

TOWN OF FLORENCEVILLE-BRISTOL
A BY-LAW RESPECTING THE PROCEDURES OF THE COUNCIL
By-law No. 1

TO REGULATE THE PROCEDURE OF MEETINGS OF THE COUNCIL OF THE TOWN OF FLORENCEVILLE-BRISTOL

Be it enacted by the Council of the town of Florenceville-Bristol under the authority vested in it by the *Municipalities Act*, R.S.N.B., 1973, c. M-22 and amendments thereto replaces the by-law enacted July 8, 2008 with the following by-law:

1. DEFINITIONS

- 1.1. “*Chair*” is the presiding officer of a meeting or committee.
- 1.2. “*Clerk*” means a clerk appointed pursuant to Section 74 of the Municipalities Act.
- 1.3. “*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. Robert’s Rules of Order.
- 1.4. “*Council*” means the Mayor and Councillors.
- 1.5. “*Point of information*” means the procedural mechanism by which a member may rise to present or receive information of interest to Council.
- 1.6. “*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 upon.
- 1.7. “*Point of privilege*” means the procedural mechanism by which a member may speak to address incorrect, defamatory or slanderous statement made about Council members or civic staff.
- 1.8. “*Quorum*” means a majority of those members of Council holding office at the time of the meeting.
- 1.9. “*Shall*” is to be construed as imperative, and “*may*” as permissive.

2. APPLICATIONS

- 2.1. 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 and employees of the town of Florenceville-Bristol.

3. SEAL

- 3.1. The corporate seal of the town of Florenceville-Bristol shall have inscribed thereon the words, "Town of Florenceville-Bristol" and the seal appearing on the margin of this by-law is adopted as its Corporate Seal.
- 3.2. The corporate seal shall be at all times under the custody of the Clerk and shall be used by them in corporate matters as required under Section 5(2) and 76(1) (d) of the Municipalities Act.

4. MEETINGS OF COUNCIL

- 4.1. 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.
- 4.1.1. Council shall hold a regular monthly meeting at 7:00 p.m. on the second Tuesday of each month at the Municipal Council Chambers located at #19 Station Rd, Florenceville-Bristol. Notice of regular meetings of Council shall be posted on the town website. Regular monthly meeting will be held at Council's discretion during the months of July and August.
 - 4.1.2. If a quorum is not present within thirty minutes after the time fixed for a regular or special meeting, the Clerk shall record the names of the members present and Council shall stand adjourned until the next regular meeting.
 - 4.1.3. The majority of the elected Council shall constitute a quorum.
 - 4.1.4. Subject to Section 90.7 (1) of the Municipalities Act, no meeting shall be held or continue unless there is a quorum.
 - 4.1.5. The Mayor shall appoint a Deputy-Mayor.
- 4.2. When the day fixed for a 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.

- 4.3. The Mayor may, on two clear days written notice given through the Clerk's office, postpone any regular meeting of Council to a day to be named in the notice, and the postponed meeting shall be held at the time and place provided in Section 4.
- 4.4. When the hour of eleven p.m. at any meeting of Council shall be reached, the Mayor or presiding officer shall declare Council adjourned and leave the chair, unless by vote of two thirds of the members present Council determines otherwise.

5. **SPECIAL MEETINGS**

- 5.1. The Mayor or any four (4) members of Council upon written petition may at any time summon a Special Council Meeting on twenty-four hours notice to the Clerk and members of Council.
- 5.2. 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 Rd 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.
- 5.3. Council shall not consider any business at a Special Council meeting other than that specified in the notice calling it.
- 5.4. The Mayor may call an emergency meeting of Council when deemed necessary by the Mayor. 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 Meeting shall not apply, and only the subject matter of the emergency shall be considered.

6. **CLOSED MEETINGS**

- 6.1. Subject to Section 10.2(4) of the Municipalities Act all meetings of Council or a committee of Council shall be able to hold Closed meetings which are not open to the public to discuss matters relating to:
 - (a) Confidential information protected by the law
 - (b) Personal information
 - (c) Information that could cause financial loss or gain
 - (d) Land transfers
 - (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 communication systems
- (i) Information gathered by police
- (j) Labour and employment matters

7. AGENDA FOR REGULAR (PUBLIC) MEETINGS

- 7.1. The Clerk shall have prepared and printed for a regular meeting or special meeting of Council, an agenda reflecting the matters to be considered, under the following headings:
- (a) Call to Order
 - (b) Approval of Agenda
 - (c) Presentations
 - (d) Adoption of Minutes
 - (e) Business Arising from Minutes
 - (f) Accounts Payable
 - (g) Correspondence
 - (h) Councillor Reports
 - (i) New Business
 - (j) Old Business
 - (k) Adjournment
- 7.2. The deadline for receipt of Agenda materials by the Clerk is 3:30 on the Thursday preceding the meeting for distribution on Friday.
- 7.3. Any additional matter not included on the agenda shall only be considered with the unanimous consent of all member of Council present at the meeting.

8. PROCEDURE

- 8.1. 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.
- 8.2. Except as otherwise provided, no member shall speak without recognition of the chair.
- 8.3. Once a motion is made and seconded, the mover shall have the privilege of speaking first, and have the privilege of closing debate.
- 8.4. 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.

- 8.5. A member of Council may, at any time during debate, request that the Question, motion, or matter under discussion be clarified or restated.
- 8.6. No member of Council shall speak disrespectfully of Council, another member of Council, staff person, or a member of the general public, or use offensive or profane language.
- 8.7. Unless disqualified to vote by reason of conflict of interest or otherwise, every member of Council present shall announce their vote openly and individually.
- 8.8. A member who refused 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.
- 8.9. 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. Section 10.1(2) of the Municipalities Act.
- 8.10. If the Chair desires to take part in any debate, they may appoint a member of Council to take the Chair while they stand upon the floor to debate the question. Otherwise the Chair shall not enter the debate, but shall use their office to preserve order and to direct members in keeping to the question.
- 8.11. Members of the public shall be entitled to address Council, under the heading "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 their comments to five minutes.
- 8.12. Any person may be required to leave the meeting at the discretion of the Chair who:
 - (a) breaches this by-law;
 - (b) behaves in a disorderly manner; or
 - (c) uses threats or profane language in debate.
- 8.13. 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.

9. **MINUTES**

- 9.1. The Clerk shall record in a book, all resolutions, decisions and proceedings of 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.
- 9.2. 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.
- 9.3. The minutes of the preceding meeting, as circulated, shall be adopted and approved. Upon motion, such minutes may be amended to reflect greater accuracy.
- 9.4. At the first meeting of Council after election, the Mayor shall appoint members of Council to standing committees. 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.
- 9.5. The Mayor shall be an ex-officio member of all committees.

10. **OTHER PROCEDURAL MATTERS**

- 10.1. When any matter or proceeding is not contemplated by this by-law or provincial legislation, the Chair shall use the most recent edition of “Robert’s Rules of Order” as a guide.
- 10.2. Proceedings of Council or Committees shall be in the English language.

11. **OFFENSES**

- 11.1. 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.

12. **REPEAL**

- 12.1. All by-laws inconsistent or in conflict with this by-law are repealed.

READ FIRST TIME: September 12, 2017

READ SECOND TIME: September 12, 2017

READ THIRD TIME AND ENACTED THIS 10th DAY OF October, 2017.

MAYOR

CLERK

By-law No. 1 A By-law relating to the Procedures of Council By-Law No. 1 enacted July 8, 2008 and all amendments thereto, is hereby repealed.