Municipality of Five Rivers

By-Law A.01.02

Respecting the Proceedings of council

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2 GENERAL INFORMATION

2.1 AUTHORITY

2.1.1 Pursuant to the authority granted by the Local Governance Act, 20-17, c 18, paragraph 10(2)(a), the council of Five Rivers enacts this by-law to govern the proceedings of council.

2.2 PURPOSE

2.2.1 This by-law shall be used for the order and dispatch of business in the meetings of council and committees of council.

2.3 APPLICATION

2.3.1 The rules and regulations in this by-law shall apply to (a) all members of council, including the mayor, the deputy mayor, and all other councillors, (b) all members of staff required or requested to attend council meetings, and (c) any members of the public appearing at council meetings.

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2.4 DEFINITIONS

2.4.1 “Act” means the Local Governance Act of New Brunswick, 2017, c 18.

2.4.2 “By-Law” refers to a local law made by a municipal government to regulate matters within its jurisdiction such as zoning, fire protection, and animal control. A municipality’s authority to make by-laws is specified under the Local Governance Act.

2.4.3 “CAO” means the Chief Administrative Officer of Five Rivers.

2.4.4 "Clerk" means the clerk of Five Rivers as appointed under Section 71 of the Act or someone designated by council to serve as clerk.

2.4.5 "Chair" means the member of council presiding over a meeting of council.

2.4.6 "Closed meeting" means a meeting of council that is not open to the public, convened in accordance with Section 68 of the Act, 2017, c 18.

2.4.7 “Committee-of-the-whole” means a meeting of all members of council wherein the entire membership of council meets to deliberate but not vote on one or more subjects.

2.4.8 “Consent agenda” means routine items considered by council including, but not limited to, requests to appear, letters to Council, minor property transactions, contracts of a routine nature, requests for street closures, proclamations, and noise by-law exemptions.

2.4.9 “Correspondence” refers to written communications that have been included in the agenda for a regular meeting of council.

2.4.10 "Council" means the mayor and councillors of Five Rivers.

2.4.11 "Emergency meeting" is a special meeting of council that may be called by the mayor on short notice to discuss a matter of serious and immediate impact on the public.

2.4.12 “Ex-officio member” is a member of a body (such as a committee) by virtue of holding a particular office (such as mayor).

2.4.13 “From the floor” refers to a motion from a member of council to amend the wording of a resolution, a policy, or a by-law during a meeting of council.

2.4.14 “Member," "council member," or "member of council" means any person elected to Council.

2.4.15 “Policy” refers to a document that directs decision-making, operations, and/or service delivery in a local government, for example, a procurement policy. A policy document can apply to Council or staff and must be adopted, amended, or repealed through a resolution of Council.

2.4.16 “Municipality” refers to the municipality of Five Rivers, which is comprised of the former village of Rexton, parts of the former Local Service Districts (LSDs) Harcourt and Weldford, and all of the former LSD Richibucto Parish.

2.4.17 "Municipal website" refers to the official website of Fiver Rivers: www.5-rivers.ca.

2.4.18 "Point of information" refers to a request directed to the chair, or through the chair to another member, for information relevant to the matter at hand.

2.4.19 "Point of order" refers to the mechanism by which a member may rise to proclaim that this by-law or other procedural legislation has been infringed.

2.4.20 "Point of privilege" refers to the mechanism by which a member may rise to (a) address an issue that affects their ability to perform their duties or (b) clarify points made about them personally. For example,

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by using a point of privilege, a member can ask for the meeting conditions to be changed, for the record to be changed, or to be excused from the meeting for personal reasons.

2.4.21 “Presentations” refers to presentations, petitions, and other submissions made by individuals, groups, or organizations to the council.

2.4.22 “Out of order” refers to an action, behavior, or comment that takes place in a meeting of council that is in violation of this by-law. Examples include a breach of decorum, an inappropriate comment, or a non-member participating in council discussion.

2.4.23 "Regular item" refers to any matter that was included in a meeting agenda that was distributed to council prior to the established deadline for distribution.

2.5 REPEAL OF PRIOR BY-LAW

2.5.1 This By-Law A.01.01 repeals By-Law 23-01, enacted by the Five Rivers in 2023.

3 PROCEEDINGS OF COUNCIL

3.1 ACTS AND DECISIONS OF COUNCIL

3.1.1 As per section 64(1) of the Act, all decisions of council shall be made in a regular meeting or a special meeting of council and adopted by a by-law or a resolution of council.

3.1.2 As per section 64(2) of the Act, no act or decision of council is valid unless it is authorized or adopted by a by-law or resolution at a council meeting.

3.2 QUORUM

3.2.1 A quorum shall be present at all meetings of council.

3.2.2 As per section 65(3) of the Act, where Five Rivers has seven members of Council, quorum requires four members to be present.

3.2.3 If quorum is not present after one-half (1/2) hour, the clerk shall record the names of the members present and the meeting shall stand adjourned.

3.2.4 Members participating in a meeting by electronic means shall be deemed to be present for the purpose of establishing quorum.

3.3 AGENDAS

3.3.1 The mayor and the clerk shall establish the meeting agenda based on requests and submissions from council, staff, and the public.

3.3.2 No matter shall be added to the published agenda for a regular or a special meeting unless the clerk receives a request no later than 12:00 pm (noon) on the Monday prior to the meeting.

3.3.3 To add an item to the published agenda during a council meeting, the item shall be of an urgent nature and council shall vote unanimously to add it to the agenda. The chair shall call a separate vote for each item to be added.

3.3.4 The clerk shall distribute the meeting agenda to Council through email no earlier than 5:00 pm on the Tuesday prior to the meeting or no later than 5:00 pm on the Friday prior to the meeting.

3.3.5 The number of presentations at one meeting of council may be limited to a maximum of three at the discretion of the mayor and clerk.

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3.4 PUBLIC NOTICES

3.4.1 As per section 70(1) of the Act, any notice given by Five Rivers shall be given by:
(a) publishing the notice in a newspaper published or having general circulation in Five Rivers,
(b) broadcasting the notice on a radio or television station that broadcasts in Five Rivers, or
(c) posting the notice on the official website of Five Rivers.

3.4.2 Public notices for regular meetings, special meetings, and committee-of-the-whole meetings shall be published to the municipal website at least 48 (hours) before the meeting and may also be published to social media websites as prescribed under section 70(2) of the Act. Such notice shall include the agenda and may include related files.

3.4.3 As per section 70(3) of the act, public notices shall be available for examination by the public for the required period of time in the office of the clerk during regular office hours.

3.4.4 Public notices for emergency meetings of council shall be made as soon as practicable by the best means of communication available at the time the meeting is called. Such notice shall endeavor to ensure that all members are aware of the meeting and receive a copy of the agenda and any related reference files.

3.5 MINUTES

3.5.1 The minutes of all meetings shall record, without note or comment, the following:
(a) the date and actual start time of the meeting,
(b) the name of the chair (i.e., the presiding officer)
(c) the names of the members present and absent
(d) the names of any member attending by electronic means
(e) the names of staff members in attendance,
(f) the reading, correction, and adoption of minutes of prior meetings,
(g) all resolutions, decisions, and proceedings of the meeting, and
(h) the time of adjournment.

3.5.2 The minutes of any preceding meeting need not be read during a meeting of council.

3.5.3 Before being approved by council, the clerk shall review the minutes, and a draft watermark shall be added to the minutes to indicate that they are pending approval.

3.5.4 After being approved by council, the minutes shall be posted within seven days to the municipal website by the clerk.

3.5.5 Approved minutes shall be signed by the mayor and the clerk or their designate and sealed by the clerk.

3.5.6 If a member arrives late to a meeting, the minutes shall record the time that they arrived.

3.5.7 If a member leaves before a meeting has been adjourned, the minutes shall record the time that they left.

3.6 MEETING DURATION

3.6.1 The duration of any regular meeting, special meeting, or committee-of-the-whole meeting shall not exceed 120 minutes in length.

3.6.2 Once the regular meeting, special meeting, or committee-of-the-whole meeting has reached 120 minutes in length, a majority vote of the councillors present is required for the meeting to continue. If council does not vote to continue the meeting, the meeting shall stand adjourned, and any unfinished business shall carry over to a special meeting to be held within five business days of the adjournment.

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3.7 MOTIONS

3.7.1 When practicable, motions shall be in writing, except motions to refer any matter to a committee, or to adjourn, which may be made verbally.

3.7.2 When it is not practicable for a motion to be in writing, a member may propose a verbal motion. After the verbal motion has been proposed, it shall be put in writing and restated by the clerk for clarification and confirmation. After the motion has been confirmed by the clerk, the member may move it.

3.7.3 After a motion has been moved and seconded, it may be read or stated by the chair and then debated.

3.7.4 If the chair proposes a motion, they shall step down in favor of the vice-chair (or in favor of a councillor if the vice-chair is not present) and shall not resume chairing until the motion has been resolved.

3.7.5 The mover of the motion shall have the privilege of speaking first in the debate. The seconder of the motion shall have the privilege of speaking second in the debate.

3.7.6 No member, without the consent of the chair, shall speak to the same motion for longer than ten minutes.

3.7.7 At any time during debate, a member may request that the question, motion, or matter under discussion be clarified or restated.

3.7.8 After a motion has been read or stated, it may, with the unanimous consent of council, be withdrawn prior to amendment or final vote.

3.7.9 The chair may close debate on a motion at any time prior to the final vote.

3.8 VOTING

3.8.1 After each member speaks to the motion, the mayor may speak to the motion and then shall close debate with the calling of a vote.

3.8.2 As per section 66(1) of the Act, unless disqualified to vote because of conflict of interest, each member present at a meeting shall announce their vote openly and individually, and the clerk shall record it, and no vote shall be taken by ballot or by any other method of secret voting, and every vote taken in that manner is of no effect.

3.8.3 The mayor shall also vote as permitted under section 66(2) of the Act.

3.8.4 Any member who does not vote nay (that is, against) a motion shall be recorded as voting for the motion.

3.8.5 The names of members who vote nay shall be entered in the minutes.

3.9 RULES OF ORDER

3.9.1 Every member who intends to speak to a question, motion, or matter shall raise their hand to indicate their intention and shall, when called upon by the chair, address themselves only to the chair.

3.9.2 A member shall speak for a second time on a matter only to introduce added information or a point of view not already expressed in the debate.

3.9.3 When the mayor or a member is speaking, no other member shall interrupt them except to raise a point of order.

3.9.4 When the mayor is putting a question or motion, no councillor shall leave their seat or make any noise or disturbance.

3.9.5 No member shall speak disrespectfully of the council, another member, a staff person, or a member of the public, or use offensive or profane language.

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3.9.6 A member may require the question or motion under discussion to be read at any time during the debate but not to interrupt another member who is speaking.

3.9.7 The chair has the same right as any other member to participate in discussion but shall not move or second a motion unless he or she steps out of the chair.

3.9.8 A member may, at any time, rise to a point of order. At such times, all debate shall cease, the member shall clearly state the matter, and if applicable, the chair will rule on the point of order.

3.9.9 When called upon to decide a point of order, the chair shall state the question without unnecessary comment and then announce their decision, citing the rule or authority that they deem applicable.

3.9.10 When a member raises a point of order or when a member is called to order from the chair, the member speaking shall yield until the chair states and decides the point of order, and then, on that question, shall address the chair only for the purpose of appealing to council from the ruling of the chair.

3.9.11 When council receives an appeal under subsection 3.9.10, it shall decide the matter by a major vote of the councillors present. When there is no appeal under subsection 3.9.10, the decision of the chair is final.

3.9.12 Where a member refuses to obey the rules of council or disobeys the decision of the chair on a question of order, the chair may order them to leave their seat for that meeting. If the member apologizes for their breach of order, they may on a majority vote of council resume their seat.

3.9.13 No person other than members and staff having duties to perform shall be allowed to sit at the table of the council chambers while council is in session.

3.9.14 In response to a point made or question raised by a presenter, a Councillor may rise on a point of information or a point of privilege but otherwise shall defer their response to a future meeting of council and until such time as they can fully review the matter.

3.9.15 Matters of procedure that arise during a meeting of the council that are not otherwise provided for in the Act or the procedural by-law shall be governed by Robert's Rules of Order.

3.10 DOCUMENTATION

3.10.1 As per section 75(1) of the Act, the following documents shall be available for examination by members of the public in the office of the clerk during normal office hours: (1) the adopted minutes of council meetings, (2) the register of certified copies of the by-laws of the local government, (3) the audited financial statements of the local government, and (4) any other document prescribed by regulation.

3.10.2 As per section 75(1) of the Act, the minutes of any meeting or portion of a meeting of council or a committee of council that was closed to the public shall not be open for inspection or examination by members of the public.

3.11 BYLAW ENACTMENT AND AMENDMENT

3.11.1 To be effective, a by-law shall (a) be sealed with the corporate seal of the local government; (b) be signed by the clerk and the mayor or, in the mayor's absence, the presiding officer of the council who presided at the meeting at which it was made; and (c) contain a statement that it is made by the council of the local government.

3.11.2 To be effective, a by-law shall be read (a) three times by title, and (b) in its entirety in a regular meeting of council or a special meeting of council at least once before third reading by title.

3.11.3 Instead of being read in its entirety, a new by-law or a by-law amendment may be read by section title if (a) a public notice has been given that describes the by-law by title and generally by subject matter,

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(b) the public notice states that the by-law is available for public examination at the municipal office, (c) the by-law has been posted to the municipal website for a period of 14 days, and (d) no member of council objects.

3.11.4 When a new by-law or by-law amendment is posted to the municipal website, a draft watermark shall be added to the file to indicate that it is pending approval.

3.11.5 Unless all the members present declare by resolution that an emergency exists, not more than two of the three readings by title may take place at one meeting of council.

3.11.6 A new by-law or by-law amendment may be amended prior to the third reading if the changes do not alter the fundamental intent of the by-law. If the changes alter fundamental intent, the by-law shall be introduced as a new by-law that requires a new first reading.

3.11.7 A by-law may be amended from the floor through a resolution of Council.

3.11.8 When a by-law is given the required three readings, it shall be deemed to be passed and enacted and shall then be: (a) signed by the clerk and by the mayor, or by the other presiding officer at the meeting at which it received third reading by title, and (b) sealed with the corporate seal of the municipality.

3.11.9 Notwithstanding this section 3.11, any proposed by-law or by-law amendment that requires provincial approval shall only come into effect once the municipality receives provincial approval.

3.11.10 After a new by-law or a by-law amendment is approved by council, it shall be posted to the municipal website by the clerk and made available for public examination at the municipal office.

3.12 POLICY ENANCTMENT AND AMENDMENT

3.12.1 To be effective, a policy shall (a) be sealed with the corporate seal of the local government; (b) be signed by the clerk and the mayor or, in the mayor's absence, the presiding officer of the council who presided at the meeting at which it was made; and (c) contain a statement that it is made by the council of the local government.

3.12.2 To be effective, a policy shall be passed by a resolution at council in a regular meeting of council or a special meeting of council.

3.12.3 Before a proposed policy may be approved by Council, it shall be posted to the municipal website for a period of 14 days.

3.12.4 When a proposed policy is posted to the municipal website, a draft watermark shall be added to the file to indicate that it is pending approval.

3.12.5 A policy may be amended or repealed by a resolution at council in a regular meeting of council or a special meeting of council.

3.12.6 A policy may be amended from the floor through a resolution of Council.

3.12.7 After a policy is approved by council, it shall be posted to the municipal website by the clerk and made available for public examination at the municipal office.

3.13 CONFLICT OF INTEREST

3.13.1 Conflicts of interest shall be governed by the provisions in part 8 of the Act.

3.13.2 Members who declare a conflict shall submit a disclosure of interest form to the clerk in advance of related motions and shall be excluded from the related discussion, debate, and vote. To exclude themselves, the member in conflict shall vacate the chambers until council addresses the matter.

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3.13.3 One member cannot declare that another member has a conflict of interest. It is each member's responsibility to identify and declare their conflicts of interest.

3.14 RIGHT OF PUBLIC TO ATTEND MEETINGS AND PRESENT TO COUNCIL

3.14.1 As per section 67(a) of the Act, the public may attend all regular meetings and special meetings of council.

3.14.2 As per section 67(b) of the Act, the public may attend all meetings of a committee of council.

3.14.3 Upon receipt of a written request to address council, the clerk shall confer with the mayor and confirm with the requester if their request has been accepted. If accepted, the clerk shall confirm the date, time, and place at which the presentation shall be made.

3.14.4 If the written request was not received by the clerk at least eight (8) days before the date of the next meeting of council, it shall be referred to the next meeting of council after that.

3.14.5 If a request to present is approved by the mayor and scheduled by the clerk, the presenter(s) may take up to ten (10) minutes to address the council on the subject. The mayor may extend this time limit with the unanimous consent of the council.

3.14.6 Individuals, groups, or organizations cannot make more than one presentation to council on the same topic without the consent of 2/3 (two-thirds) of the councillors.

3.14.7 Council shall have the right to refuse any presentation, but such refusal shall require the consent of 2/3 (two-thirds) of the councillors.

3.14.8 At the discretion of the chair, a member of the public may be required to leave the meeting if they behave in a disorderly manner, issue threats, or use profane language during the meeting.

3.14.9 Members of the public shall not display signs or placards in a council meeting.

3.15 RECORDING

3.15.1 At the start of each meeting of Council, the Chair shall announce that the meeting will be recorded.

3.15.2 All meetings of council shall be recorded in a format that can be played with video and audio on a website.

3.15.3 The clerk shall post the recordings of meetings of council to the municipal website within seven (7) days of the date of the meeting.

4 MEETINGS

4.1 FIRST MEETING OF NEWLY ELECTED COUNCIL

4.1.1 As per section 63 of the Act, a newly elected council shall hold its first regular meeting.

4.1.2 A newly elected council shall not transact business at its first meeting until the oaths of office are taken by the people present who have been elected to office.

4.1.3 The clerk shall assign each councillor a seat at the council chamber table, which they shall thereafter be entitled to occupy at all council meetings.

4.2 ELECTION OF DEPUTY MAYOR

4.2.1 In its first meeting after an election, or at its first regular meeting in January in a non-election year, council shall elect a deputy mayor from among the councillors to serve a term of one year.

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4.2.2 The mayor shall take nominations for deputy mayor from the councillors, and council shall elect the deputy mayor through a majority vote and by a show of hands.

4.2.3 Any councillor may refuse to be nominated as deputy mayor.

4.2.4 Council may, with a 2/3 (two-thirds) majority vote of the whole council, remove the deputy mayor.

4.3 REGULAR MEETINGS

4.3.1 As per section 67(a) of the Act, all regular meetings of council shall be open to the public.

4.3.2 Council shall hold its regular meetings on the second Tuesday of the month at 6:00 pm in council chambers at the municipal office or at such other places as the clerk may establish.

4.3.3 When any such Tuesday falls on a statutory holiday, the regular meeting shall be held on the next weekday, which is not a holiday or on a date decided by a motion of council.

4.3.4 Council may waive a regular meeting or change the date of the meeting when, by resolution made at least two (2) weeks prior thereto, the council deems it appropriate.

4.3.5 The order of business of a regular meeting shall be as follows:
(1) Call to Order
(2) Attendance
(3) Approval of Agenda
(4) Disclosures of Conflict of Interest
(5) Presentations
(6) Approval of Minutes from Prior Meeting(s)
(7) Correspondence
(8) Councillor Reports
(9) Committee of Council Reports
(10) Staff Reports
(11) Consent Agenda
(12) Business Arising from Prior Meeting(s)
(13) New Business
(14) Closed Meeting
(15) Motions Arising from Closed Meeting
(16) Date of Next Meeting(s)
(17) Adjournment

4.3.6 Councillors may ask questions or seek clarification from the chair regarding any item in Correspondence or Presentations.

4.3.7 Councillor reports shall not exceed five minutes in length, shall confirm attendance at meetings of council and other meetings of public interest, and may be given orally during the meeting or in writing prior to the meeting.

4.3.8 All directions to the CAO or clerk shall be made by motion of council.

4.4 COMMITTEE-OF-THE-WHOLE MEETINGS

4.4.1 As per section 67(a) of the Act, all committee-of-the-whole meetings shall be open to the public.

4.4.2 Council shall hold eight scheduled committee-of-the-whole meetings at 6:00 pm on the fourth Tuesday in the months of February, March, April, May, June, September, October, and November in the council chambers at municipal office.

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4.4.3 Council may hold additional committee-of-the-whole meetings as required.

4.4.4 Committee-of-the-whole meetings shall address issues pertaining to the operation of the municipality or any matter of public interest.

4.4.5 The order of business of a committee-of-the-whole meeting shall be as follows:
(1) Call to Order
(2) Attendance
(3) Approval of Agenda
(4) Presentations
(5) Disclosures of Conflict of Interest
(6) Approval of Minutes from Prior Meeting(s)
(7) Staff Reports
(8) Business Arising from Prior Meeting(s)
(9) New Business
(10) Closed Meeting
(11) Recommendations for Motion from Closed Meeting
(12) Date of Next Meeting(s)
(13) Adjournment

4.4.6 In a committee-of-the-whole meeting, a councillor may propose to the chair a recommendation for motion. After the motion has been stated by the chair, it may be moved and seconded by council. After the motion has been seconded, it shall be open for debate by council. Once the chair closes debate on the motion, it shall be voted upon. If a majority of council vote for the motion, the recommendation shall be forwarded to the next open meeting of council.

4.4.7 When the subject of a petition or a communication is not within the purview of a standing committee, the clerk may refer it to the committee-of-the-whole.

4.5 SPECIAL MEETINGS

4.5.1 As per section 67(a) of the Act, all special meetings of council shall be open to the public.

4.5.2 A special meeting of council may be called at any time to deal with extraordinary circumstances that cannot wait for a regular meeting.

4.5.3 The mayor may call a special meeting of council.

4.5.4 The clerk may summon a special meeting of council to declare that the office of mayor has become vacant.

4.5.5 The clerk may call a special meeting upon receiving a written petition to call a special meeting by four councillors, for the purpose mentioned in the petition at a time to be determined by the clerk.

4.5.6 As per section 64(3) of the Act, council may not transact any business at a special meeting other than the business specified in the notice of the special meeting unless all members of the council present at the special meeting agree unanimously.

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4.5.7 The order of business of a special meeting shall be as follows:
(1) Call to Order
(2) Attendance
(3) Approval of Agenda
(4) Disclosures of Conflict of Interest
(5) Business Arising from Prior Meeting(s)
(6) New Business
(7) Closed Meeting
(8) Motions Arising from Closed Meeting
(9) Date of Next Meeting(s)
(10) Adjournment

4.6 EMERGENCY MEETINGS

4.6.1 The mayor may call an emergency meeting of council to act on a matter of great urgency that does not allow council to abide the notice requirements of a special meeting.

4.6.2 Any business transacted at an emergency meeting shall be introduced for ratification at the next regular meeting of council.

4.6.3 The order of business of an emergency meeting shall be as follows:
(1) Call to Order
(2) Attendance
(3) Approval of Agenda
(4) Disclosures of Conflict of Interest
(5) Emergency Business
(6) Closed Meeting
(7) Motions Arising from Closed Meeting
(8) Date of Next Meeting(s)
(9) Adjournment

4.7 ELECTRONIC MEETINGS

4.7.1 As per section 69(1) of the Act, electronic means of communication may be used in a council meeting if such means allow members to hear and speak to each other and, in the case of a meeting that is open to the public, allow the public to hear the members.

4.7.2 Following the intent of section 69(4) of the Act, a councillor who plans to attend a meeting by means of electronic communication shall (a) advise the clerk at least 60 minutes prior to the start time of the meeting and (b) log onto meeting at least 15 minutes prior to the start time of the meeting.

4.7.3 As per section 69(5) of the Act, a councillor who participates in a meeting by means of electronic communication shall, at the beginning of the meeting, confirm that they are alone. For further clarity, the councillor shall be in a room that is not occupied by another person.

4.7.4 A councillor who participates in a meeting by means of electronic communication shall be (a) in a room where no other audio or video is being played, (b) asked to state their vote only after all the other members physically present at the meeting have cast their votes, and (c) recorded as a virtual attendee in the minutes.

4.7.5 A councillor who attends a meeting by means of electronic communication that cannot be heard for a period of five minutes shall be expelled from the meeting, after which they shall not return. The clerk shall record the time that the councillor left the meeting in the minutes.

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4.8 CLOSED MEETINGS

4.8.1 As per section 68(1) of the Act, a closed meeting of council shall be closed to the public.

4.8.2 The agenda for a closed meeting of council shall cite, and only cite, the applicable provision under section 68(1) of the Act that applies to each agenda item, where those provisions are as follows:

(a) information of which confidentiality is protected by law,

(b) personal information as defined in the Right to Information and Protection of Privacy Act,

(c) information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract,

(d) the proposed or pending acquisition or disposition of land,

(e) information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory,

(f) information concerning legal opinions or advice provided to the local government by its solicitor or privileged communications between solicitor and client in a matter of local government business,

(g) litigation or potential litigation affecting the local government, or any corporation referred to in subsection 8(1) of the Act, the local government's agencies, boards, or commissions including a matter before an administrative tribunal,

(h) the access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government, including computer or communication systems,

(i) information gathered by the police, including the Royal Canadian Mounted Police, while investigating any illegal activity or suspected illegal activity, or the source of that information,

(j) labour and employment matters, including the negotiation of collective agreements.

4.8.3 As per section 68(2) of the Act, no decision shall be made in a closed meeting except for decisions related to (a) procedural matters, (b) directions to an officer or employee of the local government, or (c) directions to a solicitor for the local government.

4.8.4 As per section 68(3) of the Act, the record of a closed meeting shall contain only (a) the type of matter that was discussed during the meeting and (b) the date of the meeting.

4.8.5 Council shall not consider any business in a closed meeting except matters specified in the agenda for the closed meeting.

4.8.6 If a closed meeting immediately follows a regular meeting or a special meeting, Council shall take a motion to adjourn the regular meeting or special meeting.

4.8.7 At the end of a closed meeting, Council shall take a motion to adjourn the closed meeting, after which they may return to a regular meeting or a special meeting.

4.8.8 In a closed meeting, a councillor may not propose a motion to the chair. Instead, a councillor may propose a recommendation for motion to the chair, which shall then be moved, seconded, and discussed.

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If a majority of members votes to recommend, the motion shall be forwarded to a regular meeting or a special meeting under "Motions Arising from Closed Meeting."

4.8.9 Closed meetings of council shall not be recorded.

5 COMMITTEES

5.1 COMMITTEE TYPES

5.1.1 Committees of council may be standing or ad hoc.

5.1.2 Standing committees shall address regular, ongoing matters such as finance, by-laws and policies, recreation and culture, and protective services.

5.1.3 Standing committees shall be approved once per election term.

5.1.4 Ad hoc committees shall address specific matters having a limited scope and duration that does not extend beyond the life of the matter, for example, the end of a project.

5.2 COMMITTEE MANDATES

5.2.1 Council shall approve the mandate of all committees.

5.2.2 All committees shall have a defined mandate that specifies the following: (a) type (standing or ad hoc), (b) term, (c) membership, (d) purpose, and (e) scope of responsibility.

5.3 COMMITTEE MEETINGS

5.3.1 As per section 67(a) of the Act, all meetings of a committee of council shall be open to the public.

5.3.2 Quorum shall be constituted by the attendance of the (a) chair and vice-chair, (b) the chair and one member, or (c) the vice-chair and one member.

5.3.3 The clerk shall send a notice of a committee meeting to each councillor through email at least 72 hours before the time of the meeting.

5.3.4 The clerk shall post a public notice on the municipal website to announce a committee meeting at least 48 hours before the time of the meeting.

5.3.5 The clerk shall record the minutes of all committee meetings.

5.3.6 The order of business of a committee meeting shall be as follows:
(1) Call to Order
(2) Attendance
(3) Approval of Agenda
(4) Disclosures of Conflict of Interest
(5) Approval of Minutes from Prior Meeting(s)
(6) Business Arising from Prior Meeting(s)
(7) New Business
(8) Date of Next Meeting(s)
(9) Adjournment

5.3.7 All committee meetings of council shall be open to the public.

5.3.8 No member of the public shall be excluded from a committee meeting of council except for improper conduct or closed meetings of council, pursuant to the Act.

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5.3.9 The minutes of committee meetings shall be: (a) distributed to all members; (b) provided to the clerk within seven days of their approval; (c) distributed by the clerk to all members; and (d) posted to the municipal website within 14 days of their approval.

5.4 STANDING COMMITTEES

5.4.1 The membership of each standing committee shall be comprised of a chair and at least two other Members, all of whom shall be councillors.

5.4.2 The CAO shall be a non-voting member of all standing committees.

5.4.3 The CAO, and only the CAO, may appoint municipal staff members (employees) to serve on a committee.

5.4.4 Municipal staff on committees shall serve as non-voting advisors.

5.4.5 A standing committee may include other people as voting members if they are a qualified voter of Five Rivers and have been appointed with the unanimous consent of council.

5.4.6 A standing committee may include other people as non-voting advisors if they are not qualified voters of the local government but have been appointed by the unanimous consent of council.

5.4.7 A committee member, who is an advisor, shall not move or second any motion, nor shall they vote on any matter before the committee.

5.4.8 The mayor shall be an ex-officio member of all standing committees and, as such, shall be included in the membership to constitute quorum.

5.4.9 The mayor shall have voting privileges on motions of recommendation to council before standing committees.

5.4.10 The business before the standing committee shall be taken up in regular order unless otherwise determined by the vote of the members present.

5.4.11 A councillor who is not a member of a standing committee may attend a meeting to observe deliberations and address the committee.

5.4.12 Each standing committee shall perform the duties as defined in its mandate and other duties as may be referred to the standing committee by the council.

5.4.13 When a petition or a communication is received concerning a subject within the purview of any standing committee, the clerk may refer it to such standing committee.

5.5 AD HOC COMMITTEES

5.5.1 The membership of each ad hoc committee shall be comprised of a chair and at least two other members, all of whom shall be councillors.

5.5.2 The CAO shall be a non-voting member of all ad hoc committees.

5.5.3 The CAO, and only the CAO, may appoint municipal staff members (employees) to serve on a committee.

5.5.4 Municipal staff on committees shall serve as non-voting advisors.

5.5.5 Ad hoc committees shall be approved by council each year.

5.5.6 Council may appoint one or more qualified voters of the local government to ad hoc committees by resolution.

5.5.7 A councillor who is not a member of an ad hoc committee may attend a meeting to observe deliberations and address the committee.

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6 ROLE OF ELECTED OFFICIALS AND CLERK

6.1 ROLE OF MAYOR

6.1.1 As per section 48(1) of the Act, the mayor shall (a) preside as the chair at all meetings of council, (b) provide leadership to council, (c) communicate information and recommend actions to council for the improvement of the local government's finances, administration, and government, (d) speak on issues of concern to the local government on behalf of council, and (e) perform any other duties conferred on the mayor by the Act or by council.

6.1.2 The mayor, along with the clerk or their designate, shall sign all agreements, contracts, instruments, and other documents to which the local government is a party.

6.1.3 The mayor, with input from the clerk, shall prepare the meeting agenda for all council meetings (regular, committee-of-the-whole, special, and emergency).

6.2 ROLE OF DEPUTY MAYOR

6.2.1 As per section 48(4) of the Act, in the absence of the mayor or the inability of the mayor to act, or if the office of mayor is vacant, the deputy mayor shall act in the place of the mayor, and while acting so, the deputy mayor possesses the powers and shall perform the duties of the mayor.

6.3 ROLE OF COUNCILLOR

6.3.1 As per section 48(5) of the Act, in the absence of the mayor and deputy mayor, or the inability of the mayor and deputy mayor to act, council shall appoint a councillor to act in the place of the mayor, and while so acting, the councillor appointed possesses the powers and shall perform the duties of the mayor.

6.3.2 As per section 48(6) of the Act, a councillor shall consider the welfare and interests of the entire local government when making decisions.

6.3.3 As per section 48(6) of the Act, a councillor shall bring to the attention of council matters that may promote the welfare or interests of the local government.

6.3.4 As per section 48(6) of the Act, a councillor shall participate in developing and evaluating the policies and programs of the local government.

6.3.5 As per section 48(6) of the Act, a councillor shall participate in meetings of council, council committees, and any other body to which council appoints the councillor. If a councillor cannot attend a meeting of council, the councillor shall notify the clerk at first opportunity, either in person, through email, or if email is not possible, through a mobile text or a phone call. If a councillor cannot be physically present at a meeting of council, that is, if a councillor cannot attend a meeting of council in person, the councillor may join the meeting from a remote location by using a form of electronic communication such as video conferencing software.

6.3.6 As per section 48(6) of the Act, a councillor shall perform any other duties conferred on the councillor by the Act or by council.

6.3.7 No Councillor shall disobey the final decision of council on a question of order or procedure. If any member disobeys a final decision, the chair may order the member to vacate their seat for the rest of the meeting; however, upon apologizing, they may, by vote of council, be permitted to return to their seat.

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6.4 ROLE OF CHAIR

6.4.1 The chair shall preserve order and decorum in meetings of council.

6.4.2 The chair shall put to a vote all motions that are moved and seconded.

6.4.3 The chair shall announce the results of all votes.

6.4.4 The chair shall announce when a member is absent from a meeting of council.

6.4.5 The chair shall announce the name of each member attending by means of electronic communication.

6.4.6 The chair shall ask each member attending by means of electronic communication to confirm that they are alone and in an isolated space.

6.5 ROLE OF CLERK

6.5.1 As per section 74(1)(a) of the Act, the clerk shall attend all council meetings and shall record in a book or electronically (a) the names of the members present at each meeting of council and (b) all resolutions, decisions, and proceedings of the council, without note or comment.

6.5.2 As per section 74(1)(b) of the Act, the clerk shall, if required by any member of council present, record the name and vote of every member voting on a question. In addition, the clerk shall record the nay votes of members on each motion.

6.5.3 As per section 74(1)(c) of the Act, the clerk shall keep the books, documents, and records of the council, including meeting minutes.

6.5.4 As per section 74(1)(d) of the Act, the clerk shall maintain an indexed register of certified copies of all by-laws of the local government.

6.5.5 As per section 74(1)(e) of the Act, the clerk shall be the custodian of the corporate seal of the local government.

6.5.6 As per section 74(1)(f) of the Act, the clerk shall, if the mayor and deputy mayor are absent, or if the office of mayor is vacant, call a meeting of council to select a councillor to function as the presiding officer of the council.

6.5.7 As per section 74(1)(g) of the Act, the clerk, along with the mayor, shall sign all agreements, contracts, instruments, and other documents to which the local government is a party.

6.5.8 As per sections 74(1)(h) and 74(1)(i) of the Act, the clerk shall notify all members of all council meetings and perform any other duties that the council assigns to them.

6.6 ROLE OF ASSISTANT CLERK

6.6.1 As per sections 74(2) of the Act, the assistant clerk shall be subject to the directions of the clerk and, in the absence or disability of the clerk or when there is no clerk, shall possess all the powers and duties of the clerk.

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7 EFFECTIVE DATE.

FIRST READING _____

SECOND READING _____

THIRD READING AND ENACTMENT _____

8 SIGNATURES.

MAYOR _____

_____

CLERK _____

_____

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