

COMMUNITY OF VICTORIA
PROCEDURAL/GENERAL BUSINESS OPERATIONS BYLAW
BYLAW 2015-01

Effective Date:

The effective date of the Community of Victoria Procedural/General Business Operations Bylaw (Bylaw 2015-01) is August 10, 2015.

Authority:

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

First Reading:

This Community of Victoria Procedural/General Business Operations Bylaw (bylaw 2015-01) was read a first time at the Council meeting held on **Monday, June 8, 2015**.

This Council ^{Resolution} Bylaw was approved by a majority of Councillors present at the Council meeting held on **Monday, June 8, 2015**.

Second Reading:

This Community of Victoria Procedural/General Business Operations Bylaw (bylaw 2015-01) was read a second time at the Council meeting held on **Monday, August 10, 2015**.

This Community of Victoria Procedural/General Business Operations Bylaw (bylaw 2015-01) was approved by a majority of Councillors present at the Council meeting held on **Monday, August 10, 2015**.

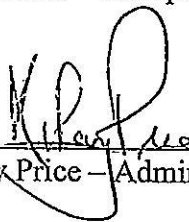
Approval and Adoption of Council:

This Community of Victoria Procedural/General Business Operations Bylaw (bylaw 2015-01) was approved and formally adopted by a majority of Councillors present at the Council meeting held on **Monday, August 10, 2015** and the chairperson and administrator were hereby authorized to sign the bylaw and apply the Community's seal hereto.

Date Signed: August 10, 2015



Ben Smith - Chairperson - Council



Hilary Price - Administrator

Date Filed: August 13, 2015

Filed with: Minister Robert J. Mitchell, Minister of Communities, Land & Environment

COMMUNITY OF VICTORIA
Procedural/General Business Operations Bylaw
ByLaw 2015-01

A BYLAW OF THE COMMUNITY OF VICTORIA IN THE PROVINCE OF PRINCE EDWARD ISLAND, TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL AND COMMITTEE OF MEETINGS AND GENERAL BUSINESS OPERATIONS.

WHEREAS the Community of Victoria considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Committee meetings and regulate general business operations

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) (i) of the *Municipalities Act* with respect to prescribing procedure for meetings of the Council

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 procedures for General Business Operations

THEREFORE, the Community of Victoria, in the Province of Prince Edward Island, duly enacts this bylaw as follows:

1. Title

This bylaw may be cited as "Community of Victoria Procedural/General Business Operations Bylaw, bylaw 2015-01"

2. Definitions

In this bylaw

- a) "Administration" means the employees of the Community
- b) "Business Day" means a day on which the Community Offices are open for business
- c) "Chairperson" means the person who is presiding at Council meetings and the Chief Executive Officer of the Municipal Corporation of the Community of Victoria
- d) "CAO" means the Chief Administrative Officer appointed to that position by council under the Act
- e) "Council" means the duly elected Council of the Community of Victoria
- f) "Council member" means a member of Council
- g) "In-Camera Meeting" means a Committee of Council meeting of the entire body of Council members present and persons designated by Council may attend which is closed to the media and public
- h) "Community" means the Community of Victoria, a municipal corporation of the Province of Prince Edward Island and encompasses the area contained within the boundaries of the Municipality
- i) "Deputy Chairperson" means the Deputy Chairperson of the Community of Victoria

- j) "Ex-Officio" means the Chairperson of Council who may sit on all committees of council and have exactly the same rights and privileges as do all other members excluding the right to vote
- k) "Meeting" means a duly constituted regular, special, in camera or committee meeting where municipal business is conducted or issues are discussed
- l) "Presentation" means any person wishing to appear before Council, In-Camera Committee of Council, or a Council committee to present and provide pertinent information and views about the subject before Council or a Council Committee
- m) "Presiding Officer" means the chairperson, or in his or her absence the deputy chairperson
- n) "Public Hearing" means an open meeting of Council structured to garner public input on a particular subject(s)
- o) "Quorum" means the chairperson, or in his or her absence the deputy chairperson, and at least one half of councillors then holding office
- p) "Statutory Holiday" means a holiday away from work during the work week which is officially recognized.
- q) "Committee of the Whole" – Committee meeting of all members of council.

3. Application

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

4. Meetings

- 4.1 The regular meetings of Council will be held on the second Monday of each month beginning at 7:00 p.m. and terminating no later than 10:00 p.m., at such location as Council may determine
 - a) Council may, by motion, extend the time limit for any regular Council meeting past the hour of 10:00 p.m. by unanimous vote.
 - b) If a Statutory Holiday falls on a Monday of the regular Council meeting, the meeting may be rescheduled or cancelled by a motion of Council.
 - c) If Council changes the date, time or place of a regularly scheduled meeting (i) notice will be provided to any member of Council not present at the meeting at which the change was made, and (ii) notice will be provided to the public by posting on the Community's bulletin board or by any other method determined by Council.
- 4.2 All regular and special meetings of Council will be open to the public.
- 4.3 Special meetings of Council shall be established by Council and will be held in accordance with the provisions set forward in the Municipalities Act.
- 4.4 Closed Sessions (In-Camera) Meetings.
 Council may, by resolution, meet as a Committee of the Whole "in camera", either during a Council meeting or at any other time where the topic in question deals with issues of "law", "labour", "land" or are "sensitive in nature". Council or any committee thereof has no power at a closed (in camera) session to pass any Bylaw, Motion or Resolution. 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) information regarding ongoing contract negotiations
 - e) preliminary financial matters not yet ready to be made public
 - f) the security of municipal documents or premises

- g) issues of a politically sensitive nature, where Council deems it appropriate and in the public interest for discussions to be held “in-camera”.

Participants, i.e. Administration, Maintenance and Council members, in closed “in-camera” meetings are morally and duty bound to treat all discussions, information, documentation of correspondence received and informal decisions reached to be strictly private and confidential. All correspondence and documentation received as part of a closed “in-camera” meeting will be returned to the CAO at the end of the meeting in order to avoid its circulation. Minutes of an “in-camera” meeting may be recorded at the Chairperson’s request but will not be released to the public.

4.5 Quorum

- a) When a quorum is present at the time set for a council meeting, the Chair and in his absence, the Deputy Chair shall call the meeting to order.
- b) If a quorum is not established within twenty (20) minutes from the time set for a council meeting, the administrator shall record the names of all the members present and adjourn the meeting.
- c) If quorum is lost during the meeting for any reason, the meeting is adjourned.

5. Agendas for Council Meetings

- 5.1 The agenda for each council meeting shall be prepared by the administrator, in consultation with the Chair or in his absence the Deputy Chair, and deliver to each member of Council prior to the scheduled Council meeting, along with copies of all pertinent correspondence, statements and reports.
- 5.2 Any member of Council wishing an item of business placed on the agenda shall make a request to the administrator not later than 1:00 p.m. of the Wednesday prior to the council meeting.
- 5.3 The request shall contain sufficient information, to allow the Council to determine suitability for discussion.
- 5.4 No item of business shall be considered by Council unless it has been placed on the agenda, either in the manner described above or as a modification of the agenda approved by resolution of the Council at the meeting.
- 5.5 If and when the administrator receives requests for presentations to the council, he or she shall place it on the council agenda unless the communication is considered to be administrative in nature, in which case the administrator shall notify the originator of the request of the process that will be used to deal with the request.
- 5.6 Agendas will be posted on the Community notice board at least 24 hours in advance of the meetings.
- 5.7 The business intended to be dealt with at Regular Council Meetings shall be stated in the agenda in the following order:
 - a) Call to order
 - b) Approval of Agenda
 - c) Adoption of Previous Minutes
 - d) Disclosure of Conflict of Interest
 - e) Business Arising From Minutes
 - f) Presentations, Special Speakers and Public Input on Presentations
 - g) Chairman’s Report
 - h) Committee Reports (including Fire Department report)
 - i) Financial Report
 - j) Administrator’s Report
 - k) New Business
 - l) In/Out Correspondence

- m) Public Input
 - n) Adjournment
- 5.8 The order of business established in section 5.7 shall apply unless altered by the Chairperson 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.

6. Presentations/Public Input

- 6.1 The presentations or delegations and public input portion of meeting of council shall provide:
- a) an opportunity for individuals or groups to appear as a formal delegation 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.
- 6.2 The total time allotment for all presentations at a council meeting is twenty (20) minutes.
- 6.3 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.
- 6.4 When a member of the public wishes to ask questions or make a brief presentation to the council and his or her presentation is not on the agenda that person shall be allotted, time permitting, a maximum of five (5) minutes.
- 6.5 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.
- 6.6 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.
- 6.7 A response to each speaker's presentation or public input 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.

7. General Rules of Council

- 7.1 The presiding officer shall preserve order and decorum at all meetings of council.
- 7.2 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.
- 7.3 The presiding officer shall vote on any matter or question before the council only for the purpose of breaking a tie.
- 7.4 The presiding officer, with the approval of the members of council, 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 presiding officer.
- 7.5 A meeting shall be adjourned by a resolution of the council.
- 7.6 Voting – Conflict of Interest – Members of Council who have a reasonable belief that they have a pecuniary interest 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 questions 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 has left the room and the time the Member of Council returned.

8. Motions

- 8.1 Each motion shall have a mover and a seconder before proceeding to a vote of the council.
- 8.2 The presiding officer 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.
- 8.3 After a motion is accepted by the presiding officer, 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.
- 8.4 The administrator shall record all motions in writing before the motion is debated or voted upon.
- 8.5 The presiding officer shall reference all motions before they are debated or voted upon.
- 8.6 The presiding officer must step down from the chair for the purpose of taking part in the debate, in which case the Deputy Chair or other member may be called to take the chair.
- 8.7 After the presiding officer has called a vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
- 8.8 After the vote has been counted the presiding officer shall declare whether the motion was "carried", "carried unanimously" or "defeated".
- 8.9 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 conflict of interest.

9. Conduct

- 9.1 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; or
 - d) speak to a subject, except upon the question in debate.
- 9.2 If any member acts contrary to this section he or she shall immediately be cautioned by the presiding officer, and when so cautioned the administrator shall record that caution in the minutes.
- 9.3 If any member of the council is cautioned twice in the same meeting he or she shall, on the order of the presiding officer, be excluded from that meeting.
- 9.4 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.
- 9.5 The presiding officer 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 presiding officer, has been guilty of improper conduct and for that purpose the presiding officer may direct that such a person be removed from that meeting.
- 9.6 A decision of the presiding officer pursuant to 9.5 above may be appealed to the council; a majority vote of council may nullify, or may uphold, the decision of the presiding officer pursuant to 9.5 above.
- 9.7 Individual Councillors have no authority to give direction to the Community's administrator or staff members. Such direction from Council will be by means of a

Council motion or directive channelled through the Chairperson or the administrator's office.

- 9.8 Members of Council shall notify the Chairperson or Administrator in the event that they are unable to attend a Regular, Committee of Council, or Special Council meeting.

10. Committees

- 10.1 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.
- 10.2 The council may, by resolution, appoint special committees chaired by a council member for any particular purpose.
- 10.3 The council may appoint Community residents to serve on special committees.
- 10.4 Committee meetings shall not exceed 2.5 hours in length unless the members of the committee present vote by a two thirds (2/3) majority to extend the time. Committee meetings may be held in private.
- 10.5 Standing committees, special committees and the committee of the whole (excluding the Water & Sewage Commission), in all matters, may only report and make recommendations to the council.

11. General Business

- 11.1 Financial -The financial year for the Community ends on the 31st day of December. The Council shall annually appoint an auditor who shall audit the financial statements of the Community.
- 11.2 Banking Arrangements – The banking business of the Community or any committee, commission or corporation thereof, shall be transacted with such bank, trust company or other firm or corporation carrying on a banking business as the Council may designate, appoint or authorize from time to time by resolution on the Community's behalf the Chairperson, Deputy Chairperson and the administrator and/or such other persons as the Council may designate and to the extent therein provided, including, without restricting the generality of the foregoing, the operation of the Community's accounts, the making, signing, drawing, accepting, endorsing, negotiating, allotting, depositing or transferring of any cheques, promissory notes, drafts acceptances, bills of exchange and order for the payment of money; the giving of receipts for and orders relating to any banking business, and defining the rights and powers of the parties thereto, and the authorizing of any officer of such banker to do any act or thing on the Community's behalf to facilitate such banking business.
- 11.3 Execution of Instruments – Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring the signature of the municipality shall be signed on behalf of the Municipality by the Chairperson and Administrator and the corporate seal shall be affixed to such instruments as may be required by any person so authorized to sign on behalf of the Community
- 11.4 Power and Composition of Council – The Council shall manage the business and affairs of the Community. The Council shall consist of a Chairperson and four Councillors elected in accordance with the Municipalities Act. A quorum of Council is the Chairperson, or in his absence the Deputy Chairperson, and at least one half of the Councillors holding office.
- 11.5 Remuneration for Council Members – As outlined in the Community of Victoria's Honorarium Bylaw.

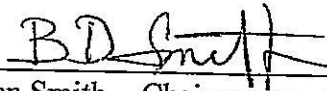
- 11.6 Insurance for Chairperson, Councillors and Employees – The Community may purchase and maintain insurance for the benefit of the Chairperson, council or employees against liabilities, costs, charges and expenses sustained.
- 11.7 Rental of Municipal Buildings – Council shall pass by resolution a rental policy outlining the rental fees for its municipal buildings.
- 11.8 Procurement/Purchasing – Council shall pass by resolution a procurement/purchasing policy outlining the procurement/purchasing procedures for the Community.
- 11.9 The Council shall have power from time to time to appoint agents or attorneys for the Community.

This Bylaw received first reading and formal approval at the Community's council meeting of

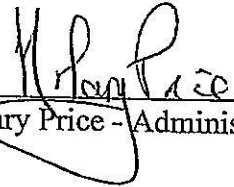
This Bylaw received second reading and final approval at the Community's council meeting of

Be it resolved that bylaw #2015-01 being the Procedural/General Business Operations bylaw is hereby enacted as a bylaw of the Community of Victoria and the chairperson and the administrator are hereby authorized to sign the bylaw and apply the Community's seal thereto.

Dated : August 10, 2015



Ben Smith - Chairperson - Council



Hilary Price - Administrator