



# CORPORATION OF THE CITY OF SUMMERSIDE

**BYLAW NAME:** PROCEDURAL BYLAW

**BYLAW #:** # CS-2

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**BE IT ENACTED** by the Council of the City of Summerside as follows:

## PART I – INTERPRETATION AND APPLICATION

### 1. Title

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

### 2. Authority

- 2.1. Subsection 86(2)(e) of the *Municipal Government Act*, RSPEI 1988, c 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 (CAO), members of Council Committees, City of Summerside employees, those who appear before Council and members of the general public.
- 3.2. When any matter relating to proceedings arise 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. In this bylaw:

- (a) “Chief Administrative Officer” or “CAO” means the administrative head of a municipality or his or her designate as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*.
- (b) “City” means the City of Summerside;
- (c) “Council” means the Mayor and other members of the Council of the municipality.
- (d) “Councillor” means a member of Council other than the Mayor.
- (e) “Delegation” means a body of delegates or an individual who has been deputized or delegated by members of an organization, club, association or charity.
- (f) “place” includes, in respect of information or a notice or other document to be posted, or a meeting to be held, by electronic means, the electronic

location where the information, notice or document may be found or the electronic meeting may be accessed.

- (g) “Point of information” means the procedural mechanism by which a member may present or receive information of interest to Council.
- (h) “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.
- (i) “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.
- (j) “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.
- (k) “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 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 committees in accordance with the regulations and this bylaw.

### **6. Regular Meetings**

- 6.1.** Council shall meet upon the third Monday of each month in the year at the hour of 6:00 p.m. at the council chamber at City Hall, unless otherwise determined by a resolution of Council, or unless such Monday is a civic public holiday, in which latter case the Council shall meet at the same hour on the following day not being a public holiday or on such day and hour as the Council at a previous meeting has determined.
- 6.2.** The CAO will ensure that the schedule of regular meetings is published in accordance with subsection 110 (3) and (4) of the Act, the requirements of the regulations, and subsection 7.2 below.
- 6.3.** A regular 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.
- 6.4.** The Council shall adjourn within three and one-half hours of the time established, unless otherwise determined by the unanimous consent of the Council.

## **7. Notice of Meetings**

- 7.1.** Notice of regularly scheduled Council meetings will be included in an annual schedule of meetings.
- 7.2.** Council shall post the annual schedule of Council meetings, including the date, time, and place of each meeting:
  - (a) on the City's website, [www.summerside.ca](http://www.summerside.ca), and
  - (b) at City 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 the methods outlined in section 7.2.
- 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 providing a copy of the notice to each Council member in the manner which the member has directed such notices be sent.
- 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 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).
- 7.7.** Any other forms of notice required by Council or a bylaw shall be given in accordance with this section.

## **8. Special Meetings**

- 8.1.** Special meetings of Council will be called by the CAO when requested in writing by:
  - (a) the Mayor; or
  - (b) a majority of the councillorsand notice shall be given at least 24 hours before the time of the meeting
  - (a) to the public in accordance with section 7.2; and
  - (b) to all members of Council by providing a copy of the notice to each Council member in the manner which the member has directed such notices be sent.
- 8.2.** The request for a special meeting shall include a statement of the purpose of the meeting.
- 8.3.** 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 meeting shall be provided through a sign posted at City Hall.
- 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(5) 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. Electronic Meetings

- 10.1. Pursuant to subsection 122(1) 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. 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.
- 10.3. 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.
- 10.4. Tools used for electronic meetings shall include teleconference-ready phones for audio or web-based video conference applications or live publicly-streamed broadcasts.
- 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 place where the public can see and hear the meeting.
- 10.6. The CAO shall ensure that a municipal employee is present at the place 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 electronic means.

- 11.2. A Council or Council committee member may only participate 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 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 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 III – 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 2 days 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 2 days prior to the statutory holiday.
- 14.3. The deadline for receipt of agenda materials for a regular meeting by the CAO is 12 noon on the fourth day preceding the meeting.

- 14.4.** The CAO shall have prepared an 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) declarations of conflict of interest;
  - (c) approval of Agenda;
  - (d) adoption of Minutes;
  - (e) accolades from Mayor and Councillors
  - (f) public Presentations/Petitions/Delegations;
  - (g) reports and recommendations from Standing and ad hoc Committees;
  - (h) reports and recommendations from CAO and Departments
  - (i) reports and recommendations from the Planning Board;
  - (j) introduction and Reading of Bylaws;
  - (k) appointments to Committees;
  - (l) adjournment;
  - (m) 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 business shall always be taken up in the order in which it stands on the Order of Business, unless otherwise determined by a two-thirds vote of the members present without debate.

## **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.
- 15.3.** Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.
- 15.4.** 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.
- 15.5.** 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.
- 15.6.** If a quorum is not present within thirty (30) 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.
- 15.7.** 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. Procedure for Reporting Conflicts of Interest**

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

- 16.2.** 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;
- 16.3.** 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.
- 16.4.** 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.
- 16.5.** A member of Council shall disclose an interest each and every time the matter in which an interest is held is brought before Council.
- 16.6.** 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 has 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.
- 16.7.** 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.

- 16.8.** 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.
- 16.9.** 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.
- 16.10.** 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.
- 16.11.** 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.
- 16.12.** 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.

## **17. Procedure for Handling Conflict of Interest Complaints Against a Member of Council**

- 17.1.** 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.
- 17.2.** After a complaint has 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.
- 17.3.** At the conclusion of either event (a) or (b) in section 17.2, the Council member against whom the complaint is made must be given an opportunity to respond to the complaint.
- 17.4.** The complaint must be recorded in the minutes of the meeting.
- 17.5.** In the event that the Mayor is the subject of the complaint, the Deputy Mayor will bring the matter before Council.



- 17.6. 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.
- 17.7. Council may seek an opinion from legal counsel for the municipality when determining whether or not a conflict exists.
- 17.8. The member of Council may seek an opinion from independent legal counsel.
- 17.9. 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.
- 17.10. Council will consider all relevant information and will determine, by majority 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.
- 17.11. The disclosure and decision as to whether a conflict of interest exists must be recorded in the minutes of the Council meeting.
- 17.12. 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.

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

- 18.1. Pursuant to subsection 96(4) of the *Municipal Government Act*, a member of Council is disqualified from serving on Council if the member:
  - (a) fails to declare their interest in the matter before the Council;
  - (b) fails to remove themselves from the Council meeting and any other meeting when the matter is discussed;
  - (c) fails to abstain from the discussion and voting on the matter; and
  - (d) attempts 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.
- 18.2. Pursuant to subsection 96(6) of the Act, a member of Council who fails to comply or contravenes section 18.1 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.
- 18.3. Council shall not pardon a member of Council who fails to comply or contravenes section 18.1 where that member should reasonably have known that they were acting in a conflict.
- 18.4. Where a member is disqualified, Division 5 of Part 4 of the Act applies.

## 19. Voting

- 19.1.** 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.

## 20. Presentation and Delegations to Council

- 20.1.** 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
- 20.2.** The time allotted by Council for each person making presentations or giving recognitions will be 15 minutes.
- 20.3.** Delegations wishing to speak before Council will advise the CAO or his/her designate of their intention to do so no later than four days prior to the meeting at which the delegation wishes to speak, and all information to be addressed will be on the form attached as Schedule A to this bylaw.
- 20.4.** The CAO or his/her designate shall immediately provide to members of the Council the completed form referred to in section 20.3.
- 20.5.** Delegates will be granted a maximum presentation time of 5 minutes to present the matter outlined in the notification unless Council agrees to a waiver of this time restriction by the unanimous consent of Council members present.

## 21. Adjournment

- 21.1.** 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 p.m., whichever is earlier.
- 21.2.** 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.
- 21.3.** Any business items that remain on the agenda and which has 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.

## **22. Conduct during Council meetings**

### **Public**

- 22.1.** All persons in the public galley 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**

- 22.2.** 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.
- 22.3.** When a delegate or member of Council is addressing the Council, all attendees 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 such a manner that disturbs the speaker.
- 22.4.** Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.
- 22.5.** Each member or delegate, as the case may be, shall address the chairperson, but shall not speak until recognized by the chairperson.
- 22.6.** Members of Council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 22.7.** If more than one member wishes to speak at a meeting at the same time, the chairperson will indicate which member will speak first.
- 22.8.** The chairperson, 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 chairperson.
- 22.9.** A motion must be seconded to be discussed.

- 22.10.** A motion may be withdrawn at any time before voting subject to no objection from any member.
- 22.11.** 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 definite time
  - (h) To postpone the matter indefinitely

### **Improper Conduct**

- 22.12.** 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.
- 22.13.** 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.

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

- 23.1.** 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.
- 23.2.** A member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- 23.3.** 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**

- 23.4.** 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.
- 23.5.** Following the motion of appeal and the response, if any from the Mayor, the question shall be put immediately without debate.
- 23.6.** The Mayor will be governed by the vote of the majority of the members of Council present.
- 23.7.** Neither the Mayor nor the appellant will participate in the vote on an appeal.

### **24. Motions and Debate**

- 24.1.** A motion will express fully and clearly the intent of the mover.

- 24.2.** A motion will not be considered unless it has been seconded.
- 24.3.** 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.
- 24.4.** 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.
- 24.5.** 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.
- 24.6.** Any motion will be considered in the order in which they were moved.

## **25. Minutes**

- 25.1.** 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.
- 25.2.** 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.
- 25.3.** 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.
- 25.4.** 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.
- 25.5.** 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.

## **PART IV – COMMITTEES OF COUNCIL**

### **26. General**

- 26.1.** The Mayor may, by resolution, establish and appoint standing and/or *ad hoc* committees that will consider, discuss and debate matters of Council interest before such matters are forwarded to Council for decision.
- 26.2.** The Mayor may also designate the committees' mandate, term, composition, objectives, tasks, duties and responsibilities, and appoint its members to deal with any matter.
- 26.3.** The Mayor may also establish the eligibility criteria for membership and determine the events or circumstances that would result in termination of a committee member.
- 26.4.** The Mayor will, by order, dissolve an *ad hoc* committee of Council upon completion of their specific mandate.
- 26.5.** The Mayor may designate certain employees of the City to be non-voting advisors to one or more committees, with the right and duty to attend committee meetings.
- 26.6.** Council shall function with the following standing committees:
- (a) Bylaw, Policy and Review Committee.
  - (b) Committee of Council
  - (c) Community Services Committee;
  - (d) Economic Development Committee;
  - (e) Finance Committee
  - (f) Fire Services Committee;
  - (g) Human Resources and Legal Affairs Committee;
  - (h) Municipal Services Committee;
  - (i) Police Services Committee;
  - (j) Technical Services Committee;
- 26.7.** The Mayor shall appoint the Chairperson and Vice Chairperson of each committee from among the members of Council.
- 26.8.** Committees shall function in a fact-finding and advisory capacity and make recommendations to Council with respect to policy and shall, except as modified or negated by any particular or special responsibilities assigned to them:
- (a) review bylaws and policies and make recommendations regarding the adoption, amendment or revision of bylaws and policies which related to the area of responsibility of the Committee;
  - (b) hold meetings with individuals or interest groups, if necessary, as part of their fact-finding activities.
- 26.9.** The reports of Committees shall be submitted in writing to the CAO at least four days prior to the regular monthly council meeting.

### **27. Committee Composition**

- 27.1.** 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.

- 27.2. The Mayor's attendance will not be included for the purpose of determining a quorum for a committee of Council meeting.

## 28. Terms of Committees

### **Bylaw, Policy and Review Committee**

- 28.1. Except as modified or negated by any particular or special directions of the mayor, the composition of the Bylaw, Policy and Review Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio – non voting);
- (d) two citizen advisors, whose appointment is approved by the Council,

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Bylaw, Policy and Review Committee shall be:

- (a) to develop and review up-to-date bylaws and policies;
- (b) to support and enhance Council's ability to make good decisions about how it governs itself and the City;
- (c) to analyze and help the City manage and mitigate risk; and
- (d) to research and consult with stakeholders to create options and recommendations for strategic planning and goal setting.

### **Committee of Council**

- 28.2. The composition of the Committee of Council shall be:

- (a) the Mayor and members of Council;
- (b) the chief administrative officer (ex-officio – non voting),

and the terms of reference for the Committee of Council shall be:

- (c) through the chief administrative officer to direct the operation of all municipal departments;
- (d) to discuss all policy matters for the City;
- (e) to deal with the Provincial and Federal Government on matters of municipal concern;
- (f) to provide for the efficient operation of the corporation;
- (g) to deal with matters of a confidential nature.

### **Community Services Committee**

- 28.3. Except as modified or negated by any particular or special directions of the mayor, the composition of the Community Services Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the director of community services (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Community Services Committee shall be:

- (a) to develop aims and objectives for the recreation programs;
- (b) to monitor the development and implementation of recreation programs;

- (c) to make recommendations for major capital projects for recreation;
- (d) to monitor the maintenance of recreation facilities and park lands;
- (e) to plan for the development of a tree planting program and to monitor a tree maintenance program;
- (f) to monitor public relations and information programs related to recreation programs;
- (g) to ensure that an information centre is established that can be used to promote the goals and objectives of the city;
- (h) to ensure that the good health, safety and comfort of all citizens and visitors is a high priority;
- (i) to ensure that this committee works with all levels of government and the private sector to ensure these goals are respected and achieved;
- (j) to attract regional, national and international events and conventions;
- (k) to design public information programs for the city;
- (l) to carry out public relations and public education programs related to activities in which the city is involved.

### **Economic Development Committee**

**28.4.** Except as modified or negated by any particular or special directions of the mayor, the composition of the Economic Development Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the economic development officer (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Economic Development Committee shall be:

- (a) to develop aims and objectives for the economic development programs;
- (b) to monitor the development and implementation of economic development programs;
- (c) to monitor public relations and information programs related to economic development programs;
- (d) to ensure that the ambiance of the City is conducive to attracting residents and businesses;
- (e) to ensure that the culture, human and natural heritage of the City is appreciated, preserved and enhanced;
- (f) to ensure that a consolidated effort is made to market Summerside as a successful tourist destination;
- (g) to ensure that this committee works with levels of government and the private sector to ensure these goals are respected and achieved;
- (h) to ensure that Summerside remains a major center to conduct business and to reside;
- (i) to develop a portfolio emphasizing the many benefits of conducting business and residing within the City which:
  - A. encourages new business to locate within Summerside.
  - B. encourages new families to locate within Summerside.
- (j) to work with the Greater Summerside Chamber of Commerce, the Province of P.E.I., the Government of Canada and other agencies to more actively promote Summerside;
- (k) to carry out public relations and public education programs related to activities with which the department is involved.



### **Finance Committee**

**28.5.** Except as modified or negated by any particular or special direction of the Council, the composition of the Finance Committee shall be:

- (a) at least two members of council;
- (b) the Mayor (ex-officio);
- (c) the CAO (ex-officio – non-voting);
- (d) the Director of Finance (ex-officio – non-voting),

and, except as modified or negated by any particular or special directions of the Council, the terms of reference for the Finance Committee shall be:

- (e) to coordinate the development of the budget;
- (f) to recommend rates for taxation;
- (g) to monitor the expenditure of funds and make periodic reports to council;
- (h) to make recommendations regarding the appointment of auditors;
- (i) to make recommendations regarding the arrangements for financing for capital projects;
- (j) to make recommendations regarding tendering and purchasing;
- (k) to carry out liaison activities with the Federal and Provincial Governments in matters relating to taxation and finance;
- (l) to make recommendations regarding salaries and benefits for union and non-union employees;
- (m) to make recommendations regarding all phases of development;
- (n) to make recommendations regarding the assembly of land for development;
- (o) to review staffing requests for all City departments.

### **Fire Services Committee**

**28.6.** Except as modified or negated by any particular or special directions of the mayor, the composition of the Fire Services Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the director of fire services (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for Fire Services Committee shall be:

- (a) to make recommendations for programs and policies for fire prevention, safety and inspection;
- (b) to make recommendations for the acquisition of firefighting equipment, facilities and resources;
- (c) to make recommendations regarding the operation of the Fire Services Department;
- (d) to make recommendations on the adoption and implementation of fire prevention bylaws.

### **Human Resources and Legal Affairs Committee**

**28.7.** Except as modified or negated by any particular or special directions of the mayor, the composition of the Human Resources and Legal Affairs Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the director of human resources and legal affairs (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Human Resources and Legal Affairs Committee shall be:

- (a) to recommend and provide advice to council in the area of human resources including hiring practices, staff development, training and labour-management negotiations and to carry out studies on personnel matters as directed by council;
- (b) to make recommendations for staffing of senior positions including the chief administrative officer, and department heads;
- (c) to foster the development and maintenance of a work environment which will enhance morale, opportunities for growth, and the maintenance of good employer-employee relationships;
- (d) to conceive provisions for carrying out negotiations with union local;
- (e) to monitor the implementation of collective agreements;
- (f) to provide advice on organization and employment of staff;
- (g) to monitor group benefits;
- (h) to insure citizens concerns are addressed in an efficient manner;
- (i) to oversee the legal affairs of the city;
- (j) to monitor the process for the review, development, revision and rescinding of bylaws and policies;
- (k) to monitor the maintenance of a bylaw and policy manual;
- (l) to conduct an annual review of bylaws and policies and make recommendations for revisions, deletions and additions;
- (m) to make recommendations for changes to the Municipal Government Act.

### **Municipal Services Committee**

**28.8.** Except as modified or negated by any particular or special directions of the mayor, the composition of the Municipal Services Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the director of municipal services (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Municipal Services Committee shall be:

- (a) to make recommendations on the maintenance and operation of the electric utility;
- (b) to act as the Management Board of the Summerside Water and Sewer Corporation pursuant to the Water and Sewer Bylaw;
- (c) to make recommendations on major capital projects and equipment purchases for sewer, water and public works operations;

- (d) to develop plans and make recommendations for the maintenance of streets, sidewalks, storm drainage systems, sanitary sewer systems, water supply and distribution systems, sewerage treatment systems, city street signs and other city signage;
- (e) to establish plans for snow removal, salting and sanding of all streets and sidewalks;
- (f) to make recommendations regarding the construction of new streets, sidewalks and related infrastructures;
- (g) to monitor garbage removal and litter control;
- (h) to make recommendations regarding the disposal of city owned property and equipment;
- (i) to make recommendations for the placement or erection of traffic control devices;
- (j) to establish plans for the maintenance of traffic control devices, the marking of streets and crosswalks;
- (k) to make recommendations on the maintenance and operation of the water and sewerage utility and the pollution control plant.

**Police Services Committee**

**28.9.** Except as modified or negated by any particular or special directions of the mayor, the composition of the Police Services Committee shall be:

- (a) at least two members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the director of police services (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Police Services Committee shall be:

- (a) to make recommendations for policies and programs related to public safety and crime prevention;
- (b) to monitor the enforcement of Federal and Provincial laws and Municipal bylaws;
- (c) to make recommendations regarding needs for police facilities and equipment;
- (d) to make recommendations to the Traffic Authority with respect to matters regulated by the Traffic and Parking Bylaw;
- (e) to make recommendations regarding the placement of traffic control devices;
- (f) to make regulations to accommodate emergencies or special conditions affecting vehicular traffic and parking;
- (g) to close for a temporary purpose any street or part thereof;
- (h) to make recommendations regarding the designation of parking meter zones and establishment of rates for parking meter zones;
- (i) to establish and monitor a safety school patrol program;
- (j) to make recommendations regarding a transit system for the city, including the establishment of routes, schedules and fares.

**Technical Services Committee**

**28.10.** Except as modified or negated by any particular or special directions of the mayor, the composition of the Technical Services Committee shall be:

- (a) at least three members of council;
- (b) the mayor (ex-officio);
- (c) the chief administrative officer (ex-officio - non-voting);
- (d) the director of technical services (ex-officio - non-voting),

and, except as modified or negated by any particular or special directions of the mayor, the terms of reference for the Technical Services Committee shall be:

- (a) to review and make recommendations on the development, maintenance and review of an Official Plan and zoning and development control bylaws;
- (b) to make recommendations to Council on the enforcement of regulations contained in the zoning and development bylaws;
- (c) to carry out consultation with citizens and interest groups in matters related to city planning;
- (d) to make recommendations to council on planning and engineering issues;
- (e) to act in a liaison capacity with external organizations involved in planning;
- (f) to monitor the value of issued building permits and make periodic reports to council;
- (g) to advise council on policy matters concerning heritage preservation areas; the designation of heritage buildings; the demolition, alteration, or moving of designated heritage buildings and signage in designated heritage areas.

## **29. Notice of Committee Meetings**

- 29.1.** Where a regular schedule of meetings for a Council committee is established, publication must be in accordance with section 7 of this bylaw.
- 29.2.** Where a special meeting of a Council committee is called, the CAO will follow the procedures for calling a special meeting set out in section 8 of this bylaw and ensure that notice of the special meeting is given in accordance with section 7 of this bylaw.
- 29.3.** 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 in accordance with section 7 of this bylaw
  - (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.
- 29.4.** Notice to the public of a regularly scheduled meeting or a special meeting of a Council committee must be published by electronic means and posted in the form of a sign or poster in a place that is accessible to the general public.

## **30. Committee Procedures**

- 30.1.** 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 or Council, members of that committee will select a Chair and Vice-Chair, and if required, decide the day and time for holding its regular meetings.
- 30.2.** The Chair will preside at every meeting, participate in the debate and shall vote on all motions.
- 30.3.** 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.

- 30.4. The business intended to be addressed at committee meetings will be stated in the meeting agenda.
- 30.5. 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.
- 30.6. Everyone has the right to be present at committee meetings that are conducted in public unless the Chair expels a person for improper conduct.
- 30.7. If a quorum is not present within thirty (30) 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.
- 30.8. Only members of the committee may participate in, debate or ask questions at a standing committee or ad hoc committee meeting except in accordance with section 31 of this bylaw.
- 30.9. Every committee member shall be, as nearly as possible and with any necessary modifications, subject to the conflict of interest rules set out in sections 16 to 18 of this bylaw.

### **31. Delegations to committees**

- 31.1. 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 four days prior to the meeting.
- 31.2. Delegations will be limited to a maximum presentation time of 15 minutes, unless Council agrees to a waiver of this time restriction by the unanimous consent of all Council members present/a majority of all Council members present, and each delegate may speak only once.

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

- 32.1. 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 four days prior to the meeting.

## **PART V – BYLAWS**

### **33. Bylaw Procedures**

- 33.1. Council may make, amend or repeal a bylaw in accordance with the procedures established in the Act.
- 33.2. 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.
- 33.3. A bylaw may be approved and adopted by Council by resolution after being read a second time.
- 33.4. 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.

- 33.5. A bylaw adopted by Council must be printed, signed by the Mayor and the CAO, and sealed with the corporate seal of the City of Summerside.
- 33.6. 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.
- 33.7. 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.
- 33.8. 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.
- 33.9. A regulation to a bylaw is made if:
  - (a) It is formally adopted by resolution of the Council; and
  - (b) It is signed by the Mayor and CAO, and formally declared to be passed, and sealed with the corporate seal of the City.
- 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 and attached as a schedule to the Fees Bylaw.
- 33.12. Planning bylaws undertaken under the authority of the *Planning Act* shall be made in accordance with section 19 of that act.

## **PART VI – REPEAL OF BYLAW**

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

- 34.1. On adoption, this bylaw replaces Bylaw #SS-04, the “Summerside Committee Bylaw” and Bylaw #SS-02, the “Summerside Rules of Procedure Bylaw” both of which were adopted the 9<sup>th</sup> day of March, 1999.

### **35. Effective Date**

- 35.1. This Procedural Bylaw, Bylaw# CS-2, shall be effective on the date of approval and adoption by Council.

**First Reading:**

This Procedural Bylaw, Bylaw# CS-2, was read a first time at the Council meeting held on the 21 day of June 2021.

This Procedural Bylaw, Bylaw# CS-2, was approved by a majority of Council members present at the Council meeting held on the 21 day of June 2021

**Second Reading:**

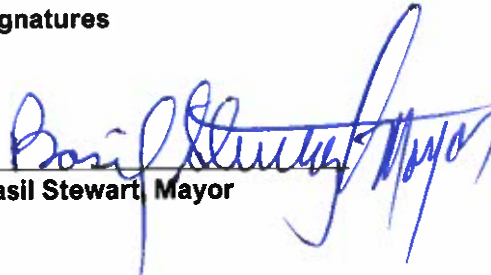
This Procedural Bylaw, Bylaw# CS-2, was read a second time at the Council meeting held on the 19 day of July, 2021.

This Procedural Bylaw, Bylaw# CS-2, was approved by a majority of Council members present at the Council meeting held on the 19 day of July, 2021.

**Approval and Adoption by Council:**

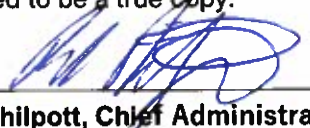
This Procedural Bylaw, Bylaw# CS-2, was adopted by a majority of Council members present at the Council meeting held on the 19 day of July, 2021


**Signatures**

  
Basil Stewart, Mayor

  
Rob Philpott, Chief Administrative Officer

This Procedural Bylaw adopted by the Council of the City of Summerside on the 19 day of July, 2021 is certified to be a true copy.

  
Rob Philpott, Chief Administrative Officer

  
Date

**Schedule "A"**  
**Delegation Request for Decision to Speak Before Council**

<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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**\*Note:** Individual residents are encouraged to contact their elected councillors to address municipal issues. A "delegation" does not include an individual resident who does not represent an organization, association, government or club.