

**BY-LAW 534  
A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE  
TOWN OF OROMOCTO COUNCIL**

**Table of Contents**

	<b>Page</b>
1.0 Purpose and Intent	2
1.1 Title	
1.2 Definitions	
1.3 Corporate Seal	
1.4 Parliamentary Procedure	
2.0 Meetings of Council	3
2.1 Regular Meetings of Council	
2.2 Special Meetings of Council	
2.3 Closed Meetings of Council	
2.5 Appointment and Organization of Committees	4
2.6 Conduct of Standing Committees	5
3.0 Rules and Procedures	6
3.1 Presiding Officer	
3.2 Order of Business	
3.3 Agenda	7
3.4 Delegations, Petitions and Communications from the Public	
3.5 Minutes	8
3.6 Recordings	
3.7 Date and Time of Meeting	
3.8 Recording of Vote	
3.9 Points of Order	9
3.10 Motions	
3.11 Moving the Previous Question	10
3.12 Appeal to Council	
3.13 Reconsideration	
4.0 General	11
4.1 Conflict of Interest	
4.2 Improper Conduct	
4.3 Direction to Staff	
4.4 Municipal Records	
4.5 Vacancies on Council	
4.6 Town Expenditures	12
5.0 By-Laws	12
6.0 Offences and Fines	12
7.0 Repeal	12

Schedule A – Standing Committees

Schedule B – External Committees

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Evelyn Keddy  
Registrar-Conservateur

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
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The Council of the Town of Oromocto, under authority vested in it by Section 10 of the *Municipalities Act, RSNB 1973 c. M-22*, amendments thereto and regulations adopted thereunder, hereby enacts as follows:

**1.0 PURPOSE AND INTENT**

1.0.1 The purpose of this By-Law is to define the procedures at council meetings, including any matters prescribed by regulation.

**1.1 Title**

1.1.1 This By-Law must be cited as the "Procedural By-Law."

**1.2 Definitions**

1.2.1 In this by-law:

- (a) **"Act or "the Act"** means the *Municipalities Act, RSNB 1973 c. M-22*, amendments thereto and regulations adopted thereunder;
- (b) **"Appointee"** means any person appointed by Mayor and or Council in accordance with this by-law, to serve on Town committees or an external agencies, boards and commissions as a representative of the Town;
- (c) **"Assistant Clerk"** means the Assistant Town Clerk of the municipality as appointed in accordance with the Act;
- (d) **"Chief Administrative Officer (CAO)"** means the individual responsible for the entire operation of the municipality, as appointed by Council;
- (e) **"Clerk"** means the Clerk of the municipality as appointed in accordance with the Act; or the Assistant Town Clerk in the Clerk's absence.
- (f) **"Closed Session or closed meeting"** means a meeting of Council not open to the public, so convened in accordance with the Act;
- (g) **"Committee"** means a group of persons appointed by the Mayor and/or Council in accordance with this By-law, to act in an advisory capacity to Council;
- (h) **"Community Planning Act"** means the *Community Planning Act, RSNB 1973 c. C-12*, amendments thereto and regulations adopted thereunder;
- (i) **"Council"** means the Mayor and Councillors of the Town of Oromocto;
- (j) **"Councillor"** means a member of Council other than the Mayor;
- (k) **"Deputy Mayor"** means the Councillor so elected pursuant to this By-Law;
- (l) **"Ex-officio"** means by virtue of one's office;
- (m) **"Majority"** means more than half; of those obliged to vote, in accordance with legislation or this by-law;
- (n) **"Mayor"** means Mayor of the Town of Oromocto;
- (o) **"Municipality"** means the Town of Oromocto, as established by New Brunswick Regulation 85-6 under the Act;
- (p) **"Procurement Act"** means the *Procurement Act, SNB 2012, c.20*, amendments thereto and regulations adopted thereunder;

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

- (q) **“Presiding Officer”** means the Mayor, or in the absence of the Mayor the Deputy Mayor or in the Deputy Mayor’s absence the Councillor elected to act as such by the majority vote of Councillors present.
- (r) **“Quorum”** means 4 council members, unless otherwise prescribed by legislation;
- (s) **“Treasurer”** means the Treasurer of the municipality as appointed in accordance with the Act;
- (t) **“Vacancy”** means “vacancy” as described in the Act;
- (u) **“Whole Council”** includes all Councillors and the Mayor.

**1.3 Corporate Seal**

- 1.3.1 The corporate seal of the Town of Oromocto, pursuant to By-Law 202 is adopted as the corporate seal of the municipality. The corporate seal shall at all times be under the custody of the Clerk and shall be used in corporate matters as required under the Act and any other legislation.

**1.4 Parliamentary Procedure**

- 1.4.1 In all matters of procedure, points of order or privilege arising and not herein provided, *“Bourinot’s Rules of Order”* shall govern the decision of the Mayor and shall be final without debate.

**2.0 MEETINGS OF COUNCIL**

**2.1 Regular Council Meetings**

- 2.1.1 A newly elected Council:
  - (a) shall hold its first meeting at the Municipal Office, on a date as set by the Clerk in accordance with the Act;
  - (b) shall transact no business at its first meeting until the oaths of office have been taken and subscribed to by all persons declared elected, in accordance with the *Municipal Elections Act, SNB 1979 c. M-21.01* and amendments thereto; and
  - (c) shall elect at its first meeting a Deputy Mayor from amongst the Councillors, as determined by majority vote of Councillors present, for a term of two years.

**2.2 Special Meetings of Council**

- 2.2.1 The Mayor may at any time direct the Clerk to summon a special meeting of Council on twenty-four (24) hours’ notice by delivery of the notice of meeting to Council, or the Clerk shall summon a special meeting upon receipt of a petition of two-thirds (2/3) of Council. The notice of meeting shall be posted to the Town website.
- 2.2.2 The only business to be transacted at a special meeting shall be that listed in the notice of the meeting except by unanimous vote of Councillors present.

**2.3 Closed Meetings of Council**

- 2.3.1 A council meeting or a committee of council meeting may be closed to the public for the duration of the discussion if it is necessary to discuss:
  - (a) information of which the confidentiality is protected by law,
  - (b) personal information as defined in the *Right to Information and Protection of Privacy Act*

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

- (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) the proposed or pending acquisition or disposition of land,
- (e) information that could violate the confidentiality of information obtained from the government of Canada or from the government of a province or territory,
- (f) information concerning legal opinions or advice provided to the local government by its solicitor or privileged communications between solicitor and client in a matter of local government business,
- (g) litigation or potential litigation affecting the local government or any corporation, the local government's agencies, board or commissions including a matter before an administrative tribunal,
- (h) the access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government, including computer or communication systems,
- (i) information gathered by the police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information,
- (j) labour and employment matters, including the negotiation of collective agreements.

2.3.2 When a meeting of Council or a committee is closed to the public, no decisions shall be made at the meeting except for decisions related to:

- (a) procedural matters;
- (b) directions to an officer or employee of the municipality; and
- (c) directions to a solicitor for the municipality.

2.3.4 The Mayor may designate another Council member to act as presiding officer in closed session but may resume the chair at any time.

2.3.5 When Council is resolved into a closed meeting, the Mayor shall immediately take charge of the proceedings and, when the presiding officer is other than the Mayor, shall have the powers of the Mayor.

2.3.6 In closed session, rules and regulations of Council shall be observed.

2.3.7 Council members and staff shall refrain from discussing the matters considered during closed meetings, other than with other Council members or the staff who were present during the meeting, or as directed by a motion of Council.

2.3.8 Subject to an appeal to Council members, questions of procedure arising in closed session shall be decided by the Mayor or presiding officer.

## **2.4 Appointment and Organization of Committees**

2.4.1 Council shall establish standing committees to advise Council on the business of the municipality, which committees function in an advisory capacity to Council. The standing committees hereby established by Council and their respective composition and mandates are set out in Schedule A. Council may add to or delete from the standing committees listed in Schedule A by resolution, unless said committee, its composition and mandate are established by legislation.

2.4.2 Council may modify the mandates of each or any of the committees listed in Schedule A by resolution and the Clerk shall forthwith notify the Chair of the committee in writing.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

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- 2.4.3 The Mayor shall be an ex-officio member of all committees except the Planning Advisory Committee.
- 2.4.4 At the first regular meeting of Council following the quadrennial election and periodically as the Mayor shall deem appropriate, appoint Council members to the standing committees as set out in Schedule A.
- 2.4.5 At the first regular meeting of Council following the quadrennial election, Council members to joint agencies, boards and commissions shall be appointed by the Mayor as set out in Schedule B. Council may add to or delete from the joint boards and commissions listed in Schedule B by resolution, unless said agency, board or commission, its composition and mandate are established by legislation.
- 2.4.6 At the first regular meeting of Council following the quadrennial election, the Mayor shall appoint a Nominating committee, consisting of the Mayor and two Councillors to review and recommend appointment of eligible voters to standing committees for approval by Council.
- 2.4.7 Appointments to committees of persons who are not members of Council shall be eligible voters in the municipality, with the exception of: i) the student appointed on the Recreation and Tourism Committee who shall be a Oromocto resident and student in good standing at Oromocto High School; ii) such other persons with specific areas of expertise, as may be appointed by Council.
- 2.4.8 Appointees to committees, agencies, boards and commissions serve at the pleasure of Council and may be removed at any time by a majority vote of Council.
- 2.4.9 The Clerk shall maintain a list of volunteers together with their backgrounds and interests for the purposes of selecting appointees.
- 2.4.10 The nominating committee shall recommend to Council for approval, appointments of eligible voters to the joint agencies, boards and commissions listed in Schedule B and may recommend to Council for approval, appointments to such other organizations as Council shall deem appropriate from time to time.
- 2.4.11 Council may establish by resolution special committees for the purposes as set out in the constituting resolution and mandate. The Mayor shall appoint Councillors as he deems necessary and shall make recommendations to Council for appointments to said special committees. Special committees shall table regular reports with Council describing their activities and shall cease to exist twenty-four (24) months after their establishment or when their final report is received by Council, whichever is earlier.
- 2.4.12 Appointees to joint agencies, boards and commissions shall provide a written summary of activities to Council at least twice a year and may be invited to appear before Council on a regular basis to report on the activities of the relevant agency, board or commission.

**2.5 Conduct of Standing Committees**

The standing committees shall meet on such occasions as determined from time to time by each committee's terms of reference.

Minutes of standing committee meetings, shall be tabled with Council and the committees will report to Council through the committee chair or Councillor appointed to the committee.

Special meetings of a standing committee may be called by the chair thereof whenever the chair deems it advisable and the chair, or in the case of illness or inability to act or absence from the municipality, the vice-chair shall call a special meeting of the committee whenever requested in writing to do so by a majority of the committee members.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

A Councillor may attend the meetings of any committee of which they are not a member and may take part in any discussion or debate in the committee with the permission of the Committee chair but may not vote. The Clerk shall regularly publish a schedule of committee meetings.

The business of standing and special committees, subject to special provision for meetings of Council in closed session, as contained in this by-law and the *Act*, shall be conducted under the following regulations and subject to rules governing procedure in Council as may be applicable:

- (a) the chair shall preside at every meeting and shall vote on all questions considered and where there is an equal division, the question shall be considered decided in the negative;
- (b) in the absence of the chair, the vice-chair shall discharge the duties of the chair during the meeting or until the arrival of the chair;
- (d) the minutes of the resolutions, decisions and other transactions of every committee shall be accurately recorded and at each meeting the minutes of the preceding meeting shall be submitted for adoption or amendment and after they have been approved by a majority of the Committee members present, shall be signed by the chair and recording secretary;
- (e) no recommendation, resolution, decision or other transaction shall be recognized as emanating from any committee unless it is in writing referring to the minutes of the committee under which it is issued and signed by the chair, vice-chair or recording secretary thereof

The Clerk or her designate shall be responsible for the recording of minutes of all committee meetings. The Clerk shall designate staff to provide support to committees as may be deemed necessary.

The Clerk or her designate shall:

- (a) cause a notice of each regular and special committee meeting to be sent in time to reach each Committee member at least forty-eight (48) hours before the time of the meeting, except in an emergency when the notice shall be as directed by the chair of the committee concerned;
- (b) attend all committee meetings and record the minutes and recommendations of the meeting; and
- (c) notify the Mayor and CAO of any recommendation made by the committee.

Committee reports may be presented to Council either verbally by a Councillor who is a Committee member or by the Chair or in writing or electronic form.

### **3.0 RULES AND PROCEDURES**

#### **3.1 Presiding Officer**

3.1.1 The Mayor shall act as presiding officer of all meetings of Council at which they are present.

3.1.2 In the absence or inability of the Mayor to act, or if the office of the Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor and while acting, the Deputy Mayor shall possess the powers and shall perform the duties of the Mayor.

3.1.3 In the absence or inability of both the Mayor and Deputy Mayor to act, or if their offices are vacant, the Clerk shall call for a vote to elect a Councillor to act as presiding officer by majority vote of the Councillors present, and they shall have the same authority while presiding at the meeting as the Mayor would have if occupying the chair.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

**3.2 Order of Business**

3.2.1 The Mayor shall call the meeting to order as soon after the hour fixed for holding the meeting has passed and a quorum is present.

3.2.2 All Council meetings are open to the public and no member of the public shall be excluded, except for improper conduct or in accordance with the *Act*.

**3.3 Quorum**

3.3.1 A quorum must be present at any regular, special or closed meeting of Council in order for business to be transacted thereat.

3.3.2 If no quorum is present one-half (1/2) hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Council members present and the meeting shall stand adjourned until the date of the next regular meeting, unless a special meeting is called.

**3.4 Notice of Meeting**

3.4.1 The Clerk shall cause to be delivered to each Council member, not later than forty-eight (48) hours before the time fixed for each regular meeting, a notice of the meeting setting out the time of the meeting, the location of the meeting and the business to be transacted thereat, together with appropriate documentation necessary for the meeting, including draft minutes of the last regular meeting of Council.

**3.3 Agenda**

3.3.1 No matter shall be placed on the agenda for consideration at any regular Council meeting unless the request for consideration of the matter is received by the Clerk, in writing or in electronic form.

3.3.2 The Clerk, in consultation with the Mayor and/or Chief Administrative Officer, has the authority to refuse a request to appear before Council when there is insufficient documentation provided. Any business may be introduced and dealt with at a regular Council meeting on a two-thirds (2/3) vote of the Councillors present.

3.3.3 The Clerk shall have prepared and printed for the use of Council members an agenda under the following headings:

- (a) Approval of Agenda
- (b) Approval of Minutes of the Previous Council Meeting(s)
- (c) Business Arising from Minutes
- (d) Declaration of Conflict of Interest
- (e) Delegations
- (f) Reading of Communications
- (g) Reports
- (h) Unfinished Business
- (i) New Business
- (j) Adjournment.

3.3.4 The business of the Council shall in all cases be taken up in the order in which it stands on the agenda unless otherwise decided on two-thirds (2/3) vote of Councillors present.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

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**3.4 Delegations, Petitions and Communications from the Public**

- 3.4.1 All delegations wishing to address Council at a regular Council meeting must advise the Clerk three working days preceding the day on which the Council meeting is to be held and further, provide their written or electronic submission, including appropriate documentation.
- 3.4.2 In the case of an emergency, as determined by the Clerk, a delegation wishing to address Council may be heard by Council or in closed session or at a special meeting of Council by appointment, with a written or electronic submission to be given to the Clerk by 12 noon on the business day prior to the meeting for which the appointment is requested. Requests to be heard by Council or in closed session or at a special meeting of Council received after this time shall be presented to Council at the time of consideration of the adoption of the agenda and may be referred to the next regular meeting.
- 3.4.3 The time limit for all presentations before Council shall be a maximum of 15 minutes or such longer time as Council may permit by two-thirds (2/3) majority vote of Councillors present.
- 3.4.4 No petition, application, or other written or electronic communication shall be presented to Council unless it is received by the Clerk three business days preceding the day on which the Council meeting is to be held. Every petition, application, or other written or electronic communication intended to be presented to Council, shall be legibly written, printed or in electronic form, shall not contain any obscene matter or language, shall be signed by at least one person whose address shall also be given and shall be filed with the Clerk.
- 3.4.5 Every petition, application, or other written or electronic communication within the jurisdiction of a standing committee shall be considered on presentation to Council as referred to the proper committee without motion unless otherwise ordered.
- 3.4.6 A Councillor may move, in referring a petition, application, or other written or electronic communication, that certain instructions be given by Council or that the petition, application, or other written or electronic communication be referred to a standing committee or to the Chief Administrative Officer for a report.
- 3.4.7 If a petition, application, or other written or electronic communication complains of a present personal grievance requiring immediate remedy, upon the majority vote of Councillors present, the matter contained therein shall be brought into immediate discussion and disposed of forthwith.
- 3.4.8 When a petition, application, or other written or electronic communication is received concerning a subject which is not within the jurisdiction of any committee, it shall be presented to and decided upon by Council or referred to the Chief Administrative Officer for a report.

**3.5 Minutes**

- 3.5.1 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) correction and adoption of minutes of prior meetings, and
  - (d) all resolutions, decisions and proceedings of the meeting.
- 3.5.2 The minutes of the previous Council meeting(s) shall be adopted or amended on motion and need not be read in open Council unless a Councillor present requires the reading in whole or in part.



**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

**3.6 Recordings**

- 3.6.1 The Clerk shall record the proceedings of all regular, special and closed meetings of Council in a book, in accordance with the Act. Audio recordings shall be destroyed 60 days following approval of the minutes.

**3.7 Date & Time of Meeting**

- 3.7.1 The Council shall hold its regular meetings on the Thursday following the third Wednesday of every month in the Council Chambers, at 7:00 p.m. in the evening, unless otherwise determined by motion passed by a two-thirds (2/3) vote of Councillors present at the meeting to which the motion is put, and the regular meeting schedule for Council shall be posted to the Town website.
- 3.7.2 When a public hearing or presentation has been scheduled in accordance with the *Community Planning Act*, for the same evening, the regular Council meeting will be held immediately following the close of the public hearing or presentation.

**3.8 Voting/Recording of Vote**

- 3.8.1 The Mayor shall vote only in a case of equal division or when the whole Council is legislated to vote.
- 3.8.2 Every other Council member present at the meeting when a question is put shall vote; unless he declares a conflict of interest in accordance with the Act. The member shall immediately withdraw from the meeting room when the matter is raised and prior to any debate. The declaration of a conflict of interest shall be recorded in the minutes by the Clerk.
- 3.8.3 When the presiding officer is other than the Mayor, all Councillors shall vote.
- 3.8.4 Where, under the *Community Planning Act*, a majority vote of the whole Council is required and unless otherwise ineligible, the Mayor shall vote on all motions.
- 3.8.5 Where a Councillor abstains from voting on any motion and is not excused from voting in accordance with Section 47, the Clerk shall record the Councillor as voting in the negative on the question or motion before Council.
- 3.8.6 When the Mayor is putting a question or motion, all Council members shall remain seated and not make any noise or disturbance.
- 3.8.7 When a Council member is speaking, no person may pass between him and the Mayor or interrupt him, except to raise a point of order.
- 3.8.8 All questions, motions or matters before Council shall be decided at a regular or special meeting of Council, with the exception of matters as defined in the Act.
- 3.8.9 Council shall determine every question, motion or matter submitted to it by open vote of "yea" or "nay" of the Council members present.
- 3.8.10 When there is a division of Council upon any question, motion or matter, the presiding officer shall call the names of Council members and the Clerk shall enter in the minutes the names of Council members who voted "yea" and "nay".

**3.9 Points of Order**

- 3.9.1 The Mayor shall preserve order and decorum at all Council meetings and shall decide all points of order or question of privilege.
- 3.9.2 Unless upon special invitation of the Mayor or on a majority vote of Councillors present, no person other than a Council member shall address Council.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

- 3.9.3 Where the Mayor is called upon to decide a point of order or question of privilege, they shall state the point or question without unnecessary comment and decide the issue forthwith.
- 3.9.4 When the Mayor wishes to participate in the debate at a Council meeting, the Mayor shall leave the chair and call on the Deputy Mayor if present or, if not present, a Councillor, to preside until the Mayor resumes the chair.
- 3.9.5 The Mayor shall resume the chair prior to the vote being taken.
- 3.9.6 Every Councillor shall be acknowledged by the Mayor before speaking to a question, motion or matter and shall direct their remarks to the Mayor.
- 3.9.7 When two or more Councillors indicate a desire to speak at the same time, the Mayor shall determine the order in which they may speak.

**3.10 Motions**

- 3.10.1 Where possible, all motions should be in writing and clearly stated by the mover of the motion and seconded before being presented to the presiding officer and when a motion is presented it shall be read or stated by the presiding officer before debate and again before being put to the question.
- 3.10.2 A Council member may, at any time during a debate but not so as to interrupt another Council member when speaking, request that the question, motion or matter under discussion be read.
- 3.10.3 No Council member shall speak a second time on the same question, motion or matter until every Council member choosing to speak has spoken, except in explanation of the material part of speech which may have been misconceived, and when so speaking, shall not introduce any new matter and the Council member can speak no further on the question without special leave of the presiding officer.
- 3.10.4 No Council member shall, without leave of the presiding officer, speak to the same question, motion or matter or in reply for longer than five (5) minutes.
- 3.10.5 A Councillor who has made a substantive motion, by making an original motion or moving an amendment to a motion or moving the previous question shall be allowed to close the debate.
- 3.10.6 No motion for the appropriation of money, or for the appointment of an officer pursuant to the Act shall be made unless notice thereof, in writing or electronic form, has been presented at a previous meeting of Council, or given in the notice calling the meeting, except on majority vote of the whole Council.
- 3.10.7 When a motion is under debate, no other motion shall be received except to amend it, lay it on the table, adjourn the debate, refer it to a committee, to move that the vote be taken or to extend the hour to consider it.
- 3.10.8 A motion to table a motion or a matter shall state a reason, is always in order and shall not be debatable.
- 3.10.9 A motion to adjourn the debate or to adjourn the meeting or resolve the Council into closed session shall always be in order except:
- (a) when a Council member is speaking;
  - (b) when the previous question has been put;
  - (c) when the vote has been called for; or

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

- (d) when the Council members are voting; and shall be put by the presiding officer forthwith without debate and the Councillor shall not make a second motion to adjourn the meeting until after some intermediate proceeding has taken place.

**3.11 Moving the Previous Question**

3.11.1 When a motion is on the floor:

- (a) a motion to move the "previous question" shall be in the following words, "are you now ready for the question" and shall preclude all further amendment of the original motion;
- (b) and where the motion to move the previous question is resolved in the affirmative, the original motion and any amendment properly made shall be put forthwith without amendment or debate;
- (c) and where the motion to move the previous question is resolved in the negative, the original motion and any amendment may be further debated;
- (d) no amendment may be proposed to the motion for the previous question

3.11.2 Whenever a motion under consideration consists of more than one (1) distinct proposition, question or matter, the vote on each separate proposition, question or matter shall be taken separately.

3.11.3 When the Mayor calls for the question, the motion shall be put without debate and no Councillor shall speak to the motion or make any other motion until after the result of the vote has been declared and the decision of the Mayor as to whether the motion has been put is conclusive.

3.11.4 Where the Mayor is of the opinion the motion is contrary to the rules of Council or the enabling legislation, the Mayor shall so advise Council and cite without argument or comment the rule or legislation applicable thereto.

**3.12 Appeal to Council**

3.12.1 When a point of order is raised or when a Council member is called to order by the Mayor, the member speaking shall immediately stop.

3.12.2 The Mayor shall state the point of order or question of privilege and decide the point or question and then, on question, the Council member may address the Mayor only for the purpose of appealing to the Council on a ruling from the Mayor.

3.12.3 Where the Council is appealed to, it shall decide the matter without debate.

3.12.4 Where there is no immediate appeal, the decision of the Mayor is final.

**3.13 Reconsideration**

3.13.1 No by-law, question, motion or matter that has been disposed of by a vote shall be introduced for reconsideration prior to the expiration of three (3) months from the disposal thereof without a two-thirds (2/3) majority vote of the whole Council.

**4.0 GENERAL**

**4.1 Conflict of Interest**

4.1.1 Council members shall be governed by the conflict of interest rules, as outlined in the Act.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

4.1.2 At the inaugural meeting of Council, Council members and senior appointed officials shall be provided with the appropriate forms, along with relevant sections of the Act and completed conflict of interest forms shall be filed with the Clerk.

**4.2 Improper Conduct**

4.2.1 No Council member shall:

- (a) speak disrespectfully of any person;
- (b) use offensive language against any person;
- (c) speak other than to the question or motion in debate;
- (d) reflect upon any vote of Council except for the purpose of moving that the vote be reconsidered or rescinded;
- (e) refuse to obey this by-law; or
- (f) disobey the decision of the presiding officer on questions of order or privilege

4.2.2 Where a Council member refuses to obey the rules and regulations of Council or disobeys the decision of the Mayor on a question of order or privilege, the presiding officer shall order them to leave their seat for that meeting and they shall leave that meeting; provided that, where the Council member apologizes, they may, on majority vote of the other Council members present, forthwith resume their seat.

4.2.3 When, in the opinion of the Mayor, a member of the public is guilty of improper conduct at a Council meeting, the Mayor may require that person to leave the meeting room immediately.

**4.3 Code of Ethics**

4.3.1 Council shall adopt a Code of Ethics and measures to ensure adherence to same.

**4.4 Direction to Staff**

4.4.1 Council shall require that its directives be carried out through the office of the Chief Administrative Officer.

**4.5 Municipal Records**

4.5.1 Pursuant to the *Right to Information and Protection of Privacy Act, SNB 2009, c.R-10.6*, amendments thereto and regulations adopted thereunder, records in the custody or under the control of the Town of Oromocto may be subject to disclosure upon request or at a public meeting; excluding those records associated with matters discussed in accordance with Section 10.2(4) of the *Municipalities Act*.

4.5.2 The Town of Oromocto Council shall adopt the *Municipal Records Authority* as a guideline for the records classification plan and retention schedule policy of the Town.

**4.6 Vacancies on Council**

4.6.1 When a vacancy on Council occurs, the Clerk shall so advise the remaining Council members and the Minister as required by the Act and place the matter on the agenda of the next Council meeting.

**4.7 Town Expenditures**

4.7.1 The Town shall follow the *Procurement Act* for expenditures; which states that municipalities shall issue a public tender for purchases over certain thresholds.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

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4.7.2 For purchases not covered by the *Procurement Act*, and for the definition of delegated approval authorities, the municipality shall follow the Town's Procurement Policy adopted by Council, which policy may be amended from time to time by resolution of Council.

4.7.3 Requests for donations or grants shall be reviewed on an individual basis in accordance with the Community Grant policy adopted by Council, which policy may be amended from time to time by resolution of Council.

**5.0 BY-LAWS**

5.1 The provision for enactment of all by-laws shall be as set out in the applicable legislation.

5.2 Every by-law shall be introduced for first reading by title only upon motion by a Councillor, specifying the title of the by-law and then read in its entirety for second reading and read by title only for enactment for third reading. Two readings may occur at one meeting.

5.3 No by-law shall be passed except by majority vote of Councillors present or by such other vote as prescribed in legislation.

5.4. The Clerk shall endorse on all by-laws read in Council the dates of the readings thereof and shall be responsible for the inclusion of any amendments.

**6.0 OFFENCES AND FINES**

6.1 Where a by-law of the Town creates an offence but does not state the penalty, everyone who commits a breach of such by-law is liable to a fine not to exceed the maximum fine that may be imposed for the commission of an offence under Part II of the *Provincial Offences Procedure Act, SNB 1987 c.P-22*, as a category C offence.

6.2 Where a by-law of the Town imposes a fine, but does not establish procedures for the voluntary payment of the fine, the Town Clerk or their designate may, at any time before the institution of legal proceedings against the person alleged to have committed a violation, accept from such person payment of the fine.

**7.0 REPEAL**

7.1 By-law 404, "A By-law Relating to the Proceeding of Town of Oromocto Council" enacted by the Council on 15 March 2001 and amendments thereto is hereby repealed.

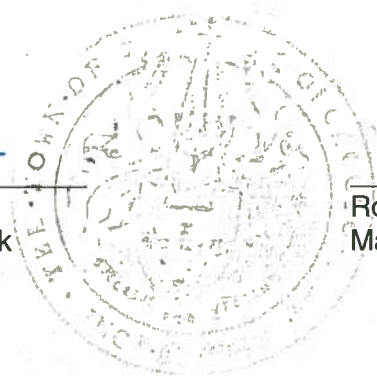
**READ FIRST TIME BY TITLE ONLY: 06 DECEMBER 2017**

**READ SECOND TIME IN ITS ENTIRETY: 14 DECEMBER 2017**

**READ THIRD TIME BY TITLE ONLY FOR ENACTMENT: 14 DECEMBER 2017**

  
Richard E. Isabelle  
Chief Administrative Officer/Clerk

  
Robert E. Powell  
Mayor



**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

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**SCHEDULE A**  
**TOWN OF OROMOCTO STANDING COMMITTEES**

The following Standing Committees of Council are hereby established to provide advice to Council on matters related to their mandate:

**Standing Committees**

- (1) In addition to the Council in Committee, the Recreation and Tourism Committee and any other Committee as Council may from time to time appoint, shall be standing Committees of Council.
- (2) Each standing committee, other than the Committee of the Whole, shall be composed of:
  - (a) a Councillor Chairman,
  - (b) a Councillor Vice-Chairman,
  - (c) such other members as appointed by Council, and
  - (a) staff member(s) as designated by Council.
- (3) The Mayor and non-appointed Councillors shall be ex-officio members of all standing committees and may address such a committee with the consent of its members but are not afforded voting privileges.
- (4) All staff persons specifically designated to serve on standing committees do so in an ex-officio capacity and whilst their attendance is mandatory, they may not sponsor, second nor vote on motions of committee.
- (5) To the degree practicable, Council will attempt to ensure appropriate geographic and demographic representation on standing committees.

**Appointment to Committees**

The Mayor shall designate a Chairman and a Vice-Chairman of each standing committee at their pleasure. Other appointments to a standing committee shall be by majority vote of Council in accordance with this by-law.

**Special Committees and Agencies**

Special Committees may be created and members appointed by majority vote of the Council and shall report to the Council, first at a Committee of the Whole and then at the regular monthly meeting of Council, on any matter referred to such committee for consideration by the Council. Non-Council agencies may likewise submit reports to Council through a designated Councillor, first to Committee of the Whole and then at a regular monthly meeting of Council.

**Quorum**

A majority of the members of a committee shall be a quorum.

**Meetings**

No regular meeting of any committee shall be called on less than twenty-four hours notice, except in case of necessity or emergency.

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

---

**Substitution**

The Council, by majority vote, may appoint alternate members to any committee of Council to act in place of any members thereof, who, by reason of illness or absence from the Town, are unable to attend the meetings of the committee.

**General Duties**

- (1) Each Standing Committee shall carry out the duties specifically assigned to it or other such duties as may from time to time be referred to it by the Council.
- (2) Each Standing Committee may provide policy recommendations in relation to the duties assigned to it, to Council meeting in Committee of the Whole following consultation with Town staff where deemed prudent.

**Duties/Composition of Council in Committee**

The Council in Committee shall have policy jurisdiction in the following matters:

- (1) **Finance/Administration and Personnel**
  - (a) all matters affecting the revenues, expenditures and finances of the Town;
  - (b) review and final approval of the Town's annual budget(s);
  - (c) the sale, lease or other disposition of any lands belonging to the Corporation;
  - (d) all requests for supplementary appropriations in excess of those provided in the annual budget;
  - (e) grants to be made by the Corporation;
  - (f) insurance;
  - (g) debenture issues;
  - (h) the development of plans for co-operation between the Corporation and other civic bodies in the administration of civic services;
  - (i) the review and recommendation of the Monthly Building Report prepared by the Planning & Compliance Branch;
  - (j) the preparation of policy related to the hiring and promotion of employees;
  - (k) the periodic review of regulations pertaining to conditions of employment of all employees;
  - (l) the consideration of working agreements with employees' unions;
  - (m) recommendations for salary or wage scales as appear to them appropriate for the maintenance of efficiency and employee morale;
  - (n) By-Law creation, review, amendment and enforcement.
- (2) **Emergency Services**
  - (a) Fire protection and services;
  - (b) Police protection and services;

**BY-LAW 534**  
**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE**  
**TOWN OF OROMOCTO COUNCIL**

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- (c) emergency measures for crisis and disaster, including the development of a Municipal Emergency Plan and the appointment of that Plans director; and
- (d) public safety.

**(3) Engineering & Public Works, Development**

- (a) roads and streets;
- (b) water;
- (c) sewers;
- (d) parks;
- (e) street lights;
- (f) sanitation;
- (g) maintenance and repair of public buildings; and
- (h) promotion of institutional development within the Town.
- (i) review of the Monthly Animal Control Report

**Duties/Composition of the Recreation and Tourism Committee**

**1) Duties**

The Recreation and Tourism Committee, a standing committee, acts as an advisory body to Council and to the Recreation and Tourism Director and when considered appropriate will provide policy advice and recommendations to Council on parks, recreation, tourism and cultural matters, as per their respective terms of reference.

The Committee will provide input into issues and projects as Council may direct on such matters as:

1. marketing and promotion initiatives;
2. recreation and tourism strategic planning;
3. facilities, natural space, and planning for parks and trails;
4. non-operational policy matters;
5. other.

The Committee may hold public information meetings on specific projects to help provide community input into recreation, tourism, parks and other key projects.

The Committee acts in an advisory and policy recommendation capacity. Responsibility for the administration and operation of the Recreation and Tourism Department is that of the Director who reports to the Chief Administrative Officer.

**2) Composition**

The composition of the Recreation and Tourism Committee shall consist of two (2) Councillors as appointed by the Mayor, one to serve as Chair and one to serve as Co-chair; up to eleven (11) Town citizens as appointed by Council, one of whom may be a high school student chosen to represent our youth population; and ex-officio, non-voting members may include the Mayor, Council Member, CAO, Director and the Records Clerk/Administrative Assistant.



**BY-LAW 534  
A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION OF THE  
TOWN OF OROMOCTO COUNCIL**

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**SCHEDULE B  
TOWN OF OROMOCTO EXTERNAL COMMITTEES**

Community Policing Committee

Enterprise Fredericton Board of Directors

Fay Tidd Public Library Committee Board of Directors

Greater Fredericton International Airport Board of Directors

New Brunswick Municipal Employees Pension Plan Committee

Oromocto and Area Chamber of Commerce Board of Directors

Oromocto Non-Profit Housing Corporation Board of Directors

Oromocto Pioneer Gardens Cemetery Inc. Board of Directors

Planning Advisory Committee

Regional Service Commission 11

Southwest Valley Development Corporation Board of Directors