

# THE MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

## PROCEEDINGS OF COUNCIL BY-LAW

### GENERAL

1.1 In this policy unless the context otherwise requires:

- a) “Chair” means the presiding officer;
- b) “Chief Administrative Officer” means the chief administrative officer of the Municipality of the District of Guysborough;
- c) “Clerk” means the clerk of the Municipality of the District of Guysborough
- d) “Council” means the Council of the Municipality of the District of Guysborough;
- e) “Council Member(s)” include(s) the Warden unless the context indicates otherwise;
- f) “Majority” means more than one half of those present, unless the context indicates otherwise;
- g) “Point of Order” means:
  - any breach of the rules of order of council; or
  - any defect in the construction of any meeting of council; or
  - the use of improper, offensive or abusive language; or
  - notice of the fact that the motion under discussion is not within the scope of the notice of motion; or
  - any other irregularity in the proceedings in council.
- h) “Warden” means the council member chosen by the council to be the chair of the council.

1.2 All other terms in this By-law are defined as set out in the *Municipal Government Act*

2. The Clerk at the time and place appointed for the first meeting of the Council after the general election of Councillors shall produce the returns of the Presiding Officers and shall administer an Oath of Allegiance and Oath of Office to the Councillors elect, who shall then elect a Warden from among themselves according to Policy.

## **TIME, PLACE, DATE AND NOTICE OF MEETING**

3. Unless otherwise specified pursuant to Section (4), regular meetings of Council shall be held on the second Wednesday of each month commencing at 7:00p.m. and all regular meetings of Committee of the Whole shall be held on the first and third Wednesdays of the month commencing at 7:00 p.m. except where circumstances require a change in date or time and all Council Members have been duly notified; except that there shall be no regular meetings during the month of August.
4. Regular meetings of Council may be rescheduled, relocated or canceled by resolution or consensus of Council or Committee of the Whole. In addition, the Warden or the CAO may reschedule, relocate or cancel regular meetings owing to unforeseen circumstances, provided the Warden or CAO believes that the majority of Council Members would support such a step.
5. Additional or special meetings of Council may be convened by resolution or consensus of Council, Committee of the Whole; or, by the Warden or the CAO on behalf of the Warden owing to unforeseen circumstances, provided the Warden or CAO believes that the majority of Council Members would support such a step.

All Councillors should have the right of attending all meetings of Committees established by Council. Subject to the terms and conditions outlined in Council's Policy on Remuneration and Travel all Council Members attending meetings of Committees established by Council shall receive a travel fee whether the Council Member is a voting member of the Committee or not.

6. Whenever possible all Council Members will receive written notification of all regularly scheduled monthly meeting of Council and Committees of Council at least seven (7) days in advance of such meetings. Notification shall include the minutes of the previous regularly scheduled monthly meeting of Council, and regularly scheduled Committee of the Whole meetings.
7. For all other meetings, such as Special Council or rescheduled meetings of Council, whenever possible three (3) days notice shall be provided to Council members and at least two (2) days public notice of the meeting. Such notice to Council shall be provided sufficiently either verbally, by telephone, by telephone answering machine, fax or e-mail to each Member of Council. In the event of an emergency Council may meet without notice or with such notice as is possible in the circumstance.
8. Notification of regular meetings of Council shall be provided to the public by posting on the Municipality's web page as well as publication in the Municipal newsletter a "Notice of Council Meeting" containing date, time and place of the meeting.
9. Staff Reports and Recommendations to be considered at a meeting of Council shall be provided at least 48 hours prior to the start time of the meeting either by mail, fax, e-mail or otherwise. Provision for the presentation of new reports & recommendations

to be added to the agenda shall be made using a  $\frac{2}{3}$  majority of Council Members to allow for urgent matters to be addressed by Council.

10. Each Council Member shall:

- 1) provide a telephone number at which the Council Member has and will maintain access to a telephone answering system which the Council Member will check at least once per day whenever possible; or;
- 2) maintain access to e-mail and which the Council Member will check at least once per day whenever possible.

The Council Member shall be deemed to have received any notice within one business day of it's being sent by the method of the Council Member's choice.

### **CONDUCT OF MEETINGS - GENERAL**

11. During any meeting of Council, Council may adjourn for short periods of time or move to another location without ending the meeting.

12. Council Members shall be kept informed of all Council and Committee meetings proceedings by way of minutes. These minutes are to be distributed to Council Members with the "Notice of Meeting" for the next regular meeting of Council at least five (5) days prior to the next regular or committee meeting of Council.

At the next regular meeting and subsequent special meetings of Council minutes shall be reviewed to be approved unless the unanimous consent of Council Members has been obtained to table same or if so recommended by the Municipal Solicitor.

13. The Minutes shall be kept by the Clerk or delegate authorized by the CAO and shall:

- 1) record the time when Council Meetings are Called to Order and when they are adjourned;
- 2) contain all motions moved and all motions moved and seconded by Members of Council with the names of the movers and seconders and shall record the outcome of each vote;
- 3) mention all reports, petitions and other documents submitted to Council only by their respective titles and a brief description of their contents.

14. All business of Council shall be discussed openly, except in accordance with the "closed meeting" provisions of the Municipal Government Act including matters pertaining to:

- a) acquisition, sale, lease and security of municipal property;
- b) setting a minimum price to be accepted by the Municipality at a tax sale;

- c) personnel matters;
- d) labour relations;
- e) contract negotiations;
- f) litigation or potential litigation;
- g) legal advice eligible for solicitor-client privilege;
- h) public security.

No decision shall be made at a “Closed Session” except a decision concerning procedural matters or to give direction to staff or solicitors for the Municipality.

Notwithstanding anything else contained herein, the only written minutes for a closed session of council shall simply state that the council met in private, the type of matter that was discussed as set out in Section 22 (2) of the Municipal Government Act and the date of the meeting, but no other information.

15. It shall be the duty of the Chair to:

- 1) open the meeting of Council by taking the chair and calling the Council Members to order;
- 2) ask the Council whether there is a consensus on an item of procedure or business, and if no Council Member indicates dissent, may treat the item as resolved to the same extent as if the motion had been duly moved, seconded and passed by vote;
- 3) receive and submit to Council properly presented motions by a Council Member;
- 4) put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;
- 5) decline to put to a vote, a motion which infringes upon the rules of procedure;
- 6) restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
- 7) enforce on all occasions, the observance of order and decorum;
- 8) call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
- 9) inform the Council when necessary, or when referred to, on a point of order;
- 10) permit the Chief Administrative Officer to speak on any point upon request;

- 11) permit proper questions to be asked through the Chair of any official or employee of the Municipality, or any Member of the Public in attendance, to provide information to assist any debate;
- 12) declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time; and
- 13) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent.

16.1 At meetings of Council business shall be conducted in the following order:

- Call to Order
- Roll Call of Council
- Approval of Agenda; including additions and deletions
- Approval of Minutes from the previous meeting
- Delegations
- Business Arising from Minutes
- New Business
- Committees and Boards
- Future Meeting Dates
- Adjournment

16.2 The Council may by motion of 2/3 majority depart from the order of proceedings as set out above.

17. At the time the agenda is put forward for approval the Chair shall inquire of the Council Members whether they have any new or other business. Council members having such business shall identify it for the Chair.
18. Every Council Member while speaking shall respectfully address the Chair and be recognized by the Chair, and confine himself/herself to the question under debate. Council members must avoid personalities and unbecoming language. If more than one Councillor wishes to speak, the Chair shall determine and name the member to speak. All Council Members must avoid insulting or improper language.
19. No Councillor shall speak more than twice upon any question except in explanation and the originator shall have the general reply. No Councillor shall speak more than ten minutes upon any question at one time without leave to speak longer.
20. It shall be the duty of the Warden or Chairman and the privilege of any Councillor to call a member to order who violates any established Regulation or Rule of Order. Nothing but the business of Council shall be spoken until the Chair is vacated.

## **CONDUCT OF MEETINGS - MOTIONS AND VOTING**

21. The Chair shall state every question properly presented to Council and before putting it to a vote shall ask “IS THE COUNCIL READY FOR THE QUESTION”. Should no Council Member offer to speak, the Chair shall proceed with the question and after which no Member shall be permitted to speak upon it.
22. The usual form of voting on any question shall be by the Chair calling for “yeas” and “nays”, but any Council Member before or after a voice vote can call for, and obtain through the Chair, a show of hands, and any two Council member can call for and obtain through the Chair, a recorded vote with each Council Member’s vote entered into the Minutes.
23. A motion must be read aloud and seconded before it is debated. The Chair or any other Council Member may direct that the motion be put in writing.
24. After reading of a motion, it shall be open for discussion.
25. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
26. In accordance with the *Municipal Government Act*; subject to the *Municipal Conflict of Interest Act*, all council members present, including the person presiding, shall vote on a question. Unless otherwise specified in policy, a member of the council who fails or refuses to vote on a question before the council is deemed to have voted in the negative.
23. All questions arising in the Council shall be decided by a majority of votes except where otherwise provided, and the Chair shall have the right to vote on all questions before the Council; and in the event of a tie when the vote is taken, the question then put to the Council shall be considered as determined in the negative.
24. When any question is before Council the only motions in order shall be:
  - a) a motion in amendment of the original motion;
  - b) a motion to refer the question, including the motion and amendment if one is moved, to any committee;
  - c) a motion to defer the consideration of the question either indefinitely or to a specified time;
  - d) a motion to close the debate at a specified time;
  - e) a motion that the question be put to a vote;
  - f) a motion to adjourn.
29. When any one of the motions mentioned in the preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment to the original motion or to the amendment, except the following:
  - a) a motion to refer to committee;
  - b) a motion to defer the consideration of the question;

- c) a motion to close the debate at a specified time;
- d) a motion that the question be put to a vote;
- e) a motion to adjourn;

any of which may be moved either to the original motion or to the amendment of the original motion.

30. A motion:
- a) that the debate be closed at a specified time; or;
  - b) that the question be put to a vote.

shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

31. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "THAT THIS QUESTION BE PUT TO A VOTE". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.

32. A motion to adjourn shall always be in order except in the following cases:
- a) When a member is in possession of the floor;
  - b) While the "yeas" and "nays" are being called;
  - c) While the Council Members are voting; or
  - d) When adjournment was the last preceding motion.

33. The following questions shall be decided without debate:
- a) a motion to reconsider
  - b) all motions as to priority of business or as to the suspension of the order of the day;
  - c) applications for leave to speak more than the prescribed number of times;
  - d) a motion to allow any person other than the Council Members to address the Council;
  - e) a motion to postpone to a specified time or day;
  - f) motions to lay on the table when claiming a privilege over another person;
  - g) a motion to adjourn.

34. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to vote. If the amendment is defeated then the question to the original motion or resolution must be put to the vote.

35. Except for matters arising from correspondence, committees or other reports, agenda items, or notices of motion or other material circulated to Council Members on or

before the day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Municipality to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of the Council Members present.

36. Unless reconsideration is moved at the next meeting the right of reconsideration shall be lost.
37. No discussion of the main question shall be allowed on the motion for reconsideration.
38. The following matters are not eligible for reconsideration:
  - a) a motion approving the first or second reading of a By-law enactment, amendment or repeal;
  - b) a motion to decide upon the matter which was the subject of a statutory hearing by Council;
  - c) a motion which is or was considered by Committee of the Whole in substantially the same form in which it is being or will be considered by Council, irrespective of whether Council has adopted or rejected, the recommendation of Committee of the Whole;
  - d) a matter which has been reconsidered once; and
  - e) a vote to reconsider.

#### **CONDUCT OF MEETINGS - POINTS OF ORDER**

39. It shall be the duty of the Warden or Chair and the privilege of any Councillor to call a member to order who violates any established Regulation or Rule of Order. A point of order must be decided before the subject under consideration is proceeded with.
40. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
41. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
42. Decisions of the Chair on points of order or procedure, including an order expelling /excluding a person from the Council Chambers pursuant to Section 40 and 41 are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "SHALL THE DECISION OF THE WARDEN OR CHAIR BE SUSTAINED?".
43. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.

44. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair, or otherwise disrupts the proceedings of Council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
45. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
46. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to reenter Council Chambers and to resume participation in Council's business with or without conditions.
47. Every rate payer or other person shall have right to be heard before Council by petition and orally by himself/herself or agent in matters connected between himself/herself and the Municipality and others may be heard in affirmation or objection thereto by consent of Council. All requests from delegations will be referred to the Committee of the Whole or other appropriate Committee of Council. Any person wishing to appear before Council shall submit a written request stating the nature of the presentation to the Clerk at least twenty-four (24) hours prior to the next regularly scheduled meeting. Whenever possible the Clerk shall be provided with a written copy of the presentation to be retained as background information. Any delegation appearing before Council shall be allowed ten (10) minutes to address Council followed by a brief period for Council Members to ask questions.
48. Any person, who is not Council Member, officer or employee of the Municipality interfering with the proceedings of Council shall be called to order by the Chair, and if they fail to comply may, upon the order of the Chair, be removed from the Council Chambers by the police.
49. In all cases where the rules outlined herein do not appear to respond to a situation, it shall be decided according to the ruling of the Chair with reference to first the Municipal Government Act and then "Robert's Rules of Order", but the Chair shall not be expected to conform their decisions with parliamentary procedure texts or precedents.
50. In any case of conflict between this By-law and the *Municipal Government Act*, the provisions of the *Municipal Government Act* will apply.

THIS IS TO CERTIFY THAT the foregoing is a true and exact copy of a By-Law amended at a duly called meeting of the Municipal Council of the Municipality of the District of Guysborough held on the 9th Day of November, A.D., 2011.

GIVEN under the hands of the Warden and CAO and under the Corporate Seal of the Municipality aforesaid, this 9th day of November 2011, A.D., .

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WARDEN

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CAO