

BY-LAW NO. 23-01

A BYLAW RESPECTING THE PROCEEDINGS OF FIVE RIVERS MUNICIPAL COUNCIL

PURPOSE: A By-law of Five Rivers, in the Province of New Brunswick, for the purpose of establishing the proceedings of the Council of Five Rivers.

WHEREAS: Subsection 10(2)(a) of the *Local Governance Act*, authorizes and requires local governments to establish a by-law respecting the procedures at council meetings, including any matters prescribed by regulation; and

WHEREAS: The Minister of Local Government and Local Governance Reform may make or amend by-laws of a restructured local government as per *An Act Respecting Local Governance Reform*, subsection 11(2); and

WHEREAS: The enactment of this by-law repeals the following by-law(s);

- By-law No. 05-01, *A Bylaw Relating to the Proceedings of Council of the Village of Rexton*

BE IT ENACTED by the Minister of Local Government and Local Governance Reform as follows:

I. TITLE

This bylaw shall be cited as the "Proceedings of Council".

II. DEFINITIONS

"Clerk" means a clerk of Five Rivers appointed under Section 71 of the Local Governance Act;

"Chair" means the member of council presiding over council meetings;

"Closed" means a meeting of Council not open to the public, so convened in accordance with the Local Governance Act;

"Council" means the mayor and councillors of Five Rivers;

"Point of information" means the procedural mechanism by which a member may rise to present or receive information of interest to the council;

"Point of order" means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed;

"Point of privilege" means the procedural mechanism by which a member may rise to address

incorrect, defamatory or slanderous statements made about the council, members or civic staff;

"Quorum" means a majority of those members of council.

III. APPLICATION

1. These proceedings of council by-law:
 - (a) applies to the following:
 - i. all members of the council, including mayor, deputy mayor and councillors, and
 - ii. all members of staff required or requested to attend council meetings, and
 - iii. any members of the public appearing at council meetings.
 - (b) shall be used for the order and dispatch of business in council and committees.

IV. MEETINGS OF COUNCIL

1. The Council shall hold its first meeting in accordance with Section 35 of the Local Governance Act.
2. At its first regular meeting, the Council shall elect a deputy mayor from among the councillors. The deputy mayor shall be elected by majority vote of council, for a term of one (1) year.
3. The Council shall hold its regular meetings in the Council Chambers on the 2nd Tuesday of the month at 6 p.m. If that Tuesday is a holiday, the meeting shall be held on the following day of that week. The notice of the regular meeting shall be posted in a public place one week prior to the meeting date.
4. The clerk shall be responsible for preparing and circulating the agenda for all meetings of the council. The deadline for agenda submissions for a regular meeting of council shall be 12:00 p.m. on the Monday one (1) week prior to a meeting. The agenda of a regular council meeting shall be posted on the Tuesday one (1) week prior to the scheduled meeting.
5. Council meeting agenda will reflect the following headings referred to as the Order of Business:
 - (a) Call to Order
 - (b) Agenda Approval
 - (c) Disclosures of Conflict of Interest
 - (d) Public Presentations
 - (e) Approval of Minutes from prior meetings

- (f) Business Arising from the Minutes
 - (g) Correspondence
 - (h) Departmental Reports
 - (i) By-Laws
 - (j) Motions
 - (k) New Business
 - (l) Mayor's Report
 - (m) Notice of Motion
 - (n) Financial Report
 - (o) Council Statements and Inquiries
 - (p) Adjournment
6. A quorum must be present at all regular and special meetings of the council. If quorum is not present after one-half (1/2) hour, the clerk shall record the names of the Council members present and the meeting shall stand adjourned until the next scheduled regular meeting, or a special meeting is scheduled in accordance with subsection 4.
7. The mayor or a majority of the council upon written petition, may, at any time, call a special meeting of the council on twenty-four (24) hours' notice to the clerk and members of council.
8. Notice of any special meetings shall be circulated in writing to members of council by the clerk. The notice of a meeting shall be posted to the local government's website.
9. The council shall not consider any business at a special meeting except matters specified in the notice unless all members of the council present at the special meeting agree.
10. Any meeting of the council may be closed to the public as stipulated in Section 68 of the Local Governance Act.

V. ELECTRONIC MEETINGS

1. It is permitted to use electronic means of communication in a council meeting or a committee of council meeting if it allows members of council to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the members.
2. Any individual participating in a meeting electronically must advise the clerk five (5) days prior to the meeting.
3. If a closed session occurs, the members who are participating electronically shall, at

the beginning of the meeting, confirm that the member is alone.

VI. VOTING

1. Unless disqualified to vote by reason of interest or otherwise upon a by-law, resolution, motion or for any other purpose, each member present shall announce his or her 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 so taken is of no effect. An abstention shall not constitute a vote and shall not be permitted unless required by reason of disqualification. Disqualifications shall be confirmed by a majority of council members.
2. The mayor shall not vote except to have a casting vote in the event of a tie.
3. A motion, resolution or by-law passed by Council may be reconsidered by Council if:
 - (a) A notice of motion to reconsider is presented by a member of Council who voted with the majority.
 - (b) The motion to reconsider is passed by a majority of members of Council at the next regular Council meeting after the Council meeting that received the notice of motion to reconsider.

VII. PROCEDURE FOR ALL MEETINGS OF COUNCIL

1. The mayor shall chair all meetings. If the mayor is unable to chair a meeting, the deputy mayor shall act as chair for the meeting.
2. Except as otherwise provided, no member shall speak without being recognized by the chair.
3. Once a motion is made and seconded, the mover shall have the privilege of speaking first and of closing debate.
4. A member of the council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease, and the matter shall be clearly stated by the member and, if applicable, ruled upon by the chair.
5. A member of council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
6. All members of the council shall follow the rules set forth in the Code of Conduct By-Law. No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the public, or use offensive or profane language.
7. Unless disqualified to vote by reason of conflict of interest, every member of the council present shall announce their vote openly and individually, and the clerk shall record it.
8. Members of the public shall not be entitled to address the council during the meetings

unless the clerk has been notified at least five business days prior to the council meeting, and the item has been added to the agenda of the meeting.

9. Any person, at the discretion of the chair, may be required to leave the meeting who:
 - (a) breaches this by-law;
 - (b) behaves in a disorderly manner; or
 - (c) uses threats or profane language in debate.

VIII. MINUTES

1. The minutes shall record, without note or comment:
 - (a) the place, date and time of the meeting,
 - (b) the name of the presiding officer and the attendance of Council members,
 - (c) the reading, if required, correction and adoption of the minutes of prior meetings, and
 - (d) all resolutions, decisions and proceedings of the meeting

IX. COMMITTEES

1. The council may establish or abolish committees of council. The council shall appoint, to such committees, members who are qualified voters of the local government. Committees of the council shall have at least one member of the council on the committee.
2. The council shall approve the mandate of each committee.
3. The council may establish special or ad hoc committees. The council shall appoint persons who are qualified voters of the local government thereto. Special or ad hoc committees shall have at least one member of the Council on the committee.
4. The mayor may be a member of all committees or may appoint a member of the council to attend any committee meeting on the mayor's behalf.
5. The committee chair shall send notice of meetings to each member of the committee at least twenty-four (24) hours before the time of the meeting.
6. The clerk or designate shall record the minutes of all committee meetings. The minutes shall be circulated to all members of the committee. Minutes of committee meetings shall be provided to the clerk within seven (7) days of the approval of the minutes.

X. OTHER PROCEDURAL MATTERS

1. This by-law shall identify the procedural text that council is to use to govern 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.
2. In matters of procedure not provided for in this by-law “Roberts Rules of Order” shall govern.

XI. EFFECTIVE DATE

First Reading	<u>February 14, 2023</u>
Second Reading	<u>February 14, 2023</u>
Third Reading & Adoption	<u>March 13, 2023</u>

Tina Beers, Mayor

Shane Thomson, Clerk