

# Town of Centreville-Wareham-Trinity

## Rules of Procedure

Whereas section 24 of the *Municipalities Act (Act)* requires that Council shall adopt rules of procedure for its meetings, therefore, the Town of Centreville-Wareham-Trinity enacts the following rules and regulations:

### 1. Types of Council Meetings:

#### a. Regular Public Meetings of Council:

Regular Public Meetings of Council shall be held on the first and third Tuesdays of each month at 7:00 pm in the Council Chambers of the Town Hall, unless Council, by resolutions directs otherwise.

For the months of July & August, one Regular Public Meeting of Council shall be held the third Tuesday of the month at 7:00 p.m. in the Council Chambers of the Town Hall, Unless Council, by resolutions direct otherwise.

#### b. Special or Privileged Meetings of Council:

Special or Privileged Meetings of Council may be called by either the Mayor or any two (2) Councillors by giving written notice to the Town Clerk or designate.

### 2. Notice of Meetings:

Notice for all meetings of Council shall be by way of the Agenda Package, which shall be provided to all members of Council forty-eight hours prior to each meeting. The failure of any Councillor to have received the agenda package shall not invalidate a meeting of Council.

In the event of meetings requested to be held outside the approved schedule of meetings notice shall be provided to all Councillors via email or telephone call twenty-four (24) hours prior to such a meeting by the Town Clerk or designate unless otherwise approved by Council. The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

### 3. Meeting on a Legal Holiday:

When the day ordinarily fixed for a meeting of Council falls upon a legal holiday, the meeting shall be held on the next day following which is not a legal holiday.

**4. Meeting Decorum:**

**a. Order and Decorum:**

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

**b. Disorderly Persons:**

The Presiding Officer may expel and exclude from a meeting any Councillor or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a Councillor, an entry shall be made in the minutes of the reason for such exclusion. Any Councillor expelled from a meeting may be permitted, by majority vote of Councillors at the meeting in progress, to resume his place after making an apology to the Presiding Officer

**c. Dress Code:**

The standard of dress for Public Council Meetings for all Councillors, Town Clerk is a Business Casual Dress Code.

**d. Use of Cell Telephones:**

All cell telephones or other communication devices with the exception of computer equipment provided for the conduct of meetings must be turned off prior to the commencement of all meetings.

**5. Presiding Officer:**

The Mayor shall preside at all meetings of Council. In the absence of the Mayor the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, and if a quorum is present, the other Councillors shall appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the Mayor at the meeting or until the arrival of the Mayor or Deputy Mayor.

The Mayor, Deputy Mayor or Councillor presiding at a meeting of Council, where he or she wants to enter debate, may be replaced as the Presiding Officer by a temporary chairperson for the time during which the Mayor, Deputy Mayor or Councillor presiding is speaking.

**6. Quorum:**

A quorum shall consist of a majority of the number of Councillors that may be elected or appointed or otherwise approved by the Minister of Municipal Affairs (Minister). If a quorum is not present within fifteen (15) minutes after the time fixed for a Regular, Special or Committee Meeting, the Clerk or designate, as appropriate, shall record the Councillors present and the meeting shall stand adjourned until the next meeting or to such date as Council may decide.

**7. Attendance:**

In addition to the Mayor and Councillors, the Town Clerk or designate shall attend all meetings of Council. Other staff shall attend meetings of Council when requested to do so by Council or the Clerk.

**8. Meetings Open to the Public:**

All regular Public Meetings of Council shall be open to the public, unless it is held as a Special, Privileged or Committee Meeting or declared by a vote of the Councillors present at the meeting to be a Special, Privileged or Committee Meeting. Where a meeting is held or declared to be a Special, Privileged or Committee Meeting, all members of the public present at the meeting shall leave unless their attendance is requested by the Presiding Officer

Where a decision is made at a Special, Privileged or Committee Meeting, the decision is required to be ratified in order to be valid; it shall be ratified at a subsequent Public Meeting of Council.

**9. Conflict of interest:**

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 that 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 that matter.

For the purposes 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

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

Where a Councillor has an interest as set out herein, 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 Councillor declaring a conflict of interest is the Presiding Officer, 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.

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 that the remaining Councillors make a decision on the matter as if those remaining Councillors constituted a quorum.

Where all Councillors 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 Councillors should proceed with making a decision, the Minister may exempt the Council and the Councillors may vote on the matter.

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.

## **10. Minutes:**

Minutes of all meetings of Council shall be recorded by the Clerk or designate as appropriate. Such minutes shall contain:

- All those in attendance at the meeting.
- All motions and resolutions coming before Council, including the names of the movers and seconders.
- The names of all Councillors voting against or abstaining from voting on the motions.
- A brief description of comments, reports, petitions, presentations or documents submitted to Council for the purpose of providing the reader of the minutes with an understanding of the decisions of Council and not for the purposes of recording lengthy descriptions of what was said or presented and by whom.

Minutes should reflect what was *done* in the meeting, not what individual Councillors or staff *said*.

Copies of minutes will be distributed to Councillors via the approved Council Meeting Distribution System (Agenda Package) prior to the next meeting.

In the Public Council Meeting adopting the minutes, if any Councillor objects to any portion of the minutes of the preceding meeting, he or she shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

#### **11. Agenda – Public and Committee Meetings:**

Prior to each regular Public Meeting or Committee Meeting of Council, the Town Clerk shall prepare an agenda of all business to be brought before Council. Any Councillor until 10AM of the Friday preceding the meeting, may submit to the Town Clerk or designate an item for inclusion on the agenda.

The format of the agenda for the Public Meeting shall be as follows:

- Calling the Meeting to Order
- Adoption of the Agenda
- Adoption of Minutes
- Business arising from Minutes (Action Report)
- Delegations
- Committee Reports
  - Planning & Works

- Finance Committee
- Town Hall/Museum Committee
- Seniors Housing/Sub-Division Development Committee
- Economic Development Committee
- Black's Brook Park Committee
- Recreation Liaison Report
- Fire Department Liaison Report
- Tidy Towns Committee
- Public Relations
- Other Business
- Correspondence
- Adjournment

## **12. Agenda – Special and Privileged Meetings:**

When Special and Privileged Meetings are called for the consideration of some particular matter, the order of business shall be in accordance with the items specified in the Notice for that meeting. 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 unanimous consent or by majority vote.

## **13. New Business – Public Council Meeting:**

New business during the Public Council Meeting is limited to items of information, attendance at previous events, notice of upcoming events, congratulatory items and is not intended for substantive items or those which require decisions of Council unless otherwise decided by unanimous consent. New business is limited to a maximum of two (2) minutes per Councillor unless otherwise decided by unanimous consent.

## **14. Notice of Motion:**

Prior to Council's consideration of the introduction or the amendment of any Regulation, a Notice of Motion, in writing, shall be tabled at a regular Public Council Meeting.

## **15. Motions:**

The word *motion* refers to a formal proposal by a Councillor, in a meeting, that the Council take certain action. Before a subject can be considered, it must be placed before the Council in the form of a motion.

#### **16. Motions during Debate:**

When a question is under debate, the following non-written motions shall be in order:

- To extend the time of the meeting where the time of the meeting has been established.
- To refer or commit a matter being considered by Council.
- To amend a motion being considered by Council.
- To lay a motion on the table.
- To postpone a motion indefinitely.
- To move the previous question.

Every motion shall be seconded before being put to the body or debated.

#### **17. Withdrawal of Motion:**

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.

#### **18. Addressing the Motion:**

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

#### **19. Entitlement to Speak:**

If two or more Councillors speak at the same time, the Presiding Officer shall determine which Councillor is entitled to speak.

#### **20. Call to Order:**

The presiding officer may call a member to order while a 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.

## **21. Appeal on a Point of Order:**

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.

## **22. Member Speaking not to be Interrupted:**

When a Councillor 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.

## **23. Debate Procedure and Length of Debate:**

During debate, Councillors shall confine themselves to the question and avoid personalities. No Councillor, without the consent of Council, shall speak longer than five (5) minutes at any one time, or more than once on any motion or amendment thereto, except in explanation of a material part of their remarks, which may have been misunderstood, but then they shall not be permitted to introduce a new matter. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

## **24. Rereading of Motion:**

Any Councillor 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 Councillor speaking.

## **25. Voting:**

- 1) All decisions of Council, unless otherwise specified either under the *Act* or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer.
- 2) 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 or he or she has been permitted to abstain by a majority vote of the other Councillors in attendance at the meeting.
- 3) 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.

**26. Recorded Vote:**

The Town Clerk shall record the names of those voting in favour of the motion, those voting against the motion, and those abstaining.

**27. No Secret Ballot:**

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

**28. Tie Vote:**

Where there is a tie vote on a motion or resolution that motion or resolution shall be considered to be defeated.

**29. Committees**

a. **Authority to Form:**

Council may from time to time appoint committees and the Mayor shall be an ex-officio member of all committees.

b. **Standing Committees:**

Standing Committees of Council shall remain in effect for the life of the Council, and Councillors shall be appointed by the Mayor at the first Council Meeting following a general election and changed by the Mayor on or before December 31st of the second year of Council's term of office and the committee structure shall be ratified by Council following their appointment by the Mayor.

Each committee shall set the day and place for its meeting.

c. **Special Committees:**

Special Committees of Council shall consist of at least one Councillor and other members as appointed by the Mayor and ratified by Council and

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.

d. **Committee of the Whole:**

Council will meet as a Committee of the Whole in accordance with the provisions of these Rules of Procedure. The Mayor will assume the chair and if absent the Deputy Mayor will assume the chair and if the Deputy Mayor is absent, another Councillor shall be elected as Chairperson.

e. **Committee Membership:**

Membership on all Standing Committees and the Committee of the Whole is limited to Councillors.

f. **Quorum of Committees:**

A majority of the Councillors at a Committee of the Whole shall constitute a quorum.

Standing Committees shall, whenever possible, convene with its two regular Councillors or an alternate Councillor where one regular Councillor is unavailable. In absence of one Councillor or the alternate, the Standing Committee can convene and bring forth its recommendations to Council or the Committee of the Whole on the basis one Councillor being in attendance.

g. **Committee Chairman:**

When Council appoints a committee, it shall also appoint one of its Councillors to be chairman of that committee.

h. **Committee Secretary:**

The Town Clerk (or designate) shall act as secretary to each committee of Council.

i. **Committee Notes:**

Prior to the next meeting of the committee, the Town Clerk (or designate) to that committee shall prepare notes of the previous meeting for submission to and confirmation by the committee.

Following every committee meeting the Town Clerk (or designate) assigned to that committee shall prepare a report for submission to the Council on all matters which require Council action.

j. **Conduct of Business in Committees:**

The following rules and procedures shall apply to the proceedings in committees:

- The Chairperson shall preside at every meeting. In the absence of the Chairperson, the other Councillor on the committee shall act as Chairperson during the Chairperson's absence.
- There shall be no limit on the number of times a Councillor may speak.
- There shall be no voting during committee meetings, its purpose is only to arrive at a consensus to present to Council or the Committee.
- In the event of a consensus not being arrived at, the positions of both committee Councillors will be included in the report to be presented to the Committee prior to presentation to Council.
- During Committee Meetings there shall be no limit on the number of times a Councillor may speak and there shall be no voting, its purpose is only to arrive at a position to be referred to the Public Council Meeting for consideration and ratification.
- No action can be taken on issues arising or discussed during the Committee Meeting unless by unanimous agreement and subject to ratification at the next Public Council Meeting, where a decision of Council is required or appropriate.

**30. Clarification and Amendment Procedure:**

**a. Clarification of Rules:**

In all cases where these Rules of Procedure do not make provision or adequate provision, then *Robert's Rules of Order* shall apply.

**b. Amendment of Rules:**

Any motion to amend these Rules of Procedure requires a Notice of Motion and must be approved by a majority of Council.

**31. Effective Date:**

These Rules of Procedure shall become effective upon the 25<sup>th</sup> day of November, 2021.

**32. Copy to Minister:**

A copy of these Rules of Procedure was sent to the Minister of Municipal Affairs on the 05 day of December, 2021.

**33. Repeal of Previous Rules of Procedure:**

All previous Town of Centreville-Wareham-Trinity Rules of Procedure and amendments are repealed.

  
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Mayor

  
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Town Clerk