

BY-LAW NO. A-4

**A BY-LAW RESPECTING PROCEDURES OF COUNCIL
OF THE TOWN OF NACKAWIC**

BE IT ENACTED by the Council of the Town of Nackawic as follows:

1. Definitions

"By-law" means a by-law of the Town of Nackawic.

"Clerk" means a Clerk appointed pursuant to section 74 of the *Municipalities Act*.

"Council" means the Mayor and Councillors of the Town of Nackawic.

"Councillor" means a member of the Council other than the Mayor.

"Mayor" means Mayor of the Town or the person for the time being having the powers of or performing the duties of the Mayor.

"Member" or "member of council" means any person elected to Council.

"Point of order" means an issue raised by a participant at a meeting claiming that the procedures of a meeting or of an individual participant are contrary to procedural rules or practices.

"Quorum" unless otherwise defined means a majority of the members of Council holding office from time to time together with the Mayor or other presiding officer.

"Standing committees" are committees of Council established for the purpose of considering matters of ongoing nature and they usually have a continuing responsibility in those areas.

2. Meetings

2.01 The Mayor shall preside over all meetings. In the absence of or inability of the Mayor to preside over meetings, the Deputy Mayor shall preside.

2.02 Regular Meetings

- (1) Town Council shall hold regular meetings on the first and third Monday of each month. When any such Monday falls on a civic, public or statutory holiday, the Council shall meet on the following Tuesday.
- (2) Meetings of Town Council shall be held in the Council Chamber in the Town Hall or such other place as Council may establish by resolution. A resolution passed under this subsection shall make provision for public notice. The regular meetings of the Council shall be held at 7:30 pm.
- (3) All regular and special meetings of Town Council shall be open to the public and no member of the public shall be excluded there from except for improper conduct. The Mayor or other presiding officer may order the expulsion from any meeting any person guilty of improper conduct at such meeting.
- (4) The Town Clerk shall issue notices of all meetings of the Council and shall specify the time and the business to be transacted thereat. He or she shall cause such notices to be mailed or otherwise delivered to each Council member not later than forty-eight (48) hours before the time fixed for each meeting.
- (5) No matter shall be placed on the agenda for consideration at any regular council meeting unless the request for consideration of the matter is received by the Town Clerk, in writing, before 12:00 noon on the Friday preceding the day on which the meeting is to be held.
- (6) Any additional matter not included on the agenda shall only be considered with two-thirds of the consent of all members of Council present at the meeting.

2.03 Special or Emergency Meetings

- (1) The Mayor may at any time summon a special or emergency meeting or in his or her absence or incapacity, the Deputy Mayor may call such meeting.
- (2) Upon receiving a petition to summon a meeting by three Councillors, the Town Clerk shall summon a meeting for the purpose and at the time mentioned in the petition.
- (3) The Town Clerk shall issue notices of all special or emergency meetings of the Council and shall specify the time of such meeting and the business to be transacted thereat. He or she shall cause such notices to be mailed or delivered to the residence or place of business of the Mayor and Councillors at least one day before the meeting.
- (4) Except by unanimous consent of all the members present, a Council shall not consider any new business other than what was specified in the notice of meeting.

2.04 Committee of the Whole

- (1) If it is necessary at a meeting of Council or a committee of Council to discuss matters as identified in the *Municipalities Act*, and amendments thereto, the public may be excluded from the meeting for the duration of the discussion and Council may adjourn into a committee-of-the-whole session.
- (2) The Mayor shall be chairperson of committee-of-the-whole meetings. In the absence of the Mayor, the Deputy Mayor shall act as chairperson.
- (3) Members shall not be limited in the number of times they may speak on any matter, and the chairperson may state and debate his or her position on any matter without leaving the chair.

2.05 Committees of Council

- (1) Council may constitute special or ad hoc committees and appoint persons thereto.
- (2) At the first meeting of Council in June following the election, the Mayor shall prepare a report for Council's approval a list of persons to serve on committees of Council. In preparation for this report, the Mayor may request the assistance of other Council members.
- (3) Subject to subsection (1), appointments to committees shall be made each year by Council at the first regular meeting in January or such later date in January as Council may decide.
- (4) The Mayor is an ex officio member of all committees of Council and, as such, will be included in the membership to constitute a quorum of the committee, and will have voting privileges on motions before committees. In the absence of the Mayor from the committee meeting, the Deputy Mayor shall be an ex officio member.
- (5) A member of Council may attend meetings of any committee, whether or not a member of that committee, and may, with leave of the chair, take part in any discussion or debate in the committee, but shall not vote.
- (6) There shall be the following Standing Committees of Council:
 - (a) Finance Committee
 - (b) Planning Advisory Committee
 - (c) Library Committee
 - (d) Protective Services Committee
 - (e) Recreation Committee
 - (f) Public Works Committee
- (7) The first Councillor named to the standing committee shall act as chairperson of

the standing committee, and he or she shall call meetings on an as-need basis. Should the chairperson fail to call a meeting, when in the opinion of the majority of the committee members a meeting should be called, the Mayor shall call a committee meeting and appoint a person to chair said meeting.

(8) Vacancies on committees shall be filled no later than two months following their occurrence, and committee appointees shall serve until their successors are appointed.

3. Procedure at Meetings

3.01 (1) As soon after the hour of a meeting and a quorum is present, the Mayor shall take the chair and call the members to order.

(2) Unless there is a quorum within thirty minutes after the time appointed for the meeting of the Council, the Council shall then stand adjourned until such day of meeting as the Town Clerk shall then declare.

3.02 In case the Mayor and Deputy Mayor are both absent, the Town Clerk shall call the meeting to order and, on a chairperson having been chosen on motion, the Council shall proceed with the business of the meeting.

3.03 The business before the Council at each meeting shall be taken up in regular order as presented on the agenda unless otherwise determined by the vote of the members present.

3.04 (1) The Mayor shall preserve order and decorum and decide all questions of order, subject to an appeal to the Council and, in the absence of the Mayor and Deputy Mayor, the chairperson shall have the same authority.

(2) When a point of order is raised, the Mayor shall state and decide the point of order raised. If the point of order is appealed to as a result of the Mayor's decision, Council shall decide the question without debate. If there is no appeal, the decision of the Mayor shall be final.

3.05 If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other purpose, he or she shall call upon the Deputy Mayor. If the Deputy Mayor is not present, a Councillor can be called upon to preside until he or she assumes the chair.

3.06 Any member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member who is speaking.

3.07 (1) Every motion shall be seconded before being debated or put from the chair.

(2) Once a motion is moved and seconded, the mover shall have the privilege of speaking first, and have the privilege of closing debate.

(3) After a motion is read or stated by the Mayor, it shall be deemed to be in possession of the Council but may, with permission of the Council, be withdrawn at any time before decision or amendment.

(4) If a member moves that the vote be now taken and it is seconded, the motion shall be put without debate and, if carried, the motion and amendments under discussion shall immediately be submitted to the Council without further discussion.

(5) Upon a division of the Council, the names of those who voted against the question shall be entered into the minutes.

3.08 No member of Council shall speak disrespectfully of the Council, another member of Council, or use offensive or profane language.

3.09 (1) Unless disqualified to vote by reason of conflict of interest or otherwise, every member of Council present shall announce their vote openly and individually, and it shall be recorded by the Clerk.

(2) If any member refuses to vote for other than the reason herein before stated, he or she shall be recorded as voting in the affirmative on the question before the Council.

4. Conflict of Interest

(1) Sections 90.1 to 90.91, inclusive, of the *Municipalities Act*, and amendments thereto, will govern any conflict of interest.

(2) Where a member of Council has a conflict of interest with respect to any matter of business before a meeting of Council, a meeting of a committee of Council, or any other meeting at which business of Council is conducted, the member of Council shall

(a) as soon as the matter is introduced, disclose the conflict of interest, and
(b) forthwith withdraw from the meeting while the matter is under consideration or vote.

(3) In addition, Council members in conflict must fill out a disclosure of interest form, prescribed by regulation, to be excluded from any motions involved and file said form with the Town Clerk.

5. Minutes

(1) The minutes of the next preceding meeting need not be read in open Council unless a Councillor present requires the reading, in which case, the Clerk shall read the minutes.

(2) The Clerk shall record in a book, all resolutions, decisions and proceedings of the Council. Minutes shall record the place, date and time of commencement of the meeting, and the names of all members of Council in attendance.

6. Reconsideration

Council may reconsider a resolution, bylaw or any matter that has been adopted by Council within the past 3 months, subject to the following:

(1) a notice of motion to reconsider must be served by a member of Council on the prevailing side,

(2) a motion to reconsider, if duly moved and seconded, shall be considered at the next regular meeting,

(3) a motion to reconsider must be supported by a majority of the members of the whole Council before the matter to be reconsidered can be debated, and

(4) a vote to reconsider shall not be considered more than once in a 3 month period.

7. Enactment of By-laws

7.01 Every by-law shall be read three times by title and read in its entirety in Council at least once subsequent to second reading by title. If a notice describing the by-law by title and the subject matter generally is published in a general circulation newspaper, and has been published twice a week for two weeks the by-law may be passed by the reading of the section numbers only.

7.02 Unless all the members of Council present declare by resolution that an emergency exists, not more than two of the three readings by title shall take place at one meeting of the Council.

7.03 When a by-law has been given the several readings required, it shall be deemed to have been passed and enacted and shall then be sealed with the corporate seal of the Town and signed by the Clerk and by the Mayor or other member of Council who presided at the meeting at which it received third reading by title.

7.04 A proposed bylaw may be amended at any time prior to third reading by title.

7.05 For any by-law requiring a hearing of objections, a Councillor, who is not physically present for the hearing, must remove him or herself from the council chamber during any subsequent debate upon the by-law and must not participate in the vote upon the issue.

8. Appropriations and Expenditures

8.01 Over Expenditure

No work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of the Council.

8.02 Payment of Accounts

- (1) All accounts against the Town for payment shall be paid on a timely basis.
- (2) All accounts shall be paid by the Town Treasurer after approval by the pertinent department head.

8.03 Auditor's Report

The Town Auditor shall complete an annual audit in accordance with section 82 of the *Municipalities Act*, and amendments thereto, and shall transit to Town Council a certified copy of the financial statements of the Town together with a copy of a report thereon.

9. Town Clerk

9.01 In addition to the duties prescribed by the *Municipalities Act*, and amendments thereto, or by any other by-law of the Town, the Town Clerk shall:

- (1) cause such minutes and proceedings of all meetings of Council and its committees to be reproduced,
- (2) cause a copy of such minutes to be mailed to, or otherwise delivered to each member of the Council at least one day before the next meeting of the Council or committee of Council,
- (3) furnish promptly to the chairperson of any committee and any Town Officer affected thereby copies of all orders or resolutions made by the Council so that the requirements of the same may be carried into effect,
- (4) prepare and cause to be delivered to the members of Council notices of all meetings of the Council and all meetings of committees,

(5) notify any person appointed to any office by the Council of his or her appointment and prepare and issue any necessary commissions for such officers, and

(6) perform such other duties that he or she may be required to do by resolution of the Council.

9.02 **Assistant Town Clerk**

The Assistant Town Clerk shall be subject to the direction of the Town Clerk. He or she shall act as Town Clerk in the absence or disability of the Town Clerk and, in such case, exercise all the powers of the Town Clerk.

10. **Suspension of Rules**

No standing rule or order of Council set out in this by-law shall be suspended unless two-thirds of the members present shall consent thereto, nor shall this by-law be repealed or amended unless a majority of the whole Council shall concur therein.

11. **Authority of Robert's Rules of Order**

In matters of procedure not herein provided for, "Robert's Rules of Order" shall govern.

12. **Repeal Provision**

12.01 By-Law No. 59-1993, A By-Law Respecting Procedures of The Town Council and Town Administration, passed by Town Council on March 21, 1994, and By-Law 59-93 (96A), A Policy By-Law Amendments passed by Town Council on December 16, 1996 and amendments thereto, are hereby repealed.

12.02 The repeal of By-Law No. 59-1993, A By-Law Respecting Procedures of The Town Council and Town Administration, and By-Law 59-93 (96A) Policy By-Law Amendments and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF
NACKAWIC ON MARCH 1, 2004.

Robert G. Connors, Mayor

Nancy Cronkhite, Chief Administrative Officer

First Reading: February 16, 2004
Second Reading: March 1, 2004
Third Reading: March 1, 2004