

Town of Long Harbour & Mount Arlington Heights
Town Council Meetings
Rules and Regulations By-Law

Authority

The Town of Long Harbour-Mount Arlington Heights (hereinafter referred to as "the Town") under the authority granted by Section 7(1)(a) of the *Towns and Local Service Districts Act* 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 *Towns and Local Service Districts Act*.

**Regular and
Special Meetings**

A Town shall meet once a month for the dispatch of general business and at other times that the town council determines necessary. Meetings of Council shall be called by the Town Clerk/Manager upon the request of the Mayor or upon the written request by any two (2) councillors. The Council, by majority vote, will adopt a resolution each year scheduling their monthly meetings. The Council has adopted the third Thursday of each month at 7:00 pm as the regular monthly meeting.

Special meetings of the town shall be called by the Town Clerk/Manager at the request of the Mayor or two (2) councillors.

Notice

Notice of Council meetings 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 Clerk/Manager or designate will notify each member by email of the time and location of the meeting and provide an agenda. The agenda shall be adopted by a vote of Council at the regular meeting.

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

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

Except for meetings closed to the public under section 41 of the *Towns and Local Service Districts Act*, the notice of special meetings and meetings of council committees shall be open to the public and a public notice will be posted 24 hours before the meeting. The public notice will include the date/time and place of the meeting and shall be posted in two places within the community.

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, or in the Mayor's absence, the Deputy Mayor, shall preside at every meeting according to Section 36 of the *Towns and Local Service Districts Act*. If both the Mayor and Deputy Mayor are absent from a meeting, the other councillors shall appoint a temporary chairperson who may exercise the powers and carry out the duties of the Mayor at the meeting.

Quorum

In accordance with section 43 of the *Towns and Local Service Districts Act*, a quorum is required at all times for town council meetings and town council committee meetings. A majority of councillors in office constitutes a quorum for a town council meeting provided there are at least 3 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 half an hour of the appointed time, the Town Clerk/Manager 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 Clerk/Manager 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 Clerk/Manager.

Meetings Open

to the Public All regular and special meetings of council and meetings of a town council committees shall be open to the public according to section 40 of the *Towns and Local Service District Act*, unless the meeting is held as a closed meeting or declared by a vote of the councillors present at the meeting, to be a closed meeting.

Closed Meeting

Where a meeting is held as, or declared to be a closed meeting, all members of the public present at the meeting shall leave. In accordance with section 41 of the *Towns and Local Service Districts Act*. Where a decision is made by the councillors at a closed meeting, the decision, in order to be valid, shall be ratified at the next public meeting of council.

Meeting Cancelled

due to Unforeseen Circumstances

If a meeting, open to the public, is cancelled due to unforeseen circumstances, the Council will post the cancelation and the alternate date/time and location of the meeting in two places in the community.

Tabling of Minutes

The minutes of the previous meeting(s) shall be tabled for adoption at the regular council meeting and be adopted without errors or omissions or with corrections.

Minutes

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

- All motions and resolutions including the names of the movers and seconders thereof.
- The 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.

Motions

All decisions of the council shall be made in a regular or special meeting of Council and be adopted by a motion or resolution of the town council. A motion before a town council shall be decided by a majority vote of the councillors in attendance at the meeting except where a vote of 2/3 of the councillors in office is required.

All Motions must be made and seconded before being debated.

Voting of Motions

A councillor shall not abstain from voting on a motion before the town council unless the councillor is required to abstain from voting due to a conflict of interest under the *Municipal Conduct Act*.

Where one or more councillors abstain from voting on a motion in accordance with the *Municipal Conduct Act*, and the councillors remaining is not sufficient to constitute a quorum, the number of councillors remaining, where not less than 2 councillors shall be considered to constitute a quorum for the purpose of discussion and voting on the matter being considered by the council.

Where there is a tie vote on a motion, that motion shall be considered defeated.

Vacancy Extracted from the *Towns and Local Service Districts Act*

Vacancy of Office

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

- (a) the councillor resigns, in writing.
- (b) the councillor is a member of a town council that is dismissed under the *Municipal Affairs Act*, or the councillor is dismissed as a member of a town council under the *Municipal Affairs Act*;
- (c) the councillor's seat was vacated under the *Municipal Conduct Act*;
- (d) an administrator is appointed under section 200;
- (e) the councillor ceases to be a resident of the town;
- (f) the councillor has been absent from the town for more than one year;
- (g) the councillor remains indebted to the town for outstanding taxes or fees 31 days after the end of the financial year;
- (h) without leave of the town council, the councillor
 - (i) is not sworn into office within 60 days after the election, or
 - (ii) does not attend regular meetings of the town council for 3 successive months;
- (i) the councillor accepts without the prior written approval of the minister, an office or employment with the town to which a salary or remuneration, not including an honorarium payable out of the funds of the town, is attached; or
- (j) The councillor fails to vote on a matter before the town council when required to vote;

(2) For the purposes of paragraph (1)(a), a councillor is considered resigned on the date specified in the resignation, or, where a date is not specified, from the date when the councillor files the resignation with the town clerk or, where the councillor resigns at a meeting of the town council, from the time of that resignation.

(3) A councillor shall not sit or act as a councillor after the councillor's seat has been vacated.

(4) A councillor whose seat has been vacated under paragraphs (1) (e), (f), (g), (h), (i), or (j) may appeal to a judge of the Supreme Court by filing a notice of appeal with the Supreme Court within 21 days of the date on which the councillor is notified by the town clerk that the councillor's seat is vacated and upon paying into the Supreme Court an amount, or upon giving a bond for the amount that the judge considered sufficient to defray the costs of the appeal.

(5) A councillor or the councillor's solicitor shall file a copy of the notice of appeal with the town clerk.

(6) The notice of appeal shall set out in detail the allegations of the councillor and the grounds of the appeal and shall be signed by the councillor or the councillor's solicitor.

(7) The councillor shall within 14 days after the service of the notice of appeal under this section, apply to the judge for a date for the hearing of the appeal.

(8) A town clerk shall, not less than 4 days before the date of the hearing of the appeal, provide to the judge all papers and documents in the possession of the town relevant to the appeal.

(9) A judge shall hear the appeal, and the evidence brought forward by the councillor and the town in a summary manner and may

(a) Uphold the vacancy or reinstate a councillor whose seat was vacated under paragraphs (1)(e), (f), (g), (h), (i), or (j); or

(b) Make another decision that the judge considers to be appropriate in the circumstances.

(10) A judge may make an order as to costs, either for or against the councillor or the town, and may set the amount of the costs.

(11) A person who has filed an appeal under this section is not entitled to sit as a councillor while the appeal is being heard.

Agenda

Prior to each regular meeting of Council, the Town Clerk/Manager 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
- i. General Business
- j. Notices of motion
- k. Adjournment

Any member of Council may submit to the Town Clerk/Manager an item for inclusion on 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.

The agenda for a regular council meeting shall be tabled and adopted via motion.

Business of Special Meeting or Closed Meeting

When a special meeting or closed 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 conduct of all councillors, members of the public, and the media shall conform to the *Municipal Conduct Act*.

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.

Councillors are encouraged to use their IPAD's at all regular council meetings, as the agenda, the minutes to be adopted, and the meeting file will be sent to the councillor's Dropbox on the Tuesday before the Thursday regular meeting.

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 meeting 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.

Motion 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 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 motion 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.

Recorded Vote

In accordance with Section 44(4) of the *Towns and Local Service Districts Act*, the Town Clerk/Manager shall record the names of those voting in favor of the

motion, those voting against the motion, and those abstaining under the *Municipal Conduct Act*.

Tie Vote

In accordance with section 44 (5) of the *Towns and Local Service Districts Act*, where there is a tie vote on a motion, that motion shall be considered to be 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 cannot be amended and is not debatable.

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 and the meeting shall be considered Closed.

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.

Repeal a by-law

Before making a motion to repeal a by-law, a Notice of Motion is required to be given at the meeting before the repeal is to be tabled.

Committees

In accordance with Section 47 of the *Towns and Local Service Districts Act*, council may establish the standing or special committees that it considers necessary. 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 not constitute a quorum.

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

The Town Clerk/Manager (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:
July 17, 2025 MOTION 07-17-25-14



Walter Keating
Mayor



Juanita Gosse
Town Clerk/Manager