

DISTRICT OF KITIMAT

BYLAW NO. 2038, 2023

A BYLAW TO AMEND PART 2, DIVISION 4 THE KITIMAT MUNICIPAL CODE WITH RESPECT TO COUNCIL PROCEDURE AND TO AMEND PART 2, DIVISION 9 OF THE KITIMAT MUNICIPAL CODE WITH RESPECT TO REGIONAL DISTRICT DIRECTORS

---

WHEREAS the *Community Charter* requires, by bylaw, for Council to establish general procedures to be followed by Council and committee members in conducting its business;

AND WHEREAS the Council of the District of Kitimat wishes to amend its Council procedure;

AND WHEREAS, the District of Kitimat has a consolidation of regulatory bylaws referred to as the *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat in open meeting assembled ENACTS AS FOLLOWS:

1. This bylaw may be cited as "Council Procedure Amendment Bylaw No. 2038, 2023".
2. That Part 2 – Municipal Government, Division 1 – Council Procedure be amended by:
  - a. replacing the definition of "Electronic Meeting" with the following:

**Electronic Meeting** means a meeting where all members of Council and participants are participating electronically in accordance with Part 2, Division 2 of the *Kitimat Municipal Code*.
  - b. Replacing the definition of "Electronic Participation" with the following:

**Electronic Participation** means a meeting where members of Council and participants are participating electronically in accordance with Part 2, Division 2 of the *Kitimat Municipal Code*.
3. That Part 2, Division 4 be amended by replacing Part 2, Division 4 with Attachment "A" to this bylaw;
4. That Part 2, Division 9 be amended by replacing 2.9.1.1 as follows:
  - 2.9.1. 1. Council shall select Kitimat's Regional District Director(s) and Alternate Director(s) at the first Regular Council Meeting in November for a term of two (2) years.

5. This bylaw shall take effect and be binding upon all persons as from the date of adoption.

READ a first time this	17 <sup>th</sup> day of	July, 2023
READ a second time this	17 <sup>th</sup> day of	July, 2023
READ a third time this	17 <sup>th</sup> day of	July, 2023
PUBLIC NOTICE given this	17 <sup>th</sup> day of	August, 2023
PUBLIC NOTICE given this	24 <sup>th</sup> day of	August, 2023
FINALLY ADOPTED this	5 <sup>th</sup> day of	September, 2023

MAYOR

\_\_\_\_\_  
Philip Germuth

CORPORATE OFFICER

\_\_\_\_\_  
Tracy Tavares

PART 2 - MUNICIPAL GOVERNMENT  
Division 4 - Council Proceedings

---

Subdivision 1 - Attendance of Public at Meetings

- 2.4.1. 1. Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- 2. Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- 3. This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
  - a. Committee of the Whole (C.O.W.);
  - b. Committees;
  - c. parcel tax review panel;
  - d. Board of Variance.
- 4. The Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Division 3 may expel or exclude from a Council meeting a person acting improperly in accordance with section 133 of the *Community Charter* and 2.4.16.10., as applicable. If required, a peace officer may enforce the person to be expelled as if it were a court order.

Subdivision 2 - Public Recording of Council Meetings

- 2.4.2. 1. Members of the public may audio or visually record Council meetings, but if the Mayor determines the recording is disrupting the proceedings the operator of the equipment will be required to stop or move to another location approved by the Mayor.

Subdivision 3 - Minutes of Meetings to be Maintained and Available to Public

- 2.4.3. 1. Minutes of the proceedings of Council must be:
  - a. legibly recorded;
  - b. certified as correct by the Corporate Officer; and
  - c. signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.

2. Subject to section 2.4.3.3., and in accordance with section 97(1)(b) of the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at the Municipal Office during its regular office hours.
3. Section 2.4.3.2. does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

#### Subdivision 4 - Adjourning Meeting Where no Quorum

- 2.4.4. 1. If there is no physical quorum of Council present within ten (10) minutes of the scheduled start time for a Council meeting, the Corporate Officer must:
  - a. record the names of the members present and those absent; and
  - b. adjourn the meeting until the next scheduled meeting.

#### Subdivision 5 - Agenda

- 2.4.5. 1. Prior to each Council meeting, the Corporate Officer 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. *Deleted by Bylaw 2038, 2023*
3. The Corporate Officer must make the agenda available to the members of Council and the public at least twenty-four (24) hours in advance of the meeting.
4. Council must not consider any matters not listed on the agenda unless introduction of the additional agenda item is approved by Council at the time of adoption of the agenda by way of a resolution adopted by a majority vote of the Council members present.
5. Notice of any additional agenda item must be received by the Corporate Officer no later than noon on the day of the Council meeting. Whenever practical, the Corporate Officer shall make an electronic agenda available to the members of Council and the public by 4:30 p.m. on the day of the meeting by posting the agenda on the District Website and notice at the Public Notice Posting Places.
6. Council will receive a supplemental information agenda at the time of the adoption of the agenda.

7. Notice of any supplemental information to a Council agenda must be received by the Corporate Officer no later than noon on the day of the Council meeting. Whenever practical, the Corporate Officer shall make an electronic supplemental information agenda available to the members of Council and the public by 4:30 p.m. on the day of the meeting by posting the agenda on the District Website.

#### Subdivision 6 - Order of Proceedings and Business

- 2.4.6. 1. The agenda for all Regular Council Meetings contains the following matters in the order in which they are listed below and all Regular Council Meetings must be conducted in accordance with the provisions in section 2.4.6.2.
- 2.4.6. 2. The order of business for all Regular Council Meetings shall be as follows:
- Mayor Message
  - Delegations/Presentations
  - Public Input / Questions on Agenda Items
  - Media Inquiries
  - Call for New Business/Adoption of the Agenda
  - Consent Agenda Items
  - Notice of Motion
  - Bylaws
  - Reports and/or Communications
  - New Business
  - Council Reports
  - Questions and Answers

#### Subdivision 7 - Delegations / Presentations

- 2.4.7. 1. Deleted by Bylaw No. 2038, 2023
2. Where notification has not been received by the Corporate Officer in accordance with this Division, an individual or delegation may address the meeting if approved by the majority vote of the members present.
3. Deleted by Bylaw No. 2038, 2023

4. The Corporate Officer may schedule delegations to another Council or Committee meeting or refer a delegation to an administrative department head as deemed appropriate according to the subject matter of the delegation. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
5. Deleted by Bylaw No. 2038, 2023
6. Council must not permit a delegation to address a meeting of the Council regarding:
  - a) a Bylaw or other matter in respect of which a public hearing will be held;
  - b) a development permit, development variance permit, or temporary use permit application, other than at a public hearing to which such permit application has been referred by Council;
  - c) matters related to legal action involving the District;
  - d) matters on which the District has commenced prosecution and on which judgment has not been rendered;
  - e) matters relating to a claim or potential claim against the District, against a member of Council, or against an officer or employee of the District;
  - f) business licence hearings conducted in accordance with Section 60 of the *Community Charter*;
  - g) reconsideration of remedial action requirement hearings under section 78 of the *Community Charter*;
  - h) a dispute between third parties not falling within the jurisdiction of Council;
  - i) the promotion of commercial products or services which in the opinion of the Mayor have no connection to the business of the District;
  - j) publicly tendered contracts or proposal calls for the provisions of goods or services for the District between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded either by Council or District staff.
7. Council will refer requests made by delegations to staff for comment except where the majority of Council present votes to proceed with consideration of the request.

#### Subdivision 8 - Call for New Business

- 2.4.8. 1. Any member of Council may motions that are time sensitive under the Call for New Business portion of the meeting subject to a majority vote of the members present.

Subdivision 9 – Consent Agenda

- 2.4.9
1. The consent agenda will include routine committee reports, meeting minutes, correspondence to Council, reports to Council provided for information only, records related to a delegation/presentation, and other items that may not require discussion or independent action.
  2. The consent agenda will only be included as part of a Regular Council Meeting agenda.
  3. Notwithstanding Section 2.4.9.1, a member of Council may request an item from the consent agenda:
    - a) be added to the meeting agenda during the call for new business; or
    - b) be added to a future meeting agenda in accordance with this Division.

Subdivision 10 – ~~Motions~~ Notices of Motion

- 2.4.10.
1. Any Council member may give notice respecting an item in accordance with this Division.
  2. The notice of motion must be submitted to the Corporate Officer for inclusion on an agenda in accordance with this Division.
  3. The Corporate Officer shall place the notice of motion on the agenda of the next Regular Council Meeting or other future council meeting designated by the member bringing forward the notice of motion.

Subdivision 11– Mayor’s Message and Council Reports

- 2.4.11.
1. The Mayor may provide a verbal (five-minute maximum) report of an informational nature. Alternatively, a written report may be submitted for inclusion on the agenda subject to this Division.
  2. Council members may provide a verbal (five-minute maximum) report of an informational nature. Alternatively, a written report may be submitted for inclusion on the agenda subject to this Division.

---

Subdivision 12 – ‘Public Input/Questions on Agenda Items’ and ‘Questions and Answers’ and ‘Media Inquiries’

2.4.12. Public Input / Questions on Agenda Items

1. The Mayor may provide time for input from the public. Input from the public must be related to an item on the agenda unless a majority of the Council present vote to allow public input on the item. Public input is limited to two (2) minutes per agenda item per person. The Mayor may determine, at their discretion, when to conclude this portion of a meeting.

Media Inquiries

2. The Mayor may provide time for media inquiries. The Mayor may determine, at their discretion, when to conclude this portion of a meeting. Questions are limited to two (2) minutes per inquiry.

Questions and Answers

3. The Mayor may provide time for questions and answers. The Mayor may determine, at their discretion, when to conclude this portion of a meeting. Questions are limited to two (2) minutes per inquiry.
4. Notwithstanding Sections 2.4.12.1, 2.4.12.2, and 2.4.12.3, no public input or media inquiries will be allowed where a public hearing has been concluded.

Subdivision 13 - Adjournment

- 2.4.13. 1. The Council shall always adjourn by 10:30 pm if in session at that time, unless the meeting is extended for a maximum of 30 minutes by a 2/3 vote of the members present. A meeting may only be extended beyond 11:00 pm by a unanimous vote of Council members present.
2. Any item that shall be lost by reason of the loss of quorum or adjournment shall be dealt with at the next Regular Council Meeting, or at another meeting of Council as determined by the Mayor.

Subdivision 14 - Voting at Meetings

- 2.4.14. 1. When debate on a matter is closed the Mayor must put the matter to a vote of Council members.



2. When the Council is ready to vote, the Mayor must put the matter to a vote by stating:  
  
"Those in favour raise your hands" and then "Those opposed raise your hands".  
  
When a Council member is attending a Council meeting electronically, the presiding member must request the member to vote audibly so that their vote can be recorded in the minutes.
3. The names of those Council members who vote against a question shall be entered upon the minutes whenever the vote is not unanimous.
4. A Council member present at the meeting at the time of the vote who does not raise their hand either in favour or in opposition of the matter is deemed to have voted in the affirmative.
5. 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.
6. The Mayor must declare the results of all votes.

#### Subdivision 15 - Authority of Mayor

- 2.4.15. 1. The Mayor at a Council meeting must preserve order and decide points of order that may arise, subject to an appeal under section 132 of the *Community Charter*. At the time any ruling is made by the Mayor on a point of order, the Mayor shall inform the Council of the grounds upon which the point of order is decided.

#### Subdivision 16 - Rules of Conduct and Debate

- 2.4.16. 1. When any Council member wishes to speak in debate, they shall wait until no other Council member is speaking and address the Mayor or presiding member.
2. Except as otherwise resolved by Council at a Council meeting, a Council member:
- a. may speak only to a matter being debated;

- b. may speak only twice to a matter, except in order to:
    - i. explain a material part of the speech which may have been misunderstood; or
    - ii. ask a question.
  - c. may speak for no more than ten minutes on moving the original motion, or five minutes on all other occasions. Council may resolve by a simple majority vote to permit a Council member to speak longer;
  - d. may not speak to a matter already dealt with by the Council;
  - e. may not speak when called to order by the Mayor;
  - f. may not speak to a motion unless a motion has been moved and seconded;
  - g. may only speak in a meeting of Council after the Council member has raised their hand and the Mayor has recognized the Council member.
3. If two or more Council members raise their hands at the same time, the Mayor must designate the order in which each is to speak.
4. If the Mayor wishes to speak in a Regular meeting of Council, the Mayor or presiding member may do so.
5. If a Council member has raised their hand at the same time the Mayor begins to speak, the Mayor may speak first.
6. A Council member shall address the Mayor as "Your Worship", "Mayor surname", or "Ms/Mr./Madam/Mx Mayor". Mayor and Council members shall address a Council member by that Council member's surname preceded with "Councillor".
7. A Council member may address municipal staff through the Mayor to the Chief Administrative Officer who shall refer the matter to the appropriate staff representative if necessary.
8. Council members shall not:
- a. interrupt another Council member who is speaking except to raise a point of order or a question of privilege;
  - b. make any noise or disturbance during the meeting.

9. Council members speaking at a Council meeting:
  - a. must use respectful language;
  - b. must not use offensive gestures or signs;
  - c. must adhere to the rules of procedure established under this bylaw and to the decisions of the Mayor or presiding member and Council in connection with the rules and points of order.
10. If a member does not adhere to section 2.4.16.9. the Mayor may order the member to leave the member's seat, and
  - a. if the member refuses to leave, the Mayor may cause the member to be removed by a peace officer, and
  - b. if the member apologizes to Council, Council may, by resolution, allow the member to retake the member's seat.

#### Subdivision 17 - Motions Generally

- 2.4.17. 1. Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
2. After a motion has been made it shall be deemed to be in possession of the Council, but the motion may be withdrawn at any time before a decision or amendment is made by the mover of the motion provided that the mover has the consent of the seconder.
3. A motion that has been moved and seconded at a Council meeting, other than a withdrawn motion as provided for in section 2.4.17.2, must be recorded by the Corporate Officer in the minutes and be given a distinguishing number.
4. The name of the Council members moving and seconding the motion will not be recorded in the minutes.
5. A Council member may make only the following motions, when the Council is considering a question:
  - a. to lay on the table;
  - b. to move the previous question.
  - c. to postpone to a certain time;
  - d. to refer;

- e. to amend;
  - f. to postpone indefinitely.
6. A motion made under section 2.4.17.5.a., b. or f. is not amendable.
  7. A motion made under section 2.4.17.5.a. to b. is not debatable. Refer to section 2.4.20. regarding section 2.4.17.5.a.
  8. 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 by calling for Division of the Question.
  9. The motions listed in 2.4.17.5 are listed in order of precedence.

Subdivision 18 - Consider a Matter Informally

- 2.4.18. 1. Council may wish to generally discuss a matter without a motion on the floor. This relaxation of rules is intended for situations when Council may be exploring a subject and has not yet determined if a motion will be considered.

Subdivision 19 - Motion to Refer

- 2.4.19. 1. Further to section 2.4.17.5.d., until it is decided, a motion made at a Council meeting to refer precludes an amendment of the main question.

Subdivision 20 - Motion to Table

- 2.4.20. 1. Further to section 2.4.17.5.a. discussion on a motion to table shall be confined to the advisability of tabling.

Subdivision 21 - Motion for the Previous Question

- 2.4.21. 1. Further to section 2.4.17.5.b., if a motion for the previous question is decided in the affirmative by a 2/3 vote of the members present, the original question shall be put immediately without any amendment or debate. If the motion for the previous question is resolved in the negative, then the main question shall be again debatable.

---

PART 2 - MUNICIPAL GOVERNMENT  
Division 4 - Council Proceedings

---

Subdivision 22 - Motion to Reconsider by Council Member

- 2.4.22            1.        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.

2. A reconsideration motion:
  - a) must be brought forward by a member who voted on the prevailing side of the motion or a member that had been absent from the meeting where the motion was originally made;
  - b) may be seconded by any member;
  - c) must be brought forward at the same or next Regular meeting of Council after the original vote;
  - d) must receive a majority vote of Council for it to be adopted; and
  - e) if defeated, and the outcome being that the motion is preserved unchanged, a reconsideration cannot be made on the motion again.
3. Each motion or reading of a bylaw may be considered under the provisions of section 2.4.22.2.
4. Notwithstanding Section 2.4.22.3, once a bylaw is adopted the adoption resolution shall not be reconsidered except under the provisions of Section 131 of the *Community Charter* (Mayor may require Council reconsideration of a matter).
5. If reconsideration passes, the motion reconsidered is immediately before Council to debate.
6. No part of this subdivision limits the power of section 131 of the *Community Charter*.

#### Subdivision 23 - Amendments Generally

- 2.4.23 1. A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
2. An amendment may propose removing, substituting for, or adding to the words of an original motion.
3. A proposed amendment must be reproduced in writing by the mover if requested by the Mayor.
4. A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question by making a motion to Move the Previous Question (2.4.17.5.b).
5. An amendment may be amended once only.

6. An amendment that has been negated by a vote of Council cannot be proposed again.
7. A Council member may propose an amendment to an adopted amendment.
8. The Mayor 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 subparagraph a. is positive;
  - c. the main question.

#### Subdivision 24 - Privilege

- 2.4.24.
1. In this section, a matter of privilege refers to any of the following motions:
    - a. fix the time to adjourn;
    - b. adjourn;
    - c. recess;
    - d. raise a question of privilege of the Council;
    - e. raise a question of privilege of a member of Council.
  2. A matter of privilege must be immediately considered when it arises at a Council meeting.
  3. For the purposes of section 2.4.24.2. the matters of privilege in section 2.4.24.1. are listed in order of precedence.
  4. A motion to adjourn the Council meeting shall always be in order, but if such a motion is decided in the negative no second motion to the same effect shall be made until after the question has been decided.
  5. A motion made under 2.4.24 a. to c. are not amendable or debatable.