1) Subject to subsection (2), after the Commission has established the regular schedule of Commission meetings, including the dates, times

and places of the Commission meetings, notice of the schedule must be given by:

- (a) posting a copy of the schedule at the Public Notice Posting Places; and
 - (b) providing a copy of the schedule to each member of the Commission.
- (2) Where revisions are necessary to the annual schedule of the Commission meetings, the Corporate Officer must, as soon as possible, post notice at the Public Notice Posting Places which indicates any revisions to the date, time and place for cancellation of a Commission meeting.
- (3) The Chair of a Commission must cause a notice of the date, time and place of a meeting called under section 64(2) to be given to all members of the Commission at least 24 hours before the time of the meeting.

Minutes of Commission meetings to be maintained and available to the public

65. Minutes of the proceedings of a Commission must be:

- (a) legibly recorded;
- (b) signed by the Chair or a member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Quorum

66. The quorum of a Commission is a majority of all of its members.

Conduct and Debate

67. The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

PART 10 – GENERAL

Correspondence

68. All correspondence addressed to “The Mayor and Council”, “City Council” or similar, shall be received by the Corporate Officer, referred to the Council information reading file and placed on the next Council meeting agenda for consideration.

Question Period

- 69. At the end of Council business, the media and public will be afforded an opportunity to address Council. The format must be restricted to questions with respect to items that are on the current agenda and each question must be limited to two (2) minutes.

Legal

- 70. 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.
- 71. Pursuant to Section 124(3) of the *Community Charter*, this bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.
- 72. City of Penticton Procedure Bylaw No. 88-15 and amendments thereto is repealed upon the adoption hereof.

READ A FIRST time this 5th day of April, 2004.
READ SECOND time this 5th day of April, 2004.
READ A THIRD time this 5th day of April, 2004.
RECONSIDERED and FINALLY PASSED and ADOPTED
this 19th day of April, 2004.

C. David Perry, Mayor

Leo den Boer, Administrator

Certified a true copy of Bylaw
No. 2004-23 as adopted

Leo den Boer, Administrator