

DISTRICT OF CARLETON NORTH
A BY-LAW RESPECTING THE PROCEDURES OF THE COUNCIL
BY-LAW NO. A-1

A BY-LAW OF THE MUNICIPALITY OF THE DISTRICT OF CARLETON NORTH IN THE PROVINCE OF NEW BRUNSWICK, FOR THE PURPOSE OF ESTABLISHING THE PROCEEDINGS OF THE COUNCIL OF DISTRICT OF CARLETON NORTH.

WHEREAS: Subsection 10(2)(a) of the *Local Governance Act*, authorizes and requires local governments to establish a By-Law respecting the procedures at council meetings, including any matters prescribed by regulation.

BE IT ENACTED by the Council of the District of Carleton North as follows:

1. TITLE:

1.1. This By-Law shall be cited as the “Procedural By-Law”.

2. APPLICATION:

2.1. The rules and regulations in this By-Law shall govern the order and dispatch of business in Council and committees.

2.2. The rules and regulations contained in this By-Law shall apply to:

- a) all members of the Council, including the Mayor, Deputy Mayor and Councillors, and
- b) all members of staff required or requested to attend council meetings, and
- c) any members of the public in attendance at, or participating in, council meetings.

2.3. The rules and regulations contained in this By-Law shall be decided by reference to the most recent edition of the “Robert’s Rules of Order” when any matter relating to proceedings arise which is not covered by a provision of this By-Law.

3. PURPOSE:

The purpose of this By-Law is to establish clear, transparent, consistent and accessible rules for conducting business at meetings, for Council members, administration, and the public to follow and participate in governing the municipality.

4. DEFINITIONS:

4.1. “ACT” means the Local Governance Act, 2017, c18, amendments thereto and regulations adopted thereunder.

4.2. “ADMINISTRATION” means the Chief Administrative Officer (CAO) and Department Heads of the District of Carleton North.

4.3. “CHAIR” means the member of Council presiding over council meeting.

- 4.4. "CLERK" means a Clerk of the District of Carleton North appointed under Section 71(1) of the *Local Governance Act*;
- 4.5. "CLOSED" means a meeting of Council that is not open to the public, so convened in accordance with the *Local Governance Act*;
- 4.6. "COMMITTEE OF THE WHOLE" means the entire body of an assembly meeting as a committee under a chair other than the regular chair. Its purpose is to facilitate discussion by using less strict rules than those used in a formal meeting of the assembly.
- 4.7. "DEPUTY MAYOR" means the member elected pursuant to this By-Law to act as Mayor in the absence or incapacity of the Mayor.
- 4.8. "EMERGENCY MEETING" means a meeting, other than a regular or special meeting for local state of emergency or public safety matters.
- 4.9. "ELECTRONIC COMMUNICATIONS" means the attendance of a meeting through electronic means, which includes telephone, speaker phone, computer, tablet, or other electronic means as technology advances.
- 4.10. "MAYOR" means the Council member duly elected in the municipality as the Mayor, or the person for the time being having the powers or performing the duties of the Mayor.
- 4.11. "MEMBER", "Council Member" or "Member of Council" means any person elected to Council.
- 4.12. "MOTION" means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- 4.13. "MUNICIPALITY", "Town" or "District" means the District of Carleton North.
- 4.14. "POINT OF INFORMATION" means the procedural mechanism by which a member may rise to present or receive information of interest to the Council;
- 4.15. "POINT OF ORDER" means the procedural mechanism by which a member may rise where this By-Law or any other procedural legislation is believed to have been infringed;
- 4.16. "POINT OF PRIVILEGE" means the procedural mechanism by which a member may rise to address incorrect, defamatory or slanderous statements made about the Council, members or civic staff.
- 4.17. "QUORUM" means a majority of those members of Council.
- 4.18. "SPECIAL MEETINGS" means a meeting other than a regular meeting.

5. ELECTION OF DEPUTY MAYOR

- 5.1. The Town Council shall elect a Deputy Mayor from among the Councillors, no later than the second regular meeting after the election of Council.
- 5.2. The Mayor shall take nominations for Deputy Mayor from the Councillors and Council shall elect the Deputy Mayor through a majority vote and by show of hands.
- 5.3. The Deputy Mayor shall be elected for a term of two(2) years, at which time the process shall be repeated.

6. MEETINGS OF COUNCIL

- 6.1. The Town Council shall elect a Deputy Mayor from among the Councillors, no later than the second regular meeting after the election of Council.
- 6.2. Prior to the first meeting, Council members, both incumbent and new, shall attend all orientation sessions arranged by Administration.
- 6.3. At the first meeting of Council:
 - a) The Clerk shall provide Council with a copy of, and read aloud, the declaration of results with respect to the election; and
 - b) Every Council member shall take the Oath of Office pursuant to the Act;
- 6.4. A newly elected Council shall not transact any business at its first meeting until the Oath of Office has been taken and subscribed to by persons present who have been elected to office.
- 6.5. Council shall hold its regular council meetings at 6:00PM on the first and third Tuesday of every month in the Municipal Council Chambers located at 19 Station Road, Florenceville-Bristol. Notice of regular meeting of Council shall be posted on the Town website.
- 6.6. Regular monthly meetings will be held at Councils discretion during the months of July and August.
- 6.7. When the day fixed for a meeting of Council falls on a legal holiday, the said meeting shall be held on the following day of the week.
- 6.8. The Clerk shall be responsible for preparing and circulating the agenda for all meetings of the Council. The deadline for agenda submissions for a regular meeting of Council shall be noon the Tuesday before the meeting date. The agenda for a regular council meeting shall be posted on Friday prior to the scheduled meeting on the Town website.
- 6.9. All meetings of Council shall be open to the public and no member of the public shall be excluded, except for closed meetings, pursuant to the Act, or for improper conduct as outlined in this By-Law.

6.10. Council shall consider no item of business unless the item has been placed on the agenda, or as a modification to the agenda approved by unanimous consent at the meeting.

6.11. The general order of business on the agenda shall be as follows: however, the actual order of conduct may be adjusted by Council as necessary:

1. Call to Order
2. Approval of the Agenda
3. Declaration of Conflicts of Interest
4. Approval of Previous Minutes
5. Business Arising From Previous Minutes
6. Presentations
7. Correspondence
8. By-Laws & Policies
9. New Business
10. Council Statements/Inquiries
11. Adjournment

6.12. A quorum must be present at all regular and special meetings of the council. If quorum is not present after one-half (1/2) hour, the clerk shall record the names of the Council members present and the council meeting shall stand adjourned until the next regular meeting.

6.13. Any meeting of the council may be closed to the public as stipulated in Section 68 of the Local Governance Act.

7. ELECTRONIC MEETINGS:

7.1. 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.

7.2. Any individual participating in a meeting electronically must advise the Clerk before noon of the day of the meeting.

7.3. If a closed session occurs, the members who are participating electronically shall, at the beginning of the meeting, confirm that the member is alone.

7.4. When a vote is called, members attending the meeting by means of electronic communication shall be asked to state their vote only after all other members present at the meeting have cast their vote.

8. PROCEDURE FOR ALL MEETINGS OF THE COUNCIL:

8.1. The Mayor shall chair all meetings. If the Mayor is unable to chair a meeting, the Deputy Mayor shall act as chair for the meeting.

- 8.2. The Chair shall call the Members to order at the commencement of a regular council meeting, a special meeting, or an emergency meeting.
- 8.3. Where the Mayor and Deputy Mayor are absent from a meeting, the Clerk shall call the meeting to order and, on a Chair having been chosen on motion, the Council shall proceed with business of the meeting.
- 8.4. Except as otherwise provided, no member shall speak without being recognized by the chair.
- 8.5. Once a motion is made and seconded, the mover shall have the privilege of speaking first and of closing debate.
- 8.6. A member of the Council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease, and the matter shall be clearly stated by the member and, if applicable, ruled upon by the chair.
- 8.7. A member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- 8.8. All members of the Council shall follow the rules set forth in the Code of Conduct By-Law. No member of Council shall speak disrespectfully of the Council, another member of Council, staff person or a member of the public, or use offensive or profane language.
- 8.9. Unless disqualified to vote by reason of conflict of interest, every member of the Council present shall announce their vote openly and individually, and the Clerk shall record it.
- 8.10. Any Member present who does not indicate their objections shall be deemed to have voted in the affirmation of the question.
- 8.11. Members of the public shall not be entitled to address the Council during the meetings unless the Clerk has been notified at least seven business days (one week) prior to the council meeting, and the item has been added to the agenda of the meeting.
- 8.12. Any person, at the discretion of the chair, may be required to leave the meeting who:
- a) breaches this By-Law;
 - b) behaves in a disorderly manner; or
 - c) uses threats or profane language in debate.

9. MINUTES

The minutes shall record, without note or comment:

- a) the place, date and time of the meeting,

- b) the name of the presiding officer and the attendance of Council members,
- c) the reading, if required, correction and adoption of the minutes of prior meetings, and
- d) all resolutions, decisions and proceedings of the meeting

10. COMMITTEES

- 10.1. The Council may establish or abolish committees of council. The Council shall appoint, to such committees, members who are qualified voters of the local government. Committees of the council shall have at least one member of the Council on the committee.
- 10.2. The Council shall approve the mandate of each committee.
- 10.3. The Council may establish special or ad hoc committees. The Council shall appoint persons who are qualified voters of the local government thereto. Special or ad hoc committees shall have at least one member of the Council on the committee.
- 10.4. The Mayor may be a member of all committees or may appoint a member of the Council to attend any committee meeting on the Mayor's behalf.
- 10.5. The committee chair shall send notice of meetings to each member of the committee at least twenty-four (24) hours before the time of the meeting.
- 10.6. The Clerk or designate shall record the minutes of all committee meetings. The minutes shall be circulated to all members of the committee. Minutes of committee meetings shall be provided to the Clerk within seven (7) days of the approval of the minutes.

11. COMMITTEE OF THE WHOLE

- 11.1. The Mayor or majority of Council may, at any time, call a Committee of the Whole meeting of the Council on twenty-four (24) hours' notice to the Clerk and members of Council.
- 11.2. The Committee may:
 - a) Meet in private pursuant to the Local Governance Act
 - b) Receive information from Administration on emerging items; and
 - c) Discuss and debate policy matters to formulate recommendations to Council;
 - d) The Committee may make the following motions:
 - e) To receive agenda reports and information;
 - f) To refer matters to Administration or a Committee for review;
 - g) To make recommendations to Council; and
 - h) Members will comprise of the Committee, the Clerk, CAO and other required administrative staff will be in attendance at the Committee meetings to make presentations and answer questions

12. SPECIAL MEETINGS

- 12.1. The Mayor or majority of Council upon written petition, may, at any time, call a special meeting of the council on twenty-four (24) hours' notice to the Clerk and members of Council.
- 12.2. The Clerk shall give all members of Council an agenda and pertinent documentation. A written notice of the meeting shall be placed on the door of the Municipal Office Building located at 19 Station Road as well as posted on the town website once all members of Council have been notified and a date and time of the meeting are confirmed.
- 12.3. The Council shall not consider any business at a Special Meeting other than that specified in the notice calling it.
- 12.4. The Mayor may call an emergency meeting of Council when deemed necessary by the Mayor. When such a meeting is called, it shall be considered a special council meeting, except that the time requirements of notice of special council meeting shall not apply, and only the subject matter of the emergency meeting shall be considered

13. CLOSED MEETINGS

- 13.1. Subject to section 68(1) of the Local Governance Act, all meetings of Council may be closed to the public to discuss matters relating to:
 - a) Confidential information protected by the law
 - b) Personal information as defined in the Right to Information and Protection of Privacy Act
 - c) 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
 - d) Proposed or pending acquisition or disposition of land
 - e) Information that could violate the confidentiality of information obtained from other governments
 - f) Legal opinions, privileged information or advice provided to the municipality by a solicitor
 - g) Litigation or potential litigation affecting the municipality or any of its agencies
 - h) Access to or security of particular buildings, other structures or systems including computer or communications systems
 - i) Information gathered by police
 - j) Labour and employment matters
- 13.2. No decision shall be made at a closed meeting except for decision related to the following matters:
 - a) Procedural matters
 - b) Directions to an officer or employee of the local government
 - c) Directions to a solicitor for the local government

14. PRESENTATIONS

- 14.1. The Presentation portion of a council meeting shall provide an opportunity for individuals to appear as a formal delegation or on their own to make brief presentations to Council on matters within the subject matter jurisdiction of Council.
- 14.2. All individuals or groups wishing to address Council and wishing to be listed on the meeting agenda should register with the Clerk at least seven (7) calendar days prior to the date of the meeting, by submitting the Present to Council Form found at carletonnorth.com, providing their name, topic of concern, and indicating whether there has been any previous contact with a member of Council or Administration regarding the matter. In order to ensure that Council receives all required materials in advance to the meeting, any presentations must be submitted to the Clerk at least three (3) business days prior to the date of the meeting.
- 14.3. Presentations shall be limited to five (5) minutes each unless prior discussion has taken place. Presentations may be followed by questions from Council.
- 14.4. Individuals or groups who have not registered in advance will not be permitted to address Council during meetings. Advance notice is required to be added to the agenda and to speak to Council.

15. OTHER PROCEDURAL MATTERS

For matters of procedure that arise during a meeting of the council that are not otherwise provided for in the Act or this By-Law the most current version of Robert's Rules of Order shall apply.

16. EFFECTIVE DATE

FIRST READING: _____

SECOND READING: _____

READ THIRD TIME AND ENACTED THIS ____ DAY OF _____

MAYOR

CLERK