

BY-LAW NO. 1
A PROCEDURAL BY-LAW FOR THE COUNCIL OF SUNBURY-YORK SOUTH RURAL
COMMUNITY

PURPOSE: A By-law of *Sunbury-York South Rural Community*, in the Province of New Brunswick, to establish the proceedings of the Council of *Sunbury-York South Rural Community*.

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);

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." Cited as the "Procedural By-Law"

2. APPLICATION:

- a) These proceedings of council by-Law:
 - i. applies to the following:
 - I. all members of the Council, including the 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.
 - ii. shall be used for the order and dispatch of business in Council and committees.

3. DEFINITIONS:

"Act" means the *Local Governance Act*, amendments thereto and regulations adopted thereunder.

- a) "Clerk" means a clerk of *Sunbury-York South Rural Community* appointed under Section 71 of the *Local Governance Act*;
- b) "Chair" means the member of the Council presiding over council meetings
- c) "Closed meeting" means a meeting of Council not open to the public, so convened in accordance with the *Local Governance Act*;
- d) "Council" means the Mayor and councillors of *Sunbury-York South Rural Community*;
- e) "Point of information" means the procedural mechanism by which a member may rise to present or receive information of interest to the Council;
- f) "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;
- g) "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;
- h) "Quorum" means a majority of those members of the Council.
- i) "Regular meeting" means a public meeting of the Council
- j) "Resolution" means a decision made by Council passing, amending or defeating a motion under consideration."
- k) "Special meeting" means a public meeting of the Council other than a regular meeting
- l) "Treasurer" means the Treasurer of the municipality as appointed by Council in accordance to section 76 of the *Act*. (*this section may have changed*)

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 a 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 the municipal office on the 3rd Tuesday of the month at 7 pm. If that 3rd Tuesday 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) 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 the 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.
- e) A quorum must be present at all regular and special meetings of the Council. If a 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.
- f) Upon written petition, the Mayor or a majority of the Council may call a special Council meeting on twenty-four (24) hours' notice to the Clerk and members of Council.
- g) Notice of any special meetings shall be circulated in writing to members of the Council by the Clerk. The notice of a meeting shall be posted to the local government's website.
- h) 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.
- i) Any meeting of the Council may be closed to the public as stipulated in Section 68 of the *Local Governance Act*.
- j) Meeting Curfew- When at any meeting of the Council the hour of 9:00 pm shall be reached, the Mayor or Presiding Officer shall declare the Council adjourned and leave the chair unless decided otherwise by a two-thirds majority vote of council members present.
- k) Council may waive a Meeting or change the date for such meeting when by Resolution of Council made at least 1 (one) week prior thereto, the Council deems it appropriate. However, the Mayor and CAO, if concerned about a safety factor or due to compassionate reasons, may cancel or reschedule a Meeting on short notice if deemed necessary.

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 the 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 1 (one) day prior to the meeting.
- c) If a closed session occurs, the members participating electronically shall confirm that the member is alone at the beginning of the meeting.
- d) A member of the Council who participates electronically shall be deemed to be present for the meeting.
- e) If a council meeting is open to the public, the use of electronic means of communication is permitted only if a notice of the meeting is given to the public that includes the following information:
 - i. A statement that an electronic means of communication will be used at the meeting; and
 - ii. The location where the public may see or hear the meeting.

6. PROCEDURE FOR 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) In the absence or inability of both the Mayor and the Deputy Mayor to act, or if their offices are vacant, the Clerk shall call for a vote to elect a Councillor to act as Presiding Officer at a Meeting by Majority vote of the Councillors present, and he/she shall have the same authority while presiding at the meeting as the Mayor would have if occupying the chair.
- c) Except as otherwise provided, no member shall speak without being recognized by the chair.
- d) Once a motion is made and seconded, the mover shall have the privilege of speaking first and of closing debate.
- e) 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.
- f) A member of the Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- g) All members of the Council shall follow the rules set forth in the Code of Conduct By-Law. No member of the Council shall speak disrespectfully of the

Council, another member of the Council, a staff person or a member of the public, or use offensive or profane language.

- h) 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.
- i) Members of the public shall not be entitled to address the Council during the meetings unless the Clerk has been notified at least five business days prior to the council meeting and the item has been added to the agenda of the meeting.
- j) Any person, at the discretion of the chair, may be required to leave the meeting who:
 - i. breaches this by-law;
 - ii. behaves in a disorderly manner; or
 - iii. uses threats or profane language in debate.

7. SPECIAL MEETINGS:

- a) The Mayor may at any time summon a Special Meeting. It shall be his/her duty to do so when requested verbally or in writing by a Majority of the Members.
- b) The Clerk shall summon a Special Meeting when requested verbally or in writing by a Majority of the Members.
- c) The Clerk shall give to all Members verbal or written notice of each Special Meeting at least 24 (twenty-four) hours before the time set for the meeting. The notice shall specify the time of such meeting and the business to be transacted thereat.
- d) No business shall be transacted at a Special Meeting other than that specified in the notice calling it except where otherwise determined by the unanimous consent of the Members present.
- e) All Special Meetings are open to the public, and no public member shall be excluded from them except for improper conduct. The Mayor or other Presiding Officer may order the expulsion from any meeting of any member of the public whose behaviour is deemed as a Disrespectful Statement/Action at such meeting.
- f) Public notices of Special Meetings shall be given by posting the information on the Sunbury-York South Rural Community website.

8. MINUTES

The minutes shall record, without note or comment:

- a) the place, date and time of the meeting,
- b) the name of the presiding officer and the attendance of the Council members,
- c) the reading, if required, correction and adoption of the minutes of prior meetings, and
- d) all resolutions, decisions and proceedings of the meeting

9. COMMITTEES

- a) The Council may establish or abolish committees of the Council. The Council shall appoint, to such committees, members who are qualified voters of the local government. Committees of the Council shall have at least one member of the Council on the committee.
- 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 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.
- e) 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.
- f) 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.

10. 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.
- b) a) the Mayor shall speak on issues of concern to the municipality on behalf of the Council, as per the Act; b) in interaction with the media, the more outstanding interests of the rural community of SUNBURY-YORK SOUTH as a whole must be considered at all times; and c) Council may prevent any news media or person from broadcasting the proceedings of a council meeting.

11. EFFECTIVE DATE

Given under the hands of the Transition Facilitator, on behalf of the Minister of Local Government and Local Governance Reform, on this 14th day of December, 2022.


Transition Facilitator

REPEALED