

PRICE: \$4.00



CONSOLIDATED FOR CONVENIENCE

**"CITY OF TERRACE COUNCIL PROCEEDINGS
BYLAW NO. 1696-2000"**

**(AND AMENDMENTS THERETO UP TO
& INCLUDING BYLAW #1936-2008)**

CONSOLIDATED FOR CONVENIENCE

All persons making use of this consolidated version of City of Terrace Bylaw No. 1696-2000 are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaw must be consulted for all purposes of interpreting and applying the law.

Subsections or sections of the original bylaw and/or amendments which have been repealed have not been included in this consolidation.

CITY OF TERRACE
CONSOLIDATED FOR CONVENIENCE
BYLAW NO. 1696-2000/1814-2004/1848-2006/1936-2008

***"A BYLAW TO REGULATE THE PROCEEDINGS OF THE
COUNCIL OF THE CITY OF TERRACE."***

WHEREAS under Section 124 of the Community Charter, Council must establish the procedures to be followed for the conduct of its business and, in particular, must by Bylaw:

- (a) establish the procedures to be followed for the conduct of Council and Committee Meetings;*
- (b) establish the time and place of Regular Council Meetings; and*
- (c) require advance public notice respecting the time, place and date of Council and Committee Meetings and establish procedures for giving that notice.*

NOW THEREFORE the Council of the City of Terrace, in open Meeting assembled, hereby enacts as follows:

1. DEFINITIONS:

For the purposes of this Bylaw:

"Act" means the Community Charter, S.B.C., 2003, c26, as amended;

"City Hall" means the building housing the municipal offices at 3215 Eby Street, Terrace, B.C.

"Clerk" means the City employee appointed and acting as the Director of Administration to the Council, and responsible for corporate administration under Section 148 of the Community Charter;

"Closed Special Meeting" means a Special Meeting closed to the public, under Section 90 of the Community Charter;

"Committee Meeting" means Meetings of Standing, Select or other Committees of Council;

"Council" means the governing and executive body of the City of Terrace constituted as provided in the Act;

"Councillor" means a member of Council;

"Mayor" shall mean the Mayor of the City of Terrace, and includes the Deputy Mayor and/or a Councillor acting in the capacity of Mayor;

"Meeting" means either a Regular, Special or Committee Meeting, as the context requires;

"Municipality" means the City of Terrace;

"Notice Board" means the Notice Board provided on the lower floor of the City Hall building for the purposes of public notices;

"Quorum" means four (4) members of Council, including Mayor or Deputy/Acting Mayor for a Regular or Special Council Meeting, and two (2) members of Council for a Committee Meeting;

"Regular Meeting" means a Meeting of Council, other than a Special Meeting, held under Section 3 of this Bylaw;

"Special Meeting" means a Meeting of the Council other than a Statutory, Regular or adjourned Meeting.

2. GENERAL PROVISIONS - MEETINGS:

2.1 **Meeting Location** - Meetings will be held at the City Hall Council Chambers, or at another location from time to time, as specified by resolution of Council. A Meeting may be held outside the municipality if a majority of Council receive a notice to that effect.

2.2 **Attendance of Public at Meetings** - Subject to Sections 90 and 133 of the Community Charter, all Council Meetings (including Committee Meetings) must be open to the public, and no person may be excluded other than for improper conduct. If, in the opinion of the Council, the public interest so requires, persons other than Councillors may be excluded from a closed Meeting.

2.3 **Closed Meetings** - Where Council wishes to close a Meeting to the public, it may do so by adopting a resolution in accordance with Section 92 of the Community Charter.

This section also applies to Meetings of bodies referred to in Section 92 of the Community Charter, including, without limitation:

- (a) Select or Standing Committees of Council;*
- (b) Board of Variance;*
- (c) Court of Revision;*
- (d) An Advisory Commission, or other advisory body or Committee, established by Council under the Community Charter, or any other legislation.*

*Amended by
#1848-2006*

2.4 Participation in Meetings by Electronic Means

- (a) Provided the conditions set out in Subsection 128(2) of the Community Charter are met, a Regular or Special Council Meeting or Committee Meeting may be conducted by means of visual and audio or audio electronic or other communication equipment.*
- (b) There is no restriction on the number of members that can participate electronically, including the Mayor/Chair, in a Regular or Special Council Meeting or Committee Meeting, provided the quorum requirements are met.*
- (c) As per Section 2.1 of this bylaw, if necessary, the meeting location may be changed by resolution of Council in order to utilize communication equipment not available in the City of Terrace Council Chambers.*
- (d) A member participating in a meeting electronically is deemed to be present in the meeting as though they were physically present.*
- (e) If there is an interruption in the communications link to a member or members participating electronically that results in the loss of a quorum:
 - i. members may decide on a short recess until it is determined whether or not the link can be re-established; or*
 - ii. the meeting shall be dissolved and rescheduled as per Section 5.3 of this bylaw.**

Added by
#1814-2004

2.A DEPUTY MAYOR

2.A.1 *Annually in January, Council must from amongst its Members designate Councillors to each serve on a two-month 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.A.2 *Each Councillor designated under Section 2.A.1 must fulfill the responsibilities of the Mayor in his or her absence.*

2.A.3 *The Member designated under Section 1.A.1 or chosen under Section 5.6 has the same powers and duties as the Mayor in relation to the applicable matter.*

3. REGULAR MEETINGS:

Amended by #1936-2008

3.1 **Meeting Schedule** - *Regular Meetings will be held the second and fourth Mondays commencing after the Inaugural Meeting of a new Council (being the first Monday in December) at the City Hall Council Chambers, or at another location from time to time, as specified by resolution of Council. For the month of December, the Meeting on the fourth Monday is cancelled, unless specifically resolved by Council to meet.*

3.2 **Meeting Times** - *Each Regular Meeting is to begin at 7:30 p.m. or such other time as fixed by resolution of Council from time to time.*

3.3 **Notice** - *The Clerk must give at least 24 hours' notice of Regular Meetings, in accordance with Section 5 of this Bylaw.*

3.4 **Unfinished Business** - *Any unfinished business shall be dealt with at the next Regular or Special Meeting of Council.*

4. SPECIAL MEETINGS:

4.1 **Meeting Times** - *Special Meetings may be scheduled with sufficient notice under Section 5 of this Bylaw prior to the commencement of a Regular Meeting, as required, or at such other times as mutually convenient to the majority of the Council members.*

- 4.2 **Notice of Special Council Meetings** - Except where notice of a Special Meeting is waived by unanimous vote of all Council Members under Section 127.4 of the Community Charter, at least 24 hours before a Special Meeting of Council, the Clerk must give notice in accordance with Section 5 of this Bylaw.
- 4.3 **Council Members may Request Special Meeting** - Two or more Council members may, in writing, request the Mayor to call a Special Meeting, under Section 126 of the Community Charter.
- 4.4 **Unfinished Business** - Any unfinished business shall be dealt with at the next Regular or Special Meeting of Council.
- 4.5 **Closed Special Meetings** - Closed Special Meetings may be scheduled prior to the commencement of a Regular Meeting with sufficient notice under Section 5 of this Bylaw, or at other such times as mutually convenient to the majority of Council, or with the passing of a resolution prior to the closing of a Meeting to the public, stating the fact that the Meeting or future Meeting is to be closed and the basis under Section 90 of the Community Charter on which the Meeting is to be closed, as follows:
- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the Municipality or another position appointed by the Municipality;
 - (b) personal information about an identifiable individual who is being considered for a Municipal award or honour, or who has offered to provide a gift to the Municipality on condition of anonymity;
 - (c) labour relations or employee negotiations;
 - (d) the security of property of the Municipality;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the Municipality;

- (f) law enforcement, if the Council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (g) litigation or potential litigation affecting the Municipality;*
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the Municipality, other than a hearing to be conducted by the Council or a delegate of Council;*
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;*
- (k) negotiations and related discussions respecting the proposed provision of a Municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the Municipality if they were held in public;*
- (l) discussions with Municipal officers and employees respecting Municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 (annual municipal report);*
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;*
- (n) the consideration of whether a Council meeting should be closed under a provision of this subsection or subsection (2);*
- (o) the consideration of whether the authority under Section 19 (other persons attending closed meetings) should be exercised in relation to a Council meeting.*

4.6 **Meeting Must be Closed** – a part of a Council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

- (a) a request under the Freedom of Information and Protection of Privacy Act, if the Council is designed as head of the local public body for the purposes of that Act in relation to the matter;
- (b) the consideration of information received and held in confidence relating to negotiations between the Municipality and a Provincial Government or the Federal Government, or both, or between a Provincial Government or the Federal Government or both and a third party;
- (c) a matter that is being investigated under the Ombudsman Act of which the Municipality has been notified under section 14 (Ombudsman to notify authority) of that Act;
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

4.7 If the only subject matter being considered at a Council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

4.8 **Release of In-Camera Resolutions and Information** - Council may, by resolution passed by a majority vote of the members of Council present, release to the public portion of a Council Meeting, any or all of the written material provided to a closed Special Meeting or any or all of the Resolutions passed at such closed Special Meeting, subject to the Freedom of Information and Protection of Privacy Act.

The release of confidential deliberations and information shall not be made public unless specific authorization to do so has been given by Council resolution adopted at a duly constituted Meeting by a majority of the members of Council present. Unauthorized disclosure of such confidential information is deemed to be improper conduct.

5. PROCEDURE FOR MEETINGS:

- 5.1 **Notice of Meetings** - *Notice of Regular, Special Council and Committee Meetings must be given as follows:*

At least 24 hours before a Meeting, the Clerk must give public notice of the time, place and date of the Meeting by way of a notice posted on the notice board at City Hall, other than for a Special Meeting under Section 127.4 of the Community Charter.

At least 24 hours before a Meeting, the Clerk must give further notice of the Meeting by delivering a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

- 5.2 **Postponement for Statutory Holidays** - *If the Monday is a statutory holiday, the Regular or Special Meeting that would otherwise be held on that Monday, must be held at the usual time and place on the next day, which is not also a statutory holiday.*

- 5.3 **Postponement if No Quorum** - *Should there be no quorum present at a Regular or Special Meeting within thirty (30) minutes after the time appointed for the Meeting, the Clerk shall record the names of the members present at the expiration of such thirty (30) minutes, and the Meeting shall be adjourned to the same hour the next regular business day or to a time mutually convenient to the majority of Council members. There is no requirement for a quorum of Council members to be present for a Committee Meeting, provided at least two (2) members of Council are present.*

- 5.4 **Cancellation of Meetings** - *The Council may by resolution cancel any Regular Meeting. The Clerk must give public notice of cancellation of any Regular Meeting by posting notice of cancellation on the public notice board at City Hall.*

- 5.5 **Mayor to Open Meetings** - *If a quorum is present, the Mayor must call the Meeting to order. If a quorum is present, but the Mayor is not present within fifteen (15) minutes after the time at which the Meeting is scheduled to begin, the Deputy Mayor present must take the Chair and call the Meeting to order.*

5.6 **Appointment of Acting Chair** - *If a quorum is present but neither the Mayor nor the Deputy Mayor are present within fifteen (15) minutes after the time at which the Meeting is scheduled to begin, the Clerk or Deputy Clerk must call the Meeting to order and by resolution, the Council must appoint a Councillor to act as Chair for that Meeting until the Mayor or Deputy Mayor arrives. The Acting Chair of a Meeting has the powers and duties of the Mayor in respect of that Meeting.*

5.7 **Order of Procedure at Regular Meetings** - *Unless Council otherwise resolves, business must be dealt with at every Regular Meeting in the following order:*

- (a) *Call Meeting to Order*
- (b) *Acceptance of Addendum*
- (c) *Delegations or Guests*
- (d) *Petitions and Questions*
- (e) *Minutes*
- (f) *Business Arising from the Minutes*
- (g) *Announcements and List of Proclamations*
- (h) *Correspondence*
- (i) *Committee Reports*
- (j) *Special Reports*
- (k) *Bylaws*
- (l) *New Business*
- (m) *Report from In-Camera*
- (n) *Questions from the Media and Audience*
- (o) *Resolve into Committee of the Whole*
- (p) *Rise and Report*
- (q) *Adjournment*

5.8 **Meeting Agenda - Regular Meetings** - *The Clerk must prepare an agenda for each Regular Meeting that:*

- (a) *is in the order set out in Section 5.7 of this Bylaw;*

- (b) *states the general nature of each item of business to be dealt with at the Regular Meeting; and*
- (c) *is delivered to each member of Council at the place to which the Council member has directed notices to be sent.*

5.9 Meeting Agenda - Special and Committee Meetings - The Clerk must prepare an agenda for each Special and Committee Meeting that:

- (a) *states the general nature of each item of business to be dealt with at the Meeting; and*
- (b) *is delivered to each member of Council at the place to which the Council member has directed notices to be sent.*

The order of business at a Special or Committee Meeting will be as determined by the Clerk.

5.10 Notice to Clerk of Petitions and Delegations - No later than 4:30 p.m. on the Thursday prior to the Council Meeting at which:

- (a) *any person wishes to present a petition to the Council, that person must inform the Clerk of the subject of the petition. In accordance with Section 82 of the Community Charter, the name and residential address of each person who has signed must be included on the petition;*
- (b) *any delegation wishing to make a presentation to the Council, the Clerk must be informed of the subject of the delegation and the name and address of the speaker for the delegation.*

No petition or delegation may be presented to, appear before or be received by Council unless this section has been complied with, except that Council may resolve by a simple majority vote to waive compliance with this section.

5.11 New Business and Inclusion of Addendum Items - Any member of Council may place an item of business on the agenda for a Regular or Special Meeting by giving written notice of the item, in reasonable detail, to the Clerk no later than 4:30 p.m. on the Thursday prior to the Regular or Special Meeting.

Emergency or time sensitive items may be added to the addendum under New Business and may be dealt with at the Regular or Special Meeting, unless one or more members of Council object and, in such case, it shall be considered tabled until the next Meeting of Council and dealt with at that time.

- 5.12 **Adjournment** - *Meetings shall always adjourn no later than 11:00 p.m., unless by unanimous consent of those present, a motion is passed to continue beyond the hour of 11:00 p.m. If an adjournment time beyond 11:00 p.m. is set, then each additional extension will require unanimous consent of the members present. The Council may at any time, by resolution, adjourn any Meeting to a date, time and location specified in the resolution.*

6. MINUTES:

- 6.1 **Minutes Legibly Recorded and Available for Public Inspection** - *The Clerk shall ensure that Minutes for each Meeting of Council, including Committee Meetings, are legibly recorded in accordance with Section 124.2(c) of the Community Charter. Once adopted and signed in accordance with the Act, they are available for public inspection at City Hall during regular business hours. Copies of Minutes are available upon payment of a fee as stipulated in the City's Fees and Charges Bylaw. The availability, inspection or obtaining copies of Minutes does not apply to a closed Meeting from which the public has been excluded under Section 90 of the Community Charter, unless the Minutes have been released from In-Camera status.*
- 6.2 **Minutes Legibly Recorded - Closed Meetings** - *Minutes which apply to that part of a Special Council or Committee Meeting which has been closed to the public under Section 90 of the Community Charter must be legibly recorded. Once adopted and signed in accordance with the Act, the Minutes are not available for public inspection unless such release has been authorized by resolution of Council.*
- 6.3 **Adoption** - *The Minutes of every Council or Committee Meeting must be adopted by resolution of Council. If each Councillor has received a copy of the Minutes of a Meeting, those Minutes may be adopted by resolution of Council without being read to the Meeting. The Minutes of a Meeting may not be adopted*

until the Clerk makes any changes that the Council has, by resolution, directed be made so that the Minutes accurately record the Meeting.

- 6.4 **Minutes Permanent Record of Actions Taken by Council** - The Minutes are meant to provide a permanent record of the actions taken by Council at a Meeting, including resolutions considered but not passed and Bylaws read but not adopted. Unless the members decide by resolution that it is necessary, details of any discussion on items of business will not be recorded in the Minutes. The Clerk may include details of such discussion if the Clerk believes this is necessary to accurately record the decisions of Council, provided however that Council may direct these references be removed prior to adoption of the Minutes.

7. **RULES OF CONDUCT AND DEBATE:**

- 7.1 **Recognition of Speakers** - A Councillor may speak in a Meeting after the Councillor has raised their hand and the Mayor has recognized the Councillor. If two or more Councillors raise their hands at the same time, the Mayor may designate the order in which each is to speak. If the Mayor wishes to speak in a Meeting, the Mayor need only address the Meeting.
- 7.2 **Manner of Address by Speakers** - Members shall address the Chair as "Mayor" and shall refer to each other as "Councillor".
- 7.3 **Rules When Speaking** - Except as otherwise resolved by Council, a Councillor may:
- (a) speak only to a matter under consideration;
 - (b) speak only once to a matter except to:
 - (i) explain a material part of their speech which may have been misunderstood, and in so doing, may not introduce new matter; or
 - (ii) ask a question for purposes of clarification and only if recognized by the Chair;
 - (c) speak for no more than five (5) minutes at a time;
 - (d) not speak to a matter already dealt with by Council.
- 7.4 **No Interruptions** - Members shall not interrupt a member who is speaking except to raise a point of order, and shall not make a disturbance during the Meeting.

7.5 **Removal for Improper Conduct** - If the Mayor or other person presiding at a Meeting of the Council or Committee considers that a person is guilty of improper conduct, the person presiding may expel and exclude the other person from the Meeting, under Section 133 of the Community Charter.

8. POINTS OF ORDER AND PRIVILEGE:

8.1 **Mayor to Keep Order** - The Mayor is to preserve order at every Meeting of Council and decide points of order that may arise, subject to an appeal to the other Council Members present.

8.2 **Mayor to Give Basis for Rulings** - At the time any ruling is made by the Mayor on a point of order, the Mayor must inform Council of the ground upon which the ruling is made.

8.3 **Appeal from Decision of Mayor** - A member of Council may appeal the decision of the Mayor on a point of order, as provided under Section 132 of the Community Charter.

9. MOTIONS:

9.1 **Motions in Writing** - Motions, other than routine motions, shall be committed to writing, wherever possible, before being debated. Routine motions, including motions to adopt, to receive, to file, to refer, to defer/postpone, to table, to introduce or pass a Bylaw, or to adjourn, need not be put in writing. Upon request of any Councillor or the Mayor, the Clerk shall read the motions before debate or question.

9.2 **Matters Open to Debate** - Subject to Section 7 of this Bylaw, a Councillor may debate any motion other than a motion to table a matter.

9.3 **Voting at Council Meetings**- A Council Member present at the Meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.

9.4 **Votes Equal For and Against** - If the votes of the Council Members present at the Meeting at the time of the vote are equal for and against a question, the question is negated and the presiding member must declare this result.

10. PROCEEDINGS OF COMMITTEE OF THE WHOLE:

10.1 **Chair of Committee Meetings** - *The Mayor shall act as Chair of Standing Committee Meetings unless Council decides otherwise.*

10.2 **Rules of Conduct** - *The rules of conduct and debate of this Bylaw shall be observed in Standing Committee Meetings, except that:*

- (a) *the number of times a Member of the Committee may speak on any matter is within the discretion of the Chair;*
- (b) *a member of the public may address the Committee at the discretion of the Chair;*
- (c) *staff appointees to the Committee may address the Committee and answer inquiries at the discretion of the Chair.*

10.3 **Resolving into Committee of the Whole** - *A Committee of the Whole Meeting held during a Meeting of the Council shall be appointed by resolution and for a specific purpose, "that Council do now resolve itself into a Committee of the Whole Meeting to discuss and make recommendation on ...". A resolution to resolve into a Committee of the Whole Meeting that is closed shall include the relevant section of the Community Charter under which the Meeting is closed to the public.*

10.4 **Rise and Report** - *When all matters referred to a Committee of the Whole have been considered, a motion to rise and report at Council shall be adopted. On resumption of the business of Council, the Chair shall request a motion to adopt the report of the Committee of the Whole Meeting. In the case of a Committee of the Whole Meeting that is closed under Section 90 of the Community Charter, the report and Minutes shall be presented in a closed Meeting of Council.*

11. BYLAWS:

11.1 **Proposing Bylaws** - *Unless the Council otherwise resolves, Council may not consider a proposed Bylaw unless:*

- (a) *the Clerk has given a copy of the proposed Bylaw to each member of Council; and*

(b) *it is on the agenda or addendum for the Meeting.*

11.2 **Adoption of Bylaws** - *A Bylaw has been enacted by Council once all approvals, procedures and other requirements imposed by statute have been followed, and Council has given the following readings to the Bylaw:*

- (a) *three readings, by title only, all or any of which may be given in one motion, or by separate motions, as decided by Council, in a Meeting open to the public;*
- (b) *there must be at least one (1) day between third reading (including a Bylaw which is amended after third reading) and adoption of a Bylaw;*
- (c) *notwithstanding Section 11.2(b), Council may adopt a Zoning Bylaw or Official Community Plan Bylaw at the same Meeting at which the Bylaw received third reading, as provided in Section 890(9) of the Local Government Act;*
- (d) *Council has adopted the Bylaw, in a Meeting open to the public.*

11.3 **Bylaws Kept and Available to the Public** - *A copy of every Bylaw, signed by the Mayor and Clerk and duly sealed, shall be kept in the Municipal records, and made available to the public for a fee as set out in the City's Fees and Charges Bylaw.*

12. **UNPROVIDED CASES:**

12.1 **Robert's Rules of Order** - *In all unprovided cases with respect to Council proceedings, the Community Charter and Robert's Rules of Order shall be followed.*

13. **REPEALING:**

Terrace Council Proceedings Bylaw No. 1353-1994 is hereby repealed.

14. **CITING:**

This Bylaw may be cited as "City of Terrace Council Proceedings Bylaw No. 1696-2000".

This Bylaw is consolidated for convenience only. If discrepancies exist between this consolidation and the original bylaw, the original bylaw shall prevail.

BYLAW #1696-2000 READ a first time this 10th day of April, 2000.

BYLAW #1696-2000 READ a second time this 10th day of April, 2000.

BYLAW #1696-2000 READ a third time this 10th day of April, 2000.

BYLAW #1696-2000 ADOPTED this 25th day of April, 2000.

ORIGINAL SIGNED BY "J. TALSTRA"
Mayor

ORIGINAL SIGNED BY "D. FISHER"
Clerk