

City of Charlottetown, PEI
A Bylaw to Amend the City of Charlottetown Procedural Bylaw
Bylaw # 2018-19-A

BE IT ENACTED by the Council of the City of Charlottetown as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

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

2. Purpose

2.1. The purpose of this bylaw is to amend the City of Charlottetown’s Procedural bylaw to incorporate proposed amendments as recommended by the Council Advisory Committee and City Solicitor, to correct formatting /grammatical errors and to ensure overall consistency.

3. Definitions

3.1. In this bylaw, any word and term that is defined in the Municipal Government Act and the City of Charlottetown Procedural Bylaw has the same meaning as in that Act or bylaw.

4. Part I – Interpretation and Application - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

Section 3 - Purposes

4.1. Add subsection 3.1 and renumber the existing 3.1-3.4 to letters a – d and create new subsection 3.2.

Section 4 – Application

4.2. Amend subsection 4.1 by correcting grammatical errors.

Section 5 - Definitions

4.3. Add the definition of “Act” as subsection 5.1.

4.4. Amend previous subsection 5.1 “Chief Administrative Officer” by replacing “a municipality” with “the City”.

4.5. Add the definition of “Committee of Council” as subsection 5.4.

4.6. Add new definition "Employee" means, a person who performs work for the City for pay, and includes:

- (i) a person on leave from employment with the City,
- (ii) a person being trained by a municipality to perform work for the City

- (iii) a person retained under an employment contract to perform work for the City, and
 - (iv) any other person or class of person designated as an employee by the City.
- 4.7. Amend current subsection 5.9 “Member” to include “...and includes the Mayor”
- 4.8. Delete the definition of “Status Sheet”.
- 4.9. Renumber the initial definitions to remain in alphabetical order.

Section 6 – Rules Adopted and Suspended

- 4.10. In subsection 6.1 change “Administrative Order” to “Procedural Bylaw”

Section 7 – Amendment to Rules

- 4.11. Amend subsection 7.1 to read as *“This Procedural Bylaw shall not be amended or repealed except under notice given in writing to the members of Council and openly announced at a regular meeting of Council preceding the meeting at which the first reading of the amendment takes place”*

5. Part II – Types of Meetings of the Council - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

Section 10 – Regular Meeting of Council

- 5.1. Subsection 10.1 to read as *“Unless otherwise determined by the Mayor and published in accordance with this section, the Council shall hold a meeting on the second Monday of the month at the Council Chambers at City Hall and if the second Monday is a public Holiday, the Council shall meet on the day following which is not a public holiday, which meetings shall be known as the regular meeting(s) of Council. The regular meetings of Council shall be held at such an hour as determined by the Mayor, and the time and place of each such regular meeting of Council shall be published by electronic means and one other means of public notification.”*

Section 11 – Special Meeting of Council

- 5.2. Amend subsection 11.1 to read as *“The Mayor may cause the CAO to call a special meeting of Council, in writing, when and as often as the Mayor may deem it proper with at least twenty-four (24) hours’ notice before the time of the meeting being provided to the public and Members.”*
- 5.3. Amend subsection 11.2 to read as *“Upon receipt of a written petition of the majority of the Members, the CAO shall call a special meeting of the Council for the purpose and at the time mentioned in the petition, on at least twenty-four (24) hours of notice.”*
- 5.4. Amend subsection 11.3 to read as *“Once such a petition is received by the **CAO**, no Member may remove his or her name **from the petition.**”*

- 5.5. Amend subsection 11.4 to read as *“Written notice of any special meeting of the Council setting forth the matters to be considered shall be given to all Members by delivery to the address or official email address of each Member recorded with the CAO, not less than twenty-four (24) hours prior to the time fixed for the meeting and the CAO shall make every reasonable effort to contact the Members to advise of the meeting. The CAO shall also cause notice of the meeting to be published on the City’s web site or other social media avenue, at least twenty-four (24) hours in advance of the time of the special meeting of the Council.”*
- 5.6. Amend subsection 11.5 to read as *“Subject to section 30 of this Bylaw regarding quorum, at a special meeting of the Council, the Council shall only consider or decide upon the matter(s) set forth in the notice calling the special meeting, unless all the Members present at the meeting unanimously consent to deal with other matters.”*
- 5.7. Amend subsection 11.6 to read as *“If other matters are dealt with at the special meeting of council, such other matters shall be recorded in the minutes of the special meeting.”*

Section 12 – Emergency Special Meeting of the Council

- 5.8. Delete section 12 “Emergency Special Meeting of the Council” and renumber the remaining sections of the bylaw accordingly.

Section 13 – Closed Meetings

- 5.9. Amend subsection 13.1 to read as “Council or a Committee of Council may, by resolution passed during its open session of said meeting, 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.”
- 5.10. Delete subsection 13.2 and renumber remaining subsections
- 5.11. Amend subsection 13.4 by replacing “...session of council...” with “...all or a part of a regular or special meeting of Council...”
- 5.12. Amend subsection 13.6 to read as “No Council Member, Committee of Council Member or employee of the City shall, subject to subsection 119(5) of the Municipal Government Act, disclose or act on any information acquired at a closed meeting of Council or a Committee of Council 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 a Committee of Council.”

Section 14 – Electronic Meetings

- 5.13. Delete subsection 14.4 and renumber remaining subsections.

6. Part III – Agenda for Meetings of the Council - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

Section 17 – Agenda

- 6.1. Amend subsection 17.1 to replace “... *his/her* designate...” with “...**CAO’s** designate...” and “...at **each regular meeting** of the Council” with “...at **such meeting** of the Council.”
- 6.2. Amend subsection 17.2 to read as “*The headings of the Agenda for a regular or special meeting of Council shall be the same as the order of business set forth in this Bylaw.*”

Section 18 - Agenda Item Respecting Staff

- 6.3. Amend section 18 heading by replacing “Staff” with “Employee of the City” and subsection 18.1 read as “*If a Member has an issue concerning a human resource matter, including an issue with an employee(s), either individually or collectively, the issue shall not be added to the agenda of a regular or special meeting of the Council but shall be forwarded to a closed meeting of Council as permitted under section 119(1) of the Act and this Bylaw; but not until the Member has first discussed the issue with the CAO.*”

Section 19 – Added Item to the Agenda

- 6.4. Amend subsection 19.1 to read as “If a Member wishes to have an item placed on the agenda for a regular Council meeting, the Member shall submit the request in writing to the CAO no later than 12:00 noon on the Wednesday prior to the regular meeting of Council at which the item is to be considered.”

Section 20 – Late Additions to the Agenda

- 6.5 Subsection 20.1 renumber to 19.1 and read as “*If a Member wishes to have an item placed on the agenda for a regular meeting of Council subsequent to the deadline prescribed by section 18.1 of this Bylaw, the Member must submit the request in writing to CAO not later than by noon on the day of the regular meeting of Council.*”
- 6.6 Subsection 20.2 renumber to 19.2 and read as “The request shall include an explanation as to why the item should/or needs to be added to the agenda for the regular meeting of Council.”
- 6.7 Subsection 20.3 renumber to 19.3 and read as “*The Mayor and the CAO shall review all requests received that comply with this section and shall decide whether or not to place the item on the agenda. The CAO shall notify the Member of the decision to place or not place the item on the agenda in advance of the regular meeting of Council.*”

Section 22 – Agenda Review

- 6.8 Amend subsection 22.1 renumber to 21.1 and read as “**The agenda for a regular meeting of Council** shall be reviewed by the Mayor and ~~the~~ **CAO** prior to the meeting; or by the **Chair of a standing Committee of Council** and ~~the~~ **CAO** ~~when~~ **prior to the meeting** of a **standing Committee of Council.**”

- 6.9 Amend subsection 22.2 renumber to 21.2 and read as *“On receipt of a request for a presentation to be made at a meeting of Council, the CAO or the CAO’s designate, shall review the request and determine in consultation with the Mayor or Chair of the meeting, as appropriate, the appropriate disposition of the request.”*

Section 23 – Cancellation of any Meeting of the Council

- 6.10 Amend subsection 23.1 renumber to 22.1 and read as *“A meeting of the Council or a Committee of Council may be cancelled if in the opinion of the Mayor or designated chair of the Council meeting, or the Chair of a Committee of Council, that there are insufficient agenda items for which to meet.”*

7. Part III – Information prior to Meeting of the Council - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

- 7.1. Renumber “Part III” to read as “Part IV” as to correct a duplication error and renumber subsequent “Parts” through remainder of the bylaw.
- 7.2. Amend subsection 24.1 renumber to 23.1 and read as *“On the Friday preceding each regular meeting of the Council, each Member shall be delivered electronically or provided with a copy of the following:”*

Section 25 – Information to be provided to the Public

- 7.3. Amend subsection 25.1 renumber to 24.1 and read as *“The CAO shall ensure that the agenda and the other information referred to in section 23 of this Bylaw are made available to the general public, subject to section 25 of this Bylaw, no later than 9:00 am on the day of the regular meeting of Council.”*

Section 26 – Circulation of Late Reports

- 7.4. Amend subsection 26.1 renumber to 25.1 and read as *“If an item on the agenda has a notation indicating that the report will be circulated other than with the agenda package, the report shall be delivered electronically or circulated to all Members as soon as is reasonably possible, and in no case shall the report be made available to the public prior to the report having been provided to all Members.”*

8. Part IV – Requirement for a Meeting of Council - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

Renumber “PART IV” to read as “PART V – REQUIREMENT FOR A MEETING OF COUNCIL”

Section 27 – Location of Meeting of Council

- 8.1. Delete section 27 and subsection 27.1

Section 28 – Duties of the Presiding Officer

- 8.2. Amend subsection 28 renumber to 26 and add title **The Presiding Officer shall have the following duties:** and change numbering from 28.1 through 28.12 to lettering (a) through (l)

Section 29 – Call to Order the Meeting of Council

- 8.3. Amend subsection 29.4 renumber to 27.4 and read as *“The CAO shall cause the minutes of a meeting of Council to record the names of the Members present, the names of Members who arrive after the meeting has been called to order and the time of their arrival and the names of the Members who depart prior to or during the meeting and the time of their departure or absence from the meeting.”*
- 8.4. Amend subsection 29.5 renumber to 27.5 and read as *“If there is no quorum present fifteen (15) minutes after the time appointed for the meeting, the CAO shall call the roll and ensure that the names of Members present are recorded and the meeting shall then stand adjourned.”*

Section 31 – Seating of Members

- 8.5. Subsection 31.1 renumbered to 29.1 reads as *“Seating of Members **in the Council chamber...**”*

Section 32 – Quorum for Meeting

- 8.6. Amend subsection 32.1 renumber to 30.1 and read as *“Subject to section 113 of the Act, a quorum is a majority of all the Members of Council or a Committee of Council.”*
- 8.7. Amend subsection 32.2 renumber to 30.2 and read as *“Where there is a vacancy in the Council’s numbers, a quorum is determined in accordance with section 113 of the Act.”*

Section 33 – Person within Bar of the Council

- 8.8. Subsection 33.1 renumber to 31.1 and include *“...bar of the Council during **a regular or special meeting of Council** without the express permission...”*

Section 34 – Placing Items on Desks

- 8.9. Replace Records Management Clerk with **other person as directed by the CAO** and Capitalize *presiding officer* in section 34.1 (renumber to 32.1)

Section 35 – End of Meeting

- 8.10. Amend subsection 35.1 renumber to 33.1 and read as *“A meeting of the Council shall automatically end at ten (10) o'clock p.m. unless otherwise determined by a vote of two-thirds (2/3) of the Members present at the meeting.”*

Section 36 – Extending Time of Meeting of the Council

- 8.11. Delete section 36 and renumber remaining sections/subsections.

9. Part V – Procedures during a Meeting of the Council - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

Renumber “PART V” TO “PART VI – PROCEDURES DURING A MEETING OF COUNCIL”

Section 37 – Order of Business

9.1. Add heading **37.1 The order of business of a regular Meeting of Council shall be:**

Section 38 – Order of Business at Special Meeting of Council shall be:

9.2. Amend subsection 38.1 (renumber to 35.1) as follows:

- (a) Call to order;
- (b) Declarations of Conflict of Interest;
- ~~(b)~~(c) Approval of the Agenda;
- ~~(c)~~ Declarations of Conflict of Interest
- (d) Consideration of the particular business for which the special meeting was called for;
- (e) Adjournment.

Section 39 – Voting

9.2. Amend subsection 39.1(d) (renumber to 36.1(d) by adding “...prohibited from voting in accordance with the Act and this Bylaw.”

9.3. Amend subsection 39.1 (e) (renumber to 36.1(e) capitalize *presiding officer*

Section 40 – Conduct during Public Council Meetings

9.4. Amend subsection 40.1 (a) and renumber to 37.1(a) and add “...unless permitted to do so by the Presiding Officer;”

Section 41 – Points of Order, Procedure or Privilege

9.5. Amend subsection 41.1 renumber to 38.1 and replace *Mayor* with *Presiding Officer*.

9.6. Amend subsection 41.3 renumber to 38.3 and replace *Mayor* and *he or she* with *Presiding Officer*.

Section 42 – Appeal of Decision of the Mayor

9.7. Amend all subsections by replacing *Mayor* with *Presiding Officer*.

9.8. Amend subsection 42.2 renumber to 39.2 and read as “... if any, from the **Presiding Officer**, the question shall be put to a **vote** immediately...”

9.9. Amend subsection 42.3 renumber to 39.3 and read as “...**Members of Council present, and eligible to vote.**”

Section 43 – Motions and Debate

9.10. Amend subsection 43.6 renumber to 40.6 and read as “**All** motions will be considered...”

Section 44 – Minutes

- 9.11. Amend subsection 44.1(d) renumber to 41.1(d) and read as “All motions moved, or moved and seconded, by a Member or **Members.**”
- 9.12. Amend subsection 44.2 renumber to 41.2 and read as “...the **Member** making the **objection** shall state...” and in section 44.4 capitalize members.
- 9.13. Amend subsection 44.5 renumber to 41.5 and read as “...the Minutes shall be signed by the Mayor or **Chair (as appropriate), and the CAO...**”
- 9.14. Amend subsection 44.6(a) to read as “The place **and** date of the meeting;”

Section 45 – Committees of Council

- 9.15. Amend subsection 45.2 (a) renumber to 42.2(a), change the number of Councillors that sit as members on the Council Advisory Committee from two (2) to three ~~(3)~~ ⁴
- 9.16. Amend subsection 45.2 (b) renumber to 42.2(b), change all references from two (2) to three ~~(3)~~ ⁴, delete the words “by secret ballot” and the following read as “...**Members** from **all of those Members** nominated.” and amend 45.3(c) to read as “The Council Advisory Committee shall **each** establish...”
- 9.17. Amend subsection 45.3 renumber to 42.3, change *Council committee* to *Council Advisory Committee*.

10. Part VI – Types of Committees - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

- 10.1. Delete Part VI – Types of Committees – Sections 46 - Standing Committees of the Council, 46.1 and Section 47 - Duties, Responsibilities and Committee Membership of the Standing Committee, 47.1.
- 10.2. Subsections 47.2 and 47.3 to become part of Committees of Council (now 42.6 & 42.7)

11. Part VII – Bylaws – of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

Section 48 – Bylaw Procedures

- 11.1. Renumber subsection 48 to 43
- 11.2. Amend subsection 48.5 renumber to 43.5 and read as “...and sealed **with the corporate seal** of the City of Charlottetown.”
- 11.3. Add new subsection 43.7 “Where Council proposes to amend a bylaw, the same procedure shall be followed as found in sections 43.2 to 43.5.

12. Schedules - of the City of Charlottetown Procedural Bylaw is hereby amended by the following:

- 12.1. Delete all Schedules 1 through 11. (Schedules initially referenced each Standing Committee of Council and its structure, staff assignment and terms of reference.)

13. The City of Charlottetown Procedural Bylaw is hereby amended by the following:

13.1. For consistency purposes throughout the bylaw, replace any reference to Council Committee(s) with committee(s) of Council.

Approval and Adoption

14. Effective Date

14.1. This Procedural Bylaw Amendment Bylaw, #2018-20-A, shall be effective on the date of approval and adoption below.

First Reading:

This Procedural Bylaw Amendment Bylaw, #2018-19-A, was read a first time and approved by a majority of members present at the Council meeting held on the 8th day of April, 2019.

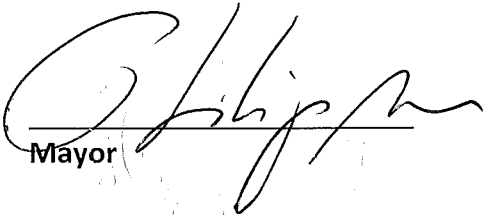
Second Reading:

This Procedural Bylaw Amendment Bylaw, #2018-19-A, was read a second time and approved by a majority of members present at the Council meeting held on the 3rd day of May, 2019.

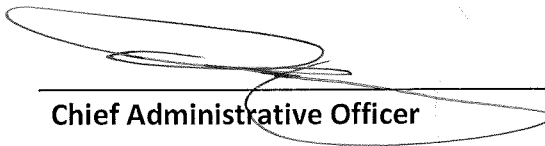
Approval and Adoption by Council:

This Procedural Bylaw Amendment Bylaw, #2018-19-A, was adopted by a majority of Council members present at the Council meeting held on the 3rd day of May, 2019.

Witness the corporate seal of the City of Charlottetown

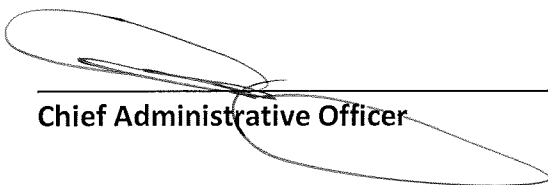


Mayor



Chief Administrative Officer

This Procedural Bylaw Amendment Bylaw, #2018-19-A adopted by the Council of the City of Charlottetown on 3rd day of May, 2019 is certified to be a true copy.



Chief Administrative Officer

May 7, 2019

Date

