

## **TOWN OF SACKVILLE**

### **BY-LAW NO. 272 A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF COUNCIL**

**BE IT ENACTED** by the Council of the Town of Sackville under the authority vested in it by the Local Governance Act, S.N.B, 2017 c.18, paragraph 10(2)(a) and subsection 10(5) as follows:

#### **INDEX**

1. Definitions
2. First Meeting Newly Elected Council
3. Deputy Mayor
4. Regular Meetings of Council
5. Deadline
6. Special Meetings of Council
7. Minutes of Meetings
8. Agenda of Meetings
9. Information Dissemination
10. Motions
11. Precedence
12. Decorum
13. Voting
14. Conflict of Interest
15. Interruptions
16. By-Laws
17. Petitions and Delegations
18. Reconsideration
19. Parliamentary Rules

20. Closed/In-Camera Meetings of Council
21. Liaison Councillors
22. Other Committees/Boards and Reporting Positions
23. General Duties of a Committee
24. Rules and Regulations
25. Repeal

## **1. DEFINITIONS**

“Council” means the Mayor and Councillors of the Town of Sackville.

“Point of Order” means an issue raised by a member at a meeting questioning that the procedures of a meeting or the actions of an individual participant are contrary to the procedural rules or practices.

“Point of Privilege” means that procedural mechanism by which a member may raise to address perceived or incorrect, defamatory or slanderous statements made about the Council, members or staff.

“Quorum” means the majority of the members of Council with Council having been defined as Mayor and Councillors.

## **2. FIRST MEETING, NEWLY ELECTED COUNCIL**

Following a municipal election, the Clerk shall follow up to carry out the responsibilities of having those elected to office subscribe to the oath of office in the form as prescribed by the Minister in accordance with Section 58 of the *Local Governance Act*.

- a) Persons elected to an office on a municipal Council shall transact no Town business until the Oath of Office has been taken and subscribed to by all members who present themselves for that purpose.

In accordance with Section 63(1) of the *Local Governance Act*, the Clerk may fix a date for the first meeting of Council which date,

- (i) Shall not be earlier than the expiration of the 10-day period referred to in subsection 42(1) of the *Municipal Elections Act* following the Council's election, and
- (ii) Shall not be later than the 15<sup>th</sup> day of June following the Council's election.

### **3. DEPUTY MAYOR**

- (a) Council shall, by their second Regular Council Meeting, elect a Deputy Mayor for a one-year term. Council shall then elect a Deputy Mayor yearly thereafter, on or about the anniversary date of the election of Council.
- (b) In the absence or inability of the Mayor to act, or if the office of Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while so acting, he/she possesses the powers and shall perform the duties of the Mayor.

### **4. REGULAR MEETINGS OF COUNCIL**

- (a) The Council shall hold a Regular Council Meeting on the second Monday of each month in Council Chambers, Town Hall at 7:00 p.m. If a motion is passed by an affirmative vote of at least two-thirds (2/3) of the members present at a meeting at least two (2) weeks prior to (where reasonable), the meeting date, time or location of a Council meeting may be changed or waived.
- (b) The Clerk will notify the public of the date, time and place of the Regular Council Meeting as reasonably possible through various means of communication.
- (c) The Clerk shall provide notice of a meeting to the Mayor and Members of Council setting out the date and time of the meeting and the business to be transacted thereat by 4:30 p.m. on the preceding Thursday for each Regular meeting.
- (d) If a quorum is not present within thirty minutes after the time fixed for a Regular Council Meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned.
- (e) If a quorum is present, the Mayor shall take the Chair and call the members to order. In the absence of the Mayor and Deputy Mayor, the Clerk shall call Council to order. The Council may, from among the members present, appoint a presiding Officer, who during the absence of the Mayor and the Deputy Mayor, shall have all the powers of the Mayor.
- (f) The order of business shall be generally in accordance to the order set out in

Appendix “A” attached hereto.

- (g) The Chairperson of the meeting shall preserve order, decide all questions of order, (subject to an appeal by Council) and shall state the rule applicable to the point of practice or order involved, if called upon to do so by a member.
- (h) If the Chairperson desires to take part in any debate, he/she may appoint a member of Council to take the Chair while he/she debates the question. Otherwise, the Chairperson shall not enter the debate but shall use his/her office to preserve order and to direct members in keeping to the question.
- (i) When the day fixed for a meeting of the Council falls upon a legal holiday the said meeting shall be held upon the next following day which is not a legal holiday.
- (j) All Regular Council Meetings are opened to the public, except for “Closed/In-Camera” discussions on any of the subject matters set out in section 68(1) of the *Local Governance Act*. Other than for purposes as noted pursuant to 68(1) of the *Local Governance Act*, no member of the public shall be excluded from Regular Council Meetings except for improper conduct.
- (k) If a motion is passed by an affirmative vote of at least majority of the members’ present, Council is authorized to have a “Closed/In-Camera” discussion on any of the subject matters set out in section 68(1) of the *Local Governance Act*.

The motion is debatable but not amendable and requires a majority vote. The minutes of the Closed/In-Camera discussion should reflect the time at which the meeting went into a Closed/In-Camera discussion, those in attendance and the general subject matter.

When members conclude the discussion of the topic in the Closed/In-Camera discussion and they have consensus to rise from the Closed/In-Camera discussion, Council should be publicly report in a timely manner either generally or in detail depending on the circumstances or deal with the recommendation (s) from the Closed/In-Camera Session.

- (l) Resumption of the Public Meeting shall occur when the Mayor calls for order and a motion is passed to resume the Public Meeting of \_\_\_\_\_(date).

## 5. **DEADLINE**

When, at any meeting of Council, the hour of 10:30 p.m. shall be reached, the Mayor or presiding officer shall declare the Council adjourned and leave the chair, unless by vote of two-thirds (2/3) of the members present, the Council determines otherwise.

6. **SPECIAL MEETINGS OF COUNCIL**

- (a) The Council shall hold a Special Meeting of Council on the first Monday of each month in Council Chambers, Town Hall at 6:30 p.m. If a motion is passed by an affirmative vote of at least two-thirds (2/3) of the members present at a meeting at least two (2) weeks prior to (where reasonable), the meeting date, time or location of a Council meeting may be changed or waived.
- (b) When the day fixed for a Special Meeting of Council falls upon a legal holiday the said meeting shall be held upon the next following day which is not a legal holiday.
- (c) The Mayor may at any time summon a Special meeting. It shall be his/her duty to do so when requested in writing by a majority of the members of Council.
- (d) A Special meeting may be summoned by the Clerk upon the written request of the Deputy Mayor or the majority of the members of Council in the following cases:
  - 1) The absence of the Mayor,
  - 2) The vacancy of the Mayor's Office,
  - 3) The inability of the Mayor to attend.
- (e) If a Special Council Meeting is deemed necessary due to an unforeseen issue, the Clerk shall give notice to all members of Council. The agenda shall be posted forty-eight (48) hours before the time set for the meeting unless an emergency is declared or for extraordinary purposes and a forty-eight (48) hour notice is not possible.
- (f) If a Special Council Meeting is deemed necessary due to an emergency in the event of; flooding, ice storms, wildfires, hurricanes, major environmental problems, significant financial matters, etc., the Clerk will notify Council of the meeting by telephone, in person and/or via e-mail. The public will be notified as is reasonably possible.
- (g) The date, time and agenda will be posted on the Town's Webpage and through whatever other reasonable means to notify the public are available.
- (h) No business shall be transacted at a Special Council Meeting other than that specified in the notice calling it, except with the unanimous consent of all members of Council present.
- (i) All Special Council Meetings are opened to the Public except for a Closed/In-Camera discussion for purposes pursuant to 68(1) of the *Local Governance Act*. If required, a Closed/In-Camera discussion shall occur in the same manner as per Section 4 – Regular Meetings of Council. A 15-minute press/public question period will be held at the end of a Special Council Meeting for clarification purposes of information shared with Council.

7. **MINUTES OF MEETING**

- (a) It shall be the duty of the Clerk/Assistant Clerk to record minutes of all meetings of Council and if reasonably possible have such available to all members of Council by the next Regular Meeting of Council. The minutes shall record the place, date and time of the commencement of the meeting and the names of all members of Council and employees in attendance. The Clerk/Assistant Clerk shall record in a book, all resolutions, decisions and proceedings of Council, without note or comment.
- (b) Minutes shall be approved at a Regular meeting. Prior to their approval the Chairperson shall ask the Council if there are any objections to the minutes, or any motion to correct, and shall forthwith, or after correction, if any, declare the minutes adopted and shall sign them.

## **8. AGENDA OF MEETINGS**

- (a) Prior to each Regular Council meeting, the Clerk shall prepare an agenda of all business to be brought before Council. The agenda shall be delivered to the Mayor and Councillors by 4:30 p.m. on the Thursday prior to the Regular meeting.
- (b) Any additional agenda items may be added at the commencement of the meeting with unanimous consent of the members present.
- (c) The agenda and information packages for the Regular Council meeting will be available for the press and public by 1:00 p.m. on the preceding Friday and will be posted on the Town's website.
- (d) The business of the Regular Council Meeting intended to be taken up shall be stated in the agenda as illustrated on Appendix A. Under the section noted "Reports", the order of Department Reports may change from time to time.
- (e) There may be a fifteen-minute question period at the beginning of the Regular Council Meeting for purpose of clarifying matters of a minor nature or matters regarding to the agenda. A fifteen-minute question period will be held at the conclusion of the meeting starting with the press to allow the press or public to ask questions or for clarification on business addressed during the meeting.
- (f) The business of Special Council Meetings to be taken up shall be stated in the agenda as determined from time to time and posted on the Town website. Public presentations may occur during such meetings and are to be arranged by contacting the Clerk's Office at least two weeks prior to the meeting date of the Special Council Meeting. Generally such presentations are limited to ten (10) minutes unless otherwise authorized by the Mayor.

## **9. INFORMATION DISSEMINATION**

- (a) Reports at Regular Council Meetings to Council on public issues will be made available to the community.

- (b) Public meetings and information sessions will be held as issues arise where presentations to the public of Council's perspective and priorities on such matters would be beneficial, or benefit could be obtained through discussions and input from the community.
- (c) Press releases will be issued by the Mayor, Chief Administrative Officer or designates as necessary.
- (d) The Mayor, Chief Administrative Officer or designates, will be the primary contact person's with respect to the dissemination of information. Council and Department Heads will remain available for comment on issues as required.

## **10. MOTIONS**

- (a) Where practical and/or for clarification purposes, motions or resolutions shall be stated or read by a mover and when duly moved and seconded and stated by the Chairperson, shall be open for consideration.
- (b) After a motion has been stated by the Chairperson, it shall be deemed to be in possession of Council, but it may be withdrawn by majority vote of the Council members present.

## **11. PRECEDENCE**

The Mayor shall chair all meetings of Council in accordance with *Robert's Rules of Order* which shall be followed during all meetings of Council.

For the benefit of good governance, the Mayor may exercise the discretion required from time to time as he/she determines.

## **12. DECORUM**

- (a) The members of Council shall sit and, when any member desires to speak, he/she shall advise the Chair and address his/her remarks to the Chair. He/she should confine himself/herself to the question and avoid all personalities. Should more than one member raise their hand at once, the Chairperson shall decide who is entitled to the floor.
- (b) No member shall speak more than once without consent of the Chair, except in explanation.
- (c) No member shall, without consent of the Chair, speak to the same question or in reply for longer than ten (10) minutes.
- (d) A reply shall be allowed to a member who has put the main motion but not to any member who has moved an amendment on the previous question.

- (e) The Chairperson or any member may call a member to order while speaking and the debate shall then be suspended and the member called to order, and shall not speak further until the point of order is decided by the Chair.
- (f) Any member may appeal from the decision of the Chair to the Council. All appeals shall be decided by a majority vote without debate. The question is put as "shall the decision of the Chair stand?"

### **13. VOTING**

- (a) Per the *Local Governance Act*, Section 66(1) every Member who shall be present at the meeting, unless disqualified to vote by reason of interest or otherwise upon a By-Law, resolution, motion or for any other purpose, shall announce his/her vote openly and individually, and the Clerk shall record; but no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- (b) Per section 66(2) of the *Local Governance Act*, the Mayor shall not vote except to have a casting vote in the event of a tie.
- (c) Where a member refuses to vote and is not excused by Council or for the reasons stated in subsection (a), the Clerk shall record him/her as voting in the affirmative on the question of motion before the Council.

### **14. CONFLICT OF INTEREST**

As per legislation.

### **15. INTERRUPTIONS**

When there is a motion on the floor, no member shall walk out or across the Chamber; when a member is speaking, no other member shall talk so as to interrupt the member who has the floor.

### **16. BY-LAWS**

Per the *Local Governance Act*, **Section 10.**

### **17. PETITIONS AND DELEGATIONS**

- (a) When any petition, proposal, or scheme is presented to the Council, such member



shall be notified of the meeting of Council at which the same is to be heard, considered or acted upon, in the same manner as if he/she were a member thereof.

- (b) Delegations, Public Hearings under the Community Planning Act or Petition Hearings under the Business Area Improvement Act shall be heard in Regular Council or Special Council meetings.
- (c) No delegation shall be heard unless a written presentation on the subject matter to be discussed has been submitted to the Clerk no later than one week prior to Special Meeting of Council. This restriction may be waived at the discretion of the Clerk following consultation with Council.
- (d) Every delegation shall be required to have a spokesperson and shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than five (5) minutes.
- (e) A delegation, once heard, shall be reheard only at the discretion of Council.

## **18. RECONSIDERATION**

After any question has been decided, any member who voted with the majority may, at this or the next Regular meeting of Council, move for a reconsideration of the question, providing there has been no action taken and that the matter has not yet been acted upon. Upon such a motion to reconsider, and the vote being carried, the subject is again open for debate on the original motion and the matter then stands before Council in precisely the state and condition, and the same questions are to be put to it as if the vote reconsidered had never been passed.

## **19. PARLIAMENTARY RULES**

All points of order or procedure not provided for in this By-Law shall be decided in accordance with *Robert's Rules of Order*.

## **20. CLOSED/IN-CAMERA DISCUSSIONS OF COUNCIL**

- (a) Closed/In-Camera discussions will only occur as permitted under section 68(1) of the *Local Governance Act*.
- (b) Council may request that such matters, such as those outlined in 68(1)(a) through (i) of the *Local Governance Act*, be placed on the agenda of Regular or Special Meetings of Council.
- (c) Full discussion may be held on the agenda items and recommendations made to a

- regular session of Council. No decisions shall be made during this discussion except as permitted under section 68(2) of the *Local Governance Act* (procedural, directions to staff or solicitor pursuant to 68(2)).
- (d) Council may at any time by majority vote move into Closed/In-Camera in which case, the Mayor may leave the Chair and appoint a Chairperson of the Closed/In Camera who shall preside during the discussion.
  - (e) The Mayor must resume the Chair prior to the vote being taken.
  - (f) The rules of Council shall be observed during the Closed/In-Camera discussion and a member may speak on the question no more than once.
  - (g) The decision to close the In-Camera discussion shall be decided without debate.

## **21. LIAISON COUNCILLORS**

The Town uses a Liaison Councillor structure to manage its legislative process and to facilitate the communication process between Council and Department Managers to assist Council with informed decision making. This structure serves to gain efficiencies for Town business as Councillors work collaboratively to successfully oversee and share the Council workload across the various and diverse service delivery areas. Furthermore, the Liaison Councillor structure provides an opportunity for a smaller group of Councillors to engage with staff and obtain an in-depth understanding of the issues and operation in the particular area of responsibility and then present and communicate this information to their fellow Councillors at public meetings.

The specific mandate and responsibilities of Liaison Councillors is outlined in the Terms of Reference.

The Mayor shall consult with all members of Council regarding their interests and availability, and shall appoint Liaison Councillors to categories set out in Appendix “B” attached.

A minimum of one Councillor is to be assigned to each of the categories and a maximum of two, if desired. Furthermore, the above-noted Liaison Councillors will be appointed by the Mayor following consultation with the Chief Administrative Officer, to ensure an absence of scheduling conflicts. The Chief Administrative Officer shall assign staff resources to the respective areas as he/she deems necessary.

New appointments will take effect on the date of the appointment, after discussion with the Chief Administrative Officer to ensure that suitable meeting schedules can be arranged and that appropriate background information on Departments is assembled for new Councillors. In the year of a municipal election, the new appointments will take effect immediately following the Mayors announcement at the first Council meeting of the new Council. It is understood that all liaison appointments will take effect on the same day.

These Liaison Councillors shall be appointed for a period of one (1) year, or until a successor is appointed if a vacancy occurs. New appointments will be scheduled on or about

the anniversary date of the original appointments (May or June). All subsequent appointments will also be announced by the Mayor at a public Council Meeting. It is the Mayor's prerogative to amend the Liaison Councillor appointments or the areas of service as he/she deems appropriate. The Mayor shall be an ex officio member to the appointed areas of responsibility of the Council Liaison.

The Liaison Councillors responsibility will be to work with the Chief Administrative Officer and the appropriate Managers to keep Council informed on issues in that particular department as noted in the responsibilities outlined in the Terms of Reference.

Meetings of Liaison Councillors on the respective areas of responsibility, which are information-sessions, will be held once a month and on a regular, pre-determined schedule. The meeting notice and information will be circulated where appropriate by the Department Head 48 hours before the meeting and will be reported to Council members at the next Regular meeting of Council. If a Councillor is unable to attend a meeting, efforts will be made by the Department Head to re-schedule the meeting.

## **22. OTHER COMMITTEES/BOARDS AND REPORTING POSITIONS**

In addition to the Liaison Councillor structure, the Council may create, enlarge, reduce or abolish other committees, sub-committees or special committees created by it, and may prescribe the purpose, jurisdiction, duties and tenure of each committee including the composition of its membership all as proclaimed in the constituting resolution, or any subsequent amendment thereto. A list of existing Boards and Committees is noted below.

The Mayor shall be an ex officio member of any other committees created by Council and may vote at all meetings. Other members of Council may attend meetings of a committee and may, with the consent of the committee, take part in discussion but shall not be entitled to vote.

The Mayor, following a meeting with members of Council regarding their interests and availability, may appoint a minimum of one Councillor or a maximum of two, if desired to Committee/Boards of Town interests. A recommendation to Council will be made by the Mayor at a public meeting regarding Councillors and/or representatives to be appointed to these Boards and Committees, in a similar manner as outlined in Section 21 - Liaison Councillors.

A list of Boards and Committees that frequently involve Council representation may include, but is not limited to:

- Sports Wall of Fame
- Sackville Arts Wall
- Waterfowl Park Advisory Committee

Councillors and/or representatives responsible to these organizations will provide a report or update to Council and the public on a regular basis at the Regular monthly meeting.

In some cases, the Board or Committee will have its own rules regarding term of appointment, number of Council representatives etc.

From time to time it may be deemed necessary to have a Councillor and/or a representative from the Town appointed to another Board or Committee not listed above, in which case the Mayor shall appoint a Councillor to such position.

**23. GENERAL DUTIES OF A COMMITTEE**

The general duties of a committee are:

- (a) To report to Council on all matters referred to the committee as often as the interest of the Municipality may require and to recommend to Council such action as may be deemed necessary or expedient.
- (b) Meetings of a Committee shall be called by the Chairperson of the Committee or by a majority of the members of it.

**24. RULES AND REGULATIONS**

The Rules and Regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be used for the order and dispatch of business in the Council.

**25. REPEAL**

Upon passing of this by-law, By-Law No. 251 is hereby repealed. This by-law comes into effect on the date of final passing thereof.

Read a first time this 10<sup>th</sup> day of February 2020.

Read a second time this 9<sup>th</sup> day of March 2020.

Read a third time and passed Council this 9<sup>th</sup> day of March 2020.

---

Mayor

---

Clerk

## APPENDIX A - Order of Business -Regular Meeting of Council

### COUNCIL MEETING OF (DATE) AT 7:00 P.M. COUNCIL CHAMBERS, TOWN HALL

1. CALL MEETING TO ORDER
2. APPROVAL OF AGENDA
3. QUESTION PERIOD
4. DISCLOSURE OF INTEREST
5. MINUTES

Regular Council Meeting (Page)

6. BUSINESS ARISING FROM THE MINUTES
7. SOUTHEAST REGIONAL SERVICES
  - i) Regional Service Commission –
  - ii) Planning – (Page)
8. REPORTS

A) MAYOR’S REPORT

B) CAO REPORT – CAO (Page)

C) Finance & Administration  
Liaison Councillors

i) BILLS AND PAYROLL – MONTH

General Government \$

General Capital \$

Utility Government \$

Utility Capital \$

Salaries \$

(Page)

ii) Report from Finance and Administration (Page)

D) Tourism & Business Development  
Liaison Councillors

- a. Report from Tourism & Business Development (Page)
- E) Public Property & Facilities
  - Liaison Councillors
  - a. Report Public Property & Facilities (Page)
- F) Recreation Programs & Events
  - Liaison Councillors
  - a. Report Recreation Programs & Events (Page)
- G) Public Safety
  - Liaison Councillors
  - a. Report Public Safety
    - Fire/EMO, RCMP/CPO (Page)
- H) Policy/By-Law
  - Liaison Councillors
  - a. Report Policy/By-Law (Page)
- I) Personnel
  - Liaison Councillors
  - a. Report Personnel (Page)
- J) Corporate Affairs & Strategic Development
  - Liaison Councillors
  - a. Report (Page)
- 11. NEW BUSINESS
- 12. QUESTION PERIOD (Press First)
- 13. ADJOURN

## **APPENDIX B - Liaison Categories**

- Finance & Administration
- Tourism & Business Development
- Recreation Programs & Events
- Public Properties & Facilities
- Public Safety (Fire & RCMP)
- Policy/By-Law
- Human Resources
- Corporate Affairs and Strategic Development