

City/Town/Rural Municipality of _____, PEI
A Bylaw to Regulate the Proceedings of Council
Bylaw # 2019-05

BE IT ENACTED by the Council of the Rural Municipality of Lot 11 and Area as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1. This Bylaw shall be known as, and may be cited as the “Procedural Bylaw”.

2. Authority

1. Subsection 86(2)(e) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., provides that a council must establish a procedural bylaw to regulate its proceedings in accordance with the Act.

3. Application

1. This bylaw applies to all members of Council, the Chief Administrative Officer (CAO), members of Council Committees, Rural Municipality of Lot 11 and Area employees, those who appear before Council and members of the general public.
2. When any matter relating to proceedings arise which is not covered by a provision of this bylaw or the Act, the matter shall be decided by reference to Robert’s Rules of Order.
3. In the event of any conflict between the provisions of the Act and this bylaw, the Act will prevail.

4. Definitions

1. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.
2. “Council” means the Mayor and other members of the Council of the municipality.
3. “Councillor” means a member of Council other than the Mayor.
4. “Point of information” means the procedural mechanism by which a member may present or receive information of interest to Council.
5. “Point of order” means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed.
6. “Point of privilege” means the procedural mechanism by which a member may rise to address incorrect, defamatory or slanderous statements made about the Council, councillors, or employees of the municipality.
7. “Quorum” is a majority of all the members of council or a council committee. Vacancies are not counted in determining quorum except where the remaining number of council members is not less than four.

8. “Regulations” means the regulations adopted by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

PART II – MEETINGS OF COUNCIL

5. First Meeting

1. A newly elected Council shall not transact any business until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.

6. Scheduling of Meetings

1. The CAO will ensure that the schedule of regular meetings is published in accordance with subsection 110 (3) and (4) of the Act, the requirements of the regulations, and subsection 7.2 below.
2. If a regularly scheduled meeting of Council falls on a day that is a Statutory Holiday, the regular Council meeting will be held the following day unless rescheduled to another day or cancelled by resolution of Council.
3. A regular meeting of Council may be rescheduled:
 - (a) by resolution of Council;
 - (b) in accordance with this bylaw; or
 - (c) by the CAO if it is apparent that quorum will not be achievable.
4. Council may, by resolution, establish a time limit for any meeting and may extend the time limit for any regular Council meeting with a unanimous vote in favour of the motion to extend the meeting.

7. Notice of Meetings

1. Notice of regularly scheduled Council meetings will be included in an annual schedule of meetings.
2. As per section 110(3) of the Act and section 2 of the Procedural Bylaw Regulations, Council shall post the annual schedule of Council meetings, including the date, time, and place of each meeting on the municipality’s website [www.lot11andarea.org/council] and by newsletter
3. As per subsection 121(2) of the Act and section 3 of the Procedural Bylaw Regulations, notice of the date, time, and place of a special meeting and the nature of the business to be transacted at a special meeting must be provided at least 24 hours in advance of the meeting:
 - (a) to the public on the municipality’s website and by sign or poster that is posted in a place that is accessible to the general public; and
 - (b) to the council members by providing a copy of the notice to each council member at the place to which the member has directed such notices be sent.

4. As per subsection 121(3) of the Act and section 4 of the Procedural Bylaw Regulations, if Council changes the date, place or time of a regular or special meeting, the CAO must give at least 24 hours notice of the change:
 - (a) to the public on the municipality's website and by sign or poster that is posted in a place that is accessible to the general public; and
 - (b) to all members of Council by providing a copy of the notice to each Council member by telephone, e-mail or text message, as directed by each council member.
5. As per clause 4(1)(a) of the Procedural Bylaw Regulations, the notice referred to in section 7.4 of this bylaw shall specify the type of meeting and the new date, place and time of the meeting.
6. Notice of a meeting or hearing must be given at least seven days before the Council meeting or public hearing, as the case may be, at which any of the following matters is to be considered:
 - (a) a proposal by Council to transfer land below fair market value (subsection 143(1) of the Act);
 - (b) a local improvement to which one or more objections were made to the CAO within 30 days of receipt of notice thereof (section 203 of the Act); or
 - (c) a permanent street closure (subsection 213(3) of the Act).
7. Any other forms of notice required by Council or a bylaw shall be given in accordance with this bylaw.

8. Special Meetings

1. Pursuant to section 121 of the Act, a special meeting of Council will be called by the CAO when requested in writing by:
 - (a) the Mayor; or
 - (b) a majority of the councillors.
2. The request for a special meeting shall include a statement of the purpose of the meeting.
3. A **special meeting of Council** shall be held at:
 - (a) the first available date where quorum can be achieved; or
 - (b) no later than 21 days after the date that the CAO receives the request.
4. Pursuant to subsection 121(4) of the Act, no business other than the business that Council has stated in the meeting notice will be transacted at a special meeting unless all members are present and unanimously agree to deal with other matters.

9. Closed Meetings

1. Council or a Council committee may, by resolution passed at a public meeting of the Council or committee, hold a meeting that is closed to the public when the subject matter of the meeting is considered to be confidential in accordance with section 119(1) of the *Municipal Government Act*.

2. Council may, by resolution, establish a regular schedule of standing closed meetings, and notice of the schedule of closed meeting shall be provided through a sign posted in a prominent location available to the public.
3. No **resolution** or bylaw will be passed during a meeting closed to the public other than by resolution set out in section 119(2) of the *Municipal Government Act*.
4. A resolution to close a meeting to the public must state the reason(s) for closing the meeting, in accordance with section 119(3) of the *Municipal Government Act*.
5. The Council or committee will make any matter considered at a closed meeting public when confidentiality is no longer required, in accordance with subsection 119(4) of the Act.
6. No Council member, Council committee member or employee of a municipality shall, subject to subsection 119(5) of the Act, disclose or act on any information acquired at a closed meeting of Council or a Council committee respecting a matter or report disclosed or discussed at the meeting, prior to the matter or report being dealt with at an open meeting of Council.

PART III – COUNCIL MEETING PROCEDURES

10. General

1. The Mayor will preside over all Council meetings except where the Act provides otherwise, and shall perform the duties enumerated in section 89 of the Act, including preserving order, enforcing rules, deciding points of privilege and order, and advising on points of procedure.
2. Pursuant to subsection 91(1) of the Act, the deputy Mayor will preside in the Mayor's absence.
3. The members of Council may appoint an acting Mayor in accordance with subsection 90(4) of the Act, where:
 - (a) the **Mayor and deputy Mayor** are absent, incapacitated or otherwise unavailable and neither of them has appointed another member of Council to act in his or her stead; or
 - (b) the offices of Mayor and deputy Mayor are vacant.
4. Pursuant to subsection 91(5), the term of an acting Mayor continues only until the Mayor or deputy Mayor is no longer absent, incapacitated or otherwise unavailable and only until a new Mayor is declared elected, unless the appointment is revoked earlier by the Council.

11. Agendas

1. The agenda for each regular and special meetings of Council shall be prepared by the CAO or his or her designate.
2. The agenda for each regular meeting, along with pertinent correspondence, statements and reports, must be sent to each member of Council by electronic means (or by means requested by the member) no later than 7 days prior to the meeting unless that day is a

statutory holiday. If so, the agenda and accompanying documents must be delivered to Council member no later than 6 days prior to the statutory holiday.

3. The deadline for receipt of agenda materials for a regular meeting by the CAO is 12 pm on the Monday preceding the meeting.
4. The CAO shall have prepared and printed an agenda to be made available to the public. The agenda shall reflect the matters to be considered, under the following headings, referred to as the Order of Business:
 - (a) call to Order;
 - (b) approval of Agenda;
 - (c) adoption of Minutes;
 - (d) business Arising from the Minutes;
 - (e) reading of correspondence;
 - (f) reports from Committees;
 - (g) introduction of New Business;
 - (h) financial reports
 - (i) introduction and Reading of Bylaws;
 - (j) public Presentations/Petitions/Delegations;
 - (k) adjournment;

12. Quorum

1. A quorum is required at all times for Council meetings, in accordance with 113 of the Act.
2. A quorum is a majority of all members of the Council.
3. Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.
4. Pursuant to subsection 113(3), where there is a vacancy on Council, but there are at least four Council members remaining on Council, a quorum will be a majority of the remaining members of Council.
5. Where the number of Council members is reduced to less than four by reason of vacancies, the Council shall apply to the Minister, in accordance with subsection 113(4) of the Act, to have the remaining Council member or members to be considered to be a quorum until elections are held to fill the vacancies.
6. If a quorum is not present within fifteen (15) minutes after the time fixed for the meeting, the CAO or delegate shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
7. Where the CAO or delegate has confirmed in advance of the meeting that quorum will not be present, the CAO or delegate may provide notice of the cancellation of the meeting to

the members of Council and the public in accordance with section 6, identifying the next meeting.

13. Voting

1. Voting at meetings of Council shall be undertaken in accordance with section 115 of the Act:
 - (a) each Council member present, except the Mayor, will vote on every matter unless a Council member is excused specifically from voting, by resolution, or the Council member is prohibited from voting because the member has a conflict of interest.
 - (b) no vote of Council will be taken by ballot or any other method of secret voting and any vote taken by any form of secret voting is of no effect.
 - (c) all votes of Council, both for and against, will be recorded.
 - (d) the failure or refusal of a member of Council to vote on a matter that is properly before the Council will be considered a vote in favour except when the member is excused or prohibited from voting.
 - (e) where there are an equal number of votes for and against a bylaw or motion, the Mayor or presiding officer will vote for the purposes of breaking the tie.

14. Presentation and Delegations to Council

1. The following will be permitted at meetings of Council at the time so designated on the agenda, in accordance with the provisions of this bylaw:
 - (a) presentations to recognize an individual or group on behalf of Council or for a group or individual to present to Council some award or similar honour;
 - (b) delegations wishing to speak before Council; and
 - (c) presentations of petitions
2. The time allotted by Council for each person making presentations or giving recognitions will be 15 minutes.
3. Delegations wishing to speak before Council will advise the CAO or his/her designate of their intention to do so by 12:00 PM two weeks prior to the meeting, and all information to be addressed will be on the form attached as Schedule A to this bylaw.
4. Delegates will be granted a maximum presentation time of 15 Minutes to present the matter outlined in the notification unless Council agrees to a waiver of this time restriction by the unanimous consent of Council members present (or a majority of Council members present).

15. Adjournment

1. All regularly scheduled Council meetings shall stand adjourned when the Council has completed all business as listed on the order of business or at 9:00 pm whichever is earlier.

2. If a Council member is speaking at the time the meeting is scheduled to end, the Mayor will wait until that person is done speaking before asking Council to consider whether it wants to extend the time of the meeting.
3. Any business items that remain on the agenda and which has not been addressed at the time of adjournment will be deemed to be postponed until the next regularly scheduled Council meeting or until a special meeting is called for the purpose of dealing with the unfinished items.

16. Conduct during Council meetings

Public

1. All persons in the public galley at a Council meeting will:
 - (a) refrain from addressing Council or a member of Council unless permitted to do so
 - (b) maintain quiet and order;
 - (c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
 - (d) refrain from talking on electronic mobile devices; and,
 - (e) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

Delegations and Council Members

2. Delegates and members of Council shall refrain from:
 - (a) speaking disrespectfully;
 - (b) using offensive language;
 - (c) reflecting on a vote of Council except when moving to rescind or reconsider it;
 - (d) reflecting on the motives of the members of Council who voted on the motion or the mover of the motion; or
 - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.
3. When a member is addressing the Council, all other members will:
 - (a) remain quiet and seated;
 - (b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
 - (c) refrain from carrying on a private conversation in such a manner that disturbs the speaker.
4. Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.
5. Each member or delegate, as the case may be, shall address the Mayor, but shall not speak until recognized by the Mayor.

6. Members of Council wishing to speak at a meeting shall ensure they do not interrupt another member.
7. If more than one member wishes to speak at a meeting at the same time, the Mayor will indicate which member will speak first.
8. The Mayor, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the Mayor.
9. A motion must be seconded to be discussed.
10. A motion may be withdrawn at any time before voting subject to no objection from any member.
11. The following motions are not debatable by members:
 - (a) Adjournment
 - (b) To take a recess
 - (c) Question of privilege
 - (d) Point of order
 - (e) To limit debate on a matter before members
 - (f) On division of a question
 - (g) Postpone the matter to a certain time
 - (h) To postpone the matter.

Improper Conduct

12. The Mayor may request that any person in the public gallery who disturbs the proceedings of Council or acts improperly at a Council meeting leave or be expelled from the meeting.
13. If a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting to another day.

17. Points of Order, Procedure or Privilege

1. A member of Council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease and the “point” shall be clearly stated by the member and, if applicable, ruled upon by the Mayor.
2. A member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
3. Where the Mayor is called upon to decide a point of order or practice in accordance with section 111 of the Act, he or she shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable thereto.

Appeal of Decision of the Mayor

4. Whenever a member wishes to appeal any ruling of the Mayor or a point of order or point of privilege to the whole of Council pursuant to section 112 of the Act:
 - (a) the motion of appeal shall be made immediately after the ruling is made by the Mayor or otherwise the ruling will be final;
 - (b) the member may offer a brief reason for the challenge; and
 - (c) the Mayor may state the reason for the decision he or she made.
5. Following the motion of appeal and the response, if any from the Mayor, the question shall be put immediately without debate.
6. The Mayor will be governed by the vote of the majority of the members of Council present.
7. Neither the Mayor nor the appellant will participate in the vote on an appeal.

18. Motions and Debate

1. A motion will express fully and clearly the intent of the mover.
2. A motion will not be considered unless it has been seconded.
3. Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.
4. When a motion is under debate no other motion may be made, except a motion to:
 - (a) amend a motion;
 - (b) refer a motion to a Council committee or administration for a report back to Council;
 - (c) postpone a motion to a fixed date;
 - (d) request that a motion be put to a vote;
 - (e) extend the time for a Council meeting; or
 - (f) adjourn the meeting.
5. Notwithstanding any other provisions of this bylaw, the member of Council who moved a motion after a motion is under debate may, with the consent of Council, change the wording of the motion or agree to a change proposed by another member if the alteration does not change the intention of the motion.
6. Any motion will be considered in the order in which they were moved.

19. Minutes

1. The CAO shall ensure that minutes are kept of all Council meetings and Council committee meetings, both open and closed to the public, in accordance with section 116 of the Act.
2. The CAO shall ensure that the minutes of meetings record all resolutions, decisions and proceedings of the Council and shall include at minimum:
 - (a) the date and names of all Council or committee members and employees present at the meeting;
 - (b) the subject matter of the issues discussed; and

- (c) any decisions made.
- 3. Where a meeting is closed to the public, the minutes of the meeting that may be disclosed **to the** public will be restricted to
 - (a) to the date of the meeting;
 - (b) the names of Council members or committee members and employees present; and
 - (c) the type of matter under section 119(1) of the Act that was discussed at the meeting.
- 4. Copies of the minutes will be open for inspection by any person during regular office hours and copies of the minutes will be provided to any person, in accordance with subsection 116(3) of the Act.
- 5. Minutes of Council meetings, when approved, shall be signed by the Mayor and the CAO, and minutes of committee meetings, when approved, shall be signed by the chairperson of the committee (subsection 116(4) of the Act).
- 6. Any member may make a motion amending the minutes to correct any mistakes. The minutes of each meeting are to be approved at the next regular meeting of the Council and signed by the Mayor, committee chairperson, or other presiding member, and the CAO.

PART IV – COMMITTEES OF COUNCIL

20. General

- 1. Council may, by resolution, establish **standing and/or ad hoc committees** that will consider, discuss and debate matters of Council interest before such matters are forwarded to Council for decision.
- 2. Council may also designate the committees' mandate, term, composition, objectives, tasks, duties and responsibilities, and appoint its members to deal with any matter. Council may also establish the eligibility criteria for membership and determine the events or circumstances that would result in termination of a committee member.
- 3. Council will establish by resolution a Committee of Council that will be the main **standing** Committee used to discuss and debate matters of Council interest before such matters are forwarded to Council for decision.
- 4. Council committees will cease to exist when Council, by resolution, decides that the objectives of the committee have been achieved and tasks have been completed.

21. Committee Composition

- 1. The Mayor is a member of every committee or other organization which the Council or Mayor establishes pursuant to the *Municipal Government Act* and when in attendance the Mayor, subject to section 115 of the Act, possesses all the rights, privileges, powers and duties of the other members of the committee.
- 2. The Mayor's attendance will not be included for the purpose of determining a quorum for a committee of Council meeting.

22. Terms of Committees

1. In a general election year, the term of appointments will **end on December 6th**.

23. Notice of Committee Meetings

1. Where a regular schedule of meetings for a **Council** committee is established, **publication must be** in accordance with section **7 of this bylaw**.
2. **Where a special meeting of a Council committee is called, the CAO will follow the procedures for calling a special meeting set out in section 8 of this bylaw and ensure that notice of the special meeting is given in accordance with section 7 of this bylaw.**
3. Where the date, time or place of a committee meeting is changed, the CAO shall ensure notice of the change is given **in accordance with section 7 of this bylaw**.

24. Committee Procedures

1. Each Council committee will meet as soon as possible after it has been appointed and where a Chair has not been appointed by Council, members of that committee will select a Chair and Vice-Chair, and if required, decide the day and time for holding its regular meetings.
2. The Chair will preside at every meeting, participate in the debate and shall vote on all motions.
3. In the absence of the Chair, the vice-chair will preside, and in the absence of both the Chair and the Vice-Chair, one (1) of the other members of the committee will be elected to preside and will discharge the duties of the chair during the meeting or until the arrival of the Chair or Vice-Chair.
4. The business intended to be addressed at committee meetings will be stated in the meeting agenda.
5. An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public meeting of Council.
6. Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.
7. If a quorum is not present within fifteen (15) minutes after the time fixed for a committee meeting, the Chair or CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

25. Delegations to Committees.

1. Delegations wishing to appear before Council or a Committee of Council to present information will advise the CAO or his/her designate of their intention to do so not later 14 days prior to the meeting.
2. Delegations will be limited to a maximum presentation time of 15 minutes, unless Council agrees to a waiver of this time restriction by the unanimous consent of all Council members

present/a majority of all Council members present, and each delegate may speak only once.

26. Request for Decision from Council

1. Any delegation wishing to appear before Council or a Committee of Council to make a request for action, support, resources or other will advise the CAO or his/her designate of their intention to make a request, in writing, using the prescribed form no later than 14 days prior to the meeting.

PART V – BYLAWS

27. Bylaw Procedures

1. Council may make, amend or repeal a bylaw in accordance with the procedures established in Part 5, Division 2 of the Municipal Government Act.
2. A bylaw is only validly made by Council if it is read and formally approved by a majority of the Council members present and voting takes place on two occasions at meetings of the Council that are held on different days.
3. A bylaw may be approved and adopted by Council by resolution after being read a second time.
4. Pursuant to section 125 of the Act, if copies of the proposed bylaw have been made available to the public at a Council meeting or prior to the meeting in which the proposed bylaw is to be read, the reading may consist of the recitation of the bylaw name and number and a brief description of its effect. Where copies of the proposed bylaw have not been made available to the public at or prior to the meeting, the entire proposed bylaw will be read word by word.
5. A bylaw adopted by Council must be printed, signed by the Mayor and the CAO, and sealed with the corporate seal of the Rural Municipality of Lot 11 and Area.
6. Council may, in accordance with subsection 125(3) of the Act, amend a proposed bylaw after its first reading. If it is amended, the amendment will be read word by word at the meeting even if copies of the bylaw with the proposed amendment are made available to the public.
7. Pursuant to section 127 of the Act, the first and second readings of a proposed bylaw are rendered null if the bylaw is not passed within two years from the date of first reading.
8. A bylaw established by Council will come into force at the time it is passed unless otherwise provided for in the Act or in the bylaw. If the Act or another Act requires a bylaw to be approved by the Minister, the bylaw will not come into force until the approval of the Minister is given.
9. The CAO shall ensure that a copy of every bylaw passed is filed with the Minister as required by provincial statute. The copy will be certified by the CAO as being “a true copy of the original seen by me” on the document, and shall be signed, dated, and printed with the

CAO's name under their signature, as well as their occupation, address and telephone number.

10. Council will make copies of all bylaws available for inspection by any person, in accordance with section 128 of the Act. Council will provide any person with a copy of any bylaw.
11. **Planning** bylaws undertaken under the authority of the *Planning Act* shall be made in accordance with section 19 of that act.

28. Effective Date

1. This Procedural Bylaw, Bylaw# 2019-05, shall be effective on the date of approval and adoption below.

First Reading:

This Procedural Bylaw, Bylaw# 2019-05 was read a first time at the Council meeting held on the 1st day of April, 2019.

This Procedural Bylaw, Bylaw# 2019-05, was approved by a majority of Council members present at the Council meeting held on the 1st day of April, 2019.

Second Reading:

This Procedural Bylaw, Bylaw# 2019-05, was read a second time at the Council meeting held on the, 2019.

This Procedural Bylaw, Bylaw# 2019-05, was approved by a majority of Council members present at the Council meeting held on the 2019.

Approval and Adoption by Council:

This Procedural Bylaw, Bylaw# 2019-05, was adopted by a majority of Council members present at the Council meeting held on the , 2019.

Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Procedural Bylaw adopted by the Council of the **Rural Municipality of Lot 11 and Area** is certified to be a true copy.

This document has been created by Municipal Affairs staff; it is general information only and not to be construed as legal advice for any specific factual situation. If you are unsure whether this information applies to your particular situation you should consult a lawyer. In case of any inconsistency between the information presented here and any Act or Regulation, the Act or Regulation prevails.

Chief Administrative Officer Signature

Date

SAMPLE

Schedule A

Request for Decision to Speak Before Council

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| Date: | Request No: <i>(Office Use Only)</i> |
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| Person: | Representing: |
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| Advantages | Disadvantages |
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| Required Resources: | |
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SAMPLE