

RECONSIDERATION BY COUNCIL MEMBERS

BYLAW NO. 251 - SECTION 25

PROPOSED BY COUNCILLORS BURNS AND MCLEAN

FOR THE MEETING OF MAY 1, 2017

RE: SUBDIVISION AND PARK DEDICATION – PLA-01-16

MOVED BY: _____

SECONDED: _____

That the question on the following Motion, from the April 18, 2017 Council meeting, be reconsidered:

MOTION: 120/ 2017
MOVED BY: COUNCILLOR MCLEAN
SECONDED: COUNCILLOR BURNS

That staff be directed to obtain a written legal opinion on s. 510 subsection (6) (b) (i), (ii), and (iii) of the *LGA* and that this matter be referred to a future Council meeting after receiving that opinion.


Note from Corporate Officer:

Once the question above is called, and if the motion carries, the *original* motion from April 18th is **on the floor** for reconsideration/discussion and voting.

As described in section 25 (3) of Bylaw No. 251 – “Council members must not discuss the **main matter** referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative”. **Accordingly, debate regarding the actual motion for a legal opinion must not occur until a motion has been carried to reconsider it.**

Section 25 in its entirety:

Reconsideration by Council Member

25. (1) Subject to subsection (5), a Council member may, at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
-  (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
- (a) had the approval or assent of the electors and been adopted,
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*
 - (c) been acted on by an officer, employee, or agent of the District.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.