

**TOWN OF SAINT ANDREWS**

**BY-LAW NO. 16-03**

**A PROCEDURAL BY-LAW FOR THE ORGANIZATION  
AND OPERATION OF THE COUNCIL OF THE TOWN  
OF SAINT ANDREWS**

**AS REGULATED BY THE MUNICIPALITIES ACT OF THE PROVINCE  
OF NEW BRUNSWICK  
DEFINITIONS**

## 1. Definitions

### 1.1. In this by-law

- 1.1.1. "Chief Administrative Officer" means the Town Chief Administrative **Officer appointed by the Council of the Town of Saint Andrews**
- 1.1.2. "Clerk" means the Clerk appointed by the Council of the Town of **Saint Andrews**
- 1.1.3. "Council" means the mayor and **councillors**
- 1.1.4. "Councillor" means a member of the Council other than the Mayor
- 1.1.5. "deputy mayor" means the councillor elected deputy mayor
- 1.1.6. "mayor" means the mayor of the Town of Saint Andrews duly **elected to such post**
- 1.1.7. "member" means any person elected to Council
- 1.1.8. "municipality" means the Town of Saint Andrews
- 1.1.9. "Town" means the Town of Saint Andrews
- 1.1.10. **Act means the Municipalities Act (R.S.N.B. 1973, c. M-22)**

## 2. Schedule Amendments

- 2.1. The Council may from time to time amend by resolution Schedule "A" of this by-law.

## MEETINGS

## 3. First Meeting

- 3.1. The Clerk shall fix a date for the first meeting of the Council which

- 3.1.1. shall not be earlier than the expiration of the ten day period referred to in sub-section 42(1) of the Municipal Elections Act following the council's election, and
- 3.1.2. shall not be later than the 15th day of June following the Council's election.

- 3.2. If the Clerk does not fix a date for the first meeting of Council under subsection 2.1, the first meeting of Council shall be held in the Council Chambers at 7 PM on the fourth Monday in May following its election.

- 3.3. A newly elected Council

Commented [GG1]: 1.Municipalities Act 10(1.1)

3.3.1. shall transact no business at its first meeting until the oaths have been taken and subscribed to by all members pursuant to section 33 of the Act.

3.3.2. may call upon the clerk to allot a seat within the Council chambers to each member who shall occupy the same seat at all Council meetings.

#### 4. Deputy Mayor

4.1. Council shall, at its first meeting and at any subsequent time the position of Deputy Mayor is vacant, elect a councillor as Deputy Mayor for the term of Council.

4.2. Any Councillor may refuse to be nominated as Deputy Mayor.

4.3. Council may with a 2/3 majority vote of the whole council remove the Deputy Mayor.

#### 5. Regular Meetings

5.1. The Council shall hold a regular meeting on the first Monday of each month in the Council chambers at 7 pm unless such day be a public holiday, in which case the meeting shall be held on

5.1.1. the second Monday of the month, or

5.1.2. a day determined by motion passed by an affirmative vote of at least two thirds of the members present at the meeting to which the motion is put.

5.2. At a regular meeting, except by unanimous consent of the Councillors present, Council shall not consider any business other than that specified in the agenda.

#### 6. Special Meetings

6.1. A special meeting of Council may be called at any time to deal with unusual circumstances that cannot wait for a regular meeting. Special meetings can be called by the mayor, or in the absence of the mayor by the deputy mayor. Special meetings will be held in the Council chambers.

6.2. At a special meeting, except by unanimous consent of the Councillors present, Council shall not consider any business other than that specified in the agenda.

#### 7. Emergency Meeting

7.1. An emergency meeting may be called at any time by the mayor, or in the absence of the mayor by the deputy mayor or a majority of councillors provided that a quorum can attend and that the matter to be dealt with is of such urgency that it requires immediate action such that the notice requirements of a special meeting cannot reasonably be met.

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

## 8. Public Notice of Meetings

8.1. Public Notice of all regular meetings of Council shall be published digitally no later than 5 business days before the meeting date. Such notice shall clearly list any bylaws, motions and resolutions to be discussed at the meeting.

8.2. Public Notice of all special meetings of Council shall be published digitally no later than 3 business days before the meeting date. Such notice shall clearly list any bylaws, motions and resolutions to be discussed at the meeting.

8.3. Public Notice of all emergency meetings of Council shall be made as expeditiously as possible by the best means of communication available at the time the meeting is called. Every effort should be made to ensure all members are aware of the meeting and the agenda for the meeting with as much lead time as is practical.

8.4. Documents related to bylaws, motions and resolutions shall be available to the public via the town website or may be copied at Town Hall at the requestor's expense

Commented [GG2]: 2.Added bylaws to special meetings

Commented [GG3]: 3.Makes documents available to the public

## 9. Duration

9.1. The duration of any regular or special meeting shall be no more than two and a half hours exclusive of presentations. Once a meeting has reached two and a half hours in duration, a majority vote of the Councillors present is required to continue beyond two and a half hours. If the members vote to continue then the meeting will continue if not the meeting is adjourned and any unfinished business is carried over to a special Council meeting that must be held within 5 business days of the adjournment. The sole purpose of this special Council meeting is to conclude the unfinished business of the previous meeting and no new items may be added to the agenda without the unanimous consent of Councillors present at the meeting.

Commented [GG4]: 4.Clarification

## 10. Meetings Open to the Public

10.1. Subject to subsection 10.2, all meetings of the Council and all meetings of the Council Committee shall be open to the public.

Commented [GG5]: 5.Municipalities Act 10.2(3)

10.2. If it is necessary, a Council meeting or Council Committee meeting may enter into closed session to discuss a particular matter. A majority vote of Council will be required to enter into and exit from a closed session and the public shall be excluded from the meeting for the duration of the discussion. Council may only go into closed session for the following matters:

Commented [GG6]: 6.Clarification

- 10.2.1. information the confidentiality of which is protected by law;
- 10.2.2. personal information;
- 10.2.3. information that could cause financial loss or gain to a person or the Town or could jeopardize negotiations leading to an agreement or contract;
- 10.2.4. the proposed or pending acquisition or disposition of land for a Town purpose;
- 10.2.5. information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
- 10.2.6. information concerning legal opinions or advice provided to the Town by a Town solicitor, or privileged communications as between solicitor and client in a matter of Town business;
- 10.2.7. litigation or potential litigation affecting the Town or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
- 10.2.8. the access to or a security of a particular building, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
- 10.2.9. information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity or source of such information; or
- 10.2.10. labour and employment matters, including the negotiation of collective agreements.

10.3. If a meeting of Council is closed to the public pursuant to subsection 10.2, no decisions shall be made at the meeting except for decisions related to

- 10.3.1. procedural matters;
- 10.3.2. directions to an officer of the Town; or
- 10.3.3. directions to a solicitor of the Town;

10.4. If a Council meeting is closed to the public pursuant to subsection 10.2, a record shall be made containing only the following:

- 10.4.1. the type of matter under subsection 10.2 that was discussed during the meeting; and
- 10.4.2. the date of the meeting.

10.5. The record made under subsection 10.4 shall be available for examination by the public in Town hall during regular office hours.

## 11. Quorum

11.1. A majority of the full members of Council constitute a quorum.

11.1.1. If no quorum is present fifteen minutes after the appointed time for the meeting, the Clerk shall take down the names of the members then present and the Council shall stand adjourned until either the meeting is rescheduled or the next regularly scheduled meeting.

11.1.2. If during the course of a meeting the number of members becomes less than a quorum then proceedings shall cease and the Council shall stand adjourned.

## 12. Council Decisions

12.1. The powers of a municipality are vested in and shall be exercised by its Council.

12.2. All decisions of Council shall be:

- 12.2.1. made in a regular or special meeting of Council;
- 12.2.2. adopted by a bylaw, motion or resolution of the Council; and
- 12.2.3. all decisions made at an Emergency session of Council must be ratified at either a regular or special meeting of Council.

12.3. No act or decision of a Council is valid unless it is authorized or adopted by a by-law, motion or resolution at a regular or special Council meeting.

## PROCEEDINGS

## 13. Mayor's Duties

13.1. The mayor shall preside at all meetings of the Council.

13.2. When the mayor is not present within 15 minutes of the time set for the meeting, the deputy mayor shall preside over the meeting.

13.3. When the mayor and deputy mayor are not present within 15 minutes of the time set for the meeting, the Clerk shall call the Council to order, and if a quorum is present, the members thereof shall choose a chairperson by open vote and that chairperson shall preside during the meeting or until the arrival of the mayor or the deputy mayor.

13.4. It shall be the duty of the mayor or in the mayor's absence the deputy mayor or other presiding officer to:

- 13.4.1. open the meeting of Council by taking the chair and calling members to order;
- 13.4.2. announce the business before the Council in the order in which it is to be acted upon;
- 13.4.3. receive and submit in the proper manner all motions presented by the members;
- 13.4.4. put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
- 13.4.5. decline to put to vote motions which infringe the rules of procedure;
- 13.4.6. ensure that each member present shall announce his or her vote on a motion openly and individually and that the clerk records it;
- 13.4.7. restrain the members, within the rules of order and within the confines of the subject being debated, when engaged in debate;
- 13.4.8. enforce on all occasions the observance of order and decorum among the members;
- 13.4.9. call by name any member persisting in breach of the rules of order of the Council, thereby ordering him or her to vacate the Council chamber;
- 13.4.10. receive all messages and other communications and announce them to Council; and
- 13.4.11. inform Council when necessary or when referred to for that purpose on a point of order or usage.

## 14. Agenda

### 14.1. Regular Meetings

14.1.1. The agenda for any regular meeting of Council shall have at a minimum the following headings:

- 14.1.1.1. recording of attendance;
- 14.1.1.2. approval of the agenda;
- 14.1.1.3. disclosure of conflict of interest;
- 14.1.1.4. approval of the minutes of previous meetings;
- 14.1.1.5. presentations;

Commented [GG7]: 7.Staff Recommendation

- 14.1.1.6. communications
- 14.1.1.7. staff report;
- 14.1.1.8. financial report;
- 14.1.1.9. Introduction, consideration and passing of bylaws and motions;
- 14.1.1.10. new business
- 14.1.1.11. question period
- 14.1.1.12. councillor's comments;
- 14.1.1.13. mayor's comments
- 14.1.1.14. adjournment

Commented [GG8]: 8.Not required...simplifies the agenda

Commented [GG9]: 9.In response to staff comments

Commented [GG10]: 10.In response to comments

Commented [GG11]: 11.In response to Staff Comments that Mayor should have last word

14.1.2. The agenda will be set by a Council Committee meeting at least 7 business days prior to any regular meeting of council.

Commented [GG12]: 12.Clarification

14.1.3. A copy of the agenda for all regular meetings clearly listing any bylaws, motions and resolutions being discussed by Council shall be posted in a public place, on the Town website and be available at Town hall for examination at least 5 business days prior to the meeting.

Commented [GG13]: 13.Grammatical correction

Commented [GG14]: 14.Clarification

14.1.4. All members shall be provided with a copy of the agenda at least 5 business days prior to any regular meeting along with the following supporting documentation:

Commented [GG15]: 15.Deleted to incorporate digital copy

Commented [GG16]: 16.Clarification

Commented [GG17]: 17.Deleted to broaden the scope to include digital documents

- 14.1.4.1. any presentations if available, presentations that are not available will be forwarded to the members as soon as they become available;
- 14.1.4.2. any communications that will be read or discussed at the meeting;
- 14.1.4.3. minutes of previous meeting;
- 14.1.4.4. staff reports;
- 14.1.4.5. financial reports; and
- 14.1.4.6. any bylaws, motions or resolutions to be discussed at the meeting including a description and any background material or documents relevant to the bylaw, motion or resolution

## 14.2. Special Meetings

14.2.1. The agenda for any special meeting of Council shall have the following headings:

- 14.2.1.1. recording of attendance;
- 14.2.1.2. approval of the agenda;
- 14.2.1.3. disclosure of conflict of interest;
- 14.2.1.4. presentations;
- 14.2.1.5. communications;

Commented [GG18]: 18.Not required...simplifies the agenda

14.2.1.6. Introduction, consideration and passing of bylaws and motions;

14.2.1.7. question period

14.2.1.8. Councillor's comments;

14.2.1.9. Mayor's comments

14.2.1.10. adjournment

14.2.2. The agenda including the wording of any motions will be set by a Council Committee meeting at least 5 business days prior to any special meeting of council.

14.2.3. A copy of the agenda for all special meetings clearly listing any bylaws, motions and resolutions being discussed by Council shall be posted in a public place, on the Town website and be available at Town hall for examination at least 3 business days prior to the meeting.

14.2.4. All members shall be provided with a copy of the agenda at least 3 business days prior to any special meeting along with the following supporting documentation:

14.2.4.1. any presentations if available, presentations that are not available will be forwarded to the members as soon as they become available;

14.2.4.2. any communications that will be read or discussed at the meeting; and

14.2.4.3. any bylaws, motions or resolutions to be discussed at the meeting including a description and any background material or documents relevant to the motion or resolution

## 15. Recording of Attendance

15.1. The Clerk shall record the attendance and enter into the minute book the names of those members present and those members absent and should a member arrive late, the clerk shall enter the member's name at that point in the proceedings and the time he or she arrived.

## 16. Changes to the Agenda

16.1. Any changes to the agenda approved by the Council Committee for a regular or special meeting may only be made with the unanimous consent of the councillors present at the meeting.

## 17. Disclosure of Conflict of Interest

Commented [GG19]: 19.Staff Recommendation 20.

Commented [GG20]: 21.Not required...simplifies the agenda

Commented [GG21]: 22.Not required...simplifies the agenda

Commented [GG22]: 23.In response to comments

Commented [GG23]: 24.Staff Recommendation 25.

Commented [GG24]: 26.Staff recommendation 27.

Commented [GG25]: 28.Maintain a consistent approach between Regular and Special Meetings

Commented [GG26]: 29.Clarification

Commented [GG27]: 30.Grammatical correction

Commented [GG28]: 31.Clarification

Commented [GG29]: 32.Deleted to incorporate digital distribution

Commented [GG30]: 33.clarification

Commented [GG31]: 34.deleted to broaden the scope to include digital documents

Commented [GG32]: 35.Municipalities Act 11(2) for special meetings and extended to Regular meetings for consistency

17.1. Any member wishing to and not having disclosed a potential conflict of interest shall do so at the time specified for such in the agenda or at any time during the meeting when a member feels that they are in a conflict of interest.

Commented [GG33]: 36.Staff Recommendation to delete 17.2

## 18. Minutes

18.1. Minutes of the last meeting shall not be read unless a majority of the councillors so requests, in which case the clerk shall read the minutes.

18.2. The minutes shall record:

- 18.2.1. the name of the municipal corporation;
- 18.2.2. the place, date and time of the meeting;
- 18.2.3. the name of the chairperson;
- 18.2.4. the names of the councillors present as well as the names of those councillors absent;
- 18.2.5. the names of the staff members in attendance;
- 18.2.6. the disclosure of any conflicts of interest;
- 18.2.7. the adoption (with corrections noted) of the previous minutes without note or comment the exact wording of all resolutions, decisions and proceedings of the meeting;
- 18.2.8. any presentations that were made to Council;
- 18.2.9. any correspondence or communication that were read during the Council meeting
- 18.2.10. reference and link to Staff reports
- 18.2.11. reference and link to Financial reports
- 18.2.12. the result of the vote upon each matter for which a motion was made and voted upon including the name of the Council member that moved and seconded any motion;
- 18.2.13. the date of the next meeting;
- 18.2.14. the time of adjournment; and
- 18.2.15. the signature of the mayor, or designated chairperson and the clerk or his or her designate who was present at the Council meeting.

Commented [GG34]: 37.Change in the order so it corresponds to the agenda

Commented [GG35]: 38.Omission...now corresponds to the agenda

Commented [GG36]: 39.Staff Recommendation

Commented [GG37]: 40.Omission...now corresponds to the agenda

Commented [GG38]: 41.Staff Recommendation

Commented [GG39]: 42.Omission...now corresponds to the agenda

18.3. The Clerk shall be responsible for printing the minutes with the pages numbered

18.4. When the minutes have been approved, they shall be signed by the mayor and by the Clerk.

## 19. Presentations

19.1. Presentations shall include presentations, petitions and submissions made by individuals, groups or organizations to the Council or by Council to individuals, groups or organizations.

19.2. Council shall have the right to refuse any presentation, but such refusal shall require the consent of 2/3 of Councillors.

Commented [GG40]: 43.Response to Staff comments

19.3. Individuals, groups or organizations cannot make more than one presentation to Council on the same topic without the consent of 2/3 of Councillors.

Commented [GG41]: 44.It was deemed unfair to make the determination on refusing a presentation at the meeting since there might be time/effort wasted by the presenter. This language means that a presentation can be refused before the meeting

19.4. The number of presentations at any one meeting may be limited to a maximum of three at the discretion of the Mayor. The priority and order of presentations shall be based on when the written request to present was received by the Town.

Commented [GG42]: 45.It was deemed unfair to make the determination on refusing a presentation at the meeting since there might be time/effort wasted by the presenter. This language means that a presentation can be refused before the meeting

19.5. Individuals, groups or organizations desiring to address Council must notify the Clerk, in writing, and provide a copy of the presentation no later than 2 business days prior to any regular or special meeting of Council.

19.6. Upon receipt of the written request to address Council, the Clerk shall confirm with the requester the time and place at which the presentation shall be made and shall convey to the requester the rules and procedures that relate to the presentation.

19.7. The length of time for any presentation is limited to 10 minutes except with the approval of 2/3 of the councillors present at the meeting.

19.8. Council may with the approval of 2/3 of the councillors present at the meeting hear any presentation that does not meet the requirements of this section.

## 20. Staff Reports

20.1. Individual staff reports shall be submitted to the Chief Administrative Officer who will ensure they are sent to Council.

Commented [GG43]: 46.Staff Recommendation

20.2. The Chief Administrative Officer will present Council with a summary of staff reports highlighting any major events and bring any unusual items to the attention of Council.

20.3. Council shall approve or approve with amendments the staff reports as submitted by the Chief Administrative Officer.

## 21. Financial Report

21.1. The Financial Report shall be prepared by the Treasurer and submitted to the Chief Administrative Officer, who will ensure they are distributed to Councillors within the timelines dictated by the Financial Planning and Budgeting Policy.

Commented [GG44]: 47.Staff Recommendation

**21.2. Council shall approve or approve with amendments the Financial Report as submitted by the Treasurer.**

## **22. By-laws**

**22.1. Every by-law shall be introduced by a motion for leave specifying the title of the by-law and the motion shall be in the following words: "That leave now be given to introduce a by-law entitled 'A by-law to ....' and that the same now be read for a first time.**

**22.2. No by-law shall be introduced in blank or imperfect form**

**22.3. No by-law shall be adopted by the Council until the residents of the Town are given the opportunity to review the text of the by-law and to submit comments for the consideration of the Council.**

**22.4. There can only be one reading of a by-law at any regular or special meeting of Council.**

**22.5. The Clerk shall endorse on all by-laws read in Council the dates of the several readings thereof and shall be responsible for maintaining a consolidated register of the by-laws and any amendments to them.**

Commented [GG45]: 48.Deleted in response to comments

## **23. Motions**

**23.1. All motions must be presented either orally or in writing by a Councillor and seconded by another Councillor before discussion begins.**

**23.2. Whenever a motion under consideration consists of more than one distinct proposition, matter or question, it shall be divided into separate propositions, matters or questions if so requested of any councillor.**

**23.3. It shall be the duty of the chairperson to determine what motions or amendments are in order subject to an appeal by Council and decline to put any motion before Council which he or she deems to be out of order or contrary to law. A Councillor making the motion or amendment may appeal the chairperson's ruling to the Council who by majority vote may allow the motion or amendment to proceed.**

**23.4. A member may, at any time during a debate but not so as to interrupt a member when speaking, request that the motion be read**

**23.5. When a motion is under debate, no other motion shall be received except a motion to amend it, to withdraw it, to postpone it or to move that the vote be now taken**

#### **23.6. Amendments to Motions**

**23.6.1. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order and only one amendment shall be allowed to an amendment.**

Commented [GG46]: 49.Grammatical error

**23.6.2. Amendments to a motion shall be put in the reverse order to that in which they are moved, except in filling in blanks, when the longest time and smallest sum shall be first. Every amendment presented shall be decided or withdrawn before the motion is put to a vote.**

Commented [GG47]: 50.Add clarity

#### **23.7. Withdrawal of a motion**

**23.7.1. A motion or amendment thereto may be withdrawn by the mover and seconder before the motion is put to the meeting.**

#### **23.8. Postponing a motion**

**23.8.1. A motion may be postponed to a future date by a majority vote of the Councillors present**

#### **23.9. Vote be now taken**

**23.9.1. A motion that a Vote now be taken can only be made after all Councillors have had an opportunity to speak on the motion.**

**23.9.2. When a councillor moves that the vote now be taken, the chairperson shall put this motion to an immediate vote without further debate.**

**23.9.3. After a motion is put to the meeting by the chairperson, no councillor shall speak to the motion or make any other motion until after the result of the vote has been declared, and the decision of the chairperson as to whether or not the motion has been put is final.**

### **24. Councillor's Comments**

**24.1. At the conclusion of the meeting each Councillor will be given up to 5 minutes to make any announcements or comments on any matter**

## 25. Mayors' Comments

25.1. At the conclusion of the meeting the Mayor will be given up to 10 minutes to make any announcements or comments on any matter.

Commented [GG48]: 51.Staff Recommendation to delete Para 23

## GENERAL RULES AT MEETINGS

### 26. Order

26.1. The mayor shall preserve order and decorum at the Council meetings and decide all questions of order.

26.2. No member shall:

- 26.2.1. use offensive words against the Council or any members thereof;
- 26.2.2. speak beside the question or motion in debate;
- 26.2.3. reflect upon any vote of Council except for the purpose of moving that the vote be rescinded;
- 26.2.4. refuse to obey the rules of Council;
- 26.2.5. disobey the decision of the mayor on questions of order or practice;
- 26.2.6. act so as to prevent another member, who has been properly recognized by the chair, from speaking, or
- 26.2.7. refer to another councillor other than by his or her surname preceded by the word "councillor", or "deputy mayor" and the mayor as "your worship" or "Mayor"

26.3. The Clerk, Deputy Clerk and Town staff shall

- 26.3.1. be impartial and neutral at all times;
- 26.3.2. provide information and staff recommendations when requested by the chair of the meeting;
- 26.3.3. advise the chair on points of order;
- 26.3.4. refrain from commenting on any remarks made by a Councillor or the Mayor; and
- 26.3.5. under no circumstances enter into debate at any Council meeting.

26.4. Where the mayor is called upon to decide a point of order or practice, he or she shall state the question without unnecessary comment and decide the issue, citing the rule or authority applicable thereto.

26.5. When a point of order is raised or when a councillor is called to order from the chair, the councillor speaking shall yield until the mayor states and

decides the point of order and then, on that question, shall address the chair only for the purpose of appealing to the Council from the ruling of the mayor.

- 26.6. Where Council is appealed to under subsection 23.5, it shall decide the matter by a majority vote of the Councillors present.
- 26.7. Where there is no appeal under subsection 23.5, the decision of the mayor is final.
- 26.8. Where a member refuses to obey the rules of Council or disobeys the decision of the mayor on a question of order or practice, the mayor may order him or her to leave his or her seat for that meeting, provided that where the member apologizes he or she may on a majority vote of Council forthwith resume his or her seat.
- 26.9. When in the opinion of the person presiding over the meeting, a member of the public is guilty of improper conduct at the meeting, the person presiding over the meeting may cause that person to be expelled from the meeting forthwith.
- 26.10. No person other than members of Council and the Town officers having duties to perform shall be allowed within the bar of the Council chamber while the Council is in session.
- 26.11. According to parliamentary procedure, the chair of the meeting may not participate in debate or express opinions at Council meetings as the role of the chair should be one of objectivity and impartiality. As "umpire" of the proceedings, the chair must regulate the conduct of the meeting and ensure that all opinions of Council members receive equal expression.

## 27. Mayor Entering Debate

- 27.1. If the mayor wishes to participate in debate or express opinions, the mayor must step down from the mayor's chair in favour of the deputy mayor or designated chair if the deputy mayor is unavailable. If the deputy mayor declines to chair the meeting and no other member wishes to assume the chair, then the mayor may not participate in the debate and must remain as the chair to preside over the meeting in an impartial, objective manner.
- 27.2. If the mayor elects to step down from the chair, it must be for an entire question or motion. The mayor cannot cede the chair after debate has begun on an issue and cannot resume the chair until after the motion on the floor has been resolved.

27.3. In cases where the mayor steps down from the chair and enters debate, the mayor shall be entitled to vote and the appointed chairperson will only be permitted to vote in case of equal division.

## 28. Chairperson

28.1. A chairperson, whether appointed by the mayor or by Council to act in the absence of the mayor, shall have the same authority while presiding at a Council meeting as the mayor would have if present and occupying the chair, and in this by-law where the context allows, the word "mayor" is deemed to mean a chairperson.

## 29. Manner of Speaking

29.1. Every member who wishes to speak to a question, motion or matter shall raise his or her hand to indicate his or her wish and shall, when called upon, address himself or herself only to the chair.

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

29.3. No councillor without leave of Council shall speak to the same question or motion for a longer period than 10 minutes.

29.4. When the mayor or a councillor is speaking, no member shall interrupt him or her except to raise a point of order.

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

## 30. Voting Procedure

30.1. At all meetings, every question shall, unless otherwise required by statute or by the bylaws of the Town or by law, be decided by the majority of the votes duly cast on the question.

30.2. Every councillor present at the meeting when a question or motion is put shall vote thereon unless he or she

30.2.1. is excused by Council by motion, or

30.2.2. is personally interested in the question or motion in a manner which prevents the councillor from voting legally or otherwise by virtue of a conflict of interest.

**30.3. Where a councillor refuses to vote and is not excused by Council for the reasons stated in the previous subsection, the clerk shall record him or her as voting in the affirmative on the question or motion before Council.**

**30.4. The chairperson be it the mayor or a person filling the role of a mayor at a meeting shall only vote in the case of equal division.**

**30.5. Any councillor shall have the right to dissent and have his or her reasons entered into the minutes and the councillor shall make such request known to the chair who shall direct that the minutes so record. Should a Councillor exercise the right of dissent, the minutes shall record the Councillor's reasons for dissent .**

Commented [GG49]: 52.Staff Recommendation

### **31. Suspension of Rules**

**31.1. No standing rule or order of Council shall be suspended except by the unanimous vote of all councillors present and such suspension shall be in effect only for the meeting at which the affirmative vote was given.**

### **32. Reconsideration**

**32.1. No by-laws, questions, motion or matter that has been disposed of by a majority vote at a Council meeting shall be introduced for consideration at a Council meeting prior to the expiration of three months from the disposal without the consent of 2/3 of Council.**

## **COMMITTEES - GENERAL**

### **33. Council Committee**

**33.1. The Council Committee shall be composed of all members of Council and shall be chaired by the Deputy Mayor. The rules governing procedure in Council shall apply to the Council Committee as far as may be applicable except that the deputy mayor acts as the chair for Council Committee meetings and can participate fully in the proceedings.**

**33.2. The sole purpose of the Council Committee is to set the agenda and the wording of any bylaws or motions to be discussed at the Regular or Special Meeting of Council. No decisions or direction to staff other than setting the agenda can be made by the Council Committee.**

33.3. The Council Committee shall have standing sub-committees as defined in Schedule A.

33.4. The sub-committees shall be responsible for creating “draft” bylaws or motions for review by the Council Committee and shall have responsibilities as defined in Schedule A

Commented [GG50]: 53.By moving the responsibilities to a Schedule, changes can be made without having to revise the bylaw

33.5. The mayor shall appoint at least one member to each of the sub-committees for the term of Council.

Commented [GG51]: 54.More general providing greater flexibility

33.6. The mayor may be a member on a sub-committee

33.7. The agenda for the Council Committee shall have the following headings:

33.7.1. recording of attendance;

33.7.2. declaration of conflict of interest;

33.7.3. review any communications to be discussed at the Regular or Special Meeting of Council;

33.7.4. review the wording of any bylaws and motions to be presented at the Regular or Special meeting of Council proposed by:

33.7.4.1. Standing Sub-Committees; and

33.7.4.2. any member of Council if seconded by another Councillor

33.7.5. approval of the agenda for the regular or special meeting of Council

33.7.6. adjournment

## ADDITIONAL DUTIES

### 34. Mayor

34.1. In addition to the duties prescribed by the Municipalities Act or by any other bylaw of the Town, the mayor shall:

34.1.1. authenticate by a signature all by-laws, resolutions and minutes of Council;

34.1.2. represent and support the Council, declaring its will and implicitly obeying its decision in all things;

34.1.3. be the spokesperson or designate a spokesperson for the Town in all federal, provincial discussions; and

34.1.4. be the Town representative on Regional matters.

Commented [GG52]: 55.Staff Recommendation

Commented [GG53]: 56.Staff Recommendation

34.2. In the absence or inability of the mayor to act, or if the office of mayor is vacant, the deputy mayor shall act in place of the mayor, and while so doing he or she possesses the powers and shall perform the duties of the mayor.

## **35. Town Clerk**

**35.1. In addition to the duties prescribed by the Municipalities Act or by any other by-law of the Town, the clerk shall**

- 35.1.1. attend all regular, special and emergency meetings of Council and record in a book designated for such purpose, without note or comment all resolutions, decisions and proceedings of Council;**
- 35.1.2. record the vote on each question put to Council;**
- 35.1.3. promptly execute of all orders or resolutions made by Council;**
- 35.1.4. furnish promptly to any Town officer affected thereby, copies of all orders or resolutions made by Council so that the requirements of the same may be carried into effect;**
- 35.1.5. attend the meetings of the Council Committee and support the activities of the Council Committee and sub-committees of the Council Committee;**
- 35.1.6. prepare, issue and keep records of all licenses granted;**
- 35.1.7. prepare and attend to the execution of all contracts and agreements to be entered into by the Town;**
- 35.1.8. prepare and attend to the execution of all bonds and other securities required to be taken by the Town from any person;**
- 35.1.9. act as custodian of the books, documents and records of the Council and the original of all bylaws and resolutions, all title documents, mortgages, leases, bonds, agreements, or other instruments relating to the property of the Town, and allow the same to be taken from his or her office only on the order of the Council or the court;**
- 35.1.10. make duplicates of all critical documents and retain them in a secure location separate from the Town Hall in the event of a fire;**
- 35.1.11. act as custodian of all bonds, securities, or fidelities given for the faithful discharge of duties of officials and servants of the Town;**
- 35.1.12. be the custodian of the corporate seal of the Town and the person to affix and authenticate it; and**
- 35.1.13. notify any person appointed to any office by the Council of his appointment and prepare and issue any commissions for such officers.**

## **GENERAL PROVISIONS**

### **36. Vacancies on Council**

**36.1. When the office of the mayor or of a councillor becomes vacant, the clerk shall notify the Council of that vacancy within 24 hours and Council shall declare that vacancy at the next regular meeting of Council;**

**37. Application of Parliamentary Procedure**

**37.1. In all matters, points of order, or questions of procedure arising and not provided for hereunder, proceedings in Council and in committee shall be governed by the practice of the House of Commons applicable thereto and any interpretation thereof shall be governed by Borginot's Rules of Order.**

**38. Repeal of Previous By-laws**

**38.1. The following bylaws are hereby repealed:**

- 38.1.1. bylaw number 92-1, A Bylaw Respecting the Procedures and Organizations of the Council of the Town of Saint Andrews;**
- 38.1.2. bylaw number 92-7, A bylaw to amend bylaw 92-1, A Bylaw Respecting the Procedures and Organizations of the Council of the Town of Saint Andrews;**
- 38.1.3. bylaw 94-1, A bylaw to amend bylaw 92-1, A Bylaw Respecting the Procedures and Organizations of the Council of the Town of Saint Andrews;**
- 38.1.4. bylaw 99-1, A bylaw to amend bylaw 94-1, A Bylaw Respecting the Procedures and Organizations of the Council of the Town of Saint Andrews; and**
- 38.1.5. bylaw 04-09, A Bylaw Respecting the Procedures and Organizations of the Council of the Town of Saint Andrews**

**In witness whereof, the Town of Saint Andrews has caused its corporate seal to be affixed to this by-law the      day of      , 2016.**

**First Reading:**

**Second Reading:**

**Third Reading:**

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Mayor

Town Clerk

## SCHEDULE A – STANDING SUB-COMMITTEES

### 1. Council Committee Standing Sub-Committees

1.1. The Council Committee shall have the following standing sub-committees:

- 1.1.1. Finance and Administration;
- 1.1.2. Planning and Economic Development;
- 1.1.3. Public Works;
- 1.1.4. Public Safety;
- 1.1.5. Business, Tourism, Heritage and Culture; and
- 1.1.6. Recreation, Leisure and Community Services

Commented [GG54]: 57.In response to comments seems like a better title

1.2. The Council Committee Standing Sub-Committees shall have the following areas of responsibility:

#### 1.2.1. Finance and Administration

- 1.2.1.1. budgets;
- 1.2.1.2. long term financial planning;
- 1.2.1.3. utility rates;
- 1.2.1.4. grants;
- 1.2.1.5. debentures;
- 1.2.1.6. reserve funds;
- 1.2.1.7. intergovernmental affairs;
- 1.2.1.8. labour relations;
- 1.2.1.9. staffing; and
- 1.2.1.10. insurance.

#### 1.2.2. Planning and Economic Development

- 1.2.2.1. Planning;
- 1.2.2.2. economic development;
- 1.2.2.3. municipal plan

#### 1.2.3. Public Works

- 1.2.3.1. roads and streets;
- 1.2.3.2. municipal infrastructure
- 1.2.3.3. solid waste management;

- 1.2.3.4. matters related to Town owned buildings and equipment.
- 1.2.3.5. Asset management

**1.2.4. Business, Tourism, Heritage and Culture**

- 1.2.4.1. matters affecting the business community;
- 1.2.4.2. matters related to tourism.
- 1.2.4.3. Matters related to heritage and culture

**1.2.5. Recreation, Leisure and Community Services**

- 1.2.5.1. development and promotion of special cultural events;
- 1.2.5.2. matters affecting community groups, service clubs and volunteer organizations
- 1.2.5.3. matters related to recreation and sports;
- 1.2.5.4. matters related to community services

**1.2.6. Public Safety**

- 1.2.6.1. Matters related to the fire department;
- 1.2.6.2. Matters related to the police department;
- 1.2.6.3. Matters related to Emergency Preparedness;
- 1.2.6.4. Matters relating to medical services;
- 1.2.6.5. Matters related to water and wastewater services; and
- 1.2.6.6. Matters related to parking and traffic control.

- 2. The Council may, with 2/3 consent of Councillors change the standing sub-committees and add or delete from the responsibilities of the standing sub-committees.