

TOWN OF LADYSMITH



LADYSMITH

“Council Procedure Bylaw 2009, NO. 1666”

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March 2, 2009

Includes Amendment Bylaw Nos.: 1845, 1971, 20223, 2092

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:

- (a) be held on the first and third Tuesday of each month, with the exception of January in which no meeting will be held the first Tuesday, and in August in which only one meeting will be held;
- (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 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 2nd 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 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 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:

“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:

- (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*.

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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.

- 11.2 A member shall not speak disrespectfully of Her Majesty The Queen or any other member of the Royal Family, the Governor General, the Lieutenant Governor, persons administering the Government of Canada or British Columbia, Council, or the members of Council.
- 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 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 is disrespectful to any of the persons mentioned in Section 11.2 of this bylaw, or if he resists the rules of conduct or debate, the Chair may ask for that member to withdraw their remarks and may order the member to leave their seat. If the member refuses to leave, the Chair may order the removal of the member for the remainder of that meeting, and shall then declare a ten minute recess. If the offending member apologizes, Council may, by resolution, permit the member 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

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.

16.3 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.

18. VOTING ON A MOTION

- 18.1 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.
- 18.2 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.
- 18.3 After council has taken a vote on any motion, Council shall not vote on that motion again at that same meeting.
- 18.4 When a vote is taken, all negative votes shall be recorded.

19. PROCEDURES FOR DELEGATIONS TO COUNCIL

- 19.1 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.
- 19.2 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.
- 19.3 Notwithstanding Subsection 19.1 of this Bylaw, delegations shall not be heard at regular or Special Council Meetings on matters relating to:
 - 19.3.1 Official Community Plan amendment bylaws or zoning amendment bylaws which have received first reading and which have not yet been adopted or defeated;
 - 19.3.2 Development Permits or Development Variance Permits except where Council is considering the issuance of such a permit at the same meeting.
- 19.4 The provisions of Subsections 19.1 to 19.3 inclusive do not apply to a Special Council Meeting for the purpose of holding Public Hearings on land use matters.

- BL 2092** 19.5 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.

20. PROCEDURES REGARDING BYLAWS

- 20.1 Every proposed bylaw, except a bylaw requiring a Public Hearing, may be introduced and given first, second and third readings in one motion.
- 20.2 The introduction and readings of a bylaw shall be undertaken separately if so requested by any member of Council.
- 20.3 Any member may move that Council, after any reading of a bylaw, consider the bylaw clause by clause.
- 20.4 Every proposed bylaw shall come into force and effect on the date of adoption unless, in accordance with the provisions of the *Community Charter*, a subsequent date is specified in the bylaw.
- BL 1971**
BL 2092 20.5 Every proposed bylaw on which a Public Hearing is required shall, upon being given first and second reading, be submitted to a future meeting for the purpose of holding Public Hearings for which all statutory notification and advertising requirements can be satisfied unless Council, by resolution, directs otherwise.

21. COMMITTEE OF THE WHOLE

- BL 2023** 21.1 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.
- 21.2. Committee of the Whole meetings will take place at City Hall unless, by resolution, Council has chosen another location specified in the resolution.

22. STANDING COMMITTEES OF COUNCIL AND SELECT COMMITTEES

- 22.1 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.
- 22.2 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.

- 22.3 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:
- 22.3.1 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
 - 22.3.2 consider and report upon all matters referred to them by Council.
- 22.4 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.
- 22.5 Members may attend the meetings of a Standing Committee of which they are not a member and;
- 22.5.1 may participate in discussion on items on the Committee agenda upon being recognized by the Chair;
 - 22.5.2 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.

23. MISCELLANEOUS PROVISIONS

- 23.1 All points of procedure not provided for in this bylaw shall be decided in accordance with Roberts Rules of Order.
- 23.2 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.
- 23.3 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.

24. REPEAL OF PREVIOUS BYLAWS

- 24.1 “Procedure Bylaw 1995, No. 1159” and any amendments thereto is hereby repealed.

25. **CITATION**

25.1 This bylaw may be cited for all purposes as “Council Procedure Bylaw 2009, No. 1666”.

READ A FIRST TIME on the 2nd day of February, 2009

READ A SECOND TIME on the 2nd day of February, 2009

READ A THIRD TIME on the 2nd day of February, 2009

ADOPTED on the 2nd day of March, 2009

Original signed by

Mayor, R. Hutchins

Original signed by

Corporate Officer, S. Bowden