

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 28

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Being a by-law to regulate the meetings of Council and the conduct thereof.

The Council of the Village of Port Clements, in open meeting assembled, enacts as follows:-

1. This by-law may be cited as the "Procedure By-law".

ACTING-MAYOR

2. (1) The Council shall, at the statutory meeting of Council in each year, and may from time to time appoint one of its members to be Acting-Mayor, and such Acting-Mayor has, during the absence or illness or other disability of the Mayor, all the powers and is subject to the same rules as the Mayor.

(2) In the event that the office of Mayor becomes vacant, the Acting-Mayor shall continue in office until such time as another Mayor shall have been elected or appointed.

MEETINGS OF THE COUNCIL

3. After the statutory meeting of the Council, the Council shall meet on the Second Monday of each and every month at the hour of Seven-thirty o'clock P.M., or in case such Monday is a holiday, the Meeting shall be held on the following legal day thereafter.

4. (1) A special meeting, being a meeting other than a statutory, regular or adjourned meeting, may be called by the Council, at a meeting of Council, or at any time by the Mayor, or upon the request, in writing, of two or more members of the Council. A special meeting may only be called for a specific purpose or purposes.

(2) In the case the Mayor within twenty-four hours after receiving the written request mentioned in sub-section (1) refuses or neglects to call the special meeting, to be held within seven days after the day upon which the request was received by him, or if the Mayor is absent, then two or more members of Council may call a special meeting.

(3) The Clerk shall give notice of the day, hour and place of the special meeting at least twenty-four hours before the time of meeting, by posting a copy of the notice at the regular place of meeting of the Council and by leaving one copy of the notice for each member of Council at the place to which he has directed such notice to be sent, unless the notice is waived by unanimous vote of all the members of the Council. Each copy of the notice shall be signed by the Mayor or Clerk or, if the meeting is called pursuant to sub-section (2), by the members of Council who called the meeting.

5. (1) The regular meetings of Council shall be open to the public but a person may be excluded for improper conduct.

(2) If in the opinion of the Council the public interests so require the Council may exclude from a special meeting;

(a) persons other than its members and officials or
(b) persons other than its members

MINUTES

6. (1) The minutes of the proceedings of all meetings of the Council shall be legibly recorded in a minute-book. The minutes shall be certified as correct by the Clerk, and shall be signed by the Mayor or other member presiding at such meeting or at the next meeting at which they are adopted and, with the exception of the minutes of a special meeting from which persons mentioned in sub-section (2) of section 5 were excluded, the said minutes shall be open for the inspection of any person, who may make copies thereof and extracts therefrom at all reasonable times on payment each time of a fee of twenty-five cents.

(2) The minutes of the proceedings of standing committees, Courts of Revision and other administrative bodies shall be legibly recorded in a minute-book, and shall be signed by the Mayor or member presiding, and, with the exception of the minutes of a standing committee or other administrative body relating to matters for adoption by the Council, the said

minutes shall be open for the inspection of any person, who may make copies thereof and extracts therefrom, at all reasonable times, on payment each time of a fee of twenty-five cents.

OPENING PROCEDURES

7. As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the chair and call the members to order.

8. In case the Mayor does not attend within 15 minutes after the time appointed for a meeting, the Acting-Mayor shall take the chair and call the members to order, or if the Acting-Mayor is absent, the Clerk shall call the members to order and, if a quorum is present, the members shall appoint an Acting-Mayor who shall preside during the meeting or until the arrival of the Mayor. Such person appointed as Acting-Mayor has all the powers and is subject to the same rules as the Mayor.

9. Should there be no quorum present within 30 minutes after the time appointed for the meeting, the Clerk shall record in the Minute-book the names of the members present at the expiration of such 30 minutes and the meeting shall stand adjourned until the next day of meeting.

10. Immediately after the Mayor has taken his seat, the minutes of the preceding meeting shall be read by the Clerk in order that any mistake therein may be corrected by the Council, provided that such reading shall be dispensed with if each member has received a copy of the minutes at least forty-eight hours before the meeting at which they are to be considered.

AGENDA

11. Unless the Mayor or two-thirds of the Council otherwise directs, the business at all regular meetings of the Council shall be proceeded with in the following order:

- 1st Minutes
- 2nd Business arising from the Minutes and Unfinished Business
- 3rd Petitions and Delegations
- 4th Original Communications
- 5th Reports
- 6th Motions
- 7th By-Laws
- 8th Any other Competent Business

12. The Clerk shall prepare an Agenda before every regular meeting of Council and shall circulate a copy to each member at least forty-eight hours before the meeting.

13. When any Order, Resolution, or Question is lost by reason of the Council or any Committee thereof breaking up for want of a quorum, the Order, Resolution or Question so lost shall be the first item of business to be proceeded with and disposed of at the next meeting of the Council or Committee under that particular head.

ADJOURNMENT

14. The Council shall always adjourn at the hour of ten-thirty P.M. if in session at that hour, unless otherwise determined by a two-thirds vote of the members present.

RULES OF CONDUCT AND DEBATE

15. Every member shall address himself to the Chair before speaking to any question or motion.

16. Members shall address the Chair as "Mr. Mayor" and shall refer to each other as "Alderman _____".

17. No member shall speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or

persons administering the Government of Canada or of this Province, nor shall he use offensive words in or against the Council or against any member thereof; nor shall he speak beside the Question in debate, and no member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded, nor shall he resist the rules of the Council or disobey the decision of the Mayor or of the Council on questions of order or practice, or upon the interpretation of the rules of the Council, and in case any member shall so resist or disobey, he may be ordered by the Council to leave his seat for that meeting, and in case of his refusing to do so he may, on the order of the Mayor, be removed therefrom by the Police; but in case of apology being made by the Offender, he may by vote of the Council be permitted to forth-with re-take his seat.

18. No member may speak more than once to the same question without leave of the Council, except in explanation of a material part of his speech which may have been misconceived, and in doing so he may not introduce new matter. A reply shall be allowed to a member who has made a substantive motion to the Council, but not to a member who has moved an amendment.

19. After a question is finally put by the Mayor no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor as to whether the question has been finally put shall be conclusive.

20. If the Mayor desires to leave the Chair for the purpose of taking part in the debate or otherwise, he shall call on one of the Aldermen to take his place until he resumes the Chair.

POINTS OF ORDER

21. The Mayor, or the member presiding at the meeting of the Council, shall preserve order and decide all points of order which may arise, but subject to an appeal to the other members of the Council then present.

22. (1) If an appeal be taken by a member of the Council from the decision of the Mayor, the question shall be immediately put by him, and decided without debate. "Shall the Chair be sustained?" and the Mayor shall be governed by the vote of the majority of the members of the Council then present (exclusive of himself), and the names of the members of the Council voting for or against the question "Shall the Chair be sustained?" shall be recorded on the minutes, and in the event of the votes being equal, the question shall pass in the affirmative.

(2) If the Mayor refuses to put the question "Shall the Chair be sustained?" the Council shall forthwith appoint one of its number to preside temporarily in lieu of such Mayor, as the case may be, and the member of the Council so temporarily appointed shall proceed in accordance with sub-section (2) is an effectual and binding as if carried under the presidency of the Mayor.

VOTING ON QUESTIONS

23. Every member who shall be present when a question is put shall be expected to vote thereon unless he is personally interested in the question, provided such interest is resolvable into a personally pecuniary profit or in peculiar to the member and not in common with citizens at large, or unless he comes within provisions of clauses (a) and (b) of sub-section (1) of section 51 of the "Municipal Act", and in such cases he shall not vote but shall leave his chair while the vote is being taken and resume it immediately thereafter.

24. Should any member refrain from voting when any question is put, for any reason other than that mentioned in the last preceding section, he shall be regarded as having voted in the affirmative and his vote shall be counted accordingly.

25. (1) All acts whatsoever authorized or required by the "Municipal Act" to be done by the Council, and all other questions, including questions of adjournment, that may come before the Council, shall, save where

otherwise so expressed, be done and decided by the majority of the members of the Council who shall be present at a meeting.

(2) In all cases where the votes of the members of the Council then present, including the vote of the Mayor or other person presiding are equal for and against a question, the question shall be negatived, and it shall be the duty of the member presiding to so declare.

(3) The names of those who vote for and those who vote against the question shall be entered upon the minutes whenever a member calls for the ayes and nays, and the Clerk shall read aloud the names before the result of the vote has been declared in order that any mistake may be rectified.

26. When the question under consideration contains distinct propositions upon request of any member the vote upon each proposition shall be taken separately.

PETITIONS AND DELEGATIONS

27. No person or group of persons wishing to appear before the Council may do so unless he or they have first notified the Clerk in writing before he has prepared the Agenda and circulated it to the members of Council, except on extra-ordinary occasions declared as such by the Mayor.

28. Every delegations shall be allowed a maximum time of 15 minutes to present its petition or submission unless extended by a two-thirds vote of the Council, after which the Council may dispose of the petition or submission at the meeting, refer the subject matter to a committee or take such other action as is deemed expedient.

29. Every petition presented to Council shall include the name of each petitioner with his address and a description of the property of which he is the owner or which he occupies in the municipality. In the case of a corporation, the authority given by the corporation to sign the petition shall be produced in connection therewith.

REPORTS

30. (1) A standing or select committee of Council may report to the Council at any regular meeting or shall report as required by Council.

(2) The following heads of departments, - Treasurer, Building Inspector, Fire Chief, Police Chief and Works Superintendent shall each prepare, in addition to any other reports required by Council, a monthly report of their respective departments. The reports shall be prepared as soon as is practicable after the last day of the month and shall be submitted to the Clerk who shall make copies of each report and attach a copy to the Agenda of the next regular meeting of Council before it is circulated to the member of Council.

MOTIONS

31. (1) Motions other than routine motions (including motions to adopt a report, to receive and file, to refer to a Committee or an official, to introduce or pass a by-law or adjourn) shall be put in writing and seconded before being debated or put from the Chair.

(2) A motion that has been seconded shall be read by the Mayor or Clerk before debate.

32. (1) When a question is under consideration, no motion shall be received except for the following:

(a) to commit

(b) to amend

(c) to lay on the table

(d) to postpone indefinitely

(e) to postpone to a certain time

(f) to move the previous question

(g) to adjourn

COMMITTEE OF THE WHOLE

41. A meeting of the Committee of the Whole may be called at any time by the Mayor.
42. A Committee of the Whole held during the meeting of the Council shall be appointed by a resolution".....that the Council do now resolve itself into a Committee of the Whole." The Mayor shall leave the Chair, but he shall first appoint a Chairman of the Committee of the Whole, who shall maintain order in the Committee and who shall report the proceedings thereof.
43. The rules of the Council shall be observed in the Committee of the Whole, so far as may be applicable, except that no motion shall require to be seconded nor shall a motion for the previous question nor shall an adjournment be allowed; and in taking the ayes and nays the names of members shall not be recorded, nor shall the number of times of speaking on any question be limited.
44. In case of a division being called for, the question shall be decided by a show of hands. The Clerk shall count and decide the number on each side and the Chairman of the Committee shall announce the result of the vote.
45. A motion in Committee of the Whole to rise without reporting, or that the Chairman of the Committee leave the Chair, shall always be in order and shall take precedence over any other motion. On such motion debate shall be allowed but no member shall speak more than once to such a motion and on an affirmative vote the subject referred to the Committee shall be considered disposed of in the negative, and the Mayor shall resume the Chair and proceed with the next order of business.
46. When all matters referred to a Committee of the Whole have been considered, a motion to rise and report shall be adopted. The Committee, when it has partly considered a matter, may report progress and ask leave to sit again. In resumption of business the Chairman of the Committee of the Whole shall report to the Council and the adoption of the report shall be moved.

STANDING AND SELECT COMMITTEES

47. The Mayor shall establish standing Committees for any purpose which he considers would be better regulated and managed by means of such committees, and he shall appoint members of Council thereto. The proceedings of all such committees shall be subject to the approval of the Council, save in so far as such proceedings may be in pursuance of any authority delegated to such committee or any of them under subsection (2) of section 181 of the "Municipal Act."
48. The Council may from time to time appoint a select Committee, to enquire into any matter and to report its findings and opinion to the Council.
49. Any member of the Council may be placed on a standing or select committee, notwithstanding the absence of such member at the time of being named upon such committee; the first named of any committee shall be the Chairman of that committee.
50. Members of the Council may attend the meetings of any of its committees and shall not be allowed to vote, but may be allowed to take part in any discussion or debate by permission of a majority of the Committee.
51. The general duties of all the standing committees of the Council shall be as follows:-
 - (a) To consider and report to Council from time to time, or whenever desired by the Council and as often as the interest of the Village may require, on all matters referred to them by the Mayor or Council or coming within their purview, and to recommend such action by Council in relation thereto as they, the Committee, deem necessary or expedient.

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(b) To carry out the instructions of the Council expressed by resolution in regard to any matter referred by the Council to any Committee for immediate action thereupon, but in such cases the instructions of the Council shall be specific and the Committee shall report its action in detail at the next meeting of the Council thereafter.

(c) To present to the Council at the last regular meeting of the Council, or as soon thereafter as possible, in each and every year, a general report of the state of various matters referred to them respectively during the year and the work or business done through or by each Committee, and such report shall contain such suggestions in regard to the future action of the succeeding Committees as experience may enable the reporting Committee to make in respect of the matters embraced in their report.

52. Every member who shall introduce a motion upon any subject which may require the appointment of a select committee shall be one of the committee.

53. Of the number of members appointed to compose any standing or select committee, a majority shall be a quorum competent to transact business.

54. In the transaction of business all standing and select committees shall adhere as far as possible to the rules governing proceedings in meetings of the Council.

55. A select committee shall, on completion of its assignment or on submitting its report to the Council, be automatically dissolved.

ATTENDANCE AND EXAMINATION OF WITNESSES

56. The Council, or any standing or select committee thereof, shall have the power, under the hand of the Mayor and seal of the municipality, to summon witnesses for examination on oath in any and all matters connected with or relating to the administration of the municipality, and shall have the same power to enforce the attendance of such witnesses and compel them to give evidence as is vested in any Court of law in civil cases. Any member of such Council or standing or select committee may administer the oath to any witness called before such Council or committee, and such witness may be examined, cross-examined and re-examined according to the rules and practice of the Supreme Court in civil cases.

UNPROVIDED CASES

57. In all unprovided cases in the proceedings of the Council or in committees "Robert's Rules of Order" shall be followed.

READ a first time the 11th day of April, 1976.

READ a second time the 11th day of April, 1976.

READ a third time the 11th day of April, 1976.

RECONSIDERED AND ADOPTED THE 3rd DAY OF May 1976

A. S. Rankin
MAYOR

L. C. Williams
CLERK

Certified a true copy of
By-law No. 28, Village of
Port Clements

Approved pursuant to the provisions of
section 72(13) of the "Municipal
Act" this 26th day of April
1976.

[Signature]
Deputy Inspector of Municipalities.

L. C. Williams
CLERK