

VILLAGE OF CHIPMAN
BY-LAW NO.60
PROCEDURAL BY-LAW

A BY-LAW RELATING TO THE MEETINGS OF THE COUNCIL

MEETINGS

1. **Regular Meetings**

- (1) The Council shall hold regular meetings on the first Monday of each month at 7 PM.
- (2) When such day falls on a civic, public or statutory holiday the Council shall meet on the following Monday at the same hour.
- (3) All regular meetings of the Council shall be held in the Municipal Building Council Chambers at 10 Civic Court, Unit 1, Chipman, N.B.
- (4) All meetings of the Council shall be open to the public and no member of the public shall be excluded therefrom except for improper conduct, or pursuant to s. 10.2(4) of the *Municipalities Act*. The Mayor or other presiding officer may expel from any meeting any person guilty of improper conduct at such meeting.

2. **Special Meetings**

- (1) The Mayor may at any time summon a special meeting.
- (2) Upon receiving a petition of two councillors, the Clerk shall summon a meeting for the purpose and at the time mentioned in the petition.
- (3) In case the office of the Mayor or Councillor becomes vacant, the Clerk shall summon a special meeting of the Council for the purpose of declaring such vacancy.

3. **Notices of Special Meeting**

The Clerk shall issue notices of all special meetings of the Council and shall specify the time of such meeting and the business to be transacted thereat. Notices can be by telephone or delivered to each member.

4. **Quorum**

Two Councillors with the Mayor or other presiding officer shall constitute a quorum.

5. **Call to Order**

As soon after the hour of meeting as a quorum is present, the Mayor shall take the chair and call the Members to order.

6. **Chairman in Absence of Mayor**

In case the Mayor and Deputy Mayor are both absent, the Clerk shall call the meeting to order, and on a chairman having been chosen on motion the Council shall proceed with the business of the meeting.

7. **Absence of Quorum**

Unless there is a quorum within thirty minutes after the time appointed for the meeting of

Council, the Council shall then stand adjourned until such day of meeting as the Clerk shall then declare.

8. General Order of Business

The following shall be the general order of business of each regular meeting:

- Recording of attendance
- Correction and adoption of minutes
- Tabling of documents
- Reading of petitions and hearing delegations
- Reading of correspondence and communications
- Reports of Council and Committees
- Consideration of by-laws
- Motions
- Notices of motion
- Unfinished business and
- New Business

9. Variations in Order of Business

- (1) The business before the Council at each meeting shall be taken up in regular order unless otherwise determined by the vote of the Councillors present, and all questions as to precedence or to the suspension of the general orders of the day shall be decided without debate.
- (2) The minutes of the next preceding meeting need not be read in open Council unless a councillor present requires the reading.

10. Order of Business - Special Minutes

The business before the Council at each special meeting shall be taken up in the order in which the items appear on the notice of meeting.

11. Relation of Public to Council

No person other than members of the Council and Village Officers having duties to perform shall be allowed within the bar of the Council Chamber while the Council is in session except upon special invitation of the Mayor or vote of Council; and no person other than a member of the Council shall address the Council without permission of the Council.

12. Preservation of Order

The Mayor shall preserve order and decorum and decide all questions of order, subject to an appeal to the Council, and in the absence of the Mayor and Deputy Mayor the chairman shall have the same authority.

13. Rulings on Order

When called upon to decide a point of order, procedure or practice the Mayor shall state the question without unnecessary comment and shall forthwith announce his/her decision citing any rule or authority he/she may deem necessary.

14. Mayor Entering Debate

If the Mayor desires to leave the chair for the purpose of taking part in the debate, or for any other purpose, he shall call on the Deputy Mayor, if present, or, if the Deputy Mayor is not present, a Councillor, to preside until he resumes the chair.

15. Who Shall Have the Floor

When two or more councillors rise to speak the Mayor shall name the councillor, who, in his/her opinion, first rose in his place.

16. Reading of Motion

Any councillor may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a councillor who is speaking.

17. Limits of Debate

No councillor shall speak more than once on the same question without leave of the Council except in explanation of a material part of his speech which may have been misconceived, and in doing so he shall not introduce a new matter. A reply is allowed to a councillor who has made a substantive motion to the Council, an amendment on the previous question. No councillor without leave of the Council, shall speak to the same question in reply for longer than a quarter of an hour.

18. Disrespectful Statements

No councillor shall speak disrespectfully of Her Majesty the Queen, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor, or of any person administering the Government of Canada, or of this Province; nor use offensive language concerning the Council or any member thereof, nor shall he speak beside the question in debate; nor reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded; nor resist the rules of the Council, nor disobey the decision of the Mayor, or of the Council on a question of order or procedure, or upon the interpretation of a rule of the Council; and in any case any councillor shall so speak, resist or disobey, the Mayor or other presiding officer may order such councillor to vacate his seat for the rest of the meeting; but on his apologizing he may, by vote of the Council be permitted forthwith to retake his seat.

19. Interruptions

When a question is being put no councillor shall walk across the room, leave his place, or make or cause to be made any noise of disturbance; and when a councillor is speaking no other member shall pass between him and the chair, or interrupt him except to rise to a point of order.

20. Appeal to Council

When a point of order is raised, or when a councillor is called to order by the chair, he shall immediately sit down and remain seated until the Mayor shall have stated and decided the point of order raised, and the Council, if appealed to from the decision of the chair, shall decide the question but without debate; if there be no appeal, the decision of the Mayor shall be final.

21. Motions to be Seconded before Debate

Every motion shall be seconded before being debated or put from the chair. When a motion is seconded it shall be read or stated by the Mayor before debate.

22. Withdrawal of Motions

After a motion is read or stated by the Mayor it shall be deemed to be in possession of the Council but may, with permission of the Council, be withdrawn at any time before decision or amendment.

23. Motions to Adjourn

A motion to adjourn the Council or adjourn the debate shall be in order except:

- (1) when a councillor is in possession of the floor;
- (2) when the yeas and nays have been called for;
- (3) when the councillors are voting;
- (4) when it has been decided that the previous question shall be put forthwith;

but a second motion to the same effect shall not be made until after some intermediate proceeding has taken place, provided, however, the Council shall automatically adjourn at midnight, unless two-thirds of the members present shall consent to continuing the proceedings.

24. Questions under Debate

When a question is under debate no motion shall be received unless to commit it, to amend it, to lay it on the table, to postpone it, to adjourn it, to move the previous question, to move that the vote be now taken, or to extend the hour therefor.

25. The Previous Question

The previous question, until it is decided, shall preclude all amendment of the main question and shall be put in the following words: "Shall this question now be put?" If this motion be resolved in the affirmative, the original motion is to be put forthwith without any amendment or further debate, but if the proposed question is resolved in the negative the main question may then be debated and amended.

26. Motions to Take Vote

If a member moved that the vote be now taken, and it is seconded, the motion shall be put without debate and, if carried, the motion and amendments under discussion shall immediately be submitted to the Council without further discussion.

27. Order of Amendments

Amendments shall be put in the reverse order to that in which they are moved except in filling up blanks when the longest time and the smallest sum shall be put first. Every amendment submitted shall be reduced to writing and shall be decided or withdrawn before the main question is put to the vote. Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main question.

28. Open Vote of "Yea" and "Nay"

Every question submitted to the Council shall be determined by open vote of "yea" and "nay" of the councillors present.

29. Recording Vote

Upon a division of the Council, if any Councillor so requires, the names of those who vote for and those who vote against the question shall be entered upon the minutes.

30. Voting by Mayor

The Mayor and each Councillor who shall be present in the Council Chamber when a question is put, shall vote on every motion thereon unless the Council shall excuse him, or her or he or she be personally interested in the question; and if Mayor any Councillor persists in refusing to vote for other than the reasons hereinbefore stated, he shall be recorded as voting in the affirmative on the question before the Council.

31. Reconsideration

After any question, except one on indefinite postponement, has been decided in the affirmative any councillor who voted thereon in the affirmative may at any time thereafter move for a reconsideration thereof provided notice of motion has been given at a previous meeting; but no discussion of the main question shall be allowed unless reconsidered, and after such motion to reconsider no action shall be taken by the Council on the main motion until such reconsideration is disposed of. In respect to any question not more than one motion to reconsider shall be considered. Any question that has been decided in the negative may with the consent of the Council be reintroduced at any subsequent meeting.

32. Separate Vote on Distinct Propositions

When the question under consideration contains distinct propositions, upon the request of any councillor, the vote upon each proposition shall be taken separately.

33. Declaration of Vote

After a question is finally put no councillor shall speak to the question nor shall any other motion be made until after the result has been declared.

34. Privilege

When any matter of privilege arises it shall be immediately taken into consideration.

35. Councillors to Places on Division

Councillors shall immediately take their places when any division is called for and shall remain in their respective seats until the presiding officer has declared the result of the vote.

36. Appointment of Deputy Mayor

Not later than the second regular meeting of Council following a regular quadrennial election the Mayor shall appoint a Deputy Mayor. Term of appointment will also be at the discretion of the Mayor.

37. Wearing of Hats and Applause

No councillor, village officer or other person, shall wear a hat within the Council Chamber, while the Council or a committee of the Council is in session, and no applause shall be permitted other than by the Council.

38. Authority of Bourinet

In matters of procedure not herein provided "Bourinet, Parliamentary Procedure" 4th ed. shall govern.

Questions of order arising in the Committee of the Whole shall be decided by the chairman subject to an appeal to the committee. In case of disorder the Mayor shall immediately resume the chair without any question being put.

42. Motion to Rise and Report

On motion in Committee of the Whole to rise and report the question shall be decided without debate.

43. Order of Motions

COMMUNICATIONS

39. Where a petition, tender or other written communication is received concerning a subject within the cognizance of a standing committee, the Village Clerk may refer it to such committee which shall consider the matter and report to the Council.

40. When a petition or communication is received concerning a subject which is not within the cognizance of any standing committee, it shall be presented to the Council.

41. Three Readings

Every by-law shall be given three distinct and separate readings before it is engrossed and passed, but not more than two readings at any one meeting of the Council except when by unanimous vote of the councillors present an emergency is declared.

42. Signing and Sealing of By-Laws

Every by-law shall be under the seal of the Village and shall be signed by the Mayor, or other person who presided at the meeting at which it was passed, and by the Village Clerk.

43. Suspension of Rules

Notwithstanding any other rule or order no standing rule or order of the Council set out in this by-law shall be suspended unless two-thirds of the councillors present shall consent thereto, nor shall this by-law be repealed or amended unless a week's notice in writing is given of the motion therefore, nor unless a majority of the whole Council shall concur therein.

STANDING AND SPECIAL COMMITTEES

44. Appointments at Inaugural Meeting

The Council shall appoint the standing committees and designate their chairman at its inaugural meeting each year.

45. Special Committees

Special committees may be appointed by the Council which shall report to the Council on any matter referred to it by the Council

46. Quorum

A majority of the members of a committee shall be a quorum.

47. Meetings

No regular meeting of any committee shall be called on less than twenty-four hours notice except in case of necessity, or emergency.

48. Attendance by Non-Members

A councillor may attend any meeting of a standing committee of which he is not a member, but shall have no privilege of voting thereat; but may address the committee with the consent of its members.

49. General Duties

The duties of standing and special committees shall be to report and to make recommendations to the Council from time to time on all matters under their jurisdiction or

referred to them and to exercise general supervision over the work of any officer or department under their jurisdiction.

50. Substitution

The Council may appoint additional councillors of any committee to act in place of any members thereof who, by reason of illness or absence from the Village, are unable to attend the meetings of the committee.

APPROPRIATIONS AND EXPENDITURES

51. Over Expenditure

No work or expenditure, the cost of which will exceed the appropriation, shall be undertaken without previous authorization from Council.

52. Purchase Orders

No purchase shall be made unless prior approval or a purchase order therefore has been signed by an authorized official.

53. Checking Purchases

On receipt of goods purchased, the official receiving the same shall check the goods with the purchase order and invoice, and certify the fact on such invoice with the date of his so doing and forthwith file such invoice with the Village Treasurer.

54. Payment of Accounts

All accounts shall be paid on the day following the meeting of the Council at which payment is authorized or so soon thereafter as practicable.


55. Repeal Provisions

By-Law No. 6 ,A By-Law Relating to the Meetings of the Council given third reading on September 11 ,1972, is hereby repealed.

FIRST READING:	September 13, 2004
SECOND READING:	September 13, 2004
THIRD READING AND ENACTED:	November 1, 2004

Signed


Mayer


Clerk