

**COUNCIL PROCEDURES BYLAW**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish the general procedures to be followed by Council and Council committees in conducting their business.

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Under its statutory powers, including sections 95 and 122 to 145 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

### **PART 1 – INTRODUCTION**

#### **Title**

- 1 This Bylaw may be cited as the “Council Procedures Bylaw.”

#### **Definitions**

- 2 In this Bylaw:

“City”

means the City of Victoria;

“City Hall”

means Victoria City Hall located at #1 Centennial Square, Victoria, British Columbia;

“COTW”

means Committee of the Whole Council;

“City Clerk”

means the corporate officer whose powers, duties, and functions are set out under section 148 of the *Community Charter*;

“Council”

means the Council of the Corporation of the City of Victoria

“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;

“motion”

includes a resolution;

“Public Notice Posting Places” means

- (a) the public notice board at City Hall, and
- (b) the Council Chamber at City Hall;

“special Council meeting”

means a Council meeting other than a regular Council meeting or an adjourned Council meeting

## **PART 2 – MAYOR AND MEMBERS OF COUNCIL**

### **Mayor is member of Council**

3 The mayor is a member of Council for the purposes of this Bylaw.

### **Acting mayor**

- 4
- (1) In accordance with section 130 of the *Community Charter*, Council must appoint a member responsible for acting in the place of the mayor when the mayor is
    - (a) absent or otherwise unable to act, or
    - (b) when the office of mayor is vacant.
  - (2) During the absence of the mayor, the member appointed under subsection (1) has the same powers and duties as the mayor in relation to the applicable matter.
  - (3) Council must establish a schedule for the appointment of members to fill the office of acting mayor on a rotating basis.
  - (4) If the office of the mayor becomes vacant, the members next in succession on the schedule will serve as acting mayor to the Acting Mayor appointed under subsection (1).

### **Appointments to the Capital Regional District Board of Directors**

- 5
- (1) Council must appoint the following by resolution as the City’s municipal directors on the Board of the Capital Regional District:
    - (a) the mayor;
    - (b) the three persons, elected as councillors at the general local election, who receive the most votes for the position of municipal director.
  - (2) Council must appoint, from Council members other than those appointed under subsection (1), the following by resolution as the City’s alternate

municipal director on the Board of the Capital Regional District:

- (a) as first alternate, the person elected as councillor at the general local election who received the most votes for the position of municipal councillor;
- (b) as second alternate, the person elected as councillor at the general local election who received the second most votes for the position of municipal councillor;
- (c) as third alternate, the person elected as councillor at the general local election who received the third most votes for the position of municipal councillor;
- (d) as fourth alternate, the person elected as councillor at the general local election who received the fourth most votes for the position of municipal councillor.

### **PART 3 – COUNCIL MEETINGS**

#### **Location of meetings**

- 6 All Council meetings must take place within City Hall except when Council resolves to hold a meeting elsewhere.

#### **Schedule and public notice of meetings**

- 7 (1) Council must establish and the City Clerk must make available to the public a schedule of the date, time and place of regular Council meetings.
- (2) The City Clerk must give notice of the availability of the schedule referred to in subsection (1), at least once a year in accordance with section 127 of the *Community Charter*.
- (3) At least 48 hours before a regular Council meeting, the City Clerk must give advance public notice of the date, time, and place of that meeting by
- (a) posting the agenda at the public notice board at City Hall,
  - (b) delivering copies of the agenda to each of the members of Council, and
  - (c) leaving copies of the agenda at a public counter at City Hall for the purpose of making the agenda available to members of the public.

#### **Inaugural council meeting**

- 8 Following a general local election, the Inaugural Council Meeting must be held on the first Thursday in November.

#### **Electronic participation by members**

- 9 (1) For the purposes of this section, electronic participation in a meeting means participation by use of electronic, telephone, or other communication facilities that
- (a) enable the meeting's participants to hear and speak with each other, and

- (b) enable the public to hear the participation of Council members during that part of the meeting that is open to the public.
- (2) Three members of Council may participate electronically in a Council meeting if
    - (a) at least 24 hours before the meeting those members notify the City Clerk of their intention to participate electronically, and
    - (b) a majority of the members of Council are physically present at the meeting.
  - (3) Notwithstanding subsection (2), the Mayor may authorize more than three Council members to participate electronically provided that:
    - (a) a state of emergency has been declared and in person participation in the Council meeting would be inconsistent with the declaration; or
    - (b) in the Mayor's opinion extraordinary circumstances exist that make it unsafe or impractical for Council members to physically participate in a meeting.

and for clarity, subsection 9 (2)(b) does not apply to a meeting authorized by section 9 (3).

- (4) Written material at a meeting at which there is electronic participation, if that material is presented to the meeting without being included in either the agenda package or late agenda items must be sent to all members electronically.
- (5) A member, who is participating electronically in the voting on a matter, must audibly state when they are opposed.
- (6) If there is an interruption in the communications' link to a member who is participating electronically, the other Council members may
  - (a) decide on a short recess until it is determined whether or not the link can be re-established, or;
  - (b) continue the meeting and treat the interruption in the same manner as if a member who is physically present leaves the room and have the absence noted in the meeting minutes.

### **Application of rules of procedure**

- 10 (1) In cases not provided for under this Bylaw, Robert's Rules of Order Newly Revised, 12th edition, 2020, apply to the proceedings of Council 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*.
- (2) The rules of procedure contained in this Bylaw except those that are governed by statutory provisions, may be temporarily suspended by a majority vote of the Council members present.

### **Minutes of meetings**

- 11 Minutes of the proceedings of Council must be
- (a) legibly recorded,
  - (b) certified as correct by the City Clerk, and
  - (c) signed by the mayor or other member presiding at the meeting.

### **Calling meeting to order**

- 12 (1) The mayor 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 neither the mayor nor the acting mayor attends within 15 minutes of the scheduled time for a Council meeting
- (a) the City Clerk 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**

- 13 If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the City Clerk must
- (a) record the names of the members present,
  - (b) record the names of the members absent, and
  - (c) adjourn the meeting until the next scheduled Council meeting.

### **Voting at meetings**

- 14 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 is putting the matter to a vote under paragraphs (a) a member must not
    - (i) 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;
  - (c) 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;
  - (d) the presiding member's decision about whether a question has been finally put is conclusive;
  - (e) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

## Order of proceedings and business

- 15 (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below, unless there are no matters under an item for consideration at that meeting:
- (a) Territorial acknowledgement;
  - (b) Introduction of late items;
  - (c) Approval of agenda;
  - (d) Consideration of minutes;
  - (e) Requests to address Council (maximum 6 requests);
  - (f) Public and statutory hearings (including third reading or adoption of bylaws and approval of permits where applicable after each hearing);
  - (g) Unfinished business;
  - (h) Reports of committees;
  - (i) Bylaws;
  - (j) Correspondence;
  - (k) New Business;
  - (l) Notice of Motions;
  - (m) Closed meeting, if required;
  - (n) Adjournment.
- (2) Council may proceed with a particular item of business at a regular Council meeting in the absence of the Council member in whose name the item is listed on the agenda unless that member has given written notice not to proceed with the item.
- (3) Prior to each Council meeting the City Clerk must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (4) The deadline for submissions by the public to the City Clerk of items for inclusion on a Council meeting agenda is 48 hours before the meeting.
- (5) Council must not consider any matters not listed on the agenda unless introduction of the late item is approved by a 2/3 majority of Council at the time allocated on the agenda for such matters.
- (6) If the Council makes a resolution under subsection (5), information pertaining to late items must be distributed to the members before the matter is considered.

## Visitors and delegations

- 16
- (1) Council may, by resolution, allow an individual or a delegation to address Council on a matter provided a written application on the prescribed form has been received by the City Clerk no later than 48 hours before the meeting.
  - (2) Council must not take any action on an address under subsection (1) at the meeting at which the address is made.
  - (3) Council must not permit a delegation to address a meeting of the Council regarding
    - (a) a bylaw or a permit in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw or the passing of a resolution authorizing the permit;
    - (b) the promotion of commercial goods or services, or;
    - (c) a known candidate for election, or in support of a candidate for election.
  - (4) Visitors and delegations to Council must adhere to applicable Council policies.

#### **Points of order**

- 17
- (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 paragraph (a), and
    - (c) the presiding member may reserve the decision until the next Council meeting.
  - (4) Members who are subject to a point of order
    - (a) must immediately stop speaking,
    - (b) may, after called to do so by the presiding member, 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 this section.
  - (5) 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.

- (6) In relation to a vote on a motion under subsection (5),
  - (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.
- (7) If the mayor or presiding member refuses to put the question under subsection (5),
  - (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**

- 18 (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 mayor, acting mayor, or councillor.
- (3) Members must address other non-presiding members by the title 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 called to order by the presiding member must immediately stop speaking.
- (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,
  - (d) may not refer to another member, and
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member of Council in connection with the rules and points of order.
- (7) If a member does not 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, 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 from the Council Chambers, 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 speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only
    - (i) with the permission of Council, or
    - (ii) if the member is explaining a material part of a previous speech without introducing a new matter;
  - (b) a member who has made a substantive motion to the Council may reply to the debate;
  - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
  - (d) a member may speak to an agenda item for a total of 15 minutes.

### **Motions generally**

- 19 (1) A member of Council must give notice of a motion that is to be introduced at a Council meeting, by depositing a written copy of the motion with the City Clerk:
- (a) By noon on the Friday before that meeting to be included as an item of New Business for the meeting; or,
  - (b) After the time noted in section 19(1)(a) of this Bylaw but at least 48 hours before that meeting, the item will be placed in "Introduction of late items".
  - (c) In order for a motion to be added to the agenda for that meeting as late item by the City Clerk, the report presenting it must include rationale noting the reason for the time sensitivity for the matter to be considered at that meeting.
- (2) When Council is considering a main motion, a Council member may only make motions as permitted by Robert's Rules of Order as applicable in the circumstances.
- (3) 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.

### **Reconsideration**

- 20 (1) A Council member who voted on the prevailing side of a vote on a matter may, at the next regular Council meeting,

- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken.
- (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 not reconsider a matter that has
  - (a) had the assent of the electors,
  - (b) already been reconsidered under this section, or
  - (c) been acted on by an officer, employee, or agent of the City.
- (6) On a reconsideration under this section, Council
  - (a) must deal with the matter as soon as convenient, and
  - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (7) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.
- (8) A bylaw, resolution, or proceeding that is reaffirmed after reconsideration is valid and has the same effect as it had before reconsideration.

### **Council member's requests for information**

- 21 (1) A Council member at any time may request information concerning the City's public business by making the request in writing to the City Manager or their designate.
- (2) The following procedures apply to the obtaining and presenting of information requested under this section:
  - (a) the City Manager or their designate must make the best effort possible to obtain the information;
  - (b) after obtaining the information, the City Manager or their designate must give the request and the information to the mayor;

### **Reports from committees**

- 22 (1) Council may discuss the recommendation of a standing committee, select committee or other City committee only after the committee has provided to the Council the committee's adopted minutes relating to those proceedings.

- (2) A Council member may move to consider a committee recommendation by way of section 19(2) [*Motions generally*].
- (3) This section does not apply to Committee of the Whole.

### **Adjournment**

- 23 (1) A Council meeting may continue after 11:00 p.m. only by an affirmative vote of 2/3 of the Council members present.
- (2) A motion for continuation under subsection (1) must establish a specific time for the adjournment of the Council meeting.

## **PART 4 – BYLAWS**

### **Public notice of proposed bylaws**

- 24 The City Clerk must ensure that written notice of the name and purpose of a proposed bylaw is publicly posted at the Public Notice Posting Places at least 24 hours before the Council meeting at which the bylaw is intended to be introduced.

### **Copies of proposed bylaws to Council members**

- 25 A proposed bylaw may be introduced at a Council meeting only if section 28 has been satisfied and
  - (a) a true copy of it has been delivered to each Council member and the City Manager at least 24 hours before the Council meeting, or
  - (b) all Council members unanimously agree to waive paragraph (a).

### **Form of bylaws**

- 26 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.

### **Bylaws to be considered separately or jointly**

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

### **Reading and adopting bylaws**

- 28 (1) The presiding member of a Council meeting may
- (a) have the City Clerk 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) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (3) Subject to subsection (4), each reading of a proposed bylaw must receive the affirmative vote of a majority of members present.
- (4) In accordance with section 477(2) of the *Local Government Act*, each reading of a proposed bylaw that adopts, amends, or repeals an official community plan must receive an affirmative vote of a majority of all Council members.

### **Bylaws must be signed**

- 29 After a bylaw is adopted,
- (a) the presiding member of the Council meeting at which it was adopted must sign it, and
  - (b) the City Clerk must
    - (i) sign it,
    - (ii) place the City's corporate seal on it,
    - (iii) have the dates of its readings and adoption placed on it, and
    - (iv) have it immediately placed in the City's vault.

### **Bylaw register**

- 30 The City Clerk must have copies of all adopted bylaws alphabetically and numerically indexed and available for public inspection during regular business hours in City Hall.

## **PART 5 - COMMITTEE OF THE WHOLE**

### **Going into Committee of the Whole**

- 31 (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 statutory, standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of COTW.

### **Rising without reporting**

- 32 A motion made at COTW to rise without reporting must be done in accordance with Section 10(1) [*Application of rules of procedure*].

### **Reports**

- 33 (1) COTW may consider reports and bylaws only if members have access to a

copy of the report or bylaw.

- (2) A motion for COTW to rise and report to Council must be decided without debate.

### **Presiding at Committee of the Whole meetings**

- 34 (1) The mayor, if present, presides over COTW meetings.
- (2) The mayor may choose another member to act as presiding member.
- (3) In the absence of the mayor, the acting mayor chosen under section 4(4) must preside.
- (4) The presiding member has the same powers and duties as the mayor in relation to the applicable matter.

### **Adjournment of Committee of the Whole meetings**

- 35 (1) Regular COTW meetings of COTW must adjourn at 2:00PM unless a motion for continuation is approved by 2/3 of the members present.
- (2) A motion for continuation under subsection (1) must establish a specific time for the adjournment of the COTW meeting.

### **Order of proceedings and business at Committee of the Whole meetings**

36 The order of business at a regular COTW meeting is as follows:

- (a) Territorial Acknowledgement;
- (b) Introduction of late items;
- (c) Approval of agenda;
- (d) Consent agenda;
- (e) Consideration of minutes;
- (f) Unfinished business;
- (g) Land use matters;
- (h) Staff reports;
- (i) Notice of Motions;
- (j) New Business;
- (k) Closed meeting, if required;
- (l) Adjournment.

### **Rules of procedure for Committee of the Whole meetings**

- 37 (1) The following rules apply to COTW meetings:
- (a) a motion for adjournment is not allowed during debate of a motion;

- (b) a member may speak any number of times on the same agenda item;
  - (c) a member must not speak longer than a total of 15 minutes on any agenda item;
  - (d) votes must be taken by a show of hands if requested by a member;
  - (e) the presiding member must declare the results of voting.
- (2) The rules governing the proceedings of Council established under the following provisions of this Bylaw also apply to the proceedings of COTW:
- (a) section 6 [*Location of meetings*];
  - (b) section 7 [*Schedule and public notice of meetings*];
  - (c) section 10 [*Application of rules of procedure*];
  - (d) section 11 [*Minutes of meetings*];
  - (e) section 12 [*Calling meeting to order*];
  - (f) section 13 [*Adjourning meeting where no quorum*];
  - (g) section 14 [*Voting at meetings*];
  - (h) section 17 [*Points of order*];
  - (i) section 18(1) to (8), and subsections 18(9) (c) and 18 (9) (d) [*Conduct and debate*];
  - (j) section 19 [*Motions generally*];
  - (k) section 20 [*Motion for the main question*].

## **PART 6 – OTHER COMMITTEES**

### **Quorum**

38 A quorum for a standing, select or advisory committee is a majority of its members.

### **Rules of procedure for other committee meetings**

- 39 (1) The following rules apply to all committees:
- (a) decisions of a committee are made by majority vote;
  - (b) the presiding member must declare the results of voting.
- (2) The rules governing the proceedings of Council established under the following provisions of this Bylaw also apply to the proceedings of all committees:
- (a) section 6 [*Location of Meetings*];
  - (b) section 7 [*Schedule and public notice of meetings*];
  - (c) section 10 [*Application of rules of procedure*]; and

- (d) section 11 [*Minutes of meetings*].
- (3) Electronic participation is permitted if conditions under section 9(1) (a) & (b) are met.
- (4) Other Council committees must adhere to applicable Council policies.

**PART 7 - GENERAL**

**Repeal**

40 Council Procedures Bylaw No. 16-011 is repealed.

**Effective date**

41 This Bylaw comes into force on adoption.

|                        |                        |        |             |      |
|------------------------|------------------------|--------|-------------|------|
| READ A FIRST TIME the  | <b>20<sup>th</sup></b> | day of | <b>July</b> | 2023 |
| READ A SECOND TIME the | <b>20<sup>th</sup></b> | day of | <b>July</b> | 2023 |
| AMENDED the            | <b>20<sup>th</sup></b> | day of | <b>July</b> | 2023 |
| READ A THIRD TIME the  | <b>20<sup>th</sup></b> | day of | <b>July</b> | 2023 |
| ADOPTED on the         |                        | day of |             | 2023 |

CITY CLERK

MAYOR