

## #96. TOWN OF LUNENBURG PROCEDURAL POLICY

### COUNCIL AND COMMITTEE MEETINGS AND PROCEEDINGS

#### PURPOSE

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation, including but not limited to the Municipal Government Act ("MGA") with such amendments as may be made from time to time. This Policy also applies to Town Committee meetings with the relevant changes in wording.

#### DEFINITIONS

2. In this Policy, unless the context otherwise requires:
  - (1) "**business day**" means a day when the Town Hall office is open for business;
  - (2) "**Chair**" means the presiding officer of the Council or Committee;
  - (3) "**Committee**" means a group of individuals appointed by the Lunenburg Town Council to serve on a body that makes recommendations by majority vote to Council. This includes sub-committees and advisory groups;
  - (4) "**Council**" means the governing Council of the Town of Lunenburg;
  - (5) "**Councillor**" includes the Mayor and all elected Councillors unless the context indicates otherwise;
  - (6) "**Legislation**" includes Policies, Bylaws and other relevant Municipal, Provincial and Federal laws or approved documents recognized by Council.
  - (7) "**Majority**" means more than one half of those present, unless the context indicates otherwise; and
  - (8) "**Motion**" a formal proposal put to a Council or Committee by a mover and seconder decided by majority vote of Council or a Committee.

#### PROCEDURE

##### Time, Place, Date and Notice of Meetings

3. Unless otherwise specified pursuant to section 4, regular meetings of Council shall be held:
  - (1) at the Lunenburg Town Hall, or conducted by electronic means in accordance with section 19A of the Municipal Government Act [also applicable for meetings of committees];

(2) on the second and fourth Tuesday of every month except in the months of July, August and December when there is only one monthly meeting which shall be on the second Tuesday of those months unless notice is otherwise given;

(3) commencing at 6:00 p.m.; and

(4) a Council member may participate in a Council meeting through electronic means in accordance with section 19A of the Municipal Government Act [also applicable for members of committees].

4. Regular meetings of Council may be rescheduled, relocated or cancelled:

(1) by motion or consensus of Council; or

(2) by the Clerk on behalf of the Mayor owing to unforeseen circumstances, provided the Mayor believes that the majority of Councillors would support such a step.

5. **Additional meetings** of Council may be convened in accordance with the MGA:

(1) by resolution or consensus of Council with advance notice being given;

(2) if the Mayor determines there is an emergency necessitating a meeting with such notice as is possible under the circumstances; or

(3) by the Clerk when required to do so by the Mayor or upon written request signed by a majority of Councillors.

6. Specific **notice** to Councillors need not be provided for:

(1) regular Council meetings held pursuant to section 3; or

(2) meetings held pursuant to subsection (1) of section 4 or subsection (1) of section 5 if the date was set at a Council meeting three or more days in advance;

but, subject to any statutory relaxation of notice requirements, two days' notice shall ordinarily be provided for other meetings to Councillors in the manner described in sections 7 and 8.

7. Subject to section 6, notice of meetings shall be provided verbally in person or by telephone or telephone message or by writing or by email to each Councillor. A Councillor may waive any deficiency in the notice provided to him or her for a Council meeting which he or she attends, and shall be deemed to waive any deficiency in notice to him or her for such meetings unless expressly objecting to the adequacy of the notice at such meeting.

8. Within thirty days following the first meeting of Council after a municipal election or by-election, each elected Councillor shall provide to the Clerk:

(1) a telephone number at which the Councillor ordinarily may be reached, with voice

messaging capability with adequate capacity at all times to receive messages of one minute in length regarding Council meetings and Town business, and which the Councillor will regularly check for Town messages; and

- (2) shall sign any documents required by the Clerk to use an email address on the Town's email system which the Councillor will regularly check.

The Councillor shall be deemed to have received any notice within one business day of it being distributed pursuant to this section.

9. Notice to the public is not required for regular meetings held under section 3, but subject to any statutory relaxation of notice requirements, two days' notice to the public should be provided for other Council meetings, except meetings considered to be urgent or emergencies, by the following options: posting at the Lunenburg Town Hall; social media; internet; print advertisement; signage; or such other means as determined by Council from time to time noting the time, date and place of the meeting.

### **Conduct of Meetings: General**

10. The Mayor shall serve as the Chair of Council meetings. For Committee meetings, the Chair shall be determined in advance by Council when Committee appointments are made. It shall be the duty of the Chair or alternate as set out herein to:

- (1) open the meeting of Council by taking the chair and calling the Councillors to order if a **quorum** is present;
- (2) declare a meeting dissolved if no quorum has been achieved within fifteen minutes of the scheduled meeting time;
- (3) if the Mayor does not attend within fifteen minutes after the time appointed, the **Deputy Mayor** shall call the Councillors to order and if a quorum is present, shall preside over the meeting or until the arrival of the Mayor;
- (4) in case neither the Mayor nor the Deputy Mayor (or Committee Chair as applicable) is in attendance within fifteen minutes of the appointed time, the Clerk shall call the Councillors (or Committee members as applicable) to order if a quorum be present, and the Councillors shall choose a Chair who shall preside over the meeting or until the arrival of the Mayor or the Deputy Mayor;
- (5) if there is no quorum present within fifteen minutes after the time appointed for the meeting or a quorum is lost during a meeting, the Clerk shall take down the names of the Councillors then present and the Council meeting shall stand adjourned until the next regular Council meeting;
- (6) determine whether a quorum can still be achieved to conduct Council business if an interest is declared by a Council member(s) with reference to the **Municipal Conflict of Interest Act**;
- (7) receive and submit to Council **motions** properly presented by a Councillor;

- (8) put to a **vote** a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;
  - (9) preside over Councillors, when engaged in debate, within the rules of conduct of debate;
  - (10) enforce on all occasions, the observance of order and decorum, except with concurrence of Council to relax the rules;
  - (11) call by name any Councillor persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
  - (12) inform the Council when necessary, or when referred to, on a point of order;
  - (13) permit the Chief Administrative Officer to speak on any point upon request pursuant to the MGA;
  - (14) permit relevant questions to be asked through the Chair of any official or employee of the Town, or any member of the public in attendance, to provide information to assist any Council debate; and
  - (15) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent. Meetings should not exceed a maximum duration of three hours or 10:00 p.m. whichever occurs first,
  - (16) at which time they will be adjourned until the next meeting of Council.
11. At Council meetings, unless a majority consents to a different order for that meeting, **Council shall conduct business in the following order:**
- (1) call to order;
  - (2) acknowledgement of Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People;
  - (3) approval of agenda, including additions or deletions;
  - (4) approval of minutes from the previous meeting;
  - (5) public hearings, presentations and questions;
  - (6) consideration of correspondence, petitions and proclamations;
  - (7) business arising from the minutes;
  - (8) consideration of committee recommendations, minutes, reports and notices of motions;
  - (9) new business;

(10) in camera business;

(11) in camera notices of motion and recommendations; and

(12) adjournment.

12. Five business days before a Council meeting, a Councillor or member of the public may request of the Mayor and Clerk to **add a Council agenda** item with relevant and sufficient particulars and supporting documentation which the Mayor shall in consultation with the Clerk determine to which Council or Committee meeting the agenda the item shall be added at the upcoming or a subsequent meeting(s).

13. (1) Alternatively, a Councillor may give **notice of motion to add an agenda item** at a Council meeting which shall be:

a. be in writing;

b. include the name of the mover;

c. be received by the Clerk at a regular meeting of the Council; and

d. be printed in full in the agenda for the next regular meeting and each successive meeting of the Council until considered or otherwise disposed of.

(2) When a Councillor's motion has been called at two successive meetings of the Council and not proceeded with, it shall be deemed to have been withdrawn and be removed from the agenda unless the Council otherwise decides.

(3) The mover may withdraw a notice of motion at any time prior to the commencement of debate thereon.

(4) Council may waive notice of motion on a two-thirds vote of the Council members present and voting except for Policy and Bylaw matters.

(5) A point of order or personal privilege may be introduced without written notice and without leave.

(6) The following motions may be introduced without notice and without leave:

a. a motion to adjourn;

b. a motion to call for the question;

c. a motion to refer;

d. a motion to table or to defer to a day certain;

e. an amendment to a motion;

- f. a motion to suspend a rule of procedure;
  - g. a motion to convene in camera; or
  - h. any other procedural motion.
14. The Mayor and Clerk shall confer on the Council **agenda content and format** before it is circulated a minimum two business days before the meeting if possible. The agenda will be accompanied with an **agenda package** containing meeting materials in the agenda sequence.
15. The Chair shall decide all questions of order or procedure subject to an **appeal** to the Council.
16. Every Councillor, prior to **speaking on any question or motion**, shall raise a hand and wait to be recognized by the Chair. When two or more Councillors raise their hands to speak, the Chair shall designate the Councillor who has the floor who, in the opinion of the Chair, first raised their hand.
17. No Councillor shall speak more than ten minutes upon any matter at one time, without the leave of the Chair.
18. During a meeting Council may **recess** for short periods or move to another place, without ending the meeting.
19. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the **minutes** of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
20. The minutes shall be kept by the Clerk and shall:
- (1) record the time when any Councillor joins or leaves a meeting which is in progress;
  - (2) contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders except Committee meetings, and shall record the outcome of each vote; and
  - (3) mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents, which may be attached in full to the minutes as determined relevant by the Clerk.

### **Conduct of Meetings: Motions and Voting**

21. The Chair shall state every **question** properly presented to Council if no Councillor offers to speak, the Chair shall put the question, after which no Councillor shall be permitted to speak upon it.

22. The usual form of voting on any question shall be by the Chair calling for "yeas" and "nays", but any Councillor, before or after a voice vote can call for, and obtain through the Chair, a show of hands.
23. The Mayor and every Councillor who is present when a motion is put, shall vote thereon unless the Councillor has declared an interest in the motion. A failure to expressly signal a "yea" or "nay" or raise one's hand shall be deemed to be a "nay" vote. A tie vote results in the motion being defeated.
24. A motion must be seconded and then repeated by the Chair or read aloud by the Clerk before it is debated. The Chair may direct that the motion be put in writing, repeated, displayed or read aloud by the Clerk before it is debated or voted on.
25. After reading of a motion by the Chair or Clerk, it shall be open for discussion. The motion is deemed to be in the possession of Council at this time.
26. A motion which has been seconded and stated by the Chair may at any time before the Council has voted on it be **withdrawn** by the mover with the unanimous consent of Council.
27. When any question is before the Council, the only motions in order shall be:
- (1) a motion to amend the original motion;
  - (2) a motion to refer the question, including the motion and amendment if one is moved, to any Committee;
  - (3) a motion to defer the consideration of the question either indefinitely or to a specified time;
  - (4) a motion to close the debate at a specified time; and
  - (5) a motion that the question be put to a vote.
28. A motion
- (1) that the debate be closed at a specified time; or
  - (2) that the question be put to a vote,
- shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not be in order until every Councillor who has not spoken on the question and claims a right to speak has been heard.
29. When the question before Council contains two or more distinct propositions upon request of any Councillor a vote upon each proposition may be taken separately in such order as determined by the Chair.

30. After a question is finally put by the Chair, no Councillor shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
31. Whenever the Chair is of the opinion that a motion is out of order, or contrary to legislation, the Chair shall immediately advise the Councillors thereof. If there is no appeal to Council, or if the Chair is sustained on an appeal, the question shall not be put.
32. A motion to adjourn shall always be in order except in the following cases:
- (1) when a Councillor is in possession of the floor;
  - (2) when the "yeas" and "nays" are being called for a vote;
  - (3) while Councillors are voting; or
  - (4) when the adjournment was the last preceding motion.
33. The following questions shall be decided without debate:
- (1) all motions as to priority of business or as to the suspension of the order of the day;
  - (2) a motion to allow any person other than Councillors to address Council;
  - (3) a motion to postpone to a specified time or day;
  - (4) a motion to lay on the table (suspend consideration of a pending motion); and
  - (5) a motion to adjourn.
34. Only one **amendment** to the main motion may be pending at one time. As each amendment is voted on, subsequent amendments may be offered and voted on in succession.
35. (1) A motion to rescind shall not be made at the same meeting when the matter is decided, but may be put once at any subsequent meeting by giving prior notice of motion to rescind if the action or direction of Council has not already been completed.
- (2) A motion to rescind may be put by any Councillor regardless of how they voted on the original matter.
  - (3) At a subsequent meeting of Council, the giver of such notice, or in that Councillor's absence any other Councillor on the Councillor's behalf, may put forward the motion of rescission.
  - (4) A motion to rescind must be seconded.
  - (5) A motion to rescind is debatable as to the merits of the question which is proposed to be rescinded.
  - (6) A motion to rescind is amendable.

- (7) A motion to rescind shall be passed by a majority of the Councillors present and voting.
36. After any question or motion has been decided, either in the affirmative or negative, a Councillor who voted on the prevailing side may, after the decision has been announced by the Chair, but before adjournment of the meeting, give notice of an intention to move **reconsideration** of the motion approved at the same or next Council meeting. The giving of such a notice operates as a stay or suspension of Council's decision, except in matters where there is great time sensitivity. Council then vote on whether the motion will be reconsidered at the current or next meeting. If the motion to reconsider is adopted, Council will reconsider and then re-vote on the original motion, possibly with a different outcome.
37. The following matters are not eligible for reconsideration:
- (1) a motion approving the first or second reading of a By-Law enactment, amendment or repeal;
  - (2) a motion to decide upon a matter which was the subject of a statutory hearing by Council;
  - (3) a matter that has already been reconsidered; and
  - (4) a vote to reconsider.
38. Any **notice of motion** given by a Councillor for a subsequent meeting may, in the absence of the Councillor giving such notice, be taken up by any other Councillor.
39. All motions called in pursuance of the general order of the day and not disposed of shall be proceeded with and disposed of at the next meeting of Council.

#### **Conduct of Meetings: Points of Order**

40. It shall be the duty of the Chair, and the privilege of any Councillor, to call any Councillor to order, who violates any established rule or order. A point of order must be decided by the Chair before the subject under consideration is proceeded with.
41. When a Councillor is called to order, the Councillor shall remain silent until the point is determined or called upon by the Chair to be heard on the point of order.
42. A point of order is not debatable amongst other Councillors, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Councillor shall speak more than once without the leave of the Chair.
43. Decisions of the Chair on points of order, including an order expelling and excluding a person from the Council Chambers, are not debatable but are appealable to Council by any Councillor. When an appeal is made from the decision of the Chair, the Chair may briefly explain the basis for their ruling and shall then ask Council whether the appeal should be allowed and Council's decision with reasons given shall be final.
44. No Councillor shall use offensive or unparliamentarily language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.

45. If a Councillor resists the rules of Council, obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair, or otherwise

disrupts the proceedings of Council, the Councillor may be ordered by the Chair to leave the Councillor's seat provided that a majority vote of Council shall be required to have the expulsion extended to additional meetings.

46. If the Councillor refuses to leave the Councillor's seat, the Chair may order the Councillor to be expelled from the Council Chambers. Such Councillor may, by vote of Council be permitted to resume their seat with or without conditions.

47. Persons who are not Councillors, officers or employees of the Town shall observe silence and order in the Council Chambers, unless given permission to speak by Council. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered, by the Chair to be expelled from the Council Chambers, provided that a majority vote of Council shall be required to have the expulsion extended to additional meetings. Such member of the public may, by vote of Council be permitted to re-enter Council Chambers with or without conditions.

48. An order of the Chair to expel a person from the Council Chambers pursuant to this part of the Policy constitutes a direction from the Town to leave the premises for purposes of the Protection of Property Act and other applicable laws.

#### **Conduct of Meetings: Questions of Privilege, Parliamentary Inquiries, and Requests for Information**

49. Any Councillor may raise a **question of privilege** relating to the rights of the Council as a whole or of individual Councillors, in which the former take precedence over the latter. A question of privilege must be disposed of before the matter under consideration is proceeded with.

50. Questions of privilege may relate to matters including: the comfort of Councillors with respect to heating, ventilation, lighting, noise, other disturbances, and anything which otherwise encumbers their ability to participate fully in Council proceedings; the conduct of officers, employees, and visitors; the accuracy of published reports of proceedings; or to any other such matters that may infringe upon the established rights of Council as a whole or of individual Councillors.

51. The Councillor raising a question of privilege shall either state the infringement on their privileges and request that the Chair remedy such infringement or make a motion addressing the question of privilege to the Council. The Chair will rule on whether the matter is a question of privilege to be immediately disposed of. Decisions of the Chair on questions of privilege are not debatable but are appealable to Council by any Councillor.

52. If the Chair rules in favour of a question of privilege or Council overrules a negative ruling by the Chair then the infringement will be dealt with or the motion regarding the question put

before the Council for debate.

53. Once a question of privilege has been disposed of, the normal business of the Council shall be resumed at the point at which it was interrupted.

54. Any Councillor may make a parliamentary inquiry to the Chair to obtain information on a matter of parliamentary procedure or of the applicable legislation and motions bearing on the business at hand. It is the Chair's duty to answer such questions when it may assist the Councillor to make an appropriate motion, raise a proper point of order, or understand the parliamentary situation or the effect of a motion.

55. Any Councillor may make a request for information either to the Chair or through the Chair to another Councillor, employee, or other relevant person to obtain information relevant to the business at hand but not related to parliamentary procedure.

56. Any of the rules of order may be suspended in its operation by the unanimous consent of the Councillors present.

57. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided by the Chair in accordance with the latest available version of Roberts Rules of Order.

58. Policy #88 Council Meeting Policy is hereby repealed.

Clerk' Annotation For Official Policy Book

Date of Notice to Council Members of Intent to Consider an Amendment:  
March 22, 2022

Date of Passage of Policy Amendment: April 12, 2022

I certify that this Policy was adopted by Council as indicated above

\_\_\_\_\_  
Municipal Clerk

April 21/22  
\_\_\_\_\_  
Date