

BYLAW NO. 1659, 2004

CONSOLIDATED
COUNCIL PROCEDURE BYLAW

A BYLAW OF THE RESORT MUNICIPALITY OF WHISTLER

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Resort Municipality of Whistler

BYLAW NO. 1659, 2004

THIS BYLAW GOVERNS MEETINGS OF COUNCIL AND COMMITTEES OF THE COUNCIL OF THE RESORT MUNICIPALITY OF WHISTLER

WHEREAS the Council of the Resort Municipality of Whistler must by bylaw regulate Council meetings and their conduct, and must by bylaw provide for the procedure that is to be followed in passing bylaws, pursuant to the *Community Charter*;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

PART 1 - INTRODUCTION

1. Citation

This bylaw may be cited as “Council Procedure Bylaw No. 1659, 2004”.

2. Definitions

In this bylaw:

- (a) “Chair” means the Mayor, Acting Mayor, or other Member who is chairing a meeting;
- (b) “Corporate Officer” means the Municipal Clerk of the Resort Municipality of Whistler or a person designated by Council by name of office or otherwise to act in the place of the Corporate Officer;
- (c) “Council” means the Council of the Resort Municipality of Whistler;
- (d) “Councillor” means a member of Council other than the Mayor;
- (e) “Mayor” means the Mayor of the Resort Municipality of Whistler;
- (f) “Member” means a member of Council, Committee or Commission;
and
- (g) “Public Notice Posting Place” means the bulletin board at the front entrance to the municipal hall located at 4325 Blackcomb Way, Whistler, B.C.

3. Bylaw Applicability

The rules and regulations contained in this bylaw apply to all proceedings of the Council, its Committees and Commissions.

PART 2 – COUNCIL MEETINGS

4. Notice of Council Meetings

(1) Meeting Schedule

- (a) The Corporate Officer must prepare and give notice annually on or before December 31st, of a schedule of the dates, times, and places of Regular Council meetings for the next calendar year and must make the schedule available to the public by posting it at the Public Notice Posting Place and publishing it in the newspaper in accordance with the *Community Charter*.
- (b) If revisions are necessary to the annual schedule of Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Place and publish it in the newspaper to indicate any revisions to the date, time, duration and place of, or cancellation of a Regular Council meeting.

(2) Time, Location, Duration and Notice of Regular Meetings

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Regular meetings of the Council will:

- (a) be held on the first and third Tuesday of each month except January in which regular council meetings will be held the second and fourth Tuesdays;
- (b) be held in the council chambers at the municipal hall unless Council otherwise resolves;
- (c) begin at 5:30 p.m. unless Council otherwise resolves;
- (d) if a public hearing is necessary, be adjourned at 6:00 p.m. when the Public Hearing commences, and continue immediately after the close of the Public Hearing;
- (e) adjourn no later than 11:30 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time; and
- (f) be held on the next day the municipal hall is open should a regular Council meeting fall on a statutory holiday.

(3) Posting of Notice of Regular Meetings

At least 72 hours prior to a Regular meeting, the Corporate Officer must:

- (a) post a public notice at the Public Notice Posting Place; and
- (b) post a public notice on the municipal website,

and the notice must contain the date, time, place and agenda for the meeting.

5. Inaugural Meeting of Council

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The first Regular meeting following a general local election must be held on the first Tuesday in December following the general local election.

6. Calling of Meeting to Order and Quorum

- (1) As soon after the time fixed for the holding of the meeting of the Council a quorum is present, the Chair must take the chair and call the meeting to order.
- (2) If a quorum of Council is present but the Mayor or Acting Mayor do not attend within 30 minutes of the scheduled time for a Council meeting:
 - (i) the Corporate Officer must call to order the members present; and
 - (ii) the members present must choose a member to preside at the meeting.

7. Adjourning Meeting where No Quorum

If there is no quorum of Council present within 30 minutes of the scheduled time for a Council meeting, the Corporate Officer must:

- (i) record the names of the members present, and those absent; and
- (ii) adjourn the meeting until the next scheduled meeting.

8. Cancellation of Meetings

The Council may by resolution:

- (a) cancel, adjourn or reschedule any regularly scheduled meeting; and
- (b) change the time or location for the holding of a regular meeting.

9. **Electronic Meetings**

Subject to the *Community Charter*

- (a) a special meeting may be conducted by means of electronic or other communications facilities;
- (b) a member of Council or a Council committee who is unable to attend a Council meeting or a Council committee meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities; and
- (c) the Chair of the meeting plus at least a quorum of its members must be present at the meeting when electronic or other communications facilities is being used by another member.

PART 3 – PROCEDURE FOR COUNCIL MEETINGS

10. **Appointment of Acting Mayor**

- (1) Before December 31 each year, the Council must, in respect of the ensuing calendar year, designate from among its members, Councillors to serve on a rotating basis to act in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor so designated must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated as Acting Mayor are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting under section 6(2).

11. **Conduct of Proceedings at a Meeting of Council**

The Chair must:

- (a) open a meeting of Council by taking the chair and calling the members to order;
- (b) announce the business before Council in the order in which it is to be acted on;
- (c) receive and submit, in proper manner, all motions presented by members;
- (d) put to a vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the result;

- (e) decline to put to vote motions which infringe on the rules of procedure;
- (f) inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- (g) ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council;
- (h) close the meeting when the business is concluded; and
- (i) adjourn the meeting without question put in the case of grave disorder arising in the Council chamber.

12. Order of Business at Regular Meetings (Agenda)

- (a) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda. Unless the Council otherwise resolves, business must be dealt with at every regular meeting in the following order, when applicable:
 - (i) Adoption of meeting agenda;
 - (ii) Adoption of minutes;
 - (iii) Public Question and Answer period;
 - (iv) Presentations/Delegations;
 - (v) Correspondence;
 - (vi) Mayor's reports;
 - (vii) Information reports;
 - (viii) Administrative reports;
 - (ix) Policy reports;
 - (x) Minutes of committees;
 - (xi) Activity reports;
 - (xii) Bylaws for first and second reading;
 - (xiii) Bylaws for first, second and third reading;
 - (xiv) Bylaws for third reading;
 - (xv) Bylaws for adoption;

- (xvi) Items brought forward from closed meetings;
- (xvii) Items for information;
- (xviii) Items having prior notice of motion;
- (xix) Other business; and
- (xx) Adjournment.

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- (b) The deadline for submissions by the public to the Corporate Officer of items for inclusion on the Council meeting Agenda is 12:00 pm (noon) on the Wednesday prior to the Council meeting.
- (c) The Corporate Officer must make the Agenda available to the members of Council and the public on the Friday afternoon prior to the meeting.
- (d) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item under section 12(a)(i). Materials relating to late items presented at a Council meeting shall be distributed to the Corporate Officer, the Recording Secretary and all senior staff in attendance.
- (e) Unless Council otherwise resolves, business during a meeting or portion of a meeting that has been closed to the public shall be dealt with in the following order:
 - (i) Call to order;
 - (ii) Adoption of agenda;
 - (iii) Adoption of minutes;
 - (iv) Correspondence;
 - (v) Information report;
 - (vi) Administrative report;
 - (vii) Verbal report;
 - (viii) Items to be brought forward to a regular council meeting; and
 - (ix) Adjournment.
- (f) In the case of an inaugural meeting of Council, the Corporate Officer shall have prepared and printed for the use of the Members at the inaugural meeting of Council an agenda under the following headings (when applicable):
 - (i) Administration of oaths of office and oaths of allegiance;

- (ii) Reports;
- (iii) Appointments;
- (iv) Presentations;
- (v) Mayor's inaugural address; and
- (vi) Adjournment.

13. Agenda Items

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- (a) Any member may place an item of business on the Agenda for a regular meeting by giving written notice of the item, in reasonable detail, to the Corporate Officer by 12 noon on the Wednesday prior to the meeting; and
- (b) Items deemed by Council to be urgent may be placed on the Agenda by resolution at the time the Agenda is adopted under section 12(a)(i) and 12(d) except that a new item of business may be added to the Agenda of a special meeting only if all members of the Council are in attendance and unanimously agree to the addition of the new item.

14. Minutes

- (a) The minutes of the meetings of Council must legibly record:
 - (i) the place, date and time of meeting;
 - (ii) the name of the Mayor, Councillors and staff in attendance;
 - (iii) the adoption and correction, if necessary, of the minutes of prior regular or special meetings, as the case may be;
 - (iv) the names of movers and seconders of motions;
 - (v) the status of motions;
 - (vi) shall be certified as correct by the Corporate Officer; and
 - (vii) shall be signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (b) The minutes of meetings of Council must not record withdrawn Motions.
- (c) When a Member leaves the council meeting place during a meeting, the Member's absence will be recorded in the minutes for the period the Member is absent from the meeting place.

- (d) Minutes of Council meetings and Council committee meetings must be open for public inspection at municipal hall during its regular office hours.
- (e) Subsection 14(d) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded.

15. Procedure if Sponsoring Councillor Absent

Council may not proceed with an item of business on the agenda in the absence of the Member at whose request the item was placed on the agenda unless:

- (a) written consent of the absent Member is presented to the person Chairing the meeting; or
- (b) Council resolves to proceed with that item of business despite the absence of that Member.

16. Petitions and Communications (Correspondence)

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Every communication, including petitions and communications (correspondence) presented to Council, must be legibly written or printed, signed and contain a return address. Unsigned email correspondence will be accepted if it contains the name of the author, return mailing and civic address, and telephone number.

Every petition or communication (correspondence) for a Council meeting must be delivered to the Corporate Officer by 12 noon on the Wednesday prior to a regular meeting.

17. Delegations

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Persons desiring to present information on matters of fact or make a request of Council in person shall give written notice to the Corporate Officer, by 12 noon on the Wednesday prior to a regular meeting.

The Corporate Officer shall advise the presenter or the spokesperson of the date of the meeting at which the petition may be presented or the delegation may appear.

The written notice must provide a detailed synopsis of the request to appear before Council, outlining the reasons, the desired resolution and the activities to date relative to the matter and identify the person who will make the presentation. Subject to leave of Council, a maximum time of five (5) minutes will be allowed per delegation and each speaker is deemed to be a delegation, and a maximum of five (5) delegations may be received at a Council meeting.

Council must not permit a delegation to address a meeting of Council regarding a bylaw in respect of which a statutory public hearing has been held, if the public hearing is

required under an enactment as a prerequisite to the adoption of the bylaw, unless Council first resolves to hold another public hearing on the bylaw.

The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.

PART 4 - POINTS OF ORDER AND PRIVILEGE

18. Recognition of Speakers

A member may speak in a meeting after the Member has raised his or her hand and the Chair has recognized the Member. If two or more Councillors raise their hands at the same time, the Mayor may designate the order in which each is to speak. If the Mayor wishes to speak in a meeting, the Mayor need only address the meeting. If a Councillor has raised his or her hand at the same time the Mayor begins to speak, the Mayor may speak first.

19. Manner of Address by Speakers

A member must address the Mayor as "Mr. Mayor" or "Madam Mayor", as the case may be. A member must address a member by that person's surname preceded by the word "Councillor".

20. Rules of Debate

Every member prior to speaking to any question or motion shall address the Chair. When two or more members wish to speak, the Chair must designate the Member who has the floor.

The Mayor may participate in the debate of Council.

When a member is speaking, no other member may interrupt him or her except to raise a question of privilege, point of order, or unless the other member consents.

Any member may require a question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question must be stated succinctly.

No Councillor may cause a disturbance at or disrupt a meeting.

When the Chair is of the opinion that there has been sufficient debate he or she may put the question.

21. Mayor to Give Basis for Ruling

At the time any ruling is made by the Chair on a point of order, the Chair, if requested by a member, must inform the Council of the ground upon which the ruling is made.

22. Rules of Order Apply

All matters of order, privilege and procedure not provided for in this bylaw or the *Community Charter* are governed by Roberts Rules of Order (newly revised).

23. Motions

- (a) Motions must be phrased in a clear and concise manner so as to express an opinion or achieve a result.
- (b) A motion must be formally moved and seconded before debate can take place on the motion.
- (c) All motions are debatable, except where this bylaw prescribes otherwise.
- (d) The Chair may require that motions other than routine motions must be put in writing before being debated or put from the Chair.
- (e) If a motion is under consideration, no other motion may be received except a motion to:
 - (i) adjourn or terminate;
 - (ii) raise a question of privilege or point of order;
 - (iii) table;
 - (iv) call the question;
 - (v) refer the question;
 - (vi) postpone the question indefinitely;
 - (vii) postpone the question for a specific time; and
 - (viii) amend.
- (f) A motion to adjourn the debate or to adjourn the meeting need not be in writing but is always in order and must be decided without debate. If a motion to adjourn is defeated, no further motion to adjourn may be made unless some business or another matter intervenes between the defeat of the first motion to adjourn and the further motion.
- (g) A motion for the question, which is undebatable precludes all amendments of the main question and must be put in the following words:

"Call for the question"; and

if this motion is then resolved in the affirmative, the main question must be put forthwith without amendment or debate; but if the motion is resolved in the negative the main question may then be debated and amended.

- (h) A motion to refer a matter with or without instruction may be amended.

24. Resolutions

Resolutions must be dealt with on a motion put by a member and seconded by another member.

25. Withdrawal of Motion

After a motion is read or stated by the Chair it is deemed to be in possession of the Council but may be withdrawn by the mover of the motion at any time before it has been amended or voted on by Council. Withdrawn motions will not be recorded in the minutes.

26. Motion to Divide

A motion containing distinct proposals may be divided by leave of Council.

27. Notice of Motion

Any member may give a "notice of motion" which he or she intends to present to Council by giving a copy of such motion to the Corporate Officer during a meeting of the Council. Upon the Member being acknowledged by the Chair and the notice of motion being read to the meeting, such motion shall appear in the minutes of that meeting as a notice of motion and must be placed on the agenda of the next regular meeting of Council.

28. Inadmissible Motion

If the Chair considers that a motion is contrary to a bylaw, the *Community Charter* or another enactment, or is otherwise contrary to law, the Chair must inform the Council at once and may refuse to put the question to a vote. On the request of a Member, the Chair must give reasons for such refusal at once.

29. Recording and Reading of Motions

The Corporate Officer must record in the minutes the text of every motion other than procedural motions. After a motion has been moved and seconded by another member, the Corporate Officer, if requested by a Member, must read the motion aloud to the meeting before the motion is debated or put to the vote by the Chair. A motion may not be withdrawn after it has been amended or voted on by the Council.

30. Amendment of Motions

A member may move to amend a motion being considered by the Council, but that member may not move any further amendments to that motion. A member may move to amend an amendment already moved, but only one motion to amend an amendment may be made. A motion to amend must be seconded.

31. Effect of Motion to Amend

If a motion to amend a motion is:

- (a) carried, the motion which has been amended is to be voted on as amended; or
- (b) defeated, the motion in respect of which the amendment was moved is to be voted on unamended.

A motion to amend must either be withdrawn or voted on before the motion which would be amended may be voted on.

32. Question to be put after Debate

The Chair must put every question to a vote immediately after debate on that question.

33. Voting on Motions

- (a) Voting on a motion and amendments to it must be done in the inverse order to the occurrence, that is to say, the vote must occur firstly on amendments and lastly on the original motion.
- (b) Immediately preceding the taking of the vote, the Chair may state the question and must do so if required by a member.
- (c) After a question is finally put by the Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the results have been declared.

34. Voting by Show of Hands

A member must vote on every question put to a vote by raising his or her hand.

35. Recording of Votes

On request of a member, the Corporate Officer must record in the minutes for the meeting the name of the member and the way in which the member voted on the motion.

36. Calling of Division

A member may call for a division upon the result of a vote being announced by the Mayor. The Mayor must at once call a division and all members must state aloud what

their vote on the question is. The Corporate Officer must record in the minutes for the meeting the name of each member and the way in which the member voted on the question.

37. Recording Negative Votes

The Corporate Officer must record in the minutes of a meeting the name of any member who voted in the negative on any motion.

38. Reconsideration

- (a) A member who voted with the majority either for or against a motion may, at any time within one month of the vote, introduce a motion to reconsider the motion including the defeat of a motion, if the motion has not been acted on irreversibly by an officer, employee or agent of the municipality.
- (b) A motion under paragraph (a) must be introduced on notice.
- (c) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding will not be open for consideration by the Council within 6 months except by way of a new and substantially different motion.

PART 5 - BYLAWS

39. Proposing and Readings of Bylaws

- (a) The readings of bylaws and the adoption of bylaws must be dealt with on a motion put by a member and seconded by another member.
- (b) The readings of a proposed bylaw may be given in a short form by title or by reference to the bylaw number, provided a copy of the proposed bylaw has been included in the agenda or made available for viewing.
- (c) Unless Council otherwise resolves, before Council considers any proposed bylaw, the Corporate Officer shall provide each member with a copy of the proposed bylaw.
- (d) Council has adopted a bylaw when all approvals and procedures required by statute prior to adoption have been followed and Council has given the following three readings to the bylaw:
 - (i) first reading, which is by title only;
 - (ii) second reading, which is by title only unless Council resolves to have a proposed bylaw read aloud in whole or in part;
 - (iii) third reading, which is by title only; and

- (iv) adoption.
- (e) Subject to this bylaw and any other law, the Council may give any or all three readings of a bylaw at one meeting.
- (f) Council may postpone consideration of a bylaw following a vote on any reading.
- (g) The Corporate Officer must specify at the end of any bylaw the dates of readings and adoption and the dates any applicable statutory requirements were fulfilled.
- (h) The Council member presiding at the meeting at which the bylaw was adopted and the Corporate Officer must sign the adopted bylaw.

PART 6 – RESOLUTIONS

40. Copies of Resolutions to Council Members

A resolution may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 6 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

41. Form of Resolution

A resolution introduced at a Council meeting must be legibly printed.

42. Introducing Resolutions

The Chair of a Council meeting may:

- (a) read or have the Corporate Officer read the resolution; and
- (c) request a motion that the resolution be introduced.

PART 7 - COMMITTEES

43. Procedures Governing Standing, Select and Other Committees of Council

- (a) The rules of procedure in this section govern every committee with the exception that advisory groups are not required to give public notice of meetings.
- (b) Subject to the other rules contained in this section, the rules of procedure and order which govern regular Council meetings govern every committee meeting.
- (c) The number of times a member may speak on any matter is not limited.
- (d) If a delegation wishes to appear before the committee their request is to be considered by the committee. If the committee resolves to

receive the delegation, the committee must designate the meeting at which the delegation is to appear and may resolve to hear the delegation forthwith.

- (e) A committee must meet when:
 - (i) its Chair so directs;
 - (ii) the Mayor so directs;
 - (iii) directed to meet by resolution of the Council; or
 - (iv) a majority of the members of the committee resolve to meet.

- (f) The committee Chair must give at least 48 hours notice of a meeting to the members of the committee when the meeting is called, and cause the Corporate Officer to keep minutes of the proceedings of the committee. Failure to give the required notice does not invalidate the conduct of business at the meeting if the majority of the members of the committee present, by resolution, declare the business to be urgent and waive the giving of the notice.

- (g) If the committee wishes to present a written report to a regular meeting of Council, its Chair must deliver the report to the Corporate Officer by noon on the Tuesday before the next regular Council meeting and the Corporate Officer must include the report in the Council package for the next regular meeting, whereupon the Council must include the presentation of the report on the Agenda. Council may resolve to abridge the time for delivery of the report and receive the report.

44. Reporting to Council by Committees

- (a) Committees report to Council through their minutes.
- (b) The proceedings of a standing committee are subject to approval of Council.
- (c) A select committee is dissolved on delivering its report to the Council unless:
 - (i) the report is delivered as an interim report for the information of the Council, or
 - (ii) Council resolves to request the committee to consider or enquire into a further matter and to report its findings to the Council.

PART 8 - COMMISSIONS

45. Schedule of Commission meetings

- (a) At its first meeting after its establishment, a Commission must establish a regular schedule of meetings.
- (b) The Chair of a Commission may call a meeting of the commission in addition to the scheduled meetings or may cancel a meeting.

46. Notice of Commission Meetings

- (a) Subject to subsection (b), after the Commission has established the regular schedule of Commission meetings, including the times, dates and places of the Commission meetings, notice of the schedule must be given by:
 - (i) posting a copy of the schedule at the Public Notice Posting Place; and
 - (ii) providing a copy of the schedule to each member of the Commission.
- (b) Where revisions are necessary to the annual schedule of the Commission meetings, the General Manager responsible must, as soon as possible, post notice at the Public Notice Posting Place which indicates any revisions to the date, time and place for cancellation of a Commission meeting.
- (c) The Chair of a Commission must cause a notice of the day, time and place of a meeting called under 46(b) to be given to all members of the Commission at least 24 hours before the time of the meeting.

47. Minutes of Commission meetings to be maintained and available to the public

Minutes of the proceedings of a Commission must be:

- (a) legibly recorded; and
- (b) signed by the Chair or a member presiding at the meeting and open for public inspection.

48. Reporting to Council by Commissions

- (a) Commissions report to Council through their minutes.
- (b) The proceedings of a Commission are subject to approval of Council.

49. Quorum

The quorum of a Commission is a majority of all of its members.

50. Conduct and Debate

The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

PART 9 – GENERAL

51. Validity of Bylaw

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

52. Amendment of Bylaw

This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with the *Community Charter*.

PART 10 - REPEAL OF EXISTING BYLAWS

53. Repeal of Bylaws

"Council Procedure Bylaw No. 1454, 2000", "Council Procedure Amendment Bylaw No. 1569, 2002", and "Council Procedure Amendment Bylaw No. 1620, 2003" are repealed.

This copy of "Council Procedure Bylaw No. 1659, 2004" has been consolidated and printed by the authority of the Corporate Officer of the Resort Municipality of Whistler pursuant to Section 139 of the Community Charter

Dated this 26th day of February, 2009

Shannon Story
Corporate Officer