

# **Bylaw No. 2789, 2021**

## **Regional District of Okanagan-Similkameen**

### **Board Procedure Bylaw**

Consolidated for convenience purposes.  
Includes all amendments to the text up to:  
August 5, 2021

#### Summary of Amendments

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<b>Bylaw No.</b>	<b>Adopted</b>	<b>Amendment</b>	<b>Purpose</b>
2789.01	August 5, 2021	Amend definitions in Section 3.1 Replace Sections: 4.10 and 4.15	To incorporate changes resulting from Municipal Affairs Statutes Amendment Act 2021; minor housekeeping amendments

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2789, 2021

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

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**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:

#### **1.0 GENERAL**

- 1.1 The provisions of this bylaw govern the proceedings of the Board and all standing, select and other committees of the Board, as applicable.
- 1.2 In cases not provided for under this bylaw, the Board may determine the appropriate rules of procedure, or may follow the most current version of Robert's Rules of Order, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with any Provincial 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 at least five days before the meeting at which the amendment is to be introduced.

1.7 The provisions of this bylaw governing meetings of the Board apply, with the necessary changes as indicated in a Terms of Reference or Committee bylaw, to standing and select committees, and commissions. When in question, this bylaw shall prevail.

## 2.0 CITATION

2.1 This bylaw may be cited for all purposes as the **Board Procedure Bylaw No. 2789, 2021**.

## 3.0 DEFINITIONS

3.1 In this bylaw:

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

“Board” means the Board of Directors of the Regional District of Okanagan-Similkameen, and the Okanagan Similkameen Regional Hospital District;

“Chair”<sup>1</sup> means, where the context requires, the Chair of the Board of Directors of the Regional District of Okanagan-Similkameen elected pursuant to the *Local Government Act*; and, the Chair of the Board of Directors of the Okanagan Similkameen Regional Hospital District elected pursuant to the *Hospital District Act*; or the person appointed as the Chair, or other person presiding at a meeting of the Board or Committee;

“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 a meeting closed to the general public or employees, as deemed appropriate with items to be discussed as set out in the *Community Charter*;

“Commission” means group of people appointed by the Board for a particular advisory function

“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 or their designate;

“Delegation” means an individual or group of people addressing the Board regarding 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;

“Director” means a member of the Board, whether as a municipal Director under section 198 of the *Local Government Act*, or an electoral area Director under section 199 of the *Local Government Act*,

“Executive” means the Chair and Vice Chair of the Board, and the Chief Administrative Officer;

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<sup>1</sup> Bylaw No. 2789.01, 2021 adopted August 5, 2021

“Member” means a Director of the Board or a person appointed to a committee or commission, as the context requires;

“Public Notice Posting Place” means the notice board at the Regional District administration office;

“Quorum” means the minimum number of members present for a meeting to conduct substantive business.

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

“Regional District administration 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;

“Special meeting” means any meeting other than a statutory, regular, or adjourned meeting;

“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”<sup>2</sup> means, where the context requires, the Vice-Chair of the Board of Directors of the Regional District of Okanagan-Similkameen elected pursuant to the *Local Government Act*; and, the Vice-Chair of the Board of Directors of the Okanagan Similkameen Regional Hospital District elected pursuant to the *Hospital District Act*; or, the person appointed as Vice-Chair, or other person presiding at a meeting of the Board or Committee.

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

#### **4.0 REGIONAL BOARD MEETINGS**

##### **Inaugural Meeting**

- 4.1 An inaugural Board meeting shall be held in accordance with the *Local Government Act*.

##### **Election of Chair/Vice Chair**

- 4.2 The Board shall elect a Chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The Chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.

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<sup>2</sup> Bylaw No. 2789.01, 2021 adopted August 5, 2021

- (1) The Corporate Officer shall call for nominations for the position of Chair of the Board and shall do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives shall be allowed a maximum of three (3) minutes to address the Board.
- (2) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.
- (3) Only those ballots that indicate an officially nominated candidate shall be counted towards the election and be used to determine a clear majority.
- (4) In the event of a tie vote on the last ballot, the election shall be determined by the flip of a coin.
- (5) Voting shall be by secret ballot.
- (6) Notwithstanding subsection (5), a director may phone the Corporate Officer or their designate to cast their vote, if participating remotely and electronic hardware and software are not available. The Corporate Officer shall maintain the secrecy of the ballot.
- (7) Following declaration of the successful candidate by the Chief Administrative Officer, the Corporate Officer must destroy or delete the ballots cast in that election.

4.3 An election of Vice-Chair shall then be conducted pursuant to subsections above.

4.4 If the office of Chair or Vice Chair becomes vacant, the members shall elect another Chair or Vice Chair from amongst its membership as soon as reasonably possible after the vacancy occurs.

### **Schedule of Meetings**

4.5 Regular Board and Committee meetings shall be held on the dates each year established by a resolution of the Board prior to December 31 of the preceding year. At the discretion of the Board Chair and Vice Chair, a meeting of the Board of Directors may be cancelled or postponed, providing two consecutive meetings are not cancelled.

4.6 Notification of a cancelled or postponed meeting must be provided to the Corporate Officer at least 48 hours before the scheduled meeting, and the Corporate Officer must advise all Board members via email, text message, phone call, or other electronic means and the public by posting a notice on the Public Notice Posting Place.

### **Location of the Board Meetings**

- 4.7 All Board meetings shall take place within the Regional District administrative office.
- 4.8 Notwithstanding subsection 4.7, at the discretion of the Chair and Vice Chair, Regional Board meetings may take place at other locations. The change in location must be advertised in accordance with the *Local Government Act*.

### **Notice of Regular Board and Committee Meetings**

- 4.9 The annual schedule of regular Board and Committee meetings, established pursuant to subsections 4.5 and 4.6 of this bylaw, shall be available to the public through posting on the Public Notice Posting Place, and notice of the availability of the Schedule shall be advertised by January 15 of each year in accordance with the public notice provisions set out in the *Local Government Act*.
- 4.10 <sup>3</sup>At least 48 hours before a regular 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 Public Notice Posting Place at the Regional District administration office;
  - (b) Leaving copies of the agenda at a public counter at the Regional District administration office for distribution to members of the public as requested;
  - (c) Providing an electronic copy to each member of the Board;
  - (d) Provide the way in which the meeting is to be conducted by means of electronic or other communication facilities and defining the details of how to attend, if applicable;
  - (e) The place where the public may attend to hear or watch and hear the proceedings that are open to the public.
  - (f) When providing an electronic copy is not possible, a paper version shall be provided.
- 4.11 In addition to subsection 4.10, the Corporate Officer may post agendas in another medium.

### **Notice of Special Meetings**

- 4.12 At least five (5) days before a Special 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 4.10 of this bylaw.
- 4.13 Each copy of a notice of a special meeting must be signed by the Chair or the Chief Administrative Officer.
- 4.14 Notwithstanding sections 4.12 and 4.13, notice of a special meeting may be waived by unanimous vote of all Regional Board members.

### **Electronic Meetings**

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<sup>3</sup> Bylaw No. 2789.01, 2021 adopted August 5, 2021

- 4.15 <sup>4</sup>Provided the conditions set out in Regional District Electronic Meetings [Regulation 271/2005](#) are met:
- (a) A Special meeting may, upon authorization of the Chair, be conducted by means of electronic or other facilities;
  - (b) A member of the Board or Committee who is unable to attend at a Board or Committee meeting, may participate in the meeting by means of electronic or communication facility;
  - (c) If authorized by Provincial enactment, Regular Board and Committee meetings may be held electronically;
  - (d) A member participating by means of electronic or communication facility is deemed to be present at the meeting.
- 4.16 The facilities must enable the meeting's participants to hear, or watch and hear, each other.
- 4.17 The facilities must enable the public to hear, or watch and hear, except for any part of the meeting that is closed to the public, the meeting at the specified place, and a designated Regional District officer must be in attendance at the specified place.
- 4.18 Nothing in this bylaw shall be construed to guarantee any Director or member electronic access to a meeting. Equipment failure or other occurrence that prevents or limits electronic participation shall not result in meeting adjournment unless the failure results in loss of quorum.

### **Use of Audio and Video Recording Devices**

- 4.19 No person shall use or operate any audio or video recording device at a closed meeting without consent of the Chair.

## **5.0 PUBLIC ATTENDANCE AT REGIONAL DISTRICT 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 *Community Charter* or other Provincial legislation, all meetings of the Board, Committees and Commissions shall be open to the public.

### **Closed Meetings**

- 5.2 In accordance with section 117(1) of the *Community Charter*, Closed Meeting agenda documents must not be photocopied, shared or otherwise distributed by any recipient.
- 5.3 In accordance with section 117(2) of the *Community Charter*, the content of Closed Meeting Board or Committee deliberations shall not be released or announced publicly unless specific authorization to do so has been given by Board resolution adopted at a duly constituted meeting by a majority of the directors present.

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<sup>4</sup> Bylaw No. 2789.01, 2021 adopted August 5, 2021

- 5.4 A Board member who cannot, or will not, abide by the requirements of this section concerning the release of confidential information is expected to:
- a) Disclose that director's inability or intention to the Board before the discussion of the matter begins at the Board meeting; and
  - b) Immediately leave the Board meeting or that part of it during which the matter is under consideration

### **Visitors and Delegations to the Board**

- 5.5 A delegation shall only address the 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 Board has passed a resolution by two-thirds member vote to hear from that person at that time.
- 5.6 A delegation who wishes to have a report or presentation scheduled to a Board meeting agenda shall request the same through the Corporate Officer. The request shall be processed in accordance with the Regional District of Okanagan-Similkameen Board and Committee Delegation Policy.
- 5.7 The Board is not obligated to deal with any matter presented by a delegation at the meeting to which it is presented.

### **Delegations where Applications are Before the Board for Consideration**

- 5.8 Where an application is before the Board for consideration, a delegation consisting of either the applicant, the designated agent of the applicant, or both, may address the Board, for a period not to exceed five (5) minutes, under one of the following circumstances and a public hearing is not a requirement of the application:
- a) where a motion has been moved to deny an application.
  - b) where a motion has been moved to add conditions prior to approval of an application.
  - c) where a decision by the CAO, or their delegate, is being reconsidered in accordance with the Regional District's *Chief Administrative Officer Delegation Bylaw*.
  - d) a motion to hear from a delegation is passed by a 2/3 Corporate vote.
- 5.9 Delegations under section 5.8 may address the Board in any one of the following forms:
- a) attendance at the board meeting by the applicant or their appointed representative.
  - b) written correspondence received by the Corporate Officer no later than 9 a.m. on the day an application is to be considered by the Board.
  - c) teleconference, subject to the following:
    - i) a request for this form of address is received by the Regional District no less than 2 days prior to consideration by the Board;
    - ii) contact information for the delegation is provided to the Regional District no less than two (2) days prior to consideration by the Board;



- iii) The delegation is prepared to connect with the Regional District at the time designated on the board agenda (NOTE: after two (2) attempts to connect with a delegation during a board meeting, the Chair may deem a delegation to be not in attendance).

## **6.0 RULES OF PROCEDURE AT BOARD MEETINGS**

### **Agenda Preparation and Order of Proceedings**

- 6.1 Prior to each meeting of the Board, the Corporate Officer shall prepare an agenda for approval by the Executive, of all items to be considered by the Board at the meeting.
- 6.2 Once released, the agenda is considered to be in the possession of the Board and a late item may be approved for addition to an agenda by the Board by a two-thirds vote of the Board at the meeting.
- 6.3 The agendas for all regular Regional Board meetings shall contain the following matters where there are items pertaining to them:

- Adoption of Agenda
- Consent Agenda
- Delegations
- Department Reports (listed by Department)
- Other Business
- Closed Session
- Adjournment

The Board may, by resolution, establish a specific period of time in which the order or content of the agenda may be adjusted for the purpose of investigating potential changes to increase the efficiency or effectiveness in the conducting of business. Upon expiry of the specified term, the Board must either revert back to the order determined in this bylaw, or amend the bylaw to reflect changes.

- 6.4 Notwithstanding Section 6.3, the order in which business on the Agenda shall be dealt with may vary by consensus of the Directors present.
- 6.5 No Board meeting may start or continue past 5:00 p.m. unless the Board passes a majority resolution to start or continue that meeting past that time.
- 6.6 During discussion, members of the Board may make motions, pose inquiries and make suggestions upon being recognized by the Chair. 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, and do not require a motion may be accepted as verbal reports from any member of the Board and noted under Other Business.
- 6.7 Any director may give a notice of motion to the Board by:
  - (a) Providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged

by the chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or

- (b) Providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.

6.8 Notwithstanding section 6.6, the requirement for a notice of motion for a matter of new business may be waived by a two-third vote of the Board when a matter is deemed time sensitive.

### **Quorum**

6.9 Quorum is the majority of members of the Board.

6.10 As soon after the time specified for a 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 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.

6.11 If a quorum is present, but neither the Chair nor the 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 meeting, the Chief Administrative Officer, or their designate shall call the meeting to order and the members of the Board present shall choose one among them to preside at the meeting.

6.12 If there is no quorum of the Board present within 15 minutes of the time specified for the Board meeting, the Chief Administrative Officer or their designate 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**

6.13 When debate on a matter is closed and the Board is ready to vote, the Chair must put the matter to a vote by asking who is in favour of the question and then who is opposed.

6.14 Once the Chair has put the question to a vote, voting shall be by show of hands, by verbal confirmation, or by electronic vote, if facilities are so provided, and a member of the 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.

6.15 After the Chair has put the question to a vote, a member of the Board shall not speak to the question or make a motion concerning it. The Chair's decision as to whether a question has been finally put is conclusive.

6.16 Should the votes on a question, other than an appeal of a decision of the Chair on a point of order, be equal for and against, the motion is defeated.

- 6.17 Whenever a vote of the Board is taken, the Chair must state the names of those members voting in the negative, and those names must be entered into the record. The Chair must declare the result of the voting by stating whether the motion is carried or is defeated.
- 6.18 Where a member who is present when a vote is taken abstains from voting, that Member shall be deemed to have voted in the affirmative.

### **Conduct and Debate at Meetings**

- 6.19 A member shall speak at a meeting only after being recognized by the Chair, except to raise a point of order in accordance with Schedule 'A'
- 6.20 A Member shall address other members 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 may make a motion to move the question being debated at a meeting at any time during the debate. This motion requires a seconder and must be adopted by a two-thirds vote.
- 6.23 Members may be limited to speaking twice only in connection with a single question, by the Chair, 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 at a meeting may expel and exclude from any meeting a person, including another member, whom the Chair considers is engaging in inappropriate conduct.

### **Motions Generally**

- 6.25 The Board or Committee may debate and vote on a motion only if it is first made by one member and then seconded by another.
- 6.26 The following motions are neither amendable nor debatable:
- (a) to table the main motion;
  - (b) to postpone the main motion, either indefinitely or to a specified time;
  - (c) to move the question; or
  - (d) to adjourn.
- 6.27 If so requested by a member, the Board or Committee must vote separately on each distinct part of a question that is under consideration at a meeting.
- 6.28 A resolution must be in written form.

- 6.29 The Chair of the Board meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced or delayed until such time as it may be dealt with.

### **Amendments Generally**

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

### **7.0 BOARD MINUTES**

- 7.1 Minutes of the proceedings of the Board or Committee shall not record the Mover or Secunder of a motion, but shall record the name of any Director who votes in opposition of a motion.
- 7.2 Minutes of the proceedings of the Board must be legibly recorded, certified as correct by the Corporate Officer, and signed by the Chair or other member presiding.
- 7.3 Subject to section 7.4 of this bylaw, the adopted minutes of the proceedings of the Board must be available to the public. Excerpts from draft minutes may be provided upon request.
- 7.4 Section 7.3 of this bylaw does not apply to minutes of a Board meeting, or part of a meeting, from which persons were excluded pursuant to section 5.1 of this bylaw.

### **8.0 BYLAWS**

#### **Copies of Proposed Bylaws to the Board Members**

- 8.1 A proposed bylaw may be introduced at a Board meeting only if a copy of it has been made available to each Board member and the Chief Administrative Officer at least 48 hours prior to the Board meeting, or if all Regional Board members unanimously agree to waive this requirement.
- 8.2 Notwithstanding subsection 8.1, procedure bylaws shall be dealt with in accordance with the *Local Government Act* section 225.

#### **Form of Bylaws**

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

### **Reading Consideration of Proposed Bylaws**

8.4 The Board must consider a proposed bylaw at a Board meeting either:

- (a) separately when directed by the Chair or requested by another Board member; or
- (b) jointly with other proposed bylaws in the sequence determined by the Chair providing the voting entitlement and weighting is the same for all bylaws under consideration.

8.5 The Chair of the 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 given appropriate readings.

8.6 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.

### **Bylaws Must be Signed**

8.7 After a bylaw is adopted and signed by the Corporate Officer and the Chair of the meeting at which it was adopted, the Corporate Officer must have it placed in the 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.

## **9.0 COMMITTEES**

### **Establishment of Committees**

9.1 The Chair may establish standing committees and the Board may establish select committees in accordance with the provisions of the *Local Government Act*.

9.2 The Board may establish other committees in accordance with the provisions of the *Local Government Act*.

### **Duties of Standing Committees**

9.3 Standing Committees must consider, inquire into, report on, and make recommendations to the 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 Board;
- (c) matters that are assigned by the Chair.

### **Duties of Select Committees**

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

**General Duties of Committees and Commissions are as follows:**

- 9.5 All committees and commissions are considered to be advisory in nature.
- 9.6 No committee or commission has the power to pledge the credit of the Board or commit the Board to any particular action.
- 9.7 No member of a committee or commission shall give specific direction to any staff member. The responsibility of giving specific direction to administration shall reside with the full Board at a duly assembled meeting, unless otherwise delegated to the Chief Administrative Officer.
- 9.8 The minutes of each committee or commission, along with that committee's recommendation to the Board, shall be submitted to the Board for consideration at the next meeting of the Board.
- 9.9 Notwithstanding procedures contained within this bylaw, local community commissions may be established and operate pursuant to provisions in the *Local Government Act*.

**Attendance of Non-Commission Members at Commission Meetings**

- 9.10 The Board members who are not members of a commission may attend the meetings of the commission.
- 9.11 Unless a meeting or part of a meeting of a commission is authorized to be closed to the public by the *Community Charter*, all meetings of commissions shall be open to the public.
- 9.12 Delegations wishing to address a commission meeting regarding an issue that falls under the terms of reference for said commission shall contact the chair of the commission to make appropriate arrangements. The commission shall, in open meeting, determine by 2/3 vote whether to permit the delegation to address the commission.

**Minutes of Committee and Commission Meetings**

- 9.13 Whenever a vote of a committee or commission is taken, the chair must state the names of those members voting in the negative, and those names must be entered into the record. The chair must declare the result of the vote by stating whether the motion is carried or is defeated.
- 9.14 Minutes of the proceedings of a committee or commission meeting must be legibly recorded, certified as correct by the Corporate Officer or recording secretary, in the case of advisory committees and commissions, and signed by the Chair of the meeting upon adoption.

- 9.15 Minutes of all committees and commissions must be forwarded to the Corporate Officer for inclusion on the Board agenda. Commission meeting minutes containing recommendations which may impact resources, work plans or may require further legislative or legal research shall not be included on the consent agenda but placed in their entirety on the regular agenda within the appropriate department section for introduction and discussion.
- 9.16 The adopted minutes of the proceedings of Committees and Commissions must be available to the public upon adoption in open meeting, in accordance with the requirements of the *Local Government Act*.

### **Quorum at Committee and Commission**

- 9.17 Unless otherwise stated in the terms of reference or establishing bylaw of the committee or commission as adopted by the Board, the quorum for a committee or commission is a majority of all of its members.

### **Ex-Officio attendance**

- 9.18 A Board member who is attending a meeting of a committee or commission 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 or commission.
- 9.19 A Board member who is attending a meeting of a committee or commission of which they are not a member must not vote on a question.
- 9.20 Section 6 [Rules of Procedure at Board Meetings] of this bylaw applies to a committee or commission meeting, in the same manner as it does in relation to a Board meeting, where applicable.

### **10.0 Public Health Orders**

- 10.1 Where a Public Health Order has been issued regarding public meetings or gatherings, the Public Health Order shall prevail.

### **11.0 Schedules**

This bylaw contains the following schedules:  
Schedule A Point of Order & Privilege  
Schedule B Reconsideration  
Schedule C Conflict of Interest

### **12.0 REPEAL**

- 12.1 Regional District of Okanagan-Similkameen Procedure Bylaw No. 2620, 2013, together with all amendments to it, is hereby repealed.

**READ A FIRST, SECOND, AND THIRD TIME** this 1<sup>st</sup> day of April, 2021.

**ADOPTED BY AT LEAST 2/3 OF THE VOTE** this 1<sup>st</sup> day of April, 2021.

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RDOS Board Chair

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Corporate Officer



## Schedule A - Point of Order and Privilege

### Point of Order

Any member who believes that the Chair has not enforced the rules may call attention to it by making a Point of Order, or raise a question of order. The point of order must be raised immediately even if it means interrupting a speaker or the Chair.

The Chair is to stop proceedings, and call for that member to rise and state their point of order. The Chair may then make a ruling on whether the point is well taken or not well taken, stating their reasons. Alternatively, the Chair may break for parliamentary ruling, make a brief inquiry for parliamentary inquiry while at the table or put the matter to the Board for vote. If the Board reaches a decision by vote, the original matter is no longer subject to appeal.

Three possible statements a Chair may make:

1. "That is not a point of order" - It is most likely a statement of opinion or similar and should be dealt with quickly.
2. I will accept your point of order and therefore ..." - In this instance the chair will continue the meeting according to the correct procedure, having had attention drawn to a breach or irregularity.
3. "I do not accept your point or order" - In this case the chair may continue with the meeting as if there had been no interruption.

Examples of valid points of order:

- the speaker is not speaking to the motion.
- the speaker is repeating the same points he has already made.
- the motion contravenes our by-laws.
- the specific facts the speaker is giving are incorrect. (Note: this is not a statement of opinion, but of fact and assumes the person raising the point of order can validate the point)
- the speaker's time limit has expired.
- the language the speaker is using is offensive.
- the meeting no longer has a quorum.

Examples which are not valid points of order:

- that's not true.
- I disagree with that.
- I want to explain why I said that.
- the speaker shouldn't be allowed to say that.
- how long do we have to listen to this?
- I can't hear what the speaker is saying.

*Standard Characteristics of a Point of Order:*

- Takes precedence over any pending question out of which it may arise
- Does not require a seconder
- Is not debatable, unless the Chair consents to allow the calling member to explain their point. If the Chair submits the point to a vote, debate may take place in the same way as an appeal.
- Is not amendable
- Can not be reconsidered
- Is ruled on by the Chair, unless the Chair is in doubt and puts it to a vote, or their ruling is appealed.

An appeal:

- Must be seconded
- Is debatable unless related to indecorum or a transgression of the rules of speaking
- Is not amendable
- Is determined by majority or tie vote
- May be reconsidered

In an ordinary meeting, it is not desirable to raise a point of order on minor irregularities of a purely technical character if it is obvious no ones rights are being infringed upon and no harm is done to regular business.

Privilege

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 Board; and
- e. to raise a question of privilege of a member of the Board.

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

For the purposes of order, a matter of privilege listed above has precedence over those matters listed after it.

A member may say “I would like to move a matter of privilege and request that we fix the time of 4:00 p.m. to adjourn the meeting.”

## **Schedule B - Reconsideration**

- 1.1 A motion to reconsider may be made by a member who voted on the prevailing side provided the motion is made at the same meeting at which the vote sought to be reconsidered was taken.
- 1.2 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.
- 1.3 In exercising the power under subsection 1.2 above, 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.
- 1.4 On a reconsideration, 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.
- 1.5 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 is deemed to be repealed.
- 1.6 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered. (RROO)
- 1.7 A matter may not be reconsidered 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, or
  - iii. It has been acted on by an officer, employee or agent of the Regional District.

## Schedule C - Conflict of Interest

If a 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, they shall conduct themselves in accordance with the law, including with the provisions of the *Community Charter* and *Local Government Act*.

The *Community Charter* provides a procedure for Board Members to disclose conflicts of interest in public, leave the meeting and refrain from attempting to influence the voting on the question and is extracted, in part below, for the Board's convenience.

The *Community Charter* sets out disclosure of conflict and restrictions on participating as follows:

- 100** (1) This section applies to council (Board for RD's) members in relation to
- (a) council meetings,
  - (b) council committee meetings, and
  - (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].
- (2) If a council 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 this to be the case.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].
- (4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body,
  - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
  - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record:
    - (i) the member's declaration or statement,
    - (ii) the reasons given for it, and

- (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

**101** (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.

(2) The council member must not

- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
- (b) participate in any discussion of the matter at such a meeting,
- (c) vote on a question in respect of the matter at such a meeting, or
- (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

**Conflict of Interest Exceptions Regulation B.C. Reg. 91/2016 states:**

For the purposes of section 104 (1) (e) [*exceptions from conflict restrictions*] of the Act[*Community Charter*], a pecuniary interest in relation to a representative in the nature of a specified interest that arises as a result of

- (a) the representative being appointed by a governing body to the board of the entity, and
- (b) the representative
  - (i) attending any part of a meeting during which the specified interest is under consideration by the following:
    - (A) the governing body;
    - (B) a committee of the governing body;
    - (C) any other body referred to in section 93 [*application of rules to other bodies*] of the Act,
  - (ii) participating in any discussion of the specified interest at such a meeting, or
  - (iii) voting on a question in respect of the specified interest at such a meeting is prescribed.