



RULES OF PROCEDURE

POL-01

AUTHORITY

Whereas Section 24 of *The Municipalities Act* requires that every Council shall adopt rules of procedure for its meetings, therefore, the Council of the Town of Bonavista enacts the following rules and regulations: -

Regular Meetings of Council

1. Regular meetings of Council shall be held on Mondays in the Council Chamber of the Town Hall, or at the call of the Chair. They will commence at 6:00p.m. and will be limited to a maximum duration of 2 hours. Meeting will be determined at least one month in advance and publicly posted.

Special Meeting of Council

2. In accordance with Section 27 of *The Municipalities Act*, special meetings of Council may be called by either the Mayor or any two members of Council by giving written notice to the CAO or designate.

Notice

3. Notice for all meetings of Council shall be by way of the agenda, which shall be provided to all members of Council of meetings approved by motion of Council.
4. Notice of meetings shall be a minimum of forty-eight (48) hours except meetings to deal with matters of an urgent nature which shall be at the call of the Chair extending as much notice as reasonably possible. Notice shall be deemed to have been given if it is delivered by hand to a Councillor, left at his place of residence, or sent electronically. The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

Meeting on a Legal Holiday

5. When the day fixed for a meeting of Council falls on a legal holiday, the said meeting may be held on the next day following which is not a legal holiday or may be postponed until the following regular scheduled meeting.

Presiding officer

6. The Mayor shall preside at all meetings of Council. In his absence, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the CAO shall take the Chair, call the members to order, and if a quorum is present, a Chairman shall be appointed from among the Councillors present. Such Chairman shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

Quorum

7. In accordance with Section 211 of *The Municipalities Act*, a quorum shall consist of a majority of Councillors as established under Section 13.
8. The Chair will not be obligated to review what has been previously discussed prior to the late arrival of any Councillor at a public meeting; relevant information shall be imparted to the latecomer by way of copy of the minutes when they are completed.

If no Quorum

9. If there is no quorum present within fifteen minutes after the time appointed for holding a meeting, the CAO shall call the roll and take down the names of the members then present. The meeting shall then stand adjourned until the next regular meeting.

Attendance

10. In addition to the Mayor and Councillors, the following persons shall attend all meetings of Council:
 - a. the Town Clerk or designate;
 - b. the Town Chief Administrative Officer or designate.
11. Department heads and other employees of Council shall attend meetings of Council when requested to do so by Council or the Town Chief Administrative Officer.
12. In accordance with Section 24 (1 & 2) of *The Municipalities Act*, a Council may allow a Councillor to participate in a meeting by electronic means where the electronic means enables the Councillor to listen to the proceedings and to be heard. A councillor participating in a meeting by electronic means is considered to be in attendance at the meeting.

Meetings Open to the Public

13. In accordance with Section 213 (1) of *The Municipalities Act*, every meeting of Council shall be open to the public, unless it is held as a privileged meeting or declared by a vote of the Councillors present at the meeting to be a privileged meeting.
14. Where a meeting is held as or declared to be a privileged meeting, all members of the public present at the meeting shall leave.
15. In accordance with Section 213 (3) of *The Municipalities Act*, where a decision is made by the Councillors at a privileged meeting, the decision, in order to be valid, shall be ratified at the next public meeting of Council.

Minutes

16. Minutes of meetings of Council shall be recorded by the CAO or designate. Such minutes shall contain:
 - a) All motions and resolutions coming before Council, including the names of the movers and seconders thereof;
 - b) The title or brief description of all reports, petitions and other documents submitted to Council. Reports accepted by Council shall be attached to the minutes.

Correction of Minutes

17. If any member of Council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

Agenda

18. Prior to each regular meeting of Council, the CAO shall prepare an agenda of all business to be brought before the Council. As indicated in Rule 4, the agenda is to be distributed to Councillors forty-eight hours prior to Council meetings.
19. Any member of Council, up until 4:00 p.m. of the Wednesday prior to the Council meeting, may submit to the CAO an item for inclusion on the agenda.

20. The format of the agenda shall be as follows:

- i. Calling to order.
- ii. Approval of the Agenda.
- iii. Delegations / Proclamations / Presentations.
- iv. Adoption of Minutes.
- v. Business arising from the Minutes.
- vi. Administrative Reports.
- vii. Finances (Accounts Payable).
- viii. Permits.
- ix. Correspondence.
- x. Notices of Motions.
- xi. Councillors' Concerns.
- xii. Adjournment.

Agenda for Special Meetings

21. When a special or privileged meeting is called for the consideration of some matter, the order of business as set out in Rule 19 shall not apply. Council shall proceed immediately to consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by majority vote.

Delegations, Proclamations, Presenters

22. Council shall request the attendance of a person, including staff at any council meeting. The person shall have up to 15 minutes to speak. After which they may only speak if they are called upon by council.

23. A person may submit a request in writing to attend and speak at a council meeting. Council will review the request and respond in writing with a date to attend. The Delegation, Proclamations or Presenter shall have up to 15 minutes to speak. After which they may only speak if they are called upon by council.

Order and Decorum

24. The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times.

25. Observers in the meeting are not permitted to address the meeting or engage conversation during the meeting. This can be excepted at the discretion of the Chair if it is deemed possible that the observer could have new information that would be pertinent to the subject at hand.
26. All cell telephones or other communication devices with the exception of computer equipment provided for the conduct of the meetings must be turned off or turned to silent prior to the commencement of all meetings.

Disorderly Persons

27. The presiding officer may expel and exclude from a meeting any member of Council or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a member of Council, an entry shall be made in the minutes of the reason for such exclusion.
28. Any member expelled from a meeting under the provisions of Rule 24 may be permitted, by a majority vote of Councillors at the meeting in progress, to resume his place after making an apology to the presiding officer.

Notice of Motion

29. Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda in the manner set out in Rule 18.

Motions During Debate

30. When a question is under debate, the following non-written motions shall be in order:
 - i. To extend the time of the meeting.
 - i. To refer or commit.
 - ii. To amend.
 - iii. To lay on the table.
 - iv. To postpone indefinitely.
 - v. To move the previous question.

Motions to be Seconded

31. Every motion shall be seconded before being put or debated.

Withdrawal of Motions

32. When a motion has been moved and seconded, it cannot be withdrawn except with the permission of Council and the mover and seconder, and then only before a decision has been taken or an amendment made.

Division of Motion

33. Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon the request of any member, be divided if the sense of the motion permits. The vote on each such division shall be taken separately. If a motion cannot reasonably be so divided, any request to do so shall be declared out of order by the presiding officer.

Addressing the motion

34. Members of Council shall address their remarks to the presiding officer and confine themselves to the question at hand.

Entitlement to Speak

35. If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

Call to Order

36. The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended, and the member called to order shall not speak again until the point of order has been decided.

Appeal on a Point of Order

37. In accordance with Section 427 of *The Municipalities Act*, the decision of the presiding officer on a point of order is subject to an appeal to Council which is to be decided by majority vote without debate.

Member speaking not to be Interrupted

38. When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain or ask a question.

Length of Debate

39. No member, without the consent of Council, shall speak longer than five minutes at any one time, or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

Rereading of Motion

40. Any member of Council may require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a member speaking.

Voting

41. All voting on any question before Council shall be carried out and recorded as per Section 212 of *The Municipalities Act* or under these Rules.
42. A motion or resolution before a Council shall be decided by a majority vote of the Councillors in attendance at the meeting except where a 2/3 vote of the Councillors in office is required.
43. A Councillor shall not abstain from voting on a motion or resolution before the Council unless he or she is required to abstain from voting because of a conflict of interest under section 207 or he or she has been permitted to abstain by a majority vote of the other Councillors in attendance at the meeting.
44. Where a Councillor abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of Councillors in favour of the motion or resolution is equivalent to or more than a majority of the Councillors in attendance at the meeting.
45. The minutes of a Council meeting shall indicate the names of the Councillors who vote for and against and who abstain from voting on a motion or resolution.
46. Where there is a tie vote on a motion or resolution, that motion or resolution shall be considered to be defeated.

Recorded Vote

47. Any member of Council may request that the vote on any question before Council be recorded and the CAO or designate shall record the names of those voting in favour, those voting against, and those abstaining on every motion. Those who are silent when the vote

is being taken are agreeing to whatever decision is made by those who vote and will be recorded as voting with the prevailing side as announced by the Chair as the motion being carried.

No Secret Ballot

48. No vote shall be taken in Council by ballot or by any other method of secret voting.

Reconsideration

49. Any question, except one of indefinite postponement, or one that has resulted in a tie vote may be reconsidered, providing a notice of motion of reconsideration is given in accordance with Rule 26.

50. If the motion to reconsider is carried by majority of members present and voting, the main question shall then be read and will be opened to debate the same as an original motion.

Tie Vote

51. In accordance with Section 212 (5) of *The Municipalities Act*, where there is a tie vote on a question, the question will fail and shall be raised again at the next following meeting of Council. If there is again a tie vote on the question it shall fail and shall not be raised again for at least three months.

Motion to adjourn

52. A motion to adjourn is always in order except when:

- i. A member is addressing the Chair;
- ii. A vote is being taken;
- iii. It has been decided that the previous question shall be taken.

53. A motion to adjourn the Council meeting or adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the Council meeting or the debate to a given day may be amended and is open to debate.

54. No second motion to adjourn the Council meeting or the debate shall be made until some intermediate proceedings have transpired.

Previous Question

55. The “previous question” shall preclude amendments of the main question and shall be put in the following words: “That the question now be put.” If the motion is resolved in

the affirmative, the original question shall be voted on immediately without amendment or debate. If the motion is defeated, then the main question may then be debated and amended.

Motion to postpone Indefinitely

56. A motion to postpone indefinitely shall not be amended, and when any questions before Council has been postponed indefinitely, it shall not be taken up again during the same meeting.

Motion to lay on the table

57. A motion to lay a question on the table shall not be debatable. However, a motion “to lay on the table” with addition, qualification, or opinion, shall be subject to amendment and debate.

Motion to suspend the rules

58. A motion to suspend the rules requires a two-thirds vote of members the Rules present.

Privilege

59. Whenever a matter of privilege arises it shall be dealt with immediately by Council.

Motion to Refer or commit

60. A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

COMMITTEES

Authority to form

In accordance with Section 25 of the *Municipalities Act*, Council may, from time to time, appoint committees. The Mayor shall be an ex-officio member all committees.

Standing committees

61. Standing committees of Council shall remain in effect for the life of the Council, and members shall be appointed at the first Council meeting of each year.

Special committees

62. Special committees of Council shall remain in effect only until the purpose for which they were set up has been accomplished. Special committees will automatically expire at the end of each year, unless struck again by Council.

Committee of the whole

63. Council may, by majority vote, resolve itself into a committee of the Whole whereby it will operate under the rules for committees as set out hereunder. The Deputy Mayor will assume the Chair, and if the Deputy Mayor is absent, another member of Council shall be elected as Chairman.

Committee Membership

64. Membership on all committees of Council is limited to members of Council

Quorum of Committees

65. A majority of the members of any committee shall constitute a quorum.

Committee Chairman

66. When Council appoints a committee, it shall also appoint one of its members to be Chairman of that committee.

Committee Secretary

67. The CAO or designates shall act as secretary to each committee of Council.

Committee Minutes

68. Prior to the next meeting of the committee, the secretary shall prepare minutes of the previous meeting for submission to and confirmation by the committee.

Committee Report

69. Following every committee meeting, the secretary shall prepare for the Chairman a report on all matters which require Council action.

Conduct of Business in Committees

70. The following rules and regulations shall apply to the proceedings in committees:

- a) The Chairman shall preside at every meeting. In the absence of the Chairman, one of the other members of the committee shall be elected by the members present to preside during the Chairman's absence.
- b) The Chairman may vote on all questions. In case of a tie vote on any motion, the question shall be deemed lost.
- c) No motion need be seconded.
- d) The previous question will not be allowed.
- e) There shall be no limit on the number of times a member may speak.
- f) The votes of members on any question shall be recorded if requested by any member.

Minority Reports

71. Members of a committee dissenting from a report which has been adopted by the majority of a committee, may make and present to Council a minority report. Such report must be presented at the same meeting of Council to which the majority report is submitted and must be signed by the dissenting member(s).

CONFLICT OF INTEREST

72. As set out in Sections 207 – 210 of the *Municipalities Act*, a Councillor shall not vote on or speak to a matter before the Council or a committee of the Council where:

- a. the Councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a Councillor;
- b. the Councillor has a monetary interest directly or indirectly in the matter;
- c. a relative of the Councillor has a monetary interest in the matter; or
- d. the Councillor is an officer, employee, or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in the matter.

73. For the purpose of this section a relative of a Councillor means a father, mother, spouse, cohabiting partner, sister, brother, child, stepchild, ward, mother-in-law, father-in-law, sister-in-law, or brother-in-law of the Councillor.

74. For the purpose of this section

- e. "cohabiting partner" means a person with whom a Councillor is living in a conjugal relationship outside marriage; and
- f. "spouse" means a person to whom a Councillor is married, unless the person and the Councillor have made a separation agreement, or their support obligations and family property have been dealt with by a court order.

75. In order for an interest to be considered as one falling within the prohibition set out in this section it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the municipality.

76. Where a Councilor has an interest as set out hereon, the Councillor shall state that he or she has that interest and state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest and that statement respecting his or her interest shall be recorded in the minutes of the Council, or a committee of the Council, where that statement was made at a committee meeting. Where a Councilor declaring a conflict of interest is the Chair, he or she shall vacate the Chair. Where a Councillor declares a conflict of interest, he, or she shall leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

77. Where one or more Councillors declare a conflict of interest and there is no longer a quorum to vote on the matter, the Minister may direct the remaining Councillors to make a decision on the matter as if those remaining Councillors constituted a quorum.

78. Where all Councilors have declared a conflict of interest the Minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the Councilors should proceed with making a decision, the Minister may exempt the Council and the Councilors may vote on the matter.

79. Where a Councillor is in doubt as to whether he or she has a monetary interest that is a conflict of interest, he or she shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final. A Councillor whose possible conflict of interest is being voted on is not entitled to vote.

CLARIFICATION AND AMENDMENT PROCEDURE

Clarification of rules

80. In all cases where these rules and regulations do not make provision or adequate provision, then *Roberts Rules of Order* shall apply.

Amendment of rules

81. Any motion to amend these rules must be presented to Council in accordance with section 413 of The Municipalities Act and must be passed by a two-thirds majority of members present.

Effective Date

82. These rules and regulations shall become effective upon the date of enactment.

Amendments

Motion No.	Date:	Description:
21-60	October 11, 2021	New Policy Format Adopted