

**Town of Montague, PEI**  
**A Bylaw to Regulate the Proceedings of Council**  
**Bylaw # 2018-01**

**BE IT ENACTED** by the Council of the Town of Montague as follows:

**PART I – INTERPRETATION AND APPLICATION**

**1. Title**

- 1.1. This Bylaw shall be known as, and may be cited as the “Procedural Bylaw”.

**2. Authority**

- 2.1. Subsection 86(2)(e) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., provides that a council must establish a procedural bylaw to regulate its proceedings in accordance with the Act.

**3. Application**

- 3.1. This bylaw applies to all members of Council, the Chief Administrative Officer, members of Council Committees, Town of Montague employees, those who appear before Council and members of the general public.
- 3.2. When any matter relating to proceedings arises which is not covered by a provision of this bylaw or the Act, the matter shall be decided by reference to Robert’s Rules of Order.
- 3.3. In the event of any conflict between the provisions of the Act and this bylaw, the Act will prevail.

**4. Definitions**

- 4.1. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.
- 4.2. “Council” means the Mayor and other members of the Council of the municipality.
- 4.3. “Councillor” means a member of Council other than the Mayor.
- 4.4. “Point of information” means the procedural mechanism by which a member may present or receive information of interest to Council.
- 4.5. “Point of order” means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed.
- 4.6. “Point of privilege” means the procedural mechanism by which a member may rise to address incorrect, defamatory or slanderous statements made about the Council, councillors, or employees of the municipality.

- 4.7. "Quorum" is a majority of all the members of council or a council committee. Vacancies are not counted in determining quorum except where the remaining number of council members is not less than four.
- 4.8. "Regulations" means the regulations adopted by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

## **PART II – MEETINGS OF COUNCIL**

### **5. First Meeting**

- 5.1. A newly elected Council shall not transact any business until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.
- 5.2. At the first meeting of the newly elected Council following a general election, Council shall:
  - (a) establish by resolution a schedule of meeting dates for the next 12 months, providing for no fewer than 6 council meetings open to the public in accordance with 110(3) of the *Municipal Government Act*; and
  - (b) appoint Council members to council and/or legislated committees in accordance with the regulations and this bylaw.

### **6. Scheduling of Meetings**

- 6.1. Prior to the beginning of each calendar year, council shall, by resolution, establish a schedule of Regular meetings and Committee of Council meetings for the year.
- 6.2. The CAO will ensure that the schedule of Regular meetings and Committee of Council meetings are published in accordance with subsection 110 (3) and (4) of the Act, the requirements of the regulations, and subsection 7.2 below.
- 6.3. If a regularly scheduled meeting of Council falls on a day that is a Statutory Holiday, the Regular meeting or Committee of Council meeting will be held the following day unless rescheduled to another day or cancelled by resolution of Council.
- 6.4. A Regular meeting and Committee of Council meeting of Council may be rescheduled:
  - (a) by resolution of Council;
  - (b) in accordance with this bylaw; or
  - (c) by the CAO if it is apparent that quorum will not be achievable.
- 6.5. Council may, by resolution, establish a time limit for any meeting and may extend the time limit for any Regular meeting and Committee of Council meeting with a unanimous vote in favour of the motion to extend the meeting.

### **7. Notice of Meetings**

- 7.1. Notice of regularly scheduled Council meetings will be included in an annual schedule of meetings.
- 7.2. As per section 110(3) of the Act, Council shall post the annual schedule of Council meetings, including the date, time, and place of each meeting in the following manners:

- (a) electronic format at [www.montague.ca](http://www.montague.ca) and
  - (b) one other format which shall be at a minimum a sign posted at Town Hall.
- 7.3. If Council changes the date, place or time of a regular or special meeting, the CAO must give at least 24 hours' notice of the change to the public through at least one electronic format at [www.montague.ca](http://www.montague.ca) and at least one other format which shall be at a minimum a sign posted on the front door at Town Hall.
- 7.4. If Council changes the date, place or time of a regular or special meeting, the CAO must give at least 24 hours' notice of the change to all members of Council by email.
- 7.5. The notice shall specify the type of meeting and the actual or revised date, place and time of the meeting.
- 7.6. Notice of a change in date, time or place of a Regularly scheduled meeting or Committee of Council meeting must be provided at least 24 hours in advance of the meeting to any councillors not present at the meeting at which the change was made and to the public.
- 7.7. Notice of special meetings must be provided at least 24 hours in advance of the meeting to all members of Council and the public.
- 7.8. Notice of a meeting or hearing must be given at least seven days before the Council meeting or public hearing, as the case may be, at which any of the following matters is to be considered:
- (a) a proposal by Council to transfer land below fair market value (subsection 143(1) of the Act);
  - (b) a local improvement to which one or more objections were made to the CAO within 30 days of receipt of notice thereof (section 203 of the Act); or
  - (c) a permanent street closure (subsection 213(3) of the Act).
- 7.9. Any other forms of notice required by Council or a bylaw shall be given in accordance with section 6.3.

## **8. Special Meetings**

- 8.1. Pursuant to section 121 of the Act, a Special meeting of Council will be called by the Chief Administrative Officer when requested in writing by:
- (a) the Mayor; or
  - (b) a majority of the councillors.
- 8.2. The request for a Special meeting shall include a statement of the purpose of the meeting.
- 8.3. A Special Council meeting shall be held at:
- (a) the first available date where quorum can be achieved; or
  - (b) no later than 21 days after the date that the CAO receives the request.

- 8.4. Pursuant to subsection 121(4) of the Act, no business other than the business that Council has stated in the meeting notice will be transacted at a Special meeting unless all members are present and unanimously agree to deal with other matters.

## **9. Closed Meetings**

- 9.1. Council or a Council committee may, by resolution passed at a public meeting of the Council or committee, hold a meeting that is closed to the public when the subject matter of the meeting is considered to be confidential in accordance with section 119(1) of the *Municipal Government Act*.
- 9.2. Council may, by resolution, establish a regular schedule of standing closed meetings, and notice of the schedule of closed meetings shall be provided through a sign posted in a prominent location available to the public.
- 9.3. No resolution or bylaw will be passed during a meeting closed to the public other than by resolution set out in section 119(2) of the *Municipal Government Act*.
- 9.4. A resolution to close a meeting to the public must state the reason(s) for closing the meeting, in accordance with section 119(3) of the *Municipal Government Act*.
- 9.5. The Council or committee will make any matter considered at a closed meeting public when confidentiality is no longer required, in accordance with subsection 119(4) of the Act.
- 9.6. No Council member, Council committee member or employee of a municipality shall, subject to subsection 119(2) of the Act, disclose or act on any information acquired at a closed meeting of Council or a Council committee respecting a matter or report disclosed or discussed at the meeting, prior to the matter or report being dealt with at an open meeting of Council or the Council committee.

## **10. Meeting by Electronic Means**

- 10.1. Pursuant to section 122 of the Act, Council hereby authorizes meetings to be conducted by electronic means, in accordance with the Act, the regulations, and the provisions of this bylaw.
- 10.2. Council shall hold a meeting by electronic means upon passage of a resolution to that effect, where the majority of Council members are unable to meet in person.
- 10.3. Pursuant to subsection 122(2) of the Act and subject to section 10.5 of this bylaw, a Council committee may hold a meeting by electronic means upon passage of a resolution by the committee to that effect.
- 10.4. A meeting shall only be conducted by electronic means if the electronic means by which the meeting is conducted enables, at a minimum:
- (a) the Council or Council committee members participating in the meeting to hear and speak to each other; and
  - (b) where the meeting is open to the public, the public to see and hear the meeting's participants at a place specified in the notice of the meeting.

- 10.5. The CAO shall ensure that at least 24 hours' notice of an electronic meeting is given to all Council members or committee members and to the public of a meeting, advising:
- (a) that the meeting will be conducted by electronic means; and
  - (b) where the meeting is open to the public, of the location of the facilities where the public can see and hear the meeting.
  - (c) The CAO shall ensure that a municipal employee is present at the location specified in the notice to facilitate the viewing of the meeting and to ensure that the public can see and hear the meeting.

## **11. Electronic Participation in Meetings**

- 11.1. Pursuant to subsection 122(4) of the Act, a Council or Council committee member who is unable to attend a meeting of Council or the Council committee in person may participate in the meeting by telephone or by electronic means such as Skype, FaceTime or other similar media.
- 11.2. A Council or Council committee member may only participate by telephone or by electronic means if the Council or Council committee members are able to hear and speak to each other.
- 11.3. Where a Council or Council committee member is participating in a meeting conducted by electronic means or is participating by telephone or electronic means and there is a report or recommendation to be considered in respect of a matter before the Council or Council committee, the Council or Council committee member shall take part in the debate and vote on that matter only if the member has before him or her a copy of the report or recommendation to be considered, in accordance with subsection 122(6) of the Act.
- 11.4. Pursuant to subsection 122(4) of the Act, Council members participating by telephone or electronic means are considered to be present at the meeting.

## **12. Electronic Participation in Closed Meetings**

- 12.1. The chair of council or a council committee meeting shall require every council or council committee member participating by telephone or electronic means to confirm that there is no one else present in their location who is able to hear the discussion during the closed meeting.

## **PART IV – COUNCIL MEETING PROCEDURES**

### **13. General**

- 13.1. The Mayor will preside over all Council meetings except where the Act provides otherwise, and shall perform the duties enumerated in section 89 of the Act, including preserving order, enforcing rules, deciding points of privilege and order, and advising on points of procedure.
- 13.2. Pursuant to subsection 91(1) of the Act, the deputy Mayor will preside in the Mayor's absence.

- 13.3. The members of Council may appoint an acting Mayor in accordance with subsection 90(4) of the Act, where:
- (a) the Mayor and deputy Mayor are absent, incapacitated or otherwise unavailable and neither of them has appointed another member of Council to act in his or her stead; or
  - (b) the offices of Mayor and deputy Mayor are vacant.
- 13.4. Pursuant to subsection 91(5), the term of an acting Mayor continues only until the Mayor or deputy Mayor is no longer absent, incapacitated or otherwise unavailable and only until a new Mayor is declared elected, unless the appointment is revoked earlier by the Council.

#### **14. Agendas**

- 14.1. The agenda for each regular and special meetings of Council shall be prepared by the CAO or his or her designate.
- 14.2. The agenda for each regular meeting, along with pertinent correspondence, statements and reports, must be sent to each member of Council by electronic means (or by means requested by the member) no later than the Friday prior to the meeting unless that day is a statutory holiday. If so, the agenda and accompanying documents must be delivered to Council member no later than Thursday prior to the statutory holiday.
- 14.3. The deadline for receipt of agenda materials for a Regular meeting by the CAO is noon on the Wednesday preceding the meeting.
- 14.4. The CAO shall have prepared and printed a Regular Council agenda to be made available to the public. The agenda shall reflect the matters to be considered, under the following headings, referred to as the Order of Business:
- (a) Call to Order;
  - (b) Approval of Agenda;
  - (c) Disclosure of Conflict of Interest;
  - (d) Adoption of Minutes;
  - (e) Delegations, Special Speakers and Public Input;
  - (f) Reports
    - i. Standing and Special Committees;
    - ii. Report from CAO;
    - iii. Financial Reports (quarterly)
    - iv. Recommendations from the Planning Board;
    - v. Development Permit Report;
  - (g) Request for Decision from Committee of Council Meeting;
  - (h) Correspondence;
  - (i) Appointments to Committees;
  - (j) Adjournment;

- (k) any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of Council present at the meeting.

14.5. The CAO shall have prepared and printed a Committee of Council agenda to be made available to the public. The agenda shall reflect the matters to be considered, under the following headings, referred to as the Order of Business:

- (a) Call to Order;
- (b) Approval of Agenda;
- (c) Disclosure of Conflict of Interest;
- (d) Adoption of Minutes of the previous Committee of Council Meeting;
- (e) Delegations, Special Speakers and Public Input;
- (f) Reports
  - i. Standing and Special Committees;
  - ii. Report from CAO;
  - iii. Financial Reports (monthly)
  - iv. Recommendations from the Planning Board;
  - v. Development Permit Report;
  - vi. Reports from Town supported organizations (Museum, WFDC, CFWC, etc.)
- (g) Request for Decisions;
- (h) Correspondence;
- (i) Adjournment;
- (j) any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of Council present at the meeting.

**15. Quorum**

15.1. A quorum is required at all times for Council meetings, in accordance with 113 of the Act.

15.2. A quorum is a majority of all members of the Council.

- (a) Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.

15.3. Pursuant to subsection 113(3), where there is a vacancy on Council, but there are at least four Council members remaining on Council, a quorum will be a majority of the remaining members of Council.

15.4. Where the number of Council members is reduced to less than four by reason of vacancies, the Council shall apply to the Minister, in accordance with subsection 113(4) of the Act, to have the remaining Council member or members to be considered to be a quorum until elections are held to fill the vacancies.

- 15.5. If a quorum is not present within twenty (20) minutes after the time fixed for the meeting, the CAO or delegate shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
- 15.6. Where the CAO or delegate has confirmed in advance of the meeting that quorum will not be present, the CAO or delegate may provide notice of the cancellation of the meeting to the members of Council and the public in accordance with section 6, identifying the next meeting.

## **16. Voting**

- 16.1. Voting at meetings of Council shall be undertaken in accordance with section 115 of the Act:
  - (a) each Council member present, except the Mayor, will vote on every matter unless a Council member is excused specifically from voting, by resolution, or the Council member is prohibited from voting because the member has a conflict of interest.
  - (b) no vote of Council will be taken by ballot or any other method of secret voting and any vote taken by any form of secret voting is of no effect.
  - (c) all votes of Council, both for and against, will be recorded.
  - (d) the failure or refusal of a member of Council to vote on a matter that is properly before the Council will be considered a vote in favour except when the member is excused or prohibited from voting.
  - (e) where there are an equal number of votes for and against a bylaw or motion, the Mayor or presiding officer will vote for the purposes of breaking the tie.

## **17. Presentation and Delegations to Council**

- 17.1. The following will be permitted at meetings of Council at the time so designated on the agenda, in accordance with the provisions of this bylaw:
  - (a) presentations to recognize an individual or group on behalf of Council or for a group or individual to present to Council some award or similar honour;
  - (b) delegations wishing to speak before Council; and
  - (c) presentations of petitions
- 17.2. The time allotted by Council for each person making presentations or giving recognitions will be 15 minutes.
- 17.3. Delegations wishing to speak before Council will advise the CAO or his/her designate of their intention to do so by noon on the Wednesday prior to the meeting, and all information to be addressed will be on the form attached as "Request for Decision" (Schedule A) to this bylaw.
- 17.4. Delegates will be granted a maximum presentation time of 15 minutes to present the matter outlined in the notification unless Council agrees to a waiver of this time restriction by the majority consent of Council members present.



**18. Adjournment**

- 18.1. All regularly scheduled Council meetings shall stand adjourned when the Council has completed all business as listed on the order of business or at 10 pm, whichever is earlier.
- 18.2. If a Council member is speaking at the time the meeting is scheduled to end, the Mayor will wait until that person is done speaking before asking Council to consider whether it wants to extend the time of the meeting.
- 18.3. Any business items that remain on the agenda and which have not been addressed at the time of adjournment will be deemed to be postponed until the next regularly scheduled Council meeting or until a special meeting is called for the purpose of dealing with the unfinished items.

**19. Conduct during Council meetings**

Public

- 19.1. All persons in the public gallery at a Council meeting will:
  - (a) refrain from addressing Council or a member of Council unless permitted to do so
  - (b) maintain quiet and order;
  - (c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
  - (d) refrain from talking on electronic mobile devices; and,
  - (e) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

Delegations and Council Members

- 19.2. Delegates and members of Council shall refrain from:
  - (a) speaking disrespectfully;
  - (b) using offensive language;
  - (c) reflecting on a vote of Council except when moving to rescind or reconsider it;
  - (d) reflecting on the motives of the members of Council who voted on the motion or the mover of the motion; or
  - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.
- 19.3. When a member is addressing the Council, all other members will:
  - (a) remain quiet and seated;
  - (b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
  - (c) refrain from carrying on a private conversation in a manner that disturbs the speaker.
- 19.4. Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

- 19.5. Each member or delegate, as the case may be, shall address the Mayor, but shall not speak until recognized by the Mayor.
- 19.6. Members of Council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 19.7. If more than one member wishes to speak at a meeting at the same time, the Mayor will indicate which member will speak first.
- 19.8. 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.
- 19.9. A motion must be seconded to be discussed.
- 19.10. A motion may be withdrawn at any time before voting subject to no objection from any member.
- 19.11. The following motions 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 certain time
  - (h) To postpone the matter.

#### Improper Conduct

- 19.12. The Mayor may request that any person in the public gallery who disturbs the proceedings of Council or acts improperly at a Council meeting leave or be expelled from the meeting.
- 19.13. If a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting to another day.

#### **20. Points of Order, Procedure or Privilege**

- 20.1. A member of Council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease and the "point" shall be clearly stated by the member and, if applicable, ruled upon by the Mayor.
- 20.2. A member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- 20.3. Where the Mayor is called upon to decide a point of order or practice in accordance with section 111 of the Act, he or she shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable thereto.

Appeal of Decision of the Mayor

- 20.4. Whenever a member wishes to appeal any ruling of the Mayor or a point of order or point of privilege to the whole of Council pursuant to section 112 of the Act:
- (a) the motion of appeal shall be made immediately after the ruling is made by the Mayor or otherwise the ruling will be final;
  - (b) the member may offer a brief reason for the challenge; and
  - (c) the Mayor may state the reason for the decision he or she made.
- 20.5. Following the motion of appeal and the response, if any from the Mayor, the question shall be put immediately without debate.
- 20.6. The Mayor will be governed by the vote of the majority of the members of Council present.
- 20.7. Neither the Mayor nor the appellant will participate in the vote on an appeal.

**21. Motions and Debate**

- 21.1. A motion will express fully and clearly the intent of the mover.
- 21.2. A motion will not be considered unless it has been seconded.
- 21.3. Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 21.4. When a motion is under debate no other motion may be made, except a motion to:
- (a) amend a motion;
  - (b) refer a motion to a Council committee or administration for a report back to Council;
  - (c) postpone a motion to a fixed date;
  - (d) request that a motion be put to a vote;
  - (e) extend the time for a Council meeting; or
  - (f) adjourn the meeting.
- 21.5. Notwithstanding any other provisions of this bylaw, the member of Council who moved a motion after a motion is under debate may, with the consent of Council, change the wording of the motion or agree to a change proposed by another member if the alteration does not change the intention of the motion.
- 21.6. Motions will be considered in the order in which they were moved.

## **22. Minutes**

- 22.1. The CAO shall ensure that minutes are kept of all Council meetings and Council committee meetings, both open and closed to the public, in accordance with section 116 of the Act.
- 22.2. The CAO shall ensure that the minutes of meetings record all resolutions, decisions and proceedings of the Council and shall include at minimum:
  - (a) the date and names of all Council or committee members and employees present at the meeting;
  - (b) the subject matter of the issues discussed; and
  - (c) any decisions made.
- 22.3. Where a meeting is closed to the public, the minutes of the meeting that may be disclosed to the public will be restricted to
  - (a) to the date of the meeting;
  - (b) the names of Council members or committee members and employees present; and
  - (c) the type of matter under section 119(1) of the Act that was discussed at the meeting.
- 22.4. Copies of the minutes will be open for inspection by any person during regular office hours and copies of the minutes will be provided to any person, in accordance with subsection 116(3) of the Act, on the payment of a reasonable fee established by the Council under a fees bylaw and attached as a schedule to that bylaw.
- 22.5. Minutes of Council meetings, when approved, shall be signed by the Mayor and the CAO, and minutes of committee meetings, when approved, shall be signed by the chairperson of the committee (subsection 116(4) of the Act).
- 22.6. Any member may make a motion amending the minutes to correct any mistakes. The minutes of each meeting are to be approved at the next regular meeting of the Council and signed by the Mayor, committee chairperson, or other presiding member, and the CAO.

## **23. Conflict of Interest**

- 23.1. Pursuant to subsections 97.(1) and 97.(2) of the Act, the purpose of this bylaw is to:
- 23.2. set out the procedure to be followed by a member of Council if the member believes or suspects that they may have a conflict of interest; and
- 23.3. set out the procedure to be followed by the Council if a complaint is received by Council that a member of Council has a conflict of interest.
- 23.4. Pursuant to Part 5, Division 2 of the *Municipal Government Act*, where there is an inconsistency between this bylaw and the *Municipal Government Act* or another enactment, this bylaw is of no force or effect to the extent of the inconsistency.

## **24. Procedure for Reporting Conflicts of Interest**

- 24.1. Every member of Council is individually responsible for preventing potential and actual conflicts of interest as defined in the Act.

- 24.2. A member of Council must ensure that the conflict of interest is brought to the attention of Council as soon as it arises and declare their interest before any discussion of the matter during any type of meeting of Council including:
- (a) council meetings;
  - (b) council committee meetings, including Planning Board meetings
  - (c) meetings with the public for the purpose of information sharing or gathering such as town hall meetings;
  - (d) public hearings required under legislation;
  - (e) controlled corporation meetings; and
  - (f) meetings where the member serves as the representative of the Council on another body;
- 24.3. There is no conflict in the decision made by Council if an interest is properly declared and the declaration:
- (a) occurs before any consideration or discussion;
  - (b) discloses the general nature of the conflict;
  - (c) includes any material details that may reasonably be seen to affect the member's impartiality; and
  - (d) involves the person making the declaration leaving the room at any time while the topic is being discussed and decisions relating to the topic are being made.
- 24.4. If a member of Council or a person closely connected to the member develops a private interest in a matter *after* it has been addressed by Council, the member of Council must disclose the conflict of interest as soon as possible thereafter.
- 24.5. A member of Council shall disclose an interest each and every time the matter in which an interest is held is brought before Council.
- 24.6. Pursuant to subsection 96.(3) *Municipal Government Act*, when a member of Council declares a conflict of interest, the Council member:
- (a) shall refrain from discussion and voting;
  - (b) must leave the room where the meeting is being held until discussion and voting have occurred;
  - (c) shall not influence discussion, voting, recommendations or other actions to be taken involving the matter, including using their office or position to influence others or the decisions of others, before, during, and after the meeting; and
  - (d) must submit a written amendment to the disclosure statement if they have declared a conflict of interest that is not present, but is required to be included, on their most recently filed public disclosure statement.
- 24.7. A declaration of a conflict of interest must be recorded in the meeting minutes. If a conflict of interest is declared by a member of Council, the CAO shall ensure that the following is recorded in the meeting minutes:

- (a) the declaration of a conflict of interest;
  - (b) the general nature of the conflict declared;
  - (c) the material details; and
  - (d) the abstention and withdrawal of the member.
- 24.8. The person presiding over any meeting of Council, a Council committee, a controlled corporation or other bodies of Council shall ensure that the provisions in this section are followed when a conflict of interest is declared. Discussion on the matter must be suspended until the Council, Council committee, controlled corporation, or other bodies of Council, as the case may be, can determine whether or not a conflict is present.
- 24.9. If a Council member is in doubt as to whether they are in a conflict of interest or may be in a conflict, it is the responsibility of that Council member to ensure a conflict is not present.
- 24.10. Where a member of Council has a conflict of interest, the member, as a taxpayer or voter, has a right to be heard at a meeting of Council pursuant to subsection 96(8) of the Act and as such, the member:
- (a) shall leave their place at the Council table, but is not required to leave the room;
  - (b) may exercise the right to be heard at the meeting in the same manner as a person who is not a member of Council; and
  - (c) shall leave the meeting room after having been heard until the matter has been dealt with by the Council, or the meeting has progressed to the next item on the agenda.
- 24.11. During any public consultation, hearing, or other format used by the municipality for seeking feedback from the public or receiving information from an applicant, a member of Council may exercise the right to be heard as a taxpayer or voter. However, the member must declare the conflict of interest to those present before speaking.
- 24.12. Considerations of potential conflict shall take into account the information included in the disclosure statement required under the Code of Conduct bylaw, as well as all other facts relating to the matter.
- 25. Procedure for Handling Conflict of Interest Complaints Against a Member of Council**
- 25.1. A complaint that a member of Council is in a conflict of interest may be made to Council pursuant to section 97 of the Act:
- (a) by a member of Council; or
  - (b) in writing, by an elector.
- 25.2. After a complaint has been made against a member of Council, the Mayor shall ensure that the complaint comes before Council to be addressed as follows:
- (a) Where a member of Council has made a complaint against another member of Council, the complainant will address Council with respect to the nature of the complaint.
  - (b) Where an elector has made a complaint against a member of Council, the complaint will be tabled in writing and the elector will be given the opportunity to speak.

- 25.3. At the conclusion of either event (a) or (b) in section 25.2, the Council member against whom the complaint is made must be given an opportunity to respond to the complaint.
- 25.4. The complaint must be recorded in the minutes of the meeting.
- 25.5. In the event that the Mayor is the subject of the complaint, the Deputy Mayor will bring the matter before Council.
- 25.6. After the member of Council against whom the complaint has been made has addressed Council, the member of Council must excuse themselves from the room for the duration of the discussion regarding the complaint.
- 25.7. Council may seek an opinion from legal counsel for the municipality when determining whether or not a conflict exists.
- 25.8. The member of Council may seek an opinion from independent legal counsel.
- 25.9. The member of Council against whom a complaint has been made must be absent from any discussion in advance of a vote and shall not vote in any way or attempt to influence the discussion of or voting on the matter at issue until the complaint has been resolved and it has been determined by Council that the member is not in a conflict.
- 25.10. Council will consider all relevant information and will determine, by vote, if a conflict of interest exists. The Council must declare that:
  - (a) the member is in a conflict of interest; or
  - (b) the member is not in a conflict of interest.
- 25.11. The disclosure and decision as to whether a conflict of interest exists must be recorded in the minutes of the Council meeting.
- 25.12. If Council determines a conflict of interest exists, Council will require the member of council to:
  - (a) remove himself or herself from the Council meeting and any other meeting when the matter is discussed;
  - (b) abstain from the discussion and voting on the matter; and
  - (c) not attempt in any way, before, during or after a meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member has a conflict of interest.

## **26. Disqualification for Failing to Disclose a Conflict of Interest**

- 26.1. Pursuant to subsection 96(4) of the *Municipal Government Act*, a member of Council is disqualified from serving on Council if they:
  - (a) fail to declare their interest in the matter before the Council;
  - (b) fail to remove themselves from the Council meeting and any other meeting when the matter is discussed;
  - (c) fail to abstain from the discussion and voting on the matter; and

- (d) attempt in any way, before, during or after a meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member has a conflict of interest.
- 26.2. Pursuant to subsection 96(6) of the Act, a member of Council who fails to comply or contravenes section 26.1 of this bylaw may be pardoned by a resolution of Council, if Council is satisfied that the member's action was inadvertent or due to a genuine error in judgment.
- 26.3. Council shall not pardon a member of Council who fails to comply or contravenes section 26.1 where that member should reasonably have known that they were acting in a conflict.
- 26.4. Where a member is disqualified, Division 5 of Part 4 of the Act applies.

## **PART V – COMMITTEES OF COUNCIL**

### **27. General**

- 27.1. Council will, by resolution, establish a Committee of Council that will be the main Committee used to discuss and debate matters of Council interest at the Committee of Council Meeting before such matters are forwarded to Council for decision at the Regular Council Meeting;
- 27.2. The Mayor may, by motion, appoint a Special Committee chaired by a Council member, 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. The Mayor may remove Committee members for just cause.
- 27.3. Special Committee meetings may be held at any time and place as determined by the Committee, providing that all Committee Members and the public have been notified in advance of the time and place of the meeting as per Section 7.2 and 7.3 of this bylaw.
- 27.4. The Committee of Council or a Special Committee has no powers to pass any by-law or motion but will make recommendations to Council on any matter within its mandate.
- 27.5. Each Special Committee will consist of a minimum of three (3) members appointed by Council with the Chairperson of that committee being a Council member.
- 27.6. Where, in the opinion of the committee, it is in the public interest to discuss matters in private, a committee may hold the meeting in private, as per section 119(1) of the Municipal Government Act and conditional on the agreement of two thirds (2/3) of the members present.
- 27.7. The Committee of Council, Special Committee, or its appointed representatives have 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.
- 27.8. Special Committees of Council shall be established and governed by this procedural bylaw.



## **28. Committee Composition**

- 28.1. The Mayor is a member of every committee or other organization which the Council or Mayor establishes pursuant to the *Municipal Government Act* and when in attendance the Mayor, subject to section 115 of the Act, possesses all the rights, privileges, powers and duties of the other members of the committee.
- 28.2. The Mayor's attendance will not be included for the purpose of determining a quorum for a Council committee meeting.

## **29. Terms of Committees**

- 29.1. Appointments of elected officials to committees will be for an elected term beginning on day appointed and ending on the day of the general municipal election or the day the individual is no longer an elected official or the day the individual is reassigned by the Mayor.
- 29.2. In a general election year, the term of appointments will be reduced to coincide with the day of the election.
- 29.3. Appointees may be reappointed from term to term to a maximum of 2 consecutive terms on one (1) particular committee.
- 29.4. A member of any committee, excluding members of Council, will only be appointed to a maximum of 2 municipal committees at one time and will serve for the elected term unless the appointment is changed by the Mayor.
- 29.5. The CAO will advise the Mayor and Council of any members absent for more than 3 meetings within a calendar year. The CAO may request that a warning correspondence be forwarded to the member, as well, if the member misses 4 or more meetings, within a calendar year. The Mayor will be advised to decide if the member should be removed from the committee if the member misses 4 or more meetings in a calendar year.

## **30. Notice of Committee Meetings**

- 30.1. The CAO will ensure that at least 24 hours' notice is given of a Council committee meeting to the members of the Council committee, and to the public.
- 30.2. Where a regular schedule of meetings for a committee is established and published in accordance with section 7 of this bylaw, the requirement for 24 hours' notice of a committee meeting shall not be required.
- 30.3. Notice to the public of the committee meeting is sufficient if the notice is posted at the municipal office.
- 30.4. Where the date, time or place of a committee meeting is changed, the CAO shall ensure that at least 24 hours' notice of the change is given
  - (a) to any committee member not present at the meeting at which the change was made, and
  - (b) to the public in accordance with the notification means set out in this bylaw.

### **31. Committee Procedures**

- 31.1. Each Council committee will meet as soon as possible after it has been appointed and where a Chair has not been appointed by the Mayor, members of that committee will select a Chair and Vice-Chair, and if required, decide the day and time for holding its regular meetings.
- 31.2. The Chair will preside at every meeting, participate in the debate and shall vote on all motions.
- 31.3. In the absence of the Chair, the vice-chair will preside, and in the absence of both the Chair and the Vice-Chair, one (1) of the other members of the committee will be elected to preside and will discharge the duties of the chair during the meeting or until the arrival of the Chair or Vice-Chair.
- 31.4. The business intended to be addressed at committee meetings will be stated in the meeting agenda.
- 31.5. An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public meeting of Council.
- 31.6. Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.
- 31.7. If a quorum is not present within twenty (20) minutes after the time fixed for a committee meeting, the Chair or CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

### **32. Delegations to committees**

- 32.1. Delegations wishing to appear before Council or a Committee of Council to present information will advise the CAO or his/her designate of their intention to do so not later than 3 days prior to the meeting.
- 32.2. Delegations will be limited to a maximum presentation time of 15 minutes, unless Council agrees to a waiver of this time restriction by the consent of a majority of all Council members present, and each delegate may speak only once.

### **33. Request for Decision from Council**

- 33.1. Any delegation wishing to appear before Council or a Committee of Council to make a request for action, support, resources or other will advise the CAO or his/her designate of their intention to make a request, in writing, using the prescribed form no later than noon on the Wednesday prior to the meeting.
- 33.2. Council may make, amend or repeal a bylaw in accordance with the procedures established in Part 5, Division 2 of the *Municipal Government Act*.
- 33.3. A bylaw is only validly made by Council if it is read and formally approved by a majority of the Council members present and voting takes place on two occasions at meetings of the Council that are held on different days.

- 33.4. A bylaw may be approved and adopted by Council by resolution after being read a second time.
- 33.5. Pursuant to section 125 of the Act, if copies of the proposed bylaw have been made available to the public at a Council meeting or prior to the meeting in which the proposed bylaw is to be read, the reading may consist of the recitation of the bylaw name and number and a brief description of its effect. Where copies of the proposed bylaw have not been made available to the public at or prior to the meeting, the entire proposed bylaw will be read word by word.
- 33.6. A bylaw adopted by Council must be printed, signed by the Mayor and the CAO, and sealed with the corporate seal of the Town of Montague.
- 33.7. Council may, in accordance with subsection 125(3) of the Act, amend a proposed bylaw after its first reading. If it is amended, the amendment will be read word by word at the meeting even if copies of the bylaw with the proposed amendment are made available to the public.
- 33.8. Pursuant to section 127 of the Act, the first and second readings of a proposed bylaw are rendered null if the bylaw is not passed within two years from the date of first reading.
- 33.9. A bylaw established by Council will come into force at the time it is passed unless otherwise provided for in the Act or in the bylaw. If the Act or another Act requires a bylaw to be approved by the Minister, the bylaw will not come into force until the approval of the Minister is given.
- 33.10. The CAO shall ensure that a copy of every bylaw passed is filed with the Minister within 21 days of adoption or as required by provincial statute. The copy will be certified by the CAO as being "a true copy of the original seen by me" on the document, and shall be signed, dated, and printed with the CAO's name under their signature, as well as their occupation, address and telephone number.
- 33.11. Council will make copies of all bylaws available for inspection by any person, in accordance with section 128 of the Act. Council will provide any person with a copy of any bylaw for the fee set out by the Fees Bylaw 2018-02.
- 33.12. Notwithstanding sections 29.1 and 29.4 of this bylaw, planning bylaws undertaken under the authority of the *Planning Act* shall be made in accordance with section 19 of that act.

#### **34. Repeal of Existing Bylaw**

- 34.1. On adoption, this bylaw replaces Bylaw #2012-01.

#### **35. Effective Date**

- 35.1. This Procedural Bylaw, Bylaw# 2018-01, shall be effective on the date of approval and adoption below.

**First Reading:**

This Procedural Bylaw, Bylaw# 2018-01, was read a first time at the Council meeting held on the 9th day of April, 2018.

This Procedural Bylaw, Bylaw# 2018-01, was approved by a majority of Council members present at the Council meeting held on the 9th day of April, 2018.

**Second Reading:**

This Procedural Bylaw, Bylaw# 2018-01, was read a second time at the Council meeting held on the 14<sup>th</sup> day of May, 2018.

This Procedural Bylaw, Bylaw# 2018-01, was approved by a majority of Council members present at the Council meeting held on the 14<sup>th</sup> day of May, 2018.

**Approval and Adoption by Council:**

This Procedural Bylaw, Bylaw# 2018-01, was adopted by a majority of Council members present at the Council meeting held on the 14<sup>th</sup> day of May, 2018.

**Signatures**

\_\_\_\_\_  
**Mayor** (signature sealed)

\_\_\_\_\_  
**Chief Administrative Officer** (signature sealed)

\_\_\_\_\_  
**Minister of Communities, Land & Environment**

**Schedule A  
Montague Town Council  
REQUEST FOR DECISION**

<b>Date:</b>	<b>Request No:</b> <i>(Office Use Only)</i>
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<b>Person:</b>	<b>Representing:</b>
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<b>Background:</b>
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<b>Request:</b>
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<b>Advantages</b>	<b>Disadvantages</b>
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<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	
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