

**TOWN OF STEWIACKE
BY-LAW NUMBER 2017 - 23**

1. **Short Title**

This by-law may be cited as the **“Meeting and Procedures By-law”**

2. In this By-law, unless the context otherwise requires,

- (1) “business day(s)” means a day when the Town of Stewiacke office is open for business;
- (2) “Chair” means the presiding officer;
- (3) “Council” means the Council of the Town of Stewiacke;
- (4) “Council Member(s)” include(s) the Mayor unless the context indicates otherwise;
- (5) “majority” means more than one half of those present, unless the context indicates otherwise.

Time, Place, Date and Notice of Meetings

3. Unless otherwise specified pursuant to section 4, regular meetings of Council shall be held

- (1) at Council Chambers in the Town Office;
- (2) on the fourth Thursday in each month except during the months of July, August and December when there shall be one combined council / committee meeting held on the third Thursday of the month; and
- (3) commencing at 7:00 p.m.

4. Regular meetings of Council may be rescheduled, relocated or cancelled

- (1) by resolution or consensus of Council at a previous meeting three or more days in advance of the regular meeting; or
- (2) by the CAO on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.

5. Additional or special meetings of Council may be convened

- (1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting; or
- (2) by the CAO on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.

6. Specific notice to Council Members and to the public need not be provided of

- (1) meetings held pursuant to section 3; or
- (2) meetings held pursuant to subsections (1) of section 4 or 5;

but, subject to any statutory relaxation of notice requirements, three day's notice shall be specifically provided for other meetings to Council Members in the manner described in sections 7 and 8 and to the public in the manner described in section 9.

7. Subject to section 6, notice of meetings shall be provided verbally, by telephone or telephone answering machine, or in writing including electronic mail or facsimile messages to each Council Member.
8. Within 30 days following the first meeting of Council after a municipal election or by-election, each elected Council Member shall provide to the CAO;
 - (1) a telephone number at which the Council Member has, and will maintain, access to a telephone answering machine which the Council Member will check at least once per day; or
 - (2) an electronic mail address or facsimile telephone number at which the Council Member has, and will maintain, access to electronic mail or facsimile messages, as the case may be, and which the Council Member will check at least once per day;

failing which the Council Member shall be responsible for checking, at least once per business day, a mailbox assigned to the Council Member and marked with the Council Member's name located at the Town Office and shall be deemed to have chosen this method of notification. The Council Member shall be deemed to have received any notice within one business day of it being sent or left by the method of the Council Member's choice pursuant to this section.

9. Subject to section 6, notice of meetings shall be provided to the public by posting at the Town Hall and on Town web sites a "Notice of Council Meeting" containing the time, date and place of the meeting.

Roll Call and Quorum

10. A majority of the members of Council and the Mayor is considered a member of Council shall constitute a quorum for the transaction of business.
11. At the time appointed for any meeting of the Council, if ten minutes elapse without a quorum being present, the members present shall meet, and
 - (1) Adjourn the Council; or
 - (2) Extend the time for the meeting of the Council for one half hour from the hour fixed for such meetings when, if a quorum is still not present, the Council shall stand adjourned.

12. A councillor not present at roll call may have their name entered as present if they join the Council at the place of meeting within thirty minutes after the opening of the session in question and if the councillor calls the attention of the Town Clerk to that fact immediately on arrival.
13. Council may excuse, by resolution, the absence of a councillor if it feels there is just cause in accordance with the Attendance at Council Meeting Policy.
14. A councillor who, without this leave of Council, is absent from three consecutive regular meetings of Council shall thereby vacate their office, and the office shall be declared vacant by the Council, in accordance with the *Municipal Government Act* (MGA) and the Attendance at Council Meeting Policy.

Conduct of Meetings: General

15. The rules and regulations contained in this by-law shall be observed in all proceedings of Council and any of its committees; and in any case for which provision is not made herein the procedure to be followed shall be as described in "Bourinot's Rules of Order fourth revised edition" by Geoffrey Stanford and as revised from time to time.
16. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.
17. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments approve the minutes.
18. The minutes shall be kept by the Town Clerk and shall:
 - (1) record the time when any Council Member joins or leaves a meeting which is in progress;
 - (2) contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;
 - (3) mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.
19. 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 a motion had been duly moved, seconded and passed by vote;
- (3) receive and submit to Council motions properly presented 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 them 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 when required;
- (11) permit proper questions to be asked through the Chair of any official or employee of the Town, or presenter in attendance, to provide information to assist any debate;
- (12) 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; and
- (13) adjourn the meeting in the case of grave disorder arising in the Council Chambers.

20. At Council meetings, unless a majority consents to a different order for that meeting, Council shall conduct business in the following order;

- (1) call to order
- (2) attendance;
- (3) approval of / changes to agenda;
- (4) disclosure of interest on agenda items;
- (5) approval of minutes from the previous meeting;
- (6) announcements / proclamations;
- (7) presentations;
- (8) written petitions / correspondence;
- (9) business;
- (10) by-law and policies;
- (11) citizens comments;
- (12) mayor report;
- (13) councillors reports;

- (14) in camera session;
 - (15) notice of motions and reconsideration;
 - (16) adjournment.
21. At the time the agenda is put forward for approval the Chair shall inquire of Council Members whether they have any new or other business. Council Members having such business shall then identify it for the Chair, or they will lose the right to raise new or other business at the meeting.
 22. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate the Council Member who first raised a hand, as the Council Member who has the floor.
 23. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of their remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
 24. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
 25. No Council Member shall speak more than ten minutes upon any matter at one time, without the leave of Council.
 26. Council permits citizen comments on their agenda and these comments will be limited to 5 minutes.

Petitions

27. Every ratepayer or resident of the Town, and every corporation doing business therein, shall have the right to be heard before Council by petition and every petitioner shall be entitled to be heard at the time of presentation of the petition.
28. Persons accompanying the petitioner may be heard, in support of such petition, if they have obtained consent by a majority vote of the Council.
29. Every petition shall be presented to the Council either by a member of Council or by the Clerk and the individual presenting the petition shall be

prepared to advise Council that the petition does not contain any impertinent or improper matter and that the petition shows due respect and reverence in its language and contents.

30. When petitioners, or person speaking in support of a petition, address Council, they shall exhibit the utmost of respect and reverence for the Council and its members both in speech and in action; and they shall at no time argue with the Council in answer to any question put by the Council or by a Council member, but they shall answer the same respectfully.
31. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
32. The filing of a petition with the Clerk shall be done at least one week before the first day of the meeting of Council at which it is to be considered, and the Clerk shall keep a book containing a record of all petitions so filed.

Conduct of Meetings: Motions and Voting

33. The Chair shall state every question properly presented to Council and before putting it to a vote, shall ask "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
34. 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 Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.
35. A motion must be seconded and then repeated by the Chair or read aloud by the Clerk before it is debated. The Chair may direct that the motion be put in writing.
36. After reading of a motion by the Chair or Clerk, it shall be open for discussion.
37. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.

38. When any question is before the Council, the only motions in order shall be:
- (1) a motion in amendment of the original motion;
 - (2) a motion to refer the question, including the motion and amendment if one is moved, to any committee;
 - (3) a motion to defer the consideration of the question either indefinitely or to a specified time;
 - (4) a motion to close the debate at a specified time;
 - (5) a motion that the question be put to a vote;
 - (6) a motion to adjourn.
39. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:
- (1) to refer to a committee;
 - (2) to defer the consideration of the question;
 - (3) to close the debate at a specified time;
 - (4) that the question be put to a vote;
 - (5) to adjourn.
- any of which may be moved either to the original motion or to the amendment of the original motion.
40. A motion:
- (1) that the debate be closed at a specified time; or
 - (2) 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.
41. A motion that the question be put to a vote shall preclude all amendment 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.
42. A motion to adjourn shall always be in order except in the following cases:
- (1) when a Council Member is in possession of the floor;
 - (2) when the "yeas" and "nays" are being called;
 - (3) while the Council Members are voting; or
 - (4) when the adjournment was the last preceding motion.

43. The following questions shall be decided without debate:
 - (1) a motion to reconsider;
 - (2) all motions as to priority of business or as to the suspension of the order of the day;
 - (3) application to speak more than the prescribed number of times;
 - (4) a motion to allow any person other than the Council Members to address the Council;
 - (5) a motion to postpone to a specified time or day;
 - (6) a motion to lay on the table when claiming a privilege over another person; and
 - (7) a motion to adjourn.
44. 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. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
45. Except for matters arising from correspondence, committee 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 Town of Stewiacke to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.
46. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
47. After any question has been decided, either in the affirmative or negative, any one Council Member may, after the decision has been announced from the chair, but before adjournment of the meeting, give notice of an intention to move reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.
48. Unless reconsideration is moved at the next meeting the right of reconsideration shall be lost.
49. No discussion of the main question shall be allowed on the motion for reconsideration.
50. The following matters are not eligible for reconsideration:
 - (1) a motion approving the first or second reading of a By-Law enactment, amendment or repeal;

- (2) a motion to decide upon a matter which was the subject of a statutory hearing by Council;
- (3) 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, or may adopt or reject, the recommendation of Committee of the Whole;
- (4) a matter which has been reconsidered once; and
- (5) a vote to reconsider.

Conduct of Meetings: Points of Order

- 51. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
- 52. 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.
- 53. 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.
- 54. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 50 and 52, 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 Chair be sustained?"
- 55. 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.
- 56. 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.

57. 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.
58. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.
59. Persons who are not Council Members or officers or employees of the Town of Stewiacke shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.
60. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers with or without conditions.
61. An order of the Chair to expel a person from the Council Chambers pursuant to sections 50 and 52 of this By-law constitutes a direction from the Town of Stewiacke to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
62. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability, but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
63. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.
64. The procedural requirements in the By-law are intended to complement and supplement, and not to replace, the requirements contained in the *Municipal Government Act*.
65. By-Law 2000 – 05, Meeting and Procedures By-law is repealed.

Annotations for Official By-law Book

Date of First Reading: May 18th 2017

Date of advertisement of Notice of Intent to Consider: June 2nd 2017

Date of second reading: June 22nd 2017

Date of advertising of Passage of By-law: July 8th 2017

Date of mailing to Minister a certified copy of By-law: July 10th 2017

I certify that this Meeting and Procedures By-law was adopted by Council and published as indicated.

CAO / Clerk

Date