

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2503, 2010

A bylaw to regulate the meetings of the Regional Board of the Regional District of Okanagan-Similkameen and the conduct thereof

WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for the procedure that is to be followed for the conduct of its business and the business of its select and standing committees, including the manner by which resolutions may be passed and bylaws adopted;

AND WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for advance public notice respecting the time, place and date of board and committee meetings;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

GENERAL

- 1.1 The provisions of this bylaw govern the proceedings of the Regional Board and all standing, select and other committees of the Regional Board, as applicable.
- 1.2 In cases not provided for under this bylaw, the Regional Board may determine the appropriate rules of procedure, or may follow Robert's Rules of Order Newly Revised 10th Edition, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with the *Local Government Act*.
- 1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Regional Board of the Regional District of Okanagan-Similkameen, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 The bylaw may not be amended or repealed and substituted unless notice of the proposed amendments is given to each director 5 days before the meeting at which the amendment is to be introduced. (LGA)

CITATION

2.1 This bylaw may be cited for all purposes as the **Regional District of Okanagan-Similkameen Regional Board Procedure Bylaw No. 2503, 2010.**

DEFINITIONS

3.1 In this bylaw:

“Chair” means the Chair of the Regional Board of the Regional District of Okanagan-Similkameen

“Chief Administrative Officer” means the individual appointed by the Regional Board as the Chief Administrative Officer of the Regional District of Okanagan-Similkameen

"Closed Meeting" means at the discretion of a majority of the members of the board or a committee, a meeting may be closed to the general public or employees, as deemed appropriate. Items to be discussed in closed meeting as set out in section 90 of the *Community Charter* include but are not limited to personnel or employment matters, discussion on the acquisition or disposal of land, legal matters and any matter which may put the corporation at a disadvantage or cause harm to any person.

"Committee of the Whole" means a committee of the whole board where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting, may be passed.

“Corporate Officer” means the individual appointed by the Regional Board as the officer assigned the responsibility of corporate administration of the Regional District of Okanagan-Similkameen

“Notice Board” means the notice board at the Regional District Office designated by the Corporate Officer for posting of legal notices and the Regional Board meeting information

“Public Notice Posting Place” means the Notice Board

“Quorum” means a majority of the members of the Regional Board or a majority of the members of a Regional District Committee as appointed by the Chair

“Regional Board” means the Regional Board of the Regional District of Okanagan-Similkameen

“Regional District” means the Regional District of Okanagan-Similkameen

“Regional District Office”

means the Regional District of Okanagan-Similkameen office located at 101 Martin Street, Penticton, British Columbia

“Select Committee”

means a committee established by the Board to consider or inquire into any matter and report its findings and opinion to the Board. Persons who are not directors may be appointed by the Board; at least one member of the committee must be a director.

“Standing Committee”

means a committee established by the Chair for matters the chair considers would be better dealt with by committee. Persons who are not directors may be appointed by the chair; at least one member of the committee must be a director.

“Vice-Chair”

means the Vice-Chair of the Regional Board

- 3.2 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Community Charter* or the *Local Government Act*, as applicable.

SCHEDULE AND NOTICE OF THE REGIONAL BOARD MEETINGS

Schedule of Meetings

- 4.1 An inaugural Regional Board meeting shall be held at the first meeting of the Regional Board in December. (LGA)
- 4.2 Regional Board and Committee meetings shall be held on the dates each year established by a resolution of the Regional Board prior to December 31st of the preceding year, unless the Regional Board passes a resolution to cancel a particular meeting. (LGA)

Special Meetings

- 4.3 A special meeting of the Regional Board, which is any meeting other than a regular meeting scheduled pursuant to this Part or an adjourned meeting, may be called by the Chair or by two members of the Regional Board in accordance with the provisions of the *Community Charter* and *Local Government Act*. (LGA)

Location of the Regional Board Meetings

- 4.4 All Regional Board meetings shall take place within the Regional District Office. At the discretion of the Chair, Regional Board meetings may take place at other locations. The change in location will be advertised in accordance with the *Local Government Act*.

Notice of Regular Regional Board and Committee Meetings

- 4.5 The annual schedule of regular Regional Board and Committee meetings, established pursuant to subsections 4.1 and 4.2 of this bylaw, shall be available to the public through posting on the Notice Board, and notice of the availability of the Schedule shall be

advertised by January 15th of each year in accordance with the public notice provisions set out in the *Local Government Act*.

- 4.6 At least 48 hours before a regular Regional Board or Committee meeting the Corporate Officer must give notice of the meeting agenda, including confirmation of the time, place, and date, by:
- (a) Posting the agenda on the Notice Board at the Regional District office;
 - (b) Leaving copies of the agenda at a public counter at the Regional District office for distribution to members of the public as requested; and
 - (c) Providing a paper or electronic copy to each member of the Regional Board.
- 4.7 The Corporate Officer shall also endeavour to post agendas on the Regional District's internet web site.

Notice of Special Regional Board Meetings

- 4.8 At least 48 hours before a special Regional Board meeting, the Corporate Officer must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for meeting agendas in section 4.6 of this bylaw.
- 4.9 Each copy of a notice of a special Regional Board meeting must be signed by the Chair or the Chief Administrative Officer.
- 4.10 Notwithstanding sections 4.6 and 4.8, notice of a special Regional Board meeting may be waived by unanimous vote of all Regional Board members.

Electronic Meetings (LGA)

- 4.11 Provided the conditions set out in Regional District Electronic Meetings Regulation 271/2005 are met:
- (a) a Special Board meeting may, upon authorization of the Chair, be conducted by means of electronic or other communication facilities;
 - (b) a member of the Regional Board or a Committee member who is unable to attend at a Regional Board or Committee meeting, may, upon authorization of the Chair, participate in the meeting by means of electronic or other communication facilities.
- 4.12 The facilities must enable the meeting's participants to hear, or watch and hear, each other.
- 4.13 Except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place, and a designated regional district officer must be in attendance at the specified place;
- 4.14 The member presiding at a Special Board or Committee meeting must not participate electronically.

Use of Audio or Video Recording Devices

- 4.15 No person shall use or operate any audio or video recording device at a meeting without the permission of the Chair, and the device is placed in a location designated by the Chair for that purpose and remains at that location during the course of the meeting.
- 4.16 Notwithstanding 4.15, audio or visual recording devices must not be used or operated during a closed meeting unless expressly permitted by the Board or Committee.
- 4.17 Nothing in this section precludes the person responsible for corporate administration or designate to record Regional District of Okanagan-Similkameen Board or Committee Meetings for purposes of taking meeting minutes.

PUBLIC ATTENDANCE AT REGIONAL BOARD MEETINGS

Meetings to be Open to the Public

- 5.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Local Government Act* and *Community Charter*, all meetings of the Regional Board shall be open to the public.

Visitors and Delegations to the Regional Board

- 5.2 A person, other than a Regional Board member or an officer or employee of the Regional District, shall only address the Regional Board during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the Regional Board has passed a resolution to hear from that person at that time.
- 5.3 A person who is not an officer or employee of the Regional District, who wishes to have a report or presentation scheduled to a Regional Board meeting agenda, shall request the same through the Office of the Chief Administrative Officer. The request shall include the name(s) of the person(s) who would be making the report or presentation if approved (referred to as a “delegation”), and a copy of the report or presentation in written form. The written submission must clearly state any requests being made of the Regional Board and any recommended Regional Board resolutions.
- 5.4 Requests dealing with a matter that is outside the jurisdiction of the Regional District of Okanagan-Similkameen shall be refused.
- 5.5 So long as a request deals with a matter that is within the jurisdiction of the Regional District, and is received in accordance with section 5.3 of this bylaw, the Office of the Chief Administrative Officer shall handle such a request by recommending to the Chief Administrative Officer one or more of the following actions:
 - (a) that the request be referred to the appropriate Regional District staff member or department, if the request is operational in nature;
 - (b) that the person(s) making the request be encouraged to contact members of the Regional Board directly with the concern raised;
 - (c) that the request be referred to a Regional Board committee or advisory body; or
 - (d) that the request be granted and the delegation be scheduled to the next available meeting agenda.

- 5.6 Unless otherwise directed by the Chair, a person who is not an officer or employee of the Regional District shall be limited to 10 minutes to make his or her presentation to the Regional Board, but may be asked to take additional time to respond to any questions from the Regional Board and may include additional information if necessary in the copy of the report or presentation submitted to the Office of the Chief Administrative Officer prior to agenda preparation for the relevant meeting.
- 5.7 Persons or delegations addressing the board shall state their name and address and the purpose of their presentation.
- 5.8 Upon being recognised, a member may direct questions to a delegate or to administration, but at no time shall a board member, a delegation or administration enter into a debate during the delegation section of the agenda.

RULES OF PROCEDURE AT REGIONAL BOARD MEETINGS

Agenda Preparation and Order of Proceedings

- 6.1 Prior to each meeting of the Regional Board, the Office of the Chief Administrative Officer shall prepare an agenda for approval by the Executive of all items to be considered by the Regional Board at the meeting.
- 6.2 All items or reports for the agenda of a meeting of the Regional Board, other than a special Regional Board meeting, must be electronically available in the Board Staff Report folder prior to 4:30 pm on the Wednesday two weeks preceding a Thursday meeting. Any item not electronically available or in an agenda-ready format by that deadline shall be held to the next meeting of the Regional Board, unless approved as a late item by the Chief Administrative Officer.
- 6.3 A late item may be approved for addition to an agenda by the Chief Administrative Officer, or by resolution of the Regional Board.
- 6.4 The agendas for all regular Regional Board meetings shall contain the following matters where there are items pertaining to them:
 - Adoption of Agenda
 - Minutes
 - Delegations
 - Correspondence
 - Staff Reports
 - Committee Reports
 - Other Business
 - Adjournment
- 6.5 No Regional Board meeting may start or continue past 5:00 p.m. unless the Regional Board passes a resolution to start or continue that meeting past that time.
- 6.6 During the agenda items, members of the Regional Board may make motions, introduce new business, pose inquiries and make suggestions upon being recognized by the presiding member. Items of new business which are not included in the agendas and are

of a complex nature or that may affect existing Regional District bylaws and policies shall be introduced as a "Notice of Motion" for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature may be accepted as verbal reports from any member of the Regional Board.

Quorum

- 6.7 As soon after the time specified for a Regional Board meeting as there is a quorum present, the Chair, if present, must take the chair and call the meeting to order. Where the Chair is absent, the Regional Board member designated in accordance with this bylaw to act in the Chair's place for that meeting must take the chair and call the meeting to order.
- 6.8 If a quorum of the Regional Board is present, but neither the Chair nor the Regional Board member designated in accordance with this bylaw to act in the Chair's place for that meeting is present within 15 minutes of the time specified for the Regional Board meeting, the Chief Administrative Officer shall call the meeting to order and the members of the Regional Board present shall choose one among them to preside at the meeting.
- 6.9 If there is no quorum of the Regional Board present within 15 minutes of the time specified for the Regional Board meeting, the Chief Administrative Officer shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Voting at Meetings

- 6.10 If the Regional Board member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, he shall conduct himself in accordance with the law, including with the provisions of the *Community Charter and Local Government Act*.
- 6.11 When debate on a matter is closed and the Regional Board is ready to vote, the presiding member must put the matter to a vote by asking who is in favour of the question and then who is opposed.
- 6.12 Once the presiding member has put the question to a vote, voting shall be by show of hands or by electronic vote, if facilities are so provided, and a member of the Regional Board shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 6.13 After the presiding member has finally put the question to a vote, a member of the Regional Board shall not speak to the question or make a motion concerning it. The presiding member's decision as to whether a question has been finally put is conclusive.
- 6.14 Should the votes on a question, other than an appeal of a decision of the presiding member on a point of order, be equal for and against, the motion is defeated.
- 6.15 The presiding member must declare the result of the voting by stating whether the motion is carried or is defeated.

Points of Order

- 6.16 Without limiting the presiding member's duty pursuant to section 132(1) of the *Community Charter*, the presiding member 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 Regional Board member has raised a point of order in connection with the motion.
- 6.17 When the presiding member is required to decide a point of order:
- (a) the presiding member must cite the applicable rule or authority if requested by another Regional Board member;
 - (b) another member shall not question or comment on the rule or authority cited by the presiding member; and
 - (c) the presiding member may reserve the decision until the next Regional Board meeting.
- 6.18 A member of the Regional Board may appeal the decision of the presiding member regarding the preservation of order and decisions on points of order that may arise. The question as to whether the chair is to be sustained shall be immediately put by the presiding member & decided without debate. The presiding member or chair cannot vote and the motion passes in the affirmative if votes are equal. The presiding member or chair must be governed by the result. (CC)

Conduct and Debate at Meetings

- 6.19 A member shall speak at a Regional Board meeting only after being recognized by the presiding member, except to raise a point of order.
- 6.20 A Member shall address other members of the Regional Board by their title and their surname, as applicable (for example, Chair _____ or Vice-Chair _____ or Director _____).
- 6.21 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.
- 6.22 A member of the Regional Board may make a motion to move the previous question being debated at a Regional Board meeting at any time during the debate, this motion requires a seconder and must be adopted by a two-thirds vote.
- 6.23 Members of the Regional Board may be limited to speaking twice only in connection with a single question, by the presiding member, except to reply to debate on a substantive motion which the member has made.
- 6.24 Despite section 5.1 of this bylaw, the Chair or presiding member at a Regional Board meeting may expel and exclude from any Regional Board meeting a person, including another Regional Board member, which the Chair or presiding member considers is engaging in inappropriate conduct.

Motions Generally

- 6.25 The Regional Board may debate and vote on a motion only if it is first made by one Regional Board member and then seconded by another.
- 6.26 The following motions are neither amendable nor debateable: (RROO)
- (a) to table the main motion;
 - (b) to defer the main motion, either indefinitely or to a specified time;
 - (c) to move the previous question; or
 - (d) to adjourn.
- 6.27 The Regional Board must vote separately on each distinct part of a question that is under consideration at a Regional Board meeting if requested by a Regional Board member.

Amendments Generally (RROO)

- 6.28 A Regional Board member may without notice move to amend a motion that is being considered at a Regional Board meeting.
- 6.29 A proposed amendment must be produced in writing by the mover if requested by the presiding member.
- 6.30 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote.
- 6.31 An amendment may be amended once only.
- 6.32 A motion to amend that has been defeated by a vote of the Regional Board cannot be proposed again.

Reconsideration (LGA) (CC) (RROO)

- 6.33 As provided in section 219 of the *Local Government Act* and section 131 of the *Community Charter*, the chair may require board reconsideration of a matter as follows:
- (a) Without limiting the authority of a board to reconsider a matter, the chair may require the board to reconsider and vote again on a matter that was the subject of a vote.
 - (b) In exercising the power under subsection (1), the chair may return the matter for reconsideration at the same board meeting as the vote took place, or at the meeting of the board following the original vote.
 - (c) A matter may not be reconsidered under this section if
 - (i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the board, or
 - (ii) there has already been a reconsideration under this section in relation to the matter.
 - (d) On a reconsideration under this section the board
 - (i) must deal with the matter as soon as convenient, and
 - (ii) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration; and
 - (iii) has not been acted on by an officer, employee or agent of the Regional District.

- (e) 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 is deemed to be repealed

6.34 After a vote has been taken on any motion, a director (except the chair), who voted with the majority for or against the resolution may, at the same meeting of the original vote, introduce a motion to reconsider that resolution. (RROO)

6.35 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered. (RROO)

Privilege (RROO)

6.36 In this section, a matter of privilege includes reference to any of the following motions:

- (a) to fix the time to adjourn;
- (b) to adjourn;
- (c) to recess;
- (d) to raise a question of privilege of the Regional Board; and
- (e) to raise a question of privilege of a member of the Regional Board.

6.37 A matter of privilege must be immediately considered when it arises at the Regional Board meeting.

6.38 For the purposes of section 6.37, a matter of privilege listed in section 6.36 has precedence over those matters listed after it.

MINUTES (CC)

7.1 Minutes of the proceedings of the Regional Board must be legibly recorded, certified as correct by the Chief Administrative Officer, and signed by the Chair or other member presiding at the meeting or at the next meeting at which the minutes are adopted.

7.2 Subject to section 7.3 of this bylaw, the minutes of the proceedings of the Regional Board must be open for public inspection at the Regional District during the regular office hours.

7.3 Section 7.2 of this bylaw does not apply to minutes of a Regional Board meeting, or part of a meeting, from which persons were excluded pursuant to section 5.1 of this bylaw.

BYLAWS (CC)

Copies of Proposed Bylaws to the Regional Board Members

8.1 A proposed bylaw may be introduced at a Regional Board meeting only if a copy of it has been made available to each Regional Board member and the Chief Administrative Officer prior to the Regional Board meeting, or if all Regional Board members unanimously agree to waive this requirement.

Form of Proposed Bylaws

- 8.2 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into sections.

Reading Consideration of Proposed Bylaws

- 8.3 The Regional Board must consider a proposed bylaw at a Regional Board meeting either:
- (a) separately when directed by the presiding member or requested by another Regional Board member; or
 - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.
- 8.4 The presiding member of the Regional Board meeting may read, or have the Chief Administrative Officer read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be read.
- 8.5 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.
- 8.6 Each reading of a proposed bylaw must receive the affirmative vote of a majority of the Regional Board members present, unless the *Community Charter* or the *Local Government Act* requires otherwise.

Bylaws must be Signed (CC)

- 8.7 After a bylaw is adopted and signed by the Corporate Officer and the presiding member of the Regional Board meeting at which it was adopted, the Corporate Officer must have it placed in the Regional District's records for safekeeping and endorse upon it:
- (a) the Regional District's corporate seal; and
 - (b) the dates of its readings, adoption and any required approvals that have been obtained.

RESOLUTIONS

Copies of Proposed Resolutions to Regional Board Members

- 9.1 A proposed resolution may be introduced at a Regional Board meeting only if a copy of it has been made available to each Regional Board member and the Chief Administrative Officer prior the Regional Board meeting, or if all the Regional Board members unanimously agree to waive this requirement.

Form of Proposed Resolutions

- 9.2 A resolution must be in written form.

Consideration of Proposed Resolutions

- 9.3 The presiding member of the Regional Board meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced.

REGIONAL BOARD COMMITTEES

Establishment of Committees (LGA)

- 10.1 The Chair may establish standing committees and the Regional Board, may establish select committees of the Regional Board, in accordance with the provisions of the *Local Government Act*.
- 10.2 The Regional Board may establish other committees in accordance with the provisions of the *Local Government Act*.

Duties of Standing Committees (LGA)

- 10.3 Standing Committees must consider, inquire into, report on, and make recommendations to the Regional Board about any of the following:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by the Regional Board;
 - (c) matters that are assigned by the Chair.
- 10.4 Standing Committees must report and make recommendations to the Regional Board as required by the Regional Board or the Chair.

Duties of Select Committees (LGA)

- 10.5 Select Committees must consider, inquire into, report on, and make recommendations to the Regional Board about matters referred to the committee by the Regional Board.
- 10.6 Select Committees must consider, inquire into, report on, and make recommendations to the Regional Board as soon as possible, unless a date and time is established by the Regional Board.

Duties of Other Committees

- 10.7 Other Committees must consider, inquire into, report on, and make recommendations to the Regional Board about matters referred to the committee by the Regional Board.
- 10.8 Other Committees must report on and make recommendations to the Regional Board as required by the Regional Board.

General Duties of Committees are as follows:

- 10.9 All committees are considered to be advisory in nature.

- 10.10 No committee has the power to pledge the credit of the board or commit the board to any particular action.
- 10.11 No member of the committee shall give specific direction to any staff member at any committee meeting. The responsibility of giving specific direction to staff shall reside with the full board at a duly assembled meeting unless otherwise delegated to the CAO.
- 10.12 The committee at its first meeting of each year shall appoint the chairperson and vice chair of each select committee for the next year from among the members of the committee.
- 10.13 The Chairperson of each committee shall submit to the board in writing the report of that committee.

Attendance Non-Committee Members at Committee Meetings

- 10.14 The Regional Board members who are not members of a committee may attend the meetings of the committee.
- 10.15 Unless a meeting or part of a meeting of a committee is authorized to be closed to the public by the *Community Charter*, all meetings of committees shall be open to the public.

Minutes of Committee Meetings

- 10.16 Minutes of the proceedings of a committee meeting must be legibly recorded, signed by the chair or presiding member of the meeting, and open for public inspection in accordance with the requirements of the *Local Government Act*.
- 10.17 Section 10.11 of this bylaw does not apply to minutes of a committee meeting, or part of a meeting, from which persons were excluded pursuant to section 10.16 of this bylaw.

Quorum

- 10.18 Unless otherwise stated in the terms of reference of the committee as adopted by the Regional Board, the quorum for a committee is a majority of all of its members.

Conduct and Debate

- 10.19 The Regional Board members who are attending a meeting of a Regional Board committee of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee.
- 10.20 The Regional Board members who are attending a meeting of a Regional Board committee of which they are not a member must not vote on a question.
- 10.21 Section 6.11 of this bylaw applies to a Regional Board member's conduct and debate at a committee meeting, in the same manner as it does in relation to a Regional Board meeting.

REPEAL

11.1 Regional District of Okanagan-Similkameen Procedures Bylaw No. 1968, 1999, together with all amendments to it, is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME this 18th day of February, 2010.

ADOPTED BY AT LEAST 2/3 OF THE VOTE this 18th day of February, 2010.

RDOS Board Chair

Chief Administrative Officer