

**THE COMMITTEE OF THE WHOLE  
AGENDA  
6:30 P.M.**

**Tuesday, July 15, 2025  
Ladysmith Seniors Centre  
630 2nd Avenue  
Pages**

**1. CALL TO ORDER AND ACKNOWLEDGEMENT**

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

**2. AGENDA APPROVAL**

Recommendation

That the agenda for this July 15, 2025 Committee of the Whole meeting be approved.

**3. MINUTES**

**3.1 Minutes of the Committee of the Whole Meeting held May 13, 2025**

**4**

Recommendation

That the minutes of the Committee of the Whole meeting held May 13, 2025 be approved.

**4. PRESENTATIONS**

**4.1 RCMP 1st Quarter 2025 Report**

S/Sgt. Trevor Busch, Ladysmith RCMP, will speak to the 1st Quarter Report – April, May, June of 2025.

**4.2 Emergency Evacuation Overview**

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Chris Geiger, Town of Ladysmith Manager of Protective Services, and April Diver, CVRD Manager of Emergency Operations & Planning, will

provide an overview of the evacuation routes in Town.

Recommendation

That the Committee receive the presentation from the Town's Manager of Protective Services and the Cowichan Valley Regional District's Manager of Emergency Operations & Planning regarding evacuation routes in Ladysmith.

## **5. REPORTS**

### **5.1 Bylaw Dispute Adjudication Registry System**

17

Recommendation

That the Committee recommend that Council direct staff to establish a local government bylaw dispute adjudication system under the *Local Government Bylaw Notice Enforcement Act*.

### **5.2 Proposed Amendments to "Council Procedure Bylaw 2009, No. 1666"**

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Recommendation

That the Committee recommend that Council direct staff to prepare amendments to "Council Procedure Bylaw 2009, No. 1666" as identified in the staff report dated July 15, 2025, including:

1. Various housekeeping amendments;
2. Adjusting the start time of all Regular Council Meetings to 6:00 p.m.;
3. Expanding meeting conduct expectations to include attendees;
4. Granting all Council members the right to bring a previously voted-on matter back for reconsideration within 30 days;
5. Providing additional grounds for denying delegation requests;
6. Language pertaining to legal matters; and
7. Moving Question Period from the end of the agenda to the beginning.

## **6. COUNCIL SUBMISSIONS**

### **6.1 Election Bylaw Amendment – Councillor Gourlay**

Councillor Gourlay has requested that the Committee discuss amending the minimum number of qualified nominators required for a member of Council.

### Recommendation

That the Committee recommend that Council amend “Town of Ladysmith Election and Assent Voting Bylaw 2018, No. 1964” to set the required minimum number of qualified nominators for a member of Council at ten, in accordance with section 86 (2)(a) of the Local Government Act.

#### **6.2 Ladysmith Marine Search and Rescue Funding - Councillor Paterson**

Councillor Paterson has requested that the Committee discuss adding funding for the Ladysmith Marine Search and Rescue as a Town budget line item rather than the organization applying for a Grant in Aid.

#### **6.3 Community Garden on Island Health Property - Councillor Paterson**

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Councillor Paterson has requested that the Committee discuss the possibility of a community garden on Island Health property.

A letter from Chris Barfoot, Director of Parks, Recreation & Culture, to Island Health dated April 10, 2024, is attached. The letter reflects previous Council direction.

Background:

- **CW 2024-021**

That the Committee recommend that Council write a letter to Island Health requesting a meeting to discuss the possibility of turning the area around the Urgent Care Centre into community gardens.

- **CW 2021-047**

That the Committee recommend that Council direct staff to work with the Vancouver Island Health Authority and the Ladysmith Community Gardens Society to discuss the possibility of using a portion of the former hospital property for community gardens.

## **7. NEW BUSINESS**

## **8. ADJOURNMENT**



## COMMITTEE OF THE WHOLE MEETING MINUTES

Tuesday, May 13, 2025

6:30 P.M.

Ladysmith Seniors Centre  
630 2nd Avenue

### **Council Members Present:**

Councillor Ray Gourlay, Chair  
Mayor Deena Beeston  
Councillor Amanda Jacobson

Councillor Tricia McKay  
Councillor Duck Paterson  
Councillor Jeff Virtanen

### **Council Members Absent:**

Councillor Marsh Stevens

### **Staff Present:**

Allison McCarrick  
Erin Anderson  
Chris Barfoot  
Jake Belobaba  
Tim Tanton

Chris Geiger  
Sue Bouma  
Nick Pescod  
Hayley Young

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## **1. CALL TO ORDER AND ACKNOWLEDGEMENT**

Councillor Gourlay, Chair, called this Committee of the Whole meeting to order at 6:30 p.m., and acknowledged with gratitude that it was being held on the unceded territory of the Stz'uminus First Nation.

## **2. AGENDA APPROVAL**

### **CW 2025-021**

That the agenda for the May 13, 2025 Committee of the Whole meeting be approved as amended to include:

- Background materials, requested by Councillor Stevens, regarding legislative considerations for Item 6.1 "TOL Campsite Discussion - Mayor Beeston"; and
- New Item 7.1 "Spring Clean Up – Staff Verbal Update".

*Motion Carried*

### **3. MINUTES**

#### **3.1 Minutes of the Committee of the Whole Meeting held March 11, 2025**

##### **CW 2025-022**

That the minutes of the Committee of the Whole meeting held March 11, 2025 be approved.

*Motion Carried*

### **4. PRESENTATIONS**

#### **4.1 Ladysmith RCMP Annual Mayor's Report and Detachment Annual Performance Plan**

Staff Sergeant Trevor Busch, Ladysmith RCMP, reviewed the RCMP Annual Mayor's Report for April 1, 2024, to March 31, 2025, highlighting a general decline in crime trends across Vancouver Island. Additionally, he shared results from a recent community survey which revealed that the majority of respondents reported feeling safe in the community and expressed satisfaction with local RCMP services.

S/Sgt Busch then discussed the RCMP Detachment Annual Performance Plan for 2025-2026 and responded to Council's questions.

##### **CW 2025-023**

That the Committee receive the RCMP Annual Mayor's Report for April 1, 2024 to March 31, 2025.

*Motion Carried*

##### **CW 2025-024**

That the Committee recommend that Council approve the Ladysmith RCMP Detachment Annual Performance Plan for 2025-2026.

*Motion Carried*

### **5. REPORTS**

#### **5.1 Building Inspector's Report for January to April 30, 2025**

##### **CW 2025-025**

That the Committee receive the Building Inspector's Report for the months January to April 2025.

*Motion Carried*

## **5.2 Ladysmith Fire/Rescue Reports for January to April 2025**

### **CW 2025-026**

That the Committee receive the Ladysmith Fire/Rescue Reports for the months January to April 2025.

*Motion Carried*

## **5.3 Coastal Animal Control Services Reports for January to March 2025**

### **CW 2025-027**

That the Committee receive the Coastal Animal Control Services Reports for the months January to March 2025.

*Motion Carried*

## **5.4 2025 Q1 (Jan-Mar) Financial Update**

### **CW 2025-028**

That the Committee receive the staff report dated May 13, 2025, regarding the 2025 Q1 (Jan to March) Financial Update from the Director of Financial Services.

*Motion Carried*

## **5.5 Parklet Fees and Charges**

### **CW 2025-029**

That the Committee recommend that Council:

1. Reinstate fees for parklets and patios on Town streets, with annual fees of \$6.04 per m<sup>2</sup> or \$89.69 per parking stall, as provided in the report dated May 13, 2025; and
2. Direct staff to amend "Streets and Traffic Bylaw 1998, No.1309" based on item 1.

*Motion Carried*

## **5.6 2023-2026 Strategic Priorities Update**

### **CW 2025-030**

That the Committee receive the 2023-2026 Strategic Priorities Update dated May 13, 2025.

*Motion Carried*

## **6. COUNCIL SUBMISSIONS**

### **6.1 TOL Campsite Discussion - Mayor Beeston**

Mayor Beeston initiated the discussion on the potential for establishing a Town-owned campsite to support local tourism and economic development.

The Committee expressed concerns, including location considerations, the potential cost, staff capacity, and the fact that the strategic plan is already filled with projects, leaving no immediate capacity to pursue this initiative at this time.

### **6.2 Cemetery Columbarium - Councillor Gourlay**

Councillor Gourlay highlighted areas for improvement in the cemetery to make it more equitable and financially sustainable, noting that it is currently operating at a loss. He explained that both residents and non-residents are paying below market rates, with non-residents primarily using the cemetery. He noted that residents should not subsidize non-residents' burial rights.

Regarding the proposed columbarium niche structure, Councillor Gourlay explained that such niches are a popular cremation option and would allow the cemetery to densify by building upward, providing a space-efficient solution as cremation grows in popularity.

#### **CW 2025-031**

That the Committee recommend that Council direct staff to prepare a report for a future meeting of Council that:

1. Presents options for increasing cemetery plot fees for non-residents; and
2. Assesses the feasibility of installing a columbarium niche structure for the interment of urns.

*Motion Carried*

## **7. NEW BUSINESS**

### **7.1 Spring Clean Up – Staff Verbal Update**

Allison McCarrick, CAO, provided a verbal update on the Town's spring cleanup program, highlighting feedback from residents about missed items and the reasons behind those concerns.

She referenced Councillor Gourlay's suggestion to implement a survey on the program and confirmed that the survey will be conducted before next year's program. The results will be brought forward to Council to help inform potential revisions to the program or a decision on whether to continue it.

**8. ADJOURNMENT**

**CW 2025-032**

That this Committee of the Whole Meeting be adjourned at 7:47 p.m.

*Motion Carried*

CERTIFIED CORRECT

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Chair (Councillor R. Gourlay)

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Corporate Officer (S. Bouma)



A detailed map of Ladysmith, South Africa, showing a grid of streets and various landmarks. The map includes labels for streets such as Brown Dr, Wallace Pl, Nash Pl, Dunsmuir Dr, Coburn Pl, Bickle Dr, 6th Av, 5th Av, French Av, Kitchener, Buller, Gatacre St, 1st St, 2nd St, 3rd St, 4th St, 5th St, Roberts Av, Gifford Rd, Dogwood Dr, Bayview, Root St, Hambrook St, Hartley Pl, Av Ext, Jamison, Bel-Aire, Lions Way, Root St Park, Forward Rd, Capt Tristan, de Koninck Way, Transfer Beach Blvd, Transfer Beach Park, Queens Park, Lions Park, Frank Jameson CC, Ladysmith, and Holland Creek Park. The map also shows a river and several parks. The title 'Ladysmith Emergency Evacuation Overview' is overlaid in the center.

# Ladysmith Emergency Evacuation Overview



# Introduction and Overview:



**Red Dragon Consulting Report, January 2025**



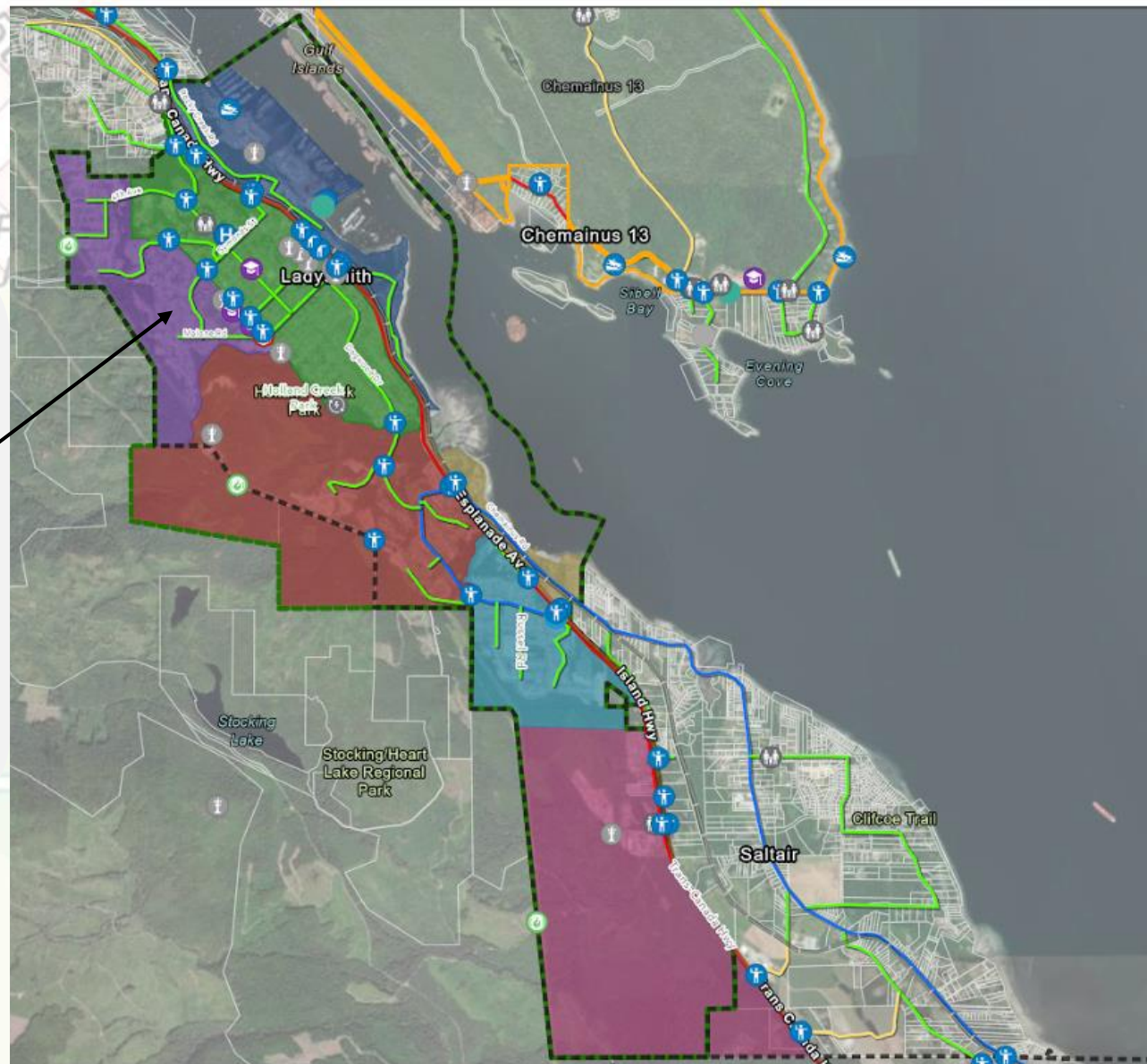
**Coordinated Evacuation Planning**



**Overview of Ladysmith Risk Zones**

## Ladysmith Evacuation Zones

1. Downtown & Dogwood Dr
2. Upper Ladysmith
3. David Rd Areas
4. South Davis Rd
5. South Watts Rd
6. Chemainus Rd
7. Waterfront





Legend

- Reservation Boundary
- Municipal Boundary
- Parent Evacuation Zone

Evacuation Points

- Assembly Point
- Boat Access
- Fire Hall
- Healthcare Facilities
- Infrastructure
- Infrastructure - Electric
- Infrastructure - Gas
- Infrastructure - Towers
- Other
- Schools
- Traffic Control Point
- Other

Evacuation Routes

- Zone
- Secondary
- Primary
- Other

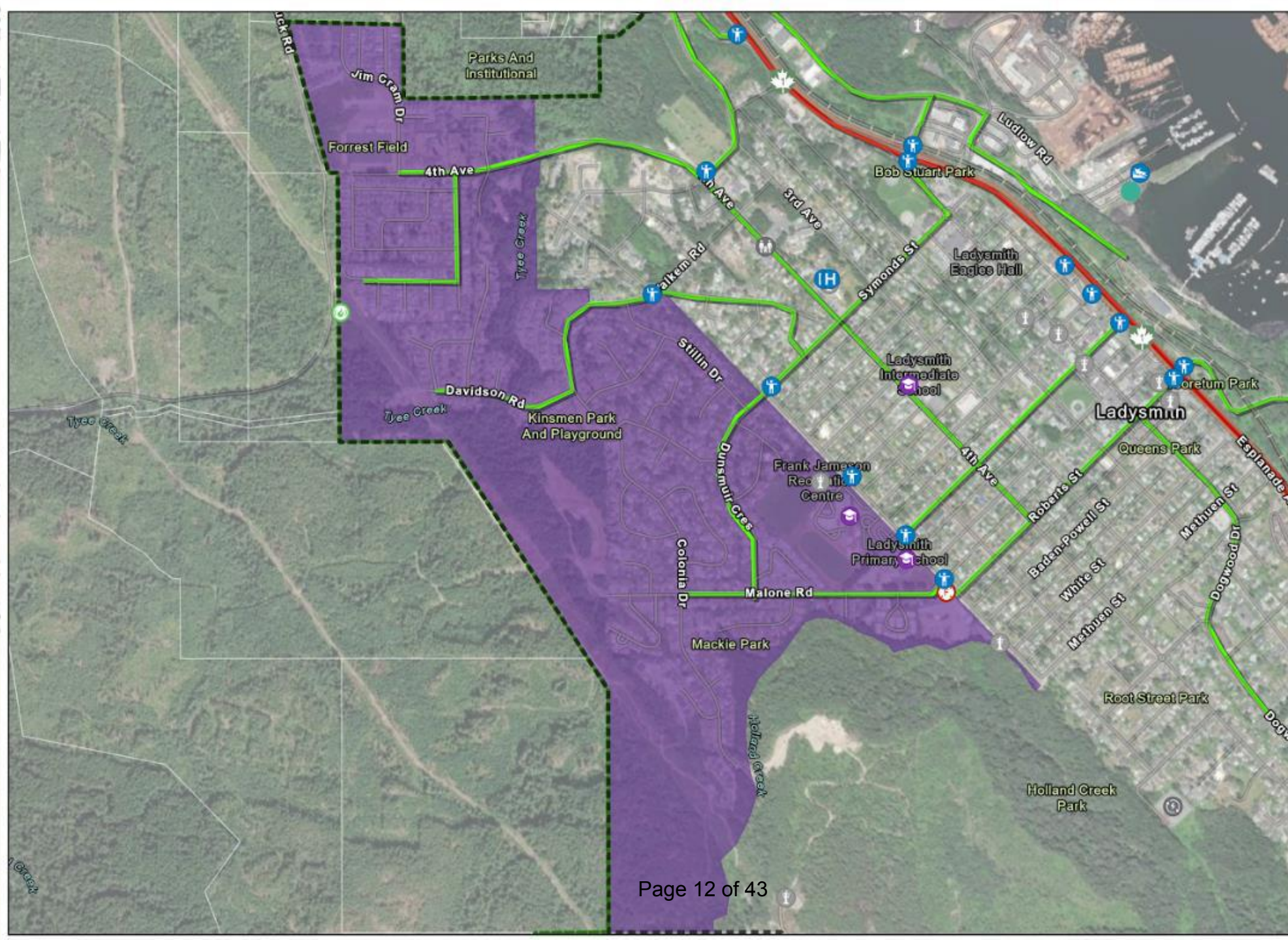
Evacuation District Zone

- Upper Ladysmith



Map Printed 2024/12/02  
Scale: 1:17,000  
Data Sources:

CORL and Dragon Consulting





Evacuation Zone – Ladysmith				Risk Level			
2	Upper Ladysmith			HIGH:	MEDIUM	LOW	
				Wildfire, Road	Structure, Road	Hazchem	
DEMOGRAPHICS				TRAFFIC CONTROL RESOURCES			
Properties: 1058		Population: 2571 Modelling using 2021 Census (BC multiplier 2.4)		# Barricades	# Cones	Teams	Personnel
K-12 Schools: 2	Day Cares: 1	Hospitals: Private Health Centres	Care Facilities:0	4	20 Suggested # only	4	8
Accommodation: 0	Agri: N/A	Critical Infrastructure: Yes	Other TBC:				
EVACUATION TIME PLANNING				TRAFFIC CONTROL POINTS			
		≈12 hours		Team 1: Malone Road and 6 <sup>th</sup> Avenue. Team 2: Dunsmuir Crescent and 6 <sup>th</sup> Avenue. Team 3: Davidson Road/Walken Road and Cloke Road. Team 4: 4th Avenue and Christie Road (safe location).  Consider Holland Creek Trail/Heart Lake Trail  Slow signage/diversion at Symonds Street			
REOC Evacuation Planning Activities		1 hour					
Mobilize evacuation teams and equipment to site		30 minutes					
Mobilize receiving locations (Reception Centre)		1 hour					
Mobilize the physical evacuation		3 minutes per property/door 9 hours 0 minutes (one way)					
Contingency Time		2 hours					
SITES & RESOURCES							
Reception Centres	Cowichan Lake Sports Arena, Lake Cowichan 311 S Shore Rd, Lake Cowichan, BC V0R 2G0						
Assembly Points: (if required)	6 <sup>th</sup> Avenue, Frank Jameson Community Centre, 810 6 Ave, Ladysmith, BC V9G 1A2						
Door Knocking Teams	Recommended teams of 21 x 2 persons						
Staging/ICP	TBC						
Comms	Checkpoints staff to have direct contact with EOC Ops Door-knocking teams to record and confirm resident evacuation status to EOC Ops			LIAISON			
				• Response Agency(s) •			
PRIMARY ROUTES				SECONDARY ROUTES			
• Malone Road > Roberts Street • Dunsmuir Crescent > Symonds Street • Davidson Road > Symonds Street • 4th Avenue > Symonds Street				• Not available			
Author: Red Dragon Consulting		Date: January 2025		Version: 1.0			

# Common Elements

- ▲ Demographics
- ▲ Evacuation Time Planning
- ▲ Sites and Resources
- ▲ Primary Routes
- ▲ Traffic Control Resources
- ▲ Traffic Control Points
- ▲ Liaison
- ▲ Secondary Routes



# Resources & Logistics

- ▲ Barricades, Cones
- ▲ Traffic Control Staff deployed at control points
- ▲ Coordinated door-knocking and traffic management
- ▲ Execution regulated by EOC

# Key Takeaways

- 📋 Pre-identified zones standardize and simplify large-scale evacuations for staff and residents
- 📋 Zones differ in scale, population, and evacuation complexity
- 📋 Clear routes and control points are essential



## STAFF REPORT TO THE COMMITTEE OF THE WHOLE

**Report Prepared By:** Protective Services Department  
**Meeting Date:** July 15, 2025  
**File No:**  
**Re:** Bylaw Dispute Adjudication Registry System

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### **RECOMMENDATION:**

That the Committee recommend that Council direct staff to establish a local government bylaw dispute adjudication system under the *Local Government Bylaw Notice Enforcement Act*.

### **EXECUTIVE SUMMARY:**

The *Local Government Bylaw Notice Enforcement Act* (“the Act”) enables local governments in British Columbia to manage bylaw contraventions through a civil adjudication system, bypassing the need for prosecution through the court system. This system is used by over 140 local governments across the province and has proven to be a more accessible and efficient method for enforcing regulatory bylaws than voluntary fines or formal court proceedings.

### **PREVIOUS COUNCIL DIRECTION:**

N/A

### **INTRODUCTION/BACKGROUND:**

In October 2003, the Province of British Columbia enacted legislation (“the Act”) providing an alternative approach for processing and resolving minor bylaw infractions.

Bylaw infractions are a common occurrence in any local government that enacts regulatory bylaws. At present, the Town of Ladysmith uses three main strategies to deal with a problem:

1. seek voluntary compliance;
2. issue a traffic “infraction notice” seeking voluntary payment of a prescribed fine for parking infractions; or
3. initiate formal court proceedings by issuing a Municipal Ticket Information (MTI) or swearing an Information and issuing a Summons.

Initiating formal court proceedings can be costly, and some local governments choose to avoid these enforcement costs by abandoning enforcement if voluntary compliance is not achieved.

In this region, the Dispute Adjudication Registry System is hosted and managed by the City of Nanaimo. If Ladysmith were to join the agreement, the Town would share administrative costs with ten other municipalities. Adjudication hearings are scheduled through the City of Nanaimo and are located in Nanaimo at the Registry.

Under the new model, formal bylaw enforcement action begins with the completion of a Bylaw Notice by a local government bylaw compliance officer.

The Bylaw Notice informs the recipient of:

1. the alleged bylaw contravention that is being made;
2. the penalty for the contravention; and
3. how to pay the fine or dispute the allegation.

The Bylaw Notice may be delivered in a variety of ways, including leaving it on a car or mailing it to the person responsible for the contravention, and the local government may presume that it has been received. Allowances are made in the event that the intended recipient later claims that the Bylaw Notice was not actually received. Once the Bylaw Notice is received, it becomes legally effective and the recipient has a fixed period of time in which to either pay the fine or dispute the allegation.

In the event that the recipient does neither, the amount of the Notice will be due and owing.

The local government has the option to establish a Screening Officer to review disputed Notices. The Screening Officer has the authority to either cancel a Bylaw Notice or enter into a compliance agreement which acknowledges the contravention and will typically set out remedies or conditions on future behaviour to be performed within a designated period of time, and reduce or waive the fine at the conclusion of that period.

If the person still wishes to dispute the Notice, the Screening Officer will then schedule a date and time for the adjudication. At the hearing, the adjudicator will hear from both the disputant and the local government and decide whether he or she is satisfied that the contravention occurred as alleged. If the Bylaw Notice is confirmed, the fine amount noted is payable, as well as an additional fee (\$25) to recover a portion of the cost of the dispute.

The appointment, training, and management of the adjudicator roster occur at arms-length from the local government. Adjudicators are appointed by the Deputy Attorney General.<sup>1</sup>

The Bylaw Dispute Adjudication System is designed to provide a simple, fair, and cost-effective model for dealing with minor bylaw infractions. The adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;

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<sup>1</sup> (Local Government Management Association of British Columbia, 2005)

- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes.

If Council directs staff to proceed, the next steps will include:

- forwarding a copy of the Council resolution indicating the intent to establish a Bylaw Dispute Adjudication System to the Ministry of Attorney General and confirm that the Bylaw Notice Enforcement Regulation (B.C. Reg. 175(2004) is amended to apply the Act to the Town.
- consulting with the host local government (City of Nanaimo) to join the registry.
- drafting a Bylaw Notice Enforcement Bylaw.
- developing implementation and communications plans.
- reporting back to Council with a finalized program framework and budget implications.

### **ALTERNATIVES:**

The Committee can choose to recommend that Council:

1. Maintain status quo and not proceed with the bylaw dispute adjudication registry system.
2. Provide alternate direction to staff.

### **FINANCIAL IMPLICATIONS:**

Program costs will include the membership fee and fees-per-hearing for shared adjudication services. These costs are moderate and may be offset over time by improved efficiency and collections of penalties.

Startup costs will include replacement of printed ticket stock, training of staff.

The membership fee is based on population. As the Town's population is between 5,000 and 25,000, the annual membership fee is Level 2 - \$200.

A detailed financial plan will be presented in a future report once direction is received.

### **LEGAL IMPLICATIONS:**

Section 2 of the Act provides that a local government may deal with contraventions of its bylaws via Bylaw Notice.

The Town will need to comply with the provisions of the Act and applicable regulations. Staff will ensure that all bylaws, policies and procedures meet legislative requirements.

### **CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

If implemented prudently, the Bylaw Notice system can enhance fairness, efficiency, and trust in local governance. However, poor communication or aggressive enforcement

may lead to public push-back or reputational risk. The Town should frame the initiative as a citizen-friendly innovation in local enforcement, not a revenue tool. A comprehensive communications and education plan will be developed to address potential challenges and frustrations.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Protective Services will work with Corporate Services to develop the policies, procedures, and bylaws that will be required to implement the System, and with Finance to develop the budget, fees and fines structures, and collection of penalties.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Core Infrastructure                    | <input type="checkbox"/> Economy               |
| <input type="checkbox"/> Official Community Plan Implementation | <input checked="" type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan                   | <input type="checkbox"/> Not Applicable        |

***I approve the report and recommendation.***

**Allison McCarrick, Chief Administrative Officer**

## STAFF REPORT TO THE COMMITTEE OF THE WHOLE

**Report Prepared By:** Corporate Services Department  
**Meeting Date:** July 15, 2025  
**File No:** 0390-20  
**Re:** Proposed Amendments to “Council Procedure Bylaw 2009, No. 1666”

### **RECOMMENDATION:**

That the Committee recommend that Council direct staff to prepare amendments to “Council Procedure Bylaw 2009, No. 1666” as identified in the staff report dated July 15, 2025, including:

1. Various housekeeping amendments;
2. Adjusting the start time of all Regular Council Meetings to 6:00 p.m.;
3. Expanding meeting conduct expectations to include attendees;
4. Granting all Council members the right to bring a previously voted-on matter back for reconsideration within 30 days;
5. Providing additional grounds for denying delegation requests;
6. Language pertaining to legal matters; and
7. Moving Question Period from the end of the agenda to the beginning.

### **EXECUTIVE SUMMARY:**

Staff are requesting that Council consider several recommended changes to “Council Procedure Bylaw 2009, No. 1666”. A summary of recommended changes is included in the chart below. The recommended changes, along with a few minor housekeeping items, have also been included in the redline version of the bylaw (Attachment A). Staff have chosen to use the consolidated bylaw as the redline version because it captures all amendments to date.

### **PREVIOUS COUNCIL DIRECTION:**

N/A

### **INTRODUCTION/BACKGROUND:**

The chart below presents the recommended amendments along with their rationale:

Section	Amendment	Reason
2.1 (c)	Adjust the start time of Regular Council Meetings to 6:00 p.m. and continue scheduling Closed meetings in advance of the Regular Meeting. If necessary, a Closed Meeting	For time efficiency, staff propose starting all Regular Council Meetings, including Public Hearings, at 6:00 p.m.

	may be reconvened following the conclusion of the Regular meeting.	
11.7	Add “or attendee” following each instance the word “member” is used.	Staff propose expanding conduct expectations to include all people present at the meeting, not just Council.
16 & 17	Consolidate sections 16 (“Rescinding of a Resolution”) and 17 (“Reconsideration of a Defeated Motion”) into a single section titled “Reconsideration” with an expanded scope. Adjust the numbering of subsequent sections accordingly.	Section 131 of the <i>Community Charter</i> grants the Mayor the authority to bring a previously voted-on matter back to Council within 30 days of its initial consideration. This proposed amendment would extend that right to all Council members.
19.3.3 to 19.3.8	Add additional reasons why a delegation request may be denied.	Staff recommend providing the following additional grounds for denying delegations: <ul style="list-style-type: none"> <li>• requests that have been dealt with previously by Council;</li> <li>• requests that do not fall within the jurisdiction of the presiding body;</li> <li>• requests that involve an issue which is before the courts or on which Council has authorized legal action; or</li> <li>• requests that could be considered vexatious or frivolous.</li> </ul>
20.1	Move Question Period from the end of the meeting to the start.	The Mayor would prefer to deal with questions about the agenda at the start of the meeting, particularly as the public’s attendance tends to dwindle as the meeting progresses.
25.4	Add language regarding the discussion of matters for which there is pending legal action.	Per resolution #CS 2025-167, discussed at the June 17, 2025 Regular Council meeting.

### **ALTERNATIVES:**

The Committee can choose to recommend that Council:

1. Reject some or all proposed Procedure Bylaw amendments.
2. Request that staff investigate other amendments to the Procedure Bylaw as specified by Council.

### **FINANCIAL IMPLICATIONS:**

The cost of the statutory notice is contained within Corporate Services’ annual budget.

### **LEGAL IMPLICATIONS:**

Section 124 of the *Community Charter* requires that Council publish notice describing proposed changes to its Procedure Bylaw.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS:**

In accordance with the *Community Charter* and “Public Notice Bylaw 2022, No. 2119”, the public will be informed of Council’s consideration of the proposed amendments to “Council Procedure Bylaw 2009, No. 1666” through the Ladysmith Chronicle and the Town’s website. Additionally, staff will provide notice on the City Hall public bulletin board and on social media.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:**

Changes to the Council Procedure Bylaw will also apply to Council committees.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

- |   |  |
|---|--|
| <input type="checkbox"/> Core Infrastructure                    | <input type="checkbox"/> Economy               |
| <input type="checkbox"/> Official Community Plan Implementation | <input checked="" type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan                   | <input type="checkbox"/> Not Applicable        |

***I approve the report and recommendations.***

**Allison McCarrick, Chief Administrative Officer**

**ATTACHMENT:**

- A. “Council Procedure Bylaw 2009 No. 1666” (consolidated) with tracked changes
- B. Community Charter, SBC 2003, c. 26, Division 2, s. 131

# TOWN OF LADYSMITH



## **“Council Procedure Bylaw 2009, No. 1666”**

*Consolidated Version as on September 6, 2023  
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

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*Consolidated for Convenience Only  
This consolidation is not a legal document. Certified copies of the original bylaws should be  
consulted for all interpretations and applications of the bylaws of this subject*

March 2, 2009

Includes Amendment Bylaw Nos.: 1845, 1971, 2023, 2092, 2153, 2184, 2195



TOWN OF LADYSMITH

**BYLAW NO. 1666**

**A BYLAW TO ESTABLISH PROCEDURES FOR THE CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS FOR THE TOWN OF LADYSMITH**

**WHEREAS** Section 124 of the *Community Charter* prescribes that Council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

**NOW THEREFORE** the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

**1. INAUGURAL MEETING OF COUNCIL**

- BL 2092** 1.1 The Inaugural Meeting of Council shall be held on the first Tuesday of the month following a general local election. At this inaugural meeting, the Mayor shall appoint a Councillor to serve as the Deputy Mayor in the absence, illness or disability of the Mayor. The Mayor may from time to time change the appointment of the Deputy Mayor.

**2. REGULAR MEETINGS OF COUNCIL**

- BL 2092** 2.1 Subject to Subsections 2.2 to 2.4 inclusive of this bylaw, regular meetings of Council shall:
- BL 2195** (a) be held on the first and third Tuesday of each month, with the exception of January, in which only one Council meeting will be held, scheduled for the third Tuesday of the month, and in August, in which only one meeting will be held; and
- (b) be held in accordance with the schedule adopted by Council on or before December 31 of the preceding year;
- (c) begin at ~~7:00~~ 6:00 p.m. unless a closed meeting pursuant to section 90 of the *Community Charter* is required;
- (d) be held at the Ladysmith Seniors Centre at 630 2<sup>nd</sup> Avenue, except where Council determines that a meeting will be held elsewhere; and
- (e) be adjourned at 11:00 p.m. unless a resolution to proceed beyond that time is passed by Council.
- BL 1845** 2.2 When a regular Council Meeting falls on a statutory holiday, as defined in the *Interpretation Act*, no meeting shall be held that week unless a Special Council meeting is scheduled.
- 2.3 A regular meeting may be cancelled by a resolution of Council, provided that two consecutive meetings are not cancelled.

2.4 The Mayor may, after providing at least two clear day's written notice, through the office of the Corporate Officer postpone any regular meeting of Council to a day, time and place named in such notice.

~~2.5 A regular meeting shall adjourn at 11:00 p.m. unless a resolution to proceed beyond that time is passed.~~

### 3. NOTICE OF REGULAR COUNCIL MEETINGS

3.1 The Corporate Officer will:

*BL 2092*

- (a) Annually on or before December 31, prepare a schedule of dates, times and locations of ~~R~~regular Council meetings for the following year to be approved by Council;
- (b) Have the schedule available to the public by posting it on the notice board. The "notice board" is the notice board at City Hall; and
- (c) Have notice given annually when and where the schedule of ~~R~~regular Council meetings will be available in accordance with section 94 of the *Community Charter*.

3.2 At least 24 hours before a regular meeting of Council, the Corporate Officer must give further public notice of the meeting by:

- (a) posting a copy of the agenda on the notice board; and
- (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.

3.3 At least 24 hours before a regular meeting of Council, the Corporate Officer must deliver a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.

### 4.0 NOTICE OF SPECIAL COUNCIL MEETINGS

4.1 Except where notice of a special meeting is waived under Section 127(4) of the *Community Charter*, at least 24 hours before a special meeting of Council, the Corporate Officer must:

- (a) give advance public notice of the time, place and date of the meeting by way of notice posted on the notice board at City Hall; and
- (b) give notice of the special meeting in accordance with Section 127 of the *Community Charter*.

## 5.0 NOTICE OF COMMITTEE MEETINGS

### 5.1 In this section:

**BL 1845**  
**BL 2023**

“Primary Committee” means the following committee of council:

- (a) Committee of the Whole

“Secondary Committee” means a committee of council which is not a Primary Committee.

### 5.2 The Corporate Officer will:

**BL 2092**

- (a) Annually on or before December 31, prepare a schedule of dates, times and locations of Primary Committee meetings for the following year to be approved by Council;
- (b) Have the schedule available to the public by posting it on the notice board. The “notice board” is the notice board at City Hall; and
- (c) Have notice given annually when and where the schedule of Primary Committee meetings will be available in accordance with section 94 of the *Community Charter*.

### 5.3 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must give further public notice of the meeting by:

- (a) posting a copy of the agenda on the notice board; and
- (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public.

### 5.4 At least 24 hours before a regular meeting of a Primary Committee, the Corporate Officer must deliver a copy of the agenda to each member of the committee at the place to which the committee member has directed notices to be sent.

### 5.5 At least 24 hours before:

- (a) a special meeting of a Primary Committee, or
- (b) a meeting of a Secondary Committee

the Corporate Officer must give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board.

## 6.0 ATTENDANCE OF PUBLIC AT MEETINGS

### 6.1 Subject to Sections 90(3) and 133(1) of the *Community Charter*, all Council meetings must be open to the public.

### 6.2 Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with Section 90 of the *Community*

*Charter.*

6.3 This section applies to meetings of bodies referred to in Section 93 of the *Community Charter*, including, without limitation:

- (a) Select or standing committees of council
- (b) Board of Variance
- (c) Court of Revision
- (d) Advisory Commissions
- (e) Other Commissions

## 7.0 SPECIAL AND "IN CAMERA" MEETINGS OF COUNCIL

7.1 Special Meetings of Council when required shall be open to the public, except where Council has determined by resolution that it is in the public interest to exclude the public from such meetings.

7.2 Only those matters shown on the agenda of a Special Meeting shall be dealt with at that Special Meeting of Council, except where a resolution to place an additional item on the agenda has been passed unanimously at that meeting, as the first item of business.

**BL 2092** 7.3 Both Special and Regular Meetings of Council held with the public excluded shall be called "Closed Session" Meetings, and only matters pursuant to section 90 of the *Community Charter* may be considered at such meetings.

## 8. COUNCIL MEETING AGENDA

8.1 Prior to each Regular, Special or Inaugural Meeting, the Corporate Officer shall prepare an agenda of all business to be brought before the Council at such meeting, and Council shall proceed with the business in the order set out, unless that agenda is altered by resolution.

**BL 1971** 8.2 All documents intended to be submitted for the agenda of a regular meeting of Council must be delivered to the Corporate Officer not later than 12:00 noon on the Tuesday preceding the day of the regular meeting.

8.3 The agenda for regular Council Meetings, for Special Council Meetings for the purpose of holding Public Hearings shall be made available to the public in accordance with Council policy.

8.4 Council may by resolution, at a regular Council Meeting, as the first item of business ~~after the adoption of the minutes of the previous meeting:~~

8.4.1 add further items to the agenda; and

8.4.2 delete any items from the agenda.

- 8.5 Subject to Subsection 20.3, any items added to the agenda in accordance with Subsection 8.4.1 shall be delegable, and any item deleted from the agenda in accordance with Subsection 8.4.2 shall cease to be delegable.

## **9. OPENING OF PROCEEDINGS**

- 9.1 As soon after the time for a meeting as there is a quorum present, the Mayor shall, if present, take the Chair and call the meeting to order.
- 9.2 Where the Mayor is absent, the Acting Mayor shall take the Chair and call the meeting to order.
- 9.3 Where both the Mayor and Acting Mayor are not in attendance within fifteen minutes after the time appointed for a meeting, the Corporate Officer shall call the members to order, and if a quorum is present, the members shall choose a member to Chair the meeting until the arrival of the Mayor or Acting Mayor.
- 9.4 If a quorum is not present within fifteen minutes after the time fixed for a meeting, the Corporate Officer shall record the names of the members present, and the meeting shall be deemed to have been cancelled.

## **10. MINUTES OF COUNCIL AND STANDING COMMITTEES**

- 10.1 The minutes of the proceedings of Council Meetings shall be kept as statutorily required.
- 10.2 The minutes of the proceedings of Standing Committees shall be kept as statutorily required.
- 10.3 Not less than 48 hours before the holding of each regular meeting the Corporate Officer shall send to each member of Council, a copy of the minutes of:
- 10.3.1 the last regular Council meeting;
  - 10.3.2 any Special Council meetings, including Public Hearings;
  - 10.3.3 Standing Committee meetings of Council;
  - 10.3.4 Advisory commission and other commission meetings
- for their adoption or receipt at the next regular meeting, where such meetings or hearings have been held more than five days prior to that regular Council Meeting.

## **11. RULES OF CONDUCT IN COUNCIL CHAMBERS**

- 11.1 Members shall address the presiding member by that person's title of

Mayor, Acting Mayor, Chair or Councillor.

- BL 2153**
- 11.2 A member shall not speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, ~~attendees~~, or ~~the members of Council~~. ~~members of the public~~.
- 11.3 A member shall not use words in a Council Meeting which, in the opinion of the Chair, are offensive.
- 11.4 When a member is speaking, another member shall not disturb or interrupt the speaker, except to raise a point of order.
- 11.5 When the Chair is putting a question, no member shall absent ~~himself~~ ~~themselves~~ without permission from the Chair.
- 11.6 Every member shall abide by the decision of the Chair on points of order, practice, and the interpretation of Council procedures, and every member has the right of statutory appeal.
- 11.7** Where any member ~~or attendee~~ is disrespectful to any of the persons mentioned in Section 11.2 of this bylaw, or if ~~he~~ ~~they~~ resists the rules of conduct or debate, the Chair may ask for that member ~~or attendee~~ to withdraw their remarks and may order the member ~~or attendee~~ to leave their seat. If the member ~~or attendee~~ refuses to leave, the Chair may order the removal of the member ~~or attendee~~ for the remainder of that meeting, and shall then declare a ten minute recess. If the offending member ~~or attendee~~ apologizes, Council may, by resolution, permit the member ~~or attendee~~ to resume their seat.

## 12. RULES OF DEBATE IN COUNCIL CHAMBERS

- 12.1 A member shall not speak other than on the motion under debate.
- 12.2 The Chair, or any member through the Chair, may call a Point of Order regarding the subject matter which the member is addressing.
- 12.3 When a Point of Order is raised, the Chair shall immediately suspend the debate, and the member in question shall refrain from speaking until the Point of Order is determined.
- 12.4 A member may request the motion under discussion to be read at any time during debate, but may not interrupt a member who is speaking.
- 12.5 Questions of information or clarification may be addressed to a speaker through the Chair, and the member to whom such questions are addressed shall be permitted the opportunity to reply.

- 12.6 A member shall not speak to any motion, or provide clarification of any matter, for a period longer than five minutes, without permission from Council. The mover of a motion may, however, speak again to close debate but shall be limited to a further five minutes.
- 12.7 After a question has been called by the Chair, a member shall not speak to the motion and no member shall make a further motion until after the result of the vote has been declared. The decision of the Chair as to whether the question has been called shall be final.

### 13. ANNUAL MEETING

- 13.1 The Corporate Officer must give notice of the council meeting or other public meeting in respect of which Council has resolved to consider:

**BL 2092** 13.1.1 the annual municipal report prepared under Section 98 of the *Community Charter*, and

13.1.2 submissions and questions from the public

by giving public notice by

**BL 2092** 13.1.3 posting notice of the date, time and place of the annual meeting on the notice board at City Hall, and

13.1.4 publishing notice of the date, time and place of the annual meeting in accordance with Section 94 of the *Community Charter*.

### 14. ELECTRONIC MEETINGS

- 14.1 Subject to section 128 of the *Community Charter*

**BL 2092** 14.1.1 A Special Council meeting, a Regular Council meeting or a select or standing committee meeting may be conducted by electronic means;

14.1.2 A Council member who is unable to attend a Special Council meeting, a Regular Council meeting or a select or standing committee meeting, which has been convened in accordance with this bylaw, may participate by electronic means;

14.1.3 Council members who participate in a Regular Council meeting, Special Council meeting or select or standing committee meeting conducted by electronic means must be able to hear, or to watch and hear, each other;

14.1.4 A Special Council meeting, select or standing committee meeting or a Regular Council meeting which is conducted by electronic means may be open to the public or closed to the public;

14.1.5 Notice of a Special Council meeting, which is not closed to the public and is to be conducted wholly or in part by electronic

means, may be given using a means of communication that the Town considers most likely to reach the public, and should include a brief description of:

- (a) the nature of the business to be transacted;
- (b) the way the meeting is to be conducted by electronic or other communication facilities; and
- (c) the place the public may attend to hear, or watch and hear, the proceedings;

14.1.6 Notice of a Regular Council meeting or select or standing committee meeting to be conducted by electronic means must be given in the same manner as an in person Regular Council meeting or an in person select or standing committee meeting, and must also include notice of:

- (a) the way the meeting is to be conducted; and
- (b) the place the public may attend to hear, or watch and hear, the proceedings;

14.1.7 Before holding a Closed Special Council meeting by electronic means, Council must state by resolution, passed in a public meeting:

- (a) the fact that the meeting or part of the meeting is to be closed; and
- (b) the basis under the applicable subsection of section 90 of the *Community Charter* for closing the meeting or part of the meeting;

14.1.8 The public meeting referred to in section 14.1.7 may be conducted by electronic means;

14.1.9 If notice is given under this bylaw that Council may attend a meeting by electronic means, then members of the public who are eligible to speak at the meeting may participate by electronic means;

14.1.10 The place the public may attend to hear and participate in the proceedings in accordance with this section 14.1.5 or 14.1.6 must provide:

- (a) facilities which enable the public to hear, or watch and hear, the meeting and participating Council members; and
- (b) a staff person in attendance who is a designated city representative; and

14.1.11 The Corporate Officer must confirm quorum at an electronic meeting, and each member must enable their video in order to allow for this.

## 15. MOTIONS

15.1 When a motion has been moved and seconded, the Chair shall permit debate on that motion, and that motion shall be recorded in the minutes.

15.2 The Chair, after determining that all members wishing to speak on the matter



have done so, may close debate by calling the question on the motion.

- 15.3 After a motion has been stated or read, it is deemed to be in the possession of the Council and it may be withdrawn by the mover and seconder of the motion, only with the unanimous consent of the Council members present.
- 15.4 When a motion is under consideration, and prior to the calling of the question, only the following motions shall be entertained, and in the following precedence:
  - 15.4.1 a motion to refer;
  - 15.4.2 a motion to amend;
  - 15.4.3 a motion to table;
  - 15.4.4 a motion to call the question.
- 15.5 Where the Chair is of the opinion that a motion is contrary to the rules and privileges of Council, the Chair shall advise the members accordingly without calling the question, and shall cite without argument or comment, the rule or authority applicable to the case. A member of Council who is dissatisfied with the decision of the Chair shall have the statutory right of appeal.
- 15.6 When an amendment to a main motion has been moved and seconded, the Chair shall on the request of a member, state the original motion, and the amendment, and shall permit debate only on the amendment.
- 15.7 A member, other than the mover of a main motion, may propose an amendment to that motion, but that amendment must be disposed of before any subsequent amendments are proposed.
- 15.8 If the amending motion is defeated and no further amendments are proposed, the Chair shall again propose the main motion, and debate may ensue on the main motion. If the amending motion is passed and no further amendments are proposed, the Chair shall then propose the main motion as amended.
- 15.9 A member may propose a sub-amendment to an amendment, and the provisions of Subsections 15.7, 15.8 and 15.9 regarding entitlement to move and speak to amendments, and with regard to the sequence in which the Chair shall deal with amendments shall also apply, so far as applicable, to sub-amendments.
- 15.10 The Chair shall put amendments to Council in the following order:
  - 15.10.1 the sub-amendment;
  - 15.10.2 the amendment to the main motion;

15.10.3 the main motion.

15.11 The amendments permitted under Subsection 15.7 and the sub-amendments permitted under Subsection 15.10 may be proposed by the deletion, addition, or substitution of words or figures, provided such words or figures do not, in the opinion of the Chair, affect the main motion or the amendment, whichever is applicable, to the extent that it is either:

15.11.1 negated; or

15.11.2 changed in such a way that either an alternative action is proposed or all reference to the original action is eliminated.

## 16. ~~RESCINDING OF A RESOLUTION~~ RECONSIDERATION

16.1 The Mayor may require the Council to reconsider and vote again on a matter that was the subject of a vote, in accordance with section 131 of the *Community Charter*.

16.2 Council may, within 30 days of a Council decision or at the next meeting of Council, whichever is greater, consider a motion to reconsider a matter, and if adopted, the same terms and conditions as set out in section 131 of the *Community Charter* apply as if the Mayor had required the reconsideration.

16.3 A vote to reconsider a matter, whether affirmative or negative, must not be reconsidered

~~16.1 A resolution adopted at a regular or special Council meeting may be rescinded at the next regular Council meeting provided:~~

~~16.1.1 Council has given due consideration to the actions, if any, taken by an officer, employee or agent of the Town on the basis of such resolution; and~~

~~16.1.2 A Notice of Motion regarding the intent to rescind has been served by a member who voted with the prevailing side; and either at the meeting at which the resolution was adopted, or in writing to the Corporate Officer prior to the next regular Council meeting in accordance with Subsection 8.2.~~

~~16.2 The server of a Notice of Motion in accordance with Subsection 16.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.~~

16.4 Council must not discuss the main matter referred to in subsection 16.2 unless a motion to reconsider that matter is adopted in the affirmative.

~~A motion resulting from a Notice of Motion served under Subsection 16.1 to rescind a resolution of Council:~~

~~16.3.1 is debatable;~~

~~16.3.2 may not be amended, tabled or referred;~~

~~16.3.3 is not delegable; and~~

~~16.3.4 may only be withdrawn by the server on a Point of Order, prior to being seconded or, upon being seconded, only with the unanimous consent of all the members present.~~

## ~~17. RECONSIDERATION OF A DEFEATED MOTION~~

~~17.1 A motion which has been defeated at a regular or special Council meeting may be reconsidered by the Council provided that the request to reconsider is:~~

~~17.1.1 brought forward by a member who voted with the prevailing side; and~~

~~17.1.2 presented either at the meeting at which the resolution was defeated, or the next regular Council meeting provided the member presents the request in writing to the Corporate Officer in accordance with Subsection 8.2.~~

~~17.2 The Server of a Notice of Motion in accordance with Subsection 17.1 shall, upon the motion being seconded, be requested by the Chair to state the reasons for the Notice. If the member who served the Notice is not present, the Notice of Motion shall be deemed to have been withdrawn.~~

~~17.3 A motion to reconsider a defeated motion resulting from a Notice of Motion served under Subsection 11.1:~~

~~17.3.1 may not be amended, tabled or referred;~~

~~17.3.2 is not delegable; and~~

~~17.3.3 may only be withdrawn by the server on a Point of Order, prior to being seconded; or upon being seconded, only with the unanimous consent of all the members present.~~

~~17.4 A motion to reconsider a defeated motion, resulting from a Notice of Motion, is debatable as to the merits of reconsideration and, if passed, Council shall immediately reconsider the original motion. The original motion:~~

~~17.4.1 is debateable;~~

~~17.4.2 may not be amended, tabled, referred or withdrawn; and~~

~~17.4.3 is not delegable.~~

~~17.5 Council shall not reconsider any defeated motion under this Subsection more than once.~~

~~17.6 The provisions of this Section shall also apply to Special "Closed Session" Meetings and a Notice of Motion in connection with the reconsideration of a defeated motion at a Special "Closed Session" Meeting, unless Council authorizes that such actions be considered at a regular meeting.~~

#### **17.18 VOTING ON A MOTION**

178.1 Whenever a vote of Council is taken for any purpose, each member of the Council present shall signify their vote upon the motion by raising their hand, whereupon the Chair shall declare the result. The Corporate Officer shall record the results of the vote in the minutes.

178.2 When a motion under consideration contains several propositions, the vote upon each proposition shall be taken separately, if so requested by any member of Council. A further mover and seconder shall not be required for each proposition, and the question shall be called on each proposition based on the original mover and seconder.

178.3 After council has taken a vote on any motion, Council shall not vote on that motion again at that same meeting.

178.4 When a vote is taken, all negative votes shall be recorded.

#### **18.19. PROCEDURES FOR DELEGATIONS TO COUNCIL**

189.1 A person or organization wishing to address Council as a delegation shall be heard by Council provided notification of this intent, including a summary of the matter which is the subject of the delegation and of the specific action which is being requested from Council by the delegation, is submitted to the Corporate Officer in accordance with the requirements of Subsection 8.2 of this Bylaw, for circulation with the Council agenda.

189.2 Notwithstanding Subsection 19.1 of this Bylaw, a person or organization wishing to address Council as a delegation, and who has not complied with the requirements of Subsection 8.2 of this Bylaw, may do so with a two-thirds majority consent of the Council.

189..3 Notwithstanding Subsection 19.1 of this Bylaw, delegations shall not be heard at regular or Special Council Meetings on matters relating to:

**BL 2184**      189..3.1 Official Community Plan amendment bylaws or zoning amendment bylaws;

189..3.2 Development Permits or Development Variance Permits, except

where Council is considering the issuance of such a permit at the same meeting;

~~189..3.3~~ Requests that have been dealt with previously by Council;

~~189..3.4~~ Requests that do not fall within the jurisdiction of the presiding body;

~~189..3.5~~ Requests that involve an issue which is before the courts or on which Council has authorized legal action; or

~~189..3.6~~ Requests that could be considered vexatious or frivolous.

**BL 2184** ~~189..4~~ For clarity, the provisions of this section do not apply to representations made as part of a public hearing convened pursuant to section 464 of the *Local Government Act*;

**BL 2092** ~~189..5~~ A delegation intending to use audio or audio-visual equipment or both, for the purposes of making a submission to Council shall advise the Corporate Officer by 12:00 noon on the Tuesday prior to the Council meeting, of the intent to use such equipment, on the understanding that the Town will assist with, but not be responsible for, the provision of the necessary equipment.

#### **19.20. PROCEDURES FOR QUESTION PERIOD**

**BL 2153** ~~20.1~~ **19.1** Agendas for Regular Council meetings shall include Question Period, ~~following prior to~~ all business items, ~~immediately prior to Adjournment.~~

~~20.2~~ **19.2** Question Period is limited to fifteen (15) minutes in duration, unless extended by a 2/3 majority vote of Council.

~~20.3~~ **19.3** A member of the public in attendance at Council Chambers may participate by standing at the speaker's podium or otherwise signaling and being recognized by the Chair.

~~20.4~~ **19.4** Each member of the public may have up to three (3) minutes total for questions and responses, unless extended by a 2/3 majority vote of Council.

~~20.5~~ **19.5** Members of the public must begin their questions by stating their name and address.

~~20.6~~ **19.6** Questions will be addressed through the Chair, who will respond directly. The Chair may also refer questions to the appropriate Committee or staff department for response.

~~20.7~~ **19.7** Members of the public will limit their questions to matters considered by Council at that meeting, except items noted in Subsection 19.3 of this bylaw.

~~20.8~~ 19.8 Questions must truly be questions and not statements or opinions by the questioner.

~~20.9~~ 19.9 A member of the public must not speak disrespectfully to any person or disregard the authority of the Chair.

~~20.10~~ 19.10 The Chair will determine, if necessary, whether sufficient discussion has taken place, and may direct the questioner to vacate the speaker's podium and return to the public seating area. The Chair may also close Question Period prior to its established conclusion based on this determination.

~~20.11~~ 19.11 Notwithstanding any sections in this bylaw, the authority under *The Community Charter* regarding expulsion from meetings applies to this section.

~~20.12~~ 19.12 Persons wishing to address Council during question period must be Town of Ladysmith residents, non-resident property owners or operators of a business.

## ~~21.20~~. PROCEDURES REGARDING BYLAWS

~~21.20~~.1 Except where required under another enactment:

~~BL 1971~~

~~21.20~~.1.1 every proposed bylaw may be introduced and given first, second and third readings in one motion;

~~BL 2092~~

~~BL 2184~~

~~21.20~~.1.2 the introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council;

~~21.20~~.1.3 any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause; and

~~21.20~~.1.4 every proposed bylaw shall come into force and effect on the date of adoption unless a subsequent date is specified in the bylaw.

~~BL 2184~~

## 21. 22. PUBLIC HEARINGS

21. 22.1 Where a public hearing is convened subject to section 464 of the *Local Government Act*:

21. 22.1.1 the Chair may allow the applicant to make the first representation;

21. 22.1.2 the Chair may establish time limits on representations, but shall not establish separate time limits for different speakers or limit the number of representations a person may make;

21. 22.1.3 the Chair may:

21. 22.1.3.1 afford special accommodations to persons wishing to make representations who have a disability affecting their ability to make a representation, speak English as a second language, or

- do not speak English; and
- ~~21. 22.~~1.3.4 arrange special accommodations under 22.1.3.1 in advance of the hearing without disclosing the arrangements as part of the hearing.

## **~~22. 23.~~ PUBLIC HEARINGS NOT HELD**

- ~~22. 23.~~1 A decision to proceed without a public hearing pursuant to section 464(2) of the *Local Government Act*:
- ~~22. 23.~~1.1 shall be made by a resolution of Council;
- ~~22. 23.~~1.2 shall be made prior to first reading of the bylaw; and
- ~~22. 23.~~1.3 shall not be made at the same meeting in which the proposed bylaw receives 1<sup>st</sup> reading.
- ~~22. 23.~~2 Where a public hearing is not held pursuant to section 464(2), (3) or (4) of the *Local Government Act*, no representations or written submissions shall be received by Council.
- ~~22. 23.~~3 Notwithstanding subsection 23.2, the Chair may refer a question of Council to the applicant, and the applicant may address Council to answer the question if:
- ~~22. 23.~~3.1 the applicant is present at a Council meeting;
- ~~22. 23.~~3.2 the bylaw has not received first reading; and
- ~~22. 23.~~3.3 the question and answer are limited to the technical aspects of the application.

## **~~23. 24.~~ COMMITTEE OF THE WHOLE**

*BL 2023*

- ~~23. 24.~~1 Council will meet as Committee of the Whole on the second Tuesday of every second month to give preliminary consideration to proposed policies, services and/or other matters and make recommendations to Council.
- ~~23. 24.~~2. Committee of the Whole meetings will take place at **Ladysmith Seniors Centre at 630 2<sup>nd</sup> Avenue City Hall** unless, by resolution, Council has chosen another location specified in the resolution.

## **~~24. 25.~~ STANDING COMMITTEES OF COUNCIL AND SELECT COMMITTEES**

- ~~24. 25.~~1 At the Inaugural Meeting of Council, or at such other times as considered appropriate, the Mayor may establish Standing Committees of Council, and shall appoint members thereto.
- ~~24. 25.~~2 The Mayor shall be an Ex-Officio member of all Committees established in accordance with Subsection 22.1 of this bylaw, and shall be entitled to vote at all meetings thereof. In the absence of the Mayor, the Acting Mayor shall have the same Ex-Officio voting privileges at Standing and Select Committee Meetings, except where the Acting Mayor is already a voting member of that

Committee.

**24. 25.3** The mandate of each of the Standing Committees of Council shall be as established by Council policy, but the general duties of Standing and Select Committees shall be to:

**24. 25.3.1** report to Council from time to time, as often as the interests of the Town require, on all matters connected with the duties imposed upon them, and to recommend such action by Council as may be deemed necessary and expedient; and

**24. 25.3.2** consider and report upon all matters referred to them by Council.

**24. 25.4** Any business referred to a Standing Committee shall not be determined by Council until the Committee has reported on it, unless the Committee fails to report within the time set in the referral motion or, if no time is set, within a time considered by Council to be reasonable.

**24. 25** Members may attend the meetings of a Standing Committee of which they are not a member. ~~and;~~

**BL 2153**

~~23.5.1 — shall not be allowed to vote at the Committee meeting of which they are not a member.~~

~~The provisions of this Subsection do not apply to the Mayor or, in the Mayor's absence, the Acting Mayor.~~

## **25. 26. MISCELLANEOUS PROVISIONS**

**25. 26.1** All points of procedure not provided for in this bylaw shall be decided in accordance with Roberts Rules of Order.

**25. 26.2** If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

**25. 26.3** Any provision of this bylaw, excluding those governed by the *Local Government Act* and *Community Charter*, may be waived by a majority of the Council members present.

**25.4** In the case of either a Notice of Legal Action or an Active Legal Action in which the Town is a litigant, no member of Council shall interact in any manner with the opposing party(ies), their legal counsel, representatives or proxies regarding said legal action. Further, no member of Council shall discuss nor reveal details of such Notice of Legal Action or Active Legal Action to any a third party outside of Council or Exempt Leadership Staff of the Town.



**26. ~~27~~. REPEAL OF PREVIOUS BYLAWS**

**26. ~~27~~.1** "Procedure Bylaw 1995, No. 1159" and any amendments thereto is hereby repealed.

**27. ~~28~~. CITATION**

**26. ~~27~~.1** This bylaw may be cited for all purposes as "Council Procedure Bylaw 2009, No. 1666".

**READ A FIRST TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A SECOND TIME** on the 2<sup>nd</sup> day of February, 2009

**READ A THIRD TIME** on the 2<sup>nd</sup> day of February, 2009

**ADOPTED** on the 2<sup>nd</sup> day of March, 2009

Original signed by

\_\_\_\_\_  
Mayor, R. Hutchins

Original signed by

\_\_\_\_\_  
Corporate Officer, S. Bowden

### **Mayor may require council reconsideration of a matter**

**131** (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.

(2) As restrictions on the authority under subsection (1),

(a) the mayor may only initiate a reconsideration under this section

(i) at the same council meeting as the vote took place, or

(ii) within the 30 days following that meeting, and

(b) 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 council, or

(ii) there has already been a reconsideration under this section in relation to the matter.

(3) On a reconsideration under this section, the council

(a) must deal with the matter as soon as convenient, and

(b) 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.

(4) 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.

**Source: *Community Charter*, SBC 2003, c. 26, Division 2, s. 131, BC Laws**

April 10, 2024

FILE: 0400-90

Via email: [Rick.Hastings@islandhealth.ca](mailto:Rick.Hastings@islandhealth.ca)

Rick Hastings, Director of Facilities Maintenance & Operations.  
Nanaimo Regional General Hospital - NRGH  
1200 Dufferin Crescent  
Nanaimo, BC V9S 2B7

Dear Mr. Hastings,

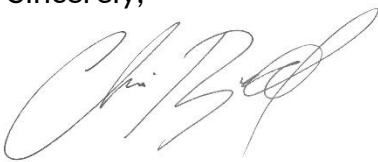
**RE: Ladysmith Community Health Centre**

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At the Town of Ladysmith Council meeting held Tuesday, March 19 2024, Council requested that a letter be sent to Island Health requesting a meeting to discuss the possibility of turning the area around the Ladysmith Community Health Centre into community gardens.

Please advise if you are able to meet to discuss this more fully.

Sincerely,



Chris Barfoot  
Director of Parks, Recreation & Culture