

# Town of Portugal Cove-St. Philip's

## Rules of Procedures Governing Meetings

Pursuant to the authority conferred by and in compliance with the Municipalities Act, 1999, Chapter M-24, Article 24C, the Town Council of Portugal Cove-St. Philip's as adopted the following regulations on the 14<sup>th</sup> day of May 2019

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### **Article I. TITLE**

This document shall be known and cited as the Rules of Procedures Governing Meetings

### **Article II. DEFINITIONS**

- (a) The *Clerk* shall mean the Town Clerk of Portugal Cove-St. Philip's
- (b) *Council* shall mean the Town Council of Portugal Cove-St. Philip's
- (c) *Town* shall mean the Town of Portugal Cove-St. Philip's

### **Article III. Council Spokesperson:**

The Mayor, normally, shall be spokesperson for Council on all matters, unless otherwise decided by Council. The Mayor may ask the Deputy Mayor, a Councillor, or the Town Manager to speak on a specific issue.

### **Article IV. MEETINGS**

#### **Section 4.01 TYPES OF COUNCIL MEETINGS:**

##### **(a) Regular Public Meetings of Council:**

Regular Public Meetings of Council shall be held in accordance with the requirements of the Municipalities Act, but Council may, by majority vote, name the date and hour on which a regular meeting shall be held.

##### **(b) Committee of the Whole Council / Privileged Meetings:**

**General Committee of the Whole / Privileged Meetings**, with attendance limited to Councillors and at their discretion, the Manager/Clerk and/or specified staff may be called by the Mayor, an individual Councillor, or the Manager/Clerk upon verbal or written request to the Mayor.

**In Camera Committee of the Whole Meetings of Council**, with attendance limited to Councillors, may be called by the Mayor or an individual Councillor upon verbal or written request to the Mayor.

Attendance of staff at privileged meetings shall be determined by the Agenda, and/or, in any case, by Council.

A decision of Council made at a privileged meeting shall not be valid until that decision has been ratified by a vote of the Councillors at a public meeting.

**(c) Special Meetings of Council:**

Special Meetings of Council may be called by either the Mayor or any two (2) Councillors by giving written notice to the Clerk or designate.

**Section 4.02 NOTICE OF MEETINGS:**

Notice of regular public meetings, by way of an Agenda, shall be made available to all members of Council by at least forty-eight (48) hours prior to each meeting.

In the event of meetings requested to be held outside the schedule of regular public meetings, notice shall be provided to all Councillors via email or telephone call twenty-four (24) hours prior to such a meeting by the Clerk or designate unless otherwise approved by Council

Public Notice for all Regular Public meetings shall be by way of the annual schedule of meetings advertised on the Town's website.

When the day ordinarily fixed for a meeting of Council falls upon a legal holiday, the meeting shall be held the next day following that is not a statutory holiday.

The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

**Section 4.03 BUSINESS OF SPECIAL, PRIVILEGED AND GENERAL OR IN CAMERA COMMITTEE OF THE WHOLE MEETINGS:**

No business may be conducted at a Special, Privileged and General or In Camera Committee of the Whole Meetings of Council other than that specified in the Notice of such meeting, unless otherwise decided by majority vote.

**Section 4.04 Delegations:**

When delegations request to be present at Council meetings, the following procedure shall apply:

- A written request must be submitted to the Town Office not later than the close of business on Friday preceding the meeting.
- The Mayor will decide if the request is of sufficient importance that the privilege to address the Council should be granted.
- Requests to address the Council will only be considered after appropriate representations have been made to Council through the committees of Council.
- The privilege of speaking will be granted for a period of Five minutes. There will be no discussion or debate. The Chair may request further information or clarification.

## **Section 4.05 MEETING DECORUM:**

### **(a) Order and Decorum:**

The Presiding Officer at any meeting shall preserve order during debate and maintain decorum at all times.

When a Councillor, or other person at any type of Council Meeting, is guilty of unacceptable conduct, uses or unparliamentarily behaviour, or uses insulting or improper language to the presiding officer or any member or willfully obstructs the conduct of business, the Councillor/person may be named by the Presiding Officer and warned to desist. Such warning shall be recorded in the minutes.

If the offence warrants, in the opinion of the Presiding Officer, the offending Councillor/ or person may be requested to leave the Council Chambers or the place where the meeting is held by the Presiding Officer without vote of the Council and should the offending Councillor or other person refuse to leave the Council Chamber or the place where the meeting is held, the Presiding Officer may request the assistance of law enforcement to enforce the order to leave.

### **(b) Disorderly Persons:**

The Presiding Officer may expel and exclude from a meeting any Councillor or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a Councillor, an entry shall be made in the minutes of the reason for such exclusion.

Any Councillor expelled from a meeting may be permitted, by majority vote of Councillors at the meeting in progress, to resume his/her place after making an apology to the Presiding Officer and to any member or members insulted by such.

### **(c) Dress Code:**

The standard of dress for Public Council Meetings for all Councillors and Staff is a Business Casual Dress Code.

### **(d) Use of Cell Telephones:**

The use of cell phones for making or receiving voice calls during the conduct of all public meetings is prohibited. The use of cell phones or other electronic devices for functions (i.e. e-mail, texting, internet searches, etc.) is allowed providing it does not interfere with the conduct of the meeting and that the device is switched to silent mode.

## **Section 4.06 PRESIDING OFFICER:**

The Mayor shall preside at all public meetings of Council. In the absence of the Mayor the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, and if a quorum is present, the other Councillors shall appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the Mayor at the meeting or until the arrival of the Mayor or Deputy Mayor.

The Mayor, Deputy Mayor or Councillor presiding at a public meeting of Council, where he or she wants to enter debate, may be replaced as the Presiding Officer by a temporary chairperson for the time during which the Mayor, Deputy Mayor or Councillor presiding is speaking.

#### **Section 4.07 QUORUM:**

A quorum shall consist of a majority of the number of Councillors that may be elected or appointed or otherwise approved by the Minister of Municipal Affairs (Minister). Where a quorum is present, the Clerk shall record the names of Councilors. As soon after the hour appointed for holding the meeting as there shall be a quorum present, the presiding officer shall take the Chair, and call the meeting to order.

If a quorum is not present within fifteen (15) minutes after the time fixed for a Regular, Special, General or In Camera Meetings Committee of the Whole, the Clerk or designate, as appropriate, shall record the Councillors present and the meeting shall stand adjourned until the next meeting or to such date as Council may decide.

#### **Section 4.08 ATTENDANCE:**

In addition to the Mayor and Councillors and Town Clerk (or designate), the Town Manager (or designate) shall attend all public meetings of Council. Other staff shall attend meetings of Council when requested to do so by Council or the Clerk. Department heads and other employees of Council shall attend when requested to do so by Council or the Town Manager.

A Councillor participating in a public meeting remotely (via phone or video call) is considered to be in attendance at the meeting.

#### **Section 4.09 MEETINGS OPEN TO THE PUBLIC:**

All regular Meetings of Council shall be open to the public, except if it is held as a Special, Privileged, General or In Camera Committee of the Whole Meeting or declared by a vote of the Councillors present at the meeting to be a Special, Privileged, General or In Camera Committee of the Whole Meeting. Where a meeting is held or declared to be a Special, Privileged, General or In Camera Committee of the Whole Meeting, all members of the public present at the meeting shall leave unless their attendance is requested by the Presiding Officer. (Continued)

Where a decision is made at a Special, Privileged, General or In Camera Committee of the Whole Meeting, and the decision is required to be ratified in order to be valid; it shall be ratified at a subsequent Public Meeting of Council.

### **Article V. CONFLICT OF INTEREST**

In accordance with the Municipalities Act, a Councillor shall not vote on or speak to a matter before the Council or a committee of the Council where

- a. The Councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a Councillor;
- b. The Councillor has a monetary interest directly or indirectly in that matter;
- c. A relative of the Councillor has a monetary interest in the matter; or
- d. The Councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in that matter.

For the purposes of this section a relative of a Councillor means a father, mother, spouse, cohabiting partner, sister, brother, child, stepchild, ward, mother-in-law, father-in-law, sister-in-law or brother-in-law of the Councillor.

In order for an interest to be considered as one falling within the prohibition set out herein it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the municipality.

Where a Councillor has an interest as set out herein, the Councillor shall state that he or she has that interest and state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest and that statement respecting his or her interest shall be recorded in the minutes of the Council, or a committee of the Council, where that statement was made at a committee meeting. Where a Councillor declaring a conflict of interest is the Presiding Officer, he or she shall vacate the chair. Where a Councillor declares a conflict of interest he or she shall leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

Where one or more Councillors declare a conflict of interest and there is no longer a quorum to vote on the matter, the Minister may direct that the remaining Councillors to make a decision on the matter as if those remaining Councillors constituted a quorum.

Where all Councillors have declared a conflict of interest the Minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the Councillors should proceed with making a decision, the Minister may exempt the Council and the Councillors may vote on the matter.

Where a Councillor is in doubt as to whether he or she has a monetary interest that is a conflict of interest, he or she shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final. A Councillor whose possible conflict of interest is being voted on is not entitled to vote.

## **Article VI. COUNCIL DOCUMENTS**

### **Section 6.01 MINUTES:**

Minutes of all public meetings of Council shall be recorded by the Clerk or designate as appropriate.

Such minutes shall contain:

- All those in attendance at the meeting.
- All motions and resolutions coming before Council, including the names of the movers and seconders.
- The names of all Councillors voting against or abstaining from voting on the motions.
- A brief description of comments, reports, petitions, presentations or documents submitted to Council for the purpose of providing the reader of the minutes with an understanding of the decisions of Council and not for the purposes of recording lengthy descriptions of what was said or presented and by whom.
- Reports accepted by Council may be attached to Minutes.

Minutes should reflect what was *done* in the meeting, not what individual Councillors or staff *said*. Unanimous consent or a majority vote is required to include individual comments.

Copies of minutes will be distributed to Councillors via electronic format prior to the next meeting.

Minutes of the Public Council Meeting will be placed on the municipalities Website within three (3) working days following its completion with a statement to the effect that such minutes are not the official transcript which can only be provided following their adoption at the next Public Council Meeting.

If any Councillor objects to any portion of the minutes of the preceding meeting, in the Public Council Meeting adopting them, he or she shall state the grounds of objection.

If all members of Council agree with the correction, the motion adopting the minutes shall contain the necessary corrections.

If all members of Council do not consent to the correction of the Minutes, then a motion must be made and seconded to amend the minutes to meet the objection, which shall then be debatable.

## **Section 6.02      AGENDA for PUBLIC COUNCIL MEETINGS:**

Prior to each regular meeting of Council, the Clerk or designate shall prepare an agenda of all business to be brought before the Public Meeting, and the Agenda shall be distributed to Council by the Clerk or designate on the Friday prior to meeting.

Any member of Council may submit to the Clerk or designate an item for inclusion in the Agenda under "New Business", or "Notices of Motion", provided that the item is submitted by 12:00 p.m. (noon), Friday, prior to the date fixed for the Council Meeting.

*The format of the Agenda shall be as follows:*

*Calling the Meeting to Order*

*Approval by adoption of Agenda*

*Delegations / Presentations*

*Adoption of Minutes*

*Business Arising from the Minutes*

*Committee Reports by name of each Committee*

*Correspondence*

*General Business (New/Unfinished)*

*Notice of Motion (for next meeting)*

*Adjournment*

Occasionally, additional material will be added or changed after the agenda is sent. In these cases, the electronic file will be updated and a hardcopy will be placed on each Councillors desk in chambers. Councillors shall have access to the electronic agenda repository in order to be able to open the latest version.



### **Section 6.03            AGENDA for SPECIAL, PRIVILEGED AND GENERAL OR IN CAMERA COMMITTEE OF THE WHOLE MEETINGS:**

When Special, Privileged and General or In Camera Committee of the Whole Meetings are called for the consideration of some particular matter, the order of business shall be in accordance with the items specified in the Notice for that meeting. Council shall proceed immediately to consider the business for which the meeting was called, and only the business specified in the Notice calling the meeting shall be dealt with, unless otherwise decided by unanimous consent or by majority vote.

### **Section 6.04            NEW BUSINESS – PUBLIC COUNCIL MEETING:**

New business during the Public Council Meeting is limited to items of information, attendance at previous events, notice of upcoming events, congratulatory items and is not intended for substantive items or those which require decisions of Council unless otherwise decided by unanimous consent. New business is limited to a maximum of two (2) minutes per Councillor unless otherwise decided by unanimous consent.

### **Section 6.05            NOTICE OF MOTION:**

Prior to Council’s consideration of introducing any Regulation(s) or amendment to a Regulation under the Municipalities Act, a Notice of Motion, in writing, shall be tabled at a regular Public Council Meeting and shall be placed on the Agenda under the Notice of Motion section.

## **Article VII. MOTIONS**

The word *motion* refers to a formal proposal by a Councillor, in a meeting, that the Council take certain action. Before a subject can be considered, it must be placed before the Council in the form of a motion. There are five (5) classes of motions:

- a. **Main motions** – introduces new business;
- b. **Subsidiary motions** – assist in treating or disposing of a main motion;
- c. **Privileged motions** – do not relate to the pending business but have a high priority;
- d. **Incidental motions** - change the procedure for handling the pending business but do not change what is being considered;
- e. **Motions that bring a question again before the Council** – bring business already decided back before the assembly.

### **Section 7.01            MAIN MOTION:**

The main motion is the lowest ranking motion and can be made only when no other motion is pending. When adopted, it becomes the officially recorded statement of an action taken by the Council. Every motion or resolution should be in writing and should be worded in a concise, unambiguous, and complete form and should be stated or read by the mover (who alone can make introductory remarks thereon) and when duly moved and seconded, and stated by the Presiding Officer, shall be open for consideration and discussion. Motions, wherever possible, should be stated in the positive, so that when the vote is taken yes means yes and no means no. One example of an exception is to deny a development application.

## Section 7.02      SUBSIDIARY MOTIONS:

The following subsidiary motions are listed in order of rank and take precedence over or ranks over, the main motion.

- **Lay on the Table:** This motion is designed to be used to set aside the pending business *temporarily* without setting a time for resuming its consideration in order to take up something more urgent.

An example of its use is when a member of the public is in attendance and Council wishes to consider a committee report, in which the member of the public has an interest, prior to its scheduled order in the approved Agenda. Another appropriate use of the motion to lay on the table is to temporarily set aside agenda items in order to consider a particular item.

- **Previous question:** The purpose of this motion is to close debate and is sometimes referred to as Call the Question.

A Councillor must be recognized by the Presiding Officer to make this motion and **unless unanimous consent is provided**, a seconder is required and a two-thirds vote is necessary for adoption.

Whenever a motion infringes on the rights of a Councillor, a two-thirds vote is required for adoption.

The previous question shall preclude all amendments of the main questions and shall be put in the following words: "that the question be now put". If the motion is resolved in the affirmative, the original question shall be put forthwith without any amendment or debate. If the motion is resolved in the negative, the main question may then be debated and amended.

- **Limit or Extend the Limits of Debate:** If it appears that debate is consuming too much time, if additional time is needed, or if one or more Councillors need to speak more than once to adequately debate a motion, a Councillor may make a motion to Limit or Extend the Limits of Debate.

Since this motion affects the basic rights of Councillors and unless unanimous consent is provided, a two-thirds vote is necessary for adoption.

- **Postpone to a Certain Time (or Definitely):** If the Council is not ready to take a final vote on a motion, it can be postponed until later in the same or to the next meeting. If it is postponed to the next meeting, it will be included on the agenda.
- **Commit or Refer or Defer:** When it is beneficial to have a committee or staff review a proposed motion or to provide additional information, a motion to commit or refer **or defer** can be proposed. In either case, the Council should provide suggested deadlines for the committee or staff so that the business will be handled in a timely manner. The only method to temporarily dispose of a motion beyond the next regular meeting is to commit or refer.

- **Friendly Amendment:** If the Presiding Officer has not yet stated the motion, the mover of the motion has the ability to modify the original motion or to accept the proposed change that may be suggested by another Councillor by way of a “Friendly Amendment”. The seconder of the motion is not consulted.

If the Presiding Officer has stated the motion, the mover of the motion cannot individually accept or deny the “Friendly Amendment”. The proposed change should be offered, and voted on, as any other amendment unless unanimous consent is provided.

- **Amend:** If the main motion would be more suitable in an altered form, a motion to amend can be made. Motions to amend must be germane to the main motions; that is, they must relate to the business at hand.

There are three ways to amend:

- 1 To insert or add
  - a) insert within the motion
  - b) add at the end of the motion.
- 2 Strike out words or a paragraph.
- 3. Strike out and insert words, or substitute a paragraph (strike out the entire text and insert another in its place).

A proposal to amend is a primary amendment and can be amended by a secondary amendment.

The amendments are voted on in reverse order, Council first voting on the secondary amendment, next the primary amendment (perhaps as amended), and finally the main motion (or main motion as amended). **If there is general agreement, the amendments may be approved by unanimous consent.**

- **Postpone Indefinitely:** This motion kills, or disposes of, the main motion for the remainder of the meeting without bringing it to a direct vote. It is used if an embarrassing main motion has been proposed or Councillors wish to defeat the proposal without going on the record as having voted “no” on the motion.

### **Section 7.03 PRIVILEGED MOTIONS:**

This class of motions does not relate to the pending business but rather to special matters of immediate importance that should be allowed to interrupt business. None of these motions is debatable when a main motion or subsidiary motion is under consideration.

These motions are listed in order of rank and their rank begins above the highest-ranking subsidiary motion.

- **Fix the Time to Which to Adjourn:** This is the motion to set an adjourned meeting. By majority vote, the Council establishes the date, time, and place for the continuance of the present meeting. Adoption of this motion does not immediately or necessarily adjourn the current meeting.

- **Adjourn:** The motion to adjourn is a proposal to close the meeting entirely. Even if the adopted agenda or order of business has not been completed, by majority vote the Council may adjourn the meeting.

Uncompleted items of business are listed as unfinished business at the next meeting.

A motion to adjourn requires a seconder and is always in order except when:

- A Councillor is addressing the Presiding Officer.
- A vote is being taken, and it has been decided that the previous question shall be taken.

A motion to adjourn cannot be amended and is not debatable. No second motion to adjourn shall be made until some intermediate proceedings have transpired.

However, a motion to adjourn the Council meeting or the debate to a given day may be amended or the debate to a given day may be amended and is open to debate.

- **Recess:** To take a short intermission in the meeting, a Councillor may make a motion to recess and a seconder is required. It is amendable as to the amount of time for the recess or the time to reconvene the meeting and requires a majority vote unless unanimous consent is provided.
- **Raise a Question of Privilege:** Any Councillor has the right to request certain privileges for themselves or for Council. This request usually has to do with the Councillor's comfort level (excessive noise, inadequate lighting, uncomfortable temperature, etc.) or affecting the Councillor's ability to make an informed decision (cannot hear the speaker, doesn't have the report, can't see the illustrations, etc.). No recognition by the Presiding Officer is needed to make this motion, and the Presiding Officer takes the appropriate action without vote of Council.
- **Call for the Orders of the Day:** If the adopted agenda or order of business is not being followed, any Councillor may bring this to the attention of the Presiding Officer. If the wrong item was announced, the Councillor does not need to be recognized and may interrupt business to bring it to the Presiding Officer's attention. If a motion has been made, however, the Councillor must wait until the motion has been disposed of. (Continued)  
The agenda must be followed unless Council decides by a two-thirds vote not to proceed to the orders of day or unless unanimous consent is provided.

## Section 7.04 INCIDENTAL MOTIONS:

This class of motions relates to the pending question in such a way that it must be decided immediately before any other business intervenes. The listing of motions does not indicate rank, merely the order of the motions as found in *Robert's Rules of Order*.

- **Point of order:** Whenever a Councillor believes that the rules are being violated; it is the Councillor's duty to raise a point of order at the time of the breach. The motion effectively requires the Presiding Officer to rule on the question involved. Unless the breach is of a

continuing nature, the point of order must be made immediately after the infraction; otherwise, it is too late.

- **Appeal:** If a Councillor disagrees with the ruling of the Presiding Officer, an appeal from the decision of the Presiding Officer can be made. This motion must be seconded, and the rules of debate change. The Presiding Officer is allowed to speak first to explain the reason for the ruling. Each Councillor is then allowed to speak once in debate. After all who wish to speak have done so, the Presiding Officer may explain again the reason for the ruling. These rules hold even if the Presiding Officer normally does not have the right to speak in debate from the chair. The vote is taken not on the appeal but rather on the Presiding Officer's decision. A majority or a tie vote sustains the decision of the chair on the principle that the chair's decision stands until reversed by a majority.
- **Suspend the rules:** When the Council wishes to do something that its rules prohibit, a motion to suspend the rules may be made, so long as the rule may be suspended. Bylaws, statutory law, or rules that embody basic parliamentary law, such as only Councillors are allowed to vote, cannot be suspended. The vote required for passage depends on the type of rule, and the rule is only suspended for that particular meeting.
- **Objection to the Consideration of a Question:** Councillors may object to the consideration of a question for any original main motion that they think would do harm for the Council to even consider. This motion must be made before any discussion begins or any subsidiary motion has been stated. If there are two-thirds against consideration, the question is dropped; otherwise, the question is considered.
- **Division of a Question:** If the motion has several parts that are capable of standing as separate motions, any Councillor may move to divide the question. If a division of the question is adopted, the vote is then taken individually on each part.

If a motion cannot reasonably be so divided, the request shall be declared out of order by the presiding officer.

- **Consideration by Paragraph or Seriatim:** A Councillor may move to consider a long motion (consisting of a series of paragraphs, articles, or sections) by paragraph or seriatim rather than as a whole. Each part is opened for debate and amendment separately, and then the entire document is considered for adoption.
- **Division of the Assembly:** A Councillor who doubts the result of a voice vote can call for a division of the assembly. No second is required. Making this motion requires that the vote be retaken by a roll call vote (each Councillor is named and his vote is announced and recorded).
- **Request to be excused from a Duty:** If a Councillor wishes to be relieved from an obligation imposed by virtue of office or position (such as appointed to a committee) a request to be excused from this duty can be made.

- **Parliamentary Inquiry:** This is a request from a Councillor for the Presiding Officer's guidance on a matter of parliamentary procedure. The Presiding Officer does not rule on this motion, but rather provides the answer to the Councillor's question.
- **Point of Information:** This motion is an inquiry regarding facts affecting the pending business. The Presiding Officer may choose to answer or direct another Councillor or staff member to provide the requested information.
- **Withdraw or Modify a Motion:** After the Presiding Officer states a motion; the Councillor who made the motion must request permission to withdraw it or modify it in any manner. A majority vote, or unanimous consent, is required to grant such permission.
- **Request to Read Papers:** No Councillor may read from papers, books, magazines, etc., without the permission of the Council. This is usually granted by unanimous Consent.
- **Request for Any Other Privilege:** A Councillor may request any other privilege (not covered by the previous four types of motion), such as to make a presentation when no motion is pending. Permission is usually granted by unanimous consent.

## Section 7.05      MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE COUNCIL:

This class of motions brings back before the Council, business that has already been adopted. There is no ranking among the motions, and their order is as listed in *Robert's Rules of Order*.

- **Take from the Table:** At the same or next meeting after a question has been laid on the table, any Councillor may move to take it from the table. When a motion is taken from the table by majority vote, it is before the Council at exactly the point when it was laid on the table. If not taken from the table by the end of the next regular meeting, the motion dies.
- **Rescind: Amend Something Previously:** To entirely strike out a main motion, section, paragraph or rule that has previously been adopted, a motion to rescind can be made. If it is desired instead to change the previously adopted business, the motion to amend something previously adopted can be made. Approval of either form of the motion requires
  - (a) a two-thirds vote, or
  - (b) a majority vote when notice of intent was given at the previous meeting or in the call of the meeting.

When something has been done as a result of the initial vote that is impossible to undo, these motions are not in order.

- **Discharge a Committee:** If a question was referred to a committee that has not yet reported and the Council wishes to take it out of the committee's hands so that the Council can consider it or drop it altogether, a motion to Discharge the committee is in order. A Standing Committee is discharged from considering the referred business, whereas a Special Committee that is discharged ceases to exist. The necessary vote to approve this motion is the same as to rescind or amend something previously adopted. However, if the committee

fails to report in the time prescribed or if the Council is considering a partial committee report, only a majority vote is required to discharge the committee.

- **Reconsideration during a Council Meeting:** If a Councillor voted on the prevailing side on a question – that is, yes if it was adopted or no if it was lost – and had a change of mind, a motion to reconsider may be made during the meeting in which the original vote was taken. If the question receives a majority vote, then the original motion is back before the assembly at the point just before the initial vote was taken – as if it had not been previously considered.
- **Reconsideration after a Council Meeting:** Any question, except one of indefinite postponement may be reconsidered, providing a notice of motion of reconsideration is given by a Councillor who voted on the prevailing side (if the vote was passed a Councillor who voted in favour or if the vote was lost or tied by a Councillor who voted against the motion). If the motion to reconsider is carried by a majority of Councillors present and voting, the main question shall then be read and will be open to debate the same as an original motion. A motion shall not be reconsidered more than once.

## **Article VIII. PROCEDURE FOR MOTIONS**

### **Section 8.01 MOTIONS DURING DEBATE:**

When a question is under debate, the following motions shall be in order:

- To extend the time of the meeting where the time of the meeting has been established.
- To refer or commit a matter being considered by Council.
- To amend a motion being considered by Council.
- To lay a motion on the table.
- To postpone a motion indefinitely.
- To move the previous question.

Every motion shall be seconded before being put to the body or debated.

### **Section 8.02 WITHDRAWAL OF MOTION:**

When a motion has been moved and seconded, it cannot be withdrawn except with the unanimous consent of the Councillors in attendance and then only before a decision has been taken or an amendment made.

### **Section 8.03 ADDRESSING THE MOTION:**

Councillors and staff where appropriate shall address their remarks to the Presiding Officer by referring to him or her as “Your Worship”, wait to be recognized by the presiding officer and keep their remarks to the question at hand. Councillors may not speak against a motion they made, but may vote against it.

### **Section 8.04 ENTITLEMENT TO SPEAK:**

If two or more Councillors speak at the same time, the Presiding Officer shall determine which Councillor is entitled to speak.

### **Section 8.05 ORDER DURING CONSIDERATION OF MOTION:**

- (a) When the Presiding Officer is putting a question no Councillor shall walk out of the Council Chambers and when a Councillor is speaking or a question is being put, no Councillor shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.
- (b) Call to Order- The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

### **Section 8.06 DEBATE PROCEDURE AND LENGTH OF DEBATE:**

During debate, Councillors shall confine themselves to the question and avoid personalities. No Councillor, without the consent of Council, shall speak longer than five (5) minutes at any one time, or more than once on any motion or amendment thereto, except in explanation of a material part of their remarks, which may have been misunderstood, but then they shall not be permitted to introduce new matter. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

### **Section 8.07 REREADING OF MOTION:**

Any Councillor may require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a Councillor speaking.

## **Article IX. VOTING**

### **Section 9.01 GENERAL**

- 1) All decisions of Council, unless otherwise specified either under the *Act* or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer.
- 2) A Councillor shall not abstain from voting on a motion or resolution before the Council unless he or she is required to abstain from voting because of a conflict of interest or he or she has been permitted to abstain by a majority vote of the other Councillors in attendance at the meeting.
- 3) Where a Councillor abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of Councillors in favour of the motion or resolution is equivalent to or more than a majority of the Councillors in attendance at the meeting.

### **Section 9.02 RECORDED VOTE:**

Whenever a decision of Council is taken for any purpose, each Councillor, including the Mayor, present and voting shall announce their vote upon the question, openly and individually in the Council and the Clerk or designate shall record the names of those voting against the motion, and those abstaining. Those who are silent when the vote is being taken are agreeing to whatever decision is made by those who vote and will be recorded as voting with the prevailing side as announced by the Presiding Officer as the motion being carried or defeated.



### **Section 9.03 NO SECRET BALLOT:**

No vote shall be taken in Council by ballot or by any other method of secret voting with the exception of a vote for the Mayor where there is no separate election for the Mayor or for the Deputy Mayor which shall be determined by secret ballot and will be conducted by the Clerk or designate where there is more than one nomination for the position.

### **Section 9.04 TIE VOTE:**

Where there is a tie vote on a motion or resolution that motion or resolution shall be considered to be defeated.

## **Article X. COMMITTEES**

### **Section 10.01 Authority to Form:**

Council may from time to time appoint committees and the Mayor shall be an ex-officio member of all committees.

### **Section 10.02 Standing Committees:**

Council shall determine the number of standing committees and Standing Committees of Council shall remain in effect for the life of the Council.

Standing committees shall consist of three Councillors.

Mayor and Councillors shall meet as a Committee of the Whole prior to the first Council Meeting. The Mayor will elect members to each of the standing committees.

Committees shall be ratified at the first Council Meeting following a general election and shall be reviewed by the Mayor after the second year of Council's term of office.

The duties of Standing Committees shall be in accordance with their approved Terms of Reference and which may be changed subject to the approval of Council.

The Mayor Each Committee shall set the day and place for its meeting with consideration of the committee member's availability.

### **Section 10.03 Special Committees:**

**Special (ad hoc)** committees of Council shall consist of at least one Councillor and other members as appointed by the Mayor and ratified by Council and shall remain in effect only until the purpose for which they were set up has been accomplished.

Council may set up advisory committees with members appointed by Council to give advice on particular issues. At least one Councillor will be appointed who will act as liaison with Council.

### **Section 10.04 Other Committee Representation:**

The Mayor shall appoint Councillors to Committees and other organization(s) as deemed appropriate and such appointments shall be ratified at the first Council Meeting following a general election and any changes on or before December 31<sup>st</sup> of the second year of Council's term of office.

### **Section 10.05 Committee of the Whole:**

Council will meet as a Committee of the Whole in accordance with the provisions of these Rules of Procedure. The Mayor will assume the chair and if absent the Deputy Mayor will assume the chair and if the Deputy Mayor is absent, another Councillor shall be elected as Chairperson.

### **Section 10.06 Committee Membership:**

Membership on all Standing Committees and the In Camera Committee of the Whole is limited to Councillors.

### **Section 10.07 Quorum of Committees:**

A majority of the Councillors at a Committee of the Whole shall constitute a quorum.

Standing Committees shall, whenever possible, convene with its three regular Councillors. In absence of one Councillor, the Standing Committee can convene and bring forth its recommendations to Council on the basis on **two** Councillor being in attendance.

The ex-officio is permitted to stand in as an acting committee member when there is only one member in the meeting. The ex-officio views will only be considered in arriving at a recommendation when he or she is an acting member.

### **Section 10.08 Committee Chairman:**

When Council appoints a committee, it shall also appoint one of its Councillors to be chairman of that committee.

### **Section 10.09 Committee Resources:**

The Town Manager shall designate an appropriate Staff person as consultant/researcher for each committee, who is responsible for preparing the minutes/report containing properly worded recommendations.

### **Section 10.10 Committee Notes and Reports:**

The staff person assigned to a committee shall keep notes during the committee meeting.

Following every committee meeting the staff person assigned to that committee shall prepare a report from the notes of the committee meeting for submission to Council on all matters which require Council action. Said reports are to include recommendations to Council.

All reports of Committee meetings should be presented to the Town Clerk or designate by 12:00 noon on the Friday prior to the regular meeting and made available to all members in the Notice of Meeting, known as the Agenda Package.

### **Section 10.11 Conduct of Business in Committees:**

The following rules and procedures shall apply to the proceedings in committees:

- The Chairperson shall preside at every meeting. In the absence of the Chairperson, the other Councillor on the committee shall act as Chairperson during the Chairperson's absence.
- There shall be no limit on the number of times a Councillor may speak.

- There shall be no voting during committee meetings, its purpose is only to arrive at a consensus to present to Council.
- Councillors not assigned to a particular committee, are permitted to attend committee meetings and participate in discussions; however their views are not considered in determining if a recommendation goes forward to Council.
- During General Committee of the Whole Meetings there shall be no limit on the number of times a Councillor may speak and there shall be no voting, its purpose is only to arrive at a position to be referred to the Public Council Meeting for consideration and ratification.

## **Article XI. MINORITY REPORT**

Minority Report of Committee- A member or number of a Committee, dissenting from a recommendation to Council, may prepare and have circulated to Council the reason for dissent. This report must accompany the Committee's report to Council.

## **Article XII. CLARIFICATION AND AMENDMENT PROCEDURE**

### **Section 12.01 Clarification of Rules**

In all cases where these Rules of Procedure do not make provision or adequate provision, then *Robert's Rules of Order* shall apply.

### **Section 12.02 Amendment of Rules**

Any motion to amend these Rules of Procedure requires a Notice of Motion and must be approved by a majority of Council.

## **Article XIII. PROPERTIES**

### **Section 13.01 EFFECTIVE DATE:**

These Rules of Procedure shall become effective upon the 7<sup>th</sup> day of April, 2015

### **Section 13.02 AMENDMENTS:**

January 17, 2017, Motion #2017-017 (Amending Article 34C)

January 17, 2017, Motion #2017-019 (Corrections)

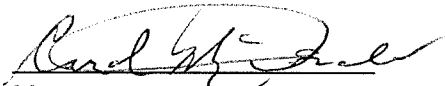
May 14, 2019, Motion #2019-133 (Corrections and the following changes:

- Remote Meeting attendance
- Deadline for New Business on the Agenda
- Notice of Motion section
- Added Defer
- Removed 'Stand' to address Council
- The Mayor to form Standing Committees

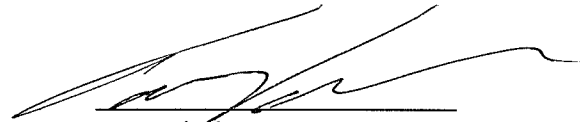
- Ex-officio can form a quorum when only one Councillor is available for committee
- Councillors can attend Standing Committee meetings that they are not members of
- Removed Publication Date)

**Section 13.03 REPEAL OF PREVIOUS RULES OF PROCEDURE.**

All previous Town of Portugal Cove-St. Philip's Rules of Procedure and amendments are repealed.



Mayor



Town Clerk