

MUNICIPALITY OF THE DISTRICT OF ARGYLE

BY-LAW No. 26

A By-Law to Regulate the Meetings of the Council and the Conduct Thereof

WHEREAS under Section 47 (1) of the Municipal Government Act (1998), Council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law;

AND WHEREAS in the Municipal Government Act (1998), within the following Sections, Council may determine procedures for the specified areas,

- (a) Section 19 refers to Council meetings
- (b) Section 20 refers to Quorum of Council
- (c) Section 21 refers to Voting at a Council Meeting
- (d) Section 22 refers to Open Meetings and Exceptions;

NOW THEREFORE, the Council of the Municipality of the District of Argyle, in open meeting assembled, enacts as follows:

1. Title

This By-law may be cited for all purposes as the "COUNCIL PROCEDURE BYLAW NO. 26"

Part 1 – GENERAL

2. Interpretation

In this By-law, unless the context requires otherwise:

"CHAIR"	means the Warden or a Councillor while acting as Warden.
"CHIEF ADMINISTRATIVE OFFICER"	means the person duly appointed as such from time to time and includes any person appointed or designated by the Chief Administrative Officer to act on his/her behalf.
"CLERK"	means the person duly appointed as such from time to time, and includes his/her lawful deputy.
"DECLARATION"	means that as soon as practicable after the commencement of the meeting disclose the interest and the general nature thereof as per Section 6 of the Municipal Conflict of Interest Act.
"COUNCIL"	means the Council of the Municipality of the District of Argyle.
"MAJORITY"	means more than one half of those present, unless the context indicates otherwise.

“MEMBER”	means a member of the Council.
“NOTICE BOARD”	means the notice board at the Municipal building.

3. Council a Continuing Body

- 3.1 The Council is, and has been since incorporation, always continuing and existing, notwithstanding a change in its membership.
- 3.2 The Council, after being sworn in, may take up and carry on to completion all proceedings announced but not completed prior to its swearing in.

4. Quorum

A quorum of Council shall be five (5) members.

5. Warden – Appointment

- 5.1 At the first meeting of the Council in a regular election year or when the office of Warden becomes vacant, Council shall from amongst its members appoint, by resolution, a person to serve as Warden of the Municipality.
- 5.2 At the first meeting of the Council in a regular election year or when the office of Deputy Warden becomes vacant, the Council shall from amongst its members appoint, by resolution, a person to serve as Deputy Warden and shall fulfill the responsibilities of the Warden in his/her absence.
- 5.3 In the event that the Warden and Deputy Warden are not present at the time appointed for a meeting, the Chief Administrative Officer shall call the members to order and, if a quorum is present, the members shall choose an Acting Warden who shall preside during the meeting or until the arrival of the Warden.

6. Council Inaugural Meeting

The Council shall meet on the second Tuesday after November 1st in an election year for its inaugural meeting, and the meeting shall be held after 6:00 p.m. at a time and place designated by the Warden elect.

7. Notice of Regular Council Meetings

- 7.1 At least 48 hours before a regular meeting of Council, the Chief Administrative Officer must give public notice of the time, place and date of the meeting by way of a notice posted on the notice board.
- 7.2 At least 24 hours before a regular meeting of Council, the Chief Administrative Officer must post a final copy of the agenda on the notice board.
- 7.3 At least 24 hours before a regular meeting of Council, the Chief Administrative Officer must place a final copy of the agenda package for each member of Council in each member’s mail slot at the Municipal Office.

8. Location and Time of Regular Meetings of Council

- 8.1 Regular meetings of Council shall be held every second Tuesday of the month except for those occasions where Council is away at the Federation of Canadian Municipalities (FCM) or Union of Nova Scotia Municipalities (UNSM) conventions, or if the majority of Council are away for any unforeseen reason.
- 8.2 Meetings of Council shall convene at 7:00 p.m. in the Council Chambers at the Municipal Office in Tusket, Nova Scotia.
- 8.3 Regular meetings of Council may be rescheduled, relocated or cancelled by resolution or consensus of Council or Committee of the Whole at a previous meeting three (3) or more days in advance of the additional or special meeting; or by the Chief Administrative Officer on behalf of the Warden, owing to unforeseen circumstances, provided the Warden reasonably believes that the majority of Council members support such an action.
- 8.4 Additional or special meetings of Council may be convened by resolution or consensus of Council or Committee of the Whole at a meeting three (3) or more days in advance of the additional or special meeting; or by the Chief Administrative Officer on behalf of the Warden owing to unforeseen circumstances, provided the Warden reasonably believes that the majority of Council members would support such an action.

9. Attendance of Public at Meetings

- 9.1 Except where the provisions of subsection 22(1) of the Municipal Government Act apply, all Council meetings and meetings of committees appointed by Council shall be open to the public.
- 9.2 Where Council wishes to close a meeting to the public, it may do so by adopting a resolution in accordance with subsection 22 (3) (4) of the Municipal Government Act.
- 9.3 This section applies to all meetings of Council or Committees to discuss matters relating 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

Part II – MEETINGS

10. Opening Procedures

- 10.1 At the hour set for a meeting to commence, and provided that a quorum is present, the Chair shall call the meeting to order.

- 10.2 Should there be no quorum present within fifteen (15) minutes after the time appointed for a meeting to commence, the Clerk shall record the names of the members present and shall adjourn the meeting.
- 10.3 If a Council meeting is adjourned under Section 10.2, then the next meeting of the Council shall be held on the next Tuesday thereafter at a time specified by the Chair.

11. Agendas and Reports

- 11.1 Prior to each Council meeting, the Chief Administrative Officer shall prepare an Agenda setting out all items for consideration at that meeting, noting in short form a summary of each respective item.
- 11.2 The Agendas shall include the Chief Administrative Officer's report as a separate item.
- 11.3 All reports from advisory bodies to Council shall include a synopsis of the information relating to each item under consideration and a recommendation from the advisory body.
- 11.4 All reports from Municipal staff shall be introduced to Council by way of the Chief Administrative Officer's report and the report shall include a synopsis of the information relating to each item under consideration, and the Chief Administrative Officer's recommendations on that item.
- 11.5 The deadline for the public to submit items to the Chief Administrative Officer for inclusion on the Council meeting Agendas shall be 1:00 p.m. on the Monday preceding the meeting.
- 11.6 Council Agendas for regular Council meetings will be available to the members of the Council and the public on the Friday afternoon prior to the meeting.
- 11.7 Only those matters included on the agenda shall be considered or dealt with at the Council meeting unless a new matter for consideration is properly introduced as a late item.
- 11.8 The Agenda for a Council meeting shall have attached to it copies of all pertinent communications, reports, resolutions and by-laws to be considered at the meeting.

12. Order of Business

- 12.1 In preparing the Council Agenda, the Clerk shall state the business for consideration of the Council in accordance with the following headings:

- Call to Order
- Public Hearings
- Declarations
- Approval of the Agenda (late items)
- Presentations
- Adoption of Minutes
- Business Arising from the Minutes
- Warden's Report
- Councillors' Report
- Chief Administrative Officer's Report
- Notice of Motion
- New Business

Consideration of Correspondence
Question Period
Adjournment

- 12.2 Notwithstanding the provisions under Section 12.1, it shall always be in order for the Council to vary the order in which business on the Agenda shall be dealt with by a majority vote of the members present.

13. New Business

- 13.1 A Council member desiring to bring any new matter before Council, other than a point of order or a point of privilege, or a matter of a purely informational nature, may do so during "New Business".
- 13.2 A member of Council bringing forward any new matter under Section 13.1 shall do so by way of motion. The Chair may determine that consideration of the new matter requires further information than is available at the meeting, in which case the Chair may deem the item to constitute a "Notice of Motion".

14. Notice of Motion

- 14.1 Any Council member may give "notice of motion" respecting an item which he intends to present by giving a copy of such motion to the Clerk during a meeting of the Council and upon the member being acknowledged by the Chair and the notice of motion being read to the meeting.
- 14.2 A copy of the motion presented under Section 14.1 shall be distributed to each Council member and shall appear in the minutes of that meeting as a "Notice of Motion". The Chief Administrative Officer shall place the motion on the Agenda of the next Council meeting or future meeting designated by the member bringing forward the notice of motion for consideration.

15. Question Period

At the conclusion of the proceedings, the Council members shall provide time to answer inquiries from the media and any member of the public, but such inquiries shall be strictly limited to matters considered by the Council at that particular meeting. The Chair shall determine, if necessary, when sufficient discussion has taken place.

Part III – MINUTES

16. Adoption and Distribution

- 16.1 The Clerk shall distribute a copy of all minutes of Council meetings to each member of Council.
- 16.2 Whenever possible, minutes of a given meeting shall be adopted at the next Council meeting. Once adopted, all minutes shall be signed by the Chair who presided at the meeting and by the Chief Administrative Officer.

Part IV – RULES OF ORDER AND DEBATE

17. Decorum in Debate

- 17.1 Every Council member who wishes to speak to any question or motion shall raise their hand, wait to be recognized by the Chair and shall address themselves to the Chair.
- 17.2 Members of Council shall address the Chair as “Mr. Warden”, “Madame Warden”, or “Mr. or Madame Chair” as the case may be, and shall refer to each other as “the Warden” or “Councillor _____ “ as the case may be.
- 17.3 Members of staff shall be addressed as Mr., Mrs., or Ms. or else shall be referred to by their official title.
- 17.4 When two or more Council members desire to speak at the same time, the Chair shall name the member who shall have the floor.
- 17.5 No Council member shall speak a second time to the same question as long as any member who desires to speak has not spoken to that question.
- 17.6 When the Chair is of the opinion that there has been sufficient debate he/she may put the question.
- 17.7 Any questions addressed to staff shall be put through the Chair to the Chief Administrative officer who shall refer the matter to the appropriate staff representative.

18. Chair – Questions of Order

- 18.1 The Chair may call any Council member to order while that member is speaking.
- 18.2 When such action is taken, the Chair shall immediately suspend the debate, and the Council member in question shall refrain from speaking until the point of order is determined by the Chair, whose ruling is subject to an appeal by the Council members. 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?”
- 18.3 No Council member shall speak to any matter other than the question in debate or reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.
- 18.4 No Council member shall resist the rules of the Council nor disobey the decision of the Chair on points of order or practice, or upon the interpretation of the rules of the Council.
- 18.5 Should any Council member resist or disobey the decision of the Chair, the members may order the member in question to leave his/her seat for that meeting and in the event of his/her refusing to do so, the Chair may order the police to remove this member from the meeting.
- 18.6 In the event of satisfactory apology being made by the offending member, the Council may, by vote of the majority, permit the member to resume their seat.
- 18.7 When the Chair is putting a question, no Council member shall walk out of the room.

- 18.8 When a Council member is speaking, no other member shall hold discourse, which may interrupt the speaker except to raise a point of order.
- 18.9 Any Council member may, by right, require the question under discussion to be read for his/her information at any period of the debate, but shall not do so as to interrupt a member speaking.
- 18.10 After a question is finally put by the chair, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- 18.11 Persons who are not Council members or officers or employees of the Municipality shall observe silence and order in the Council Chambers, unless given permission to speak. The Chair shall call any such persons disturbing the proceedings of Council to order and, if they fail to comply, they 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.
- 18.12 Any rules of order may be suspended in its operation by the unanimous consent of the Council members present.

19. Voting

Whenever a vote of the Council is taken for any purpose, each member present and voting shall signify their vote upon the question, openly and individually by raising their hand, and the Chair shall declare the motion carried or defeated as the case may be.

20. Recorded Votes

- 20.1 Should a Council member call for a recorded vote prior to the vote on a question being taken, the names of those who vote for and those who vote against the question shall be entered on the minutes and the Warden shall read aloud the names and the outcome of the vote.
- 20.2 No vote shall be taken in a Council meeting by ballot or by any other method of secret voting, except at the first meeting of the Council in a regular election year or when the office of Warden or Deputy Warden becomes vacant, Council may use a secret ballot to fill these positions.
- 20.3 Council members who are in the room shall always take their places when a vote is called for, and shall not leave until the vote has been taken.

21. Reconsideration

- 21.1 A resolution which was decided either in the affirmative or negative may be brought back before Council by any two (2) Council members (a mover and a seconder), after the decision has been announced from the Chair, but before adjournment of the meeting give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.

- 21.2 The right of reconsideration shall be lost unless:
- (a) reconsideration is moved at the next council meeting by a member who initially voted in the affirmative on the motion; or
 - (b) reconsideration is moved at the next council meeting by a member who was absent from the previous council meeting during the original vote on the motion;
- provided that in all circumstances, no more than forty (40) days have elapsed since the original vote.
- 21.3 No discussion of the main question shall be allowed on the motion for reconsideration.
- 21.4 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 a 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, or may adopt or reject, the recommendation of Committee of the Whole.
 - (d) a matter which has been reconsidered once; and
 - (e) a vote to reconsider

22. 10:00 P.M. Curfew

The Council shall observe a 10:00 P.M. curfew whereby the item on the Agenda under discussion at 10:00 P.M. will be the last item dealt with on that day unless, by majority vote, the Council members decide to extend the time of adjournment.

23. Robert's Rules of Order

Robert's Rules of Order shall govern all the proceedings of the Council.

Part V – MOTIONS

24. Mover and Seconder

Every motion shall be recorded in writing by the Clerk and shall be seconded before being debated or put from the Chair.

25. Consideration of Motions

When any motion is under consideration, no other motion shall be received except a motion to:

- (a) amend the original motion;
- (b) refer the question, including the motion and amendment if one is moved, to any committee;
- (c) defer the consideration of the question either indefinitely or to a specific time;
- (d) close the debate at a specific time;
- (e) that the question be put to a vote;
- (f) adjourn.

26. Withdrawal

After a motion has been made as provided under Section 25, it shall be deemed to be in the possession of the Council, but the motion may be withdrawn at any time before a decision or amendment is made by the mover of the motion provided that the mover has the consent of the seconder.

27. No Debate

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) application 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 specific time or day;
- (f) a motion to lay on the table when claiming a privilege over another person; and
- (g) a motion to adjourn.

28. Amendments

28.1 A Council member may move that a motion be amended in one of the following ways:

- (a) by "adding" certain words, or
- (b) by "striking out" words or paragraphs, or
- (c) by "striking out" certain words and inserting others.

28.2 When a Council member moves to amend a motion, the Chair shall state the original motion followed by the amendment and then shall propose the question on the amendment to Council.

28.3 When the question on the amendment is resolved, the Chair shall again propose the main question and debate or other amendments may be submitted.

Part VI – BYLAWS

29. Reading of By-Laws

29.1 Every proposed by-law shall receive three (3) separate readings prior to its final adoption.

29.2 The first three readings of a by-law may be given on the same day, except in the case of a community plan designation by-law or a zoning by-law, which is to be considered at a Public Hearing.

29.3 All by-laws shall be read three times and at least fourteen (14) days before a by-law is read for a second time, notice of Council's intent to consider the by-law shall be published in the local newspaper. The notice shall include the object of the by-law, date and time of Council's review, and place where the by-law may be inspected.

29.4 The readings of a by-law may be given in a short form.

- 29.5 The only motion required for the first and second reading or the first, second and third reading of a by-law shall be:

“Moved by Councillor _____, seconded by
Councillor _____ that (full title of by-law) (short description)
pass its (first and second; or first, second and third reading)”.

- 29.6 Where the Council resolves to consider a by-law clause by clause in Council, such consideration shall be done at the second reading of the by-law.
- 29.7 The Clerk shall keep the original certified copy of the by-law under the seal of the Municipality in a by-law records file.
- 29.8 The Clerk shall provide a copy of any by-law to a person at a reasonable price.

Part VII – GENERAL

30. Any one or more of the rules and orders contained in this by-law may be temporarily suspended by an affirmative vote of the majority of all Council members.

31. Repeal of Former By-Law

“Council By-Law No. 3” is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 13th DAY OF NOVEMBER, 2001.

READ A SECOND TIME IN OPEN COUNCIL THIS 11th DAY OF DECEMBER, 2001

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 11TH
DAY OF DECEMBER, 2001.

ALDRIC B. d'ENTREMONT
WARDEN

DENNIS M. EGYEDY
CHIEF ADMINISTRATIVE OFFICER