 

**TOWN OF QUISPAMSIS**

**PUBLIC NOTICE**

**PROPOSED PROCEDURAL BY-LAW NO. 066**

Public Notice is hereby given that the Quispamsis Town Council intends to consider a By-law of the Municipality of Quispamsis Regulating the Proceeding of Council. The proposed Procedural By-law No. 066 will replace the existing Procedural By-law No. 033 which requires several housekeeping amendments to better reflect updated procedures of Council Meetings. The proposed by-law includes the following changes:

* References to the *Local Governance Act* (vs. former *Municipalities Act*).
* Changes in Regular Meeting start time to 6 pm, and curfew time of 10 pm., (versus 7 pm & 11 pm).
* Addition of relevant definitions.
* More governance surrounding Electronic Meetings.
* Housekeeping items for clarity purposes.
* Authorizing, at the discretion of the CAO, certain communications to be acted upon at the administrative level, with Council Members being notified of action taken; and,
* Addition of the process for Election of Deputy Mayor – The Province, by Regulation, now requires that Councils include in their Procedural By-law the process they use to elect their Deputy Mayor.
* Addition of governance clause describing process for Communication of Council and Use of Communication Tools, similar to the clauses contained in the Code of Conduct By-law.

Third and final Reading of the proposed amendment will be considered by Council at the May 7, 2024 Regular Meeting at 6:00 p.m., in the council chambers of the Quispamsis Town Hall, 12 Landing Court, Quispamsis, New Brunswick.

A copy of the proposed By-law No. 066 is attached or may be inspected by any interested person during regular office hours, 7:30 a.m. to 5:00 p.m., Monday to Friday inclusive, at the Quispamsis Town Hall.

C. P. Snow, Town Clerk

Town of Quispamsis

P. O. Box 21085

Quispamsis, NB E2E 4Z4

**PROPOSED** **BY - LAW NO. 066**

**A BY-LAW OF THE TOWN OF QUISPAMSIS**

**REGULATING THE PROCEEDINGS OF COUNCIL**

**May 7, 2024 – VERSION 5 –** (Final Draft – For Consideration of 3rd & Final Reading – Removes All Highlights/Strikeouts, Etc.)

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**PROPOSED BY - LAW NO. 066**

**A BY-LAW OF THE TOWN OF QUISPAMSIS**

**REGULATING THE PROCEEDINGS OF COUNCIL**

**BE IT ENACTED** by the Council of the Town of Quispamsis, under authority vested in it by Section 10.2 of the *Local Governance Act*, Chapter 2017, c.18 of the Province of New Brunswick, and in accordance with New Brunswick Regulation 2018-84 under the *Local Governance Act of New Brunswick*– Order in Council No. 2018-310; hereby enacts as follows:

1. **TITLE**
   1. This by-law may be cited as the Procedural By-law.
2. **DEFINITIONS:** 
   1. In this by-law:
      1. “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;
      2. “Clerk” means the person appointed by the Council as the Clerk of the Council pursuant to provisions of the *Local Governance Act of New Brunswick*;
      3. “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.
      4. “Council” means the Council of the town of Quispamsis, and includes all Councillors and the Mayor;
      5. “Councillor" means a Member of the Council other than the Mayor;
      6. “Deputy Mayor” means the Councillor so elected pursuant to this by-law;
      7. “Electronic Meetings” refers to meetings in which Members participate by electronic means of communication;
      8. “Ex-Officio” means by virtue of one’s office;
      9. “Majority Vote” means an affirmative vote of more than one half (½) of those Members of Council present, including the Mayor, who are not disqualified from voting;
      10. “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;
      11. “Mayor” means the Mayor of the town of Quispamsis;
      12. “Member” means a person elected to the Council and includes both Councillors and Mayor;
      13. “Point of Order” means
          1. any breach of the procedural by-law; or
          2. any defect in the constitution of any meeting of the Council; or
          3. the use of improper, offensive or abusive language; or
          4. notice of the fact that the motion under discussion is not in order; or
          5. any other informality or irregularity in the proceedings of Council;
      14. “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;
      15. “Public Hearings” means a meeting of Council convened to hear matters pursuant to any legislation which requires Council to hear interested parties or to afford them an opportunity to be heard before taking action, passing a by-law or making a decision;
      16. “Question of Privilege” refers to a pressing situation affecting the well-being of the Council, or individual, for instance, “I am unable to hear my colleagues, so I request that everyone speak louder”.
      17. “Quorum” unless otherwise defined means a majority of the Members of Council holding office at the time of the meeting. In the case of the town of Quispamsis, quorum would be five sitting Members, including the Presiding Officer.
      18. “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;
      19. “Regional Committee” means a Committee or board whose Members include other municipalities, organizations or businesses which the Town has voluntarily joined;
      20. “Fundy Regional Service Commission” means a regional service commission established by the *Regional Service Delivery Act* Chaper 2012, c.37 of the Province of New Brunswick;
      21. “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;
      22. “Tie Vote” means an equal number of “yea” and “nay” votes of those Members present eligible to vote;
      23. “Two-thirds (b) Majority Vote of the Whole Council” means a two-thirds (b) affirmative vote of all the Members of Council, including the Mayor, who are not disqualified from voting.
      24. ”Written Notice” means notice that has been sent to a Member by email or other means of electronic transmission, or sent by Canada Post or hand delivered to the residence or place of business of the Member.
3. **FUNDAMENTAL PRINCIPLES**
   1. The fundamental principles of this by-law are as follows:
      1. Justice and courtesy for all;
      2. Do only one thing at a time;
      3. The majority rules;
      4. The minority has a right to be heard subject to the four fundamentals of parliamentary law:
         1. To facilitate action, not to obstruct it;
         2. To enable the Council to express its will;
         3. To give every Member a fair hearing;
         4. To maintain order.
   2. The precedence of the rules governing the procedures of Council is –
      1. *Local Governance Act* and the *Community Planning Act*;
      2. Other Provincial legislation;
      3. This by-law; and

iv. Roberts Rules of Order.

* 1. Members should follow the decorum of normal debate by being brief, confining remarks to the question before them, refraining from personal attacks, always being courteous and not speaking until recognized by the Presiding Officer.
  2. 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.

i. **Suspension of Rules** - Notwithstanding the forgoing, provisions of this by-law may be suspended by a two-thirds (b) majority vote of the Whole Council, when such suspension is not contrary to any Provincial Act or Regulation.

* 1. 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.

1. **SEAL**
   1. 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.
   2. 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 *Local Governance Act of New Brunswick*.
2. **CONFLICT OF INTEREST**
   1. Sections 87 – 98 inclusive of the *Local Governance Act of New Brunswick* applies.
3. **VACANCIES IN COUNCIL**
   1. When a Council seat becomes vacant, pursuant to Section 50 of the *Local Governance Act of New Brunswick*, the Clerk shall notify the Council of that vacancy at the next regular meeting of Council.
4. **FIRST MEETING**
   1. A newly elected Council -
      1. shall hold its first meeting in the Council Chambers at 6:00 P.M. on the fourth (4th) Monday in May following its election, unless the Clerk has fixed another date pursuant to Section 63(1) and 63(2) of the *Local Governance Act of New Brunswick*;
      2. 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;
      3. shall elect at their first meeting, and thereafter at any time when a vacancy occurs, a Deputy Mayor from among the Members; with the selection based on the Councillor who received the highest number of votes during the election. Once elected, the Deputy Mayor will hold the position of Deputy Mayor until the next election;
      4. 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.
5. **REGULAR MEETINGS**
   1. Unless otherwise determined on a majority vote, the Council shall hold regular meetings in the Council Chambers at the Quispamsis Town Hall at 6:00 p.m.:

i. On the third (3rd) Tuesday in January, March, June, July and August; and

ii. On the first (1st) and third (3rd) Tuesday in February, April, May, September, October, November, and December.

* 1. 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.
  2. All regular meetings are open to the public and no one from the public shall be excluded therefrom except for improper conduct.
  3. Public Notice of regular meetings of Council shall be given by posting such notice on the Town of Quispamsis’ official website.
  4. No item of business may be dealt with at a Council meeting after ten (10) p.m. unless a time extension up to a maximum of one (1) hour is approved by a majority vote.

1. **SPECIAL MEETINGS**
   1. The Mayor may at any time summon a Special Meeting of Council on twenty-four (24) hours notice to the Members, or, the Clerk, upon receiving a written petition from a majority of Council Members, shall call a special meeting for the purpose and at the time specified in the Members’ petition;
      1. The Clerk shall cause to be delivered by electronic means 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, at least 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;
   2. Notwithstanding Subsection 9.(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, an Emergency Action Plan By-law shall apply.
   3. Business at a Special Meeting shall be considered in the order in which it appears on the notice of meeting and only the items specified in the notice of a Special Meeting shall be considered at that meeting.

D. All Special Meetings are open to the public, and no one of the public shall be excluded therefrom except for improper conduct or unless the public is to be excluded pursuant to Section 68 of the *Local Governance Act of New Brunswick* and as prescribed in Section 11 of this by-law.

1. **COMMITTEE OF THE WHOLE**
   1. Shall consist of the Members of Council.
   2. 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. This allows for a more relaxed approach in which Members can explore possibilities and share information.
   3. Discussion is more informal however the Chair must make sure that no one Member dominates.
   4. 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 on 24 hours notice, 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 on 24 hours notice for the purpose and at the time specified in the petition.
      1. Notice of a Committee of the Whole meeting shall be issued through the Clerk’s office either verbally or in writing, delivered by electronic means 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.
   5. 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.
   6. All Committee of the Whole Meetings are open to the public, and no one of the public shall be excluded except for improper conduct or unless the public is to be excluded pursuant to Section 68 of the *Local Governance Act of New Brunswick* and as prescribed in Section 11 of this by-law.
   7. In Committee of the Whole rules of Council shall be observed in so far as applicable except that motions do not require a seconder.
2. **CLOSED MEETINGS**
   1. A Regular Meeting, a Special Meeting and a Committee of the Whole meeting shall all be open to the public unless it is necessary to discuss any of the following matters as prescribed in Section 68 of the *Local Governance Act of New Brunswick*, in which case the meeting will be closed to the media and the public for the duration of the discussion:
      1. Information the confidentiality of which is protected by law;
      2. Personal information as defined in the *Right to Information and Protection of Privacy Act;*
      3. Information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract;
      4. The proposed or pending acquisition or disposition of land;
      5. Information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
      6. Information concerning legal opinions or advice provided to the local government by its solicitor, or privileged communications between solicitor and client in a matter of local government business;
      7. Litigation or potential litigation affecting the local government or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
      8. The access to or security of particular buildings or other structures or systems occupied or used by the local government, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
      9. 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
      10. Labour and employment matters, including the negotiation of collective agreements.
   2. If a meeting of the Committee of the Whole is closed to the public pursuant to Subsection 11 (A), no decisions shall be made at the meeting except for decisions related to:
      1. procedural matters;
      2. directions to an officer of the local government, or
      3. directions to a solicitor for the local government
   3. If a meeting is closed to the public pursuant to Subsection 11 (A), a record shall be made containing only the following:
      1. the type of matter under Subsection 11 (A) that was discussed during the meeting; and
      2. the date of the meeting
   4. The record made under subsection 11. (C) shall become part of the Annual Report prepared pursuant to Section 105 of the *Local Governance Act of New Brunswick*, and shall be posted on the Town’s website and shall be made available for examination by the public in the office of the Clerk during regular office hours.

**12. ELECTRONIC MEETINGS AND ELECTRONIC ATTENDANCE AT MEETINGS**

1. In keeping with the intent that Council Meetings are normally implied to be held in-person, it is recognized there are times when this is not possible nor feasible due to illness, travel, personal and/or work commitments. At such times, subject to Subsection 12. H., a Member is given the flexibility to attend a Regular Council Meeting, a Special Meeting, and/or a Committee of the Whole meeting using electronic communication, pursuant to Section 69 of the *Local Governance Act of New Brunswick,* subject to if it allows Members 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 Member(s).
   * 1. Only in exceptional/extraordinary circumstances, including mandatory orders through the Federal and/or Provincial governments, impacting the health, security and safety of Members, staff and the public, such as a global pandemic, extreme weather event, etc., would Regular Council Meetings be fully conducted electronically, i.e., all Members, including Staff, attending by electronic means. In such cases, Public Notice is to be given pursuant to Section 70 of the *Local Governance Act of New Brunswick*.
     2. Notwithstanding Subsection 12.A.i., to provide more flexibility for the purpose of executing the business at hand, a fully conducted electronic Special and/or Committee of the Whole meeting is permitted, subject to the provisions of Section 69 of the *Local Governance Act* when deemed to be more feasible by the Mayor, or Deputy Mayor in the absence of the Mayor, in consultation with the CAO and/or the Clerk.

B. A Member who intends to participate in a meeting in the manner referred to in subsection, 12.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 (E) is given.

C. A Member who participates in a meeting closed to the public in the manner referred to in subsection 12.A., shall, at the beginning of the meeting, confirm that he or she is alone.

D. A Member who participates in a meeting in the manner referred to in subsection 12. A., shall be deemed to be present at the meeting.

E. 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.

F. Notice to the public shall be in accordance with the provisions of Section 70 of the *Local Governance Act of New Brunswick*.

G. The Presiding Officer shall announce to those in attendance at the meeting that a Member is attending the meeting by means of electronic communication.

H. Notwithstanding Subsection 12. A. i., except in the case of illness and/or disability, or with the authorization of the Council, a Member shall not participate in the manner referred to in subsection 12.A. at more than five (5) of the Regular Council Meetings held in a one-year period.

**13.** **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 15 minutes 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 they will be unable to attend a meeting, the Clerk should be so advised; and if this notice is given to the Clerk at least twenty-four (24) 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 advise members the meeting is cancelled and is authorized to advertise on the Town’s website the postponement of the meeting to the date of the next regular meeting.

**14.** **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, they 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 the Mayor or Deputy Mayor

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 22., Public Hearings., while presiding at a Council or Committee of the Whole meeting as the Mayor would have if present and occupying the chair.

**15**. **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:

1. Approval of Agenda
2. Treaty Acknowledgement - Moment of Reflection
3. Mayor’s Comments
4. Disclosure of Interest
5. Public Presentations/Public Hearings
6. Minutes of the Previous Meeting
7. Unfinished Business
8. Correspondence
9. By-laws
10. New Business
11. Reports
12. Business Arising from Committee of the Whole
13. Adjournment
14. Notice that A Member *May* be Attending by Electronic Means of Communication

B. Any person or persons or delegation requesting to address Council may be entitled to address Council on a matter of municipal jurisdiction that is not otherwise mandated by legislation such as the *Local Governance Act*, and *Community Planning Act*. Requests to appear before Council shall be made in writing, legibly written, printed or typed or emailed and shall not use any obscene or improper language and include the sender’s name, email address and civic address, to be filed with the Clerk prior to 1:00 P.M. on 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 the 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. Every communication, with the exception of item 15.B. ii, including a petition, application or tender designed to be presented to the Council, shall be legibly written, printed or typed or emailed and shall not contain any obscene or improper matter or language and shall provide the writer’s name, their email address, civic address and topic of concern and shall 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.

ii. Certain communications from the public may be acted upon at the Administration level, and, as such, at the discretion of the Chief Administrative Officer, these communications can be referred directly to him or her for follow up action, and Members of Council can be notified of the communication and action taken for information purposes.

C. Notwithstanding Subsection 15.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 particularly when a member(s) of the public is waiting for a specific item.

* 1. 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.
  2. The Clerk shall cause to be delivered by electronic means to each Member, at least 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.
  3. A Pending Agenda shall be distributed to Council with each notice of Committee of the Whole 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.

**16**. **ADMITTING MEMBERS OF THE PUBLIC BEFORE COUNCIL**

A. Persons wishing to appear before Council must follow the procedure laid out in Section 15. B.

B. Persons, with the exception of Section 16. B. i., being heard by Council, except 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; with the exception of those speaking at a Public Hearing, when each person shall be limited in speaking to not more than five (5) minutes.

* + 1. Notwithstanding Subsection 16. B., persons speaking on behalf of an organization and/or consulting firm, etc., commissioned by the Town to perform certain studies, projects and/or works, will be permitted to make presentation to Council on the status and/or results of such study, and/or project or works for the time period required to do so.

C. Notwithstanding Subsection 16.(B.), Council, by majority vote, may allow or deny anyone to address the Council for whatever time period stipulated in the motion.

D. 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.

**17**. **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, and if a member wishes to withdraw a motion, they must ask for the unanimous permission of Council. If there is no agreement, a vote is taken.

1. Where the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of Council, they shall so advise Council and cite, without argument or comment, the rule or authority applicable thereto.
2. 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:
   * 1. 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 17. A., a Point of Order does not require a seconder, is not amendable and is not debatable, and is decided by the Presiding Officer. However, the Presiding Officer may request that the Council decide whether a Point of Order is correct by majority vote of those present.

* + - 1. Suspend the Rules - A motion to temporarily set aside the provisions of this by-law. It is not amendable or debatable, and requires a two-thirds (b) majority vote of the whole Council;
      2. 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;
      3. 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 17.A., it does not require a seconder, is not amendable nor debatable;
      4. Division of a Motion - Dividing of a motion into parts so that each may be considered individually. Parts must be such that they can stand alone. It is not amendable nor debatable;
    1. Fix the Time to Which to Adjourn - This motion is used to extend the time of adjournment past ten (10) p.m.;
    2. Adjourn - Motion to close the meeting immediately. It is not amendable nor debatable;
    3. 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;
    4. Raise a Question of Privilege - Can be privilege of the Council or of an individual Member. Notwithstanding Subsection 17.A., it does not require a seconder, is not amendable nor debatable, and is decided by the Presiding Officer;
    5. Table – A motion to lay on the table refers to temporarily setting aside a pending motion to take care of something else deemed urgent. The motion to lay on the table is less about the business being discussed than about the Council needing to handle something else immediately. One such motion may be: "Your Worship, because our speaker has arrived, I move to lay the pending motion on the table." It is not amendable nor debatable.
    6. Postpone to a Certain Time – Is used to delay consideration of a proposal until a certain date and time or until after a certain event or until more information is obtained. It is debatable but debate is limited to whether the main motion should be postponed and is amendable as to when the matter should be postponed.
    7. Move the Previous Question - To close debate and vote immediately. It is not amendable nor debatable and requires a two-thirds (b) majority vote of the Whole Council;
    8. 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 (b) majority vote of the Whole Council;
    9. 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;
    10. 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;
    11. 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;
    12. Main Motion - The most important and most common motions are main motions, used to introduce new business, focusing on what is to be decided and serve as the basis of Council’s decision-making process. Main motions should be phrased in a way to take an action or express an opinion on a particular subject. A main motion cannot be made when any other motion is before Council. It is debatable and amendable.

Steps to Process a Main Motion:

* + - 1. Member makes a motion;
      2. Another member seconds the motion;
      3. Chair states motion;
      4. Members discuss and/or amend motion;
      5. Chair restates motion and calls for a vote;
      6. Members vote on motion;
      7. Chair states results of vote, whether motion passes or fails, and what happens as a result of vote;
      8. Chair states next item of business.

Some types of main motions include -

* + - * 1. Adopt, Accept or Agree to - Council accepts, adopts or agrees to the report or action being proposed.

**18.** **LIMITS OF DEBATE**

1. 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.
2. 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 their speech which may have been misconceived and when so speaking they shall not introduce any new matter.
3. No Member, without permission of Council, shall speak to the same motion or in reply for a longer period than ten (10) minutes.
   * 1. Notwithstanding Section 18. C; a Member asking *questions* for information gathering purposes leading up to the formulation of a motion and/or on a proposed motion that has been introduced to the floor is *not* considered part of a Members’ 10 minute debate time.
4. When the Presiding Officer wishes to participate in the debate at a Council meeting, they shall call on the Deputy Mayor if present or, if not present, a Councillor to preside until they are finished speaking.

**19.** **VOTING**

1. Unless otherwise stated in this By-law or required by Provincial Legislation, all motions of Council shall require a majority vote to be adopted.
2. 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.
3. 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 passed, is conclusive.
4. When a motion is put, every Member present at the meeting shall vote unless the Member:
   * 1. Is the Mayor, who shall only cast a vote –
        1. to avoid a tie vote, and/or,
        2. when a vote of the whole Council is required pursuant to this By-law and/or under Provincial Legislation.
     2. Did not attend a Public Hearing where statutory procedures for the adoption of such motion and/or bylaw required a Public Hearing; or
     3. Has declared a conflict of interest under Section 5.
5. When the Presiding Officer is other than the Mayor, they shall vote.
6. Where a Member refuses to vote and is not excused by reasons outlined in Subsection 19.(D.), the Clerk shall record them as refusing to vote. Such a refusal shall not be recorded as a “yea” vote.
7. Each Member present shall cast their vote electronically using the electronic voting software used at the meeting, which is then publicly displayed once the vote closes, or alternatively, announces their vote openly and individually by saying “yea” or “nay” and by raising their hand when called for.
8. 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.
9. No Member is permitted to explain their vote during the voting process.

**20.** **ORDER AND PRIVILEGE**

1. No Member shall:
   * 1. 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;
     2. use offensive words against the Council, any Member thereof, or any staff Member or advisor;
     3. speak beside the question or motion in debate;
     4. reflect upon any vote of the Council except for the purpose of moving that the vote be rescinded;
     5. refuse to obey this by-law;
     6. disobey the decision of the Presiding Officer on questions of order or practice.
2. 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 Council, on a majority vote, shall order them to leave their seat for that meeting and they shall be required to leave provided that where the Member apologizes, they may, forthwith resume their seat.
3. 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 17. of this by-law.
4. When the Presiding Officer or a Member is speaking or putting a motion, no Member shall leave their seat or make any noise or disturbance or interrupt them except to raise a point of order.
5. All remarks, comments and questions shall be addressed through the Presiding Officer.
6. **RECONSIDERATION**

A. Only upon a two-thirds (b) 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.

1. **PUBLIC HEARINGS**
2. 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 their seat during debate on the motion.
3. Generally, unless provided for in other legislation, the procedure to be followed at Public Hearings is:
   * 1. Presentation by the Proponent;
     2. Those wishing to speak for/against the proposal shall be given a 5 minute timeline to present their views to Council;
     3. Proponent makes final summation;
     4. Council Members may ask questions;
     5. A motion may be heard and voted upon.
4. **MINUTES**
5. The Clerk shall be the secretary of all Regular and Special Meetings of Council and of Committee of the Whole.
6. The Clerk shall record in the minutes:
   * 1. the place, date and time of meeting;
     2. the names of the Presiding Officer or officers and record of the attendance of the Members, staff and advisors;
     3. the reading, if requested, correction and adoption of the minutes of prior meetings;
     4. a record of the actions taken at the meeting and may include concise and objective summaries of the subject matter. Specifically, the minutes shall include all main motions, including the names of the mover and seconder, and the result of the vote; and,
     5. the time of adjournment.
7. Minutes of the preceding regular or special meetings shall be approved by majority vote, or amended and approved, at the next regular meeting.
8. Minutes shall not be read at the meeting unless a Member so requests, in which case the Clerk, with a majority vote of Council, shall read the minutes before the Council deals with the business before it, in the order as set out in Subsection 15.A.
9. **BY-LAWS**
10. The provision for enactment of all by-laws shall be as set out in Sections 10 of the *Local Governance Act of New Brunswick*, and/or other applicable Acts of the Province of New Brunswick.
11. 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.

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1. **COMMUNICATION ON BEHALF OF THE TOWN**
2. The Mayor, or in their absence, the Deputy Mayor, is the official spokesperson for the Town;
3. All Councillors acknowledge that official information related to the decisions of Council will be communicated to the community and the media on behalf of the Council as a whole.
4. **USE OF COMMUNICATION TOOLS AND SOCIAL MEDIA**
5. All Councillors should use communication tools and social media in a professional, courteous, and respectful manner accurately communicating the decision of council even if they disagree with the decision, and not to use these tools in an attempt to reflect on Council decisions or criticize other Councillors or Town Staff. Derogatory, defamatory, discriminatory, indecent, obscene or false comments shall not be posted.
6. As with any other communications, Members are accountable for content and confidentiality. Where Members provide a personal view or opinion on social media, Members should take steps to ensure that such personal views or opinions are not construed to be those of the Town or Council as a whole.
7. **COMMITTEES**
8. 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.
9. 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.
10. 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;
    * 1. 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.
11. 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.
12. 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.
13. Committee meetings may be open or closed to the public in accordance with the terms of Section 68 of the *Local Governance Act of New Brunswick* of New Brunswick.
14. The Mayor and any Councillor may attend the meetings of any Committee of Council which they are not a Member but may not vote. They may take part in any discussion or debate in the Committee with the permission of the majority of the Committee Members present.
15. 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:
    * 1. to report only to Council from time to time and wherever desired by Council and as often as the interests of the local government 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;
      2. 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;
      3. to consider and report on any and all matters referred to them by Council;
      4. every report shall be signed by the Chair and/or Secretary and may be signed by any or all other Members of the Committee;
      5. to adhere in the transaction of all business to the rules prescribed by by-laws.
16. 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.
17. **BY-LAW REPEALED**
18. By-law Number 033 “A By-law of the Town of Quispamsis Regulating the Proceedings of Council” is hereby repealed.
19. **EFFECTIVE DATE**

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

**READ FIRST TIME:** April 18, 2023

**READ SECOND TIME:** February 6, 2024

**READ THIRD TIME AND ENACTED:**

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