

**TOWN OF SACKVILLE**

**BY-LAW NO. 223**

**A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION  
OF COUNCIL**

**BE IT ENACTED** by the Council of the Town of Sackville under the authority vested in it by the Municipalities Act, Chapter M-22, Sections 10.3(1) and 10.3(2) as follows:

The Council of the Town of Sackville duly assembled enacts as follows:

1. First Meeting Newly Elected Council
2. Deputy Mayor
3. Regular Council Meetings
4. Deadline
5. Special Meetings of Council
6. Calling of Emergency Meetings
7. Discussion Sessions of Staff and Council
8. Minutes of Meetings
9. Agenda of Meetings
10. Information Dissemination
11. Order of Business
12. Motions
13. Precedence
14. Decorum
15. Voting
16. Conflict of Interest
17. Interruptions

18. By-Laws
19. Petitions and Delegations
20. Reconsideration
21. Parliamentary Rules
22. Committee of the Whole
23. Appointment and Organization of Committees
24. Liaison Councillors
25. General Duties of a Committee
26. Rules and Regulations
27. Repeal

The Council of the Town of Sackville duly assembled enacts as follows:

1. **FIRST MEETING, NEWLY ELECTED COUNCIL**

A newly elected Council:

- (a) may hold its first meeting as stated under Section 10.1(a)(b) of the Municipalities Act which states:
  - 10.1 The clerk may fix a date for the first meeting of a council which date,
    - (i) shall not be earlier than the expiration of the ten day period referred to in subsection 42(1) of the Municipal Elections Act following the council's election, and
    - (ii) shall not be later than the fifteenth day of June following the council's election,
- (b) shall transact no business at its first meeting until the Oaths of Office have been taken and subscribed to by all members who present themselves for that purpose.

2. **DEPUTY MAYOR**

- (a) Council shall, by their second Regular Council meeting, elect a Deputy Mayor for a one-year term. Council shall then elect a new Deputy Mayor yearly thereafter, on or about the anniversary date of the election of Council.
- (b) In the absence or inability of the Mayor to act, or if the office of Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while so acting, he/she possesses the powers and shall perform the duties of the Mayor.

3. **REGULAR COUNCIL MEETINGS**

- (a) The Council shall hold one public meeting per month. This meeting shall be held on the second Monday of each month in Council Chambers, Town Hall at 7:00 p.m. If a motion is passed by an affirmative vote of at least two-thirds (2/3) of the members present, the meeting date, time or location of a Council meeting may be changed.
- (b) The date, time and place of the Regular monthly Council meeting will be advertised in the Town of Sackville's bi-weekly ad in the Tribune Post, and also on the Town's website.
- (c) The Town Clerk shall put into the Mayor and Councillor's mail boxes at Town Hall, not later than 48 hours before the day fixed for each Regular meeting, a notice of meeting setting out the time of the meeting and the business to be transacted thereat.
- (d) If a quorum, being 50% plus one of the membership, is not present within thirty minutes after the time fixed for a Regular meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned until the next Regular meeting.
- (e) The majority of the elected Council shall constitute a quorum.
- (f) Upon a quorum of the members present, the Mayor shall take the Chair and call the members to order. In the absence of the Mayor and Deputy Mayor, the Town Clerk shall call Council to order. The Council may, from among the members present, appoint a presiding Officer, who during the absence of the Mayor and the Deputy Mayor, shall have all the powers of the Mayor.

- (g) The Chairperson of the meeting shall preserve order, decide all questions of order, (subject to an appeal by Council) and shall state the rule applicable to the point of practice or order involved, if called upon to do so by a member.
- (h) 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 debates 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.
- (i) When the day fixed for a meeting of the Council falls upon a legal holiday, the said meeting shall be held upon the next following day which is not a legal holiday.
- (j) The Mayor may, on two clear days written notice, given through the Clerk's office, reschedule any Regular meeting of Council to a time and place to be named in the notice.
- (k) All Regular Council meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct, or if the seating capacity of the meeting room is exceeded as per the posted notice from the Fire Marshal.

4. **DEADLINE**

When, at any meeting of Council, the hour of 10:30 p.m. shall be reached, the Mayor or presiding officer shall declare the Council adjourned and leave the chair, unless by vote of two-thirds (2/3) of the members present, the Council determines otherwise.

5. **SPECIAL MEETINGS OF COUNCIL**

- (a) The Mayor may at any time 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.
- (b) A Special meeting may be summoned by the Clerk upon the written request of the Deputy Mayor or the majority of the members of Council in the following cases:
  - 1) The absence of the Mayor,
  - 2) The vacancy of the Mayor's Office,
  - 3) The inability of the Mayor to attend.

- (c) If a Special Council meeting is deemed necessary due to an unforeseen issue, the Clerk shall give to all members of Council notice. The agenda shall be posted forty-eight (48) hours before the time set for the meeting, unless an emergency is declared and a forty-eight (48) hour notice is not possible.
- (d) All Special Council meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct, or if the seating capacity of the meeting room is exceeded as per the posted notice from the Fire Marshal. The date, time and agenda will be posted at Town Hall, at the Post Office, and on the Town's web page. An ad will be placed in the Tribune Post if sufficient time is available.
- (e) No business shall be transacted at a Special meeting other than that specified in the notice calling it, except with the unanimous consent of all members of Council present.

#### 6. **CALLING OF EMERGENCY MEETINGS**

Under special circumstances the Clerk/Assistant Clerk, after consultation with the Mayor/Deputy Mayor or a majority of Council, may call an emergency meeting of Council. The Clerk/Assistant Clerk will notify Council of the meeting by telephone, in person and/or via e-mail. The public will be notified via the Town's web site.

#### 7. **DISCUSSION SESSIONS OF STAFF AND COUNCIL**

A monthly discussion session of staff and Council, will be held on the first Monday of each month to ensure that Council is kept fully-informed on issues. These sessions will be informal and will not involve the recording of minutes. Decisions shall not be made at these meetings and motions may not be made or passed. These meetings will normally be open, unless the majority of Council at a Regular Council meeting votes to close a subsequent Discussion Session or a portion of the meeting to deal with matters as stated under Section 10.2(4) of the Municipalities Act which states:

10.2(4) If it is necessary at a meeting of council or a committee of council to discuss any of the following matters, the public may be excluded from the meeting for the duration of the discussion:

- (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 communications systems, or the access to or security of methods employed to protect such buildings, other structure or systems;
- (i) information gathered by police, including the Royal Canadian Mount 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 agreement.

8. **MINUTES OF MEETING**

- (a) It shall be the duty of the Clerk to have minutes of all meetings recorded and available to all members of Council not later than two weeks after the meeting.
- (b) As soon as the members of the Council are called to order at any Regular meeting, the Chairperson shall ask the Council if there are any objections to the minutes, or any motion to correct, and shall forthwith, or after correction, if any, declare the minutes adopted and shall sign them.

9. **AGENDA OF MEETINGS**

- (a) Prior to each Regular meeting, the Clerk shall prepare an agenda of all business to be brought before Council. The agenda shall be delivered to the Mayor and Councillors by 4:30 p.m. on the Wednesday prior to the Regular meeting, and the business of the Council shall be handled in the same order in which it appears in the agenda.

- (b) Any additional agenda items may be added in 11 (a)(3) at the commencement of the meeting with unanimous consent of the members present expressed by motion.
- (c) The Agenda and information packages for the monthly Council meeting will be available for the press and public by 1:00 p.m. on the preceding Thursday and will be posted on the Town's website.

10. **INFORMATION DISSEMINATION**

- (a) Reports to Council on public issues will be made available to the community.
- (b) Public meetings and information sessions will be held as issues arise which would benefit from discussions and input from the community, as well as presentation to the public of Council's perspective and priorities.
- (c) Press releases will be issued by the Chief Administrative Officer as necessary.
- (d) The Chief Administrative Officer will continue as the primary contact person for the media with respect to collecting information. Council and Department Heads will remain available for comment on issues.

11. **ORDER OF BUSINESS**

- (a) The business of the Council intended to be taken up shall be stated in the agenda as follows:

**Opening - Question Period**

- (1) **Call meeting to order**
- (2) **Disclosure of Interest**
- (3) **Adoption of Agenda and any addition thereto**
- (4) **Adoption of the minutes in accordance with section 8(b) hereof**
- (5) **Business arising from the minutes**
- (6) **Approval of Bills and Payroll**
- (7) **By-Laws/Development Agreement/Rezoning**

- (8) **Management Reports**
  - (9) **Liaison Councillors Reports**
  - (10) **New Business**
  - (11) **Correspondence**
  - (12) **Adjourn**
  - (13) **Closing – Question Period**
  - (14) **Committee of the Whole (if necessary)**
11. (b) A fifteen (15) minute question and answer period for the public will be provided at the start of Council meetings with the addition of a fifteen (15) minute question period (starting with the press and including the public) at the conclusion of the meeting to allow the public to clarify any information given, or business completed during the meeting. At its discretion, Council may extend these question periods.
12. **MOTIONS**
- (a) Every motion or resolution shall be stated or read by a mover and when duly moved and seconded and stated by the Chairperson, shall be open for consideration.
  - (b) After a motion has been stated by the Chairperson, it shall be deemed to be in possession of Council but it may be withdrawn by majority vote of the Council members present.
13. **PRECEDENCE**
- Robert's Rules of Parliamentary Order shall be followed during all meetings of Council.
14. **DECORUM**
- (a) The members of Council shall sit and, when any member desires to speak, he/she shall raise his/her hand and address his/her remarks to the Chair. He/She should confine himself/herself to the question and avoid all

personalities. Should more than one member raise their hand at once, the Chairperson shall decide who is entitled to the floor.

- (b) No member shall speak more than once without leave of the Council, except in explanation.
- (c) No member shall, without leave of Council, speak to the same question or in reply for longer than ten (10) minutes.
- (d) A reply shall be allowed to a member who has put the main motion but not to any member who has moved an amendment on the previous question.
- (e) The Chairperson or any member may call a member to order while speaking and the debate shall then be suspended and the member called to order, and shall not speak further until the point of order is decided by the Chair.
- (f) Any member may appeal from the decision of the Chair to the Council. All appeals shall be decided by a majority vote without debate. The question is put as "shall the decision of the Chair stand?"

#### 15. VOTING

- (a) As per the Municipalities Act, Section 10.1(1), every Councillor who shall be present in the Council Chamber, unless disqualified to vote by reason of interest or otherwise upon a By-Law, resolution, motion or for any other purpose, each Councillor present shall announce his/her 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) As per section 10.1(2) of the Municipalities 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 of motion before the Council.

#### 16. CONFLICT OF INTEREST

As per legislation.

17. **INTERRUPTIONS**

When there is a motion on the floor, no member shall walk out or across the Chamber; when a member is speaking, no other member shall talk so as to interrupt the member who has the floor.

18. **BY-LAWS**

As per Municipalities Act, **Section 12.**

19. **PETITIONS AND DELEGATIONS**

- (a) When any petition, proposal, or scheme is presented to the Council, such member shall be notified of the meeting of Council at which the same is to be heard, considered or acted upon, in the same manner as if he were a member thereof.
- (b) Delegations, Public Hearings under the Community Planning Act or Petition Hearings under the Business Area Improvement Act shall be heard in Regular Council or Special Council meetings.
- (c) No delegation shall be heard unless a written presentation on the subject matter to be discussed has been submitted to the Clerk no later than Tuesday, 12:00 p.m., one week prior to the Regular Council meeting or 72 hours before any Special meeting. This restriction may be waived at the discretion of the Clerk following consultation with Council.
- (d) Every delegation shall be required to have a spokesperson and shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than five (5) minutes.
- (e) A delegation, once heard, shall be reheard only at the discretion of Council.

20. **RECONSIDERATION**

After any question has been decided, any member who voted with the majority may, at this or the next Regular meeting of Council, move for a reconsideration of the question. Upon such a motion to reconsider, and the vote being carried, the subject is again open for debate on the original motion and the matter then stands before Council in precisely the state and condition, and the same questions are to be put to it as if the vote reconsidered had never been passed.

21. **PARLIAMENTARY RULES**

All points of order or procedure not provided for in this By-Law shall be decided in accordance with the Robert's Rules of Parliamentary Order.

22. **COMMITTEE OF THE WHOLE**

- (a) Committee of the Whole meetings will only be called as per section 10.2(4) of the Municipalities Act.
- (b) Council may request that such matters, such as those outlined in 22(a), be placed on the Committee of the Whole agenda.
- (c) Full discussion may be held on the agenda items and recommendations made to a regular session of Council.
- (d) The Mayor may preside in the Committee of the Whole or may designate another member of Council to preside as chairperson.
- (e) Committee of the Whole meetings may or may not be open to the public at the discretion of the majority of Council. When a Committee of the Whole meeting is open to the public, no member of the public shall be excluded therefrom except for improper conduct.
- (f) The Clerk shall put into Mayor and Councillor's mail box at the Town Hall not later than forty-eight (48) hours before the time fixed for each Committee of the Whole meeting, a notice of meeting detailing the agenda.
- (g) A majority of members must be present at any Committee of the Whole meeting.
- (h) If a majority of Council is not present fifteen minutes after the time appointed for the Committee of the Whole meeting, the meeting shall stand adjourned until the date of the next Committee of the Whole meeting.
- (i) Council may at any time by majority vote move into Committee of the Whole in which case, the Mayor may leave the Chair and appoint a Chairperson of the Committee of the Whole who shall preside during the meeting.
- (j) The Mayor must resume the Chair previous to the vote being taken.
- (k) The rules of Council shall be observed in Committee of the Whole and a member may speak on the question more than once.

- (l) The motion to Rise and Report to Council shall be decided without debate.

23. **APPOINTMENT AND ORGANIZATION OF COMMITTEES**

- (a) The Council may create, enlarge, reduce or abolish any committee, sub-committee or special committee created by it, and may prescribe the purpose, jurisdiction, duties and tenure of each committee including the composition of its membership all as proclaimed in the constituting resolution, or any subsequent amendment thereto.
- (b) The Mayor shall be an ex-officio member of all committees created by Council and may vote at all meetings. Other members of Council may attend meetings of a committee and may, with the consent of the committee, take part in the discussion but shall not be entitled to vote.

24. **LIAISON COUNCILLORS**

The Mayor, following a meeting with all members of Council in order to consult regarding their interests and availability, shall appoint the following Liaison positions, with a minimum of one Councillor assigned to each category and a maximum of two, if desired.

Finance & Administration  
 Engineering & Public Works  
 Public Safety (Fire & RCMP)  
 Community Development & Programming  
 Parks & Recreation Facilities  
 Tourism  
 Personnel  
 Policy/By-Law  
 Economic Development

The above-noted Liaison Councillors will be appointed by the Mayor following consultation with the Chief Administrative Officer, to ensure an absence of scheduling conflicts.

New appointments will take effect three (3) weeks from the date of the appointment to allow the Chief Administrative Officer to arrange suitable meeting schedules and prepare background information on Departments for new Councillors. In the year of a municipal election, the new appointments will take effect immediately following the Mayors announcement at the first Council meeting of the new Council. It is understood that all liaison appointments will take effect on the same day.

These Liaison Councillors shall be appointed for a period of one (1) year, or until a successor is appointed if a vacancy occurs. New appointments will be scheduled on or

about the anniversary date of the original appointments (May or June). All subsequent appointments will also be announced by the Mayor at a public Council Meeting.

The Liaison Councillors responsibility will be to work with the Chief Administrative Officer and the appropriate Managers, to keep Council informed on issues in that particular department.

Meetings of Liaison Councillor Committees, which are information-sessions, will be held once a month and on a regular, pre-determined schedule. The agenda will be circulated 48 hours before the meeting and the minutes will be circulated to all Council members within 48 hours of the meeting. If a Councillor is unable to attend a meeting, it will be rescheduled following consultation with the Chief Administrative Officer or Clerk in order to avoid scheduling conflicts.

#### 24.1 **OTHER COMMITTEES/BOARDS AND REPORTING POSITIONS**

Following is a list of Boards and Committees which frequently involve Council representation. A recommendation to Council will be made by the Mayor at a public meeting regarding Councillors to be appointed to these positions, as per the understanding outlined in Section 24. Liaison Councillors. One representative of Council will be assigned to each of the following:

##### Board and Committee Members, Council Meeting Reports

Westmorland Albert Solid Waste  
 Tantramar Planning District Commission  
 South East Tantramar Tourism Association  
 Renaissance Sackville  
 Greater Sackville Chamber of Commerce  
 Mainstreet Redevelopment Inc.  
 Heritage Advisory Board  
 Downtown Revitalization Committee  
 Town/Mount Allison University Administrative Meetings  
 EOS

Councillors responsible to these organizations will provide a report to Council and the public on a regular basis at the Regular monthly meeting.

In some cases, the Board or Committee will have its own rules regarding term of appointment, number of Council representatives etc.

25. **GENERAL DUTIES OF A COMMITTEE**

The general duties of a committee are:

- (a) To report to Council on all matters referred to the committee as often as the interest of the Municipality may require and to recommend to Council such action as may be deemed necessary or expedient.
- (b) Meetings of a Committee shall be called by the Chairperson of the Committee or by a majority of the members of it.

26. **RULES AND REGULATIONS**

The Rules and Regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be used for the order and dispatch of business in the Council.

27. **REPEAL**

Upon passing of this by-law, By-Law No. 190 and 190A are hereby repealed.

This by-law comes into effect on the date of final passing thereof.

Read a first time this 9th day of May, 2011

Read a second time this 13th day of June, 2011.

Read a third time and passed Council this 13th day of June, 2011.

  
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Mayor

  
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Clerk