



Town of Petty Harbour-Maddox Cove

Title: Rules of Procedure By-Law

Resolution Number:

By-Law Number: 1

Date Approved:

Pursuant to the powers vested in it under Section 7 (1) a of the Towns and Local Service Districts Act the Town Council of Petty Harbour-Maddox hereby passes and enacts the following by-law relating to Rules of Procedure:

Regular Meetings

Regular meetings of Council shall be held on every second Monday of each month at 6:30 pm in the council chamber of the Town Office, unless council by resolutions, directs otherwise.

Special Meetings

Special meetings of council may be called by either the Mayor or any two members of council by giving written notice to the Chief Administrative Officer or designate.

Closed/Privileged Meetings

As per Section 41 of the Towns and Local Service Districts Act and **(1)** notwithstanding Section 40 of the Towns and Local Service Districts Act, a town council meeting or a town council committee meeting may be closed to the public for the duration of the discussion if it is necessary to discuss

(a) information of which the confidentiality is protected by law;

(b) personal information that is protected under the *Access to Information and Protection of Privacy Act, 2015* ;

(c) information that could cause financial loss or gain to a person or the town, or could jeopardize negotiations leading to an agreement or contract;

(d) the proposed or pending acquisition or disposition of land;

(e) information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;

(f) information concerning legal opinions or advice provided to the town council by its lawyer or privileged communications between lawyer and client in a matter of town business;

(g) litigation or potential litigation affecting the town or a municipal service delivery corporation or a matter before a board, commission or tribunal that affects the town or a municipal service delivery corporation;

(h) the access to or security of buildings and other structures occupied or used by the town or access to or security of systems of the town, including computer or communication systems;

(i) information gathered by the Royal Canadian Mounted Police and Royal Newfoundland Constabulary, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information; or

(j) labour and employment matters, including the negotiation of collective agreements.

(2) Where a meeting is a closed meeting,

(a) members of the public shall not be present;

(b) a resolution or by-law shall not be adopted other than a resolution

(i) giving instructions to the lawyer for the town,

(ii) giving instructions to any person negotiating a contract on behalf of the town,

(iii) giving directions to employees on matters referred to in subsection (1),

(iv) adjourning the closed meeting, or

(v) opening the meeting to the public;

(c) a record shall be made containing only the following information:

(i) the type of matter under subsection (1) that was discussed during the meeting, and

(ii) the date of the meeting; and

(d) all decisions made during the meeting shall be documented by a resolution.

(3) Where a decision is made by a town council at a closed meeting, the decision shall be ratified at a public meeting.

As per Section 33(f) Council shall keep confidential any matters discussed in closed meetings of the town council or town council committee meetings until such time as the matter is discussed at a town council meeting held in public; and

Notice

Notice for all meetings of council shall be by way of agenda, which shall be provided to all members of council forty-eight hours prior to each meeting. The failure of any councillor to have received notice shall not invalidate a meeting of council.

Meeting on Legal Holiday

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

When a meeting of council is postponed due to a lack of quorum, council will reschedule the meeting at the earliest possible time agreed upon by council. The next meeting will then occur as per posted scheduled.

Presiding Officer

In accordance with Section 36 (1) of the Towns and Local Service Districts Act, the Mayor shall preside at all meetings of council. In the Mayor's absence, the Deputy Mayor shall preside over the meetings.

In accordance with Section 36 (2) of the Towns and Local Service Districts Act, where 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:

43. (1) A quorum is required at all times for town council meetings and town council committee meetings.

(2) A majority of all councillors in office constitutes a quorum for a town council meeting provided that there are at least 3 councillors in office.

(3) Notwithstanding subsection (2), where there are less than 3 councillors in office, the minister may order that the remaining councillors constitute quorum until an election or a by-election is held to fill the vacancies.

(4) A majority of all members of a town council committee constitutes a quorum for a town council committee meeting.

If no Quorum	If there is no quorum present within fifteen minutes after the time appointed for holding a meeting, the clerk shall call the roll and take down the names of the members then present. The meeting shall stand adjourned until the next meeting is called.
Attendance	<p>In addition to the Mayor and councillors, the Chief Administrative Officer or designate shall attend the meetings of council.</p> <p>Department Heads and other employees of council shall attend meetings of council when requested to do so by council or the Chief Administrative Officer or designate.</p>
Meetings Open to Public	<p>In accordance with Section 40 of the Towns and Local Service Districts Act, all regular and special meetings of a town council and all meetings of a town council committee shall be open to the public.</p> <p>Where a meeting is held as or declared to be a privileged meeting, all members of the public present at the meeting shall leave.</p> <p>In accordance with Section 41 (2) A of the Towns and Local Service Districts Act, privileged meeting will not be open to the public.</p> <p>In accordance with Section 41 (3) Where a decision is made by a town council at a closed meeting, the decision shall be ratified at a public meeting.</p>
Minutes	<p>Minutes of meetings of council shall be recorded by the Chief Administrative Officer or designate. In accordance with Section 44 (4), the minutes of a town council meeting shall indicate the name of each councillor who did any of the following:</p> <ul style="list-style-type: none"> (a) voted for and against a motion; (b) abstained from voting on a motion; or (c) was absent from the meeting. <p>(5) Where there is a tie vote on a motion, that motion shall be considered to be defeated.</p> <p>(With the exception of a tie vote on a conflict of interest. A tie vote regarding a conflict of interest is considered an approved motion)</p> <p>A motion or resolution of council shall include the motion and a brief description of the discussion. Minutes are an accurate record of what was decided at council meeting. Minutes will not be a verbatim reproduction of the discussion of council, rather a record of decisions of council, references to relevant documentation, voting and attendance.</p>

Correction of Minutes If any member of council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if council agrees, the motion adopting the minutes shall contain the necessary corrections.

Agenda Prior to each regular meeting of council, the CAO or designate shall prepare an agenda of all business to be brought before the council. The agenda is to be distributed to councillors forty-eight hours prior to council meetings and will be placed on the town's website.

Any member of council or the public, up until noon of the Thursday prior to the council meeting, may submit to the town clerk an item for inclusion on the agenda.

The format of the agenda shall be as follows:

- a. Calling a meeting to order
- b. Speakers
- c. Minutes of Previous Meeting
- d. Business Arising
- e. Agenda
- f. Foreperson's Log
- g. Expense Claim
- h. Bills
- i. New Business
- j. Adjourn

Agenda for Special Meetings When a special or privileged meeting is called for the consideration of some particular matter, the format of the regular meeting of council may not apply. Council shall proceed immediately to consideration of the business for which the meeting shall be dealt with, unless otherwise decided by majority vote.

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

Disorderly Persons The presiding officer may expel and exclude from a meeting any person in the council gallery who is guilty of improper conduct at the meeting or adjourn the meeting until decorum is restored. The presiding officer may also adjourn the meeting for disorderly conduct by any councillor or should any councillor be deemed disorderly.

Motions to be Seconded

Every motion shall be seconded before being discussed or debated.

Withdrawal of Motions

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

With the permission of the seconder the mover may make an amendment to a motion before council. The amendment shall be relevant and not change the essence of the motion.

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, any request to do so 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 continue themselves to the question at hand.

As per Section 36 (3) of the Towns and Local Service Districts Act, the Mayor or other person presiding at a meeting of a town council who wishes to take part in debate may, in accordance with this section, be replaced as the presiding officer for the time period during which the Mayor or presiding person is speaking.

Mayor/Deputy Mayor Duties

The Mayor presides over council meetings, in this role, a mayor:

- Is familiar with rules of procedure and how to apply them consistently and fairly
- Votes like other councillors but only speaks to a subject by leaving the chair
- Is subject to the direction and control of council and abides by council decisions
- Calls meetings
- Signs cheques, financial statements, and other documents.
- Speaks publicly on behalf of council
- The presiding officer shall not make motions or second motion while presiding over the meeting.

Entitlement to Speak	If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.
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.
Appeal on a 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.
Member Speaking/Interrupted	When a member is speaking or a question is being discussed, 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.
Rereading of Motion	Any member of council may require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a member speaking.
Voting	All decisions of council, unless otherwise specified, either under the Towns and Local Service Districts Act or under this by-law, shall be by majority vote of the members present.
No Secret Ballot	No vote shall be taken in council by ballot or by any other method of secret voting unless otherwise specified by the Towns and Local Service Districts Act. (As per Section 28 (2) of the Towns and Local Service Districts Act, a secret ballot shall occur for election of Mayor by the council when there is no sperate election for Mayor)
Tie Vote	In accordance with Section 44 (5), where there is a tie vote on a motion, that motion shall be considered to be defeated. (with the exception of a tie vote on a conflict of interest, a tie vote regarding a conflict of interest is considered an approved motion)

Motion to Adjourn	A motion to adjourn is always in order except when: <ul style="list-style-type: none"> a. A member is addressing the chair b. A vote is being taken c. It has been decided that the previous question shall be taken
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.
Privilege	Whenever a matter of privilege arises it shall be dealt with immediately by council.

Committees of Council

Authority to Form	In accordance with Section 47 of the Towns and Local Service Districts Act: <ul style="list-style-type: none"> (1) A town council may establish the standing or special committees that it considers necessary. (2) A town council shall appoint councillors to serve on a committee established under subsection (1). (3) A committee established under subsection (1) shall consist of no less than 2 councillors. (4) Where a town council establishes a standing or special committee under subsection (1), the town council may establish the mandate of the committee and the procedures to be followed by the committee.
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Standing 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 a term of council. Member on all standing committees of council is limited to members of council.
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Special/Advisory Committees	As per Section 48 of the Towns and Local Districts Act:
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Advisory committees

48. (1) A town council may establish one or more advisory committees to advise on matters of special interest to the town.

(2) An advisory committee may be comprised of

(a) councillors;

(b) residents; and

(c) persons with expertise in areas that the town council determines necessary.

(3) A town council shall

(a) define the function and scope of an advisory committee; and

(b) establish guidelines and procedures for an advisory committee.

Standing Committee Members

Quorum of Committees

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

Committee Secretary

All committees of council shall have a designated secretary.

Committee Minutes

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.

Committee Report

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

Clarification and Amendment Procedure

Clarification of By-Laws

In all cases where these by-laws do not make provision or adequate provision, then Robert's Rules of Order shall apply.

Adoption of By-Laws

As per Section 12 of the Towns and Local Service Districts Act

12. (1) By-laws tabled by a town council under this Act shall be adopted by a majority vote of the councillors in attendance at the meeting at which the by-laws are tabled.

(2) A copy of all by-laws adopted by a town council and certified by the town clerk shall be

(a) available for public viewing during the normal business hours of the town; and

(b) posted on the town's website, where the town has a website.

Effective Date

This by-law shall become effective upon the date of enactment, as noted below.

REVISION HISTORY: Revision:	Resolution #:	Change Made:	Date: