

Appendix "A"



Consolidated for Convenience

Updated: April 14, 2020

Council Procedures Bylaw

No. 8388, 2011

CONSOLIDATED VERSION

City of Prince George Council Procedures Bylaw No. 8388, 2011

This is a consolidation of the bylaws listed below and includes amendments up to the date noted on the cover page. This document is for convenience only and is not the legal or official version. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject bylaw. Copies can be obtained through the Legislative Services Division at City Hall.

<u>AMENDING BYLAW</u>	<u>EFFECTIVE DATE</u>	<u>AMENDMENT</u>
Bylaw No. 8441, 2012	July 16, 2012	Amend Section 21 – Order of Proceedings and Business; Section 22 – Delegations to Council; Section 23 – Correspondence to Council; Section 26 – Notices of Motion; and Section 30 – Rescinding a Resolution and Reconsidering a Defeated Motion.
Bylaw No. 8549, 2013	November 18, 2013	Section 3 – Regular Meetings
Bylaw No. 9108, 2020	April 6, 2020	Section 7 – Appointments to the Regional District of Fraser-Fort George; Section 21 – Order of Proceedings and Business; Section 2 -Definitions; Section 8 –Time and Location of Meetings; Section 9 – Notice of Special Meeting; Section 14 – Electronic Participation by Members; and updating Section references to the <i>Local Government Act</i> to reflect current numbers.

CITY OF PRINCE GEORGE
BYLAW NO. 8388, 2011

A Bylaw of the City of Prince George to establish the general procedures to be followed by Council and Council committees in conducting their business.

WHEREAS under section 124 of the *Community Charter*, Council must establish the general procedures to be followed by Council and Council committees in conducting their business;

NOW THEREFORE, the Council of the City of Prince George, in open meeting assembled, ENACTS THE FOLLOWING:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited for all purposes as the “City of Prince George Council Procedures Bylaw No. 8388, 2011”.

Definitions

2. In this Bylaw:

“advisory committee” means a committee that is established by the Council to provide advice and recommendations on issues within that committee’s terms of reference, and that is composed of members of the public appointed by the Council;

“City” means the City of Prince George;

“City Hall” means Prince George City Hall located at 1100 Patricia Boulevard, Prince George, British Columbia, V2L 3V9;

“City Manager” means the City chief administrative officer, whose powers, duties, and functions are set out under the “City of Prince George Officer Positions and Delegation of Authority Bylaw No. 8340, 2011”, and section 147 of the *Community Charter*;

“City Website” means the information resource found on the internet at princegeorge.ca;

"committee" means a committee of Council including standing, select, or advisory committees, commissions and boards, ~~of Council,~~ but does ~~—~~not include COTW;

“COTW” means the Committee of the Whole;

“Corporate Officer” means ~~the City corporate officer, the General Manager of Administrative Services,~~ whose powers, duties, and functions are set out under the “City of Prince George Officer Positions and Delegation of Authority Bylaw No. 8340, 2011”, and section 148 of the *Community Charter*;

“Council” consists of the Mayor and the Councillors elected for the City of Prince George;

“Councillor” means a member of Council other than the Mayor;

“Mayor” means the mayor of the City;

“members of the public” does not include a member of Council or an officer or employee of the City;

“Public Notice Posting Places” means:

- (a) the public notice board in the first floor foyer of City Hall, and
- (b) the City Website;

"select committee" means a committee that is constituted to deal with matters referred to it by the Council, and composed of members appointed by Council, including at least one member of Council, in accordance with the provisions of section 142 of the *Community Charter*;

“special Council meeting” means a meeting of Council authorized by section 126 of the *Community Charter*, and includes both an open meeting and a meeting that is closed to the public; and

“standing committee” means a committee that is established by the Mayor to deal with matters the Mayor considers would be better dealt with by committee, and composed of members appointed by the Mayor or the Council with at least half of standing committee members being members of Council, in accordance with the provisions of section 141 of the *Community Charter*.

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW, and ~~all Council~~ committees, ~~as applicable.~~
- (2) In cases not provided for under this Bylaw, *Robert's Rules of Order Newly Revised*, 10th Edition, 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, the *Community Charter*, or the *Local Government Act*.

PART 2 – MAYOR AND MEMBERS OF COUNCIL

Powers and duties of Mayor

4. (1) The Mayor is the head and chief executive officer of the City.

- (2) In addition to the Mayor's powers and duties as a Council member, the Mayor has the following responsibilities, in accordance with section 116 of the *Community Charter*:
 - (a) to provide leadership to the Council, including by recommending bylaws, resolutions and other measures that, in the Mayor's opinion, may assist the peace, order and good government of the City;
 - (b) to communicate information to the Council;
 - (c) to preside at Council meetings when in attendance;
 - (d) to provide, on behalf of the Council, general direction to City officers respecting implementation of municipal policies, programs and other directions of the Council;
 - (e) to establish standing committees in accordance with section 141 of the *Community Charter*;
 - (f) to suspend municipal officers and employees in accordance with section 151 of the *Community Charter*;
 - (g) to reflect the will of Council and to carry out other duties on behalf of the Council; and
 - (h) to carry out other duties assigned by or under the *Community Charter* or any other Act.

Acting Mayor

5. (1) In accordance with section 130 of the *Community Charter*, within the first December of each term of Council, Council must from amongst its members designate Councillors to serve on a monthly 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.
- (2) Each Councillor designated under subsection (1) must fulfill the responsibilities of the Mayor in his or her absence, including without limitation to preside at a Council meeting, or a part of a Council meeting, when the Mayor is not present and to participate in any committee on which the Mayor is appointed.
- (3) If both the Mayor and the Councillor designated under subsection (1) for that month are absent from a Council meeting, the Councillor next scheduled to serve as acting Mayor from among the Councillors present must preside at the Council meeting.

- (4) The Councillor designated under subsection (1) or (3) has the same powers and duties as the Mayor in relation to the applicable matter.

Responsibilities of Council members

6. In accordance with section 115 of the *Community Charter*, every Council member has the following responsibilities:
 - (1) to consider the well-being and interests of the City and its community;
 - (2) to contribute to the development and evaluation of the policies and programs of the City respecting its services and other activities;
 - (3) to participate in Council meetings, committee meetings and meetings of other bodies to which the member is appointed;
 - (4) to carry out other duties assigned by the Council; and
 - (5) to carry out other duties assigned by the *Community Charter* or any other Act.

Appointments to the Regional District of Fraser-Fort George Board

7.
 - (1) Council shall appoint the Mayor to serve as one of the four municipal directors on the Regional District of Fraser-Fort George board, with the highest voting strength available to be assigned.
 - (2) Any two members of Council may nominate any Councillor to serve as one of the three remaining municipal directors on the Regional District of Fraser-Fort George board.
 - (3) The final selection of the three remaining municipal directors for the Regional District of Fraser-Fort George board from the Councillors nominated under subsection (2) must be by resolution of Council. If more than three Councillors are nominated under subsection (2), then Council must vote by ballot as described in subsection 32(3).
 - (4) Council shall appoint Councillors as alternate municipal directors, pursuant to section 200 of the *Local Government Act*, to take the place of, vote and generally act in all matters for an absent municipal director.
 - (5) One Councillor may be appointed as a floating primary alternate municipal director, to act in the place of any absent municipal director. If more than three Councillors are nominated under subsection (2), then the Councillor receiving the fourth highest number of votes by ballot under subsection (3) shall be appointed by Council resolution as the floating primary alternate. Each of the remaining four Councillors may be appointed as a secondary alternate to all of the four municipal directors, to act in the place of a municipal director if the primary floating alternate municipal director is absent, or if more than one municipal director is absent.

PART 3 – COUNCIL MEETINGS

Time and location of meetings

8. (1) All Council meetings must take place within City Hall except when Council resolves to hold a meeting elsewhere.

Regular meetings

- (2) Regular Council meetings must:
 - (a) be held on Mondays or Wednesdays in accordance with the schedule of meetings approved by Council under subsection (4);
 - (b) begin at 3:30 p.m. and 6:00 p.m.; and
 - (c) be adjourned no later than 10:00 p.m. on the day scheduled for the meeting, unless Council resolves by an affirmative vote of 2/3 of the Council members present to continue the meeting under subsection 34(2).
- (3) The Corporate Officer is authorized to vary the start time of regular meetings scheduled to commence at 3:30 p.m. to reflect the amount of Council business, or to cancel such 3:30 p.m. regular meetings entirely. The Corporate Officer shall post notice of a variation of start time or the cancellation of a 3:30 p.m. regular meeting at the Public Notice Posting Places and leave a copy of such notice for each Council member in the Council member's mailbox at City Hall.
- (3.1) The City Manager is authorized to cancel any regular Council meeting scheduled on a Wednesday in June or July, due to lack of Council business. The Corporate Officer shall post notice of cancellation of any such regular meeting at the Public Notice Posting Places, and shall email a copy of the notice to each Council member at the email address designated by each respective Council member.

Schedule of meetings

- (4) No later than the first open regular Council meeting in December of each year, the Corporate Officer shall submit to Council for approval, a schedule of the date, time and place of regular Council meetings for the following year.
- (5) Council may resolve to add meetings or delete them from its approved schedule from time to time as needed.
- (6) No regular Council meetings shall be scheduled during the first fourteen days of August.

- (7) The Corporate Officer must give public notice of the availability of the approved schedule, referred to under subsection (4), at least once a year in accordance with sections 94 and 127 of the *Community Charter*.

Inaugural meeting

- (8) Following a general local election, the inaugural Council meeting must be held on the first Monday in November in the year of the election, in accordance with section 124(2)(g) of the *Community Charter*.
- (9) 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 (8), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

Notice of special meetings

9. (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, 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 Places;
 - (b) posting a copy of the notice on the entrance door to Council chambers in City Hall; and
 - (c) sending one electronic copy of the notice for each Council member via email.
- (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.

Calling special meetings

10. Special meetings may be called in accordance with section 126 of the *Community Charter*.

Attendance of public at meetings

11. (1) Subject to section 90 of the *Community Charter*, all Council meetings must be open to the public.
- (2) During a Council meeting, only those members of the public permitted by the presiding member or the Corporate Officer may enter the Council chambers floor from the public seating area.

- (3) Despite subsection (1), the presiding member may order that person(s) that the presiding member considers to be acting improperly be expelled from a regular or special Council meeting.
- (4) In accordance with section 90 of the *Community Charter*, a part of a Council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:
 - (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another position appointed by the City;
 - (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - (c) labour relations or employee relations;
 - (d) the security of the property of the City;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City;
 - (f) law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw;
 - (g) litigation or potential litigation affecting the City;
 - (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the City, other than a hearing to be conducted by the Council or a delegate of Council;
 - (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
 - (k) negotiations and related discussions respecting the proposed provision of a City service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;

- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 of the *Community Charter*;
 - (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (5);
 - (o) the consideration of whether the authority under section 91 of the *Community Charter* should be exercised in relation to a Council meeting.
- (5) In accordance with section 90 of the *Community Charter*, a part of a Council meeting must be closed to the public if the subject matter relates to one or more of the following:
- (a) a request under the *Freedom of Information and Protection of Privacy Act* if the Council is designated for the City as the "head of the local public body" for the purposes of that Act in relation to the matter;
 - (b) the consideration of information received and held in confidence relating to negotiations between the City and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
 - (c) a matter that is being investigated under the *Ombudsperson Act* of which the City has been notified under section 14 of that Act;
 - (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (6) If the only subject matter being considered at a Council meeting is one or more matters referred to in subsection (4) or (5), the applicable subsection applies to the entire meeting.
- (7) Before a meeting or part of a meeting is closed to the public, Council must state, by resolution passed in a public meeting:
- (a) the fact that the meeting or part of the meeting is to be closed; and
 - (b) the basis under section 90 of the *Community Charter* on which the meeting or part of the meeting is to be closed.
- (8) Council members must, unless specifically authorized otherwise by resolution of Council, keep in confidence information considered in a meeting closed to the

public, until Council discusses the information at a meeting that is open to the public or releases the information to the public.

- (9) Council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.
- (10) This section applies to meetings of COTW, select committees and standing committees of Council.
- (11) In accordance with section 93 of the *Community Charter*, this section applies to meetings of the following:
 - (a) a municipal commission established under section 143 of the *Community Charter*;
 - (b) a parcel tax roll review panel established under section 204 of the *Community Charter*;
 - (c) a board of variance;
 - (d) an advisory body established by Council, including an advisory committee;
 - (e) a body that under the *Community Charter* or another Act may exercise the powers of the City or Council; and
 - (f) a body prescribed by regulation.

Presiding at meetings

- 12. (1) The Mayor, if present, must preside at Council meetings.
- (2) In the absence of the Mayor, the acting Mayor referred to in section 5 must preside.
- (3) The acting Mayor presiding during any part of a Council meeting has the same powers and duties as the Mayor in relation to the applicable matter.

Quorum of Council

- 13. The quorum for Council is five members unless pursuant to section 129 of the *Community Charter*, an order is made by the minister or the Supreme Court of British Columbia, to reduce that number.

Electronic participation by members

14. (1) Pursuant to section 128 of the *Community Charter*, for the purposes of this section, electronic participation in a meeting means participation by means of electronic or other communication facilities by use of telephone communications that:
- (a) enable the meeting's participants to hear, or watch and hear, the participation of the member~~hear and speak with each other~~; and
 - (b) enable the public to hear, or watch and hear the participation of Council members during that part of the meeting that is open to the public.
- (2) A member of Council may participate electronically in a regular or special Council meeting if:
- ~~(a) at least 24 hours before the meeting the member notifies the Corporate Officer of the member's intended absence.;~~ ~~and~~
 - ~~(b) at least 5 members of Council are physically present at the meeting, unless Council resolves to waive the condition in this subsection 2(b) prior to the Council meeting at which there is electronic participation.~~
- (3) Subject to subsections (1) ~~and (2), up to 4~~ there is no limit to the number of members of Council who may participate electronically in a regular or special Council meeting.
- (4) There is no limit to the number of times a member of Council may participate electronically in a regular or special Council meeting.
- (5) Unless otherwise resolved by a majority of members of Council present at the meeting, ~~Only~~ a member of Council who is physically present may preside at a meeting at which there is electronic participation.
- (6) Notwithstanding anything to the contrary in this Bylaw, a member of Council is not permitted to participate electronically in a meeting if that member does not join the meeting at its scheduled starting time.
- (7) Notwithstanding anything to the contrary in this Bylaw, a member of Council participating electronically in a regular or special Council meeting, so long as providing that any late agenda items or other items involving written handout materials that are not included in the electronic agenda all handout materials related to have been provided to the members participating electronically in advance of the meeting, must not ~~may~~ participate in any of the following parts of the meeting, on the condition that any late agenda items or other items involving written handout materials that are not included in the electronic agenda have been provided to the members participating electronically in advance of the meeting.:

- (a) public hearings, including without limitation hearings to which Part 14 – Division 3 of the *Local Government Act* applies;
 - (b) hearings for heritage conservation matters under Part 15 of the *Local Government Act*;
 - (c) hearings in connection with an application for a development permit, development variance permit, temporary commercial or industrial use permit;
 - (d) business licence or chauffeur’s permit hearings;
 - (e) reconsideration of remedial action requirement hearings; and
 - (f) any other hearings providing a person with an opportunity to make representations to Council; ~~and~~
 - ~~(g) any late agenda items or other items involving written handout materials that are not included in the electronic agenda.~~
- (8) A member, who is participating electronically in the voting on a matter, must vote by audibly stating their name and indicating whether they are in favour or opposed to the question.
- (9) If there is an interruption in the communications’ link to a member who is participating electronically, the other Council members may continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the meeting room.
- (10) In addition to regular or special Council meetings, this section also applies to meetings of COTW; ~~select committees and standing committees of and~~ Council Committees to the extent applicable in the circumstances.

PART 4 – COUNCIL PROCEEDINGS

Council is a continuing body

15. Council is a continuing body and may complete any proceedings started but not completed before a change in its membership.

Minutes of meetings to be maintained and available to public

16. (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 member presiding at that meeting or at the meeting at which the minutes are adopted.
- (2) Minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
 - (3) Subsection (2) does not apply to minutes of that part of a Council meeting from which persons were excluded under section 11.
 - (4) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Majority of members present decides matters

- 17. Council's actions and decisions must be carried out by a majority of its members present at a Council meeting unless otherwise provided by statute or bylaw.

Calling meeting to order

- 18. (1) The presiding member must call the members of Council to order for a Council meeting as soon after the scheduled time for the meeting as a quorum of Council is present.
- (2) If a quorum of Council is present but the Mayor and acting Mayor do not attend within ~~30 minutes~~ **15-30 minutes** of the scheduled time for a Council meeting:
 - (a) the Corporate Officer must call to order the members present; and
 - (b) the members present must choose a member to preside at the meeting.

Adjourning meeting where no quorum

- 19. If there is no quorum of Council present within ~~30 minutes~~ **15-30 minutes** of the scheduled time for a Council meeting, the Corporate Officer must:
 - (a) record the names of the members present, and those absent; and
 - (b) adjourn the meeting until the next scheduled meeting.

Voting at meetings

- 20. (1) In accordance with section 123 of the *Community Charter*, a Council member present at a Council meeting at the time of a vote who abstains from voting is considered to have voted affirmatively.

- (2) In accordance with section 123 of the *Community Charter*, if the votes of the Council members present at a Council meeting at the time of a vote are equal for and against a question, the question is defeated and the presiding member must declare this result.
- (3) The following procedures apply to voting at Council meetings:
 - (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
 - (b) when the presiding member puts the question to a vote, each member present must indicate how they are voting by raising his or her hand at the appropriate time;
 - (c) when the presiding member 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 presiding member 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 presiding member's decision about whether a question has been finally put is conclusive; and
 - (f) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

Disclosure of conflict

- (4) The entitlement to participate and vote of a member of the Council, COTW, any other committees of Council, and the bodies referred to in subsection 11(11) is governed by Part 4, Division 6 of the *Community Charter*, a copy of which is attached to this Bylaw as Schedule "A".

Order of proceedings and business

21. (1) The agenda for regular Council meetings scheduled to begin at 6:00 p.m. shall contain the following matters where there are items pertaining to them, and in the order in which they are listed below:
 - Adoption of Agenda

- Minutes
 - Delegations – Requests to Address Council
 - Consent Agenda - Reports for Information Only
 - Reports
 - Final Reading and Adoption of Bylaws not included with Reports
 - Notices of Motion
 - Correspondence
 - Hearings – Commencing at 7:00 p.m.
 - Development Permit/Development Variance Permit Hearings
 - Statutory Public Hearings and Third Reading of Bylaws where applicable after each Hearing
 - Other Hearings as required.
 - Adjournment
- (2) Particular business at a regular 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.
- (3) Prior to each Council meeting the Corporate Officer must, in consultation with and subject to the direction of the City Manager, prepare an agenda setting out all the items for consideration at that meeting.
- (4) The deadline for submission to the Corporate Officer of:
- (a) a notice of motion from a Councillor;
 - (b) a report from a Council Committee ~~or commission~~; or
 - (c) correspondence to Council from a member of the public;
- for inclusion on the Council meeting agenda is 12:00 noon on the Monday immediately preceding the Monday on which the next regular meeting is scheduled.
- (5) Whenever practicable, the Corporate Officer shall make an electronic agenda available to the members of Council and the public on the Wednesday evening immediately preceding the next Monday regular meeting and on the Friday evening immediately preceding the next Wednesday regular meeting.

- (6) Council must not consider any matters not listed on the agenda unless introduction of the late item is approved by Council at the time of adoption of the agenda by way of a resolution adopted by a two-thirds majority vote of the Council members present.
- (7) Information pertaining to late items for consideration by Council under subsection (6) must be distributed to the members of Council, the City Manager, Corporate Officer and other members of City staff present at the start of the meeting.
- (8) Council may vote on and adopt in one motion all recommendations appearing on the consent agenda portion of an agenda. If requested by any member of Council for the purposes of:
 - (a) discussion or debate; or
 - (b) declaring a conflict of interest in accordance with the *Community Charter* with regard to a matter on the consent agenda,

an item must be removed from the consent agenda and considered separately by Council immediately after the consideration of the remaining consent agenda recommendations.

Delegations to Council

22. (1) Any person, group or organization may request for permission to speak at a Council meeting as a delegation, by submitting a written request to the Corporate Officer, in the form prescribed by the Corporate Officer, by 12:00 noon on the Monday two weeks immediately preceding prior to the Monday on which the next regular meeting is scheduled.
- (2) In the absence of a completed written request in the form prescribed by the Corporate Officer, the Corporate Officer must not place a delegation on a Council meeting agenda. The written request from the delegation must include a summary of the item which is the subject of the delegation and of the specific action which is being sought from Council by the delegation.
- (3) Notwithstanding subsections (1) and (2), delegations shall be limited to not more than two per Council meeting, and the Corporate Officer shall schedule the delegations in the order in which the written requests are received, save and except that the Corporate Officer is provided discretion to exceed the delegation limit for urgent matters, if timeliness is deemed by the Corporate Officer to be essential to the matter.
- (4) The City Manager may schedule a delegation to another Council meeting or may instead refer a delegation to an administrative department head of the City, as deemed appropriate by the City Manager according to the subject matter.

- (5) To ensure consistency between delegations, each delegation presentation shall be limited to 10 minutes, unless a longer period is agreed to by unanimous vote of those members of Council present.
- (6) Where a written request has not been received by the Corporate Officer as prescribed in subsection (1), an individual or delegation may address Council at a meeting if approved by the unanimous vote of the members of Council present, subject to subsection (7).
- (7) Council must not permit a delegation to address a meeting of the Council regarding:
 - (a) a bylaw or other matter in respect of which a public hearing will be held;
 - (b) a development permit, development variance permit, or temporary commercial or industrial use permit application, other than at a public hearing to which such permit application has been referred by Council;
 - ~~(c) matters related to a legal action involving the City; on which legal action is being pursued or is pending;~~
 - ~~(c)(d)~~ matters on which the City has commenced prosecution and on which judgment has not been rendered;
 - ~~(d)(e)~~ matters relating to a claim or potential claim against the City, against a member of Council, or against an officer or employee of the City;
 - ~~(e) chauffer's permit appeal hearings;~~
 - ~~(e)(f)~~ business licence hearings conducted in accordance with Section 60 of the *Community Charter*;
 - ~~(f)(g)~~ reconsideration of remedial action requirement hearings under section 78 of the *Community Charter*;
 - ~~(g)(h)~~ a dispute between third parties not falling within the jurisdiction of Council;
 - ~~(h)(i)~~ the promotion of commercial products or services which in the opinion of the Mayor have no connection to the business of the City; and
 - ~~(i)(j)~~ publicly tendered contracts or proposal calls for the provision of goods or services for the City between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by Council or City staff.
- (8) A member must not, when hearing a delegation, enter into debate on the item which is the subject of the delegation, but may ask questions to obtain clarification or additional information.

- (9) A delegation to Council must not speak disrespectfully of any person and where, in the opinion of the Mayor, a delegation has done so the Mayor may ask the delegation to withdraw the offensive remarks. If the delegation refuses to withdraw remarks considered by the Mayor to be offensive or refuses to abide by the rules for delegations or instruction of the Mayor, the Mayor may terminate the presentation and direct the delegation to vacate the presenter's table and return to the public seating area. If a delegation refuses to comply with such direction, the Mayor may order the expulsion and exclusion of the delegation from the meeting, as permitted by the *Community Charter*. If the offending delegation apologizes, Council may, by an affirmative vote of 2/3 of the Council members present, permit the delegation to either continue their presentation or to remain in the public seating area, whichever Council considers appropriate in the circumstances.

Correspondence to Council

23. (1) Correspondence from members of the public intended to be presented to Council must be delivered to the Corporate Officer and must:
- (a) be addressed directly to Council;
 - (b) be dated, legible, and coherent;
 - (c) be signed by or identified as being from at least one person who provides a name and mailing address;
 - (d) not be libelous; and
 - (e) not contain offensive language.
- (2) The Corporate Officer may file and not distribute to Council any correspondence that, in the judgment of the City Manager, does not meet the requirements outlined in subsection (1) above.
- (3) Subject to the direction of the City Manager, the Corporate Officer may refer correspondence addressed to Council that relates to matters that fall within the scope of responsibility of a particular City department, to the director of that department.
- (4) A copy of correspondence that, in the judgment of the City Manager, meets the requirements outlined in subsection (1) above:
- (a) shall be emailed to each City Council member at the email address designated by each respective Council member from time to time; and/or

- (b) shall be included for information in the correspondence section of a Council agenda, with an indication of any referral to a City department.

Points of order

24. (1) In accordance with section 132 of the *Community Charter*, the presiding member at a Council meeting must preserve order and, subject to an appeal to other Council members present, decide points of order that may arise.
- (2) Without limiting the presiding member's duty under subsection (1), 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.
- (3) 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;
 - (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection 3(a); and
 - (c) the presiding member may reserve the decision until the next Council meeting.
- (4) If a Council member appeals a decision of the presiding member under subsection (3), the question as to whether the chair is to be sustained must be immediately put by the presiding member and decided without debate.
- (5) In relation to a vote on a motion under subsection (4):
- (a) the Mayor or other presiding member must not vote;
 - (b) the motion passes in the affirmative if the votes are equal; and
 - (c) the Mayor or other presiding member must be governed by the result.
- (6) If the Mayor or presiding member refuses to put the question under subsection (4):
- (a) the Council must immediately appoint another member to preside temporarily;

- (b) that other member must proceed in accordance with subsection (4); and
- (c) a motion passed under this subsection is as binding as if passed under subsection (4).

Conduct and debate

25. (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Your Worship, Mayor or Acting Mayor.
- (3) Members must address other non-presiding members by the title of Councillor.
- (4) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (5) Members who are called to order by the presiding member:
- (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 24.
- (6) Members speaking at a Council meeting:
- (a) must use respectful language;
 - (b) must speak only in connection with the matter being debated;
 - (c) may speak about a vote of Council only for the purpose of making a resolution or motion that the vote be rescinded; and
 - (d) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (7) If a member does not adhere to subsection (6)(d), Council, by resolution, may order the member to leave the member's seat, and:
- (a) if the member refuses to leave, the presiding member may cause the member to be removed by police 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.
- (8) 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.
- (9) The following rules apply to limit debate 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 the presiding member, or
 - (ii) if the member is explaining a material part of a previous remark 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;
 - (d) a member may not speak to a question, or may not speak in reply, for longer than a total time of 10 minutes without the permission of Council.

Notice of Motion

26. (1) If a member of Council wishes to move a motion at a meeting of Council in regard to an item of business which is not included in the Council meeting agenda and is of a complex nature or may affect existing City bylaws or policies, then:
- (a) the member of Council must deliver a “notice of motion” in written form to the Corporate Officer no later than 12:00 noon on the Monday immediately preceding the Monday on which the next regular meeting is scheduled;
 - (b) the notice of motion must set out the member’s motion, and must stipulate the date of the future regular meeting at which the member of Council intends to move the motion, which must not be the same meeting at which the notice of motion is first put on the agenda;
 - (c) the Corporate Officer shall place the notice of motion on the agenda of the appropriate open or closed regular Council meeting, and it shall appear in the minutes of that meeting as a notice of motion; and

- (d) the Corporate Officer shall place the notice of motion on a subsequent open or closed regular Council meeting agenda, as appropriate, for consideration by Council.

Motions generally

- 27. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A Council member may make only the following subsidiary motions when the Council is considering a main question:
 - (a) to table the motion to a later time during the same meeting, and in such motion the member must specify when in the order of business, or after which circumstances, the tabled motion will be dealt with;
 - (b) to put the main question to a vote;
 - (c) to postpone the motion to another meeting, and in such motion the member must specify the date of the meeting at which the postponed motion is to be considered;
 - (d) to refer the motion to committee or staff for additional information and/or advice to Council, and until such a motion to refer is decided, amendments to the main question are precluded;
 - (e) to amend the motion;
 - (f) to postpone the motion indefinitely, which shall have the effect of dropping the motion without a vote.
- (3) A motion made under subsections (2)(a), (b), (c), and (f) is not amendable or debatable.
- (4) 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

- 28. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) The following rules apply to a motion to call the main question, or for the main question as amended, at a Council meeting:

- (a) if a member of Council 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, the Council may again debate the main question, or proceed to other business.

Amendments generally

29. (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, provided such proposed amendment does not, in the opinion of the presiding member, affect the original motion, the amendment, or the sub-amendment, as applicable, to the extent that it is either:
- (a) negated; or
 - (b) changed in such a way that either an alternative motion is proposed, or all reference to the original motion, the amendment, or the sub-amendment, as applicable, is eliminated.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (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.
- (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 presiding member 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 subsection (a) is positive;
 - (c) the main question.

Rescinding a Resolution and Reconsidering a Defeated Motion

30. (1) Subject to subsection (5), a Council member:
- (a) who voted with the prevailing side on an adopted resolution may deliver a notice of motion indicating an intention to move to rescind the resolution, other than a resolution to postpone indefinitely, to the Corporate Officer no later than 12:00 noon on the Monday immediately preceding the Monday on which the next regular meeting is scheduled; or
 - (b) who voted with the prevailing side on a defeated motion may deliver a notice of motion indicating an intention to move to reconsider the defeated motion, to the Corporate Officer no later than 12:00 noon on the Monday immediately preceding the Monday on which the next regular meeting is scheduled.
- (2) Notwithstanding section 26, a notice of motion delivered under subsection (1) must be considered by Council during the meeting at which the notice of motion is first put on the agenda.
- (3) Council must not discuss the main matter referred to in subsection (1)(b) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) Notwithstanding subsection (1), a Council member may not move to reconsider or rescind:
- (a) a motion or resolution for final reading and adoption of a bylaw; or
 - (b) a matter that has already been considered under this section.
- (5) This section does not limit the authority of the Mayor to also require Council's reconsideration of a matter under section 131 of the *Community Charter*, regardless of how the Mayor voted on the matter.

Privilege

31. (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;
 - (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.

Appointments to committees, boards and other offices

- 32. (1) Council may appoint a person to a committee, board or other organization only after receiving nominations for that appointment.
- (2) Council may appoint a person to a committee, board or other organization by ordinary resolution unless the number of persons nominated is greater than the number of vacancies, in which case Council shall vote by ballot.
- (3) The following procedures apply to a vote by ballot:
 - (a) the Corporate Officer must act as the scrutineer;
 - (b) the Corporate Officer must give to each Council member one ballot that contains the names of all of the persons nominated;
 - (c) Council members may vote for a person by marking an “x” opposite that person’s name on the ballot;
 - (d) those who receive the highest number of votes from the Council members then present are appointed by Council resolution to the position for which the vote is taken;
 - (e) if the number of those receiving a majority of votes by ballot is less than the number of offices to be filled:
 - (i) the person receiving the lowest number of votes is removed from succeeding ballots, and
 - (ii) balloting must continue until the number of persons receiving a majority of votes equals the number of offices to be filled; and
 - (f) upon the conclusion of a vote by ballot, the Corporate Officer must destroy the ballots.

Reports from committees

- 33. (1) Council may, without limitation, take any of the following actions in connection with a recommendation it receives from a committee or COTW:
 - (a) agree or disagree with the recommendation;
 - (b) amend the recommendation; or
 - (c) postpone its consideration of the recommendation.

Recesses and Adjournment

34. (1) At any time while a Council meeting is in progress, the presiding member may call for Council to recess for a specified period of time.
- (2) A Council meeting may continue after 10:00 p.m. only by an affirmative vote of 2/3 of the Council members present to continue the meeting up to 11:00 p.m.
- (3) A Council meeting may continue after 11:00 p.m. only by an affirmative vote of 2/3 of the Council members present to continue the meeting up to a certain time.
- (4) 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.
- (5) Subsection (4) does not apply to a motion to adjourn to a specific date.

PART 5 – BYLAWS

No bylaw votes in a closed meeting

35. In accordance with section 89(2) of the *Community Charter*, the Council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Copies of proposed bylaws to Council members

36. A proposed bylaw may be introduced at a Council meeting only if:
- (a) a copy of it has been provided to each Council member at least 24 hours before the Council meeting; or
 - (b) all Council members unanimously agree to waive subsection (a).

Form of bylaws

37. 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; and
 - (e) be divided into sections.

Reading and adopting bylaws

38. (1) Unless a member of Council requests that the readings of a proposed bylaw be considered separately, a proposed bylaw may be introduced and given first, second and third readings in one motion, except in the case of a proposed bylaw which will be the subject of a public hearing, in which case such bylaw may only receive first and second reading in one motion.
- (2) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (3) Each reading of a proposed bylaw must receive the affirmative vote of the majority of Council members present at the meeting.
- (4) The readings of a bylaw may be given by the presiding member of a Council meeting stating the title of the bylaw and requesting a motion “that the bylaw be given [number] reading(s).”

- (5) In accordance with section 135 of the *Community Charter*, Council
 - (a) may give one, two, or three readings to a proposed bylaw at the same Council meeting;
 - (b) must give three readings to a proposed bylaw before adopting it; and
 - (c) may adopt a proposed bylaw only after an interval of at least one day between the third reading and the adoption of the bylaw.
- (6) Despite section 135(3) [*at least one day between third reading and adoption*] of the *Community Charter*, and in accordance with sections 548(5), 477(6) and 480 of the *Local Government Act*, Council may adopt an official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Bylaws must be signed

- 39. After a bylaw is adopted:
 - (a) the presiding member of the Council meeting at which it was adopted must sign it; and
 - (b) the Corporate Officer must
 - (i) sign it,
 - (ii) place the City's corporate seal on it, and
 - (iii) have the dates of its readings and adoption placed on it.

Bylaws available for public inspection

- 40. The Corporate Officer must have copies of all adopted bylaws available for public inspection during regular business hours in City Hall.

PART 6 - COMMITTEE OF THE WHOLE

Committee of the Whole

- 41. (1) A meeting, other than a statutory, standing or select committee meeting, to which all members of Council are invited to consider and make recommendations to Council, but not to decide on matters of the City's business, is a meeting of COTW.
- (2) Council may by resolution schedule a meeting of COTW, and the Mayor may call a meeting of COTW at any time in his or her discretion.

Notice and attendance for meetings of Committee of the Whole

42. Sections 9, 10 and 11 apply to COTW meetings.

Minutes of meetings- to be maintained and available to public

43. (1) Minutes of the proceedings of COTW must be
- (a) legibly recorded;
 - (b) signed by the chair or member presiding at the meeting;
 - (c) certified as correct by the Corporate Officer; and
 - (d) open for public inspection as provided for Council minutes under section 16.
- (2) In accordance with sections 97 and 145 of the *Community Charter*, subsection (1) applies to meetings of:
- (a) a municipal commission established under section 143 of the *Community Charter*;
 - (b) a parcel tax roll review panel established under section 204 of the *Community Charter*;
 - (c) a board of variance;
 - (d) a committee;
 - (e) a body that under the *Community Charter* or another Act may exercise the powers of the City or Council; and
 - (f) a body prescribed by regulation.
- (3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Presiding at COTW meetings

44. (1) The Councillor designated under section 5(1) as the acting Mayor at that time shall preside at a meeting of COTW.
- (2) If the Councillor designated under section 5(1) as the acting Mayor at that time is absent from a meeting of COTW, the Councillor next scheduled to serve as acting Mayor from among the Councillors present must preside at the meeting of COTW.

- (3) Members must address the presiding member at a meeting of COTW by that person's title of "Mr. Chair" or "Madam Chair."

Points of order at meetings

45. The presiding member 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

46. The following rules apply to COTW meetings:
 - (a) a motion is required to be seconded;
 - (b) a motion for adjournment is not allowed during debate of a motion; and
 - (c) a member may speak any number of times on the same question.

Voting at meetings

47. (1) Votes at COTW meetings must be taken by a show of hands.
 - (2) The presiding member must declare the results of voting.
 - (3) Sections 20(1) and (2) apply to COTW meetings.

Reports

48. (1) COTW may consider reports and draft bylaws only if:
 - (a) they are printed and the members each have a copy; or
 - (b) 2/3 of the members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) The COTW's reports to Council must be presented by the City Manager at the next regular or special meeting of Council, or as soon after that as practicable.

PART 7 – OTHER COMMITTEES

Establishing standing committees

49. (1) In accordance with section 141(2) of the *Community Charter*, at least half of the members of a standing committee must be Council members.
 - (2) The Mayor or Council shall consider and approve terms of reference for each standing committee established.

- (3) No more than four Council members may be appointed to a standing committee.
- (4) Subject to subsection (1), persons who are not Council members may be appointed to a standing committee.
- (5) All members of Council not appointed to a standing committee are ex-officio members of that standing committee.
- (6) Members of Council attending a standing committee meeting as an ex-officio member may not make motions and do not have voting rights, but may participate in debates of that committee.

Establishing select committees

50. (1) Council by resolution may appoint a select committee to inquire into any matter and to report to Council.
- (2) In accordance with section 142(2) of the *Community Charter*, at least one member of a select committee must be a member of Council.
- (3) Council shall consider and approve terms of reference for each select committee established.
- (4) No more than four Council members may be appointed to a select committee.
- (5) Subject to subsection (2), persons who are not Council members may be appointed to a select committee.
- (6) All members of Council not appointed to a select committee are ex-officio members of that select committee.
- (7) Members of Council attending a select committee meeting as an ex-officio member may not make motions and do not have voting rights, but may participate in debates of that committee.

Establishing advisory committees

51. (1) Council by resolution may appoint an advisory committee:
 - (a) to provide advice and recommendations to Council regarding any matter within the committee's terms of reference, and
 - (b) to report to Council or to another committee designated by Council for that purpose.
- (2) All members of an advisory committee must be members of the public.

- (3) Council shall consider and approve terms of reference for each advisory committee established.

Duties of standing committees

52. Standing committees must consider, inquire into, report, and make recommendations to Council about matters in accordance with the terms of reference of the committee.

Duties of select committees

53. Select committees must consider, inquire into, report, and make recommendations to Council about matters in accordance with the terms of reference of the committee.

Notice of committee meetings

54. (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 posting a copy of the schedule at the Public Notice Posting Places.
 - (2) If the committee revises the regular schedule of committee meetings, or cancels a committee meeting, notice of such revision or cancellation must be posted at the Public Notice Posting Places.
 - (3) The chair of a committee must cause a notice of the day and time of a meeting called under subsection (2) to be given to all members of the committee at least 12 hours before the time of the meeting.

Attendance at meetings (open to the public)

55. (1) Council members who are not members of a committee may attend the meetings of the committee.
 - (2) Section 11 applies to meetings of committees.

Minutes of meetings to be maintained and available to public

56. (1) Minutes of the proceedings of a committee must be:
 - (a) legibly recorded;
 - (b) signed by the chair or member presiding at the meeting;
 - (c) certified as correct by the Corporate Officer; and
 - (d) open for public inspection as provided for Council minutes under section 17.

- (2) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

Voting at committee meetings

- 57. (1) Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- (2) Subsections 20(1), (2), and (4) apply to Council members' voting and participation in relation to meetings of committees.

Reports to be approved by chair of committee

- 58. The chair of a committee must approve all reports that are given by the committee to Council.

PART 8 – GENERAL

Notice for amendments to this Bylaw

- 59. This Bylaw must not be amended, or repealed and substituted, unless the Council first gives notice in accordance with section 94 of the *Community Charter*.

Severability

- 60. 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.

Repeal

- 61. Council Procedures Bylaw No. 7572, 2004, as amended, is hereby repealed.

Effective Date

- 62. This Bylaw shall come into force and take effect on the 1st day of December, 2011.

READ A FIRST TIME THIS THE **3rd** DAY OF **OCTOBER**, **2011.**

READ A SECOND TIME THIS THE **3rd** DAY OF **OCTOBER**, **2011.**

First Two Readings passed by a **unanimous** decision of members of City Council present and eligible to vote.

READ A THIRD TIME AS AMENDED THIS THE **17th** DAY OF **OCTOBER**, **2011.**

Third Read passed by a **unanimous** decision of members of City Council present and eligible to vote.

ADOPTED THIS THE **7th** DAY OF **-NOVEMBER , 2011**, BY A **UNANIMOUS** DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

Dan Rogers

MAYOR

Walter Babicz

CORPORATE OFFICER

DRAFT

~~Schedule~~ "Schedule "A"
Community Charter
Part 4, Division 6
Conflict of Interest

Disclosure of conflict

100. (1) This section applies to council members in relation to
- (a) council meetings;
 - (b) council committee meetings; and
 - (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].
- (2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101(2) [*restrictions on participation*].
- (4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body,
 - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and

- (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

Restrictions on participation if in conflict

101. (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.
- (2) The council member must not
- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.
- (3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on inside influence

102. (1) A council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken
- (a) at a meeting referred to in section 100(1) [*disclosure of conflict*],
 - (b) by an officer or an employee of the municipality, or
 - (c) by a delegate under section 154 [*delegation of council authority*],
- if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
- (2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on outside influence

103. (1) In addition to the restriction under section 102, a council member must not use his or her office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.
- (2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Exceptions from conflict restrictions

104. (1) Sections 100 to 103 do not apply if one or more of the following circumstances applies:
- (a) the pecuniary interest of the council member is a pecuniary interest in common with electors of the municipality generally;
 - (b) in the case of a matter that relates to a local service, the pecuniary interest of the council member is in common with other persons who are or would be liable for the local service tax;
 - (c) the matter relates to remuneration, expenses or benefits payable to one or more council members in relation to their duties as council members;
 - (d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;
 - (e) the pecuniary interest is of a nature prescribed by regulation.
- (2) Despite sections 100 to 103, if a council member
- (a) has a legal right to be heard in respect of a matter or to make representations to council, and
 - (b) is restricted by one or more of those sections from exercising that right in relation to the matter,
- the council member may appoint another person as a representative to exercise the member's right on his or her behalf.

Restrictions on accepting gifts

105. (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.
- (2) Subsection (1) does not apply to

- (a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,
 - (b) compensation authorized by law, or
 - (c) a lawful contribution made to a member who is a candidate for election to a local government.
- (3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of gifts

106. (1) This section applies if
- (a) a council member receives a gift or personal benefit referred to in section 105(2) (a) that exceeds \$250 in value, or
 - (b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.
- (2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating
- (a) the nature of the gift or benefit,
 - (b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,
 - (c) when it was received, and
 - (d) the circumstances under which it was given and accepted.
- (3) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of contracts with council members and former council members

107. (1) If a municipality enters into a contract in which
- (a) a council member, or
 - (b) a person who was a council member at any time during the previous 6 months,
- has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a council meeting that is open to the public.
- (2) In addition to the obligation under section 100 *[disclosure of conflict]*, a council member or former council member must advise the corporate officer, as soon as

reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.

- (3) A person who contravenes subsection (2) is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on use of insider information

108. (1) A council member or former council member must not use information or a record that

- (a) was obtained in the performance of the member's office, and
- (b) is not available to the general public,

for the purpose of gaining or furthering a direct or indirect pecuniary interest of the council member or former council member.

- (2) A person who contravenes this section is disqualified from holding an office described in, and for the period established by, section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Court order for person to give up financial gain

109. (1) If a council member or former council member has

- (a) contravened this Division; and
- (b) realized financial gain in relation to that contravention,

the municipality or an elector may apply to the Supreme Court for an order under this section.

- (2) Within 7 days after the petition commencing an application under this section is filed, it must be served on
 - (a) the council member or former council member, and
 - (b) in the case of an application brought by an elector, the municipality.
- (3) On an application under this section, the Supreme Court may order the council member or former council member to pay to the municipality an amount equal to all or part of the person's financial gain as specified by the court.
- (4) In the case of an application made by an elector, if the court makes an order under subsection (3), the municipality must promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules.

- (5) The court may order that costs to be paid under subsection (4) may be recovered by the municipality from any other person as directed by the court in the same manner as a judgment of the Supreme Court.
- (6) Except as provided in subsection (4), the costs of an application are in the discretion of the court.

DRAFT