Rules of Procedure By-Law

ARTICLE 1 APPLICATION

Pursuant to the authority conferred by and in compliance with Section 46 of the *Towns and Local Service Districts Act*, *SNL2023, c T-6.2*, the Town Council of Old Perlican has made the following Rules of Procedure.

ARTICLE 2 DEFINITIONS

(a) "**Act**": the *Towns and Local Service Districts Act*, as amended from time to time.

(b) "**Town Clerk/ Manager**": the Town Clerk/ Manager for the Town or their designate.

(c) "**Closed Meeting**": private meeting of either Council or the Committee of the Whole, excluding the public and media, within the meaning of section 41 of the Act.

(d) "**Committee of the Whole**": whole of Council sitting in Committee.

(e) "**Confidential Matters**": sensitive, non-public information that must be kept private.

(f) "**Council**": the Town Council of Old Perlican.

(g) "**Deputy Mayor**": the deputy mayor of Old Perlican.

(h) "**Mayor**": the mayor of Old Perlican.

(i) "**Minister**": the minister responsible for the administration of the Act.

(j) "**Municipal Conduct Act**": the *Municipal Conduct Act*, SNL 2021 c M-20.01, as amended from time to time.

(k) "**Presiding Officer**": the Mayor, or in the Mayor's absence, the Deputy Mayor. If both the Mayor and the Deputy Mayor are absent from a Meeting, then the Presiding Officer shall be the individual appointed as such by the members of Council in attendance in accordance with subsection 36(2) or section 235 of the Act, as applicable.

(l) "**Public Meeting**": a public (regular,open) meeting of either Council or the Committee of the Whole, as the context requires.

(m) "**Special Meeting**":a meeting other than a regularly scheduled meeting within the meaning of section 39 of the Act.

(n) "**Town**":the Town of Old Perlican.

ARTICLE 3 MEETINGS

3.01 TYPES OF MEETINGS

(a) *Public (regular,open) Meetings*

All meetings of Council or the Committee of the Whole shall be Public (open) Meetings except to the extent to which it is necessary to close part or all of a meeting. Section 40.

Regular Public Meetings of Council shall be held in accordance with the requirements of the Act. Unless otherwise agreed to by majority vote of Council, Council shall meet once every two weeks (Sept-May) and once per month (June -Aug.)on Tuesdays @7:00pm

(b) Closed Meetings

A Closed Meeting may only be held where Council has passed a motion at a Public Meeting to move into a Closed Meeting, which motion shall identify the general nature of the Confidential Matter to be discussed. The motion may be moved by the Mayor or any member of Council. Only members of Council, the Town Clerk/Manager, the Town's legal counsel, and such other persons as Council may authorize by resolution shall be permitted to attend a Closed Meeting.

Members of the general public are expressly forbidden from attending Closed Meetings.Section 41(2)(a).

Topics for discussion at Closed Meetings shall be limited to the matters described in section 41(1) of the Act (collectively "**Confidential Matters**").

No resolution or by-law shall be adopted at a Closed Meeting- Section 41(2)(b)- other than:

(i) giving instructions to the lawyer for the Town;

(ii) giving instructions to any person negotiating a contract on behalf of the Town;

(iii) giving directions to employees in respect of Confidential Matters;

(iv) adjourning the Closed Meeting; or

(v) opening the meeting to the public.

A record shall be made in respect of every Closed Meeting -Section 41(2)(c)-containing only the following information:

(i) the type of Confidential Matter which was discussed; and

(ii) the date of the meeting.

All decisions made at Closed Meetings shall be documented by a resolution. Where a decision is made at a Closed Meeting, the decision shall then be ratified at a Public Meeting. Section 41(3).

Any matters discussed in a Closed Meeting shall be kept confidential by all in attendance until such time as the matter is discussed at a Public Meeting.

(C) *Special Meetings*

Special Meetings of Council shall be held in accordance with Section 39(4)(5) These meetings are called on an as-needed basis to address urgent business, emergencies, or specific major projects that cannot wait for the next scheduled regular meeting.

3.02 NOTICE OF MEETINGS

Notice for all meetings of council shall be by way of Agenda, which shall be provided to all councillors at least twenty-four hours prior to each meeting. Notice is deemed to have been given if it is delivered by email. The failure of any councillor to have received notice shall not invalidate a meeting of council.

In extenuating circumstances where an in-person meeting is not possible, a meeting may be held remotely via video conferencing or other electronic means that permit all participants to communicate adequately with each other.

(a) *Regular Meetings of Council*

A schedule of regular monthly meetings shall be approved annually by Council.

(b) *Special Meetings of Council*

In accordance with Section 39 (4) (5), Special Meetings of Council may be called by either the Mayor or any two (2) councillors by providing written notice to the Town Clerk/Manager at least twenty four (24) hours in advance of such meeting.

In accordance with Section 38 (3) Council may not transact any business at a special meeting other than the business specified in the notice of the special meeting.

(c) *Meetings of the Committee of the Whole*

Committee of the Whole meetings shall be held at least once every month for the purpose of discussing and reviewing matters in detail prior to making recommendations.

(d) *General*

Any meeting which falls on a statutory holiday for the Province of Newfoundland and Labrador or a civic holiday for the Town shall be held the next day following that is not a holiday or some other mutually agreed time.

3.03 DELEGATIONS

Council Meetings

When delegations request to be present at Council meetings, the following procedure shall apply:

(a) A written request must be submitted to the Town Office not later than noon on the Friday preceding the meeting. Names of specific speakers and topic must be provided.

(b) The Mayor will decide whether the request is of sufficient importance that the privilege to address the Council should be granted. A decision of the Mayor to deny a delegation request may be overridden by a majority vote of Council.

(c) Requests to address the Council will only be considered after appropriate representations have been made to Council through the committees of Council.

(d) The privilege of speaking will be granted for a period of ten (10) minutes. There will be no discussion or debate. The Presiding Officer and/or identified councillors may request further information or clarification.

Committee Meetings

When a delegation requests to speak at a committee meeting, the following procedures shall apply:

(a) Requests to address the committee will only be considered after appropriate understanding of the issue has been made known to staff through initial communications.

(b) A written request must be submitted to the Town Office no later than four (4) business days preceding the meeting.

(c) The privilege of speaking will be granted for a period of fifteen (15) minutes.

3.04 MEETING DECORUM

(a) *Presiding Officer*

The Mayor shall act as Presiding Officer at all meetings. In the absence of the Mayor, the Deputy Mayor shall act as Presiding Officer. In the absence of both the Mayor and Deputy Mayor, and if a quorum is present, the other Councillors in attendance shall appoint a temporary Presiding Officer who has and may exercise the powers and carry out the duties of the Mayor at the meeting or until the arrival of the Mayor or Deputy Mayor.

The Mayor, Deputy Mayor, or other Presiding Officer may, if they wish to enter debate, be replaced as the Presiding Officer by another individual for the time during which the Mayor, Deputy Mayor, or other Presiding Officer is speaking.

(b) *Order and Decorum*

The Presiding Officer at any meeting shall preserve order during debate and maintain decorum at all times.

(c) *Interruptions*

No Councillor may interrupt another Councillor who is speaking except to raise a point of order. If more than one Councillor begins to speak at the same time, the Presiding Officer must call on the Councillor who, in the Presiding Officer's opinion, first spoke.

(d) *Conduct at Public Meetings:*

(i) Members of the public may only speak if their name or delegation has been placed on the agenda or if Council is seeking clarification on an application, proposal, or correspondence.

(ii) Delegations appearing before Council shall appoint a single representative to speak on behalf of the group.

(iii) No member of the public in attendance shall interrupt another person while speaking.

(iv) Personal comments, including remarks, foul language and gestures are not permitted.

(v) Anyone speaking should direct their comments to the chairperson of the meeting and shall immediately stop speaking when the chair calls order.

(vi) Cell phones and other personal communication devices must be either turned off or on silent mode during the meeting and no cell phone conversations are to take place in the chamber during the meeting.

(e) *Disorderly Persons*

The Presiding Officer may expel and exclude from a meeting any Councillor or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a member of Council, an entry shall be made in the minutes of the reason for such exclusion.

Any Councillor expelled from a meeting may be permitted, by majority vote of Councillors at the meeting in progress, to resume their place after making an apology to the Presiding Officer and to any Councillor(s) insulted by such.

(f) *Dress Code*

The dress code for Council Meetings shall be business casual.

(g) *Use of Mobile Devices*

All mobile devices, including cell phones, tablets,and other devices must be turned off or on silent mode prior to and for the duration of the meeting with the exception of equipment provided for the conduct of the meeting. The Town Clerk/Manager may use devices for information (i.e. e-mail, texting, internet searches, etc.) provided that such activities are related to and do not interfere with the meeting. The Town Clerk/ Manager will also be required to have a cell phone turned on as a contact in the event of an emergency situation.

Councillors shall read, understand, and act in accordance with all applicable policies of the Town, including any Code of Conduct adopted by Council pursuant to the Municipal Conduct Act.

3.05 QUORUM AND CALL TO ORDER

(a) *Quorum Requirements*

A quorum for any meeting shall consist of a majority of the Councillors elected or appointed unless otherwise determined by the Minister. Where a quorum is present, the Town Clerk/Manager shall record the names of each Councillor in attendance.

If a quorum is not present within fifteen (15) minutes after the time fixed for any meeting, the Town Clerk/Manager shall record the members of Council present and the meeting shall be adjourned until the next meeting.

(b) *Call to Order*

The Presiding Officer shall call the meeting to order as soon as quorum has been confirmed by the Town Clerk/Manager.

3.06 ATTENDANCE

In addition to the Mayor, Deputy Mayor, and elected Councillors, the Town Clerk/Manager (or designate), shall attend all meetings of Council. Other Town staff shall attend meetings of Council when requested to do so by Council, or the Town Clerk/Manager.

Councillors are expected to attend all regular Public Meetings of Council. In accordance with the Act, the office of a Councillor may become vacant if meetings are not attended for three (3) successive months. Attendance of each Councillor shall be recorded at each meeting and included in the minutes.

ARTICLE 4 CONFLICTS OF INTEREST

(a) *Members to Abstain*

A Councillor shall not vote on or speak to a matter at any meeting which would be a conflict of interest as defined under the Municipal Conduct Act.

(b) *Declaration of a Conflict of Interest*

If a Councillor in attendance at a meeting has identified a conflict of interest in respect of such member, then that member shall:

(i) declare the conflict of interest before any consideration or discussion of the matter;

(ii) disclose the general nature of the conflict of interest;

(iii) refrain from participating in any discussion related to the matter;

(iv) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter; and

(v) leave the meeting for the duration of the consideration of the matter at issue, provided that if the meeting is a Public Meeting, then the member of Council may remain in the part of the room set aside for the general public,

and the declaration of the conflict of interest and the general nature of the conflict shall be recorded in the minutes for the meeting.

A Councillor who has declared a conflict of interest shall not attempt, in any way, before, during, or after the meeting, to influence the vote of other Councillors or any policy advice provided to Council regarding the matter in respect of which the conflict has been declared.

(c) *Determining Whether a Conflict of Interest Exists*

If a Councillor is uncertain as to whether they have a conflict of interest, then that individual shall disclose the nature of the potential conflict. The Councillor is encouraged to seek guidance under the Municipal Conduct Act. In the absence of such guidance, the other Councillors in attendance at the meeting shall decide whether the interest represents a conflict of interest by a majority vote. If the resulting vote is a tie, then the Councillor shall be considered to have a conflict of interest.

(d) *Effect of Abstention on Quorum*

If one or more Councillors abstain from voting on a motion due to a conflict of interest and the number of remaining Councillors is not sufficient to constitute a quorum, the remaining Councillors, where not less than two (2), shall be considered to constitute a quorum for purpose of discussion and voting on the matter being considered by Council.

ARTICLE 5 COUNCIL DOCUMENTS

5.01 MINUTES

(a) *Recording of Minutes*

Minutes of all meetings shall be recorded by the Town Clerk/Manager or designate.

(b) *Contents of Minutes*

(i) a list of all those in attendance at the meeting;

(ii) all motions and resolutions coming before Council, including the names of the movers and seconders;

(iii) the names of all Councillors voting against or abstaining from voting on the motions; and

(iv) a brief description of comments, reports, petitions, presentations or documents submitted to Council for the purpose of providing the reader of the minutes with an understanding of the decisions of Council and not for the purposes of recording lengthy descriptions of what was said or presented and by whom.

Minutes should reflect what was done during the meeting rather than verbatim accounts of what Councillors or Town staff said. The inclusion of specific comments or statements shall require a majority vote of Council.

(c) *Review, Objection, and Adoption of Meeting Minutes*

Copies of minutes from the prior meeting will be distributed to Councillors for review in advance of the following meeting. If a Councillor objects to any portion of the minutes of the preceding meeting, then that Councillor shall state that objection at the next meeting to be voted on by Council. If all Councillors agree to a correction, the motion adopting the minutes shall contain the necessary corrections. If all Councillors do not consent to the correction of the minutes, then a motion must be made and seconded to amend the minutes to meet the objection, which shall then be debatable. Once adopted, the minutes shall be deemed the official record of the meeting. Adopted minutes shall not be changed after adoption. Once adopted, the minutes are public records.

(d) *Public Access to Minutes*

Minutes of all Public Meetings shall be made available on the Town's website within seven (7) days of the meeting's conclusion. Minutes posted prior to formal adoption by Council shall be clearly marked as draft.

5.02 AGENDAS

(a) *Preparation of Agendas*

The Town Clerk/Manager shall prepare an agenda for each meeting setting out the business to be addressed.

Any Councillor may submit to the Town Clerk/Manager an item for inclusion in the agenda provided that the item is submitted by no later than 12:00PM on the Friday prior to the date fixed for the meeting.

For the Committee of the Whole Meetings, agenda items must be submitted in accordance with Council's procedural policies.

(b) *Distribution of Agendas*

Agendas for regular Public Meetings of Council shall be distributed to Council by the Town Clerk/Manager or designate no later than the Friday prior to the date of such meeting and posted on the Town's website.

Councillors are expected to read all material distributed with the agenda prior to each meeting in order to prepare to deal with issues and to engage in informed discussion.

(c) *Form of Agenda*

The agenda for Public Meetings of Council and Public Meetings of the Committee of the Whole shall be as follows unless otherwise approved by Council:

(i) Public Meeting of Council Agenda

Call to Order
Approval of agenda
Delegations/presentations
Adoption of previous minutes
Business arising from the minutes/Town Clerk/Manager Report
Committee & Liaison Reports
Correspondence
Finance
(i) Accounts Payable
General Business (New Business)
(i) Tax Exemptions
(ii) Permits
Notice of motion
Councillor Q/A
Next Meeting
Adjournment

(ii) Closed Meetings of Council or the Committee of the Whole

Call to order
Approval of agenda
Delegations/presentations
Business Arising from the minutes
Adjournment

(iii) Special Meetings of Council

Special Meetings shall only be held for the purpose of addressing specific matters which require urgent or focused attention. The order of business for a Special Meeting shall follow a list specified on the notice for the Special Meeting. Council shall proceed immediately to consider the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by unanimous consent or by majority vote.

Agendas may be modified after circulation. If an agenda is modified, the electronic file will be updated and/or a hardcopy will be placed on each Councillor's desk in chambers. Each Councillor shall have access to the electronic agenda repository in order to be able to open the latest version.

5.03 NEW BUSINESS

New business during Public Meetings is limited to items of information, attendance at previous events, notice of upcoming events, congratulatory items and is not intended for substantive items or those which require decisions of Council unless otherwise decided by unanimous consent. New business is limited to a maximum of two (2) minutes per Councillor unless otherwise decided by unanimous consent.

Community Highlights during Public Meetings are not intended for substantive items or those which require decisions of Council unless otherwise decided by unanimous consent. Community Highlights are limited to a maximum of five (5) minutes per Councillor.

5.04 NOTICE OF MOTION

A notice of motion is a formal announcement made by a Councillor at a meeting that a motion will be introduced at a subsequent meeting. The purpose of a notice of motion is to provide all Councillors with advance notice of the business to be brought before Council, thereby affording Councilors an opportunity to prepare for informed discussion and debate on the matter.

A notice of motion shall be made in writing and shall clearly state the substance of the motion to be introduced. The Councillor giving the notice shall read the notice aloud during the appropriate item on the agenda of a Public Meeting of Council. The notice of motion shall be delivered to the Town Clerk/Manager at or before the meeting at which it is given.

The Town Clerk/Manager shall record each notice of motion in the minutes of the meeting at which it is given and shall include the notice of motion on the agenda for the next regular Public Meeting of Council at which the motion is to be considered.

A motion for which proper notice has been given in accordance with this Section shall be considered at the next regular Public Meeting of Council following the meeting at which the notice was given, unless the Councillor who gave the notice specifies a later meeting or withdraws the notice prior to its consideration. Where notice of motion has been duly given, a motion to rescind or amend something previously adopted may be carried by a majority vote of Councillors present and voting, rather than the two-thirds vote otherwise required under these Rules of Procedure.

No regulation or by-law shall be introduced or amended unless a notice of motion in respect thereof has been tabled at a prior Public Meeting of Council in accordance with this Section.

ARTICLE 6 MOTIONS AND RESOLUTIONS

6.01 GENERAL

(a) A motion is a formal proposal made by a Councillor during a meeting requesting that Council take a specific action or make a decision. Matters at any meeting must be introduced in the form of a motion. There are five (5) types of motions:

(i) Main motions - introduce new business.

(ii) Subsidiary motions - assist in treating or disposing of a main motion.

(iii) Privileged motions - do not relate to the pending business but have a high priority.

(iv) Incidental motions - change the procedure for handling the pending business but do not change what is being considered.

(v) Motions that bring a question again before the Council - bring business already decided back before Council.

(b) A motion may be debated and voted on only if it is:

(i) moved (proposed) by one Councillor; and

(ii) seconded (supported) by another Councillor.

(c) Once a motion is seconded, it is open for debate unless it is a privileged or incidental motion, which may be decided without debate.

(d) The Presiding Officer shall call for a vote on a motion after all Councillors have had an opportunity to speak in accordance with these Rules of Procedure.

(e) A motion becomes a resolution upon being carried and shall be recorded in the minutes of the meeting.

6.02 MAIN MOTION

The main motion is the lowest ranking motion and can be made only when no other motion is pending. When adopted, it becomes the officially recorded statement of an action taken by the Council. Every motion or resolution should be in writing and should be worded in a concise, unambiguous, and complete form and should be stated or read by the mover (who alone can make introductory remarks thereon) and when duly moved and seconded, and stated by the Presiding Officer, shall be open for consideration and discussion. Motions, wherever possible, should be stated in the positive, so that when the vote is taken yes means yes and no means no. One example of an exception is to deny a development application.

6.03 SUBSIDIARY MOTIONS

The following subsidiary motions are listed in order of rank and take precedence over or ranks over, the main motion.

(a) **Lay on the Table**: This motion is designed to be used to set aside the pending business ***temporarily*** without setting a time for resuming its consideration in order to take up something more urgent.

An example of its use is when a member of the public is in attendance and Council wishes to consider a committee report, in which the member of the public has an interest, prior to its scheduled order in the approved Agenda. Another appropriate use of the motion to lay on the table is to temporarily set aside agenda items in order to consider a particular item.

(b) **Previous question**: The purpose of this motion is to close debate and is sometimes referred to as Call the Question.

A Councillor must be recognized by the Presiding Officer to make this motion and **unless unanimous consent is provided**, a seconder is required and a two-thirds vote is necessary for adoption.

Whenever a motion infringes on the rights of a Councillor, a two-thirds vote is required for adoption.

The previous question shall preclude all amendments of the main questions and shall be put in the following words: "that the question be now put". If the motion is resolved in the affirmative, the original question shall be put forthwith without any amendment or debate. If the motion is resolved in the negative, the main question may then be debated and amended.

(c) **Limit or Extend the Limits of Debate**: If it appears that debate is consuming too much time, if additional time is needed, or if one or more Councillors need to speak more than once to adequately debate a motion, a Councillor may make a motion to Limit or Extend the Limits of Debate.

Since this motion affects the basic rights of Councillors and unless unanimous consent is provided, a two-thirds vote is necessary for adoption.

(d) **Postpone to a Certain Time (or Definitely)**: If the Council is not ready to take a final vote on a motion, it can be postponed until later in the same or to the next meeting. If it is postponed to the next meeting, it will be included on the agenda.

(e) **Commit or Refer or Defer**: When it is beneficial to have a committee or staff review a proposed motion or to provide additional information, a motion to commit or refer or defer can be proposed. In either case, the Council should provide suggested deadlines for the committee or staff so that the business will be handled in a timely manner. The only method to temporarily dispose of a motion beyond the next regular meeting is to commit or refer.

(f) **Amendment Before the Question is Stated**: If the Presiding Officer has not yet stated the motion, the mover of the motion may modify the original motion without the need for a formal amendment. The seconder's consent is not required for such a modification.

Once the Presiding Officer has stated the motion, any proposed change to the motion must be offered and handled as a formal amendment, requiring a mover, a seconder, and a vote, unless the change is adopted by unanimous consent.

(g) **Amend**: If the main motion would be more suitable in an altered form, a motion to amend can be made. Motions to amend must be germane to the main motions; that is, they must relate to the business at hand.

(i) There are three ways to amend:

(A) To insert or add

(B) insert within the motion; or

(C) add at the end of the motion.

(ii) Strike out words or a paragraph.

(iii) Strike out and insert words, or substitute a paragraph (strike out the entire text and insert another in its place).

A proposal to amend is a primary amendment and can be amended by a secondary amendment.

The amendments are voted on in reverse order, Council first voting on the secondary amendment, next the primary amendment (perhaps as amended), and finally the main motion (or main motion as amended). If there is general agreement, the amendments may be approved by unanimous consent.

(h) **Postpone Indefinitely**: This motion kills, or disposes of, the main motion for the remainder of the meeting without bringing it to a direct vote. It is used if an embarrassing main motion has been proposed or Councillors wish to defeat the proposal without going on the record as having voted "no" on the motion.

6.04 PRIVILEGED MOTIONS

This class of motions does not relate to the pending business but rather to special matters of immediate importance that should be allowed to interrupt business. None of these motions is debatable when a main motion or subsidiary motion is under consideration.

These motions are listed in order of rank and their rank begins above the highest-ranking subsidiary motion.

(a) **Fix the Time to Which to Adjourn**: This is the motion to set an adjourned meeting. By majority vote, the Council establishes the date, time, and place for the continuance of the present meeting. Adoption of this motion does not immediately or necessarily adjourn the current meeting.

(b) **Adjourn**: The motion to adjourn is a proposal to close the meeting entirely. Even if the adopted agenda or order of business has not been completed, by majority vote the Council may adjourn the meeting.

Uncompleted items of business are listed as unfinished business at the next meeting.

A motion to adjourn requires a seconder and is always in order except when:

(i) A Councillor is addressing the Presiding Officer.

(ii) A vote is being taken, and it has been decided that the previous question shall be taken.

A motion to adjourn cannot be amended and is not debatable. No second motion to adjourn shall be made until some intermediate proceedings have transpired.

However, a motion to adjourn the Council meeting or the debate to a given day may be amended and is open to debate.

(c) **Recess**: To take a short intermission in the meeting, a Councillor may make a motion to recess and a seconder is required. It is amendable as to the amount of time for the recess or the time to reconvene the meeting and requires a majority vote unless unanimous consent is provided.

(d) **Raise a Question of Privilege**: Any Councillor has the right to request certain privileges for themselves or for Council. This request usually has to do with the Councillor's comfort level (excessive noise, inadequate lighting, uncomfortable temperature, etc.) or affecting the Councillor's ability to make an informed decision (cannot hear the speaker, doesn't have the report, can't see the illustrations, etc.). No recognition by the Presiding Officer is needed to make this motion, and the Presiding Officer takes the appropriate action without vote of Council.

(e) **Call for the Orders of the Day**: If the adopted agenda or order of business is not being followed, any Councillor may bring this to the attention of the Presiding Officer. If the wrong item was announced, the Councillor does not need to be recognized and may interrupt business to bring it to the Presiding Officer's attention. If a motion has been made, however, the Councillor must wait until the motion has been disposed of. The agenda must be followed unless Council decides by a two-thirds vote not to proceed to the orders of the day or unless unanimous consent is provided.

6.05 INCIDENTAL MOTIONS

This class of motions relates to the pending question in such a way that it must be decided immediately before any other business intervenes. The listing of motions does not indicate rank, merely the order of the motions as found in Robert's Rules of Order.

(a) **Point of order**: Whenever a Councillor believes that the rules are being violated; it is the Councillor's duty to raise a point of order at the time of the breach. The motion effectively requires the Presiding Officer to rule on the question involved. Unless the breach is of a continuing nature, the point of order must be made immediately after the infraction; otherwise, it is too late.

(b) **Appeal**: If a Councillor disagrees with the ruling of the Presiding Officer, an appeal from the decision of the Presiding Officer can be made. This motion must be seconded, and the rules of debate change. The Presiding Officer is allowed to speak first to explain the reason for the ruling. Each Councillor is then allowed to speak once in debate. After all who wish to speak have done so, the Presiding Officer may explain again the reason for the ruling. These rules hold even if the Presiding Officer normally does not have the right to speak in debate from the chair. The vote is taken not on the appeal but rather on the Presiding Officer's decision. A majority or a tie vote sustains the decision of the chair on the principle that the chair's decision stands until reversed by a majority.

(c) **Suspend the rules**: When the Council wishes to do something that its rules prohibit, a motion to suspend the rules may be made, so long as the rule may be suspended. By-laws, statutory law, or rules that embody basic parliamentary law, such as only Councillors are allowed to vote, cannot be suspended. The vote required for passage depends on the type of rule, and the rule is only suspended for that particular meeting.

(d) **Objection to the Consideration of a Question**: Councillors may object to the consideration of a question for any original main motion that they think would do harm for the Council to even consider. This motion must be made before any

discussion begins or any subsidiary motion has been stated. If there are two-thirds against consideration, the question is dropped; otherwise, the question is considered.

(e) **Division of a Question**: If the motion has several parts that are capable of standing as separate motions, any Councillor may move to divide the question. If a division of the question is adopted, the vote is then taken individually on each part.

If a motion cannot reasonably be so divided, the request shall be declared out of order by the presiding officer.

(f) **Consideration by Paragraph or Seriatim**: A Councillor may move to consider a long motion (consisting of a series of paragraphs, articles, or sections) by paragraph or seriatim rather than as a whole. Each part is opened for debate and amendment separately, and then the entire document is considered for adoption.

(g) **Division of the Assembly**: A Councillor who doubts the result of a voice vote can call for a division of the assembly. No second is required. Making this motion requires that the vote be retaken by a roll call vote (each Councillor is named and their vote is announced and recorded).

(h) **Request to be excused from a Duty**: If a Councillor wishes to be relieved from an obligation imposed by virtue of office or position (such as appointed to a committee) a request to be excused from this duty can be made.

(i) **Parliamentary Inquiry**: This is a request from a Councillor for the Presiding Officer's guidance on a matter of parliamentary procedure. The Presiding Officer does not rule on this motion, but rather provides the answer to the Councillor,s question.

(j) **Point of Information**: This motion is an inquiry regarding facts affecting the pending business. The Presiding Officer may choose to answer or direct another Councillor or staff member to provide the requested information.

(k) **Withdraw or Modify a Motion**: After the Presiding Officer states a motion; the Councillor who made the motion must request permission to withdraw it or modify it in any manner. A majority vote, or unanimous consent, is required to grant such permission.

(l) **Request to Read Papers**: No Councillor may read from papers, books, magazines, etc., without the permission of the Council. This is usually granted by unanimous consent.

(m) **Request for Any Other Privilege**: A Councillor may request any other privilege (not covered by the previous four types of motion), such as to make a presentation when no motion is pending. Permission is usually granted by unanimous consent.

6.06 MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE COUNCIL

This class of motions brings back before the Council, business that has already been adopted. There is no ranking among the motions, and their order is as listed in *Robert's Rules of Order*.

(a) **Take from the Table**: At the same or next meeting after a question has been laid on the table, any member of Council may move to take it from the table. When a motion is taken from the table by majority vote, it is before the Council at exactly the point

when it was laid on the table. If not taken from the table by the end of the next regular meeting, the motion dies.

(b) **Rescind**: Amend Something Previously Adopted: To entirely strike out a main motion, section, paragraph or rule that has previously been adopted, a motion to rescind can be made. If it is desired instead to change the previously adopted business, the motion to amend something previously adopted can be made. Approval of either form of the motion requires:

(i) a two-thirds vote, or

(ii) a majority vote when notice of intent was given at the previous meeting or in the call of the meeting.

When something has been done as a result of the initial vote that is impossible to undo, these motions are not in order.

(c) **Discharge a Committee**: If a question was referred to a committee that has not yet reported and the Council wishes to take it out of the committee's hands so that the Council can consider it or drop it altogether, a motion to Discharge the committee is in order. A Standing Committee is discharged from considering the referred business, whereas a Special Committee that is discharged ceases to exist. The necessary vote to approve this motion is the same as to rescind or amend something previously adopted. However, if the committee fails to report in the time prescribed or if the Council is considering a partial committee report, only a majority vote is required to discharge the committee.

(d) **Reconsideration during a Council Meeting**: If a Councillor voted on the prevailing side on a question - that is, yes if it was adopted or no if it was lost - and had a change of mind, a motion to reconsider may be made during the meeting in which the original vote was taken. If the question receives a majority vote, then the original motion is back before the assembly at the point just before the initial vote was taken - as if it had not been previously considered.

(e) **Reconsideration after a Council Meeting**: Any question, except one of indefinite postponement, may be reconsidered at the next regular Meeting following the meeting at which the original vote was taken, provided that a notice of motion of reconsideration is given by a Councillor who voted on the prevailing side (if the vote was passed, a member of Council who voted in favour, or if the vote was lost or tied, a Councillor who voted against the motion). If the motion to reconsider is carried by a majority of Councillors present and voting, the main question shall then be read and will be open to debate the same as an original motion. A motion shall not be reconsidered more than once.

ARTICLE 7 PROCEDURE FOR MOTIONS

7.01 MOTIONS DURING DEBATE

When a question is under debate, the following motions shall be in order:

(a) To extend the time of the meeting where the time of the meeting has been established.

(b) To refer or commit a matter being considered by Council.

(c) To amend a motion being considered by Council.

(d) To lay a motion on the table.

(e) To postpone a motion indefinitely.

(f) To move the previous question.

Every motion shall be seconded before being put to the body or debated.

7.02 WITHDRAWAL OF MOTION

Before the Presiding Officer has stated the question, the mover of a motion may withdraw it without the consent of any other Councillor. After the Presiding Officer has stated the question, a motion may be withdrawn only with the unanimous consent of the Councillors in attendance, and only before a decision has been taken or an amendment made. If unanimous consent is not given, a majority vote shall be required to permit the withdrawal.

7.03 ADDRESSING THE MOTION

Councillors and staff where appropriate shall address their remarks to the Presiding Officer by referring to him or her as "Your Worship", wait to be recognized by the Presiding Officer, and keep their remarks to the question at hand. Councillors may not speak against a motion they made, but may vote against it.

7.04 ENTITLEMENT TO SPEAK

If two or more Councillors speak at the same time, the Presiding Officer shall determine which Councilor is entitled to speak.

7.05 ORDER DURING CONSIDERATION OF MOTION

(a) When the Presiding Officer is putting a question no Councillor shall walk out of the Council Chambers and when a Councillor is speaking or a question is being put, no member of Councillor shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

(b) Call to Order-The presiding officer may call a Councillor to order while debate is in progress. The debate shall then be suspended and the Councillor called to order shall not speak again until the point of order has been decided.

7.06 DEBATE PROCEDURE AND LENGTH OF DEBATE

During debate, Councillors shall confine themselves to the question and avoid personalities. No Councillor, without the consent of Council, shall speak longer than five (5) minutes at any one time, or more than once on any motion or amendment thereto, except in explanation of a material part of their remarks, which may have been misunderstood, but then they shall not be permitted to introduce new matter. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

7.07 REREADING OF MOTION

Any Councillor may require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a Councillor speaking.

ARTICLE 8 VOTING

8.01 GENERAL

(a) All decisions of Council, unless otherwise specified either under the Act or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer.

(b) A Councillor shall not abstain from voting on a motion or resolution before the Council unless that Councillor is required to abstain from voting because of a conflict of interest or that Councillor has been permitted to abstain by a majority vote of the other Councillors in attendance at the meeting.

(c) Where a Councillor abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of Councillors in favour of the motion or resolution is equivalent to or more than a majority of the m Councillors in attendance at the meeting.

8.02 RECORDED VOTE

Whenever a decision of Council is taken for any purpose, each Councillor, including the Mayor, present and voting shall announce their vote upon the question, openly and individually in the Council and the Town Clerk/Manager or designate shall record the names of those voting in favour, those voting against the motion, and those abstaining. Those who are silent when the vote is being taken are agreeing to whatever decision is made by those who vote and will be recorded as voting with the prevailing side as announced by the Presiding Officer as the motion being carried or defeated.

8.03 NO SECRET BALLOT

No vote shall be taken in Council by ballot or by any other method of secret voting with the exception of a vote for the Mayor where there is no separate election for the Mayor or for the Deputy Mayor which shall be determined by secret ballot and will be conducted by the Town Clerk/Manager or designate where there is more than one nomination for the position.

8.04 TIE VOTE

Where there is a tie vote on a motion or resolution that motion or resolution shall be considered to be defeated.

ARTICLE 9 COMMITTEES

9.01 AUTHORITY TO FORM

Council may from time to time appoint committees and the Mayor shall be an ex-officio member of all committees.

9.02 COMMITTEE OF THE WHOLE

(a) The Committee of the Whole shall replace standing committees as the primary forum for Council's deliberations.

(b) The Committee of the Whole is comprised of all Councillors, including the Mayor, and is chaired by the Mayor, or the Deputy Mayor in the Mayor's absence.

(c) Matters previously addressed by individual standing committees will now be deliberated by the Committee of the Whole with recommendations made for the next regular Public Meeting of Council.

9.03 SPECIAL COMMITTEES

(a) Special committees of Council shall consist of at least one Councillor and other Councillors as appointed by the Mayor and ratified by Council and shall remain in effect only until the purpose for which they were set up has been accomplished.

(b) Council may set up advisory committees with members appointed by Council to give advice on particular issues. At least one Councillor will be appointed who will act as liaison with Council.

9.04 OTHER COMMITTEE REPRESENTATION

The Mayor shall appoint Councillors to external committees and other organization(s) as deemed appropriate and such appointments shall be ratified at the first Council Meeting following a general election and any changes on or before December 31st of the second year of Council's term of office.

9.05 COMMITTEE MEMBERSHIP

Membership in all of the Town's committees is limited to Councillors.

9.06 COMMITTEE CHAIRPERSON

When Council appoints a committee, it shall also appoint one of its Councillors to be chairperson of that committee.

9.07 COMMITTEE RESOURCES

The Town Clerk/Manager may designate an appropriate staff person as consultant/researcher for a committee who shall be responsible for preparing the minutes/report containing properly worded recommendations.

9.08 COMMITTEE NOTES AND REPORTS

The staff person assigned to a committee shall keep notes during the committee meeting.

Following every committee meeting the staff person assigned to that committee shall prepare a report from the notes of the committee meeting for submission to Council on all matters which require Council action. Said reports are to include recommendations to Council.

All reports of Committee meetings should be presented to the Clerk by 12:00PM on the Friday prior to the next regular Public Meeting of Council and made available to all members in the notice of meeting.

9.09 CONDUCT OF BUSINESS IN COMMITTEES

The following rules and procedures shall apply to the proceedings in committees:

(a) The chairperson shall preside at every meeting. In the absence of the chairperson, the other Councillor on the committee shall act as chairperson during the chairperson's absence.

(b) All Councillors may speak freely without limits to the number of times, encouraging open deliberation. However, all comments must remain focused on the subject under discussion.

(c) Decisions made during Committee of the Whole meetings are intended to reach a consensus among Councillors. No binding votes are taken during a Committee of the Whole meeting.

(d) Committee of the Whole meetings shall be open to the public in accordance with Section 46 of the Act, except where matters are being discussed in a closed session under Section 41 of the Act.

(e) Outcomes or positions formed during the Committee of the Whole are summarized and brought forward to a Public Meeting.

ARTICLE 10 GENERAL

10.01 ELECTRONIC PARTICIPATION AND RECORDING

Electronic Participation

(a) *Live Streaming*

Public Meetings of Council may be made available through live streaming on the Town's website, with the recording also available for viewing after the Meeting, at the discretion of Council.

Councillors may participate in a meeting by electronic means, including telephone or video conference, provided that the electronic means permits all participants to communicate adequately with each other during the meeting. A Councillor participating electronically shall be counted for the purposes of quorum and shall be entitled to vote. A Councillor participating in a meeting by electronic means is considered to be in attendance at the meeting. The Town Clerk/Manager shall make reasonable arrangements to facilitate electronic participation where requested. The Presiding Officer shall ensure that any Councillor participating electronically is able to hear and be heard by all other participants. Electronic participation in a Closed Meeting shall be permitted only where the confidentiality of the proceedings can be reasonably maintained.

(b) *Electronic Recording*

Recording of Public Council Meetings, Special Meetings, Closed Meetings,Committee Meetings, etc. is not permitted by Councillors, staff, delegates. Or the general public unless agreed upon by resolution of Council prior to the meeting. Any violation of this rule may result in removal from the meeting and such other actions as deemed necessary by Council.

10.02 CLARIFICATION RULES

In all cases where these Rules of Procedure do not make provision or adequate provision, then *Robert's Rules of Order* shall apply.

10.03 AMENDMENT RULES

These Rules of Procedure shall be reviewed periodically as required following new information, knowledge, or changes to applicable legislation. Any motion to amend these Rules of Procedure requires a notice of motion and must be approved by a majority of Council.

If any provision of these Rules of Procedure is found by a court of competent jurisdiction or other lawful authority to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions of these Rules of Procedure, which shall continue in full force and effect.

10.04 EFFECTIVE DATE

These Rules of Procedure shall become effective as of 16 June, 2026.

10.05 REPEAL OF PREVIOUS RULES OF PROCEDURE

All previous Rules of Procedure of the Town and amendments thereto are repealed.

Official By-Law Information:

Date of Council Approval: 16 June 2026

Resolution Number: 2026 – 094

I certify that the By-Law was approved by Council and published as indicated above.

Town Mayor: G. Mayes

Town Clerk?Manager Sonya Durdle-Walsh

Date: June 16/2026