



REGIONAL DISTRICT OF CENTRAL KOOTENAY

**Procedure Bylaw No. 2898, 2024**

DRAFT

# RDCK PROCEDURE BYLAW NO. 2898

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## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Bylaw No. 2898

A bylaw to regulate the proceedings of the Regional District of Central Kootenay Board, Committees and Commissions

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WHEREAS the Regional District must, by bylaw enacted pursuant to the *Local Government Act* and the *Community Charter*, establish the general procedures to be followed at meetings of the Regional Board, Committees and Commissions including the procedures for passing bylaws and resolutions, and for providing advance public notice of such meetings;

AND WHEREAS the Regional Board desires its proceedings to be guided by principles of efficiency, accountability and procedural fairness;

AND WHEREAS advance notice regarding this bylaw has been provided to each Director in accordance with the *Local Government Act*;

NOW THEREFORE, the Board of the Regional District of Central Kootenay, in Open Meeting assembled, enacts as follows:

### PART 1: INTRODUCTION

#### Citation

- 1 This Bylaw may be cited as “**Regional District of Central Kootenay Procedure Bylaw No. 2898, 2024.**”

#### Definitions

- 2 In this Bylaw:

**Act** means the *Local Government Act*, R.S.B.C. 2015, c. 1, as may be amended from time to time.

~~**Advisory Committee** means a Committee established to provide information and advice to the Board on specific services of the RDCK, unless specified otherwise in the Act.~~

**Alternate Director** means an Alternate Director as defined in the Act and duly sworn in prior to voting on any matter before the Board.

**Board** means the governing and executive body—the Board of Directors—of the Regional District of Central Kootenay.

**Chair** means, where the context requires, the Chair of the Board elected pursuant to the Act, or the person appointed as the Chair, the Vice-Chair or other person presiding at a Meeting of the Board, Committee or Commission.

**Charter** means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended from time to time.

**Chief Administrative Officer** means the officer assigned chief administrative responsibilities under the Act and includes that officer's designate.

**Closed Meeting** means a Meeting closed to the general public and/or RDCK employees, ~~as deemed appropriate with items to be discussed as set out in the~~ in accordance with ~~Community Section 90 of the~~ Charter.

**Commission** means a commission established by the Board pursuant to the Act.

**Committee** means, as the context requires, a Select Committee established by the Board, or a Standing Committee established by the Board Chair.

**Communication** means the receipt of a written letter, email or other message.

**Consent Agenda** means a component of a meeting agenda that enables the Board to group routine items under one umbrella.

**Corporate Officer** means the officer assigned corporate administration responsibilities under the Act and includes that officer's deputy or other designate.

**Correspondence** means the receipt of written Communications that requests action from the Board.

**Delegation(s)** means an individual or organization that requests to appear before the Board, Committee or Commission.

**Director(s)** means a Member of the Board, whether as a municipal director or as an electoral area director pursuant to the Act.

**Electronic Meeting** means a Meeting where all Members may participate electronically, such as videoconference, audioconference or telephone.

**Electronic Participation (Electronically Participate)** means a hybrid Meeting where some Members attend in person, and other Members attend by electronic means, such as videoconference, audioconference or telephone.

**Executive Committee** means the Board Chair, Board Vice-Chair and Rural Affairs Committee Chair.

**Inaugural Meeting** means the first Regular Meeting of the Board in November of each year.

**Majority Vote** means more than half of the votes on a Motion are cast in the affirmative, with abstentions counted as a vote in the affirmative.

**Meeting** means a meeting of the Board, or a meeting of a Committee or Commission, as the context requires.

**Meeting Coordinator** means the person responsible for transcribing minutes at a Board, Committee or Commission Meeting and assists with corporate administration duties assigned by the Corporate Officer.

**Member(s)** means a Director or Alternate Director of the Board, or a person appointed to a Committee or Commission, as the context requires.

**Motion** means a proposal put forward by a Member for consideration of the Board that the Regional District undertake an action, make a recommendation or express an opinion.

**Mover** means the Member who has made a Motion.

**Notice Board** means the notice board at the corporate office of the Regional District of Central Kootenay at 202 Lakeside Drive, Nelson, BC.

**Open Meeting** means a Meeting accessible to the general public and/or RDCK employees.

**Out of Order** means that consideration of a matter may not proceed due to conflict with this Bylaw.

**Petition** is a formal written request made to the Board that requests that a particular action be taken that is within the authority of the RDCK. The petition must include the full name, original signature and residential address of each petitioner.

**Point of Privilege** means a question calling attention to an urgent or timely matter arising within the Meeting, which pertains to the rights or interests of the Board, Committee or Commission as a whole or of a Member personally. This includes matters of comfort, safety, and accessibility of Members and also includes matters related to the dignity and integrity of the assembly and its proceedings, or obstructions to it carrying out its functions.

**Postpone** means to defer an item to a certain time.

**Public Notice Posting Places** means the RDCK website, RDCK social media sites and the Notice Board located at RDCK offices.

**Question** (Calling of, Calling the, Previous) means a Motion to end debate and bring a Motion to an immediate vote.

**Quorum** means a majority of the Members of the Regional Board or a majority of the Members of a Committee or Commission, unless otherwise adopted in a Committee or Commission bylaw.

**RDCK** means the Regional District of Central Kootenay.

**Recess** means the temporary suspension of proceedings until a later time.

**Refer (Referral)** means to defer a Motion until a future time to allow for further discussion.

**Regular Meeting** means all regularly scheduled Meetings.

**Resolution** means a formal Motion placed before a Meeting in order that it may be debated to a conclusion.

**Rural Affairs Committee Chair** means the Member elected as Chair of the Rural Affairs Committee pursuant to the Act.

**Select Committee** means a Committee established by the Board to consider or inquire into any matter and reports its findings and opinion to the Board. Persons who are not Directors may be appointed by the Board but at least one Member of the Committee must be a Director.

**Special Meeting** means a Meeting other than a statutory or Regular Meeting, or statutory or regular adjourned meeting.

**Standing Committee** means a long-term Committee established by the Chair to deal with matters of an ongoing nature. Persons who are not Directors may be appointed by the Chair but at least one Member of the Committee must be a Director.

#### **Table**

Lay on the table means to temporarily suspend further consideration/action on the pending Motion;

Take from the table means to resume consideration of the item previously "laid on the table."

**Terms of Reference** means a written description of a Committee's purpose and objectives.

**Vice-Chair** means the Member elected as Vice-Chair pursuant to the Act.

### **Application of Rules of Procedure**

- 3 (1) The rules of procedure as set out in this Bylaw apply to all Meetings of the Board, Committees and Commissions except as otherwise provided herein.
- (2) In cases not provided for under the Act, the Charter or this Bylaw, the current edition of *Robert's Rules of Order Newly Revised* shall apply to the extent that those *Rules* are applicable in the circumstances and are not inconsistent with the provisions of this Bylaw, the Act or the Charter.
- (3) A rule of procedure that does not originate in the Act or the Charter and does not affect voting may be suspended on a case by case basis if at least two-thirds of the Members present agree to do so.



### **Powers and Duties of Board Chair**

- 4 (1) The Board Chair is the head and chief executive officer of the RDCK and has the duties as set out in the following:
- (a) the Act:
    - (i) Section 216 [*Power and Duties of Chair*]; and
    - (ii) Section 218 [*Appointment of Select and Standing Committees*];
  - (b) the Charter:
    - (i) Sections 131, 132, 133 and 134 [*Council Proceedings*].
- (2) The Board Chair shall determine the seating arrangements around the meeting table.
- (3) In accordance with Section 133 of the Charter, if the Chair considers that another person at the Meeting is acting improperly, the Chair may order that the person is expelled from the Meeting. If a person who is expelled does not leave the Meeting, a peace officer may enforce the Chair's order as if it were a court order.

### **Powers and Duties of Board Vice-Chair**

- 5 The Vice-Chair has, during the absence, illness or other disability of the Board Chair, all the powers and duties of the Board Chair and is subject to all rules applicable to the Board Chair.

### **General**

- 6 (1) Where this Bylaw conflicts with the provisions of the Act, the Act shall prevail.
- (2) 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.
- (3) The headings used in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and are not to be used in the interpretation of this Bylaw.
- (4) **In accordance with Section 225 [*Procedure Bylaw*] of the Act this Bylaw may not be amended or repealed and substituted unless the Board first gives notice as per Section 94 of the Charter describing the proposed changes in general terms.**
- (5) Unless otherwise defined in this Bylaw, words used herein shall have the meanings defined in the Interpretation Act, R.S.B.C. 1996 c. 238 as amended.

## **PART 2: ELECTION OF BOARD CHAIR AND VICE-CHAIR**

### **General Provisions**

**7** As provided in the Act:

- (a) At the first Meeting held after November 1 in each year, the Board must elect a Chair and a Vice-Chair from among its Members.
- (b) If the office of the Chair or Vice-Chair becomes vacant, the Board shall elect another Chair or Vice-Chair from among its Members at the first practicable Regular Meeting of the Board after the vacancy occurs.
- (c) If the Board Chair and the Vice-Chair are not present at a Meeting of the Board, the Directors present may elect an Acting Chair who, during that Meeting, has all the powers of the Board Chair and is subject to all rules applicable to the Chair.
- (d) Each Director present at the Meeting has one vote in each election for an office.

**Election of Board Chair**

- 8** (1) The Chief Administrative Officer or Corporate Officer shall administer the election process.
- (2) The Chief Administrative Officer or Corporate Officer will call three times for nominations for the office of Board Chair. Each nomination must be seconded and the nominee must consent to the nomination.
- (3) If only one candidate is nominated for the office of Board Chair, that candidate will be declared elected by acclamation.
- (4) If more than one candidate is nominated for an office, an election by secret ballot will be declared.
- (5) Each candidate will be given two minutes to address the Board in favour of his/her candidacy in the order of his/her nomination.
- (6) At the conclusion of candidates' speeches, an election will be held. Each Director will be provided with a paper ballot in which to cast his/her vote. Completed ballots shall be placed into a ballot box. When all of the ballots have been collected the ballot box will be removed to a separate room and the ballots counted.
- (7) If a Director is participating in the meeting electronically under Section 17 of this Bylaw, to cast a vote for the office of Board Chair, they shall, at the time the vote is being conducted, vote by one of the following methods specified by the Chief Administrative Officer or Corporate Officer:
  - (a) by phoning the Chief Administrative Officer or Corporate Officer who will record the Director's vote and include the vote with the secret ballots;
  - (b) by emailing the Chief Administrative Officer or Corporate Officer who will record the Director's vote and include the vote with the secret ballots; or
  - (c) by casting the Director's vote through an electronic voting system that has been established by the RDCK.

- (8) The counting of ballots will be conducted by the Corporate Officer together with the Chief Financial Officer or Chief Administrative Officer.
- (9) The candidate with the absolute majority of votes for the office of Board Chair will be declared elected to that office.
- (10) 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 receives majority of the votes and is elected, or until only two candidates remain and the vote is tied. If the tie continues after two elections have been held, the provisions outlined in Section 10 (2) of this Bylaw apply.
- (11) If the candidates with the lowest number of votes are tied, and a candidate is required for the vote of Board Chair, the provision outlined in Section 10 of this Bylaw apply.
- (12) The number of votes received by each candidate will not be disclosed to the Board unless a Resolution requiring disclosure is passed.
- (13) The ballots will be destroyed by way of a Board Resolution.

#### **Election of Vice-Chair**

- 9 The election for the position of Vice-Chair will be conducted following the procedures set out in Sections 8 (1) to (13) of this Bylaw.

#### **Tie Vote**

- 10 (1) In the event no candidate receives majority of the votes, and there is a tie vote of the candidates with the lowest number of votes, and a candidate is required for the vote of Board Chair, a vote by secret ballot will be held **between the tied candidates** and the name of the candidate receiving the lowest number of votes will be removed from the ballot. If the tie continues after **two elections have been held that vote**, the provisions outlined in subsection (2) of this Bylaw apply.
- (2) In the event of a tie vote for Board Chair or a tie vote resulting from a vote conducted in accordance with subsection (1):
  - (a) the name of each candidate is to be written on a separate piece of paper;
  - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
  - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;

- (d) the Chief Administrative Officer or Corporate Officer will draw one piece of paper from the container;
- (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.

### **Restriction on Nominations**

**11** Nominations will not be accepted for:

- (a) a Director who is not present;
- (b) a Director who has not made an oath of office; or
- (c) an Alternate Director.

## **PART 3: MEETINGS**

### **Schedule, Time and Location of Meetings**

- 12**
- (1) The Board shall, by Resolution, adopt a schedule of Meetings for the immediately ensuing year no later than the last Meeting of the current year. During the year, the Board may, by Resolution, revise the schedule of Meetings for the current year. Public notice of Meetings are to be posted on the Public Notice Posting Places.
  - (2) Notification of a cancelled or Postponed Meeting must be provided to the Corporate Officer at least 48 hours before the scheduled Meeting, and the Corporate Officer must advise all Members via email or telephone and the public by posting a notice on the Public Notice Posting Places.
  - (3) Unless the Board determines otherwise, Regular Meetings of the Board shall be held on the third Thursday of each month commencing at 9:00 a.m.
  - (4) Regular and Special Meetings of the Board shall be held in the Board Room at the RDCK corporate office located at 202 Lakeside Drive in Nelson, B.C. unless, at a Regular Meeting, the Board passes a Resolution authorizing holding a Meeting elsewhere within the RDCK or, as authorized by the Act, outside the boundaries of the RDCK.
  - (5) In the interest of making Meetings more accessible to residents, individual Directors may request that a Regular Meeting be held in his/her municipality or electoral area. Such requests must be received for consideration by the Board no later than January 31st of each year. Meetings held outside the RDCK's corporate office will be limited to a maximum of two per year.
  - (6) At the discretion of the Chair and Vice-Chair, a Meeting may be cancelled or Postponed, providing two consecutive Meetings are not cancelled.

- (7) Should the Chair determine that there is insufficient business to justify holding a regularly scheduled Meeting, the Chair may cancel the Meeting upon five days' notice.
- (8) Committees and Commissions set the dates, times, and locations of their Meetings by resolution, subject to provisions established within the bylaw or Terms of Reference governing a specific Committee or Commission.
- (9) All Meetings of the Board, Commissions and Committees shall provide the option to the Members to participate electronically, in accordance with Section 17 of this bylaw.
- (10) All Meetings of the Board, Commissions and Committees shall provide the option to the public to participate electronically, with the exception of Section 90 [*Meeting that may or must be closed to the public*] of the Charter where members of the public are excluded from a Closed Meeting, with the instruction to do so posted on the Public Notice Posting Places.
- (11) The Regular Meeting held in October in the year of a general local election shall be held on the Thursday of the week following the election.

#### Inaugural Meeting

- 13**
- (1) An Inaugural Meeting will be held at the first meeting of the Board in November pursuant to the provisions of the Act.
  - (2) The presiding officer of the Inaugural Meeting shall be the Chief Administrative Officer or Corporate Officer until such time as the Board Chair has been elected.
  - (3) Following a general local election, the Chief Administrative Officer ~~or Corporate Officer~~ shall call the Inaugural Meeting to order and the Corporate Officer shall administer the necessary oaths and declarations, or arrange for another person authorized under the Local Government Act for this purpose to administer the necessary oaths and declarations. ~~or arrange for a Judge, Justice or Magistrate to administer the necessary oaths and declarations.~~

#### Notice of Regular Meetings

- 14**
- (1) Provisions from Section 12 (1), (2) and (9) of this Bylaw apply for notice of Regular Meeting.
  - (2) At least 48 hours before a Regular Meeting, the Corporate Officer must give notice of the meeting, including confirmation of the time, place, date, how the meeting will be conducted, and the place where the public may attend to hear, or hear and watch, the proceedings by:
    - (a) posting a copy of the meeting agenda on the Public Notice Posting Places; and
    - (b) providing a paper or electronic copy to each Member of the Board.

## Notice of Special Meetings

- 15** (1) In accordance with Section 220 *[Calling and conducting of meetings]* of the Act, on the request of the Chair or of any two Directors, a Special Meeting must be called by the Corporate Officer who will, at least five days before a Special Meeting:
- (a) give advance public notice stating the general purpose of the Special Meeting, and the day, hour and place of the Special Meeting by way of a notice posted on the Public Notice Posting Places; and
  - (b) include in the notice that Members and the public can participate 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;
  - (c) deliver a copy of the notice and Special Meeting agenda to each Director electronically or if an electronic method is not available, at the place to which the Director has instructed that notices be sent.
- (2) Each copy of a notice of Special Meeting must be signed by the Corporate Officer.
- (3) The notice of a Special Meeting may be waived by a unanimous vote of the Board.
- (4) In accordance with Section 220 *[Calling and conducting of meetings]* of the Act, in the case of an emergency, a notice of Special Meeting:
- (a) May be given, with the consent of the Chair and two Directors, less than five (5) days before the date of the meeting, and
  - (b) Need not be given in writing.
- (5) Special Meetings will be held at the RDCK office unless the Chair directs that the meeting be held elsewhere.
- (6) With the approval of the Chair, and provided the notice requirements are met, Special Meetings of the Board may be conducted by means of Electronic Meeting or Electronic Participation in accordance with Section 17 of this Bylaw.

## Closed ~~(in-camera)~~ Meetings

- 16** (1) While in a Closed Meeting, the procedures set out in this Bylaw shall, to the extent possible, be followed by the Board in the conduct of its business.
- (2) Except where provisions of Section 90 *[Meeting that may or must be closed to the public]* of the Charter apply, all Meetings must be open to the public.
- (3) A Director may only be excluded from a Closed Meeting pursuant to Section 133 *[Expulsion from meetings]* of the Charter.
- (4) Before closing a Meeting or a portion of a Meeting to the public, the Board must pass a Resolution in a public Meeting in accordance with Section 92 *[Requirements before*

*meeting is closed]* of the Charter and such Resolution must include the basis under the applicable subsection of Section 90 [*Meeting that may or must be closed to the public*] on which the Meeting or part of is to be closed.

- (5) ~~At the start of a Closed Meeting,~~ The Meeting Coordinator shall provide the Closed Meeting agenda through the meeting software to the Directors and will only print a paper copy (on ~~Salmon~~-coloured paper) of the Closed Meeting agenda cover if requested by a Director.
- (6) The Alternate Directors attending a Closed Meeting, on behalf of a Director, will receive the Closed Meeting agenda on the day of the Meeting either electronically or in print. ~~with voting weights indicated, to each Director.~~
- (7) At the end of a Closed Meeting, the Directors will return the paper copy of the Closed Meeting agenda cover to the Meeting Coordinator, which the Meeting Coordinator will then destroy unless a specific Board Resolution has been passed to retain a ~~in-camera~~ Closed Meeting report or other item. Alternatively, Directors may dispose of the agenda in a receptacle designated for confidential materials or permanently delete the agenda if provided by email.
- (8) Only the Board Chair or Board Vice-Chair may retain the Closed Meeting agenda cover to review the Board meeting minutes and dispose of the agenda in accordance to subsection (7) of this Bylaw after the review.
- (9) While in a Closed Meeting, the Board may authorize the release of information considered or decisions made in the Closed Meeting or in a previous Closed Meeting upon adoption of a Resolution "That the following recommendation be moved to the Open Meeting: [*Insert In-Camera Closed Meeting Recommendation*]".
- (10) No Director shall disclose to the public the proceedings of a Closed Meeting, unless a Resolution has been passed to release proceedings to the public.
- (11) Information received and/or discussed at a Closed Meeting may be shared with a municipal council only when authorized by a Board Resolution, and only with agreement from the municipality to receive that information in a Closed Meeting of the municipal council. A Board Resolution is required each time new business is introduced to the Board.
- (12) Information received and/or discussed at a Closed Meeting may be shared with other external parties only when authorized by a Board Resolution, and only where a valid non-disclosure agreement (or other agreement with confidentiality provisions) is in place with that party.
- (13) Committee and Commissions are not permitted to move resolutions from a Closed Meeting to an Open Meeting. Closed Meeting minutes must be received by the Board.
- (14) Information protected under the *Freedom of Information and Protection of Privacy Act* will not be released at any time.

- (15) Minutes of a Closed Meeting shall be kept in the same manner as a Regular Meeting, but shall not be filed with the minutes of Regular Meetings.
- (16) Following a general local election or by-election, newly elected Directors should not be permitted to attend Closed Meetings, or receive Closed Meeting agendas and materials until such time as they have been officially sworn in and taken office as Directors.

### Electronic participation meetings

- 17 (1) Subject to Section 221 [*Electronic meetings and participation by members*] of the Act and the *Regional Districts Electronic Meetings Regulation*, BC Reg 271/2005, and amendments thereto:
  - (a) a Special Meeting may be conducted by means of Electronic Meeting or Electronic Participation;
  - (b) a Member who is unable to attend any Meeting can Electronically Participate;
  - ~~(c) participation in Meetings indicated in subsections (a) and (b) through electronic means is subject to the Chair's approval.~~
- (2) Members who participate in a Meeting referred to in subsection (1) are deemed to be present at the meeting.
- (3) The Chair shall ask the Members during Electronic Participation or an Electronic Meeting the following for each Motion:
  - (a) if there is discussion on the Motion;
  - (b) that the Members have heard and understood the discussion; and
  - (c) the Members to indicate if they are opposed to the Motion. In the case a vote is close, the Chair shall ask each Member if they are in favour of or opposed to the Motion.
- (4) A member participating by audio must indicate their vote verbally.
- (5) If communication is lost to one or more Members ~~or the Meeting Coordinator~~ during Electronic Participation or an Electronic Meeting:
  - (a) on the first occasion available, a 5-minute Recess will be called by the Chair to try to re-establish the link(s);
  - (b) if, after the Recess, a link cannot be re-established, the Member affected will be deemed to have left the meeting;
  - (c) if, after a link is re-established, there is a subsequent loss of communication, no further attempts will be made to re-establish the link and the Member affected will be deemed to have left the meeting;
  - (d) if, after the Recess, a link cannot be re-established and there is not a Quorum of Members present, the Chair will deem the meeting adjourned.



- (e) if, after the Recess, a link cannot be re-established with the Meeting Coordinator, the Chair will deem the meeting adjourned.
- (6) The Electronic Meeting or Electronic Participation must be conducted in such a manner that enables the Members to hear, or hear and watch, each other.
- (7) The Electronic Meeting or Electronic Participation must enable the public to hear, or watch and hear, except for the Closed Meeting, the Meeting at the specified place, and a designated RDCK officer must be in attendance.
- (8) The Chair must be physically present at the Meetings if Members are at the Meeting location. If all Members are participating in an Electronic Meeting the Chair may join remotely. Section 17 (8) of this Bylaw applies to the Vice-Chair in the absence of the Chair.
- (9) In the event of an equipment failure or other occurrence which prevents or limits an Electronic Meeting or Electronic Participation, the Meeting will not be adjourned unless ~~Quorum is lost~~ in accordance with subsection (5) of this Bylaw. Participation electronically in Meetings may be restricted by the capacity or dependability of the equipment employed.
- (10) When a conflict of interest is declared in accordance with Section 46 of this Bylaw and Members are participating electronically, the Chair must give direction to the Member, who declares a conflict of interest, to do the following:
- (a) disconnect from the Meeting;
  - (b) wait for a message to rejoin the Meeting from staff or the Chair;
  - (c) reconnect to the Meeting; and
  - (d) indicate to the Chair the Member has rejoined the Meeting.
- (11) The technology used for Electronic Meetings or Electronic Participation must have the capabilities to close the meeting to the public and maintain confidentiality of the Members during a ~~In-Camera Closed~~ Meeting.
- (12) Members participating electronically in a Closed Meeting should have the camera on at all times, unless the equipment has limitations, and be in a closed room unaccompanied by persons not permitted in the Closed Meeting.

### Attendance of public at meetings

- 18** (1) Except where provisions of the Act and Charter apply, all Meetings must be open to the public.
- (2) This section applies to all Meetings of bodies referred to in the Charter, including, without limitation:
- (a) Standing and Select Committees;
  - (b) Boards of Variance;
  - (c) parcel tax roll review panels;
  - (d) Advisory Committees, Commissions, or other advisory bodies established by the Board under the Act or any other legislation.

- (3) Members of the public and media shall be given an opportunity to ask questions of the Board during public time, as set on the Meeting agenda. This time is expressly devoted to questions only.
- (4) Despite subsection (1), the Chair may expel or exclude from a Meeting, a person in accordance with Section 16 (1) of this Bylaw and Section 133 [*Expulsion from meetings*] of the Charter.

### Recording the Board Meeting

- 19**
- (1) All Board Meetings shall be recorded in accordance with the RDCK's Recording Meetings Policy.
  - (2) The RDCK reserves the right to remove content from a Board Meeting recording prior to posting if there are statements made at the meeting which may be considered:
    - (a) false or misleading communication which damages the reputation of another individual or organization;
    - (b) an infringement on copyright ;
    - (c) to breach the privacy of an individual or result in the unauthorized disclosure of the personal information of an individual;
    - (d) to be defamatory in nature;
    - (e) to constitute discrimination on grounds protected under the BC Human Rights Act ;
    - (f) to constitute hatred of a person or group of people and is likely to offend, insult, humiliate or intimidate; or
    - (g) disclose confidential or privileged information.
  - (3) The Chair has the discretion and authority to direct the termination or interruption of the recording of an Open Meeting if they consider it prudent or advisable to do so and such direction will only be given in exceptional circumstances.

## PART 4: QUORUM FOR BOARD MEETINGS

- 20**
- (1) The Quorum for the Board is a majority of the Members of the Board.
  - (2) As soon after the time specified for a Board meeting, if a Quorum is present, the Chair, if present, must take the chair and call the Board meeting to order; however, where the Chair is absent, the Vice-Chair must take the chair and call such meeting to order.
  - (3) If a Quorum of the Board is present but the Chair or the Vice-Chair do not attend within fifteen (15) minutes of the scheduled time for a Board meeting:
    - (a) the Chief Administrative Officer or Corporate Officer must call to order the Members present; and
    - (b) the Members present must choose a Member to preside at the meeting as Acting

Chair until the arrival of the Chair or Vice-Chair. The Acting Chair will have all the powers and be subject to the same rules as the Chair.

- (4) If there is no Quorum of the Board present within thirty (30) minutes of the scheduled time for a Board meeting, the Chief Administrative Officer or Corporate Officer must:
- (a) record the names of the Members present; and
  - (b) Postpone the meeting until the next scheduled meeting.

## PART 5: MEETING PROCEDURES FOR THE BOARD

### Agendas – Regular Meetings

- 21**
- (1) The deadline for submissions of items to the Meeting Coordinator for inclusion on the Board Meeting agenda by the public and Directors is ten (10) days prior to the meeting date.
  - (2) Any Director wishing to place an item on the agenda for consideration by the Board shall notify the Meeting Coordinator and the Chair in writing prior to completion of the agenda and in accordance with subsection (1) of this Bylaw. The Meeting Coordinator shall then place the item on the agenda, under the applicable heading with the Director's name beside it to indicate that the Director will speak to the item at the meeting.
  - (3) The Meeting Coordinator shall prepare an agenda for each Meeting of the Board.
  - (4) The Executive Committee and the Chief Administrative Officer will review ~~and approve the agenda~~ external correspondence to the Board and determine suitability for including within the Board agenda.
  - (5) ~~The Executive Committee will review, edit and approve the agenda~~ for each meeting of the Board prior to the agenda's publication.
  - (6) The agenda will be finalized seven (7) days prior to the actual meeting date.
  - (7) At least seven (7) days before a Regular Meeting, the Meeting Coordinator will send out the ~~In-Camera Closed~~ and Open Meeting agendas along with supporting documents electronically to all Directors, and will send out the Open Meeting agenda to Alternate Directors.
  - (8) Addenda materials, pertinent to matters on the agenda but not contained within the Regular Board agenda, shall be approved by the Chair in advance of circulation. The Addenda shall be sent electronically to all Directors the evening prior to the Regular Meeting.
  - (9) Paper copies of the agendas and all supporting documents shall be available at the

- Meeting location unless equipment is installed at the Meeting location to view the documents electronically.
- (10) The Board must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced under the appropriate section of the agenda.
  - (11) Appointed Alternate Directors shall not receive any agendas until they have been officially sworn in by declaration.

### Late agenda items

- 22 (1) Items may be added to the late agenda by staff or Directors upon approval of the Chair only if the item is time sensitive and cannot practically wait until the next Regular Meeting.
- (2) 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 Resolution carried by a 2/3 Majority Vote of the Directors present.
- (3) Information pertaining to late items for consideration at a Board meeting shall be distributed to the Directors at the commencement of the meeting or as soon thereafter as practical and possible.
- (4) In many cases it will be prudent to recognize the late item as a “Notice of Motion” for placement on a future meeting agenda. This will afford staff the appropriate time to source relevant materials, gather information, conduct research and prepare reports to facilitate the Board’s discussion and consideration of the matter.

### Call to Order—see Quorum

### Order of Business

- 23 (1) Unless otherwise determined by the Executive Committee or Resolution of the Board, the order of business for all Regular Meetings shall be as follows:
  - 1. Call To Order & Welcome
    - 1.1 Traditional Lands Acknowledgement Statement
    - 1.2 Adoption of the Agenda
    - 1.3 Adoption of the Minutes
    - 1.4 Introductions
    - 1.5 Delegation(s)
  - 2. Business Arising out of the Minutes
  - 3. Committees and Commissions
    - 3.1 With Recommendations
    - 3.2 Membership/Appointments

4. Correspondence
5. Bylaws
6. New Business (includes RDCK Services, Grants & CAO/Chair Reports)
7. Public Time
8. Rural Affairs Committee
9. Directors' Motions (if required)
10. Consent Agenda
  - 10.1 For Information: Committee and Commissions
  - 10.2 Communication
  - 10.3 Accounts Payable
  - 10.4 Directors' Reports
11. Closed Meeting
12. Matters Arising from Closed Meeting
13. Adjournment

If there is no business for an agenda item, the item can be removed for that Meeting.

- (2) The traditional lands acknowledgement statement will adhere to specific wording approved by the RDCK Board ~~resolution~~ and is to be included on all Meetings agendas.
- (3) Correspondence items will be added to the agenda without a recommendation. Directors can put forward a motion at the Meeting or email staff requesting a motion be added to the next month's agenda under Directors' Motions.
- (4) As close to the hour of 11:30 a.m. as possible, ~~a maximum of~~ fifteen (15) minutes will be reserved for members of the public and media in attendance to ask questions of the Board. The Chair has the discretion to extend public time to a maximum of thirty (30) minutes.
- (5) Except when a vote is pending, the Chair may call a Recess at any time during a Meeting and may stipulate that the Meeting will reconvene after a specific period of Recess, at a specific time, or at the call of the Chair. A Meeting which has been adjourned may be reconvened on another day without written notice if the details of reconvention were stipulated at the time of adjournment. When reconvened the Chair will advise the Board of the next item of business.

## Minutes

- 24 (1) Minutes of Board Meetings and Committee Meetings must be kept in accordance with Section 223 [*Minutes of board Meetings and committee meetings*] of the Act, the designated officer is the Corporate Officer.
- (2) The Meeting Coordinator shall ensure that a copy of the minutes of every Meeting of the Board is distributed to each Member prior to the Meeting at which they are proposed to be adopted. Wherever possible, the minutes shall be adopted at the next Regular Meeting of the Board.
- (3) The minutes of the proceedings of the Regional Board must be open for public inspection

at the RDCK during the regular office hours, unless provisions of Section 90 *[Meeting that may or must be closed to the public]* of the Charter apply.

## Resolutions

- 25
- (1) A Resolution must be made and seconded before being debated or finally put by the Chair.
  - (2) At the direction of the Chair, any Motion may be submitted to the Meeting Coordinator in writing by the Member making such Motion.
  - (3) Every Motion shall be recorded in the minutes.
  - (4) The name of the mover and seconder are not recorded in the minutes.

## Adjournment

~~25 — A Meeting which has been in session for a total of six hours from the time the Meeting was commenced shall be adjourned unless the Board resolves to extend the Meeting by a majority of the votes of the Members present.~~

## PART 6: DELEGATIONS & PRESENTATIONS

### General provisions

- 26
- (1) The Executive Committee will review Delegation requests for conformance with RDCK policy and approve or deny these requests on behalf of the Board. In the case of Committees or Commissions, the Committee or Commission Chair will review Delegation requests for conformance with RDCK policy and approve or deny Delegation requests on behalf of the Committee or Commission.
  - (2) The scheduling of Delegations shall be at the discretion of the Executive Committee, or as may be applicable, the Committee or Commission Chair.
  - (3) In the event the Executive Committee or Chair deny a request to appear as Delegation, the ~~name of the delegate, the reason for the delegation and the~~ reasons for denying the request will be provided in writing to the Board or, as may be applicable, the Committee or Commission, within two (2) calendar days.
  - (4) The Board, Committee or Commission may, by Majority Vote, supersede a decision of the Executive Committee or as may be applicable the Committee or Commission Chair, approving or denying a Delegation request.
  - (5) The Board, Committee or Commission may, by Majority Vote, request a specific group or individual to appear as delegation.
  - (6) The Meeting Coordinator shall, within a reasonable amount of time prior to the

Meeting, notify the Delegation of the date, time and place of the Meeting at which the Delegation is scheduled to appear, and shall include the Delegation on the Meeting agenda along with any accompanying materials.

- (7) The Board must not permit a Delegation to address a Meeting of the Board regarding Board consideration of a bylaw ~~a Bylaw for which a public hearing will be held or has been held, 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.
- (8) Upon approval to entertain a Delegation, a copy of the full presentation and any accompanying materials must be provided to the Meeting Coordinator at least ten (10) days prior to the Meeting at which the Delegation is to appear. The presentation and materials will be included in the Meeting agenda.
- (9) Each Delegation shall be limited to a maximum time of ten (10) minutes to make a presentation and a maximum of ~~five (5)~~ ten (10) minutes to answer questions of the Board, Committee or Commission unless the time limits have been altered by the Executive Committee or Chair, or by a 2/3 vote of Members at the Meeting. The total time per meeting for delegations will not exceed one hour.
- (10) A maximum of two delegations may be scheduled per Meeting.
- ~~(11) For Board meetings held away from the RDCK head office, the sponsoring Director shall be allotted twenty (20) minutes of delegation time to highlight local issues.~~
- (11) The Board, Committee or Commission will not consider a motion related to a delegation at the same meeting as a delegation was received at, unless there is timely RDCK business requirement to do so and/or the delegation relates to business already included on the meeting agenda.

### Late or Emergency delegations

- 27 A request to appear as a Delegation before a Board, Committee or Commission respecting an emergency or time-sensitive matter may be approved by the Chair, subject to Section 26 (4) of this Bylaw.

## PART 7: KEEPING ORDER

### Rules of order

- 28 Where there is an inconsistency between this Bylaw, the Act and/or the Charter, Provincial legislation shall apply over the rule in question.

### Chair and Presiding Officers

- 29
- (1) The Chair, if present, shall preside at the Meetings.
  - (2) The Vice-Chair shall preside in the absence of the Chair or when the Chair vacates the chair.
  - (3) For Board, in the event that neither the Chair nor the Vice-Chair is able to attend the meeting, the presiding officer shall take the chair and the Board shall elect an Acting Chair for that meeting.
  - (4) The Chair shall preserve order and decorum and shall rule on all points of order, stating their 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.
  - (5) For Committees without a Vice-Chair, the Board Chair, presiding officer or RDCK manager present 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. The person appointed as Acting Chair has all the authority and is subject to the same rules as the Chair.
  - (6) For Committees with a Vice-Chair, 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 is absent without notice, within fifteen (15) minutes after the time appointed for the Meeting, the Vice-Chair shall take the Chair and call the Directors to order.
  - (7) For Commissions, the Chair will be appointed according to the Commission bylaw.

### Points of Order

- 30
- (1) The Chair shall preserve order and decide all points of order which may arise, subject to an appeal.
  - (2) When the Chair is required to decide a point of order:
    - (a) the Chair shall suspend debate on the matter currently before the Meeting;
    - (b) the person raising the point of order shall define the procedural matter under which the point of order has been raised;
    - (c) the Chair shall determine whether the point of order is sustained or overruled and must cite the applicable rule or authority if requested by another Member;
    - (d) another Member shall not question or comment on the rule or authority cited by the Chair;
    - (e) if the point of order is overruled, the debate resumes on the matter previously suspended;
    - (f) if the point of order is sustained, the Chair directs the appropriate corrective actions;
    - (g) the Meeting Coordinator will record in the minutes a brief description of the reason and Chair's decision.



## Appeal

- 31** (1) In accordance with Section 132 [*Authority of presiding member*] of the Charter, a decision of the Chair made under Section 30 (2) of this Bylaw may be appealed by a Member and on an appeal by a Member, the Question as to whether the Chair is to be sustained must be immediately put by the Chair and decided without debate and the Chair shall be governed by the vote of the majority of the Members then present excluding the Chair.
- (2) In the event of the votes being equal, the Question on an appeal shall be declared in the affirmative.
- (3) The names of the Members who voted contrary to the outcome of the Question on an appeal shall be recorded in the minutes.
- (4) If the Chair refuses to put the Question under subsection (1), the Board, Committee or Commission shall immediately appoint a Member to preside temporarily and the Member temporarily appointed shall proceed in accordance with subsections (1) to (5).
- (5) Any Resolution or Motion carried under the circumstances mentioned in subsection (4) of this Bylaw is as binding as if carried out with the Chair presiding.

### ~~Use of cellular telephones and pagers~~

- ~~32 The use of cellular telephones or recording video shall not be permitted in the room during a Meeting, except with the permission of the Chair.~~

## PART 8: DEBATE AND CONDUCT

- 32** (1) The Chair is responsible for preserving order at Meetings and for ensuring that Questions are decided with the benefit of fair debate and in accordance with procedural and other rules. On matters of procedure the Chair shall remain impartial.
- (2) No Member shall speak until recognized by the Chair.
- (3) Members shall address the Chair as "~~Mr. or Madam Chair or~~ Chair \_\_\_\_\_" and shall refer to each other as "Director \_\_\_\_\_".
- (4) No Member shall interrupt another Member who is speaking, except to raise a point of order.
- (5) Members speaking at a Meeting:
- (a) must use respectful language;
  - (b) must not use offensive gestures or signs;
  - (c) ~~must not interrupt discussion to request to be added to the speakers list;~~
  - (d) must speak only in connection with the matter being debated;

- (e) must not speak outside the Motion or reflect upon any vote except for the purpose of moving that such vote be reconsidered;
  - (f) must not leave their seats or make any noise or disturbance while a vote is being taken and until the result is declared; and
  - (g) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board, Committee or Commission in connection with the rules and points of order.
- (6) If more than one Member speaks the Chair must call on the Member, who, in the Chair's opinion, spoke first.
- (7) The order of debate on a Motion will be determined by the Chair and those Members waiting to speak shall be placed into a queue. Members wishing to participate in the debate may do so by raising their hand or add their name using the meeting software. The Mover and seconder of a Motion, or of an amending Motion, shall be entitled to speak ahead of other Members.
- (8) No Member shall speak on any Motion for longer than two (2) minutes without leave of the Chair.
- (9) Members are encouraged to speak succinctly and to not repeat information that has already been heard.
- (10) Where practical, all Members will be given the opportunity to speak once on a matter before a Member is recognized a second time.
- (11) No Member shall speak more than once to the same Motion, without leave of the Chair, except in explanation of the material part of his/her speech.
- (12) A Member who has made a substantive Motion may reply to the debate.
- (13) A Member who has moved an amendment on the previous Motion may reply to the debate.
- (14) Members who are called to order by the Chair:
- (a) must immediately stop speaking;
  - (b) may explain their position on the point of order; and
  - (c) may appeal to the Board, Committee or Commission for its decision on the point of order.
- (15) Where there is a Motion under debate a Member shall not speak other than on that Motion under debate and the matters relating to that Motion.
- (16) Any Member may require the Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
- (17) If, during debate on a Motion, a Motion to Refer or Postpone that Motion is put while

there remain Members who have indicated an intention to speak, the Chair may refuse to accept the seconding of such Motion of Referral or Postponement until those on the list of speakers for the first Motion have been heard. No other names shall be added to the said speakers list and, following the hearing of those entitled to speak, the Chair shall ask if there be a seconder to the Motion to Refer or Postpone and, receiving an affirmative response, shall call the Question on such Motion.

- (18) At any time during debate on a Motion, a Director may move “That the vote on the Motion be called” and that Motion shall be decided without amendment or debate. If the Motion “That the vote on the Motion be called” is adopted by at least two thirds of the votes cast, the Motion consequent thereon shall be immediately called and voted upon without further debate or amendment.
- (19) If the Chair desires to leave the Meeting, they shall call on the Vice-Chair to take their place until they return to the Meeting.
- (20) Members of the public attending a Meeting:
  - (a) must use respectful language;
  - (b) must not use offensive gestures or signs;
  - (c) must not disturb or make noise during a Meeting; and
  - (c) must address the Board, Commission or Committee only when called upon by the Chair to do so;

### Privilege

- 33** A matter of privilege includes reference to any of the following Motions:
- (a) to fix the time to adjourn;
  - (b) to adjourn;
  - (c) to Recess;
  - (d) to raise a Point of Privilege of the Regional Board; and
  - (e) to raise a Point of Privilege of a Member of the Regional Board.

## PART 9: MOTIONS

- 34**
- (1) Motions shall be phrased in a clear and concise manner.
  - (2) A Motion shall be made and seconded before being debated and voted on. The provisions outlined in Section 25 (4) of this Bylaw apply.
  - (3) Any Member may move a Motion unless the Member would not be entitled to vote on the Motion. Any Director may second a Motion.
  - (4) A Motion that has been seconded may be read by the presiding officer or Meeting

- Coordinator, before debate, at the request of any Member.
- (5) The Chair may make or second Motions.
- (6) The Mover of a Motion shall be the first person entitled to speak to the matter during debate.
- (7) When a Motion is under consideration, no Motion shall be received unless to:
- (a) Refer it;
  - (b) amend it;
  - (d) Postpone it to later in the Meeting, or
  - (d) “call the Question” (end debate and vote on the Motion).
- (8) The following Motions are neither amendable nor debatable:
- (a) to Table the main Motion
  - (b) to Postpone the main Motion, either indefinitely or to a specified time;
  - (c) to move the previous Question; or
  - (d) to adjourn.
- (9) The Board, Committee or Commission must vote separately on each distinct part of a Motion that is under consideration at the Meeting if so requested by a Member.
- (10) A Motion that deals with a matter that is not on the agenda of the Meeting at which the Motion is introduced may be introduced with a 2/3 Majority Vote.
- (11) When the Chair is of the opinion that a Motion put before the Board, Committee or Commission is contrary to the rules they shall apprise the Members thereof immediately before putting the Motion thereon, and shall cite the rule or authority applicable to the case without argument or comment, subject to an appeal by a Member pursuant to Section 31 of this Bylaw.
- (12) Subject to the *Interpretation Act*, Motions shall come into effect upon adoption unless a later date or time is specified in the Resolution.
- (13) A Motion to adjourn the proceedings shall always be in order provided that no other Motion is pending.
- (14) Provisions from Section 40 of this Bylaw apply for notice of motion.
- (15) At the request of any Member, the Chair may rule that consideration of any Motion introduced as new business must be Postponed until the next Meeting.

## Amendments

- 35** (1) A Member may, without notice, move to amend a Motion that is under debate provided the amendment is relevant to the main Motion and does not materially change its purpose.

- (2) An amendment may propose removing, substituting for, or adding to the words of the original Motion.
- (3) A proposed amendment must be produced in writing by the Mover if requested by the Chair.
- (4) Every amendment submitted shall be voted upon or withdrawn before the main Motion is put to a vote.
- (5) An amendment may be amended only once, and an amendment once defeated by a vote cannot be proposed a second time.
- (6) A Member may propose an amendment to an adopted amendment.
- (7) Amendments to Motions shall be voted on in the reverse order to that in which they are moved.
- (8) If the amendment to a Motion is:
  - (a) Carried, the previous Motion is then voted on as amended; or
  - (b) Defeated, the previous Motion is again before the Members.
- (9) A Motion to Refer the subject matter to a Committee or Commission, until it is decided, shall preclude all amendment(s) of the main Motion.
- (10) A Question of Referral, until it is decided, shall preclude all amendments to the main Motion.
- (11) Amendments shall be allowed to the main Motion, but only one amendment shall be allowed to an amendment.

### **Amending Past Motions**

- 36** An amendment to a Resolution previously adopted by the Board shall be subject to the same procedural rules in Section 35 of this Bylaw except that, if the amendment is approved, there shall be no vote on the Resolution as amended.

### **Referral or postponement**

- 37** A Motion to Refer or Postpone, until it is decided, shall take precedence over the main Motion and Motions to amend the main Motion.

### **Withdrawal**

- 38** (1) The Mover of a Motion “owns” it before the Chair states it. To withdraw a Motion, the Member must state: “I ask permission to withdraw a Motion.”

- (2) After the Motion has been stated by the Chair, the Board, Committee or Commission “owns” it. However, if there is no objection from the Board, Committee or Commission, a Motion or an amendment may be withdrawn by the Mover at any time before a vote on the Motion or amendment is taken. Motions or amendments that were withdrawn shall not be entered in the minutes.
- (3) If a Member of the Board, Committee or Commission objects to the request to withdraw, the Chair can put the Question to a vote as a “Question to Withdraw the Motion.”
- (4) A request to withdraw a Motion, in accordance with subsection (3):
  - (a) can interrupt a speaker who has the floor if immediate attention is required;
  - (b) does not need to be seconded unless formally proposed by the Member making the request;
  - (c) is not debatable;
  - (d) cannot be amended; and
  - (e) requires a Majority Vote.
- (5) A Motion which has been withdrawn may be re-introduced at the same meeting only by a different Member.

#### **Chair determines contrary to rules**

- 39** When the Chair is of the opinion that a Motion put before the Board, Committee or Commission is contrary to the rules of the Board, Committee or Commission, the Chair shall declare the Motion to be not in order and cite the rule or authority applicable in the circumstances, subject to an appeal by a Member pursuant to Section 31 of this Bylaw.

### **PART 10: NOTICE OF MOTION**

- 40** (1) Any Director desiring to bring any new matter before the Board, Committee or Commission other than a point of order or of privilege, shall do so by way of Motion; provided however, that any new matter of major importance, which may require further information than could or would normally be available to the Board, Committee or Commission at such Meeting, may be required by the Chair or a Director to be made as a notice of Motion and shall be dealt with as provided under subsection (2).
- (2) Any Director may give notice of a Motion to the Board, Committee or Commission by:
- (a) providing the presiding officer or Meeting Coordinator with a written copy of such Motion during a Meeting and the Meeting Coordinator shall, upon the Director being acknowledged by the Chair and the notice of Motion being read to the Meeting, include it in the minutes of that Meeting as notice of Motion and shall add the

- Motion to the agenda of the next Regular Meeting of the Board, or to the agenda of a Special Meeting scheduled for that purpose; or
- (b) providing the presiding officer or Meeting Coordinator with a written copy of such Motion, no later than nine (9) days prior to the scheduled Meeting, and the Meeting Coordinator shall add the Motion to the agenda for said Meeting.

## PART 11: RECONSIDERATION

- 41**
- (1) In addition to the authority of the Chair to return a matter for reconsideration pursuant to Section 217 [*Chair may require board reconsideration of at matter*] of the Act a Director may, unless otherwise prohibited, propose that a Motion which has been previously decided be reconsidered.
  - (2) After a vote has been taken on any Motion, except one of tabling or postponing a subject, a Member who voted in the majority may move a reconsideration of the Motion at the same or the next Regular or Special Meeting of the Board.
  - (3) Despite subsection (2), a Member who is absent from a Meeting at which a vote was taken on a Motion, except one of tabling or postponing a matter, may move reconsideration of the Motion at either the next Regular or Special Meeting of the Board.
  - (4) A Motion to reconsider requires 2/3 of the votes cast to pass. If the Motion to reconsider is successful, the matter shall be put before the Board for reconsideration and may be dealt with by the Board by a Majority Vote.
  - (5) The Board shall not reconsider any Resolution that:
    - (a) has been acted upon by any officer or employee of the RDCK;
    - (b) received the assent or approval of the electors and subsequently adopted by the Board; or
    - (c) has been reconsidered under Section 217 [*Chair may require board reconsideration of at matter*] of the Act or subsection (2).
  - (6) After a Resolution has been reconsidered, it shall not be reintroduced for a period of six (6) months except by unanimous consent of all Directors.
  - (7) The conditions that applied to the adoption of the original bylaw, Resolution or proceeding apply to its rejection under this section.

## PART 12: VOTING

- 42**
- (1) Voting on Questions, Resolutions and bylaws are governed by the Act.
  - (2) The Chair participates in all voting unless the vote is on the Question "Shall the Chair be sustained?"

### Voting Procedure

- 43**
- (1) Voting shall be done by a show of hands from those Members in favour of the Motion, followed by a show of hands from those opposed to the Motion. The Chair may poll the Members if a show of hands is inconclusive. No voting by ballot or other secret method will be permitted, except for elections, which will be conducted by secret ballot.
  - (2) Members participating electronically in a Meeting must indicate their votes verbally, except in the case of elections.
  - (3) A vote on any Motion may, at the discretion of the Chair, be taken by roll call.
  - (4) When the Chair puts a matter to a vote, a Member must not:
    - (a) leave the room;
    - (b) make a noise or other disturbance;
    - (c) interrupt the voting procedure unless the interrupting Member is raising a point of order.
  - (5) Prior to the calling of the vote, any Member may request that the Motion be read aloud. The vote on a Motion will be taken when the Chair is satisfied that its intent is clear to Members.
  - (6) After the Chair finally puts a Question to a vote, a Member must not 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.
  - (7) A vote on a Motion shall be deemed to be carried unanimously unless a Member or Members vote against the Motion. The Chair will state aloud that the vote is carried, carried unanimously or defeated.
  - (8) As soon as the Chair has announced the results of the vote on a Question, any Member who voted in opposition may request to have his/her name be recorded in the minutes. A vote in opposition will not be recorded in the minutes unless a Member requests that it be done.
  - (9) Any Member present who abstains from voting shall be deemed to have voted in the affirmative.
  - (10) No Director may cast a vote in absentia.

### Tie vote for a motion

- 44**
- In accordance with the Act, in all cases where the votes of the Members present and entitled to vote, including the vote of the Chair, are equal for and against a Motion, the Motion shall be declared in the negative, and it shall be the duty of the Chair to so declare.



### Members attendance for vote

- 45** Members who are in the room shall always take their place when a vote is called for and shall not leave until the vote has been taken unless a Member has declared a conflict of interest.

### Conflict of interest

- 46**
- (1) The provisions of this section shall apply to all Meetings.
  - (2) A Member attending a Meeting must not participate in a discussion or vote on a matter where to do so would be contrary to Section 100 *[Disclosure of conflict]* of the Charter.
  - (3) Where a Member considers that s/he is not entitled to participate in the discussion of a matter or to vote on a Motion in respect of the matter, the Member must declare this and state the general nature of why the Member considers this to be the case.
  - (4) Where a Member considers that s/he is not entitled to participate in the discussion of a matter or to vote on a Motion in respect of the matter, the Member must:
    - (a) not take part in the discussion of the matter and is not entitled to vote on any Motion in respect of the matter;
    - (b) immediately leave the Meeting or that part of the Meeting during which the matter is under consideration; and
    - (c) not attempt in any way, whether before, during, or after the Meeting, to influence the voting on any Motion in respect of the matter.
  - (5) Where a Member declares that s/he is not entitled to participate in the discussion of a matter or to vote on a Motion in respect of the matter, the person presiding must ensure that the Member is not present at the Meeting of the time of any vote on the matter.
  - (6) After a Member makes a “conflict of interest” declaration, the Meeting Coordinator shall record in the minutes of the Meeting the Member’s declaration, the reason(s) given for it, and the times of the Member’s departure from the Meeting room and, if applicable, of the Member’s return.

### Special voting on urgent matters

- 47** Provisions from the *Regional District Special Voting Regulations, BC Reg.17/98*, and Amendments, apply to the RDCK for special voting on urgent matters.

## PART 13: BYLAWS

48 Bylaws shall be read and adopted in accordance with the Act.

### Copies of proposed bylaws to Directors

- 49
- (1) A proposed bylaw may be introduced at a Board Meeting only if a paper or electronic copy of it has been made available to each Director prior to the Meeting.
  - (2) A Committee or Commission may put forward a Motion to endorse, develop, amend or repeal a bylaw but only the Board can give three readings and adopt the bylaw.

### Introducing, reading and adopting bylaws

- 50
- (1) Every proposed bylaw shall be introduced by Motion.
  - (2) A bylaw shall be deemed to be read when its title and bylaw number are stated.
  - (3) Every proposed bylaw must be given first, second and third reading before it is adopted.
  - (4) Every reading on a proposed bylaw must be by Resolution; however, a Resolution can include more than one reading of a proposed bylaw.
  - (5) A proposed bylaw may be debated or amended at any time during the first three readings unless prohibited by the Act.
  - (6) Section 228 [*Bylaw adoption at same meeting as third reading*] of the Act, a bylaw that does not require approval, consent or assent under the Charter or Act before it is adopted, may be adopted at the same Meeting at which it passes third reading if the Motion for adoption receives at least 2/3 of the votes cast.
  - (7) Unless the holding of a public hearing is waived in accordance with Section 464 [*Requirement for public hearing before adopting bylaw*] of 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.
  - (8) In accordance with Section 477(6) [*Adoption procedures for official community plan*] of the Act, the Board may adopt a proposed official community plan or zoning bylaw at the same Meeting at which the plan or bylaw passed third reading.
  - (9) As provided in the Charter, the Board must not vote on the reading or adoption of a bylaw when its Meeting is closed to the public.
  - (10) An amendment bylaw may not be amended after its adoption.

- (11) The Corporate Officer may make minor corrections to bylaws at third reading and to adopted bylaws, including, but is not limited to, spelling mistakes and sequential numbering errors.

### **Certification and storage**

- 51 (1) After a bylaw is adopted and signed by the Corporate Officer and the Chair of the Meeting at which it was adopted, the Corporate Officer must have it placed in the RDCK's records for safekeeping and affix:
- (a) the RDCK's corporate seal; and
  - (b) the dates of its readings, adoption and any required approvals that have been obtained.
- (2) After their adoption by the Board, all bylaws shall be filed in their regular order.

## **PART 14: PETITIONS**

- 52 (1) Every Petition presented to the Board, be it a Petition for Services or otherwise, shall include the name and residential address of each Petitioner along with any other information required under the Act or Charter.
- (2) In the case of a corporation being a Petitioner, the written authority given by the corporation to sign the Petition shall be produced.
- (3) If a deadline is set for receipt of a Petition by the RDCK, no name shall be added to the Petition and no name shall be withdrawn from the Petition after that deadline.
- (4) Once a Petition not initiated by the RDCK has been received by the RDCK, the Board shall receive it under communications for information on a Meeting agenda.

## **PART 15: COMMITTEES**

### **Establishment of Committees**

- 53 The provisions from Section 218 [*Appointment of select and standing committees*] of the Act apply.

### **Duties of Standing Committees**

- 54 (1) Standing Committees must consider, inquire into, report, and make recommendations to the Board about all of the following matters:

- (a) matters that are related to the general subject indicated by the name of the Committee;
  - (b) matters that are assigned by the Regional Board;
  - (c) matters that are assigned by the Chair.
- (2) Standing Committees must report and make recommendations to the Board at all of the following times:
- (a) in accordance with the schedule of the Committee's Meetings;
  - (b) in matters that are assigned by the Chair:
    - (i) as required by the Chair, or
    - (ii) at the next Board Meeting if the Chair does not specify a time.
- (3) Standing Committee's ~~establishing bylaws~~ **Terms of Reference** are to be approved by the Board.

#### **Duties of Select Committees**

- 55**
- (1) Select Committees must consider, inquire into, report, and make recommendations to the Board about the matters referred to the Committee by the Board.
  - (2) Select Committees must report and make recommendations to the Board as specified by the Chair.
  - (3) Each Select Committee shall have a Terms of Reference adopted by the Board.

#### **Appointment of Directors to Committees**

- 56**
- (1) The appointments to Standing and Select Committees is determined in accordance with Section 218 [*Appointment of Select and Standing Committees*] of the Act.
  - (2) The election for Director appointments to internal and external committees or organizations will be conducted following the procedures set out in Section 8 of this Bylaw, **excluding Section 8 (5), and Section 10.**

#### **Attendance at Committee Meetings**

- 57**
- (1) Members of the Board who are not Members of a Committee may attend Meetings of that Committee and may take part in any discussion or debate by permission of a majority of the Committee Members present, but may not vote.
  - (2) Alternate Directors are authorized to serve on Committees of the Board in the absence of the Director, if authorized by the applicable Terms of Reference or bylaw. This does not apply to outside agencies where Directors are appointed at

- the request of the agency concerned.
- (3) Attendance at Meetings by the public and Delegations, as well as the structure and scheduling of Meetings shall be in keeping with the provisions of this Bylaw and current Board policies.

#### Chair

- 58 (1) The Committee at its first Meeting of each year shall elect the Chair for the year from among the Members of the Committee. In the year of a local government election, if the Members are Directors, the Committee will elect a Chair at the first Meeting after the election. The provisions outlined in Sections 8 and 10 of this Bylaw apply, with the Board Chair, presiding officer or RDCK Manager conducting the election.
- (2) The sub-regional Resource Recovery Chairs rotate the responsibility of chairing the Joint Resource Recovery Committee meetings.

#### Committee Reports and Minutes

- 59 (1) Minutes of the proceedings of all Committee Meetings must be legibly recorded and signed by the Chair or presiding Member of the Meeting.
- (2) Minutes of the Committee Meetings must be forwarded to the Corporate Officer or Board Meeting Coordinator.
- (3) Minutes of Standing Committee Meetings shall, whenever possible, be included in the agenda of the first Board Meeting following the Committee Meeting. This provision does not apply to minutes of a Meeting, or part of a Meeting, that from which members of the public were excluded.

#### Quorum

- 60 The Quorum in a Standing or Select Committee shall be a majority of the persons appointed to the Committee.

#### Voting at Meetings

- 61 (1) On a vote in a Committee each person shall have only one (1) vote unless otherwise specified in the Committee's **bylaw or** Terms of Reference **that has been** approved by the Board.
- (2) The Chair shall be an ex officio Member of all Select and Standing Committees and entitled to vote on all matters.

## Operation

- 62 (1) No Committee will operate outside of its ~~express mandate or bylaw~~ or Terms of Reference without prior approval of the Board.
- (2) All Committees are considered to be advisory in nature.
- (3) No Committee has the power to pledge the credit of the Board or commit the Board to any particular action.
- (4) No recommendation or decision of a Committee, except the election of a Committee Chair, shall be binding until it has been accepted and approved by the Board.

## Schedule of Meetings

- 63 (1) At its first Meeting after its establishment, a Standing or Select Committee must establish a regular schedule of Meetings.
- (2) The Chair of a Committee may call a Meeting of the Committee in addition to the scheduled Meetings or may cancel a Meeting.

## Procedures

- 64 The provisions of this Bylaw governing Meetings of the Board apply, with the necessary changes, to Standing and Select Committees. Other rules of procedure may be created by ~~establishing a bylaw~~ or Terms of Reference for a Committee ~~or by a Resolution of the Committee~~, but the provisions of this Bylaw will prevail over any such rule of procedure if there is any conflict between them

## PART 16: COMMISSIONS

### Establishment of Commissions

- 65 The provisions from Section 263(1)(g) [*Corporate Powers*] of the Act apply.

### Duties of Commissions

- 66 A Commission must operate within the authority delegated by the Board in that Commission's bylaw and provisions of this Bylaw if not identified in the Commission bylaw.

## PART 17: MISCELLANEOUS PROVISIONS

### Amendment to procedure

- 67 No provision of this Bylaw relating to the procedure of the Board may be altered unless notice of the proposed amendment is given in accordance with the Act.

### Severability

- 68 If any section, subsection or clause of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

### Effective Date

- 69 This Bylaw shall come into full force and take effect on and after the date of the adoption thereof.

### Repeal

- 70 **“Regional District of Central Kootenay Procedure Bylaw No. 2576, 2019”**, and amendments thereto, are hereby repealed.

READ A FIRST TIME this 17<sup>th</sup> day of October, 2024.

READ A SECOND TIME this 17<sup>th</sup> day of October, 2024.

READ A THIRD TIME this day of

ADOPTED this day of

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Aimee Watson, Board Chair

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Mike Morrison, Corporate Officer