

THE CORPORATION VILLAGE OF SLOCAN

BY-LAW NO. 577

Being a bylaw to govern the proceedings of Village Council and all standing, select and other committees of Council

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Council Procedure By-Law

Whereas the *Community Charter* requires that municipal Councils enact a Council procedures by-law;

Therefore be it resolved that the municipal Council of the Village of Slocan, in open meeting assembled, enacts as follows:

PART 1 – INTERPRETATION

General

- 1.1 The provisions of this bylaw govern the proceedings of Council, the Committee of the Whole Council and all standing, select, commission and other committees of Council, as applicable.
- 1.2 In cases not provided for under this bylaw, Council may determine the appropriate rules of procedure, or may follow Robert’s Rules of Order, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with the *Community Charter*.
- 1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the Village of Slocan, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 This by-law may be cited for all purposes as “**Council Procedure Bylaw No. 577, 2008**”.
- 1.7 “Council Procedures Bylaw No.550, 2005” together with all amendments to it, is hereby repealed in its entirety.

Definitions

- 1.8 In this bylaw:
“**Acting Mayor**” means the Councillor designated pursuant to section 3.1 of this bylaw for the applicable date.

“**Chief Administrative Officer**” means the individual appointed by Council as the officer assigned the responsibility of corporate administration for the Village of Slocan, or his or her lawful deputy.

“Commission” means a municipal commission established under the provisions of the *Local Government Act or the Community Charter*.

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

“COW” means the Committee of the Whole Council.

“Council” means the municipal council of the Village of Slocan.

“Inaugural Meeting” shall be the first regular meeting of Council following a general election.

“Notice Board” means the notice board designated by the Chief Administrative Officer for posting of legal notices and Council meeting information.

“Public Notice Posting Place” means the Notice Board and/or the Village of Slocan’s Web Site.

“Staff” means the Chief Administrative Officer or his or her deputy.

“Village” means the Corporation of the Village of Slocan.

“Village Offices” means the Slocan Village Offices at 502 Slocan Street, Slocan, British Columbia

“Village Web Site” means the information resource found at an internet address provided by the Chief Administrative Officer for the Village of Slocan.

- 1.9 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Community Charter*.

PART 2 – COUNCIL MEETINGS

Schedule of Meetings

- 2.1. An Inaugural Council meeting shall be held in the first ten days of December following a general election of Council, unless a quorum of Council has not yet taken office in which case the inaugural Council meeting shall be called as soon as reasonably possible after a quorum has taken office.
- 2.2. (a) Regular Council meetings shall be held on the dates each year, as established by a resolution of Council, prior to January 1st of each year, unless Council passes a resolution to cancel a particular meeting.
- (b) Regular Council meetings shall begin at 7:00 p.m. on the date designated, unless Council passes a resolution to change the time of a particular meeting.

Special Meetings

- 2.3. A special meeting of Council, which is any meeting other than a regular meeting or a COW meeting, scheduled pursuant to this Part or an adjourned meeting, may be called by the Mayor or by two members of Council in accordance with the provisions of the *Community Charter*.

Location of Council Meetings

- 2.4. All Council meetings and Public Hearings, with the exception of the inaugural meeting, shall take place within the Village Offices unless Council passes a resolution to hold a particular meeting elsewhere.
- 2.5. Inaugural meetings of Council shall take place at a venue to be determined by the Chief Administrative Officer (hereinafter referred to as “the CAO”), such location to be selected at least 14 days prior to the inaugural meeting and posted at the Public Notice Posting Place and when time permits, advertised in a local newspaper.

Notice of Regular Council Meetings and Committee of the Whole Meetings

- 2.6. The annual schedule of regular Council meetings, established pursuant to subsections 2.2 (a) and (b) of this bylaw, shall be available to the public through posting at the Public Notice Posting Place and notice of the availability of the schedule shall be advertised by January 15th in each year in accordance with the public notice provisions set out in the *Community Charter*.
- 2.7. At least 48 hours before a regular Council meeting or a Committee of the Whole meeting, the CAO shall give notice of the meeting, including confirmation of the time, place, and date, by:
- (a) posting the agenda on the Notice Board;
 - (b) providing a paper or electronic copy to each member of Council.
- 2.8. The CAO shall also, when practical, post agendas on the Village’s web site.

Notice of Special Council Meetings

- 2.9. At least 24 hours before a special Council meeting the CAO shall give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for agendas in section 2.7 of this bylaw.
- 2.10. Each copy of a notice of a special Council meeting must be signed by the Mayor or the CAO.
- 2.11. Notwithstanding sections 2.9 and 2.10, notice of a special Council meeting may be waived by unanimous vote of all Council members.

PART 3 – DESIGNATION OF A MEMBER TO ACT IN PLACE OF THE MAYOR

- 3.1. At least once during each term of Council, Council shall, from amongst its members, designate members of Council 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.
- 3.2. Each Councillor designated under section 3.1 of this bylaw must fulfill the responsibilities of the Mayor in his or her absence, and shall have the same powers and duties as the Mayor during the period of service as Acting Mayor.
- 3.3. If both the Mayor and the member designated under section 3.1 are absent or otherwise unable to act, the member who is next on the rotation shall be the Acting Mayor.

PART 4 – PUBLIC ATTENDANCE AT COUNCIL MEETINGS

Meetings to be Open to the Public

- 4.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter or any other enactment*, all meetings of Council or Committees shall be open to the public. A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one of the subjects outlined in Section 90 of the *Community Charter*. Before holding a meeting or part of a meeting that is to be closed to the public, Council must state, by resolution passed in a public meeting, the fact that the meeting or part of it is to be closed and the basis under the provisions of the *Community Charter* on which the meeting or part is to be closed.

Visitors and Audiences to Council

- 4.2 A person, other than a Council member or an officer or employee of the Village, shall only address Council during a Council or COW meeting if that person is providing a report or presentation that has been scheduled on the agenda for that meeting, or if Council has passed a resolution to hear from that person at that time. (See also Section 5.6 in reference to COW meetings).
- 4.3 A person who is not an officer or employee of the Village, who wishes to have a report or presentation scheduled on a Council or COW meeting agenda, shall request the same through the CAO's Office. The request shall include the name(s) of the person(s) who will be making the report or presentation if approved (referred to as an "Audience"), and a copy of the report or presentation in written form. The written submission must clearly state any requests being made of Council and any recommended Council resolutions.
- 4.4 Audience requests that deal with a matter that is outside the jurisdiction of the Village of Slovan shall be refused.

- 4.5 An audience request that deals with a matter that is within the jurisdiction of the Village of Slocan, and is received in accordance with section 4.3 of this bylaw, the CAO's Office shall handle such a request by taking one or more of the following actions as deemed appropriate in the circumstances:
- (a) the request shall be handled by the CAO if the request is operational in nature;
 - (b) the person(s) making the request may be encouraged to contact members of Council directly with the concerns raised;
 - (c) the request may be referred to a Council committee or advisory body; or
 - (d) the request be granted and the delegation be scheduled to the next available meeting agenda.
- 4.6 A person (with the exception of an officer or employee of the Village), or an organization shall be limited to a five (5) minute presentation to Council, but may be asked to take additional time to respond to any questions from Council.

Proceedings at Public Hearings

- 4.7 All persons with an interest in the proposed bylaw which is the subject of the public hearing shall be afforded a reasonable opportunity to be heard or to present written submissions on matters contained in the bylaw, after first identifying themselves by stating their name, address and the name and address of the person or body they represent (if applicable).
- 4.8 The CAO shall make available to each member of Council prior to the public hearing a copy of any correspondence pertaining to the subject of the public hearing that has been received after the date of required statutory notification of the public hearing. Any information received after receipt of an application for rezone and prior to the statutory notification will be available for review in the CAO's Office.
- 4.9 The Mayor or presiding member shall only entertain submissions that are germane to the purpose of the proposed bylaw under discussion.
- 4.10 Presentations by an owner or applicant shall be limited to a maximum of 10 minutes. Owners or applicants who have additional information that they are not able to include within that time frame shall be encouraged to provide the additional information in writing, and if possible electronically, to the CAO's Office by 12:00 noon 7 days prior to the public hearing so that the information can be copied to Council as part of the agenda package.
- 4.11 Presentations by members of the public shall be limited to a maximum of 5 minutes each. If a person has additional information that he/she is unable to provide within that time frame, he/she shall be given further opportunities to address Council after all other interested members of the public have been heard a first time. Without limiting the opportunity provided for in section 4.7 of this bylaw, speakers shall be encouraged to confine their comments to new information.

- 4.12 The owner or applicant shall be given an opportunity to respond to comments or questions raised during the public hearing before the hearing on their application is closed. The response shall be limited to a maximum of 10 minutes.
- 4.13 In spite of the time limits for presentations set out in sections 4.10, 4.11 and 4.12 of this bylaw, Council may ask questions of any presenter and of staff for clarification purposes. Debate on the bylaw shall take place at a regular or special meeting of Council following the public hearing when the bylaw is presented for consideration.

PART 5 – RULES OF PROCEDURE AT COUNCIL AND COW MEETINGS

Agenda Preparation and Order of Proceedings

- 5.1. Prior to each meeting of Council or the COW, the CAO shall prepare an agenda of all items to be considered by Council at the meeting.
- 5.2. All items or reports for the agenda of a meeting of Council or the COW, other than a special Council meeting, must be delivered to the CAO prior to 12:00 noon on the Monday, ten (10) days in advance of the scheduled meeting. Any item not delivered complete and in an agenda-ready format by that deadline shall be held to the next meeting of Council or the COW, unless approved as a late item by the CAO.
- 5.3. A late item may be approved for addition to an agenda by the CAO, or by resolution of Council, if the subject matter is of an urgent nature such that the item cannot be held to the next meeting of Council.
- 5.4. The agendas for all regular Council meetings shall contain the following matters where there are items pertaining to them, and in the order in which they are listed:
- 1) Adoption of the agenda
 - 2) Adoptions of the minutes of previous meetings
 - 3) Audiences and Presentations
 - 4) Public Participation
 - 5) Recommendations
 - 6) Requests
 - 7) Information items
 - 8) Bylaws
 - 9) Late items
 - 10) Council reports
 - 11) Adjournment
- 5.5. During the agenda item titled “Council reports” members of Council may use this time to verbally inform Council and the public of the activities they have been involved with during the previous weeks, including their community and committee liaison activities.
- 5.6. During the agenda item titled “Public participation”, the presiding member shall permit comments from the public on the issues Council is presently dealing with or on any other issue that is of interest to the general public. Comments from individual members

of the public shall be limited to a maximum of five (5) minutes and the total time for all comments during this session shall not exceed fifteen (15) minutes. The presiding member or CAO shall read the protocol for members of the public governing this public participation, prior to permitting members of the public to speak.

Quorum

- 5.7. As soon after the time specified for a Council or COW meeting as there is a quorum present, the Mayor, if present, shall take the chair and call the meeting to order. Where the Mayor is absent, the Acting Mayor shall take the chair and call the meeting to order.
- 5.8. If a quorum of Council is present, but neither the Mayor nor the Acting Mayor are present within 15 minutes of the time specified for the Council meeting, the CAO shall call the meeting to order and the members of Council present shall choose one among them to preside at the meeting.
- 5.9. If there is no quorum of Council present within 15 minutes of the time specified for the Council meeting, the CAO shall record the names of the members present and those absent and shall adjourn the meeting.

Voting at Meetings

- 5.10. If a Council member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, he/she shall conduct himself/herself in accordance with the law, including, but not limited to, the provisions of the *Community Charter*.
- 5.11. When debate on a matter is closed and Council is ready to vote, the presiding member must put the matter to a vote by asking who is in favour of the question, and then who is opposed.
- 5.12. Voting shall be by a show of hands or by electronic vote, if facilities are so provided, and a member of Council shall not leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 5.13. After the presiding member has finally put the question to a vote, a member of Council shall not speak to the question or make a motion concerning it. The presiding member's decision as to whether a question has been finally put is conclusive.
- 5.14. Should the votes on a question be equal for and against, the motion shall be defeated.
- 5.15. The presiding member shall declare the result of the voting by stating whether the motion is carried or is defeated.

Points of Order

- 5.16. Without limiting the presiding member's duty pursuant to section 132(1) of the *Community 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.
- 5.17. 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 shall not question or comment on the rule or authority cited by the presiding member.
- 5.18. A member of Council may appeal the decision of the presiding member in accordance with section 132 of the *Community Charter*.

Conduct and Debate at Meetings

- 5.19. A member shall speak at a Council or COW meeting only after being recognized by the presiding member, except to raise a point of order.
- 5.20. Members shall address other members of Council by their title and their surname, as applicable (for example, Mayor _____ or Acting Mayor _____ or Councillor _____).
- 5.21. No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.
- 5.22. Members of Council may be limited to speaking twice only in connection with a single question, by the presiding member, except to reply to debate on a substantive motion which the member has made.
- 5.23. Despite section 4.1 of this bylaw, the Mayor or presiding member at a Council or COW meeting may expel and exclude from any Council or COW meeting a person, including another Council member, which the Mayor or presiding member considers is engaging in inappropriate conduct. This exclusion shall remain in force for the remainder of the meeting.

Motions Generally

- 5.24. Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- 5.25. Only the following motions may be made when Council is considering a question:
- a) to refer to committee or staff;
 - 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.

- 5.26. A motion made under subsections (c) to (g) is not amendable or debatable.
- 5.27. Council must vote separately on each distinct part of a question that is under consideration at a Council or COW meeting if requested by a Council member.
- 5.28. Until it is decided, a motion made at a Council or COW meeting to refer to a committee or staff precludes an amendment of the main question.

Amendments Generally

- 5.29. A Council member may, without notice, move to amend a motion that is being considered at a Council or COW meeting.
- 5.30. A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- 5.31. A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote, unless there is a call for the main question.
- 5.32. An amendment may be amended once only.
- 5.33. A motion to amend that has been defeated by a vote of Council cannot be proposed again.

Reconsideration

- 5.34. The Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with section 131 of the *Community Charter*.
- 5.35. Council may, within one month of a Council decision, consider a motion to reconsider a matter, and if adopted, the same terms and conditions as set out in section 131 of the *Community Charter* apply as if they Mayor had required the reconsideration.
- 5.36. Except as provided in the *Community Charter*, a vote to reconsider a matter, whether affirmative or negative, must not be reconsidered.

Privilege

- 5.37. In this section, a matter of privilege refers to any of the following motions:
 - a) to fix the time to adjourn;
 - b) to adjourn;
 - c) to recess;
 - d) to raise a question of privilege of Council; and
 - e) to raise a question of privilege of a member of Council.

- 5.38. A matter of privilege must be immediately considered when it arises at a Council meeting.
- 5.39. For the purposes of section 5.36, a matter of privilege listed in section 5.35 has precedence over those matters listed after it.

PART 6 – MINUTES

- 6.1 Minutes of the proceedings of Council and the COW must be legibly recorded and certified as correct by the CAO.
- 6.2. Subject to section 6.3 of this bylaw, the minutes of the proceedings of Council must be open for public inspection at the Village Offices during regular office hours.
- 6.3. Section 6.2 of this bylaw does not apply to minutes of a Council meeting, or part of a meeting, from which persons were excluded pursuant to section 4.1 of this bylaw.

PART 7 – BYLAWS

Copies of Proposed Bylaws to Council Members

- 7.1 A proposed bylaw may be introduced at a Council meeting only if a copy of it has been made available to each Council member prior to the Council meeting, or if all Council members unanimously agree to waive this requirement.

Form of Proposed Bylaws

- 7.2. A bylaw must be printed, have a distinguishing name and a distinguishing number, contain an introductory statement of purpose and must be divided into sections.

Reading Consideration of Proposed Bylaws

- 7.3. Council shall 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.
- 7.4. The presiding member of a Council meeting may read, or have the CAO read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be read.
- 7.5. A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.

- 7.6. Each reading of a proposed bylaw must receive the affirmative vote of a majority of Council members present, unless the *Community Charter* or the *Local Government Act* requires otherwise.
- 7.7. Despite the provisions of the *Community Charter* and 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.

Bylaws must be Signed

- 7.8. After a bylaw is adopted and signed by the CAO and the presiding member of the Council meeting at which it was adopted, the CAO shall have it placed in the Village's records for safekeeping and endorse upon it:
 - (a) the Village's corporate seal, and
 - (b) the dates of its readings, adoption and any required approvals that have been obtained.

PART 8 – RESOLUTIONS

Copies of Proposed Resolutions to Council Members

- 8.1. A proposed resolution, other than one dealing with an item on the agenda, may be introduced at a Council meeting only if a copy of it has been made available to each Council member and the CAO prior to the Council meeting, or if introduced, by agreement of Council, as a late item, it shall be clearly read aloud to Council and a printed copy given to the CAO.

Consideration of Proposed Resolutions

- 8.2. The presiding member of Council may read, or have a staff member read, aloud the proposed resolution and may then request a motion that the resolution be introduced.

PART 9 - COUNCIL COMMITTEES

Establishment of Committees

- 9.1. The Mayor or Council, may establish standing or select committees of Council, respectively, in accordance with the provisions of the *Community Charter*.
- 9.2. Council may establish other committees or commissions in accordance with the provisions of the *Community Charter or the Local Government Act*.

Duties of Standing Committees

- 9.3. Standing Committees shall consider, inquire into, report on, and make recommendations to Council about any of the following:
 - 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.

9.4. Standing Committees must report and make recommendations to Council as required by Council or the Mayor.

Duties of Select Committees

- 9.5. Select Committees shall consider, inquire into, report on, and make recommendations to Council about matters referred to the committee by Council.
- 9.6. Select Committees shall report and make recommendations to Council as soon as possible, unless a date and time is established by Council.

Duties of Other Committees or Commissions

- 9.7 Other Committees or Commissions shall consider, inquire into, report on, and make recommendations to Council about matters referred to the committee or commission by Council.
- 9.8 Other Committees or Commissions shall report and make recommendations to Council as required by Council.

Location and Schedule of Committee or Commission Meetings

- 9.9 Standing, select and other committees or commissions shall establish the location of their meetings by resolution, with priority being given to holding meetings within the Village Offices whenever possible.
- 9.10 At the first meeting after its appointment, a standing, select or other committee or commission shall establish a regular schedule of meetings.
- 9.11 The chair of a standing, select or other committee or commission may call a meeting in addition to the scheduled meetings or may cancel a meeting.

Notice of Committee or Commission Meetings

- 9.12 After a committee or commission has established a regular schedule of meetings, including times, dates and places, notice of the schedule shall be given to each member of the committee or commission.
- 9.13 At least three days before a regularly scheduled committee or commission meeting, or at least one day before an additionally scheduled committee or commission meeting, public notice must be given of the time, place, and date of the meeting by way of a notice posted on the Public Notice Posting Place.
- 9.14 At least one day before a committee or commission meeting, a copy of the agenda for the meeting must be delivered to each member of the committee or commission.

Attendance non-Committee or Commission Members at Committee or Commission Meetings

- 9.15 Council members who are not members of a committee or commission may attend the meetings of the committee or commission.
- 9.16 Unless a meeting or part of a meeting of a committee or commission is authorized to be closed to the public by the *Community Charter*, all meetings of committees or commissions shall be open to the public.

Minutes of Committee or Commission Meetings

9.17 Minutes of the proceedings of a committee or commission meeting must be legibly recorded, signed by the chair or presiding member of the meeting, and open for public inspection in accordance with the requirements of the *Community Charter*. This does not apply to minutes of a meeting, or part of a meeting, from which persons were excluded pursuant to section 4.1 of this bylaw.

9.18 All minutes of Committee or Commission meetings must be delivered to the CAO.

Quorum

9.19 Unless otherwise stated in the terms of reference of the committee as adopted by Council, the quorum for a committee is a majority of all of its members.

Conduct and Debate

9.20 A motion made at a meeting of a Council committee or commission is not required to be seconded.

9.21 Council members who are attending a meeting of a Council committee or commission of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee or commission.

9.22 Council members who are attending a meeting of a Council committee or commission of which they are not a member shall not vote on a question.

9.23 Section 5.9 of this bylaw applies to a Council member’s conduct and debate at a committee or commission meeting, in the same manner as it does in relation to a Council meeting.

By-laws Governing Committees or Commissions

9.24 If establishment bylaws governing the conduct or meetings of committees or commissions are not consistent with this section, the establishing by-law shall prevail, subject to the provisions of *the Community Charter or Local Government Act*.

READ A FIRST TIME the 10th day of September, 2008.
READ A SECOND TIME the 10th day of September, 2008.
READ A THIRD TIME the 10th day of September, 2008.

FINALLY PASSED AND ADOPTED the
12th day of November, 2008 and numbered 577.

Certified the original of the “Council Procedure
Bylaw No. 577, 2008”

Chief Administrative Officer

Mayor

Chief Administrative Officer