



District of West Vancouver

## **Council Committee Procedure Bylaw No. 5020, 2019**

Effective Date: November 4, 2019

### **Consolidated for Convenience Only**

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

**Amendment Bylaw**  
Bylaw No. 5144, 2021

**Effective Date**  
September 29, 2021

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the parent bylaw (Council Procedure Bylaw No. 5020, 2019). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

District of West Vancouver

# **Council Committee Procedure Bylaw No. 5020, 2019**

## **Table of Contents**

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Part 1	Citation.....	1
Part 2	Severability .....	1
Part 3	Definitions .....	1
Part 4	Interpretation.....	3
Part 5	Committee Meetings .....	3
Part 6	Designation of Committee Chair .....	5
Part 7	Committee Proceedings.....	6
Part 8	General .....	15

District of West Vancouver

# **Council Committee Procedure Bylaw No. 5020, 2019**

A bylaw to govern Council committee meetings of the District of West Vancouver

Previous amendments: *Amendment Bylaw 5144*.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for Council committee meeting procedures;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

## **Part 1 Citation**

- 1.1 This bylaw may be cited as “Council Committee Procedure Bylaw No. 5020, 2019”.

## **Part 2 Severability**

- 2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## **Part 3 Definitions**

- 3.1 In this Bylaw:

“**Acting Chair**” means the Member elected by the Committee who is responsible for acting in the place of the Chair when the Chair is absent or otherwise unable to act or when the position of Chair is vacant;

“**agenda documents**” means the Committee meeting agenda and agenda package;

“**Chair**” means the Member or Members elected by the Committee to preside over meetings of the Committee;

**“Clerk”** means the District employee designated as clerk to the Committee;

**“Committee”** means a select committee of Council, a standing committee of Council, or any other body established by Council that is composed solely of Council members;

**“deferral”** means a resolution to defer consideration of a matter to a subsequent meeting;

**“District Facility”** means a building that is either owned or leased by the District of West Vancouver.

**“Government Official”** means any officer, employee or other individual acting in an official capacity for the federal government, a provincial or territorial government, a municipal government, or an agency or instrumentality thereof (including any government-owned or controlled enterprise), other than a Member;

**“meeting”** means a meeting of a Committee of Council;

**“Member”** means any individual appointed to a Committee;

**“motion”** means a formal proposal made by a Member to consider a specified course of action;

**“Municipal Hall”** means the District of West Vancouver Municipal Hall located at 750 17th Street, West Vancouver, BC, Canada V7V 3T3;

**“procedural motion”** means any motion so described in section 7.44;

**“public notice posting places”** means the external bulletin boards at the north and west main floor entrances to the Municipal Hall and on the District website, unless having made reasonable efforts the Clerk is unable to effect such posting to the website;

**“question”** means the subject matter of a motion;

**“quorum”** means a majority of the voting Members appointed to a Committee;

**“referral”** means a resolution to refer a matter to staff or to Council;

**“resolution”** means a motion that has been carried by a majority of the Members present at a meeting, unless otherwise provided in an enactment;

“**voting member**” means a member who, pursuant to a Committee’s Terms of Reference, is entitled to move, second, and/or vote on Committee motions.

## Part 4 Interpretation

4.1 Reference in this Bylaw to:

- (a) a numbered section or Part is a reference to the correspondingly numbered section or Part of this Bylaw;
- (b) the plural is to be considered to be a reference also to the singular, unless the context otherwise requires; and
- (c) a resolution or vote of the Committee is a reference to a resolution or vote passed by the affirmative vote of a majority of the Members present and entitled to vote on the matter except as otherwise provided by the *Community Charter* or this or any other Bylaw of the District.

4.2 The provisions of this Bylaw govern the proceedings of Committees.

## Part 5 Committee Meetings

### Date, Time and Place of Committee Meetings

5.1 A Committee must establish at its first meeting each year by resolution a schedule of meetings for that year, except as otherwise determined by a Committee’s terms of reference.

Amendment  
Bylaw 5144

5.2 The schedule of meetings must include the date, time and place for each meeting, including whether the meeting will be held via electronic or other communication facilities.

Amendment  
Bylaw 5144

5.3 Meetings must have a designated staff member in attendance at the meeting location and either be held in a District facility or by electronic or other communication facilities. If the meeting is to be conducted by electronic or other communication facilities then the meeting location must have means for the public to hear or watch and hear the proceedings that are open to the public.

### Notice of Committee Meeting Schedule

5.4 Once the annual meeting schedule has been established, the Clerk must post a schedule of the dates and times of meetings to that Committee’s webpage.

### Notice of Committee Meeting

Amendment  
Bylaw 5144

- 5.5 The Clerk must give notice of:
- (a) the date, time, and place of a meeting by posting a copy of the notice at the public notice posting places at least 48 hours prior to that meeting, including whether the meeting will be conducted by electronic or other communication facilities; and
  - (b) if the meeting is to be conducted by electronic or other communication facilities, the place where the public may attend to hear or watch and hear the proceedings that are open to the public.

### Cancelled, Rescheduled, or Called Meetings

Amendment  
Bylaw 5144

- 5.6 A Committee may by resolution:
- (a) cancel or reschedule a meeting;
  - (b) change the time or place for holding the meeting, including whether the meeting will be held by electronic or other communication facilities; or
  - (c) call an additional meeting at the time and place stipulated in the resolution, including by indicating whether the meeting will be held by electronic or other communication facilities.

Amendment  
Bylaw 5144

- 5.7 If it is not practicable for a Committee to cancel, reschedule, or call a meeting, the Chair may:
- (a) cancel or reschedule a meeting;
  - (b) change the time or place for holding the meeting, including whether the meeting will be held by electronic or other communication facilities; or
  - (c) call an additional meeting, including by indicating whether the meeting will be held by electronic or other communication facilities.

- 5.8 The resolution or decision to cancel or reschedule a meeting postpones the business on the agenda for that meeting to the next meeting.

Amendment  
Bylaw 5144

- 5.9 The Clerk must:
- (a) in the event of a cancelled meeting, post a notice at the public notice posting places informing of the cancellation of that meeting and

provide a digital copy of that notice to Members as soon as is practicable;

- (b) in the event of an additional or rescheduled meeting, post a notice at the public notice posting places which indicates the date, time and place of that meeting at least 48 hours prior to the date of that meeting, including whether the meeting will be held by electronic or other communication facilities, and, if so, the place where the public may attend to hear or watch and hear the proceedings that are open to the public; and
  - (c) in either event, revise and repost the meeting schedule referred to in section 5.4 as soon as practicable.
- 5.10 If the agenda for the meeting contains a proposed resolution to close all or part of the meeting to the public, the notice must state:
- (a) the basis under the *Community Charter* on which all or part of the meeting is to be closed; and
  - (b) briefly outline the purpose of the meeting;

but the notice must not otherwise describe the matter in respect of which all or part of the meeting is to be closed.

## **Part 6 Designation of Committee Chair**

- 6.1 At its first meeting each year, a Committee must from among its Members designate by resolution a Member to serve as Chair, except as otherwise determined by a Committee's terms of reference.
- 6.2 At its first meeting each year, a Committee must either:
- (a) designate by resolution a Member from among its Members to serve as the Acting Chair; or
  - (b) designate by resolution a Member from among its Members to serve as Co-Chair of the Committee.
- 6.3 The Acting Chair has the power and duties of the Chair in the Chair's absence and must fulfil the responsibilities of the Chair in the Chair's absence.
- 6.4 The Co-Chair has the same powers and duties as the Chair, and may exercise those same powers and duties in conjunction with the Chair.

## **Part 7 Committee Proceedings**

### **Committee Meeting Minutes**

- 7.1 Minutes of Committee proceedings must be:
- (a) legibly recorded with decisions and action items;
  - (b) certified as correct by the Clerk; and
  - (c) signed by the Chair of the meeting.
- 7.2 The Clerk must record in the minutes:
- (a) the text of every motion;
  - (b) the name of any voting Member who votes in the negative regarding a motion;
  - (c) the name of any Member that leaves the meeting, as well as the time that the Member leaves and returns to the meeting, if applicable; and
  - (d) the name of any Member absent from the meeting at a vote.
- 7.3 Discussion may be recorded in the minutes at the discretion of the Clerk.
- 7.4 The Clerk must prepare and deliver meeting minutes to each Member at least 48 hours prior to the meeting at which they are scheduled for adoption.

### **Adoption of Minutes**

- 7.5 The minutes of every meeting must be adopted by resolution.
- 7.6 The minutes may be adopted by resolution without their being read to the meeting.
- 7.7 An error or omission in the minutes may be identified by a Member orally and rectified by a resolution, failing which the adoption of the minutes shall be postponed to the next meeting.
- 7.8 The minutes of a meeting from which the public is excluded must be adopted at a subsequent meeting from which the public is excluded.
- 7.9 Meeting minutes, once adopted, must be signed by the Chair and the Clerk.



- 7.10 Meeting minutes, once adopted and signed, must be provided to the Corporate Officer for safekeeping.

### **Calling Meeting to Order**

- 7.11 As soon as possible after the time specified for the commencement of a meeting, if there is a quorum present:
- (a) the Chair, if present, must take the Chair and call the meeting to order; or
  - (b) if the Chair is absent, the Acting Chair must take the Chair and call the meeting to order.
- 7.12 If a quorum is present but the Chair and Acting Chair are absent at the time at which the meeting is scheduled to begin:
- (a) the Clerk must call the meeting to order; and
  - (b) the Committee must by resolution appoint a Member as temporary Acting Chair for that meeting.
- 7.13 If a temporary Acting Chair is appointed for the meeting pursuant to section 7.12(b), the temporary Acting Chair of the meeting has the powers and duties of the Chair in respect of that meeting and must fulfil the responsibilities of the Chair in respect of that meeting.

### **Chair Arrives after Commencement**

- 7.14 If the Chair arrives after commencement of a meeting, he or she will assume the Chair upon arrival.
- 7.15 If the Acting Chair arrives after commencement of a meeting from which the Chair is absent, he or she will assume the Chair upon arrival.

### **Adjourning Meeting where no Quorum**

- 7.16 If there is no quorum present within 15 minutes of the scheduled time for a meeting the Clerk must:
- (a) record the names of the Members present and those absent and adjourn the meeting until the next meeting; and
  - (b) place all agenda business that was not dealt with at that meeting on the agenda for the next meeting.

- 7.17 If quorum is lost during a meeting the Clerk must record the names of the Members present and those absent, and temporarily adjourn the meeting until a quorum is present. If a quorum does not reconvene within 15 minutes, the Clerk must proceed in accordance with section 7.16(a) and (b).

### **Agendas**

- 7.18 Prior to each meeting the Clerk must prepare an agenda that sets out all items for consideration at that meeting, noting the recommendation, if there is one, for each item on the agenda.
- 7.19 The Clerk must make the agenda documents available to Members by providing a digital copy or hard copy package of the agenda documents to each Member at least 48 hours prior to that meeting.
- 7.20 The Clerk must make the agenda available to the public by posting a copy to the public notice posting places at least 48 hours prior to that meeting.
- 7.21 If a portion of an agenda refers to items to be considered at a meeting from which the public is excluded, that portion of the agenda must not be made available to the public.

### **Voting**

#### Voting Members

- 7.22 Only a voting Member may vote on a motion.

#### Dividing a Motion

- 7.23 If a voting Member requests that a motion be divided, the Committee must either:
- (a) vote separately on each distinct part of a motion that is under consideration; or
  - (b) vote separately on one or more distinct parts of the motion, as specified by the voting Member who requested division.
- 7.24 If the motion does not contain clearly identifiable distinct parts, and, in the opinion of the Chair, it is not possible to divide the motion into distinct parts, the motion cannot be divided and must be voted on as a single motion.

**Effect of Abstention from Voting and Tie Vote**

- 7.25 Any voting Member present who does not vote in opposition will be deemed to have voted in the affirmative on the question.
- 7.26 If the votes of the voting Members present at a meeting at the time of the vote are equal for and against a motion, the motion is defeated.

**Debate**

- 7.27 The following governs when Members may speak:
- (a) The Chair may speak at a meeting at any time without leave, but may not interrupt a Member except to restore order.
  - (b) No Member may speak in a meeting until the Chair has recognized the Member.
  - (c) If a Member wishes to speak at the same time the Chair begins to speak, the Chair may speak first.
  - (d) If two or more Members wish to speak at the same time the Chair must designate the order in which each is to speak.
  - (e) A Member may speak to a question or motion at a meeting only if that Member first addresses the Chair.
  - (f) With regard to a motion:
    - (i) The voting Member who moved the motion may speak first relative to that motion; and
    - (ii) The voting Member who seconded the motion may speak second relative to that motion.

**Terms of Address**

- 7.28 A person must address the Chair as “Chair”, the Chair’s surname preceded by “Chair”, or “Mister Chair” or “Madam Chair”, as the case may be.

**Members Speaking at a Committee Meeting**

- 7.29 Except as otherwise unanimously resolved by the Members present and voting, a Member must:
- (a) only speak to an item of business on the agenda, and only when that item is called for consideration by the Chair;

- (b) only ask questions pertinent to the item of business before a motion dealing with the substance of the item has been moved and seconded;
- (c) not speak to an item on the agenda until a motion dealing with the substance of the item has been moved and seconded;
- (d) not speak more than twice to a matter, except that a Member may speak more than twice to a matter with the approval of the Chair:
  - (i) to explain a material part of his or her speech which may have been misunderstood; or
  - (ii) to ask a question pertinent to the matter under debate;
- (e) not speak to a matter already disposed of by the Committee.

### **General Rules of Conduct**

- 7.30 No Member or person attending the meeting may interrupt a Member who is speaking.
- 7.31 No Member or person attending the meeting may cause a disturbance, disrupt or unnecessarily delay the conduct of business at a meeting.
- 7.32 No Member or person attending the meeting may engage in bullying or harassing behaviour in respect of a Member, Government Official or a District employee, which includes, but is not limited to:
- (a) expressing a negative opinion about the personality or character of a Member, Government Official or District employee;
  - (b) speaking disrespectfully about a Member, Government Official or District employee;
  - (c) speaking or acting aggressively towards a Member, Government Official or District employee;
  - (d) questioning the motives of a Member, Government Official or District employee;
  - (e) using offensive gestures or signs; or
  - (f) using rude or offensive language or engaging in rude or offensive conduct.
- 7.33 If called to order by the Chair, a Member or person attending the meeting must immediately cease speaking.

**Removal of Those Behaving Improperly**

- 7.34 Pursuant to the *Community Charter*, if the Chair considers that another person at a meeting is acting improperly, including by contravening the General Rules of Conduct, the Chair may order that person expelled from the meeting.
- (a) If a Member is of the opinion that a person has contravened the General Rules of Conduct, the Member must state on the record how the General Rules of Conduct were contravened.
  - (b) If the Chair is of the opinion that the named person did not contravene the General Rules of Conduct, the Chair must state on the record why they believe that the General Rules of Conduct were not contravened.
  - (c) If a Member alleges a contravention of the General Rules of Conduct and the Chair is of the opinion that the named person contravened the General Rules of Conduct, the Chair will:
    - (i) permit the person to apologize immediately to the Committee for the conduct that contravened the General Rules of Conduct; or
    - (ii) order the person to leave the meeting.
  - (d) If a person who has contravened the General Rules of Conduct is permitted to apologize and does so apologize, the Chair will:
    - (i) permit the person to remain in the meeting; or
    - (ii) order the person to leave the meeting immediately if the Chair is of the opinion that the apology was inadequate.
- 7.35 If a person does not voluntarily comply with an order of the Chair to leave a meeting, that person may be removed from the meeting by a peace officer at the direction of the Chair.
- 7.36 If a person repeatedly contravenes the General Rules of Conduct set out in this Bylaw, the Committee may adopt a resolution requesting that Council authorize legal counsel to pursue legal remedies against the person.

### **Submissions by Those Attending a Committee Meeting**

7.37 A member of the public attending a meeting may:

- (a) address the Committee once for a maximum of three minutes per agenda item; and/or
- (b) present written submissions;

only for agenda items listed under the Reports/Items section, or during the Public Questions and Comments section, except as otherwise determined by the Chair or the Committee's Terms of Reference.

### **Persons Who Must Not Address the Committee**

7.38 A member of the public attending a meeting must not address the Committee regarding a matter that is outside of the scope of the Committee's Terms of Reference to consider.

7.39 A member of the public attending a meeting must not address the Committee once Committee debate on an item has begun.

### **Motions**

#### Motions Generally

7.40 Resolutions must be dealt with on a motion moved by a Member and seconded by another Member.

7.41 Only a voting Member may move or second a motion.

7.42 The Committee may debate and vote on a motion only if it is first moved by a voting Member (including the Chair) and seconded by another.

7.43 No more than one main motion may be on the floor at any given time.

#### Procedural Motions

7.44 Any motion to:

- (a) adjourn a meeting;
- (b) defer a matter;
- (c) call the question;
- (d) refer a matter;
- (e) adopt minutes; or

- (f) amend an agenda;

is a procedural motion and is not subject to the procedure in section 7.58. The list of procedural motions in this section is not exhaustive, but only a motion which the Committee resolves is to be considered a procedural motion is deemed to be a procedural motion.

#### Inadmissible Motion

- 7.45 If the Chair considers that a motion is contrary to an enactment, outside of the scope of the Committee's Terms of Reference to consider, or is otherwise inadmissible, the Chair must immediately inform the Committee and may refuse to permit debate on the motion and to put the question to a vote. The Chair must immediately give reasons for any such refusal.

#### Deferral or Referral of a Matter

- 7.46 The question of deferral or referral, until it is decided, shall preclude all amendments to the main question.
- 7.47 A motion to defer or refer a matter may only be debated relative to the merits of deferring or referring that matter.

#### Withdrawal of Motions

- 7.48 A motion must not be withdrawn after it has been moved and seconded unless the mover and seconder both agree to withdraw the motion.

#### Amendment of Motions

- 7.49 An amendment motion may propose removing, substituting, or adding words to the main motion.
- 7.50 An amendment motion must be:
- (a) relevant to the main motion; and
  - (b) must be moved and seconded.
- 7.51 No more than one amendment motion may be on the floor at any given time.
- 7.52 Once an amendment motion has been moved and seconded it takes precedence over the main motion and becomes the subject of debate.

#### Effect of Motion to Amend

- 7.53 An amendment motion must either be voted on or withdrawn before debate reverts to the main motion.

7.54 If a motion to amend is:

- (a) carried, the motion which has been amended:
  - (i) may be further debated as amended; and
  - (ii) must either be voted on as amended, or may be the subject of further motions to amend; or
- (b) defeated or withdrawn, the motion in respect of which the amendment was moved:
  - (i) may be further debated unchanged; and
  - (ii) must either be voted on unchanged, or may be the subject of further motions to amend.

7.55 A motion, once defeated, cannot be introduced as an amendment to some other motion.

7.56 If the mover and seconder both agree to an amendment to the main motion then the amendment is a friendly amendment and must be incorporated into the main motion without requiring a vote of the Committee.

#### Question to be Put After Debate

7.57 The Chair must put every question to a vote immediately after debate on that question is closed.

#### Procedure if Proponent Absent

7.58 The Committee may not proceed with any item of business on the agenda in the absence of the Member at whose request the item was placed on the agenda, unless the:

- (a) written consent of the absent Member is presented to the Chair of the meeting; or
- (b) Committee resolves to proceed with that item of business despite the absence of that Member.

#### Motion to Call the Question

7.59 Any voting Member may put forward a motion to call the question on a main or amendment motion.



7.60 The following rules apply to a motion to call the question on a motion:

- (a) if a motion to call the question is made, the motion to call the question takes precedence over any other motion on the floor and must be voted on immediately and without debate; and
- (b) if the motion to call the question is defeated, the Committee may once again debate the motion that was the subject of the motion to call the question, prior to voting on that motion.

### **Adjourning a Meeting**

7.61 The Committee may either:

- (a) adjourn a meeting to a specific date, time and place, in which case the date, time and place at which the meeting will be reconvened must be specified in the adjournment motion; or
- (b) adjourn a meeting without specifying a date, time and place, in which case all agenda business that was not dealt with at that meeting must be placed on the agenda for the next scheduled meeting.

### **Confidentiality**

7.62 All Members must keep in confidence information that was considered, or is scheduled to be considered, at any closed meeting, until and unless the Committee by resolution agrees to make the confidential information available to the public.

## **Part 8 General**

### **Irregularity**

8.1 The failure of the Committee to observe the provisions of this Bylaw does not affect the validity of resolutions passed by the Committee.

NOTICE given in accordance with sections 94 and 124(3) of the *Community Charter* by way of posting notices in the public notice posting places and by publication in the *North Shore News* newspaper on October 16, 18, 23, and 25, 2019.

READ A FIRST TIME on October 28, 2019

READ A SECOND TIME on October 28, 2019

READ A THIRD TIME on October 28, 2019

ADOPTED by the Council on November 4, 2019.

*[Original signed by Mayor]*

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Mayor

*[Original signed by Corporate Officer]*

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Corporate Officer