

**Town of Montague
Regular Council Meeting
Town Chambers
Feb. 10, 2009 – 7:00 pm**

Call to Order:

Mayor Pat McGowan called this meeting to order at 7:00 pm.

Attendance:

Mayor Pat McGowan, Deputy Mayor David Mabon, Councillors Marian Robertson, Peter Doucette, Bernie Crawford (7:05), Janice Taylor, John MacFarlane, CAO Andrew Daggett, two media and several citizens.

Prayer:

There was no clergy present for this meeting.

Opening Remarks: Mayor Pat McGowan

Mayor Pat McGowan opened her remarks by stating that this meeting was being held on a Tuesday due to the new holiday, Islander Day. She also mentioned that the Eastern PEI Mayor's Troika had met and discussed such items as immigration. Mayor McGowan attended the opening of the Norsemen Tournament and congratulated those who help make this tournament a success. This will be the last Norsemen tournament in Iceland Arena. The Mayor also met with a policy advisor for the Hon. Gail Shea and agreed with other Mayor's that the infrastructure money recently announced would be difficult to access due to municipalities' limited funding abilities. February 11th will see the beginning of the men's Labatt's Curling tankard in Montague. The Mayor has been invited to attend a Cox and Palmer function hosted by the female lawyers for the firm. The Mayor also stated that she now had a computer.

Approval of Agenda:

Moved by Deputy Mayor Mabon, seconded by Councillor Robertson to approve the agenda with the following additions: 8.2 – WFDC request, 10.10 – Letter from Healthy Living Collaborative Group, 10.11 – Canada Day Youth Awards.

Motion Unanimously Carried (09-09).

Disclosure of Conflict of Interest:

There were no disclosures.

Adoption of Minutes:

Moved by Councillor MacFarlane, seconded by Deputy Mayor Mabon to adopt the minutes of January 12, 2009.

Motion Unanimously Carried (09-10)

Moved by Councillor Robertson, seconded by Councillor MacFarlane to adopt the minutes of January 24, 2009.

Motion Unanimously Carried (09-11)

Business Arising From Minutes:

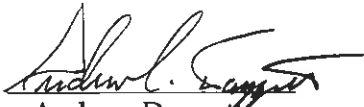
Councillor Taylor was on the agenda to address an issue in “Business Arising”. She was recognized by the Mayor and stated that there was another issue from Business Arising that she would like to address first. Councillor Taylor brought forward her “Point of Order” from the January Minutes. Mayor McGowan stated that, as it was not placed on the Agenda, she would not hear it. There was some disagreement about whether the issue should or could be heard without being placed on the Agenda. The Mayor stood and stated that, according to *Robert’s Rules of Order*, Councillor Taylor should sit when the Chair stands. Councillor Taylor referred to a letter from John Chisholm with Communities, Cultural Affairs and Labour (attached) which stated that the “*Municipalities Act* does not contain a provision that would empower the head of Council to refuse a motion from coming forward. The absence of such a provision effectively denies the head of Council the authority to refuse a motion.” Councillor Taylor stated that she had been recognized to speak and the issues she had were business arising from the minutes. Councillor Taylor brought forward her “point of order” from the January minutes and again requested an apology from the Mayor for not following the rules, this time in writing, to herself and Council and that the apology be presented to Council prior to the March Regular Council Meeting. The Mayor stated that there would be “no apology from me, Councillor Taylor, because I was Chairing the meeting and I did not recognize your remarks”. Councillor Taylor again referred to and read from the letter from Mr. Chisholm in pointing out the proper procedure for a motion to be brought forward and heard. Councillor Taylor then gave Mayor McGowan another opportunity to apologize, to which the Mayor replied “Don’t hold your breath”.

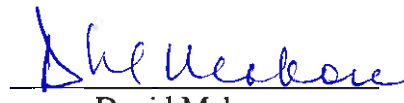
Adjournment:

Moved by Councillor Taylor, seconded by Councillor Doucette to adjourn.

Motion Unanimously Carried (09-12)

This meeting was adjourned at 7:10 pm.


Andrew Daggett
CAO


David Mabon
Deputy Mayor



Communities,
Cultural Affairs
and Labour

Communautés,
Affaires culturelles
et Travail



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February 2, 2009

Ms. Janice Taylor
Councillor
Town of Montague
Box 546
Montague, PE C0A 1R0

Dear Councillor Taylor

Thank you for your email message of January 28th, 2009 in which you relayed Council's concern. Your message reiterates the views expressed by members of Council who have also contacted our office. Council's desire to conduct meetings in an open, transparent and accountable process is to be commended and we appreciate the sensitivity required to resolve the perceived infringement of parliamentary procedure in a manner that avoids further conflict and potential negative media coverage.

We trust that you understand that our office enforces Provincial legislation and regulations in relation to municipalities. The Municipal Affairs Branch may only provide suggestions in relation to Roberts's Rules of Order and recommends as a best practice the adoption of municipal bylaws that would guide Council conduct, ethics, procedures and Rules of Order.

Specifically, our office recommends that all Councils adopt a procedural bylaw aimed at guiding residents, staff, and elected officials on the processes and procedures to be followed at a meeting of Council. A bylaw of this nature may assist Council in resolving similar conflicts in the future. In addition, a procedural bylaw may provide for sanctions or censure of a member of Council as directed by Council should that member not adhere to the parliamentary rules or proper decorum when speaking.

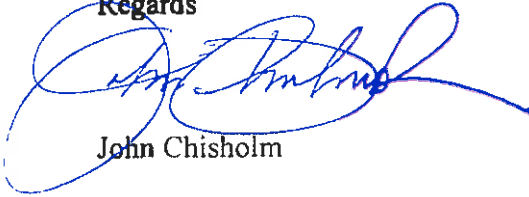
Upon review of Roberts Rules of Order, our office notes similar findings as have been raised by your Council. As a point of order and upon being recognized by the "presiding officer" as having the exclusive right to be heard, a Councillor is entitled to the floor. When entitled to the floor, the member may remain and speak in debate or make a motion uninterrupted.

As you are well aware, the Town is guided by the *Municipalities Act*, a prescriptive legislative document that grants authority over an action or service. The *Municipalities Act* does not contain a provision that would empower the head of Council to refuse a motion from coming forward. The absence of a provision effectively denies the head of Council the authority to refuse a motion. There are no provisions in the *Act* currently permitting the head of council or Council as a whole to suspend a Councillor's privilege to participate in a meeting, debate, or vote nor does the *Act* remove the Councillor's right to bring forward a motion when the Councillor is recognized or has the floor to bring forward a report.

Should Council face a similar issue in the future ,it may be advisable for Council to 'Appeal a Decision of the Chair' (See pgs. 247 - 252 Robert's Rules of Order); an appeal would direct the assembly or Council to reach a decision on procedure. Council would therefore debate the conduct in question of the presiding officer and may identify an outcome to rectify the decision.

Again, I thank you for contacting our office and we trust the information provided will assist Council as the members work to resolve this issue. Should you require additional information please contact me at 368-4744 or jdchisholm@gov.pc.ca

Regards

A handwritten signature in blue ink, appearing to read 'John Chisholm', is written over a large, stylized blue circular scribble.

John Chisholm