

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH
AND NORTH RUSTICO

Council Procedures and General Business Bylaw

Bylaw No. 2015 – 1

A Bylaw relating to the procedure and conduct of council and committee meetings and to the conduct of council members.

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

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

1. Title

This Bylaw may be cited and referred to as the “Council Procedures and General Business Bylaw”.

2. Definitions

In this Bylaw:

- (a) “Act” means the *Municipalities Act*, R.S.P.E.I., 1988 Cap. M-13, as may be amended from time to time, or any successor act;
- (b) “Administration” means the employees, including the Administrator, of the Resort Municipality;
- (c) “Administrator” means the person appointed to that position by Council under the Act;
- (d) “Chairperson” means the chairperson of the Resort Municipality Council;
- (e) “Committee of the Whole” means a committee of all Council members;
- (f) “Council” means the council of the Resort Municipality;
- (g) “Councillor” means a member of the Council of the Resort Municipality, but excludes the Chairperson;
- (h) “Immediate Family Member” means a spouse, common law spouse, parent, child or sibling, and includes a step-parent, step-child, child-in-law, sibling-in-law and half-sibling;
- (i) “*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;

- (j) "Presiding Officer" means the Chairperson, or in his or her absence the Vice Chairperson;
- (k) "Quorum" means the Chairperson, or in his or her absence the Vice Chairperson, and at least one half of Councillors then holding office;
- (l) "Resort Municipality" means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico;
- (m) "Special Meeting" means a special meeting called by the Chairperson, or in his or her absence the Vice Chairperson, in accordance with the Act;
- (n) "Vice Chairperson" means the Council member who is appointed by the Chairperson to act as chairperson in the absence or illness of the Chairperson.

3. Application

3.1 This Bylaw applies to the operations of the Resort Municipality including all meetings of the Council, and meetings of council 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) other bylaws or policies of the Resort Municipality; and
- (e) *Roberts Rules of Order Newly Revised*.

4. Conflicts of Interest

4.1 This section applies to:

- (a) the Chairperson;
- (b) the Councillors;
- (c) the Administration; and
- (d) Members and directors appointed by the Resort Municipality on any of its committees, corporations or commissions.

4.2 No person listed in section 4.1 shall:

- (a) seek or obtain by reason of his or her office any privilege or advantage for himself or herself or for an Immediate Family Member not otherwise available to other persons;

- (b) accept any fees, gifts, gratuities or other benefits which would reasonably be deemed to influence his or her decision in respect of the performance of his or her functions;
- (c) make use of privileged or confidential information to which he or she has access by reason of his or her office for personal gain or for the gain of others;
- (d) hold any office or position incompatible with the disinterested performance of his or her duties and responsibilities.

4.3 Where during any meeting there arises a matter in which a person listed in section 4.1 has a direct or indirect pecuniary interest, or is otherwise affected, that person shall:

- (a) disclose the general nature of the conflict and/or direct or indirect pecuniary interest;
- (b) withdraw from the meeting without voting or participating in the discussion; and
- (c) refrain at all times from attempting to influence the matter.

4.4 For purposes of section 4.3, "meeting" includes:

- (a) a meeting of the Resort Municipality Council; and
- (b) a meeting of any committee, corporation or commission on which the member serves by virtue of an appointment by the Resort Municipality.

4.5 The Administrator, or such other person charged with recording the minutes, shall record the disclosure of the conflict and that the disclosing person withdrew from the meeting without voting or participating in the discussion.

5. Meetings (Regular and Special)

5.1 Regular meetings of Council shall be held on the third Monday of each month, at the Resort Municipality Office at 7591 Cawnpore Lane, with an alternate meeting date of the following Monday at the same location in the event that a regular meeting is cancelled in accordance with section 6.1 below.

5.2 Regular meetings of Council shall begin at 5 o'clock p.m.

5.3 Council may, by resolution, change the time and location of regular Council meetings.

5.4 Special Meetings of Council shall be called in accordance with the Act.

5.5 All meetings of the Council are open to the public.

6. Cancellation of Meetings

6.1 A regular meeting of Council may be cancelled:

- (a) by a vote of the majority of Councillors at a previously held meeting;

- (b) with the written consent of a majority of Councillors at least twenty four (24) hours in advance of the meeting;
- (c) with the written consent of two thirds (2/3) of the Councillors if twenty four (24) hours notice is not provided; or
- (d) by the Administrator where weather conditions, access to facilities, or lack of quorum impede proceeding with the meeting.

6.2 Public notification of a cancellation of a regular Council meeting must be provided:

- (e) by posting notice thereof on the Resort Municipality webpage;
- (f) by notifying local media (print and radio);
- (g) by posting notice thereof on a publicly-accessible space at the location where the meeting was to be held; and
- (h) by any other method or methods as may be determined by the Council.

7. Committee of the Whole

7.1 Council may, by resolution made at a public meeting of Council, meet as a Committee of the Whole.

7.2 Council may resolve to meet as a Committee of the Whole after or during a Council meeting or at a later date.

7.3 The Council may, by resolution, meet as a Committee of the Whole *in camera*.

8. Agendas for Council Meetings

8.1 The agenda for each Council meeting shall be prepared by the Administrator, in consultation with the Chairperson, and submitted with copies of all pertinent correspondence, statements and reports to each Council member at least 2 calendar days prior to the meeting. In computing the date by which the agenda and documentation must be provided to Council members, the date the agenda and documentation is provided and the date of the meeting shall be excluded.

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 pm of the Tuesday in the week prior to 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 section 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, the Administrator 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 requesting party of the process that will be used to deal with the request.

9. Presentations

9.1 The presentations portion of Council meetings shall provide:

- (a) an opportunity for individuals or groups to appear as a formal delegation pursuant to section 8.2; 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 The total time allotment for all presentations at a Council meeting is thirty (30) minutes, subject to the discretion of the Presiding Officer and section 11.7 below.

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 his or her presentation is not on the agenda that person 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 and subject to section 11.7 below.

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:

- (c) immediate response at the Council meeting by the Chairperson or the Administration; or
- (d) referral of the matter to committee or the Administration for review and recommendation at a subsequent time.

10. Quorum

10.1 When Quorum is present at the time set for commencement of a Council meeting, the Chairperson shall call the meeting to order.

10.2 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 the Chairperson shall adjourn the meeting.

10.3 If Quorum is lost during the meeting for any reason, the meeting is adjourned.

11. General Procedures for Council Meetings

- 11.1 The Presiding Officer shall preserve order and decorum at all meetings of Council.
- 11.2 If the Presiding Officer wishes to express a personal opinion on a matter, he or she may do so only after temporarily ceding the chair to the Vice Chairperson or, if the Vice Chairperson is acting as the Presiding Officer, to another Council member selected by the majority vote of remaining Council members.
- 11.3 Voting on all matters shall be done by a verbal "yea" (affirmative) or "nay" (negative) when called upon by the Presiding Officer. If members of the public are present, or to ensure clarity, the Presiding Officer may direct Councillors to vote by raising the hand in such a clear manner as to be easily counted by the Presiding Officer.
- 11.4 Every Council member attending a Council meeting shall vote on all matters put to a vote at the meeting unless they are required, pursuant to this Bylaw or the Act, to abstain from voting; if a Council member does not vote when not required to abstain, his or her vote shall be deemed to be in the affirmative.
- 11.5 Every person wishing to speak during a Council meeting shall address his or her comments through the Presiding Officer, and no person shall speak until the Presiding Officer has granted that person permission to do so.
- 11.6 A meeting shall be adjourned by a resolution of the Council or by declaration of the Presiding Officer; a declaration by the Presiding Officer to adjourn a meeting may be overturned by a resolution of a majority of Councillors present.
- 11.7 Despite any other provision of this Bylaw, Council meetings shall adjourn no later than 8:30 p.m. unless the Council members present vote by a two thirds (2/3) majority to extend the time.

12. Motions

- 12.1 Each motion shall have a mover and a seconder before proceeding to discussion and a vote of the Council.
- 12.2 The Presiding Officer has authority to set a time limit and the number of times that a Council member may speak on the same motion or matter, giving due regard to the importance of the matter.
- 12.3 After a motion has been duly moved and seconded, 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.
- 12.4 A motion to amend the main motion shall have a mover and a seconder before proceeding to discussion and a vote of Council.
- 12.5 The Administrator shall record all motions in writing before the motion is debated or voted upon.
- 12.6 The Presiding Officer shall read out each motion before it is debated or voted upon.
- 12.7 After each Council member has had an opportunity to speak to the motion at least once, any member of Council may suggest an end to debate by calling 'question.'

12.8 Once 'question' has been called, the Presiding Officer shall determine whether every member of Council has had an opportunity to speak and shall determine whether any further discussion is required.

12.9 If no further discussion is deemed necessary, the Presiding Officer shall call a vote; at that point, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

12.10 After a vote has been counted, the Presiding Officer shall declare the motion to be "carried", "carried unanimously" or "defeated".

12.11 The Presiding Officer shall not vote except to break a tie.

12.12 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.

13. Conduct During Council Meetings

13.1 No member of Council shall:

- (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.

13.2 If any Council member acts contrary to this section, he or she shall immediately be cautioned by the Presiding Officer, which shall be recorded in the minutes by the Administrator.

13.3 If the member in question is the Presiding Officer, any Council member may move to caution the Presiding Officer by resolution of Council. If the resolution to caution the Presiding Officer is carried, the resolution shall be recorded in the minutes by the Administrator.

13.4 If any Council member is cautioned twice in the same meeting he or she shall, on the order of the Presiding Officer, be required to leave that meeting.

13.5 If the Presiding Officer is cautioned twice in the same meeting he or she shall, by resolution of Council, be required to leave that meeting.

13.6 Where the Presiding Officer has been required to leave a meeting, the Vice Chairperson shall preside over the remainder of the meeting. If the Vice Chairperson was acting as the Presiding Officer then a Council member selected by majority vote of the remaining Council members shall preside over the remainder of the meeting.

13.7 Should the offending Council member 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.

13.8 The Presiding Officer may cause to be removed 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.

13.9 A decision of the Presiding Officer pursuant to paragraph 13.8 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 section 13.8 above.

14. General Business Matters

14.1 The Council may from time to time by resolution fix the location of the Resort Municipality's Office within the Resort Municipality.

14.2 The banking business of the Resort Municipality, or any of its committees, 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.

15. Insurance

The Resort Municipality may purchase and maintain insurance for the benefit of the Resort Municipality, its Chairperson, Councillors, committee members and/or Administration members, to defend and indemnify them against costs, expenses, losses, damages, fines and/or liability for any act done or not done in good faith in the exercise of their powers and/or duties for the Resort Municipality.

16. Agents and Attorneys

The Council may appoint agents or attorneys for the Resort Municipality with such powers of management or otherwise (including the power to sub-delegate) as may be thought fit.

17. Auditors

17.1 The Council shall annually appoint an auditor who shall audit the financial statements of the Resort Municipality.

17.2 The auditor shall be the person qualified to practice as a public accountant under the *Public Accounting and Auditing Act*, R.S.P.E.I. 1988, Cap P-28, as amended from time to time, or any successor act.

17.3 The auditor shall, on or before May 15 in each year, make a report to the Council on the financial statements of the Resort Municipality and shall state in his or her report whether, in his or her opinion, the financial statements referred to therein present fairly the financial position of the Resort Municipality and the results of its operations during the immediately preceding fiscal year, in accordance with generally accepted accounting principles applied on a basis consistent with that of the previous fiscal year.

18. Notices – Method of Giving

18.1 Any notice, communication or other document to be given by the Resort Municipality to a Council member under this or any other bylaw shall be sufficiently given if delivered personally, if delivered to the person's last known address on file with the Resort Municipality, if mailed by prepaid ordinary mail in a sealed envelope addressed to the person at his or her address on file with the Resort Municipality, or if sent by facsimile or electronic mail at the person's last facsimile number or email address on file with the Resort Municipality.

18.2 A notice, communication or document delivered personally shall be deemed received upon receipt. A notice, communication or document sent by ordinary mail shall be deemed to

have been given on the third day after it was deposited in a post office or public letter box. A notice sent by facsimile transmission or electronic mail shall be deemed to have been received on the date of the transmission, unless sent after 5 p.m., in which case it will be deemed to have been received the next business day.

- 18.3 The Administrator may change the address on file with the Resort Municipality for any Council member in accordance with information believed by him or her to be reliable.

19. Omissions and Errors

The accidental omission to give any notice to any Council member or any error in any notice not affecting the substance thereof shall not invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.

20. Waiver of Notice

Any Council member may waive any notice required to be given under any bylaw of the Resort Municipality and such waiver, whether given before or after the meeting or other event of which notice is required to be given, shall cure any default in giving such notice.

21. Effective Date

This Bylaw comes into effect on May 1, 2015.

22. Repeal

All previous bylaws of the Resort Municipality pertaining to Council procedures and conflicts of interest are hereby repealed.



Communities
Land and
Environment

Communautés
Terres et
Environnement



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Brenda MacDonald
Resort Municipality
R.R. #2
Hunter River, PE
COA 1N0

June 26, 2015

Dear Ms. MacDonald,

**Re: Resort Municipality – Council Procedures and General Business Bylaw
(adopted April 20, 2015)**

I wish to acknowledge receipt of the following bylaw:

- Resort Municipality, Council Procedures and General Business Bylaw, adopted April 20, 2015.

A copy of the above noted bylaw has been filed in accordance with the *Municipalities Act*. Enclosed is a dated and signed copy of the resolution sheet for your files.

Please be advised that it is the responsibility of the municipality passing a bylaw to both ensure that the subject area covered by the bylaw is within the jurisdiction of the municipality and that the procedures for the passage of a bylaw are in compliance with the *Municipalities Act*.

Please feel free to contact the undersigned should you have any questions regarding this matter.

Regards,

Wendy McIsaac
Senior Policy Analyst

FIRST READING:

This Bylaw was read a first time at the Council meeting held on the 13th day of April, 2015.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 13th day of April, 2015.

SECOND READING:

This Bylaw was read a second time at the Council meeting held on the 20th day of April, 2015.

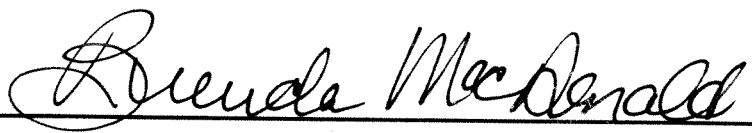
This Bylaw was approved by a majority of Councillor present at the Council meeting held on the 20th day of April, 2015.

ADOPTION AND APPROVAL BY COUNCIL:

This Bylaw was adopted by a resolution of Council at the Council meeting held on the 20th day of April, 2015.

The Council Procedures and General Business Bylaw is declared to be passed on the 20th day of April, 2015.


WITNESS the corporate seal of the Resort Municipality 
Matthew Jelley, Chair


Brenda MacDonald, Administrator

Filed on behalf of the Minister of Communities, Land and Environment according to s. 60(C) of the Municipalities Act

Signed

Filed on behalf of the Minister of Finance, Energy and Municipal Affairs in accordance with s. 60(c) of the Municipalities Act.

 June 26, 2015
Signed Dated

Dated