

# MUNICIPALITY OF THE COUNTY OF KINGS



**For By-Law information contact the Municipal Clerk**

Tel: (902) 678-6141 Fax: (902) 678-9279 E-mail: [municipalclerk@countyofkings.ca](mailto:municipalclerk@countyofkings.ca)

## BY-LAW # 64

### MEETINGS AND PROCEDURE BY-LAW

#### DEFINITIONS

1. In this By-Law all words shall have their meanings as described in standard English dictionaries except for the following:
  - (a) "Chair" 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 Councillor appointed by Council to preside.
  - (b) "Meeting" means a regular or special meeting of Council and covers the period of time in which Councillors 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.

- (g) "Regular debate" means no Councillor shall speak more than twice on any motion except to explain a misconception of his/her 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.
- (h) "Limited debate" means no Councillor shall speak more than once on the motion except to explain a misconception of his/her remarks. See paragraph 41 a and b for limited debate rules.

## ELECTIONS

2. The Council shall elect a Deputy Mayor at the first meeting after the election of the Council.
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 Chair shall declare that person elected to the office in question, by acclamation.
5. In the election of Deputy Mayor, where more than two persons are nominated 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. If a majority of the Councillors are unable to agree upon the choice of a Deputy Mayor, one additional vote shall be held and if the vote is still tied, the Clerk shall determine the Deputy Mayor from the two leading candidates by lot as provided in the Municipal Elections Act.

## 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 Municipal Complex.
7. Every meeting of Council shall be presided over by the Mayor or, in his/her absence, by the Deputy Mayor (Section 15 of the Municipal Government Act).
8. If both the Mayor and the Deputy Mayor are absent, the Council may appoint a Chair from the Councillors present (Section 15 of the Municipal Government Act).
9. Except as otherwise provided in Subsection 22(2) of the Municipal Government Act, Council meetings and meetings of committees appointed by Council are open to the public.
10. The meetings shall convene at times established by a resolution of Council.

### ROLL CALL AND QUORUM

11. A majority of the Councillors (and the Mayor or Chair is considered a Councillor) shall constitute a quorum for the transaction of business (Section 20(1) of the Municipal Government Act).
12. At the time appointed for any meeting of the Council, if ten minutes elapse without a quorum being present, the Councillors 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.
13. A Councillor not present at roll call may have his/her 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 Clerk to that fact immediately on arrival.
14. Council may excuse, by resolution, the extended absence of a Councillor if it feels there is just cause.
15. A Councillor who, without the leave of Council, is absent from three consecutive regular meetings of Council shall there by vacate his/her office, and the office shall be declared vacant by the Council (Section 17(4) of the Municipal Government Act and Section 18(6) of the Municipal Elections Act).

### MINUTES

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

### VOTING

17.
  - (a) When required 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) All votes by Council will be recorded by the electronic voting system, except when the electronic voting system is not functioning, in which case a show of hands will be used.

- (d) Subject to the Municipal Conflict of Interest Act and Sections 205(7) and 230(3) of the Municipal Government Act, all Councillors present, including the person presiding, shall vote on a question.
  - (e) Any Councillor who fails or refuses to vote and who is required to vote by the preceding Subsection, shall be deemed as voting in the negative.
18. As to the proceedings of Council, unless otherwise prescribed by statute, all questions arising in Council shall be decided by a majority of votes and the Chair shall have a right to vote on all questions under consideration by 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).

### RULES OF DEBATE

19. The rules and regulations contained in this By-Law 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 "Part II Bourinot's Rules of Order 4th revised edition" by Geoffrey Stanford as published by McClelland and Stewart and as revised from time to time.
20. The Council or a committee, by unanimous vote, may suspend any rule of order provided for in this By-Law and such suspension shall apply to all sessions of that particular meeting.
21. It shall be the duty of the Chair,
- (a) To open the meeting of Council by taking the Chair and calling the Councillors 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 Councillors;
  - (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 beyond the powers of Council;
  - (f) To restrain Councillors, 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 by-laws, 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 by-laws governing the activities of the Council;
  - (n) To adjourn the meeting when the business is concluded, and;
  - (o) To adjourn the meeting, without question put, in the cause of grave disorder arising in the Council Chambers.
22. Every Councillor, prior to speaking to any question or motion, shall activate the light button and wait to be recognized by the Chair. When two or more Councillors have so indicated their desire to speak, the Chair shall designate the Councillor who has the floor.
23. No Councillor shall speak more than twice on any motion except to explain a misconception of his/her remarks. A Councillor's first speech shall not exceed five (5) minutes and their second speech shall not exceed two (2) minutes, provided that the mover of a substantive motion shall be given the opportunity to speak last in reply and sum up in closing the debate.
24. No Councillor shall stand, except to call point of order, speak or whisper so as to interrupt any councillor who is speaking in Council.
25. If a Councillor wishes to explain a misunderstanding of a point he/she has made, he/she shall ask leave of the Chair; if permitted, he/she shall explain only the misunderstanding of his/her words, without any further comment.
26. When a Councillor speaks he/she shall address his/her remarks to the Chair, confine himself/herself to the matter in question, avoid mentioning personalities and avoid unbecoming language.
27. The Chair may censure any Councillor who:

- (i) while speaking, questions 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.
28. If a Councillor considers himself/herself to have been personally aggrieved by a censure of the Chair he/she may appeal from such censure to the Council.
29. Any such Councillor may speak on his/her own behalf in relation to any such censure being appealed to Council, but he/she shall withdraw from the Council Chambers before the Council proceeds to consider and vote on the matter.

#### POINTS OF ORDER

30. The Chair shall, and any Councillor may, call to order any Councillor who violates any role of order. A Councillor raising a point of order shall stand and verbally state "Point of Order".
31. 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 the Councillor shall refrain from speaking until the point of order is determined.
32. The Chair shall decide on points of order and the Chair may make a decision immediately or may permit debate on the point of order before making a decision. Where the Chair permits debate on a point of order, subject to Section 31, no Council Member shall speak more than once on the matter and no Council Member shall speak for more than five (5) minutes.
33. The decision of the Chair may be challenged by a motion from the floor, which must be duly seconded, to dissent from the ruling of the Chair in this manner "I challenge the ruling of the Chair". Such a motion is not debatable and the Chair shall forthwith put the question, "Shall the decision of the Chairperson be sustained?"
34. If the question does not receive majority support, the ruling of the Chair on the point is not sustained and is overturned.

MOTIONS

35. 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) One 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; provided however, that a motion to refer shall not be accepted until each Councillor has had the opportunity to speak once on the main motion;
  - (c) A motion to close the debate at a specified time;
  - (d) A motion that the motion be now put to a vote;
  - (e) A motion to adjourn.
36. 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.
37. 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.
38. 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 44;
  - (d) A motion for leave for any person, not a Councillor, to address the Council;
  - (e) A motion to change or suspend the order of business;
  - (f) A motion to allow a Councillor 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.

39. 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 tabled shall not be voted on until after every Councillor who wishes to speak has been heard.

#### AMENDMENTS

40. 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 Chair, has the effect of nullifying the motion under debate.
41. No more than two amendments, consisting of an amendment and a sub-amendment shall be received by the Chair or considered by Council at any one time.
42. The Chair shall make all efforts to clarify the wording being voted on when Council is ready to vote on an amendment and then the main motion.

#### RESUME CONSIDERATION

43. 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.

#### NOTICE OF MOTION

44. 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 two-thirds majority of the Councillors present.

#### PETITIONS

45. Every ratepayer of the Municipality, and every corporation doing business therein, shall have the right to submit a petition to Council and the petitioner shall be entitled to be heard at the time of presentation of the petition.
46. Persons accompanying the petitioner may be heard, in support of such petition, if they have obtained consent by a majority vote of the Council.

47. 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.
48. The filing of a petition with the Clerk shall be done at least one week before the meeting of Council at which it is to be considered.

### DECORUM

49. Any persons attending a meeting who are not Councillors or employees of the Municipality shall observe silence and order in the Council Chambers during the proceeding of Council. Any such persons disturbing the proceedings of Council shall be called out of order by the Chair. If such person fails to comply, they shall be ordered, by the Chair to leave the Council Chambers.

### COMMENTS FROM THE PUBLIC

50. With the exception of the agenda item titled "Comments from the Public," following adjournment of a meeting, no person who is not a Councillor shall be heard without permission of the majority of Council and such person shall be limited to ten minutes in addressing the Council. This excludes comments on matters where there are existing meeting procedures with First or Second Readings, or other matters that have a public process in place.

### CLARIFICATION

51. All clauses in this By-Law, except the ones under the headings "ELECTIONS" and "MEETINGS" shall apply to meetings of Councillors when meeting as "Committee of the Whole" and, in such cases, the words "Committee of the Whole" shall be read in the place of the word "Council".

### History of this By-Law

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| Enacted | September 1, 1981   |
| Amended | June 4, 1985<br>January 7, 1992<br>March 2, 1993<br>June 4, 1996<br>June 3, 1997<br>January 6, 1998<br>March 4, 2000<br>April 4, 2000<br>June 4, 2002<br>March 1, 2005<br>May 2, 2006 |

January 2, 2008

June 24, 2010

December 4, 2012

July 7, 2015

August 2, 2016 (effective November 1, 2016)