

Town of Long Harbour & Mount Arlington Heights
Rules and Regulations
Governing the Procedures of Meetings

Authority

The Town of Long Harbour-Mount Arlington Heights (hereinafter referred to as “the Town”) under the authority granted by Section 24(3) of the *Municipalities Act 1999* adopts the following rules and regulations governing the procedures for meetings.

Composition

The Council of the Town shall be comprised of seven individuals elected by the residents of the Town according to the *Municipal Elections Act*.

Regular and
Special Meetings

The Mayor or two (2) councillors shall request that the Town Manager/Clerk convene the Council meeting on a regular monthly basis, or more frequently as may be required. The Council by majority vote, will name the date and hour on which a regular meeting shall be held. The Council has adopted the third Thursday of each month at 7:00 pm as the regular monthly meeting.

Special meetings may be held as required. The Mayor or two (2) councillors shall direct the Town Manager/ Clerk in writing to convene all special meetings.

Notice

Notice of meetings of Council shall be by way of an Agenda, which shall be made available to all members of Council at least forty-eight (48) hours prior to each meeting as follows:

Regular Meeting - the Town Manager/Clerk or designate will notify each member by email of the time and location of the meeting and provide an agenda.

Special Meeting – the Town Manager/ Clerk will contact each member by email advising of the date, time and agenda for the meeting.

Failure of any member not to have received notice in the prescribed manner, shall not invalidate a meeting of Council.

Statutory Holiday

When the day fixed for a meeting of Council falls on a statutory holiday, the meeting shall be held on the next day following which is not a statutory holiday.

Presiding Officer

The Mayor shall preside at every meeting according to Section 22 of the *Municipalities Act 1999*. In the absence of the Mayor the Deputy Mayor shall preside. If both the Mayor and Deputy Mayor are absent then the Town Manager/Clerk shall take the chair, call the members to order if there is quorum and a chairperson shall be appointed by the members' present. The members shall nominate a member to preside over the meeting and shall make a motion and seconded to appoint the presiding officer, which shall then be debatable. The chairperson shall preside until the arrival of the mayor or deputy mayor.

Quorum

In accordance with section 211 of the *Municipalities Act 1999*, a quorum shall consist of a majority of councillors in office.

Absence of Quorum

If there is no quorum present within fifteen (15) minutes of the time appointed for holding the meeting, or if no members have stipulated they will make it within a half hour of the appointed time, the Town Manager/Clerk shall call the roll and take down the names of those present and adjourn until the next regular meeting.

Attendance at Meetings

In addition to the Mayor and Councillors, the Town Manager/Clerk or designate shall attend all meetings of council.

Department heads and other employees of council shall attend meetings of council when requested to do so by council or the Town Manager/Clerk.

Meetings Open To the Public

Every meeting of council shall be open to the public according to section 213(1) of the *Municipalities Act 1999*, unless it is held as a privileged meeting or declared by a vote of the councillors present at the meeting to be a privileged meeting. Where a meeting is held as, or declared to be a privileged meeting, all members of the public present at the meeting shall leave. In accordance with section 213(3) of the *Municipalities Act 1999*, where a decision is made by the councillors at a privileged meeting, the decision, in order to be valid, shall be ratified at the next public meeting of council.

Vacancy Extract from *Municipalities Act 1999*

Vacancies

206. (1) The office of a councillor becomes vacant where

- (a) he or she resigns, in writing, from the date specified in his or her resignation, or, where a date is not specified, from the date when he or she files his or her resignation with the clerk or, where he or she resigns at a meeting of the council, from the time of that resignation;
- (b) he or she is a member of a council of a municipality that is dismissed under the *Municipal Affairs Act*, or where under that Act, he or she is dismissed as a member of a council;
- (c) he or she stops being ordinarily resident in the municipality;
- (d) he or she has been absent from the municipality for more than one year;
- (e) he or she remains indebted to the council for outstanding taxes 31 days after the end of the financial year;
- (f) without leave of the council, he or she
 - (i) is not sworn into office within 60 days after his or her election, or
 - (ii) does not attend regular public meetings of the council for 3 successive months;
- (g) he or she accepts without the prior written approval of the minister, an office or employment under the council to which a salary or remuneration, not including an honorarium payable out of the funds of the council, is attached;
- (h) he or she fails to vote on a matter before the council when required to vote; or
- (i) the council declares the councillor's office vacant under subsection (2).

The highlighted sections are repealed and replaced with the Code of Conduct Act

(2) A council shall, by resolution, declare vacant the office of an elected councillor where that councillor

(a) fails to disclose that he or she has a conflict of interest in a matter being discussed by the council; or

(b) discusses or votes on a matter on which he or she has a conflict of interest.

(3) A councillor in respect of whom a resolution is made under subsection (2), shall not vote on that resolution.

(4) A councillor shall not sit or act as a councillor after his or her office becomes vacant

Minutes

Minutes of meetings shall be recorded by the Town Manager/Clerk or designate and shall contain:

- All motions and resolutions including the names of the movers and seconders thereof.
- The number and names of the members voting for or against.
- Mention by title or brief descriptions the purpose of reports, petitions and other documents tabled at the meeting.
- Reports accepted by Council may be attached to the Minutes.

Amending Minutes

If all members of Council that are present do not consent to the correction of the Minutes, then a motion must be made and seconded to amend the minutes to meet the objection, which shall then be debatable.

Agenda

Prior to each regular meeting of Council, the Town Manager/ Clerk or designate shall prepare an agenda for the meeting and the agenda shall be distributed to members via email.

The agenda will include:

- a. Calling of meeting to order
- b. Adoption of minutes
- c. Business arising from minutes
- d. Delegations
- e. Committee reports
- f. Correspondence
- g. Finances
- h. Regulations
- i. General Business
- j. Notices of motion
- k. Adjournment

Any member of Council may submit to the Town Manager/Clerk an item for inclusion in the Agenda under "New Business" or "Notices of Motion", provided the item is submitted via email by 5:00 p.m., Tuesday of the week prior to the date fixed for the next Council meeting.

Business of Special Meeting or Privileged Meeting

When a special meeting or privileged meeting is called for the consideration of a matter, Council shall proceed at once to the consideration of that matter which shall be specified in the notice calling the meeting and no other business shall be considered unless otherwise decided by a majority vote of the Council members present at the meeting.

Order and Decorum

The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times.

The presiding officer may expel and exclude from a meeting any member of the Council or other person who has been guilty of improper conduct at such meeting and in case of the exclusion of a member of the Council the minutes will reflect a reason for such exclusion.

If any member of Council or other person uses insulting or improper language to the presiding officer or any member and refuses to apologize when so directed by the presiding officer or willfully obstructs the conduct of business, he/she may be ordered by the presiding officer to leave the Council meeting for the remainder of the meeting, and if he/she refuses to do so, then, by order of the presiding officer, the member may be removed from the meeting by any member of the Royal Canadian Mounted Police.

Any member removed from the meeting under the provisions of this rule, may be permitted, by majority vote of the meeting in progress, to resume his/her place upon making an apology to the presiding officer and to any member or members insulted by the actions of the offending member.

Cellular phone devices shall be turned off or silenced and in the event a call must be answered/attended to, the Chairperson will ask for a 5-minute recess.

No part of a meeting shall be recorded unless it is agreed to by council in a majority vote.

Councillors attending a scheduled council meeting later than 15 minutes after the start of the meeting and/or leaving before the meeting is adjourned, will not be recorded as attending for remuneration purposes. The exception to this will be in the event that the situation is unforeseen due to circumstances beyond the Councilors control.

Councillors are not permitted to attend Regular Meetings of Council via Teleconference except when the Regular Meeting is called as a teleconference as it may be from time to time.

Notice of Motion

Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda by moving a motion at the previous meeting.

Notice under Debate

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

- a. To extend the time of the meeting
- b. To refer or commit
- c. To amend
- d. To lay on the table
- e. To move the previous question
- f. To postpone indefinitely

Motions to be seconded

Every motion shall be seconded before being put or debated.

Withdrawal of motion

When a motion has been moved, and seconded it cannot be withdrawn, except with the permission of the Council and the mover and the seconder, and then only before a decision has been taken or an amendment made.

Division of Motion

Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon the request of any member be divided if the sense of the motion permits. The vote on each such division shall be taken separately. If a motion cannot reasonably be so divided then the request shall be declared out of order by the presiding officer.

Addressing the Motion

Members of Council shall address their remarks to the presiding officer and confine themselves to the question at hand.

Entitlement to Speak

If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

Rereading of Motion

Any member of the Council may require the question or motion under discussion to be read for information at any period during the debate but not to interrupt a member speaking.

Member Speaking

Not to be Interrupted

When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

Length of Debate

No member, without the consent of council, shall speak longer than five minutes at any one time, or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

Voting

All decisions of Council unless otherwise specified under the *Municipalities Act 1999* or these rules shall be by majority vote of the member's present. Every member must register a vote, including the Mayor, with all votes being recorded unless the member is in a conflict of interest. No vote shall be taken by Council by secret ballot or any other method of secret voting.

Recorded Vote

In accordance with Section 212(4) of the Municipalities Act, the Town Manager/Clerk shall record the names of those voting in favor of the motion, those voting against the motion, and in a conflict of interest.

Tie Vote

In accordance with section 212(5) of the Municipalities Act, where there is a tie vote on a question, the question shall be considered to have been defeated.

Reconsideration

Any question except one that has been postponed indefinitely or one that has resulted in a tie vote may be reconsidered providing a notice of motion of reconsideration is given in accordance with the rules defined under the Agenda.

If a motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and shall be open for debate the same as an original motion.

Motion to Adjourn

A motion to adjourn is always in order except when:

- A member is addressing the Chair
- A vote is being taken
- It has been decided that the previous question shall be taken.

A motion to adjourn the Council meeting or adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the Council meeting or the debate to a given day may be amended or the debate to a given day may be amended and is open to debate.

No second motion to adjourn the Council meeting or the debate shall be made until some intermediate proceedings have transpired.

Previous Question

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

Amendments

Every amendment shall be decided or withdrawn before the main question is voted on.

Amendments shall be voted on in the reverse order to that in which they are moved.

Motion to Lay on the Table

A motion to lay a question on the table shall not be debatable. However, a motion to “lay on the table” with addition, qualification or deletion shall be subject to amendment and debate.

Motion to Suspend the Rules

A motion to suspend the Rules requires a two-thirds vote of the members present.

Privilege

Whenever a matter of privilege arises it shall be dealt with immediately by the Council.

Motion to Refer or Commit

A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

Motion to Postpone Indefinitely

A motion to postpone indefinitely shall not be amended, and when any question before council has been postponed indefinitely, it shall not be taken up again during the same meeting.

Call to Order

The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

Point of Order

The decision of the presiding officer on a point of order is subject to an appeal to Council which is to be decided by majority vote without debate.

Committees

In accordance with Section 25 of the *Municipalities Act*, council may from time to time appoint committees. The mayor shall be an ex-officio member of all committees.

Standing committees of council shall remain in effect for the life of the council, and members shall be appointed at the first council meeting of each year.

Special committees of council shall remain in effect only until the purpose for which they were set up has been accomplished. Special committees will automatically expire at the end of each year, unless struck again by council.

Council may, by majority vote, resolve itself into a Committee of the Whole whereby it will operate under the rules for committees as set out hereunder. The Deputy Mayor will assume the chair, and if the Deputy Mayor is absent, another member of council shall be elected as chairman.

Membership on all committees of council is limited to members of council.

A majority of the members of any committee shall constitute a quorum.

When council appoints a committee, it shall also appoint one of its members to be chairman of that committee.

The Town Manager/Clerk (or designate) shall act as secretary to each committee of council.

Prior to the next meeting of the committee, the secretary shall prepare minutes of the previous meeting for submission to and confirmation by the committee.

Following every committee meeting, the secretary shall prepare for the chairman a report on all matters which require council action.

Conduct of Committee Business

The following rules and regulations shall apply to proceedings in committees:

- a. Cellular phone devices shall be turned off or silenced and in the event a call must be answered/attended to, the Chairperson will ask for a 5-minute recess.

- b. No part of a meeting shall be recorded unless it is agreed to by council in a majority vote.
- c. The chairman shall preside at every meeting. In the absence of the chairman, one of the other members of the committee shall be elected by the members present to preside during the chairman's absence;
- d. The chairman may vote on all questions. In case of a tie vote on any motion, the question shall be deemed lost;
- e. No motion need be seconded;
- f. The previous question will not be allowed;
- g. There shall be no limit on the number of times a member may speak; and
- h. The votes of members on any question shall be recorded if requested by any member.

Minority Reports

Members of a committee dissenting from a report which has been adopted by the majority of a committee, may make and present to council a minority report. Such report must be presented at the same meeting of council to which the majority report is submitted and must be signed by the dissenting member(s).

Conflict of Interest

Where a member of the Council or a member of staff fails to disclose that he/she is in conflict of interest the onus is upon the presiding officer to inform the Council of such conflict of interest. If the presiding officer is unaware or fails to act, any member of the Council or staff member shall advise Council of such conflict of interest and request a decision. The Council will follow Section 5 and 6 of the *Municipal Conduct Act*. A member who is declared in a conflict of interest shall remove themselves from the Council chambers or sit in the gallery without speaking to the motion and without registering a vote on any motions before the Council in which they are in a conflict of interest.

Delegations

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

1. A written request (email) must be submitted to the Mayor not later than the close of business on Friday the week preceding the meeting.
2. The Mayor will decide if the request is of sufficient importance that the privilege to address the Council should be granted.
3. Requests to address the Council will only be considered after appropriate representations have been made to Council through the committees of the Council.
4. The privilege of speaking will be granted for a period of fifteen minutes. There will be no discussion or debate. The Mayor may request further information or clarification.

Town Spokesperson

The Mayor, normally, shall be spokesperson for the Council on all matters, unless otherwise decided by Council. The Mayor may ask another member or staff member to speak to a specific issue.

Clarification of Rules

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


Amendment of Rules

Any motion to amend these Rules shall be submitted to Council in the manner prescribed under the rules governing the AGENDA and appropriate Notice of Meeting and shall be passed by a two-thirds vote of members present at a meeting.


Effective Date

These rules and regulations shall become effective upon the date of enactment: May 25, 2017 MOTION 05-25-17-04

Mayor:

 Date: May 26/17

Town Manager/ Clerk:

 Date: May 26, 2017