

CITY COUNCIL PROCEDURES AND RULES OF ORDER BYLAW

EFFECTIVE: OCTOBER 17, 1995
AMENDED: NOVEMBER 13, 2007

AMENDED: SEPTEMBER 14, 1998

Summary of Bylaw Amendments at end of Bylaw

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

RULES AND REGULATIONS

THE FOLLOWING RULES AND REGULATIONS SHALL BE OBSERVED AND SHALL BE THE RULES AND REGULATIONS FOR THE ORDER AND DISPATCH OF BUSINESS IN THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN, AND IN THE COMMITTEE THEREOF.

COUNCIL MEETINGS

PART I: REGULAR MEETINGS

1. 1.1 There shall be each year, unless otherwise authorized by resolution of Council to be changed, twelve regular monthly meetings of the said Council, which shall be held on the second Monday in each month in each and every year, and no such meeting shall last for a longer period than three consecutive days excluding non-juridical days; no meeting of the said Council shall be held on any non-juridical day, but upon any regular meeting of said Council falling upon any non-juridical day, such meeting shall be held on the next juridical day following.

PART II: MAJORITY - QUORUM

2. 2.1 The quorum at any meeting of Council is:
 - (a) The Mayor, or in his or her absence, the Deputy-Mayor; and
 - (b) at least one-half of the Councillors then holding office.

PART III: NOTICE

3. 3.1 Written notice of all regular meetings signed by the Chief Administrative Officer shall be sent to the Mayor and Councillors three days previous to each meeting.

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PART IV: SPECIAL MEETING

4. 4.1 It shall be lawful for the Mayor of the said City to call a Special Meeting of the said Council when and as often as he may deem it proper after three days previous notice thereof, and in case the said Mayor shall refuse to call any such meeting after a requisition for that purpose signed by half or more members of the said Council, it shall be lawful for such half or more members of the said Council to call a meeting after three days previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the members; and in all cases of such special meetings as aforesaid, a summons to attend the Council specifying the business to be transacted at such meetings, and signed by the Chief Administrative Officer, shall be left at the usual place of abode of every member of the said Council, at least three days before such meetings. In case of the absence or death of the Mayor, a special meeting may be summoned by the Chief Administrative Officer upon a special requisition to him, signed by a majority of the members of the Council. (Special meetings shall include committee meetings of the whole).

PART V: EMERGENCY MEETING

5. 5.1 In case of any emergency, it shall be lawful for the Mayor or for the Deputy Mayor or the presiding Councillor in the absence of the Mayor, to call a meeting of the City Council, at such time as he may direct, without giving three days notice, as prescribed in the above section.

PART VI: NO QUORUM

6. 6.1 At the time appointed for any meeting if one hour shall elapse without a quorum appearing the meeting shall stand ipso facto adjourned until the next juridical day following and at the same hour which had been named for the original meeting.

PART VII: ADJOURNMENT

7. 7.1 At any time that business requires it, the Council may adjourn for part of the day, or for one, two or more days. On every adjournment for one or more days, notice in writing of the hour and place of the adjourned meeting shall be sent to the Mayor and Councillors, except to such as were present at the adjournment.

PART VIII: MINUTES

8. 8.1 The Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor, Deputy Mayor or Councillor presiding at such meetings; and the said Minutes shall be open to the Inspection of all persons qualified to vote at the election of Councillors, and the said meetings shall be held with open doors.

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PART IX: AGENDA

9. 9.1 The Chief Administrative Officer, as preparatory step before each meeting of the City Council, shall, with the Mayor's concurrence, make out an arranged list of the several ordinances, reports, petitions and other business matters which it appears requisite to lay before the Council for their consideration, in such order as may seem most judicious. This list shall be termed the "Order of the Day". A copy of it shall be laid on the table for inspection of members, and another copy placed in the hands of the Mayor, Deputy Mayor or presiding Councillor.

APPOINTMENTS

PART X: DUTIES OF CHIEF ADMINISTRATIVE OFFICER

10. 10.1 The Council shall appoint a Chief Administrative Officer who is not a member of Council and who shall be responsible for all administrative matters and the day to day administration of the City.
- 10.2 The Chief Administrative Officer shall:
- (a) be the senior policy advisor to the Council;
 - (b) attend all meetings of the Council and record all resolutions, decisions and proceedings of the Council.
 - (c) keep the minutes, documents and financial records of the City and maintain a register containing the originals of all bylaws adopted by the Council;
 - (d) be the custodian of the corporate seal of the City;
 - (e) notify all members of the Council of meetings of the Council;
 - (f) collect and receive all money of the City;
 - (g) open an account in the name of the City in a chartered bank or other financial institution approved by the Council and deposit in that account all money received by the administrator on account of the City;
 - (h) co-sign all cheques of the City with the Mayor;
 - (i) as soon as possible after the end of the fiscal year prepare a detailed statement of the finances of the City and submit it, when audited, to the Council;

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- (j) have all the authority and perform all the duties made incumbent on him or her as per the *Charlottetown Area Municipalities Act* and as the Council may assign.

PART XI: AUDITOR

- 11. 11.1 The Council shall appoint an auditor who shall audit the financial statements of the City.

PART XII: RULES OF ORDER

- 12. 12.1 The Mayor or Chairman (who shall be the Deputy Mayor or presiding Councillor) shall decide all questions of order subject to an appeal to the Council, if such appeal be regularly moved and seconded.
- 12.2 Every member who speaks in Council shall do so standing and shall always address the Chair, and shall sit down again as soon as he is done speaking.
- 12.3 If two or more members rise at the same time, it shall be decided by the Chair who is to be heard, and while any member has the floor and does not violate order, he is not to be interrupted.
- 12.4 No member shall leave the room during the transaction of business, without permission of the Mayor or Chairman.
- 12.5 Every member who leaves the room without permission of the Mayor or Chairman, unless he excuses himself to the satisfaction of the Mayor or Chairman, shall be considered under censure, and an entry of such censure shall be made in the minutes of the Council and not expunged until the above satisfaction is made.
- 12.6 Any member called to order by the Chair shall sit down at once. He may, nevertheless, by leave of the Chair, rise afterwards to explain.

BYLAWS

PART XIII: NOTICE OF BILL

- 13. 13.1 No bylaw or amendment shall be submitted to the Council without notice of the exact proposal change first having been given at a previous meeting by the Councillor intending to submit the same.
- 13.2 A bylaw is made if
 - (a) it is read and formally approved by a majority of the Councillors on two occasions at meetings of the Council held on different days;

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- (b) after being read a second time it is formally adopted by resolution of the Council; and
- (c) it is signed by the Mayor and the Chief Administrative Officer, and formally declared to be passed, and sealed with the corporate seal of the City.

COMMITTEES AND REPORTS

PART XIV: STANDING COMMITTEES

- 14. 14.1 The Mayor may appoint from among the members of the Council such standing committees as he or she considers appropriate for the better transaction of the business of the Council.

PART XV: COMMITTEES

- 15. 15.1 All special or select committees shall be appointed in Council on motion of a member, duly seconded and agreed to.
- 15.2 Any select committee may proceed with the business referred to them provided a majority of their members are present, and if the majority of those who are in attendance concur in any conclusion, it will be the duty of the Chairman to report accordingly.

PART XVI: REPORTS

- 16. 16.1 The reports of all special and standing committees shall be in writing and signed by their Chairman when passed unanimously by those who attend; but when there is a difference of opinion the report shall be signed by all those who concur in it; the minority may also respectfully report their views in writing to the Council if they think fit.

PART XVII: PROCEDURES

- 17. 17.1 As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the meeting to order.
- 17.2 As soon as the Chair is taken, a quorum being present, the Minutes of the preceding meeting shall be read by the Chief Administrative Officer in order that any mistake therein may be corrected by the Council. Council may waive the reading of the minutes.
- 17.3 While the Minutes of the preceding meeting are being read by the Chief Administrative Officer, any member may move to amend an entry, to rescind or reconsider any resolution therein contained, but a motion for rescinding or reconsideration shall not be permitted unless a formal notice of reconsideration or

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rescinding has been given on the day of the resolution being passed before adjournment. No such notice, however, shall have the effect of delaying or impeding the action necessary to give effect to any resolution, unless the Council should order otherwise.

- 17.4 As soon as the minutes of the preceding meeting have been passed, and before proceeding to the "Order of the Day", the Mayor or Chairman shall inquire if any Chairman of committees or official heads of departments in the administration of the City business have any reports to hand in, and receive the same without then reading them, and shall make a similar demand on members to present any petition entrusted to them which shall in like manner be received without being read. The reading of such reports and petitions shall be postponed until the several matters named in the "Order of the Day" have been disposed of, unless the Council shall think proper (upon a motion duly made and seconded) to resolve that any particular report or petition should be previously read.
- 17.5 The member presenting any report or petition shall endorse his name upon it before giving it in, as security that he has looked it over and believes it not to contain any disrespectful or improper language.

PART XVIII: ABSENCE OF MAYOR

18. 18.1 In case the Chief Administrative Officer at the hour of meeting presents to the meeting that he has been advised by the Mayor of his inability to attend, or if the said Mayor does not attend within half an hour after the time appointed, the Deputy Mayor shall take the chair, or if he be also absent the Chief Administrative Officer, or someone appointed to supply his place, shall call the members to order, and if a quorum be present, a temporary Chairman shall be chosen from amongst the Councillors who shall preside during the meeting, or until the arrival of the Mayor or Deputy Mayor.

PART XIX: MOTIONS AND RESOLUTIONS

19. 19.1 Before any motion or resolution is debated, it must be reduced to writing, moved and seconded, and then read aloud by the Clerk.
- 19.2 A motion or resolution which has been moved, seconded and read, cannot be withdrawn except by leave of the Council.
- 19.3 When a question is regularly under debate no other question or motion shall be entertained until it is decided, unless it be:
- (a) A motion in amendment of the original resolution.
 - (b) A motion to refer the matter to a special committee.

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- (c) A motion to postpone the consideration of the question to some future date named.
 - (d) A motion to postpone the question indefinitely (i.e.) to lay it on the table.
 - (e) A motion that the question be now put on.
- 19.4 Only one amendment shall be allowed to an amendment, and any amendment more than one must be on the main question. After the question has been taken upon any division, it shall be competent to call for the names on the division and to have the same recorded. No debate shall be allowed upon any motion of the previous question or upon any motion of adjournment made during the debate.
- 19.5 Every member must confine himself to the question actually under discussion, and shall abstain from all personal reflections and irritating language.
- 19.6 Every member present when a question is taken shall vote upon it, unless excused by the Council from doing so upon some good grounds stated.

PART XX: CASTING VOTE

- 20 20.1 In case of an equality of votes, the Mayor or Chairman may give his casting vote and express his reasons for deciding, but he is not otherwise to take part in any debate unless to preserve order.
- 20.2 Any member may have the question read for his information at any period during the debate, but he is not at liberty to interrupt for this purpose any member who is speaking.
- 20.3 Every member shall be restricted to speak not more than twice upon the same question. A member, however, who has spoken to the question may speak again once upon every distinct amendment.
- 20.4 While any question is under discussion, if not more than six Councillors be present, any member may require a call of the Council to be made. In such case the question shall not be taken or further debated until the absent members have been sent for; at the end of one hour, however, the delay shall cease, and the Council may then proceed with the question which has been so suspended. If the Council thinks fit, any other business may go on in the interval.

MISCELLANEOUS

PART XXI: STIPENDS AND BENEFITS

21. 21.1 Effective October 01, 2007, the Mayor of the City of Charlottetown shall receive as compensation the amount of \$48,000. This compensation shall be adjusted at the

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same time as and by the lowest percentage increase negotiated by the City's employee groups.

- 21.2 Effective October 01, 2007, the Deputy Mayor of the City of Charlottetown shall receive as compensation the amount of \$25,000. This compensation shall be adjusted at the same time as and by the lowest percentage increase negotiated by the City's employee groups.
- 21.3 Effective October 01, 2007, each Councillor of the City of Charlottetown shall receive as compensation the amount of \$22,000. This compensation shall be adjusted at the same time as and by the lowest percentage increase negotiated by the City's employee groups.
- 21.4 Effective October 01, 2007, the City of Charlottetown shall contribute annually an amount equal to 10% of salary to an RRSP for each member of Council during their term of office.
- 21.5 Retroactive to the starting date of current Councillors, members of Council shall be provided with a transition allowance upon the conclusion of their service equal to one (1) week's salary for each year served to a maximum of 12 weeks. Councillors are eligible for this allowance only after the completion of four years in office.
- 21.6 The Compensation package for elected officials shall be reviewed every five (5) years.

PART XXII: CONFLICT OF INTEREST

22. 22.1 No Mayor, Deputy Mayor or Councillor shall, subject to Section 21, derive any profit or financial advantage from his/her position as a member of Council, and where a member of Council has a pecuniary interest in or is affected by any matter before Council, he or she shall declare the interest therein and abstain from the discussion and voting thereon in accordance with Section 19.6 of this bylaw.

PART XXIII: BONDS

23. 23.1 All bonds and securities made payable to the City are to be kept in the custody of the Chief Administrative Officer.

PART XIV: PARLIAMENTARY PROCEDURE

24. 24.1 In all unprovided cases in the proceedings of the Council, or in Committee, the law of parliamentary procedure shall be followed, as is followed by the House of Commons of Canada.

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PART XXV: REPEALED

25. 25.1 All Rules, Orders, and Bylaws of the Corporation of the City of Charlottetown inconsistent with or repugnant hereto, shall be and the same are hereby repealed.

PART XXVI: EFFECTIVE DATE

26. 26.1 This bylaw shall come into force effective October 17, 1995.

SUMMARY OF “CITY COUNCIL PROCEDURE AND RULES OF ORDER BYLAW” AMENDMENTS

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
New Bylaw		New Bylaw effective October 17, 1995	10-Oct-95	10-Oct-95	17-Oct-95
Amendments to Part 21.1 and 21.2	21.1 The Mayor of the City of Charlottetown shall receive as compensation the amount of \$1.00 per capita as approved by Council in the Annual Budget.	Amend Part 21.1 by deleting the words "as approved by Council in the annual Budget" and replacing with " and commencing in 1998 and thereafter, this amount shall be adjusted annually by a percentage which is equal to the lowest annual percentage wage adjustment awarded to the City of Charlottetown municipal employees ".	10-Aug-98	10-Aug-98	14-Sep-98
	21.2 Each Councillor of the City of Charlottetown shall receive as compensation the amount of \$.50 per capita as approved by Council in the Annual Budget.	Amend Part 21.2 by deleting the words "as approved by Council in the annual Budget" and replacing with " and commencing in 1998 and thereafter, this amount shall be adjusted annually by a percentage which is equal to the lowest annual percentage wage adjustment awarded to the City of Charlottetown municipal employees ".			
To substitute wording in Section 21 of “Part XXI: Stipends” to incorporate new Council remuneration and benefits	<p>21.1 The Mayor of the City of Charlottetown shall receive as compensation the amount of \$1.00 per capita and commencing in 1998 and thereafter, this amount shall be adjusted annually by a percentage which is equal to the lowest annual percentage wage adjustment awarded to the City of Charlottetown municipal employees.</p> <p>21.2 Each Councillor of the City of Charlottetown shall receive as compensation the amount of \$.50 per capita and commencing in 1998 and thereafter, this amount shall be adjusted annually by a percentage which is equal to the lowest annual percentage wage adjustment awarded to the City of Charlottetown municipal employees.</p>	<p>21.1 Effective October 01, 2007, the Mayor of the City of Charlottetown shall receive as compensation the amount of \$48,000. This compensation shall be adjusted at the same time as and by the lowest percentage increase negotiated by the City’s employee groups.</p> <p>21.2 Effective October 01, 2007, the Deputy Mayor of the City of Charlottetown shall receive as compensation the amount of \$25,000. This compensation shall be adjusted at the same time as and by the lowest percentage increase negotiated by the City’s employee groups.</p> <p>21.3 Effective October 01, 2007, each Councillor of the City of Charlottetown shall receive as compensation the amount of \$22,000. This compensation shall be adjusted at the same time as and by the lowest percentage increase negotiated by the City’s employee groups.</p> <p>21.4 Effective October 01, 2007, the City of Charlottetown shall contribute annually an amount equal to 10% of salary to an RRSP for each member of Council during their term of office.</p>	23-Oct-07	23-Oct-07	13-Nov-07

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>22.1 No Mayor or Councillor shall, subject to Section 21, subsections 21.1 and 21.2 inclusive of this bylaw, derive any profit or financial advantage from his/her position as a member of Council, and where a member of Council has a pecuniary interest in or is affected by any matter before Council, he or she shall declare the interest therein and abstain from the discussion and voting thereon in accordance with Section 19.6 of this bylaw.</p>	<p>21.5 Retroactive to the starting date of current Councillors, members of Council shall be provided with a transition allowance upon the conclusion of their service equal to one (1) week's salary for each year served to a maximum of 12 weeks. Councillors are eligible for this allowance only after the completion of four years in office.</p> <p>21.6 The Compensation package for elected officials shall be reviewed every five (5) years.</p> <p>22.1 No Mayor, Deputy Mayor or Councillor shall, subject to Section 21, derive any profit or financial advantage from his/her position as a member of Council, and where a member of Council has a pecuniary interest in or is affected by any matter before Council, he or she shall declare the interest therein and abstain from the discussion and voting thereon in accordance with Section 19.6 of this bylaw. (housekeeping change required to above)</p>			