



COUNCIL PROCEDURE BYLAW

CONSOLIDATED FOR REFERENCE

FEBRUARY 14, 2022

BYLAW NO. 728, 2019 – ADOPTED JUNE 10, 2019

BYLAW NO. 745 (728-01), 2020 – ADOPTED JULY 27, 2020

BYLAW NO. 803 (728-02), 2020 – ADOPTED DECEMBER 14, 2020

BYLAW NO. 833 (728-03), 2021 – ADOPTED DECEMBER 13, 2021

BYLAW No. 837 (728-04), 2022 – ADOPTED FEBRUARY 14, 2022

BYLAW NO. 905 (728-05), 2024 – ADOPTED JUNE 24, 2024

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COUNCIL PROCEDURE BYLAW NO. 728 – CONSOLIDATED

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DISTRICT OF SOOKE
BYLAW No. 728
COUNCIL PROCEDURE BYLAW, 2019

A bylaw to establish the rules of proceedings for the Council of the District of Sooke pursuant to the *Community Charter* and *Local Government Act*.

WHEREAS the District of Sooke must by bylaw, under Section 124 of the *Community Charter*, establish the general procedures to be followed by council and council committees in conducting their business;

AND WHEREAS matters pertaining to Council proceedings are governed by the *Community Charter*, including those provisions found in Division 2 of Part 5 [Council Proceedings] and Division 3 of Part 4 [Open Meetings];

AND WHEREAS matters pertaining to bylaw proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 5 [Bylaw Procedures] and the *Local Government Act*, including those provisions found in Division 3 of Part 14 [Public Hearings on Planning and Land Use Bylaws] and Division 4 of Part 14 [Zoning Bylaws];

NOW, THEREFORE, the Council of District of Sooke, in open meeting assembled,
ENACTS AS FOLLOWS:

PART 1 – INTRODUCTION

Citation

1. This bylaw is cited as *Council Procedure Bylaw No. 728, 2019*.

Definitions

2. In this bylaw,

Acting Mayor means the Member who is responsible for acting in the place of the Mayor when the office of the Mayor is vacant;

Chair means the Mayor, Acting Mayor, or presiding Member appointed under the *Community Charter* or this bylaw, who is chairing a meeting;

Closed refers to a meeting of Council that is closed to the public under s. 90 of the *Community Charter*;

Commission means a municipal commission established under s.143 of the *Community Charter*;

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

Committee of the Whole (COTW) means the committee of which the Mayor and all Councillors are Members;

Corporate Officer means the municipal employee appointed as Corporate Officer for the District and who is also the Corporate Officer for the purposes of the *Community Charter* and this bylaw;

Council means the Council of the District of Sooke;

Council Chambers means the District of Sooke Council Chambers located on the third floor at 2225 Otter Point Road, Sooke, British Columbia;

Deputy Mayor means the Member who is responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act;

District means the District of Sooke;

District Website means the information resource found at an internet address provided by the District;

Electronic Meeting means a meeting where all Members of Council and participants are participating electronically under the circumstances described in section 10(1).

Electronic Participation means a meeting where some Members of Council and staff are participating electronically at an in-person meeting.

Facilities means the technology used to conduct electronic meetings and electronic participation.

Mayor means the Mayor of the District of Sooke;

Member means the Mayor or a Councillor;

Municipal Hall means the District of Sooke Municipal Hall located at 2205 Otter Point Road, Sooke, British Columbia;

Point of Order means a procedure by which a Member interrupts another speaker to ask the Chair to rule on a procedural matter immediately;

Public Delegation means a delegation request from a Member of the public and does not include the quarterly reports provided by the Sooke RCMP Officer in Charge nor the Sooke Fire Chief.

Public Notice Posting Places means the notice board located outside the main entrance to the Municipal Hall, and on the District website, unless having made reasonable efforts the Corporate Officer is unable to effect such posting to the website;

Select Committee is a committee of which at least one Member must be a Council Member and includes advisory committees;

Standing Committee is a committee of which at least half the Members are Council Members.

Interpretation

3. (1) Except as otherwise defined in this bylaw, words or phrases herein shall be construed in accordance with their meanings under the *Community Charter, Local Government Act, and Interpretation Act*, as the context and circumstances may require.
- (2) Words in the singular include the plural and gender specific terms include all genders.
- (3) A reference to a statute in this bylaw refers to a statute of British Columbia and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time.
- (4) Headings in this bylaw are for convenience only and do not define or limit its scope or intent of this bylaw.

Application of rules of procedure

4. (1) The provisions of this bylaw govern the proceedings of Council, COTW, standing committees, select or other committees and commissions established by Council, as applicable.
- (2) In cases not provided for under this bylaw, the current edition of ***Robert's Rules of Order Newly Revised***, apply to the proceedings of those meetings referred to in subsection (1), 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* or the *Local Government Act*.

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

5. (1) Following a general local election, the first Council meeting must be held on the first Monday in November.
- (2) If a quorum of Council Members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

Time and location of meetings

6. (1) All Council meetings, except Electronic Meetings, must take place within the Municipal Hall Council Chambers except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings shall:
- (a) be held on the second and fourth Monday of each month, except in the month of August, in which no regular meetings shall be held;
 - (b) when such meeting falls on a statutory holiday, be held on the next day Municipal Hall is open following which is not a statutory holiday;
 - (c) begin at 6:00 pm or immediately following a public hearing, if scheduled; and *[Amended by Bylaw No. 905 (728-05), 2024]*
 - (d) be adjourned at 11:00 pm on the day scheduled for the meeting unless by an affirmative vote of the majority of the Council Members present, resolves to proceed beyond that time.
- (3) During a Council meeting, the Mayor may declare a recess for a short period and state the approximate time that the meeting will be reconvened.
- (4) Regular Council meetings may be cancelled by Council resolution, or postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two (2) days written notice. *Within one business day of the resolution or receipt of notice, the Corporate Officer will post a copy of the Notice of Cancellation or Postponement at the Public Notice Posting Places. [Amended by Bylaw No. 745 (728-01), 2019]*

Notice of Council Meetings

7. (1) In accordance with the *Community Charter*, Council must, make available and give notice annually, a schedule of the date, time and place of regular Council meetings.

Calling of Special Council Meeting

8. (1) A Special Council meeting may be called in accordance with the *Community Charter*.

Notice of Special Council meetings

9. (1) Except where notice of a special meeting is waived by unanimous vote of all council Members in accordance with the *Community Charter*, a notice of the date, time, and place of a Special Council meeting must be given at least 24 hours before the time of meeting, by:

- (a) posting a copy of the notice outside the entrance to the Council Chambers;
 - (b) posting a copy of the notice at the Public Notice Posting Places; and
 - (c) emailing or placing a copy of the notice in the Council Member's mailbox at Municipal Hall, as the preference may be for each Council Member.
- (1) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Member(s) calling the meeting or the Corporate Officer.

Electronic Meetings

10. (1) In an emergency, special circumstance, or public health event that prevents or restricts members from being able to physically meeting in one location, an Electronic Meeting may be held for any Regular, Special, COTW, Closed, or Committee meeting provided that:
- (a) notice of the meeting given in accordance with this bylaw includes:
 - i. the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
 - ii. the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public.
 - iii. the facilities enable the meeting participants to hear, or watch and hear the meeting, except for any part of the meeting that is closed to the public.
 - (2) An electronic meeting under subsection (1) may be held at the discretion of the Mayor, CAO or Corporate Officer.
 - (3) The regulations contained in section 11(1)(e), (f), (g), and (h) apply to Electronic Meetings.

Electronic Participation

11. (1) Electronic Participation is authorized in Regular, Special, COTW, or Closed meetings, provided that:
- (a) A Member of Council participating electronically has made all reasonable efforts to attend the meeting in person;
 - (b) no more than four (4) Members of Council participate electronically at any one time;
 - (c) no more than two (2) staff members participate electronically at any one time with the approval of the CAO

- (d) the presiding Member does not participate electronically;
- (e) the Corporate Officer is notified prior to the meeting;
- (f) the electronic equipment necessary to facilitate electronic participation in the meeting is available;
- (g) a designated municipal officer must be in attendance at the place and time designated for the public to hear, or watch and hear the proceedings that are open to the public;
- (h) the facilities enable the meeting participants to hear, or watch and hear the meeting, except for any part of the meeting that is closed to the public; and
- (i) Members and participants at a closed meeting must participate from a location within Canada and must take reasonable precautions to ensure that all content remains confidential.

Designation of Member to act in place of Mayor

12. (1) Annually, by December 31, Council must from amongst its Members designate Councillors to serve on a two month rotating basis, as Deputy Mayor to act in the place of the Mayor when the Mayor is absent or otherwise unable to act.
- (2) If both the Mayor and the Member designated under subsection (1) are absent or otherwise unable to act, the Council Member who is next on the rotation shall be the Deputy Mayor.
- (3) Further to subsections (1) and (2), in the event the Office of the Mayor becomes vacant, the Council may designate a Member as Acting Mayor and such Acting Mayor shall continue in office until such time as another Mayor is elected or otherwise appointed.
- (4) Further to subsections (1) and (2), in the event the Mayor is absent or unable to act for a minimum of six (6) months, the Council may designate a Member as Acting Mayor and such Acting Mayor shall continue in the office until such time as the Mayor returns, vacates the office, or the position of Acting Mayor is otherwise appointed.
- (5) Each Council Member designated under subsection (1) through (4) has the same powers and duties as the Mayor in relation to the applicable matter.

Attendance of Public at Meetings

13. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (2) The Mayor or the Councillor designated as the Member responsible for acting in the place of the Mayor under section 12 of this bylaw, may expel or exclude from a Council meeting a person in accordance with the *Community Charter*.

Attendance at Closed Meetings

14. (1) Council may allow one or more Municipal Officers or employees to attend or exclude them from attending closed meetings, as it considers appropriate.
- (2) *If ALL Municipal Officers and/or employees are excluded or asked to leave the meeting, the Mayor will be responsible for taking the minutes during their absence. [Amended by Bylaw No. 745 (728-01), 2019]*
- (3) Council may allow a person other than a Municipal Officer or employee to attend a closed meeting if Council considers this necessary, and in the case of closed meetings under section (90)(2) of the *Community Charter* if the Council considers it necessary, the person already has knowledge of the confidential information or is a lawyer attending to provide legal advice in relation to the matter.
- (4) The minutes of a closed meeting must record the names of all persons in attendance.

Minutes of Meetings to be Maintained and Available to Public

15. (1) Minutes of all meetings of Council and COTW are the responsibility of the Corporate Officer and must be:
- (a) legibly recorded and represent a summary of the proceedings;
 - (b) certified as accurate by the Corporate Officer; and
 - (c) signed by the Mayor or other Member presiding at the meeting.
- (2) The Corporate Officer may make minor amendments to approved minutes including, but not limited to typographical errors, sequential numbering errors, grammatical errors or completing missing information, as long as it does not change the intent of Council.

Calling meeting to order

16. (1) As soon after the time specified for a Council meeting and if there is a quorum present, the Mayor or where the Mayor is absent, the Deputy Mayor, must take the Chair and call such meeting to order.

Adjourning meeting where no quorum

17. (1) If there is no quorum of Council present within fifteen (15) minutes of the scheduled time for a Council meeting, the Corporate Officer must record the names of the Members present and those absent, and the Council shall stand adjourned until the next scheduled meeting.
- (2) If a quorum of Council is lost during a meeting the Corporate Officer must record the names of the Members present and those absent, and

temporarily adjourn the meeting until a quorum is present. If a quorum does not reconvene, subsection (1) applies.

Mayor or Deputy Mayor Arrives after Commencement

18. (1) If the Mayor arrives after commencement of a meeting, he or she will preside upon arrival.
- (2) Subject to section 12, if the Deputy Mayor arrives after commencement of a meeting, he or she will preside upon arrival.

Agenda

19. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out the items for consideration at that meeting.
- (2) The deadline for submissions by Council, staff, and the public to the Corporate Officer of items for inclusion of a meeting of Council, other than a special meeting, must be 4:30 pm on the Tuesday prior to the meeting.
- (3) *The Corporate Officer must make the agenda available by posting it to the Public Notice Posting Place by:*
 - (a) *noon on the Friday prior to the meeting for Regular meetings of Council; and*
 - (b) *noon two business days prior to all other meetings of Council, including COTW.*

[Amended by Bylaw No. 745 (728-01), 2019]

Addition of Agenda Items

20. (1) Any Member may in a meeting, without notice, request the addition of an item of business not on the agenda which the Member deems to be urgent.
- (2) The Mayor will, at the time the Council considers approval of the posted agenda, query whether any Member of Council wishes to add an item of business. The Member must make the request at the time the Council considers approval of the posted agenda.
- (3) The Member must, when making the request, inform the Council of the general nature of the business and the reason for urgent consideration.
- (4) The Mayor must immediately call a vote on the request, which must be granted by a majority of the Council Members present who vote in the affirmative.

- (5) If the request is approved the item of business must be placed on the agenda as New Business, at which time the Member must present any supporting information on which the Member intends to rely.

Consent Agenda Items

- 21. (1) Items listed in the Consent Agenda are considered for approval in one motion, unless a Member of Council wishes to debate an item and requests that it be excluded. The rule of order establishing a consent agenda provides that consent agenda items may be considered in total and without debate or amendment.
- (2) If an item is excluded from the Consent Agenda by Council, it will be considered as an agenda item under the appropriate section at their discretion and without resolution, to discuss such items in more detail or to provide motion on the item(s) excluded.
- (3) Items under the Consent Agenda may include, but not limited to:
 - (a) Minutes from committees, commissions and Capital Regional District meetings;
 - (b) Correspondence, including petitions;
 - (c) Information only reports;
 - (d) *COTW recommendations. [Amended by Bylaw No. 745 (728-01), 2019]*

Order of Business

- 22. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Call to Order
 - (b) First Nation Recognition
 - (c) *Approval of the Agenda [Amended by Bylaw No. 745 (728-01), 2019]*
 - (d) *Public and Statutory Hearings [Amended by Bylaw No. 745 (728-01), 2019]*
 - (e) Adoption of Minutes
 - (f) Delegations
 - i. RCMP Officer in Charge and/or Fire Chief Quarterly Report
 - ii. Public
 - (g) Report of the Chief Administrative Officer
 - (h) Public Question and Comment Period
 - (i) Consent Agenda
 - (j) Reports

- (k) Bylaws
- (l) New Business
- (m) Correspondence, requiring action
- (n) Council Verbal Reports
- (o) Release of Closed Meeting Resolutions
- (p) Motion to close the meeting to the public, if required
- (q) Adjournment
- (3) When preparing the agenda prior to the meeting, the Mayor and the Corporate Officer may in their discretion:
 - (a) vary the order set out in subsection (1);
 - (b) delete agenda headings if there is no business under those items.
- (4) A Public Hearing may be held at another time and place, as specified by Council resolution.

Delegations

23. (1) Any person(s) or organization wishing to appear as a delegation before Council, shall submit to the Corporate Officer a written delegation request no later than 4:30 pm on the Monday prior to the regular meeting at which Council will hear the delegation. *[Amended by Bylaw No. 905 (728-05), 2024].*
- (2) A maximum of two (2) public delegations are permitted at each regular Council meeting.
 - (3) Each delegation must be limited to five (5) minutes unless an extension is agreed to by a majority vote of those Members present.
 - (4) Person(s) of delegations must follow rules of conduct under sections 32 and 33 of this bylaw.
 - (5) The Corporate Officer may schedule delegations to another Council meeting, committee or COTW, as deemed appropriate according to the subject matter of the delegation.
 - (6) Council or the Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council or if the same subject matter has been presented by the same individual or delegation in the past six (6) months. If the delegation wishes to appeal the decision, the information must be distributed under separate cover to Council for their consideration. A majority of Council must support the delegation being placed on a future agenda.
 - (7) Council may take action following a delegation.

Public Question and Comment Period

24. (1) Public Question and Comment Period is limited to twenty (20) minutes in duration, unless extended by the affirmative vote of a majority of the Council Members present. *[Amended by Bylaw No. 905 (728-05), 2024]*
- (2) Each Member of the public may have two (2) minutes during the Public Question and Comment Period to address Council regarding items on the agenda for the meeting, unless prohibited elsewhere in accordance to this bylaw or any other enactments, or extended by Council.
- (3) A Member of the public wishing to address Council must do so in accordance with section 32 and 33, and begin their presentation by stating their own name and resident municipality.
- (4) A Council or Committee Member may ask or answer questions of a Member of the public who is addressing Council or committee, but must not enter into debate.
- (5) The Chair may refer Members of the public to the appropriate department or committee for response.
- (6) Where the Local Government Act prohibits Council from holding a public hearing on a rezoning issue, members of the public retain the right to address Council during the Public Question and Comment Period on agenda items, including matters affected by such prohibition, subject to Section 24 Subsection (1) and Section 32. *[Amended by Bylaw No. 905 (728-05), 2024].*

Bylaws

25. (1) A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council Member at least 24 hours before the Council meeting, unless resolved by the affirmative vote of a majority of the Council Members present to waive this requirement.
- (2) A bylaw introduced at a Council meeting must:
- (a) be distributed; *[Amended by Bylaw No. 905 (728-05), 2024]*
 - (b) have a distinguishing name and number;
 - (c) contain an introductory statement of purpose; and
 - (d) be divided into sections.
- (3) Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the Chair 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

26. (1) The readings of a bylaw may be given by stating its title and object.
- (2) Subject to this bylaw and any enactments, the Council may give a bylaw first, second and third reading at the same meeting, by one motion for all three readings, unless otherwise determined by Council.
- (3) Subject to this Bylaw and any enactments, the Council may give three readings to more than one bylaw in a single motion.
- (4) Unless expressly authorized to do so by statute, Council may not adopt a bylaw at the same meeting at which it gives third reading.
- (5) Subject to this Bylaw and any enactments, the Council may adopt more than one bylaw in a single motion.
- (6) The Council may postpone consideration of a bylaw to a later time ("table") or date ("defer") following a vote on any reading.
- (7) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*. If the bylaw has been amended, the motion at the reading shall be "to give the bylaw (second or third) reading as amended."
- (8) The Corporate Officer may consolidate one or more of the bylaws of the municipality in accordance with the *Community Charter*.
- (9) After a bylaw is adopted, and signed by the Corporate Officer and the Presiding Member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:
- (a) the dates of its readings and adoption; and,
- (b) the date of Ministerial approval or approval of the electorate, if applicable.

Reports from Committees

27. (1) Council may take any of the following actions in connection with a resolution it receives from COTW or any of its committees:
- (a) agree or disagree with the resolution;
- (b) amend the resolution;
- (c) refer the resolution back to the originating committee or commission or to another committee or commission; or
- (d) defer its consideration of the resolution.

Motions and amendments of motions

28. (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) After a motion has been seconded it shall be deemed to be in the hands of Council but the mover may, with the permission of the seconder, withdraw the motion at any time before the decision or amendment.
- (3) A Council Member may make only the following motions, when the Council is considering a question:
- (a) to refer to committee or staff;
 - (b) to amend;
 - (c) to lay on the table (set aside temporarily for consideration later in the same meeting);
 - (d) to postpone indefinitely;
 - (e) to defer to a future meeting date;
 - (f) to move the previous question;
 - (g) to adjourn.
- (4) A motion made under subsection (3)(c) to (g) is not amendable or debatable.
- (5) 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

29. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- (a) if a 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:
 - i. negative, the Council may again debate the question, but the amendment cannot be proposed again or proceed to other business; or
 - ii. positive, a Council Member may propose an amendment to an adopted amendment.

Recording of Votes

30. The following applies to the recording of votes:
- (1) The Chair must declare the results of voting.
 - (2) The Corporate Officer must record in the minutes for the meeting the name of each Council Member present and the way in which each Member voted on the question.
 - (3) Unless excused as a result of not being entitled to vote under the *Community Charter*, no Member may leave a meeting once a vote on a matter has been called.

Effect of Abstention from Voting or Tie Vote

31. (1) Any Member present who does not indicate their objection shall be deemed to have voted in the affirmative on the question.
- (2) If the votes of the Members present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated.

Conduct and debate

Council Members:

32. (1) A Member may speak to a question or motion at a Council meeting only if that Member first addresses the Chair.
- (2) Members must address the Chair by that person's title of Mayor, Acting Mayor, Deputy Mayor, or Councillor.
- (3) No Member may speak in a meeting until the Chair has recognized the Member.
- (4) If two or more Members wish to speak at the same time, the Chair may designate the order in which each is to speak.
- (5) The Mayor may speak at a meeting at any time without leave, but may not interrupt a Member except to restore order.
- (6) Members must address other non-presiding Members by the title Councillor.
- (7) Members must speak only to an item of business on the agenda called for consideration by the Chair;
- (8) Members must not speak to a matter already disposed of by the Council except on a motion for reconsideration in accordance with section 35.

Suspension of the Rules:

- (9) At any time during a meeting Council may resolve in respect of a matter or matters on the agenda that "The rules are suspended" with respect to procedure, in which case the following shall apply:

- (a) the number of times a Member may speak on any matter is not limited; or
- (b) a Member of the public may be invited by the Chair to speak on a matter before Council.

Public Speakers and Delegates:

- (10) A public person must address the Mayor as Mr. Mayor or Madam Mayor, as the case may be, or “Your Worship”.
- (11) Subject to section 12, a public person must address the Deputy Mayor or Acting Mayor, accordingly.
- (12) A public person must address a Councillor by that Councillor’s surname preceded by “Councillor”.
- (13) (13) Neither public input nor delegations are permitted on any item with statutory requirements for public input, including a bylaw in respect of which a public hearing has been or will be held, where the public hearing is required under an enactment as a pre-requisite to the adoption of a bylaw. *[Amended by Bylaw No. 905 (728-05), 2024]*
- (14) Neither public input nor delegations are permitted on subject matters which will be provided their own opportunity for public input (ie. grant applications, bylaws for which public input will be sought, etc.) or on issues only contained within the minutes for adoption. *[Amended by Bylaw No. 745 (728-01), 2020]*

Improper Conduct

- 33. (1) No Member or person attending the meeting may interrupt a Member who is speaking, except that a Member 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 the tone of manner of speaking, express any point of view or opinion or make any allegation which, directly or indirectly, reflects negatively upon the public conduct or private character of any person.
- (4) If a person, other than a Member, resists or disobeys an order of the Mayor or other presiding Member to leave a meeting, that person may be removed by a peace officer at the direction of the Mayor or other person presiding.
- (5) 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 a question, or may speak in reply, for longer than a total time of five (5) minutes only with the permission of Council.
- (6) Permission to leave a meeting prior to adjournment must be sought from the Chair.

Points of order

34. (1) Without limiting the presiding Member's duty under the *Community Charter*, a Member may raise a Point of Order at any time.
- (2) When a Point of Order is raised, the Chair must:
- (a) interrupt a matter of consideration on the agenda;
 - (b) interrupt a Member who had been speaking, until the Point of Order is ruled upon;
 - (c) ask the Member raising the Point of Order to state the substance of and the basis for the Point of Order;
 - (d) state the provision of the bylaw or other Rule of Order applicable to the Point of Order, which the Chair must do at once with debate.
- (3) If the ruling of the Chair is challenged, the Chair must put the challenge to a vote.
- (4) If a Member puts a question to the Chair regarding any matter connected to the affairs of the Council or the District, the Chair may respond, or may:
- (a) require the Member to put the question in writing, and
 - (b) may take the question on notice and respond during the next regular meeting.

Reconsideration by Council Member

35. (1) In accordance to the *Community Charter* and subsection (6), the Mayor may require Council reconsideration of a matter within 30 days after its adoption.
- (2) Notwithstanding subsection (1) and section 37 of this bylaw, a Council Member may, at the next Council meeting:
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; or
 - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (3) A Council Member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (4) Council must not discuss the main matter referred to in subsection (2) unless a motion to reconsider that matter is adopted in the affirmative.
- (5) A vote to reconsider must not be reconsidered.
- (6) Council may only reconsider a matter that has not:
- (a) had the approval or assent of the electors and been adopted;
 - (b) been reconsidered under this section; or
 - (c) been acted on by an officer, employee, or agent of the District.
- (7) On a reconsideration under this section, the 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.
- (8) If the original decision was the adoption of the bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.
- (9) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or (2) is as valid and has the same effect as it had before reconsideration.

Notice of Motion

36. (1) A Notice of Motion may be introduced by a Member of Council at a Council meeting only if a written copy of the motion has been delivered to the Mayor or Corporate Officer at least 24 hours before the Council meeting, or if all Council Members present at the meeting agree to waive this requirement.

- (2) Upon the motion being acknowledged in a meeting of Council by the Chair, the motion shall appear in the minutes of the meeting and be considered on the agenda of the next regular Council meeting or a subsequent meeting if additional time or information is required.

Appeal

- 37. (1) Wherever Council has delegated specific powers, duties and functions in a District bylaw to a staff Member, this part will apply.
- (2) If an eligible person wants Council to reconsider a decision made by a District employee or committee to whom Council has delegated its powers, duties or functions, that person must submit a written request to the Corporate Officer within 30 days after the decision is communicated in writing to the owner. [Amended by Bylaw No. 745 (728-01), 2019] The reconsideration will be scheduled for a Council meeting as soon as all information necessary for the reconsideration can be prepared and distributed to Council.
- (3) The written request must set out all of the following:
 - (a) The date of the decision and the nature of the decision;
 - (b) Reasons why the person wishes the decision to be reconsidered by Council;
 - (c) The decision the person requests be made by Council, with brief reasons in support of the requested decision; and
 - (d) A copy of any materials considered by the person to be relevant to the reconsideration by Council. [Amended by Bylaw No. 745 (728-01), 2019]
- (4) The person requesting the reconsideration is entitled to receive a copy of any report which is submitted by District staff in response to the request for reconsideration in advance of the Council meeting at which the reconsideration will take place.
- (5) The person requesting the reconsideration may appear before Council at the Council meeting at which the reconsideration is taking place in order to present his or her position to Council.
- (6) When deliberating over the reconsideration, Council has the same authority that it delegated to the staff Member.

PART 3 - COMMITTEE OF THE WHOLE

Committee of Whole (COTW) Meetings

38. (1) COTW meetings may:
- (a) be held on the first and third Monday of each month or when such meeting falls on a statutory holiday, be held on the next day Municipal Hall is open following which is not a statutory holiday;
 - (b) begin at 1:00 p.m.; and *[Amended by Bylaw No. 905 (728-05), 2024 and previously amended by Bylaw No. 803 (728-02), 2020 and Bylaw No. 745 (728-01), 2019].*
 - (c) be adjourned four hours after the start time on the day scheduled for the meeting unless the COTW resolves to proceed beyond that time. *[Amended by Bylaw No. 905 (728-05), 2024 and previously amended by Bylaw No. 803 (728-02), 2020 and Bylaw No. 745 (728-01), 2019].*
- (2) The Mayor or Corporate Officer may cancel a COTW meeting.
- (3) Prior to each COTW meeting, the Corporate Officer must prepare an agenda in accordance with the requirements of section 19.

Proceeding into COTW

39. (1) At any time during a Council meeting, Council may, by resolution, proceed into a COTW meeting.
- (2) In addition to section 38 and subsection (1), a meeting, other than a standing or select committee meeting, to which all Members of Council are invited to consider, but not to decide on matters of the District's business, is a meeting of COTW.

Quorum and Chair

40. (1) The Mayor must preside in a Committee of the Whole meeting as the Chair. If the Mayor is absent, the Deputy Mayor must preside in the meeting as the Chair, unless another Member is appointed to chair the meeting.
- (2) A quorum of the Committee of the Whole is four Members (a majority of all Council Members).

Notice for COTW meetings

41. (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by providing notice in accordance with section 9(1)(a) through (c) of this bylaw.

- (2) Subsection (1) does not apply to a COTW meeting that is called during a Council meeting in accordance to section 39(1), for which public notice has been given under section 7 or 8 of this bylaw.

Proceedings at COTW Meetings

Members:

42. (1) The rules of Council procedure must be observed in a Committee of the Whole meeting so far as applicable, except that:
- (a) A Member may speak any number of times on the same question provided they do not speak longer than a total of 10 minutes on any one question;
 - (b) If a matter that was considered by the Committee of the Whole has been concluded the Committee of the Whole must not consider a motion to adjourn unless and until it has first considered a motion to either:
 - i. Rise and report to the next Council meeting, or
 - ii. Rise and report.
 - (c) A motion in Committee of the Whole to rise without reporting shall always be in order, and shall take precedence over any other motion. On such motion, debate shall be allowed but no Member shall speak more than once to such motion.
 - (d) A motion is not required to be seconded.
- (2) The Chair must preserve order at the meetings and subject to an appeal to other Members present, decide point of order that may arise.
- (3) When all matters referred to a Committee of the Whole have been considered, a motion to rise and report shall be in order, except that the Committee, when it has partly considered the matter, may report progress and ask leave to sit again.

Public addressees:

43. (1) Any person who has an interest in a matter being considered at a Committee of the Whole meeting may have an opportunity to be heard in person or through a representative provided they first identify themselves by stating their name and resident municipality and the names and addresses of the person or persons they represent. For certainty, public input may be permitted on an item scheduled on an open COTW agenda. Public input is not permitted on any items not on the COTW agenda.

- (2) No person shall address COTW on one matter for longer than five (5) minutes unless the time limitation is waived by a majority of the Council Members present.
- (3) Notwithstanding subsection (2), the Chair shall always have the discretion to waive the time limitation for any person addressing Committee of the Whole when land use and development applications are being considered.

COTW Order of Business

- 44. (1) Committee of the Whole meeting agendas shall contain the following matters where there are items pertaining to them, and in the order in which they are listed:
 - (a) Call to Order;
 - (b) Delegations;
 - (c) Reports;
 - (d) Rise and report.

PART 4 – COMMITTEES AND COMMISSIONS

Standing committees

45. (1) The Mayor must establish Standing Committees for matters the Mayor considers would be dealt with and must appoint persons to those committees. At least half of the Members must be Council Members. The Mayor shall be an ex officio Member of each Standing Committee established.
- (2) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council;
 - (c) matters that are assigned by the Mayor.

Select committees

46. (1) Council may establish and appoint Select Committees to consider or inquire into any matter and to report their findings to Council. At least one Member of a Select Committee must be a Council Member.

Notice of meetings

47. (1) In accordance to the established Terms of Reference for each committee or commission, a regular schedule of meetings, including the times, dates and places of such meetings must be established and the Corporate Officer must give notice of the schedule by:
- (a) posting a copy of the schedule at the Public Notice Posting Places; and
 - (b) providing a copy of the schedule to each Member.
- (2) The Corporate Officer must:
- (a) provide notice of the day, time and place of a meeting and provide a copy of the agenda to each Member at least 72 hours before the time of the meeting; and
 - (b) post the agenda on the the District Website.

Attendance at meetings

48. (1) Council Members who are not Members of a committee or commission may attend those meetings, but shall not be allowed to vote nor may they take part in any discussion or debate except by permission of the Chair.

- (2) A Member, other than a Council Member of a committee or commission, who is absent, except for reasons of illness or with leave granted by the body, for three consecutive meetings shall have his or her appointment terminated and his or her position deemed vacant.

Agendas and Minutes of meetings

- 49. (1) The deadline for submissions by staff and the public to the Committee Clerk of items for inclusion on the agenda for a committee meeting, shall be seven (7) days prior to the meeting date.
- (2) Minutes of the proceedings of a committee must be:
 - (a) legibly recorded;
 - (b) signed by the chair or Member presiding at the meeting; and
 - (c) open for public inspection in accordance with the *Community Charter*.

Quorum

- 50. (1) The quorum for a committee or commission shall be a majority of the voting Members.

Conduct and debate

- 51. (1) The rules of the Council procedure must be observed during committee or commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

PART 5 – GENERAL

- 52. (1) 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.
- (2) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.
- (3) District of Sooke *Council Procedure Bylaw, 2009* (Bylaw No. 422) and amendments thereto, are hereby repealed.

READ a FIRST, SECOND and THIRD time the 13th day of May, 2019

PUBLIC NOTICE placed the 29th day of May and 5th day of June, 2019.

ADOPTED the 10th day of June, 2019.