

The Village of Mayo

Bylaw No. 95-124

A bylaw to provide rules governing the procedures of Council

WHEREAS Section 164 of the Municipal Act RSY 1986, requires that Council make rules for calling meetings, governing its proceedings, the conduct of its members, the appointment of committees, and generally for the transaction of its business;

AND WHEREAS Section 194 of the Municipal Act RSY 1986, requires that Council provide for the procedures to be followed in passing bylaws;

NOW THEREFORE the Council of the municipality of the Village of Mayo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

General:

1. This bylaw may be cited as the "Council Procedures Bylaw".
2. The procedures of Council shall be governed by the provisions of the Municipal Act and this bylaw.

Meeting Requirements and Conduct:

3. Council shall hold at least one meeting each month at such time, and on such day or days of each month as may from time to time be set by resolution. Regular and special meetings of Council shall be held in the Council Chambers unless otherwise determined in advance by motion of Council
4.
 - a) A majority of the members of Council shall constitute a quorum.
 - b) If the quorum is not present within 30 minutes after the time fixed for a regular or special meeting of Council, the Clerk shall record the name of the members present and Council shall stand adjourned until the next regular meeting, or until a special meeting is called to deal with the business that was to have been transacted at the meeting at which a quorum was not present.
5. When the day fixed for a meeting of Council falls on a legal holiday, the said meeting shall be held on the next following day which is not a holiday.
6. The Mayor may, on two clear days written notice given through the Clerk's office, postpone any regular meeting of Council to the day named in such notice, and such postponed meeting shall be held at the hour set by motion for holding of regular meetings.
7.
 - a) A special meeting of Council shall be called by the Clerk when he/she is requested in writing to do so by the Mayor or any two Councillors.
 - b) A notice of the day, hour, and place of every special meeting and, in general terms, the nature of the business to be transacted at the special meeting, shall be given at least 24 hours before the time of the meeting by posting a copy of the notice for each member of Council at the place to which he/she has directed such notices be sent.
 - c) No business other than that stated in the notice shall be transacted at a special meeting unless all members of Council are present and agree.
 - d) The notice referred to in subsection (b) shall be in the form of an agenda for the special meeting.
8. No business of importance shall be determined by Council until it has been reported upon by the appropriate committee or board of Council, if any, unless it may appear that the committee or board has neglected to fulfil its duty.
9. If a member arrives late at any meeting, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members of Council present.

10. The presiding officer shall declare every regular and special meeting of Council adjourned at 11:00 p.m. unless Council unanimously agrees to continue.
11. At all meetings of Council, the Mayor or other presiding officer shall maintain decorum and decide all questions of order subject to appeal to the Council as a whole.
12.
 - a) If the presiding officer determines to take part in any debate he/she shall place another member of Council in the chair while addressing Council.
 - b) No member of Council, who is a shareholder, officer, or director of a corporation, other than a society, that has dealings or contracts with the municipality, shall vote at a meeting of the Council on any question in relation to the corporation, or participate in the consideration of the question by the Council.
 - c) Any member of Council, who is a member officer, or employee of a society that has dealings or contracts with the municipality shall declare his/her relationship to the society in a Council meeting before voting on or participating in the consideration by Council of any question in relation to the society.
 - d) No member of Council shall take part in, or preside over, a discussion of, or vote on, any matter in respect of which he/she has a pecuniary interest other than an interest as an ordinary taxpayer.
 - e) Where a member of Council has an interest as described in subsections (b), (c), or (d) in respect of any matter, he/she shall declare that interest at the meeting at which the matter is to be discussed, and such declaration of interest shall be recorded in the minutes of the meeting.
 - f) When any member of Council wishes to speak, he/she shall address the remarks to the presiding officer, confine them self to the question, and avoid personality. Should more than one member address the chair at the same time, the presiding officer shall determine who is entitled to speak first.
 - g) The mayor or any member may call a member to order while speaking, and the debate shall then be suspended until the point of order is determined. Any member may appeal a decision of the Chair to Council, and every appeal shall be decided by a majority vote and without debate.
13. All points of order or procedure not provided for in the Municipal Act or this bylaw shall be decided in accordance with Robert's Rules of Order.
14.
 - a) The Mayor and every Councillor present shall vote on every matter and the vote of the Mayor shall be cast last:
 - i) unless, in a specific case the Mayor or Councillor is excused by motion of the Council from voting or,
 - ii) unless he/she is disqualified from voting by any provision of this bylaw or the Municipal Act.and the Clerk shall, whenever a recorded vote is demanded by a member of the Council, or more than a majority is required on a vote, record in the minutes the name of each member present and whether he/she voted for or against the matter.

Agenda:

15. Prior to each regular meeting, the Clerk, in consultation with the Mayor, shall prepare an agenda for all business to be brought before Council at such meeting, and a copy of the agenda and all documents to be considered at the meeting shall be delivered to each member of Council not less than 48 hours prior to the time of the meeting.

16. Any individual or delegation wishing to appear before Council shall give notice in writing to the Clerk not less than six days prior to the meeting. The notice shall state the nature of the matter to be presented, and, if from a delegation, the name of the spokesperson.
17.
 - a) The agenda referred to in Section 7(d) and Section 15 shall be adopted as presented unless a motion to amend the agenda is passed by the majority of the members of Council present at the meeting.
 - b) If an item is not on the adopted agenda of a regular meeting it shall not be considered, and no person or delegation not on the adopted agenda shall be heard, except with the unanimous consent of the members of Council present at the meeting.
18. The business of Council shall be proceeded with according to its place on the agenda, which shall be as follows:
 - a) Call the meeting to order.
 - b) Adoption of the agenda, as presented or as amended in accordance with Section 17(a).
 - c) Adoption of the minutes of regular and special meetings of Council.
 - d) Approval of accounts payable, as presented or as amended.
 - e) Introduction and Consideration of First, Second, and Third Readings of bylaws
 - f) Acceptance of reports from the Village:
 - i) mayor
 - ii) administration
 - iii) environmental health
 - iv) public works
 - v) protective services
 - vi) recreation
 - g) Acceptance of reports from Village boards and committees established by Council, and consideration of any recommendation therefrom.
 - h) Notices of motions to be considered
 - i) General correspondence
 - j) Hearing of delegations and individuals
 - k) Question period
 - l) New and unfinished business
 - m) Adjournment
19. Council shall by motion appoint from among its members a Deputy Mayor who shall, in the absence, illness, or inability of the Mayor, be acting Mayor and have all the powers and perform all duties of the Mayor.

Minutes:

20. a) The minutes of the last regular meeting, and all subsequent meetings held more than seven days before a regular meeting, shall be reproduced and delivered to each member of Council not less than 48 hours before the holding of each regular meeting.
- b) The minutes of every special meeting of Council held more than 48 hours prior to a regular meeting of Council shall be presented by the Clerk and considered by Council at the next regular meeting, whether or not the said minutes were reproduced and delivered to Council members in accordance with subsection (a).
- c) At every regular meeting of Council the minutes of the previous regular meeting and any special meeting held more than 48 hours prior to the current meeting shall be considered by Council and adopted by motion either as presented or as amended.

Motions:

21. Notices of motion may be given at any regular meeting of Council, and a copy of every such notice shall be given to the Clerk immediately upon adjournment of the meeting at which such notice is given.
- Every notice of motion shall specify the nature of the motion and the meeting at which the motion is to be considered, and the subject of the motion shall be included on the agenda for that meeting.
22. a) Every motion shall be stated or read by the mover, who alone may make introductory remarks thereon.
- b) When required by the presiding officer, a motion shall be in writing and a copy shall be given to the Clerk before such motion shall be open for consideration.
- c) When duly moved and seconded and stated by the Mayor or other presiding officer, the motion shall be open for consideration.
- d) i) When a motion has been moved and seconded, and has been stated or read, it shall be deemed to be in possession of Council, but it may be withdrawn by unanimous consent of the Council members present.
- ii) Any motion in possession of Council may be tabled, either to a date specified in the motion or indefinitely if so specified, by a motion to table passed by a majority of members present. Any motion tabled to a specific date shall appear on the agenda for that meeting and shall be deemed to have been removed from the table and be considered as an item of business at that meeting.
- iii) Where a motion is tabled indefinitely and the motion is not further dealt with by Council at either of its next two regular meetings, the motion dies.
- e) When the question under consideration concerns two or more specific matters, upon the request of any member the vote upon each matter shall be taken separately.
- f) Any member of Council may require the motion under discussion to be read for his/her information at any time during the debate, but not so as to interrupt a member who is speaking.

- g) No motion other than an amending motion or a motion to table shall be considered until any motion already before Council has been disposed of.
 - h) Amendments shall be put in the reverse order to that in which they are moved. Every amending motion shall be decided or withdrawn before the main question is put to a vote.
 - i) After a question is fully put by the presiding officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
 - j) If a member who is qualified to vote and who has heard the question refuses to vote, his/her name shall be recorded, and he/she shall be deemed to have infringed this bylaw, but the decision of the question on the other member's votes shall be valid.
23. a) A division of Council on any question shall be called for only with the consent of the majority of the members of Council present at the meeting.
- b) Whenever a division of Council is taken for any purpose, each member of Council present and voting shall announce his/her vote upon the question, openly and individually in the Council meeting, and the Clerk shall record the same.
24. Except when a division of Council is taken, every motion shall be recorded by the Clerk as "Carried" or "Defeated" after being so declared by the Chairman.
25. At the request of a member who voted against a motion that is carried, the Clerk shall record the member's opposing vote provided the request is made immediately following the vote on the question.
26. No vote shall be taken in Council by ballot or any other method of secret voting.

Bylaws:

27. a) Every bylaw shall have three distinct and separate readings before it is finally passed, but no more than two readings of a bylaw shall be given at one meeting.
- b) Any bylaw which has not received third reading may be tabled to a date specified by a motion to table passed by a majority of members present. Any bylaw tabled to a specified date shall appear on the agenda for that meeting and shall be deemed to have been removed from the table and be considered as an item of business.
28. Every bylaw shall, after second reading and prior to third reading thereof, be considered clause by clause by Council in Committee of the Whole.
29. In considering a bylaw clause by clause in Committee of the Whole the following procedures shall be followed:
- a) When so determined by a resolution of the Committee, every part and clause of the bylaw shall be read aloud by the Chairperson or one or more members of the Committee.
 - b) Where it has not been determined that every part and clause of a bylaw is to be read aloud in accordance with subsection (a), the Chairperson shall in turn make reference to each paragraph in the preamble; to each clause in the bylaw; and to each schedule or appendix to the bylaw, if any,

- c) Upon reference to any part or clause in a bylaw by the Chairperson, each member of the Committee may request that the part or section be read aloud, in which case it shall be so read.
- d) Subject to subsection (c), upon reference to each part or clause by the Chairperson, each member of the Committee shall indicate his/her agreement or otherwise by clearly stating "agreed" or "disagreed" as the case may be.
- e) The preamble, clauses, and schedules or appendices of every bylaw shall be considered in their proper order in Committee of the Whole, and any portion of a bylaw may be amended or deleted and new provisions may be added by a motion of the Committee.

Committees and Boards:

- 30. a) Council may, at any meeting thereof, by motion appoint such standing or special committees of Council as may from time to time be deemed necessary.
 - b) The general terms of reference of every standing and special committee shall be established by motion of Council and, without limiting the generality of the foregoing, every committee shall;
 - i) report to Council from time to time all matters connected with the duties imposed on it, and recommend such action by Council in relation thereto as may be deemed necessary and expedient, and
 - ii) consider and report upon all matters referred to it by Council or by the Mayor.
 - c) Every committee shall, at its first meeting fix the day and hour for its regular meetings and shall, unless a Chairperson has been named by Council, elect a Chairperson who shall preside at all meetings of the committee.
 - d) The Mayor is ex officio a member of all boards, associations, commissions, committees or other organizations which the Council has the right to establish and the Mayor, when in attendance, possesses all the rights, privileges, powers and duties of other members, whether elected or appointed.
 - e) Councillors may attend meetings of any committee or board established by Council and may, with the consent of the committee or board, take part in discussion; but shall not be entitled to vote. When requested to do so by any member of Council, the Clerk shall notify that member of the time, date, and place of any, or all, meetings of any committee or board of Council.
 - f) Special meetings of committees shall be called by the Clerk at the request of the Chairperson or at the written request of the majority of the committee or, in the absence of the Chairperson, at the request of the Mayor.
31. No committee, board, or member of Council, and no officer of the Village shall enter into a contract or incur or authorize any expenditure on behalf of the Village without having obtained, by bylaw or motion the prior authority of Council.

32. Bylaw 23 is hereby repealed.

33. This bylaw shall come into full force and effect upon the final passing thereof.

READ a first and second time this 1 day of February, 1995.

APPROVED by the Executive Council Member this 15 day of
February, 1995.

READ a third time and finally passed this 8 day of
March, 1995.

Michael W. Quinn
Mayor

J. J. [Signature]
Clerk