

**TOWN OF SAINT ANDREWS**

**BY-LAW NO. 23-06**

**A PROCEDURAL BY-LAW FOR THE ORGANIZATION AND  
OPERATION OF THE COUNCIL OF THE TOWN OF SAINT  
ANDREWS**

**AS REGULATED BY THE LOCAL GOVERNANCE ACT OF THE  
PROVINCE OF NEW BRUNSWICK**

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## 1. AUTHORITY

- 1.1. Pursuant to the authority granted by the *Local Governance Act, SNB 2017, c 18*, paragraph 10(2)(a), the Town Council of the Town of Saint Andrews hereby enacts the following By-Law.

## 2. DEFINITIONS

### 2.1. In this By-Law

- 2.1.1. "Chief Administrative Officer" means the Town Chief Administrative Officer appointed by the Council of the Town of Saint Andrews.
- 2.1.2. "Clerk" means the Clerk appointed by the Council of the Town of Saint Andrews.
- 2.1.3. "Council" means the Mayor and Councillors.
- 2.1.4. "Councillor" means a member of the Council other than the Mayor.
- 2.1.5. "Deputy Mayor" means the Councillor elected Deputy Mayor.
- 2.1.6. "Mayor" means the Mayor of the Town of Saint Andrews duly elected to such post.
- 2.1.7. "Member" means any person elected to Council.
- 2.1.8. "Municipality" means the Town of Saint Andrews.
- 2.1.9. "Town" means the Town of Saint Andrews.
- 2.1.10. "Act" means the Local Governance Act.

## 3. SCHEDULE AMENDMENTS

- 3.1. The Council may from time to time amend by resolution Schedule A of this By-Law.

## MEETINGS

## 4. FIRST MEETING

- 4.1. The Clerk shall fix a date for the first meeting of Council which:
  - 4.1.1. Shall not be earlier than the expiration of the tenth-day period referred to in subsection 42(1) of the *Municipal Elections Act* following the Council's election, and
  - 4.1.2. Shall not be later than the 15<sup>th</sup> day of June following the Council's election.
- 4.2. If the Clerk does not fix a date for the first meeting of Council under subsection 4.1, the first meeting of Council shall be held in the Council Chambers at 6:30 p.m. on the fourth Monday in May following its election.

- 4.3. A newly elected Council:
  - 4.3.1. Shall transact no business at its first meeting until the Oath of Office has been taken and subscribed to by all members pursuant to Section 33 of the *Act*.
  - 4.3.2. May call upon the Clerk to allot a seat within the Council Chambers to each member who shall occupy the same seat at all Council meetings.

## **5. DEPUTY MAYOR**

- 5.1. Council shall, at its first meeting and at any subsequent time the position of Deputy Mayor is vacant, elect a Councillor as Deputy Mayor for the term of Council.
  - 5.1.1. Councillors may be nominated or self-nominated for the position of Deputy Mayor.
  - 5.1.2. A majority vote of the whole Council will determine the newly appointed Deputy Mayor.
- 5.2. Any Councillor may refuse to be nominated as Deputy Mayor.
- 5.3. Council may with a 2/3 majority vote of the whole Council remove the Deputy Mayor.

## **6. REGULAR MEETINGS**

- 6.1. The Council shall hold a Regular Meeting on the 1<sup>st</sup> (first) and 3<sup>rd</sup> (third) Monday of each month in the Council Chambers at 6:30 p.m. unless such day is a public holiday, in which case the meeting shall be held on:
  - 6.1.1. The subsequent business day from the scheduled Regular Meeting.
  - 6.1.2. A day determined by a motion passed by an affirmative vote of at least 2/3 (two-thirds) of the members present at the meeting to which the motion is put.
- 6.2. At a Regular Meeting, except by 2/3 (two-thirds) consent of the Councillors present, Council shall not consider any business other than that specified in the Agenda.
- 6.3. For the month of January, the 1<sup>st</sup> (first) official Regular Meeting of Council will take place on the third Monday of the month, as the first Monday of January is marked a holiday.
- 6.4. For the months of July and August, the 3<sup>rd</sup> (third) Monday of the month Regular Council Meetings will not occur to allow for summer break.

## **7. SPECIAL MEETINGS**

- 7.1. A Special Meeting of Council may be called at any time to deal with unusual circumstances that cannot wait for a Regular Meeting. Special Meetings can be called by the Mayor, or in the absence of the Mayor by the Deputy Mayor. Special meetings will be held in the

Council Chambers.

- 7.2. At a Special Meeting, except by 2/3 (two-thirds) consent of the Councillors present, Council shall not consider any business other than that specified in the Agenda.
- 7.3. A Special Meeting will be held in the Council Chambers at 6:30 p.m. unless otherwise specified on the Agenda or determined by a motion passed by an affirmative vote of at least 2/3 (two-thirds) of the members at the meeting to which the motion is put.

## **8. STAFF MEETINGS OF COUNCIL**

- 8.1. A Staff Meeting of Council will occur on the 2<sup>nd</sup> (second) Monday of each month in the Council Chambers at 6:30 p.m. The purpose of this meeting is for Staff to provide Council with updates to the Registers, provide information to Council, and workshop processes with Council. There will be no decisions made by Council at this meeting. Staff will address any discussion items of Council for motions to the Regular Council Meeting.
- 8.2. Staff Meetings of Council will not be televised or broadcast to the public but are open to the public in the Council Chambers.

## **9. EMERGENCY MEETINGS**

- 9.1. An Emergency Meeting may be called at any time by the Mayor, or in the absence of the Mayor by the Deputy Mayor, or a majority of Councillors provided that a quorum can attend and that the matter to be dealt with is of such urgency that it requires immediate action such that the notice requirements of a Special Meeting cannot reasonably be met.
- 9.2. Any business transacted at an emergency meeting shall be introduced for ratification at the next Regular Meeting of Council.

## **10. PUBLIC NOTICE OF MEETINGS**

- 10.1. Public Notice of all Regular Meetings, Special Meetings, and Staff Meetings of Council shall be published digitally no later than 3 (three) business days before the meeting date. Such notice shall clearly list any By-Laws, motions, discussion items, and resolutions to be discussed at the meeting.
- 10.2. Public Notice of all Emergency Meetings of Council shall be made as expeditiously as possible by the best means of communication available at the time the meeting is called. Every effort should be made to ensure all members are aware of the meeting and the Agenda for the meeting with as much lead time as is practical.
- 10.3. Proposed By-Laws, motions, and resolutions shall be available to the public via the Town website or may be copied at Town Hall at the requester's expense.

## **11. DURATION**

- 11.1. The duration of any Regular Meeting, Special Meeting, or Staff Meeting of Council shall be no more than 2 ½ (two and a half) hours exclusive of presentations. Once a meeting has reached 2 ½ (two and a half) hours in duration, a majority vote of the Councillors present is required to continue beyond two and a half hours. If the members vote to continue, then the meeting will continue. If not the meeting is adjourned and any unfinished business is carried over to a Special Meeting that must be held within 5 (five) business days of the

adjournment. The sole purpose of this Special Meeting is to conclude the unfinished business of the previous meeting and no new items may be added to the Agenda without the unanimous consent of Councillors present at the meeting.

## **12. MEETINGS OPEN TO THE PUBLIC**

- 12.1. Subject to Subsection 11.1, all meetings of the Council shall be open to the public.
- 12.2. If it is necessary, a Council Meeting or Staff Meeting of Council may enter into a Closed Session to discuss a particular matter. A majority vote of Council will be required to enter into and exit from a Closed Session and the public shall be excluded from the meeting for the duration of the discussion. Council may only go into Closed Session for the following matters:
  - 12.2.1. Information of which the confidentiality is protected by law.
  - 12.2.2. Personal information as defined in the *Right to Information and Protection of Privacy Act*.
  - 12.2.3. 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.
  - 12.2.4. The proposed or pending acquisition or disposition of land.
  - 12.2.5. 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.
  - 12.2.6. Litigation or potential litigation affecting the local government, or any corporation referred to in subsection 8(1), the local government's agencies, boards or commissions including a matter before an administrative tribunal.
  - 12.2.7. The access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government, including computer or communication systems.
  - 12.2.8. Information gathered by the police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information.
  - 12.2.9. Labour and employment matters, including the negotiation of collective agreements.
- 12.3. If a meeting of Council is Closed to the public pursuant to Subsection 12.2, no decisions shall be made at the meeting except for decisions related to:
  - 12.3.1. Procedural matters.
  - 12.3.2. Directions to an officer of the Town.
  - 12.3.3. Directions to a solicitor of the Town.
- 12.4. If a Council Meeting is Closed to the public pursuant to Subsection

12.2, a record shall be made containing only the following:

12.4.1. The type of matter under Subsection 12.2 that was discussed.

12.4.2. The date of the meeting.

12.5. The record made under Subsection 12.4 shall be available for examination by the public at the office of the Clerk during regular office hours.

### **13. QUORUM**

13.1. A majority of the members of Council constitutes a quorum.

13.1.1. If no quorum is present fifteen minutes after the appointed time for the meeting, the Clerk shall take down the names of the members then present and the Council shall stand adjourned until either the meeting is rescheduled or the next regularly scheduled meeting.

13.1.2. If during the course of a meeting the number of members becomes less than a quorum then proceedings shall cease, and the Council shall stand adjourned.

#### **13.2. *Electronic Meetings***

13.2.1. It is permitted to use electronic means of communication in a Council Meeting or a Committee of Council Meeting if it allows members of Council 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 members.

13.2.2. A member of Council who intends to participate in a meeting in a manner referred to in Subsection 13.2.1, 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 applicable, that the public notice refers to it.

13.2.3. A member of Council who participates in a meeting closed to the public in a manner referred to in subsection 13.2.1 shall, at the beginning of the meeting, confirm that he or she is alone.

13.2.4. A member of Council who participates in a meeting in the manner referred to in subsection 13.2.1 shall be deemed to be present at the meeting. Quorum is recorded based on attendance of a minimum 4 (four) Councillors.

13.2.5. 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.

13.2.5.1. A statement that an electronic means of communication will be used at the meeting.

13.2.5.2. The location where the public may see or hear the meeting.



## **14. COUNCIL DECISIONS**

- 14.1. The powers of a municipality are vested in and shall be exercised by its Council.
- 14.2. All decisions of Council shall be:
  - 14.2.1. Made in a Regular or Special Meeting of Council.
  - 14.2.2. Adopted by By-Law, motion, or resolution of the Council.
  - 14.2.3. All decisions made at an Emergency Meeting of Council must be ratified at either a Regular or Special Meeting of Council.
- 14.3. No act or decision of a Council is valid unless it is authorized or adopted by a By-Law, motion, or resolution at a Regular or Special Meeting of Council.

## **PROCEEDINGS**

## **15. MAYOR'S DUTIES**

- 15.1. The Mayor shall preside at all Council Meetings.
- 15.2. When the Mayor is not present within 15 minutes of the time set for the meeting, the Deputy Mayor shall preside over the meeting.
- 15.3. When the Mayor and Deputy Mayor are not present within 15 minutes of the time set for the meeting, the Clerk shall call the Council to order, and if a quorum is present, the members thereof shall choose a Chairperson by open vote and that the Chairperson shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
- 15.4. It shall be the duty of the Mayor or in the Mayor's absence the Deputy Mayor or other presiding officer to:
  - 15.4.1. Open the Council Meeting by taking the chair and calling members to order.
  - 15.4.2. Announce the business before the Council in the order in which it is to be acted upon.
  - 15.4.3. Receive and submit in the proper manner all motions presented by the members.
  - 15.4.4. Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results.
  - 15.4.5. Decline to put to vote motions that infringe on the rules of procedure.
  - 15.4.6. Ensure that each member present shall announce their vote on a motion openly and individually and that the Clerk records it.
  - 15.4.7. Restrain the members, within the rules of order and within the confines of the subject being debated, when engaged in

debate.

- 15.4.8. Enforce on all occasions the observance of order and decorum among the members.
- 15.4.9. Call by name any member persisting in breach of the rules of order of the Council, there by ordering him or her to vacate the Council Chambers.
- 15.4.10. Receive all messages and other communications and announce them to Council.
- 15.4.11. Inform Council when necessary or when referred to for that purpose on a point of order of usage.
- 15.4.12. The Mayor has the right to provide missing or educational information to ensure accuracy and context to the debate by Council.

## **16. AGENDA**

### 16.1. Regular Meetings

- 16.1.1. The Agenda for any Regular Meeting of Council shall have at a minimum the following headings:
  - 16.1.1.1. Recording of Attendance.
  - 16.1.1.2. Land Recognition for the Peskotomuhkati Nation.
  - 16.1.1.3. Approval of the Agenda.
  - 16.1.1.4. Disclosure of Conflict of Interest.
  - 16.1.1.5. Approval of the Minutes of Previous Meetings.
  - 16.1.1.6. Presentations.
  - 16.1.1.7. Communications.
  - 16.1.1.8. Staff Report.
  - 16.1.1.9. Financial Report.
  - 16.1.1.10. Introduction, Consideration, and Passing of By-Laws and Motions.
  - 16.1.1.11. New Business.
  - 16.1.1.12. Question Period.
  - 16.1.1.13. Councillors' and Deputy Mayor's Comments.
  - 16.1.1.14. Mayor's Comments.
  - 16.1.1.15. Adjournment.
- 16.1.2. The Agenda will be set by the Mayor and Clerk with feedback from the Chairs of the Committee Portfolios at least 5 (five) business days prior to any Regular Meeting of Council.

- 16.1.3. A copy of the Agenda for all Regular Meetings clearly listing any By-Laws, Motions, and Resolutions being discussed by Council shall be posted in a public place, on the Town website, and be available at the office of the Clerk for examination at least 3 (three) business days prior to the meeting.
- 16.1.4. All members shall be provided with a copy of the Agenda at least 3 (three) business days prior to any Regular Meeting along with the following supporting documentation:
  - 16.1.4.1. Any presentations if available, presentations that are not available will be forwarded to the members as soon as they become available.
  - 16.1.4.2. Any communications that will be read or discussed at the meeting.
  - 16.1.4.3. Minutes of the previous meeting.
  - 16.1.4.4. Staff Report(s).
  - 16.1.4.5. Financial Report(s).
  - 16.1.4.6. Any By-Laws, Motions, or Resolutions to be discussed at the meeting including a description and any background material or documents relevant to the By-Law, Motion, or Resolution.

## 16.2. Special Meetings

- 16.2.1. The Agenda for any Special Meeting of Council shall have the following headings:
  - 16.2.1.1. Record of Attendance.
  - 16.2.1.2. Land Recognition of the Peskotomuhkati Nation.
  - 16.2.1.3. Approval of the Agenda.
  - 16.2.1.4. Disclosure of Conflict of Interest.
  - 16.2.1.5. Presentations.
  - 16.2.1.6. Communications.
  - 16.2.1.7. Introduction, Consideration, and Passing of By-Laws and Motions.
  - 16.2.1.8. Question Period.
  - 16.2.1.9. Councillors' and Deputy Mayor's Comments.
  - 16.2.1.10. Mayor's Comments.
  - 16.2.1.11. Adjournment.
- 16.2.2. The Agenda including the wording of any motions will be set by Council at a Committee Meeting at least 5 business days prior to any Special Meeting of Council

- 16.2.3. A copy of the Agenda for all Special Meetings clearly listing any By-Laws, Motions, and Resolutions being discussed by Council shall be posted in a public place, on the Town website and be available in the office of the Clerk for examination at least 3 business days prior to the meeting.
- 16.2.4. Any members shall be provided with a copy of the Agenda at least 3 business days prior to any Special Meeting along with the following supporting documentation:
  - 16.2.4.1. Any presentations if available, presentations that are not available will be provided as soon as they become available.
  - 16.2.4.2. Any communications that will be read or discussed at the meeting.
  - 16.2.4.3. Any By-Laws, Motions, or Resolutions to be discussed at the meeting including a description and any background material or documents relevant to the motion or resolution.

### 16.3. Staff Meeting of Council

- 16.3.1. The Agenda for any Staff Meeting of Council shall have at a minimum the following headings:
  - 16.3.1.1. Recording of Attendance.
  - 16.3.1.2. Land Recognition for the Peskotomuhkati Nation.
  - 16.3.1.3. Approval of the Agenda.
  - 16.3.1.4. Disclosure of Conflict of Interest.
  - 16.3.1.5. Presentations.
  - 16.3.1.6. Communications.
  - 16.3.1.7. Staff Meeting Discussion Items and Registers.
  - 16.3.1.8. New Business.
  - 16.3.1.9. Question Period.
  - 16.3.1.10. Councillors' and Deputy Mayor's Comments.
  - 16.3.1.11. Mayor's Comments.
  - 16.3.1.12. Adjournment.
- 16.3.2. The Agenda including the wording of any discussion items of the Staff Meeting will be provided at least 5 business days prior to any Staff Meeting of Council
- 16.3.3. A copy of the Agenda for all Staff Meetings clearly listing any discussion items of the Staff Meeting shall be posted in a public place, on the Town website and be available in the office of the Clerk for examination at least 3 business days prior to the meeting.

16.3.4. Any members shall be provided with a copy of the Agenda at least 3 business days prior to any Staff Meeting along with the following supporting documentation:

16.3.4.1. Any presentations if available, presentations that are not available will be provided as soon as they become available.

16.3.4.2. Any communications that will be read or discussed at the meeting.

16.3.4.3. Any Staff Discussion Items or Registers to be discussed.

## **17. RECORD OF ATTENDANCE**

17.1. The Clerk shall record the attendance and enter into the Minute Book the names of those members present and those members absent and should a member arrive late, the Clerk shall enter the member's name at that point in the proceedings and the time they arrived.

17.2. Those that are attending Electronically will be entered into the Minute Book by the name of those present.

17.3. Any member of Council that has been granted an absence under the *Local Governance Act* Section 50(1)(g) will be noted as absent in the Minute Book by their name.

17.4. Those members of Council provided the absence outlined in Subsection 17.3 will not receive their Council Remuneration for the time absent from Council, unless they attend the Regular Council Meetings.

## **18. CHANGES TO THE AGENDA**

18.1. Any changes to the Agenda for Special Meetings may only be made with 2/3 (two-thirds) consent of Councillors present at the meeting.

18.2. Any changes to the Agenda approved by Council at the Committee Meeting for a Regular meeting may only be made with the affirmative vote of 2/3 (two-thirds) of the Councillors present at the meeting.

## **19. DISCLOSURE OF CONFLICT OF INTEREST**

19.1. Any member wishing to and not having disclosed a potential conflict of interest shall do so at the time specified for such in the Agenda or at any time during the meeting when a member feels that they are in a conflict of interest.

## **20. MINUTES**

20.1. Minutes of the last meeting shall not be read unless a majority of the Councillors so request, in which case the Clerk shall read the minutes.

20.2. The minutes shall record:

20.2.1. The Name of the Municipal Corporation.

20.2.2. The Place, Date, and Time of the Meeting.

- 20.2.3. The Name of the Chairperson.
  - 20.2.4. The Names of the Members present as well as the Names of those Members absent.
  - 20.2.5. The Names of the Staff Members in attendance.
  - 20.2.6. The adoption (with corrections noted) of the previous Minutes without note or comment the exact wording of all Resolution decisions, and proceedings of the meeting.
  - 20.2.7. Any presentations that were made to Council.
  - 20.2.8. Any correspondence or communication(s) that were read during the Council Meeting.
  - 20.2.9. Reference and link to Staff Reports.
  - 20.2.10. Reference and link to Financial Reports.
  - 20.2.11. The result of the *vote* upon each matter for which a Motion was made and voted upon including the Name of Council Members that *moved* and *seconded* any Motion.
  - 20.2.12. The date of the next meeting.
  - 20.2.13. The time of adjournment.
  - 20.2.14. The signature of the Mayor, Deputy Mayor or designate Chairperson and the Clerk or his or her designate who was present at the Council Meeting.
- 20.3. The Clerk shall be responsible for printing the Minutes with the pages numbered.
  - 20.4. When the Minutes have been approved, they shall be signed by the Mayor or Deputy Mayor and by the Clerk or Deputy Clerk except for the minutes of the last meeting of an outgoing Council where Minutes are only signed by the Clerk or Deputy Clerk.

## **21. PRESENTATIONS**

- 21.1. Presentations shall include presentations, petitions, and submissions made by individuals, groups, or organizations to the Council or by Council to individuals, groups, or organizations.
- 21.2. Council shall have the right to refuse any presentation, but such refusal shall require the consent of 2/3 (two-thirds) of Councillors.
- 21.3. Individuals, groups, or organizations cannot make more than one presentation to Council on the same topic without the consent of 2/3 (two-thirds) of Councillors.
- 21.4. The number of presentations at any one meeting may be limited to a maximum of three at the discretion of the Mayor. The priority order of presentations shall be based on when the written request to present was received by the Clerk.
- 21.5. Individuals, groups, or organizations desiring to address Council must notify the Clerk, in writing, and provide a copy of the presentation no later than 5 (five) days prior to any Regular, Special, or Staff Meeting of Council.
- 21.6. Upon receipt of the written request to address Council, the Clerk

shall confirm with the requester the time and place at which the presentation shall be made and shall convey to the requester the rules and procedures that relate to the presentation.

21.7. The length of time for any presentation is limited to 10 (ten) minutes except with approval of 2/3 (two-thirds) of the Councillors present at the meeting.

21.8. Council may with the approval of 2/3 (two-thirds) of the Councillors present at the meeting here any presentation that does not meet the requirements of this section.

## **22. STAFF REPORTS**

22.1. Individual Staff Reports shall be submitted to the Chief Administrative Officer (CAO) who will ensure they are sent to Council.

22.2. The Chief Administrative Officer (CAO) will present Council with a summary of staff reports highlighting any major events and bring any usual items to the attention of Council.

22.3. Council shall approve or approve with amendments the Staff Reports as submitted by the Chief Administrative Officer (CAO).

## **23. FINANCIAL REPORT**

23.1. The Financial Report shall be prepared by the Treasurer and submitted to the Chief Administrative Officer (CAO), who will ensure they are distributed to Councillors within the timelines dictated by the Financial Planning and Budgeting Policy.

23.2. Council shall approve or approve with amendments the Financial Report as submitted by the Chief Administrative Officer (CAO).

## **24. BY-LAWS**

24.1. Every By-Law shall be introduced by Motion for leave specifying the title of the By-Law and the Motion shall be in the following words: *“That leave now be given to introduce a By-Law entitled ‘A By-Law to’ and that the same now be read for the First Time.”*

24.2. No By-Law shall be introduced in blank or imperfect form.

24.3. No By-Law shall be adopted by the Council until the residents of the Town are given the opportunity to review the text of the By-Law and to submit comments for the consideration of the Council.

24.4. That the Town of Saint Andrews will host a Public Hearing of Objections to any By-Law being motioned for approval. The Public Hearing of Objections shall take place prior to First Reading. Council can host multiple Public Hearings of Objections throughout the By-Law process prior to Third and Final Reading.

24.5. There can be two readings of a By-Law at any Regular or Special Meeting of Council if there are no objections from the Public Hearing.

24.6. The Clerk shall endorse on all By-Laws read in Council the dates of the several readings thereof and shall be responsible for maintaining a consolidated register of the By-Laws and any amendments to them.

## 25. MOTIONS

- 25.1. All Motions must be presented either orally or in writing by a Councillor and seconded by another Councillor before the discussion begins.
- 25.2. Whenever a Motion under consideration consists of more than one direct proposition, matter, or question, it shall be divided into separate propositions, matters, or questions if so, requested of any Councillor.
- 25.3. It shall be the duty of the Chairperson to determine what motions or amendments are in order subject to an appeal by Council and decline to put any motion before Council which he or she deems to be out of order or contrary to law. A Councillor making the motion or amendment may appeal the Chairperson's ruling to the Council who by majority vote may allow the Motion or amendment to proceed.
- 25.4. A member may, at any time during a debate but not to interrupt a member when speaking, request that the motion be read.
- 25.5. When a Motion is under debate, no other Motion shall be revived except a Motion to amend it, to withdraw it, to postpone it, or to move that the vote be now taken.
- 25.6. *Amendments to Motions*
  - 25.6.1. An amendment modifying the intention of a Motion shall be in order, but an amendment relating to a different subject shall not be in order and only one amendment shall be allowed to an amendment.
  - 25.6.2. Amendments to a Motion shall be put in the reverse order to that in which they are moved, except in filling in blanks, when the longest time and smallest sum shall be first. Every amendment presented shall be decided or withdrawn before the motion is put to vote.
- 25.7. *Withdrawal of Motion*
  - 25.7.1. A Motion or amendment thereto may be withdrawn by the movers and seconders before the motion is put to the meeting.
- 25.8. *Motion to Table*
  - 25.8.1. A Motion may be proposed to a future date by a majority vote of the Councillors present.
- 25.9. *Vote Be Now Taken*
  - 25.9.1. A Motion that a vote now be taken can only be made after all Councillors have had an opportunity to speak on the motion.
  - 25.9.2. When a Councillor moves that the vote now be taken, the Chairperson shall put this motion to an immediate vote without further debate.
  - 25.9.3. After a Motion is put to the meeting by the Chairperson, no Councillor 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 Chairperson as to whether or not the Motion has been put is final.

## **26. COUNCILLORS' COMMENTS**

- 26.1. At the conclusion of the meeting, each Councillor and the Deputy Mayor will be given up to 5 (five) minutes to make any announcements or comments on any matter.

## **27. MAYOR'S COMMENTS**

- 27.1. At the conclusion of the meeting the Mayor will be given up to 10 (ten) minutes to make any announcements or comments on any matters.

## **GENERAL RULES AT MEETINGS**

## **28. ORDER**

- 28.1. The Mayor, Deputy Mayor or designate Chairperson shall preserve order and decorum at the Council Meetings and decide all questions of order.

- 28.2. No member shall:

28.2.1. Use offensive words against the Council or any member thereof.

28.2.2. Speak beside the question or Motion in debate.

28.2.3. Reflect upon any vote of Council except for the purpose of moving that the vote be rescinded.

28.2.4. Refuse to obey the rules of Council.

28.2.5. Disobey the decision of the Chair on questions of order or practice.

28.2.6. Act so as to prevent another member, who has been properly recognized by the Chair, from speaking.

28.2.7. Refer to another Councillor other than by his or her surname preceded by the word "Councillor", or "Deputy Mayor" and the Mayor as "Your Worship" or "Mayor".

- 28.3. The Clerk, Deputy Clerk, and Town Staff shall:

28.3.1. Be impartial and neutral at all times.

28.3.2. Provide information and staff recommendations when requested by the Chair of the meeting.

28.3.3. Advise the Chair on points of order.

28.3.4. With leave from the Chair, correct any misinformation or errors.

28.3.5. Refrain from commenting on any remarks made by a Councillor, the Deputy Mayor or the Mayor.

- 28.3.6. Under no circumstances enter into debate at any Council Meeting.
- 28.4. Where the Mayor is called upon to decide a point of order or practice, he or she shall state the question without unnecessary comment and decide the issue, citing the rule of authority applicable thereto.
- 28.5. When a point of order is raised or when a Councillor is called to order from the Chair, the Councillor speaking shall yield until the Mayor states and decides the point of order and then, on that question, shall address the Chair only for the purpose of appealing to the Council from the ruling of the Mayor.
- 28.6. Where Council is appealed to under subsection 28.5, it shall decide the matter by a majority vote of the Councillors present.
- 28.7. Where there is no appeal under subsection 28.5, the decision of the Mayor is final.
- 28.8. Where a member refuses to obey the rules of Council or disobeys the decision of the Mayor on a question of order or practice, the Mayor may order him or her to leave his or her seat for that meeting, provided that where the member apologizes he or she may on a majority vote of Council forthwith resume his or her seat.
- 28.9. When in the opinion of the person presiding over the meeting, a member of the public is guilty of improper conduct at the meeting, the person presiding over the meeting may cause that person to be expelled from the meeting forthwith.
- 28.10. No person other than members of Council and the Town Officers having duties to perform shall be allowed within the bar of the Council Chambers while the Council is in session.
- 28.11. According to parliamentary procedure, the Chair of the meeting does not usually participate in debate at Council Meetings as the role of the Chair should be one of objectivity and impartiality. As “Umpire” of the proceedings, the Chair must regulate the conduct of the meeting and ensure that all opinions of Council Members receive equal expression.

## **29. MAYOR ENTERING DEBATE**

- 29.1. If the Mayor wishes to participate in debate, the Mayor must get consensus of Council to allow entry into debate while remaining Chair. The Mayor will only vote in the event of a tie. If Council does not provide consensus, then the Mayor can only enter debate by stepping down as Chair in favour of the Deputy Mayor or designated Chair if the Deputy Mayor is unavailable. If the Deputy Mayor declines to Chair the meeting and no other member wishes to assume the Chair, then the Mayor may not participate in the debate and must remain as the Chair to preside over the meeting in an impartial, objective manner.
- 29.2. If the Mayor elects to step down from the Chair, it must be for an entire question or motion. The Mayor cannot cede the Chair after debate has begun on an issue and cannot resume the Chair until after the motion on the floor has been resolved.
- 29.3. In cases where the Mayor steps down from the chair and enters debate, the Mayor shall be entitled to vote and the appointed

Chairperson will only be permitted to vote in case of equal division.

- 29.4. The Mayor has the right to provide missing or educational information to ensure accuracy and context to the debate by Council.

### **30. CHAIRPERSON**

- 30.1. A Chairperson, whether appointed by the Mayor or by Council to act in the absence of the Mayor, shall have the same authority while presiding at a Council Meeting as the Mayor would have if present and occupying the Chair, and in this By-Law where the context allows, the word "Mayor" is deemed to mean a Chairperson.

### **31. MANNER OF SPEAKING**

- 31.1. Every member who wishes to speak to a question, Motion, or matter shall raise his or her hand to indicate his or her wish and shall, when called upon, address himself or herself only to the Chair.
- 31.2. A Councillor shall speak for a second time on a matter only to introduce new information or a point of view not already expressed in the debate.
- 31.3. No Councillor without leave of Council shall speak to the same question or Motion for a longer period than 10 minutes.
- 31.4. When the Mayor or a Councillor is speaking, no member shall interrupt him or her except to raise a point of order.
- 31.5. When the Mayor is putting a question or Motion, no Councillor shall leave his or her seat or make any noise or disturbance.

### **32. VOTING PROCEDURE**

- 32.1. At all meetings, every question shall, unless otherwise required by statute or by the By-Laws of the Town of Saint Andrews, be decided by the majority of the votes duly cast on the question.
- 32.2. Every Councillor present at the meeting when a question or motion is put shall vote thereon unless he or she:
- 32.2.1. Is excused by Council by Motion.
  - 32.2.2. Is personally interested in the question or Motion in a manner which prevents the Councillor from voting legally or otherwise by virtue of a conflict of interest.
- 32.3. Where a Councillor refuses to vote and is not excused by Council for the reasons stated in the previous subsection, the Clerk shall record him or her as voting in the affirmative on the question or Motion before Council.
- 32.4. The Chairperson be it the Mayor or a person filling the role of a Mayor at a meeting shall only vote in the case of equal division.
- 32.5. Any Councillor shall have the right to dissent and have his or her reasons entered into the minutes and the Councillor shall make such request known to the Chair who shall direct the minutes so recorded. Should a Councillor exercise the right of dissent, the minutes shall record the Councillor's reasons for dissent.

### **33. SUSPENSION OF RULES**

- 33.1. No standing rule or order of Council shall be suspended except by the unanimous vote of all Councillors present and such suspension shall be in effect only for the meeting at which the affirmative vote was given.

### **34. RECONSIDERATION**

- 34.1. No By-Laws, questions, Motions or matter that has been disposed of by a majority vote at a Council Meeting shall be introduced for consideration at a Council Meeting prior to the expiration of three months from the disposal without unanimous consent of Councillors present.

### **ADDITIONAL DUTIES**

### **35. MAYOR**

- 35.1. In addition to the duties prescribed by the *Local Governance Act* or by another By-Law of the Town, the Mayor shall:
  - 35.1.1. Authenticate by a signature all By-Laws, Resolutions and Minutes of Council.
  - 35.1.2. Represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
  - 35.1.3. Be the spokesperson or designate a spokesperson for the Town in all Federal and Provincial discussions.
  - 35.1.4. Be the Town representative on Regional matters.
- 35.2. In the absence of inability of the Mayor to act, or if the office of Mayor is vacant, the Deputy Mayor shall act in place of the Mayor, and while so doing he or she possesses the powers and shall perform the duties of the Mayor.

### **36. TOWN CLERK**

- 36.1. In addition to the duties prescribed by the *Local Governance Act* or by any other By-Law of the Town, the Clerk shall:
  - 36.1.1. Attend all Regular, Special and Emergency Meetings of Council and record in a book designated for such purposes, without note or comment all resolutions, decisions and proceedings of Council.
  - 36.1.2. Record the vote on each question put to Council.
  - 36.1.3. Promptly execute all orders or resolutions made by Council.
  - 36.1.4. Furnish promptly to any Town Officer affected thereby copies of all orders or resolutions made by Council so that the requirements of the same may be carried into effect.
  - 36.1.5. Attend the meetings of the Council Committee and support the activities of the Council Committee and sub-committees of the Council Committee.
  - 36.1.6. Prepare, issue, and keep records of all licences granted.

- 36.1.7. Prepare and attend to the execution of all contracts and agreements to be entered into by the Town.
- 36.1.8. Prepare and attend to the execution of all bonds and other securities required to be taken by the Town from any person.
- 36.1.9. Act as custodian of the books, documents, and records of the Council and the original of all By-Laws and resolutions, all title documents, mortgages, leases, bonds, agreements, or other instruments relating to the property of the Town and allow the same to be taken from his or her office only on the order of the Council or the Court.
- 36.1.10. Make duplicates of all critical documents and store them in a secure location separate from the Town Hall in the event of a fire.
- 36.1.11. Act as custodial of all bonds, securities, or fidelities given for the faithful discharge of duties of officials and servants of the Town.
- 36.1.12. Be the custodian of the Corporate Seal of the Town and the person to affix the authenticate it.
- 36.1.13. Notify any person appointed to any office by the Council of his or her appointment and prepare and issue any commissions for such officers.

## **GENERAL PROVISIONS**

### **37. VACANCIES ON COUNCIL**

- 37.1. When the office of the Mayor or of a Councillor becomes vacant, the Clerk shall notify the Council of that vacancy within 24 hours and Council shall declare that vacancy at the next Regular Council Meeting of Council.

### **38. APPLICATION OF PARLIAMENTARY PROCEDURE**

- 38.1. In all matters, points of order, or questions of procedure arising and not provided for hereunder, proceedings in Council and in Committee shall be governed by the practice of the House of Commons applicable thereto and any interpretation thereof shall be governed by Bourinot's Rules of Order.

### **39. OFFICIAL LANGUAGES**

- 39.1. Pursuant to the *Official Languages Act*, S.N.8. 2002, c 0-0.5, every By-Law and in every other matter and proceeding of Council, the English Language shall be used.

### **40. RIGHT TO INFORMATION AND PROTECTION OF PRIVACY**

- 40.1. Pursuant to the *Right to Information and Protection of Privacy Act*, S.N.82009, c R-10.6, amendments thereto and regulations, records in the custody and under the control of the Town of Saint Andrews may be subject to disclosure upon request or at a public meeting; excluding those records associated with matters

discussed in accordance with Section 68(1) of the *Local Governance Act*.

**41. PROCUREMENT**

41.1. The Town of Saint Andrews shall follow the *Procurement Act*, S.N.8. 2012 c.20, for the procurement of goods and services over certain thresholds. For those transactions not covered by the *Procurement Act*, the Town shall follow the *Procurement Policy* adopted by Council, which may be amended from time to time by resolution of Council.

**42. REPEAL OF PREVIOUS BY-LAWS**

42.1. The following By-Laws are hereby repealed:

42.1.1. All By-Laws respecting the procedures and organization of the Council of the Town of Saint Andrews, namely By-Law No. 16-03, A Procedural By-Law for the Organization and Operation of the Council of the Town of Saint Andrews and amendments thereto are hereby repealed upon the enactment of By-Law No. 23-06, A Procedural By-Law for the Organization and Operation of the Council of the Town of Saint Andrews.

Public Hearing of Objections                    \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Read the First Time this                    \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Read the Second Time this                    \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Read the Third and Final Time this                    \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Brad Henderson, Mayor

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Paul Nopper, Clerk – Senior Administrator

## **SCHEDULE A – STANDING SUB-COMMITTEES**

- 1.1 The Council Committee shall have the following standing sub-committees:
  - 1.1.1 Planning and Community Development.
  - 1.1.2 Economic Development, Business, and Culture.
  - 1.1.3 Recreation and Environment.
  - 1.1.4 Public Works and Public Safety.
  - 1.1.5 Finance and Administration.
  
- 1.2 The Council Committee Standing Sub-Committees shall have the following areas of responsibility:
  - 1.2.1 Planning and Community Development
    - 1.2.1.1 Planning.
    - 1.2.1.2 Community Development.
    - 1.2.1.3 Municipal Plans and Zoning By-Laws.
    - 1.2.1.4 Planning Advisory Committee.
  
  - 1.3.1 Economic Development, Business, and Culture
    - 1.3.1.1 Economic Development.
    - 1.3.1.2 Matters Affecting the Business Community.
    - 1.3.1.3 Matters Related to the Tourism Industry.
    - 1.3.1.4 Matters Related to Heritage and Cultural Assets.
    - 1.3.1.5 Development and Promotion of Special Cultural Events.
    - 1.3.1.6 Tourism Accommodation Levy Committee.
    - 1.3.1.7 Heritage Board.
  
  - 1.4.1 Recreation and Environment
    - 1.4.1.1 Matters Affecting Community Groups, Service Clubs, and Volunteer Organizations.
    - 1.4.1.2 Matters Related to Recreation and Sports.
    - 1.4.1.3 Matters Related to Community Services.
    - 1.4.1.4 Matters Related to the Environment and Climate Change.
    - 1.4.1.5 Environmental Advisory Committee.
    - 1.4.1.6 Trail Advisory Committee.
  
  - 1.5.1 Public Works and Public Safety
    - 1.5.1.1 Matters Related to the Fire Department.
    - 1.5.1.2 Matters Related to the Police Department.
    - 1.5.1.3 Matters Related to Emergency Preparedness.
    - 1.5.1.4 Matters Related to Medical Services.
    - 1.5.1.5 Matters Related to Water and Wastewater Services.
    - 1.5.1.6 Matters Related to By-Law Enforcement.
    - 1.5.1.7 Matters Related to Roads, Streets, and Municipal Infrastructure.
    - 1.5.1.8 Matters Related to Town-Owned Buildings and Equipment.
    - 1.5.1.9 Asset Management.
  
  - 1.6.1 Finance and Administration
    - 1.6.1.1 Budgets and Long-term Financial Planning.
    - 1.6.1.2 Utility Rates.
    - 1.6.1.3 Grants.
    - 1.6.1.4 Debentures.
    - 1.6.1.5 Reserve Funds.
    - 1.6.1.6 Intergovernmental Affairs.
    - 1.6.1.7 Labour Relations and Staffing.
    - 1.6.1.8 Insurance.

The Council may, with 2/3 consent of Councillors change the standing sub- committees and add or delete from the responsibilities of the standing sub-committees.