

SUMMER VILLAGE

OF SUNSET POINT

BYLAW NO. 316

A BYLAW TO REGULATE THE GENERAL PROCEDURES
OF COUNCIL AND COUNCIL COMMITTEES IN CONDUCTING THEIR BUSINESS

WHEREAS, pursuant to the Municipal Government Act, RSA, 2000, cM-26, and any amendments thereto, a municipality may pass bylaws in relation to the procedure of Council and Council Committees and the conduct of Councillors and members of Council Committees;

NOW THEREFORE, the Council for the Summer Village of Sunset Point, duly assembled hereby enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "Council Procedure Bylaw ".

PART 1 - GENERAL

2. Definitions

In this bylaw:

Act	means the Municipal Government Act as amended from time to time
Chair	means the Mayor or Deputy Mayor;
CAO	means the Chief Administrative Officer duly appointed by Council for the management of the Summer Village;
Summer Village	means the Summer Village of Sunset Point;
Summer Village Web Site	means the information resource found at an internet address provided by the Summer Village as www.sunsetpoint.ca ;
Committee	means a standing, select, or other committee of Council;
Council	means the Council of the Summer Village; the Council shall consist of the Mayor and two Councillors;

PART 1 - GENERAL (CONTINUED)2. Definitions (Continued)

He/Himself/His	all reference in this bylaw to he, himself, or his shall also include reference, where applicable, to she, herself, or her.
Mayor	means the mayor of the Summer Village;
Public Notice Board	means the notice board at the Summer Village Office.

3. Application of Rules of Procedure

- 3.1 The provisions of this bylaw govern the proceedings of Council, commissions, and all committees, as applicable.
- 3.2 In cases not provided for under this bylaw, Robert's Rules of Order apply to the proceedings of Council, commissions, and all committees to the extent that those rules are:
- a) applicable in the circumstances; and
 - b) not inconsistent with the provisions of this bylaw, or any other applicable Act.

PART 2 - COUNCIL MEETINGS4. Inaugural Meeting

- 4.1 Following a general local election, the first Council meeting must be held in accordance with the Act.
- 4.2 If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in Section 4.1, the first Council meeting must be called by the CAO and held as soon as reasonably possible after a quorum has taken office.

5. Organizational Meeting of Council

- 5.1 An Organizational Meeting of Council shall be held each year as required by the Act, at a time, date and place determined by the CAO.
- 5.2 The agenda for the Organizational Meeting shall be restricted to:
- a) Appointment of Mayor and Deputy Mayor on a yearly basis;
 - b) The administration of oaths and introduction of members of Council, should the meeting follow the general municipal election, unless scheduled by the CAO to take place at an earlier event;
 - c) The appointments and administration of oaths for Mayor, Deputy Mayor and Council for the ensuing one-year period;
 - d) The establishment of membership on Council Committees, appointments to commissions, agencies and required third party appointments based on the

Mayor's recommendations after consultation with the members of Council prior to the Organizational Meeting;

6. Time and Location of Meetings

- 6.1 All Council meetings must take place within Summer Village Office except when Council resolves to hold meetings elsewhere. Notice of alternate meeting location or dates must be given pursuant in accordance with the Act.
- 6.2 Regular Council meetings will:
 - a) be held on the days outlined in the annual Council Meeting schedule adopted by Council prior to December 31 of each year for the following year and advertised in accordance with the Act; and
 - b) begin at 9:30 am;
- 6.3 Regular Council meetings may be cancelled or rescheduled by notice as allowed by the Act.

7. Notice of Council Meeting

- 7.1 Council must prepare annually on or before December 31, a schedule of the dates, times, and places of Regular Council meetings and must make the schedule available to the public.
- 7.2 The Council meeting schedule shall also be posted on the Summer Village Web site.
- 7.3 Where revisions are necessary to the annual schedule of Regular Council meetings, the CAO, must, as soon as possible, post a notice on the Summer Village Web site, which indicates any revisions of the date, time, place, or cancellation of a Regular Council meeting.

8. Notice of Special Meetings

- 8.1 Special Meetings will be established by Council in a manner compliant with the Act.

PART 3 - DESIGNATION OF MEMBER AS DEPUTY MAYOR

9. Deputy Mayor

- 9.1 When the Mayor is absent or otherwise unable to act or when the office of the mayor is vacant, the Deputy Mayor is responsible for fulfilling the duties of the Mayor.
- 9.2 The member designated under Section 9.1 has the same powers and duties as the Mayor.

PART 4 - COUNCIL PROCEEDINGS10. Minutes

- 10.1 Minutes of the proceedings of Council must be:
- a) legibly recorded;
 - b) certified as correct by the CAO; and
 - c) signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
 - d) Minutes will not be provided to Council prior to the Agenda package of the next meeting
- 10.2 Subject to Section 10.1 and in accordance with the Act approved minutes of the proceedings of Council will be posted on the Summer Village Website.
- 10.3 Prior to adoption, the CAO shall distribute a copy of all minutes of Council meetings to each member of Council as part of the Council Agenda Meeting package for the next Council meeting.
- 10.4 Minutes of the given meeting shall be adopted at the next Council meeting.
- 10.5 Upon adopting of the Minutes, the Minutes shall be made available to the public in a timely manner no later than 2 weeks after their approval.

11. Call Meeting to Order

- 11.1 As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order; however, where the Mayor is absent, the Councillor designated as the Deputy Mayor, in accordance with Section 9 of this bylaw, must take the Chair and call such meeting to order.

12. Adjourning Meeting Where No Quorum

- 12.1 If there is no quorum of Council present within fifteen (15) minutes of the scheduled time for a Council meeting, the CAO must:
- a) Record the names of the members present and those absent; and
 - b) Adjourn the meeting until the next scheduled meeting.

13. Agenda

- 13.1 Prior to each Council meeting, the CAO shall prepare an agenda setting out all items for Council's consideration at that meeting.

PART 4 - COUNCIL PROCEEDINGS (CONTINUED)

- 13.2 The deadline for the public to submit items to the CAO for inclusion on the Council meeting agenda shall be 12:00 pm 3 calendar days prior to the meeting.
- 13.3 Items received in the CAO's department after the appropriate deadline in Section 13.2 shall not be placed on the agenda for the next Council meeting but shall instead be placed on the agenda for consideration at the following Council meeting, unless introduced by a Councillor subject to Section 16.
- 13.4 Council agendas will be available to the members of Council and the public as outlined in the Act. The cover sheet of the Agendas will also be made available to the public when the full Agenda package is provided to Council.
- 13.5 Only those matters included on the agenda shall be considered or dealt with at the Council meeting unless a new matter for consideration is properly introduced as a late item pursuant to Section 16.
14. Order of the Proceedings and Business
- 14.1 The agenda for all Regular Council meetings contains the following matters in the order of matters in which they are listed below:
- Call to Order
 - Approval of Agenda
 - Approval of Minutes
 - Public Submissions
 - Business Arising
 - Development Matters
 - New Business
 - Committee Reports
 - CAO Reports
 - Response to Delegations
 - Additional Items
 - Correspondence
 - Next Meeting
 - Adjournment

PART 4 - COUNCIL PROCEEDINGS (CONTINUED)14. Order of the Proceedings and Business (Continued)

14.2 Notwithstanding the provisions under Section 14.1, it shall always be in order for the Council to vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.

15. Additional Items

15.1 An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the Additional item is approved by Council at the time allocated on the agenda for such matters.

15.2 If Council makes a resolution as per Section 15.1, information pertaining to the late item must be distributed to the members.

16. Voting at Meetings

16.1 The following proceedings apply to voting at Council Meetings:

- a) when debate on the matter is closed, the Mayor or Deputy Mayor must put the matter to vote of Council by stating "those in favour, raise your hands" and then "those opposed raise your hands".
- b) After the Mayor or Deputy Mayor puts the question to vote under Section 16.1(a), a member must not speak to the question or make a motion concerning it.
- c) the Mayor's or Deputy Mayor's decision about whether a question is being finally put is conclusive.
- d) no vote shall be taken in a Council meeting by ballot or any other method of secret voting.

PART 4 - COUNCIL PROCEEDINGS (CONTINUED)17. Delegations

- 17.1 All delegations requesting permission to appear before Council shall submit a request to address the members of Council. Any materials being provided to Council shall be provided to the CAO prior to the meeting.
- 17.2 In the absence of a request, the CAO may place a delegation on the agenda.
- 17.3 Any requests to appear before Council shall be received prior to the appropriate deadline stated in Section 13.2 in order to be placed on the Council agenda.
- 17.4 Each delegation shall have a total of 10 minutes to make their presentations and shall be restricted to the reading or the summarizing of their brief as included on the agenda. Additional time may be available, at the discretion of the Mayor or Deputy Mayor, for answering questions from members of Council.
- 17.5 Delegations shall be limited to three per Council Meeting.
- 17.6 The CAO shall be granted the authority to review delegation requests and pursue one or more of the following actions:
 - a) schedule the delegation to a mutually agreed upon Council meeting;
 - b) refuse to place the delegation on the agenda if the issue is not considered to "fall within the mandate or jurisdiction" of Council;
 - c) refer the request to an appropriate Summer Village department;
 - d) refer the request to a Council budget meeting; and/or
 - e) refer the request to a Council committee or an advisory board.

In the event the delegation wishes to appeal the CAO's decision to refuse or refer the delegation's request, the information shall not be placed on the agenda, but shall be distributed under separate cover to Council for its consideration.

- 17.7 Where a delegation has addressed Council on a particular issue, if the subsequent request is received from the same delegation to address Council on the same issue and no new significant information is being provided, the CAO will be granted the authority not to place the item on the agenda, but will circulate the request under separate cover as an item of general information.
- 17.8 No person present shall cause any disturbance, interrupt any speaker, or interfere with any action of Council or Council Committee.
- 17.9 The Chair may call to order any person who has created a disturbance and may order that person expelled from the meeting.
- 17.10 The Chair may request the services of the RCMP or the Peace Officer to remove an expelled person if that person does not leave voluntarily.

PART 5 - BYLAWS

18. Form of Bylaws

18.1 A bylaw introduced at a Council meeting must:

- a) be printed;
- b) have a distinguishing name;
- c) have a distinguishing number;
- d) contain an introductory statement of purpose; and
- e) be divided into sections.

19. Bylaws to be Considered Separately or Jointly

19.1 Council must consider a proposed bylaw at a Council meeting either:

- a) separately when directed by the Mayor or Deputy Mayor or requested by another Council member; or
- b) jointly with other proposed bylaws in the sequence determined by the Mayor or Deputy Mayor.

20. Reading and Adoption Bylaws

20.1 Every proposed bylaw shall receive three separate readings prior to its final adoption.

20.2 The three readings of a bylaw may be given on the same day, in accordance with the Act except where a public hearing is required in accordance with the Act.

20.3 A Land Use Bylaw which is to be considered at a Public Hearing, may receive only first reading at the time of introduction.

20.4 The only motion required for the first, second, and third reading of a bylaw (as applicable) shall be "Moved by Councillor ..., that (full title of the bylaw) pass its (first, second, and third reading)" as applicable.

20.5 Where the Council resolves to consider a bylaw clause by clause, such consideration shall be done at the second reading of the bylaw.

20.6 Where Council desires to amend a bylaw subsequent to second reading and prior to third reading, it may do so as follows:

- a) by motion to amend the bylaw; and, if carried
- b) by motion to amend the bylaw in accordance with the procedures set down in this bylaw; and

PART 5 - BYLAWS (CONTINUED)

20. Reading and Adoption Bylaws (Continued)

20.7 After a Public Hearing regarding a Bylaw, the Council may, without further notice or hearing:

- a) adopt or defeat the bylaw; or
- b) alter and then adopt the bylaw provided that the alteration is in compliance with the Act.

21. Bylaws Must Be Signed

21.1 After a bylaw is adopted and signed by the CAO and the Mayor, the CAO must have it placed in the Summer Village's records for safekeeping with the following affixed to the bylaw:

- a) the Summer Village's corporate seal;
- b) the dates of its readings and adoption;
- c) the date of ministerial approval or approval of the electorate, if applicable.

PART 6 - RESOLUTIONS

22. Copies of Resolutions to Council Members

22.1 A resolution may be introduced and considered at a meeting as long as it has been included as an item on the Council's printed agenda or placed on the agenda as an Additional item as per Section 15 of this bylaw.

PART 7 - MOTIONS

23. Mover

23.1 Every motion must be moved before it is deemed to be in the possession of Council.

PART 7 - MOTIONS (CONTINUED)24. Recording of Motions in Minutes

- 24.1 Every motion that has been moved shall be recorded in the Minutes.
- 24.2 Notwithstanding Section 24.1, motions that have been withdrawn by Council as per Section 26 shall not be recorded in the Minutes.
- 24.3 The names of members who have moved a motion presented to Council shall be recorded in the Minutes.

25. Consideration of Motions

- 25.1 When any motion is under consideration, no other motion shall be received except a motion to amend, refer, table, or postpone the current motion.

26. Withdrawal

- 26.1 After a motion has been made, it shall be deemed to be in the possession of Council, but the motion may be withdrawn by the mover of the motion at any time before a decision or amendment is made.

27. Reconsideration

- 27.1 A motion/resolution which was adopted or defeated may be reconsidered by Council at the same or next Council meeting provided that the resolution has not been acted on by an officer, servant, or agent of the municipality.
- 27.2 A Reconsideration motion:
 - a. must be brought forward at the next meeting of Council after the original vote;
 - b. must receive a majority vote of Council for it to be adopted; and
 - c. if defeated, and the outcome being that the resolution is preserved unchanged, the same resolution may not be brought back before Council for six (6) months from the date of the latest vote, except with two-thirds consent of all members of Council.
- 27.3 Each resolution or reading of a bylaw may be considered under the provisions of Section 20.
- 27.4 Notwithstanding Section 21.4, once a bylaw is finally adopted, it may not be reconsidered except under the provisions of the Act.

PART 8 – Electronic Communication28. Electronic Participation at Meetings

28.1 A member of Council who is unable to attend a meeting may participate by electronic means providing:

- a) the presiding member has authorized the member to do so at least Seventy Two (72) hours prior to the meeting date;
- b) that the member utilizes the electronic device supplied by the Summer Village and the applicable expense allowance the member is responsible for any additional costs; and

28.2 The member presiding at the meeting must not participate electronically.

28.3 No more than one member may participate in a Council meeting by electronic means at any given time. If two or more Councillors wish to participate electronically then the meeting shall be rescheduled.

28.4 Each individual Council member is permitted to attend a maximum of six meetings by electronic means per calendar year.

28.5 As required by the Act, Council members may not participate by electronic means in any portion of a meeting that closed to the public.

28.6 Council members participating by electronic means will be deemed to have voted in the affirmative on any and all motions made during technical interruptions and disconnections during the course of the meeting.

28.7 The presiding member must verbally confirm the response from the Council member who is participating electronically to ensure the vote is recorded accurately.

PART 9 - GENERAL

29. If any section, subsection, or clause of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of the bylaw.

30. Any one or more of the rules and orders contained in this bylaw may be temporarily suspended by an affirmative vote of the majority of all Council members.

31. This Bylaw shall come into force and take effect on the third and final reading.

Read a first time 18th day of April, 2019

Read a second time 9th day of August, 2019

Read a third time and finally past this 9th day of August, 2019

Mayor

CAO