

BYLAW NO. A-2

**A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION**

Pursuant to the authority granted by Section 10.31 of the Municipalities Act
BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS
FOLLOWS:

1. HOURS OF SERVICE

1.01 The official hours for the transaction of public business in the Town Hall shall be from 9:00 a.m. to 5:00 p.m. on Monday through Friday of each week, except on holidays.

1.02 Nothing herein prevents the extension of official hours when public business so demands.

2. DEFINITIONS

Unless otherwise defined, in every bylaw of the Town of St. Stephen,

2.01 "at large" is for purposes of a municipal election wherein residents of the Town shall vote for the candidate for the office of Mayor and for the office of Councillor,

2.02 "bylaw" means a bylaw of the Town of St. Stephen,

2.03 "town" means the Town of St. Stephen,

2.04 "clerk" means a Clerk appointed pursuant to section 74 of the *Municipalities Act*,

2.05 "corporation" means the Town of St. Stephen,

2.06 "council" means the Mayor and Councillors of the Town of St. Stephen,

2.07 "councillor" means a member of the Council other than the Mayor,

2.08 "herein" used in any section shall be understood to relate to the whole bylaw and not just to the section in which it is used,

2.09 "mayor" means Mayor of the Town or the person for the time being having the powers of or performing the duties of the Mayor,

2.10 "member" or "member of council" means any person elected to Council,

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- 2.11 "month" means calendar month,
- 2.12 "municipality" means the Town of St. Stephen,
- 2.13 "personal information" means information about an individual who can be identified by the contents of information because the information includes the individual's name, makes the individual's identity obvious, or is likely in the circumstances to be combined with other information that includes the individual's name or makes the individual's identity obvious,
- 2.14 "point of order" means an issue raised by a participant at a meeting claiming that the procedures of a meeting or of an individual participant are contrary to procedural rules or practices,
- 2.15 "quorum" unless otherwise defined means a majority of the members of Council holding office from time to time together with the mayor or other presiding officer,
- 2.16 "rules of order" means *Bourinot Rules of Order*,
- 2.17 "shall" is to be construed as imperative, and "may" as permissive and empowering,
- 2.17 "simple majority" means the majority of councillors present at a meeting,
- 2.19 "standing committees" are committees of Council established for the purpose of considering matters of ongoing nature and they usually have a continuing responsibility in those areas,
- 2.20 "street" means all roads or paths located in the Town and includes highway, road, lane, alley, avenue, drive, bridge, way of public nature, sidewalk, boulevard, court, courtyard, common, public square, park and any other public place in the Town,
- 2.21 "two-thirds vote" means a condition imposed when a vote is taken on a major issue whereby approval is contingent on not less than two-thirds of the votes cast being in the affirmative,
- 2.22 "whole council" means the majority of the members of Council holding office together with the Mayor or other presiding officer,

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2.23 "year" means twelve consecutive months, and "calendar year" means the period from the first day of January to the last day of December then following, inclusive.

3. TERMINOLOGY

In every bylaw, unless otherwise stated,

3.01 a word importing the masculine gender includes the feminine, and

3.02 a word importing the singular includes the plural, and a word importing the plural includes the singular.

4. COMPOSITION OF COUNCIL

4.01 The members of the elected Council of the Town of St. Stephen shall consist of one Mayor and six Councillors who shall be nominated and elected at large.

4.02 The Councillor being elected with the highest number of votes shall be appointed Deputy Mayor. This appointment shall be assented to by formal resolution of Council as per Section 30 of the Municipalities Act. If all councillors are elected by acclamation, there shall be an election within Council, *by an open vote of Council*, to determine the appointment for Deputy Mayor.

4.03 If there is a tie in the highest number of votes between the top vote getters, the term for Deputy Mayor will be split equally between or amongst the Councillors with the tied top votes.

4.04 Notwithstanding Section 4.03, the tenure of the Deputy Mayor shall be for the full term of the Council.

4.04 All qualified voters, resident in the Town in accordance with the *Municipal Elections Act*, shall be entitled to vote for candidates for the office of Mayor and for the office of Councillor.

5. REMUNERATION OF COUNCIL

5.01 The Mayor shall be paid an annual salary of \$7,500. The Mayor shall receive this remuneration in two installments. The first installment shall be paid in the month of May for the period November to May and the second installment shall be paid in the month of November for the period June to November

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- 5.02 The Deputy Mayor shall be paid an annual salary of \$4,400. The Deputy Mayor shall receive this remuneration in two installments. The first installment shall be paid in the month of May for the period November to May and the second installment shall be paid in the month of November for the period June to November.
- 5.03 Each Councillor shall be paid an annual salary of \$4,000. Each Councillor shall receive this remuneration in two installments. The first installment shall be paid in the month of May for the period November to May and the second installment shall be paid in the month of November for the period June to November.
- 5.04 The Mayor, Deputy Mayor or Councillor's salary will be pro-rated if they leave office before the end of the six month pay period based on the day of departure.
- 5.05 An annual Cost of Living , not to exceed 3% , shall be included for all members of Council annually during the budget process.
- 5.06 In addition to the annual salary, the Mayor and Councillors shall be entitled to expenses incurred while discharging duties on behalf of the Town. Receipts shall accompany a completed claim form and presented to the Town Treasurer for payment. The expenses must not exceed the budget designation for the calendar year.

6. THE TOWN CLERK

In addition to the duties prescribed by statute or by any other bylaw of the Town, the Town Clerk shall,

- 6.01 attend all meetings of the Council and record in a book the names of the members of Council present at the meeting, and all resolutions, decisions and proceedings of the Council, without note or comment,
- 6.02 if required by any member of the Council present, record the vote of every member voting on a question,
- 6.03 cause such minutes and proceedings to be reproduced and provide a copy of such minutes to each member of Council at least one day before the next meeting of the Council,

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- 6.04 furnish promptly to the chairperson of any committee and any Town officer affected thereby copies of all orders or resolutions or bylaws made by the Council so that the requirements of the same may be carried into effect,
- 6.05 prepare and cause to be delivered to the members of Council notices of all special meetings of Council and of all meetings of committees when so directed by the Mayor or by the chairperson of the committee
- 6.06 prepare, issue and keep a record of all licenses granted, and maintain an indexed register of certified copies of all bylaws of the Town that shall be available for public inspection during regular office hours,
- 6.07 act as custodian of the books, documents, records, and original resolutions of the Council, as well as sign all agreements, contracts, deeds and other documents to which the Town is a party, and allow the same to be taken from his or her office only on the order of Council or on the Order of a Court,
- 6.08 if the Mayor and Deputy Mayor are absent or the office of Mayor is vacant, call a meeting of Council to select a Councillor to act as presiding officer of the Council,
- 6.09 communicate or convey to the proper committee petitions and other documents or correspondence referred to it by the Council,
- 6.10 be the custodian of the corporate seal of the Town and the person authorized to affix and authenticate it,
- 6.11 prepare and attend to the execution of all bonds and other securities required to be taken by the Town from any person and prepare, in consultation with the Town solicitor where required or advisable, all contracts and agreements to be entered into by the Town, and sign all agreements, contracts, deeds, and other documents to which the municipality is a party,
- 6.12 notify any person appointed to any office by the Council of their appointment and prepare and issue any necessary commissions for such officers,
- 6.13 perform such other duties as are imposed by the *Municipalities Act* or that he or she may be required to do by resolution of the Council or any committee thereof or which would naturally devolve upon him or her in his or her official capacity.

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7. THE ASSISTANT TOWN CLERK

The Assistant Town Clerk shall be subject to the direction of the Town Clerk. He or she shall act as Town Clerk in the absence or disability of the Town Clerk and, in such case, exercise all the powers of the Town Clerk.

8. PROCEDURE

8.01 Call to Order

As soon after the hour of meeting as a quorum is present, the Mayor shall take the chair and call the members to order.

8.02 Chairperson in Absence of Mayor

In case the Mayor and Deputy Mayor are both absent, the Town Clerk shall call the meeting to order and, on a chairperson having been chosen on motion, the Council shall proceed with the business of the meeting.

8.03 Duties of the Chair

- (1) Open the meeting of Council and call the members to order.
- (2) Announce the business before Council in the order in which it is to be acted upon.
- (3) Receive and submit in the proper manner all motions presented by the members.
- (4) Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings and announce the result.
- (5) Decline to put to vote motions, which infringe the rules of procedure.
- (6) Ensure that each member present shall announce his or her vote on a motion openly and individually and that the Clerk records it.
- (7) Restrain the members, within the rules of order and within the confines of the subject being debated, when engaged in debate.
- (8) Enforce on all occasions the observance of order and decorum among the members.

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- (9) Call by name any member persisting in breach of the rules of order of the Council, thereby ordering such member to vacate the Council Chamber.
- (10) Receive all messages and other communications and announce them to Council.
- (11) Authenticate by a signature when necessary all bylaws, resolutions and minutes of Council.
- (12) Inform Council when necessary or when referred to for that purpose on a point of order or usage.
- (13) Represent and support the Council declaring its will and implicitly obeying its decision in all things.

8.04 Absence of Quorum

- (1) A majority of the Councillors, including the Mayor, shall constitute a quorum.
- (2) Unless there is a quorum within fifteen minutes after the time appointed for the meeting of the Council, the Council shall then stand adjourned until such day of meeting as the Town Clerk shall then declare.

9. MEETINGS

9.01 Regular Meetings

- (1) The Council shall hold a regular meeting on the third Monday of each month, unless otherwise designated by resolution of Council. When any such Monday falls on a civic, public or statutory holiday, the Council shall meet on the following Tuesday if Council so determines.
- (2) Meetings of the Council shall be held in the Council Chamber in the Town Hall or at such other place as the Council may establish by resolution. A resolution passed under this subsection shall make provision for public notice. The regular meetings of the Council shall be held at 7:00 o'clock in the evening.
- (3) The Town Clerk shall issue notices of all regular meetings of the Council to the general public by means of notice in the local newspaper or radio station and shall specify the time of such meeting and the business to be transacted thereat. The Town Clerk shall cause such notice and Council packages to be delivered to the residence or place of business of the Mayor and Councillors at least two days before the meeting.

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(4) All meetings of the Council shall be open to the public and no member of the public shall be excluded there from except for improper conduct. The Mayor or other presiding officer may order the expulsion from any meeting any person guilty of improper conduct at such meeting.

(5) The Town Clerk shall allot to each Councillor a seat within the bar of the Council Chamber, which he or she shall thereafter be entitled to occupy at all meetings of the Council.

1. Except by unanimous consent of all members present, the Council shall not consider any new business other than what is specified in the notice of meeting.
2. Upon discretion of the Mayor, if any member(s) of the public wishes to participate on the agenda of a Regular Meeting of Council, notice has to be given to the Town Clerk by 12:00 noon , the Friday prior to the Monday meeting.

(6) As per Section 36(1) of the Municipalities Act, the Mayor of the Municipality shall speak on issues of concern to the municipality on behalf of Council.

9.02 Special or Emergency Council Meetings

- (1)
 - a. The Mayor may at any time summon a special Council meeting.
 - b. The Mayor or his designate may summon an Emergency Meeting of Council without any prior notice to Council.
- (2) Upon receiving a signed petition to summon a meeting by four Councillors, or by prior resolution of Council, the Town Clerk shall summon a meeting for the purpose and at the time mentioned in the petition.
- (3) In case the office of Mayor or Councillor becomes vacant, the Town Clerk may summon a special meeting of the Council for the purpose of declaring such vacancy.
- (4) The Town Clerk shall issue notices of all special meetings of the Council to the general public by means of notice in a local newspaper or radio station and shall specify the time of such meeting and the business to be transacted thereat. The Town Clerk shall cause such notice and Council packages to be delivered to the residence or place of business of the Mayor and Councillors at least two days before the meeting.
- (5) All special meetings of the Council shall be open to the public and no member of the public shall be excluded there from except for improper conduct. The Mayor or other presiding officer may order the expulsion from the special meeting any person guilty of improper conduct at such meeting.
- (6) Except by unanimous consent of all the members present, the Council shall not consider any new business other than what is specified in the notice of meeting.

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7) Upon the discretion of the Mayor, if any member(s) of the public wishes to participate in the Special Regular Meeting of Council, notice has to be given to the Town Clerk 48 hours prior to the special meeting.

9.03 Committee Of The Whole

(1) The Mayor, or a Councillor appointed by the Mayor from among the members present, shall be chairperson of committee of the whole.

(2) The general rules of Council shall be observed during committee of the whole so far as they are applicable except that,

- (a) no motion for adjournment shall be allowed,
- (b) the yeas and nays shall not be recorded,
- (c) members shall not be limited in the number of times they may speak on any question.

(3) The Council shall receive forthwith all recommendations made in committee of the whole. All recommendations shall be open to debate and amendment before being finally decided by the Council.

(4) The chairperson may state his or her position on any matter before the committee of the whole without leaving the chair, and it shall be permissible for him or her to debate the question without first leaving the chair.

9.04 Exclusion of Public from Council or Committee(s) of Council

(1) 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,

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- (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 communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems,
 - (i) information gathered by police, including the Royal Canadian Mounted 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 agreements.
- (2) If a meeting of a committee of council is closed to the public pursuant to subsection 9.04(1), no decisions shall be made at the meeting except for decisions related to:
- (a) procedural matters,
 - (b) directions to an officer of the municipality, or
 - (c) directions to a solicitor for the municipality.
- (3) If a meeting is closed to the public pursuant to subsection 9.04(1), a record shall be made containing only the following:
- (a) the type of matter under subsection 9.04(1) that was discussed during the meeting, and
 - (b) the date of the meeting.
- (3) The record made under subsection 9.04(3) shall be available for examination by the public in the office of the Clerk during regular office hours.

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The Mayor is an ex officio member of all standing committees and, as such, will be included in the membership to constitute a quorum of the committee and will have voting privileges on motions before standing committees. In the absence of the Mayor from the standing committee meeting, the Deputy Mayor shall be an ex officio Member.

10.01 Composition

- (1) There shall be the following standing committees:
 - (a) Finance and Administration Committee
 - (b) Parks and Recreation Committee
 - (c) Planning, Promotion and Tourism Committee
 - (d) Police and Fire Committee
 - (e) Property, Bylaws and Environment Committee
 - (f) Public Works Committee

10.02 Appointments

- (1) The Mayor shall appoint a chairperson to serve on each standing committee and all members of Council shall participate as members of each committee.

10.04 Quorum

The chair and three committee members shall constitute a quorum for the purpose of conducting a meeting of a standing committee.

10.05 General Duties

- (1) Each standing committee shall carry out the duties assigned to it, and shall carry out such other duties as may from time to time be referred to it by the Council.
- (2) Each standing committee shall provide liaison in relation to the program(s) assigned to it between the departments of the Town administration and the Town Council and shall monitor the delivery of the services contained within the program(s).
- (3) The chairperson shall call meetings of a standing committee for the purpose of conducting business as outlined in the duties of the committee.

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11. SELECT COMMITTEES

- (1) The Council may establish select committees as it may from time to time deem necessary and may appoint members to and establish terms of reference for such committees.
- (2) The quorum for any special committee shall be a majority of the members thereof in which majority may include any ex-officio member.

12. GENERAL ORDER OF BUSINESS FOR REGULAR MEETINGS

The following shall be the order of business on the agenda of each regular Council meeting:

Prayer
Recording of attendance
Approval of agenda
Disclosure of conflict of interest
Reading of petitions/presentations/proclamations
Notices of motion
Approval of council minutes
Accounts
Communications
Approval of committee minutes
Adoption of staff reports
Unfinished business
Consideration of bylaws
New Business
Report of Mayor and Councillors
Question period
Adjournment

12.01 Prayer

The regular meeting of Council is opened with Prayer led by the Mayor

12.02 Recording of Attendance

- (1) The Clerk shall record the attendance and enter into the public record the names of those members present and those members absent.

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- (1) The agenda shall be prepared by the Town Clerk in consultation with the Mayor prior to the meeting.
- (2) No matter shall be placed on the agenda for consideration at any regular Council meeting unless the request for consideration on the matter is received by the Clerk, in writing, before 12:00 o'clock noon on the Friday preceding the day on which the meeting is to be held.
- (3) A matter may be added at the beginning of a regular Council meeting with the unanimous consent of all Councillors present.

12.04 Disclosure of Conflict of Interest

- (1) Where a member has a conflict of interest with respect to any matter in which the Council is concerned and he or she is present at a meeting of Council, a meeting of a committee of Council, or any other meeting at which business of Council is conducted, at which the matter is a subject of consideration he or she shall,
 - (a) as soon as the matter is introduced, disclose the conflict of interest in the matter, and
 - (b) forthwith withdraw from the meeting while the matter is under consideration or vote.
- (2) Each Member shall file with the Clerk in the form prescribed by regulation a statement disclosing any conflict of interest of which he or she has knowledge or should reasonably have knowledge.

12.05 Reading of Petitions/Presentations/Proclamations

- (1) Presentations shall include presentations, petitions and submissions made by individuals, groups or organizations to the Council or presentations made by Council to individuals, groups or organizations.
- (2) Proclamations shall be read at the discretion of the Mayor.

12.06 Notices of Motion

Notices of motion may be presented in accordance with the procedure outlined in section 19.

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- (1) The minutes of the next preceding meeting need not be read in open Council unless a Councillor present requires the reading, in which case, the Clerk shall read the minutes.
- (2) The minutes shall record, without note or comment, all resolutions, decisions and proceedings of the Council meeting.
- (3) The minutes shall record the place, date and time of the Council meeting, and record the attendance of Council members, and municipal officers who are required to attend the Council meeting. Any absence of Council members or municipal officers shall also be recorded.
- (4) Unless disqualified to vote by reason of a conflict of interest or otherwise upon a bylaw, resolution, motion or for any other purpose, each Council member present shall announce his or her vote openly and individually, and the Clerk shall record it. No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- (5) For the purposes of clarification an abstained vote is deemed to be a vote in the affirmative.
- (6) The Mayor and Clerk shall sign the minutes approved by Council, and the Clerk shall affix the corporate seal accordingly.

12.08 Accounts

The Treasurer shall submit to Council on a monthly basis a list of accounts against the Town for payment.

12.09 Communications/Delegations

Where a written communication or written request by a delegation is received concerning a subject within the cognizance of any standing committee, the Clerk may refer it to such committee, which shall consider the matter and report to the Council.

12.10 Approval of Committee Minutes

- (1) Minutes of standing committees are presented to Council for approval on a monthly basis.

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(2) Committee reports to be included on the Council agenda must be received by the Clerk no later than 12 o'clock noon on the Friday preceding the Council meeting in which the matters are to be considered. The report shall be signed and introduced to Council by the chairperson of the committee, or in the absence of the chairperson, another committee member.

12.11 Adoption of Staff Reports

Reports by Department Heads shall be submitted to the Clerk in writing who in turn will present the reports to a meeting of Council.

12.12 Unfinished Business

The date of the first appearance on the agenda of unfinished Council business shall be noted and repeated on each subsequent agenda until disposal of by Council unless removed there from by leave of the Council.

12.13 Consideration of Bylaws

(1) Bylaws shall be enacted in accordance with the procedure directed by the *Municipalities Act*.

(2) Every bylaw shall be introduced by a motion for leave specifying the title of the bylaw and the motion shall be in the following words, "that leave be now given to introduce a bylaw entitled 'a bylaw to ', and that the same be now read a first time". The motion shall be decided without amendment or debate.

(3) Where the *Municipalities Act* provides that to enact a bylaw two-thirds of the whole Council, or the whole Council shall vote in favour of it, that provision is compiled with if two-thirds of the whole Council or the whole Council respectively vote in favour of the bylaw on the third reading by title.

(4) The Clerk shall endorse on all bylaws read in Council the dates of the several readings thereof and shall be responsible for the inclusion of all amendments.

(5) When considering a bylaw, any member of Council may request that the purpose and effect of any particular bylaw, or section thereof, be explained and the chairperson may then call upon the Clerk, or any other Town official having special knowledge thereof, to give an explanation.

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All motions before Council shall be dealt with under new business.

12.15 Report of Mayor and Councillors

The Mayor and Councillors may make a monthly report, written or verbally, to Council on activities within the deliberation of their respective duties on behalf of the Town.

12.16 Question Period

The general public has an opportunity to address Council at any monthly meeting relative to concerns or issues before Council.

13. ORDER13.01 Variations in Order of Business

The business before the Council at each meeting shall be taken up in regular order unless otherwise determined by the vote of the members present, and all questions as to precedence or to the suspension of the general order of the day shall be decided without debate.

13.02 Order of Business - Special Meetings

The business before the Council at each special meeting shall be taken up in the order in which the items appear on the notice of meeting.

13.03 Relation of Public to Council

(1) No person other than members of the Council and the Town officers having duties to perform shall be allowed within the bar of the Council Chamber while the Council is in session, except by special invitation of the Mayor or vote of Council.

(2) No person other than a member of the Council shall address the Council without permission of the Council.

13.04 Rulings on Order

(1) When called upon to decide a point of order, procedure or practice, the Mayor shall state the question without unnecessary comment and shall forthwith announce his or her decision citing any rule or authority he or she may deem necessary.

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(2) When a member is called to order from the chair, the member shall immediately cease talking until the Mayor states and decides the point of order and then, on that question, the member shall address the chair only for the purpose of appealing to the Council from the ruling of the Mayor, or on the question or motion before Council.

(3) Where Council is appealed to under subsection (2), they shall decide the matter without debate.

(4) Where there is no appeal under subsection (2), the decision of the Mayor is final.

13.05 Mayor Entering Debate

If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other purpose, he or she shall call on the Deputy Mayor. If the Deputy Mayor is not present, a Councillor can be called on to preside until the Mayor assumes the chair.

14. RULES OF DEBATE

14.01 Who Shall Have the Floor

When two or more members wish to speak, the Mayor shall name the member who, in his or her opinion, first made the request to do so.

14.02 Reading of Motion

Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member who is speaking.

14.03 Appeal to Council

(1) When a point of order is raised or when a member is called to order, the Mayor shall state and decide the point of order raised. If a member appeals the decision by the Mayor, Council shall decide the question without debate. If there is no appeal, the decision of the Mayor shall be final.

(2) If the public is granted permission to address Council, the rules of debate shall apply.

14.04 Manner of Speaking

Members upon speaking to a question, motion or matter, shall address themselves to the Mayor.

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A chairperson, whether appointed by the Mayor or by Council to act in the absence of the Mayor, shall have the same authority while presiding at a Council meeting as the Mayor would have if present and occupying the chair. In this bylaw where the context allows the word "mayor" is deemed to mean a chairperson.

15. RULES OF CONDUCT15.01 Members Must Address the Mayor

Every Councillor before speaking to any question shall respectfully address the Mayor.

15.02 Disrespectful Statements

- a. No member of Council or the general public shall,
- (1) speak disrespectfully of Her Majesty the Queen, or any of the Royal Family, or of the Governor-General, the Lieutenant Governor, or of any person administering the Government of Canada or of this Province,
 - (2) use offensive language concerning the Council or any member thereof,
- b. No member of Council shall,
- (1) reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded, or
 - (2) resist the rules of the Council, nor disobey the decision of the Mayor, or of the Council on a question of order or procedure, or upon the interpretation of a rule of the Council.

In case any member shall so speak, resist or disobey, the Mayor or other presiding officer may order such Councillor to vacate his or her seat for the rest of the meeting. On apology by the Councillor, he or she may by majority vote of the Council be permitted forthwith to resume his or her seat.

15.03 When a question is being put, no member shall leave their place, or make or cause to be made any noise or disturbance. When a member is speaking, no other member shall interrupt the member speaking except to rise to a point of order.

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(1) Every motion shall be seconded before being debated or put from the chair. When a motion is seconded, it shall be read or stated by the Mayor before debate.

16.02 Withdrawals of Motions

After a motion is read or stated by the Mayor, it shall be deemed to be in possession of the Council but may, with permission of the Council, be withdrawn at any time before decision or amendment.

16.03 Questions Under Debate

(1) When a motion is under debate no other motion shall be received except a motion to amend it, to lay it on the table, to postpone it, to adjourn it, to refer it to committee, to move the previous question, to move that the vote be now taken, or to extend the hour to consider it.

(2) A member at any time during the debate but not so as to interrupt a member then speaking, may request that the question, motion or matter under discussion be read.

16.04 Limits of Debate

(1) No member shall speak more than once on the same question, motion or matter without leave of the Mayor except in explanation of the material part of his speech which may have been misconceived and when so speaking he shall not introduce any new matter.

(2) No member without leave of Council, shall speak to the same question, motion or matter or in reply for a longer period than fifteen minutes without leave of Council.

(3) A member who has made a substantive motion by making an original motion or moving an amendment to a motion or moving the previous question shall be allowed to reply.

BYLAW NO. A-2**A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION**16.05 Amendments

- (1) Every amendment submitted shall be in writing or given verbally and shall be decided or withdrawn before the main question is put to the vote.
- (2) It shall be permissible to amend a report of a committee on motion duly passed by a majority vote of members of Council present and voting.
- (3) An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.
- (4) It shall be the duty of the Mayor, or the presiding officer, to determine what motions or amendments are in order, subject to an appeal to Council, and decline to put any motion before the Council, which he deems to be out of order or contrary to law.

16.07 Notice of Motion

- (1) Notice of Motion shall be given in writing prior to 12 o'clock noon on a Friday preceding the day of the regular meeting.
- (2) Notice of Motion shall be given
 - (a) to amend, repeal or change a bylaw or resolution, or
 - (b) to introduce any measure or change in the Council's established policy.

16.08 Declaration of Vote

- (1) Following a motion being put to the meeting by the Mayor, no member shall speak to the motion or make any other motion until after result of the vote has been declared. The decision of the Mayor as to whether or not the motion has been put is conclusive.
- (2) Where the Mayor is of the opinion that a motion is contrary to the rules and privileges of Council, he or she shall so advise Council and cite, without argument or comment, the rule or authority applicable thereto.

BYLAW NO. A-2

**A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION**

17. VOTING

17.01 The Mayor shall vote only in the case of equal division and every other member present at the meeting when a question or motion is put shall vote thereon unless excused by Council by motion or personally interested in the question or motion in a manner which prevents the member from voting legally or otherwise by virtue of a conflict of interest. A member declaring a conflict of interest shall not vote and the Clerk shall enter the reason in the minutes.

17.02 If any member persists in refusing to vote for other than the reason herein before stated, he or she shall be recorded as voting in the affirmative on the question before the Council.

17.03 Where a statutory provision or bylaw requires that a greater number than a majority vote be in favour of a bylaw or resolution, the Mayor shall vote on the motion but shall not have a second or casting vote.

17.04 The Council shall determine every question submitted to it by an open vote of "yea" and "nay" of the members present. When required by law or whenever two members call for the "yeas" and "nays" upon a division of Council upon any question, motion or matter, the Clerk shall enter in the minutes the names of the members who vote for and those who vote against the question, motion or matter.

17.05 After the question is finally put, no member shall speak to the question nor shall any other motion be made until after the result has been declared.

18. CONFLICT OF INTEREST

Sections 90.1 to 90.91, inclusive, of the *Municipalities Act*, will govern any conflict of interest. In addition, Council members in conflict must fill out a disclosure of interest form to be excluded from any motions involved and present said form to the Clerk for public record.

BYLAW NO. A-2**A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION****19. RECONSIDERATION**

Council may reconsider a resolution, bylaw or any matter that has been adopted by Council within the past three months, subject to the following:

- (a) a notice of motion to reconsider must be served by a member of Council on the prevailing side,
- (b) a motion to reconsider, if duly moved and seconded, shall be considered at the next regular meeting,
- (c) a motion to reconsider must be supported by a majority of the members of the whole Council before the matter to be reconsidered can be debated, and
- (d) a vote to reconsider shall not be considered more than once in a three-month period.

20. APPOINTMENT OF OFFICIALS

(1) When any office in the gift of Council falls vacant or a new office is created, the matter shall be referred to committee for recommendation and report before an appointment is made.

21. VACANCIES IN COUNCIL

When the office of the Mayor or of a Councillor becomes vacant, the Clerk shall notify the Council of that vacancy within 24 hours.

22. AUTHORITY OF BOURINOT

In matters of procedure not herein provided for, "*Bourinot Rules of Order*" shall govern.

BYLAW NO. A-2**A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION****23. ENACTMENT OF BYLAWS**

23.01 Every bylaw shall be read three times by title and read in its entirety in Council at least once subsequent to second reading by title. If a notice describing the bylaw by title and the subject matter generally is published in a general circulation newspaper, and has been published twice a week for two weeks the reading of the section numbers may pass the bylaw.

23.02 Unless all the members of Council present declare by resolution that an emergency exists, not more than two of the three readings by title shall take place at one meeting of the Council.

23.03 When a bylaw has been given the several readings required, it shall be deemed to have been passed and enacted and shall then be sealed with the corporate seal of the Town and signed by the Clerk and by the Mayor or other member of Council who presided at the meeting at which it received third reading by title.

23.04 For any bylaw requiring a hearing of objections, a Councillor, who is not physically present for the hearing, must remove himself or herself from the council chamber during any subsequent debate upon the bylaw and must not participate in the vote upon the issue.

24. SMOKING

24.01 The Town Council Chamber is designated a "non-smoking area" and no person shall smoke therein.

24.02 The Mayor or other presiding officer at any meeting or function may eject there from any person found smoking in the Town Council Chamber.

24.03 Every person who violates this provision of the bylaw is guilty of an offence and is subject to a fine of not more than Fifty Dollars (\$50.00).

BYLAW NO. A-2**A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION****25. APPROPRIATIONS AND EXPENDITURES**25.01 Over Expenditure

No work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of the Council.

25.02 Accounts Against the Town

All accounts against the Town for payment, which are received in any calendar month, shall be itemized and submitted to Council at the next Council meeting and placed before the appropriate committee for approval.

25.03 Mayor's Spending Limits

The Mayor is the only appointed official authorized to spend Two Hundred Dollars (\$200.00) without prior approval of Council.

25.04 Payment of Accounts

All accounts shall be paid on the day following the meeting of Council during which payment is authorized or as soon thereafter as practicable.

25.04 No motion for the appropriation of money or for appointment to an office shall be made at a regular meeting unless notice thereof, in writing, has been presented at a previous committee meeting or given in the notice call the meeting, except with unanimous approval of all members of Council present.

26. SUSPENSION OF PROCEDURAL RULES

No standing rule or order of Council set out in this bylaw shall be suspended unless two-thirds of the members present shall consent thereto.

BYLAW NO. A-2

A BYLAW RESPECTING PROCEDURES OF THE TOWN COUNCIL AND
TOWN ADMINISTRATION

27. REPEAL PROVISION

27.01 Bylaw No. 83-2, A Bylaw Respecting The Procedure And Organization Of the Council Of The Town Of St. Stephen, passed by Town Council on June 20, 1983, and amendments thereto, and Bylaw No. 87-12, A Bylaw To Prohibit Smoking In The Town Council Chamber, passed by Town Council on January 18, 1988, and amendments thereto, and Bylaw No. 90-14, Being A Bylaw To Authorize Payment Of Salaries And Expenses To The Mayor And Councillors, passed by Town Council on January 21, 1991, and amendments thereto, and Bylaw No. 93-25, A Bylaw To Authorize The Election Of Mayor And Councillors At Large, passed by Town Council on April 18, 1994, and amendments thereto, are hereby repealed.

27.02 The repeal of Bylaw No. 83-2, A Bylaw Respecting The Procedure And Organization Of the Council Of The Town Of St. Stephen, and amendments thereto, and the repeal of Bylaw No. 87-12, A Bylaw To Prohibit Smoking In The Town Council Chamber, and amendments thereto, and the repeal of Bylaw No. 90-14, Being A Bylaw To Authorize Payment Of Salaries And Expenses To The Mayor And Councillors, and amendments thereto, and the repeal of Bylaw No. 93-25, A Bylaw To Authorize The Election Of Mayor And Councillors At Large, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read a first time this 19th day of January 2004

Read a second time this 16th day of August 2004

Read a third time and passed this 20th day of September 2004



W. Robert Brown, Mayor



Brenda Knight, Town Clerk