

# **Town of Souris By-laws**

## **BY-LAW No. 80-1**

### **PROCEDURAL BY-LAW**

A by-law adopted under Section 83 of the Town Act R.S.P.E.I. 1974, Cap T-4 to govern the proceedings of Council and Committees. The Council of the Corporation of the Town of Souris as amended by Council on February 12, 2007, enacts the following known as the Procedural By-law as follows:

1. In this by-law

(a) "Clerk" means the Administrator of the Town of Souris

(b) "Council" means the Council of the Town of Souris

(c) "Head" of Council means the Mayor

2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the committees thereof, provided that the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Prince Edward island and its Committees.

### **COUNCIL MEETINGS**

3. Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purpose. The Inaugural Meeting of Council shall take place at the call of the newly elected Council.

The next and each succeeding regular meeting of Council shall be held on the Second Monday of each month at 7:00 p.m.

4. When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.

5. The Head of Council may at any time summon a special meeting of Council on 48 hours notice to the Members of Council or upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose mentioned in the petition. Forty-eight hours notice of all special meetings of Council shall be given to the Members through the Clerk's Office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

6. In the case of the absence of the Head of the Council from the Municipality, or if he is absent due to illness, or he refuses to act or his office is vacant, a Councillor shall be appointed to act from time to time in the stead of the Head of the Council and he shall all the rights, powers, and authority of the Head of Council, while so doing.

#### CALLING OF MEETING TO ORDER AND QUORUM

7. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.

#### ABSENCE OF HEAD OF COUNCIL

8. Where no Presiding Officer has been appointed under Clause 6 of this by-law, in case the Head of Council does not attend within fifteen minutes after the time appointed for a meeting of the Council, the Clerk shall call the Members to order and an acting Head of Council shall be appointed from among the Members present and he shall preside until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

#### NO QUORUM

9. If no quorum is present one half hour after the time for a meeting of the Council, the Clerk shall record of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

#### CURFEW

10. No item of business may be dealt with at a Council meeting after eleven p.m.

#### THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

11. It shall be the duty of the Head of Council or other Presiding Officer,

- (a) to open the meeting of Council by taking the chair and calling the Members to order,
- (b) to announce the business before the Council in the order in which it is to be acted upon,
- (c) to receive and submit, in the proper manner, all motions presented by the Members of Council,
- (d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
- (e) to decline to put to vote motions which infringe the rules of procedure,
- (f) to restrain the Members, within the rules of order, when engaged in debate,
- (g) to enforce on all occasions the observance of order and decorum among the Members,
- (h) to call by name any Member persisting in breach of the rules or order of the Council, thereby ordering him to vacate the Council Chamber,
- (i) to receive all messages and other communications and announce them to the Council,

- (j) to authenticate, by signature when necessary, all by-laws, resolutions, and minutes of the Council,
- (k) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage,
- (l) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
- (n) to adjourn the meeting when the business is concluded,
- (o) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

## AGENDA

12. The Administrator shall prepare and print for the use of the Members at the regular meetings of Council, an agenda, with headings as agreed by Council.

13. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.

## MINUTES

14. Minutes shall record:

- a. The place, date and time of meeting;
- b. The names of the Presiding Officer or officers and record of the attendance of the Members;
- c. The reading, if requested, correction and adoption of the minutes of prior meetings;
- d. All other proceedings of the meeting without note or comment.

## PETITIONS AND COMMUNICATIONS

15. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

## DEPUTATIONS

16. Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk not less than forty-eight hours before the commencement of the meeting of the Council and may be heard by leave of the Presiding Officer of Council, but shall be limited in speaking to not more than ten minutes except

that a delegation consisting of more than five persons shall be limited to two speakers, each limited to speaking not more than ten minutes.

#### READING OF BY-LAWS AND PROCEEDINGS THEREON

17. No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

18. Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the by-law.

19. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.

20. Every by-law shall:

(a) be read and formally approved by a majority of the Councillors on two occasions at meetings of the Council held on different days;

(b) after being read a second time, be formally adopted by resolution of the Council;

(c) be signed by the Mayor/Chair and the Administrator, and formally declared to be passed and sealed with the Corporate Seal of the Town of Souris;

(d) have the minutes of the meeting record the name of the by-law and the fact that it is passed;

(e) be entered in the register of by-laws retained by the Administrator; and

(f) be filed with the Minister within seven days of the day on which the by-law was passed.

21. The first reading of a by-law shall be decided without amendment or debate.

22. If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.

23. If Council so determines, a by-law may be taken as read.

24. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.

25. Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by, the Clerk and the Presiding Officer and shall be deposited by the Clerk in his or her office for safekeeping.

## MOTIONS

26. Notices of Motion - Notice of all new motions except motions listed in Clauses 39 and 40 shall be given in writing delivered to the Clerk at least six calendar days, excluding Saturdays and statutory holidays, preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.

27. Dispensing with Notice - Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Members present and voting.

28. Seconding - A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the minutes.

29. Presentation of Motion by Chairman - When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.

30. Amendment - A motion to amend

- shall be presented in writing,

- shall receive disposition of Council before a previous amendment or the question,

- shall not be further amended more than once provided that further amendment may be made to the main question,

- shall be relevant to the question to be received,

- shall not be received proposing a direct negative to the question,

- may propose a separate and distinct disposition of a question,

- shall be put in the reverse order to that in which it is moved.

## VOTING ON MOTIONS

31. Questions Stated - Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a Member

except when a motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.

32. No Interruption after Question - After a question is finally put by the Presiding Officer no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

33. Unrecorded Vote - The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

34. Recorded Vote - When a Member present requires a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before an unrecorded vote is taken.

#### RULES OF DEBATE

35. Every Member prior to speaking to any question or motion shall rise from his seat and address the Presiding Officer. When two or more Members rise to speak, the Presiding Office shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, rose first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by Statute.

36. When the Presiding Officer calls for the vote on a question, each Member shall occupy his seat and shall remain in his place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.

37. When a Member is speaking no other Member shall pass between him and the Chair or interrupt him except to raise a point of order.

38. Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

39. The following matters and motions with respect thereto may be introduced orally without Written notice and without leave, except as otherwise provided by these Rules of Procedure:

(i) a point of order or personal privilege;

(ii) presentations of petitions;

(iii) to lay on the table;

(iv) to postpone indefinitely or to a day certain;

(v) to move the previous question.

40. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:

(i) to refer;

(ii) to adjourn;

(iii) to amend;

(iv) to suspend the Rules of Procedure.

41. Except as provided by Clause 39 above, all motions shall be in writing and signed by the mover and seconder.

42. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

#### POINTS OF ORDER AND PRIVILEGES

43. The Presiding Officer shall preserve order and decide questions of order.

44. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

#### CONDUCT OF MEMBERS OF COUNCIL

45. No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor or any Province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Prince Edward Island.

46. No Member shall:

(i) use offensive words or unparliamentary language in or against the Council or against any Member;

(ii) speak on any subject other than the subject in debate;

(iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;

(iv) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council, and in case a Member persists in any such disobedience after having been called

to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his seat for the duration of the meeting of the Council" but if the Member apologizes he may, by vote of the Council, be permitted to retake his seat.

47. No person except Members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.

48. When the Chair is putting the question, no Member shall leave or make a disturbance.

#### APPOINTMENT OF COMMITTEES

49. The Mayor may appoint the standing Committees at the first meeting of Council in each year.

50. At the discretion of Council, the Mayor may appoint residing advisors to any standing Committee for a period not exceeding two (2) term of Council.

51. All special or selected Committees shall be appointed in Council on a motion duly moved, seconded, and agreed to.

52. The Mayor is a member Ex-Officer of every Committee.

#### SUSPENSION OF RULES

53. Any procedure required by this by-law may be suspended with consent of a majority of the Members of the Council present.

#### AMENDMENT

54. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

#### REPEAL OF OLD BY-LAW

56. By-law #25 of the Town of Souris BY-LAW REGULATING PROCEEDINGS AT COUNCIL MEETINGS is hereby repealed.

READ A FIRST TIME this 28th day of January, 1979

READ A SECOND TIME this 28th day of January, 1979

READ A THIRD TIME this 11th day of February, 1979

TOWN OF SOURIS James J. Hughes, MAYOR M. Ehler, TOWN CLERK



57. PROCEDURAL BY-LAW # 80-1, is hereby amended by Council on February 12, 2007.

First reading the 8th day of January, 2007

Second reading, the 12th day of February, 2007

Enacted and passed this 12 day of February, 2007

Joanne Reid MAYOR

Dianne La Chapelle ADMINISTRATOR