
PART 2 - MUNICIPAL GOVERNMENT
Division 1 - Council Procedure

Subdivision 1 - Definitions

2.1.1. In this part,

Committee means a standing, select, or other committee of Council, or Commission, but does not include C.O.W.

Corporate Officer means the Director of Corporate Administration for the District

C.O.W. means the Committee of the Whole Council

Council means the Council of the District of Kitimat

District means the District of Kitimat

District Website means the information resource found at www.kitimat.ca or an alternate internet address provided by the District

Amended by Bylaw No. 2038, 2023 **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*

Amended by Bylaw No. 2038, 2023 **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*

Mayor means the Mayor of the District or designate as provided in this bylaw

Municipal Office means the Municipal Office located at 270 City Centre, Kitimat, British Columbia

Public Notice Posting Places means the notice boards at the Municipal Office, the lower floor of the City Centre Mall, and the District Website

Regular Council Meeting means a meeting that is regularly scheduled with that schedule posted publicly in accordance with S. 127 of the Community Charter

Subdivision 2 - Application of Rules of Procedure

- 2.1.2.
1. The provisions of this Part govern the proceedings of Council, C.O.W. and Committees of Council, as applicable.
 2. Suspension of Rules: Any one or more of the rules and orders relating to the conduct of Council meetings contained in this Part may be temporarily suspended by unanimous vote of the members present, being no less than five.

3. In cases not provided for under this Bylaw, the latest edition of the Newly Revised Robert's Rules of Order shall apply to the proceedings of Council and Council Committees to the extent that those Rules are:
 - a. applicable in the circumstances; and
 - b. consistent with provisions of this Part and the *Community Charter*.

PART 2 - MUNICIPAL GOVERNMENT
Division 2 - Council Meetings

Subdivision 1 - Inaugural Meeting

- 2.2.1. 1. Following a general local election, the first Council meeting must be held on the first Monday in the month following an election.
2. If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

Subdivision 2 - Time and Location of Meetings

- 2.2.2. 1. Unless otherwise directed by the Mayor, the Regular Council meetings, Committee of the Whole, and Special meetings of Council shall be held in the Council Chambers, 606 Mountainview Square.
2. Regular Council meetings shall:
- a. be held on the first and third Monday of each month, except when such date is a statutory holiday, in which case the meeting must be held on the next day the Municipal Office is open which is not a statutory holiday; and
 - b. begin at 7:00 pm.
3. Regular Council meetings may:
- a. be cancelled by Council, provided that two consecutive meetings are not cancelled; and
 - b. be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two days written notice.

Subdivision 3 - Notice of Council Meetings

- 2.2.3. 1. In accordance with Section 127 of the *Community Charter*, Council must prepare annually on or before January 1, a schedule of the dates, times and places of Regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places.

Subdivision 3 - Notice of Council Meetings (Continued)

2. In accordance with Section 127 of the *Community Charter*, Council must give public notice annually on or before January 1 of the availability of that schedule of Regular Council meetings in accordance with Section 94 of the *Community Charter*, being posted in the Public Posting places and a newspaper for two consecutive weeks.
3. Where revisions are necessary to the annual schedule of Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Regular Council meeting.

Subdivision 4 - Notice of Special Meetings

- 2.2.4
1. Except where notice of a Special meeting is waived by unanimous vote of all Council members under Section 127(4) of the Community Charter, a notice of the date, hour, and place of a Special Council meeting must be given at least 24 hours before the time of meeting, by
 - a. posting a copy of the notice at the Public Notice Posting places; and
 - b. leaving one copy for each member of Council at the place they have directed material to be sent.
 2. The notice under Section 2.2.4.1 must describe in general terms the purpose of the meeting.

Subdivision 5 – Electronic Participation and MeetingsElectronic Participation

2.2.5

1. A member of Council or a Committee member may Electronically Participate in a Committee, Committee of the Whole, Regular Council Meeting, Special Meeting, or Public Hearing as set out in Section 128.3 of the *Community Charter*.
2. Where a member of Council or Committee is attending in accordance with Section 2.2.5.1, they are deemed to be present under Section 128.3(3) and constitute a member for purposes of quorum.

Subdivision 5 – Electronic Participation and Meetings
Electronic Participation (Continued)

2.2.5

3. In instances where the Mayor or Chair will participate in a meeting of a Committee, a Committee of the Whole, Special Meeting, or Regular Council Meeting electronically, the person designated to act in place of the Mayor or Chair shall preside. In absence of the designate, the members present shall elect from among themselves a presiding member for that meeting:
 - a) In the case of an Electronic Meeting as authorized in Section 2.2.5.10, Section 2.2.5.11, or Section 2.2.5.12, the Mayor or Chair may preside
4. If there is an interruption in the communications link to a member(s) participating electronically the remaining members may take a five minute recess to determine whether the link can be re-established.
5. Delegations may Electronically Participate if notice is provided to the Director of Corporate Administration with at least four (4) hours notice.
6. Members of the public may Electronically Participate within the regulations of this Part.
7. A Council or Committee member may Electronically Participate in a Regular Council Meeting, Committee of the Whole, and Special Meeting of Council up to seven (7) times per calendar year, and whenever necessary due to illness or as a caregiver to an ill family member, with permission from the Mayor, or with the leave of Council through resolution:
 - a) Participation in Electronic Meetings as authorized in Section 2.2.5.12 would not impact this Section.
8. A Council or Committee member may Electronically Participate in a Public Hearing up to seven (7) times per calendar year, and whenever necessary due to illness or as a caregiver to an ill family member, with permission from the Mayor, or with the leave of Council through resolution.
 - a) Participation in Public Hearings that have been designated to be conducted through electronic or other communication facilities, would not impact this Section.
9. A Council member or Committee member must provide notice of Electronic Participation to the Director of Corporate Administration with at least four (4) hours notice.

Subdivision 5 – Electronic Participation and Meetings

Electronic Meetings

2.2.5

10. Special Council meetings may be conducted as Electronic Meetings at the discretion of the Mayor.
11. Committee meetings may be conducted as Electronic Meetings at the discretion of the Chair.
12. Regular Council Meeting and Committee of the Whole meetings may be conducted as Electronic Meetings at the discretion of the Mayor.
13. For the purposes of Regular Council Meetings and Special Meetings, Committee of the Whole, and Public Hearings held as Electronic Meetings per Section 2.2.5.10 and Section 2.2.5.12:
 - a) notice will be provided through notice in Public Notice Posting Places at least Twenty Four (24) hours in advance of the meeting.

Subdivision 5 – Electronic Participation and Meetings (Continued)

- b) the specified place where the public may attend to hear, or watch and hear, the proceedings that are open to the public shall be the Council Chambers, 606 Mountainview Square, or such other place as specified within the Notice under Section 2.2.5.13(a).
- c) the designated municipal officer in attendance at the specified place shall be the Director of Corporate Administration, a person designated by them, or such other person specified by the Mayor.

PART 2 - MUNICIPAL GOVERNMENT
Division 3 - Designation of Member to Act in Place of Mayor

Subdivision 1 - Acting Mayor

- 2.3.1.
 1. Council shall appoint Acting Mayors at the Statutory Meeting following the established Local General Elections or at other times as required by resignations or other circumstances.
 2. The Mayor shall recommend the schedule for Acting Mayors ensuring as far as is possible each Councillor receives an appointment of similar term.
 3. The Acting Mayor shall assume the Mayor's duties and powers when the Mayor is unavailable. If the Acting Mayor is also unavailable the next available Councillor following the Acting Mayor schedule shall be Acting Mayor.
 4. Should the Mayor resign or otherwise be unable to continue in office, Council shall select one of its members to be Acting Mayor until another Mayor is elected.
 5. The member designated under this Division has the same powers and duties as the Mayor in relation to the applicable matter.

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.

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Division 4 - Council Proceedings

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

Amended by
Bylaw No. 2047,
2024

- 2.4.4.
1. If there is no physical quorum of Council present within fifteen (15) 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.

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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

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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;
 - a.1) a Bylaw or other matter in respect of which a public hearing will be held but Council has resolved not to hold a public meeting;
 - a.2) A Bylaw or other matter in respect of which a public hearing cannot be held;
 - b) a development permit, development variance permit, or temporary use permit application, other than 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.

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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 – 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.

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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.

Amended by Bylaw No. 2047, 2024

- 1.1 Notwithstanding 2.4.12.1, Public Input is not permitted on items listed under 2.4.7.6 c-j

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.

- 3.1 In addition to section 2.4.12.3. the Questions and Answers section will be included on an agenda at the direction of the Mayor.

Amended by Bylaw No. 2047, 2024

- 3.2 Notwithstanding 2.4.12.3, items listed under 2.4.7.6 a, a.1, a.2, c-h, and j are not permitted during Questions and Answers.

Amended by Bylaw No. 2047, 2024

- 3.3 Notwithstanding 2.4.12.3, items listed under 2.4.7.6.i may be permitted if the majority of Council present vote to allow Questions and Answers on these items.

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.

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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.

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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;

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- 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;

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- 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.

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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.

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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.

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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.

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Division 5 - Bylaws

Subdivision 1 - Copies of Proposed Bylaws to Council Members

- 2.5.1. 1. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Subdivision 2 - Form of Bylaws

- 2.5.2. 1. A bylaw introduced at a Council meeting must:
- a. be printed;
 - b. have a distinguishing name;
 - c. have a distinguishing number.

Subdivision 3 - Bylaws to be Considered Separately or Jointly

- 2.5.3. 1. Council must consider a proposed bylaw at a Council meeting either:
- a. separately when directed by the Mayor or requested by another Council member; or
 - b. jointly with other proposed bylaws in the sequence determined by the Mayor.

Subdivision 4 - Reading and Adopting Bylaws

- 2.5.4. 1. The Mayor of a Council meeting may:
- a. have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws; and then
 - b. request a motion that the proposed bylaw or group of bylaws be read.

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Division 5 - Bylaws

Subdivision 5 - Bylaws Must be Signed

- 2.5.5. 1. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the District's records for safekeeping and endorse upon it:
- a. the District's corporate seal;
 - b. the dates of its readings and adoption;
 - c. and the date of Ministerial approval or approval of the electorate if applicable.

PART 2 - MUNICIPAL GOVERNMENT
Division 6 - Resolutions

Subdivision 1 - Procedures on Resolutions

- 2.6.1.
 1. All resolutions will be introduced by a Council member addressing the Mayor.
 2. All resolutions and all readings of bylaws shall be moved by a Council member and seconded by another Council member.

PART 2 - MUNICIPAL GOVERNMENT
Division 7 - Committee of the Whole

Subdivision 1 - Going into Committee of the Whole (C.O.W.)

- 2.7.1. 1. C.O.W. meetings are scheduled Mondays commencing at 7:00 pm as required.

Subdivision 2 - Notice for C.O.W. Meetings

- 2.7.2. 1. At least 24 hours before a C.O.W. meeting, the Corporate Officer will give public notice of the meeting by:
- a. posting a copy of the notice of the agenda covering page at the Public notice Posting Places; and
 - b. leaving one copy for each member of Council at the place they have directed material to be sent.

Subdivision 3 - Minutes of C.O.W. Meetings to be Maintained and Available to Public

- 2.7.3. 1. Minutes of the proceedings of C.O.W. must be:
- a. legibly recorded;
 - b. certified by the Corporate Officer;
 - c. signed by the member presiding at the meeting; and
 - d. open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Subdivision 4 - Presiding Member at C.O.W. Meetings and Quorum

- 2.7.4. 1. The Mayor shall preside at the C.O.W.
2. The quorum of C.O.W. is the majority of Council Members.

Subdivision 5 - Conduct and Debate

- 2.7.5. 1. The following rules apply to C.O.W. meetings:
- a. a member may speak any number of times on the same question;
 - b. a member must not speak longer than five minutes on any occasion.

Subdivision 6 - Committee Recommendations

- 2.7.6. 1. C.O.W. minutes will be referred to the next Regular meeting for adoption and ratification.

PART 2 - MUNICIPAL GOVERNMENT
Division 8 - Committees, Commissions & Other Bodies

Subdivision 1 - Minutes of Meetings of Committees, Commissions and Other Bodies to be Maintained and Available to Public

- 2.8.1. 1. Minutes of the proceedings of a Committee, Commission or other body must be:
- a. legibly recorded;
 - b. signed by the chair or member presiding at the meeting;
 - c. open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.
2. Section 2.8.1.1.c. does not apply to minutes of a meeting of a Committee, Commission or other body or that part of the meeting from which persons were excluded under section 90 of the *Community Charter*.

Subdivision 2 - Conduct and Debate

- 2.8.2. 1. The rules of the Council procedure must be observed during meeting of Committees, Commissions or other bodies, so far as is possible and unless otherwise provided in this Bylaw.

Subdivision 3 - Voting at Meetings

- 2.8.3. 1. Council members attending a meeting of a Committee, Commission or other body of which they are not a member must not vote on a question.

PART 2 - MUNICIPAL GOVERNMENT
Division 9 - Regional District Directors

Subdivision 1 - Selection of Regional District Director(s)

2.9.1.

Amended by Bylaw No. 2038, 2023

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.
2. Council may select Kitimat's Regional District Director(s) and/or Alternate Director(s) at any other time by passing a motion to conduct a ballot to select Director(s) and/or Alternate Director(s).

Subdivision 2 - Selection by Secret Ballot

2.9.2.

1. Council shall select Kitimat's Regional District Director(s) and Alternate Director(s) by secret ballot.

Subdivision 3 - Separate Ballots for Director and Alternate Director

2.9.3.

1. A ballot shall be conducted for the Director positions and second ballot for the Alternate Director positions.

Subdivision 4 - Must Vote for the Number Required

2.9.4.

1. Valid ballots must contain votes for candidates equal to the number of positions of Director or Alternate Director to be filled.

PART 2 - MUNICIPAL GOVERNMENT
Division 10 - Chief Administrative Officer

Subdivision 1 - Appointment

- 2.10.1. 1. The appointment of the Chief Administrative Officer shall be by resolution passed by an affirmative vote of a majority of all the members of the Council.

Subdivision 2 - Responsibility

- 2.10.2. 1. The Chief Administrative Officer shall be responsible only to Council as a whole.
2. All officers and employees of the municipality shall, save as provided in the Community Charter or Kitimat Municipal Code, be responsible solely to the Chief Administrative Officer.

Subdivision 3 - Powers and Duties

- 2.10.3. 1. The Chief Administrative Officer shall have the following powers which are hereby delegated to him and shall discharge the following duties:
- a. to co-ordinate and administer the various functions of the municipality exercisable by Council in accordance with the policies formulated by Council and to exercise supervision and control over the departments and offices of the municipality;
 - b. to appoint, discipline or suspend officers and appoint, discipline or remove employees of the municipality provided that they may authorize the head of a department or office to appoint, discipline or remove subordinates of such department or office;
 - c. to define and allocate the powers and duties of the officers of the municipality, in addition to the powers and duties imposed on such officers by statute or by Council;
 - d. to establish, consolidate or combine departments and administrative offices;
 - e. to ensure that all terms and conditions imposed in favour of the municipality in any contract or franchise are faithfully kept and performed;

Subdivision 3 - Powers and Duties (Continued)

- 2.10.3. 1. f. to cause the Code and other bylaws and laws relating to the municipality to be enforced;
- g. to prepare the annual budget, submit it to Council and be responsible for its administration after adoption;
- h. to keep the Council advised of the financial condition and future needs of the municipality;
- i. to make recommendations to Council;
- j. to prepare and submit to Council any reports required by it;
- k. to attend all Regular meetings of Council and take part in its discussion;
- l. to perform such other duties as may be required by him by bylaw or resolution of Council.

Subdivision 4 - Delegation by Mayor

- 2.10.4. 1. The Mayor may delegate to the Chief Administrative Officer any one or more of those powers vested in the Mayor by the Community Charter or Municipal Code.

PART 2 - MUNICIPAL GOVERNMENT
Division 11 - Mayor and Councillors

Subdivision 1 - Remuneration

Amended by Bylaw
No. 2059, 2024

- 2.11.1. 1. The Mayor shall receive remuneration of Fifty-One Thousand, two hundred and sixty (\$51,260).
- 2. The Councillor serving as Acting Mayor during any absence from duty of the Mayor in excess of SIXTY (60) days, shall receive remuneration at the rate of FIVE Dollars (\$5.00) per day over and above the remuneration provided in 2.11.1.3. herein, during such absence.
- 3. Each Councillor shall receive remuneration of Twenty-eight Thousand, Four hundred and forty-four (\$28,444).
- 4. The said remuneration shall be paid in equal monthly payments over a twelve month period.

Subdivision 2 - Expenses

- 2.11.2. 1. As determined by Expense Policy

PART 2 - MUNICIPAL GOVERNMENT
Division 12 - Freedom of Information and Protection of Privacy Act

Subdivision 1- Definitions and Interpretation

- 2.12.1. 1. The definitions contained in Schedule 1 of the Act shall apply to this bylaw except where the context requires otherwise.
2. In this bylaw:
- “Act” means the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, as amended.
- “Commercial Applicant” means a person who makes a request for access to a record to obtain information for use in connection with a trade, business profession or other venture for profit;
- “Coordinator” means the person designated in section 3(2) of this Bylaw as the Information and Privacy Coordinator;
- “Council” means the Council of the District of Kitimat;
- “Head” means the person designated under section 3(1) of this Bylaw as the Head;
- “Municipality” means the District of Kitimat; and
- “Request” means a request under section 5 of the Act.

Subdivision 2 - Administration

- 2.12.2. 1. The Chief Administrative Officer or, if absent or unavailable, the Acting Chief Administrative Officer, is designated as the Head for the purposes of the Act.
2. The Director of Corporate Administration or, if absent or unavailable, the Deputy Director of Corporate Administration, is designated as the Information and Privacy Coordinator.
3. For the purposes of the Act, the Head and the Coordinator shall act in their respective capacities for all of Council, Commissions and Committees of the District of Kitimat.

Subdivision 3 - Powers of Coordinator

- 2.12.3. 1. The Head may delegate any of the Head’s duties under the Act to the Coordinator.

Subdivision 4 - Fees

- 2.12.4. 1. An applicant making a request shall pay to the District the fees set out below, for the purposes of:
- a. locating, retrieving and producing a record;
 - b. preparing a record for disclosure
 - c. shipping and handling of a record; and
 - d. providing a copy of a record.

FEES - APPLICANTS OTHER THAN COMMERCIAL APPLICANTS:

Description of Services	Management Fees
(a) for locating and retrieving a record	\$7.50 per 1/4 hour after the first 3 hours
(b) for producing a record manually	\$7.50 per 1/4 hour
(c) for producing a record from a machine readable record from a server or computer	\$7.50 per 1/4 hour for developing a computer program to produce the record
(d) for preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour
(e) for shipping copies	actual costs of shipping method chosen by applicant
(f) for copying records	
(i) floppy disks	\$2 per disk
(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
(iii) computer tapes	\$40 per tape, up to 2 400 feet
(iv) microfiche	\$3 per fiche
(v) microfilm duplication	\$25 per roll for 16 mm microfilm, \$40 per roll for 35 mm microfilm
(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
(vii) photographs, colour or black and white	\$5 to produce a negative
	\$12 each for 16" x 20" photograph
	\$9 each for 11" x 14" photograph
	\$4 each for 8" x 10" photograph

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	\$3 each for 5" x 7" photograph
(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
(xi) scanned electronic copy of a paper record	\$0.10 per page
(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
(xiii) slide duplication	\$0.95 each
(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording
(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per 1/4 hour of recording

FEES - COMMERCIAL APPLICANTS

For each service listed above, the cost will be the actual cost of providing that service.

PART 2 - MUNICIPAL GOVERNMENT
Division 13 - Officer Positions

Subdivision 1 - Chief Administrative Officer

- 2.13.1.
1. The position of Chief Administrative Officer is established as an Officer of the District of Kitimat.
 2. The Chief Administrative Officer is assigned the chief administrative responsibility for the District of Kitimat as outlined in S.147 of the Community Charter.

Subdivision 2 - Director of Corporate Administration

- 2.13.2.
1. The position of Director of Corporate Administration is established as an Officer of the District of Kitimat.
 2. The Director of Corporate is assigned the responsibility of corporate administration for the District of Kitimat as outlined in S.148 of the Community Charter.
 3. In cases where there is no designated Deputy Director of Corporate Administration, the position of Director of Finance and the position of Chief Administrative Officer will be established as designated Deputies to the Director of Corporate Administration for purposes for fulfilling the responsibilities of S.148 of the Community Charter.

Subdivision 3 - Director of Finance

- 2.13.3.
1. The position of Director of Finance is established as an Officer of the District of Kitimat.
 2. The Director of Finance is assigned the responsibility of financial administration as outlined in S.149 of the Community Charter.
 3. The Director of Finance is assigned the role of Collector for the purposes of the Local Government Act and the Community Charter.
 4. In cases where there is no designated Deputy Director of Finance, the position of Chief Administrative Officer will be established as a designated Deputy to the Director of Finance for purposes for fulfilling the responsibilities of S.149 of the Community Charter.

Subdivision 4 – Financial Disclosure Act

- 2.13.4.
1. The above positions are considered 'employees' for the purposes of the *Financial Disclosure Act*.

PART 2 - MUNICIPAL GOVERNMENT
Division 14 - Council Members, Officers and Employees
Indemnification

Subdivision 1- Definitions and Interpretation

- 2.14.1. 1. “indemnify” means to pay the amounts required or incurred
- (a) to defend an action or prosecution brought against a person in connection with the exercise or intended exercise of the person’s powers or the performance or intended performance of the person’s duties or functions;
- (b) to satisfy a judgment, award or penalty imposed in an action or prosecution referred to in paragraph (a); or
- (c) in relation to an inquiry under the Public Inquiry Act, or to another proceeding, that involves the administration of the District or the conduct of District business,
- but does not extend to a fine that is imposed as a result of a conviction for an offence, other than a strict or absolute liability offence;
2. “municipal official” means
- (a) a current or former member of Council;
- (b) a current or former employee or officer of the District; or
- (c) a person who is or was a person referred to in section 738 (1) of the Local Government Act, but only in relation to the exercise of powers or performance of duties or functions for or on behalf of the District,
- but does not include an independent service provider, professional advisor or contractor engaged by the District from time to time on a fee for service basis; and
3. “willful misconduct” in relation to a municipal official, includes, without limitation, willfully acting contrary to the terms and conditions of his or her employment or to a lawful direction or order of a superior.

Subdivision 2 - Indemnity

- 2.14.2. 1. The District will indemnify every municipal official against an action or prosecution brought against the municipal official, including, for certainty, reasonable legal costs incurred in relation to the proceeding, if the person to be indemnified:

(a) promptly, after being served with a document initiating an action or prosecution, delivers a copy of same to the District's corporate officer;

(b) does not admit or assume liability, enter into a settlement, or enter a guilty plea except with the approval of Council;

(c) consents in writing to the District having sole discretion to appoint and instruct legal counsel, conduct all necessary investigations, to negotiate and settle the action or prosecution, provided that if the person believes they have an interest that is in conflict with the interest of the District the person is entitled to independent legal counsel; and

(d) assists in providing and securing information, evidence, and witnesses, and cooperates with the District and their legal counsel in the defence of the action or prosecution

2. The Council will not seek indemnity against a municipal official in respect of any action of the municipal official which results in a claim for damages against the District, except where a court of competent jurisdiction makes a finding that the person has been guilty of dishonesty, gross negligence, or malicious or willful misconduct.

PART 2 - MUNICIPAL GOVERNMENT
Division 15 - Records Management

Subdivision 1- Interpretation

- 2.15.1. 1. "Designated Officer" means the person designated and authorized to act on behalf of the organization to manage and maintain the records management system. The Designated Officer for the District of Kitimat is the Corporate Officer, as appointed per the Community Charter.
- "Record" means books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.
- "Records Management System" means a system used by the District of Kitimat to manage the records of the District of Kitimat from record creation through to records disposal.

Subdivision 2 - Records Management System Established

- 2.15.2. 1. The Records Management System currently used by the District of Kitimat is authorized.

Subdivision 3 - Records Retention Schedule

- 2.15.3. 1. The Records Retention Schedule must prescribe the period of time that records are kept to meet the operational, legal, regulatory, financial or other requirements of the District of Kitimat (the "Records Retention Schedule"). The Records Retention Schedule must also provide instructions as to the manner and time of the disposition of a record.
2. The Records Retention Schedule shall be the retention schedule in the "LGMA Records Management Manual - Records Retention Schedule".

Subdivision 4 - Designated Officer

- 2.15.4 1. The Designated Officer is designated and authorized to prepare, review, amend and manage the Records Retention Schedule.

Subdivision 5 - Disposal Ordered by Designated Officer

- 2.15.5. 1. When the Designated Officer determines that the retention period for a given record described in the Records Retention Schedule has ended, the Designated Officer may order the record to be destroyed or otherwise disposed of in accordance with the instructions in the Records Retention Schedule.

PART 2 - MUNICIPAL GOVERNMENT
Division 16 - Public Notice

Subdivision 1- Definitions

2.16.1 “Facebook Page” means the District’s computer and internet based technology information resource on the Facebook social media platform.

“Public Notice” means a notice that is required to be given or published in accordance with section 94 of the *Community Charter*.

“Subscription Service” means a free service that allows persons to subscribe to receive electronic notifications.

Subdivision 2 – Publishing of Public Notice

- 2.16.2 1. Where the District is required to publish Public Notice, the District will publish the Public Notice by posting at the Public Notice Posting Places and by the following two (2) additional means:
- i. Posting the Public Notice on the District of Kitimat Facebook page;
 - ii. Posting the Public Notice on the District of Kitimat Subscription Service Get Involved Kitimat page.

Subdivision 3 – Additional Notices

- 2.16.3 1. Where Public Notice is required to be published in accordance with section 2.16.2.1, the Corporate Officer may provide any additional notice respecting the matter the Corporate Officer considers appropriate, having considered:
- a. Whether the matter will affect the community at large;
 - b. Whether significant public input respecting the matter is anticipated;
 - c. Whether any other circumstances suggest that additional notice should be provided.
2. An additional notice provided pursuant to section 2.16.3.1:
- a. May be published in a newspaper that is distributed in the area affected by the subject matter of the notice;
 - b. May contain any information respecting the matter that the Corporate Officer considers appropriate;
 - c. Need not contain all information about the matter that is required to be included in a Public Notice.