



City of Prince Rupert

Council Procedure Bylaw No. 3092, 2000

(With Amendments to March 14, 2005)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

CITY OF PRINCE RUPERT

A BYLAW TO GOVERN MEETINGS OF THE COUNCIL OF THE CITY OF PRINCE RUPERT BYLAW NO. 3092, 2000

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

NOW, THEREFORE, the Council of the City of Prince Rupert in open meeting assembled enacts as follows:

PART 1 - INTERPRETATION

1. Definitions

(1) In this Bylaw:

“Act” means the *Community Charter*, SBC 2003, Chapter 26, as amended.

“Council” means the governing and executive body of the City of Prince Rupert constituted as provided in the Act.

“Councillor” means a member of the Council.

“Councillor’s address” means the residential address, or the mailing address if this is different, given to the Corporate Administrator by each Councillor in the nomination documents they filed for the local government office they were elected to.

“inaugural meeting” means the meeting at which the members elected at the most recent general local election are sworn in.

“member” means the Mayor or a Councillor.

“municipality” means the City of Prince Rupert.

“posting locations” means the notice board in the main stairway at City Hall, and the regular Council meeting place.

“special meeting” means a meeting of the Council other than a regular or inaugural meeting.

“Corporate Administrator” means the person assigned by Council the responsibility of corporate administration pursuant to section 148 of the *Act*.

2. Incorporation Of Acts’ Definitions

(1) Any definition in the Act which is incorporated into this bylaw has the meaning given to it in the Act as of the date of adoption of this bylaw.

3. Interpretation of Bylaw

- (1) Reference in this bylaw to:
 - (a) a numbered “section” or “part” is a reference to the correspondingly numbered section or part of this bylaw;
 - (b) the plural is to be considered to be a reference also to the singular, unless the context otherwise requires; and
 - (c) unless the context otherwise dictates, a resolution or vote of the Council is a reference to a resolution or vote passed by the affirmative vote of a majority of the Councillors present and entitled to vote on the matter.

4. Citation

- (1) This bylaw may be cited for all purposes as “**City of Prince Rupert Council Procedure Bylaw No. 3092, 2000**”.

PART 2 – INAUGURAL MEETING

5. Inaugural Meeting

- (1) The first regular Council meeting following a general local election must be held on the first Monday in December following the general local election.

PART 3 - REGULAR MEETINGS

5.1 Time and Location of Regular Meetings

- (1) Commencing following the Inaugural Meeting of a new Council a regular meeting is to be held on the second and fourth Mondays of each month.
- (2) Regular meetings of Council are to begin at 5:15 p.m. and 7:00 p.m. or such other time as is fixed by resolution of the Council from time to time..
- (3) Regular meetings of Council are to take place within City Hall unless, by resolution, Council has chosen another location specified in the resolution.
- (4) Despite subsections 5.1 (1), (2) and (3), no regular meeting is to be held if the meeting has been cancelled by a resolution of Council passed at a previous meeting.

- (5) The Corporate Administrator is hereby authorized to vary the start time of regular meetings scheduled to commence at 5:15 p.m. to reflect the amount of Council business, or to cancel them entirely if such meeting is not required.
- (6) The Corporate Administrator is hereby authorized to cancel such other meetings as are considered unnecessary for the reason of lack of business and shall post notice of such cancellation in accordance with Section 6.

6. **Notice of Regular Council Meetings**

- (1) At least 72 hours before a regular meeting of Council, the Corporate Administrator must give public notice of the time, place and date of the meeting by way of a notice posted in the posting locations.
- (2) At least 24 hours before a regular meeting of Council, the Corporate Administrator must give further public notice of the meeting by:
 - (a) posting a copy of the agenda in the posting locations; and
 - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public;
- (3) At least two (2) working days before a regular meeting of Council, the Corporate Administrator must deliver a copy of the agenda and all background information to each member of Council at the place to which the Council member has directed notices to be sent.
- (4) The Corporate Administrator must
 - (a) post in the posting locations, and
 - (b) publish in accordance with section 94 of the *Act* at least once a yeara schedule of the date, time and place of regular Council meetings.
- (5) If the agenda for the meeting contains a proposal to close all or part of the meeting to the public, the notice must state the basis under the Act on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.

7. **Postponement for Statutory Holiday**

- (1) If the Monday is a statutory holiday, the regular meeting which would otherwise be held on that Monday must be held at the usual time on the next day which is not a statutory holiday, a Saturday or a Sunday.

8. Quorum

- (1) A **quorum of the Council** is a majority of Councillors on the Council, including the Mayor, as per section 129 of the Act.

9. Postponement If No Quorum

- (1) If there is no quorum of Councillors at the location for regular meetings within 30 minutes after the usual time for a regular meeting, or a quorum is lost during a meeting:
 - (a) the Corporate Administrator shall record in the Minute Book the names of the member present at the expiration of such thirty minutes;
 - (b) the members present must direct that the regular meeting be held or continued
 - (i) the same hour the following night, or
 - (ii) on the date of the next scheduled regular meeting.
 - (c) all business on the agenda for that regular meeting not dealt with at that regular meeting is incorporated in the agenda for the regular meeting held on the earlier of the dates referred to in subclause (b) (i) or (ii).

9.1 Cancellation If No Quorum:

- (1) Notwithstanding section 9, if the Corporate Administrator knows in advance that there will not be a quorum present at the location for a regularly scheduled meeting of Council he may cancel the regular meeting and he shall use reasonable efforts to give advance public notice of the cancellation of the regular meeting by posting notice of the cancellation in the posting locations.

PART 4 - SPECIAL MEETINGS

10. Notice of Special Council Meetings

- (1) Except where notice of a special meeting is waived by a unanimous vote of all Council members under section 127(4) of the Act, at least 24 hours before a special meeting of Council, the Corporate Administrator must:
 - (a) give advance public notice of the time, place and date of the meeting and describe in general terms the purpose of meeting by way of a notice posted in the posting locations; and
 - (b) give notice of the special meeting in accordance with section 127 of the Act.

- (2) Where a special meeting is called and where notice may be waived by a unanimous vote under section 127(4) of the *Act*, the Corporate Administrator shall use reasonable efforts to give advance public notice of the proposed special meeting by posting a notice of the proposed meeting in the posting locations.
- (3) If the agenda for the meeting contains a proposal to close all or part of the meeting to the public, the notice must state the basis under the Act on which the portion of the meeting is to be closed, but the notice must not otherwise describe the matter in respect of which the meeting is to be closed.

11. Postponement If No Quorum

- (1) Sections 9 and 9.1 apply to special meetings with the necessary changes, except that the Corporate Administrator need not give public notice of a cancelled or rescheduled meeting in respect of which Council has resolved to exclude the public.

PART 5 – ANNUAL MEETING

12. Notice of Annual Meeting

- (1) The corporate officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider
 - (a) the annual report prepared under section 98 of the *Act*, and
 - (b) submissions and questions from the public,by giving public notice by
 - (c) posting notice of the date, time and place of the annual meeting in the posting locations, and
 - (d) publishing notice of the date, time and place of the annual meeting in accordance with section 94 of the *Act*.

PART 6 – COMMITTEE MEETINGS

12.1 Time and Location of Regular Primary Committee Meetings

- (1) Commencing following the Inaugural Meeting of a new Council a regular Primary Committee meeting is to be held on the fourth Monday of each month.

- (2) Regular Primary Committee meetings are to begin at the adjournment of the Regular meetings of Council held on the fourth Monday of each month or such other time as is fixed by resolution of the Council from time to time.
- (3) Regular Primary Committee meetings are to take place within City Hall unless, by resolution, Council has chosen another location specified in the resolution.
- (4) Despite subsections 12.1 (1), (2) and (3), no Primary Committee meeting is to be held if the meeting has been cancelled by a resolution of Council passed at a previous regular Council meeting.
- (5) The Corporate Administrator is hereby authorized to cancel such Primary Committee meetings as are considered unnecessary for the reason of lack of business and shall post notice of such cancellation in accordance with Section 12.2.

12.2 Notice of Committee Meetings

- (1) In this section:

“Primary Committee” means the following committees of Council:

- (a) Committee of the Whole

“Secondary Committee” means a committee of Council which is not a Primary Committee.

- (2) At least 72 hours before a regular meeting of a Primary Committee, the Corporate Administrator must give public notice of the time, place and date of the meeting by way of a notice posted in the posting locations.
- (3) At least 24 hours before a regular meeting of a Primary Committee, the Corporate Administrator must give further public notice of the meeting by:
 - (a) posting a copy of the agenda in the posting locations; and
 - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.
- (4) At least two (2) working days before a regular meeting of a Primary Committee, the Corporate Administrator must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.
- (5) At least 24 hours before:

- (a) a special meeting of a Primary Committee; or
- (b) a meeting of a Secondary Committee

the Corporate Administrator must give advance public notice of the time, place and date of the meeting by way of a notice posted in the posting locations.

PART 7 - OTHER MATTERS REGARDING MEETINGS

13. Meetings Outside Municipality

- (1) A meeting may be held outside the Municipality if the Council passes a resolution to that effect.

14. Attendance of Public at Meetings

- (1) Subject to sections 90 and 133 of the Act, all Council meetings must be open to the public.
- (2) Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with section 92 of the Act.
- (3) This section applies to meetings of bodies referred to in section 145 of the Act, including, without limitation:
 - (a) Primary, select or standing committees of Council;
 - (b) The board of variance;
 - (c) The court of revision;
 - (d) An advisory committee, or other advisory body, established by Council under the Act, or any other legislation.

15. Participation of Public at Council/Primary Committee Meetings

- (1) The public may participate in the Question Period portion of Primary Committee meetings in accordance with the rules and procedures established by resolution of Council from time to time.
- (2) From the close of nominations preceding a general local election or by-election, the Question Period portion of Primary Committee meetings shall be suspended until the Primary Committee meeting following the election.
- (3) From the close of nominations preceding a general local election or by-election, the Petitions and Delegations portion of regular Council meetings

and Primary Committee meetings shall be suspended until the meeting of Council following the election unless the Council, by resolution, consents otherwise, on a case-by-case basis.

16. Improper Conduct

- (1) No member or person attending the meeting may interrupt a member who is speaking, except that a Councillor may raise a point of order.
- (2) No member or person attending the meeting may cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting.
- (3) No member or person permitted or invited to speak on any matter coming before the Council or a committee may use rude or offensive language or, by tone or manner of speaking, express a point of view or opinion or make an allegation which, directly or indirectly, reflects upon the public conduct or private character of any person.

16.1 Removal of Those Behaving Improperly

- (1) The Mayor or other person presiding may expel from a meeting of Council any person he or she considers guilty of improper conduct.
- (2) If a person resists or disobeys an order of the Mayor or other person presiding to leave a meeting of Council, that person may be removed by the Corporate Administrator, or, if necessary, by a peace officer at the direction of the Mayor or other person presiding.
- (3) In addition to its application to Council meetings, the ability of the person presiding to expel persons he or she considers guilty of improper conduct also applies to meetings of the following:
 - (1) Primary, select or standing committees of Council;
 - (2) The board of variance;
 - (3) The court of revision;
 - (4) An advisory committee, or other advisory body, established by Council under the Act, or any other legislation.

17. Adjournment of Meeting

- (1) The Council may at any time by resolution adjourn any meeting to a date, time and location specified in the resolution.
- (2) Council Meetings shall adjourn no later than 11:00 p.m. unless an extension beyond that time is determined by Extraordinary Resolution of the Council.

18. Cancellation of Meetings

- (1) The Council may by resolution cancel any regular meeting. The Corporate Administrator must give public notice of cancellation of any regular meeting by posting notice of cancellation in a place accessible to the public at the location for the regular meeting.

18.1 Acting Mayor

- (1) At the first regular meeting held in December each year, or at an inaugural meeting held under section 5, or as soon after those meetings as practicable, Council must in respect of the ensuing calendar year designate from among its members Councillors to serve on a rotating basis as Acting Mayor to act 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 18.1 (1) must fulfill the responsibilities of the Mayor in the absence of the Mayor.
- (3) If both the Mayor and the member designated under subsection 18.1 (1) are absent from the Council meeting, the Council member next on the approved list of Acting Mayors shall be chosen to fulfill the role of Acting Mayor and shall have the same powers and duties as the Mayor in relation to the applicable matter.

PART 8 - PROCEDURE FOR MEETINGS

19. Authority

- (1) All meetings of the Council and all other matters of practice and procedure not otherwise herein specified shall be governed by Robert's Rules of Order or by any authority whose codification of Canadian Procedure shall be declared by the Parliament of Canada to replace or supersede Robert's Rules of Order.
- (2) Notwithstanding the above statement of Authority, the Provisions of Division 2 of the *Act* on "Council Proceedings" are to be considered a part of this Bylaw and to have the same force and effect by reference as though the same were severally, fully, and particularly set forth herein.

20. Mayor To Open Meetings

- (1) If a quorum is present, the Mayor must call the meeting to order; however,

where the Mayor is absent, the Councillor designated as Acting Mayor in accordance with Section 18.1 must take the Chair and call the meeting to order.

21. Appointment of Acting Chair

- (1) If a quorum is present but neither the Mayor nor the Acting Mayor are present at the time at which the meeting is scheduled to begin, the Corporate Administrator must call the meeting to order and by resolution the Council must appoint a Councillor to act as chair for that meeting until the Mayor or Acting Mayor arrives. The acting chair of a meeting has the powers and duties of the Mayor in respect of that meeting.
- (2) deleted

22. Order Of Business At Regular Meetings

- (1) Unless the Mayor or Acting Mayor otherwise directs, the business at all regular meetings shall be proceeded with in the following order:
 - (a) Call to order
 - (b) Adoption of Agenda
 - (c) Adoption of Minutes of the last regular meeting,
 - (d) Petitions and Delegations
 - (e) Unfinished Business
 - (f) Recommendations
 - (g) Requests
 - (h) Information Items
 - (i) Resolutions,
 - (j) Bylaws
 - (k) Late Items
 - (l) Reports, Questions and Inquiries from members of Council (verbal)
 - (m) Adjournment.
- (2) When preparing the agenda prior to the meeting, the Mayor and Corporate Administrator may in their discretion:
 - (a) vary the order set out in section 22 (1), and
 - (b) delete agenda headings if there is no business under those items.
- (3) The order of business specified in Section 22 (1) and (2) hereof may be varied, as the Council deems necessary.

23. Meeting Agenda

- (1) The Corporate Administrator must prepare an agenda for each regular meeting, which must:
 - (a) set out each item of business to be dealt with specified in subsections 22 (1) and (2);
 - (b) state the general nature of each item of business to be dealt with at the regular meeting; and
 - (c) be made available at the place to which each Councillor member has directed agendas and notices to be sent at least two (2) working days before the date on which the regular meeting is to be held.

24. Notice to Corporate Administrator of Petitions and Delegations

- (1) At least seven (7) working days before the date of the meeting at which:
 - (a) any person wishes to present a petition to the Council, that person must deliver to the Corporate Administrator:
 - (i) a written request to present the petition and the name and address of the presenter;
 - (ii) the complete petition; and
 - (iii) the name and address of each person who has signed the petition.
 - (b) any delegation wishes to appear before the Council, the convener of the delegation must deliver to the Corporate Administrator a letter which contains:
 - (i) full particulars of the subject matter to be submitted to Council;
 - (ii) the proposed action, which is within the authority of the City which the delegation wishes the City to take in response to the submission;
 - (iii) the names and addresses of the persons or the organization comprising the delegation; and
 - (iv) the name, civic address and telephone number of the person who will speak to the Council on behalf of the delegation.
- (2) No petition or delegation may be presented to, appear before or be received by the Council unless this section has been complied with, except that the Council may resolve by a simple majority vote to waive compliance with this section.
- (3) There may be a limit of a maximum of three (3) petitions or delegations at any meeting of Council or the Primary Committee as determined in accordance with the rules and procedures established by resolution of Council from time to time.

25. Time Allowed For Petitions And Delegations

- (1) Unless the Council otherwise resolves, the maximum time for presentation of a petition or appearance of a delegation before the Council is 5 minutes. This section does not apply to public hearings conducted by the Council under the Act.

26. Adding Correspondence

- (1) Any member of Council, with the consent of the Mayor or Chair, may request the Corporate Administrator to add an item of correspondence or business to the agenda three (3) working days prior to the date on which the regular meeting is to be held.
- (2) Any member may request an item of correspondence or business be added as a late item at the date of the regular meeting of Council before the adoption of the agenda by consent of a majority of Council members after informing Council of the general nature of the correspondence or business and the reason for urgent consideration.

27. Minutes of Meetings

- (1) Minutes of Council meetings must be kept in accordance with section 97 of the Act.
- (2) Minutes of Committee meetings referred to in section (3) must be kept in accordance with section 97 of the Act.
- (3) Section (2) applies to meetings of:
 - (a) Select or standing committees of Council; and
 - (b) Any other body composed solely of Council members acting as Council members.

28. Recording and Certification of Minutes Of Council

- (1) The Corporate Administrator must cause minutes of every Council meeting to be recorded legibly in a minute book.
- (2) The minutes of every Council meeting must be certified as correct by the Corporate Administrator and must be signed by the Mayor following the meeting at which the minutes are adopted.

29. **Adoption of Minutes**

- (1) The minutes of every Council meeting must be adopted by resolution of Council. If each Councillor has received a copy of the minutes of a meeting, those minutes may be adopted by resolution of the Council without their being read to the meeting. The minutes of a meeting may not be adopted until the Corporate Administrator makes any changes which the Council has by resolution directed be made so that the minutes accurately record the meeting.

30. **Committee Procedures**

- (3) Section 19(1) applies to the conduct of meetings of:
 - (a) select or standing committees of Council;
 - (b) any other committee composed solely of Council members acting in that capacity; and
 - (c) Primary Committees

30.1 **Order of Business at Primary Committee Meetings**

- (1) Unless the Chair or Acting Chair of the Primary Committee otherwise directs, the business at all Primary committee meetings shall be proceeded with in the following order:
 - (a) Call to order
 - (b) Adoption of Agenda
 - (c) Petitions and Delegations
 - (d) Question Period from the Public
 - (e) Operational Discussions & Presentations by Staff
 - (f) Recommendations
 - (g) Requests
 - (h) Information Items
 - (i) Proposed Bylaws for Discussion
 - (j) Late Items
 - (k) Reports, Questions and Inquiries from members of Council (verbal)
 - (l) Adjournment.
- (2) When preparing the agenda prior to the meeting, the Mayor and Corporate Administrator may in their discretion:
 - (a) vary the order set out in section 30.1 (1), and
 - (b) delete agenda headings if there is no business under those items.

- (3) The order of business specified in section 30.1 (1) and (2) hereof may be varied, as the Primary Committee deems necessary.

30.2 Electronic Meetings

- (1) Subject to the *Act*
 - (a) a special meeting may be conducted by means of electronic or other communication facilities,
 - (b) a member of Council or a Council committee who is unable to attend a Council meeting or a Council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.

PART 9 - RULES OF DEBATE

31. Recognition of Speakers

- (1) A Councillor may speak in a meeting after the Councillor has raised his or her hand and the Mayor has recognized the Councillor. If two or more Councillors raise their hands at the same time, the Mayor may designate the order in which each is to speak. If the Mayor wishes to speak in a meeting, the Mayor need only address the meeting. If a Councillor has raised his or her hand at the same time the Mayor begins to speak, the Mayor may speak first.

32. Manner Of Address By Speakers

- (1) A Councillor must address the Mayor as “Mister Chairman” or “Madame Chairman” as the case may be, or “Your Worship” and must address another Councillor by that Councillor’s surname preceded by “Councillor”.

33. Voting By Show Of Hands

- (1) Whenever a vote is called for, the question shall be decided by a show of hands. The Chairman shall call aloud the results of any vote and the names of those members voting contrary to the majority. These names shall be entered in the minutes.

PART 10 - ADOPTION OF BYLAWS

34. Proposing Bylaws

- (1) Unless the Council otherwise resolves, the Council may not consider a proposed bylaw unless:
 - (a) the Corporate Administrator has given a copy of it to each Councillor and the Mayor, and
 - (b) it is on the agenda for the meeting.

35. Adoption Of Bylaws

- (1) The only motion required for the introduction of a Bylaw shall be “That the “. Bylaw” (giving the short title) be now Introduced and Read for the First, Second, or Third Time”, whichever the case may be, provided that upon request by any member of the Council the whole or any part of the draft bylaw shall be read before the motion is put.
- (2) The only motion necessary for the final passing shall be “That the “. Bylaw” (giving the short title) be adopted”.

36. Reconsideration Of Bylaws

- (1) The Council may reconsider any part or all of a proposed bylaw before its adoption.

PART 11 – DECISIONS OF COUNCIL

36.1 Resolutions and Bylaws

- (1) Resolutions, the reading of bylaws and the adoption of bylaws must be dealt with on a motion put by a member and seconded by another member.

37. Reconsideration Of Decisions Of Council

- (1) No bylaw, resolution, proceeding or other decision of Council shall be reconsidered by motion of Council within six (6) months except where the motion to reconsider the matter has received the unanimous consent of the Council.

PART 12 – COMMITTEES

37.4 Committee Meeting Procedures

- (1) Council meeting procedures stipulated by this bylaw apply to every standing committee established by the Mayor and select or other committee established by the Council.

37.5 Reporting to Council by Committees

- (1) A committee:
 - (a) may report to the Council at any regular meeting of Council; and
 - (b) must report to the Council when directed by resolution of the Council.

37.6 Mayor a Member of All Committees

- (1) The Mayor is an ex-officio member of all committees and is a voting member to the committees of which the Mayor is appointed.

PART 13 GENERAL

37.7 Severance

- (1) If any section, subsection, clause or other provision of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the validity of the remaining portions of this bylaw.

37.8 Irregularity

- (2) The failure of Council to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

PART 14 - REPEAL OF EXISTING BYLAW

38. Repeal Of Existing Bylaw

City of Prince Rupert Council Procedure Bylaw No. 2992, 1997 is hereby repealed.

READ A FIRST TIME THIS 10TH DAY OF JANUARY, 2000 .

READ A SECOND TIME THIS 10TH DAY OF JANUARY, 2000.

READ A THIRD TIME THIS 10TH DAY OF JANUARY, 2000.

ADOPTED THIS 24TH DAY OF JANUARY, 2000.

Mayor

Corporate Administrator

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 3110, 2000 - Adopted November 27, 2000

Bylaw No. 3163, 2003 - Adopted August 11, 2003

Bylaw No. 3178, 2004 - Adopted April 26, 2004

Bylaw No. 3194, 2005 - Adopted March 14, 2005