



CITY OF MERRITT

BYLAW NO. 2055

**A BYLAW TO REGULATE CITY OF MERRITT COUNCIL
PROCEDURES
CONSOLIDATED FOR CONVENIENCE ONLY, THIS CONSOLIDATION
INCLUDES THE BASE, BYLAW NO. 2055(2008)
AND AMENDMENT BYLAW NO. 2228(2017), 2229(2018)**

WHEREAS pursuant to the Community Charter Council must, by bylaw, establish the procedures to be followed for the conduct of its business

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

1. Title:

This Bylaw shall be cited as "CITY OF MERRITT COUNCIL PROCEDURES BYLAW NO. 2055, 2008

2. Repeal:

City of Merritt Council Procedures Bylaw No. 1880, 2004 and all amendments thereto, are hereby repealed.

3. Severability

If any section, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

4. Definitions:

Unless otherwise defined in this bylaw, the definitions used in the *Community Charter* and the *Local Government Act* and the *Interpretation Act* apply to this bylaw.

In this bylaw, unless the context otherwise requires:

“City” means the municipality of the City of Merritt

“Committee Clerk” means the person appointed by the Corporate Services Manager to prepare agendas and take minutes of Council committees or commissions

“Committee of the Whole” means a committee comprised entirely of the members of Council

“Corporate Services Manager” means the Corporate Services Manager of the City of Merritt and includes the person appointed as Deputy Clerk

“Council” means the elected Council members of the City

“Public Notice Posting Place” means the glass covered notice board located in the 1st floor foyer of City Hall by the main entrance Council Chamber door

“Select Committees” means a committee established by Council resolution pursuant to the *Community Charter*, and to which Council may appoint citizens. Council may also establish a short term Select Committee to inquire into a specific issue within a bounded time period and report its findings and opinions to Council after which they will have concluded their work and will be disbanded

“Standing Committee” means an advisory body to Council established by the Mayor pursuant to the *Community Charter* to which the Mayor may appoint Council representatives and citizen members. Standing Committees require that half the members be members of Council

“Staff Liaison” is the staff member assigned by the City Administrator to assist a committee in a non-voting advisory and resource capacity

“Statutory Committee” means boards, commissions, or committees established pursuant to a specific enabling statute

5. Regular Meetings:

- (a) The Council of the City of Merritt shall hold its regular meetings at City Hall at 7:00 p.m. on the second and fourth Tuesdays of each month except:
 - (i) during the month of December when Council shall meet on the second and third Tuesdays at 7:00 p.m.;
 - (ii) if a regularly scheduled Council meeting occurs during the week of the Union of British Columbia Municipalities’ annual convention, Council shall decide on an alternate date to hold that particular meeting;
 - (iii) if the Council should so direct, regularly scheduled meetings may be cancelled in advance.
- (b) If required, the Mayor will schedule a Special Council Meeting to deal with confidential items in accordance with the *Community Charter*. The public shall be excluded from such meetings.
- (c) The Inaugural meeting of Council shall be on the first Monday in November (Amending Bylaw No. 2228, 2017) following a general election

6. Notice of Regular Council Meetings

At the beginning of each calendar year, the Corporate Services Manager will give public notice of the time, place and dates of the regular meetings of Council for that calendar year, by posting the schedule on the public notice posting place and by advertising the schedule in the newspaper on a weekly basis for two consecutive weeks.

7. Notice of Meetings:

Except where notice of a special meeting, in-camera meeting or committee of the whole meeting is waived by a unanimous vote of all council members, at least 24 hours before a special meeting, in-camera meeting or committee of the whole meeting, the Corporate Services Manager must:

- (a) give advance public notice of the time, place, date and subject of the special meeting by way of a notice on the public notice posting place; and
- (b) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall.

8. Attendance of Public at Meetings:

All Council meetings are open to the public subject to part 9.

9. Confidential Matters

Matters deemed to be of a confidential nature, as defined in the *Community Charter*, may be considered in a meeting closed to the public.

This section applies to meetings of bodies referred to in the *Community Charter*, including, without limitation, meetings of Council; Select or Standing Committees of Council; Committee of the Whole; Board of Variance; Court of Revision; Heritage or Recreation Commissions.

10. Designation of Member to Act in Place of Mayor

Annually Council will 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.

11. Call to Order:

- (a) As soon after the hour of the meeting of the Council as a quorum is present for a scheduled meeting, the Mayor shall take the Chair and call the members to order.

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- (b) If the Mayor is not present within ten minutes after the time appointed for a scheduled meeting, the Acting Mayor shall take the Chair and call the members to order.
- (c) If the Mayor and Acting Mayor are absent, the Councillor appointed Acting Mayor for the next upcoming period shall take the Chair and call the members to order.
- (d) If a quorum is not present fifteen minutes after the time appointed for a scheduled meeting, the Corporate Services Manager shall record those members present, and the meeting shall adjourn.
- (e) If a quorum is lost during the course of a meeting, the Corporate Services Manager shall record those present, the meeting shall adjourn and the remaining items on the agenda shall be placed on the next scheduled meeting agenda.

12. Agendas:

- (a) The Mayor shall set the agendas.
- (b) All City Council Regular Meetings shall proceed in the following order, to the extent applicable, unless otherwise resolved by Council:
 - 1. PRESENT
 - 2. CALL TO ORDER
 - 3. PUBLIC INPUT PERIOD
 - 4. ADOPTION OF THE MINUTES
 - 5. GENERAL MATTERS: Delegations and Recognitions
 - 6. UNFINISHED BUSINESS
 - 7. BYLAWS
 - 8. NEW BUSINESS
 - 9. NOTICES OF MOTION
 - 10. REPORTS FROM COUNCIL
 - 11. INFORMATION ITEMS: Committee minutes and correspondence that may be of public interest is placed on the agenda by the Mayor for information. These items are automatically "received" and do not require further action unless Council deems otherwise.
 - 12. TERMINATION OF MEETING

- (c) The Corporate Services Manager shall prepare an Agenda prior to every regular meeting of Council and shall circulate a copy to each member of Council by 12 Noon on the Friday preceding the regular meeting.
- (d) In order to give further public notice of a regular meeting, the Corporate Services Manager shall by 4:00 p.m. on the Friday preceding the meeting:
 - (i) post a copy of the agenda coversheet on the public notice posting place;
 - (ii) leave a copy of the agenda at the reception counter at City Hall for the purpose of making the agenda available to members of the public.
- (e) Reports from Administration or Council Correspondence received after 12 Noon on the Thursday preceding the regular meeting that have a time deadline or urgency to the matter and which cannot wait until the next regularly scheduled meeting will be brought forward by the Corporate Services Manager for consideration by Council as late agenda additions. A unanimous vote of Council present shall be required to add items to the agenda.
- (f) All items placed on the agenda for consideration by Council shall have printed documentation as background information.
- (g) For a special meeting of Council or a Committee of the Whole meeting, an Agenda shall be prepared for the specific purpose(s) for which the meeting was scheduled.

13. Precedence

- (a) All items on the agenda are taken up in the order in which they appear on the agenda, except that, when necessary for the better conduct of business, an item may be taken out of its order, by the presiding member or by Council resolution.

14. Minutes

- (a) Minutes of Council meetings, committee and commission meetings must be kept in accordance with the *Community Charter*.
- (b) Minutes of meetings need not be read, prior to their adoption.

15. Notice of Motion

Under Notices of Motion, a member may introduce an item as a Notice of Motion for the next Council agenda. Council may discuss the notice of motion but in any case no decision shall be made until the following Council meeting. Council may however, by unanimous resolution of Council present, and subject to written background information being available at the meeting, consent to deal with the matter at the same meeting it is introduced.

16. Rules of Conduct and Debate:

- (a) Every member shall address their self to the presiding member before speaking to any question or motion.
- (b) Members shall address the Mayor as "Your Worship" and refer to each other as "Councillor..." When acting in the place of the mayor, the presiding member shall be addressed as "Councillor" or the Chair.
- (c) No member shall:
 - (i) speak disrespectfully to any other member.
 - (ii) use offensive words in, or against, a member or anyone;
 - (iii) speak beside the question, debate or reflect upon a vote of Council, except for the purpose of moving that the vote be rescinded;
 - (iv) leave their seat, nor make any noise or disturbance, while a vote is being taken, nor until the result is declared;
 - (v) interrupt anyone who is speaking, except to raise a point of order;

- (vi) disobey the rules of Council or resist a decision of Council on questions of order, interpretation or practice of the rules of Council.
- (d) If the Mayor or other person presiding at a meeting of the Council considers that a person is guilty of improper conduct, the person presiding may expel and exclude the other person from the meeting.
- (e) When the presiding member desires to speak any member of Council wishing to speak at the same time shall cede to the presiding member.
- (f) Debate is closed by the presiding member. After a question is finally put by the presiding member, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- (g) The decision of the presiding member, as to whether the question has been finally put, shall be conclusive.

17. Motions

- (a) A member may require the motion under consideration to be read.
- (b) When a matter is under debate, no motion is in order unless to withdraw if made by the original mover, to amend, to refer to a committee or staff for report, or to defer to a certain day; and the several motions have precedence in the order named.

The motion to defer shall not be debatable.
- (c) Only one amendment shall be allowed to a motion.
- (d) A motion to adjourn is always in order, but no second motion to the same effect may be made without first dealing with another matter.
- (e) The minutes shall record that a motion was moved and seconded but will not name the mover or seconder.

18. Inadmissible Motion

Whenever the presiding member is of the opinion that a motion offered to the Council is contrary to the rules of the Council, or relates to matters outside the competence of the Council, he or she informs the Council immediately, giving reasons for his or her opinion, and refuses to accept the motion.

19. Voting

- (a) When a question is called, all the members who are present are expected to vote upon it.
- (b) 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.
- (c) When the question under consideration contains distinct propositions, a member may request that the vote upon each proposition be taken separately.
- (d) 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 defeated and the presiding member must declare this result.
- (e) The Corporate Services Manager will record in the minutes the names of all Council members who are opposed to the question.

20. Reconsideration

A motion which was adopted or defeated may be reconsidered by Council at the same or next Council meeting provided that the motion is not at the assent of the electors and has not been acted on by an officer, servant, or agent of the municipality. A reconsideration motion:

- a) must be brought forward by a member who voted on the prevailing side of the motion;
- b) may be seconded by any member;
- c) if not reconsidered at the meeting where it was adopted or defeated, must be brought forward at the next meeting of Council after the original motion; and

- d) if defeated, and the outcome being that the motion is preserved unchanged, the same motion may not be brought back before Council for six (6) months from the date of the latest vote, except with two-thirds (2/3) consent of all members of Council.

21. Delegations

- (a) Any person(s) wishing to appear before Council as a delegation may do so by first notifying the Corporate Services Manager in writing prior to 12 Noon on the Wednesday preceding the regular meeting, except when the Mayor declares an extraordinary occasion.
- (b) Delegations to Council shall be limited to three (3), for any one meeting, except when the Mayor declares an extraordinary occasion.
- (c) Council shall not act on a request from a delegation until the next regular meeting, unless consent by unanimous resolution of Council present is given to consider the matter.
- (d) Delegation(s) shall appoint a speaker (or at the discretion of the Mayor, more than one speaker), and shall be allowed ten (10) minutes (or a longer time, at the discretion of a majority vote of Council), to make their presentation or by prior arrangement with the Corporate Services Manager.
- (e) During the course of a Council meeting and other than at the Public Input period, members of the public wishing to address Council regarding an agenda item may be recognized by the presiding member subject to the unanimous consent of Council present.

- (f) **Public Input Period:** At the beginning of each Regular Council meeting, ten (10) minutes shall be allotted to public input. Members of the public wishing to address Council regarding an item on that evening's agenda may signify their wish to do so by placing their name and the topic on a sign in sheet which shall be made available prior to the commencement of that meeting. The Mayor shall call persons wishing to address Council and each person shall be allowed two (2) minutes to make their statement. Council will not respond to or debate the comments made. If at the end of the allotted ten (10) minute public input period there still remain names of persons wishing to address Council on the list, Council may, by unanimous vote of Council present, extend the public input period.

The Public Input Period shall be discontinued for meetings in the two (2) months preceding a civic election.

22. Correspondence and Petitions

- (a) A petition to Council shall include the name, signature and civic address of each petitioner, and in the case of a corporation, the authority given by the corporation to sign the petition shall be produced with it. Petitions shall be considered public documents.
- (b) Council members shall receive all correspondence addressed to "Mayor and Council" and the Mayor shall determine whether the correspondence shall be placed on the Agenda or otherwise circulated to Councillors.

23. Bylaws

- (a) Only the title and intended object of the bylaw needs to be read by the presiding member at each reading.
- (b) The first three readings of a bylaw may take place at the same meeting except as provided for in (c). A separate motion is required for each reading.
- (c) A bylaw requiring a public hearing is referred to a public hearing immediately after second reading, unless otherwise indicated by statute.

- (d) If a bylaw requires statutory approval, it shall be obtained after third reading and prior to being adopted, unless the applicable statute provides otherwise.
- (e) No bylaw may be read either in a blank or in an imperfect form.
- (f) A bylaw may be amended at second or third reading, except that a zoning bylaw may be amended only to the extent permitted by the *Local Government Act*.
- (g) If a bylaw fails to receive a mover and seconder at any reading or at adoption and no outstanding matter applies to it, the bylaw is deemed to have been abandoned.
- (h) Bylaws must be considered at meetings open to the public.
- (i) In accordance with the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

24. Public Hearings

- (a) Where a public hearing is required in the course of consideration of a bylaw, the Corporate Services Manager will schedule the Public Hearing with all due notices to the public as required by legislation.
- (b) The Public Hearing will be conducted with the following order of business:
 - 1) Call to Order
 - 2) Introduction of the Bylaw
 - 3) Staff report
 - 4) Proponent's submission
 - 5) Public submissions
 - 6) Consideration of returning Bylaw to Regular Council meeting for further readings
 - 7) Close of Public Hearing

25. Committee of the Whole

- (a) Council may meet as Committee of the Whole on an as needed basis as determined by the Mayor. Generally Committee of the Whole meetings shall be scheduled for the first or third Tuesday of the month and subject to the notification process stated in section 7.
- (b) Recommendations from the Committee of the Whole meeting shall be placed on the next Regular Council agenda.

26. Statutory, Standing, Select Committees and Commissions

(a) Meeting Schedules and Agendas

- i) The Mayor may appoint Standing Committees and Council appoint select committees or commissions according to statute. Staff Liaison members may be appointed but shall not be voting members unless specifically so appointed.
- ii) Standing and Select committees will establish their own meeting schedules, holding meetings as required with at minimum two (2) meetings per year.
- iii) Statutory committees and Commissions meet as provided in their enabling statute or establishment bylaw.
- iv) The Chair of the Statutory, Standing, Select Committee or Commission shall, with the assistance of the Committee Clerk, prepare an agenda for the meeting and shall deliver a copy of the agenda to each member and to the Corporate Services Officer at least one week in advance of the meeting.
- v) At least twenty four (24) hours before a meeting of a Statutory, Select, Standing Committee or Commission of Council, the Corporate Services Manager must give advance public notice of the time, place and date of the meeting by way posting the agenda on the public notice posting place.

(b) Quorum

Unless otherwise provided in a committee's enabling statute or establishment bylaw, a majority of the members of a committee constitute a quorum. For Standing Committees at least half of the quorum must be made up of members of Council.

(c) Chair

Each committee shall, at its first regular meeting in January or as soon thereafter as possible, or as provided in its enabling statute or establishment bylaw, elect a Chair if the Mayor and/or Council has not already done so, each of whom hold office for a period of one year, to carry out the duties normally attributed to such office in conducting the business of the committee.

(d) Minutes

- i) Committee minutes, setting out the decisions made and the key discussion points of the proceedings of all meetings of committees shall be legibly recorded in a minute book by the Committee Clerk.
- ii) The minutes shall be certified as correct by the Committee Clerk and:
 - (1) be provided in draft form to the Corporate Services Manager for circulation to Council on the Regular Council agenda for information; and
 - (2) following adoption of the minutes at the next meeting of the committee shall be signed by the Chair, or other member presiding at the meeting to which the minutes apply.
- iii) The Committee Clerk shall provide adopted committee minutes to all members of the committee and to the Corporate Services Manager for proper retention.

- (e) **Electronic Participation** Amending Bylaw No. 2229, 2018
- i) A member of a Statutory, Standing or Select Committee or Commission who is unable to attend a committee or commission meeting may participate by electronic means in accordance with section 128 of the *Community Charter*, providing:
 - 1. the presiding member has authorized the member to do so at least twenty-four (24) hours prior to the meeting;
 - 2. the member is able to provide their own necessary devices (e.g. landline phone, cell phone or laptop computer) and assumes responsibility for any associated costs; and
 - 3. City staff is able to secure the necessary equipment and make the requisite preparations to facilitate electronic participation.
 - ii) The member presiding at the committee or commission meeting must not participate electronically.
 - iii) No more than one member may participate in any committee or commission meeting by electronic means at any given time.
 - iv) A member is not permitted to participate electronically in a meeting if that member does not join the meeting at its scheduled starting time.
 - v) Committee or commission members may not participate by electronic means in any portion of a meeting closed to the public under section 90 of the *Community Charter*.
 - vi) Committee or commission member participating by electronic means will be deemed to have voted in the affirmative on any and all motions made during technical interruptions and disconnections during the course of the meeting.
 - vii) The presiding member must verbally confirm the response from the committee or commission member who is participating electronically to ensure the vote is recorded accurately.

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READ A FIRST TIME THIS	26th day of August, 2008
READ A SECOND TIME THIS	26th day of August, 2008
READ A THIRD TIME THIS	26th day of August, 2008
ADOPTED THIS	09th day of September, 2008

Original signed by
D. LAIRD, MAYOR

Original signed by
R. TOLERTON,
CORPORATE SERVICES
MANAGER