

MEETINGS

SECTION 4

Council or Board Meeting

The elected municipal council or regional district board acts as the governing body of the local government, exercising and performing the powers, duties and functions of the local government [Community Charter (CC) s. 114(3) and Local Government Act (LGA) s. 194]. The council or board conducts all of its business at a properly constituted meeting, and must deal with all matters on the meeting agenda. This means that each matter must be concluded (carried or defeated), tabled, referred or deleted.

A council or board exercises its authority by authorizing a bylaw or adopting a resolution at a council or board meeting [CC s. 122]. Informal caucus or committee decisions have no force until dealt with by council or the board.

Chair or Presiding Member

The mayor presides at council meetings [CC s. 116(2)(c)]. Council must also designate a councillor to act in place of the mayor when the mayor is absent, unable to act, or when the office of mayor is vacant. If neither the mayor nor the designated councillor is present, then the members present must choose a member to preside [CC s. 130].

At the first meeting held after November 1 each year, regional district boards must elect a chair and a vice chair. The chair presides at board meetings, with the vice chair acting in place of the chair when the chair is not present or is unable to act. If neither the chair nor vice chair is present, then the directors present may elect an acting chair for that meeting [LGA s. 215].

The mayor, chair or presiding member preserves order and decides points of order at meetings [CC s. 132]. If a member appeals a decision on a point of order, the presiding member shall immediately ask the question: "Shall the chair be sustained?" and the question must be decided without debate. The chair is governed by the vote of the majority, exclusive of the chair. In the event the votes are equal, the question shall pass in the affirmative [CC s. 132(3)].

Decisions

Items on the agenda are discussed and decisions made on them. The decision must be made either by a resolution or bylaw.

A resolution is a formal expression of opinion or a decision by council on a specific matter.

A bylaw is a document that formalizes a regulation made by council.

Most local government powers can be exercised by resolution. However, if an Act states that a power must be exercised by bylaw, then that power cannot be exercised by resolution [CC s. 122(2) and LGA s. 226(2)].

Voting

Most business can be passed by a simple majority of those present if there is a quorum [CC s. 123(1) and LGA s. 207(1)].

Abstention

A member who fails to vote will be counted as voting in the affirmative [CC s. 123(4) and LGA s. 226]. A member may abstain only if his or her participation in the vote is restricted due to conflict of interest [CC s. 101].

Tie Vote

On a question requiring a simple majority, a tie vote means that the motion fails [CC s. 123(5) and LGA s. 226]. The only exception is a Challenge of the Chair, in which a tie vote means that the motion passes. [CC s. 132(3)(b)].

Two-Thirds Majority Vote

Certain bylaws or resolutions may require a specific majority to pass. Usually the corporate officer will advise council if a specific majority is required. When a specific portion of affirmative votes is needed, the portion is based on council size, not on members present [CC s. 123(6)].

Examples of bylaws or resolutions requiring a two-thirds majority to pass include:

- providing assistance to business (other than tax exemptions) for the conservation of heritage properties [CC s. 25(3)];
- dedication of park land or heritage properties [CC s. 30(2)];
- termination of officers for no cause [CC s. 152(2)];
- resolution to make application to disqualify a council member [CC s. 111(2)(a)]; and
- providing tax exemptions to heritage, riparian, and partnering properties [CC s. 225(7)(c)].

Other voting rules specific to regional districts can be found at LGA s. 214.

Quorum

A quorum is the number of members, including the mayor, required to be present in order for council to transact business. The *Community Charter* specifies the quorum as the majority of the number of members of the council [CC s. 129].

Full Council (including Mayor)	Quorum
11	6
9	5
7	4
5	3

Members ineligible to vote on a particular matter are not counted as part of the quorum for that vote.

If a quorum is present at the start of a meeting, but some members then leave and the quorum is lost, no further business may be conducted.

Procedures for Conduct of Business

Community Charter s. 124 and *Local Government Act* s. 225 require that a council/board must, by bylaw, establish procedures to be followed for the conduct of its business. Among other things, the procedure bylaw should include the format of meeting agendas, minutes, public notices and procedures to designate an acting mayor.

Minutes

The procedures must provide for the taking of minutes of all meetings of council/board and committees [CC s. 124]. All minutes shall be available to the public, except minutes of a meeting or part of a meeting that is closed to the public [CC s. 97 and LGA s. 268(1)]

Procedures for Bylaws and Resolutions

Council/board must, by bylaw, establish the procedures to be followed in the passing of resolutions and adoption of bylaws [CC s. 124, 135 and LGA s. 227].

It is common practice to set out the meeting and bylaw procedures in a single procedure bylaw.

Statutory Procedures

Procedures set out in the *Community Charter* or *Local Government Act* must be followed and cannot be varied.

Types of Meeting

Regular meetings are held at specified regular intervals as set by the council/board in a procedure bylaw and as provided in the *Community Charter* or *Local Government Act* [CC s. 125(3) and LGA s. 219].

Special meetings are held at times other than statutory regular or adjourned meetings, and must be called according to specific requirements [CC s. 126 and LGA s. 220]:

- The mayor may call a special council meeting, or two or more council members may, in writing, request the mayor to call a special meeting.
- Two or more council members may call a special meeting if:
 - within 24 hours after receiving a request, the mayor has made no arrangements for a special meeting to be held within the next seven days, or
 - both the mayor and the mayor's designate are absent or unable to act.
- The board chair or any two directors may request the corporate officer to call a special board meeting.

Notice of Meeting

The schedule of regular council/board meetings, including date, time and place, must be available to the public. The public must receive annual notice of the availability of this schedule [CC s. 127(1) and LGA s. 225].

Notice of a special council meeting, including date, time, place and purpose, must be given at least 24 hours prior to the meeting by:

- (a) posting a copy of the notice at the regular council meeting place;
- (b) posting a copy of the notice at the public notice posting places; and
- (c) leaving one copy for each council member at the place to which the member has directed notices be sent [CC s. 127].

Each copy of a special council meeting notice must be signed by the mayor or corporate officer, or if two or more council members call a special meeting, by those council members [CC s. 127(3)].

Notice of a special board meeting, including date, time, place and purpose, must be mailed at least five days prior to the meeting to each director [LGA 220(2)].

In the case of emergency, and with the consent of the chair and two directors, notice of a special board meeting may be given less than five days before the meeting, and need not be in writing [LGA s. 220(4)].

Notice of a special meeting may be waived by unanimous vote of all council/board members [CC s. 127(4) and LGA s. 220(3)].

Electronic Meetings

If authorized by procedure bylaw and certain requirements are met, a councillor who is unable to attend a council or council committee meeting may participate in the meeting by means of electronic or other communication facilities. A special council meeting may also be conducted in this way [CC s. 128].

Councillors who are participating in a meeting by means of electronic or other communication facilities are deemed to be present at the meeting.

The facilities must at minimum enable the meeting participants to hear each other, and the public to hear the meeting.

For a special meeting utilizing electronic or other communication facilities, the notice must indicate the way in which the meeting is to be conducted and the place where the public may attend in order to hear and/or watch the meeting.

Open Meetings

All meetings of the council/board must be open to the public [CC s. 89(1)] except where meetings are permitted to be closed to the public.

The mayor/chair may expel and exclude from a meeting any person considered to be guilty of improper conduct [CC s. 133].

Closed Meetings

Part 4, Division 3 of the *Community Charter* contains the rules for holding closed meetings of council; select, standing and other council committee meetings; as well as other municipal bodies (board of variance, local court of revision, advisory committees, and bodies that exercise the powers of the municipality or council).

Before a meeting or part of a meeting is closed to the public, the council must state, by resolution, the fact that the meeting will be closed and the basis on which the meeting is to be closed [CC s. 92].

Matters that require a meeting or part of a meeting to be closed to the public are as follows [CC s. 90(2)]:

- (a) a request under the *Freedom of Information and Protection of Privacy Act*, if council is designated as head of the local public body for the purposes of that Act in relation to the matter;
- (b) information about negotiations involving the local government and a provincial or federal government (or both); or between the provincial or federal government (or both) and a third party;
- (c) an investigation under the *Ombudsperson Act*, of which the municipality has been notified;
- (d) a matter that, under another enactment, is such that the public must be excluded from the meeting; and
- (e) review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under the Auditor General for *Local Government Act* [s. 23(2)].

Matters for which a meeting may be closed to the public include [CC s. 90(1)]:

- (a) personal information about an officer, employee, agent, or appointee of the municipality, or an individual being considered for a position;
- (b) personal information about an individual being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) acquisition, disposition or expropriation of land or improvements, if disclosure might harm the interests of the municipality;
- (f) law enforcement, if disclosure might harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by council or its delegate;
- (i) receipt of advice subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited from disclosure under section 21 of the Freedom of Information and *Protection of Privacy Act*;
- (k) preliminary negotiations about proposed provision of a municipal service, that if held publicly might harm the municipality's interests;
- (l) discussions with municipal officers and employees for the purposes of preparing an annual report;
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a council meeting should be closed; and
- (o) the consideration of whether authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.

Examples Of Motions

Source: Maritime Municipal Training and Development Board

Motion	Usual Purpose
Set Date & Time of Next Meeting - requires a mover and a seconder - requires, for adoption, a majority vote - only the date or time may be debated	- ensure that those who must leave know the time and place of the next meeting
Set the Time to Adjourn - requires a mover and a seconder - requires a majority vote - only the time of adjournment may be debated	- limit meeting length
Adjourn - requires a mover and a seconder - requires a majority vote - only the time of adjournment may be debated	- terminate the meeting
Recess - requires a mover and a seconder - requires a majority vote - not debated	- provide a cooling-off period
Raise a Question of Privilege - requires a mover only, who may interrupt another speaker - requires no vote, decided by chair - not debated	- ventilation - disorder in gallery - any rights of members

Motion	Usual Purpose
Limit Debate or Extend The Limit of Debate - requires a mover and a seconder - requires a majority vote - not debated	- limit discussion time
Postpone to a Definite Date & Time - requires a mover and a seconder - requires a majority vote - only the date or time may be debated	- make way for more urgent business - provide a cooling-off period - postpone indefinitely - determine support
Commit or Refer (e.g., to a standing/special committee) - requires a mover and a seconder - requires a majority vote - only the advisability or propriety of referral may be debated	- obtain additional information or enable further discussion
Amend - requires a mover and a seconder - requires a majority vote - may be debated	- add, delete or substitute words in the main motion
The Main Motion - requires a mover and a seconder - requires a majority vote - may be debated	- the proposal before the meeting

<p>Raise a Point of Order</p> <ul style="list-style-type: none"> -requires a mover only, who may interrupt another speaker -requires no vote, decided by chair -not debated 	<ul style="list-style-type: none"> -to call attention -failure to observe rules
<p>Lay on the Table or Remove from the Table</p> <ul style="list-style-type: none"> -requires a mover and a seconder -requires a majority vote -not debated 	<ul style="list-style-type: none"> - consider immediately • defer
<p>Put the Previous Question</p> <ul style="list-style-type: none"> -requires a mover and a seconder -requires a two-thirds vote -not debated 	<ul style="list-style-type: none"> -limit amendment and force a direct vote on the main motion

<p>Reconsider</p> <ul style="list-style-type: none"> -requires a mover and a seconder -requires a two-thirds vote -only the advisability or propriety of reconsideration may be debated 	<ul style="list-style-type: none"> -provide for another vote on a motion
<p>Rescind</p> <ul style="list-style-type: none"> -is a main motion -requires a mover and a seconder -requires a majority vote, if introduced with advance notice; otherwise, a two-thirds vote -may be debated 	<ul style="list-style-type: none"> -annul a motion that has been passed

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