

City of Chilliwack

Bylaw No. 2984

A bylaw to regulate the procedure and meetings of City Council

The Council of the City of Chilliwack, in open meeting assembled and in compliance with the *Community Charter*, enacts as follows:

1. This bylaw may be cited as “**Procedural Bylaw 2004, No. 2984**”.
2. “Procedural Bylaw 1998, No. 2541” and amendments thereto are hereby repealed.

INTERPRETATION

3. In this bylaw:

“Councillor” means an elected official other than Mayor;

”*Corporate Officer*” means the Corporate Officer appointed by Council for the City of Chilliwack or designate; (AB#4621)

“Council” means the City Council of the City of Chilliwack;

“Mayor” means the person elected to the Office of Mayor, the person appointed by Council as Acting Mayor, or a member of Council who is the presiding officer at the meeting of Council;

“Notice Board” means the notice board at City Hall; and,

“first regular meeting” means the first meeting of Council after a general local election which shall be held on the first *Tuesday in November*, in the year of the election. (AB# 4258)

ACTING MAYOR

4. Council shall, at the first regular meeting of Council, and may from time to time, appoint one of its members of Council to be Acting Mayor, who during the absence of the Mayor shall have all powers of and is subject to the same rules as the Mayor.
5. Where the office of Mayor becomes vacant, Council shall appoint a member of Council to be Acting Mayor, and that person shall continue in office until such time as another Mayor is elected.

TERM OF OFFICE

6. The term of office of the Mayor and Councillors begins on the first regular meeting held on the first *Tuesday in November* that follows the general local election and ends immediately before the first regular meeting held on the first *Tuesday in November* that follows the next general local election. (AB#4258)

OATH OR AFFIRMATION OF OFFICE

7. The person elected or appointed to office on Council must make an oath or solemn affirmation of office *as contained within Schedule “A” attached hereto and forming part of this Bylaw* within the following applicable time limit: (AB#4258)
 - (1) in the case of a person elected by acclamation, within 50 days after the date set for general voting day had an election by voting been required;
 - (2) in the case of a person elected by voting, within 45 days after the declaration of the results of the election;
 - (3) in the case of a person appointed to office, within 45 days after the effective date of the appointment.
8. Before a person takes office as a council member, the person must produce the completed oath or affirmation, or a certificate of it, to the *Corporate Officer*. (AB#4621)

MEETINGS OF COUNCIL

9. Following a general local election, the first regular council meeting will be held on the first *Tuesday in November*, in accordance with Section 124 of the *Community Charter*. (AB #3736) (AB#4258)
10. Regular meetings of Council shall be held at 3:00 p.m. on the first and third *Tuesday* of each month with the meeting reconvening at 7:00 p.m. on these dates, *with the exception of January, where the meetings will be held on the second and fourth Tuesday* of the month. In the case of a holiday, the meeting shall be held on the next succeeding day that *is not a holiday*. (AB #3728)(AB #3736) (AB#4621)
11. Members of Council may participate electronically in council meetings, in accordance with Section 128 of the *Community Charter*, provided that the Mayor has authorized the Councillor to do so and provided that the City Clerk is able to secure the electronic equipment to facilitate the meeting.

CALLING OF SPECIAL COUNCIL MEETINGS

12. Special meetings may be called by Council, at a meeting of Council, or at any time by the Mayor, or upon request in writing by two or more members of Council. The provisions of Sections 19 shall apply.

NOTICE OF REGULAR MEETINGS OF COUNCIL

13. At least once a year, give notice of the availability of the schedule of regular meetings of Council in accordance with Section 94 of the *Community Charter*.
14. At least 72 hours before a regular meeting of Council the *Corporate Officer* must give public notice of the time, place and date of the meeting by way of a signed notice posted on the Notice Board and for public access on the City website, when available. (AB#4621)

NOTICE OF REGULAR MEETINGS OF COUNCIL (continued)

15. At least 24 hours before a regular meeting of Council the *Corporate Officer* must give further public notice of the meeting by: (AB#4621)
 - (1) posting a copy of the Agenda Item Listing on the Notice Board;
 - (2) leaving copies of the Agenda Item Listing at the reception counter at City Hall for the purpose of making them available to members of the public; and,
 - (3) posting a copy of the Agenda Item Listing and the Council Agenda package on the City website, when available. (AB #3728)
16. At least 24 hours before a regular meeting of Council the *Corporate Officer* must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent. (AB#4621)
17. Unless otherwise directed by resolution, all meetings of Council shall be held at the City Hall of the City of Chilliwack.
18. In the event that a meeting of Council remains in session at 11:00 p.m., the Mayor shall declare the meeting adjourned to another date and time unless otherwise determined by a majority vote by the members of Council present to continue, to its completion, with the business before Council.
19. All regular meetings of Council shall be open to the public, but the Mayor may expel and/or exclude from any meeting of Council any person considered by the Mayor guilty of improper conduct which may include but not necessarily be limited to the following:
 - (1) Any person who refuses to address the chair, shouts, uses a megaphone or is disruptive in any way; or
 - (2) Any person who in the opinion of the Mayor behaves in such a way as to take away from the decorum and order in which Council meetings are conducted.

NOTICE OF SPECIAL MEETINGS OF COUNCIL

20. Except where notice of a special meeting of Council is waived by a unanimous vote of all council members under Section 127(4) of the *Community Charter*, at least 24 hours before a special meeting of Council, the *Corporate Officer* must: (AB#4621)
 - (1) give advance public notice of the time, place and date of the meeting by way of a signed notice posted on the Notice Board at City Hall; and
 - (2) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

NOTICE OF CLOSED MEETINGS OF COUNCIL

21. Where Council wishes to close a meeting to the public, pursuant to Section 90 of the *Community Charter*, it may do so by adopting a resolution in accordance with Section 92 of the *Community Charter*.

COMMITTEES OF COUNCIL

22. The advisory committees of Council shall make recommendations to Council, and may not take action on any matters, nor direct the management of the appropriate departmental business, affairs or staff assigned to that committee. In special circumstances Council *may, by bylaw, with a simple majority*, grant powers to a committee to act on a specific matter, and such powers will be restricted to that matter. (AB#4258)

MINUTES

23. The proceedings of all meetings of Council shall be legibly recorded in a minute book. The minutes shall be certified correct by the *Corporate Officer* and shall be signed by the *Corporate Officer* and Mayor or Council member presiding at such meeting when the minutes are adopted. (AB#4621)
24. The proceedings of the regular meetings of Council shall be recorded electronically by the *Corporate Officer* in all situations where electronic equipment is available. The recording media shall be retained as a record of the meeting until after the minutes are adopted. (AB#4621)
25. With the exception of minutes of a closed meeting from which persons were excluded in accordance with Section 21, the minutes of Council proceedings may be made available to any person after their adoption by Council and may be provided to any person upon payment of a fee as specified in the Miscellaneous Rates Bylaw in force from time to time.
26. With the exception of closed meetings, the minutes of the proceedings of the Standing Committees of Council may be made available to any person after their adoption by the committee, and may be provided to any person upon payment of a fee as specified in the Miscellaneous Rates Bylaw in force from time to time.

QUORUM

27. The Council of the City of Chilliwack shall consist of the Mayor and six Councillors.
28. The quorum of all meetings of Council shall be 4 members of Council, in accordance with Section 129 of the *Community Charter*.
29. The quorum of Standing Committees, *Select Committees and Commissions* shall be the majority of members appointed to that committee. (AB#4258)

30. If a quorum is not present within 15 minutes after the time fixed for the meeting of Council or committees, the *Corporate Officer* or the recording secretary, as appropriate, shall record the names of those members of Council present and the meeting shall stand adjourned until the next regular meeting or the next meeting called by the Mayor or Committee Chair. (AB#4621)

PETITIONS AND DELEGATIONS

31. Person(s) wishing to appear before any meeting of Council as delegations to present briefs or submissions may, at the invitation of Council, be heard subject to the following:
- (1) The delegation shall advise the *Corporate Officer* in writing, prior to the closure of agenda, the name(s) of those wishing to speak to Council and the subject matter to be discussed; and (AB#4621)
 - (2) Their attendance as a delegation is approved by the Mayor.
32. *A maximum of two delegations will be allowed at any Council meeting, unless otherwise approved by the Mayor.* (AB#4482)
33. *All presentation materials (including video, power points/anything to be shown on the overhead), must be submitted to the Corporate Officer by 4:30 pm on the Friday prior to the meeting.* (AB#4482) (AB#4621)
34. *A delegation request will not be approved by the Mayor if the subject matter to be discussed includes one or more of the following:*
- (1) *Any topic that is confidential and must be dealt with in a Closed Meeting as per the Community Charter;*
 - (2) *Any matter for which a Public Hearing or Public Information Meeting has been scheduled or has taken place;*
 - (3) *Matters that are beyond the jurisdiction of Council;*
 - (4) *Election campaigning. The City of Chilliwack must be seen as neutral in administering the Local Government Election. Therefore, no delegations to Council related to election campaigning can be permitted;*
 - (5) *Matters that are contrary to a City policy or legislative requirement. These topics may be addressed to the Mayor and Council in writing for a response; or,*
 - (6) *Matters for which another process is already in place (such as submitting a request under the Freedom of Information and Protection of Privacy Act).* (AB#4482)
35. *For any meeting where the number of delegation requests exceeds the maximum number that will be allowed, priority will be given to a delegation that has not previously appeared before Council.* (AB#4482)

36. *The City of Chilliwack does not provide grants or funding through the delegation process; no requests for funding are permitted. Prior to adoption of the annual Financial Plan, a process of public consultation is conducted where such requests can be made. (AB#4482)*
37. If the Mayor declines to approve the attendance of a delegation to any meeting of Council, but Council is of the opinion that the subject matter to be presented by the delegation is germane to the business before Council, Council may, by a majority affirmative vote, permit such delegation to appear before it and be heard.
38. Generally delegations will be allowed 10 minutes to present their brief, unless two-thirds of the members of Council, by affirmative vote, agree to extend the time.
39. Every petition presented to Council shall include the name and address of each petitioner. In the case of a corporation the authority given by the corporation to sign the petition shall be produced in connection therewith.

AGENDAS

40. Prior to each meeting of Council, the *Corporate Officer* shall prepare an agenda setting out all items for consideration at that meeting, and shall make a copy thereof available to members of Council not less than 24 hours prior to the commencement of the meetings. (AB#4621)
41. To enable the *Corporate Officer* to prepare each agenda, all documents and matters of business to be submitted to Council shall be delivered to the *Corporate Officer* not later than 1:00 p.m. on the Wednesday preceding the regular meetings of Council, or where the Friday is a holiday, by the above mentioned times on Tuesday. (AB#4621)
42. All agenda items shall be submitted to the Chief Administrative Officer for review and comment and referred to the *Corporate Officer*. The CAO may refuse agenda items where, in the CAO’s opinion, they are incomplete. (AB#4621)
43. Those items that are considered routine in nature and do not require debate such as, but not necessarily restricted to, adoption of bylaws and correspondence, will be included in the consent agenda.
44. In preparing the agenda the *Corporate Officer* shall state the business for consideration of Council in the order of business as set out in Section 44. (AB#4621)
45. No item shall be referred to Council, unless it is presented in the “Staff Report” and/or “Staff Report Cover Sheet” format.

CONDUCT OF MEETING

46. If a quorum is present, the Mayor shall call the meeting to Order at the prescribed time or as soon as possible thereafter.
47. If the Mayor does not attend within 15 minutes after the time appointed for the meeting, the Acting Mayor shall, providing a quorum is present, take the Chair and call the members of Council to Order. The Acting Mayor shall preside during the meeting or until the arrival of the Mayor.
48. If the Mayor and Acting Mayor are absent and a quorum is present, the *Corporate Officer* shall call the meeting to Order and the members of Council shall appoint an Acting Mayor, who shall preside during the meeting or until the arrival of the Mayor or Acting Mayor. (AB#4621)
49. Unless the Mayor or two-thirds of the members of Council direct otherwise, the business at regular meetings of Council shall be conducted in the following order:
 1. Call to Order
 2. Delegations/Hearings
 3. Adoption of Minutes
 4. Business Arising
 5. Consent Agenda – Bylaws/Agreements/*Minutes of Committee Meetings* (AB#4482)
 6. Quarterly Reports (AB#4621)
 7. Departmental Reports
 8. Motion to Adjourn
 9. Meeting Reconvened *to a Closed Session* (AB#4258)
 10. Delegations/Hearings
 11. Clerk’s Reports
 12. *Application Reports* (AB #3728)
 13. Items Deferred
 14. Other Business
 15. Mayor’s Report
 16. Councillors’ Reports
 17. Public Questions
 18. Adjournment
50. The Mayor shall at all times conduct the manner and order of speaking so that all sides of a question may be as fully presented as the circumstances warrant, and shall ensure each member has an equal opportunity to speak, and discussion is limited to the question before Council.
51. The meeting shall be conducted by following the general intent but not necessarily the specific application of Robert’s “Rules of Order”.

RULES OF CONDUCT AND DEBATE

52. Members of Council shall address themselves to the Chair before speaking to any question or motion, and shall refrain from speaking until recognized by the Chair.
53. Members of Council shall address the Chair as “Mr. Mayor”, “Madam Mayor” or “Your Worship” and shall refer to each other as “Councillor (Surname)”
54. No member of Council may speak more than *twice* to the same question without leave of *the Chair*, except in explanation of their speech, but in doing so may not introduce new information. (AB#4482)
55. If the Mayor is of the opinion there has been sufficient debate on a specific question or matter the Mayor may call the question and no member of Council shall speak to the question nor shall any other motion be entertained excepting those of Section 57 until the result of the vote has been declared.
56. If the Mayor desires to leave the Chair for the purpose of *making a motion*, the Mayor shall call upon the Acting Mayor to take the Chair until the Mayor resumes the Chair. (AB#4482)
57. The items contained in the consent agenda will be adopted by a single resolution of Council and without debate. The Mayor or a majority vote of members of Council may remove any item from the consent agenda and have it placed in the normal order of business in the regular agenda if the item requires debate.

POINTS OF ORDER

58. The Mayor shall preserve order and decide all points of order which may arise, but subject to an appeal by other members of Council present.
59. If an appeal is taken by a member of Council from the decision of the Mayor, the question, “Shall the decision of the Chair be sustained?” shall be immediately put by the Mayor and decided without debate. The Mayor shall be governed by the vote of the majority of the members of Council present (exclusive of the Mayor). The names of the members of Council voting for or against the question “Shall the decision of the Chair be sustained?” shall be recorded in the minutes and, in the event of the votes being equal, the question shall pass in the affirmative.
60. If the Mayor refuses to put the question “Shall the decision of the Chair be sustained?” the members of Council shall forthwith appoint a member to preside temporarily in lieu of such Mayor, as the case may be, and the member of Council so temporarily appointed shall proceed in accordance with Section 54; and in the event of the votes being equal, the question shall pass in the affirmative.

MOTIONS

61. A motion shall be seconded before it is considered or debated by members of Council. A motion will be lost for lack of a seconder.
62. When a motion is under consideration, no other motion shall be received except for the following:
 - (1) to refer
 - (2) to amend
 - (3) *to table* (AB#4258)
 - (4) *to lift from the table* (AB#4258)
 - (5) to defer indefinitely
 - (6) to defer to a certain time
 - (7) to move the previous question
 - (8) to adjourn
63. The motions mentioned in Section 57 shall have precedence in the order in which they are named.
64. A referral motion, until it is decided, shall preclude amending motions of the main question.
65. Amendments shall be decided before the main question is put to a vote. Only one amendment shall be allowed to an amendment.

VOTING ON QUESTIONS

66. Every member of Council who is present when the question is put shall be expected to vote thereon unless there is a conflict of interest, or unless they come within the provision of Section 100 of the *Community Charter*, and in such cases they shall not participate in the discussion nor shall they vote, but shall leave the Council Chambers while the matter is under discussion, and remain absent until the vote is taken.
67. Should any member of Council refrain from voting when any question is put, and is present in the Council Chambers, they shall be regarded as having voted in the affirmative and their vote shall be counted accordingly.
68. Any member of Council who has left the Council Chambers for whatever reason when a question is put shall be deemed to have left the meeting and no vote shall be recorded, either in the affirmative or the negative, for that member.
69. All actions whatsoever authorized and required by the *Community Charter* to be done by Council, and all other questions, including question of adjournment, that may come before Council, shall, save where otherwise so expressed, be done and decided by the majority of the members of Council who shall be present at a meeting.

VOTING ON QUESTIONS (continued)

70. In all cases except for Sections 54 and 55, where the votes of the members of Council then present, including the vote of the Mayor or other Council member presiding, are equal for or against a question, the question shall be in the negative and it shall be the duty of the Council member presiding to so declare.
71. When the question under consideration contains distinct propositions, and upon request of any member of Council, the vote upon each proposition shall be taken separately.

PROCEDURE FOR PASSAGE OF BYLAWS

72. Every bylaw with the exception of the Zoning Bylaw or Official Community Plan Bylaw, or amendments thereto, may be advanced through three readings at one sitting, or through only one or two readings as Council may decide.
73. With the exception of the Zoning Bylaw and Official Community Plan Bylaw, or amendments thereto, every bylaw passed shall be reconsidered not less than one clear day after it has received third reading, provided, however, that if a bylaw must be approved pursuant to the *Community Charter* or any other Act, it shall not be reconsidered until such approval has been obtained. Amendments to the Zoning Bylaw and the Official Community Plan Bylaw may be considered for adoption the same evening they *receive third reading*. (AB#4258)
74. One copy of every bylaw bearing evidence of approval, if any, and one copy of every adopted bylaw signed and sealed shall be kept among the records of the City.

MAYOR'S AUTHORITY

75. The Mayor may at any time within one month after the adoption of any bylaw, resolution or proceeding, return same for reconsideration by Council subject to the following:
 - (1) it has not had the assent of the Electors;
 - (2) it has not already been reconsidered by Council; and
 - (3) it has not been acted upon by any officer, servant or agent of the City.
76. In returning matters for Council's reconsideration, the Mayor may state objections to Council which will be recorded in the minutes. Council shall as soon thereafter as convenient, consider the objections and either:
 - (1) reaffirm the bylaw, resolution or proceeding; or
 - (2) reject the bylaw, resolution or proceeding.

MAYOR'S AUTHORITY (continued)

77. *Bylaws and resolutions that are rejected are deemed to be repealed and of no effect, and shall not be reintroduced for a period of six months except in accordance with Section 73 or 75 of this Bylaw. (AB#4258)*

DEFEATED BYLAWS

78. When a motion to provide readings or adoption of a bylaw is defeated, Council may reconsider the bylaw providing a motion to abandon has not been passed, and subject to the following conditions:

- (1) a motion is duly passed by two-thirds of the members of Council *present* to reconsider the bylaw; (AB#4258)
- (2) the motion for reconsideration is made within *30 days* after the defeated motion; and, (AB#4258)
- (3) upon passage of the reconsideration motion, the bylaw will be presented to the next regular meeting of Council or another meeting that may be specified in the motion.

79. If a motion to reconsider is defeated or if no motion for reconsideration is presented within the *30 days*, the bylaw shall be considered rejected and deemed to be abandoned. (AB#4258)

DEFEATED RESOLUTIONS

80. When a motion or proceeding for other than bylaws is approved or defeated, Council may reconsider the motion/proceeding within *30 days* subject to the conditions of Sections 70 and 71 and the following: (AB#4258)

- (1) A motion is duly passed approving the reconsideration;
- (2) The motion/proceeding shall be immediately dealt with at that meeting of Council unless the reconsideration motion specifies another date; and
- (3) If a motion for reconsideration is defeated, the motion/proceeding shall not be considered further.

GENERAL PROVISIONS

81. The provisions of this bylaw apply mutatis mutandis to the meeting of any Committee.

“Procedural Bylaw 2004, No. 2984” adopted on the 19th day of January, 2004.

Amendment Bylaw No. 3601 adopted on the 2nd day of March, 2009.

Amendment Bylaw No. 3728 adopted on the 20th day of December, 2010.

Amendment Bylaw No. 3736 adopted on the 24th day of January, 2011.

Amendment Bylaw No. 4258 adopted on the 20th day of September, 2016.

Amendment Bylaw No. 4482 adopted on the 20th day of February, 2018.

Amendment Bylaw No. 4621 adopted on the 4th day of December, 2018.

“Clint Hames”

.....
Mayor

“Robert L. Carnegie”

.....
Clerk

Schedule “A”

CANADA
PROVINCE OF BRITISH COLUMBIA
CITY OF CHILLIWACK

OATH OF OFFICE

I, ((name)), do solemnly affirm that:

I am qualified to hold the office of ((position)) for the City of Chilliwack to which I have been elected;

I have not, by myself or any other person, knowingly contravened the *Local Government Act* respecting vote buying or intimidation in relation to my election to the office;

I will faithfully perform the duties of my office and will not allow any private interest to influence my conduct in public matters; and,

As required by the *Community Charter*, I will disclose any direct or indirect pecuniary interest I have in a matter and will not participate in the discussion of the matter and will not vote in respect of the matter.

AFFIRMED by the above named)
((position)) before me at the City of)
Chilliwack this day of .)
)
)
)
)
)

Chief Judge of the Provincial Court of
British Columbia

((name))

OATH OF ALLEGIANCE

I, ((name)), do solemnly affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors.

AFFIRMED by the above named)
((position)) before me at the City of)
Chilliwack this day of .)
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)
)
)

Chief Judge of the Provincial Court of
British Columbia

((name))

