

# EASTERN CHARLOTTE

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## BY-LAW NO. EC-1 A BY-LAW RESPECTING THE PROCEEDINGS OF COUNCIL FOR EASTERN CHARLOTTE

**PURPOSE:** A By-Law of Eastern Charlotte, in the Province of New Brunswick, for the purpose of establishing the proceedings of the Council for Eastern Charlotte.

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

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

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

- *By-Law # 80 - Proceedings of Council* for the Town of St. George; and
- *By-Law # 04-96 - Procedures and Organization of the Council of Blacks Harbour.*

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

### 1. TITLE

- a) This by-law shall be cited as the “Proceedings of Council”.

### 2. APPLICATION

- a) This proceedings of council by-law:

Applies to the following:

- i) All Members of the council, including Mayor, Deputy Mayor and Councillors, and
  - ii) All Members of staff required or requested to attend council meetings, and
  - iii) Any Members of the public appearing at council meetings.
- b) Shall be used for the order and dispatch of business in council and committees.

### 3. DEFINITIONS:

"Clerk" means a clerk of Eastern Charlotte appointed under Section 71 of the Local Governance Act;

"Chair" means the Member of Council presiding over council meetings;

"Closed" means a meeting of Council not open to the public, so convened in accordance with the Local Governance Act;

"Council" means the Mayor and Councillors of Eastern Charlotte;

"Electronic Means of Communications" means telephone, video/audio conference, or any electronic voice communication device or digitized application.

"Point of information" means the procedural mechanism by which a member may rise to present or receive information of interest to the 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.

### 4. MEETINGS OF COUNCIL

- a) The Council shall hold its first meeting in accordance with Section 35 of the *Local Governance Act*.
- b) At its first meeting, the Council shall elect a Deputy Mayor from among the Councillors. The Deputy Mayor shall be elected by majority vote of Council, for a term of 4 years or until the next municipal election.
- c) The Council shall hold its regular meetings at Magaguadavic Place, (10 J.O. Spinney Drive), on the third Wednesday of the month at 7:00 p.m. If that Wednesday is a holiday, the meeting shall be held on the following day of that week. The notice of the regular meeting shall be posted in a public place one week prior to the meeting date.
- d) A quorum must be present at all regular and special meetings of the council. If quorum is not present after one-half (1/2) hour, the Clerk shall record the names of the Council Members present and the meeting shall stand adjourned until the next scheduled regular meeting or a special meeting is scheduled in accordance with subsection 4(e).

e) Special Meetings

- i) The Mayor or a majority of the Council upon written petition, may, at any time, call a special meeting of the Council on twenty-four (24) hours' notice to the Clerk and Members of Council.
- ii) Notice of any special meetings shall be circulated in writing to Members of Council by the Clerk. The notice of a meeting shall be posted to the local government's website.
- iii) The Council shall not consider any business at a special meeting except matters specified in the notice unless all Members of the Council present at the special meeting agree.

f) Closed Meetings

- i) Any meeting of the Council may be closed to the public as stipulated in Section 68 of the *Local Governance Act*:
  - 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 the Government of Canada or from the government of a province or territory,
  - f) information concerning legal opinions or advice provided to the local government by its solicitor or privileged communications between solicitor and client in a matter of local government business,
  - g) litigation or potential litigation affecting the local government or any corporation referred to in subsection 8(1) of the *Act*, the local government's agencies, boards or commissions including a matter before an administrative tribunal,
  - h) the access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government, including computer or communication systems,

- i) 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,
- j) labour and employment matters, including the negotiation of collective agreements.

## **5. ELECTRONIC MEETINGS**

- a) It is permitted to use electronic means of communication in a council meeting or a committee of council meeting if it allows Members of Council to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the members.
- b) Any individual participating in a meeting electronically must advise the Clerk two (2) days prior to the meeting.
- c) During a vote of Council, the Chair will purposefully request the Member of Council attending via electronic means to state their vote.
- d) If a closed session occurs, the members who are participating electronically shall, at the beginning of the meeting, confirm that the Member is alone.

## **6. AGENDA FOR REGULAR MEETINGS**

- a) Regarding the Agenda for Regular (Public) Meetings of Council; The agenda of the said meeting shall be prepared in accordance with a separate "Agenda"
- b) "Order of the Day" or "Agenda" is to reflect matters to be considered under the following headings. A particular heading may not appear on every agenda.
  - i) Call to Order/Date & Location of Meeting
  - ii) Adoption of Agenda
  - iii) Conflict of Interest Disclosure
  - iv) Adoption of Minutes of Previous Meeting
  - v) Business Arising Out of Minutes
  - vi) Delegations
  - vii) Department Reports
  - viii) Accounts Paid and Payable
  - ix) Old Business (if applicable)
  - x) New Business

- xi) Correspondence (if applicable)
  - xii) Public Presentation/Appearances
  - xiii) Statement by Members of Council
  - xiv) Date & Location of Next Meeting
  - xv) Adjournment
- c) The Clerk shall be responsible for preparing and circulating the agenda for all meetings of the council. The deadline for agenda submissions for a regular meeting of council shall be noon on the Friday prior to a meeting. The agenda of a regular council meeting shall be posted on the Monday prior to the scheduled meeting.
- d) Items may be added to the agenda at a Regular Meeting of Council by a majority vote of the members present, prior to adopting the final agenda for the regular meeting.

## **7. PROCEDURE FOR ALL MEETINGS OF THE COUNCIL**

- a) The Mayor shall chair all meetings. If the Mayor is unable to chair a meeting, the Deputy Mayor shall act as chair for the meeting.
- b) Except as otherwise provided, no Member shall speak without being recognized by the Chair.
- c) Once a motion is made and seconded, the mover shall have the privilege of speaking first and of closing debate.
- d) A Member of the Council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease, and the matter shall be clearly stated by the Member and, if applicable, ruled upon by the Chair.
- e) A Member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- f) All Members of the Council shall follow the rules set forth in the Code of Conduct By-Law. No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the public, or use offensive or profane language.
- g) Unless disqualified to vote by reason of conflict of interest, every Member of the Council present shall announce their vote openly and individually, and the Clerk shall record it.
- h) Groups, Organizations or Third Party Entities shall not be entitled to address the Council during the meetings unless the Clerk has been notified at least five (5) business days prior to the council meeting, and the item has been added to the agenda of the meeting under "Delegations" with each delegation shall have no more than two (2) presenters or speakers.

- i) Each member of the public in attendance shall be entitled to address council, for five (5) minutes with no debate from Council on matters of municipal jurisdiction.
- j) Any person, at the discretion of the chair, may be required to leave the meeting who:
  - i) breaches this by-law; or
  - ii) behaves in a disorderly manner; or
  - iii) uses threats or profane language in debate.

## 8. VOTING

- a) Per the Local Governance Act, Section 66(1) every Member who shall be present at the meeting, unless disqualified to vote by reason of interest or otherwise upon a By-Law, resolution, motion or for any other purpose, shall announce their vote openly and individually, and the Clerk shall record; but no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- b) Per section 66(2) of the Local Governance Act, the Mayor shall not vote except to have a casting vote in the event of a tie.
- c) Where a member refuses to vote and is not excused by Council or for the reasons stated in subsection (a), the Clerk shall record him/her as voting in the affirmative on the question or motion before the Council.

## 9. MINUTES

- a) The minutes shall record, without note or comment:
  - i) The place, date and time of the meeting,
  - ii) The name of the presiding officer and the attendance of Council Members,
  - iii) The reading, if required, correction and adoption of the minutes of prior meetings, and
  - iv) All resolutions, decisions and proceedings of the meeting.
- b) If a meeting is closed to the public under Section 4, subsection (f), a record shall be made containing only the following information:
  - i) the type of matter under Section 4, subsection (f), that was discussed during the meeting; and
  - ii) the date of the meeting.

## 10. COMMITTEES

- a) The Council may establish or abolish committees of council. The council shall appoint, to such committees, members who are qualified voters of the local government.
- b) The Council shall approve the mandate of each committee.
- c) The Council may establish special or ad hoc committees. The council shall appoint persons who are qualified voters of the local government thereto. Special or ad hoc committees shall have at least one member of the Council on the committee.
- d) The Mayor, following a meeting with members of Council regarding their interests and availability, may appoint a minimum of one (1) Councillor or a maximum of two (2) Councillors, to each committee.
- e) The Mayor may be a member of all committees or may appoint a member of the council to attend any committee meeting on the Mayor's behalf.
- f) The committee chair shall send notice of meetings to each member of the committee at least twenty-four (24) hours before the time of the meeting.
- g) The Clerk, or designate, shall record the minutes of all committee meetings. The minutes shall be circulated to all members of the committee. Minutes of committee meetings shall be provided to the clerk within seven (7) days of the approval of the minutes.

## 11. OTHER PROCEDURAL MATTERS

- a) In all procedural matters not governed by the Act, other provincial legislation, or this by-law, Robert's Rules of Order will be used and will prevail.

## 12. EFFECTIVE DATE

Given under the hands of the Transition Facilitator, on behalf of the Minister of Local Government and Local Governance Reform, on this 27th day of December 2022.

  
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Transition Facilitator  
Greg Lutes