

BY-LAW NO. 2004-12

A BY-LAW RELATING TO THE PROCEEDINGS OF THE COUNCIL OF THE VILLAGE DOAKTOWN

BE IT ENACTED by the Council of the Village of Doaktown under the authority vested in it by the Municipalities Act, R.S.N.B. 1973, c.M-22, as follows:

1. Definitions

“clerk” means a clerk appointed pursuant to section 74 of the Municipalities Act;

“council” means the Mayor and Councillors elect;

“point of information” means the procedural mechanism by which a member may rise to present or receive information of interest to council;

“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;

“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.

“quorum” means a majority of those members of Council holding office at the time of the meeting, unless specified otherwise in the Municipalities Act.

Seal

- (1) The corporate seal of the Village of Doaktown shall have inscribed thereon the words “Village of Doaktown - Province of New Brunswick” and include the year of incorporation “1966” and imprint of the seal appearing on the margin of this by-law is adopted as its corporate seal.
- (2) The corporate seal shall at all times remain in the custody of the clerk and shall be used by him or her in matters as required under section 76(1)(d) of the Municipalities Act.

2. Application

The rules and regulations in this by-law:

- (a) shall be used for the order and issue of business in council and committees;
- (b) may be suspended by unanimous consent of the members present; and

(c) shall apply to council members, employees of the Village of Doaktown, and members of the general public.

3. Meetings of Council

1. A newly elected council shall not transact any business at its first meeting until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.
2. The Council shall, at the first convened meeting of a newly elected council, select a Deputy Mayor, and this may be considered annually.
3. Subject to the Municipalities Act, council shall hold its Regular (Public) monthly meetings at 7:30 o'clock in the evening on the second Wednesday of every month in the Mayor's Chambers. In the event that the day fixed for the Regular Meeting of Council falls on a statutory holiday, the said meeting will be held on the following Wednesday or the following night at the discretion of the Mayor.
4. When any matter or proceeding is not contemplated by this by-law or provincial legislation the chair shall use the most recent edition of Robert's Rules of Order as a guide.

4. Agenda for Regular (Public) Meetings

- (1) The clerk shall have prepared and printed for a regular meeting or a special meeting of council, an agenda reflecting the matters to be considered, under the following headings, referred to as the Order of Business:

Call to order

Proclamations

Public Presentations/Petitions/Appearances

Approval of Agenda

Adoption of Minutes

Business Arising from Minutes

New Business

Recommendations from Committees and Private Meetings

Reports – Mayor and Councillors

Donation/Advertising Requests

Correspondence

Clerk-Treasurer's Report

Motion to Adjourn

* Question Period (Public) shall follow the regular meeting.

- (2) The deadline for receipt of Agenda materials by the clerk is 5:00 p.m. on the Friday preceding the meeting, for distribution on Monday by close of the workday. In the event Monday is a public holiday, the agenda will be circulated the following day.
- (3) Any additional matter not included on the agenda shall be considered only with the unanimous consent of all members of council present at the meeting.

5. Special Meetings

- (1) The Mayor may, upon twenty four hours notice to the clerk and members of council, summon a special meeting. It shall be his/her duty to do so when requested in writing by a majority of the members of council.
- (2) The mayor may call an emergency meeting of council when he/she deems necessary, and is exempt from the time requirements for notice of Special meetings.
- (3) In the absence of the Mayor, or if the office is vacant or he/she is unable to attend, a Special meeting may be summoned by the clerk or the Deputy Mayor, upon the written notice of the members of council.
- (4) The clerk shall notify all members of council as soon as possible.
- (5) No business shall be transacted at a Special Meeting other than that specified in the notice.

6. Private Meetings

(1) The Council may hold Private Meetings (Committee of the Whole) to be called at the discretion of the Mayor or upon written petition of any three members of council, when the subject matter of the meeting includes any of the following:

- a) information the confidentiality of which is protected by law;
- b) personal information;
- c) information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;
- d) the proposed or pending acquisition or disposition of land for a municipal purpose;
- e) information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
- f) information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications as between solicitor and client in a matter of municipal business;
- g) litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
- h) the access to or security of particular buildings, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
- i) information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; or
- j) labour and employment matters, including the negotiation of collective agreements.

(2) The agenda for Private Meetings shall be approved by a majority of members attending the Private Meetings and the vote count shall be reported to Council as a preamble to the Public Agenda item "Recommendations from Committees and Private Meetings".

(3) All recommendations of Private Meetings which require the approval of council shall be reported at a Regular or Special Meeting of council.

7. Procedure for Regular and Special Meetings

- (1). The Mayor shall preside over all meetings. In the absence or inability of the Mayor to preside over meetings, the Deputy Mayor shall preside.
- (2). Except as otherwise provided, no member shall speak without recognition of the chair.
- (3). Once a motion is made and seconded, the mover shall have the privilege of speaking first, and have the privilege of closing debate.
- (4). A member of council may, at any time, rise on a point of order, a point of privilege or a point of information. All debates shall cease and the “point” shall be clearly stated by the member and, if applicable, ruled upon by the Chair.
- (5). A member of council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- (6). No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the general public, or use threatening, offensive or profane language.
- (7). If the chairperson desires to take part in any debate, he/she may appoint a member of council to take the chair while he/she stands upon the floor to debate the question. Otherwise, the chairperson shall not enter the debate but shall use his/her office to preserve order and to direct members in keeping to the question.
- (8). Unless disqualified to vote by reason of conflict of interest or otherwise, every member of council present shall announce their vote openly and individually, and the clerk shall record it.
- (9). Members of the public shall be entitled to address council under the heading “Public Presentations/Petitions/Appearances”, on matters of municipal jurisdiction, that are not otherwise mandated by legislation such as the Community Planning Act and the Business Improvement Areas Act. In all cases, members of the public shall notify the Clerk, prior to the commencement of the meeting, of the subject matter of the presentation and shall limit comments to five minutes. Motions shall be out of order under this heading.
- (10). Each member of council shall be entitled to address council, under the heading “Reports – Mayor and Councillors”, and shall limit their statements to a total of ten minutes. Members have the right to have their time extended only by leave of the chair.

(11). Absence of Quorum - Unless there is a quorum within thirty minutes after the time appointed for the meeting of council, the council shall stand adjourned until such day as the Clerk shall then declare.

(12) Any person who:

(a) breaches this by-law;

(b) behaves in a disorderly manner; or

© uses threats or profane language in debate,

may be required to leave the meeting at the discretion of the chair.

(13) A ruling of the chair may be appealed to council by a non-debatable motion. A majority vote of the members of council in attendance shall be required to overturn a ruling of the chair.

8. Minutes

(1) The clerk shall record in a book, all resolutions, decisions and proceedings of the council. Minutes shall record the place, date and time of commencement of meeting, and the names of all members of council and employees in attendance.

(2) The minutes of the preceding meeting, as circulated, shall be adopted and approved. Upon motion, such minutes may be amended to reflect greater accuracy.

9. Committees

(1) Council may establish and abolish committees of Council; and the Mayor may make appointments to such committees.

(2) Council shall approve the mandate of each committee.

(3) Council may constitute special or ad hoc committees and appoint persons thereto.

(4) (a) The Mayor shall be a member of all committees.

(b) A member of council may attend meetings of any committee, whether or not a member of that committee, and may, with leave of the chair, take part in any discussion or debate in the committee, but shall not vote.

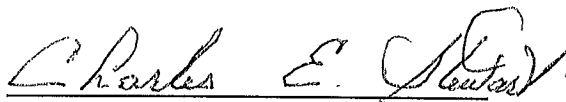
©The clerk, or designate, on the instruction from the committee chair, shall send notice of meetings to each member of the committee and of council at least twenty-four (24) hours before the time of that meeting.

(d) The clerk, or the designate, shall record the minutes of all committee meetings, which minutes shall be circulated to all members of the committee and of council.

READ A FIRST TIME this 13th day of October, 2004

READ A SECOND TIME this 13th day of October, 2004

READ A THIRD TIME AND ENACTED this 10th day of November, 2004.



Mayor



Village Clerk