



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 2889 (As Amended by Bylaw No. 3672)

CVRD BYLAW NO. 2889 - Regional Board Procedures Bylaw

CONSOLIDATED FOR CONVENIENCE ONLY (January 26, 2013)

The amendment bylaw(s) listed below have been incorporated into enactment Bylaw No. 2889 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 2889 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaw(s) must be consulted. Certified copies of original bylaws are available through the Corporate Secretary's office.

AMENDMENT BYLAW

Bylaw No. 3672

EFFECTIVE DATE

January 9, 2013



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 2889 - Consolidated for Convenience with Amending Bylaw No. 3672

A Bylaw for the Regulation of Board Proceedings

WHEREAS Section 794 of the *Local Government Act* requires the Board, by bylaw, to establish the general procedures to be followed by the Board in conducting its business;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish procedures for the proceedings and conduct of meetings of the Regional Board;

NOW THEREFORE the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 2889 – Regional Board Procedures Bylaw, 2006**".

2. DEFINITIONS

In this bylaw:

"Board" means the Board of Directors of the Cowichan Valley Regional District.

"Chair" means the person presiding at a meeting of the Board and shall include the Vice Chair or any other person who for the time being is the presiding officer unless the context otherwise requires.

"Member" means a Director appointed or elected to the Cowichan Valley Regional District Board.

"Public Notice Posting Place" means the notice board located at the front entrance of the Regional District Office located at 175 Ingram Street, Duncan, BC.

"Quorum" means a majority of Board Directors.

"Regional District Website" means the information resource found at an internet address provided by the Regional District.

3. APPLICATION OF RULES OF PROCEDURE

- a) The provisions of this Bylaw govern the proceedings of the Regional Board and the Cowichan Valley Regional Hospital District Board.

- b) In cases not provided for under this Bylaw, Robert's Rules of Order shall apply to the proceedings of the Regional Board to the extent that those Rules are:
 - i) applicable in the circumstances; and
 - ii) not inconsistent with provisions of this Bylaw, the *Community Charter* or the *Local Government Act*.

PART 2 – REGIONAL BOARD MEETINGS

4. INAUGURAL MEETING

- a) Following a general local election, the first Board meeting must be held on the Wednesday following the first Monday in December in the year of the election.
- b) If a quorum of Directors elected at the general local election has not taken office by the date of the meeting referred to in Subsection (1), the first Board meeting must be called by the Corporate Secretary and held as soon as reasonably possible after a quorum has taken office.
- c) The presiding officer of the inaugural meeting shall be the Corporate Secretary until such time as the Chair has been elected.
- d) The Corporate Secretary shall announce results of elections and administer the Oath of Office to each Director following which the Chair and Vice Chair shall be elected from among the members of the Board.
- e) The Corporate Secretary shall call for nominations for Chair and conduct a vote by ballot in which the person receiving a majority shall be elected Chair. Each Director shall have one vote. If no person receives a majority, one or more recesses may be called as required after which further ballots may be taken until a majority is achieved. If after three ballots are taken and a Chair has not been elected, the meeting may be adjourned to meet again within twenty-four (24) hours at the discretion of the Corporate Secretary. Following the election of the Chair, the Board shall elect one of its members as Vice Chair using the procedure identified in this subsection.

5. TIME AND LOCATION OF REGULAR BOARD MEETINGS

- a) Regular Board meetings shall be held in the CVRD Board Room, 175 Ingram Street, Duncan, BC, on the second Wednesday of each month commencing at 6:30 pm, unless otherwise determined by previous resolution of the Board.
- b) If a Regular Board meeting agenda contains items that meet the criteria prescribed by Section 90 of the Community Charter, the Closed Session of the Regular Board meeting may commence prior to 6:30 pm.
- c) If a Regular Board meeting falls on a statutory holiday, such meeting shall be held on the next day the Regional District Office is open.

- d) The Corporate Secretary must annually give advance public notice of the time, place and date of the regular Board meetings by way of a notice posted at the Public Notice Posting Place and on the Regional District website.

6. **NOTICE OF SPECIAL BOARD MEETINGS**

- a) In accordance with Section 793(3) of the *Local Government Act*, on request of the Chair or any two Directors, notice of a special Board meeting must be issued by the Corporate Secretary who will, at least five (5) days before a Special Board Meeting:
 - i) attempt to consult with all Directors prior to setting the date and time;
 - ii) give advance public notice that states the general purpose of the meeting, and the day, hour and place of the meeting by way of a notice posted at the Public Notice Posting Place; and
 - iii) deliver a copy of the notice to each Director at the place to which the Director has instructed that notices be sent.
- b) In accordance with Section 793(4) of the *Local Government Act*, the notice of a Special Board Meeting may be waived by a unanimous vote.
- c) In the case of an emergency, notice of a Special Board Meeting may be given, with the consent of the Chair and two Directors, less than five (5) days before the date of the meeting, and need not be in writing.

PART 3 – DESIGNATION OF CHAIR AND VICE CHAIR

7. **ANNUAL ELECTIONS**

At the first meeting held after December 1 in each year, the Board must elect a Chair and Vice Chair following the procedure described in section 4(e).

8. **ABSENCE OF THE CHAIR AND/OR VICE CHAIR**

- a) The Vice Chair has, during the absence, illness or other disability of the Chair, all the powers of the Chair and is subject to all rules applicable to the Chair.
- b) If both the Chair and Vice Chair are absent from a Board meeting, the Directors present may appoint by resolution an acting Chair who, during that meeting, or until the Chair or Vice Chair arrives, has all the powers of the Chair and is subject to all rules applicable to the Chair.

PART 4 – BOARD PROCEEDINGS**9. ATTENDANCE OF PUBLIC AT MEETINGS**

- a) Except where the provisions of Section 90 of the *Community Charter* apply, all Board meetings must be open to the public. Despite this section, the Chair may expel or exclude from a Board meeting a person in accordance with section 133(1) of the *Community Charter*.
- b) 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*.

10. MEETING MINUTES TO BE MAINTAINED AND AVAILABLE TO THE PUBLIC

- a) Minutes of the proceedings of the Board must be:
 - i) legibly recorded;
 - ii) certified as correct by the Corporate Secretary; and
 - iii) signed by the Chair or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- b) Minutes of the proceedings of the Board, except for the minutes of a Board meeting from which persons were excluded under Section 90 of the *Community Charter*, must be open for public inspection at the Regional District Office during its regular office hours.

11. CALLING MEETING TO ORDER

- a) As soon after the time specified for a Board meeting as there is a quorum present, the Chair, if present, must take the Chair and call the Board meeting to order, however, when the Chair is absent, the Vice Chair must take the Chair and call such meeting to order.
- b) If a quorum of the Board is present, but the Chair and the Vice Chair are not in attendance, the Corporate Secretary must call to order the Directors present; and the Directors present must choose a member, by resolution, to preside at the meeting until the Chair or Vice Chair arrives.

12. ADJOURNING MEETING WHERE NO QUORUM

If there is no quorum of the Board present within fifteen (15) minutes of the scheduled time for a Board meeting, the Corporate Secretary must record the names of the members present, and those absent, and the Board shall stand adjourned until the next meeting date or until another meeting is called in accordance with this bylaw.

13. AGENDA

- a) Prior to each regular Board meeting, the Corporate Secretary must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- b) The deadline for submissions by the public to the Corporate Secretary of items for inclusion on the Board meeting agenda is 1:30 p.m., on the Wednesday prior to the meeting.
- c) The Corporate Secretary must make the agenda available to the members of the Board and the public by Friday afternoon prior to the meeting.
- d) The Board must not consider any matters not listed on the agenda unless a new matter for consideration is added at the time the agenda is approved.

14. **ORDER OF PROCEEDINGS AND BUSINESS**

- a) The agenda for all regular Board meetings contains the following matters in the order in which they are listed below:
 - i) Closed Session
 - ii) Approval of agenda;
 - iii) Adoption of minutes;
 - iv) Business arising from the minutes;
 - v) Delegations;
 - vi) Report of the Chairperson;
 - vii) Correspondence;
 - viii) Information;
 - ix) Committee reports;
 - x) Staff reports;
 - xi) Public Hearings;
 - xii) Bylaws;
 - xiii) Bylaws – Electoral Area Directors
 - xiv) Resolutions;
 - xv) Unfinished Business;
 - xvi) Notice of Motion;
 - xvii) New Business;
 - xviii) Question Period; and
 - xix) Adjournment.
- b) Particular business at a Board meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise directed by the Chair.

15. **VOTING AT MEETINGS**

- a) Voting on resolutions and bylaws at Board meetings will be conducted in accordance with Section 791 of the *Local Government Act*.
- b) If a Director who is entitled to vote does not indicate how he or she votes, the Director is deemed to have voted in the affirmative.
- c) The names of the Directors who vote against the question shall be entered into the minutes.
- d) On any question where the number of votes, including the vote of the person presiding, are equal, the question is defeated.

16. **DELEGATIONS**

- a) An individual or a delegation may address the Board at a regular meeting provided written application on a prescribed form has been received by the Corporate Secretary by 1:30 p.m., on the Wednesday prior to the meeting. Each address must be limited to ten (10) minutes unless a longer period is agreed to by unanimous vote of those members present.
- b) The number of delegations permitted at a regular Board meeting is two (2).
- c) Where written application has not been received by the Corporate Secretary prior to the close of the application period, or two delegations have already been received for a regular Board meeting, an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- d) The Board must not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- e) The Corporate Secretary may schedule delegations to another Board meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- f) The Corporate Secretary may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of the Board. If the delegation wishes to appeal the Corporate Secretary's decision, the information must be distributed under separate cover to the Board for their consideration.

17. **CONDUCT AND DEBATE**

- a) The Chair 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 insure that each member is allowed equal opportunity to speak.
- b) A Board member may speak to a question or motion at a Board meeting by addressing the Chair.
- c) If more than one Director speaks, the Chair will call on the Director who, in the Chair's opinion, first spoke.
- d) No member must interrupt a member who is speaking except to raise a point of order.
- e) A Director may require the question being debated at a Board meeting to be read at any time during the debate if that does not interrupt another Director who is speaking.
- f) A Director who is called to order by the Chair must immediately stop speaking.
- g) Directors speaking at a Board meeting:
 - i) must use respectful language;
 - ii) must not use offensive gestures or signs;
 - iii) must speak only in connection with the matter being debated; and
 - iv) must adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board in connection with the rules and points of order.
- h) If a member does not adhere to Subsection (g), the Chair may expel the Director from the meeting; and
 - i) if the Director refuses to leave, the Chair may cause the Director to be removed from the meeting by a peace officer; and
 - ii) the Board may, by resolution, allow the member to retake the Director's seat.

18. **MOTIONS GENERALLY**

- a) The Board may debate and vote on a motion only if it is first moved by one Director and then seconded by another.
- b) The Board must vote separately on each distinct part of a question that is under consideration at a Board meeting if requested by a Director.

19. **AMENDMENTS GENERALLY**

- a) A Director may, without notice, move to amend a motion that is being considered at a Board meeting.
- b) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- c) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- d) An amendment may be amended once only.
- e) An amendment that has been defeated by a vote of the Board cannot be proposed again.
- f) A Director may propose an amendment to an adopted amendment.

PART 5 – BYLAWS

20. **READING AND ADOPTING BYLAWS**

- a) The readings of the bylaw may be given by stating its title and object.
- b) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act* or *Community Charter*.
- c) Subject to Section 882 of the *Local Government Act*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Board members present.
- d) In accordance with Section 135 of the *Community Charter*, the Board may give two or three readings to a proposed bylaw at the same Board meeting.
- e) Despite Section 135(3) of the *Community Charter*, and in accordance with Section 794(3) of the *Local Government Act*, a bylaw that does not require approval, consent or assent under the *Local Government Act* or any other Act before it is adopted may be adopted at the same meeting at which it passes third reading, so long as the motion for adoption receives at least two-thirds of the votes cast.

21. **BYLAWS MUST BE SIGNED**

After a bylaw is adopted, and signed by the Chair and the Corporate Secretary, the Corporate Secretary must have it placed in the Regional District's records for safekeeping.

PART 6 – GENERAL

22. 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 will not affect the validity of the remaining portions of this bylaw.
23. This bylaw may not be amended or repealed and substituted unless the Board first gives notice in accordance with section 794(2) of the *Local Government Act*.
24. CVRD Bylaw No. 1360, cited as "*Cowichan Valley Regional District Procedural Bylaw No. 1, 1991*", is hereby repealed.

READ A FIRST TIME this 13th day of December , 2006.

READ A SECOND TIME this 13th day of December , 2006.

READ A THIRD TIME this 13th day of December , 2006.

ADOPTED this 13th day of December , 2006.

Jack Peake
Chairperson

Joe Barry
Corporate Secretary