



# **THE CORPORATION OF THE CITY OF PORT COQUITLAM**

## **BYLAW NO. 3435**

*A Bylaw to Regulate the Procedure at Council Meetings for the City of Port Coquitlam.*

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*The Municipal Council of the Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:*

### **PART 1 – INTRODUCTION**

#### **Title**

1. This Bylaw may be cited as the “**COUNCIL PROCEDURE BYLAW NO. 3435, 2004**”.

#### **Definitions**

2. In this Bylaw:

<b>City</b>	means the City of Port Coquitlam;
<b>City Hall</b>	means City Hall located at 2580 Shaughnessy Street, Port Coquitlam, British Columbia;
<b>Committee</b>	means a standing, select, or other committee of Council;
<b>Corporate Officer</b>	means the City Clerk for the City and includes the Deputy;
<b>Council</b>	means the Council of the City of Port Coquitlam; the Council shall consist of the Mayor and six Councillors;
<b>Mayor</b>	means the mayor of the City;
<b>Public Notice Posting Places</b>	means the notice board at City Hall.

### **PART 2 – COUNCIL MEETINGS**

#### **Inaugural Meeting**

3.
  - (1) Following a general local election, the first Council meeting must be held on the first Monday of December in the year of the election.
  - (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**

4. (1) All Council meetings must take place within City Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must:
  - (a) Be held on the second and fourth Monday of each month; and
  - (b) Begin at 7:00 pm;
  - (c) Be adjourned at 11:00 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with Section 20;
  - (d) When such meeting falls on a statutory holiday, will be held on the next day City Hall is open following which is not a statutory holiday.

### **Notice of Council Meetings**

5. (1) In accordance with Section 127 of the *Community Charter [notice of council meetings]*, Council must prepare annually on or before December 31, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with Section 127 of the *Community Charter [notice of council meetings]*, Council must give notice annually on or before December 31 of the time and duration that the schedule of regular Council meetings will be available.
- (3) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

### **Notice of Special Meetings**

6. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under Section 127(4) of the *Community Charter [notice of council meeting]*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by:
  - (a) Posting a copy of the notice at the Council Chambers at City Hall;
  - (b) Posting a copy of the notice at the Public Notice Posting Places; and

- (c) Leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

### **PART 3 – DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

- 7. (1) Annually, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor designated under Section 7(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under Section 7(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- (4) The member designated under Section 7(1) or chosen under Section 7(3) has the same powers and duties as the Mayor in relation to the applicable matter.

### **PART 4 – COUNCIL PROCEEDINGS**

#### **Attendance of Public at Meetings**

- 8. (1) Except where the provisions of Section 90 of the *Community Charter [meetings that may or must be closed to the public]* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with Section 92 of the *Community Charter [requirements before Council meeting is closed]*.
- (3) This Section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter*, including without limitation:
  - (a) Standing and select committees;
  - (b) Board of Variance.
- (4) Despite Section 8(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 7 may expel or exclude from a Council meeting a person in accordance with Section 8.

## **Minutes of Meetings to be Maintained and Available to the Public**

9. (1) Minutes of the proceedings of Council must be:
- (a) Legibly recorded;
  - (b) Certified as correct by the Corporate Officer; and
  - (c) Signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) Subject to subsection 9(3), and in accordance with Section 97(1)(b) of the *Community Charter [other records to which public access must be provided]* minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (3) Subsection 9(2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under Section 90 of the *Community Charter [meetings that may be closed to the public]*.

## **Call Meeting to Order**

10. (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order, however, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with Section 7 must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 7 do not attend within 15 minutes of the scheduled time for a Council meeting:
- (a) The Corporate Officer must call to order the members present; and
  - (b) The members present must choose a member to preside at the meeting.

## **Adjourning Meeting Where No Quorum**

11. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:
- (a) Record the names of the members present, and those absent; and
  - (b) Adjourn the meeting until the next scheduled meeting.

## **Agenda**

12. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.

- (2) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda must be no later than 12 noon the Wednesday prior to the meeting.
- (3) The deadline for submissions by staff to the Corporate Officer of items for inclusion on the Council meeting Agenda must be no later than 12 noon the Monday prior to the meeting.
- (4) The Corporate Officer must make the Agenda available to members of Council by Thursday afternoon prior to the meeting and to the public on the Friday afternoon prior to the meeting.
- (5) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a Late Item pursuant to Section 14.

### **Order of Proceedings and Business**

- 13.** (1) The Agenda for all Council meetings contains the matters listed in Policy No. 4.01, Order of Council Business, in the order in which they are listed.
- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the Agenda unless otherwise resolved by Council.

### **Late Item**

- 14.** (1) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the Late Item is approved by Council at the time allocated on the Agenda for such matters.
- (2) If the Council makes a resolution under Section 14(1), information pertaining to Late Items must be distributed to the members and the public.

### **Voting at Meetings**

- 15.** (1) The following procedures apply to voting at Council meetings:
  - (a) When debate on a matter is closed the presiding member must put the matter to a vote of Council members;
  - (b) When the Council is ready to vote, the presiding member must put the matter to a vote by stating:  
  
“Those in favour raise your hands.” And then “Those opposed raise your hands.”

- (c) When the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not:
  - (i) Cross or leave the room;
  - (ii) Make a noise or other disturbance; or
  - (iii) Interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order.
- (d) After the presiding member finally puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
- (e) The presiding member's decision about whether a question has been finally put is conclusive; and
- (f) Whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
- (g) The presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

### **Conduct and Debate**

- 16.**
- (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
  - (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
  - (3) Members must address other non-presiding members by the title Councillor.
  - (4) No member must interrupt a member who is speaking except to raise a point of order.
  - (5) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
  - (6) Members who are called to order by the presiding member:
    - (a) Must immediately stop speaking;
    - (b) May explain their position on the point of order; and
    - (c) May appeal to Council for its decision on the point of order in accordance with Section 132 of the *Community Charter [authority of presiding member]*.

- (7) Members speaking at a Council meeting:
- (a) Must use respectful language;
  - (b) Must not use offensive gestures or signs;
  - (c) Must speak only in connection with the matter being debated;
  - (d) May speak about a vote of Council only for the purpose of making a motion that the vote be rescinded; and
  - (e) Must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and:
- (a) If the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat; and
  - (b) If the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) 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 15 minutes only with the permission of Council.

## **Motions Generally**

- 17.** (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) A motion that deals with a matter that is not on the Agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.
- (3) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

## **Amendments Generally**

- 18.** (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (4) An amendment may be amended once only.
- (5) An amendment that has been negated by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.

## **Reconsideration by Council Member**

- 19.** (1) Subject to subsection (4), 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; and
- (b) Move to reconsider an adopted Bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not:

- (a) Had the approval or assent of the electors and been adopted;
  - (b) Been reconsidered under subsection (1) or Section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]*;
  - (c) Been acted on by an officer, employee, or agent of the City.
- (6) The conditions that applied to the adoption of the original Bylaw, resolution, or proceeding apply to its rejection under this Section.
- (7) A Bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or Section 131 of the *Community Charter [mayor may require Council reconsideration of a matter]* is as valid and has the same effect as it had before reconsideration.

### **Adjournment**

20. A Council may continue a Council meeting after 11:00 pm only by an affirmative vote of the Council members present.

### **PART 5 – BYLAWS**

#### **Form of Bylaws**

21. A Bylaw introduced at a Council meeting must:
- (a) Be printed;
  - (b) Have a distinguishing name;
  - (c) Have a distinguishing number;
  - (d) Contain an introductory statement of purpose;
  - (e) Be divided into Sections.

#### **Bylaws to be Considered Separately or Jointly**

22. Council must consider a proposed Bylaw at a Council meeting either:
- (a) Separately when directed by the presiding member or requested by another Council member; or
  - (b) Jointly with other proposed Bylaws in the sequence determined by the presiding member.

## **Reading and Adopting Bylaws**

23. (1) The readings of the Bylaw may be given by stating its title and object.
- (2) A proposed Bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (3) Subject to Section 882 of the *Local Government Act [OCP adoption procedures]*, each reading of a proposed Bylaw must receive the affirmative vote of a majority of the Council members present.
- (4) In accordance with Section 135 of the *Community Charter [requirements for passing Bylaws]*, Council may give two or three readings to a proposed Bylaw at the same Council meeting.
- (5) Despite Section 135(3) of the *Community Charter [requirements for passing Bylaws]*, and in accordance with Section 890(9) of the *Local Government Act [public hearings]*, Council may adopt a proposed text amendment to official community plan or zoning Bylaw at the same meeting at which the plan or Bylaw passed third reading.

## **Bylaws Must Be Signed**

24. 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 City's records for safekeeping.

## **PART 6 – RESOLUTIONS**

### **Introducing Resolutions**

25. (1) The presiding member of a Council meeting may request a motion that a resolution be introduced.

## **PART 7 – COMMITTEES**

### **Duties of Standing Committees**

26. (1) 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.
- (2) Standing committees must report and make recommendations to Council at all of the following times:
  - (a) In accordance with the schedule of the committee's meetings or as required:
  - (b) On matters that are assigned by Council or the Mayor at the time specified.

### **Duties of Select Committees**

- 27. (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

### **Schedule of Committee Meetings**

- 28. (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings.
- (2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Committee Meetings**

- 29. (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
  - (a) Posting a copy of the schedule at the Public Notice Posting Places; and
  - (b) Providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Staff Resource person must, as soon as possible, notify the Corporate Officer who will post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The staff resource person to a committee must cause a notice of the day, time and place of a meeting called under Section 29(2) to be given to all members of the committee before the time of the meeting.

### **Attendance at Committee Meetings**

30. Council members who are not members of a committee may attend the meetings of the committee.

### **Minutes of Committee Meetings to be Maintained and Available to Public**

31. Minutes of the proceedings of a committee must be:
- (a) Legibly recorded;
  - (b) Certified by the Department Head or designate who is assigned as staff resource to the Committee;
  - (c) Signed by the chair or member presiding at the meeting; and
  - (d) File with the Corporate Officer and be open for public inspection in accordance with Section 97(1)(c) of the *Community Charter [other records to which public access must be provided]*.

### **Conduct and Debate**

32. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of the committee members present.

### **Voting at Meetings**

33. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

## **PART 8 - GENERAL**

34. 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.
35. This Bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with Section 94 of the *Community Charter [public notice]*.
36. City of Port Coquitlam Procedure Bylaw No. 3390 is repealed.

**Public Notice given this 26<sup>th</sup> day of January, 2004.**

**Read a first time by the Municipal Council this 9th day of February, 2004.**

**Read a second time by the Municipal Council this 9th day of February, 2004.**

**Read a third time by the Municipal Council this 9<sup>th</sup> day of February, 2004.**

**Reconsidered finally passed and adopted by the Municipal Council of The Corporation of the City of Port Coquitlam this 23<sup>rd</sup> day of February, 2004.**

S.W. YOUNG

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*Mayor*

S. RAUH

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*City Clerk*