

## **BY-LAW 404 (CONSOLIDATED WITH AMENDMENTS)**

### **A BY-LAW RELATING TO THE PROCEEDING OF TOWN OF OROMOCTO COUNCIL**

#### **Incorporating By-law Nos.:**

404 (March 15, 2001)  
404-A (October 21, 2004)  
404-B (March 17, 2005)  
404-C (October 19, 2006)  
404-D (May 16, 2013)

### **MEETINGS**

#### **1. Regular Meetings**

- (1) The Council shall normally hold regular meetings on the Thursday following the 3rd Wednesday of each month.
- (2) When any such meeting falls on a civic, public, or statutory holiday the Council shall meet on the following Thursday.
- (3) The first meeting of a newly elected Council shall be held on the fourth Monday in May following the election; but no business shall be transacted thereat until the declarations of office have been made by all members who present themselves for that purpose.
- (4) Regular meetings of the Council shall be held in the Council Chamber in the Town Hall unless a minimum of 48 hours prior notice is publicly provided for an alternate site. The regular meetings of the Council shall be held at 1900 hours.
- (5) All regular meetings of the Council shall be open to the public and no member of the public shall be excluded therefrom except for improper conduct. The Mayor or other presiding officer may expel from any meeting any person guilty of improper conduct at such meeting.
- (6) The Town Clerk shall allot to each Councillor a seat within the bar of the Council Chamber which he/she shall thereafter be entitled to occupy at all regular meetings of the Council.

#### **2. Special Meetings**

- (1) The Mayor may at any time summon a special meeting.
- (2) Upon receiving a written petition signed by three Councillors, the Town Clerk shall summon a special meeting of the Council for the purpose and at the time mentioned in the petition.
- (3) In case the office of Mayor or Councillor becomes vacant, the Town Clerk may summon a special meeting of the Council for the purpose of declaring such vacancy or alternatively, ensure that such a motion is presented to Council for consideration at its next scheduled Regular Session.

#### **3. Notices of Special Meetings**

The Town Clerk shall issue notice of all special meetings of the Council and shall specify the time of such meeting and the business to be transacted thereat. He/She shall cause such notice to be mailed or delivered to the residence or place of business of the Mayor and Councilors in this By-Law referred to as "members", at least one day before the meeting.

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#### **4. Quorum**

A majority of the Councillors holding office from time to time together with the Mayor or other presiding officer shall constitute a quorum.

#### **5. Call to Order**

As soon after the hour of meeting as a quorum is present, the Mayor shall take the chair and call the members to order.

#### **6. Chairman in Absence of Mayor/Deputy Mayor**

When the Mayor and Deputy Mayor are both absent, the Town Clerk shall call the meeting to order, and on a chairman having been chosen on motion, the Council shall proceed with the business of the meeting.

#### **7. Quorum Not Present**

Unless there is a quorum within thirty minutes after time appointed for the meeting of the Council, the Council shall then stand adjourned until such day of meeting as the Town Clerk shall then declare.

#### **8. General Order of Business**

The following shall be the general order of business of each regular meeting:

Recording of Attendance  
Approval of Agenda  
Correction and Adoption of Minutes  
Reading of Petitions and Hearing of Delegations  
Reading of Communications  
Report of Formal Committee  
Report of Non-Council Committees and Agencies  
Consideration of By-Laws  
Unfinished Business, and  
New Business

#### **9. Variations in Order of Business**

- (1) The business before the Council at each meeting shall be taken up in regular order unless otherwise determined by the vote of the members present, and all questions as to precedence or to the suspension of the general orders of the day shall be decided without debate.
- (2) The minutes of the preceding meeting need not be read in open Council unless a Councillor present requires the reading in whole or in part.

#### **10. Order of Business - Special Meetings**

The business before the Council at each special meeting shall be taken up in the order in which the items appear on the agenda for the meeting.

#### **11. Relation of Public to Council**

No person other than members of the Council and Town Officers having duties to perform shall be allowed within the bar of the Council Chamber while the Council is in session except upon special invitation of the Mayor or vote of Council; and no person other than a member of the Council shall address the Council without permission of the Council.

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#### **12. Preservation of Order**

The Chair shall preserve order and decorum and decide all questions of order, subject to appeal to the Council.

#### **13. Rulings on Order**

When called upon to decide a point of order, procedure or practice, the Chair shall normally state the question without unnecessary comment and shall forthwith announce his/her decision citing any rule or authority he/she may deem necessary. The Chair may recess and seek advice in exceptional circumstances.

#### **14. Mayor Entering Debate**

If the Mayor desires to leave the Chair for the purpose of taking part in the debate, or for any other purpose, he/she shall call upon the Deputy mayor, if present, or, if the Deputy Mayor is not present, a Councillor, to preside until he/she resumes the chair.

### **RULES OF DEBATE AND CONDUCT OF MEMBERS**

#### **15. Respectful Address**

Every Councillor before speaking to any question shall respectfully address the Chair.

#### **16. Who Shall Have Floor**

When two or more members ask to speak, the Chair shall recognize the member, who first attracts his/her attention.

#### **17. Reading of Motion**

Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member who is speaking.

#### **18. Limits of Debate**

No member shall speak more than once on the same question without leave of the Council except in explanation of a material part of his/her speech which may have been misconceived, and in doing so he/she shall not introduce a new matter. A reply is allowed to a member who has made a substantive motion to the Council, an amendment or the previous question. No member without leave of Council shall speak to the same question in reply for longer than a quarter of an hour.

#### **19. Speaking Disrespectfully**

No member shall speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, the Lieutenant-Governor, or of any person administering the Government of Canada, or of this Province; nor use offensive language concerning the Council or any member thereof or appointed Town officer, nor shall he/she speak beside the question in debate; nor reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded; nor resist the rules of the Council, nor disobey the decisions of the Mayor, or of the Council on a question of order or procedure, or upon the interpretation of a rule of the Council; and in case any member shall so speak, resist or disobey, the Mayor or other presiding officer may order such Councillor to vacate his/her seat for the rest of the meeting; but upon his/her apologizing, he/she may, by vote of the Council be permitted forthwith to retake his/her seat.

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#### 20. **Interruptions**

When a question is being put no member shall walk across the room, leave his/her place, or make or cause to be made any noise or disturbance; and when a member is speaking no other member shall pass between him/her and the chair, or interrupt him/her except to rise to a point of order.

#### 21. **Appeal to Council**

When a point of order is raised, or when a member is called to order by the chair, he/she shall immediately sit down and remain seated until the Chair has stated and decided the point of order raised, and the Council, if appealed to from the decision of the Chair, shall decide the question but without debate; if there is no appeal, the decision of the Chair shall be final.

#### 22. **Motions to be Seconded Before Debate**

Every motion shall be seconded before being debated or put from the Chair and shall be in writing except motions to go into Committee of the Whole or to refer any matter to a committee, or to adjourn, which may be made viva voce. When a motion is seconded it shall be read or stated by the Chair before debate.

#### 23. **Withdrawal of Motions**

After a motion is read or stated by the Chair, it shall be deemed to be in possession of the Council, but may, with permission of the Council, be withdrawn at any time before decision or amendment.

#### 24. **Motions to Adjourn**

A motion to adjourn the Council or adjourn the debate shall be in order except:

- (a) when a Councillor is in possession of the floor;
- (b) when the yeas and nays have been called for;
- (c) when the Councillors are voting;
- (d) when it has been decided that the previous question shall be put forthwith; and
- (e) in Committee of the Whole;

but a second motion to the same effect shall not be made until after some intermediate proceeding has taken place, provided, however, the Council shall automatically adjourn at midnight, unless two-thirds of the members present consent to continuing the proceedings.

#### 25. **Questions under Debate**

When a question is under debate no motion shall be received unless to commit it, to amend it, to lay it on the table, to postpone it, to adjourn it, to move the previous question, to move that the vote be now taken, or to extend the hour therefor.

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#### **26. The Previous Question**

The previous question, until it is decided, shall preclude all amendment of the main question and shall be put in the following words: "Shall this question now be put?" If this motion be resolved in the affirmative, the original motion is to be put forthwith without any amendment or further debate, but if the proposed question is resolved in the negative, the main question may then be debated and amended.

#### **27. Motions to Take Vote**

If a member moves that the vote be now taken, and it is seconded, the motion shall be put without debate and, if carried, the motion and amendments under discussion shall immediately be submitted to the Council without further discussion.

#### **28. Order of Amendments**

Amendments shall be put in the reverse order to that in which they are moved except in filling up blanks when the longest time and the smallest sum shall be put first. Every amendment submitted shall be reduced to writing and shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main question.

#### **29. Open Vote of "Yea" and "Nay"**

Every question submitted to the Council shall be determined by open vote of "yea" or "nay" of the members present.

#### **30. Recording Vote**

Upon a division of the Council, if any member so requires, the names of those who vote for and those who vote against the question shall be entered upon the minutes.

#### **31. Voting by the Mayor**

The Mayor shall vote only in case of any equal division, but every other member, who shall be present in the Council Chamber when a question is put, shall vote thereon unless the Council shall excuse him/her, or he/she be personally interested in the question; and if any member persists in refusing to vote for other than the reasons hereinbefore stated, he/she shall be recorded as voting in the affirmative on the question before Council.

#### **32. Reconsiderations**

After any question, except on indefinite postponement, has been decided in the affirmative, any member who voted thereon in the affirmative may, at any time thereafter, move for a reconsideration thereof provided notice of motion has been given at a previous meeting; but no discussion of the main question shall be allowed unless reconsidered, and after such motion to reconsider, no action shall be taken by the Council on the main motion until such reconsideration is disposed of. In respect to any question, not more than one motion to reconsider shall be considered. Any question that has been decided in the negative way, with consent of the Council, may be reintroduced at any subsequent meeting.

#### **33. Separate Vote on Distinct Propositions**

When the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition shall be taken separately.

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34. **Declaration of Vote**

After a question is finally put, no member shall speak to the question nor shall any other motion be made until after the result has been declared.

35. **Privilege**

When any matter of privilege arises, it shall be immediately taken into consideration.

36. **Members to Places on Division**

Members shall immediately take their places when any division is called for and shall remain in their respective seats until the presiding officer has declared the result of the vote.

37. **Appointment of Officials**

When any new office in the gift of the Council falls vacant or a new office is created, the matter shall be referred to the Committee of the Whole for recommendation and report before the appointment is made.

38. **Wearing of Hats and Applause**

No Councillor, Town Officer or other person, except a woman, shall wear a hat within the Council Chamber, while the Council or a Committee of the Council is in session, and no applause shall be permitted other than by the Council.

39. **Smoking**

No person shall smoke in the Council Chamber during any meeting of Council.

40. **Authority of Bourinot**

In matters of procedure not herein provided, "Bourinot, Parliamentary Procedure" shall govern.

### **COMMITTEE OF THE WHOLE**

41. **Election of Deputy Mayor** (By-law No. 404-C/Enacted October 19, 2006)

**General:**

The Deputy Mayor will be elected by Council as a whole, initially within fourteen days of Council's swearing in, for a two year term and again for a two year term within fourteen days of the second anniversary of the initial election, all at the call of the Mayor through the office of the Clerk.

All Councillors will stand for and participate in the election but may decline the appointment if elected. The appointment will then be offered to the Councillor next favoured in the election until the position is accepted.

**Procedure**

The Clerk will notify the Mayor and each Councillor of the date, time and location for Council to gather to elect a Deputy Mayor.

The Mayor and each Councillor will be provided a ballot, by the Clerk, upon which they will indicate their choices for the position in order of preference from 1 to 6.

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The Clerk will collect and tally the ballots and make the result known to Council through the Mayor.

The Councillor with the lowest aggregate score will be deemed to have won the election. In the event of a tie, those Councillors only will stand immediately for a second marked ballot at the call of the Clerk. The Clerk will again collect and tally the marked ballots following which the result will be made known to Council through the Mayor.

The Mayor will subsequently and in public forum make known Council's selection for the appointment of Deputy Mayor.

42. **Chair**

The Mayor shall be the Chairman of the Committee of the Whole.

43. **Rules of Council**

The rules of Council shall be observed so far as they are applicable, except that no motions shall be allowed, and members shall not be limited in the number of times they may speak on any question.

44. **Questions of Order**

Questions of order arising in Committee of the Whole shall be decided by the Chairman subject to an appeal to the Committee. In case of disorder, the Mayor shall immediately resume the Chair without any question being put.

45. **Order of Business**

All business relating to the matters under consideration shall be put in the order in which they are proposed on the agenda.

46. **Citizens-at-Large Appearance**

Citizens-at-Large may appear before Council meeting in Committee of the Whole, upon twenty-four hours prior notice of their agenda topic to the Clerk. Such presentations will normally be limited to five minutes following which additional discussion time will be allotted at the discretion of Council.

47. **Recommendations to Regular Council**

All proposed motions and amendments recommended in Committee of the Whole shall be reported by the Chairman to the Council and shall be open to further debate and amendment at a future Regular Council before finally being decided by the Council.

48. **Confidentiality**

Items of a sensitive, personal or business nature appearing on the agenda of a closed committee meeting will be assigned a confidential classification by the Clerk, pending their discussion at open Council. Councillors and staff shall refrain from public disclosure of such discussion in Committee until the matter is formally presented by a duly moved and seconded motion at a regular or special meeting of Council.

### **COMMUNICATIONS**

49. Where a petition, tender or other written communication is received concerning a subject within the cognizance of a standing committee, the Town Clerk shall, after consulting the Mayor, refer it to such committee which shall consider the

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matter and report to the Council.

50. No petition or communication shall be presented to a meeting of the Council unless it is received by the Town Clerk before 1600 hours of the day preceding the day on which the meeting is held.
51. No matter shall be placed on the agenda for consideration at any meeting of the Council unless the request for consideration of such matter is received by the Town Clerk before 1600 hours of the day preceding the day on which the meeting is held.

### **BY-LAWS**

#### **52. Three Readings**

Every By-Law shall be given three distinct and separate readings before it is engrossed and passed, but not more than two readings at any one meeting of the Council except when by unanimous vote of the members present, an emergency reading is declared warranted.

#### **53. Signing and Sealing of By-Laws**

Every By-Law shall be under the Seal of the Town and shall be signed by the Mayor, or other person who presided at the meeting at which it was passed, and by the Town Clerk.

#### **54. Suspension of Rules**

Notwithstanding any other rule or order, no standing rule or order of the Council set out in this By-Law shall be suspended unless two-thirds of the members present shall consent thereto, nor shall this By-Law be repealed or amended unless a week's notice in writing is given of the motion therefor, nor unless a majority of the whole Council shall concur therein.

### **STANDING COMMITTEES, SPECIAL COMMITTEES AND AGENCIES**

#### **55. Standing Committees**

- (1) In addition to the Committee of the Whole, the Recreation and Tourism Committee and any other Committee as Council may from time to time appoint, shall be standing Committees of Council. (By-law No. 404-D/ Enacted May 16, 2013)
- (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
  - (d) 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



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geographic and demographic representation on standing committees.

#### **56. Appointment to Committees**

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

#### **57. 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.

#### **58. Quorum**

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

#### **59. Meetings**

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

#### **60. 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.

#### **61. 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.

#### **62. Duties/Composition of Committee of the Whole**

The Committee of the Whole 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;

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- (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; and

#### **(2) Emergency Services**

- (a) Fire protection and services;
- (b) Police protection and services;
- (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.
- (2) review of the Monthly Animal Control Report

### **63. Duties/Composition of the Recreation and Tourism Committee**

#### **(1) Duties**

The Recreation and Tourism Committee, a standing committee, shall act as an advisory body to Council and to the Recreation and Tourism Director and, when considered appropriate, may provide policy advice and recommendations to Council on parks, recreation, tourism and cultural matters. The Committee shall provide input into issues and projects as Council may direct on such matters as:

- (a) marketing and promotion initiatives;
- (b) recreation and tourism strategic planning;

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- (c) facilities, natural space, and planning for parks and trails;
  - (d) non-operational policy matters; and
  - (e) others as required.
- (2) Composition
  - (a) Two (2) Councillors as appointed by the Mayor, one to serve as Chair, and one to serve as Co-chair.
  - (b) 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.
  - (c) Ex-officio non-voting members include the Mayor, Councillors, Chief Administrative Officer, Recreation and Tourism Director, and the Records Clerk / Administrative Assistant.
- (3) Terms of Reference

The Committee shall develop a Terms of Reference for Council approval. Amendments to the Terms of Reference shall be presented to Council for review. (By-law No. 404-D/Enacted May 16, 2013)

**PURCHASE/EXPENDITURE AUTHORITIES**

64. **Financial Authorization** (By-law No. 404-B/Enacted March 17, 2005)

Budgeted Expenditures - the following authorizations are delegated with respect to all purchase orders and cheque requisitions initiated for payment and arising from fiscal budget expenditures:

\$0 to \$2000	Department Head
Over \$2000 to \$7500	CAO/Clerk
Over \$7500 to \$10000	CAO and Mayor or delegated Council Representatives

Unbudgeted Expenditures - The following authorizations are delegated with respect to unbudgeted expenditures, conditional upon the identification of offsetting and unencumbered funds:

\$0 to \$1000	Department Head
Over \$1000 to \$3750	CAO/Clerk
Over \$3750 to \$5000	CAO and Mayor or delegated Council Representatives

65. **Contractual Payments/Monthly Remittances**

Contractual payments and standard monthly remittances of any amount are to be paid on authorization of the Treasurer.

66. **Expenditure by Mayor** (By-law No. 404-B/Enacted March 17, 2005)

The Mayor is authorized to spend \$1000 (one thousand dollars) on any matter without previous authorization of Council.

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**CERTIFICATION OF ACCOUNTS**

67. Before any account is approved for payment, it shall be accompanied by supporting invoice(s) and statement where available and bear the signatures of:

- the originator, and/or
- the applicable Department Head, and/or
- the Town Administrator, and/or
- designated members of Council.

Such signatures certify that the goods therein specified have been received or that the services therein specified have been rendered, that the amount charged is in accordance with the contract or in the absence of a contract, that the amount charged is fair and reasonable and that this account has not been certified previously for payment.

**PAYMENT OF ACCOUNTS**

68. All accounts shall be paid on the day following the meeting of the Council at which payment is authorized or as soon thereafter is practicable.

69. By-Law No. 306 is hereby repealed.

**READ FIRST TIME:** 18 January 2001

**READ SECOND TIME:** 22 February 2001

**READ THIRD TIME  
AND ENACTED:** 15 March 2001

(Sgd) A Wayne Carnell  
A Wayne Carnell  
Town Clerk

(Sgd) Fay L Tidd  
Fay L Tidd  
Mayor