

**REGIONAL DISTRICT OF NORTH OKANAGAN  
BYLAW NO. 2750, 2016**

**CONSOLIDATED FOR CONVENIENCE**

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*This document is an office consolidation of the above-noted Bylaw and includes the amendments listed below. This Bylaw has been consolidated for convenience and is intended for information and reference purposes only. This document is not the official version of the Bylaw. Be advised that plans, pictures, other graphics or text in the official version may be missing or altered in this consolidated version. Where accuracy is critical, please contact the Corporate Services Department at the Regional District of North Okanagan.*

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**TEXT AMENDMENTS**

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Amendment</b>
2917	October 20, 2021	– Allow for electronic meeting participation
2931	June 15, 2022	– Remove website as public notice posting place

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**Regional District of North Okanagan  
Board of Directors Procedures Bylaw No. 2750, 2016**

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## **REGIONAL DISTRICT OF NORTH OKANAGAN**

### **BYLAW No. 2750**

A bylaw to regulate the proceedings of the Regional District of North Okanagan Board of Directors and Committees

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**WHEREAS** the *Local Government Act* requires the Board, by bylaw, to establish the general procedures to be followed by the Board and by Board Committees in conducting their business;

**NOW THEREFORE** the Board of the Regional District of North Okanagan in an open meeting assembled, hereby **ENACTS AS FOLLOWS**:

#### **PART 1 – INTRODUCTION**

##### **Citation**

- 1.1 This Bylaw shall be cited as “Regional District of North Okanagan Procedure Bylaw No. 2750, 2016”.

##### **Interpretation**

- 1.2 Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.3 The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
- 1.4 Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Board of the Regional District of North Okanagan, as amended, revised, consolidated or replaced from time to time.
- 1.5 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

##### **Definitions**

- 1.6 In this Bylaw, unless the context requires otherwise:

“**Act**” means the *Local Government Act*;

“**Audio and video recording devices**” means any equipment enabling the recording or transmission of sound or visual images;

“**Board**” means the Board of Directors of the Regional District of North Okanagan;

“**Chair**” means, as 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 properly entitled to preside at a meeting of the Board or a Committee;

“**Charter**” means the *Community Charter*;

“**Committee**” means, as the context requires, a Standing Committee, or Select Committee, but does not include CoW;

“**Corporate Officer**” means the officer, or his or her deputy, assigned corporate administration responsibilities under section 236 [*Corporate Administration*] of the *Act*;

“**CoW**” means the Committee of the Whole Board;

“**Delegation**” means any person, persons or organization that has made application to appear before the Board or Committee to speak either in support or in opposition of any matter that falls within the jurisdiction of the Board, but does not include those speaking to a bylaw for which a public hearing has been held or is scheduled or those that otherwise have a right under the *Act* to make representations to the Board or those appearing at a hearing that the Board is required by law or an enactment to hold;

“**Deliver**” means to provide, either electronically, by mail, or in person, a document to the address provided by the member for the delivery of Board and Committee related documents;

“**Director**” means a member of the Board, whether an appointed Municipal director or elected Electoral Area director, and includes that Director’s Alternate if acting in the place of the Director;

“**Meeting**” means a meeting of the Board, the CoW, or a Committee of the Board, as the context requires;

“**Member**” means a Director, or a person appointed to a Committee, as the context requires;

“**Present**” means *to be in view or be able to be heard by other members of the Board or Committee*;

“**Public Notice Posting Place**” means the public notice board at the Regional District Offices and the Regional District website;

“**Regional District**” means the Regional District of North Okanagan;

“**Regional District Offices**” means the Regional District of North Okanagan’s Administration Office located at 9848 Aberdeen Road, Coldstream, British Columbia;

“**Regular Meeting**” means any regularly scheduled meetings;

“**Select Committee**” means a Committee established by the Board, pursuant to section 218 of the *Act* [*Appointment of select and standing committees*] to consider or inquire into any matter and report its findings and recommendations back to the Board;

“**Special Meeting**” means a meeting other than a statutory or Regular Meeting;

“**Standing Committee**” means a Committee established by the Board Chair, pursuant to section 218 of the *Act* [*Appointment of select and standing committees*] that is established to perform its work as mandated by the Board on an ongoing basis to consider or inquire into any matter the Chair considers would be better dealt with by Committee;

“**Terms of Reference**” means a written description of a Committee’s purpose and objectives as adopted by the Board;

## **Application of Rules of Procedure**

- 1.7 The provisions of this Bylaw govern the proceedings of the Board, CoW and all Committees, as applicable.

- 1.8 In cases not provided for under this Bylaw, Robert's Rules of Order, Newly Revised 11<sup>th</sup> Edition, shall apply to the proceedings of the Board, CoW, and Committees to the extent that those Rules are:
- (a) applicable in the circumstances, and
  - (b) not inconsistent with the provisions of this Bylaw, the *Act* or the *Charter*.

## **PART 2 - MEETINGS**

### **Inaugural Meeting**

- 2.1 Pursuant to section 215 of the *Act*, an inaugural Board meeting shall be held at the first meeting of the Board following November 1 in each year where the Board shall elect a Chair and Vice Chair from amongst its members present.
- 2.2 The presiding officer of the inaugural Board meeting shall be the Chief Administrative Officer, or that person's delegate, until such time as the Chair and Vice Chair have been elected.
- 2.3 At the inaugural Board meeting, the Corporate Officer shall confirm that members have completed the Oath of Office in accordance with sections 198 [*appointment and term of office for municipal directors*] and 199 [*election and term of office for electoral area directors*] of the *Act* following which, the election of Chair and Vice-Chair from among the Members of the Board shall proceed as set out below.

### **Election of Chair and Vice-Chair – Board of Directors**

- 2.4 The Corporate Officer shall call for nominations for the position of Chair and conduct an election by secret ballot in which the person receiving the most votes of those Members present shall be elected Chair.
- 2.5 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.
- 2.6 Nominations shall be:
- (a) accepted verbally; and
  - (b) any Director may nominate any other Director, no seconder is required; and
  - (c) the Director nominated must accept the nomination to have their name stand for the vote.
- 2.7 When nominations have concluded, the Corporate Officer will close the nomination process.
- 2.8 Each member shall have only one vote.
- 2.9 If only one Member is nominated, that Member shall be declared elected by acclamation.
- 2.10 If more than one Member is nominated, an election by voting shall be held.
- 2.11 A scrutineer, independent of the Board, shall be appointed by the Board to observe the election proceedings.
- 2.12 If two or more Members are nominated, a vote by secret ballot shall be held and the Member with the most votes shall be declared elected.

- 2.13 Prior to proceeding with voting, the Corporate Officer will verbally confirm the list of candidates. Each Member, in the order in which they were nominated, will then be provided an opportunity to speak for not more than three (3) minutes in support of their candidacy. No debate shall be permitted.
- 2.14 In the event two or more Members are tied for the most votes, the Members who are tied shall remain in the election, the Member(s) who received the least votes shall be eliminated, and a second vote by secret ballot shall be held and the Member receiving the most votes shall be declared elected.
- 2.15 In the event of a second tie vote, the election will be determined between the candidates as follows:
  - (a) The names of the candidates shall be written on separate pieces of paper and placed in a container;
  - (b) The Corporate Officer shall withdraw one paper; and
  - (c) The candidate whose name is on the withdrawn paper shall be declared elected.
- 2.16 Following the election of the Chair, the Corporate Officer shall call for nominations for the position of Vice Chair and the procedure for electing the Vice Chair shall be the same as set out in this section for electing the Chair of the Board.
- 2.17 The number of votes received by each candidate will not be disclosed.
- 2.18 Following the election of the Chair and Vice-Chair the votes shall be destroyed.

### **Vacancy of Chair / Vice Chair**

- 2.19 If the position of Chair becomes vacant as a result of resignation, disqualification or death, an election for Chair shall be the first order of business at the next regularly scheduled meeting of the Board, which election shall be conducted in accordance with the procedures set out above. In the event the Vice Chair is elected as Chair, the election of Vice Chair shall immediately follow the election of Chair.
- 2.20 Notwithstanding 2.19 above, if the position of Vice Chair becomes vacant as a result of resignation, disqualification or death, an election for Vice Chair shall be the first order of business at the next regularly scheduled meeting of the Board, which election shall be conducted in accordance with the procedures set out above.

### **Election of Chair and Vice-Chair – Committees**

- 2.21 The Members of each Standing Committee, at their first meeting following December 1 each year, shall elect a Chair and Vice-Chair from among the Committee's Members in accordance with the procedures established for the election of Chair and Vice-Chair of the Board.

### **Regular Board Meetings**

- 2.22 Meetings of the Board shall be held on the dates and times as established by resolution of the Board prior to December 31 of the preceding year. At the discretion of the Chair, following consultation with all Directors, a Meeting of the Board may be cancelled, postponed or preponed providing that two consecutive regular Meetings are not cancelled.

- 2.23 At least forty-eight (48) hours before a Regular Meeting of the Board or CoW, the Corporate Officer shall provide public notice of the time, place and date of the meeting by way of a notice and agenda posted at the Public Notice Posting Place.
- 2.24 Meetings of the Board shall be held at the Regional District Offices unless notice of a different location for a Meeting is otherwise posted in accordance with this Bylaw.
- 2.25 Regular Meetings of the Board shall not extend beyond four (4) hours unless the Board resolves to proceed beyond that time by a majority vote of the Members present.
- 2.26 Notification of a cancelled, postponed or preponed Meeting or the change in location of a Meeting must be provided by the Chair to the Corporate Officer at least forty-eight (48) hours in advance of the scheduled Meeting. The Corporate Officer shall provide notice to all Members and the public by delivering notice to Members and posting a notice at the Public Notice Posting Place.

### **Special Board Meetings**

- 2.27 In accordance with section 220 of the Act [*Calling of special board meetings*], the Corporate Officer must call a Special Meeting **subject to staffing and facility availability**:
  - (a) on request of the Chair, or
  - (b) on written request of any two (2) Directors.
- 2.28 The Corporate Officer must call a Special Meeting by providing notice to each member that:
  - (a) states the general purpose and the date, time and place of the Meeting; and
  - (b) is delivered at least five (5) days before the date of the Meeting.
- 2.29 Notice of any Special Meeting referred to in 2.28(b) above, may be waived at the Special Meeting by unanimous vote of the Members.
- 2.30 In the case of an emergency, notice of a Special Meeting:
  - (a) may be given with the consent of the Chair and two (2) Directors, less than five (5) days before the date of the meeting; and
  - (b) need not be given in writing.

### **Committee Meetings**

- 2.31 Regular Committee Meetings shall be held on the dates and times as established each year by resolution of the Board prior to December 31 of the preceding year. At the discretion of the Chair or any two Directors of the respective Committee, a Meeting may be cancelled, postponed or preponed.
- 2.32 At least forty-eight (48) hours before a regular Committee Meeting, the Corporate Officer must give public notice of the time, place and date of the Meeting by way of a notice and agenda posted at the Public Notice Posting Place.

**Special Committee Meetings**

- 2.33 The Corporate Officer must call a Special Meeting ***subject to staffing and facility availability***:
- (a) on request of the Chair; or
  - (b) on written request of any two (2) Members.
- 2.34 The Corporate Officer must call a Special Meeting by providing notice that:
- (a) states the general purpose and the date, time and place of the Meeting; and
  - (b) is delivered at least five (5) days before the date of the Meeting to each Member at the address provided.
- 2.35 Notice referred to in 2.34(b) above, may be waived at the Special Meeting by unanimous vote of the Members.

**Director disqualification for failure to attend Meetings**

- 2.36 In accordance with section 204 of the *Act [Director disqualification for failure to attend meetings]*, a Member shall be disqualified from holding office if the Member is absent from Board Meetings for whichever of the following is the longer time period:
- (a) 60 consecutive days; or
  - (b) 4 consecutive Regular Meetings.
- 2.37 Disqualification under 2.36 above shall not apply if the absence is because of illness or injury or is with the leave of the Board.

**Member disqualification for failure to attend Committee Meetings**

- 2.38 A Member shall be disqualified from sitting as a Member of a Committee if the Member is absent from Committee Meetings for whichever of the following is the longer time period:
- (a) 180 consecutive days; or
  - (b) 6 consecutive Regular scheduled Meetings of the Committee.
- 2.39 Disqualification under 2.38 above shall not apply if the absence is because of illness or injury or is with the leave of the Board.

**PART 3 - MEETING PROCEEDINGS****Attendance of Public at Meetings**

- 3.1 Except where the provisions of section 90 of the *Charter [meetings that may or must be closed to the public]* apply, all Meetings must be open to the public.
- 3.2 Before closing a Meeting, or part of a Meeting to the public, the Board or Committee, as applicable, must pass a resolution in a public Meeting in accordance with section 92 of the *Charter [requirements before the Board meeting is closed]*.
- 3.3 In addition to its application to Board meeting, this section applies to all meetings of the bodies referred to in section 93 of the *Charter [application of rules to other bodies]*, including without limitation:
- (a) CoW;

- (b) Committees;
  - (c) Advisory planning commissions;
  - (d) Parcel tax review panel; and
  - (e) Board of variance.
- 3.4 Despite section 3.1, the Chair may expel or exclude from a Board or Committee Meeting a person in accordance with section 3.28.

### ***Electronic Meeting Participation***

- 3.5 ***Provided the conditions set out in section 221 [Electronic meetings and participation by members] of the Act are met, Directors or members who are unable to attend a Board or Committee meeting may participate by means of electronic or other communication facilities provided that prior arrangements have been made through communication with the Corporate Officer.***
- 3.6 ***The Director or member presiding at the meeting must not participate electronically.***
- 3.7 ***The facilities must enable the meeting's participants to hear, or watch and hear, each other.***
- 3.8 ***Except for any part of the meeting that is closed to the public in accordance with section 90 of the Charter, the facilities must enable the public to hear, or watch and hear, the member(s) participating by means of electronic or other communication facilities.***
- 3.9 ***A Director or member participating by means of electronic or other communication facilities must indicate their vote verbally.***
- 3.10 ***Nothing in the Bylaw shall be construed to guarantee any Director or member electronic access to a meeting. Electronic participation will be restricted by equipment and facility capability. Equipment failure or other occurrence that prevents or limits electronic participation will not result in meeting adjournment unless the failure results in loss of quorum.***

### **Minutes**

- 3.11 Minutes of the proceedings of the Board must be:
- (a) Legibly recorded;
  - (b) Certified as correct by the designated regional district officer; and
  - (c) Signed by the Chair or other Member presiding at the next Meeting at which the minutes are adopted.
- 3.12 Minutes of the proceedings of Committees must be legibly recorded and, once adopted, signed by the Chair, or Member presiding and a senior staff member.
- 3.13 Subject to subsection 3.14, and in accordance with sections 97(1)(b) and (c) of the *Charter [other records to which public access must be provided]* minutes of the proceedings of the Board or of a body referred to in section 3.9 must be open for public inspection at the Regional District Offices during regular office hours.

- 3.14 Subsection 3.13 does not apply to minutes of a Board or Committee Meeting from which persons were excluded under section 90 of the *Charter [meetings that may be closed to the public]*.

### **Quorum**

- 3.15 A quorum for a Meeting shall be a majority of the Members.
- 3.16 At the appointed time for commencement of the Meeting, the Chair shall confirm 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 Officer shall call the Members to order, ascertain whether a quorum is present and, if so, the Members present shall appoint an Acting Chair who shall preside during the Meeting or until the arrival of the Chair or Vice-Chair. The member appointed as Acting Chair shall have all the powers and be subject to the same rules as the Chair for the Meeting.
- 3.17 If a quorum for a meeting has not been made within twenty (20) minutes after the appointed time, the Corporate Officer shall record the names of the Members present and the Meeting shall stand adjourned until the next Meeting.

### **Agenda**

- 3.18 The Corporate Officer shall prepare an agenda setting out all the items for consideration at a Meeting, noting in short form a summary for each item on the agenda.
- 3.19 The deadline for submission of items for inclusion on a Board or Committee Meeting agenda shall be 12:00 p.m., eight (8) working days in advance of the Meeting.
- 3.20 The agenda must be made available to the Members and the public at least forty-eight (48) hours prior to the Meeting.
- 3.21 Notwithstanding 3.20 above, the distribution of agendas for Meetings that are held In Camera (closed to the public) shall be limited to Directors in the case of an In Camera Board Meeting, and appointed Committee Members in the case of an In Camera Committee Meeting. In the event a Director or appointed Committee Member is unable to attend an In Camera Meeting, that Director or Member shall advise the Corporate Officer if an alternate Member will be in attendance at an In Camera Meeting in their absence and the Corporate Officer shall deliver the In Camera Meeting agenda to the alternate Director or Member as required.
- 3.22 A matter not listed on a Regular Meeting agenda shall not be considered unless it is properly introduced as a late item in accordance with sections 3.35, 3.36 and 3.37.
- 3.23 The Board or Committee shall not consider any other matter at a Special Meeting except that for which the Meeting has been called.

### **Order of Business**

- 3.24 The order of business for Meetings shall be as follows:
- (a) The usual order of business for **Regular Meetings of the Board** shall be set out in the agenda for that Meeting under the following headings, as appropriate:
- A. Call Meeting to Order
  - B. Approval of Agenda

- C. Adoption of Minutes
- D. Delegations
- E. Unfinished Business
- F. Notice of Motion
- G. New Business
- H. Reports
- I. Director Inquiries
- J. Resolution to go In Camera\*
- K. Report from In Camera
- L. Adjournment

\*Subsection 3.24(a) J. does not apply to an In Camera Meeting agenda.

(b) The usual order of business for **Regular Meetings of a Committee** shall be set out in the agenda for that Meeting under the following headings, as appropriate:

- A. Call Meeting to Order
- B. Approval of Agenda
- C. Adoption of Minutes
- D. Delegations
- E. Unfinished Business
- F. Notice of Motion
- G. New Business
- H. Reports
- I. Member Inquiries
- J. Resolution to go In Camera\*
- K. Adjournment

\*Subsection 3.24(b) J. shall be replaced with *Recommendation to Report from In Camera Meeting* on an In Camera Meeting agenda.

(c) The order of business for **special Meetings of the Board or a Committee** shall be as follows:

- A. Call Meeting to Order
- B. Approval of Agenda
- C. Delegations
- D. Special Meeting Matters
- E. Resolution to go to In Camera Meeting\*
- F. Report from In Camera Meeting\*\*
- G. Adjournment

\*Subsection 3.24(c) E. shall be replaced with *Recommendation to Report from In Camera Meeting* on an In Camera meeting agenda.

\*\*Subsection 3.24(c) F. shall not apply to Committee special Meetings.

3.25 With the exception of those agenda items for which a scheduled starting time has been provided by advance public notice, a resolution to amend the prescribed Order of Business other than at a Special Meeting may be passed by a 2/3 majority vote of those Members present.

### **In Camera Meetings**

3.26 In accordance with section 91 of the *Charter [other persons attending closed meetings]*

- (a) If all or part of a Meeting is held In Camera (closed to the public), the Board may allow one or more Regional District Officers and employees to attend or excuse them from attending as it considers appropriate. If there are no Regional District Officers in attendance to record the minutes of the In Camera proceedings, a Member shall be appointed by the Members present to record the proceedings of the Board as required.
- (b) If all or part of a Meeting is held In Camera, the Board may allow person(s) other than Regional District Officers or employees to attend the In Camera meeting by adopting a resolution by the majority of the Members present to permit the attendance of the person(s) if:
  - (i) The permitted attendee already has knowledge of the confidential information; or
  - (ii) Is a lawyer attending to provide legal advice in relation to the matter; or
  - (iii) If the Board, Committee, or Administration staff considers their attendance necessary.
- (c) Notwithstanding 3.26(b) above, the vote by the Members to allow a person to attend an in camera session of the Board shall be held without the person present in the room.
- (d) The minutes of a Meeting or part of a Meeting that is held In Camera to the public must record the names of all persons in attendance.

### **Duty to Respect Confidentiality**

- 3.27 In accordance with section 117 of the *Charter [duty to respect confidentiality]*, a Member or former Member must, unless specifically authorized by resolution of the Board:
- (a) keep in confidence any record held in confidence by the Regional District, until the record is released to the public; and
  - (b) keep in confidence information considered in any part of a Meeting that was held In Camera, until the Board discusses the information at a Meeting that is open to the public or releases the information to the public.

### **Keeping Order**

3.28 In accordance with section 133 of the *Charter [expulsion from meetings]*, if the Chair considers that another Member, person or persons at the Meeting is acting improperly, the Chair may order that they be expelled from the Meeting. If the 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.

- 3.29 Persons in attendance at a Meeting, whether in favour of, or opposed to, any matter on the agenda, shall refrain from clapping, cheering, heckling, booing, using inappropriate language or any other expressions of emotion, verbal outbursts or criticisms aimed at any Member, staff member, or other individual or groups.
- 3.30 Placards, postcards, posters, signs or any material deemed by the Chair to be distracting are not permitted at a Meeting.

#### **Use of audio or video recording devices**

- 3.31 Cellular phones and/or pagers shall not be permitted in the Meeting unless set to silent.
- 3.32 The use of audio or visual recording devices shall not be permitted during an In Camera Meeting.
- 3.33 Nothing in this section precludes the person responsible for corporate administration or their designate to record Meetings for the purposes of taking minutes.

#### **Late Items**

- 3.34 Late items shall only be considered if they are deemed to be time sensitive in that the matter must be considered before the next Regular Meeting. A matter not included on the agenda shall not be considered at a Board or Committee Meeting unless the matter is introduced at the time allocated on the agenda for such matters and is approved by a 2/3 vote of the Members present.
- 3.35 If a motion to approve a late item to the agenda is passed under 3.34 above, information pertaining to the matter shall be circulated to those Members present and the Corporate Officer shall add the late item to the agenda for that Meeting.
- 3.36 Notwithstanding 3.34 above, after the agenda has been adopted, a Member may propose to place an item of an urgent nature on the agenda. The item shall only be added to the agenda pursuant to 3.34 and 3.35 above.

#### **Correspondence**

- 3.37 Board Members shall have access to all correspondence addressed to the Board and the Chair shall determine whether the correspondence shall be placed on the agenda for a Meeting.

### **PART 4 - DELEGATIONS**

- 4.1 Pursuant to sections 229(1)(b) [*delegation of board authority*] and section 230 [*bylaw required for delegation*] of the Act, the Board hereby delegates its power and authority to approve or deny Delegation requests in accordance with this Bylaw to the Corporate Officer, which requests shall be considered by the Corporate Officer in consultation with the Chair and Chief Administrative Officer as the Corporate Officer deems appropriate.
- 4.2 Requests to appear as a Delegation must be submitted to the Corporate Officer on the prescribed form no less than two (2) weeks prior to the Board or Committee Meeting and must include the following information:

- (a) Name(s) and title(s) of the designated speakers, as applicable. Persons speaking on behalf of an organization shall identify their authority to speak on behalf of the organization; and
  - (b) Subject matter upon which the Delegation wishes to speak; and
  - (c) Specific action which is being requested by the Delegation.
- 4.3 The Board hereby directs the Corporate Officer to deny Delegation requests that are made in the following circumstances:
- (a) If the matter is regarding a bylaw for which a Public Hearing has been held or where a Public Hearing is required to be held under an enactment as a prerequisite to the adoption of the bylaw;
  - (b) If the matter is regarding an issue that is the subject of a staff report not yet presented at a Board Meeting;
  - (c) If the matter is regarding an issue for which a public consultation process has been held, is ongoing, or is scheduled to be held;
  - (d) If the matter is not within the mandate or jurisdiction of the Board;
  - (e) If a Delegation has previously addressed the Board or Committee on the same issue and no new material information is being provided;
  - (f) If it is determined that the sole purpose is to promote an individual business;
  - (g) If the Delegation is in regard to a matter on which the Regional District has commenced legal action or in which the Regional District has been named as a respondent, and for which judgment has not been rendered; or
  - (h) If the matter is to be dealt with as a grievance under an Employment or Collective Agreement, or that is within the exclusive mandate of the Labour Relations Board.
- 4.4 Delegations may be invited to appear to speak before the Board or Committee in the following circumstances:
- (a) If the matter is in regard to a land use application that does not require adoption of a bylaw, then the owner, applicant or representative shall be invited to make representations to the Board; or
  - (b) As otherwise determined at the discretion of the Board or Committee.
- 4.5 Delegations approved to appear before the Board or Committee shall be placed on the Board or Committee agenda as deemed appropriate by the Corporate Officer. All written material the Delegation wishes to submit as information shall be provided to the Corporate Officer for inclusion on the agenda ten (10) days in advance of the scheduled Meeting.
- 4.6 Notwithstanding 4.5 above, a Delegation shall be permitted to distribute written submissions or materials at a Meeting if approved by a unanimous vote of the Members present.
- 4.7 Delegations denied the opportunity to appear before the Board or Committee by the Corporate Officer shall be advised in writing and provided the Corporate Officer's reasons why the Delegation's request was denied. The Board or Committee shall also be informed of the Corporate Officer's reasons for the denial.
- 4.8 Upon receiving the Corporate Officer's reasons per 4.7 above, the Delegation shall be entitled to appeal the Corporate Officer's decision to deny the Delegation's request to appear by providing, in writing, a request for reconsideration by the Board, which shall be distributed under separate cover to the Board for consideration at their next Regular Meeting.

- 4.9 Each Delegation, regardless of the number of representatives, shall be limited to a maximum of ten (10) minutes to make a presentation to the Board or Committee unless a longer period is agreed to by unanimous consent of the Members present.
- 4.10 No more than three (3) Delegations shall be scheduled at any one Meeting, except in extraordinary circumstances as determined by the Chair.
- 4.11 Only those Delegations scheduled on the agenda of a Meeting shall be heard.
- 4.12 Once a Delegation has been heard, the Delegation's request shall be considered at the next Regular Meeting unless otherwise determined by unanimous vote of the Members present.
- 4.13 The Chair may deny any Delegation the right to address a Meeting if, in the Chair's opinion, the Delegation is:
  - (a) acting improperly in accordance with this Bylaw including by immoderately raising his or her voice, or using profane, vulgar or offensive language, gestures or signs; or
  - (b) addresses issues not contained within the written submission of the Delegation.

## **PART 5 - VOTING**

### **Voting**

- 5.1 All questions that come before the Board or a Committee shall be decided by the applicable provisions of the *Act* and the *Charter* and the following procedures apply to voting at Board and Committee Meetings:
  - (a) when debate on a matter is concluded the Chair shall put the matter to a vote of the Members present by stating:

*"Those in favour"*

and then

*"Those opposed"*
  - (b) when the Chair is putting the matter to a vote under subsection 5.1(a) a Member must not:
    - (i) cross or leave the room; or
    - (ii) make a noise or other disturbance, or
    - (iii) interrupt the voting procedure unless the interrupting Member is raising a point of order;
  - (c) after the Chair puts the question to a vote a Member must not speak to the question or make a motion concerning it;
  - (d) the Chair's decision about whether a question has been finally put is conclusive; and
  - (e) the Chair shall declare the result of the voting by stating that the question is decided in either the affirmative or the negative by stating:

*"The motion is carried" or "Carried"*

or

*"The motion is defeated" or "Defeated"*

- 5.2 The Chair shall state the names of those Members who voted against the motion and the names of those Members shall be recorded in the minutes.

### **Voting by the Chair**

- 5.3 The Chair shall vote while presiding.

### **Abstention**

- 5.4 Each Member present at the time of a vote must vote on the question.
- 5.5 If a Member does not indicate how he or she wishes to vote, the Member is deemed to have voted in the affirmative.

### **Conflict of Interest**

- 5.6 Pursuant to section 100 of the *Charter [Disclosure of Conflict]* if a Member attending a Meeting considers that he or she is not entitled to participate in the discussion of a matter or to vote on a question in respect of a matter, because the Member has:
- (a) a direct or indirect pecuniary interest in the matter; or
  - (b) another interest in the matter that constitutes a conflict of interest;
- the Member must declare this and state in general terms the reason why the Member considers themselves to be in a conflict of interest.
- 5.7 When a Member has declared a conflict of interest under 5.6 above, the Member must not:
- (a) remain or attend the meeting while the matter is under consideration,
  - (b) participate in any discussion of the matter at such a Meeting, or
  - (c) attempt in any way, whether before, during or after such a Meeting, to influence the voting on any question in respect of the matter.
- 5.8 When a declaration is made under 5.6 above, the following shall be recorded in the minutes:
- (a) the Member's declaration and reasons for the conflict; and
  - (b) the Member's departure from the Meeting and, if applicable, the Member's return to the Meeting.
- 5.9 As an exception to 5.7, if a Member has made a declaration under 5.6 above, and, after receiving legal advice on the matter, determines that he or she was in error respecting his or her entitlement to participate in discussion and voting in respect of the matter the Member may:
- (a) return to the Meeting,
  - (b) withdraw their declaration by stating in general terms the basis on which they have determined that they are entitled to participate, and
  - (c) only after this, participate and vote in relation to the matter.
- 5.10 When a Member returns to the Meeting to participate in a matter under which they have declared a conflict under 5.6 above, the Member's reasons for which they have determined that they are not in conflict shall be recorded in the minutes.

**Points of Order**

- 5.11 Without limiting the Chair's duty under section 132(1) of the *Charter [authority of presiding member]*, the Chair must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rules of procedure in this Bylaw, and
  - (b) whether or not another Member has raised a point of order in connection with the motion.
- 5.12 When the Chair is required to decide a point of order:
- (a) the Chair must cite the applicable rule or authority if requested by another Member,
  - (b) another Member must not question or comment on the rule or authority cited by the Chair under subsection 5.12(a), and
  - (c) the Chair may reserve the decision until the next Meeting.

**PART 6 – MOTIONS**

- 6.1 The Members may debate and vote on a motion only if it is first moved and seconded by those Members who would be entitled to vote on the motion.
- 6.2 In accordance with 6.1 above, any Member, including the Chair, who is entitled to vote on a motion may move one or more consecutive motions for consideration if there is no debate proposed on the motions.
- 6.3 When a motion is under debate it is deemed to be in possession of the Board or Committee and no motion shall be received unless to:
- (a) Amend;
  - (b) Refer;
  - (c) Table;
  - (d) Withdraw;
  - (e) Postpone indefinitely;
  - (f) Postpone to a certain date or time;
  - (g) Adjourn; or
  - (h) Motion to Call the question.
- 6.4 A motion made under subsection 6.3(c) to (h) is not amendable or debatable.
- 6.5 Whenever practical, motions shall be provided in writing and the language be clear and concise.
- 6.6 As a point of order, the Chair may refuse to accept for debate any motion that, in the Chair's opinion, is considered frivolous, repetitive, rhetorical, argumentative or disrespectful.
- 6.7 All discussion and debate must be relevant to the matter under consideration.
- 6.8 If the motion for the main question, or for the main question as amended, is decided in the negative, a vote of the question cannot be proposed again.
- 6.9 When the motion under debate contains several distinct parts, each of which is capable of standing as a complete and separate motion if the others are removed, a separate vote on each such motion shall be taken if requested by any Member.

- 6.10 Resolutions shall come into effect upon adoption by the Board unless a later date or time is specified in the resolution.

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

- 6.11 When the Chair is of the opinion that a motion put before the Board or committee is contrary to the rules as set out in this Bylaw, the Chair shall declare the motion to be not in order and cite the rule or authority applicable in the circumstances.

### **Amendments Generally**

- 6.12 A Member may, without notice, move to amend a motion that is being considered.
- 6.13 A proposed amendment must be reproduced in writing by the mover if requested by the Chair.
- 6.14 Amendments shall be voted on in the reverse order to that in which they are moved and seconded.
- 6.15 An amendment must be decided or withdrawn before the main question is put to a vote.
- 6.16 Amendments shall be allowed to the main motion but only one amendment shall be allowed to an amendment, provided that such amendments shall be a modification and not a nullification of the main motion.

### **Motion to Refer**

- 6.17 A motion to refer, until it is decided, shall take precedence over the main motion and motions to amend the main motion.

### **Notice of Motion**

- 6.18 Any Member may give Notice of Motion to the Board or Committee by:
- (a) Providing the Corporate Officer with a written copy of such motion during a Meeting of the Board or Committee and the Corporate Officer shall, upon the Member being acknowledged by the Chair, and the Notice of Motion being read to the Members present, include it in the minutes of that Meeting as a Notice of Motion and shall add the motion to the agenda of the next regularly scheduled meeting as applicable; or
  - (b) Providing the Corporate Officer with a written copy of such motion, no later than nine (9) working days prior to the scheduled Meeting, and the Corporate Officer shall add the motion to the agenda for the applicable Meeting.
- 6.19 Notwithstanding 6.18 above, a Notice of Motion may be considered at the same Meeting introduced provided it is approved by a 2/3 majority vote of the Members present.

### **Withdrawal of motion**

- 6.20 Subject to the concurrence of the seconder, and at the Board's discretion, the mover of a motion may withdraw the motion at any time prior to the vote being taken. A motion which has been withdrawn may be re-introduced at the same Meeting only by a different Member.

**Right of Participation**

- 6.21 Every member, including the Chair, has the right to participate in debate on a motion notwithstanding that the member may not be entitled to vote on the matter. When a member is speaking in debate they shall not be interrupted except on a point of order.

**PART 7 – RECONSIDERATION OF A MATTER****Chair may propose board reconsideration of a matter**

- 7.1 As provided in section 217 of the *Act* [*Chair may require board reconsideration of a matter*] the Chair may require Board reconsideration of a matter.
- 7.2 Reconsiderations under 7.1 above, shall be conducted in accordance with this part of the Bylaw and the Chair must state the reasons for the reconsideration. The Corporate Officer shall record, in the minutes, the reason for the reconsideration.
- 7.3 A matter shall not be reconsidered if:
- (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the Board; or
  - (b) there has already been a reconsideration under this section in relation to the matter; or
  - (c) the matter has already been acted upon by an officer, employee or agent of the Regional District.
- 7.4 On a reconsideration under this section, the Board:
- (a) must deal with the matter as soon as convenient, and
  - (b) has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- 7.5 If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and shall be deemed to be repealed.
- 7.6 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered.

**PART 8 – CONDUCT AND DEBATE**

- 8.1 Debate shall be strictly relevant to the question before the Meeting and the Chair shall warn speakers who violate this rule.
- 8.2 No Member shall speak until recognized by the Chair.
- 8.3 Any Member desiring to speak must first be recognized by the Chair. No Member shall interrupt a Member speaking except to raise a point of order.
- 8.4 No Member shall speak at a Board or CoW Meeting on any question for longer than five (5) minutes without permission from the Chair. For clarity, this section does not apply to Committees.
- 8.5 A Member may speak more than once at a Board or CoW Meeting to the same question only if every other Member has spoken or had the opportunity to speak to the question and if the Member who wishes to speak a second time has received permission from the Chair. For clarity, this section does not apply to Committees.

- 8.6 Members shall address the presiding Member by that person's title of "Chair" or "Madame Chair".
- 8.7 At a Meeting of the Board, Members shall address other non-presiding Members by the title "Director".
- 8.8 Members who are called to order by the Chair:
- (a) must immediately stop speaking,
  - (b) must explain their position on the point of order, and
  - (c) may appeal to the Board for its decision on the point of order in accordance with section 132 of the *Charter* [*authority of presiding member*].
- 8.9 Members in attendance at a Meeting of which they are not an appointed Member:
- (a) shall not sit at the table with elected or appointed Members;
  - (b) may participate in discussion only after being recognized by the Chair; and
  - (c) shall not be permitted to vote on motions.
- 8.10 Members speaking at a Meeting:
- (a) must use respectful language;
  - (b) must not use offensive gestures or signs;
  - (c) must speak only in connection with the matter being debated; and
  - (d) 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.
- 8.11 If the Chair considers a Member is acting improperly, the Chair may order the Member to leave the Meeting in accordance with section 3.28 of this Bylaw.
- 8.12 When the Chair is of the opinion that there has been sufficient debate, he or she may call the question.

## **PART 9 - BYLAWS**

### **Copies of proposed bylaws to members**

- 9.1 A proposed bylaw may be introduced at a Board Meeting only if a copy of it has been delivered to each Member at least twenty-four (24) hours in advance of the Meeting, or all Members present unanimously agree to waive this requirement.

### **Introduction, reading and adoption of bylaws**

- 9.2 A Board must not vote on the reading or adoption of a bylaw when its Meeting is held In Camera.
- 9.3 A bylaw shall be deemed to be read when its title or bylaw number is stated.
- 9.4 Every proposed bylaw must be given first, second and third reading before it is passed and adopted.
- 9.5 Bylaws that are not subject to a public hearing may be given first, second and third reading at the same meeting by one motion.
- 9.6 A bylaw may be debated or amended at any time during the first three readings unless prohibited under the *Act*.

- 9.7 Where the *Act* or the *Charter* require that a public hearing be held in respect of a proposed bylaw, the bylaw shall be initially presented for first reading with the public hearing to be scheduled following second reading and prior to third reading.
- 9.8 If a bylaw requires approval of the Lieutenant Governor in Council, a minister or the inspector, or approval of the electors or assent of the electors, the approval or assent must be obtained after the bylaw has been given third reading and before it is adopted.
- 9.9 Subject to section 228 of the *Act* [*Bylaw adoption at same meeting as third reading*], a separate motion that a bylaw be adopted may be made at the same Meeting that the bylaw receives third reading provided that the bylaw does not require approval, consent or assent under the *Act* or any other Act prior to adoption and the motion for adoption receives the approval of at least 2/3 majority vote of the Members present.
- 9.10 If the motion for third reading of a bylaw fails to pass, the bylaw is defeated and shall not be considered further.

### **Certification and storage of bylaws**

- 9.11 Every bylaw which has been adopted shall contain a record of the readings and approvals through which it has proceeded, be endorsed by the Chair and Corporate Officer, certified as correct by the Corporate Officer and be kept among the records of the Board.

## **PART 10 - COMMITTEES**

### **Conduct of business**

- 10.1 Committees shall conduct business under the rules of procedure as set out in parts 2, 3, 4, 5, 6 and 8 of this Bylaw as the context requires and unless otherwise provided.
- 10.2 No Standing Committee or Select Committee may take up business until the Terms of Reference for the Committee have been approved by the Board.
- 10.3 No recommendation or decision of a Committee, with the exception of the election of the Committee Chair and Vice-Chair shall be binding until it has been considered and approved by resolution of the Board. For clarity, all Committees are advisory in nature and the Board may take any of the following actions in connection with a resolution it receives from a Committee, advisory body, or CoW:
  - (a) agree or disagree with the resolution;
  - (b) amend the resolution;
  - (c) refer the resolution back to the Committee, advisory body or CoW; or
  - (d) postpone its consideration of the resolution.
- 10.4 The responsibility of directing staff shall reside with the full Board at a properly convened Meeting of the Board unless otherwise delegated by the Board.
- 10.5 Committees do not have the authority to pledge the credit of the Board or to commit the Board to any particular action.
- 10.6 Committees shall make recommendation to the Board to rise and report on In Camera matters.
- 10.7 Committee Chairs shall be responsible for reporting the actions of their Committee to the Board.

10.8 The Board Chair and Board Vice-Chair shall be ex-officio members of all Standing and Select Committees for which they are not Members, and shall not be entitled to vote at Committee Meetings for which they are not Members and their presence shall not constitute a quorum for a Committee Meeting.

### **Appointment of Select and Standing Committees**

10.9 Select and Standing Committee appointments may be made pursuant to section 218 of the Act [*Appointment of select and standing committees*] as follows:

- (a) The Board may appoint a Select Committee to consider or inquire into any matter and report its findings to the Board;
- (b) The Chair of the Board may establish Standing Committees for matters the Chair considers would be better dealt with by Standing Committee and may appoint persons to those Standing Committees;
- (c) Subject to subsections 10.9(d) and (e), persons who are not Directors may be appointed by the Board to a Select Committee or by the Chair of the Board to a Standing Committee;
- (d) At least one Member of each Select and Standing Committee must be a Director; and
- (e) The Chair of each Select and Standing Committee must be a Director.

10.10 Subject to 10.9(b), Standing Committees of the Board shall be:

- (a) Audit Committee;
- (b) Electoral Area Advisory Committee;
- (c) Greater Vernon Advisory Committee;
- (d) Regional Growth Management Advisory Committee; and
- (e) White Valley Parks, Recreation and Culture Advisory Committee.

### **Schedule of Committee Meetings**

10.11 At its first Meeting after its establishment, a Standing or Select Committee must establish a regular schedule of Meetings.

### **Select Committee dissolution**

10.12A Select Committee shall, upon fulfilling its purpose and completion of its reporting to the Board, be automatically disbanded.

## **PART 11 - COMMITTEE OF THE WHOLE**

### **Conduct of business**

11.1 The rules of the Board shall be observed in CoW Meetings as far as may be applicable.

11.2 At any time during a Board Meeting, the Board may resolve to go into CoW.

