

# A GUIDE TO OPEN MEETINGS



The Federation of Prince Edward Island Municipalities has prepared a toolkit to help municipalities implement practices that reflect principles of open government – accountability, engagement and transparency. Section 118 (1) of the Municipal Government Act requires all Council and council committee meetings be open to the public. This guide has been prepared to help Council members determine whether a gathering or event held by Council should be open to the public.

## WHAT IS A MEETING?

The term 'meeting' is not defined by the Municipal Government Act but is understood to mean scheduled or special Council meetings or meetings of council committees such as the planning committee or the finance committee.

Council must consider whether workshops, strategic planning sessions or retreats are meetings. Use this three-part test to determine whether these Council workshops or events should be open to the public.

### Will all Council members be attending?

Quorum or full participation by Council is an indication that the meeting should be open to the public. The Municipal Government Act requires council committees, which may not require full participation by Council, to be open to the public.

### Is there a formal agenda?

A council member serving as chair, an agenda, rules of order and minutes are all indications that this meeting should be open to the public. Holding a meeting in the Town office or Council Chambers is also suggests that this should be an open meeting.

### Will Council be making a decision?

Any discussion that leads to a decision should be carried out at an open meeting. A vote should be carried out at meeting that is open to the public.

## Should this meeting be open to the public?

- Is a quorum of Council going to be in attendance?
- Will it be held in the Council Chambers?
- Is it a regularly scheduled event?
- Will there be a vote on any item?
- Is there an agenda?
- Will minutes be taken by municipal staff?
- Will a Council member chair the meeting?
- Will rules of order be followed?
- Will Council business be discussed?
- Will Council be making a decision?
- Will Council be voting?
- Will Council be passing a resolution?

**Did you check more than 2 items? If so, this is probably a meeting which should be open to the public.**

*This document has been created for the Federation of Prince Edward Island Municipalities. It is general information only and is not to be construed as legal advice. Errors or omissions may have found their way into the document and legislative or regulatory changes may have occurred since the time of drafting. The publishers, editors and authors accept no liability for any claims arising from the use of this document.*

## PART IV – COMMITTEES OF COUNCIL

**Note:** In the bylaw, Council may:

1. Decide who has the authority to establish and populate the committees, the council or the Mayor.
2. Establish different categories of committees **standing and ad hoc committees**.
3. Determine the eligibility criteria for membership on each committee.
4. Establish the terms of reference or purpose of the committee.
5. Assign different duties.
6. Identify how people will be appointed to the committees including who may appoint the members of each committee.
7. Determine the number of members for each committee.
8. Establish different types of composition (entirely made up of Council members, made up of a mix of Council members and members of the public, or entirely made of members of the public).
9. Determine the events by which or circumstances in which a committee member's appointment shall be terminated.

### 1. General

- 1.1. \_\_\_\_\_ [specify Council or the Mayor] may, by resolution, establish **standing and/or ad hoc committees** that will consider, discuss and debate matters of Council interest before such matters are forwarded to Council for decision.
- 1.2. \_\_\_\_\_ [specify Council or the Mayor] may also designate the committees' mandate, term, composition, objectives, tasks, duties and responsibilities, and appoint its members to deal with any matter. Council may also establish the eligibility criteria for membership and determine the events or circumstances that would result in termination of a committee member.
- 1.3. Council will establish by resolution a Committee of Council that will be the main **standing** Committee used to discuss and debate matters of Council interest before such matters are forwarded to Council for decision. **[The Committee of Council system is optional. Only include this section if implementing this system, otherwise 23.3 can be deleted.]**
- 1.4. Council committees will cease to exist when Council, by resolution, decides that the objectives of the committee have been achieved and tasks have been completed **[or]** the Mayor will, by order, dissolve a committee of Council upon completion of their

specific mandate. [Only choose one method to dissolve the committee – by council resolution or Mayor’s order – and delete the other].

Most municipalities establish committees to more effectively organize how council undertakes its business. Municipalities have considerable flexibility and may establish committees for any municipal purpose. Under the regulations, two types of committees may be established:

- A standing committees is delegated certain powers and duties to make recommendations to all of council on municipal matters (i.e., a financial management committee)
- An ad hoc committee are formed to investigate and report on particular matters (i.e., Canada Day Celebration Committee). Once the committee has fulfilled its purpose, the Committee is dissolved

## 2. Committee Composition

- 2.1. The Mayor is a member of every committee or other organization which the Council or Mayor establishes pursuant to the *Municipal Government Act* and when in attendance the Mayor, subject to section 90 of the Act, possesses all the rights, privileges, powers and duties of the other members of the committee.
- 2.2. The Mayor’s attendance will not be included for the purpose of determining a quorum for a committee of Council meeting.
- 2.3. Each Council committee will consist of a minimum of \_\_\_\_\_ members [insert number]. At a minimum, a Council committee will include two Council members who will hold the positions of Chair and Vice Chair.

**Note:** In drafting the bylaw, these committee composition provisions may be revised as desired.

## 3. Terms of Committees

- 3.1. Appointments to committees will be for a \_\_\_\_\_ [Duration of appointment in months or years] term beginning on \_\_\_\_\_ [Day/Date] and ending on \_\_\_\_\_ [Day/Date].
- 3.2. In a general election year, the term of appointments will end on December 6<sup>th</sup>.
- 3.3. Appointees may be reappointed from term to term to a maximum of \_\_\_\_\_ [insert number] terms on one (1) particular committee.
- 3.4. A member of any committee, excluding members of Council, will only be appointed to a maximum of \_\_\_\_\_ [insert number] committees at one time.
- 3.5. The CAO will advise Council of any members absent for more than \_\_\_\_\_ [insert number] meetings within a calendar year and request that a warning correspondence be forwarded to the member, as well, if the member misses \_\_\_\_\_ [insert

*This document has been created by Municipal Affairs staff; it is general information only and not to be construed as legal advice for any specific factual situation. If you are unsure whether this information applies to your particular situation you should consult a lawyer. In case of any inconsistency between the information presented here and any Act or Regulation, the Act or Regulation prevails.*

number] meetings, within a calendar year, Council will be advised to decide if the member should be removed from the committee.

#### **4. Notice of Committee Meetings**

- 4.1. Where a regular schedule of meetings for a Council committee is established, publication must be in accordance with section 7 of this bylaw.
- 4.2. Where a special meeting of a Council committee is called, the CAO will follow the procedures for calling a special meeting set out in section 8 of this bylaw and ensure that notice of the special meeting is given in accordance with section 7 of this bylaw.
- 4.3. Where the date, time or place of a committee meeting is changed, the CAO shall ensure notice of the change is given in accordance with section 7 of this bylaw.

#### **5. Committee Procedures**

- 5.1. Each Council committee will meet as soon as possible after it has been appointed and where a Chair has not been appointed by Council, members of that committee will select a Chair and Vice-Chair, and if required, decide the day and time for holding its regular meetings.
- 5.2. The Chair will preside at every meeting, participate in the debate and shall vote on all motions.
- 5.3. In the absence of the Chair, the vice-chair will preside, and in the absence of both the Chair and the Vice-Chair, one (1) of the other members of the committee will be elected to preside and will discharge the duties of the chair during the meeting or until the arrival of the Chair or Vice-Chair.
- 5.4. The business intended to be addressed at committee meetings will be stated in the meeting agenda.
- 5.5. An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public meeting of Council.
- 5.6. Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.
- 5.7. If a quorum is not present within twenty (20) minutes after the time fixed for a committee meeting, the Chair or CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
- 5.8. Only members of the committee may participate in, debate or ask questions at a standing committee or ad hoc committee meeting except in accordance with section 28 of this bylaw.

- 5.9. An act or proceeding of a committee is not effective unless it is approved and adopted by a resolution at a duly constituted public meeting of Council.

## 6. Delegations to committees

**Note:** As with presentations and delegations to Council, the bylaw may establish the desired procedures for delegations and presentations to committees, including to Committee of Council if one is established.

- 6.1. Delegations wishing to appear before Council or a Committee of Council to present information will advise the CAO or his/her designate of their intention to do so not later \_\_\_ days prior to the meeting.
- 6.2. Delegations will be limited to a maximum presentation time of \_\_\_\_\_ minutes [insert time], unless Council agrees to a waiver of this time restriction by the unanimous consent of all Council members present/a majority of all Council members present, and each delegate may speak only once.

## 7. Request for Decision from Council

- 7.1. Any delegation wishing to appear before Council or a Committee of Council to make a request for action, support, resources or other will advise the CAO or his/her designate of their intention to make a request, in writing, using the prescribed form no later than \_\_\_ days prior to the meeting.

# PROCEDURAL BYLAW OVERVIEW

Based on MGA requirements & regulations

## SCHEDULED COUNCIL MEETINGS

- Pre-established schedule
- Day, time and place
- Minimum 6 times a year

## DISTRIBUTION

### Timing of Agendas & Packages

One week before the council meeting or the Friday before.

## RULES FOR PUBLIC PARTICIPATION

### Council Meetings and public hearings

- When to speak,
- How to register to speak,
- How long to speak
- A time limit for speaking
- When petitions may be received
- Audio taping or video recording meetings by the media or citizens.

## CANCELLATION POLICY

### Reschedule Meetings

How to deal with the need to re-schedule?  
(Next day, or next week.)

## RULES OF CONDUCT

### Council meetings and public hearings

- Changes to agenda
- Points of order
- Procedures to follow
- Who may speak, when they may speak, and for how long?
- How the mayor will deal unacceptable behaviour



**TOWN OF XX**  
**REGULAR MEETING OF TOWN COUNCIL**

DATE:

TIME:

LOCATION:

**PRESENT:** *[list of council members in attendance]*

**ALSO PRESENT:** *[list of staff and guests/delegates in attendance]*

**MEETING MINUTES**

**(a) Call to Order**

*Mayor \_\_\_\_\_ called the meeting to order at 7:02 PM.*

**(b) Declarations of conflict of interest**

*[Indicate whether any member of council declares a conflict of interest]*

**(c) Approval of Agenda**

*Moved by:*

*Seconded by:*

*THAT the agenda be approved as circulated [with additions/deletions specified]*

*Motion carried. Votes for X, votes against X.*

**(d) Adoption of Minutes**

*Moved by:*

*Seconded by:*

*THAT the minutes of [date] as prepared by the Chief Administrative Officer without errors or omissions be approved as presented.*

*Motion carried. Votes for X, votes against X.*

**(e) Business Arising from the Minutes**

*Nil.*

**(f) Reading of correspondence**

*Nil.*

**(g) Reports from Standing and ad hoc Committees**

Town of XX – Regular Council Meeting Minutes Dated XX and Approved by Council

*[Insert subsection for each report. Include whether report was for Information Only, for Approval, and any Resolutions passed – with Mover/Seconded/Vote]*

**(h) Report from CAO**

*CAO addressed highlights from the written report for Information Only.*

**(i) Introduction of New Business**

*Requests for Decisions:*

*1) [Insert descriptive heading]*

*Moved by:*

*Seconded by:*

*WHEREAS [insert relevant background information]*

*THAT [insert what action/decision was taken by council]*

*Motion Carried. Votes for X, votes against X.*

**(j) Closed Meeting**

*Moved by:*

*Seconded by:*

*THAT the meeting shall be closed to the public at [insert time] to discuss a confidential matter related to [describe closed meeting matter using language from MGA Section 119 (1).*

*Motion carried*

**(o) Adjournment**

*The meeting was adjourned at 8:25 PM.*

---

**MAYOR**

---

**CHIEF ADMINISTRATIVE OFFICER**

**TOWN OF XX**  
**REGULAR MEETING OF TOWN COUNCIL**

DATE:

TIME:

**AGENDA**

Agenda Item	Direction	Responsibility
a) Call to Order	Call to Order	Mayor
b) Declarations of conflict of interest	Declare/disclose	Council
c) Approval of Agenda	Motion to approve	Council
d) Adoption of Minutes	Motion to adopt	Council
e) Business arising from the Minutes		
f) Reading of correspondence	Information	
g) Reports from Standing and ad hoc Committees	Information and approval	Committee Chairs
h) Report from CAO	Information	CAO
i) Recommendations from the Planning Board	Motion to approve	Planning Board
j) Introduction of New Business	Information	Council
k) Inquiries by members of Council		Council
l) Introduction and Reading of Bylaws	Introduction, reading and approval	Lead Councillor/Mayor
m) Appointments to Committees	Appoint	Mayor/Council
n) Public Presentation/Petitions/Delegations	Information	Public, Delegation, Mayor
o) Adjournment	Motion to adjourn	Mayor/Council