



Rules of Procedure

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Authority

Whereas Section 24(3) of the *Municipalities Act 1999* requires that ever council shall adopt rules of procedure for its meetings;

Therefore, the Council of The Town of South River enacts the following rules and regulations:

1. Regular Meetings of Council

- a. Regular Meetings of Council shall be held on every second Tuesday at 7:30 p.m. in the Council Chamber of the Town Hall, unless a resolution of council directs otherwise.
- b. Meetings shall be of two-hour duration, but may be extended by unanimous agreement, if extra time is required.
- c. There shall be no audio or video recording equipment permitted in council chambers without prior written approval of Council.

2. Special Meetings of Council

- a. Special meetings of Council may be called by either the Mayor or any two members of Council by giving written notice to the Clerk.

3. Notice

- a. Notice for all meetings of the Council shall be by way of the Agenda, which shall be provided to all members of the Council forty-eight hours prior to each meeting. Notices shall be deemed to have been given when it is available to be picked up at the office by a Councillor or left at their place of residence if they cannot pick it up. The failure of any councillor to have received notice shall not invalidate the meeting of Council.

4. Meeting on a Legal Holiday

- a. When the day fixed for a meeting of Council falls on a legal holiday, said meeting shall be held on the next day following which is not a legal holiday.

5. Presiding Officer

- a. In accordance with Section 22 of the *Municipalities Act 1999*, the Mayor shall preside at all meetings of Council.
- b. In the absence of the Mayor, the Deputy Mayor shall preside.
- c. In the absence of both the Mayor and Deputy Mayor, the Clerk shall take the chair, call the members to order, and if a quorum is present, appoint a chairperson from the Councillors present. Such chairperson shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

6. Quorum

- a. In accordance with Section 211 of the *Municipalities Act 1999*, a quorum shall consist of a majority of Councillors in office.

7. If No Quorum

- a. If there is no quorum present by fifteen minutes after the time appointed for holding a meeting, the clerk shall call the roll and take down the names of members then present. The meeting shall stand adjourned until the next regular meeting.

8. Attendance

- a. In addition to the Mayor and Councillors, the Town Clerk or designate and the Town Manager or designate shall attend all meetings of Council. Department Heads and other employees of Council shall attend meetings of Council when requested to do so by Council or the Town Manager.

9. Meetings Open to the Public

- a. In accordance with Section 213(1) of the *Municipalities Act 1999*, every meeting of the Council shall be open to the public, unless it is held as a privileged meeting or declared by a vote of Councillors present at the meeting to be a privileged meeting.
- b. Where a meeting is held as or declared to be a privileged meeting, all members of the public present at the meeting shall leave.
- c. In accordance with Section 213(3) of the *Municipalities Act 1999*, where a decision is made by the Councillors at a privileged meeting, the decision, in order to be valid, shall be ratified at the next public meeting of Council.

10. Minutes

- a. Minutes of meetings of Council shall be recorded by the Town Clerk or designate.
- b. Such minutes shall contain:
 1. All motions and resolutions coming before Council, including the names of the movers and seconders thereof;
 2. The names of all Councillors voting in favour or against each motion, and the names of those abstaining;
 3. The title or brief description of all reports, petitions, and other documents submitted to Council.
 - a) Reports adopted by Council shall be attached to the minutes.

11. Correction of Minutes

- a. In any meeting of Council, if any member objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

12. Agenda

- a. Prior to each regular meeting of Council, the Clerk shall prepare an agenda of all business to be brought before the Council. As indicated in Section 3, the agenda is to be distributed to councillors forty-eight hours prior to council meetings.
- b. Any member of council, up until noon of the Friday prior to the council meeting, may submit to the town clerk an item for inclusion on the agenda.

- c. The format of the agenda shall be as follows:
1. Call to Order
 2. Adoption of Minutes
 3. Delegations
 4. Business Arising From Minutes
 5. Committee Reports
 6. Correspondence
 7. Finances
 8. Regulations
 9. General Business
 10. Notice of Motion
 11. Adjournment

13. Agenda for Special Meetings

- a. When a special or privileged meeting is called for the consideration of some particular matter, the order of business as set out in Section 12(c) shall not apply. Council shall proceed immediately with the consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by majority vote.

14. Order and Decorum

- a. The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times.

15. Disorderly Persons

- a. The presiding officer may expel and exclude from a meeting any member of council or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a member of council, an entry shall be made in the minutes indicating the reason for such exclusion.
- b. Any member expelled from a meeting under the provisions of Section 15(a) may be permitted, by a majority vote of councillors at the meeting in progress, to resume their place after making an apology to the presiding officer and to council.
- c. In the event that a council member continues to disrupt the normal course of business during council meetings and continues to act improperly, council reserves the right to ask that person to leave or to adjourn the meeting. If this activity continues during the next council meeting with no resolve, council may again ask the person to leave or may adjourn the meeting and have the matter deferred to the Department of Municipal Affairs and/or the Minister thereof.

16. Notice of Motion

- a. Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda by moving a motion at the previous meeting.

17. Motions During Debate

- a. When a question is under debate, the following non-written motions shall be in order:
1. To extend the time of the meeting;
 2. To refer or commit;
 3. To amend;
 4. To lay on the table;
 5. To postpone indefinitely;
 6. To move the previous question.

18. Motions to be Seconded

- a. Every motion shall be seconded before being put or debated.

19. Withdrawal of Motions

- a. When a motion has been moved and seconded, it cannot be withdrawn except with the permission of council and the mover and seconder, and then only before a decision has been taken or an amendment made. If the council wishes to amend the motion before it is voted on, there must be a motion made to amend the original, and the ensuing vote is taken on the amendment rather than the original.
- b. Any motion adopted by a vote of council becomes the possession of council, not the original mover. Such a motion cannot be expunged from the record, but council can move to reverse or revisit the decision at any time.

20. Division of Motion

- a. Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon the request of any member, be divided if the sense of the motion permits.
- b. The vote on each such division shall be taken separately.
- c. If a motion cannot reasonably be so divided, any request to do so shall be declared out of order by the presiding officer.

21. Addressing the Motion

- a. Members of council shall address their remarks to the presiding officer and contain themselves to the question at hand.

22. Entitlement to Speak

- a. If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

23. Call to Order

- a. The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order had been decided.

24. Appeal on a Point of Order

- a. The decision of the presiding officer on a point of order is subject to an appeal to council which is to be decided by majority vote without debate.

25. Member Speaking not to be Interrupted

- a. When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

26. Length of Debate

- a. No member, without the consent of council, shall speak longer than five minutes at any one time, or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

27. Rereading a Motion

- a. Any member of council may require the question or motion under discussion to be read for information at any point during the debate, but not so as to interrupt a member speaking.

28. Voting

- a. All decisions of council, unless otherwise specified either under the *Municipalities Act 1999* or under these rules, shall be by majority vote of the members present.

29. Recorded Vote

- a. In accordance with Section 212(4) of the *Municipalities Act 1999* the clerk shall record the names of those voting in favour of the motion, those voting against the motion, and those abstaining.

30. No Secret Ballot

- a. No vote shall be taken in council by ballot or by any other method of secret voting.

31. Reconsideration

- a. Any question, except one of indefinite postponement, or one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given in accordance with Section 16(a).
- b. If the motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion.

32. Tie Vote

- a. In accordance with Section 212(5) of the *Municipalities Act 1999* where there is a tie vote on a question, the motion shall be considered to have been defeated.

33. Motion to Adjourn

- a. A Motion to adjourn is always in order except when;
 1. A member is addressing the chair;
 2. A vote is being taken;
 3. It has been decided that the previous question shall be taken.
- b. A motion to adjourn the council meeting or adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the council meeting or the debate to a given day may be amended and is open to debate.
- c. No second motion to adjourn the council meeting or the debate shall be made until some intermediate proceedings have transpired.

34. Previous Question

- a. The “previous question shall preclude all amendments of the main question and shall be put in the following words: “That the question now be put.” If the motion is resolved in the affirmative, the original question shall be voted on immediately without amendment or debate. If the motion is defeated, then the main question may then be debated and amended.

35. Motion to Postpone Indefinitely

- a. A motion to postpone indefinitely shall not be amended, and when any question before council has been postponed indefinitely, it shall not be taken up again during the same meeting.

36. Motion to Lay on the Table

- a. A motion to lay a question on the table shall not be debatable. However, a motion “to lay on the table” with addition, qualification or opinion, shall be subject to amendment and debate.

37. Motion to Suspend the Rules

- a. A motion to suspend the rules requires a two-thirds vote of members present.

38. Privilege

- a. Whenever a matter of privilege arises it shall be dealt with immediately by council.

39. Motion to Refer or Commit

- a. A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

COMMITTEES

40. Authority to Form

- a. In accordance with Section 25 of the *Municipalities Act 1999* council may from time to time appoint committees. The mayor shall be an ex-officio member of all committees.

41. Standing Committees

- a. Standing committees of council shall remain in effect for the life of the council, and members shall be appointed at the first council meeting of each year.

42. Special Committees

- a. Special committees of council shall remain in effect only until the purpose for which they were set up has been accomplished. Special committees will automatically expire at the end of each year, unless struck again by council.

43. Committee of the Whole

- a. Council may, by majority vote, resolve itself into a Committee of the Whole whereby it will operate under the rules for committees as set out hereunder. The deputy mayor will assume the chair, and if the deputy mayor is absent another member of council shall be elected as chairman.

44. Committee Membership

- a. Membership on all committees is limited to members of council.

45. Quorum of Committees

- a. A majority of the members of any committee shall constitute a quorum.

46. Committee Chairman

- a. When council appoints a committee, it shall also appoint one of its members to be chairman of that committee.

47. Committee Secretary

- a. The town clerk, or designate, shall act as secretary to each committee of council.

48. Committee Minutes

- a. Prior to the next meeting of the committee, the secretary shall prepare the minutes of the previous meeting for submission to and approval by the committee.

49. Committee Report

- a. Following every committee meeting, the secretary shall prepare for the chairman a report on all matter which require council action.

50. Conduct of Business in Committees

- a. The following rules and regulations shall apply to the proceedings in committee meetings:
 1. The chairperson shall preside at every meeting.
 - a) In the absence of the regular chairperson, one of the other members of the committee shall be elected by the members present to preside during the chairperson's absence.
 2. The chairperson may vote on all questions.
 - a) In the event of a tie vote on any motion, the question shall be deemed lost.
 3. No motion need be seconded.
 4. The previous question will not be allowed.
 5. There shall be no limit on the number of times a member may speak; and
 6. The votes of members on any question shall be recorded if requests by any member.

51. Minority Reports

- a. Members of a committee dissenting from a report which has been adopted by the majority of a committee, may make and present to council a minority report. Such report must be presented at the same meeting of council at which the majority report is submitted and must be signed by the dissenting member(s).

CLARIFICATION AND AMENDMENT PROCEDURE**52. Clarification of Rules**

- a. In all cases where these rules and regulations do not make provision or adequate provision, then Roberts Rules of Order shall apply.

53. Amendment of Rule

- a. Any motion to amend these rules must be presented to council in accordance with Section 16, and must be passed by a two-thirds majority of members present.

54. Effective Date

- a. These rules and regulations shall become effective upon the date of enactment.

Date: June 12/2002

Mayor: Terrence K. Kone

Clerk: Sheila Bowring