

BY-LAW NO. 3

A BYLAW RESPECTING THE PROCEEDINGS OF SALISBURY MUNICIPAL COUNCIL AND COMMITTEE MEETINGS

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

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); and

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

- By-law No. 38, *Procedure By-law*, of the Village of Salisbury
- By-law No. 38-1, *Procedure By-law*, of the Village of Salisbury

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

I. TITLE

This bylaw shall be cited as the "Meeting Procedures Bylaw".

II. DEFINITIONS

"Act" means the *Local Governance Act*, S.N.B. 2017, c. 18 and regulations made thereunder, as amended.

"Administration" means the employees of Salisbury.

"Agenda" means the agenda for regular or special meetings of Council prepared pursuant to Part VII.

"CAO" means the person appointed to the position of chief administrative officer by Council under the provisions of the Act.

"Clerk" means the person appointed to the position of clerk by Council under the provisions of the Act.

"Council" shall mean the Council of Salisbury.

"Deputy Mayor" shall mean the Member who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor.

“Electronic Communications” shall mean that members of Council may attend a Council meeting through electronic communications. This can include using a telephone with the use of the speaker; via personal computer, or other means as technology advances.

“Mayor” shall mean the Chief Elected Official of Salisbury.

“Member” means a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council committee appointed by Council.

“Notice of Motion” is the means by which a member of Council brings business before Council that is not on the agenda.

“Presiding Officer” means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor any other member of Council chosen to preside at the meeting.

“Public Hearing” means a meeting of Council convened to hear matters pursuant to the Act or the *Community Planning Act*, S.N.B. 2017, c.19.

“Salisbury” means the Corporation of Salisbury.

“Special Meeting” means a special meeting called by the Mayor pursuant to the Act or this by-law.

“Unanimous Consent” means an informal way of taking a vote, used only for routine and non-controversial decisions of a procedural nature.

III. **APPLICATION**

1. Words importing the masculine gender only include the feminine gender whenever the context so requires, and vice-versa.
2. Words importing the singular shall include the plural, or vice-versa, whenever the context so requires.
3. This bylaw applies to all meetings of Council, Committee of the Whole, and Council committees as identified.
4. Where Council makes this bylaw applicable to a Council committee, it shall apply with all necessary modifications, and
 - (a) Any reference to the Mayor shall be treated as a reference to the Presiding Officer of the Council committee;
 - (b) Any reference to a Councillor or Member shall be treated as a reference to a member of the Council committee; and

- (c) Any reference to Council shall be treated as a reference to the Committee.
- 5. To the extent that a matter is not dealt with in the Act or this bylaw, Council shall refer to *Robert's Rules of Order*.
- 6. The precedence of the rules governing the procedures of Council is:
 - (a) the Act;
 - (b) other provincial legislation;
 - (c) this bylaw; and
 - (d) Robert's Rules of Order.
- 7. In the absence of statutory obligation, any provision of this bylaw may be temporarily altered or suspended by unanimous consent of all members present. A motion to temporarily alter or suspend this bylaw is not debatable or amendable.

IV. REGULAR AND SPECIAL MEETINGS

- 1. Subject to the Act, Council shall hold its Regular (Public) Meetings on the second (2nd) Monday of each month, beginning at seven o'clock in the evening (7:00 pm) unless otherwise determined by Council. In the event that Monday is a holiday, the meeting shall be held on the following business day of that week.
- 2. If there are changes to the date and time of a regular meeting, the municipality must give at least twenty-four (24) hours' notice of the change to all Members and the public.
- 3. If required, Council may hold a Closed Session during any Regular Council Meeting, provided the subject matter includes any of the following:
 - (a) information of which the confidentiality is protected by law,
 - (b) personal information as defined in the Right to Information and Protection of Privacy Act,
 - (c) information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract,
 - (d) the proposed or pending acquisition or disposition of land,
 - (e) information that could violate the confidentiality of information obtained from
 - (f) the Government of Canada or from the government of a province or territory,
 - (g) information concerning legal opinions or advice provided to the Salisbury by its solicitor or privileged communications between solicitor and client in a matter of local government business,
 - (h) litigation or potential litigation affecting the Salisbury or any corporation referred to in subsection 8(1) of the Act, the Salisbury's agencies, boards or commissions including a matter before an administrative tribunal,
 - (i) the access to or security of buildings and other structures occupied or used by the

- Salisbury or access to or security of systems of the Salisbury, including computer or communication systems,
- (j) information gathered by the police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information, or
 - (k) labour and employment matters, including the negotiation of collective agreements.

V. QUORUM

1. More than half of all Members constitutes a quorum, unless otherwise indicated in this by-law.
2. When quorum is present at the time set for commencement of a Council meeting, the Mayor shall call the meeting to order.
3. If there is a quorum present at the time set for commencement of a Council meeting, but the Mayor and Deputy Mayor are absent, the Clerk shall call the meeting to order and shall call for a Presiding Officer from the Members in attendance to be chosen by resolution.
4. If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the Clerk shall record the names of all the members present and shall adjourn the meeting.
5. Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:
 - (a) the declaration of a conflict of interest; or
 - (b) a Member not being present for all or part of a Public Hearing;

then the motion shall be the first order of business to be proceeded with and disposed of at the next meeting of Council under that particular order of business.

6. If a quorum is lost for any other reason than those aforementioned in section 15, the meeting is adjourned.

VI. MEETING THROUGH ELECTRONIC COMMUNICATIONS

1. A Member shall be permitted to attend a meeting using electronic communication, subject to the provisions of the Act and this by-law, if that location is able to support its use and it allows Members 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 Member.
2. Except for reasons of disability, a Member shall not participate in the manner referred to in this Section at more than 25% of the regular Council meetings held in a one-year period or at more than four special Council meetings held in a one-year period.
3. A Member who intends to participate in a meeting in the manner referred to in this Section

shall provide sufficient notice to the Clerk to ensure that the relevant materials may be sent to the Member and to ensure that the appropriate electronic means of communication are available and, if applicable, that the public notice referred to in this Section is given.

4. A Member who participates in a meeting closed to the public in the manner referred to in this Section shall, at the beginning of the meeting, confirm that he or she is alone.
5. A Member who participates in a meeting in the manner referred to in this Section shall be deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.
6. If a Council meeting or a Council committee meeting is open to the public, use of an electronic means of communication is permitted only if a notice of the meeting is given to the public that includes the following information:
 - (a) a statement that an electronic means of communication will be used at the meeting;
and
 - (b) the location where the public may see or hear the meeting.
7. The Presiding Officer shall announce to those in attendance at the meeting that a Member is attending the meeting by means of electronic communication.
8. When a vote is called, Members attending the meeting by means of electronic communication shall be asked to state their vote only after all other Members present at the meeting have cast their votes.

VII. AGENDAS FOR COUNCIL MEETINGS

1. The agenda for each regular Council meeting shall be prepared by the Clerk or designate. All reasonable efforts shall be made to ensure that the agenda is submitted, together with copies of all pertinent reports, attachments and other information, to each Member by the Thursday prior to the meeting.
2. (1) Subject to subsection (2), Council shall consider no item of business unless the item has been placed on the agenda, or as a modification to the agenda approved by unanimous consent at the meeting.

(2) If, during discussion on an agenda item of business, a related item of business not on the agenda is raised by a Member or Administration, it may be dealt with in one of the following ways:
 - (a) An actionable motion may only be approved with the unanimous approval of all members present at the meeting;
or
 - (b) Direction may be given to the CAO to bring the item forward at a future meeting. The CAO may require that Council formally approve this request, if it is believed the

request will require a significant amount of administrative time and resource. 2022, A-418.3

3. A Department Head may request the addition of a matter to the agenda as urgent business after the agenda has been prepared and distributed by the Clerk. In these circumstances, the Department Head shall submit a request to the CAO including the reason(s) and degree of urgency as soon as possible. The Clerk shall advise Council of any addition(s) to the agenda and distribute the updated agenda as soon as it becomes available.
4. The general order of business on the agenda shall be as follows; however, the actual order of conduct may be adjusted by Council as necessary:
 - (a) Call to Order
 - (b) Adoption of Agenda
 - (c) Conflict of Interest Declarations
 - (d) Adoption of Minutes
 - (e) Consent Agenda
 - (f) Public and Administrative Presentations
 - (g) Reports and Recommendations from Committees and Private meetings
 - (h) Reports from Administration
 - (i) Bylaws
 - (j) Closed Session
 - (k) Mayor & Councillor Statements & Inquiries
 - (l) Notices of Motion and Resolutions
 - (m) Adjournment
5. The consent agenda portion of a meeting means that portion where business items, other than bylaws, are moved and voted on without debate as one item regardless of the number of reports included. Items on the consent agenda should be adopted by an omnibus motion in which the recommendations presented by Administration are approved. A Member may exempt any item or items from the consent agenda motion and vote. The Presiding Officer will call for a motion to adopt the remaining items on the Consent Agenda, any items removed from the Consent Agenda will be considered under the Reports from Administration portion of the Agenda.

VIII. MINUTES

1. The Clerk or designate shall record the minutes of Council and Committee of the Whole meetings, in accordance with the Act.
2. If a Member arrives late, leaves before the meeting is adjourned, or is absent or temporarily absent from the meeting, it shall be so recorded in the minutes.
3. As a matter of course, the Clerk shall record in the minutes, the name of each Member present and whether each Member voted for or against the matter.

4. The official minutes of all Council and Committee of the Whole meetings will include the signatures of the Presiding Officer and the Clerk or designate.

IX. PRESENTATIONS

1. The Presentations portion of a Council meeting shall provide an opportunity for individuals to appear as a formal delegation or on their own to make brief presentations to Council on matters within the subject matter jurisdiction of Council.
2. All individuals or groups wishing to address Council and wishing to be listed on the meeting agenda should register with the Clerk at least seven (7) calendar days prior to the date of the meeting, providing their name, topic of concern, and indicating whether there has been any previous contact with a member of Council or Administration regarding the matter. The Clerk will be responsible for preparation of the Council Report Form, if required, for all registered presentations from members of the public. In order to ensure system compatibility and that Members receive all required materials in advance of the meeting, any presentations requiring the use of audio/video technology must be submitted to the Clerk at least three (3) business days prior to the date of the meeting, otherwise they will not be accepted for use at the meeting.
3. Registered presentations shall be limited to five (5) minutes each, followed by questions from Members if applicable. When individuals wish to appear before Council during a Public Hearing, their presentation shall be limited to five (5) minutes.
4. Individuals or groups wishing to address Council by appearing at the meeting with no previous registration should sign in at the door, and will be called in the order they register. No audio visual presentations will be permitted for unregistered presentations. Unregistered presentations shall be limited to two (2) minutes each, followed by questions from Members if applicable.
5. Members of administration, or external consultants/service providers on behalf of the Salisbury, may make presentations to Council during the Presentations portion of a Council meeting. Such presentations shall not be limited to any amount of time.
6. Council will not entertain submissions from the public on issues that:
 - (a) May be considered in a Private meeting of Council under section 68(1) of the Act;
 - (b) are before the Planning Advisory Committee, the Assessment and Planning Appeal Board, or the courts; or
 - (c) require a statutory Public Hearing.
7. A response to each presenter's comments/concerns may be provided through one or more of the following:
 - (a) immediate response, provided directly at the Council meeting by either a Member or Administration if the matter does not require further research;
 - (b) a motion to refer the matter to Administration for review and recommendation at a

subsequent time, depending on the significance of the issue and the time required to adequately research the matter; or,

- (c) referral of the matter to the Mayor for a follow-up letter on behalf of Council.

X. PUBLIC HEARINGS

1. Where a public hearing is required for a planning matter under the Community Planning Act, unless otherwise determined by Council the hearing will follow the procedure described in Appendix "A", which forms a part of this By-law.

XI. GENERAL RULES OF COUNCIL

1. Every person wishing to speak during a Council meeting shall address their comments through the Mayor, and no person shall be permitted to speak unless and until the Mayor has granted that person permission.
2. If any Member wishes to ask a question of Administration during a meeting, any such questions shall be directed to the CAO, who may either answer or call upon the appropriate Administration official to respond.
3. A meeting may be adjourned by a Member's motion, without the necessity of being seconded, or by declaration of the Presiding Officer. A declaration by the Presiding Officer to adjourn a meeting may be appealed through a motion decided by a majority of Members.

XII. BYLAWS

1. Where a bylaw is presented at a meeting for enactment, the Clerk shall cause the number and short title of the bylaw to appear on the agenda.
2. The following shall apply to the passage of all bylaws:
 - (a) Every proposed bylaw shall have three (3) separate and distinct readings. Subject to the Act, only the title must be read at each reading.
 - (b) A proposed bylaw shall be introduced for first reading by a motion that the bylaw be introduced and referred for adoption by Council, and such motion and vote may occur under another section of the meeting's agenda, if applicable.
 - (c) A bylaw shall be introduced for second reading by the Clerk, and the following applies at second reading:
 - i) Council may debate the substance of the bylaw;
 - ii) Council may propose and consider amendments to the bylaw; and
 - iii) Council may refer by motion the bylaw to Administration for further information or a Committee for further review prior to second reading.
 - (d) All aspects of passage of a bylaw at second reading shall apply to third reading of any bylaw.
 - (e) Unless all Members present at a meeting declare by resolution that an emergency

exists, not more than two of the three readings by title may take place at one meeting of Council.

- (f) A bylaw shall be passed when a majority of the Members present vote in favour of third reading, provided that any applicable Provincial statute does not require a greater majority.
- 3. When a bylaw has been given three readings and is signed in accordance with the Act, it is considered an enactment of the Salisbury and is effective immediately, unless the bylaw or an applicable Provincial statute provides otherwise.
- 4. The previous readings of a proposed bylaw are rescinded if the proposed bylaw is defeated on second or third reading.
- 5. After passage, a bylaw shall be signed by the Mayor or Mayor's designate and by the Clerk and shall be impressed with the corporate seal of the Salisbury. Original copies of all by-laws and amendments will be kept in the Office of the Clerk.
- 6. Clerical, typographical and grammatical errors in bylaws may be corrected by the Clerk.
- 7. The Clerk is permitted to consolidate one (1) or more bylaws as deemed convenient and in doing so, must incorporate all amendments to the bylaw into one bylaw, and omit a provision that has been repealed or that has expired.
- 8. A copy of any bylaw, resolution or record certified by the Clerk as a true copy of the original is prima facie proof of the bylaw, resolution or record.

XIII. MOTIONS

- 1. The Mayor shall have authority to set a time limit and the number of times that a member may speak on the same motion or matter, having due regard to the importance of the matter.
- 2. After a proposition has been made and seconded and a motion is accepted by the Mayor, it shall be deemed to be in possession of Council; but, may be withdrawn by the Member who made or seconded the motion at any time before a vote is taken or an amendment is made.
- 3. A motion must be made and seconded by a Member before Council can debate an item.
- 4. The Clerk shall record all motions in writing before the motion is debated or put to a vote.
- 5. The Mayor shall reference all motions before they are debated or voted upon.
- 6. When speaking to a motion, a Member shall at some point during their statement, indicate whether they are for or against the motion.

7. No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.
8. Where a matter under consideration contains several distinct propositions, a Member may request, or the Mayor may direct, that each proposition be made as a separate motion.
9. After the Mayor has called the vote, no Member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
10. When using electronic communications, the Mayor will ask whether the member is voting for or against the motion.
11. After the Mayor has counted the vote, the Mayor shall declare whether it was "carried", "carried unanimously" or "defeated". Except where provided for in this bylaw or by the applicable legislation, a majority vote of the Members present who are eligible to vote, shall decide a motion or question before the Council. If the vote results in a tie, the motion will be considered defeated.
12. A recommendation in a report is not a motion until it is moved and seconded.
13. Council shall consider only one motion at a time.
14. The following motions are not debatable by council:
 - (a) to raise a point of privilege;
 - (b) to raise a point of order;
 - (c) to withdraw a motion;
 - (d) to recess or adjourn the meeting; or
 - (e) to challenge a ruling of the mayor.
15. When a motion has been made and is being considered, no member may make any other motion except:
 - (a) to refer the main motion to the committee of the whole, the administration, a council committee or some other person or group for consideration;
 - (b) to postpone consideration of the motion;
 - (c) to table the motion; or
 - (d) to amend the motion.
16. If a motion is voted on by council, a member who voted on the prevailing side may move, at the same meeting or continuation thereof, that the vote be reconsidered, provided that the vote has not caused an irrevocable action.
17. A motion to rescind, renew or amend a motion previously adopted may not be introduced where the vote on the original motion has caused an irrevocable action.

18. Before calling the vote on a motion that, if passed, would result in a requirement for an action to be completed by a specified date or within a specific amount of time, the Presiding Officer shall consult with the CAO regarding the practicality of the date specified in the motion.

XIV. SECONDARY MOTIONS

1. Secondary motions may be introduced, debated and voted on in a "last-in-first-out" sequence, e.g.: if an amendment is moved and seconded while a main motion is pending, the amendment is then debated and voted on, and then the debate on the main motion resumes.
2. Secondary motions include subsidiary, privileged and incidental motions. Appendix "B" forms part of this by-law, and provides the main rules for the secondary motions that are most frequently applied at meetings.

XV. NOTICE OF MOTION

1. Members may bring forward notices of motion under the Notice of Motion and Resolutions portion of the agenda of a regular Council meeting. Once the Notice of Motion is stated, it will be recorded in the meeting's minutes.
2. A written copy of the Notice of Motion shall be provided to the Clerk prior to the meeting's adjournment.
 - (a) Subject to subsection (2), the Notice of Motion will be placed under the Reports from Administration section of the agenda for the next regular Council Meeting at which the Member who made the Notice of Motion is present, to vote on the matter or determine if it requires additional administrative information.
 - (b) A Member may request that a Member's motion for which notice has not been provided be considered immediately if a vote dispensing with notice is supported by unanimous approval of Members present.
3. If the Notice of Motion given at a regular Council meeting is deemed to require additional administrative information, it will be addressed in a time frame not beyond the end of the second month from when it was presented, unless Council directs differently.
4. A Notice of Motion cannot be made at a special Council meeting.
5. A motion on Notice is not debatable until a Member moves the motion.

XVI. RULES OF PUBLIC DECORUM

1. During a meeting of Council or Committee, there is the need for Council or Committee of the Whole to carry out the public business expeditiously in order to ensure that the public has an opportunity to be heard and that Council or Committee of the Whole has an opportunity for its deliberative process. While any meeting of Council or Committee of the Whole is in session, the following rules shall be observed:

- (a) A member of the public addressing Council or Committee of the Whole shall only do so from the podium or designated table and all comments shall be addressed to Council or Committee of the Whole as a whole or to the Presiding Officer, and not to any single Member, member of administration, or member of the audience.
- (b) A member of the public addressing Council or Committee of the Whole shall not engage in any conduct which disrupts the orderly conduct of any Council or Committee of the Whole meeting.
- (c) No person in the audience at a Council or Committee of the Whole meeting shall engage in conduct that disrupts the orderly conduct of any Council or Committee of the Whole meeting, including, but not limited to, the utterance of loud, threatening or abusive language, whistling, clapping, stamping of feet, repeated waving of arms or other disruptive acts.
- (d) No signs, placards or banners shall be permitted in the Council Chamber or Committee meeting room.
- (e) No person shall interrupt Members or the Clerk during a Council or Committee of the Whole meeting.
- (f) No person, other than Members and Salisbury administration, shall be admitted into the Council seating area of the Council Chamber.

XVII. MISCELLANEOUS

1. No Member shall:
 - (a) use offensive words or against Council or administration, or speak disrespectfully of other Members or administration;
 - (b) speak to a subject, except upon the question in debate;
 - (c) reflect upon any vote of Council except for the purpose of moving that such a vote be rescinded or reconsidered; or
 - (d) resist the rules of Council or disobey the decision of the Mayor or of Council on any question of order or practice or upon the interpretation of the rules of Council. In case any Member shall so resist or disobey, they may be ordered by a majority vote of Council to leave their seat for that meeting and should they refuse to do so, the Mayor may request that they be removed by law enforcement. Should the offender provide an ample apology, they may, by majority vote of Council (without debate), be permitted to return to their seat.
2. Council may adjourn from time to time to a fixed future date, any special meeting of Council that has been duly convened, but not terminated. The object of adjourning is to finish the business for which the meeting was called, but which has not been completed.
3. No Member shall have the power to direct or interfere with the performance of any work of the Corporation. This shall in no way however, interfere with or restrict the right of a Member to seek information through the office of the CAO or appropriate Administration member (as established in the Council/CAO Policy).

4. When a Member wishes to leave the meeting room while a meeting is in progress, the Member shall await the formal acknowledgement of the Presiding Officer before leaving, and the time of the Member's departure, and return, if any, shall be recorded in the minutes.

XVIII. PETITIONS

1. Petitions will be submitted to the Clerk and will be processed in accordance with this by-law
2. On receipt of a petition, the Clerk may do any of the following:
 - (a) include it as an item on the agenda for the next regular meeting of Council in full or summary form;
 - (b) refer it to Administration for a report to Council or appropriate Council committee;
 - (c) refer it to Administration for action and/or reply, with a copy of Administration's response being sent to Council;
 - (d) refer it to the Mayor for direct reply, with a copy of the Mayor's response being sent to Council; or
 - (e) circulate it to the members of Council individually as information if it does not require any further action by Council.

XIX. DEPUTY MAYOR

1. Council shall elect a Deputy Mayor at its first meeting and annually thereafter at a regular meeting following the anniversary date of the preceding municipal election.
2. In the event that the Mayor is unable to do so, the Deputy Mayor shall perform the duties of the Mayor, including but not limited to presiding over Council and Committee of the Whole meetings.

XX. COMMITTEES AND BOARDS

1. Council shall appoint Council representatives to such committees, boards and commissions as required by legislation, agreement or bylaw as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis.
2. Upon recommendation of the Mayor, Council may make appointments to a board or committee at any time.
3. It shall be the duty of the Presiding Officer of each board or committee to summon members for meetings.
4. The Mayor shall be an ex-officio member of all Council committees and bodies which Council has a right to appoint members under the Act.
5. The Mayor shall be advised in a similar manner as other committee members when any

meetings are called.

6. Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights through their Councillors' reports and statements.

XXI. COMMITTEE OF THE WHOLE

1. Committee of the Whole meetings will be held the fourth Monday of each month.
2. The Committee may:
 - (a) Conduct non-statutory public hearings (for information);
 - (b) Receive delegations and submissions;
 - (c) Meet in private pursuant to the Act;
 - (d) Receive information from Administration on emerging items; and
 - (e) Discuss and debate policy matters to formulate recommendations to Council.
3. The Committee may make the following motions:
 - (a) To receive agenda reports as information;
 - (b) To refer matters to Administration or a Committee for review;
 - (c) To make recommendations to Council; and
 - (d) To move into a private meeting or to revert to an open meeting.
4. Members will comprise the Committee. The Clerk, CAO and other required administrative staff will be in attendance at Committee meetings to make presentations and answer questions.
5. The Mayor is the Presiding Officer for all meetings, unless this responsibility is delegated by the Mayor to another Committee member.
6. Every person wishing to speak during a Committee meeting shall address their comments through the Presiding Officer. No person shall be permitted to speak unless the Presiding Officer has granted that person permission.

XXII. EFFECTIVE DATE

Given under the hands of the Transition Facilitator, on behalf of the Minister of Local Government and Local Governance Reform, on this 8th day of December 2022.



Transition Facilitator

APPENDIX A

PROCEDURE FOR PUBLIC HEARING

1. The Clerk reads the agenda item and advises if objections or other correspondence has been received.
2. Administration (Urban Planning Department) provides a presentation explaining the application, administration report, overview of objections and recommendations.
3. The Applicant/Developer is then called upon to add any further explanation or information in support of the application.
4. Members of the public in favour of the application are called forward to speak.
5. Members of the public against the application are called forward to speak.
6. The Applicant will be given an opportunity to respond to the proponents/objectors and respond to noted concerns.
7. Members of Council may then pose questions of the applicant, proponents or objectors, but shall not enter into a debate.
8. The Mayor then asks if there is anyone else who wishes to speak to the agenda item. Every person wishing to speak to the item is given an opportunity to do so.
9. When all presentations have been completed, the Mayor shall declare that the public hearing is closed (adjourned).
10. Council debate and decision on the agenda matter.

APPENDIX B

SECONDARY MOTIONS

Subsidiary Motions

The seven subsidiary motions are used to help dispose of main motions while pending and are decided by Majority Vote or, if there is no objection, by Unanimous Consent. The motions are listed in order of precedence (rank) from highest (top) to lowest (bottom). All subsidiary motions outrank the main motion, which has the lowest rank of all and may only be voted on when no subsidiary motion remains. Any subsidiary motion that lies above the one being considered is in order, and any below it are out of order until the one being considered is disposed of.

MOTION	COMMON	USES PROCESS
Lay on Table (table)	Set aside temporarily, within the course of the meeting, to allow something of an urgent nature to be done immediately	Can be decided informally by unanimous consent. May resume debate without motion to "take from table". When handled formally requires seconder, majority vote and is not debatable or amendable.
Close Debate (previous question)	End debate and vote immediately.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote and is not debatable or amendable.
Limit or Extend Debate	Provide specific amount of time for discussion.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote and is not debatable but is amendable.
Postpone to Certain Time	Postpone consideration to a certain time.	Requires seconder. Is debatable as to merit of postponement and is amendable. Majority vote required.
Refer (commit)	Have committee or staff review in detail and report back with a recommendation.	Requires seconder. Is debatable as to merit of referral and is amendable. Majority vote required.
Amend	Changes wording of another motion by adding, deleting or replacing words.	Requires seconder. Is debatable. Secondary amendment (amend pending amendment) allowed. Majority vote required.

Postpone Indefinitely

Avoid taking direct vote.

Requires seconder. Is debatable, but not amendable. Majority vote required.

MAIN MOTION

Privileged Motions

The five privileged motions do not relate to pending business, but rather matters of such immediate and overriding importance that involve the meeting itself or the comfort of members that pending business can be interrupted and the matter decided, without debate, by Majority Vote. The privileged motions are shown in order from highest (top) to lowest rank. Privileged motions outrank all subsidiary motions and the main motion. Any privileged motion that lies above the one being considered is in order, and any below it are out of order until the one under consideration is disposed of.

MOTION	COMMON	USES PROCESS
Fix Time to Adjourn	Continue current meeting on another day (e.g. when a public hearing is not concluded).	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote, is amendable as to time and date, is not debatable.
Adjourn	End meeting.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote, is not amendable or debatable.
Recess	Take a short break.	Can be decided informally by unanimous consent. When handled formally requires seconder, majority vote, is amendable as to time, is not debatable.
Raise a Question of Privilege	Request to deal with something that affects the comfort of Council or a single Member (e.g. noise or other distraction).	Question of privilege should not generally interrupt a speaker, unless circumstances require. Decided by the Chair.
Call for Orders of the Day	Get meeting back on schedule.	Chair responds by enforcing the agreed upon schedule. By Majority Vote or Unanimous Consent, may deviate from adopted schedule.

SUBSIDIARY MOTIONS

MAIN MOTION

Incidental Motions

Below are the most commonly used incidental motions that deal with questions of procedure.

By-L	COMMON	USES PROCESS
Point of Order	Enforce the rules. Is raised by a Member who believes a rule has been breached.	Member raises "Point of Order"; Chair interrupts speaker and recognizes member to state rule being breached. Chair responds to the point raised by making a ruling as to whether the point is taken or not. Chair may opt to ask Council to make decision.
Appeal	Appeal the Chair's ruling on a matter to Council.	No seconder is required. The question "shall the Chair be sustained" is put to a vote immediately and without debate; Chair does not vote. Majority Vote or tie sustains Chair's decision.
Suspend the Rules	Allows Council to waive a rule of order for a specific purpose. Cannot be used to suspend any provisions from the Community Planning Act, Local Governance Act, or other applicable legislation (e.g. voting rules or conflict of interest).	Can be useful when the rules are proving too restrictive and a more flexible approach is needed (e.g. extending time limits for speaking). Motion may be handed by the Chair informally.
Division of Motion (resolution)	Divides a multi-part motion into separate motions.	Question of privilege, should not generally interrupt a speaker unless circumstances require. If member making a request, Chair can handle informally.
Withdraw or Modify	Before debate begins, a main motion (resolution) can be withdrawn or changed by the mover. After debate begins, main motion belongs to assembly which may withdraw it by Majority Vote or Unanimous Consent.	"In light of new information, I withdraw the motion". OR "I request permission to withdraw the motion". Chair takes vote or confirms support through Unanimous Consent.