

Procedures Bylaw # 2007 - 05

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TOWN OF FARO BYLAW 2007 – 05

A bylaw to provide rules governing the proceedings of council and the transaction of the business of council.

WHEREAS Section 217(1) of the *Municipal Act*, (R.S.Y. 2002), provides that council shall by bylaw make rules for calling meetings and governing its proceedings, the conduct of its members, the appointment of committees, and generally for the transaction of its business;

WHEREAS Section 217(2) of the *Municipal Act*, provides that no bylaw relating to council procedures shall be amended except under notice given in writing to the members of the council and openly announced at a regular meeting of council preceding the first reading of the amendment;

AND WHEREAS Section 190 of the *Municipal Act*, provides that council may establish council committees to consider matters referred to them by council, may appoint the members of the council committees, and may require reports of the findings or recommendations of the committees.

NOW THEREFORE the Council of the Municipality of the Town of Faro, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Procedures Bylaw**".

DEFINITIONS

2. In this bylaw:
 - (1) Whenever the singular, masculine or feminine is used in this bylaw it shall be considered as if plural, feminine or masculine has been used where the context of the bylaw so requires.
 - (2) "ADMINISTRATION" mean the employees of the town.
 - (3) "BUSINESS DAY" means a day on which the Town offices are open for business.
 - (4) "CHAIRPERSON" means the Mayor, Deputy Mayor or presiding officer who presides over council or committee meetings
 - (5) "COMMITTEE" means a committee appointed by council under Section 190 of the *Municipal Act* to provide advice and make recommendations to council as requested by council.
 - (6) "COMMITTEE OF THE WHOLE" means a committee of the whole council where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting or the resolution to go in camera, may be passed.
 - (7) "COUNCIL" means the duly elected council of the Town of Faro.
 - (8) "COUNCIL COMMITTEE" means a committee or other body established by council under the *Municipal Act* that is made up of council members only.
 - (9) "IN CAMERA" means a meeting closed to the public as authorized by section 213(3) of the *Municipal Act*.

- (10) "MEETING" means a duly constituted regular or special meeting of council and any committee meeting of council where municipal business is conducted or issues are discussed.
- (11) "MEMBER" means a member of council, duly elected and continuing to hold office.
- (12) " MOTION" means a standard terminology used by council to describe the original statement whereby business is brought before a meeting, and may also mean resolutions.
- (13) "*MUNICIPAL ACT*" means Chapter 154 of the Revised Statutes of the Yukon, 2002.
- (14) "PERSON" means a reference in discourse to the speaker, the person spoken to, or another person capable of having legal rights and duties.
- (15) "TOWN" means the Corporation of the Town of Faro.
- (16) "TOWN MANAGER" means the Chief Administrative Officer or designate appointed in accordance with Section 183 of the *Municipal Act*.

APPLICATION

- 3. The following rules shall be observed and shall be the rules and regulations for the order and conduct of business in all regular or special meetings of council, all in camera meetings of council, all committee of the whole meetings and all council committee meetings.
- 4. Unless otherwise provided in the *Municipal Act* or this bylaw, The Robert's Rules Of Order Newly Revised, 2000/10th Edition as revised from time to time shall apply.

CONTROL AND CONDUCT OF MEETING

- 5. Subject to the *Municipal Act*, the chairperson shall preside over the conduct of the meeting and:
 - (1) shall maintain order and preserve the decorum of the meeting;
 - (2) shall decide points of order without debate or comment other than to state the rule governing;
 - (3) shall determine which member has the right to speak;
 - (4) shall rule when a motion is out of order; and
 - (5) may call a member to order.
- 6. When the chairperson is called upon to decide a point of order or practice, the point shall be stated clearly and without unnecessary comment, except to cite the rule or authority applicable to the case.
- 7. The chairperson may step down from the chair for the purpose of taking part in the debate, in which case the deputy mayor or other member may be called to take the chair.
- 8. When any person, including a member, is addressing council, that person shall:

- (1) not shout or immoderately raise his voice, or use profane, vulgar or offensive language;
 - (2) not speak on matters other than the matter before council;
 - (3) not denigrate any person, staff, or member of council; and
 - (4) obey the rules of procedure of the council.
9. If any person, member or officer acts contrary to section 8, that person, member or officer shall be immediately censured by the chairperson.
10. When a person, member or officer has been admonished by the chairperson, it shall be recorded in the minutes of the meeting of council.
11. If any person, member or officer acts contrary to section 8 twice in a meeting of council the person, member or officer shall, on the order of the chair, be excluded from the meeting and from council chambers.
12. No exclusion of a member shall be for more than the meeting in progress.
13. A member called to order by the chairperson shall immediately cease speaking.

Rules of Order Governing Council Meetings

14. A quorum shall consist of a majority of the whole council or, in the case of vacancies, a majority of the remaining members of council.
15. If a quorum of council is not present;
- (1) within thirty (30) minutes after the time fixed for a regular or special meeting of council, the Town manager shall ensure the names of the council members present are recorded and council shall stand adjourned until the next regular or special meeting.
 - (2) within fifteen (15) minutes after the time fixed for a committee meeting, the meeting shall be re-scheduled.
16. If a member of council arrives late at a regular or special meeting or committee meeting, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.

Conflict of Interest

17. (1) Members are disqualified from being members of a municipal council where,
- (a) being a shareholder, officer or director of a corporation, other than a society, that has dealings or contracts with the municipality, they vote at a meeting of the council on any question in relation to the corporation, or participate in the consideration of the question by the council, or
 - (b) being a member, shareholder, officer, or employee of a society that has dealings or contracts with the municipality, they do not declare their relationship to the society or not-for-profit corporation in a council meeting before voting on or participating in the consideration by council of any question in relation to the society, or

(c) being a party to dealings or a contract with the municipality, or being a member of a partnership that has dealings or a contract with the municipality, they vote at a meeting of the council on any question in relation to the dealings or contract, or participate in the council's consideration of the question.

(2) If a council member has declared a conflict of interest in a matter before council, the council member shall leave the meeting room while discussion and voting on the matter takes place. The members' withdrawal shall be recorded in the minutes.

Electronic Participation at Meetings

18. A member may, in accordance with section 215 of the *Municipal Act*, participate in a meeting by electronic means or other communication facility and be considered to be in attendance at the meeting. The member must provide notice, including a telephone number where the member can be reached, to the Town manager prior to 4:30 p.m. on the day of the meeting. Two members of council must be physically present to constitute a quorum.
19. Those participating electronically at an in camera meeting must confirm to the members physically present at the meeting that there is, and will not be, any opportunity for anyone other than authorized participants to hear or view the discussions. Electronic participation will not be permitted without this confirmation being provided.
20. If technological problems prevent participation, the member shall be marked absent.
21. If communications are lost during the meeting and the member cannot be reconnected, the minutes will reflect when the member left the meeting.
22. Agenda packages shall be delivered to members participating electronically by weekend courier or electronically, whichever is the most efficient and least expensive method of doing so, as determined by the Town manager.
23. Delegations may participate electronically if they can arrange to do so at no cost to the Town.

Regular Meetings

24. The council shall hold its regular meetings on the first and third Tuesdays of each month in council chambers at the Town Office. All regular meetings shall be scheduled from 7:00 pm to 10:00 pm. Council may, by resolution, extend the hours of a regular meeting by one hour. If council has not passed a resolution for adjournment prior to 11:00 pm, then the chairperson shall declare the meeting adjourned.
25. When the day fixed for a regular meeting of council falls on a legal holiday, the meeting shall be held on the following business day, which is not a legal holiday.
26. Council may, by resolution, postpone or cancel a regular meeting of council.
27. Council shall hold a minimum of one regular meeting of council per month.

Agendas

28. Notice for each meeting shall be given in the form of an agenda not less than forty-eight (48) hours prior to the time of the meeting.
29. With the exception of the delegations section of the agenda, no business other than that stated in the regular meeting agenda shall be transmitted at that meeting unless a resolution therefore is passed unanimously by all members present.
- (1) An amendment to the delegations section of the agenda may be made by a resolution passed by a majority of all members present.
30. A copy of the notice and all documents pertaining to the business listed on the agenda referred to in section 27 shall be:
- (1) placed in each member of council's in box to be picked up by the member of council;
- (2) posted in the Town office and post office; and
- (3) upon request, sent to the local media.
31. Documents pertaining to the business listed on the agenda shall be made available to the public at the meeting on the day and date specified and shall not be made available prior to such time.
32. Upon the council meeting being called to order by the Mayor, the following shall be the order of business on the agenda unless otherwise determined by unanimous consent of the members present at the meeting:
- (1) Call to Order
 - (2) Adoption of Agenda
 - (3) Delegations & Hearings
 - (4) Business Arising from Delegations & Hearings
 - (5) Adoption of Minutes
 - (6) Business Arising from Minutes
 - (7) Accounts Payable
 - (8) Financial Reports
 - (9) Bylaws
 - (10) Unfinished Business
 - (11) New Business
 - (12) Correspondence for Information (Out & in)
 - (13) Public Question Period
 - (14) In Camera
 - (15) Adjournment
 - (16)

Delegations

33. Any person or delegation wishing to appear before council or committee shall give notice, including the item that they wish to address, verbally or in writing, to the Town manager by no later than 12:00 noon on the day on which the council or committee meeting is to be held.
34. Persons or delegations addressing council shall state their name and the purpose of their presentation.

- (1) Delegates to regular meetings of council may speak to any item that is on the regular meeting agenda, and may be invited to participate in any discussion of the issue on the agenda.
 - (2) Delegates to standing committee meetings may speak to any topic during the delegations section of the agenda, and may be invited to participate in any discussion of the issue on the individual standing committee agenda.
35. The chairperson may limit the time of speaking to five (5) minutes for any individual or delegation appearing before council or committee.
 36. Upon being recognized, a member may direct questions to a delegate or to administration, but at no time shall a council member, a delegation or administration enter into a debate during the delegation section of the agenda.
 37. Upon the request of the chairperson, any person disrupting the proceedings of council shall be removed from council chambers.

Public Hearing

38. When a matter is on the agenda of a regular or special council meeting for the purpose of a public hearing, any individual or delegation may appear without notice.
39. The chairperson shall call three (3) times for appearances from the gallery, and should there be no appearances the chairperson shall declare the public hearing closed.

Special Council Meetings

40. Special meetings of council shall be called in accordance with section 214 the *Municipal Act*.
41. Notice of special meetings of council shall be given by the Town manager at least twenty-four (24) hours before the time of the meeting on a form attached to this bylaw as Schedule "A".
No business other than that stated in the notice for such special meeting shall be transacted at that meeting unless ALL MEMBERS of the council are present and a resolution therefore is passed UNANIMOUSLY.
42. Special meetings of council and committee meetings shall not exceed a duration of three hours.

Committee of the Whole

43. Council may, by resolution, go into the committee of the whole at any time during a regular or special meeting of council.
44. In addition to section 42, a meeting other than a regular or special meeting of council, to which all members of council are invited to consider but not decide on matters of the Town's business, is a meeting of the committee of the whole.

In Camera Meeting

45. Council or a council committee may, by resolution, close a meeting to the public if;
 - (1) in the case of a council, the council decides during the meeting to meet as a council committee to discuss a matter; and

- (2) the matter to be discussed is a matter contemplated by section 213(b) of the *Municipal Act*.
46. Council shall not pass resolutions or bylaws at an in camera meeting.

Minutes

47. The Town manager shall ensure that minutes of all proceedings of council in regular or special meetings of council, any council committee meeting or any committee meeting are recorded in accordance with the *Municipal Act*; and
 - (1) are legibly recorded; and
 - (2) when adopted, certified as correct; and
 - (3) when adopted, signed by the chairperson presiding at the meeting.
48. Copies of the minutes shall be open for inspection by any person and that person may make copies of them on the payment of a fee set out in the Town of Faro Fee Schedule Bylaw.
49. At every regular meeting of council the minutes of the previous regular meeting and any special meeting held more than forty-eight (48) hours prior to the current meeting shall be considered for adoption.

Resolutions

50. A resolution introduced at a regular or special council meeting shall have a distinguishing number.

SPECIAL COMMITTEES / BOARDS

51. Council may, by bylaw, establish boards to advise council of specific and continuous responsibilities of council.
 - (1) The mayor is automatically because of office a member of all boards, commissions, committees, or other organizations which the council has the right to establish under the *Municipal Act*.
 - (2) All boards shall submit minutes of every meeting to council.
 - (3) Council may, by bylaw dissolve any board.
 - (4) All meetings of boards shall be open to the public.
52. Council may, by bylaw, establish special committees to advise council on specific matters not being of a continuous nature.
 - (1) The mayor shall be an ex officio member of all special committees.
 - (2) The appointment of a committee member shall be for a term as specified by the committee chairperson.
 - (3) The committee chairperson shall submit a written report on the work and conclusion of the committee not later than thirty days following the dissolution of the committee.
 - (4) Each special committee chairperson shall make written reports to council not less than once every three (3) months on the activities of their respective committees.

- (5) All special committee meetings shall be open to the public.

BYLAWS

53. Pursuant to section 218 of the *Municipal Act*, every bylaw shall have three distinct and separate readings before it is finally adopted, but no more than two (2) readings may take place at any one (1) meeting.
54. A bylaw introduced at a council meeting shall have a distinguishing name and number.

DEPUTY MAYOR

55. Council shall from amongst its members on a rotating basis, appoint councilors to serve as deputy Mayor who shall have those powers contemplated by section 182 of the *Municipal Act*.

REPEAL

56. Bylaw 93-05 is hereby repealed.

COMING INTO FORCE

57. This bylaw shall come into full force and effect upon the final passing thereof.

NOTICE OF INTENT: July 17, 2007


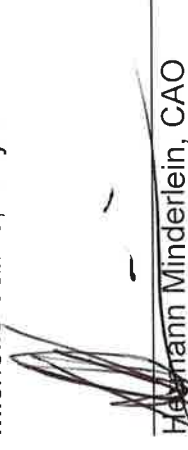
FIRST READING: August 14th, 2007

SECOND READING: August 14th, 2007

THIRD READING: September 4th, 2007

FINALLY ADOPTED: September 4th, 2007


Michelle Vainio, Mayor



Hermann Minderlein, CAO

Procedures Bylaw # 2007 - 05

SCHEDULE "A"

NOTICE OF SPECIAL MEETING

This is to inform you that a special meeting of Town Council has been requested.

DATE OF MEETING: _____

PLACE OF MEETING: _____

TIME OF MEETING: _____

PURPOSE OF MEETING:

MEETING REQUESTED BY: _____

MEETING REQUESTED AT: _____

DATE MEETING REQUESTED: _____

Town Manager

Date