

**TOWN OF CORNWALL, PEI
PROCEDURAL BYLAW
BYLAW # 105**

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 *Charlottetown Area Municipalities Act* R.S.P.E.I. 1988, Cap. C-4.1.

WHEREAS the *Charlottetown Area Municipalities Act* authorizes municipal councils to pass bylaws for the procedure and conduct of council meetings, council committee meetings, and the conduct of the members of council and council committees, and generally for the transaction of its business;

AND WHEREAS the Town of Cornwall council finds it desirable to establish and follow procedures of municipal governance that reflect an open and transparent process of decision making wherein decisions are made after all relevant information has been provided;

THEREFORE IT IS ENACTED by the Council of the Town of Cornwall as follows:

1. Title

This bylaw shall be cited as the “Procedural Bylaw”.

2. Definitions

In this bylaw:

- a) “Act” means the *Charlottetown Area Municipalities Act* R.S.P.E.I. 1988, Cap. C-4.1 as amended from time to time;
- b) “administration” means the employees, including the administrator, of the Town of Cornwall;
- c) “administrator” means the person appointed to that position by council under the Act;
- d) “council” means the council of the Town of Cornwall;
- e) “*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;
- f) “presiding officer” means the mayor, or in his or her absence the deputy mayor;
- g) “quorum” means the mayor, or in his or her absence the deputy mayor, and at least one half of councillors then holding office;

h) “special meeting” means a special meeting called by the mayor, or in his or her absence the deputy mayor, in accordance with the Act;

i) “town” means the Town of Cornwall, incorporated pursuant to the Act.

3. Application

3.1 This bylaw applies to all meetings of the council, and meetings of 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) Roberts Rules of Order Newly Revised.

4. Meetings

4.1 Regular meetings of council shall be held on the third Wednesday of each month, at such location as council may determine.

4.2 Regular meetings of council shall begin at 7:30 p.m. Council may, by resolution, change the time for regular council meetings.

4.3 All meetings of the council will be open to the public.

4.4 Special meetings of council shall be called in accordance with the Act.

4.5 Emergency meetings of council shall be called in accordance with the Act.

4.6 Public notice of the time, place, and subject matter of special meetings of the council shall be given in accordance with the Act, by posting notice thereof on the town’s webpage, and by any other method or methods as may be determined by the council.

5. Cancellation of Meetings

5.1 A regular meeting may be cancelled subject to provisions in the Act.

5.2 Public notification of a cancellation of a regular council meeting must be provided by posting notice thereof on the Town webpage, and any other method or methods as may be determined by the council.

6. Committee of the Whole

- 6.1 Council may, by resolution, meet as a committee of the whole council.
- 6.2 The council may, by resolution, meet as a committee of the whole council *in camera*.
- 6.3 Matters which may be considered *in camera* include:
 - a) wages, salary, benefits and other human resource matters that pertain to an identifiable individual;
 - b) information regarding ongoing contract negotiations;
 - c) the acquisition, sale, lease or exchange of land;
 - d) preliminary financial matters not yet ready to be made public;
 - e) matters involving pending or current litigation, or any matter subject to solicitor-client privilege; confidential police matters;
 - f) education or training of the members of the council; and
 - g) the security of municipal documents or premises.
- 6.4 Council may resolve to meet as a committee of the whole either in advance or during a council meeting.

7. Quorum

- 7.1 When quorum is present at the time set for commencement of a council meeting, the presiding officer shall call the meeting to order.
- 7.2 If quorum is not constituted within twenty (20) minutes from the time set for commencement of a council meeting, the administrator shall record the names of all the members present and adjourn the meeting.
- 7.3 If quorum is lost during the meeting for any reason, the meeting is adjourned.

8. Agendas for Council Meetings

- 8.1 The agenda for each council meeting shall be prepared by the administrator, in consultation with the council, and submitted with copies of all pertinent correspondence, statements and reports to each member of council a minimum of five(5) calendar days prior to the meeting.
- 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 1:00pm of the Wednesday 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 subsection 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, 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.

9. Presentations

- 9.1 The presentations or delegations portion of meetings of council shall provide:
- a) an opportunity for individuals or groups to appear as a formal delegation pursuant to subsections 9.2 and 9.5; 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 twenty (20) minutes.
- 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. The presiding officer shall have the discretion to grant a time extension for presentations, subject to section 10.7 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:
- 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.

10. General Rules of Council

- 10.1 The presiding officer shall preserve order and decorum at all meetings of council.

- 10.2 Voting on all matters shall be done by raising the hand in such a clear manner as to be easily counted by the presiding officer.
- 10.3 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.
- 10.4 The mayor shall vote on any matter or question before the council only for the purpose of breaking a tie.
- 10.5 Every person wishing to speak during a council meeting shall address their comments through the presiding officer, and no person shall speak unless and until the presiding officer has granted that person permission to do so.
- 10.6 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 members present.
- 10.7 Notwithstanding any other provision of this bylaw, council meetings shall not exceed 2.5 hours in length unless the members of the council present vote by a two thirds (2/3) majority to extend the time.

11. Motions

- 11.1 Each motion shall have a mover and a seconder before proceeding to a vote of the council.
- 11.2 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.
- 11.3 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.
- 11.4 The administrator shall record all motions in writing before the motion is debated or voted upon.
- 11.5 The presiding officer shall reference all motions before they are debated or voted upon.
- 11.6 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.
- 11.7 After a vote has been counted the presiding officer shall declare whether the motion was “carried”, “carried unanimously” or “defeated”.
- 11.8 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.

12. Conduct

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 A decision of the presiding officer pursuant to 12.5 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 12.5 above.

13. Committees

- 13.1 The mayor 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.
- 13.2 The council may, by resolution, appoint special committees chaired by a council member for any particular purpose.
- 13.3 The council may appoint town residents to serve on special committees.
- 13.4 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.
- 13.5 Standing committees, special committees and the committee of the whole, in all matters, may only report and make recommendations to the council.

This Bylaw received first reading and formal approval at the town council meeting of October 16th, 2013.

This Bylaw received second reading and final approval at the town council meeting of November 20th, 2013.

Witness the corporate seal of the town.

Glen 'Barney' Fullerton,
Mayor

Kevin McCarville,
Chief Administrative Officer

BE IT RESOLVED THAT: Bylaw No. 105, being a Bylaw relating to the procedure and conduct of council and committee meetings and to the conduct of council members, is hereby enacted as a Bylaw of the town and the mayor and chief administrative officer be and they are hereby authorized to sign the Bylaw and apply the town's seal thereto.

Dated the 20th day of November, 2013.

Glen 'Barney' Fullerton,
Mayor

Kevin McCarville,
Chief Administrative Officer