

BY-LAW NO. 8 -AMENDED
A PROCEDURAL BY-LAW FOR THE COUNCIL OF the Municipality of Lakeland Ridges

PURPOSE: A By-law of Municipality of Lakeland Ridges, in the Province of New Brunswick, for the purpose of establishing the proceedings of the Council of Municipality of Lakeland Ridges.

WHEREAS: Subsection 10(2)(a) of the *Local Governance Act*, authorizes and requires local governments to establish a by-law respecting the procedures at council meetings, including any matters prescribed by regulation and

WHEREAS: The Minister of Local Government and Local Governance Reform may make or amend by-laws of a restructured local government as per *An Act Respecting Local Governance Reform*, subsection 11(2);

WHEREAS: The enactment of this by-law repeals the following by-law(s);

By-law No. 1 A Procedural By-Law for the Council of Municipality of Lakeland Ridges;
By-Law No. 1.1 A By-Law to amend By-Law No. 1, a By-Law Respecting Procedures for the Council of the Municipality of Lakeland Ridges

BE IT ENACTED by the Minister of Local Government and Local Governance Reform as follows:

1. TITLE:

- a) This By-Law shall be cited as the “Proceedings of Council”.

2. APPLICATION:

- a) This proceeding of council by-Law:
 - i. applies to the following:
 - I. all members of the council, including mayor, deputy mayor and councillors, and
 - II. all members of staff required or requested to attend council meetings, and
 - III. any members of the public appearing at council meetings.
 - ii. shall be used for the order and dispatch of business in council and committees.

3. DEFINITIONS:

- a) "Clerk" means a clerk of Municipality of Lakeland Ridges appointed under Section 71 of the *Local Governance Act*;
- b) "Chair" means the member of council presiding over council meetings
- c) "Closed" means a meeting of Council not open to the public, so convened in accordance with the *Local Governance Act*;
- d) "Council" means the mayor and councillors of Municipality of Lakeland Ridges;
- e) "Committee of the Whole" means a committee that consists of all council members, meeting collectively as a single committee, and whose meetings are open to public. Committee of the Whole does not have the authority to make final decisions: instead, its primary purpose is to engage in thorough examination and debate on the issues at hand.
- f) "Point of information" means the procedural mechanism by which a member may rise to present or receive information of interest to the council;
- g) "Point of order" means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed;
- h) "Point of privilege" means the procedural mechanism by which a member may rise to address incorrect, defamatory or slanderous statements made about the council, members or civic staff;
- i) "Decorum" means the customs of formality and courtesy observed by the members and chair in a meeting, which are in line with the rules, customs, and standards set forth in this by-law, or the procedural reference text. It implies conducting oneself with professionalism, courtesy, and respect for the established protocols and etiquette during meetings and maintain order and respectable behavior in a meeting.
- j) "Quorum" means a majority of those members of council.

4. MEETINGS OF COUNCIL

- a) The council shall hold its first meeting in accordance with Section 35 of the *Local Governance Act*.
- b) At its first meeting, the council shall select a deputy mayor from among the councillors by verbal vote, for a term of *four (4)* years.

- c) The Council shall hold its regular meetings in Council Chambers on the *second (2nd) Monday* of the month at 7:00pm. If that second (2nd) Monday of the month is a holiday, the meeting shall be held on the following day (Tuesday) of that week. The notice of the regular meeting shall be posted on the municipal website one week prior to the meeting date.
- d) Council meetings will end by 9:00 p.m., at the latest, with the Chair declaring the meeting adjourned, unless at least two-thirds of members of council present agree to one (1) ten-minute extension in an effort to complete the current agenda item only.
- e) The clerk, after consultation with the mayor, shall be responsible for preparing and circulating the agenda, with a time limit (to be managed by the mayor) per agenda item, for all meetings of the council. The deadline for agenda submissions for a regular meeting of council shall be noon on the Thursday prior to a meeting, and the clerk will make no exceptions if asked by a council member to add an item to the agenda after that deadline unless directed by the mayor.
- f) The agenda of a regular council meeting, along with accompanying reports and information, shall be distributed by the clerk to the council by noon on the Friday prior to the scheduled meeting. In addition, the agenda will be posted on the municipal website the same day.
- g) Mayor, CAO, Treasurer and all committee chair report's, along with any supporting documents, must be submitted to the clerk by noon on the Friday prior to the scheduled meeting.
- h) The agenda for meetings of council may be altered, prior to adoption, with a majority vote. After adoption, changes to the agenda require a two-third vote.
- i) A quorum must be present at all regular and special meetings of the council. If quorum is not present after one-half (1/2) hour, the clerk shall record the names of the Council members present and the meeting shall stand adjourned until the next scheduled regular meeting or a special meeting is scheduled in accordance with subsection 4(h).
- j) The mayor or a majority of the council upon written petition, may, at any time, call a special meeting of the council on twenty-four (24) hours' notice to the clerk and members of council.
- k) Notice of any special meetings shall be circulated in writing to members of council by the clerk. The notice of a meeting shall be posted to the local government's website.
- l) The council shall not consider any business at a special meeting except matters specified in the notice unless all members of the council present at the special meeting agree.

- m) Meetings of council, or Committee of the Whole, where municipal matters are discussed, even if no decisions are made, must be open to the public and the clerk must be present.
- n) Any meeting of the council may be closed to the public as stipulated in Section 68 of the *Local Governance Act*.
- o) Regular meetings of council will be visually and audibly recorded using electronic means and simultaneously broadcast via the internet. The clerk will maintain such recordings and they will be made available to the public via the local government's website or other means. Committee of the Whole meetings will be audibly recorded only.
- p) Regular meetings of council will include a maximum of 15 minutes of time for public to address council under the Reports/Presentations/Petitions agenda item. This would be for one-way comments to council. A time limit of three minutes per person will be allocated.
- q) Requests to address council must be registered with the clerk seventy-two (72) hours before the deadline to finalize the agenda under 4(e) above. The clerk, in consultation with the mayor, reserves the right to refuse such a request and may provide explanation.
- r) The agenda for regular meetings of council will follow the format provided in Appendix A to this by-law.

5. ELECTRONIC MEETINGS:

- a) It is permitted to use electronic means of communication in a council meeting or a committee of council meeting if it allows members of council to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the members.
- b) Any individual participating in a meeting electronically must advise the clerk one (1) days prior to the meeting.
- c) If a closed session occurs, the members who are participating electronically shall, at the beginning of the meeting, confirm that the member is alone.

6. PROCEDURE FOR ALL MEETINGS OF THE COUNCIL:

- a) The mayor shall chair all meetings. If the mayor is unable to chair a meeting, the deputy mayor shall act as chair for the meeting.

- b) In accordance with the *Local Governance Act*, the mayor is a voting member of council.
- c) Except as otherwise provided, no member shall speak without being recognized by the chair.
- d) Once a motion is made and seconded, the mover shall have the privilege of speaking first and of closing debate.
- e) In the debate, each member has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question so long as any member who has not spoken on that question desires the floor. A member who has spoken twice on a particular question on the same day has exhausted their right to debate that question for that day.
- f) A member of the council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease, and the matter shall be clearly stated by the member and, if applicable, ruled upon by the chair.
- g) A member of council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- h) All members of the council shall follow the rules set forth in the Code of Conduct By-Law. No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the public, or use offensive or profane language.
- i) Unless disqualified to vote by reason of conflict of interest, every member of the council present shall announce their vote openly and individually, and the clerk shall record it.
- j) Members of the public shall not be entitled to address the council during the meetings unless the clerk has been notified, as per timeframe outlined under 4(o), prior to the council meeting, and the item has been added to the agenda of the meeting.
- k) Any person, after three warnings, or at the discretion of the chair, may be required to leave the meeting who:
 - i. breaches this by-law, or any parliamentary rules as provided by the procedural reference text (Robert's Rules of Order and/or Bourinot's Rules of Order);
 - ii. behaves in a disorderly manner; or
 - iii. uses threats or profane language in debate.

In a situation where the Chair deems it necessary to adjourn the meeting due to grave disorder, he or she may do so without debate or vote. If a meeting is adjourned due to grave disorder, council may not elect another member to Chair the meeting to continue the proceedings *and all members must leave the building immediately.*

7. MINUTES

The clerk shall record objectively, without note or comment:

- a) the place, date and time of the meeting,
- b) the name of the presiding officer and the attendance of Council members,
- c) the reading, if required, correction and adoption of the minutes of prior meetings,
- d) all resolutions, decisions and proceedings of the meeting, and
- e) although introductory or explanatory paragraphs are allowed, the minutes shall not contain what member have said, but what rather what council has decided.
- f) The minutes shall be distributed to council within 7 business days after a regular or Committee of the Whole meeting.

8. COMMITTEES

- a) Council may meet in Committee of the Whole between meetings of council (Section 4) as needed, to examine and debate issues without making or deciding resolutions.
- b) The council may only establish or abolish committees by a resolution of council. The council shall appoint, to such committees, members who are qualified voters of the local government. Committees of the council shall have at least one member of the council on the committee.

AMENDED: The council may only establish special or ad hoc committees by a resolution of council. The council shall appoint persons who are either qualified voters or property owners and taxpayers of the local government thereto. Special or ad hoc committees shall have at least one member of the Council on the committee. (motion to the amendment can be found on Appendix B)

- c) The council shall approve by way of resolution the mandate and membership of each committee. Committee descriptions, current membership, and any vacancies will be posted on the local government's website, along with a mechanism for residents to express an interest in serving on committees.
- d) The council may only establish special or ad hoc committees by a resolution of council. The council shall appoint persons who are qualified voters of the local government thereto. Special or ad hoc committees shall have at least one member of the Council on the committee.
- e) The mayor maybe a member of all committees or may appoint a member of the council to attend any committee meeting on the mayor's behalf.
- f) The committee chair shall send notice of meetings to the clerk and to each member of the committee at least forty-eight (48) hours before the time of the meeting. Such notice will include the time, date and location for the committee meeting, along with the proposed agenda. The clerk will post the notice and agenda to the municipal website.
- g) The clerk, deputy clerk or a designated recorder, shall record the minutes of all committee meetings. It will be at the council's discretion to determine which committees require a clerk present and which may use a designated recorder. The minutes shall be circulated to all members of the committee. Minutes of committee meetings shall be provided to the clerk within seven (7) days of the approval of the minutes.
- h) Meetings of committees where municipal matters are discussed, even if no decisions are taken or recommendations are made, must be open to public.

9. OTHER PROCEDURAL MATTERS

- a) When a matter or proceeding is not contemplated by this by-law or a provincial Act, the chair will use *Robert's Rules of Order* and/or *Bourinot's Rules of Order* as the procedural reference text.

10. EFFECTIVE DATE

This by-law comes into effect on the date of final reading and enactment thereof.

Read First Time: July 8th, 2024
(In its Entirety)

Read Second Time: July 8th, 2024
(By Title Only)

Read Third Time: August 12th, 2024
(By Title Only) and ENACTED

MAYOR
Leonard Foster

CAO/Clerk
Susan Patterson

Appendix A

The business of regular meetings of council will be addressed in the following order:

1. Call to Order
2. Approval of the Agenda
3. Declaration of Conflicts of Interest
4. Adoption of Minutes
5. Public Input/Inquires/Presentations (maximum of 15 minutes)
6. Unfinished Business/Business Arising from the Minutes
7. Correspondence
8. Questions regarding the Mayor's Report
9. Questions regarding the Council Member Reports
10. Questions regarding the CAO's Report
11. Questions regarding the Treasurer's Report
12. New Business
13. Upcoming Activities/Events
14. Closed Session
15. Date & Time of Next meeting
16. Adjournment

Appendix B

Motion to amend section 8 b)

MOTION: It was moved by Councillor Budd and seconded by Councillor Yerxa to amend the Procedural by-law, section 8, item b) to read “The council may only establish special or ad hoc committees by a resolution of council. The council shall appoint persons who are either qualified voters or property owners and taxpayers of the local government thereto. Special or ad hoc committees shall have at least one member of the Council on the committee.

7 Yay votes

1 Nay vote by Councillor Buckingham

Motion carried #84-2024