

TOWN OF BERWICK BYLAW

MEETINGS AND PROCEDURE

DEFINITIONS

1. In this bylaw all words shall have their meanings as described in standard English dictionaries except for the following:
 - (a) "Chairman" means:
 - (i) the Mayor; or
 - (ii) in the absence of the Mayor, the Deputy Mayor; or
 - (iii) in the absence of the Mayor and the Deputy Mayor, the member appointed by Council to preside.
 - (b) "Meeting" means a complete meeting and covers the period of time in which members are actually sitting, from the official opening of a meeting until the final adjournment thereof, regardless of the number or length of sessions which may be held and then terminated by temporary recesses or adjournments.
 - (c) "Point of Order" means:
 - (i) any breach of the rules of order of Council; or
 - (ii) any defect in the constitution of any meetings of the Council; or
 - (iii) the use of improper, offensive or abusive language; or
 - (iv) any other informality or irregularity in the proceedings of Council.
 - (d) "Procedural Motion" means any motion dealing strictly with procedure and, without limiting the generality of the foregoing, includes the following: motions to extend the time of a meeting, motions to refer, motions to amend, motions to table, motions to postpone indefinitely or definitely, motions to adjourn.
 - (e) "Session" means the proceedings of Council held on any one day.
 - (f) "Substantive Motion" means any motion other than a procedural motion, a question of privilege or a point of order.

ELECTIONS

2. The Council may elect a Deputy Mayor at the first meeting after the election of the Council, who shall serve for a one year term, following which an election may be held in November of each subsequent to elect a Deputy Mayor.

3. The election of Deputy Mayor shall be by ballot.
4. Where only one person is nominated for an office and nominations have been closed by resolution, the chairman shall declare that person elected to the office in question, by acclamation.
5. In these elections, where more than two persons are nominated for election to an office and no nominee receives, on the first vote or ballot, a majority of the votes of the councillors present, the name of the nominee who receives the least number of votes shall be dropped from the vote or ballot and the Council vote again. The Council shall continue to vote until one of the nominees has a majority of the votes of the councillors present.

MEETINGS

6. Except where some other place is designated by a resolution of Council, all meetings of the Council shall be held in the Council Chambers of the Town Hall.
7. The regular monthly meeting of the Council shall be held on the second Tuesday in each and every month.
8. When the second Tuesday of any month falls upon a holiday within the Town, the meeting of Council for that month shall be held on the following Tuesday.
9. Every meeting of Council shall be presided over by the Mayor or, in his absence, by the Deputy Mayor (sections 15(1) and (2) Municipal Government Act).
10. If both the Mayor and the Deputy Mayor are absent, the Council may appoint a chairman from the members present (section 15(2) of the Municipal Government Act).
11. All meetings of the Council shall be open and public unless closed to discuss one or more of the following:
 - acquisition, sale, lease or security of municipal property
 - minimum price to accept at a tax sale
 - personnel matters
 - labour relations
 - contract negotiations
 - litigation
 - legal advice
 - public security
12. All meetings convene at 7:00 o'clock in the afternoon (7:00 p.m.).

ROLL CALL AND QUORUM

13. A majority of the members of Council (and the Mayor or Chairman is considered a member of Council) shall constitute a quorum for the transaction of business (section 20(1) of the Municipal Government Act).
14. At the time appointed for any meeting of the Council, if ten minutes elapse without a quorum being present, the members present shall meet, and
 - (a) Adjourn the Council; or
 - (b) Extend the time for the meeting of the Council for one half hour from the hour fixed for such meetings when, if a quorum is still not present, the Council shall stand adjourned.
15. A councillor not present at roll call may have his name entered as present if he joins the Council at the place of meeting within thirty minutes after the opening of the session in question and if the councillor calls the attention of the Deputy Clerk to that fact immediately on arrival.
16. Council may excuse, by resolution, the absence of a councillor if it feels there is just cause.
17. A councillor who, without this leave of Council, is absent from three consecutive regular meetings of Council shall thereby vacate his office, and the office shall be declared vacant by the Council (section (3A) of the Municipal Elections Act).

MINUTES

18. Upon the opening of each meeting of Council the minutes of the previous meeting may be read and after all necessary corrections and amendments have been made and the minutes approved, a correct copy shall be printed and entered into the Minute Book and shall be deemed to be the original minutes of the Council.

VOTING

- 19(a) No motion shall be voted upon unless seconded and no unseconded motion shall be made twice in one session.
 - (b) A motion may be withdrawn by the mover with the consent of the seconder at any time before the Council has voted on it.
- (c) When a division on any question is demanded, the chairman shall call for the yeas and nays and the chairman shall then declare the result.

- (e) Every member of Council who is present when a motion is put, shall vote on that motion unless personally interested in the result or excused from voting by the chairman.

- (f) Any councillor who does not vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative.
- 20. As to the proceedings of Council, all questions arising in the Council shall be decided by a majority of votes and the chairman shall have a right to vote on all questions before the Council. In the event of a tie, the question voted on shall be deemed to be determined in the negative. (section 21 of the Municipal Government Act)
- 21. As to the proceedings of a committee of Council, all questions shall be decided by a majority of votes and the chairman shall have a right to vote on all questions before the committee. In the event of a tie, the question voted on shall be deemed to be determined in the negative.

RULES OF DEBATE

- 22. (a) The rules and regulations contained in this bylaw shall be observed in all proceedings of Council and any of its committees; and in any case for which provision is not made herein the procedure to be followed shall be as described in "Robert's Rules of Order" by Geoffrey Stanford as published by McClelland and Stewart and as revised from time to time.
 - (b) In any case for which provision is not made in this By-law or in Robert's Rules of Order the procedure to be followed shall be as set forth in the guide "Motions: Table of Precedence for Municipal Councillors" as prepared by the Maritime Municipal Training and Development Board.
- 23. The Council or a committee, by unanimous vote, may suspend any rule of order provided for in this bylaw and such suspension shall apply to all sessions of that particular meeting.
- 24. It shall be the duty of the chairman,
 - (a) To open the meeting of Council by taking the chair and calling the members to order;
 - (b) To announce the business before the Council in the order in which it is to be acted upon;
 - (c) To receive and submit, in the proper manner, all motions presented by the members of Council;
 - (d) To put to vote all questions that are regularly moved and seconded and to announce the result;
 - (e) To rule as out of order motions which infringe the rules of procedure or which are illegal or ultra vires of the powers of Council;
 - (f) To restrain members, within the rules of order, when engaged in debate;

(g) To enforce on all occasions the observance of order and decorum among the members;

- (h) To call by name any member persisting in breach of the rules of order of the Council, thereby ordering him to vacate the Council Chambers;
 - (i) To receive all messages and other communications and announce them to the Council;
 - (j) To authenticate, by signature when necessary, all bylaws, resolutions, and minutes of the Council;
 - (k) To advise the Council, when necessary or when referred to for the purpose, on a point of order;
- (l) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (m) To ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council;
- (n) To adjourn the meeting when the business is concluded;
 - (o) To adjourn the meeting, without question put, in the cause of grave disorder arising in the Council Chambers.
25. Every member, prior to speaking to any question or motion, shall raise his hand and wait to be recognized by the chairman. When two or more members raise their hands to speak, the chairman shall designate the member who has the floor and that member shall be the member who, in the opinion of the chairman, first raised his or her hand.
26. No councillor shall speak more than twice on any motion except to explain a misconception of his remarks; however, the mover of a substantive motion shall have the right to speak a third time, if necessary, to reply and sum up in closing the debate.
27. No councillor shall speak more than twenty minutes upon any matter at any one time, without the leave of Council.
28. No councillor shall stand, speak or whisper so as to interrupt any councillor who is speaking in Council.
29. If a councillor wishes to explain a misunderstanding of a point he has made, he shall stand and ask leave of the chair; if permitted, he shall explain only the misunderstanding of his words, without any further comment.
30. When a councillor speaks he shall address his remarks to the chair, confine himself to the matter in question, avoid mentioning personalities, avoid unbecoming language and sit down when he is finished or when his time for speaking has elapsed.

31. The chairman may censure any councillor who:
- (i) while speaking, impeaches the motives of another councillor;
 - (ii) while speaking, treats another councillor with personal disrespect;
 - (iii) passes between the chair and a councillor who is speaking;

- (iv) uses unbecoming language;
 - (v) talks or acts so as to distract a councillor who is speaking;
 - (vi) wilfully violates any role of order.
32. If a councillor considers himself to have been personally aggrieved by a censure of the chairman he may appeal from such censure to the Council.
33. Any such councillor may speak on his own behalf in relation to any such censure being appealed to Council, but he shall withdraw from the Council Chambers before the Council proceeds to consider and vote on the matter.

POINTS OF ORDER

34. The chairman shall, and any councillor may, call to order any councillor who violates any role of order.
35. When a councillor speaks to a point of order, the question of order shall be decided before the matter under discussion is proceeded with, and when any councillor is called to order he shall take his seat until the point of order is determined.
36. The chairman shall decide on points of order and the chairman may make a decision immediately or may permit debate on the point of order before making a decision.
37. The decision of the chairman may be challenged by a motion from the floor, which must be duly seconded, to dissent from the ruling of the chair. Such a motion is not debatable and the chairman shall forthwith put the question in this manner "Shall the decision of the chair be sustained?".
38. If the question does not receive majority support, the ruling of the chairman on the point is not sustained and is overturned.

MOTIONS

39. When a motion is before the Council and under debate no other motion shall be entertained until the motion under debate is decided, except for the following:
- (a) A motion in amendment to the original motion;
 - (b) A motion to refer the matter, including the motion, to any board, or committee or staff member or members;
 - (c) A motion to close the debate at a specified time;
 - (d) A motion that the motion be now put;

(e) A motion to adjourn.

40. A motion to refer a matter shall state to whom the matter is referred, what information is desired and when the matter shall be brought back to the floor of Council to resume consideration and debate.
41. Motions which are simply postponing, deferring consideration or tabling motions shall not be proper motions at any time and shall be ruled out of order.
42. A motion to adjourn shall always be in order, except in the following cases:
 - (a) When a councillor is speaking;
 - (b) When the Council is voting;
 - (c) When the preceding motion was one of adjournment.
43. No debate shall be allowed on the following motions:
 - (a) A motion that the debate be closed at a specified time;
 - (b) A motion to adjourn;
 - (c) A motion to reconsider an earlier decision of Council except as allowed in section 54;
 - (d) A motion for leave for any person, not a member of Council, to address the Council;
 - (e) A motion to change or suspend the order of business;
 - (f) A motion to allow a member to speak more than the prescribed number of times;
 - (g) A motion to dissent from the ruling of the chair on a point of order.
44. Limited debate only shall be allowed on the following motions:
 - (a) A motion to refer a matter to a board or committee or staff member or members and to be brought back to Council at a specified time may be debated only as to whom the matter is to be referred, what specific information is desired, or when the matter shall be brought back to the floor of Council;
 - (b) A motion that the motion be now put shall not be voted on until after every member who has not spoken on the motion already, and who wishes to speak, has been heard.

AMENDMENTS

45.
 - (1) An amendment must be relevant to the subject matter of the motion under debate and no amendment shall be allowed which, in the opinion of the chairman, has the effect of nullifying the motion under debate.

- 2) An appeal shall lie to the members of the Council from any decision of the chairman on the relevancy or acceptance of an amendment and the appeal shall be handled similarly to an appeal of the chairman's decision on a point of order.
46. Each amendment, when properly on the floor, shall be decided or withdrawn before the main question is put to a vote.
47. No more than two amendments, consisting of an amendment and a subamendment shall be received by the chairman or considered by Council at any one time.
48. The chairman shall make all efforts to clarify the wording being voted on when Council is ready to vote on a subamendment, an amendment and then the main motion.

RESUME CONSIDERATION

49. A motion to resume consideration shall be in order when a matter comes up on the agenda as a result of being earlier referred from the floor of Council to be studied by a board or committee or staff member or members.

RECONSIDERATION

50. After a question has been decided, whether in the affirmative or the negative, and after the decision has been announced from the chair any member of the Council may give notice that he or she will move a reconsideration of the question at the next meeting of that body.
- 51A Such notice of reconsideration may be made verbally at the same meeting, or in writing before the next meeting of Council on the condition that the written notice is received by the office of the Deputy Clerk not more than three business days after the said meeting.
- 51B Reconsideration shall be entertained at the next meeting.
- 52 The substantive motion to be reconsidered does not come back on to the floor of Council for debate until the motion to reconsider has been moved, seconded and has received the majority vote of Council.
53. A motion to reconsider shall not be debatable except that the member who gave the notice of motion to reconsider has the privilege of stating his reasons for doing so.
54. Any question shall not be reconsidered more than once; nor shall a vote on a motion to reconsider be reconsidered.

NOTICE OF MOTION

55. Verbal notice of motion should be made at a meeting if a member is intending to bring up an important or complicated matter for discussion at the next meeting of the same body.

56. If such verbal notice of motion is made, that member shall provide a written copy of the notice of motion to the Clerk on the day that the verbal notice of motion is made so as to provide staff adequate time to prepare any background material which might be useful in the deliberations of Council and so that the items may be properly described on the agenda for the next meeting.
57. As an alternative to the procedure in sections 57 and 58, a written notice of motion may be initiated between meetings on the condition that it be mailed to each councillor at least five (5) days before the next meeting of the body to which it will be presented.
58. When a member is absent from a meeting for which he or she has previously given a notice of motion, such motion may be taken up by any other member at that meeting and that other member may make a motion in accordance with the notice of motion.
59. (a) A motion in the case of urgent and pressing necessity may be added to the Agenda of Council at the time of Approval of the Agenda, without previous debate or notice being given only by the unanimous consent of the Councillors present.
(b) When a member's notice of motion has been called for from the chair at two successive meetings and has not been proceeded with, it shall be dropped from the agenda, and deemed to have been withdrawn, unless Council otherwise decides.

PETITIONS

60. Every ratepayer or resident of the Town, and every corporation doing business therein, shall have the right to be heard before Council by petition and every petitioner shall be entitled to be heard at the time of presentation of the petition.
61. Persons accompanying the petitioner may be heard, in support of such petition, if they have obtained consent by a majority vote of the Council.
62. Every petition shall be presented to the Council either by a member of Council or by the Clerk and the individual presenting the petition shall be prepared to advise Council that the petition does not contain any impertinent or improper matter and that the petition shows due respect and reverence in its language and contents.
63. When petitioners, or person speaking in support of a petition, address Council, they shall exhibit the utmost of respect and reverence for the Council and its members both in speech and in action; and they shall at no time argue with the Council in answer to any question put by the Council or by a Council member, but they shall answer the same respectfully.
64. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

65. The filing of a petition with the Clerk shall be done at least one week before the first day of the meeting of Council at which it is to be considered, and the Clerk shall keep a book containing a record of all petitions so filed.

VERBAL PRESENTATIONS (DEPUTATIONS)

66. Any persons who are not members of Council or officers of the Town shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this bylaw. Any such persons disturbing the proceedings of Council shall be called to order by the chairman and, if they fail to comply, shall be ordered, by the chairman to leave the Council Chambers.
67. (1) A person, not a member of Council, shall be heard with permission of the Council; and such person shall be limited to ten minutes in addressing the Council.
- (2) Any delegation, wishing to address the Council, shall give notice of such request to the Clerk at least two clear days prior to the Council meeting at which such delegation is to appear.
68. All clauses in this bylaw, except the ones under the headings "ELECTIONS" and "MEETINGS" shall apply to meetings of councillors when meeting as "CommitteeoftheWhole" and, in such cases, the words "CommitteeoftheWhole" shall be read in the place of the word "Council".
69. That the General Bylaw of the Town of Berwick, sections 1 to 37, are repealed in their entirety and are of no more force and effect.

History of this Bylaw:

Enacted - January 11, 2000