

Official Seal of the Village of Port Clements

VILLAGE OF PORT CLEMENTS

BYLAW NO. 302

A BYLAW TO AMEND PROCEDURE BYLAW NO. 200

The purpose of this Bylaw is to enact procedures for the meetings of Council and committees in accordance with recent amendments to the *Municipal Act*, including procedures for open meetings, public notice of meetings, and conflict of interest.

Under its statutory powers, including Part 5.2 and section 257 to 259 of the *Municipal Act*, the Council of the Village of Port Clements enacts the following provisions:

1. This Bylaw may be cited as the "Procedure Amendment Bylaw No. 302."

2. The Procedure Bylaw No. 200 is amended in section 1 by renumbering it as section 1(1) and adding the following subsection:

- "(2) in this Bylaw, "committee" means
  - (a) standing and select committees of Council and
  - (b) any other committee composed solely of Council members acting in that capacity, including Committee of the Whole."

3. Section 2(1) is amended by striking out "shall" and substituting "may".

4. Section 3 is repealed and the following section substituted

- "3. (1) After the first Council meeting following a general local election, all regular meetings must be held in the Village Office, starting at 7:30 p.m.
  - (a) on every Monday that is not a holiday and
  - (b) on the next regular business day following a Monday that is a holiday.

(2) At least 24 hours before regular meetings and committee meetings, the Chief Administrator must give advance public notice of the time, place and date of those meetings by

- (a) posting the agenda at the public notice board at the Village Office,
- (b) delivering copies of the agenda to each of the members of Council at their mailboxes at the Village Office, and

(c) leaving copies of the agenda at a public counter at the Village Office for the purpose of making them available to members of the public"

(3) Subsection (2) does not apply to a Committee of the Whole meeting that is held during a Council meeting for which public notice has been given under subsection (2) or section 4."

5. Section 5(2) is repealed and the following subsections substituted:

"(2) A part of a Council meeting may be closed to the public if the subject matter being considered relates to one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the Village or another position appointed by the Village;
- (b) personal information about an identifiable individual who is being considered for a Village award or honour, or who has offered to provide a gift to the Village on condition of anonymity;

- (c) labour relations or employee negotiations;
- (d) the security of property of the Village;
- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the Village;
- (f) law enforcement, if the Council considers that disclosure might reasonably be expected to harm the conduct of an investigation under or enforcement of an Act, regulation or bylaw;
- (g) consideration of whether paragraph (e) or (f) applies in relation to a matter;
- (h) litigation or potential litigation affecting the Village;
- (i) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (k) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (l) a matter prescribed by regulation under section 242.8 of the *Municipal Act*;
- (3) A part of a Council or committee meeting must be closed to the public if the subject matter relates to one or more of the following:
  - (a) a request under the *Freedom of Information and Protection of Privacy Act* if the Council is designated as "head of the local public body" for the purposes of that Act in relation to the matter;
  - (b) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- (4) If the only subject being considered at a Council or committee meeting is one or more matters referred to in subsection (2) or (3), the applicable subsection applies to the entire meeting.
- (5) Before a meeting or part of a meeting is closed to the public, the Council or committee must state, by resolution,
  - (a) the fact that the meeting is to be closed, and
  - (b) the basis under section (2) or (3) on which the meeting is to be closed.
- (6) The Council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.
- (7) This section applies to meetings of the following bodies:
  - (a) a body that under an Act may exercise the powers of the Village or the Council;
  - (b) the board of variance;
  - (c) a court of revision;
  - (d) an advisory committee, or other advisory body, established by Council under an Act;
  - (e) a body that is prescribed by regulation under the *Municipal Act*."

6. Section 7 is amended
- (a) in subsection (1) by striking out "special meeting from which persons mentioned in subsection (2) of section (5) were excluded" and substituting "meeting from which persons were excluded under section 5", and
  - (b) by repealing subsection (2) and substituting the following subsection:
    - "(2) Minutes of committees, a court of revision, and other administrative bodies
      - (a) must be legibly recorded,
      - (b) must be signed by the member presiding at the meeting,
      - (c) must be open for public inspection and obtaining of copies in accordance with subsection (1)."
7. Section 23(2) is amended by striking out "subsection (2)" and substituting "subsection (1)".
8. Section 24 is repealed and the following section substituted:
- "24. (1) In accordance with section 231 of the *Municipal Act*, if a Council member attending a Council or committee meeting considers that he or she is not entitled to
- (a) participate in the discussion of a matter, or
  - (b) vote on a question in respect of a matter because the member has a direct or indirect pecuniary interest in the matter or for any other reason, the member must declare this and state the general nature of why the member considers this to be the case.
- (2) After making the declaration, the member
- (a) must not take part in the discussion of the matter and is not entitled to vote on any question in respect of the matter,
  - (b) must immediately leave the meeting or that part of the meeting during which the matter is under consideration, and
  - (c) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
- (3) When the declaration is made,
- (a) the person recording the minutes of the meeting must record the member's declaration, the reasons given for it and the times of the member's departure from the meeting room, and if applicable, the member's return, and
  - (b) the person presiding at the meeting must ensure that the member is not present at the meeting at the time of any vote on the matter.
- (4) Whether or not a declaration is made under subsection (1), if a Council member has a direct or indirect pecuniary interest in a matter, the member must not
- (a) participate in the discussion of the matter,
  - (b) vote on a question in respect of the matter, or
  - (c) attempt in any way, whether before or after the meeting, to influence the voting on any question in respect of the matter.

(5) Subsection (4) does not apply

- (a) if the pecuniary interest of the Council member is a pecuniary interest in common with electors of the Village generally,
- (b) if the matter relates to remuneration or expenses payable to one or more Council members in relation to their duties as Council members, or
- (c) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.

(e) Subsection (1) to (5) apply to meetings of the following bodies:

- (a) a body that under an Act may exercise the powers of the Village or the Council;
- (b) the board of variance;
- (c) a court of revision;
- (d) an advisory committee, or other advisory body, established by Council under an Act;
- (e) a body that is prescribed by regulation under the *Municipal Act*."

9. Section 25 is amended by striking out "member" and substituting "member at a Council or committee meeting".

10. Section 26 is amended

- (a) in subsection (2) by striking out "the Council" and substituting "the Council or a committee", and
- (b) in subsection (3) by striking out "question" and substituting "question at a Council meeting".

11. Section 32 is repealed.

12. Section 37 is amended by

- (a) renumbering it as section 37(1) and striking out "on three separate days", and
- (b) adding the following subsection:  
" (2) A Bylaw may be read three times at the same Council meeting"

13. Section 38(3) and (4) is repealed.

14. Section 39 is amended by

- (a) renumbering it as section 39(1), striking out "reconsidered" wherever it appears, and substituting "adopted", and
- (b) adding the following subsection:  
" (2) Despite subsection (1), Council may adopt, amend, or repeal a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading."

15. Section 44 is amended by striking out "Council" and substituting "Council including without limitation sections 3(2) and (3), 5(2) to (5), 7, 24(1) to (5), 25, and 26(2)"

16. Section 48 is amended by striking out "section 242 of".

17. Section 51 is amended by striking out "vote" and substituting "vote if they are not members of those committees."

18. Section 55 is amended by striking out "Council" and substituting "Council including without limitation sections 3(2), 5(2) to (5), 7, 24(1) to (5), 25, and 26(2)".


19. Section 57 is amended by striking out "and seal of the Municipality".

**Read a first time on December 15, 1999**

**Read a second time on December 16, 1999**

**Read a third time on December 17, 1999**

**Finally adopted on December 20, 1999**

  
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Jdan Ann Allen  
Mayor

  
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John E. Nielsen  
Chief Administrator