

BY-LAW # 17 (c)

A BY-LAW TO REGULATE THE PROCEDURE OF MEETINGS OF THE COUNCIL OF THE VILLAGE OF DORCHESTER

Be it enacted by the Council of the Village of Dorchester under the authority vested in it by the Municipalities Act, R.S.N.B., 1973, c. M-22, as follows:

Definitions

"Chair" is the presiding officer of a meeting or committee.

"Clerk" means a clerk appointed pursuant to *Section 74 of the Municipalities Act*.

"Committee of the Whole" is 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. *Bourinot's Rules of Order, McClelland & Stewart Inc. 1995*.

"Council" means the Mayor and Councillors.

"Point of information" means the procedural mechanism by which a member may rise to present or receive information of interest to council.

"Point of order" means the procedural mechanism, by which a member may interrupt, where this by-law or any other procedural legislation is believed to have been infringed.

"Point of privilege" means the procedural mechanism by which a member may speak to address incorrect, defamatory or slanderous statements made about the council, members or civic staff.

"Quorum" means a majority of those members of Council holding office at the time of the meeting.

"Shall" is to be construed as imperative, and "may" as permissive.

Application

The rules and regulations contained in this by-law:

- a) shall be used for the order and dispatch of business in council and committees;
- b) may be suspended by a two-thirds (2/3) affirmative vote of the members of council present; and
- c) shall apply to council, employees of the Village of Dorchester, and members of the general public.

Seal

1. The corporate seal of the Village of Dorchester shall have inscribed thereon the words, "The Village of Dorchester" and the seal appearing on the margin of this by-law is adopted as its corporate seal.
2. The corporate seal shall be at all times under the custody of the Clerk and shall be used by him/her in corporate matters as required under Section 5 (2) and 76 (1) (d) of the Municipalities Act.

Meetings of Council

3. A newly elected council shall not transact any business at its first meeting until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.
4. Council shall hold its Regular Council Meetings on the 3rd Monday of each month, at 6:30 o'clock in the evening at the Municipal Office at 4984 Main Street in Dorchester. Should another location be used for a regular or special meeting of council, a notice shall be posted on the front door of the municipal office 24 hours prior to that meeting. In the event that Monday is a holiday, the meeting shall be held on the Monday of the following week. The Council may choose to cancel any scheduled Regular Council Meeting with a majority vote of council, but must hold no less than six regular council meetings per year.
5. Subject to Section 90.7 (1) of the Municipalities Act, no meeting shall be held or continue unless there is a quorum.
6. If a quorum is not present within 30 minutes after the time fixed for a regular or special meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned until the next regular meeting.
7. Council shall elect a Deputy-Mayor at its first meeting and annually thereafter at a regular meeting following the anniversary date of the preceding municipal election.
8. The Mayor or any three (3) members of council upon written petition, may at any time, call a Special Council Meeting on twenty-four hours notice to the Clerk and members of council.
9. Notice of any Special Council Meeting so called, shall be circulated verbally to all members of the council by the Clerk. An agenda and pertinent

documentation will be placed in each council member's mail basket. A written notice of the meeting shall be placed on the door of the Municipal Office once all members of the Council have been notified and a date and time of the meeting are confirmed.

10. Council shall not consider any business at a Special Council Meeting except matters specified in the verbal notice.
11. The Mayor may call an emergency meeting of council when deemed necessary by the Mayor.
12. When such an emergency meeting is called, it shall be considered a Special Council Meeting, except that the time requirements of notice of Special Council Meetings shall not apply, and only the subject matter of the emergency shall be considered.

Agenda for Regular (Public) Meetings

13. The Clerk shall have prepared and printed for a regular meeting or a special meeting of council, an agenda reflecting the matters to be considered, under the following headings:
 1. Call Meeting to Order
 2. Recording of Attendance
 3. Disclosure of any Conflict of Interest
 4. Adoption of Agenda and any addition thereto
 5. Public Hearings, Petitions, and Presentations
 6. Statements by Members of Council
 7. Adoption of Minutes
 8. Business Arising From the Minutes
 9. Reports from:
 - a. RCMP
 - b. External Committees
 - c. Standing Committees of Council
 - d. Staff
 - e. Members of Council
 10. Recommendations From Committees of Council
 11. Recommendations From Committees of the Whole Meetings
 12. Payment of Bills and Accounts
 13. Reading of By-Laws and Policies
 14. Correspondence and Proclamations
 15. Unfinished Business
 16. New Business, and

17. Adjournment

14. The deadline for receipt of Agenda materials by the Clerk is 3:30 p.m. on the Thursday preceding the meeting for distribution on Friday.
15. Any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of council present at the meeting.

Procedure of Regular and Special Meetings

16. The Mayor shall preside over all meetings. In the absence of or the inability of the Mayor to preside over meetings, the Deputy-Mayor shall preside.
17. Except as otherwise provided, no member shall speak without recognition of the Chair.
18. Once a motion is made and seconded, the mover shall have the privilege of speaking first, and have the privilege of closing debate.
19. A member of 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 "point" shall be clearly stated by the member and, if applicable, ruled upon by the Chair.
20. A member of council may, at any time during debate, request that the question, motion, or matter under discussion be clarified or restated.
21. No member of council shall speak disrespectfully of the council, another member of council, staff person, or a member of the general public, or use offensive or profane language.
22. Unless disqualified to vote by reason of conflict of interest or otherwise, every member of council present shall announce their vote openly and individually, and the Clerk shall record it.
23. A member who refuses to vote on any questions when a division is called for shall be recorded as voting in the affirmative. All negative votes shall be recorded by name in the minutes.
24. Decisions in the meetings of Council shall be decided by a majority of votes other than that of the Chair. When the votes are equal, the Chair shall have a casting vote but otherwise shall not vote at meetings of Council.
25. Members of the public shall be entitled to address council, under the

heading "Public Hearings, Petitions, and Presentations", on matters of municipal jurisdiction, that are not otherwise mandated by legislation such as the Community Planning Act and the Business Improvement Areas Act. If a delegation is appearing, the delegation shall appoint one member to speak on their behalf. In all cases, members of the public shall limit comments to five minutes.

26. Any person who;
- a) breaches this by-law;
 - b) behaves in a disorderly manner; or
 - c) uses threats or profane language in debate may be required to leave the meeting at the discretion of the chair.
27. A ruling of the chair may be appealed to council by a non-debatable motion. A majority vote of members of council in attendance shall be required to overturn a ruling of the chair.

Minutes

28. The Clerk shall record in a book, all resolutions, decisions and proceedings of the council. Minutes shall record the place, date, and time of commencement of meeting, and the names of all members of council and employees in attendance.
29. The Clerk shall, upon clear request by a member of council, enter upon the minutes of a meeting of council a verbatim statement made at that meeting.
30. The minutes of the preceding meeting, as circulated, shall be adopted and approved. Upon motion, such minutes may be amended to reflect greater accuracy.

Committees

31. At the first meeting of council after election, the Mayor shall appoint members of council to the following standing committees, one of whom shall be designated as chair:
- a) Water & Sewer Committee
 - b) General Government/Administration Committee
 - c) Protective Services Committee
 - d) Transportation Committee
 - e) Environmental Health Committee
 - f) Public Health Committee

- g) Environmental Development Committee
- h) Tourism Committee
- i) Recreation & Parks Committee
- j) Culture Committee
- k) Shiretown Festival Committee
- l) Sandpiper Festival Committee
- m) Dorchester Trails Committee
- n) Dorchester Memorial Library Board
- o) Westmorland Albert Solid Waste Corporation
- p) Tantramar Health Forum
- q) Tantramar Planning District Commission
- r) South East Economic Commission
- s) And all other committees or boards that Council deems necessary to appoint a member of the council or the public to serve on such committees or boards on Council's behalf.

32. Council shall approve the mandate of each committee. The general duties of a committee are 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.
33. Meetings of a Committee shall be called by the Chair of the Committee or by a majority of the members of it.
34. The agenda for Committee of the Whole Meetings shall be approved by a majority of members attending the meeting and the vote count shall be reported to Council as a preamble to the Public Agenda item Recommendations from Committee of the Whole Meetings.
35. Council may constitute special or ad hoc committees and appoint persons thereto.
36. The Mayor shall be an ex-officio member of all committees.
37. A member of council may attend meetings of any committee, whether or not a member of that committee, and may, with leave of the chair, take part in any discussion or debate in the committee, but shall not vote.
38. The Clerk or designate, on instruction from the committee chair, shall send notice of meetings to each member of the committee and of council at least twenty-four (24) hours before the time of the meeting.
39. The Clerk or designate shall record the minutes of all committee meetings,

which minutes shall be circulated to all members of the committee and of council.

40. Council may hold Committee of the Whole Meetings at such times as may be determined by the Mayor, if the subject matter being considered is:

- 1) The security of the property of the municipality, or an agency, board, or commission of the municipality.
- 2) Personnel matters about an identifiable individual, including municipal employees.
- 3) A proposed or pending acquisition or disposition of land for municipal purposes.
- 4) Labour relations or employee negotiations
- 5) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or its agencies, boards, or commissions.
- 6) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

41. The agenda for Committee of the Whole Meetings shall be approved by a majority of members attending the Meeting and the vote count shall be reported to Council as a preamble to the Public Agenda item "Recommendations from Committees and Private Meetings.

42. All final recommendations of the Committee of the Whole Meetings of Council shall be reported to a Regular Council Meeting.

43. An Administrative Meeting of Council and Staff may be held on the first Monday of each month to ensure that Council is kept fully informed on issues. These sessions will be informal and will not involve the recording of minutes or motions. These meetings will be open.

Other Procedural Matters

44. When any matter or proceeding is not contemplated by this by-law or provincial legislation the chair shall use the most recent edition of Bourinot's Rules of Order as a guide.

45. Proceedings of Council or Committees shall be in the English language.

Offenses

46. Any person who violates any provision of this by-law is guilty of an offense and is liable on conviction to a minimum fine of fifty (\$50.00) dollars, and a maximum fine of five hundred (\$500.00) dollars.

A By-Law entitled "A By-Law to Regulate the Procedure of Meetings of the Council of the Village of Dorchester" being by-law # 17b, ordained and passed on the 21 day of June 2004, and all amendments thereto, is hereby repealed.
Consolidated By-Law of By-laws 17b and 17c.

First Reading March 20, 2006

Second Reading April 24, 2006

Third Reading April 24, 2006

Ordained and Passed the April 24, 2006

Original signed by

Melvin Goodland
Mayor

Original signed by

Simonne Malenfant-Edgett
Clerk