

Hanwell

By-Law No. 01-2014

A By-Law Respecting the Proceedings of Council and Administration

Pursuant to subsection 10.3(1) of the *Municipalities Act*, R.S.N.B. 1973, Chapter M-22, amendments thereto and regulations adopted thereunder, the Council of the rural community of Hanwell hereby enacts as follows:

1. TITLE

This By-Law may be cited as the "Procedural By-Law".

2. DEFINITIONS

In this by-law:

"Act" means the *Municipalities Act*, R.S.N.B. 1973, Chapter M-22, amendments thereto and regulations adopted thereunder;

"Assistant Clerk" means the Assistant Clerk of the municipality as appointed by Council in accordance with Section 76 of the Act;

"Chairperson" means the presiding officer of a meeting.

"Clerk" means the Clerk of the rural community of Hanwell as appointed by Council in accordance with Section 76 of the Act, or the Assistant Clerk;

"closed meeting" means a public meeting of Council closed to the public under New Brunswick Regulation 2005-94 Paragraph 14(9) of the Act;

"Council" means the Mayor and Councillors of the rural community of Hanwell;

"Deputy Mayor" means the Councillor so elected pursuant to this By-Law;

"Municipality" means the rural community of Hanwell;

"Point of privilege" means a procedure used when members' rights are infringed, order must be restored, or there is a problem with the physical conditions of the meeting or otherwise;

"Quorum" means half of the full number of Council members plus one;

"Regular meeting" means a public meeting of Council

"Resolution" means a decision made by Council passing, amending or defeating a motion under consideration;

"Special meeting" means a public meeting of Council other than a regular meeting;

"Treasurer" means the Treasurer of the municipality as appointed by Council in accordance with Section 76 of the Act;

3. COUNCIL

(a) Presiding Officer

The Mayor shall preside over all Council meetings. If the Mayor is absent or unable to act, or if the Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while so acting, he or she possesses the powers and shall perform the duties of the Mayor.

AMENDED (June 8, 2016)

(b) Deputy Mayor

- i. The council of the municipality shall elect a Deputy Mayor
- ii. Such election may take place at the first official meeting of a new Council for a two-year term and every two years thereafter or as unanimously decided by Council, with all councillors eligible for election including the current Deputy Mayor.

(c) Vacancies on Council

Vacancies on Council are governed by the Act.

(d) Conflict of Interest

- i. Conflicts of Interest are governed by section 90.1 of the Act.
- ii. Upon taking office, each member of Council shall file with the Clerk in the form prescribed by regulation under the Act a statement disclosing any conflict of interest of which he or she has or should reasonably have knowledge.

AMENDED (July 13, 2016)

- iii. A member of Council who finds himself or herself in Conflict with any business on the agenda of any meeting, shall disclose the conflict at the meeting, and leave the council chamber during any discussion or vote by council on the matter.

4. COUNCIL MEETINGS

(a) Call to Order and Quorum

- i. Quorum is required at all Council meetings.
- ii. Subject to the provisions of the Act, if no chairperson has been designated and the Mayor or Deputy Mayor does not arrive within fifteen minutes of the time set for the commencement of the Council meeting, the Clerk shall call the meeting to order, and the members present shall choose one of their number to act as chairperson until the Mayor or Deputy Mayor arrive.
- iii. After the time set for the commencement of the Council meeting and as soon as a quorum is present, the chairperson takes the chair and calls the meeting to order
- iv. If, within thirty minutes after the set time for the commencement of the Council meeting, a quorum is not present, the Clerk shall record the names of those members present and adjourn the proceedings until the next regular or special meeting of Council.

(b) First Meeting of New Elected Council

A newly elected Council shall hold its first regular meeting on the day prescribed by the Act. A new council shall transact no business at this first meeting until the oaths of the office have been taken and subscribed to by all the members present for that purpose.

(c) Regular Meetings

- i. In all procedural matters not governed by the Act or other Provincial legislation, *Robert's Rules of Order* shall be used and shall prevail.
- ii. Council shall hold one regular meeting per month, on the second Wednesday of each month at 6:30 p.m. in the council chamber, unless otherwise decided by resolution.
- iii. REPEALED (March 11, 2015)
- iv. When the date for a regular meeting falls on a public, civic, or statutory holiday, Council shall meet, unless it decides otherwise, on the following day at the same time.
- v. A notice of meeting indicating the date and time of the meeting, as well as the business to be transacted, shall be sent to every member of Council by electronic mail no later than five days before the date set for the meeting.
- vi. AMENDED (Oct 12, 2016) The deadline for receipt of agenda materials by the Clerk is 3:00 p.m. on the Tuesday preceding the meeting.
- vii. Any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of Council present at the meeting.
- viii. When any matter or proceeding is not contemplated by this By-Law or Provincial legislation, the chairperson shall use the most recent edition of *Robert's Rules of Order* as a guide.
- ix. AMENDED (March 11, 2015 and April 13, 2016 and July 13, 2016) The Clerk shall prepare the agenda for regular meetings of Council, which includes the following items:
 1. Call to Order
 2. Approval of Agenda
 3. Adoption of Minutes
 4. Public Input/Inquires
 5. Disclosures of Interest
 6. Reports
 7. Presentations
 8. Permit Applications
 9. Proclamations
 10. Petitions and Delegations
 11. Business Arising
 12. Correspondence
 13. Meetings and Special Events
 14. Committee Reports

15. Treasurer's Report
16. New Business
17. Upcoming Activities
18. Closed Session
19. Date, Time and Location of Next Meeting
20. Adjournment

(d) Special Meetings

- i. The Mayor may at any time call a special meeting of Council.
- ii. The Clerk, upon receiving a petition from a majority of Council members, shall call a special meeting for the purposes and at the time stated in the petition.
- iii. A notice of meeting shall be distributed to Council at least forty-eight hours in advance. No business other than that indicated in the notice of meeting may be transacted at the special meeting except by unanimous consent of the members present. The Clerk shall make reasonable efforts to notify the public when a Special Meeting has been called.

(e) Emergency Meetings

- i. The Mayor or any three members of Council, when deemed necessary, may call an emergency meeting of Council in which time requirements would not apply.
- ii. An emergency meeting shall satisfy the requirements of a special meeting, except for the requirement of advance notice, and only the subject matter of the emergency shall be considered. The Clerk shall make reasonable efforts to notify the public when an Emergency Meeting has been called.

(f) Meeting Curfew

When at any meeting of the Council the hour of 9:00 p.m. shall be reached, the Mayor or Presiding Officer shall declare the Council adjourned and leave the chair unless decided otherwise by a two-thirds majority vote of Council members present.

(g) Minutes

The minutes shall show:

- i. the date, time and location of the meeting;
- ii. the name(s) of the person(s) chairing the meeting and the record of attendance; and
- iii. the proceedings, free of annotations or comments.

(h) The minutes of previous public meetings shall be approved by resolution.

5. DECISIONS OF COUNCIL

(a) All questions, motions or matters before Council shall be decided at a Regular or Special Meeting of Council, with the exception of matters defined in the Act.

- (b) All motions shall be moved and seconded before being debated or discussed.
- (c) After a motion is seconded it shall be deemed to be in possession of Council but may be withdrawn by the mover and seconder at any time before decisions or amendment with the permission of Council.
- (d) All motions are subject to amendments, and amendments are subject to sub-amendments. Sub-amendments are voted on first, followed by amendments and, finally, the main motion.
- (e) A member may, at any time during a debate but not so as to interrupt a member then speaking, request that the question, motion or matter under discussion be read.
- (f) No member shall speak a second time on the same question or motion until every member choosing to speak has spoken, except in explanation of the material part of speech which may have been misconceived, and when so speaking, shall not introduce any new matter and the member can speak no further on the question without special leave of the chairperson.
- (g) A motion shall require a majority vote of the eligible Council members present.
- (h) All Councillors shall vote on a motion unless he/she is in a conflict of interest. Having declared a conflict of interest, he/she shall leave the room during the discussion and vote, and his/her reason for not voting shall be entered into the minutes by the Clerk.
- (i) All Council members shall cast their votes orally, saying either "aye" or "nay" (or "yes" or "no"). Any decision of Council adopted in a public meeting is the official position of the entire Council.
- (j) When a member abstains from voting and is not excused by Council, the Clerk shall record him/her as voting in the affirmative on the question or motion before Council.
- (k) The chairperson shall be exempt from voting. He or she shall vote only when the question is to be decided by a simple majority and the vote is divided equally. In which case he or she shall cast a deciding vote.
- (l) When the Mayor wishes to participate in the debate at a Council meeting, he/she shall leave the chair and call on the Deputy Mayor if present, or if not present, a Councillor to preside until he/she resumes the chair. The Mayor must resume the chair prior to the vote being taken.
- (m) Except as otherwise provided, no member shall speak without recognition of the chairperson.
- (n) No one shall interrupt the chairperson or a Council member who has the floor, except to raise a point of order.
- (o) No Council member may speak for more than five minutes at a time without the permission of the chairperson.
- (p) In the event of a division of Council upon any question, motion or matter, the Clerk shall enter into the minutes the names of the members who vote for and those who vote against the question, motion or matter.

- (q) A motion to adjourn shall be in order at any time, unless a Council member has the floor or a motion is being debated.

6. POINTS OF ORDER AND PRIVILEGE

- (a) Any point of order or privilege raised must be considered immediately.
- (b) When a point of order is raised or the chairperson calls a member of Council to order, the member who has the floor shall cease speaking until the chairperson has stated the point of order.
- (c) During meetings, members shall remain seated and refrain from making any noise or speaking with one another. They shall listen closely to the person who has the floor and shall not interrupt except to raise a point of order or privilege in accordance with the rules that apply.
- (d) Members may not speak until they have been given leave by the chairperson and must always speak to the chairperson.
- (e) If a member engages in improper conduct and refuses to obey a call to order from the chairperson, the chairperson may ask Council to rule on the conduct, naming the member and indicating the offence of which the member stands charged.
- (f) A decision of the chairperson shall be final.

7. ADDED (October 12, 2016) CONFIDENTIALITY

- (a) Until a matter is formally presented at a Regular or Special Meeting of Council, and/or a Committee Meeting, items of a sensitive, personal or business nature will not be publicly disclosed by Council, committee members or staff.
- (b) Information which is presented in open or public sessions of Council may be discussed, while maintaining discretion regarding preliminary discussions.
- (c) While not intended in any way to impede the ability of municipal representatives to express their opinion and position in public, the policy is adopted to foster the thorough investigation and consideration of important issues, including candid discussion and debate, without jeopardizing public reputation or proprietary information.
- (d) Failure to respect confidentiality will result in disciplinary action which may include, but not be limited to, verbal cautions, verbal or written warning, dismissal from committee membership or termination (in the case of employees)
- (e) This policy applies to all rural community of Hanwell employees, all elected officials and members of the public who serve as members of standing or ad hoc committees of Council.
- (f) All municipal employees, Council members and committee members shall sign a Confidentiality Agreement.

8. ADDED (October 12, 2016) **CONSEQUENCES OF DISRESPECTFUL ACTIONS**

When any member deliberately acts against Council's wishes, breaches confidentiality, and/or puts the Council and municipality at risk of legal and/or reputational harm, his/her actions will result in disciplinary action by Council which may include, but not be limited to, verbal cautions, verbal or written warnings, or dismissal from committee memberships.

9. **COMMITTEES**

- (a) Standing, special and/or select committees shall be in place to study issues and make recommendations to Council.
- (b) Committee proceedings are governed by the rules of conduct as dictated by Policy, and a majority of members present must be in favour of each recommendation brought forth.
- (c) All committee meetings shall be open to the public.
- (d) Committee of the Whole
 - i. Council may call and convene a meeting of Committee of the Whole, which shall be publicized as all other Committee meetings.
 - ii. Council may convene a meeting of Committee of the Whole during any regular or special meeting by first temporarily adjourning the regular or special meeting. After adjournment of the meeting of Committee of the Whole, business discussed shall be reported for resolution at the regular or special meeting.

10. **PUBLIC ATTENDANCE**

- (a) All regular and special meetings of Council are open to the public.
- (b) Notice of a regular meeting shall be published on the official rural community of Hanwell website and/or other electronic media, at least 48 hours before the time of the meeting.
- (c) If a person present at a Council meeting is engaging in improper conduct, the chairperson may have that person expelled.
- (d) Any person, association, organization, or other body wishing to address Council shall make an appointment with the Clerk at least three calendar days before the close of the agenda (at least ten calendar days before the meeting).
- (e) A delegation or person appearing before Council shall be allowed no more than ten minutes to speak. If a delegation consists of more than five people, it may be represented by two spokespersons at the most who are allowed to speak up to ten minutes each.

11. **NEWS MEDIA**

- (a) The Mayor shall speak on issues of concerns to the municipality on behalf of Council, as per Section 36(1)(2) of the Act.
- (b) In interaction with the media the greater interests of the rural community of Hanwell as a

whole must be considered at all times.

- (c) Council may prevent any news media or person from doing a broadcast of the proceedings of a Council meeting.

12. SIGNING OFFICERS

(a) The Mayor or Deputy Mayor or Councillor serving at the time as chairperson of the Finance Committee shall authorize jointly with the Treasurer or Assistant Treasurer all cheques and other financial instruments issued by the municipality.

(b) The Mayor shall sign jointly with the Clerk all agreements, contracts, deeds, by-laws, resolutions or other documents of a general nature and affix the corporate seal of the municipality thereto pursuant to the Act.

13. CORPORATE SEAL

The corporate seal of the rural community of Hanwell shall be at all times under the custody of the Clerk and shall be used by him/her in corporate matters as required under the Act.

14. ADDED (October 12, 2016) EMERGENCY/URGENT REQUIREMENTS

(a) The Clerk/Treasurer along with the Mayor/Deputy Mayor are authorized to order emergency/urgent repairs or activities on an emergency/urgent basis to protect the public safety or to protect the assets of citizens of Hanwell.

(b) Emergency projects must receive Council's approval at the earliest opportunity.

15. ENACTMENT

In case of any conflict between this By-Law and the Act, the latter shall prevail.

This By-Law shall come into effect on the date of enactment there from:

FIRST READING: (In its entirety)	<u>June 12, 2014</u>
SECOND READING: (By title)	<u>June 12, 2014</u>
THIRD READING AND ENACTMENT: (By title)	<u>June 19, 2014</u>
AMENDED:	<u>March 11, 2015</u>
AMENDED:	<u>April 26, 2016</u>
AMENDED:	<u>October 12, 2016</u>

Chris Melvin, Mayor

Melanie Frost, Clerk/Treasurer