

THE VILLAGE OF CARMACKS

BYLAW 196-11

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 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 for the transaction of its business; and

WHEREAS section 190(1) of the Municipal Act provides that the council may establish committees to consider matters referred to them by council, may appoint the members of such committees and may require reports of the findings or recommendations of the committees;

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

SHORT TITLE

1. This bylaw may be cited as the "Procedure Bylaw"

DEFINITIONS

2. In this bylaw:

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.

"Act" means the Municipal Act, Chapter 154 of the Statutes of the Yukon 2002 and amendments thereto.

"Business Day" means a day on which the Village offices are open for business.

"Chairperson" means the Mayor, Deputy Mayor or presiding officer who presides over Council and/or Committee meetings

"Committee" means a committee appointed by Council under Section 190(1) of the Act to provide advice and make recommendations to Council.

"Committee of the Whole" means a Committee meeting of the whole Council where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting, may be passed.

"Council" means the duly elected Council of the Village of Carmacks.

"In Camera" means at the discretion of the Mayor or chairperson or a majority of the members of a committee, a meeting may be closed to the general public or municipal employees, as deemed appropriate. Items to be discussed in-camera include but are not limited to personnel or employment matters, discussion on the acquisition or disposal of land, legal matters and any matter which may put the Village at a disadvantage or cause harm to any person. Council shall not pass resolutions or bylaws at closed meetings.

"Manager" means the Chief Administrative Officer for the Village or his designate, appointed by Council in accordance with the Municipal Act and as determined by Bylaw.

"Meeting" means a duly constituted regular or special open meeting of Council where bylaws and resolutions are formally ratified.

“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.

“Member” means a member of Council, duly elected and continuing to hold office.

“Staff” means the employees of the Village.

“Village” means the corporation of the Village of Carmacks.

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 and special meetings of Council, all in-camera meetings of Council, all Committee of the Whole meetings and all other Committee meetings.
4. Where the rules of this bylaw do not provide, The Scott, Foresman Roberts’ Rules of Order Newly Revised, as revised from time to time shall be followed for governing the proceedings of Council and the conduct of its members.

MEETINGS AND ORDER OF PROCEEDINGS

5. Meetings of Council shall be held pursuant to the provisions of the Municipal Act and council may, by resolution, appoint members to fill the position of Deputy Mayor on a bi-monthly, quarterly or yearly basis. Such appointments shall be made annually by November 30th for the following year.
6. A quorum shall consist of a majority of the whole Council.
7. Any bylaw or resolution upon which there is an equality of votes shall be deemed to be defeated.
8. Pursuant to the Municipal Act, if a member refuses to vote, fails to vote or abstains from voting on an issue, the member shall be deemed to have voted in favor of the matter except where the person abstaining is prohibited from voting pursuant to the Municipal Act.
9. The mayor and every councilor present shall vote on every matter, and the vote of the mayor shall be cast last
 - a) unless in a specific case the mayor or councilor is excused by resolution of the Council from voting, or
 - b) unless he is disqualified from voting by reason of a pecuniary interest.
10. The vote on any matter shall not be recorded unless requested by any member.

Regular Meetings

11. The Council shall hold its regular meetings on the first and third Tuesdays of each month in Council Chambers at the Village Hall beginning December 2011. All regular meetings shall be scheduled to begin at 7:00 p.m.
12. 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.
13. Council may by resolution postpone or cancel any regular meeting of Council.

Agendas

14. 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.
15. A copy of the notice referred to in section 14 shall be:

- a) delivered to each member of Council at the place to which the member of Council has directed such notices be sent or deposited in each Council members mailbox at the Village office;
 - b) posted in the Village office;
 - c) posted in the Village Post Office;
 - d) posted on the community bulletin board, if applicable.
16. All documents pertaining to the business listed on the agenda shall accompany the agenda when delivered to each member of Council pursuant to section 15.1.
17. Documents pertaining to the business listed on the agenda shall be made available to the public not less than forty-eight (48) hours prior to the time of the meeting.
18. 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 the unanimous consent of the members present at the meeting:
- a) Call to order
 - b) Adoption of agenda
 - c) Adoption of minutes
 - d) Delegations
 - e) Public hearings
 - f) Correspondence
 - g) Reports
 - h) Accounts
 - i) Bylaws
 - j) New and unfinished business
 - k) Question period
 - l) Adjournment

Delegations/Public Hearings

19. Any person or delegation wishing to appear before Council shall give notice, verbally or in writing, to the Clerk by no later than 12:00 noon on the Thursday preceding the day on which the next regular Council meeting is to be held.
20. The notice referred to in section 19 shall state the nature of the matter to be presented and the name of the spokesperson(s).
21. Any person or delegation addressing Council shall state their name and the purpose of the presentation.
22. 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 the notice referred in to section 19.
23. The chairperson may limit the time of speaking for any individual or delegation appearing before Council.
24. Upon being recognized, the members 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.
25. Upon the request of the chairperson, any person disrupting the proceedings of Council shall be removed from Council Chambers.

Special Council Meetings

26. Special meetings of Council shall be called in accordance with the Municipal Act.

27. No business other than that stated in the notice for such special meeting as set out on a form in Appendix "A" shall be transacted at that meeting unless ALL MEMBERS of the Council are present and a resolution therefore is passed UNANIMOUSLY.

Conduct of Meetings

28. At all meetings of Council, the chairperson shall maintain order and decorum and decide all questions of order subject to appeal to the Council as a whole. Subject to the Municipal Act, the chairperson shall preside over the conduct of the meeting and:
- a) shall maintain order and preserve the decorum of the meeting;
 - b) shall decide points of order without debate or comment other than to state the rule governing;
 - c) shall determine which member has the right to speak;
 - d) shall rule when a motion is out of order; and
 - e) may call a member to order.
29. 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.
30. The chairperson shall treat each question in a judicial spirit, but shall not take part in the debate of Council.
31. 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.
32. The chairperson may give explanations and recommendations or information within his knowledge from the chair in respect to the business being discussed.
33. Any member wishing to speak to Council shall address the chair and be recognized by the chairperson before commencing to speak.
34. When a member is addressing the chair, every other member shall remain quiet, shall not interrupt the speaker except on a point of order, and shall not carry on private conversation.
35. When a member is addressing Council the member shall:
- a) obey the rules of procedure of the Council;
 - b) speak on matter before the Council only; and
 - c) refrain from comment on any person, staff or member of Council.
36. If any member or officer acts contrary to section 35 the member shall be immediately called to order by the chairperson.
37. A member called to order by the chairperson shall immediately cease speaking.
38. The decision of the chairperson shall be final unless the member called to order appeals to Council.
39. Where a member wishes to leave the Council Chambers while a meeting of Council is in progress, the member shall advise the chairperson before leaving her seat.
40. When a question is put to vote, no member shall leave the Council Chambers until the vote is taken.
41. No person shall address Council until permission has been obtained from the chairperson.

Conflict of Interest

42.

- 1) A member is disqualified from being a councillor or mayor of a municipality where,
 - a) being a shareholder, officer or director of a corporation, other than a society, that has dealings or contracts with the municipality, he votes at a meeting of the council on any question in relation to the corporation, or participates in the consideration of the question by the Council,
 - b) being a member, officer, director of a society that has dealings or contracts with the municipality, he does not declare his relationship to the society in a council meeting before voting on or participating in the consideration by Council of any question in relation to the society.
- 2) Upon disqualification, a Council member shall leave the meeting room while discussion of the matter takes place.
- 3) The Clerk shall record in the minutes the disqualification referred to in Section 42 (1).
- 4) A member of Council who has a pecuniary interest in any matter before Council shall declare his pecuniary interest and shall leave and not participate in that portion of the Council meeting that involves the discussion, debate or voting on the matter. The minutes of the Council meeting shall record the absence of the member from the discussion, debate or vote.

RULES OF ORDER GOVERNING COUNCIL MEETINGS

43. If a quorum of Council is not present within thirty (30) minutes after the time fixed for a regular or special meeting of Council, the Clerk shall record the names of the Council members present and Council shall stand adjourned until the next regular or special meeting.
44. If a quorum is not present within fifteen (15) minutes after the time fixed for a Committee meeting, the meeting shall be re-scheduled.
45. 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.
46. The chairperson shall declare every regular or special meeting or Committee meeting held in the evenings adjourned at 9:30 P.M. unless, by unanimous vote of the members present, it is determined otherwise.

MINUTES

47. Minutes of all proceedings of Council in regular, special and any committee of Council shall be recorded in accordance with the Municipal Act.
48. 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.
49. At Committee of the whole meetings, minutes shall include resolutions to go "in camera", and to adjourn the meeting. Resolutions are not used for any other business recorded in the minutes of Committee of the whole meetings.

COMMITTEES

50. Council may by bylaw, in accordance with Section 181 & 190 of the Municipal Act, establish such committees as may from time to time be deemed necessary, and shall make appointments to such committees annually by November 30th for the following year.
51. The general duties of committees shall be:
 - 1) All committees are considered to be advisory in nature;
 - 2) No committee has the power to pledge the credit of the Village or commit the Village to any particular action;
 - 3) No member of Council shall give specific direction to any staff member at any committee meeting. The responsibility of giving specific direction to staff shall reside with the full Council at a duly assembled meeting unless otherwise delegated to the Village Manager.
 - 4) To review and make recommendations to Council on matters and bylaws placed before a committee, which deal with a subject matter of which the Committee is in charge.

MOTIONS IN COUNCIL

Main Motions

52.
 - 1) When a motion has been moved and seconded, and has been stated or read, it shall be deemed to be in possession of the Council, and may only be withdrawn by majority of the Council members present.
 - 2) Every motion or resolution shall be stated or read by the mover, who shall speak first to the motion and close debate on the motion.
 - 3) When duly moved and seconded, a motion shall be open for discussion and debate. A member may speak to a motion a maximum of two (2) times only unless Council agrees to provide a member another opportunity to address the issue.
 - 4) When a member who has moved a motion closes the debate the chairperson shall put the motion to a vote.
 - 5) When the motion has been put to a vote, no member shall debate further on the question or speak any words except to request that the motion be read aloud.
 - 6) Unless the chairperson is overruled by a majority vote of the members present at the council meeting, the chairperson shall determine when a motion is to be put and the chairperson's decision shall be final.
 - 7) The mover and seconder of any motion may speak and vote for or against any motion.
 - 8) When required by the chairperson, a motion shall be in writing and a copy shall be give to the Clerk before such motion shall be open for consideration.
 - 9) When a motion under consideration concerns two (2) or more specific matters, any member of Council may request the vote upon each matter to be taken separately.
 - 10) Any member of Council may require the motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member who is speaking.
 - 11) When a motion is tabled but is not finally settled, no similar or conflicting motion whose adoption would restrict Council in acting on the first motion may be introduced unless brought up again in a motion to reconsider, alter or rescind as in section 58.
 - 12) Any motion which has the effect of changing or nullifying a previous action or direction of Council shall not be brought up unless in accordance with section 58 of this bylaw.

- 13) No motion other than an amending motion or a motion to table shall be considered until any motion already before council has been disposed of.
- 14) A motion to adjourn shall not require a seconder and shall be brought to a vote. Such motion shall not be discussed or debated.

Motion to Table

53.
 - 1) Any motion in possession of Council may be tabled by a “motion to table” passed by a majority of council members present;
 - 2) Any motion tabled to a date specified shall appear on the agenda for that meeting and shall be deemed to have been removed from the table and be considered as an item of unfinished business at that meeting.
 - 3) A tabled motion shall be on the next regular agenda unless otherwise specified. Where a motion is tabled indefinitely and the motion is not further dealt with by Council at either of its next two (2) regular meetings, the motion dies.

Motion to Amend

54. A “motion to amend” an original motion may be given by any member of Council. Amendments shall be voted on in reverse order to that in which they are moved. Every amending motion shall, when requested by the chairperson, be in writing, and shall be decided on or withdrawn before the original motion is put to a vote.

Motion to Refer

55. Any member of Council may “move to refer” an original motion to administration or committee in order that additional information may be brought to Council prior to further consideration. A member moving a motion to refer may include in the motion the terms on which the motion is being referred; the time when the matter referred is returnable to council; and an explanation as to the purpose of the motion.

Notice of Motion

56.
 - 1) A “notice of motion” may be given at any regular Council meeting, but may not be dealt with at that meeting.
 - 2) A “notice of motion” shall be given verbally and in writing to all members of Council present. A copy of such notice of motion shall be given to the Clerk upon adjournment of the meeting at which the notice was given.
 - 3) Every “notice of motion” shall precisely specify the entire content of the motion to be considered, and shall be on the agenda under new and unfinished business for the next regular meeting of Council unless otherwise specified.

Motion to Reconsider, Alter or Rescind

57.
 - 1) A question once decided shall not, during a period of one year after the decision, be reversed, reconsidered or rescinded unless a written notice of motion to do so has been given from one meeting to the next and a minimum of three (3) Members vote in favor of the reversal.
 - 2) Notwithstanding anything provided in this section where pursuant to any motion duly passed by Council, the Village has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind or replace

the motion except to the extent that it does not attempt to avoid or interfere with the liability or obligation.

BYLAWS

58. Pursuant to the Municipal Act, every bylaw shall have three (3) distinct and separate readings before it is adopted, but no more than two (2) readings may take place at any one (1) meeting of Council.
59. Council shall vote on the motion for the first reading of the bylaw without amendment or debate. When all amendments have been accepted or rejected the motion for second reading of the bylaw as amended shall be considered. When a bylaw has received third reading and been passed, the Mayor shall declare the bylaw adopted.
- 60.
- 1) A bylaw which requires approval of the Executive Council member shall receive two (2) readings prior to the submission of a certified copy to the member. Approval of the bylaw by way of a form signed by the Executive Council member shall be received prior to third reading.
 - 2) After Council votes affirmatively for third reading of a bylaw, it becomes a municipal enactment of the Village and is effective immediately unless the bylaw provides otherwise.
 - 3) After passage, a bylaw shall be signed by the chairperson at the meeting at which it was passed and by the Clerk and shall be embossed with the corporate seal of the Village.

REPEALS

Bylaw 09/96, including all amendments thereto, is hereby repealed.

ENACTMENT

This bylaw shall come into full force and effect on and from the first day of December 1st 2011.

READ a First time this 4th day of October, 2011

READ a Second time this 4th day of October, 2011.

READ a Third and Final Time this _____ day of _____, 2011

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE VILLAGE OF CARMACKS

196-11

APPENDIX "A"

NOTICE OF SPECIAL MEETING

This is to advise you that a Special Meeting of the Village Council has been requested.

DATE OF MEETING: _____

PLACE OF MEETING: _____

TIME OF MEETING: _____

PURPOSE OF MEETING: _____

MEETING REQUESTED BY: _____

MEETING REQUESTED AT: _____

DATE: _____

Chief Administrative Officer