



VILLAGE OF FRUITVALE

BYLAW NO. 821, 2010

A BYLAW TO REGULATE VILLAGE OF FRUITVALE COUNCIL PROCEDURES

WHEREAS pursuant to Section 124 (1) of the **Community Charter** council must establish the general procedures to be followed by council and council committees in conducting their business, and in particular, by bylaw must:

- (a) establish rules of procedure for council meetings, including the manner by which resolutions may be passed and the manner by which bylaws may be adopted in accordance with Division 3 [*bylaw procedures*] of Part 5 of the **Community Charter**,
- (b) establish rules of procedure for meetings of council committees;
- (c) provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;
- (d) provide for advance public notice respecting the time, place and date of council committee meetings and establish the procedures for giving that notice;
- (e) identify places that are to be public notice posting places for the purposes of Section 94 [*public notice*] of the **Community Charter**,
- (f) establish the procedure for designating a person under Section 130 [*designation of Member to act in place of the mayor*] of the **Community Charter**, and
- (g) establish the first regular council meeting date referred to in Section 125 (1) [*council meetings*] as a day in the first 10 days of December following a general local election.

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

1. Title:

This bylaw shall be cited as "**VILLAGE OF FRUITVALE COUNCIL PROCEDURES BYLAW NO. 821, 2010**".

2. Repeal:

Village of Fruitvale Council Procedures Bylaw No. 807, 2009 and all amendments thereto, are hereby repealed.

3. Severability:

If any Section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

4. Definitions:

In this bylaw, unless the context otherwise requires:

"Chair" means the person presiding at a meeting.

“Village” means the Corporation of the Village of Fruitvale.

“Chief Administrative Officer” means the Chief Administrative Officer of the Village of Fruitvale.

“Council” or “Council members” means the elected Councillors and the Mayor of the Village of Fruitvale.

“Meeting” means a regularly scheduled or special sitting of the Council or Committee of council.

“Notice Board” means the glass-covered notice board located adjacent to the front door entrance to the Village Office.

“Select Committees” are established by Council resolution pursuant to Section 142 of the **Community Charter**, and Council may appoint citizens as members. Council may also establish a short term Select Committee to inquire into a specific issue within a bounded time period and report its findings and opinions to Council after which it has concluded its work and will be disbanded.

“Standing Committee” is an advisory body to Council established by the Mayor pursuant to Section 141 of the **Community Charter** to which the Mayor may appoint Council representatives and citizen members. Standing Committees require that at least half the members be members of Council.

“Staff Liaison” is the staff member assigned by the Chief Administrative Officer to assist a committee, in a non-voting advisory and resource capacity.

5. Regular Council Meetings:

- (a) The Council of the Village of Fruitvale shall hold its Regular Meetings in the Council Chamber in the Village Office at 6:30 p.m. on the first Monday of each month and its regularly scheduled meeting of the Committee of the Whole on the third Monday of each month except:
 - (i) if said Monday falls on a statutory holiday, the meeting shall be held on the next business day; or
 - (ii) if council designates an alternate site or date for the Regular Meeting, and provides 48 hours of public notice; or
 - (iii) if council should so direct, a Regular Meeting is cancelled.
- (b) The Inaugural Meeting of Council shall be on the date of the first Regular Meeting in December following a general election or on the preceding Monday if the first Regular Meeting falls after the 10th day of December.
- (c) Any Regular Meeting of Council may be attended remotely or electronically provided that there is a quorum at the table.

6. Notice of Regular Council Meetings:

- (a) At the beginning of each calendar year, the Chief Administrative Officer shall give public notice of the time, place and dates of the Regular Meetings of Council for that calendar year, by way of a notice posted on the Notice Board and by advertising the schedule in the newspaper on a weekly basis for two consecutive weeks.

7. Special Council Meetings:

- (a) A Special Council Meeting is a Council meeting other than a Regular Meeting or an adjourned meeting. A Special Council Meeting may be called in accordance with Section 126 of the **Community Charter**.
- (b) In extraordinary circumstances, at a Special Meeting of Council, any Council member who cannot be present for the meeting may participate in the meeting via speakerphone or any other electronic device available.

8. Notice of Special Council Meetings:

- (a) At least 24 hours before a Special Meeting of Council, the Chief Administrative Officer must:
 - (i) give advance public notice of the time, place and date of the Special Meeting by way of a notice posted on the Notice Board;
 - (ii) leave one copy of the notice for each Council member in the Council member's mailbox at Council Chambers, along with direct notification via telephone, fax, or email; and
 - (iii) post a copy of the notice at the regular Council meeting place.
- (b) Notice of a Special Meeting may be waived by a unanimous vote of all Council members, under Section 127 (4) of the **Community Charter**, and such waiver of notice may be given by remote or electronic means.

9. Attendance of Public at Meetings:

- (a) All Council meetings are open to the public subject to Article 10.

10. Confidential Matters:

- (a) As stated in the **Community Charter**, matters deemed to be of a confidential nature may be considered in a meeting closed to the public if the subject matter relates to one of the following:
 - (i) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - (ii) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
 - (iii) labour relations or employee negotiations;
 - (iv) security of property of the municipality;
 - (v) acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the business interests of the municipality;
 - (vi) law enforcement, if Council considers that disclosure might reasonably be expected to harm the conduct of an investigation or enforcement of an enactment;
 - (vii) litigation or potential litigation affecting the municipality;
 - (viii) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by Council or a delegate of Council;

- (ix) receipt of advice that is subject to solicitor-client privilege including communications necessary for that purpose;
 - (x) information prohibited from disclosure under Section 21 of the ***Freedom of Information and Protection of Privacy Act***;
 - (xi) negotiations and related discussions respecting the proposed provision of a municipal service that are at preliminary stages and that, in the view of Council, could be reasonably expected to harm the interests of the municipality if made public;
 - (xii) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under Section 98 of the ***Community Charter***;
 - (xiii) a matter that, under another enactment, is such that the public may be excluded from the meeting;
 - (xiv) the consideration of whether a Council meeting should be closed under the provisions of Sections 90 of the ***Community Charter***; and
 - (xv) the consideration of whether the authority under Section 91 of the ***Community Charter*** (*other persons attending closed meetings*) should be exercised in relation to a Council meeting.
- (b) Before a meeting or a part of a meeting is closed to the public, a resolution must be adopted that the meeting is to be closed and the basis on which the meeting is closed. This Section applies to meetings of bodies referred to in Section 282 (2) (c) of the ***Community Charter*** and includes Select or Standing Committees of Council.

11. Designation of Member to Act in Place of Mayor:

- (a) The Acting Mayor shall be appointed on a monthly rotational basis determined alphabetically to assume the responsibilities of the Mayor when the Mayor is absent or otherwise unable to act or when the Office of the Mayor is vacant. Should the Acting Mayor for that month be absent or unable to act in the capacity of Mayor, the Office of the Mayor shall pass to the next Councillor in the rotational sequence.

12. Call to Order:

- (a) As soon after the time appointed for a scheduled meeting of the Council as a quorum is present, the Mayor shall take the chair and call the members to order.
- (b) If the Mayor is not present within ten minutes after the time appointed for a scheduled meeting, the Acting Mayor shall take the chair and call the members to order.
- (c) If a quorum is not present fifteen minutes after the time appointed for a scheduled meeting, the Chief Administrative Officer shall record those members present, and the meeting shall adjourn.

13. Agendas:

- (a) The Mayor shall set the agendas.
- (b) All Regular Council Meetings shall proceed in the following order:
 - Call to Order
 - Adoption of the Agenda
 - General Matters: Delegations, Presentations and Recognitions
 - Adoption of Minutes
 - Consent Agendas

Staff Reports Requiring Action
Council Member and Committee Reports Requiring Action
Correspondence Requiring Action
Unfinished Business
New Business
Bylaws and Policies
Open Discussion
Notice of Motion
Questions from the Public Related to Agenda Items
Adjournment of Meeting

- (c) The Chief Administrative Officer shall prepare an agenda prior to every Regular Meeting of Council and shall circulate a copy to each member of Council by 12 noon on the Friday preceding the Regular Meeting.
- (d) Staff shall:
 - (i) post a copy of the agenda coversheet on the Notice Board; and
 - (ii) leave a copy of the agenda at the reception counter at Village Office for the purpose of making the agenda available to members of the public.
- (e) Reports from Administration or Council Correspondence received after 12 Noon on the Friday preceding the Regular Meeting that have a time deadline or urgency to the matter and which cannot wait until the next Regular Meeting will be brought forward by the Chief Administrative Officer for consideration by Council as late agenda items.
- (f) For a Special Meeting of Council, an agenda shall be prepared for the specific purpose(s) for which the meeting was scheduled. A unanimous vote of Council present is required to permit any additional item(s) to be added to the agenda.

14. Precedence:

- (a) All agenda items will be taken up in the order in which they appear, except that, when necessary for the better conduct of business, an item may be taken out of its order by the Chair or by Council resolution.
- (b) If an order, resolution or question is lost for want of a quorum at a meeting, it shall be the first item of business under "Unfinished Business" at the next meeting.

15. Minutes:

- (a) Minutes of Council meetings shall be recorded by the Chief Administrative Officer or designate.
- (b) Minutes of Committee of the Whole Meetings of Council and any other body composed solely of Council members acting as Council members shall be recorded by the Chief Administrative Officer or designate.
- (c) Minutes of meetings need not be read aloud prior to their adoption.
- (d) After adoption, all minutes shall be certified by the Chair and the Chief Administrative Officer or designate.

16. Notice of Motion:

- (a) Under Notice of Motion, a member may introduce an item as a Notice of Motion for the next agenda. Council may discuss the Notice of Motion but no decision shall be made until the following Council meeting, unless Council, by unanimous vote of Council members present, consents to deal with the matter at the same meeting as it is introduced.

17. Rules of Conduct and Debate:

- (a) Every member shall address the Chair before speaking to any question or resolution.
- (b) Members shall address the Mayor as "Mayor or Chair" and refer to each other as "Councillor...". When acting in the place of the Mayor, the Chair shall be addressed as "Councillor" or Chair.
- (c) No member shall:
 - (i) speak disrespectfully to any other member;
 - (ii) use offensive words;
 - (iii) speak beside the question, debate or reflect upon a decision of Council, except for the purpose of moving that the resolution be reconsidered or rescinded;
 - (iv) leave their seat, or make any noise or disturbance while a vote is being taken;
 - (v) interrupt anyone who is speaking, except to raise a point of order;
 - (vi) disobey the rules of Council or resist a decision of Council on questions of order, interpretation or practice of the rules of Council;
 - (vii) be allowed to speak for more than two (2) minutes at a time on each item being debated;
 - (viii) speak a second or subsequent time until all members of Council have been offered the opportunity to speak.
- (d) If the Chair of a meeting of the Council considers that a person is guilty of improper conduct, the Chair may expel and exclude that person from the meeting.
- (e) When the Chair desires to speak, any member of Council wishing to speak at the same time shall cede to the Chair.
- (f) Debate is closed by the Chair. After the Chair calls the question, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- (g) The decision of the Chair as to whether the question has been called shall be conclusive.
- (h) By unanimous consent of Council, a less formal meeting procedure format for meetings may be used.

18. Voting:

- (a) When a question is called, all the members present are expected to vote.

- (b) A Council member present at the meeting at the time of the vote who abstains from voting is deemed to have voted in the affirmative.
- (c) When the question under consideration contains distinct propositions, a member may request that the vote upon each proposition be taken separately.
- (d) If the votes of the Council members present at the meeting at the time of the vote are equal for and against a question, the question is defeated and the Chair must declare this result.
- (e) On request of a Council member, the member's name and vote on a question shall be recorded in the minutes.

19. Delegations, Petitions and Correspondence:

- (a) Any person(s) wishing to appear before Council as a delegation may do so by first notifying the Chief Administrative Officer in writing prior to 12 Noon on the Thursday preceding the Regular Meeting, except at the discretion of the Mayor.
- (b) Delegations to Council shall be limited to three (3), for any one meeting, except at the discretion of the Mayor.
- (c) Council shall not act on a request from a delegation until the next regular meeting, unless consent by unanimous resolution of Council present is given to consider the matter.
- (d) Delegation(s) shall appoint a speaker (or at the discretion of the Mayor, more than one speaker). To make its presentation, a delegation shall be allowed ten (10) minutes (or a longer time, at the discretion of a majority vote of Council or by prior arrangement with the Chief Administrative Officer).
- (e) A petition shall include the name, signature and civic address of each petitioner, and in the case of a corporation, the authority given by the corporation to sign the petition shall be produced with it. Petitions shall be considered public documents.
- (f) Council members shall receive all correspondence addressed to "Mayor and Council" and the Mayor shall determine whether the correspondence shall be placed on the agenda and/or circulated to Councillors.
- (g) Members of the public wishing to address Council regarding an agenda item, at the time of debate, may be recognized by the Chair subject to the unanimous consent of Council present.

20. Resolutions:

- (a) A member may require the motion under consideration to be read.
- (b) When a matter is under debate, no motion is in order except to withdraw, to amend, to refer, to postpone, or to table.
- (c) The motion to table shall not be debatable.
- (d) Only one amendment shall be allowed to a resolution at any one time.
- (e) A motion to adjourn is always in order, but no second motion to the same effect may be made without first dealing with another matter.

- (f) The minutes shall record that a motion was moved and seconded but shall not name the mover or seconder.

21. Inadmissible Motion:

- (a) Whenever the Chair is of the opinion that a motion offered to Council is contrary to the rules of Council, or relates to matters outside the competence of Council, the Chair shall inform the Council immediately, giving reasons for the opinion, and shall refuse to accept the motion.

22. Bylaws:

- (a) Only the title and intended object of the bylaw needs to be read by the Chair or Chief Administrative Officer, at each reading.
- (b) The first three readings of a bylaw may take place at the same meeting except as provided for in (c) following.
- (c) A bylaw requiring public hearing shall be referred to a Public Hearing immediately after second reading, unless otherwise indicated by statute.
- (d) If a bylaw requires statutory approval, it shall be obtained after third reading and prior to being adopted, unless the applicable statute provides otherwise.
- (e) A bylaw may be amended at second or third reading, except that a zoning bylaw may be amended only to the extent permitted by Section 894 (1) of the **Local Government Act**.
- (f) If a bylaw fails to receive a mover and seconder at any reading or at adoption and no outstanding matter applies to it, the bylaw is deemed to have been abandoned.
- (g) Bylaws must be considered at meetings open to the public.
- (h) There must be at least one day between third reading and adoption of a bylaw except that, 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.

23. Committee of the Whole:

- (a) In addition to its regularly scheduled meeting of the Committee of the Whole, Council may meet as Committee of the Whole on an "as needed" basis as determined by the Mayor.
- (b) Notice of the call of an additional meeting of the Committee of the Whole shall be under the same terms as Section 8: Notice of Special Council Meetings.

24. Public Hearings:

- (a) Where a Public Hearing is required in the course of consideration of a bylaw the Chief Administrative Officer shall schedule the Public Hearing with all due notice to the public as required by legislation.
- (b) Public Hearings will be conducted with the following order of business:

Call to Order

Introduction of the Bylaw
Staff Report
Proponent's Submission (if appropriate)
Public Submissions
Close of Public Hearing

25. Standing or Select Committees:

(a) Meeting Schedules and Agendas:

- (i) Standing and Select committees shall establish their own meeting schedules.
- (ii) The Chair of the Standing or Select Committee shall, with the assistance of the Staff Liaison, prepare an agenda for the meeting and shall deliver a copy of the agenda to each member and to the Chief Administrative Officer at least one day in advance of the meeting.
- (iii) At least 24 hours before a meeting of a Select or Standing Committee of Council, the Chief Administrative Officer shall give advance public notice of the time, place and date of the meeting by way of a notice posted on the Notice Board.

(b) Quorum:

- (i) Unless otherwise provided in a committee's enabling statute or establishment bylaw, a majority of the members of a committee constitutes a quorum. For Standing Committees at least half of the quorum must be made up of members of Council.

(c) Chair:

- (i) Each committee shall, at its first regular meeting in January or as soon thereafter as possible, or as provided in its enabling statute or establishment bylaw, elect a Chair if the Mayor and/or Council has not already done so, each of whom hold office for a period of one year, to carry out the duties normally attributed to such office in conducting the business of the committee.

(d) Minutes:

- (i) Committee minutes, setting out the decisions made and the key discussion points of the proceedings of all meetings of committees shall be legibly recorded in a minute book by the Staff Liaison.
- (ii) The minutes shall be certified as correct by the Staff Liaison and be provided in draft form to the Chief Administrative Officer for circulation to Council on the Regular Council agenda for information.
- (iii) The minutes shall be adopted at the next meeting of the committee, and shall be signed by the Chair.
- (iv) The Staff Liaison shall provide a copy of the adopted committee minutes to all members of the committee and to the Chief Administrative Officer for retention.

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Council Procedures Bylaw No. 821, 2010
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READ a first time this 12th day of April, 2010.

READ a second time 12th day of April, 2010.

READ a third time this 12th day of April, 2010.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 10th day of May, 2010.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of By-law No. 821 entitled "Procedure By-law No. 821, 2010".

DATED this 12th day of May, 2010.

Chief Administrative Officer