

**CORPORATION OF THE CITY OF NEW WESTMINSTER**



**COUNCIL PROCEDURE BYLAW NO. 6910, 2004**

EFFECTIVE DATE: MARCH 22, 2004

CONSOLIDATED FOR CONVENIENCE ONLY  
(April 28, 2015)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw 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 on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
6964	November 1, 2004
7088	March 6, 2006
7122	September 11, 2006
7744	April 27, 2015

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 6910. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

# THE CORPORATION OF THE CITY OF NEW WESTMINSTER

## BYLAW NO. 6910, 2004

The Council of the City of New Westminster enacts as follows:

### PART 1 – INTRODUCTION

#### Title

1. This bylaw may be cited as the Council Procedure Bylaw No. 6910, 2004.

#### Definitions

2. In this bylaw

“Charter” means the Community Charter

“City” means the City of New Westminster;

“City Hall” means the New Westminster City Hall located at 511 Royal Avenue, New Westminster, British Columbia;

“Committee” means a standing, select or other committee of Council but does not include Committee of the Whole;

“COTW” means the Committee of the Whole Council;

“City Clerk” means corporate officer as set out in the Community Charter;

“Council” means the Council of the City of New Westminster;

“Public Notice Posting Places” means the notice board on the main floor of City Hall.

“Mayor” means the Mayor for the City of New Westminster.

#### Application of Rules of Procedure

3. (1) The provisions of this bylaw govern the proceedings of Council, COTW and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this bylaw, the New Roberts Rules of Order, 9<sup>th</sup> edition, 2000 apply to the proceedings of Council, COTW and Council committees to the extent that those rules are:
  - (a) applicable in the circumstances, and
  - (b) not inconsistent with provisions of this bylaw or the Charter.

**BYLAW NO. 7088**

- (3) The Rules of Conduct, as established and revised from time to time by the City Clerk, and any applicable terms of reference or bylaw adopted by Council shall also govern the conduct of Committees.

**PART 2 – COUNCIL MEETINGS**

**Inaugural Meeting**

4. (1) Following a general local election, the first Council meeting must be held on the first Monday in 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 City Clerk and held as soon as reasonably possible after a quorum has taken office.

**Time and location of meetings**

5. (1) Council meetings must take place within City Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must be in accordance with the schedule adopted by Council prior to January 1<sup>st</sup> in each year.

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- (3) COTW, Standing Committee or Closed Meetings of Council must be adjourned at 6:00 p.m. on the day scheduled for the meeting unless Council passes a resolution to continue the meeting past that time.
- (4) Regular Council meetings must be adjourned before 12:00 a.m. (midnight), on the day scheduled for the meeting unless Council passes a resolution to continue the meeting past that time.
- (5) Public hearings must be adjourned before 12:00 a.m. (midnight), on the day scheduled for the hearing to a specified time, date and place unless Council passes a resolution to continue the meeting past that time.

**Notice of Council Meetings**

6. (1) Council must prepare annually, on or before December 31<sup>st</sup>, 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) Where there is a change to the annual schedule of meetings the City Clerk must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time, place or cancellation of a regular Council meeting.

### **Notice of Special Meetings**

7. (1) Except where notice of a special meeting is waived by unanimous vote of all council members, a notice of the date, hour and place of a special Council meeting must be given at least 24 hours before the time of the meeting by:
  - (a) posting a copy of the notice at the regular meeting place;
  - (b) posting a copy of the notice at the Public Notice Posting Places;
  - (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 City Clerk.

### **BYLAW NO. 7122, 2006**

#### **7A.**

- (1) a Council member who is unable to attend a Council meeting may participate in the meeting by means of electronic facilities, which must:
  - (a) enable the meeting's participants to hear, or watch and hear, each other; and
  - (b) enable the public to hear, or watch and hear, the participation of the Council member who is attending the meeting electronically, except for any part of the meeting that is closed to the public.
- (2) A Council member participating in a Council meeting electronically may do so for a maximum of four Council meeting days per calendar year.
- (3) A Council member attending a Council meeting electronically must notify the City Clerk or designate of his or her intention to participate in the Council meeting electronically at least 60 minutes prior to commencement of the Council meeting.
- (4) A physical quorum must be present at any Council meeting where a member is attending electronically, and, notwithstanding section 7A(6) of this Bylaw, Council members who are attending electronically shall not be counted towards that quorum.

- (5) The Council member presiding at a Council meeting must not participate electronically in that Council meeting.
- (6) A Council member participating in a Council meeting electronically is deemed to be present at the meeting as though he or she were physically present.
- (7) The City Clerk shall record in the minutes of a Council meeting the members present, including the member(s) participating electronically.
- (8) At any Council meeting where a Council member is attending electronically, the addition of on table written reports shall not be permitted, unless the item can be supplied to the member attending electronically in advance of the meeting, and providing all other requirements are met.
- (9) When a Council member is attending a Council meeting electronically, the presiding member must formally request the member to vote audibly so that his or her vote can be recorded in the minutes.
- (10) The term "Council meeting" used in this section applies to Regular Council meetings, Committee of the Whole meetings, Closed Council meetings, Special Council meetings, and meetings of the Special Committees of Council known as Budget, Services and Strategic Issues Committee, Environment Committee, Transportation Committee, and New Westminster 2010 Olympics Committee."

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

8. (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 8(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 8(1) are absent from the Council meeting, the next Councillor designated on the schedule shall act in place of the Mayor.
- (4) The member designated under section 8(1) or designated under 8(3) has the same powers and duties as the Mayor in relation to the applicable matter.

## **PART 4 – COUNCIL PROCEEDINGS**

### **Minutes 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 City Clerk, and
  - (c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
  - (d) must be open for public inspection at City Hall during its regular office hours.
- (2) Subsection 9(1)(d) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded.

### **Calling the meeting to order**

10. As soon after the time specified for a Council meeting 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 place of the Mayor in accordance with Section 8 must take the Chair and call the meeting to order.

### **Adjourning meeting where there is no quorum**

11. If there is no quorum of council present within 30 minutes of the scheduled time for a Council meeting, the City Clerk must record the names of the members present, the members absent and adjourn the meeting until the next scheduled meeting.

### **Agenda**

12. (1) Prior to each Council meeting, the City Clerk must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The City Clerk must make the agenda available to the members of Council and the public on the Friday prior to the meeting.
- (3) Council must not consider any matters not listed on the agenda unless a resolution adding the item is passed by Council.

### **Order of proceedings and business**

13. (1) Agenda for all regular Council meetings may contain the following matters in the order listed below:
  - (a) Adoption of Minutes,
  - (b) Presentations and Delegations,
  - (c) Bylaws Considered at Public Hearing,
  - (d) Issuance of Development Variance Permits,
  - (e) Correspondence,
  - (f) Reports,
  - (g) Committee Minutes and Recommendations,
  - (h) Bylaws,
  - (i) Unfinished Business,
  - (j) New Business,
  - (k) Next Meeting Announcement,
  - (l) Adjournment.
- (2) Council business at a Council meeting must be dealt with in the order in which it is listed on the agenda unless otherwise resolved by Council.

### **Voting at Meetings**

14. (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 a matter is being put to a vote a member must not
    - (i) cross or leave the room
    - (ii) make a noise or other disturbance
    - (iii) interrupt the voting procedure unless the interrupting member is raising a point of order;
  - (c) after the presiding member finally puts the question to a vote under subsection 1(a), a member must not speak to the question or make a motion concerning it;

- (d) the presiding member's decision about whether a question has been finally put is conclusive; and
- (e) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
- (f) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

### **Delegations and Presentations**

- 15. (1) Council may allow an individual or an organization to address the Council during the delegation period of the evening session of the Regular Meeting. The following procedures apply to delegations:
  - (a) Any person or organization wishing to appear as a delegation at a regular meeting must first fill out a delegation form located at the entrance to the Council Chamber and submit the completed form to the City Clerk prior to the commencement of the meeting. Delegation forms will only be accepted if submitted on the same evening of the meeting.
  - (b) Each delegation is allotted 5 minutes to speak unless a longer period is agreed to by unanimous vote of the members present.

### **BYLAW 7744, 2015**

- (c) Council must not permit a delegation to make representations of any kind regarding a bylaw if:
  - (i) an enactment requires Council to hold a public hearing before adopting the bylaw;
  - (ii) the required public hearing has been scheduled or held; and,
  - (iii) the bylaw has not yet been adopted or defeated.
- (2) Council may allow an individual or an organization to make a presentation to the Council at a Regular, COTW or standing committee meeting. The following procedures apply to presentations:
  - (a) Requests to make presentations must be made in writing to Council stating the subject, purpose and time required.
  - (b) The City Clerk in consultation with the Mayor or City Administrator or both will schedule the presentation on the appropriate agenda.
  - (c) The length of a presentation should be kept brief and in most cases will be allotted a maximum time of ten (10) minutes.



- (d) No more than two presentations will be scheduled for any one meeting.

### **Points of Order**

- 16. (1) Without limiting the presiding member's duty under the Charter, the presiding member must apply the correct procedure to a motion:
  - (a) if the motion is contrary to the rules of procedure in this bylaw, and
  - (b) whether or not another Council member has raised a point of order in connection with the motion.
  
- (2) When the presiding member is required to decide a point of order
  - (a) the presiding member must cite the applicable rule or authority if requested by another Council member,
  - (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(a), and
  - (c) a member may appeal the decision in accordance with the Charter.

### **Conduct and Debate**

- 17. (1) A Council member may speak to a question or a 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 Your Worship, Mr. Mayor or Madam Mayor or Mayor.
- (3) Members must address other non-presiding members by the title of Councillor.
- (4) No member shall 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.

- (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 reconsidered, 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 the presiding member 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 a referral to staff or to a committee may not reply to the debate; and
  - (d) a member may speak to a question, or may speak in reply, for a total time of 15 minutes only with the permission of the presiding member.

## **Motions generally**

18. (1) Council may debate and vote on a motion only if it is first made by one Council member and 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 unanimous consent of Council.
- (3) A Council member may make only the following motions when Council is considering a question:
  - (a) refer to staff or to committee,
  - (b) to amend,
  - (c) to lay on the table,
  - (d) to postpone indefinitely,
  - (e) to postpone to a certain time,
  - (f) to move the previous question,
  - (g) to adjourn.
- (4) A motion made under subsections (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**

19. (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 negative, the Council may again debate the question, or proceed to other business.

### **Amendments generally**

20. (1) A 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 reproduced in writing by the mover if requested by the presiding member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote.
- (5) An amendment may be amended once only.
- (6) An amendment that has been defeated by a vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.
- (8) The presiding member must put the main question and its amendments in the following order for the vote of Council:
  - (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subsection (a) is positive;
  - (c) the main question.

### **Notices of motion**

21. Any member has the right to give notice to Council of a motion which that member intends to make at the next meeting of the Council. The City Clerk shall make note of the motion and place it on the next agenda. The City Clerk may request that the member provide the motion that is subject of the notice in writing.

### **Reconsideration by Council Member**

22. (1) Subject to subsection (5), a Council member who voted in the majority 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 adoption.

- (2) A 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 has been adopted,
  - (b) been reconsidered under subsection (1) or section 131 of the Charter (Mayor's right of reconsideration), or
  - (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 under the Charter is as valid and has the same effect as it had before reconsideration.

### **Privilege**

23. (1) Every member has, subject to the procedure set out in this bylaw, the right to be notified of, to attend and to speak at every meeting of the council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.

### **Adjournment**

24. (1) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
  - (a) a motion to adjourn to a specific day;
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## PART 5 – BYLAWS

### Form of bylaws

25. (1) 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.

### Reading and adopting bylaws

26. (1) The presiding member of Council may read the title of the bylaw to be introduced.
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the Charter.
- (4) Subject to the *Local Government Act*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the members present.
- (5) Council may give up to three readings to a proposed bylaw at the same Council meeting.

### Bylaws must be signed

27. After a bylaw is adopted and signed by the City Clerk and the presiding member of the Council meeting at which it was adopted, the City Clerk must have it placed in the City's records for safekeeping.

## PART 6 – RESOLUTIONS

### Introducing resolutions

28. (1) All resolutions will be introduced by a member addressing the presiding member.
- (2) All resolutions and all readings of bylaws shall be moved by a member and seconded by another member.

## **PART 7 – COMMITTEE OF THE WHOLE**

### **Notice for COTW meetings**

29. (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
- (a) posting a copy of the notice at the Public Notice Posting Places; and
  - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) Subsection (1) does not apply to a COTW meeting that is called during a Council meeting for which public notice has been given under section 6 or 7.

### **Minutes of COTW meetings to be maintained and available to public**

30. (1) Minutes of the proceedings of COTW must be
- (a) legibly recorded,
  - (b) certified by the City Clerk,
  - (c) signed by the member presiding at the meeting, and
  - (d) open for public inspection.

### **Presiding members at COTW meetings and Quorum**

31. (1) The Mayor will be the presiding member for the COTW meeting.
- (2) Notwithstanding subsection (1), another member of Council may be appointed as the presiding member of a particular meeting.
- (3) The quorum of COTW is the majority of Council members.

### **Points for order at meetings**

32. (1) The presiding member must preserve order at a COTW meeting and, subject to an appeal of other members present, decide points of order that may arise.
- (2) A member may speak any number of times on the same question.

## **Reports**

33. (1) COTW may consider reports and bylaws only if
  - (a) there are printed and the members each have a copy or
  - (b) a majority of the Council members present decide without debate that the requirements of subsection (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.
- (3) The City Clerk will ensure that reports and recommendations arising from the COTW are forwarded to Council.

## **Rising without reporting**

34. (1) A motion made at a COTW meeting to rise without reporting
  - (a) is always in order and takes precedence over all other motions,
  - (b) may not be debated,
  - (c) may not be addressed more than once by any one member.
- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 29, the Council meeting must resume and proceed to the next order of business.

## **PART 8 – COMMITTEES**

### **Duties of standing committees**

35. (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 committee meetings;
  - (b) on matters that are assigned by the Council or the Mayor
    - (i) as required by Council or the Mayor or
    - (ii) at the next Council meeting so far as it is possible to do so.

#### **Duties of Select committees**

- 36. (1) Select committees must consider, inquire into, report and make recommendations to Council about the matters referred to the committee by Council.
- (2) Select Committees must report and make recommendations to Council at the next Council meeting so far as it is possible to do so.

#### **Schedule of committee meetings**

- 37. (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.
- (3) The Chair of a committee must cause a notice of the day, time and place of a meeting called under section 38 to be given to all members of the committee at least 24 hours before the time of the meeting.

#### **Notice of committee meetings**

- 38. (1) Subject to subsection (2), after the committee has established the regular 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 an annual schedule of committee meetings, the City Clerk 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 committee meeting.

### **Attendance at Select committee meetings**

39. (1) Council members who are not members of a select committee may attend the meetings of the committee.
- (2) Council members attending a meeting of a select committee of which they are not a member must not vote on a question.

### **Minutes of committee meetings to be maintained and available to the public**

40. (1) Minutes of the proceedings of a committee must be
  - (a) legibly recorded,
  - (b) certified by the City Clerk or the City Clerk's designate,
  - (c) signed by the chair or member presiding at the meeting, and
  - (d) open for public inspection.

### **Quorum**

41. The quorum for a committee is a majority of its members.

### **Conduct and debate**

42. (1) The rules of the Council procedure must be observed during committee meetings, so far as it 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 a majority of the committee members present.

## **PART 10 – GENERAL**

43. 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.
44. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with the Charter.
45. Procedure Bylaw No. 5201, 1980 and Procedure Amendment Bylaw No. 6587, 2000, are hereby repealed.