

BY-LAW 543
A BY-LAW RELATING TO THE PROCEEDINGS OF THE COUNCIL OF THE
TOWN OF OROMOCTO

The Council of the Town of Oromocto, under authority vested in it by Section 10 of the *Local Governance Act, SNB 2017, c 18* 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 to establish rules for conducting business at meetings, for council members, administration and the public.

1.1 Title

- 1.1.1 This by-law may be cited as the “Procedural By-Law.”

1.2 Definitions

- 1.2.1 In this by-law:

- (a) **“Act or “the Act”** means the *Local Governance Act, 2017, c 18* amendments thereto and regulations adopted thereunder.
- (b) **“Administration”** means the Chief Administrative Officer/Town Clerk, Deputy Town Clerk and any department heads of the Town of Oromocto.
- (c) **“Council”** means the Mayor and Council Members of the Town of Oromocto elected pursuant to the provisions of the *New Brunswick Municipal Elections Act*.
- (d) **“Closed Session or Closed Meeting”** means a meeting of Council that is not open to the public, in accordance with the *Act*;
- (e) **“Committee”** means a group of persons appointed by the Mayor and Council to act in an advisory capacity to Council;
- (f) **“Community Planning Act”** means the *Community Planning Act*, RSNB 1973 c. C-12, amendments thereto and regulations adopted thereunder;
- (g) **“Council”** means the Mayor and Councillors of the Town of Oromocto;
- (h) **“Councillor”** means a member of Council other than the Mayor;
- (i) **“Deputy Mayor”** means the Councillor so elected pursuant to this by-law;
- (j) **“Majority”** means more than half; of those obliged to vote, in accordance with legislation or this by-law;
- (k) **“Mayor”** means Mayor of the Town of Oromocto;
- (l) **“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.
- (m) **“Quorum”** means 5 council members, unless otherwise prescribed by legislation;
- (n) **“Treasurer”** means the Treasurer of the municipality as appointed in accordance with the *Local Governance Act*;
- (o) **“Whole Council”** includes all Council Members and the Mayor.

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2.0 MEETINGS OF COUNCIL

2.0.1 Regular Meetings of Council shall:

- (a) be held on the Thursday, following the third Wednesday, of each month at 5:30 pm, or at such other time and place as the Town Clerk may establish;
- (b) be held in the Council Chambers at the Municipal Building or at such other place as the Town Clerk may establish; and
- (c) be open to the public to observe the Council proceedings unless closed in accordance with the *Act*.

2.1.0 Special Meetings of Council

2.1.1 The Mayor may at any time direct the Town 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's website.

2.1.2 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 Council Members present.

2.2 Council in Committee Meetings

2.2.1 Normally, there are two regular monthly meetings of the members of Council to be known as the Council in Committee Meeting, held at 5:30 pm in Council Chambers on the Wednesday preceding the third Wednesday of each month and the other held on the Tuesday, preceding the third Wednesday of the month, or at a time to be determined by the Town Clerk.

2.2.2 Should there be insufficient business to conduct two meetings in one month, the Town Clerk may choose to only hold one meeting of Council in Committee for.

2.2.3 There may only be one scheduled Council in Committee meeting during the months of July, August and December, unless another one is deemed necessary.

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

- Administration, Finance and Corporate Services;
- Emergency Services;
- Public Works;
- Engineering Services;
- Recreation and Tourism; and
- Planning and Compliance.

2.2.5 With the exception of the decisions under Section 2.3.1, all recommendations from a Council in Committee Meeting which require a resolution of Council shall be brought forward for consideration to a Regular or Special Meeting of Council.

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;
- (c) information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;

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- (d) the proposed or pending acquisition or disposition of land for a municipal purpose;
- (e) information that could violate the confidentiality of information obtained from the Government of Canada or from the Province of New Brunswick;
- (f) information concerning legal opinions or advice provided to the local government by a municipal solicitor, or privileged communications between solicitor and client in a matter of municipal business,
- (g) litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
- (h) the access to or security of particular buildings, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
- (i) information gathered by the police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspect illegal activity, or the source of such information; or
- (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 of the Town; or
- (c) directions to the Town solicitor.

2.3.3 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.

2.3.4 With the exception of the decisions under Section 2.2.2, all recommendations from a Closed Session which require the approval of Council shall be reported to at a Regular or Special Meeting of Council.

2.4 Notice of Meetings

2.4.1 Notice of regularly scheduled Council meetings or Council in Committee meetings is not required to be given.

2.4.2 If Council changes the date, time or place of a regularly scheduled meeting, at least twenty-four hours' notice of the change will be given to:

- (a) any members not present at the meeting at which the change was made; and
- (b) to the public.

2.4.3 Council will be notified through email and the public through the Town's website.

3.0 RULES AND PROCEDURE

3.1 Parliamentary Procedure

3.1.1 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.

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3.2 Agenda

- 3.2.1 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.
- 3.2.2 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-third (2/3) vote of the Councillors present.
- 3.2.3 The Clerk shall have prepared and printed 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) Reports
 - (g) Unfinished Business
 - (h) New Business
 - (i) Adjournment.
- 3.2.4 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.

3.3 Presiding Officer

- 3.3.1 The Mayor shall act as presiding officer of all meetings of Council at which they are present.
- 3.3.2 In the absence, or inability of the Mayor to act, 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.
- 3.3.3 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.

3.4 Order of Business

- 3.4.1 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.

3.5 Quorum

- 3.5.1 A quorum must be present at any regular, special or closed meeting of Council in order for business to be transacted.
- 3.5.2 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

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meeting is called.

3.6 Minutes

3.6.1 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.

3.6.2 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.

3.6.3 The Clerk shall record the proceedings of all regular, special and closed meetings of Council in a book, in accordance with the *Act*.

3.7 Recording of Meetings

3.7.1 Notwithstanding the occurrence of technical failures, all public meetings of Council will be video recorded and made available on the Town's website.

3.7.2 An archive of previously recorded meetings will be kept on the Town's website for a period of (4) years.

3.7.3 In the event of a technical failure which prohibits video recording of the meeting, an audio recording will be made and available to the public through the Clerk's Office.

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 they declare 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 the *Act*, 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.

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3.8.10 When there is a division of Council upon any question, motion or matter, the presiding officer may call the names of Council members and the Clerk shall enter in the minutes the names of Council members who voted “yea” and “nay”.

3.8.10 When there is a division of Council upon any question, motion or matter, the Council member may ask to have their respective vote recorded.

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.

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.

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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
- (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

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disposal thereof without a two-thirds (2/3) majority vote of the whole Council.

3.14 Improper Conduct

3.14.1 No Council member shall:

- (a) speak disrespectfully of any person;
- (a) use offensive language against any person;
- (b) speak other than to the question or motion in debate;
- (c) reflect upon any vote of Council except for the purpose of moving that the vote be reconsidered or rescinded;
- (d) refuse to obey this by-law;
- (e) disobey the decision of the presiding officer on questions of order or privilege; or
- (f) provide direction to staff to be carried out other than Council's directives through the office of the Chief Administrative Officer/Town Clerk.

3.14.2 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.

3.15 Participation by the Public

3.15.1 All meetings of Council shall be open to the public and no member of the public shall be excluded except for closed meetings or improper conduct.

3.15.2 Members of the public wishing to address Council may do so by requesting in writing to be put on the agenda for a Council in Committee meeting, three days in advance of the meeting, and further, provide their written or electronic submission, including appropriate documentation.

3.15.3 The Clerk's Office must be advised of the subject matter of the presentation and presentations shall be limited to fifteen minutes, unless otherwise consented to by Council at the time of the presentation.

3.15.4 A Councillor may move to refer a matter to any committee or to the Chief Administrative Officer for a report.

3.15.5 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.

3.16 Conduct of the Public

3.16.1 All persons in the public gallery at a Council meeting shall:

- (a) refrain from addressing Council or a member unless permitted to do so;
- (b) maintain quiet and order;
- (c) refrain from disturbing the proceedings by words, gestures or actions; including applauding, displaying flags, placards or similar material;
- (d) refrain from talking on mobile devices; and

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(e) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

3.16.2 Members of the public shall not be permitted to address the Council unless on the approved agenda or with the agreement of a majority of the whole Council.

3.16.3 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.

3.16.4 If a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting for another day.

4.0 ELECTION OF DEPUTY MAYOR

4.0.1 Council shall elect at its first meeting a Deputy Mayor from amongst the Council Members, as determined by majority vote of Council present, for a term of two years and then hold a subsequent election for the remaining two years of Council's term.

5.0 MEETING THROUGH ELECTRONIC MEANS

5.0.1 The use of an online meeting space for a public meeting of Council can be used when one or more members of Council are unable to attend in person, due to extenuating or unplanned circumstances.

5.0.2 The virtual meeting option must allow members of Council to hear and speak to each other and in the case of a meeting that is open to the public, allows the public to hear the member(s).

5.0.3 A member of Council who intends to participate in a meeting in the manner referred to in subsection 5.0.1, shall provide sufficient notice to the Clerk to ensure that the appropriate electronic means of communication are available and allow the Clerk sufficient opportunity to advise the remainder of Council.

5.0.4 A member of Council who participates in a meeting closed to the public through electronic means shall, at the beginning of the meeting, confirm that they are alone.

6.0 OFFENCES AND FINES

6.0.1 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.

6.0.2 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

7.0.1 By-law 534, "A By-Law Respecting the Procedure and Organization of the Town of Oromocto Council" enacted by the Council on 14 December 2017 and amendments thereto is hereby repealed.

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READ FIRST TIME BY TITLE ONLY: 16 JULY 2026

READ SECOND TIME IN ITS ENTIRETY:

READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:

John Jackson
Chief Administrative Officer/Clerk

Robert E Powell
Mayor