



CORPORATION OF THE DISTRICT OF TOFINO

District of Tofino Meeting Procedures Bylaw No. 1229, 2016

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 1229.01, 2019	June 25, 2019
Bylaw No. 1229.02, 2021	July 15, 2021
Bylaw No. 1229.03, 2021	November 1, 2021

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1229, 2016 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1229, 2016 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

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DISTRICT OF TOFINO

BYLAW NO. 1229, 2016

A bylaw to establish rules of procedure for District of Tofino Council meetings and meetings of District committees, commissions and other bodies

WHEREAS under section 124 of the *Community Charter* a council must, by bylaw, establish general procedures for conducting its business and the business of council committees;

AND WHEREAS the Council of the District of Tofino wishes to establish rules of procedure to regulate Council meetings and the meetings of Council committees, commissions and other District bodies;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

PART 1 – INTRODUCTION

1. Name, Purpose, Changes

- (1) The name of this Bylaw for citation purposes is the “District of Tofino Meeting Procedures Bylaw No. 1229, 2016”.
- (2) The purpose of this Bylaw is to establish rules and procedures to regulate Council Meetings and, to the extent applicable, meetings of the COTW, Council Committees, Commissions, the Board of Variance and Other District Bodies.
- (3) To the extent of any inconsistency between this Bylaw and the *Community Charter*, *Local Government Act* or any other applicable legislation, the Acts prevail.
- (4) In keeping with the *Community Charter's* principles of openness and accountability, this Bylaw cannot be amended or replaced without first giving public notice in accordance with section 94 of the *Community Charter*.

2. Definitions

- (1) In this Bylaw:

Act means an Act of the British Columbia Legislature, whether referred to as a statute or by any other name, and includes the *Community Charter* and *Local Government Act*;

Acting Mayor means the Councillor designated under section 8 to act in place of the Mayor when the Mayor is absent or otherwise unable to act, or when the Office of the Mayor is vacant;

Acting Mayor Schedule means a schedule of when each Councillor is to serve as Acting Mayor on a rotating basis for the period January 1 to December 31. The Acting Mayor Schedule for an upcoming year is approved by Council in accordance with section 8;

Agenda means a list of the items of business to come before a Meeting;

Agenda Package means the Agenda and any associated reports, bylaws or other documents;

Annual Meeting Schedule means a schedule of the date, time and place of Regular Council and Regular COTW Meetings for the period January 1 to December 31. The Annual Meeting Schedule for an upcoming year is approved by Council and made publically available in January in accordance with section 21;

Board of Variance means the District of Tofino's Board of Variance consisting of three (3) members appointed by Council for the purpose of hearing appeals under section 901 (2) of the *Local Government Act*. The Board of Variance functions independently of Council and its decisions under section 901 (2) of the *Local Government Act* are final;

Chair means a person who has authority to preside over a Meeting and is also known as the Presiding Member;

Closed Session means that portion of a Meeting closed to the public in accordance with section 14;

Commission means a District of Tofino Commission established and its members appointed by Council;

Corporate Officer means the District of Tofino's appointed Corporate Officer and his or her deputy;

Committee of the Whole (COTW) means a committee comprised of all Council Members that meets to consider, but not decide, matters of District business. The COTW sits in a deliberative capacity only and must forward its recommendations to Council for consideration;

Committee of the Whole (COTW) Meeting means:

- (a) a Regular COTW Meeting; and
- (b) a Special COTW Meeting.

Council means the District of Tofino Council;

Council Committee means:

- (a) a Standing Committee of Council;
- (b) a Select Committee of Council; or
- (c) any other body established by Council composed solely of Council members, but does not include the COTW;

Council Meeting means:

- (c) an Inaugural Council Meeting;

- (d) a Regular Council Meeting; and
- (e) a Special Council Meeting

Council Member means the Mayor or a Councillor;

Councillor means a person who currently holds office as a District of Tofino Councillor;

District means the Corporation of the District of Tofino;

Improper Conduct means any action by a person at a Meeting which, in the opinion of the Presiding Member/Chair, intimidates, threatens, harasses, obstructs or physically injures any other person and includes the refusal to follow any directions of the Presiding Member/Chair;

Inaugural Council Meeting means the first Regular Council Meeting following a general local election;

Majority Vote means a majority of the Members present at a duly convened meeting, being a Meeting where Quorum and notice requirements are met;

Mayor means the person who currently holds office as the District of Tofino's Mayor;

Meeting means a Council Meeting or a meeting of the COTW or any Council Committee, Commission, the Board of Variance or Other District Body;

Member means a Council Member or any member of a Council Committee, Commission, the Board of Variance or Other District Body;

Motion includes a resolution;

Office of Primary Responsibility means the District department responsible for preparing the Agenda and minutes of a Council Committee, Commission, the Board of Variance or Other District Body, and the department from which a Staff Liaison is appointed;

Other District Body means:

- (a) any advisory body established by Council;
- (b) a parcel tax roll review panel established under section 204 of the *Community Charter*;
- (c) any body prescribed by regulation.

Presiding Member means the Mayor, Acting Mayor or other Member who presides over a Council Meeting or a meeting of any Voting Body, and is also known as the Chair;

Public Notice Posting Place means the notice board in the Municipal Office and, optionally, the District's website;

Quorum is the number of Members who must be present to conduct business, being a majority of the Voting Body's members, except as otherwise provided in section 12;

Recording Secretary means the person responsible for taking minutes at a meeting of the COTW or any Council Committee, Commission, the Board of Variance or Other District Body;

Regular Committee of the Whole Meeting means a COTW meeting listed in the Annual Meeting Schedule;

Regular Council Meeting means a Council meeting listed in the Annual Meeting Schedule;

Select Committee means a committee established and the members appointed by Council under section 142 of the *Community Charter* for a specific (select) purpose. Select Committees consider, inquire into, report and make recommendations to Council on matters referred by Council. At least one member of a select committee must be a Council Member;

Special Committee of the Whole Meeting is a COTW meeting other than a Regular COTW Meeting that is called in accordance with section 23;

Special Council Meeting is a Council meeting other than a Regular Council Meeting that is called in accordance with section 22 to consider Urgent Business;

Staff Liaison means the staff member from the Office of Primary Responsibility assigned to prepare Agendas and minutes for a Council Committee, Commission, the Board of Variance or Other District Body;

Standing Committee means a committee established and the members appointed by the Mayor under section 141 of the *Community Charter* for matters the Mayor considers would be better dealt with by committee. At least half the members of a standing committee must be Council Members;

Unanimous Consent means an informal way of taking a vote, used only for routine and non-controversial decisions of a procedural nature;

Urgent Business is business of a time sensitive nature that requires Council's immediate consideration before the next Regular Council Meeting;

Voting Body means Council, the COTW or a Council Committee, Commission, the Board of Variance or Other District Body;

- (2) Definitions in the *Community Charter* and *Local Government Act* apply to this Bylaw and supersede any Bylaw definitions that conflict.

3. Rules of Procedure - Application, Reference, Suspension

- (1) This Bylaw applies to Council Meetings and, as much as practical, to meetings of the COTW, Council Committees, Commissions, the Board of Variance and Other District Bodies.

- (2) The District's parliamentary authority is the most recent edition of Robert's Rules of Order Newly Revised (RRONR), which will apply where the *Community Charter*, *Local Government Act* and this Bylaw are silent, and then only to the extent that RRONR is applicable to the situation. Rules are used to facilitate progress and are to be applied in a spirit of fairness, equality and common sense. Where the relevance or applicability of RRONR is disputed, the Chair shall make a determination, subject to an appeal to Council under section 30.
- (3) The rules of procedure may be temporarily suspended by a Majority Vote or Unanimous Consent, except for those that originate from provisions in the *Community Charter*, *Local Government* or any other Act.

PART 2 – ROLES AND RESPONSIBILITIES OF COUNCIL

4. Council as Governing Body

- (1) The governing body of the Corporation of the District of Tofino is its Council whose members are the Mayor and Councillors elected, or otherwise appointed, in accordance with the *Community Charter* and *Local Government Act*.
- (2) The District of Tofino Council is a continuing body that may complete any proceedings started, but not completed, before a change in membership.

5. Powers Exercised by Resolution or Bylaw

- (1) Council may only exercise its power and authority by resolution or by bylaw at a duly convened Council Meeting, being a meeting where Quorum and notice requirements are met.
- (2) Where an Act requires or authorizes Council to exercise a power:
 - (a) by bylaw, that power may only be exercised by bylaw;
 - (b) by resolution, that power may also be exercised by bylaw.

6. Responsibilities of Council Members

- (1) Each Council Member has the following responsibilities:
 - (a) to consider the well-being and interests of the Corporation of the District of Tofino and its community;
 - (b) to contribute to the development and evaluation of policies and programs in respect of District services and activities;
 - (c) to participate in Council Meetings and meetings of the COTW, Council Committees or other bodies the Council Member is appointed to; and
 - (d) to carry out other duties assigned by Council or assigned under the *Community Charter* or any other Act.
- (2) Any Member who is absent from Council Meetings for 60 consecutive days or four (4) consecutive Regular Council Meetings, whichever is longer, is disqualified from holding office in accordance with section 125 of the *Community Charter*. This disqualification does not apply where the absence is because of illness or injury, or is with the prior leave of Council.

7. Responsibilities of Mayor

The Mayor is the head and Chief Executive Officer of the District. In addition to the responsibilities he or she has as a Council Member, the Mayor is responsible for:

- (a) providing leadership to Council, including by recommending bylaws, resolutions and other measures that, in the Mayor's opinion, may assist the peace, order and good government of the District;
- (b) communicating information to Council;
- (c) presiding at Council Meetings when in attendance;
- (d) providing, on behalf of Council, general direction to District officers regarding the implementation of municipal policies, programs and other directives of Council;
- (e) establishing Standing Committees in accordance with section 141 of the *Community Charter*;
- (f) suspending municipal officers and employees in accordance with section 151 of the *Community Charter*;
- (g) reflecting the will of Council and carrying out other duties on Council's behalf; and
- (h) carrying out other duties assigned under the *Community Charter* or any other Act.

8. Designation of Acting Mayor

- (1) On or before the first Regular Council Meeting in December, the Corporate Officer must submit for Council's approval the Acting Mayor Schedule for the upcoming year, which shall provide for each Councillor to serve as Acting Mayor on a rotating basis when the Mayor is absent or otherwise unable to act, or when the Office of the Mayor is vacant.
- (2) In addition to presiding at Council Meetings, the Acting Mayor shall assume the powers, duties and responsibilities of the Mayor between meetings. If both the Mayor and Acting Mayor are absent or otherwise unable to act, the next available Councillor on the Acting Mayor Schedule shall serve until such time as the Mayor or Acting Mayor is in attendance or otherwise able to act.
- (3) Despite subsection (1), if the Office of the Mayor becomes vacant, Council may designate a Councillor to serve as Acting Mayor until such time as a person is elected or otherwise appointed as Mayor.

9. Duty to Respect Confidentiality

- (1) Unless Council specifically authorizes otherwise, all current and former Council Members must:
 - (a) keep in confidence any confidential District record until it is released publicly, as authorized or required by law; and
 - (b) keep in confidence information considered during any part of a Council, COTW or Council Committee Meeting that was closed to the public (Closed Session) in accordance with section 14, until the information is either released to the public or discussed at a meeting open to the public.

- (2) If the District suffers loss or damage because a person contravenes this section, and the contravention was not inadvertent, the District may recover damages from that person.

10. Conflict of Interest

- (1) In keeping with the *Community Charter's* principles of openness and accountability, Council Members are expected to maintain ethical standards appropriate to their public office and not use their powers for personal gain. Members are expected to declare any conflict of interest promptly and remove themselves from a meeting of any body referred to in subsection (2) while the matter is being discussed or voted on, and not attempt in any way to influence decision-making during and between meetings.
- (2) The entitlement of a Council Member to discuss and vote on a matter at a:
 - (a) Council Meeting;
 - (b) COTW Meeting;
 - (c) Council Committee meeting;
 - (d) Commission meeting; and
 - (e) meeting of any other body referred to in section 93 of the *Community Charter* is governed by Part 4, Division 6 of the *Community Charter* [conflict of interest]. For convenience, the rules and procedures for disclosing and managing conflict at Meetings are attached as Schedule "A".

PART 3 – MEETINGS GENERALLY

11. Location of Meetings

- (1) All Council meetings must be held in the District of Tofino Municipal Office, unless Council passes a motion to hold its meetings elsewhere in the municipality. The motion to hold a meeting in a location other than the Municipal Office may be passed at the start of the meeting, provided notice is given in accordance with section 21.
- (2) In this section, a Council meeting means:
 - (a) an Inaugural Council Meeting;
 - (b) a Regular Council Meeting;
 - (c) a Special Council Meeting;
 - (d) a COTW Meeting;
 - (e) a public hearing; and
 - (f) a business licence hearing.
- (3) This section applies to meetings of:
 - (a) Council Committees;
 - (b) Commissions;
 - (c) the Board of Variance; and
 - (d) Other District Bodies.

12. Quorum Requirements

Quorum is the number of members who must be present at a meeting to conduct business:

- (a) in the case of a Council Meeting, quorum is a majority of Members based on Council size under section 118 of the *Community Charter*, unless an order is issued under section 129 of the *Community Charter* reducing that number;
- (b) in the case of a COTW meeting or a meeting of a Council Committee, Commission or Other District Body, quorum is a majority of the respective Voting Body's members, unless an Act provides otherwise.

13. Open Meeting Requirement

Bylaw
1229.03,
2021



- (1) All meetings must be open to the public who may observe and participate in accordance with sections 15, 27, and 38, except for meetings or parts of meetings closed to the public under section 14.
- (2) For certainty, and in keeping with the *Community Charter's* principles of openness and accountability, the decision-making process of Council must not be materially advanced at private meetings not advertised or open to the public. Sessions held for the purpose of training or educating Council members are deemed not to be Council meetings for the purpose of this Bylaw and may be held privately.
- (3) In this section, a Council meeting means:
 - (a) an Inaugural Council Meeting;
 - (b) a Regular Council Meeting;
 - (c) a Special Council Meeting;
 - (d) a COTW meeting;
 - (e) a public hearing; and
 - (f) a business licence hearing.
- (4) This section applies to meetings of all bodies referred to in section 93 of the *Community Charter* including, without limitation:
 - (a) Council Committees;
 - (b) Commissions;
 - (c) the Board of Variance; and
 - (d) Other District Bodies.

14. Closed Meeting - Basis, Procedures, Attendance, Minutes

- (1) In accordance with section 90 of the *Community Charter*, part of a meeting:
 - (a) may be closed to the public if the matter(s) being considered falls within section 90 (1) of the *Community Charter*; and
 - (b) must be closed to the public if the matter(s) being considered falls within section 90 (2) of the *Community Charter*.

For convenience and reference purposes, section 90 of the *Community Charter* [meetings that must and may be closed to the public] is attached as Schedule 'C'.
- (2) Closed Sessions will ordinarily take place at the end of a Council Meeting immediately after the question period. Prior to closing a meeting to the public, Council must state in open session:
 - (a) that the meeting is to be closed; and
 - (b) the basis for closure under section 90 of the *Community Charter*.
- (3) When discussion of Closed Session matters is complete, Council will return (rise) to open session, either with or without report. In keeping with the *Community*

Charter's principles of openness and accountability, the Corporate Officer must prepare annually each December, for Council's consideration, a list of all closed session motions that have not subsequently been released to the public.

- (4) If the only matters being considered at a Council Meeting fall within subsection (1), the entire meeting may be closed to the public provided the requirements and procedures of subsection (2) are followed.
- (5) Information considered in closed session must be kept confidential by all current and former Council Members, in accordance with section 9.
- (6) At the sole discretion of Council, municipal officers and employees may be present at, or excluded from, closed sessions. A person other than a municipal officer or employee may attend a closed session as follows:
 - (a) in the case of a matter that must be closed under section 90 (2) of the *Community Charter*, if Council considers this necessary and the person:
 - (i) already has knowledge of the confidential information, or
 - (ii) is a lawyer attending to provide legal advice; and
 - (b) in all other cases, where Council considers it necessary.
- (7) Closed session minutes must record the names of all persons in attendance.
- (8) This section applies to meetings of all bodies referred to in section 93 of the *Community Charter* including, without limitation:
 - (a) the COTW;
 - (b) Council Committees;
 - (c) Commissions;
 - (d) the Board of Variance; and
 - (e) Other District Bodies.

15. Electronic Participation in Meetings

Bylaw
1229.03,
2021

- (1) In this section, electronic participation in a meeting means participating by:
 - (a) Telephone;
 - (b) Audio-conferencing;
 - (c) Video-conferencing; or
 - (d) Other communications technology that provides for meeting participants to:
 - (i) Hear one another; or
 - (ii) See and hear one another

And any members of the public in attendance to:

- (iii) Hear; or
- (iv) See and hear

Any Member participating electronically

As far as reasonably practicable, all Members, including those that are not Council

Bylaw
1229.03,
2021

Bylaw
1229.02,
2021

- (2) Members, may participate and attend electronic meetings of:
 - (a) Council and Closed Sessions of Council;
 - (b) Committee of the Whole;
 - (c) Council Committees;
 - (d) Public Hearings;
 - (e) Commissions;
 - (f) the Board of Variance; and

(g) Other District Bodies

- (3) Electronic meetings will follow the rules established by the Community Charter and Local Government Act, including:
- (a) Advance public notice of meetings that are open to the public, will be posted in the public notice posting places according to the procedures established in this bylaw for giving notice, and will include:
 - (i) the way in which the electronic meeting will be conducted, and
 - (ii) the place where the public may attend to hear, or watch and hear, the proceedings

16. General Voting Rules

- (1) Subject to subsection (2), and in accordance with section 123 of the *Community Charter*:
 - (a) each Council Member has one vote on any question (motion) before Council;
 - (b) each Council Member present at the time of a vote, must vote;
 - (c) any Council Member who abstains from voting is considered to have voted in the affirmative; and
 - (d) if the vote is equal for and against a question, the question is defeated.
- (2) Voting rules on the question “Shall the ruling of the Chair be sustained?” are an exception to subsection (1) and are set-out in section 31.
- (3) Unless otherwise provided by an enactment (Act, regulation or bylaw), a motion on a bylaw, resolution or other question before Council is decided by a majority of the Council Members present (Majority Vote).
- (4) A requirement under an enactment (Act, regulation or bylaw) for an affirmative vote of a specified portion of all Council Members must be calculated based on the size of Council under section 118 of the *Community Charter*. Decisions requiring higher voting thresholds based on Council size include, but are not limited to:
 - (a) waiving notice of a special Council meeting (unanimous);
 - (b) dedication of park land or heritage properties (two-thirds majority); and
 - (c) termination of an officer for no cause (two-thirds majority).
- (5) This section applies to meetings of:
 - (a) the COTW;
 - (b) Council Committees;
 - (c) Commissions;
 - (d) the Board of Variance; and
 - (e) Other District Bodies.

17. Agenda and Minutes - Office Responsible for Preparation

- (1) Agendas and minutes of Council and COTW Meetings are to be prepared by the Corporate Officer in accordance with section 24.
- (2) Agendas and minutes of Council Committees, Commissions, the Board of Variance and other District Bodies are to be prepared by the Office of Primary Responsibility in accordance with Part 9.

18. Minutes - Maintained and Available to Public

- (1) Minutes of Meetings must be:
 - (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer or Recording Secretary, as applicable; and
 - (c) signed by the Member presiding over/chairing the Meeting, or the Meeting where the minutes are adopted.
- (2) Meeting minutes, other than closed session minutes, must be available for public inspection at the Municipal Office within seven (7) business days of a request being submitted.
- (3) This section applies to the meetings of all bodies referred to in section 93 of the *Community Charter* including, without limitation:
 - (a) the COTW;
 - (b) Council Committees;
 - (c) Commissions;
 - (d) the Board of Variance; and
 - (e) Other District Bodies.

PART 4 – COUNCIL MEETINGS

19. Inaugural - Date, Time, No Quorum

- (1) Following a general local election, the Inaugural Council Meeting must be held on the date and at the time specified in the Annual Meeting Schedule, which must be on a date within the first ten days of November.
- (2) If, on the date specified in subsection (1), the number of Council Members who have taken office is less than Quorum, the Inaugural Council Meeting will be held at the call of the Corporate Officer as soon as reasonably possible after a Quorum of Council has taken office.

20. Regular Council/COTW - Date, Time, Changes, Cancellations

Bylaw
1229.01,
2019

- (1) After the Inaugural Council Meeting, Council must meet regularly on the dates and times specified in the Annual Meeting Schedule, except where such a meeting, to be known as a Regular Council Meeting, is subsequently cancelled or rescheduled in accordance with section 21.

Bylaw
1229.01,
2019

- (2) Council shall meet regularly as a COTW on the dates and times specified in the Annual Meeting Schedule, except where such a meeting, to be known as a Regular COTW Meeting, is subsequently cancelled or rescheduled in accordance with section 21.
- (3) Regular Council and COTW Meetings shall not be scheduled:
 - (a) on a statutory holiday;
 - (b) during the week the Union of BC Municipalities' holds its annual convention; and

- (c) during the two weeks in December the Municipal Office is closed, being the weeks in which December 25 and January 1 fall.
- (4) Regular Council meetings shall be no longer than four (4) hours in length and Regular COTW meetings shall be no longer than three (3) hours in length, unless a motion to extend the meeting is passed by a two-thirds (2/3) vote of the Members present.
- (5) Where a Regular Council Meeting agenda contains matters that require or allow the meeting to be closed to the public under section 14, the Closed Session shall take place at the end of the open session.
- (6) The location of a Regular Council or COTW Meeting may be changed in accordance with section 11.
- (7) A Regular Council or COTW Meeting may be cancelled:
 - (a) by Council resolution;
 - (b) by the Mayor; or
 - (c) if there is insufficient business to warrant holding a meeting, by the Corporate Officer;provided that notice is given in accordance with section 21.

21. Annual Meeting Schedule and Notice

- (1) On or before the first Regular Council Meeting in December, Council must establish a schedule of the date, time and place that Regular Council and COTW Meetings are to be held in the upcoming year, to be known as the Annual Meeting Schedule.
- (2) The Annual Meeting Schedule must be made available to the public by posting a copy at the Public Notice Posting Place and, optionally, on the District's website. Notice of the schedule's availability must be provided annually on or before January 31, in accordance with section 94 of the *Community Charter*.
- (3) The Annual Meeting Schedule may be amended by Council resolution provided the revised schedule is made publicly available and notice of its availability given in accordance with this section.
- (4) Where the start time or location of a Regular Council or COTW Meeting is changed, or is cancelled, in accordance with section 20, the Corporate Officer must give at least 24 hours advance notice:
 - (a) to Council Members, by delivering a copy of the notice to each Member at their District of Tofino email account; and
 - (b) to the public, by posting a copy of the notice at the Public Notice Posting Place, the regular meeting place and, optionally, on the District's website.

22. Special Council - Purpose, Call, Notice, Electronic

- (1) Special Council Meetings may only be held to consider Urgent Business.
- (2) A Special Council Meeting may be called by the Mayor:
 - (a) at his or her discretion; or

(b) at the written request of two or more Councillors provided that notice is given in accordance with this section.

- (3) A Special Council Meeting may be called by two or more Councillors if:
- (a) within 24 hours of receiving a written request under this section, the Mayor has not made arrangements to hold a meeting within the next seven (7) days; or
 - (b) both the Mayor and Acting Mayor are absent or otherwise unable to act and provided that notice is given in accordance with this section.
- (4) Notice of at least 24 hours describing, in general terms, the business to be transacted and the date, time and location of the Special Council Meeting must be given:
- (a) to Council Members, by delivering a copy of the Agenda Package to their District of Tofino e-mail account; and
 - (b) to the public, by posting a copy of the notice at the Public Notice Posting Place, the meeting place and, optionally, on the District's website.
- (5) The notice of a Special Council Meeting must be signed:
- (a) by the Mayor or Corporate Officer, in the case of a meeting called by the Mayor; or
 - (b) by the Councillors or Corporate Officer, in the case of a meeting called by two to more Councillors.
- (6) In accordance with section 127 (4) of the *Community Charter*, notice of a Special Council Meeting may be waived by a unanimous vote of all Council Members. In keeping with the *Community Charter's* principles of openness and accountability, the waiving of public notice shall be kept to a minimum and the reasons recorded in the minutes.
- (7) A Special Council Meeting may be conducted electronically by:
- (a) telephone conferencing;
 - (b) audio-conferencing;
 - (c) video-conferencing; or
 - (d) other communications technology
- provided that:
- (i) participating Council Members can hear, or see and hear, one another; and
 - (ii) the facilities enable the public to hear, or see and hear, participating Council members except for that part of a meeting closed to the public under section 14; and
 - (iii) a municipal officer is present at the specified meeting place and provided notice; and
 - (iv) any other requirements under section 128 of the *Community Charter* are met.
- (8) For Special Council Meetings held under section (7), the rules and procedures outlined in Schedule 'B' shall apply, as applicable.
- (9) Council Members may also participate electronically in Special Meetings in accordance with section 15.

23. Special COTW

- (1) A Special COTW Meeting may be called by the Mayor provided at least 24 hours notice of the date, time and location of the meeting is given:
 - (a) to Council Members, by delivering a copy of the Agenda Package to their District of Tofino e-mail account; and
 - (b) to the public, by posting a copy of the notice at the Public Notice Posting Place, the meeting place and, optionally, on the District's website.
- (2) The notice of a special COTW meeting must be signed by the Mayor or Corporate Officer.

24. Agendas - Preparation, Deadlines, Council Member Submissions

- (1) Council and COTW Meeting agendas are to be prepared by the Corporate Officer.
- (2) Agenda items and materials for inclusion on a Regular Council or COTW Meeting agenda must be submitted to the Corporate Officer by 12 noon at least six calendar days before the meeting date. In calculating time, the first day (the day of the meeting) is excluded and the last day included.
- (3) No later than 12 noon five calendar days before the meeting date, the Corporate Officer must make the agenda available:
 - (a) to Council Members, by delivering a copy of the Agenda Package to their District of Tofino e-mail account; and
 - (b) to the public, by posting a copy of the Agenda at the Public Notice Posting Place and, optionally, on the District's website.In calculating time, the first day (the day of the meeting) is excluded and the last day included.
- (4) Council Members may add motions or other agenda items to a Regular Council Meeting agenda by:
 - (a) submitting the agenda items and materials to the Corporate Officer in accordance with subsection (2);
 - (b) giving verbal notice of intent to introduce a motion in accordance with section 40;
 - (c) in the case of Urgent Business, submitting a request to the Corporate Officer that a matter be introduced and approved as a late item (addenda) in accordance with section 34(3) no later than 12 noon the day before the meeting date.
- (5) Council Members may add items to a COTW agenda in accordance with subsections 4 (a) and (c).

25. Agendas - Classes of Business and Order

- (1) The agenda for all Regular Council and COTW meetings shall contain the classes of business outlined in section 34, in the order listed. The order of business may be varied and agenda items added, deleted or postponed in accordance with that section.

- (2) The agenda for Special Council Meetings shall contain the same classes of business as a Regular Council meeting agenda, but only those items of business to come before the meeting shall be listed. The order of business at a Special Council Meeting may be varied and items added, deleted or postponed in accordance with section 34.

PART 5 – COUNCIL MEETING RULES AND PROCEDURES

Division 1 - Control of and Conduct at Meetings

26. Presiding Member/Chair - Appointment, Responsibilities

- (1) The Presiding Member/Chair at a Council Meetings is:
 - (a) the Mayor;
 - (b) in the absence of the Mayor, the Acting Mayor; or
 - (c) in the absence of both the Mayor and Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.Where the Mayor or Acting Mayor joins a meeting already in progress, he or she shall preside upon arrival.
- (2) If the Mayor wishes to vacate the chair for any reason during a meeting, he or she shall call upon the Acting Mayor to preside or, in the absence of the Acting Mayor, the next Councillor on the Acting Mayor Schedule that is in attendance.
- (3) The Presiding Member/Chair is responsible for:
 - (a) maintaining order and decorum at Council Meetings;
 - (b) keeping a list of speakers and recognizing Council Members, District staff, delegations and other meeting attendees who, in accordance with this Bylaw, wish to address Council;
 - (c) ruling on which Council member has a right to speak;
 - (d) ensuring that all Council Members who wish to speak to a motion or an agenda item have spoken;
 - (e) deciding points of order, subject to an appeal to Council under section 31;
 - (f) deciding questions of privilege;
 - (g) calling a Member or person to order;
 - (h) ruling on whether or not a motion is out of order;
 - (i) stating motions and announcing the outcome of votes; and
 - (j) providing other leadership functions as necessary to conduct Council Meetings in an efficient and effective manner.
- (4) The Presiding Member/Chair:
 - (a) may make and second motions;
 - (b) may participate in debate without vacating the chair; and
 - (c) must vote under the same rules as Members, in accordance with sections 16 and 35.
- (5) To the extent applicable and unless an enactment (legislation, regulation or bylaw) requires otherwise, this section applies to meetings of:
 - (a) the COTW;
 - (b) Council Committees;
 - (c) Commissions;
 - (d) the Board of Variance; and

- (e) Other District Bodies.

27. Conduct of Members

- (1) Council Members are required to turn off cell phones, pagers or other audible devices during meetings and refrain from initiating or responding to text messages, e-mails or social networking messages.
- (2) Respecting the stature of their public office and need to maintain a safe meeting environment, Council Members are required to maintain civility, courtesy and respect during meetings and shall refrain from:
 - (a) making personal attacks;
 - (b) using rude or offensive language; or
 - (c) making rude or offensive gestures;whether directed toward another Member, District staff or other person.
- (3) Where the Presiding Member/Chair is of the opinion that a Council Member is conducting themselves in an improper or unparliamentary manner, the Presiding Member/Chair may order the Member expelled from the meeting and, if necessary, to be removed by a member of the RCMP. An order issued under this section may be enforced as if it were a court order.
- (4) If, through the Corporate Officer, an expelled Council Member advises the Presiding Member/Chair that he or she wishes to apologize:
 - (a) the Presiding Member/Chair must so advise Council; and
 - (b) Council, without debate and by a two-thirds (2/3) vote of the Members present, may:
 - (i) pass a motion allowing the expelled Member to proceed to the public podium to apologize; and
 - (ii) where an apology is permitted and made, pass a motion allowing the expelled Member to return to the meeting.

28. Conduct of Public Gallery

- (1) While observing Meetings or participating in accordance with section 38, members of the public are expected at all times to show due respect towards Council, its decision making processes and the public office held by its Members.
- (2) During Meetings, members of the public shall:
 - (a) maintain order and quiet, and not applaud or otherwise interrupt a Council Member or person addressing Council;
 - (b) turn off **or** set to silent mode cell phones, pagers or other audible devices **and**, where a call must be received or placed, leave the meeting; and
 - (c) refrain from vocal outbursts, rude or offensive language and any other disruptive or disrespectful behaviour that, in the Presiding Member/Chair's opinion, constitutes Improper Conduct as defined in section 2.
- (3) Unless authorized by the Presiding Member/Chair or Corporate Officer, members of the public are not permitted to enter the Council Members' seating area.
- (4) Any breaches of this section will be addressed by the Presiding Member/Chair who, after cautioning a person, may order them to leave the meeting and, if

necessary, to be removed by a member of the RCMP. An order issued under this section may be enforced as if it were a court order.

29. Rules for Participating in Meetings

- (1) At Council Meetings, Members shall address:
 - (a) the Mayor as “Your Worship” or “Mayor _____” or Mr./Madam Chair”;
 - (b) Councillors as “Councillor _____”; and
 - (c) District staff as “Mr. /Ms. _____” or by their official title (e.g. “The Manager/Director of _____” or “The Chief Administrative Officer”).
- (2) Members wishing to speak or make a motion must first be recognized by the Presiding Member/Chair by raising their hand. Members are generally recognized in the order they seek the floor, however the Presiding Member/Chair maintains discretion to alternate between those in favour and those opposed to a matter under consideration. Where two or more Members wish to speak at the same time, the Presiding Member/Chair shall call on the Member who, in his or her opinion, first raised their hand.
- (3) Members shall keep their comments germane to the matter at hand with questions to other Members, District staff or persons addressing Council ordinarily being directed through the Presiding Member/Chair.
- (4) While a Member is addressing the Presiding Member/Chair or the Meeting, other Members shall remain quiet and not carry on private conversation.
- (5) No Member shall interrupt another Member who is speaking except to raise:
 - (a) a Point of Order, by stating the specific rule being breached; or
 - (b) a Question of Privilege, by pointing to a specific issue that affects the welfare of Council, or a Member personally, that needs to be dealt with immediately (such as noises or other distractions).
- (6) While subsection (5) provides that a Member may interrupt a speaker to raise a point of order or question of privilege, this must not be done frivolously or when the breach of the rules is minor and causes no discernible harm.
- (7) The mover of a motion is entitled to speak first, but not to conclude debate by speaking last. Movers and seconders are not limited to speaking or voting in favour of the motion.
- (8) In recognition that procedural rules are used to facilitate progress, motions are not required to initiate discussion on an agenda item.
- (9) Except where the Presiding Member permits otherwise, and subject to an appeal to Council under section 31, Members are entitled:
 - (a) to speak up to two (2) times on the same matter or motion, each time for no longer than three (3) minutes inclusive of questions;
 - (b) when asking a question, to ask one follow-up question within the time allotted; and
 - (c) despite subsection (a), a Council Member who has moved a main motion may reply to debate for up to three (3) minutes.

- (10) A Member who wishes to speak for a second time on the same matter or motion, or ask more than one follow-up question, shall wait until all Members wishing to speak for the first time have done so.
- (11) A member may require the motion being considered to be read at any time during debate, but not so as to interrupt another Member who is speaking;
- (12) Discussion on a motion may be closed at any time:
 - (a) informally, by Unanimous Consent; or
 - (b) formally by voting on a motion to close debate.
- (13) Members may only discuss a previous vote of Council for the purposes of making a motion to:
 - (a) reconsider the vote on a motion subject to the rules as specified in Schedule D; or
 - (b) rescind a motion previously passed.
- (14) Members shall:
 - (a) abide by the rules of procedure; and
 - (b) abide by the decisions and directions of the Presiding Member/Chair or Council on any question of order, practice or interpretation.

30. Enforcement of Meeting Rules - By Chair and Members

- (1) While the Presiding Member/Chair is responsible for enforcing meeting rules and deciding all questions of procedure, any Member may raise a point of order at any time by stating the rule or procedure being breached (e.g. loss of quorum, speaker exceeding time limit, motion contravenes rules, disruptive conduct). The Presiding Member must immediately rule on the point raised and, if requested, explain the basis for his or her decision by citing the applicable rule or authority. If necessary, the Presiding Member may allow discussion on the point of order or may take it under advisement rendering a formal ruling at the next Council Meeting.
- (2) Whether or not a point of order has been raised, the presiding Member/Chair is responsible for ensuring that all motions that come before Council comply with the *Community Charter, Local Government Act*, this Bylaw and any other applicable enactments (Act, regulation or bylaw), rules or policies. Where the Presiding Member/Chair rules that a motion is out of order and will not be opened for consideration, he or she must explain the basis for the decision by citing the applicable rule or authority. If necessary, the Presiding Member/Chair may refer the motion to District staff for further consideration.
- (3) Presiding Member/Chair decisions (rulings) on points of order are final, subject to an immediate appeal to Council in accordance with section 31.
- (4) A Member called to order by the Presiding Member/Chair:
 - (a) must immediately stop talking and wait for the Presiding Member/Chair to identify the rule or procedure being breached;
 - (b) may explain their position on the point of order; and
 - (c) may appeal the Presiding Member/Chair's decision to Council in accordance with section 31.

- (5) If, after one or more warnings, a Member persists in breaching the rules, the Presiding Member/Chair may order a recess or, in extreme cases, that the Member be expelled from the meeting in accordance with section 27.

31. Appealing Presiding Member/Chair's Ruling

- (1) A Member may immediately appeal a decision (ruling) of the Chair to Council by requesting that the Chair put the question "Shall the ruling of the Chair be sustained?" This question must be decided without debate by Majority Vote, excluding the Presiding Member. The Presiding Member/Chair shall be governed by the result and in cases where the votes are tied, the motion passes in the affirmative.
- (2) If the Presiding Member refuses to put the question in accordance with subsection (1), Council must immediately appoint another Member to temporarily preside and that Member must proceed in accordance with subsection (1). A motion passed under this subsection is as binding as if passed under subsection (1).

32. Question of Privilege

Any Member may raise a question of privilege (matter affecting the welfare of Council as a whole or a Member personally that needs to be dealt with immediately) to remedy a pressing matter at any time by pointing to the matter (e.g. room temperature, noise or other distractions). The Presiding Member/Chair must immediately decide whether to accept the question of privilege and, if accepted, order any actions necessary to address it. Where a motion results from an accepted point of privilege, it is not debatable or amendable.

Division 2 - General Meeting Procedures

33. Opening - Call to Order, No Quorum

- (1) As soon after the scheduled start time for a Council Meeting that Quorum is present, the Presiding Member/Chair shall call the meeting to order.
- (2) Where a Quorum is present, but neither the Mayor nor Acting Mayor is in attendance, the Corporate Officer shall call the meeting to order and a Presiding Member/Chair shall be selected in accordance with section 26.
- (3) If within 15 minutes of the scheduled start time a Quorum is neither present nor imminent, the Corporate Officer shall:
 - (a) record the names of Members who are present and absent; and
 - (b) declare that Council stands adjourned until the next Council Meeting.
- (4) Agenda items from a meeting adjourned under subsection (3) shall be placed on the next Regular Council Meeting agenda, subject to a Special Council Meeting being called in accordance with section 22 to consider Urgent Business.

34. Order of Business - Changes, Late Items, Approve Agenda

- (1) The order of business for all Regular Council Meetings will be as listed below, unless varied at the designated point in the agenda (approval of agenda) by Majority Vote or Unanimous Consent:

- (a) Call to Order
- (b) Approval of Meeting Location
- (c) Approval of Agenda (may vary order, add/delete or postpone items)
- (d) Approval of Consent Agenda
- (e) Adoption of Minutes (may correct minutes)
- (f) Mayor's Report (may include presentations of a ceremonial nature)
- (g) Public Comment on Agenda Items (up to two minutes per person; to a total maximum of ten minutes)
- (h) Delegations (up to ten minutes per delegation; to a maximum of two delegations)
- (i) Correspondence
- (j) Presentations and Reports
 - (i) Presentations
 - (ii) Staff reports
 - (iii) Reports of Council Committees, Commissions, Other Bodies
- (k) Bylaws (with no accompanying report)
- (l) Unfinished Business
- (m) Business Initiated by Council Members (Notice of Motion/Motion)
- (n) Question Period (up to two minutes per person; to a total maximum of ten minutes)
- (o) Closed Session (if required)
- (p) Reconvene from Closed Session (if required)
- (q) Adjournment

Bylaw
1229.03,
2021

Bylaw
1229.01,
2019

- (2) The order of business for all Regular COTW Meetings will be as listed below, unless varied at the designated point in the agenda (approval of agenda) by Majority Vote or Unanimous Consent:

- (a) Call to Order
- (b) Approval of Agenda (may vary order, add/delete or postpone items)
- (c) Adoption of Minutes (may correct)
- (d) Public Comment on Agenda Items (up to two minutes per person; to a total maximum of ten minutes)
- (e) Delegations
- (f) Correspondence
- (g) Presentations and Reports
- (h) Unfinished Business
- (i) Question Period (up to two minutes per person; to a total maximum of ten minutes)
- (j) Closed Session (if required)
- (k) Reconvene from Closed Session (if required)
- (l) Adjournment

Bylaw
1229.01,
2019

- (3) An item of business not included on a Regular Council or COTW Meeting agenda will not be considered unless:

- (a) deemed Urgent Business and approved as a late item (addendum) by the Chief Administrative Officer; or
- (b) in the case of an item submitted by a Council Member in accordance with section 24 (4) (c), it is approved by Council as a late item (addendum) at the

designated point in the agenda (approval of agenda) by Majority Vote or Unanimous Consent.

The Corporate Officer shall ensure that late items are circulated to Council Members as an addendum to the published Agenda Package no later than the scheduled start time of the meeting.

- (4) An item of business on a Regular Council or COTW Meeting agenda may, by Majority Vote at the designated point in the agenda (approval of agenda), be:
 - (a) deleted; or
 - (b) postponed to a future meeting of the same body.
- (5) In the case of a Special Council Meeting, the order of business may be varied and an item of business deleted or postponed, but no items may be added unless notice requirements are waived in accordance with section 22.
- (6) Agendas are approved by Majority Vote or Unanimous Consent at the designated point in the agenda (approval of agenda) either as presented or as amended.
- (7) (a) Items of business and recommendations included in the Consent Agenda may be voted on and adopted in one motion.
 - (b) If requested by any member for the purposes of:
 - (i) Debate or discussion;
 - (ii) Voting in opposition to a recommendation on the consent agenda, or
 - (iii) Declaring a conflict of interest with regard to a matter on the consent agenda,an item must be removed from the consent agenda and considered separately by Council either immediately after the consideration of the consent agenda or placed in the appropriate order of agenda items in accordance with section 31(1).

Bylaw
1229.02,
2021

35. Voting – Calling the Question, Vote, Results

- (1) When discussion (debate) on a motion has concluded, the Presiding Member/Chair will put the motion to a vote by asking whether Members wish to adopt it (call the question).
- (2) Once a vote has been called, Council Members must not:
 - (a) speak to the matter or make a motion concerning it;
 - (b) leave the room; or
 - (c) interrupt the voting, except to raise a point of order.Decisions by the Presiding Member/Chair as to whether a question has been called are final, subject to an appeal under section 31.
- (3) Votes shall be by a show of hands except:
 - (a) where a Special Council Meeting is held electronically in accordance with section 21; or
 - (b) where a Member participates electronically in a meeting in accordance with section 15in which case votes shall be stated verbally in accordance with Schedule 'B'.
- (4) In conducting a vote, the Presiding Member/Chair shall:

- (a) first call for all Members in favour of the motion and then all those opposed to the motion, to raise their hands;
 - (b) state the names of those Members opposed to the motion; and
 - (c) announce the outcome of the vote by declaring the motion carried or defeated/lost.
- (5) Votes on resolutions or bylaws will be recorded in the minutes as either:
 - (a) carried unanimously;
 - (b) defeated unanimously; or
 - (c) where not carried unanimously, by recording the names of those Members who voted against the motion.
- (6) Names of movers and seconders shall not be recorded in the minutes.
- (7) In recognition that rules are used to facilitate progress, some motions may be voted on by Unanimous Consent, an informal way of taking a vote that is used for routine and non-controversial decisions of a procedural nature. The procedure involves asking if any Member objects to adopting the motion and if no one does, it is adopted. Where one member objects, a vote must be taken.

36. Adoption of Minutes

- (1) Minutes of the previous Regular Council Meeting and any previous Special Council Meeting shall be circulated in the Agenda Package and any errors or omissions amended by Majority Vote or Unanimous Consent.
- (2) Subject to subsection (1), Council shall adopt the minutes of the previous Regular Council Meeting and any previous Special Council Meeting either as circulated or as amended.

37. Reports to Council

- (1) Council Members or District staff may report to Council on matters of District business provided the matter is included on the agenda or added as a late item (addendum) in accordance with section 34.
- (2) In accordance with section 42, a recommendation in a report does not constitute a main motion (resolution) unless a Council Member moves it. A report recommendation to “receive for information” does not require a vote.
- (3) Recommendations to Council from the COTW, a Council Committee, Commission or Other District Body shall ordinarily be presented by a Council Member who either chairs or is otherwise a Member of the body. In considering a recommendation under this section Council may:
 - (a) adopt the recommendation as presented;
 - (b) amend the recommendation;
 - (c) refer the recommendation back to the body or staff; or
 - (d) postpone its consideration to a future meeting or indefinitely.

Bylaw
1229.01,
2019



37.1 Presentations – Invited Delegations to Council

- (1) Individuals or organizations invited by a motion of Council or by staff to address Council about any matter will be provided up to 15 minutes to present at the

beginning of the Presentations and Reports section, provided the matter is included on the agenda or added as a late item (addendum) in accordance with section 34.

- (2) For clarity, individuals or organizations invited by Council or staff do not have to request to be a delegation, and are not subject to the requirements of section 38 – Public Input.

38. Public Input – Comment Agenda Items, Delegations, Question Period

- (1) District of Tofino Council values public input and provides for members of the public to address Council during Regular Council and COTW Meetings at three points in the agenda:
 - (a) Public comment on agenda items – Up to 10 minutes is provided at the start of Regular Council and COTW Meetings for members of the public to address Council on agenda items, other than those of a procedural nature (e.g. adoption of minutes) or that are restricted under subsection 7. To accommodate as many speakers as possible, each will have up to two (2) minutes to provide comment.
 - (b) Delegations – Individuals or organizations that wish to address Council on a matter within municipal jurisdiction may apply to appear as a delegation in accordance with this section.
 - (c) Question period – Up to 10 minutes will be provided at the end of Regular Council and COTW Meetings for members of the press and public to ask Council questions about matters included on the agenda or discussed during the meeting. To accommodate as many speakers as possible, each will have up to two (2) minutes to ask questions, including up to one follow-up question.

Bylaw
1229.01,
2019



- (1.1) Individuals or organizations addressing Council under this section shall not use the time allotted for Public Comment on Agenda Items to discuss their own delegation.

- (2) Individuals wishing to address Council on an agenda item(s) must:
 - (a) state their name and address, for the record;
 - (b) subject to subsection 7, restrict comments to only matters on the agenda;
 - (c) state the agenda item (s) they wish to comment on;
 - (d) stay within the two (2) minute speaking time; and
 - (e) not speak more than once, unless all others who wish to speak have spoken within the time allotted.

Bylaw
1229.01,
2019



- (3) Subject to the restrictions in section 7, individuals or organizations may apply to appear as a delegation a Regular Council or COTW Meeting by submitting a request to the Corporate Officer on the prescribed form, and by the deadlines specified in section 24.

Bylaw
1229.01,
2019



- (3.1) In recognition of the scope of business requiring Council's attention the number of delegations shall be limited to two (2) per meeting, except with the leave of the Mayor. Priority for delegation spots will be given to individuals or organizations who have not addressed Council within the last six (6) months, except where an individual or organization is statutorily authorized to be heard by Council or required by law to be heard by Council.

- (4) Delegations shall have up to ten minutes to speak and must restrict their remarks to the topic indicated on the application. At the sole discretion of Council, an address may be followed by a question period of up to five (5) minutes in which each Council Member may ask one clarifying and one follow-up question. Members shall not debate topics with delegates and shall refrain from lengthy preambles. At the discretion of Council, time limits may be extended by Majority Vote or Unanimous Consent.
- (5) The Corporate Officer shall be granted the authority to screen delegation requests and, if deemed appropriate, refuse the request if the issue:
 - (a) does not comply with section 7;
 - (b) the purpose is to address a matter that is the subject of a staff report not yet presented to Council; or
 - (c) is not within the mandate or jurisdiction of Council.

In the event that a delegation wishes to appeal the decision of the Corporate Officer, the request shall be distributed to Council for consideration and decision.

- (6) Members of the public that participate in Regular Council and COTW Meetings under this section must conduct themselves in accordance with section 28 (Rules of Conduct Public Gallery). During meetings Council Members are to be addressed as follows:
 - (a) the Mayor as “Your Worship” or “Mayor _____” or “Mr./Madam Mayor” or Mr./Madam Chair”;
 - (b) Councillors as “Councillor _____”;
- (7) Speakers and delegates addressing Council under this section shall not be heard on:
 - (a) any matter that has been the subject of a public hearing held in accordance with an enactment as a pre-requisite to:
 - (i) the adoption of a bylaw (e.g. official community plan bylaw or zoning bylaw); or
 - (ii) the passing of a resolution authorizing a permit (e.g. development variance permit);
 - (b) a reconsideration or appeal of a Council decision held in accordance with an enactment, except for the person entitled to such reconsideration or appeal, or their legal representative;
 - (c) District employee relations;
 - (d) the promotion of commercial products or services;
 - (e) litigation or potential litigation affecting the District.
 - (f) any matter related to an election campaign;
 - (g) any matter about records held in confidence by the District, unless that record has been lawfully released to the public by the District;
- (8) Any dialogue under this section between individual Council Members and speakers/delegations is ordinarily through the Presiding Member.
- (9) Where a speaker/delegation requests a decision from Council under this section, the matter shall ordinarily be referred, by Majority Vote, to District staff for review.

39. Correspondence and Petitions

- (1) Correspondence and petitions submitted to Council for inclusion on a Council agenda shall:
 - (a) be legible (typed, written, printed);
 - (b) signed by, or identified as being from, at least one person who provides a name, mailing address and phone number;
 - (c) not contain libelous statements about third parties; and
 - (d) be submitted to the Corporate Officer by the deadlines specified in section 24.
- (2) A petition to Council must clearly identify:
 - (a) the name and residential address of each petitioner; and
 - (b) the action being requested of Council by petitioners.
- (3) Correspondence and petitions submitted under this section shall be circulated to Council Members for information indicating if the communication will be:
 - (a) included for Council's consideration on a Council Meeting agenda; or
 - (b) referred to the appropriate District department for action and reply, which may include preparing a staff report for Council's consideration. Any staff responses shall be made available to Council Members for inspection.
- (4) Correspondence and petitions submitted under this section shall be acknowledged and the writer advised where the matter has been referred.
- (5) Correspondence for inclusion on a public agenda shall be added in its entirety, excluding contact information, unless at the time of submission, the author requests that specified personal information, except the author's name, be redacted.
- (6) The Corporate Officer shall respond to requests that a day of recognition be declared within the District by Council, in accordance with District policy.

40. Business Initiated by Council Members - Notice of Motion/Motion

- (1) A Council Member must give notice of his or her intention to introduce a motion for Council's consideration by:
 - (a) verbally stating at the appropriate point in the agenda (*Business Initiated by Council Members – Notice of Motion/Motion*) that they intend to introduce the motion at a subsequent meeting; and
 - (b) then submitting a written copy of the motion to the Corporate Officer in accordance with section 24 (2), indicating the meeting date.
- (2) Despite subsection (1), in the case of Urgent Business a Council Member may introduce a motion for Council's consideration without prior notice by:
 - (a) submitting a request to the Corporate Officer in accordance with section 24 (4) (c); and
 - (b) obtaining Council's approval to introduce the motion as a late time (addendum) in accordance with section 34 (3) (b).

41. Recess and Adjournment of Meeting

- (1) A Council Member may move to recess at any time during a Council Meeting, except for the purpose of interrupting a speaker.

- (2) A motion to adjourn a meeting requires a Majority Vote, except where the Agenda remains unfinished, in which case a two-thirds (2/3) vote of the Members present is required.

Division 3 – Motions

42. Main Motions/Resolutions

- (1) A main motion (resolution) puts substantive business before Council and, if adopted, becomes Council's official statement on that matter. Main motions must therefore be clear, concise and complete and may only be made when no other business is pending.
- (2) All main motions (resolutions) that come before Council must be included on the agenda except:
 - (a) where added as a late item (addendum) in accordance with section 34 (3); or
 - (b) where the purpose is to direct staff to research a matter or craft a resolution for consideration at a subsequent meeting; or
 - (c) where Council deems a resolution not included on the agenda to be of minimal impact.
- (3) A report recommendation does not constitute a main motion until expressly moved by a Council Member.
- (4) In recognition that procedural rules are used to facilitate progress, an agenda item may be discussed before a motion is made.

43. Secondary Motions

- (1) The following types of motions are collectively referred to as "secondary motions":
 - (a) subsidiary motions, help dispose of main motions under consideration (e.g. refer to committee);
 - (b) privileged motions, deal with urgent matters that must be dealt with immediately, even if pending business is interrupted [deal with privileges of Council or individual Members and must be considered immediately on being raised by the Presiding Member/Chair (e.g. recess)]; and
 - (c) incidental motions, deal with questions of procedure (e.g. point of order)
- (2) Rules for secondary motions commonly used during Meetings are set out in Schedule 'E' and supersede RRORNR where differences exist.

44. Motions that Bring Question Back

- (1) The following motions are referred to collectively as "motions that bring a question again before the assembly" and are used to consider again a question previously disposed of:
 - (a) take from the table;
 - (b) rescind or amend something previously adopted;
 - (c) discharge a committee; and
 - (d) reconsider (see Schedule 'D')

45. Handling Motions – Introduction, Withdrawal, Division, Closing Debate

- (1) Before a motion can be discussed and voted on, it must be moved, seconded and stated by the Presiding Member/Chair. Once stated by the Presiding Member/Chair, the motion is owned by Council and only with the Unanimous Consent of the Members present may it be:
 - (a) withdrawn by the mover; or
 - (b) amended by the mover in accordance with section 46 (3), either on their own initiative or in response to another Member's request.
- (2) While a main motion is being discussed (debated), only the following secondary motions may be made:
 - (a) a privileged motion to:
 - (i) fix the time to adjourn,
 - (ii) adjourn,
 - (iii) recess, or
 - (iv) raise a question of privilege;
 - (b) a subsidiary motion to:
 - (i) table (set aside temporarily within same meeting),
 - (ii) close debate and vote immediately (call question),
 - (iii) postpone consideration to a certain time,
 - (iv) refer (to committee or staff),
 - (v) amend, or
 - (vi) postpone indefinitely;
 - (c) an incidental motion to:
 - (i) raise a point of order
 - (ii) appeal ruling of chair
 - (iii) suspend the rules.
- (3) To ensure that Council Members and the public are clear about what is being discussed and voted on, the Presiding Member/Chair shall ordinarily restate or clarify a main motion (resolution) after it is introduced and, if some discussion has occurred, restate or clarify the resolution again before putting it to a vote.
- (4) When the Presiding Member/Chair believes that sufficient discussion has occurred, he or she may:
 - (a) seek Unanimous Consent to end debate and proceed to the vote; or
 - (b) take a formal vote on a motion to end debate.
- (5) If a main motion can be divided into separate parts, such that each stands as a separate proposition, a Council Member may require a separate vote on each part.

46. Amending Motions – Primary, Secondary, Friendly

- (1) A proposed amendment to a main motion:
 - (a) must be relevant to the subject matter;
 - (b) not negate the intent of the original motion; and
 - (c) be in the form of an addition, deletion or substitution.
- (2) During debate on a main motion, Council Members may only move:
 - (a) one amendment to the main motion (primary amendment); and

- (b) one amendment to the amendment (secondary amendment).
- (3) The debate and vote on a main motion and any amendments to it, proceeds in a “last in first out” order as follows:
 - (a) secondary amendment is debated and voted on;
 - (b) primary amendment (or primary as amended) is debated and voted on; and
 - (c) main motion (or main as amended) is debated and voted on.
- (4) Subject to this section and section 45, a Council Member may not amend his or her own motion, except if:
 - (a) the Chair accepts the amendment as friendly, being a change that does not affect the substance of the motion and clarifies the intent; and
 - (b) no Council Member objects.

47. Reconsideration - Bringing Back Main Motions

- (1) In accordance with section 131 of the *Community Charter*, the Mayor may require Council to reconsider and vote again on a matter:
 - (a) at the same meeting where the original vote took place; or
 - (b) within 30 days following that meeting by way of a Notice of Motion in accordance with section 40,
 provided the matter has not:
 - (i) already been reconsidered under this section;
 - (ii) received the approval or assent of the electors; or
 - (iii) already been acted upon by District staff.
- (2) A Council Member may bring a resolution back before Council at the same meeting where the original vote took place, or at subsequent meeting, in accordance with the rules set out in Schedule ‘D’ of this Bylaw.

PART 6 – PUBLIC HEARINGS

48. Opportunity to be Heard

Public hearings provide an opportunity for persons who believe their interest in property is affected by a proposed bylaw to be heard by:

- (a) submitting written comments (representations) to Council on matters contained in the bylaw; or
- (b) appearing before Council to speak to matters contained in the bylaw either directly or through a representative.

49. Order of Business

The order of business at a public hearing shall be as follows:

- (a) Call to Order
- (b) Statement of Chair
 - (i) Review of Public Hearing Procedures
 - (ii) Proposed Bylaw Summary
- (c) Proposed Bylaw
 - (i) Public Notice Summary
 - (ii) Related Documents (bylaw and staff reports)
- (d) Submissions Received During Notice Period

- (e) Application/Agent/Staff Presentation
- (f) Public Input
- (g) Adjournment

50. Procedures

- (1) Subject to subsection (2), any written materials and submissions considered by Council at the hearing will be available for review by the public during the hearing.
- (2) Submissions received during the notice period will be added to the public record in their entirety, excluding contact information, unless at the time of submission the author requests that other personal information, except the author's name, be redacted.
- (3) Speakers must:
 - (a) first identify themselves by stating their name and address and, where applicable, the name and address of the person or persons they represent;
 - (b) limit their remarks to matters contained in the proposed bylaw; and
 - (c) not make a reply, rebuttal or further submission without the Chair's/Presiding Member's permission.
- (4) Only Council Members may ask questions of speakers to clarify what has been said.

PART 7 – BYLAWS

51. Voting – Generally, No Closed Meeting Votes

- (1) In accordance with section 89 (2) of the *Community Charter*, no votes on any reading or the adoption of a bylaw may be held when a Council Meeting is closed to the public in accordance with section 14.
- (2) Motions on any reading or the adoption of a bylaw must be passed by a Majority Vote of the members present except:
 - (a) in the case of an Official Community Plan bylaw where, in accordance with section 882 of the *Local Government Act*, motions on each reading and the adoption of a proposed bylaw must be passed by a majority vote of all Council Members; and
 - (b) where the *Community Charter*, *Local Government Act* or another Act requires otherwise.

52. Copies to Council Members

A proposed bylaw may be introduced, given readings and adopted at a Council meeting only if:

- (a) it is included on the agenda or added as a late item in accordance with section 34 (3); and
- (b) a full text copy has been provided to Members at least 24 hours in advance of the meeting, except where this requirement is waived by a unanimous vote of all Council members.

53. Form and Motions

- (1) A proposed bylaw must:
 - (a) have a distinguishing name and number;
 - (b) contain an introductory statement of purpose; and
 - (c) be divided into sections.
- (2) Motions involving proposed bylaws include:
 - (a) That "District of Tofino (insert Bylaw title) No. X, YEAR" be introduced and read a:
 - i. first time, and/or
 - ii. second time, and/or
 - iii. third time.
 - (b) That "District of Tofino (insert Bylaw title) No. X, YEAR" be amended at X reading by X.
 - (c) That "District of Tofino (insert Bylaw title) No. X, YEAR" be adopted.

54. Readings and Adoption

- (1) Every proposed bylaw must be read three (3) times before it can be adopted. Bylaw readings may be given by the Chair stating the name of the bylaw and requesting that a motion be made in accordance with this section and section 53.
- (2) A proposed bylaw may be given up to three readings at the same Council Meeting, except:
 - (a) in the case of a bylaw subject to a public hearing requirement, the proposed bylaw must be referred to hearing after second reading; or
 - (b) where the *Community Charter, Local Government Act* or another Act requires otherwise.
- (3) Subject to any statutory requirement or a Member requesting that the readings be considered separately, a proposed bylaw may be introduced and given first, second and third time reading in one motion. Where a public hearing is required, a proposed bylaw may be introduced and given first and second reading in one motion.
- (4) There must be at least one day between third reading and the adoption of a proposed bylaw, except:
 - (a) in the case of an official community plan, zoning or heritage designation bylaw, the proposed bylaw may, in accordance with section 890 (9) of the *Local Government Act*, be adopted at the same meeting it receives third reading; and
 - (b) where the *Community Charter, Local Government Act* or another Act requires otherwise.
- (5) If the *Community Charter, Local Government Act* or another Act requires that a bylaw receives:
 - (a) the approval of cabinet, a minister or the inspector of municipalities; or
 - (b) the approval of the electors
 the approval must be obtained after third reading and before the bylaw is adopted. Where a bylaw is subject to both requirements, the approval of subsection (5) (a) must be obtained before (5) (b).

- (6) The Corporate Officer must ensure that the reading and adoption dates are recorded on the bylaw, as well as the dates that any statutory approvals, procedures or other requirements are obtained, followed or fulfilled including, but not limited to:
 - (a) provincial approvals;
 - (b) voter approvals;
 - (c) public hearings;
 - (d) public notices;
 - (e) two-third majority or unanimous votes.

55. Changes Before Adoption

- (1) Except where the *Community Charter*, *Local Government Act* or another Act provides otherwise, a proposed bylaw may be amended any time after first, second or third reading.
- (2) After public hearing, a bylaw must not be amended to:
 - (a) alter the use,
 - (b) increase the density, or
 - (c) decrease the density without the property owner's consent.

56. Must be Signed and Available to Public

- (1) After a proposed bylaw is adopted it must be signed by:
 - (a) the Member presiding at the Council meeting where it was adopted; and
 - (b) the Corporate Officer who must place it in the District's records for safekeeping.
- (2) In accordance with section 97 of the *Community Charter*, the Corporate Officer must ensure that all adopted bylaws and proposed bylaws given first reading are available for public inspection at the Municipal Office during regular office hours.

57. Force and Effect

A bylaw comes into force and effect the later of:

- (a) the date it is adopted by Council; or
- (b) a date established in the bylaw.

58. Changing and Repealing Adopted Bylaws

- (1) An adopted bylaw may only be amended or repealed by bylaw.
- (2) A bylaw that amends or repeals an adopted bylaw is subject to the same approvals and requirements, if any, as a new bylaw adopted under the same authority.
- (3) A bylaw that requires approval or assent of the electors before adoption may be amended or repealed without that approval or assent in accordance with section 137 of the *Community Charter*.
- (4) A bylaw may contain provisions that amend or repeal it at a future date set in the bylaw.

PART 8 – COMMITTEE OF THE WHOLE

59. Composition, Role, Presiding Member

- (1) The COTW is a committee comprised of all Council Members that meets regularly to consider, but not decide, matters of District business. COTW sits in a deliberative capacity only and must forward its recommendations to Council for consideration.
- (2) Councillors will serve as Presiding Member/Chair on rotating basis in accordance with the Acting Mayor Schedule, unless the Mayor determines otherwise.

60. Application of Other Provisions

As far as practical and applicable, the following provisions of Part 3 – Meetings Generally apply to this part:

- (a) Location of Meetings
- (b) Quorum Requirements
- (c) Open Meeting Requirement
- (d) Closed Meetings – Basis, Procedures, Attendance & Minutes
- (e) Electronic Participation in Meetings
- (f) Agenda and Minutes – Office Responsible for Preparation
- (g) Meeting Minutes – Maintained and Available to the Public

PART 9 – COUNCIL COMMITTEES AND COMMISSIONS

61. Establishment

- (1) Council Committees may be established and members appointed in accordance with the *Community Charter* as follows:
 - (a) in the case of Standing Committees, by the Mayor under section 141;
 - (b) in the case of Select Committees, by Council under section 142.
- (2) Commissions may be established and members appointed by Council to do one or more of the following:
 - (a) operate services;
 - (b) undertake enforcement and administrative operations in relation to Council's authority to regulate, prohibit and impose requirements; and
 - (c) manage property and licences held by the District.
- (3) The terms of reference for each Council Committee/Commission shall be approved:
 - (a) by the Mayor, in the case of Standing Committees, and
 - (b) by Council, in the case of Select Committees/Commissions.
- (4) If a Member misses more than three (3) meetings in a row the appointment may be rescinded at anytime by:
 - (a) the Mayor, in the case of Standing Committees, and
 - (b) Council, in the case of Select Committees/Commissions

62. Duties – Council Committees and Commissions

- (1) Council Committees and Commissions must consider, inquire into, report and make recommendations to Council on matters set-out in their terms of reference and as referred:
 - (a) by the Mayor and Council, in the case of Standing Committees; and
 - (b) by Council, in the case of Select Committees and Commissions.
- (2) Council Committees and Commissions must report and make recommendations to Council:
 - (a) in accordance with their terms of reference;
 - (b) regularly by submitting meeting minutes and recommendations to the Corporate Officer for inclusion on a Council Meeting agenda;
 - (c) as may otherwise be required by the Mayor or Council.

63. Presiding Member

- (1) The Presiding Member/Chair at meetings of Council Committees, Commissions, the Board of Variance or other District Bodies is:
 - (a) the person appointed Presiding Member/Chair;
 - (b) in the absence of the Presiding Member/Chair, the person appointed Vice-Chair or Alternate; and
 - (c) in the absence of the Chair and Vice-Chair or Alternate, the Member chosen from amongst those present to chair the meeting.

64. Participation – Non-members

- (1) Council Members who are not members of a Council Committee/Commission may attend meetings but must not vote or take part in any discussion except:
 - (a) at the invitation of the Chair; or
 - (b) with the permission of the Council Committee/Commission through Unanimous Consent.
- (2) A member of the public who is not a member of a Council Committee/Commission, may be invited by the Chair to speak to a matter under consideration.

65. Meetings – Schedule, Changes, Cancellations, Notice

- (1) At its first meeting after establishment, and annually thereafter at the first meeting of the year each, Council Committee/Commission must establish a schedule of the dates and times it will meet, to be known as the Regular Meeting Schedule. Meetings shall not be scheduled in July, August and December.
- (2) A copy of the Regular Meeting Schedule must be circulated to all Committee/Commission Members, posted on the Public Notice Posting Place and submitted to the Corporate Officer by the Staff Liaison.
- (3) Meetings are to be held in the District of Tofino Municipal Office, unless the location is changed in accordance with section 11.
- (4) Despite subsection (1), the Chair of a Council Committee/Commission, in consultation with the Staff Liaison, may:
 - (a) call meetings in addition to those on the Regular Meeting Schedule; and

- (b) cancel scheduled meetings
provided notice is given in accordance with subsection (5) and (6), as applicable.
- (5) At least 48 hours before each Meeting the Staff Liaison shall give notice of the date, time and location of the meeting:
 - (a) to Members, by delivering a copy of the Agenda to the e-mail address provided by each Member; and
 - (b) to the Public, by posting a copy of the Agenda to the Public Notice Posting Place and, optionally, on the District's website
- (6) Where a scheduled Meeting is cancelled, the Staff Liaison shall give written notice of cancellation:
 - (a) to Members, by delivering a copy of the notice to the e-mail address provided by each Member; and
 - (b) to the public, by posting a copy of the notice at the Public Notice Posting Place and, optionally, on the District's website

66. Agendas – Preparation, Order of Business, Late Items Changes

- (1) Committee meeting agendas are to be prepared by the Staff Liaison in consultation with the Committee Chair, and made available to Committee Members and the public at least 48 hours in advance of the meeting.
- (2) The order of business for Committee meetings will be as follows, except where varied by unanimous consent:
 - (a) Call to Order
 - (b) Approval of Agenda (order may be varied and items deleted, added or postponed to future meeting)
 - (c) Approval of Minutes
 - (d) Delegations
 - (e) Correspondence
 - (f) Reports
 - (g) Unfinished Business
 - (h) Closed Session (if required)
 - (i) Reconvene from Closed Session (if required)
 - (j) Adjournment

67. Application of Other Provisions

As far as practical and applicable, the following provisions of Part 3 – Meetings Generally apply to this part:

- (a) Location of Meetings
- (b) Quorum Requirements
- (c) Open Meeting Requirement
- (d) Closed Meetings – Basis, Procedures, Attendance & Minutes
- (e) Electronic Participation in Meetings
- (f) General Voting Rules
- (g) Agenda and Minutes – Office Responsible for Preparation
- (h) Minutes – Maintained and Available to the Public

PART 10 - GENERAL

68. Severability and Repeal

- (1) A decision by a court that any part of this Bylaw is illegal, void or unenforceable severs that part from this Bylaw and is not to affect the validity of the remaining portions of this Bylaw.
- (2) "District of Tofino Council Procedure Bylaw No. 1063, 2008" is repealed.

NOTICE given in accordance with sections 94 and 124(3) of the Community Charter by way of posting notices on the Public Notice Posting Place, the District's website and by publication in January 4, 2017 and January 11, 2017 editions of the Westerly News.

READ A FIRST TIME on December 6, 2016

NOTICE PLACED in the January 4th and 11th, 2016, editions of the Westerly News

READ A SECOND TIME on January 10, 2017

READ A THIRD TIME on January 10, 2017

ADOPTED on January 24, 2017

Josie Osborne, Mayor

Robert MacPherson, Corporate Officer

Schedule 'A' – CONFLICT OF INTEREST

District of Tofino Meeting Procedures Bylaw No. 1229, 2016

Declaring a Conflict

1. Where a Member considers that he or she is not entitled to participate in the discussion or vote on a matter at a meeting because of:
 - (a) a direct or in direct pecuniary interest; or
 - (b) another interest that constitutes a conflictthat Member must declare this and state, in general terms, the nature of the conflict.

Restrictions on Participating

2. After making a declaration the Member must not:
 - (a) attend any part of a meeting where the matter is being considered,
 - (b) participate in any discussion of the matter at a meeting,
 - (c) vote on any question related to the matter at a meeting,
 - (d) attempt in any way, before, during or after a meeting, to influence voting on any question related to the matter.This applies to any Member that is in conflict, whether or not a declaration has been made. A Member of Council that contravenes these rules is disqualified from holding office in accordance with section 108.1 of the *Community Charter*, unless the contravention was inadvertent or the result of an error in judgment made in good faith.
3. If a Member makes a declaration of conflict and, after receiving legal advice, determines it was made in error, the Member may:
 - (a) withdraw the declaration by stating, in general terms, at the same or another meeting of the body, the reason he or she considers this the case, and
 - (b) after this, participate in discussions and vote in relation to the matter.For certainty, a Member who makes a statement withdrawing his or her declaration remains subject to the restrictions on participating, if in conflict.

Minutes and Role of Presiding Member/Chair

4. If a declaration is made under (1), or a statement made under (3), the meeting minutes must record:
 - (a) the Member's declaration or statement,
 - (b) the reasons given for it, and
 - (c) the time the Member left and, if applicable, rejoined the meeting.
5. Unless a statement is made under (3) withdrawing the declaration of conflict, the Presiding Member must ensure that the Member who has declared a conflict is not present during any part of the meeting, or subsequent meetings of the body, where the matter is under consideration.



Schedule 'B' – ELECTRONIC MEETINGS AND PARTICIPATION

District of Tofino Meeting Procedures Bylaw No. 1229, 2016

1. Connecting Electronically

1. As soon as reasonably possible after receiving notice under section 15, the Corporate Officer or Staff Liaison will provide instructions on how Members, the public and participants can participate and join the Meeting electronically.
2. On leaving an electronic Meeting, Members must announce themselves by stating their name and, as applicable, their intention to leave.
3. If a Member has not joined the Meeting within two minutes of the scheduled start time/at the scheduled start time, they are deemed absent from the Meeting.

2. Location of Meetings – Motion Required

1. Upon calling the electronic meeting to order, the chair shall call for a motion to approve the meeting location as electronic, or in-person and electronic (hybrid), in accordance with section 11(1) of this bylaw.

3. Attendance, Voting and Frequency

1. A Member who participates electronically in a Meeting is deemed to be present at the Meeting.
2. Members who participate electronically must vote by:
 - a) stating their name and whether they are in favour or opposed to the motion; or
 - b) in a manner deemed acceptable and established by the Chair during the meeting.
3. When meetings are held in-person, a Council Member may participate electronically in up to:
 - a) three (3) Regular Council Meetings each calendar year;
 - b) two (2) Council Committee meetings each calendar year, including COTW meetings; and
 - c) two (2) Public Hearings each calendar year.
4. Members, other than Council Members, of the following bodies may participate in in-person meetings electronically in up to two (2) meetings each calendar year:
 - a) Council Committees;
 - b) Commissions;
 - c) the Board of Variance; and
 - d) Other District Bodies.

4. Interruptions and Technology Failure

1. Where an electronic participant's communication link is interrupted or terminated, Members who are physically present may:

- a) decide on a short recess until it is determined whether or not the link can be re-established; or
- b) continue the meeting and treat the interruption or failure in the same way as if the electronic participants were physically present and had left the Meeting.

Schedule 'C' – CLOSED SESSIONS

District of Tofino Meeting Procedures Bylaw No. 1229, 2016

SECTION 90 OF THE COMMUNITY CHARTER [SBC 2003]

Meetings that may or must be closed to the public

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the *Freedom of Information and Protection of Privacy Act* , if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*Ombudsperson to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting;

(e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the *Auditor General for Local Government Act* .

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Schedule 'D' - RECONSIDERATION

District of Tofino Meeting Procedures Bylaw No. 1229, 2016

1. Subject to section 5 of this schedule, a Council Member may introduce a motion to reconsider
 - (a) a matter on which a vote, other than to postpone indefinitely, has been taken;
 - (b) an adopted bylaw after an interval of at least 24 hours following its adoption.
2. If the motion to reconsider is not made at the same meeting as the original motion, the motion to reconsider shall be introduced by way of a Notice of Motion in accordance with section 40 of this Bylaw.
3. Council must not discuss the main matter referred to in section 1 of this schedule unless a motion to reconsider that matter is adopted in the affirmative.
4. No delegations are permitted to speak on a motion to reconsider.
5. A vote to reconsider must not be reconsidered.
6. A motion to reconsider must be carried in the affirmative by a majority vote of the entire Council.
7. If a motion to reconsider is decided in the affirmative:
 - (a) reconsideration of the original motion shall become the next order of business unless the motion specifies a future definite date
 - (b) the reconsideration effectively returns Council to just prior to the original Council decision
8. Council may only reconsider a matter that has not:
 - (a) had the approval or assent of the electors and been adopted,
 - (b) already been reconsidered under section 1 of this schedule or section 131 of the *Community Charter* [mayor may require Council reconsideration of a matter],
 - (c) been acted on by an officer, employee, or agent of the District.
9. The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
10. A bylaw, resolution, or proceeding that is reaffirmed under section 1 of this schedule or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.

Schedule 'E' – SECONDARY MOTIONS

District of Tofino Meeting Procedures Bylaw No. 1229, 2016

Subsidiary Motions

The seven subsidiary motions are used to help dispose of main motions while pending and are decided by Majority Vote or, if there is no objection, by Unanimous Consent. The motions are listed in order of precedence (rank) from highest (top) to lowest (bottom). All subsidiary motions outrank the main motion, which has the lowest rank of all and may only be voted on when no subsidiary motion remains. Any subsidiary motion that lies above the one being considered is in order, and any below it are out of order until the one being considered is disposed of.

MOTION	COMMON USES	PROCESS
Lay on Table (table)	Set aside temporarily, within the course of the meeting, to allow something of an urgent nature to be done immediately.	Can be decided informally by unanimous consent. May resume debate without motion to “take from table”. When handled formally requires seconder, majority vote and is not debatable or amendable.
Close Debate (previous question)	End debate and vote immediately.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote and is not debatable or amendable.
Limit or Extend Debate	Provide specific amount of time for discussion.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote and is not debatable but is amendable with respect to
Postpone to Certain Time	Postpone consideration to a certain time.	Requires seconder. Is debatable as to merit of postponement and is amendable. Majority vote required.
Refer (commit)	Have committee or staff review in detail and report back with a recommendation.	Requires seconder. Is debatable as to merit of referral and is amendable. Majority vote required.

Amend	Changes wording of another motion by adding, deleting or replacing words.	Requires seconder. Is debatable. Secondary amendment (amend pending amendment) allowed. Majority vote required.
Postpone Indefinitely	Avoid taking direct vote.	Requires seconder. Is debatable, but not amendable. Majority vote required.
MAIN MOTION		

Privileged Motions

The five privileged motions do not relate to pending business, but rather matters of such immediate and overriding importance that involve the meeting itself or the comfort of members that pending business can be interrupted and the matter decided, without debate, by Majority Vote. The privileged motions are shown in order from highest (top) to lowest rank. Privileged motions out rank all subsidiary motions and the main motion. Any privileged motion that lies above the one being considered is in order, and any below it are out of order until the one under consideration is disposed of.

MOTION	COMMON USES	PROCESS
Fix Time to Adjourn	Continue current meeting on another day (e.g. when a public hearing is not concluded).	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote, is amendable as to time and date, is not debatable.
Adjourn	End meeting.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote, is not amendable or debatable.
Recess	Take a short break.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote, is amendable as to time, is not debatable
Raise a Question of Privilege	Request to deal with something that affects the comfort of Council or a single Member (e.g. noise or other distraction).	Question of privilege should not generally interrupt a speaker, unless circumstances require. Chair decides subject to a challenge under section 31.

Call for Orders of the Day	Get meeting back on schedule.	Chair responds by enforcing the agreed upon schedule. By Majority Vote or Unanimous Consent, may deviate from adopted schedule.
SUBSIDIARY MOTIONS		
MAIN MOTION		

Incidental Motions

Below are the most commonly used incidental motions that deal with questions of procedure.

MOTION	COMMON USES	PROCESS
Point of Order	Enforce the rules. Is raised by a Member who believes a rule has been breached.	Member raises "Point of Order" Chair interrupts speaker and recognizes member to state rule being breached Chair responds to the point raised by making a ruling as to whether the point is taken or not. Chair may opt to ask Council to make decision.
Appeal	Appeal the Chair's ruling on a matter to Council.	No seconder is required. In accordance with section 31, the question "shall the Chair be sustained" is put to a vote immediately and without debate Chair does not vote. Majority Vote or tie sustains Chair's decision.
Suspend the Rules	Allows Council to waive a rule of order for a specific purpose. <u>Cannot be used</u> to suspend any provisions from the <i>Community Charter, Local Government Act</i> or other applicable legislation (e.g. voting rules or conflict of interest).	Can be useful when the rules are proving too restrictive and a more flexible approach is needed (e.g. extending time limits for speaking). Motion may be handed by the Chair informally
Division of Motion (resolution)	Divides a multi-part	Question of privilege should not generally interrupt a speaker, unless circumstances require.

		If member making a request, Chair can handle informally.
Withdraw or Modify	<p>Before debate begins, a main motion (resolution) can be withdrawn or changed by the mover.</p> <p>After debate begins, main motion belongs to assembly which may withdraw it by Majority Vote or Unanimous Consent.</p>	<p>"In light of new information, I withdraw the motion".</p> <p>OR</p> <p>"I request permission to withdraw the motion". Chair takes vote or confirms support through Unanimous Consent.</p>