

**CORPORATION OF THE
VILLAGE OF MIDWAY**

BYLAW NO. 512

A bylaw to regulate the meetings of Council and Committees

WHEREAS in accordance with the Community Charter, Council must by bylaw establish the general procedures to be followed by Council and Council Committees in conducting their business and, in particular, must by bylaw establish procedures to be followed for Council and committee meetings, establish rules of procedure, provide for the taking of minutes, establish the time and place of regular Council meetings, identify places that are to be public notice posting places, establish the procedure for designating a member to act in place of the mayor, establish the first regular council meeting date, and require advance public notice respecting the time, place and date of Council and committee meetings.

NOW THEREFORE the Council of the Corporation of the Village of Midway, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as "Regulate the meetings of Council and Committees Bylaw No. 512, 2019".

Repeal of Existing Bylaw

2. Bylaw No. 508, cited as "Council and Committees Bylaw No. 508, 2018, and all amendments thereto are hereby repealed.

Definitions

3. In this Bylaw:
 - (a) "Act" means the *Community Charter*;
 - (b) "Chairperson" means the individual presiding at a meeting of a Statutory, Standing or Select committee or Commission of Council;
 - (c) "Committee" means a select or standing committee, or any committee composed of Council members and others individuals appointed by Council and acting in that capacity;
 - (d) "Corporate Administrator" means the appointed Administrator for the Village of Midway or approved designate;
 - (e) "Council" means the elected council members of the Village of Midway;
 - (f) "Member" means the Mayor or a Councillor;
 - (g) "Municipal Hall" means the location at which the Village has its usual business address and offices;
 - (h) "Public Notice Posting Place" means the notice board at the Village of Midway municipal office; and
 - (i) "Village" means the Corporation of the Village of Midway.

Interpretation

4. Any definition of a word or phrase used in this Bylaw and not defined in this Bylaw has the meaning given to it in the Community Charter.

Robert's Rules of Order Apply

5. The Robert's Rules of Order Newly Revised, 11th. Edition, 2011 apply to all meetings, unless otherwise provided for in this bylaw.

Inaugural Meeting

6. (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the election.

(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 subsection (1), the first Council meeting must be called by the Corporate Administrator and held as soon as reasonably possible after a quorum has taken office.

Time and Location

7. (1) All Council meetings must take place at the Village Council Chambers except when Council resolves to hold meetings elsewhere.

(2) Regular Council meetings must
 - (a) be held on the first and third Monday of each month, and
 - (b) begin at 7:00 p.m.
 - (c) adjourn at 9:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time, and
 - (d) when such meeting falls on a statutory holiday, the meeting shall be held on the next day the Village Office is open following which is not a statutory holiday.

Notice of Regular Council Meetings

8. (1) In accordance with section 127 of the Community Charter, the Council must prepare annually on or before December 31st, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Place.

(2) In accordance with section 127 of the Community Charter, the Council must give notice annually on or before December 31st, of the availability of the schedule of regular Council meetings in accordance with section 94 of the Community Charter.

(3) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Administrator must, as soon as possible, post a notice at the Public Notice Posting Place which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

(4) *Post a notice of the annual schedule or any revisions to the date, time and place or cancellation of a regular Council meeting on the municipal website.*

Notice of Special Council Meetings

9. (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127 (4) of the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by
 - (a) *posting a copy of the notice on the municipal website, and*
 - (b) posting a copy of the notice at the Public Notice Posting Place, and
 - (c) leaving one copy of the notice for each Council member in the Council member's mailbox at the Municipal Hall or designated drop-off location.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Administrator.

Designation of Member to Act in Place of Mayor

10. (1) Annually in December, Council must, from amongst its members, designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Councillor designated under section 10(1) must fulfill the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 10(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- (4) The member designated under section 10(1) or chosen under section 10(3) has the same powers and duties as the Mayor in relation to the applicable matter.

Public Attendance at Meetings

11. (1) Except where the provisions of Section 90 of the Community Charter apply, all meetings must be open to the public.
- (2) Where Council wishes to close a meeting to the public, it may do so by adoption of a resolution in accordance with Section 92 of the Community Charter.
- (3) This section applies to meetings of bodies referred to in Section 93 of the Community Charter, including without limitation, Committees, the board of variance, the court of revision, and the advisory planning commission.

Minutes of Meetings

12. (1) Minutes of Council and Committee meetings must be kept in accordance with section 97 the Community Charter.
- (2) Minutes of Proceedings of Council must be open for public inspection at the Municipal Hall during its regular office hours.
- (3) Sub-section 12 (2) does not apply to minutes of a council meeting or that part of a council meeting that was closed to the public under Section 90 of the Community Charter.

Mayor to Open Meetings

13. If a quorum is present, the Mayor must call the meeting to order. If a quorum is present but the Mayor is not present within fifteen minutes after the time at which the meeting is scheduled to begin, the acting Mayor must take the chair and call the meeting to order. If a quorum is present but neither the Mayor nor the acting Mayor are present within fifteen minutes after the time at which the meeting is scheduled to begin, the Corporate Administrator must call the meeting to order and by resolution the Council must appoint a councillor to act as chair for that meeting until the Mayor or acting Mayor arrives. The chair of a meeting has the powers and duties of the Mayor in respect of that meeting.

Quorum

14. A quorum of the Council is three (3) Members present and, of a Committee, is a majority of the members present and entitled to vote.

Adjournment if no quorum

15. (1) If there is no quorum of Members at the location for a meeting within 15 minutes after the scheduled time for a Council meeting, the Corporate Administrator must:
 - (a) record the names of the Members present and those absent; and
 - (b) adjourn the meeting until the next scheduled meeting.

Agenda

16. (1) Prior to each Council meeting, the Corporate Administrator must prepare an agenda setting out all the items for consideration at that meeting.
- (2) The deadline for submissions by the public/Council to the Corporate Administrator of items for inclusion on the Council meeting Agenda is 12:00 noon on the Thursday prior to the meeting.
- (3) The Corporate Administrator must make the agenda available to the members of Council and the public on the Friday afternoon prior to the meeting, ***and CAO's report to be sent electronically if it is not ready to be distributed with the agenda package Friday afternoon.***
- (4) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item before the adoption of the agenda

Order of Business at Regular Meetings

17. Unless the Council otherwise resolves, business must be dealt with at every regular meeting in the following order:
 - (1) call to order,
 - (2) introduction of late items,
 - (3) adoption of agenda,
 - (4) delegations/presentations,
 - (5) question period (*length of time to be at the discretion of the Mayor*),
 - (6) adoption of the minutes of the previous meetings,
 - (7) business arising from the minutes as adopted,
 - (8) new and unfinished business,
 - (9) correspondence,
 - (10) administrator's report,

- (11) mayor and councillor's reports,
- (12) questions period (*length of time to be at the discretion of the Mayor*),
- (13) financial report,
- (14) bylaws/planning,
- (15) budget/accounts
- (16) correspondence for information
- (17) correspondence for information - held two weeks only,
- (18) question period (*length of time to be at the discretion of the Mayor*),
- (19) in Camera (if needed),
- (20) adjournment.

Late Items

- 18. (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the agenda for such matters or at any other time as introduced and approved by a majority of council.
- (2) If Council makes a resolution under Section 18 (1), information pertaining to late items must be distributed to the members.

Petitions and Delegations

- 19. (1) Any person wishing to present a petition to a regular meeting shall inform the Corporate Administrator of the subject of the petition, no later than 12:00 noon on the Thursday preceding the date on which the next meeting is to take place.
- (2) Any delegation wishing to appear at a regular meeting shall inform the Corporate Administrator of the subject of the delegation and the name and address of the speaker for the delegation, on the prescribed form, no later than noon on the Thursday prior to the date on which the next meeting is to take place.
- (3) Where a written application has not been received by the Corporate Administrator, as prescribed in Section 19(2), an individual or delegation may address the meeting if approved by the unanimous vote of the Members present.
- (4) Council may limit the number of delegations per meeting to two.

Time Allowed for Petitions and Delegations

- 20. Unless the Council otherwise resolves, the maximum time for presentation of a petition or a delegation before Council is fifteen minutes. This section does not apply to public hearings conducted by the Council under the Act.

Voting

- 21. (1) The following procedures apply to voting at Council meetings:
 - a) when debate on a matter is closed, the presiding member must put the matter to a vote of Council members;
 - b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating: "Those in favour raise your hands." and then "Those opposed raise your hands";
 - c) each Council member has one vote on any question;
 - d) each Council member present at the time of a vote must vote on the matter;

- e) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not
 - (i) cross or leave the room,
 - (ii) make a noise or other disturbance, or
 - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;
- f) after the presiding member puts the question to a vote under paragraph (b), a member must not speak to the question or make a motion concerning it;
- g) if a Council member does not indicate how he or she votes, the member is deemed to have voted in the affirmative;
- h) if the votes of the members present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated;
- i) the presiding member's decision about whether a question has been finally put is conclusive.
- j) names of movers and seconders of motions shall not be recorded.

Conduct and Debate

- 22. When any Member wishes to speak in debate, he or she shall wait until no other Member is speaking and shall address the chair.
- 23. Except as otherwise resolved by the Council, a Member may:
 - (a) speak only to a matter being debated by the Council;
 - (b) speak only twice to a matter, but a Member may speak more than twice to a matter to:
 - (i) explain a material part of his or her speech which may have been misunderstood; or
 - (ii) ask a question;
 - (c) speak for no more than five minutes at a time, except that Council may resolve by a simple majority vote to permit a Member to speak longer;
 - (d) not speak to a matter already dealt with by the Council;
 - (e) not speak when called to order by the Mayor;
 - (f) not speak to a motion unless a motion has been moved and seconded;
 - (g) speak in a regular meeting of Council after the Member has raised his or her hand and the Mayor has recognized the Member.
- 24. If two or more Members raise their hands at the same time, the Mayor may designate the order in which each is to speak.
- 25. If the Mayor wishes to speak in a regular meeting of Council, the Mayor may do so.
- 26. If a Member has raised his or her hand at the same time the Mayor begins to speak, the Mayor may speak first.
- 27. A Member shall address the Mayor as "Your Worship", or "Mayor _____" and a Member shall address a Member by that Member's surname preceded by "Councillor".

Resolutions and Bylaws

28. A Council shall deal with resolutions, the reading of bylaws, and the adoption of bylaws on a motion put by a Member and seconded by another Member.

Proposing Bylaws

29. Unless the Council otherwise resolves, the Council shall not consider a proposed bylaw unless:
- (a) the Corporate Administrator has given a copy of it to each Member, and
 - (b) it is on the agenda for the meeting.

Reading and Adoption

30. (1) The presiding member of a Council meeting may
- (a) have the Corporate Administrator read a synopsis of each proposed bylaw or group of proposed bylaws, and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read;
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) In accordance with Community Charter, Council may give up to three readings to a proposed bylaw at the same Council meeting.
- (5) Despite the Community Charter, and in accordance with section 890(9) of the Local Government Act Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

Bylaws Must Be Signed

31. After a bylaw is adopted, and signed by the Corporate Administrator and the presiding member of the Council meeting at which it was adopted, the Corporate Administrator must have it placed in the Village's records for safekeeping

Procedures Apply

32. The provisions of this bylaw governing meetings of Council apply, with the necessary changes, to all Committee meetings.

Appointment of Chair

33. Every Committee shall have a chair, appointed by the Mayor, to preside over its meetings. To the extent necessary, a Committee may by resolution create its own rules of procedure, but the provisions of this Bylaw prevail over any such rule of procedure to the extent of any conflict.

Participation in Committees

34. (1) A Member may attend any Committee meeting and may participate in any debate at the Committee meeting.
- (2) Only a person appointed to a Committee may move or second motions or vote at a Committee meeting.

Meetings of Committees

35. A Committee shall meet when:
- (a) its chairperson so directs;
 - (b) the Mayor so directs;
 - (c) directed to meet by resolution of the Council; or
 - (d) a majority of the members of a Committee resolve.

And Notice of such meeting shall be given in accordance with Section 37.

Report to Council

36. (1) A Committee may report to the Council as a delegation at any regular meeting of Council.
- (2) A Committee shall report to the Council when directed by resolution of the Council.
- (3) If a Committee wishes to present a written report to the Council, its chairperson shall deliver the report to the Clerk on or before noon on the Thursday before the next regular meeting and the Clerk shall deliver that report to the Members in typewritten form at least 48 hours before the date of the regular meeting.

Notice of Committee Meetings

37. (1) At least 24 hours before a meeting of a Committee, the Corporate Administrator must give public notice of the time, place and date of the meeting by way of a notice posted on the Public Notice Posting Place.
- (2) At least 24 hours before a regular meeting of a Committee, the Corporate Administrator must give further public notice of the meeting by:
- (a) posting a copy of the agenda on the Public Notice Posting Place; and
 - (b) leaving copies of the agenda at the reception counter at Municipal Hall for the purpose of making them available to members of the public.
- (3) At least 24 hours before a Committee meeting, the Corporate Administrator must deliver a copy of the agenda to each member of the Committee at the place to which the Committee member has directed notice to be sent.

Electronic Meetings

38. (1) Members of Council or Council Committee may participate electronically in Council meetings, in accordance with Section 128(2) of the Community Charter, if the member is unable to attend because of illness, injury or is with leave of the council, and provided that the Corporate Administrator is able to secure the electronic equipment to facilitate the meeting.
- (2) The member presiding the meeting must not participate electronically
- (3) No more than two members of Council or a Council Committee at one time may participate at a meeting by means of electronic or other communication facilities.

Conflict of Interest

39. Disclosure of conflict

- (1) In accordance with Section 100 of the Community Charter, if a Council member or Council Committee member attending a council meeting or council committee meeting or any meetings of any other body referred to in section 93 of the Community Charter, considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
 - (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,the member must declare this and state in general terms the reason why the member considers this to be the case.
- (2) After making a declaration under subsection (1), the council member must not
 - (a) remain or attend at any part of the meeting, during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

Improper Conduct

40. (1) No member or person attending the meeting may interrupt a member who is speaking, except that a Councillor may raise a point of order.
- (2) No member or person attending the meeting may cause a disturbance, disrupt or in any manner delay the conduct of business at a meeting.
- (3) No member or person permitted or invited to speak on any matter coming before the Council or a committee may use rude or offensive language or, by tone or manner of speaking, express a point of view or opinion or make an allegation which, directly or indirectly, reflects upon the public conduct or private character of any person.
- (4) All cell phones must be turned off or on vibrate and there will be no answering of cell phones while in council chambers during a meeting.

Removal of Those Behaving Improperly

41. (1) The Mayor or other person presiding may expel from a meeting of Council any person he or she considers guilty of improper conduct.
- (2) If a person resists or disobeys an order of the Mayor or other person presiding to leave a meeting of Council, that person may be removed by the Corporate Administrator, or, if necessary, by a peace officer at the direction of the mayor or other person presiding.
- (3) In addition to its application to Council meetings, the ability of the person presiding to expel persons he or she considers guilty of improper conduct also applies to primary, select or standing committees of Council.

General

42. (1) If any section, subsection, clause or other provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- (2) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with Section 94 of the *Community Charter*.

READ A FIRST TIME this **19th** day of **February, 2019.**

READ A SECOND TIME this **19th** day of **February, 2019.**

READ A THIRD TIME this **19th** day of **Februray, 2019.**

ADOPTED on this **18th** day of **March, 2019.**

Mayor

Corporate Administrator

I hereby certify that the foregoing is a true copy of Bylaw No. 512, cited as the "Regulate Meetings of Council and Committees", Bylaw No. 512, 2019", as adopted by Council on the **18th** day of **March, 2019.**

Penny L. Feist,
Corporate Administrator