

The following is a consolidated copy of the regional district procedure bylaw and includes the following bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
1	Comox Valley Regional District Procedure Bylaw No. 1, 2008	October 28, 2008	A bylaw to regulate the proceedings of the board of the Comox Valley Regional District
41	Comox Valley Regional District Procedure Bylaw No. 1, 2008, Amendment No. 1	March 31, 2009	A bylaw to amend the board procedure bylaw to require motions at board and committee meetings be seconded before debate occurs on the motion
77	Comox Valley Regional District Procedure Bylaw No. 1, 2008, Amendment No. 2	October 27, 2009	Amend to reflect current job titles

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COMOX VALLEY REGIONAL DISTRICT
BYLAW NO. 1

**A bylaw to regulate the proceedings of the
board of the Comox Valley Regional District**

WHEREAS the board of the Comox Valley Regional District, pursuant to section 794 of the *Local Government Act*, must establish the general procedures to be followed by the board and by board committees in conducting their business, provide for advance public notice of board and board committee meetings, and identify public notice posting places;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Definitions

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

Board means the governing and executive body of the Comox Valley Regional District constituted as provided in the *Local Government Act*;

Chair means the elected chair of the board pursuant to this bylaw;

Director means an elected or appointed official of the Comox Valley Regional District board of directors;

Chief administrative officer (CAO) means the senior administrative official pursuant to section 197 of the *Local Government Act*

Corporate legislative officer means the officer assigned the responsibilities of corporate administration pursuant to section 198 of the *Local Government Act* and as identified in the regional district officer bylaw;

Member means a duly appointed or elected representative of the board or a board committee;

Resolution means a formal motion placed before a meeting in order that it may be debated to a conclusion;

Presiding member means the person responsible for the conduct and control of a meeting. In the case of board meetings, the chair of the board is the presiding member (unless otherwise delegated due to the absence of the chair of the board). In the case of committee meetings, the chair of the committee is the presiding member unless otherwise indicated in this bylaw or unless otherwise delegated due to the absence of the chair of the committee;

Public notice posting place means the notice board located at the offices of the Comox Valley Regional District and the regional district website; and

Website means the information resource found at an Internet address provided by the regional district.

Notice of regular board meetings

2. (1) At least 72 hours before a regular meeting of the board, the corporate legislative officer must give public notice of the time, place and date of the meeting by way of a notice posted at the public notice posting place.
- (2) At least 24 hours before a regular meeting of the board, the corporate legislative officer must give further public notice of the meeting by posting a copy of the draft agenda at the public notice

posting place thereby making the draft agenda available to each director of the board and members of the public.

Notice of special meetings

3. Notice of special board meetings is to be provided for in accordance with section 793 of the *Local Government Act*.

Notice of committee meetings

4. At least 24 hours before a meeting of a committee, the corporate legislative officer must give notice of the meeting by posting a copy of the draft agenda at the public notice posting place thereby making the draft agenda available to each committee member and members of the public.

Inaugural meeting

5.
 - (1) Pursuant to the provisions of the *Local Government Act*, the board shall meet in an inaugural meeting at such time as shall be appointed by the corporate legislative officer in writing.
 - (2) The presiding member of the inaugural meeting shall be the corporate legislative officer until such time as the chair and vice-chair have been elected. The corporate legislative officer shall only act as the presiding member for the purpose of conducting the election of chair and vice-chair. Prior to conducting the elections the corporate legislative officer shall confirm that all directors have completed the oath of office or oath of allegiance as required by the *Local Government Act*.
 - (3) The corporate legislative officer shall announce the results of the election of the chair and vice-chair, following which the chair of the board shall assume the role of presiding member.

Election of the chair and vice-chair

6.
 - (1) The board shall elect a chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.
 - (2) The corporate legislative officer shall call for nominations for the position of chair of the board and will do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives will be allowed a maximum of three (3) minutes to outline why he/she should be chosen for the position.
 - (3) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.
 - (4) Only those ballots that indicate an officially nominated candidate will be counted towards the election and be used to determine a clear majority.
 - (5) In the event of two tie votes the board shall pass a resolution to either determine the election of chair by the drawing of lots or start the election process over.
 - (6) An election of vice-chair shall then be conducted pursuant to subsections (1) through (5) above, but the candidates will be permitted a maximum of two (2) minutes to outline why he/she should be chosen for the position.

Agenda

7. (1) The corporate legislative officer shall prepare an agenda for each meeting of the board.
- (2) The chair of the board shall review and approve the agenda for each meeting of the board prior to its publication.
- (3) At any meeting the board may consider
 - (a) Addendum items; or
 - (b) Any item added to the agenda by the chair of the board or any director/member;providing that such items receive a majority vote of the directors/members present to have such items considered at the meeting.
- (4) The order of business at all regular meetings of the board shall be as per the policy of the board, which may be amended from time to time by the board.
- (5) The order of business at all committee meetings shall be as per board policy, which may be amended from time to time by the board.
- (6) Any committee of the board shall file the minutes of its meetings with the corporate legislative officer immediately following a meeting of the committee (i.e. as soon as the secretary to the committee produces the minutes).

Attendance of the public at meetings

8. (1) Except where the provisions of section 90 of the *Community Charter* apply, all board meetings must be open to the public.
- (2) Before closing a board meeting or part of a board meeting to the public, the board must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- (3) This section applies to meetings of bodies referred to in section 93 of the *Community Charter*, including, without limitation:
 - (a) Select and standing committees of the board;
 - (b) The board of variance;
 - (c) The parcel tax review panel;
 - (d) Advisory planning commissions.
- (4) Despite subsection (1) the presiding member may expel or exclude from a meeting a person in accordance with section 133 of the *Community Charter*.

Regular delegations

9. (1) A delegation wishing to appear before the board shall advise the corporate legislative officer no later than eleven (11) calendar days before the scheduled board meeting. The request must be in writing and stipulate the subject matter upon which the delegation wishes to speak.
- (2) The delegation appearance and the subject of the delegation will be included on the meeting agenda.
- (3) Each delegation may be afforded ten (10) minutes in which to make a presentation or a time as determined by consent of the members.

- (4) The corporate legislative officer shall notify a representative of the delegation in advance of the date, time and place of the meeting.
- (5) Where the subject matter of the delegation is within the terms of reference of a board committee, the delegation will be requested to appear first before the applicable committee before the board will hear the matter. Unless the subject matter is deemed to be emergent, the issue will not be resolved by the board unless it first receives the report/minutes on the matter by the applicable committee.

Late delegations

10. (1) Any person or organization who has not appeared before an appropriate board committee and who, because of circumstances, could not have been expected to appear before a board committee or give earlier notice, may request to appear as a delegation before the board by advising the corporate legislative officer prior to the board meeting.
- (2) The request must stipulate the subject matter upon which the delegation wishes to speak.
- (3) The corporate legislative officer shall advise the presiding member and members of the board of the request.
- (4) The board shall, by resolution, determine if the delegation will be heard at the board meeting.
- (5) Unless the subject matter is deemed to be emergent, the issue will not be resolved by the board unless it first receives the report/minutes on the matter by the applicable committee.
- (6) Nothing in this bylaw shall be interpreted as requiring a committee composed of board delegates who have heard representations concerning land use issues at a public hearing held pursuant to the *Local Government Act* to hear further delegations or representations on the proposed bylaw or resolution which was the subject of the public hearing.

Quorum

11. (1) A quorum for a meeting of the board or committee shall be a majority of its members.
- (2) At the appointed time for the commencement of the meeting, the chair or in the absence of the chair, the vice-chair, shall ascertain that a quorum is present before proceeding to the business of the meeting. If neither the chair nor the vice-chair is present within fifteen (15) minutes after the time appointed for the meeting, the corporate legislative officer or most senior staff member present shall call the meeting to order, ascertain that a quorum is present and if so, the board shall appoint an acting chair who shall preside during the meeting or until the arrival of the chair or vice-chair. Such person appointed, as acting chair, shall have all the powers and be subject to the same rules as the chair.
- (3) Should there be no quorum present within one-half hour after the time appointed for the meeting, the corporate legislative officer or most senior staff member present shall record the names of the members then present and the board shall stand adjourned until the next meeting which shall be called as soon as is practical.

Regular meetings

12. (1) Regular meetings of the regional district board of directors must take place within the offices of the Comox Valley Regional District unless the location is changed by resolution of the board.
- (2) Prior to January 15 of each year the chair of the board shall establish a schedule of board and standing committee meetings for the year.

Debate

13. (1) Debate on any matter shall be strictly relevant to the agenda topic and/or proposed resolution currently before the meeting and the presiding member shall warn speakers who violate this rule and if necessary, rule them out of order.
- (2) No director/member shall speak until recognized by the presiding member.
- (3) Every director/member desiring to speak shall address the presiding member.
- (4) No director/member shall interrupt a person speaking except to raise a point of order.
- (5) A point of order may be raised if the procedural rules appear to have been broken.
- (6) Where a point of order is raised:
 - (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;
 - (d) if the point of order is ruled overruled, the debate resumes on the matter previously suspended;
 - (e) if the point of order is sustained, the chair directs the appropriate corrective action;
- (7) Any director/member may appeal any decision of the chair (this is commonly referred to as challenging the decision of the chair) and where this happens:
 - (a) The chair shall suspend debate on the matter currently before the meeting and ask the director/member appealing the decision to clarify the reasons for the appeal;
 - (b) The chair shall explain his or her reasons for the initial decision;
 - (c) The chair then allows for a brief discussion regarding the appealed decision;
 - (d) The chair then puts the appeal to a vote and following the vote announces the result;
 - (e) A majority vote against the chair's decision is required to reverse it. This means that a tie vote sustains the chair's decision.
- (8) The presiding member shall have the discretion to call the question on completion of debate and the presiding member shall advise that the debate is closed. Following closure of debate no members shall speak further on the question.
- (9) The presiding member is afforded the courtesy of briefly speaking to each and any resolution before the board in a summary fashion. If the comments by the presiding member initiates further discussion, and the presiding member desires to take part in the debate, the vice-chair shall be asked by the presiding member to chair the portion of the meeting until the debate is concluded and should the vice-chair fail to do so, the presiding member shall appoint one of the members to preside until the debate is concluded.
- (10) The presiding member shall at all times conduct the manner and order of speaking so that all sides of a question may be as fully presented as the circumstances warrant and shall ensure that each director/member is allowed an opportunity to speak. When two or more directors/members desire to speak, the presiding member shall name the director/member who shall be first heard.

- (11) Any director may discuss or debate a matter pertaining to the policy governing a service even where the electoral area or municipality that the person represents is not a participating area in that service.

Chief Administrative Officer

14. The presiding officer shall, prior to asking for debate on a resolution, ask the CAO if he/she has any comments on the matter before the board. The CAO may speak directly to the matter or may defer that opportunity to one of his/her staff members currently in the meeting room.
15. Where the CAO has reason to believe that circumstances have changes since placing the matter on the agenda, the CAO may explain those circumstances and ask that the matter be withdrawn from consideration at this time. The presiding officer shall place that recommendation before the board and ask that the resolution be considered.
16. All questions to the administration shall be directed through the presiding member to the CAO who will determine which member of his/her administration ought to respond.

Motions

17. (1) Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (2) The presiding member may divide a motion containing more than one subject if the presiding member feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- (3) A motion to terminate the meeting or to terminate the debate shall always be in order but should the resolution fail the same member may not present it again during that meeting.
- (4) Written motions may or may not be provided in advance to the members.
- (5) Any motion shall be addressed to the subject matter currently before the board and that motion shall be seconded before debate occurs on the motion.
- (6) With the consent of the board, the motion may be withdrawn at any time before decision or amendment.
- (7) When the presiding member is of the opinion that a motion offered to the members is contrary to this bylaw or relates to matters beyond the powers of the members, the presiding member may inform the members immediately, giving reasons for that opinion, and the presiding member may request the support of his/her decision by the members by resolution.
- (8) A motion to refer the subject matter to a committee, until it is decided, shall preclude all amendment of the main question.
- (9) The first person entitled to speak in any debate is the member who proposed the motion.
- (10) Except when a motion to terminate or adjourn has been made, a member may make a motion to table but shall not debate the content of the motion that is the subject of the tabling motion, however, the tabling motion itself is debatable. A motion to table can only be made when some other emergent matter must be considered prior to the motion being considered and must have the matter brought back before the board during the same meeting at which the motion to table is made.
- (11) Other than in respect of a motion to postpone to a time within the same meeting, members may debate a motion to postpone.

- (12) A motion to refer or postpone a matter must state the time and date at which the referred or postponed matter is to be further considered.

Amendments

18. (1) No members shall move any motion to amend that negates the purpose of the main motion.
- (2) Members shall withdraw or decide any amendment to a motion before the main motion is put to a vote.
- (3) Only one amendment shall be allowed at one time to an amendment and an amendment once negated by the board cannot be proposed a second time. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principal embodied in the main motion. An amendment to a motion does not require notice.
- (4) 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.
- (5) Amendments shall be put in the reverse order to that in which they were made, that is to say, the last amendment shall be voted on first.

Bylaws

19. (1) Unless the board otherwise resolves:
 - (a) Before the board considers any proposed bylaw, the corporate legislative officer shall provide each member with a copy of the proposed bylaw; and
 - (b) The board may not consider a proposed bylaw unless it is on the agenda.
- (2) The board adopts a bylaw when all approvals and procedures required by statute prior to adoption have been followed and the board has given the following readings to the bylaw:
 - (a) First and second readings;
 - (b) Third reading; and
 - (c) Adoption.

Resolutions

20. Any member may make a resolution on the topic currently under discussion providing that he/she has been so recognized by the chair.

Minutes

21. (1) Minutes of board meetings must be kept in accordance with section 236 of the *Local Government Act*. For purposes of section 236(b) of the *Local Government Act* the designated officer is the corporate legislative officer.
- (2) Minutes of committee meetings must be kept in accordance with section 237 of the *Local Government Act*.
- (3) The results of each vote on a motion shall be recorded in the minutes and if requested the nature of a member's vote shall be recorded.

- (4) The following shall be contained in the minutes of board and committee meetings:
 - (a) The committee or board name, date and location of the meeting;
 - (b) The time the meeting is called to order and the time the meeting terminates;
 - (c) A list of the directors/members and staff members in attendance; and
 - (d) Resolutions that are debated upon and the results of the vote for each resolution.

Committees

22. (1) Prior to January 15 of each year the chair of the board may:
 - (a) Establish standing committees for the coming year; and
 - (b) Appoint members to those committees;pursuant to section 795 of the *Local Government Act* and in accordance with board policy.
- (2) The general duties of standing committees shall be as per the terms of reference approved from time to time by the board.
- (3) In the event the chair of the board has not established standing committees for the year, the standing committees of the previous year shall continue to exist until otherwise directed by the chair of the board.
- (4) Select committees shall be established by resolution of the board pursuant to section 795 of the *Local Government Act* and in accordance with board policy.
- (5) Unless specified by committee or commission establishing bylaws, voting on motions at all committee and commission meetings shall be in accordance with section 791 of the *Local Government Act* and committee members who are not regional district directors shall be entitled to one vote per person.
- (6) Directors who are not members of a committee may attend a meeting of that committee and may take part in any discussion or debate by permission of a majority of the committee members but may not vote.

Committee procedures

23. All committees of the board shall be governed by committee terms of reference that shall outline the operating principles and guidelines for all committee. The terms of reference is in addition to any requirements under this bylaw.

Rules of order

24. Where a procedural matter is not covered by this bylaw, the matter shall be placed before the board as a resolution drafted by the corporate legislative officer, with the prior approval of the chair and vice-chair to present the resolution to the board to resolve the procedural matter.

Severability

25. If any provision of this bylaw is found to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

Repeal

26. Bylaw No. 2991 being "Regional District Procedure Bylaw 2007" and all amendments thereto are hereby repealed.

Citation

27. This Bylaw No. 1 may be cited as "Comox Valley Regional District Procedure Bylaw No. 1, 2008".

READ A FIRST AND SECOND TIME THIS	28TH	DAY OF	OCTOBER	2008.
READ A THIRD TIME AS AMENDED THIS	28TH	DAY OF	OCTOBER	2008.
ADOPTED THIS	28TH	DAY OF	OCTOBER	2008.

F. Bates
Chair

J. Warren
Manager of Legislative Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1 being "Comox Valley Regional District Procedure Bylaw No. 1, 2008" as adopted by the board of the Comox Valley Regional District on the 28th day of October 2008.

J. Warren
Manager of Legislative Services