

## REGIONAL DISTRICT OF CENTRAL OKANAGAN

### BYLAW NO. 1278

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A bylaw to regulate the meetings of the Regional District Board.

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WHEREAS pursuant to Section 794 of the *Local Government Act*, the Regional District Board must by bylaw establish procedures for the conduct of Board and Committee meetings;

AND WHEREAS, the Regional District of Central Okanagan has enacted the Regional District of Central Okanagan Regional Board Procedure Bylaw No. 950, 2001 and considers that it is necessary to repeal the bylaw;

NOW **THEREFORE**, the Regional District of Central Okanagan in open meeting assembled enacts as follows:

#### PART 1 INTRODUCTION

1. Definitions

1.2 In this Bylaw:

**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 Central Okanagan;

**Board Chair** means the Chair of the Board elected pursuant to the Act and this Bylaw;

**Chair** means, where 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 presiding at a meeting of the Board or Committee;

**Charter** means the *Community Charter*;

**Committee** means, as the context requires, a Select committee established by the Board, or a Standing Committee established by the Board Chair;

**Corporate Officer** means the officer assigned corporate administration responsibilities under the Act and includes that officer's deputy or other designate;

**Director** means a member of the Board, whether as a municipal director or as an electoral area director pursuant to the Act;

**Majority Vote** means more than half of the votes on a motion are cast in the affirmative, with abstentions counted as a vote in the affirmative;

**Media** means radio, television, newspaper, and any electronic communication medium;

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

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

**Petition** means a formal request submitted to the Board and signed by more than two persons;

**Petition for Services** means a petition for electoral area services as defined by the Act;

**Posting Places** means the public bulletin board located at the RDCO office;

**RDCO** means the Regional District of Central Okanagan;

**Regular Meeting** means all regularly scheduled meetings;

**Special Meeting** means a meeting other than a statutory or Regular Meeting, or statutory or regular adjourned meeting.

### **Application of rules of procedure**

- 1.3 The rules of procedure as set out in this Bylaw apply to all Meetings of the Board and Committees of the Board except as otherwise provided.
- 1.4 In cases not provided for under the Act, the Charter or this Bylaw, the current edition of *Robert's Rules of Order, Newly Revised* shall apply to the extent that those *Rules* are applicable in the circumstances and are not inconsistent with the provisions of this Bylaw, the Act or the Charter.
- 1.5 A rule of procedure that does not originate in the Act or the Charter and does not affect voting may be suspended on a case by case basis if two-thirds (2/3) of the Members present agreed to do so or if there is unanimous consent for doing so.

## **PART 2 ELECTION OF BOARD CHAIR AND VICE CHAIR**

### **General Provisions**

- 2.1 There shall be a Statutory meeting of the Board held in December of each year pursuant to the provisions of the Act.
  - (1) The Corporate Officer shall call the Statutory meeting to order and administer the necessary oaths and declarations.

- (2) The Board shall, at the Statutory meeting, elect a Chair and a Vice Chair of the Regional District Board.
- (3) The Vice Chair has, during the absence, illness or other disability of the Board Chair, all the powers and duties of the Board Chair and is subject to all rules applicable to the Board Chair.
- (4) If the Board Chair and the Vice Chair are not present at a Meeting of the Board, the Directors present may elect an acting Chair who, during that Meeting, has all the powers of the Board Chair and is subject to all rules applicable of the Chair.
- (5) Each Director present at the Meeting has one vote in each election for an office.

### **Election of Board Chair**

- 2.2 The call for nominations for the office of Board Chair will be conducted by the Corporate Officer.
- 2.3 The Corporate Officer will call for nominations for the office of Board Chair. Each nomination must be seconded and the nominee must consent to the nomination. If the nominee is not present at the Meeting, they must have advised the nominator of their consent in writing or else such person will not be considered for the position of Board Chair.
- 2.4 If only one candidate is nominated for the office of Board Chair, that candidate will be declared elected by acclamation.
- 2.5 If more than one candidate is nominated for an office, each candidate will be given two minutes to speak. If a candidate is not present at the Meeting, they may have another Director deliver a prepared speech on their behalf.
- 2.6 At the conclusion of candidates' speeches, an election will be held and voting will be conducted by secret ballot. If a Director is participating in the Meeting electronically under Sections 3.7 to 3.9, to cast a vote for the office of Board Chair, they shall, at the time the vote is being conducted, telephone the Corporate Officer who will record their vote on a ballot paper and deposit same in the ballot box. When the Meeting location is equipped with electronic communications equipment and the appropriate security is in place, Directors shall vote by secret electronic ballot.
- 2.7 The counting of ballots will be conducted by the Corporate Officer together with the Deputy Corporate Officer or designate. The number of votes for each candidate will be announced and, immediately thereafter, the ballots will be destroyed.
- 2.8 The candidate with the most votes for the office of Board Chair will be declared elected to that office.

### **Tie vote**

- 2.9 In the event of a tie vote that makes the election results inconclusive, the candidates who are tied remain in the election. If a definitive election result cannot be declared after three elections have been held, then the result of the election will be determined by lot between those candidates as follows:
- (a) the name of each candidate is to be written on a separate piece of paper, as similar as possible to all other pieces prepared for the determination;
  - (b) the pieces of paper are to be folded in a uniform manner in such a way that the names of the candidates are not visible;
  - (c) the pieces of paper are to be placed in a container that is sufficiently large to allow them to be shaken for the purpose of making their distribution random, and the container is to be shaken for this purpose;
  - (d) a person who is not a candidate shall be asked to withdraw one paper;
  - (e) the candidate whose name is on the paper that was drawn shall be declared elected to that office.

### **Election of Vice Chair**

- 2.10 The election for the position of Vice Chair will be conducted following the procedures set out in Sections 2.2 to 2.9 of this Bylaw.

## **PART3 MEETINGS**

### **Time and location of Meetings**

- 3.1 Regular meetings of the Board shall be held on a Monday evening, commencing at 7:00 p.m. and, if required, a Regular meeting will be held following the Governance and Services Committee meeting.
- 3.2 The annual schedule of meetings for the ensuing year shall be adopted no later than the Statutory meeting of the Board held in December of each year.
- 3.3 The location of the Regular and Special meetings of the Board shall be in the Woodhaven Boardroom, RDCO, 1450 KLO Road, Kelowna, B.C. unless the Board agrees in advance to hold the Regular Meeting elsewhere.
- 3.4 Should the Chair determine that there is insufficient business to justify a regularly scheduled meeting the Chair may cancel the meeting upon five days notice.
- 3.5 Upon resolution of the Board, the time, date and location of regular meetings may be changed.

### **Regular Meetings - advance notice**

- 3.6 Notice of meeting times and location shall be posted on the public notice board in the Regional District Offices, 1450 KLO Road, Kelowna, B.C. at least seventy-two (72) hours prior to the Regular Meeting date.

3.7 Notice of the meeting times and location shall be forwarded electronically to the Board.

**Electronic participation at Regular meetings**

3.8 Members who are unable to attend at the Meeting location may participate in a Regular Meeting by means of electronic or other communication facilities. The Meeting must be conducted in such a manner that enables the public to hear, or watch and hear, the proceedings.

3.9 The Board Chair or person presiding over a meeting must be physically present at Regular Meetings. In the event the Board Chair opts to participate electronically, the Vice Chair shall assume the chair.

3.10 Although every effort will be made to accommodate electronic participation in meetings, nothing in this Bylaw shall be construed to guarantee any Member electronic access to a Regular Meeting. In the event of an equipment failure or other occurrence which prevents or limits electronic participation, the Meeting will not be adjourned. Electronic participation in Meetings may be restricted by the capacity or dependability of the equipment employed.

3.11 A Member participating by audio means only must indicate their vote verbally.

**Special meetings - calling and conduct**

3.12 In accordance with the Act, on request of the Chair or any two Directors, a Special Meeting must be called by the Corporate Officer who will, at least five days before a Special Meeting:

(a) give advance public notice stating the general purpose of the Special Meeting, and the day, hour and place of the Special Meeting by way of a notice posted at the Posting Places; and

(b) deliver a copy of the notice and Special Meeting agenda to each Director electronically or if a electronic method is not available, at the place to which the Director has instructed that notices be sent.

3.13 The notice of a Special Meeting may be waived by a unanimous vote of the Board.

3.14 In an emergency, with the consent of the Chair and two Directors, notice of a Special Meeting may be given less than five days before the date of the meeting, and notice of the Meeting need not be given in writing.

3.15 With the approval of the Chair, and provided the notice requirements are met, Special Meetings of the Board may be conducted by means of electronic or other communication facilities. The Meeting must be conducted in such a manner that enables the public to hear, or watch and hear, the proceedings.

**Attendance of public at meetings**

- 3.16 Except where provisions of the Act and Charter apply, all Board Meetings must be open to the public.
- 3.17 Before closing a Board Meeting or a portion of a Board Meeting to the public, the Board must, in a public Meeting, pass a resolution in accordance with the Charter.
- 3.18 Sections 3.13 and 3.14 apply to meetings of bodies referred to in the Charter, including, without limitation:
  - (a) Standing and Select Committees;
  - (b) Board of Variance;
  - (c) parcel tax roll review panel;
  - (d) advisory committees, commissions, or other advisory bodies established by the Board under the Act.

**Meetings held outside the regional district boundaries**

- 3.19 As provided in section 793(6) of the Act, a meeting of the Board may take place outside the boundaries of the regional district if the Board passes a resolution to that effect.

**PART4  
QUORUM**

- 4.1 A quorum for a meeting of the Board is a majority of all the Members.
- 4.2 As soon after the hour of the meeting as there shall be a quorum present, the Chair shall take the chair and call the meeting to order. If the Chair does not attend within fifteen (15) minutes after the time appointed for the meeting, the Vice Chair shall take the Chair and call the meeting to order. If the Vice Chair is absent and no acting Chair has been appointed, the Corporate Officer shall call the members to order and if a quorum is present, the members shall appoint a Chair for the meeting who shall preside for the meeting or until the arrival of the Chair or Vice Chair.
- 4.3 Should there be no quorum present within thirty (30) minutes after the time appointed for the meeting, the Corporate Officer shall record the names of the members then present and the Board shall stand adjourned until the next meeting.

## **PARTS MEETING PROCEDURES**

### **Agendas - regular meetings**

- 5.1 The Corporate Officer shall prepare agendas setting out all items for consideration at the Regular Meetings of the Board and Committees. On the Thursday immediately preceding the Regular Meetings, the agendas and supporting documents shall be sent to the Board. Addenda materials shall be sent electronically to the Board by the Monday immediately preceding the Regular Meeting and copies placed on the Board table for the Regular Meeting.

### **Delegations**

- 5.2 Any Member, person, persons or organization wishing to present a delegation on the Regular Meeting agenda for consideration by the Board or Committees, shall follow the Board's Delegation/Presentation Policy.

### **Late agenda items**

- 5.3 Any late items at the Board table would only consist of those items that have previously been dealt with by the Board. Items appearing before the Board for the first time should be a part of the regular agenda package or if they are a late item only be placed before the Board for information and a decision to be made at a future meeting. Only in an emergency or some extreme circumstance should new information be presented as a late item requiring Board action.
- 5.4 A Member may, at the time adoption of the agenda is being considered, propose to place an additional item of an emergent or time sensitive nature on the agenda. The late item may only be added to the agenda if the resolution to do so is adopted by at least (2/3) two-thirds of the votes cast.

### **Conduct of Business**

- 5.5 Any member of the Board to wishes to speak to any question or motion shall address themselves to the Chair.
- 5.6 The Chair shall at all times conduct the manner and order of speaking so that all sides of the question may be as fully presented as the circumstances warrant, and the Chair shall ensure that each member be allowed an equal opportunity to speak.
- 5.7 Resolutions regarding readings and adoption of bylaws can be held concurrently.
- 5.8 All resolutions of the Board shall be moved and seconded by members of the Board before consideration of the business at hand.

### **Order of Business**

- 5.9 Unless otherwise determined by resolution of the Board or Committee, the order of business of all Regular Meetings shall be as follows:
1. Call to Order
  2. Addition of Late Items
  3. Adoption of the Agenda
  4. Adoption of the Minutes
  5. Delegations and Invited Presentations
  6. Correspondence
  7. Unfinished Business
  8. Department Reports to the Board including bylaws
  9. Committee Recommendations
  10. New Business
  11. Director Items
  12. Closed Meeting
  13. Matters Arising From Closed Meeting
  14. Adjournment

### **Minutes**

- 5.10 Minutes of the proceedings of all Meetings shall be recorded and retained in accordance with the Act.
- 5.11 Minutes of the proceedings of the Board must be legibly recorded and certified as correct by the Chair and Corporate Officer.
- 5.12 Minutes of the proceedings of Standing and Select Committees shall be legibly recorded and signed by the chair of the Committee, or Member presiding.

### **Adjourn**

- 5.13 A meeting which has been in session for five (5) hours from the time the meeting was convened shall be adjourned unless the Board or Committee resolves to extend the meeting by a majority of the votes of the Members present.

## **PARTG KEEPING ORDER**

### **Expelling a person**

- 6.1 In accordance with the provisions of the Charter (Section 133), if the Chair considers that another person at the Meeting is acting improperly, the Chair may order that the person is expelled from the Meeting. If a 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.



## **Behavior**

- 6.2 Those in attendance will refrain from applause, cheering, heckling, booing, inappropriate language, other expressions of emotion, outbursts or criticisms aimed at individuals or groups whether in favor of, or opposition to, any particular application or argument. Placards, posters, signs and other distracting material are not permitted.

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

- 6.3 No person, other than the media, shall use or operate any Audio or Video Recording Devices at a Meeting without the permission of the Chair, and such devices are to be placed in a location designated for that purpose.
- 6.4 Notwithstanding 6.3, audio or visual recording devices must not be used or operated during a closed meeting.
- 6.5 Nothing in this section precludes the person responsible for corporate administration or their designate to record Board or Committee meetings for purposes of taking meeting minutes.
- 6.6 The following items will not be permitted in Chambers during Board meetings:
- 1) Cell phones or pagers (unless they are set to vibrate).

## **PART 7 COMMITTEES**

### **Establishment of Committees**

- 7.1 The Chair may appoint such Standing Committees as deemed appropriate and shall make provision for the Chair of such committees. The procedures set forth in Part 4 and 5 of this bylaw shall apply to the conduct of business of such committees.
- 7.2 The Board may appoint such Select Committees as deemed appropriate and shall make provision for the Chair of such committees. The procedures set forth in Part 4 and 5 of this bylaw shall apply to the conduct of business of such committees.

### **Duties of Standing Committees**

- 7.3 Standing Committees must consider, inquire into, report on, and make recommendations to the Board about any of the following:
- (1) matters that are related to the general subject indicated by the name of the committee;
  - (2) matters that are assigned by the Regional Board;
  - (3) matters that are assigned by the Chair.
- 7.4 Committee Terms of Reference are to be approved by the Chair.
- 7.5 Standing Committees must report and make recommendations to the Board.

**Duties of the Select Committee**

- 7.6 Select Committees must consider, inquire into, report on, and make recommendations to the Board about matters referred to the Committee by the Board.
- 7.7 Select Committees must consider, inquire into, report on, and make recommendations to the Board as soon as possible, unless a date and time is established by the Board.
- 7.8 Select Committee Terms of Reference are to be approved by the Board.

**Duties of Other Committees/Commissions**

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

**General Duties of Committees**

- 7.11 All committees are considered to be advisory in nature.
- 7.12 No committee has the power to pledge the credit of the Board or commit the Board to any particular action.
- 7.13 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 by the Chief Administrative Officer.
- 7.14 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.
- 7.15 The Chairperson of each committee shall submit to the Board in writing the report of that committee.

**PARTS  
REPEAL & CITATION**

**Repeal**

- 8.1 Regional District of Central Okanagan Regional Board Procedure Bylaw No. 950, 2001 as adopted by the Regional Board of the Regional District of Central Okanagan on the 19<sup>th</sup> day of November 2001 is hereby repealed.

**Citation**

8.2 This bylaw may be cited for all purposes as the "Regional District of Central Okanagan Regional Board Procedure Bylaw No. 1278, 2010".

READ A FIRST TIME THIS 14<sup>th</sup> DAY OF October 2010.

READ A SECOND TIME THIS 14<sup>th</sup> DAY OF October 2010.

READ A THIRD TIME THIS 14<sup>th</sup> DAY OF October 2010.

RECONSIDERED AND ADOPTED THIS 25<sup>th</sup> DAY OF October 2010.

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CHAIR

  
\_\_\_\_\_  
DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of "Regional District of Central Regional Board Procedure Bylaw No. 1278, 2010" as read a third time by the Regional Board on the 14<sup>th</sup> day of October 2010.

Dated at Kelowna, B.C. this  
18<sup>th</sup> day of October 2010

  
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DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of "Regional District of Central Regional Board Procedure Bylaw No. 1278, 2010" as adopted by the Regional Board on the 25<sup>th</sup> day of October 2010.

Dated at Kelowna, B.C. this  
26<sup>th</sup> day of October, 2010

  
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DIRECTOR OF CORPORATE SERVICES