

**COMMUNITY OF MILTONVALE PARK, PEI
COUNCIL PROCEDURAL BYLAW
BYLAW #2014-01**

This Bylaw is made under the authority of the *Municipalities Act*, Chapter M-13, R.S.P.E.I., 1988.

WHEREAS the *Municipalities Act* authorizes municipal councils to pass bylaws for the procedure and conduct of council meetings, council committee meetings, and the conduct of the members of council and council committees, and generally for the transaction of its business;

AND WHEREAS the Community of Miltonvale Park council finds it desirable to establish and follow procedures of municipal governance that reflect an open and transparent process of decision making wherein decisions are made after all relevant information has been provided;

THEREFORE IT IS ENACTED by the Council of the Community of Miltonvale Park as follows:

1.0 Title

This bylaw shall be cited as the “Council Procedures Bylaw”.

2.0 Definitions

In this bylaw

“Act” means the *Municipalities Act*, Chapter M-13, R.S.P.E.I., 1988 as may be amended from time to time;

“administration” means the employees, including the administrator, of the Community of Miltonvale Park;

“administrator” means the person appointed to that position by council under the Act;

“council” means the council of the Community of Miltonvale Park;

“vice chairperson” means the council member who is appointed by the chairperson to act as chairperson in the absence or illness of the chairperson;

“*in camera*” means a portion of a committee meeting in which only members of the committee, members of council, or persons designated by the committee or council may attend;

“presiding officer” means the chairperson, or in his or her absence the vice chairperson;

“quorum” means the chairperson, or in their absence the vice chairperson, and at least one half of councillors then holding office;

“special meeting” means a special meeting called by the chairperson, or in their absence the vice chairperson, in accordance with the Act.

3.0 Application

3.1 This bylaw applies to all meetings of the Council, and meetings of committees as applicable.

3.2 To the extent that a procedural matter is not dealt with in the Act or this bylaw, council shall refer to *Robert's Rules of Order Newly Revised* and they shall prevail.

3.3 The order of precedence of the rules governing the procedures of Council is

- a) the Act;
- b) other applicable legislation;
- c) this bylaw;
- d) *Roberts Rules of Order Newly Revised*.

4.0 Meetings (Regular and Special)

4.1 Regular meetings of council shall be held on the third Wednesday of each month, at Milton Community Hall, except the month of December.

4.2 Regular meetings of council shall begin at 7:30 p.m.

4.3 All meetings of the council will be open to the public.

4.4 Public notice of the time, place, and subject matter of special meetings of the Council shall: be given in accordance with the Act, by posting notice thereof on the Community social media pages, at least four public notices/posters in the community, and any other method or methods as may be determined by the Council.

5.0 Cancellation of Meetings

5.1 A regular meeting may be cancelled

- a) by a vote of the majority of members at a previously held meeting;
- b) with the written consent of a majority of members at least twenty four (24) hours in advance of the meeting; or
- c) with the written consent of two thirds (2/3) of the council if twenty four (24) hours notice is not provided.
- d)** due to weather conditions by the Chair, in consultation with the Council, as possible.

5.2 Public notification of a cancellation of a regular council meeting must be provided by notice on the Community social media pages and by notice on the Council's telephone answering machine.

5.3 If a regular meeting is cancelled due to weather, or unforeseen circumstances, it would ordinarily be rescheduled to one week later, upon consultation to ensure quorum could be achieved.

6.0 Committee of the Whole

6.1 Council may, by resolution, meet as a committee of the whole council.

6.2 The council may, by resolution, meet as a committee of the whole council *in camera*.

6.3 Matters which may be considered *in camera* include:

- a) wages, salary, benefits and other human resource matters that pertain to an identifiable individual;
- b) information regarding ongoing contract negotiations;
- c) the acquisition, sale, lease or exchange of land;
- d) preliminary financial matters not yet ready to be made public;
- e) matters involving pending or current litigation, or any matter subject to solicitor-client privilege;
- f) confidential police matters;
- g) education or training of the members of the council;
- h) the security of municipal documents or premises; and
- g) other analogous matters.

6.4 Council may resolve to meet as a committee of the whole either in advance or during a council meeting.

7.0 Quorum

7.1 When quorum is present at the time set for commencement of a council meeting, the chairperson shall call the meeting to order.

7.2 If quorum is not constituted within thirty (30) minutes from the time set for commencement of a council meeting, the administrator shall record the names of all the members present and adjourn the meeting.

7.3 If quorum is lost during the meeting for any reason, the meeting is adjourned.

8.0 Agendas for Council Meetings

8.1 The agenda for each council meeting shall be prepared by the administrator, in consultation with the council, and submitted with copies of all pertinent correspondence, statements and reports to each member of council a minimum of two calendar days prior to the meeting.

8.2 Any council member or any other person desiring to have an item of business placed on the agenda for a regular council meeting, shall make the submission to the administrator not later than 4:00 pm of the day seven days before the Council meeting.

8.3 The submission shall contain sufficient information, to the satisfaction of the administrator, to enable the council to deal with the matter.

8.4 The council shall consider no item of business unless the item has been placed on the agenda, either in the manner prescribed in subsection 8.2, or as a modification of the agenda approved by resolution of the council at the meeting.

8.5 If and when the administrator receives requests for presentations to the council, they shall place it on the council agenda unless the communication is considered to be administrative in nature, in which case the originator of the request shall be notified of the process that will be used to deal with the request by the administrator.

8.6 The general order of business on the agenda shall be as set out below, however the actual order of business at any meeting of the council may be adjusted by the council as the council may deem necessary.

8.7 General order of business:

- a) CALL TO ORDER
- b) APPROVAL OF THE AGENDA
- c) INTRODUCTION OF ADDITIONAL AGENDA ITEMS
- d) DISCLOSURE OF PECUNIARY OR OTHER CONFLICT OF INTEREST
- e) APPROVAL OF MINUTES
- f) BUSINESS ARISING FROM THE MINUTES/OLD BUSINESS
- g) CORRESPONDENCE
- h) PRESENTATIONS OR DELEGATIONS TO COUNCIL
- i) REPORTS
- j) NEW BUSINESS
- k) NEXT MEETING
- l) ADJOURNMENT

9.0 Presentations

9.1 The presentations or delegations portion of meetings of council shall provide

- a) an opportunity for individuals or groups to appear as a formal delegation pursuant to subsections 8 (2) or (5); and
- b) an opportunity for members of the public to ask questions or make brief presentations to council on matters of public interest or concern.

9.2 As a guideline, the recommended total time allotment for all presentations at a council meeting is thirty (30) minutes, subject to the discretion of the presiding officer.

9.3 All persons wishing to address council shall give their name, topic of concern and whether the council has previously considered the matter or whether there has been any previous contact with a member of council or administration regarding the matter.

9.4 When a member of the public wishes to ask questions or make a brief presentation to the council and their presentation is not on the agenda they shall be allotted, time permitting, a maximum of five (5) minutes.

9.5 In the event that all persons who expressed an interest to speak at a council meeting cannot be heard within the time allotted for presentations, they will be invited to attend and appear before the next regular council meeting, unless a time extension for presentations is granted by the presiding officer.

9.6 Council will not entertain submissions from the public on matters that are still before the planning board, or are still under consideration by any committee authorized under the Act.

9.7 A response to each speaker's presentation will be provided through one or more of the following methods

- a) immediate response at the council meeting by either a member of council or the administration; or
- b) referral of the matter to committee or the administration for review and recommendation at a subsequent time.

10.0 General Rules of Council

10.1 The chairperson shall preserve order and decorum at all meetings of council.

10.2 Voting on all matters shall be done by verbal vote in such a clear manner as to be easily counted by the chairperson. In the event more clarification is needed, a show of hands will be requested.

10.3 Every member of council attending a council meeting shall vote on all matters put to a vote at the meeting unless they are required, pursuant to the Act, to abstain from voting; if a member does not vote when not required to abstain, their vote shall be deemed to be in the affirmative.

10.4 The chairperson does not vote but to break a tie.

10.5 Every person wishing to speak during a council meeting shall address their comments through the chairperson, and no person shall speak unless and until the chairperson has granted that person permission to do so.

10.6 A meeting shall be adjourned by declaration of the chairperson or a resolution of the council; a declaration by the chairperson to adjourn a meeting may be overturned by a resolution of a majority of members present.

10.7 Despite any other provision of this bylaw, council meetings shall adjourn no later than 9:30 p.m. unless the members of the council present vote by a two thirds (2/3) majority to extend the time.

11. Motions

11.1 Each motion shall have a mover and a seconder before proceeding to a vote of the council.

11.2 The chairperson has authority to set a time limit and the number of times that a member may speak on the same motion or matter, giving due regard to the importance of the matter.

11.3 After a motion is accepted by the chairperson, the motion is deemed to be in the possession of the council; the motion may be withdrawn by the originator at any time before a vote is taken or an amendment is made.

11.4 The administrator shall record all motions in writing before the motion is debated or voted upon.

11.5 The chairperson shall reference all motions before they are debated or voted upon.

11.6 After the chairperson has called a vote on a motion, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

11.7 After a vote has been counted the chairperson shall declare whether the motion was “carried”, “carried unanimously” or “defeated”.

11.8 Except where otherwise provided in this bylaw, or in legislation, a majority vote of the members present and eligible to vote shall decide a motion or other matter before council.

12. Conduct

12.1 No member of council shall do any of the following

- a) use offensive language in council or committee settings;
- b) shout or immoderately raise his or her voice in council or committee settings;
- c) comment on the person or character of any member of the council; or
- d) speak to a subject, except upon the question in debate.

12.2 If any member acts contrary to this section he or she shall immediately be cautioned by the chairperson, and when so cautioned the administrator shall record that caution in the minutes.

12.3 If any member of the council is cautioned twice in the same meeting he or she shall, on the order of the chairperson, be excluded from that meeting.

12.4 If the excluded member should adequately apologize to the council he or she may, by majority vote of the remaining members, be permitted to retake his or her seat at the meeting.

12.5 The chairperson may cause to be expelled and excluded from any meeting, any person who creates any disturbance during a meeting, or who in the opinion of the chairperson, has been guilty of improper conduct and for that purpose the mayor/chairperson may direct that such a person be removed from that meeting.

12.6 A decision of the chairperson pursuant to 12.5 above may be appealed to the council; a majority vote of council may nullify, or uphold, the decision of the chairperson pursuant to 12.5 above.

13. Committees

13.1 The chairperson may appoint from among the members of the council such standing committees as he or she considers appropriate for the better transaction of the business of the council.

13.2 The Council may, by resolution, appoint special committees chaired by a council member for any particular purpose; special committees may contain residents.

13.3 Standing committees, special committees and the committee of the whole, in all matters, may only report and make recommendations to the council.

First Reading -November 27, 2014

Second Reading and Adoption January 21, 2015

APROVED January 21, 2015