

TOWN OF SMITHERS

COUNCIL PROCEDURE BYLAW NO. 1454

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*A Bylaw to establish the rules of procedure for
the Municipal Council of the Town of Smithers*

WHEREAS under Section 124 of the *Community Charter*, Council must establish the procedures to be followed for the conduct of its business;

AND WHEREAS Council must, by bylaw:

- (a) Establish the procedures to be followed for the conduct of council and committee meetings;
- (b) Establish the manner in which resolutions may be passed and bylaws be adopted in council and committee meetings;
- (c) Provide for minute taking at council and committee meetings, including certification of those minutes;
- (d) Require advance public notice respecting the time, place and date of council and committee meetings and establish procedures for giving that notice;
- (e) Identify places that are to be public notice posting places;
- (f) Establish the procedure for designating a person to act in place of the mayor; and
- (g) Establish the first regular council meeting date following a general local election.

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw No. 1454 may be cited for all purposes as "Council Procedure Bylaw No. 1454" and comes into effect on the date of adoption.

REPEAL

2. Bylaw No. 1331 cited as "Council Procedure Bylaw No. 1331, 2000", and any amendments thereto, are hereby repealed.

DEFINITIONS

In this bylaw, unless the context otherwise requires:

Chairperson means the person for the time being who is authorized to control the proceedings and procedure at any meeting of Council or any committee meeting and includes the Mayor or Deputy Mayor as the case may be, when such person is in attendance at a meeting;

Charter means *Community Charter*, Chapter 26 – 2003;

Committee means a select or standing committee duly appointed by Council;

Committee of the Whole means all of the members of Council present at a meeting sitting in committee;

Corporate Administrator means the appointed Corporate Administrator / Chief Administrative Officer for the Town of Smithers or approved designate;

Council means the Municipal Council of the Town of Smithers and includes the Mayor;

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Deputy Mayor means the member designated to be responsible for acting in the place of the Mayor in accordance with Section 95 of this Bylaw and pursuant to Section 130 of the *Community Charter*, in the absence of the Mayor;

Mayor means the duly elected Mayor of the Town of Smithers;

Member means a duly elected Councillor of the Town of Smithers and includes the Mayor;

Motion means a formal proposal made by a member of Council that a specified course of action be undertaken or approved – a resolution is considered an elaborate or formal motion;

Notice Board means the Notice Board at the Town of Smithers Municipal Office and is defined as the public posting notice place as required in Section 124(2)(e) of the *Charter*;

Reconsideration means a motion to reconsider or a motion to permit the reconsideration of a motion that has failed;

Rescind means a motion to rescind by which a previous action or order (motion which has been adopted) can be cancelled or countermanded; and

Town means the Corporation of the Town of Smithers.

In this Bylaw, references to persons by gender shall be understood to refer to persons of either gender.

RULES OF PROCEDURE FOR COUNCIL MEETINGS

Agenda

3. Prior to each Regular Meeting of **Council**, the **Corporate Administrator** shall prepare an agenda of all business to be brought before the **Council** at such meeting.
4. At least 72 hours before a Regular Meeting of **Council**, the **Corporate Administrator** must deliver a copy of the agenda to each **member** of **Council** at the place to which the **member** has directed notices and/or agendas to be sent.
5. The **Chairperson** may add correspondence, reports or other items to the agenda of a Regular Meeting of **Council** in that meeting.
6. All documents intended for consideration by **Council** at a meeting must be delivered to the **Corporate Administrator** not later than 10:00 a.m. on the Thursday preceding the day of the meeting of **Council**.
7. Council shall proceed with business in the order set out in the agenda, unless a majority vote of **members** present otherwise directs.
8. Except as **Council** otherwise resolves and, in any event, only to the extent that business exists at a particular meeting under each of the following subject headings, the usual order of business at a Regular Meeting of **Council** shall be:
 - i. Call to Order
 - ii. Public Hearing
 - iii. Approval of Minutes
 - iv. Business Arising from Minutes
 - v. Petitions and Delegations
 - vi. Council Reports

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- vii. Staff (A) Reports – For Council Resolution or Action
 - vii(b). Staff (B) Reports – Receive for Information
 - viii. Bylaws
 - ix. Correspondence (A) Items – For Council Resolution or Action
 - x. Correspondence (B) Items – Receive and Reply
 - xi. Correspondence (B) Items – Receive for Information
 - xii. Correspondence (C) Items
 - xiii. Correspondence (D) Items
 - xiv. Other/New Business
 - xv. Public Question Period
 - xvi. Notice of Special (In-Camera) Meeting(s) of Council
 - xvii. Adjournment
9. If any **member** wishes to have Council debate an issue, that member may, as a courtesy to **Council**, give “Notice of Motion” respecting the item by providing a printed or typewritten copy of such Notice of Motion to the **Corporate Administrator** and to others in attendance at the meeting. Under the Other/New Business section of the agenda, the **Corporate Administrator** will read the Notice of Motion and it will appear in the minutes as such. A Notice of Motion shall be placed on the agenda of the next Regular Meeting of **Council** as a report from the **member** for disposition.

Code of Conduct and Debate

10. Every **member** shall address the **Chairperson** before speaking to any question or **motion**.
11. **Members** shall address the **Chairperson** as “**Mayor**”, “Your Worship” or “Councillor” depending on who occupies the chair and shall refer to each other with “Councillor” and their surname.
12. No **member** shall:
- a. Speak disrespectfully of the reigning sovereign, a member of the Royal Family, the Governor General, or a Lieutenant Governor;
 - b. Use offensive words in or against **Council**;
 - c. Speak with the purpose of moving the discussion away from the question in debate or reflect upon a vote of **Council**, except for the purposes of moving that the vote be **rescinded**;
 - d. Leave his seat or make any noise or disturbance while a vote is being taken and until the result is declared;
 - e. Interrupt a **member** who is speaking, except to raise a point of order;
 - f. Disobey the rules of **Council** or disobey the decision of the **Chairperson** on points of order or practice, or upon the interpretation of the rules of **Council** by the **Chairperson**, except any **member** shall have the right of appeal against the **Chairperson** as provided for in Section 132 of the **Charter**.
13. If any **member** takes a prohibited action, the **member** shall be ordered by a majority vote of **members** present or on the order of the **Chairperson** to leave his seat for that meeting, and in the case of his refusing to do so, may, on order of the **Chairperson**, be removed from the meeting by a Peace Officer.

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14. However, if a **member** ordered to leave a meeting apologizes to **Council**, **Council** may, by a majority vote of **members** present, permit him to resume his seat.
15. The **Chairperson**, or any **member** through the **Chairperson**, may call a point of order to a **member** who is speaking. When such action is taken, the **Chairperson** shall immediately suspend debate and the **member** in question shall refrain from speaking until the **Chairperson** determines the point of order.
16. If the **Chairperson** desires to take part in a debate or otherwise, he shall call upon the **Deputy Mayor**, or in the absence of that **member**, another **member** to act as **Chairperson** until the **Chairperson** resumes the chair.
17. A matter of privilege must be immediately considered when it arises at a **Council** meeting and refers to the following motions listed in order of precedence:
 - 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**.

Opening Procedures

18. The quorum of **Council** and the **Committee of the Whole** is four (4) **members**.
19. The **Mayor** shall take the chair and call the **members** to order as soon after the hour of meeting when a quorum is present.
20. The **Deputy Mayor** must take the chair and call the **members** to order, in the event the **Mayor** does not attend, within ten (10) minutes after the time appointed for a meeting; or if that **member** is absent, the **Corporate Administrator** shall call the **members** to order and, if a quorum is present, the **members** shall appoint a **member** who shall preside during the meeting or until the arrival of the **Mayor**.
21. The **Corporate Administrator** shall record in the minutes, should there be no quorum present within twenty (20) minutes after the time appointed for the meeting, the name of the **members** present at the expiration of twenty (20) minutes and the meeting shall stand adjourned until the next meeting.

Day, Time and Location of Regular Meetings of Council

22. After the inaugural meeting, Regular Meetings of **Council** shall be held on the second and fourth Tuesdays of each month unless cancelled by the **Mayor**, or by a resolution of **Council** and shall be scheduled to begin at 7:30 p.m.
23. Where the Regular Meeting of **Council** occurs on a statutory holiday, the regular meeting will take place on the day immediately following such holiday.
24. **Council** meetings shall be held in the **Town** Municipal Office Council Chambers unless, by resolution, some other locale is approved by **Council**.
25. In accordance with section 127 of the **Charter**, **Council** must prepare annually a schedule of the dates, times and places of Regular Meetings of **Council** and must make the schedule available to the public by posting it on the **Notice Board** before January 31 of each year.

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Electronic Meetings

26. A Special or Regular Meeting of **Council** or a standing or select **committee** meeting may be conducted by means of visual and audio or audio electronic or other communication equipment, provided that:
 - a. The **Chairperson** is in attendance at the meeting;
 - b. No more than two **members** are participating by electronic means at a Special or Regular Meeting of **Council**;
 - c. No more than two members of a standing or select **committee** are participating by electronic means at a standing or select **committee** meeting; and
 - d. The conditions set out in Section 128 of the **Charter** are met.
27. **Members** or **committee** members who are participating by electronic means in a meeting conducted in accordance with Section 128 of the **Charter** are deemed to be present at the meeting.
28. If the visual and audio or audio electronic or other communication equipment loses the connection or the connection is disrupted during the course of the meeting, the **Corporate Administrator** will note this in the minutes and if this disruption results in the loss of a quorum the meeting shall dissolve and the issue under discussion at the time of the loss of communication shall be raised at the next meeting.

Motions (includes amending motions and resolutions)

29. The **Corporate Administrator** shall record every **motion** other than a procedural **motion**.
30. When a **motion** has been made and seconded, the **Chairperson** shall propose a question framed thereon to open debate.
31. When the debate is closed, the **Chairperson** shall immediately put the question to a vote.
32. After a **motion** has been stated or read, it is deemed to be in the possession of **Council**, but may be withdrawn by the mover and seconder of that **motion**.
33. No **member** shall speak for longer than five (5) minutes to a question nor speak a second time to the same question as long as any **member** who desires to speak has not yet spoken to that question. A **member** may speak to a question he has already spoken to in order to explain a material part of his speech, which may have been misconceived though in doing so the **member** may not introduce new information. When the **Chairperson** is of the opinion that there has been sufficient debate, the mover is entitled to speak for three (3) minutes to close the debate before the **Chairperson** puts the question.
34. Whenever the **Chairperson** is of the opinion that a **motion** is contrary to the rules and privileges of **Council**, he shall apprise the **members** thereof without proposing the question, and shall cite without argument or comment, the rule or authority applicable to the case.
35. When a question is under consideration, no **motion** shall be received, except for the following:
 - a. To refer to a **committee**;
 - b. To amend;
 - c. To postpone (defer) to a certain time;

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- d. To postpone indefinitely;
 - e. To move the previous **motion**; or
 - f. To adjourn.
36. The **motions** listed in Section 35 shall have precedence in the order in which they are named, and the last three (3) shall be neither amendable nor debatable.
37. A **motion** for reference in Section 35(a) shall, until it is decided, preclude all the amendments of the main question.
38. A **motion** to adjourn the debate is always in order and need not be in writing, and shall be decided without debate. In this instance, a **motion** may be made to limit the time allowed each speaker, or the number of speeches on each side, or to appoint a time at which debate shall close and the question be put. No second **motion** to the same effect shall be made until some intermediate proceedings have occurred.
39. After the **Chairperson** finally calls the question, no **member** shall speak to the question nor shall any other **motion** be made until after the result of the vote has been declared.
40. The decision of the **Chairperson**, as to whether the question has been finally put, shall be conclusive and when the **Chairperson** is putting a question, no **member** shall walk out of the Chamber.
41. A **member** may, by right, require the **motion** under discussion be read for informational purposes at any period of the debate, but not so as to interrupt any **member** speaking.
42. A **member** may move that a **motion** be amended in one of the following ways:
- a. By leaving out certain words;
 - b. By leaving out certain words and inserting or adding others;
 - c. By inserting or adding certain words; or
 - d. By substitution.
43. The **Chairperson** shall not permit an amendment that negates the purpose of the main **motion**.
44. When a **member** moves to amend a **motion**, the **Chairperson** shall state the original **motion** followed by the amendment and then shall put the question of the amendment to **Council**.
45. If the **motion** is defeated, the **Chairperson** shall again propose the main question and debate may continue.
46. **Members**, other than the **member** who moved the defeated amendment, may submit amendments.
47. If the amendment is passed, then the debate continues on the amended **motion**. It shall be competent for a **member** to move other amendments subject to the limitations set forth in the following sections.
48. The **Chairperson** shall allow only one amendment to an amendment.
49. Once **Council** defeats an amendment, it cannot be moved a second time.
50. The **Chairperson** shall put amendments to **Council** in the reverse order to that in which they are moved. When there is a main **motion**, a primary amendment and a secondary amendment thereto, the **motion** and appendages shall be put to **Council** in the following order:
- a. The secondary amendment.

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- b. The primary amendment to the main **motion**.
 - c. The main **motion**.
51. A **motion** to “call for the previous question” shall always be in order. If seconded, the debate shall immediately halt and the **Chairperson** shall put the question “shall the main question be now put?” If carried by a majority vote of **members** present, all debate immediately ceases and the **Chairperson** shall immediately “call for the vote on the main question.”
52. A resolution at a Regular Meeting of **Council** to adopt minutes of a **Committee of the Whole**, Special or **committee** meeting shall constitute ratification of all **motions** therein. Issues are finalized and authorized once **Council** has passed the resolution to adopt.

Reconsideration / Rescinding of a Motion

53. After a **motion** has been defeated, except a **motion** that tables or postpones a subject, a **member**, who voted to defeat the **motion**, or who was absent at the meeting at which the vote took place, may move for the **reconsideration** of the **motion** that has failed within one month of the meeting at which the original **motion** was defeated.
54. After a **motion** has been approved, except a **motion** that tables or postpones a subject, a **member** who voted to approve the **motion** or who was absent at the meeting at which the vote took place may move to **rescind** the **motion** that has been adopted within one month of the meeting at which the original **motion** was approved.
55. The **member** wishing to **reconsider** or **rescind** a **motion** must give written notice to **Council** of his intention to move that **Council reconsider** or **rescind** the **motion** at a subsequent meeting. A **motion to reconsider** or **rescind** must be seconded, and requires a majority vote of **members** present to be carried.
56. Should **Council** approve the **reconsideration** of a matter, the matter shall be put to **Council** in the form of a question. For example: “Upon **reconsideration**, should Bylaw No. ____ be adopted?” or “Should the grant in the amount of \$___ to ___ be approved?” In the event that this **motion** is passed by a majority vote of **members** present, adoption of the bylaw (subject to the Bylaw adoption procedure contained herein), or approval of the grant, as the case may be, will have been given.
57. Should **Council** approve a **motion to rescind** a previously adopted **motion**, that former **motion** ceases to exist. A **motion to rescind** a previously adopted **motion** is not in order where the matter has had the assent of the electors or it has been acted on by an officer, employee or agent of the **Town** and it is too late to undo the results of that action.
58. **Council** shall not **reconsider** any **motion** more than once, following which the question shall not be introduced for a period of six (6) months, except with the unanimous consent of all **members**.

Petitions and Delegations

59. No person or group of persons wishing to appear before **Council** may do so unless the **Corporate Administrator** has first been notified in writing before the agenda has been prepared and circulated to all **members**.

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60. A delegation shall appoint a speaker or, upon a vote of the majority of **members** present at a meeting, more than one speaker.
61. The **Chairperson** shall allow up to fifteen (15) minutes for the presentation with a ten (10) minute question and answer period following.
62. The **Council** may dispose of the petition or submission at the meeting, refer the subject matter to a **committee**, or take such other action, as it deems expedient.
63. A petition presented to **Council** shall legibly include the subject matter, date of the petition and the name, post office box and civic address of each petitioner.
64. In the case of a corporation, it is required that the signature on a petition includes written authority signed by a director of the corporation under the corporate seal.

Loss of Quorum

65. When any order, **motion** or question is lost, by reason of **Council** or any **committee** thereof breaking up for want of a quorum, the order, resolution or question so lost shall be the first item of business to be proceeded with and disposed of at the next meeting of the **Council** or **committee** under that particular head.

BYLAWS

66. The **Corporate Administrator** shall have every proposed bylaw included with the Agenda before it is considered in a Regular Meeting of **Council**.
67. If a **motion** to introduce a Bylaw fails or is not made and seconded, the Bylaw shall be considered defeated and shall be removed from the agenda and shall not be brought forward as unfinished business on a subsequent agenda.
68. Nothing in this Bylaw shall require **Council** to introduce a Bylaw or give it any reading or readings.
69. Pursuant to the **Charter**:
 - a. A Bylaw is considered valid after it has received three readings and been adopted;
 - b. Three readings may be given on the same day (except for Zoning and Official Community Plan Bylaws);
 - c. At first reading:
 - i. Only the title and intended object of the Bylaw shall be read by the **Chairperson**;
 - ii. No amendments nor debate shall be allowed;
 - iii. Public access shall be provided to all bylaws after first reading;
 - d. Second reading shall consist of debate upon the general principles of the Bylaw;
 - e. Public hearings, as required by the **Charter** for Official Community Plan and Zoning bylaws, shall be held between the second and third readings;
 - f. The second and third readings may be deferred for a total of three months upon a **motion** of **Council**;
 - g. If the Bylaw requires approval pursuant to the **Charter** or any other Act, that approval must be obtained after third reading and before it is adopted;

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- h. There must be at least one day between third reading and adoption of a Bylaw, other than Official Community Plan or Zoning Bylaws that can be given third reading and be adopted on the same day;
- i. Each reading of a bylaw that adopts, amends or repeals the Official Community Plan must receive an affirmative vote of a majority of all **members**;
- j. A **member** who is entitled to vote on a bylaw for which a public hearing was held but was not present at the public hearing may vote on the adoption of the bylaw, provided that an oral or written report of the public hearing has been given to the **member** by an officer or employee of the **Town**;
- k. One copy of every adopted Bylaw, bearing evidence of signatures, seals, dates of readings and adoption, effective date, approval, if necessary, and registration in the Office of the Inspector of Municipalities, if necessary, shall be kept indefinitely by the **Corporate Administrator** among the corporate records of the **Town**.

VOTING

- 70. All voting shall be by a show of hands except in the case of a **Council** meeting where a **member** or **members** are partaking by use of a telecommunications device in which case voting on a **motion** shall be conducted by the **Chairperson**, who shall ask each **member** whether they are in favour of the **motion** and each **member** shall respond verbally for or against the motion.
- 71. Each **member** present, including the **Chairperson** and any **member** participating by use of a telecommunications device, shall have one vote that will be recorded in the minutes.
- 72. Upon the request of any **member**, when the question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately.
- 73. **Council** shall not **reconsider** any **motion** more than once at the same meeting, except by unanimous consent of **Council**.

RULES OF PROCEDURE FOR OTHER MEETINGS

Committee of the Whole

- 74. The **Mayor** may call a meeting of the **Committee of the Whole** at any time.
- 75. During a Regular Meeting of **Council**, **Council** may, by resolution, resolve itself into the **Committee of the Whole** to consider specific matters.
- 76. The **Mayor** shall preside at the **Committee of the Whole**, unless **Council** appoints another **member** to preside.
- 77. The rules of **Council** shall be observed in the **Committee of the Whole** so far as may be applicable, except that;
 - a. The number of speeches by a **member** to any question shall not be limited; and
 - b. A seconder to a **motion** is not required.
- 78. A **motion** in the **Committee of the Whole** to rise without reporting, or that the **Chairperson** of the **Committee** leave the chair, is always in order and shall take precedence over any other **motion**. Debate on a **motion** of this type shall

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be allowed, but no **member** shall speak more than once to the **motion** and, on further vote, shall be considered disposed of in the negative, and the **Chairperson** of the **Committee of the Whole** shall resume the chair and proceed with the next order of business.

79. When all matters referred to the **Committee of the Whole** have been considered, a **motion** to rise and report shall be adopted. The **Committee**, when it has partly considered a matter, may report progress and ask leave to sit again. In resumption of regular **Council** business, the **Chairperson** of the **Committee of the Whole** shall report to **Council** and **Council** may:
- a. Adopt the report;
 - b. Reject the report;
 - c. Adopt the report with amendments;
 - d. Refer the subject matter for further consideration, either in part or in whole;
 - e. Postpone action on the report; or
 - f. Approve the request of the **Committee of the Whole** to sit again, with the **Committee** having reported its progress after partial consideration of the subject.

Standing and Select Committees

80. A **member** may be appointed to a standing or select **committee** even in the **member's** absence.
81. All **members** may attend the meetings of a standing **committee** though only those **members** appointed to the standing **committee** may vote. **Members** not appointed to the standing **committee** may, by permission of a majority vote of **committee** members present, be allowed to participate in any discussion or debate.
82. The **Mayor** shall designate one member of each **committee** to act as **Chairperson** and the **Chairperson** will be entitled to one vote.
83. The **Mayor** shall be an ex-officio member of all **committees** and be entitled to vote at all meetings thereof.
84. At the inaugural meeting of each newly elected **Council**, the **Mayor** may appoint standing **committees** of **Council** to act in fields of municipal responsibility. **Council** may consider all persons nominated for **committee** positions prior to appointment.
85. The **Mayor** may appoint such other standing **committees** as considered necessary in the interest of the municipality.
86. In the transaction of business, all standing and select **committees** shall adhere, as far as possible, to the rules governing proceedings at the meetings of **Council**.
87. A select **committee** shall, upon completion of its assignment and upon submission of its final report to **Council**, be automatically dissolved.
88. A majority of voting members appointed to a standing or select **committee** shall constitute a quorum.
89. The general duties of standing and select **committees** are:
- a. To consider and report to **Council** from time to time, as often as the interests of the municipality may require, all matters connected with the

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duties imposed on them respectively, and to recommend such action by **Council** in relation to their business as they may deem necessary and expedient;

- b. To consider and report within a reasonable time, upon all matters referred To them by **Council**;
- c. To adhere strictly to the rules prescribed by bylaws of **Council** in the transaction of business;
- d. To carry out the instructions of **Council** expressed by resolution and in regard to any matter referred by **Council**; and
- e. To report its actions in detail within the time frame expressed by **Council**.

MINUTES

- 90. Minutes of the proceedings of all **Council**, **Committee of the Whole**, Special, and standing and select **committee** meetings must be:
 - a. Legibly recorded;
 - b. Certified as correct by the **Corporate Administrator**; and
 - c. Open for public inspection at the Municipal Office during its regular office hours except minutes for those meetings or parts of meetings from which persons were excluded under Section 90 of the **Charter**.

SPECIFICS OF COUNCIL AND OTHER MEETINGS

Advance Public Notice of Meetings

- 91. At least 72 hours before a Regular Meeting of **Council** and at least 24 hours before a meeting of the **Committee of the Whole** or a meeting of a select or standing **committee** or a Special Meeting of **Council**, the **Corporate Administrator** must give public notice of the time, place, date and general purpose of the meeting by way of posting a notice on the **Notice Board** and leaving copies of the agenda at the reception counter at the Municipal Office for the purpose of making them available to members of the public, except where notice of a Special Meeting is waived by unanimous vote of all **members** under Section 127(4) of the **Charter**.

Attendance of Public at Meetings

- 92. Subject to Part 4, Division 3 of the **Charter**, all **Council** meetings must be open to the public.
- 93. Before a meeting or part of a meeting is to be closed (In-Camera) to the public, **Council** must state by resolution, the fact that the meeting is to be closed (In-Camera) and the basis under Section 90 of the **Charter** on which the meeting is to be closed.

Public Notice Posting Places

- 94. Pursuant to Section 124(2)(e) of the **Charter**, the public notice-posting place for the purposes of public notice is defined as the **Notice Board** at the **Town Municipal Office**.

Designation of Member to Act in Place of Mayor – Deputy Mayor

- 95. Annually, in December, **Council** must from amongst its **members** designate a Councillor to be responsible for acting in the place of the **Mayor** when the

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Mayor is absent or otherwise unable to act or when the office of the **Mayor** is vacant.

96. The **Deputy Mayor** must fulfill the responsibilities of the **Mayor** in his absence.
97. If both the **Mayor** and the **Deputy Mayor** are absent from the **Council** meeting, the **members** present must choose a Councillor to preside at the meeting.
98. The **Deputy Mayor**, or the **member** chosen to act as the **Mayor** in the absence of the **Deputy Mayor**, has the same powers and duties as the **Mayor** in relation to the applicable matter.

INAUGURAL MEETING OF COUNCIL

99. Following a general local election, the first **Council** meeting must be held on the first Tuesday in December in the year of the election.
100. If a quorum of **members** elected at the general election has not taken office by the first Tuesday in December in the year of the election, the first **Council** meeting must be called by the **Corporate Administrator** and held as soon as reasonably possible after a quorum has taken office.

CONFLICT OF INTEREST

101. Should a Councillor or a member of its **committees** deem to have a direct or indirect pecuniary interest in any matter before a meeting, he shall verbally declare such a conflict, state the general nature of the conflict and leave the meeting.
102. A Councillor or a member of Council's **committees** declaring a conflict of interest must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter. After such declaration, the **Corporate Administrator** must have recorded in the minutes, the declaration of the conflict, the reasons given for it and the times of the **member's** departure from and return to the meeting.
103. The **Chairperson** of the meeting must ensure that the **member** in conflict is not present at the meeting at the time of any vote in respect of the matter.
104. A **member** may be disqualified from continuing to hold office pursuant to the **Charter** if he is in contravention of the conflict of interest sections unless the contravention was done inadvertently or because of an error in judgment made in good faith.

SUSPENSION OF RULES

105. Any one or more rules and orders contained in this Bylaw may be temporarily suspended by a majority vote of all **members**, except those contained in Sections 14, 66, 69(b), 69(k) and 81.
106. No action of **Council** is rendered invalid solely by reason of any breach, inadvertent or otherwise, of any provisions of this Bylaw.

OTHER CASES

107. **Council**, its standing and select **committees** and **Committee of the Whole** shall follow the rules contained in *The New Robert's Rules of Order*, 2nd edition, 1998, except as provided in this Bylaw or in the **Charter**.

**TOWN OF SMITHERS
COUNCIL PROCEDURE
BYLAW NO. 1454**

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SEVERANCE CLAUSE

108. If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

READ A FIRST TIME THIS 23rd DAY OF MARCH, 2004.

READ A SECOND TIME THIS 23rd DAY OF MARCH, 2004.

READ A THIRD TIME THIS 23rd DAY OF MARCH, 2004.

ADOPTED THIS 13TH DAY OF APRIL, 2004.

The Corporate Seal of the Town of
Smithers was hereto affixed in the
presence of

James A. Davidson
Mayor

Wallace Mah
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No. 1454 cited as "Council
Procedure Bylaw No. 1454".

Wallace Mah
Corporate Administrator (CAO)

WM/jw

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