

Procedures
of
Council
By-Law # 033



Town of Quispamsis

BY - LAW NO. 033

**A BY-LAW OF THE TOWN OF QUISPAMSIS
REGULATING THE PROCEEDINGS OF COUNCIL**

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REGULATING THE PROCEEDINGS OF COUNCIL**

The Council of the Town of Quispamsis, under authority vested in it by Section 10.3(1) of the Municipalities Act of New Brunswick as amended, enacts as follows:

1. TITLE

A. This by-law may be cited as the Procedural By-law.

2. DEFINITIONS

A. In this by-law:

- i. "Ad hoc Committee" means a Committee established by Council, as the need arises, to carry out a specified task, at the completion of which it automatically ceases to exist;
- ii. "Clerk" means the Clerk appointed by the Council of the town of Quispamsis;
- iii. "Committee of Council" means a Committee appointed by Council whose sole reporting responsibility is to Council. It does not include Regional Commissions or Regional Committees.
- iv. "Council" means the Council of the town of Quispamsis, and includes all Councillors and the Mayor;
- v. "Councillor" means a Member of the Council other than the Mayor;
- vi. "Deputy Mayor" means the Councillor so elected pursuant to this by-law;
- vii. "Majority Vote" means an affirmative vote of more than one half ($\frac{1}{2}$) of those Members of Council present, including the Mayor, who are not disqualified from voting;

- viii. “Majority Vote of the Whole Council” means an affirmative vote of more than one half (½) of all the Members of Council, including the Mayor, who are not disqualified from voting;
- ix. “Mayor” means the Mayor of the town of Quispamsis;
- x. “Member” means a person elected to the Council and includes both Councillors and Mayor;
- xi. “Point of Order” means;
 - a. any breach of the procedural by-law; or
 - b. any defect in the constitution of any meeting of the Council; or
 - c. the use of improper, offensive or abusive language; or
 - d. notice of the fact that the motion under discussion is not in order; or
 - e. any other informality or irregularity in the proceedings of Council;
- xii. “Presiding Officer” means the Mayor, or if the Mayor is absent, the Deputy Mayor, or if the Deputy Mayor is also absent, then the Member elected by a majority vote to act as Presiding Officer.
- xiii. “Question of Privilege” means
 - a. any scandalous or libelous reflection on the proceedings of the Council or on any Member;
 - b. a pressing situation affecting a right or privilege of the Council or individual Member thereof;
 - c. introduction of a confidential subject matter in the presence of guests or the public;

- xiv. “Regional Commission” means a commission, Committee or board whose members include other municipalities and/or organizations, which the Town is mandated to belong to or has entered into a formal agreement to create, and whose mandate is to provide a regional service;
- xv. “Regional Committee” means a Committee or board whose members include other municipalities, organizations or businesses which the Town has voluntarily joined;
- xvi. “Standing Committee” means a Committee established by Council to perform a continuing function and remains in existence until dissolved by a majority vote of Council;
- xvii. “Tie Vote” means an equal number of “yea” and “nay” votes of those Members present;
- xviii. “Two-thirds ($\frac{2}{3}$) Majority Vote of the Whole Council” means a two-thirds ($\frac{2}{3}$) affirmative vote of all the Members of Council, including the Mayor, who are not disqualified from voting.

3. FUNDAMENTAL PRINCIPLES

- A. The fundamental principles of this by-law are as follows:
 - i. Justice and courtesy for all;
 - ii. Do only one thing at a time;
 - iii. The majority rules;
 - iv. The minority has a right to be heard subject to the four fundamentals of parliamentary law:
 - a. To facilitate action, not to obstruct it;
 - b. To enable the Council to express its will;
 - c. To give every Member a fair hearing;
 - d. To maintain order.
- B. Members should follow the decorum of normal debate by being brief,

confining remarks to the question before them, avoiding personal attacks, always being courteous and not speaking until recognized by the Presiding Officer.

- C. The procedural rules contained in this by-law shall be observed in all proceedings of the Council and shall be the rules for the order and dispatch of business in the Council and in the Committees of Council thereof. Notwithstanding the forgoing, provisions of this by-law may be suspended by a two-thirds ($\frac{2}{3}$) majority vote of the Whole Council, when such suspension is not contrary to any Provincial Act or Regulation.
- D. In all matters, points of order or questions of procedure arising and not provided for in this by-law, proceedings in Council, Committee of the Whole and Committees of Council shall be as near as may be that set out in 'Roberts Rules of Order' and in such case the decision of the Presiding Officer, subject to appeal, shall be final.

4. SEAL

- A. The corporate seal of the town of Quispamsis which has inscribed thereon the words, QUISPAMSIS and the seal appearing at the end of this by-law is adopted as its corporate seal.
- B. The corporate seal shall be at all times under the custody of the Clerk and shall be used by the Clerk in corporate matters as required under the Municipalities Act of New Brunswick.

5. CONFLICT OF INTEREST

- A. Sections 90.1 to 90.91 inclusive of the Municipalities Act of New Brunswick applies.

6. VACANCIES IN COUNCIL

- A. When a Council seat becomes vacant, pursuant to Section 34 of the Municipalities Act of New Brunswick, the Clerk shall notify the Council of that vacancy at the next regular meeting of Council.

7. REGULAR MEETINGS

- A. A newly elected Council:
- i. shall hold its first meeting in the Council Chambers at 7:00 P.M. on the fourth (4th) Monday in May following its election ,unless the Clerk has fixed another date pursuant to Section 10(1) of the Municipalities Act of New Brunswick;
 - ii. shall transact no business at its first meeting until the oaths of office have been taken and subscribed to by all Members who present themselves for that purpose;
 - iii. shall elect at their first meeting, and thereafter at any time when a vacancy occurs, a Deputy Mayor from among the Members; and
 - iv. shall call upon the Clerk to allot a seat within the Council chambers to each Councillor who shall occupy that seat at all Council meetings.
- B. Unless otherwise determined on a majority vote, the Council shall hold regular meetings in the Council Chambers at the Quispamsis Town Hall at 7:00 p.m.:
- i. On the third (3rd) Tuesday in January, March, (AMENDMENT NO. 5, DATED JUNE 19, 2018), June, (AMENDMENT NO. 2, DATED FEBRUARY 21, 2012), July and August; and
 - ii. On the first (1st) and third (3rd) Tuesday in each of the remaining months;
- C. When the day for a regular meeting of Council is a statutory holiday, the Council shall, unless otherwise determined by a resolution of Council, meet at the same hour on the next following day which is not a statutory holiday.
- D. All regular meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

- E. Public notice of regular meetings of Council shall be given by posting such notice on the Town of Quispamsis' official website.
- F. No item of business may be dealt with at a Council meeting after eleven (11) p.m. unless a time extension is approved by a majority vote.

8. SPECIAL MEETINGS

- A. The Mayor may at any time summons a Special Meeting on twenty-four (24) hours notice to the Members, or, upon receipt by the Clerk of the petition of the majority of the Members, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition;
 - i. The Clerk shall cause to be delivered to the residence or place of business of each Member, or in such manner or location as may be agreed to by each individual Member, not later than twenty four (24) hours before the time fixed for the Special Meeting, a written notice of meeting setting out the time of the meeting and the business to be transacted thereat;
 - ii. Written notice is deemed to have been delivered if:
 - a. It is delivered to the residence or place of business of the Member; or
 - b. It is sent by facsimile transmission to the residence or place of business of a Member and receipt is acknowledged; or
 - c. It is electronically transmitted to a Member, (Email), and receipt is acknowledged.
- B. Notwithstanding Subsection 8.(A.), if the purpose of the Special Meeting is to discuss the declaring of a State of Local Emergency, the provisions of Subsection 4.(a.) of By-law 051, (AMENDMENT NO. 5, DATED JUNE 19, 2018 {formerly By-law No. 009}), an Emergency Action Plan By-law shall apply.

- C. Business at a special meeting shall be considered in the order in which it appears on the notice of meeting. Except by unanimous consent of all the Members present, Council shall not at a special meeting consider any business except that specified in the notice of the meeting.
- D. All special meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

9. COMMITTEE OF THE WHOLE

- A. Shall consist of the Members of Council.
- B. When it appears that any matter may be more conveniently considered in Committee of the Whole, Council may, by majority vote, resolve into Committee of the Whole.
- C. A Committee of the Whole meeting shall normally precede regular meetings, or the Mayor may at any time summons a Committee of the Whole meeting, or upon receipt by the Clerk of a petition signed by a majority of Councillors, the Clerk shall summon a Committee of the Whole meeting for the purpose and at the time mentioned in the petition.
 - i. Notice of a Committee of the Whole meeting shall be issued through the Clerk's office either verbally or in writing, delivered to the residence or place of business of each Member of Council, or in such manner or location as may be agreed to by each individual Member. The notice shall set out the time of the meeting and business to be transacted thereat.
 - ii. Written notice is deemed to have been delivered if:
 - a. It is delivered to the residence or place of business of the Member; or
 - b. It is sent by facsimile transmission to the residence or place of business of a Member and receipt is acknowledged; or
 - c. It is electronically transmitted to a Member, (Email), and

receipt is acknowledged.

- D. At a Committee of the Whole meeting, except by unanimous vote of all the Members present, no business shall be considered except that specified in the notice of the meeting. Business at a Committee of the Whole meeting shall be considered in the order in which it appears on the notice of meeting.
- E. A Committee of the Whole meeting shall be open to the public unless it is necessary to discuss any of the following matters, in which case the public may be excluded from the meeting for the duration of the discussions:
 - i. Information the confidentiality of which is protected by law;
 - ii. Personal information;
 - iii. Information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;
 - iv. The proposed or pending acquisition or disposition of land for a municipal purpose;
 - v. Information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
 - vi. Information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications as between solicitor and client in a matter of municipal business;
 - vii. Litigation or potential affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
 - viii. The access to or security of particular buildings, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;

- ix. Information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; or
 - x. Labour and employment matters, including the negotiation of collective agreements.
- F. If a meeting of the Committee of the Whole is closed to the public pursuant to Subsection 9(E), no decisions shall be made at the meeting except for decisions related to:
- i. procedural matters;
 - ii. directions to an officer of the municipality, or
 - iii. directions to a solicitor for the municipality
- G. If a meeting is closed to the public pursuant to Subsection 9(E), a record shall be made containing only the following:
- i. the type of matter under Subsection 9(E) that was discussed during the meeting; and
 - ii. the date of the meeting
- H. The record made under subsection 9(G) shall be available for examination by the public in the office of the Clerk during regular office hours.
- I. In Committee of the Whole rules of Council shall be observed in so far as applicable except that motions do not require a seconder.

9.1 Electronic Meetings (AMENDMENT NO. 5, DATED JUNE 19, 2018)

- A) It is permitted to use electronic means of communication in a Council Meeting or a Committee of Council meeting if it allows members of Council to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the members.
- B) Only a member of Council who, at the time of the meeting, is outside of

the Town of Quispamsis or is physically unable to attend the meeting may participate in the manner referred to in subsection (A).

- C) Except for reasons of disability, a member of Council shall not participate in the manner referred to in subsection (A) at more than 25% of the Regular Council meetings held in a one-year period or at more than four Special Council meetings held in a one-year period.
- D) A member of Council who intends to participate in a meeting in the manner referred to in subsection, (A), shall provide sufficient notice to the Clerk to ensure that the relevant materials may be sent to the member and to ensure that the appropriate electronic means of communication are available and, if the meeting is open to the public, that public notice referred to in subsection G) is given.
- E) A member of Council who participates in a meeting closed to the public in the manner referred to in subsection (A) shall, at the beginning of the meeting, confirm that he or she is alone.
- F) A member of Council who participates in a meeting in the manner referred to in subsection (A) shall be deemed to be present at the meeting.
- G) If a Council meeting or a Committee of Council meeting is open to the public, use of an electronic means of communication is permitted only if a notice of the meeting is given to the public that includes the following information:
 - (i) a statement that an electronic means of communication will be used at the meeting; and
 - (ii) the location where the public may see or hear the meeting.
- H) Notice to the public shall be in accordance with the provisions of Section 70 of the *Local Governance Act*.

10. QUORUM

- A. Five (5) Members must be present at any Regular, Special or Committee of the Whole meeting of Council to constitute a quorum.

- B. If a quorum is present at the time fixed for the holding of the Council meeting, the Presiding Officer shall take the chair and call the meeting to order.
- C. If no quorum is present one half (½) hour after the time appointed for the Council meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.
- D. If a Member knows in advance that he/she will be unable to attend a meeting, the Clerk should be so advised; and if this notice is given to the Clerk at least Forty Eight (48) hours in advance of the scheduled meeting and it is determined by the Clerk that as a result of the non-attendance there will be no quorum, the Clerk is authorized to conduct an email poll or telephone poll of Council as to whether the meeting should be cancelled. If it is determined that the meeting should be cancelled, the Clerk is authorized to advertise the postponement of the meeting to the date of the next regular meeting. The advertising may be in a newspaper or on the Town's website and posted on the Town Hall door. (AMENDMENT NO. 5, DATED JUNE 19, 2018)

11. PRESIDING OFFICER

- A. For all Council and Committee of the Whole meetings the Presiding Officer shall be the Mayor, or if the Mayor is absent, the Deputy Mayor, or if the Deputy Mayor is also absent, then the Member elected by a majority vote to act as Presiding Officer.
 - i. If the Presiding Officer is other than the Mayor or Deputy Mayor, he/she shall preside until the arrival of the Mayor or Deputy Mayor (as the case may be), at which time the chair shall be turned over to him/her.
- B. A Presiding Officer, whether the Deputy Mayor, or elected by Council to act in the absence of the Mayor and the Deputy Mayor, shall have the same authority, subject to Section 19., while presiding at a Council or Committee of the Whole meeting as the Mayor would have if present and occupying the chair.

12. ORDER OF THE DAY (AGENDA)

- A. The Clerk shall have prepared and printed for the use of the Members at the regular meeting of Council an agenda under the following headings:
- i. Moment of Reflection
 - i.i Approval of Agenda (AMENDMENT #1 DATED 2009-06-02)
 - i.ii Mayor's Comments (AMENDMENT #4 DATED 2013-01-15)
 - ii. Disclosure of Interest
 - iii. Public Presentations/Public Hearings
 - iv. Minutes of the Previous meeting
 - v. Unfinished Business
 - vi. Correspondence
 - vii. By-laws
 - viii. New Business
 - ix. Reports
 - x. Business Arising from Committee of the Whole
 - xi. Adjournment
- B. No matter shall be placed on the Agenda for consideration at any regular Council meeting unless the request for consideration of the matter is received by the Clerk, in writing, before 1:00 p.m. on the Thursday preceding the day on which the meeting is to be held;
- i. Every communication, including a petition, application or tender designed to be presented to the Council, shall be legibly written, printed or typed and shall not contain any obscene or improper matter or language and shall be signed by at least one person,

and include their name and address and be filed with the Clerk prior to 1:00 P.M. of the Thursday preceding the day on which the meeting is to be held. If this criteria is not met, the Clerk shall not place the communication on the agenda. Notwithstanding the foregoing, if the Clerk can verify the name and address of the sender, and in the case of an email, the identity of the sender, then the communication may be placed on the agenda.

- C. Notwithstanding Subsection 12.(B.), any business may be introduced and dealt with at a regular meeting with the approval of a majority vote.
- D. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by majority vote.
- E. The items listed under Unfinished Business shall be in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council, and for which there is new information. The date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by majority vote.
- F. The Clerk shall cause to be delivered to each Member, not later than forty-eight (48) hours before the time fixed for each regular meeting, a written notice of meeting setting out the time of the meeting and the business to be transacted thereat, including minutes to be approved and other documents pertaining to the meeting.
 - i. Written notice is deemed to have been delivered if it is:
 - a. delivered to the residence or place of business of the Member; or
 - b. sent by facsimile transmission to the residence or place of business of a Member and receipt is acknowledged; or
 - c. electronically transmitted to a Member, (Email), and receipt is acknowledged.

- G. A Pending Agenda shall be distributed to Council with each notice of regular meeting. The items listed on the Pending Agenda shall be in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council. The date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the Pending Agenda by majority vote.

13. MOTIONS

- A. Unless otherwise stated in other sections of this By-law, all motions shall require a seconder.
- B. After a motion is presented by the Presiding Officer, it shall be deemed to be in possession of Council, but may be withdrawn by both the mover and seconder at any time before a vote is taken or amendment made.
- C. Where the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of Council, he/she shall so advise Council and cite, without argument or comment, the rule or authority applicable thereto.
- D. These motions are listed in order of precedence. If a motion is pending, and one of a lower rank is offered, it is not in order and should not be allowed:
 - i. Incidental Motions - These motions have no order of precedence within this group, but must be decided before debate can continue:
 - a. Point of Order - Raised by a Member when it is thought there is a deviation from the agenda or the rules of order. When a Member is called to order from the chair, the Member shall cease speaking immediately. Notwithstanding Subsection 13.(A.), a Point of Order does not require a seconder, is not amendable and normally is not debatable, and is decided by the Presiding Officer. It is debatable only if the Presiding Officer is unsure of the answer and opens the floor to debate;

- b. Suspend the Rules - A motion to temporarily set aside the provisions of this by-law. It is not amendable, but is debatable and requires a two-thirds ($\frac{2}{3}$) majority vote of the Whole Council;
 - c. Appeal the Decision of the Presiding Officer - Questions the Presiding Officer's ruling on a specific issue and asks Council to decide. It is not amendable nor debatable;
 - d. Division of Council - Call for a vote to be retaken by a show of hands if a Member disagrees with the Presiding Officer's statement of results. Notwithstanding Subsection 13.(A.), it does not require a seconder, is not amendable nor debatable;
 - e. Division of a Question - Dividing of a question into parts so that each may be considered individually. Parts must be such that they can stand alone. It is not amendable nor debatable;
- ii. Fix the Time to Which to Adjourn - This motion is used to extend the time of adjournment past eleven (11) p.m.;
 - iii. Adjourn - Motion to close the meeting immediately. It is not amendable nor debatable;
 - iv. Recess or Resolve into Committee of the Whole - Motion to take a short break, or to resolve into Committee of the Whole, after which business resumes from where it was left off. It is amendable, but not debatable;
 - v. Raise a Question of Privilege - Can be privilege of the Council or of an individual Member. Notwithstanding Subsection 13.(A.), it does not require a seconder, is not amendable nor debatable, and is decided by the Presiding Officer;
 - vi. Table - Used to delay further consideration of a motion to a time, after an event, or until more information is obtained, and a reason for tabling must always be stated in the motion. It is not amendable nor debatable. The item may be placed back on the

Agenda by the Clerk once the reason for the motion has been satisfied;

- vii. Move the Previous Question - To close debate and vote immediately. It is not amendable nor debatable and requires a two-thirds ($\frac{2}{3}$) majority vote of the Whole Council;
- viii. Limit Debate or Extend Limits of Debate - To give more or less time in debate than allowed by this by-law. It is not amendable nor debatable and requires a two-thirds ($\frac{2}{3}$) majority vote of the Whole Council;
- ix. Refer - Used to postpone debate for purposes of referring an item to staff, a Committee or other persons or organizations for further information or study and/or a recommendation. It is amendable and debatable only as to the desirability of referring;
- x. Amend - Applied to main motion or previous amendment. Must not change the intent of the pending motion, but to make it more acceptable. It is debatable if applied to a debatable motion;
- xi. Postpone Indefinitely - Used if Council prefers to not express an opinion on the main motion, effectively killing the main motion if adopted. It is not amendable, but is debatable and opens the main motion to debate at the same time;
- xii. Main Motion - Used to introduce new business. It is debatable and amendable. Some types of main motions are:
 - a. Receive and File - Council acknowledges receipt of a report or other correspondence and files it. No further action need be taken by Council on the item;
 - b. Adopt, Accept or Agree to - Council accepts, adopts or agrees to the report or action being suggested.

14. BY-LAWS

- A. The provision for enactment of all by-laws shall be as set out in Section 12 of the Municipalities Act of New Brunswick, and/or other applicable

Acts of the Province of New Brunswick.

- B. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act or Regulation of the Province of New Brunswick and shall be complete with the exception of the number and date thereof.

15. LIMITS OF DEBATE

- A. A Member at any time during a debate, but not so as to interrupt a Member when speaking, may request that the motion under discussion be read by the Clerk.
- B. No Member shall speak more than once on the same motion without permission of the Presiding Officer except in explanation of the material part of his/her speech which may have been misconceived and when so speaking he/she shall not introduce any new matter.
- C. No Member, without permission of Council, shall speak to the same motion or in reply for a longer period than fifteen (15) minutes.
- D. When the Presiding Officer wishes to participate in the debate at a Council meeting, he/she shall call on the Deputy Mayor if present or, if not present, a Councillor to preside until he/she is finished speaking.

16. ORDER AND PRIVILEGE

- A. No Member shall:
 - i. speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor-General or person administering the Government of Canada or of the Lieutenant-Governor or of a person administering the government of the Province of New Brunswick;
 - ii. use offensive words against the Council, any Member thereof, or any staff member or advisor;

- iii. speak beside the question or motion in debate;
 - iv. reflect upon any vote of the Council except for the purpose of moving that the vote be rescinded;
 - v. refuse to obey this by-law;
 - vi. disobey the decision of the Presiding Officer on questions of order or practice.
- B. Where a Member refuses to obey the rules of Council or disobeys the decision of the Presiding Officer on a question of order or practice, the Presiding Officer shall order him/her to leave his/her seat for that meeting and he/she shall be required to leave provided that where the Member apologizes, he/she may, on a majority vote, forthwith resume his/her seat.
 - C. The Presiding Officer shall preserve order and decorum at the Council meetings and decide all questions of privilege and points of order, subject to an appeal to Council upon motion, which motion may be made at any time in accordance with the provisions of Section 13. of this by-law.
 - D. When the Presiding Officer or a Member is speaking or putting a motion, no Member shall leave his/her seat or make any noise or disturbance or interrupt him/her except to raise a point of order or question of privilege.
 - E. All remarks, comments and questions shall be addressed through the Presiding Officer.

17. ADMITTING MEMBERS OF THE PUBLIC BEFORE COUNCIL

- A. Any person or persons or delegation wishing to address Council shall request to do so in writing, legibly written, printed or typed and shall not use any obscene or improper language and such request shall be signed by at least one person, and include their name and address and be filed with the Clerk prior to 1:00 P.M. of the Thursday preceding the day on which the meeting is to be held. The request to speak shall include information as to the subject matter to be discussed and all

supporting documentation intended to be provided to Council. If this criteria is not met, the Clerk shall not place the request on the agenda.

- i. Persons being heard by Council shall be limited in speaking to not more than ten (10) minutes except that when two (2) or more persons appear on the same subject they shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.
- B. Notwithstanding Subsections 17.(A.) Council, by majority vote, may allow or deny anyone to address the Council for whatever time period stipulated in the motion.
- C. When, in the opinion of the Presiding Officer, a member of the public is guilty of improper conduct at a Council meeting, the Presiding Officer may require that person to leave the meeting forthwith.

18. PUBLIC HEARINGS

- A. If a Member did not attend a public hearing where statutory procedures for the adoption of such motion and/or bylaw required a public hearing, the Member is precluded from taking part in the debate and must vacate his/her seat during debate on the motion.
- B. Generally, unless provided for in other legislation, the procedure to be followed in Public Hearings is:
 - i. Presentation by the Proponent;
 - ii. Those wishing to speak for/against the proposal shall be given the opportunity to be heard;
 - iii. Proponent makes final summation;
 - iv. Council Members may ask questions;
 - v. A motion may be heard and voted upon.

19. VOTING

- A. Unless otherwise stated in this By-law or required by Provincial Legislation, all motions of Council shall require a majority vote to be adopted.
- B. Notwithstanding Section 19. D. i. The Mayor shall vote to avoid a tie, however, if a motion that requires a majority of the whole Council to vote, and that vote results in a tie, then the motion is lost. (AMENDMENT No.033-3, DATED APRIL 17, 2012 -effective June 1, 2012)
- C. After a motion is put to the meeting by the Presiding Officer, no Member shall speak to the motion or make any other motion until after the result of the vote has been declared and the decision of the Presiding Officer, as to whether or not the motion has been put, is conclusive.
- D. When a motion is put, every Member present at the meeting shall vote unless the Member:
 - i. Is the Mayor, who shall only cast a vote –
 - a. to avoid a tie vote, and/or,
 - b. when a vote of the whole Council is required pursuant to this By-law and/or under Provincial Legislation. (AMENDMENT No.033-3, DATED APRIL 17, 2012 -effective June 1, 2012)
 - ii. Did not attend a public hearing where statutory procedures for the adoption of such motion and/or bylaw required a public hearing; or
 - iii. Has declared a conflict of interest under Section 5.
- E. When the Presiding Officer is other than the Mayor, he/she shall vote.
- F. Where a Member refuses to vote and is not excused by reasons outlined in Subsection 19.(D.), the Clerk shall record him/her as refusing to vote. Such a refusal shall not be recorded as a “yea” vote.
- G. Each Member present shall announce his/her vote openly and individually by saying “yea” or “nay” and by raising their hand when called for.

- H. When required by law or upon a division of Council upon any motion, or whenever any Member calls for the “yeas” and “nays”, the Clerk shall enter in the minutes the names of the Members who vote for and those who vote against the motion.
- I. No Member is permitted to explain his/her vote during the voting process. Any Member of Council shall have the right to have the reasons for his/her vote entered only into the body of the minutes. Such record of the reasons shall not be attached to the motion.

20. RECONSIDERATION

- A. Only upon a two-thirds ($\frac{2}{3}$) majority vote of the Whole Council, or Committee of Council as the case may be, may any by-law, motion or matter that has been voted on or otherwise disposed of within the three (3) previous months be reconsidered.

21. MINUTES

- A. The Clerk shall be the secretary of all regular and special meetings of Council and of Committee of the Whole.
- B. The Clerk shall record in the minutes:
 - i. the place, date and time of meeting;
 - ii. the names of the Presiding Officer or officers and record of the attendance of the Members, staff and advisors;
 - iii. the reading, if requested, correction and adoption of the minutes of prior meetings;
 - iv. all other proceedings of the meeting without note or comment.
- C. Minutes of the preceding regular or special meetings shall be approved by majority vote, or amended and approved, at the next regular meeting.
- D. Minutes shall not be read at the meeting unless a Member so requests,

in which case the Clerk shall read the minutes before the Council deals with the business before it, in the order as set out in Subsection 12.(A.).

22. COMMITTEES

- A. Council may establish standing and/or ad hoc Committees as it deems necessary, and for the purposes as the constituting resolution states. Ad hoc Committees exist until they have reported finally to the Council, at which time they shall be functus officio.
- B. In the appointment of Committee members, including members of regional Committees and regional commissions, the Mayor, Deputy Mayor and one other Councillor shall form a nominating Committee of three (3) and shall recommend to Council prospective Committee members for approval by Council.
- C. All Committee and commission members shall be appointed to serve for a specific term as determined by Council, or in the case of regional commissions or regional Committees, for a term as specified in the regional agreement or legislation;
 - i. Notwithstanding the forgoing, members of Committees of Council, Regional Commissions and Committees, serve at the pleasure of Council and may be removed at any time by a majority vote.
- D. If requested by Council to do so, a Committee shall forward to Council, approved minutes of all meetings of the particular Committee within thirty (30) days of the approval of such minutes and shall continue to forward such minutes until directed by Council to do otherwise.
- E. A majority of Committee members must be present at any meeting of a Committee to constitute a quorum. If no quorum is present fifteen (15) minutes after the time scheduled for the commencement of a meeting of the Committee, the secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.
- F. Committee meetings may be open or closed to the public in accordance

with the terms of Section 10.2(4) of the Municipalities Act of New Brunswick.

- G. The Mayor and any Councillor may attend the meetings of any Committee of Council which he/she is not a member, but may not vote. He/she may take part in any discussion or debate in the Committee with the permission of the majority of the Committee members present.
- H. The general duties of all Committees of Council, in addition to any specific duties as may be set out in the constituting resolution, are as follows:
 - i. to report only to Council from time to time and wherever desired by Council and as often as the interests of the municipality may require on all matters connected with the duties imposed on the Committee and to recommend such action by Council in respect thereto as they deem necessary;
 - ii. to examine and certify all accounts connected with the discharge of their duties or with the performance of any works or the purchase of any material, equipment or services;
 - iii. to consider and report on any and all matters referred to them by Council;
 - iv. every report shall be signed by the Chairman and/or Secretary and may be signed by any or all other members of the Committee;
 - v. to adhere in the transaction of all business to the rules prescribed by by-laws;
 - vi. to present to Council, on or before the last regular Council meeting in each and every year, for the information of Council and of the citizens generally as well as for the guidance of the Committees of the following year, a general report of the state of the various matters referred to them or under their control during the year, the work or business done through or by each Committee, and the expenditures made under their authority or supervision, stating the number of meetings held by each

Committee during the year, the number of meetings at which a quorum was present and the number of times each Member was absent, and containing suggestions regarding future action of the succeeding Committees;

- I. Each Committee of Council shall hold an annual meeting in January of each year at which time a Chairman and a Vice-Chairman shall be elected from among its members to serve a one year term. In addition, all newly appointed Committees shall, at their first meeting, following the appointment, elect a Chairman and a Vice-Chairman to serve until their annual meeting aforementioned or until the Committee is dissolved.

23. BY-LAW REPEALED

- A. By-law Number 019 “A By-law of the Municipality of Quispamsis Regulating the Proceedings of Council” is hereby repealed.

24. EFFECTIVE DATE

- A. This by-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: October 5, 2004

READ SECOND TIME: October 5, 2004

READ THIRD TIME AND ENACTED: October 19, 2004

AMENDMENT No. 1 READ THIRD TIME & ENACTED: June 2, 2009

AMENDMENT No. 2 READ THIRD TIME & ENACTED: February 21, 2012

AMENDMENT No. 3 READ THIRD TIME & ENACTED: April 17, 2012

AMENDMENT NO.4 READ THIRD TIME & ENACTED: January 15, 2013

AMENDMENT NO. 5 READ THIRD TIME & ENACTED: June 19, 2018

MAYOR

SEAL

CLERK