

# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## BYLAW NO. 1823

As Amended by Bylaw No. 2005, 2008

As Amended by Bylaw No. 2083, 2009

### CONSOLIDATED FOR CONVENIENCE ONLY

### Not Official Version

A Bylaw to regulate the meetings and conduct of the Board of the Regional District of Central Kootenay and Committees thereof.

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**WHEREAS** the *Local Government Act* provides that a Regional Board must, by bylaw, establish general procedures to be followed by the Board and Board Committees for the conduct of its business including the manner by which resolutions may be passed and bylaws adopted, provide for advance public notice respecting the time and place of board and board committee meetings, and identify the locations for public notice postings;

**NOW THEREFORE THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL KOOTENAY, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:**

1. **CITATION**

This Bylaw may be cited as the "**Regional District of Central Kootenay Procedure Bylaw No. 1823, 2006**".

2. **DEFINITIONS**

**BL 2005** In this bylaw

- a) "Act" means the *Local Government Act*
- b) "Board" means the Board of Directors of the Regional District of Central Kootenay
- c) "Chair" means the Chair of the Board of the Regional District of Central Kootenay
- d) "Charter" means the *Community Charter*
- e) "Committee" means a select or standing committee, or any committee composed of Board members and other individuals appointed by the Board or Board Chair and acting in that capacity
- f) "Corporate Officer" means the Corporate Officer of the Regional District of Central Kootenay

- g) “Delegation” means an individual or group of individuals who have requested to make a presentation to the Board
- h) “Majority Vote” and “majority of votes” means more than half the votes cast by members legally entitled to vote, at a properly called meeting at which quorum is present (and does not include blanks and spoiled ballots when voting for the Chair and Vice Chair)
- i) “Member” means a Director of the Board, including the Chair or other individual appointed to a Committee by the Board or Board Chair, as appropriate
- j) “Notice Board” means the notice board at the corporate office of the Regional District of Central Kootenay located at 202 Lakeside Drive in Nelson, B.C.

### **3. INTERPRETATION**

- a) Any definition of a word or phrase used in this Bylaw and not defined in this Bylaw has the meaning as defined in the *Act*.
- b) The *Interpretation Act*, Chapter 206, R.S.B.C. 1993 applies and when the masculine is used in this Bylaw it includes both genders and the singular includes the plural and vice-versa.

### **4. APPLICATION**

- a) The provisions of this Bylaw govern the proceedings of the Board, Committee of the Whole and all standing and select committees of the Board, as applicable.

### **5. INAUGURAL MEETING**

- BL 2083** a) The Board shall convene an Inaugural meeting at 9:00 a.m. on the first Thursday following the first Monday after December 1<sup>st</sup> of each year.
- b) The presiding officer of the Inaugural meeting shall be the Regional District Chief Administrative Officer until such time as the Board Chair has been elected.

### **6. ELECTION OF A CHAIR**

**BL 2005**

- 6.1 The Board shall elect a Chair and Vice Chair from amongst its members at its inaugural meeting each year, and each Director present at the meeting shall have one vote in each election for an office.
- 6.2 If the office of the Chair or Vice Chair becomes vacant, the Board shall elect another Chair or Vice Chair from among its Directors at the first practicable regular meeting of the Board after the vacancy occurs.

- 6.3 The Corporate Officer will call three times for the nominations for the position of Chair of the Board. After the calling of nominations for each person nominated who has consented to their nomination, an election by secret ballot will be held. Prior to distribution of ballots, candidates will have the opportunity to address the Board.
- 6.4 If only one candidate is nominated for an office, the Corporate Officer will declare the candidate elected by acclamation.
- 6.5 If only two candidates having been nominated, the candidate receiving the majority of votes from the members of the Board then present will be declared elected.
- 6.6 If three or more candidates are nominated, and no candidate receives a majority of votes, the name of the candidate receiving the lowest number of votes will be removed from the ballot, ballots will be redistributed and the remaining candidates will again stand for election. This process will be repeated until a candidate is elected, or until only two candidates remain and the vote is tied.
- 6.7 In the event of a tie vote:
- (a) the names of the candidates will be written on separate pieces of paper and placed in a container;
  - (b) the Corporate Officer will be asked to withdraw one paper; and
  - (c) the candidate whose name is on the withdrawn paper will be declared elected.
- 6.8 Nominations for the office of Board Vice Chair shall be called by the Corporate Officer and will be held following the above provisions.

## **7. TIME AND LOCATION OF MEETINGS**

- a) Regular and Special meetings of the Board shall be held within the corporate office of the Regional District located in Nelson, B.C. unless the Board passes a resolution at a Regular meeting which authorizes the meeting be held elsewhere within the Regional District or, as authorized by the *Act*, outside the boundaries of the Regional District.
- b) The Board shall meet at such dates and times as may be determined by resolution of the Board. At the last Board meeting of the year, the Board shall adopt a resolution that establishes a schedule for both Regular and Special Closed meetings of the Board for the upcoming year.

## **8. NOTICE OF MEETINGS**

- a) The Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board. Such notice shall include the way in which the meeting is to be conducted and the place where the public may attend to hear, or hear and watch, the proceedings that are open to the public.

- b) At least 24 hours before a Regular Board meeting, the Corporate Officer must give further public notice of the meeting by:
  - i) delivering or ensuring delivery of a copy of the agenda to each member of the Board at the place to which the Director has directed that notices be sent.

**9. NOTICE OF SPECIAL MEETINGS**

- a) Except where notice of a Special meeting is waived by unanimous vote of all Directors, the Corporate Officer must:
  - i) at least 24 hours before a Special meeting of the Board give notice by posting a copy of the notice giving time, place, date and general purpose of the meeting on the notice board; and
  - ii) deliver or ensure delivery of the notice to each Director at the address provided by the Director to the Corporate Officer at least five (5) days before the meeting;
  - iii) include in the notice whether members will be participating in the meeting electronically and the place where the public may attend to hear, or hear and watch, the proceedings that are open to the public.

**10. NOTICE OF COMMITTEE MEETINGS**

- a) The Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board.
- b) At least 24 hours before a Committee meeting, the Corporate Officer must give further public notice of the meeting by:
  - i) delivering or ensuring delivery of a copy of the agenda to each member of the Committee at the place to which the member has directed that notices be sent;

**11. PARTICIPATION IN MEETINGS ELECTRONICALLY**

- a) Provided the notice requirements under *the Act* are met, Board members may participate in a Board meeting by means of electronic or other communication facilities.
- b) A member of the Board who is unable to attend a Board meeting may participate in the meeting by means of visual and audio or audio electronic or other communication facilities if:
  - i) the meeting is a Regular, Special, or Closed Special;

- ii) the Board member is unable to be present at the Board meeting location for reasons pertaining to absence from the District on District business, health reasons or poor travel conditions.
- c) A minimum of one member of the Board must be present in the designated meeting location identified in the public notice.
- d) Although the District will make every effort to accommodate electronic participation in meetings as required, nothing in this bylaw shall be construed to guarantee any member electronic access to a District meeting. Electronic participation in meetings will be restricted by equipment capacity.

**12. ATTENDANCE OF PUBLIC AT MEETINGS**

- a) Except where provisions of the *Charter* apply, all Board meetings must be open to the public.
- b) Before closing a Board meeting or a portion of a Board meeting to the public, the Board must pass a resolution in a public meeting in accordance with the Charter.
- c) This Section applies to meetings of bodies referred to in the *Charter*, including, without limitation:
  - Committee of the Whole
  - Standing Committee of the Board
  - Select Committee of the Board
  - Board of Variance
  - Parcel Tax Review Panel
  - An advisory committee, commission, or other advisory body established by the Board under the *Act* or any other Act

**13. CALLING MEETING TO ORDER**

- a) The quorum for the Board is a majority of the members.
- b) As soon after the appointed time of a meeting as a quorum is present, the Chair, or other person acting on his behalf, shall call the meeting to order.
- c) If the Board has been previously advised of the Chair's absence, the Vice Chair shall take the Chair and call the Directors to order. If the Chair has not advised of his absence yet is not in attendance within fifteen (15) minutes after the time appointed for the meeting, the Vice Chair shall take the Chair and call the Directors to order. If the Vice Chair is also absent, the Chief Administrative Officer shall take the chair and call the Directors to order. If a quorum is present the Directors shall elect an Acting Chair who shall preside during the meeting until the arrival of the Chair or Vice Chair. The person appointed as Acting Chair has all the authority and is subject to the same rules as the Chair.

**14. ADJOURNING MEETING WHERE NO QUORUM PRESENT**

- a) If no quorum is present within thirty (30) minutes of the scheduled time of the meeting the Corporate Officer must:
- Record the names of the Directors present and those absent, and
  - The meeting shall stand adjourned until the next scheduled meeting

**15. AGENDA**

a) Agenda Preparation

- i) Prior to each Regular Meeting of the Board, the Corporate Officer shall prepare an agenda approved by the Chair or his designate setting out all items for consideration at the meeting.
- ii) Only those matters included on the agenda shall be considered or dealt with at a Regular meeting of the Board unless a matter for consideration is properly introduced as a late item as outlined in Section 15 (d) Late Items.
- iii) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Board meeting agenda is ten (10) days prior to the meeting date.

BL 2083

b) Order of Business

- i) As close to the hour of 11:45 a.m. as possible, a maximum of fifteen (15) minutes will be reserved for members of the public and media in attendance to address the Board on issues pertinent to the day's Agenda.

c) Varying the Order of Business

- i) The order of business shall be as presented on the agenda. The Board may, by resolution, vary the order of business.

d) Late Items

- i) An item not included on the agenda or addenda shall not be considered at a meeting unless introduction of the late item is approved at the time allocated on the agenda, by way of a motion carried by a 2/3's majority vote of the Directors present.
- ii) Information pertaining to late items for possible consideration at any meeting of the Board shall be distributed to the Directors at the commencement of the meeting.

e) Director Agenda Items

- i) Any Director wishing to place an item on the agenda for consideration by the Board shall notify the Corporate Officer in writing prior to completion of the agenda. The Corporate Officer shall place the item on the agenda, under the applicable heading with the Director's name beside it, to indicate that the Director will be speaking to the item at the meeting.

**16. ADDENDA**

- a) Addenda materials, pertinent to matters on the agenda but not contained within the Regular Board agenda, shall be circulated at the time of the Regular Board meeting. Matters for the addenda must be approved by the Chair or his designate in advance of circulation.

**17. DELEGATIONS**

- a) The Board may, by resolution, call for or respond to requests for delegations. The scheduling and presentation times for such delegations shall be at the discretion of the Board. Requests for delegations must be in writing, and must stipulate the subject matter on which the delegation wishes to speak.
- b) At his discretion, the Chair may at any time request, arrange, schedule and set presentation times for delegations, provided that the total time allocated for delegations under this section shall not exceed an hour in total per meeting, including delegations appearing by resolution of the Board.
- c) When the Chair refuses a delegation, he shall notify the Board in writing that the delegation has asked to appear before the Board; such notification shall be included in the Board agenda immediately following such notification.
- d) The Board must not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.

**18. CHAIR AND PRESIDING OFFICERS**

- a) The Chair, if present, shall preside at meetings of the Board. Any member of the Board, duly elected by a majority of Directors present at the meeting, may preside at a Committee of the Whole meeting.
- b) The Vice Chair shall preside in the absence of the Chair or when the Chair vacates the chair.
- c) In the event that neither the Chair nor the Vice Chair is able to take the chair, the presiding officer shall be such person as the Board may choose.

- d) The Chair shall preserve order and decorum and shall rule on all points of order, stating his/her reasons and the authority for ruling when making a ruling. The ruling of the Chair shall be subject to an appeal to the Board without debate.
- e) For Select or Standing Committees of the Board, if the Committee has been previously advised of the Chair's absence, the Vice Chair shall take the Chair and call the Directors to order. If the Chair has not advised of his absence yet is not in attendance within fifteen (15) minutes after the time appointed for the meeting, the Vice Chair shall take the Chair and call the Directors to order. If the Vice Chair is also absent, the Chief Administrative Officer shall take the chair and call the Directors to order. If a quorum is present the Directors shall elect an Acting Chair who shall preside during the meeting until the arrival of the Chair or Vice Chair. The person appointed as Acting Chair has all the authority and is subject to the same rules as the Chair.

## 19. **RULES OF ORDER**

- a) Where there is an 'inconsistency' between these Rules and the *Local Government Act, Community Charter*, or Letters Patent, or Supplementary Letters Patent, the *Local Government Act, Community Charter*, or Supplementary Letters Patent shall apply over the Rule in question. Where these Rules and legislation are silent and where 'not inconsistent' with these Rules, Robert's Rules of Order, Newly Revised, shall apply to the conduct of meetings.
- b) No provision of this bylaw relating to the procedure of the Board shall be altered unless notice of the proposed amendment is given in accordance with the *Act*. The Chair's ruling on a point of order shall be based on rules of order as stated in paragraph 19 a) herein.
- c) Every Director desiring to speak shall address himself to the Chair. No Director shall interrupt a person speaking except to raise a point of order.
- d) The Chair shall have the discretion to call the question on completion of debate and the Chair shall then advise that the debate is closed. Following closure of debate no member shall speak further to the question.

## 20. **DEBATE**

- a) Debate shall be strictly relevant to the question before the meeting and the Chair shall warn speakers who violate this rule.
- b) No Director shall speak until recognized by the Chair.
- c) No Director shall speak more than once to the same question, without leave of the Chair, except in explanation of the material part of his speech. A reply is allowed to a Director who has made a substantive motion to the Board, but not to any Director who has moved an amendment.
- d) No Director shall speak on any question for longer than three (3) minutes without leave of the Chair.

- e) If a Director calls for a record of the vote, the names of those who voted contrary to the outcome of the question shall be entered in the minutes.

## **21. MOTIONS**

- a) After a motion is read by the Chair or other person presiding or the Chief Administrative Officer or other duly appointed officer, it shall be deemed to be in possession of the Board, but may be withdrawn at any time before decision or amendment with the approval of the Board.
- b) Amendments shall be voted on in the reverse order to that in which they are moved. Every amendment submitted shall, when requested by any Director, be reduced to writing and be decided upon or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment, and any additional amendment must be to the main motion.
- c) When the question under consideration contains more than one distinct proposition, a separate vote upon each such proposition shall be taken if any Director so requires.
- d) After the question is finally put by the Chair, no Director shall speak to the question nor shall any other motion be made until after the result is declared and the decision of the Chair as to whether the question has been finally put is conclusive.
- e) A question of referral, until it is decided, shall preclude all amendments to the main question.
- f) A motion to adjourn shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding has been taken.

## **22. RECONSIDERATION OF AN ADOPTED BYLAW, RESOLUTION OR PROCEEDING**

- a) The Chair may require a matter to be reconsidered in accordance with the *Act* and if it has not been acted on by an officer, servant or agent of the Board.
- b) The Chair may state his/her reasons to the Board. The Corporate Officer shall record in the Minute Book the reasons, suggestions or amendments of the Chair.
- c) The Board shall, as soon as convenient, consider the reasons and either reaffirm or reject the bylaw, resolution or proceeding, and if rejected, it is deemed repealed and is of no force or effect.
- d) The rejected bylaw, resolution or proceeding shall not be reintroduced to the Board for six (6) months, except with the unanimous consent of the Board.
- f) The conditions which apply to the passage of the original bylaw, resolution or proceeding apply to its rejection.

## **23. BYLAWS**

- a) Each Director will receive a copy of a proposed bylaw, either in hard copy or electronic format with the agenda.

- b) Any bylaw which does not require approval, consent, or assent under the provisions of the *Act* or any other enactment prior to the adoption of the bylaw may be adopted at the same meeting of the Board at which it passed third reading, provided the motion for adoption receives an affirmative vote of at least two-thirds (2/3) of the votes cast, otherwise, the Board must not adopt a bylaw on the same day it has given the bylaw third reading.
- c) Unless the holding of a public hearing is waived in accordance with the *Act*, the Board must not give third reading to a community plan bylaw, rural land use bylaw or zoning bylaw without holding a public hearing on the bylaw. The public hearing must be held after second reading of the bylaw and before third reading of the bylaw.
- d) Every reading on a bylaw must be by resolution; however a resolution can include more than one reading of a bylaw.

**24. GENERAL**

- a) Where this bylaw conflicts with the provisions of the *Act*, the *Act* shall prevail.

**25. EFFECTIVE DATE**

- a) This bylaw shall come into full force and shall take effect on and after the date of the adoption thereof.

**26. REPEAL**

“Regional District of Central Kootenay Procedure Bylaw No. 1401, 2000” is hereby **repealed**.

READ A FIRST TIME this 27<sup>th</sup> day of May , 2006.

READ A SECOND TIME this 27<sup>th</sup> day of May , 2006.

READ A THIRD TIME this 27<sup>th</sup> day of May , 2006.

RECONSIDERED and ADOPTED this 27<sup>th</sup> day of May , 2006.

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Chair

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Board Secretary