

Town of Portugal Cove-St. Philip's

Rules of Procedure Governing Meetings

Pursuant to the authority conferred in section 7 of the *Towns and Local Service Districts Act, 2025*, the Town Council of Portugal Cove-St. Philip's has adopted the following regulations on 27th day of May, 2025 through motion number 2025-192.

1. TITLE

This document will be known and cited as *Rules of Procedure*.

2. PURPOSE

Pursuant to section 7. (1)(a) and section 46 of the Towns and Local Service District Act, the Rules of Procedure are required to be adopted. These provide guidelines to follow for order and structure at town council meetings and town council committee meetings. The Minister may make regulations prescribing matters required to be included in the town's rules of procedure.

3. INTERPRETATION/DEFINITION

Summaries and Explanatory Text: Any summaries or explanatory text provided in this By-Law are intended for convenience and general understanding only. In the event of any discrepancy between the summaries provided and the full text of the applicable legislation, the full text of the legislation shall govern and take precedence.

3.1. "**CAO**" shall mean the Chief Administrative Officer of the Town Council of PCSP.

3.2. "**Clerk**" shall mean the Town Clerk of the Town Council of PCSP.

3.3. "**Council**" shall mean the Town Council of PCSP.

3.4. "**Employee**" or "**Employees**" shall mean any individual under an employment contract with the Town of Portugal Cove-St. Philip's including all members of staff, volunteers, contractors and members of Council.

3.5. "**Town**" shall mean the Town of PCSP.

3.6. "**Towns and Local Service District Act, 2025**" may be know and cited as "the Act".

4. APPLICATION

These Rules of Procedure shall apply to all town council meetings and town council committee meetings and their attendees.

5. PERMIT

The Town shall, every 2 years, conduct a review of this By-law and consider the areas which may be improved.

6. PENALTIES


These Rules of Procedure must be followed in accordance with the PCSP Code of Conduct.

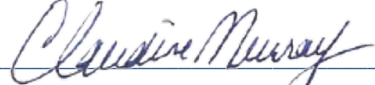
7. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS

All previous Town of Portugal Cove-St. Philip's Rules of Procedure and amendments are repealed.

8. CAME INTO EFFECT

This By-Law first came into effect on January 1, 2025, through a resolution of Council, # 2024-503.


Carol McDonald, Mayor


Claudine Murray, Town Clerk

1. OFFICIAL HEAD OF THE TOWN

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 CAO to speak on a specific issue. The Mayor is the official head of the town for all ceremonial purposes

In the absence or incapacity of the mayor, the deputy mayor has the powers and shall exercise the duties of the mayor.

2. MEETINGS

A Councillor shall participate in town council meetings, town council committee meetings and meetings of other bodies to which the councillor is appointed by the town council.

a. TYPES OF TOWN COUNCIL MEETINGS

i. Regular Open Meetings of Council

Regular Open Meetings of Council shall be held at least once a month for the dispatch of general business in accordance with the requirements of the Act, but Council may, by majority vote, name the date and hour on which a regular meeting shall be held.

ii. In-Camera Meetings

In Camera Meetings of Council, with attendance limited to Councillors, may be called by the Mayor or two Councillors upon verbal or written request to the Mayor.

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

The substance of deliberations are protected under ATIPPA and it is expected that discussions will not be revealed except where applicable through meeting minutes.

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 an open meeting.

iii. Special Open Meetings of Council

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

iv. Closed Meetings of Council

A town council meeting may be closed to the public for the duration of the discussion if it is necessary to discuss matters listed under section 41. (1) of

the Act, such as, but not limited to, confidential; financial; land; legal; labour; or security matters, etc.

A Councillor shall keep confidential any matters discussed in closed meetings of the town council or town council committee meetings until such time as the matter is discussed at a town council meeting held in public.

All members of the public shall leave the meeting.

Only resolutions related to instructions to legal, instructions to a person negotiating a contract, or directions to employees on matters referred to in section 41. (1), may be immediately adopted in the closed meeting, recorded by resolution, and shall be ratified at an open meeting.

These closed meetings may be held electronically, as soon as quorum is available, to immediately resolve time sensitive instructions and directions.

b. NOTICE OF COUNCIL MEETINGS

Public Notice for all Regular open 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.

Notice of regular open 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 special meetings requested to be held outside the schedule of regular open 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. The agenda is to be adopted at the start of the meeting.

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

c. BUSINESS OF SPECIAL COUNCIL MEETING

No business may be conducted at a Special Meeting of Council other than that specified in the Notice of such meeting, unless otherwise decided by majority vote.

d. DELEGATIONS

Council Meetings

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

- A written request must be submitted to the Town Office by the close of business on Friday prior to the meeting.
- The Mayor will decide if the request is of sufficient importance to warrant the privilege of addressing 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.

Committee Meetings

When delegations request to speak at a committee meeting, the following procedure shall apply:

- Requests to address the COW will only be considered after appropriate understanding of the issue has been made known to staff through initial communications.
- A written request must be submitted to the Town Office not later than four (4) business days preceding the meeting.
- The privilege of speaking will be granted for a period of fifteen (15) minutes.

e. MEETING DECORUM

i. Standards of Professional Behavior

Councillors must be prepared for meetings in advance, informed of issues, and contribute to debate.

ii. Order and Decorum

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

Except in accordance with the above, residents or other public gallery members may not speak or otherwise disrupt a council meeting or council committee meeting.

When a Councillor, or other person, at any type of Council or Committee 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.

iii. 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.

iv. Dress Code

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

v. Use of Cell Telephones

The use of cell phones for making or receiving voice calls during the conduct of all 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.

f. PRESIDING OFFICER

The Mayor shall preside at all 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 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 open meeting of Council, where he or she wants to take part in debate, may be replaced as the Presiding Officer by a temporary chairperson for the time during which the presiding person is speaking.

g. QUORUM

A quorum is required and shall consist of a majority of the number of all Councillors in office or otherwise approved by the Minister of Municipal and Provincial Affairs. 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 the meeting, 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.

Where one or more councillors have declared a conflict of interest and the number of councillors remaining at the meeting is not sufficient to constitute a quorum then, where not less than 2, they shall be considered to constitute a quorum for purposes

of discussion and voting on the matter being considered by the council. Where there would be less than 2 councillors remaining at a meeting, council shall request direction from the minister.

h. ATTENDANCE

In addition to the Mayor and Councillors and Town Clerk (or designate), the CAO (or designate) shall attend all open meetings of Council. Other staff shall attend meetings of Council when requested to do so by Council, CAO, or the Clerk.

Councillors are authorized to participate in a open council meeting by electronic means. A Councillor participating in a meeting remotely (via phone or video call) is considered to be in attendance at the meeting.

Notwithstanding the foregoing, Councillors are not permitted to attend In-Camera meetings of Council electronically.

i. MEETINGS OPEN TO THE PUBLIC

All regular and special meetings of Council shall be open to the public, except if it is held as a Closed Council meeting. Where a meeting is held or declared to be Closed, all members of the public present at the meeting shall leave unless their attendance is requested by the Presiding Officer.

All decisions of Council shall be made in a regular or special town council meeting and be adopted by a resolution. The decision is required to be ratified at a subsequent Open Council Meeting to be valid.

j. PUBLIC AFTER SESSIONS

Residents may request permission to address Council on matters of public concern.

While brief and straightforward questions may be asked during the meeting, residents are encouraged to submit a written request to the CAO to speak at least five (5) working days before a regular public Council meeting. The Council and CAO will make every effort to respond to questions and concerns during the After Session if they are submitted by the deadline. Written submissions will take precedence over new oral submissions at the meeting.

The Presiding Officer shall ensure that comments:

1. Address issues, not persons
2. Avoid confrontation or argument
3. Respect others wanting to speak and keep comments short with a time limit three (3) minutes
4. Are grouped together if multiple questions relate to the same topic, with responses directed to a designated spokesperson.
5. Do not include discussion on any item deferred during the Council meeting.

Except in accordance with the above, residents or other public gallery members may not speak or otherwise disrupt a council meeting.

3. CONFLICT OF INTEREST

In accordance with section 5 of the Municipal Conduct Act, 2022, a councillor or municipal official has a conflict of interest where in the making, or involvement in the making, of a decision:

- (a) the municipal official's private interests are affected where the decision may result in a gain or loss to the municipal official's private interests or the private interests of a relative, except where the decision is one of a broad class of the public; or
- (b) the municipal official is unable to act impartially on behalf of the municipality due to the municipal official's personal relationships (where the personal relationship would result in favoritism or prejudice to the person to whom the municipal official has a personal relationship).

a. Declaration

Where a Councillor has an interest as set out herein, the Councillor shall declare the conflict, disclose the general nature, refrain from participating in discussion and refrain from voting.

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.

b. Uncertainty

Where a Councillor is uncertain as to whether he or she has a private interest or personal relationship that is a conflict of interest, he or she shall disclose the nature and ask the Council to decide the question by majority vote. A Councillor whose possible conflict of interest is being voted on is not entitled to vote. Where the vote is a tied vote, the Councillor shall be considered to have a conflict of interest.

4. COUNCIL DOCUMENTS

a. MINUTES

Minutes of all open 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 Council Meeting will be placed on the municipalities Website 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 Open Council Meeting.

If any Councillor objects to any portion of the minutes of the preceding meeting, in the Open 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.

b. AGENDA for OPEN 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 Open 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.

c. AGENDA for SPECIAL MEETINGS

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.

Council can convene and bring forth its recommendations on the basis on **four** Councillor being in attendance.

d. NEW BUSINESS – OPEN COUNCIL MEETING

New business during the Open 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.

e. NOTICE OF MOTION

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

5. 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.

a. 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.

b. 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.

c. 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.

d. 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

speaking 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.

e. 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.

6. PROCEDURE FOR MOTIONS

a. 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.

b. 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.

c. 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.

d. ENTITLEMENT TO SPEAK

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

e. 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.

f. 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 three (3) 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.

g. REREADING OF MOTION

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

7. VOTING

a. GENERAL

- 1) A motion before a town council shall be decided by a majority vote of the councillors in attendance at the meeting except where a vote of 2/3 of the councillors in office is required.
- 2) A councillor shall not abstain from voting on a motion before the town council unless the councillor is required to abstain from voting because of a conflict of interest under the Municipal Conduct Act .
- 3) Where a motion to approve fails, it constitutes a rejection. Conversely, where a motion to reject fails, the decision does not signify approval of said matter.

b. 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 for and against the motion, and those abstaining.

c. 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 Deputy Mayor which shall be determined by secret ballot and will be conducted by the Clerk or designate.

d. TIE VOTE

Where there is a tie vote on a motion or resolution that motion or resolution shall be considered to be defeated except under the rules for Conflict of Interest outlined in the Municipal Conduct Act.

8. COMMITTEES

a. Authority to Form

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

b. Standing Committees

Council shall determine the number of standing committees.

Standing committees shall consist of all Councillors known as Committee of the Whole (COW).

The Mayor and Councillors shall meet as a Committee of the Whole prior to the first Council Meeting following each general election and elect chairpersons 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, or as needed.

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

c. Special Committees – a.k.a. Ad Hoc Committees

Special (ad hoc) committees of Council shall consist of at least two Councillors 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. One Councillor will be appointed who will act as liaison with Council.

d. Advisory Committees

Advisory committees of Council shall be comprised of at least one Councillor, residents, and persons with expertise in the subject area. All ~~and other members as~~ are appointed by the Mayor and ratified by Council.

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.

e. 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. At a minimum, changes must be reviewed by second year of Council's term of office.

f. Quorum of Committees

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

g. Committee Chairman

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

h. Committee Resources

The CAO shall designate an appropriate staff person as consultant/researcher for each committee, who is responsible for preparing the agenda and minutes/report containing properly worded recommendations.

i. Committee Notes and Reports

The staff person assigned to a committee shall prepare an agenda 48 hours prior to the meeting and 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 decision or ratification. 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.

The report or recommendations of a standing committee of Council may be presented without the necessity of reading the entire report, provided that any member of Council may question any or all portions of the report or recommendations.

j. 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, another Councillor on the committee shall act as Chairperson during the Chairperson's absence.
- Unless a majority of the Committee agree to discuss a listed agenda item, that item shall be either moved to the next meeting of the Committee or removed from the agenda by a motion of council under the Topics for Future Discussion (TFD).
- Each Councillor shall have a chance to speak at least once. There shall be no limit on the number of times a Councillor may speak but is limited to a total of five minutes per item
- There shall be no voting during an open committee meetings, its purpose is only to arrive at a consensus to present to an Open Council Meeting for consideration and ratification before being valid.
- The chairperson shall after 30 minutes conduct a review of the points made thus far, take a consensus poll and decide to recommend, not recommend, or refer the matter to a future meeting for further discussion.

9. MINORITY REPORT

Minority Report of Committee- A member or a 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.

10. CLARIFICATION AND AMENDMENT PROCEDURE

a. 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.

b. 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.