

# Town of Montague

## THE PROCEDURAL BYLAW BYLAW 2009-01

### A BYLAW OF THE TOWN OF MONTAGUE, IN THE PROVINCE OF PRINCE EDWARD ISLAND, TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS.

**WHEREAS**, The Council of the Town of Montague considers it expedient and desirable for effective governance, to regulate the procedure and conduct of council, councilors and others attending council and council committee meetings, in the Town of Montague.

**AND WHEREAS**, it is within Council's jurisdiction to bring forward bylaws for the peace, order and good government under Section 57 of the *Municipalities Act*:

**AND WHEREAS**, Council is further authorized under Section 64 (a) of the *Municipalities Act* with respect to matters of municipal administration;

**AND WHEREAS** it is deemed desirable to provide rules for:

- (a) The calling of meetings of Council and its committees;
- (b) The procedures of Council;
- (c) The calling of public meetings of Council;
- (d) The behaviour of the Council members and members of the public present at Meetings of Council and its committees; and
- (e) The establishment, appointment and designation of the duties and Responsibilities of Council Boards, Commissions and Committees; and
- (f) The establishment of Council Committees;

**THEREFORE**, the Council of the Town of Montague, in the Province of Prince Edward Island, duly enacts this bylaw as follows:

#### **Citation**

1. This bylaw may be cited as "The Procedural Bylaw of the Town of Montague".

#### **Definitions**

2. In this bylaw

- (a) "Administration" mean the employees of the town.
- (b) "Business Day" means a day on which the town offices are open for business.
- (c) "Chairperson" means the person who is presiding at Council committee meetings.
- (d) "CAO" means the chief administrative officer or his delegate, of the Municipality.
- (e) "Council" means the duly elected Council of the Town of Montague.

- (f) "Council Member" means a member of Council.
- (g) "Council Chambers" means the assembly location of the Town of Montague.
- (h) "Delegation" means any person that has permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee.
- (i) "Deputy-Mayor" means the Deputy-Mayor of the Town of Montague.
- (j) "Ex-Officio" means the appointed members of Council and committees that have exactly the same rights and privileges as do all other members excluding the right to vote.
- (k) "In-Camera Meeting" means a Committee of the Whole meeting of the entire body of Council members present which is closed to the media and the public.
- (l) "Member" means a councillor or person at large appointed by council to a committee of council.
- (m) "Meetings" means meetings of council and council committees.
- (n) "Municipality" means the Town of Montague, a municipal corporation of the Province of Prince Edward Island and includes the area contained within the boundaries of the Municipality.
- (o) "Mayor" means the presiding Council member and the Chief Executive Officer of the Municipal Corporation of the Town of Montague.
- (p) "Meeting" means a duly constituted regular, special or committee of the whole meeting of Council where municipal business is conducted or issues are discussed.
- (q) "Motion" means a standard terminology used by Council to describe the original statement whereby business is brought before a meeting.
- (r) "Public Hearing" means an open meeting of Council structured to garner public input on a particular subject(s).
- (r) "Resolution" means a formal expression by a meeting, agreed to by a vote.
- (s) "Statutory Holiday" means a holiday away from work during the work week which is officially recognized.

### **Application**

3. This bylaw applies to all members attending meetings of council and committees established by council of the Town of Montague

### **Severability**

4. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

### **Deputy Mayor**

5. The position of Deputy Mayor may be up to one term of office in duration and each member of Council may serve one term, to be determined at the first organizational meeting following the election, by nomination of the Mayor.

### **Delegations**

6. Delegates shall be granted a maximum of ten (10) minutes to present the matter outlined in the notification. Where the Mayor determines that additional time shall be granted to a delegation the length of the extension shall be specified and the Mayor may limit the time.

7. No item of business shall be considered by the Council, if the item has not been placed on the agenda, unless members of Council present, by a two-thirds majority vote agree to the item being placed on the agenda. The Mayor, any Councilor or the CAO shall be given an opportunity to state why an item should receive consideration on the agenda because of its emergent nature before the motion is put to a vote.

### **Meetings**

8. The regular meetings of council of the town of Montague shall be established as the second Monday of each month beginning at 7:00 p.m. and terminating by 10:00 p.m.

a) Council may, by motion, extend the time limit for any regular Council meeting with a unanimous vote in favour of the motion to extend the meeting past the hour of 10:00 p.m.

b) If a Statutory Holiday falls on a Monday, the regular Council meetings will be held the following day and may be re-scheduled by a motion of Council or cancelled by Council as required.

9. If Council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours notice of the change:

a) Notice will be provided to any Member of Council not present at the meeting at which the change was made, and

b) Notice will be provided to the public.

10. Notice of regularly scheduled meetings need not necessarily be given.

(a) Notices and/or agendas of all committee of the whole, regular and special Council meetings will be posted in a public place at the Town Office 24 hours in advance of the meetings.

11. Special meetings of council shall be established as required by Council and the public shall be given notice.

12. a) All special meetings will be held in accordance with the provisions set forward in the Municipalities Act.

13. Meetings of council committees shall be established by the chair of each committee and the public may be given notice.

14. The times for the beginning of council committee meetings shall be set by the chairman of each committee.

15. If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the chair or CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

## **Delegations to Council**

16. Delegations wishing to appear before Council will advise the CAO or his/her designate of their intention to do so, at least two (2) full working days prior to the Council meeting in order to be assured of being placed on the agenda.

17. Delegations presenting themselves to Council unannounced and without proper notice will only be heard, if Council, by mutual consent of a quorum of Council members present, agrees to hear the delegation, otherwise the delegation may be asked to present their concerns or issues at a subsequent Council meeting.

18. Delegations will be limited to a maximum presentation time of ten (10) minutes, unless they agree to a waiver of this time restriction by the mutual consent of a quorum of Council members present and each delegate may speak only once.

19. Delegations to Council will be encouraged to present a written text of their presentation to Council two (2) full working days prior to their appearance before Council so that their request(s), issue(s) or concern(s) can be circulated to Council with the meeting agenda.

20. Council will listen to the delegations before it. Council will then take their concern(s), issue(s) or request(s) under advisement and defer any decision on the matter to later on in the meeting or to a subsequent Council meeting. This deferment will then allow Council time for thoughtful discussion and debate, or an opportunity to obtain input from Council's administration prior to having to arrive at a decision. This deferment will avoid any situation where Council might feel pressured into making a hasty decision.

## **Conduct of Meetings**

21. Each member or delegate, as the case may be, shall address the Mayor but shall not speak until recognized by the Mayor.

22. 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.

23. A resolution does require a seconder.

24. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.

25. The following resolutions 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 time certain
- h) To postpone the matter.

26. Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with "Roberts Rule of Order, Newly Revised, 10<sup>th</sup> Edition," adopted by the Montague Town Council as the official rules.

27. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests.

28. In all cases not provided for in the proceedings of the council, a simple majority of council shall determine to uphold any ruling of the Mayor or not, as the case may be.

29. Should Council give consideration to repealing, amending or suspending this bylaw at any time, they shall do so in accordance with the Municipalities Act.

a) By a bylaw amendment unanimously passed at a regular or special meeting of the Council at which all members thereof are present; or

b) By a bylaw passed at a regular meeting of Council pursuant to a notice in writing given and openly announced at the next preceding meeting of the council and setting out the terms of the substantial effect of the proposed bylaw.

### **Agenda and Order of Business**

30. The agenda for each regular and special meeting shall be prepared by the CAO and submitted together with copies of all pertinent correspondence, statements and reports, and be ready for Council to be sent by electronic means, to each member of Council on the **Friday immediately preceding** the regular meeting. Should the Friday be a statutory holiday then the information is supplied to Council on the Thursday immediately preceding the meeting. In order to do so, the CAO shall receive all documentation prior to 4:00 PM on the **Wednesday preceding** the regular Council meeting.

31. The agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.

32. The business intended to be dealt with shall be stated in the agenda in the following order where applicable

- a) Call to Order
- b) Approval of Agenda
- c) Disclosure of Conflict of Interest

- d) Adoption of Previous Minutes
- e) Delegations, Special Speakers and Public Input
- f) Business Arising from the Minutes
- g) New Business
- h) Approval to Pay Invoices
- i) Correspondence Requiring Action
- j) Correspondence for Information
- k) Committee Reports
- l) Information for Council
  - RCMP Report
  - Animal Control Report
  - CAO Report
  - Development Permit Report
- m) Adjournment

33 The order of business established in section 28 shall apply unless altered by the Mayor with no objection from members of Council, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

### **Committees**

34. Council may, by motion, appoint Committees of Council, designate their mandate, term, composition and authorities, duties and responsibilities, and appoint by majority vote its members to deal with any matter. Such committee structures will cease to exist when Council by motion, decide that the mandate is completed. Council may add or remove Committee members by motion.

35. Council may, by motion, appoint a special committee of Council, designate its mandate, term, composition and authorities, duties and responsibilities, and appoint its members to deal with any matter. Such a committee will cease to exist when Council by motion, decides that the special mandate is completed. Council may remove Committee members for just cause.

36. Council committee meetings, other than the committee of the whole, may be held at any time and place as determined by the Committee, providing that all Committee Members have been notified in advance of the time and place of the meeting.

37. A Committee of Council has no powers to pass any by-law or motion but can make recommendations to Council on any matter within its mandate.

38. Each committee will consist of a minimum of three (3) members appointed by council with the Chairperson of that committee being a Council member.

39. Where, in the opinion of the committee, it is in the public interest to discuss matters in private, the Committee may hold the meeting in private, conditional on the agreement of two thirds (2/3) of the members present.

40. A committee of Council or its appointed representatives has no authority or power to commit Council or the municipality to any course of action or to incur any expenditure on behalf of Council or the municipality.

41. Standing Committees of Council shall be established and governed by this procedural bylaw. The Standing and Special Committees approved by council are established as the official committees list and attached as "Schedule A" at the conclusion of this bylaw, and can only be amended by a motion of council:

### **In-Camera Sessions**

42. Matters to be discussed which are within one of the categories of information referred to as dealing with "law, labor or land" or "sensitive in nature" may be considered at an In-camera Meeting in keeping with section 22(5) of the Municipalities Act.

43. Council or Committee has no power at an In-camera session to pass any Bylaw or resolution.

43.1 Council shall limit discussions in "In Camera" meetings to the following items:

- (a) issues dealing with legal matters;
- (b) issues dealing with the purchase, development, sale or disposal of Land;
- (c) issues dealing with personnel;
- (d) issues of a politically sensitive nature, where Council deems it appropriate and in the public interest for discussions to be held in Camera.

43.2 Participants (i.e. Administration and Council members) in "In-Camera" meetings are morally and duty bound to treat all discussions, information, documentation or correspondence received and informal decisions reached in these meetings to be of a "Strictly Private and Confidential Nature".

43.3 All correspondence and documentation received as part of any "In-Camera" meeting will be returned to the CAO at the end of the "In-Camera" meeting in order that the correspondence or documentation may be shredded to avoid its circulation.

43.4 Minutes of "In-Camera" meetings may be recorded at Council's request.

### **Conduct of Members of Council**

44. Members of Council shall notify the Mayor or Chief Administrative Officer in the event that they are unable to attend a regular or special Council meeting.

45. Members of Council shall at all times conduct themselves in a manner and with decorum befitting their office. Members of Council shall not, during a public meeting,

demean, be sarcastic towards, ridicule or threaten other Council members, Administration, the public, federal or provincial politicians or staff.

46. Members of Council shall, when speaking, address the chair and not individual members of the Council or the public.

47. Members of Council shall only speak after being recognized by the chair.

48. The chairperson shall treat each question in a judicial spirit, but shall not take part in the debate of Council.

49. The chairperson must step down from the chair for the purpose of taking part in the debate, in which case the deputy mayor or other member may be called to take the chair.

50. Town personnel issues will only be discussed and debated at "In-Camera" meetings of Council after recommendation of the Personnel and Administration Committee. Final decisions arriving out of such discussions such as personnel recruitment, terminations, suspensions, salaries and benefits, as required, will be finalized by Council motion in an open session of Council duly convened.

51. Individual Councillors have no authority to give direction to Town Administration members. Such direction from Council will be by means of a Council motion or directive channelled through the CAO's office.

52. No Councillor may leave the room during discussion of a motion once moved and seconded, but must wait until the motion is voted on, unless the Councillor is in a conflict of interest.

53. When a Councillor or the Mayor wishes to declare a "Conflict of Interest" in a matter to be discussed, the following steps must be taken:

- (a) the conflict of interest must be declared; and,
- (b) the Councillor or Mayor must leave the room prior to discussion of the matter so that it is clear that the member has not participated in the discussion or attempted to influence the voting of the other members of Council.

54. Individual Council members are not authorized to commit Council to any course of action or to commit the municipality to any expenditure of monies other than collectively by Council motion, in Council duly assembled.

### **Prohibitions**

55. Member of Council shall not:

- a) Use offensive words or unparliamentarily language in the meeting;

- b) Disobey the rules of the meeting or of Members of Council on questions of order or practice; or upon the interpretation of the rules of the meeting;
- c) Leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
- d) Interrupt a Member of Council while speaking, except to raise a Point of Order or Question of Privilege;
- e) Pass between a Member of Council who is speaking and the Mayor.

56. Members of council who persist in a breach of the foregoing section, after having been called to order by the Mayor, or by interpretation of the rules as requested by Council, may, at the discretion of the Mayor, or by unanimous decision of Council in the case of an offence by the Mayor, be ordered to leave their seat for the duration of the meeting.

57. At the discretion of the Mayor, a Member of Council may resume their seat following an apology, or with the unanimous consent of Council, in regard to an offense committed by the Mayor, may resume their seat following an apology.

58. A Member of Council who wishes to leave the meeting prior to adjournment shall so advise the Chair, and the time of departure shall be noted in the minutes.

#### **Voting – Pecuniary Interest (Conflict)**

59. Members of Council who have a reasonable belief that they have a pecuniary interest (as defined in the *Municipalities Act*) in any matter before Council, any committee of Council or any board, commission, committee or agency to which they are appointed as a representative of Council, shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions or voting on any question relating to the matter and shall remove themselves from the room until the matter is concluded. The minutes shall indicate the declaration of disclosure, the time at which the Member of Council left the room and the time the Member of Council returned.

#### **Public Hearings**

60. Wherever possible, persons interested in speaking at a Public Hearing should register with the CAO prior to the Public Hearing.

61. The Mayor shall declare the Public Hearing in session and shall outline Public Hearing Procedures.

62. The CAO shall introduce the resolution or bylaw and shall briefly state the intended purpose.

63. The Mayor shall request those who wish to make presentations to identify themselves. The Mayor shall then open the floor to public presentations.

64. The Mayor shall call upon those persons who have registered with the CAO to speak first, followed by other persons at the meeting who have not registered to speak but who wish to address Council. A person who does not identify himself or herself will not be given the opportunity to speak.

65. Presentations by the public may be made verbally, in writing, or both. Written submissions shall be collected by the CAO and retained for information purposes.

66. Verbal presentations shall be limited to ten (10) minutes unless there is consent by Council to extend the allotted time.

67. Following public presentations, the Mayor shall close the Public Hearing.

68. If no one is present to speak to a proposed bylaw which requires a Public Hearing, Council may hear an introduction of the matter from the CAO, ask relevant questions, and then must vote to close the Public Hearing.

69. After the close of the Public Hearing, Council may debate matters raised at the Public Hearing during the regular Council meeting following the Public Hearing and may;

a) Pass the bylaw or resolution, and/or consider the issue as per the provisions of the *Municipalities Act*

b) Make any necessary amendments to the bylaw or resolution and pass it without further advertisement or hearing.

70. When a Public hearing on a proposed Bylaw or resolution is held, a Member;

a) Must abstain from voting on the Bylaw or resolution if the member was absent from all of the Public Hearing, and

b) May abstain from voting on the Bylaw or resolution if the member was only absent from a part of the Public Hearing.

**Giving Effect to the Town of Montague Procedural Bylaw**

This bylaw shall be known as The Town of Montague Procedural Bylaw,  
Bylaw 2009-01

READ A FIRST TIME THIS 8 DAY OF June 2009

READ A SECOND TIME THIS 18 DAY OF June 2009

PASSED BY RESOLUTION THIS 18 DAY OF June 2009

**ADOPTION AND APPROVAL**

This Bylaw was adopted and approved by a majority of the Councillors present at the  
Council meeting held on the 18 day of June, 2009.



David Mabon, Deputy Mayor



Andrew Daggett, CAO

Filed on behalf of the Minister of Communities, Cultural  
Affairs and Labour according to s. 60(c) of the  
Municipalities Act.

Signed 

Dated 06/19/09

## Schedule A

### Montague Town Council

#### Mayor:

- Chairperson of Council, CEO

#### Deputy Mayor: David Mabon

- **Chairperson of Council** in absence of Mayor
- **Chairperson, Montague Planning Board**, Non-Commercial Signage
- **Chairperson Economic Development Committee**
- Liaison to Montague Museum, Town Heritage

#### Councilor John MacFarlane

- **Chairperson Finance**
- **Chairperson, Montague Water and Sewage Corporation**
- Chairperson: Youth/Seniors Committee
- RCMP

#### Councilor Janice Taylor

- **Chairperson Town Promotion**
- Liaison to SEA and Environmental Issues
- Town Recreation
- Electronic Improvement/New Media
- Town Float

#### Councilor Marian Robertson

- **Chairperson Beautification Committee**, Communities in Bloom
- Liaison Heritage Rivers
- Liaison to PEI Council of Persons with Disabilities
- Liaison to Library

#### Councilor Bernie Crawford

- **Chairperson Administration and Personnel Committee**
- Public Works, Street Lighting and Snow Removal
- Festival and Events, Canada Day
- Liaison to Library
- Liaison to Waterfront Development Committee

#### Councilor Peter Doucette

- **Chairperson Unsightly Premises Committee**
- Council Representative to Wellness Center Committee
- Liaison FPEIM

- Liaison Montague Volunteer Fire Brigade
- Animal Control

#### **Montague Water and Sewage Corporation**

- John MacFarlane – Chair
- David Mabon
- Janice Taylor
- Bernie Crawford
- Andy Daggett\*

#### **Montague Planning Board**

- David Mabon – Chair
- John MacFarlane
- Peter Doucette
- Garth MacKay
- Rhonda MacLeod
- Andy Daggett\*

#### **Administration and Personnel Committee\***

- Bernie Crawford – Chair
- Marian Robertson
- David Mabon
- John MacFarlane
- Janice Taylor

#### **Unightly Premises Committee\***

- Peter Doucette – Chair
- Marion Robertson
- Two members from Beautification Committee (anonymously selected)