



**BY-LAW 100-10-05**

**A BY-LAW RELATING TO THE PROCEEDINGS OF THE COUNCIL OF THE TOWN OF RIVERVIEW**

**BE IT ENACTED** by the Town Council of the Town of Riverview, under the authority vested in it by the Local Governance Act, 2017, c18 as follows:

**PART I – INTERPRETATION**

**1. Short Title**

1.1. This by-law may be cited as the Procedural By-law.

**2. Purpose**

2.1. The purpose of this by-law is to establish clear, transparent, consistent and accessible rules for conducting business at meetings, for council members, administration, and the public to follow and participate in governing the municipality.

**3. Definitions**

3.1 In this by-law:

- (a) “Act” means the Local Governance Act, 2017, c18, amendments thereto and regulations adopted thereunder.
- (b) “Administration” means the Chief Administrative Officer and the Department Heads of the Town of Riverview.
- (c) “Council” means the Mayor and Councillors of the Town of Riverview elected pursuant to the provisions of the New Brunswick Municipal Elections Act.
- (d) “Deputy Mayor” means the member so elected pursuant to this by-law.
- (e) “Emergency Meeting” refers to a meeting, other than a Regular, Special or Committee of the Whole, for local state of emergency or public safety matters.
- (f) “Ex-Officio” means by virtue of one’s office.
- (g) “Mayor” means the council member duly elected in the municipality as the Mayor, or the person for the time being having the powers of or performing the duties of the Mayor.
- (h) “Member” means the Mayor and Councillors duly elected in the Town of Riverview in accordance with the New Brunswick Municipal Elections Act.
- (i) “Motion” means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- (j) “Planning Advisory Committee” means a committee of nine members appointed by resolution of Council to address the requirements of the Community Planning Act.
- (k) “Planning Office” means the office delegated by Council to determine appropriate use of land along with the requirements of codes and zoning regulations adopted by the Town.
- (l) “Point of Order” means the raising of a question by a member in a meeting claiming that the procedures of the meeting or of an individual Council member are contrary to the procedural rules or practices.
- (m) “Point of Privilege” is the raising of a matter by a member which occurs while the Council is in session, where:
  - i) The rights, privileges, decorum or dignity of the Council collectively or the rights and privileges of a member individually have been affected.
    - When a member believes that another member has spoken disrespectfully toward them or the Council, or

- When a member believes their comments have been misunderstood or misinterpreted by another member or members; or
- When a member believes that comments made by the member outside the Council Chamber have been misinterpreted or misunderstood by the community, the public or the news media in order to clarify his or her position.

(n) "Town" means the Town of Riverview.

#### **4. Application**

The rules and regulations contained in this by-law:

- 4.1 Shall be used for the order and dispatch of business in Council;
- 4.2 May be suspended by unanimous consent of the members present; and
- 4.3 Shall apply to Council, employees of the Town and members of the general public;
- 4.4 Shall be decided by reference to the most recent edition of "Robert's Rules of Order", when any matter relating to proceedings arise which is not covered by a provision of this by-law.

#### **5. Terminology**

In every section of this by-law, a word importing the singular includes the plural, and a word importing the plural includes the singular.

#### **6. Deputy Mayor**

Not later than the second Regular meeting of Town Council following a regular quadrennial election, Council shall nominate and, by majority vote, elect a Deputy Mayor in an open session. The successful candidate shall hold office for a period of one year, at which time the process shall be repeated.

#### **7. Town Clerk**

The Town Clerk's (Clerk) duties are as prescribed under Section 74(1) of the *Local Governance Act*.

#### **8. Deputy Town Clerk**

The Deputy Town Clerk (Deputy Clerk) shall be subject to the direction of the Clerk, and in the absence or disability of the Clerk, shall exercise all the powers of the Clerk.

### **PART II - MEETINGS**

#### **9. First Meeting**

- 9.1 The first meeting of a new Council shall be held on the regularly scheduled meeting date of Council immediately following a general election.
- 9.2 Prior to the first meeting, Council members, both incumbent and new, shall attend all orientation sessions arranged by the Administration.
- 9.3 At the first meeting of a new Council:
  - a) The Clerk shall provide Council with a copy of, and read aloud, the declaration of results with respect to the election; and
  - b) Every Council member shall take the Oath of Office pursuant to the Act.
- 9.4 A newly elected Council shall not transact any business at its first meeting until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.

#### **10. Regular Meetings**

- 10.1 Regular meetings of Council shall be held on the second Monday of every month, at a time to be determined by Council. In the event that Monday is a holiday, the meeting shall be held on the first business day immediately following the Monday.
- 10.2 Meetings shall be held in the Council Chambers at Town Hall or at such other place as the Clerk may establish. The Clerk is to make every reasonable effort to notify the public of the date, time and location of the meeting.
- 10.3 The proposed agenda for Regular meetings of Council, including the date, time and place, shall be available for public review at Town Hall and on the Town of Riverview website no later than 4 p.m. on the Thursday immediately preceding the meeting.
- 10.4 All meetings of Council shall be open to the public and no member of the public shall be excluded except for closed meetings, pursuant to the Act, or improper conduct as outlined in Part IV of this by-law.

- 10.5 All directions to Town staff made from the floor during a Regular Council meeting shall be made by motion or consensus and subject to approval by the majority of Council.
- 10.6 Any Regular meeting of Council can be cancelled or postponed if a motion to that effect is passed by a two-thirds majority of the Council at a meeting prior to the Regular meeting to be cancelled or postponed, except that a Regular meeting may not be cancelled or postponed if doing so would cause the Council to have less than four (4) Regular meetings in a year.

#### **11. Special Meetings**

- 11.1 The Mayor may at any time summon a Special meeting.
- 11.2 Upon receiving a petition to summon a meeting by three Councillors, the Clerk shall summon a meeting for the purpose and at the time mentioned in the petition.
- 11.3 In the case of the office of Mayor or Councillor becoming vacant, the Clerk may summon a Special meeting of the Council for the purpose of declaring such vacancy.
- 11.4 When a Special meeting is to be held, the Clerk shall provide written notice of the time, date and place of the meeting to all members and to the public at least twenty-four (24) hours prior to the meeting and, in general terms, of the business to be transacted at the meeting.
- 11.5 No business, other than that stated in the notice, shall be transacted at a Special meeting, unless all members of the Council present at the Special meeting agree.
- 11.6 Emergency meetings:
  - (a) The Mayor may call an emergency meeting of Council when deemed necessary by the Mayor.
  - (b) When such an emergency meeting is called, it shall be considered a Special (public) meeting, except that the time requirements for notice of Special meetings shall not apply, and only the subject matter of the emergency shall be considered.
  - (c) The Clerk will make reasonable efforts to notify the public when an emergency meeting has been called.

#### **12. Committee of the Whole Meetings**

- 12.1 There shall be a regular monthly meeting of the members of Council, to be known as the Committee of the Whole, held on the fourth Monday of every month, at a time to be determined by Council. In the event that Monday is a holiday, the meeting shall be held on the first business day immediately following the Monday.
- 12.2 The Mayor shall be the Chair of the Committee of the Whole.
- 12.3 The general rules of Regular meetings, outlined in Section 10 of this by-law, shall be observed during Committee of the Whole meetings, in addition to the Town's policy *01-1500-01 Committee of the Whole Procedures*.
- 12.4 All motions considered during the Committee of the Whole meeting shall be motions to recommend and shall be forwarded to the next Regular or Special meeting of Council for consideration.

#### **13. Closed Sessions**

- 13.1 As per the Act, if required, Council may hold a Closed Session where the public is not given access and which is not recorded for the purpose of discussing any of the following subject matter:
  - (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 of New Brunswick;
  - (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 suspect illegal activity, or the source of such information; or
  - (j) Labour and employment matters, including the negotiation of collective agreements.
- 13.2 When a meeting of Council is closed to the public, no decisions shall be made at the meeting except for decisions related to:
- (a) Procedural matters
  - (b) Directions to an officer of the Town
  - (c) Directions to the Town's solicitor
- 13.3 With the exception of the decisions under Section 13.2, all recommendations from a Closed Session which require the approval Council shall be reported to a Regular or Special meeting of Council.
- 13.4 With the exception of matters that are added to provide information only, any additional matter not included on the agenda, shall only be considered with the unanimous consent of members of Council present at the meeting.
- 13.5 If a meeting is closed to the public pursuant to Section 13.1, a record shall be made containing only the following:
- (a) The type of matter under Section 13.1 that was discussed during the meeting; and
  - (b) The date of the meeting.
- 13.6 In a closed session, rules and regulations of Council shall be observed.
- 13.7 Council members and staff shall refrain from discussing the matters considered during Closed Sessions, other than with other Council members or any administrator that was present at the meeting, or as directed by a motion of Council.

#### **14. Meeting through Electronic Means**

- 14.1 The use of an online meeting space for a public meeting of Council can be used when one or more members of Council are unable to attend in person, if it allows members of Council to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the members.
- 14.2 Except for reasons of disability or government order, a member of Council shall not participate in the manner referred to in Subsection 14.1 at more than 25% of the Regular Council meetings held in a one-year period or at more than four Special Council meetings held in a one-year period.
- 14.3 A member of Council who intends to participate in a meeting in the manner referred to in Subsection 14.1, shall provide sufficient notice to the Clerk to ensure that the appropriate electronic means of communication are available and allow the Clerk sufficient opportunity to advise the remainder of Council and the public.
- 14.4 The Clerk shall arrange for participation of both Council and any participating member of the public, through a web link.
- 14.5 A member of Council who participates in a meeting closed to the public through electronic means shall, at the beginning of the meeting, confirm that they are alone.
- 14.6 A member of Council who participates in a meeting through electronic means shall be deemed to be present at the meeting.
- 14.7 If a Council meeting is open to the public, use of an electronic means of communication is permitted only if a notice of the meeting is given to the public that includes the following information:
- (a) A statement that an electronic means of communication be used at the meeting; and
  - (b) The location where the public may see or hear the meeting
- 14.8 Notice to the public shall be posted on the Town's website and social media sites and be available for viewing in the office of the Clerk during regular business hours.
- 14.9 Public meetings will be recorded and available on the Town's website through a live feed and accessible to the public following the meeting through the meeting archives, as indicated in *Section 17* of this by-law.

**15. Notice of Meetings**

- 15.1 Notice of regularly scheduled Regular and Committee of the Whole meetings is not required to be given.
- 15.2 If Council changes the date, time or place of a regular scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:
  - a) Any members not present at the meeting at which the change was made; and,
  - b) The public.
- 15.3 Council members will be notified through email and the public through the Town's website.

**16. Actions in Public**

- 16.1 An act or proceeding of Council is not effective unless it is authorized or adopted by by-law, motion or resolution at a duly constituted Regular or Special meeting of Council.
- 16.2 Every person has the right to be present at Council meetings that are conducted in public unless the person presiding at the Council meeting expels a person for improper conduct.

**17. Recording of Meetings**

- 17.1 Notwithstanding the occurrence of technical failures, all public meetings of Council will be video recorded and live-streamed on the Town's website.
- 17.2 An archive of previously recorded meetings will be kept on the Town's website for a period of four (4) years.
- 17.3 In the event of a technical failure which prohibits video recording of the meeting, an audio recording will be made and available to the public through the Clerk's office.

**PART III – COUNCIL MEETING PROCEDURES**

**18. Meeting Guide**

- 18.1 In addition to the regulations outlined in this by-law, Council shall follow the procedures outlined in the *Town of Riverview Meeting Guide*.

**19. Agendas**

- 19.1 The Clerk's office shall prepare the agenda for all meetings of Council.
- 19.2 The agenda shall include the order of business and all items of business and associated reports, by-laws or documents, and shall be set out in accordance with the order of business.
- 19.3 The Clerk's office shall ensure that the Council agendas are delivered to each member no later than 4 p.m. on the Thursday immediately preceding the Council meeting.
- 19.4 The Clerk's office shall ensure that the cover sheet of Council agendas are available to the general public no later than 4 p.m. on the Thursday immediately preceding the Council meeting and the full agenda on the day of the meeting.
- 19.5 If, for any reason, the Clerk's office is unable to meet the deadline mentioned in Subsection 19.3, the Clerk's office shall prepare and distribute the agenda as soon as reasonably possible to allow Council members an opportunity to review the agenda prior to the Council meeting.
- 19.6 All administrative reports, communication from the public, requests, or any other material intended for inclusion in a Council meeting agenda must be received by the Clerk's office no later than noon on the Wednesday immediately preceding the Council meeting.
- 19.7 Council may, on a majority vote prior to approval of the agenda at the Council meeting, permit additions to the agenda.

**20. Urgent Business**

- 20.1 A Department Director may request to add a matter to the agenda of a meeting as urgent business after the agenda has been prepared and distributed by the Clerk's office.
- 20.2 In these circumstances, the Director shall submit a request to the CAO including an explanation of the reasons and degree of urgency of the matter as soon as possible.
- 20.3 The Clerk's office shall advise Council members of the addition to the agenda and distribute the updated agenda to them as soon as it becomes available.

**21. General Order of Business**

- 21.1 The order of business for Regular meetings of Council shall be stated in the agenda in the following order:
  - 1. *Land Acknowledgement Statement*
  - 2. *Call to Order*

3. *Adoption of the Agenda*
4. *Declaration of Conflicts of Interest*
5. *Adoption of the Minutes*
6. *Business Arising from the Minutes*
7. *Correspondence*
8. *Recommendations from the Committee of the Whole*
9. *By-laws*
10. *Notice of Motion*
11. *Unfinished Business*
12. *New Business*
13. *Councillor Statements/Inquiries*
14. *Adjournment*

21.2 The order of business for Special meetings of Council shall be as presented on the agenda and circulated to Council as per Section 19.

21.3 The order of business for Committee of the Whole meetings shall be stated in the agenda in the following order:

1. *Land Acknowledgement Statement*
2. *Call to Order*
3. *Adoption of the Agenda*
4. *Declaration of Conflicts of Interest*
5. *Correspondence*
6. *Petitions, Presentations & Delegations*
7. *External Reports*
8. *Departmental Reports*
9. *Other Business*
10. *Council Statements/Inquiries*
11. *Adjournment*

21.4 To ensure it is given the honour and respect it deserves, should any meeting be preceded by a Public Presentation, a Public Hearing or any other presentation, the Land Acknowledgement Statement will be read first.

## **22. Commencement of Council Meeting**

22.1 At the hour set for the meeting, or as soon as all members of Council are present, the Mayor, or in his absence the Deputy Mayor, shall take the chair and call the members to order.

22.2 In case neither the Mayor nor the Deputy Mayor are in attendance within 15 minutes after the hour appointed, and subject to a quorum being present, Council shall appoint an Acting Mayor, pursuant to Section 35 of this by-law, who shall call the meeting to order and shall preside over the meeting until the arrival of the Mayor or the Deputy Mayor, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.

22.3 If a quorum is not present 30 minutes after the time appointed for the meeting, the Clerk shall record the names of the members present at the expiration of such time and announce that Council shall then stand adjourned until the next meeting, unless a Special meeting is called in the meantime.

22.4 Subject to the Act, if at any meeting the number of members is reduced to less than the number required for a quorum, Council shall stand adjourned.

22.5 Any unfinished business remaining at the time of the adjournment, due to the loss of the quorum, shall be considered at the next Regular meeting, or it shall be placed on the agenda for a Special meeting called for the purpose of dealing with the unfinished items.

22.6 Members are encouraged to notify the Clerk's office when the member is aware that they will be absent from any meeting of Council.

## **23. Quorum**

23.1 A quorum of Council is a majority of the full number of members of Council, in accordance with the Act.

23.2 Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present, is invalid.

**24. Conflict of Interest**

- 24.1 Conflicts of interest shall be governed by the provisions stated within the Act.
- 24.2 During Council's orientation, Council members and senior appointed officials shall be provided with the appropriate forms, along with relevant sections of the Act and completed conflict of interest forms shall be filed with the Clerk's office.

**25. Minutes**

- 25.1 The Clerk's office shall record the minutes of each Council meeting without note or comment and shall distribute copies of the minutes to each member at least twenty-four (24) hours prior to a subsequent Council meeting.
- 25.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 25.3 The minutes of each meeting are to be approved at the next Regular meeting of Council and signed by the presiding member and the Clerk in accordance with the Act.

**26. Public Participation in Meetings of Council**

- 26.1 All meetings of Council shall be open to the public and no member of the public shall be excluded except for closed meetings, pursuant to the Act, or improper conduct as outlined in Part IV of this by-law.
- 26.2 Members of the public wishing to address Council may do so by requesting to be put on the agenda for a Committee of the Whole meeting through an online form available on the Town's website. The Clerk's office must be contacted no later than 4 p.m. on the Tuesday immediately preceding the Committee of the Whole meeting of Council at which they wish to appear.
- 26.3 The Clerk's office must be advised of the subject matter of the presentation and presentations shall be limited to ten minutes, unless otherwise consented to by Council at the time of the presentation.
- 26.4 Any handouts or electronic presentations must be forwarded to the Clerk's office no later than 12 noon on the Wednesday immediately preceding the Committee of the Whole meeting.
- 26.5 In the event that a request by a member of the public to be put on a specific agenda cannot be accommodated, the Clerk's office shall accommodate the request at the earliest possible time that is mutually convenient to the member of the public and Council.
- 26.6 In special circumstances, Council may consider allowing the public to address Council at a Regular or Special meeting.

**27. Public Hearing**

- 27.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of said Act and this section.
- 27.2 The procedure by which the Public Hearing will be conducted shall be as follows:
  - (a) The Mayor shall declare the hearing on the matter open;
  - (b) The Clerk or Planning Office shall present a report on the by-law or resolution under consideration, including any recommendations from staff or the Planning Advisory Committee;
  - (c) If it is a hearing that involves an applicant, the applicant shall be given an opportunity to make representation on the matter under consideration;
  - (d) After the applicant, the Mayor will call upon each person who submitted written comments concerning the matter, starting with those in favour, followed by those objecting, and each person will be given the opportunity to speak, if they so desire;
  - (e) The Mayor will then open the floor for opinions and/or statements from the public and any person or spokesperson acting on behalf of another person or group shall be given an opportunity to make representation on the matter under consideration;
  - (f) Only one person will be allowed to speak at any given time;
  - (g) Members of the public, when speaking, are requested to state for the record their name, address, and the name of the company they represent, if applicable;
  - (h) Statements from the public should be limited to 10 minutes each;
  - (i) If it is a hearing that involves an applicant, at the conclusion of the speakers, the applicant shall be given an additional opportunity to respond to the representations of other people;

- (j) Council will then have the opportunity to ask questions;
- 27.3 No decisions of Council or motions will be made during the Public Hearing. Council will deliberate and vote on the by-law or resolution at the next Regular or Special meeting of Council.

**28. By-laws**

- 28.1 Every proposed by-law must have three (3) distinct and separate readings.
- 28.2 A proposed by-law must not have more than two (2) readings at a Council meeting unless the members present unanimously agree to consider third reading.
- 28.3 Pursuant to the Act, if a by-law has been posted to the Town's website for a period of two weeks prior to second reading and no member objects, only the title and section numbers have to be read at the second reading and not the by-law in full.
- 28.4 Each member present at the meeting at which first reading is to take place, must be given or have had the opportunity to review the full text of the proposed by-law before the by-law receives first reading.
- 28.5 Each member present at the meeting at which third reading is to take place must, before the proposed by-law receives third reading, be given or have had the opportunity to review the full text of the proposed by-law and of any amendments that were passed after first reading.
- 28.6 When a by-law has been given three (3) readings by Council, it:
  - (a) Becomes a municipal enactment of the municipality; and
  - (b) Is effective immediately unless the by-law or an applicable Provincial statute provides otherwise.
- 28.7 The Clerk shall be empowered to correct any spelling or formatting errors that may not have been corrected at the time of submission to Council and the by-law shall have the same status as if Council had corrected same.
- 28.8 After passing, every by-law shall be signed by the Mayor and the Clerk, pursuant to the Act and affixed with the corporate seal of the Town.

**29. Voting**

- 29.1 Unless otherwise stated in this by-law or required by Provincial Legislation, all motions of Council shall require a majority vote to be adopted.
- 29.2 Unless disqualified to vote by reason of conflict of interest or otherwise upon a by-law, resolution, motion or for any other purpose, each member present shall announce their vote openly and individually, and the Clerk shall record it, and no vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect.
- 29.3 An abstention shall not constitute a vote and shall not be permitted unless required by reason of disqualification. Disqualifications shall be confirmed by a majority of Council members.
- 29.4 The Mayor shall not vote except to have a casting vote in the event of a tie.
- 29.5 A motion, resolution or by-law passed by Council may be reconsidered by Council if:
  - (a) A notice of motion to reconsider is presented by a member of Council who voted with the majority.
  - (b) The motion to reconsider is passed by a majority of members of Council at the next Regular Council meeting after the Council meeting that received the notice of motion to reconsider.

**30. Reconsideration**

- 30.1 A resolution, by-law, or any matter that has been adopted by Council within the past twelve months may be reconsidered by Council subject to the following:
  - (a) A notice of motion to reconsider, given in accordance with this by-law, must be given by a member who voted with the majority;
  - (b) A motion to reconsider, if duly moved and seconded, shall be considered at the next Regular meeting of Council;
  - (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 motion to reconsider shall not be considered more than once in a three month period.



**31. Adjournment**

- 31.1 All regularly scheduled Council meetings shall stand adjourned when the Council has completed all business as listed on the order of business or upon the arrival of 11 p.m.
- 31.2 When any meeting of Council reaches the hour of 11 p.m. the meeting shall be adjourned unless by a two-thirds majority vote the members of Council present at the meeting decide to continue.
- 31.3 If a member is speaking at 11 p.m., the Mayor shall wait until that person is done speaking before asking council to consider whether it wants to extend the time of the meeting.
- 31.4 Any business which remains on the agenda and which has not been dealt with at the time of adjournment shall be deemed to be postponed until the next regularly scheduled Council meeting, or until a Special meeting is called for the purpose of dealing with the unfinished items.

**32. Extension of Time**

- 32.1 Notwithstanding Section 31, a regularly scheduled Council meeting may be extended beyond 11 p.m. by a majority vote of the members present.
- 32.2 If Council extends its meeting pursuant to Subsection 32.1, the meeting shall continue until:
  - (a) The business of the meeting is completed;
  - (b) A motion to adjourn is passed; or
  - (c) A quorum is no longer present.

**PART IV – CONDUCT AT COUNCIL MEETINGS**

**33. Mayor**

- 33.1 The Mayor shall:
  - (a) Preside at all Council meetings;
  - (b) Preserve order at Council meetings;
  - (c) Enforce the rules of Council;
  - (d) Be objective and impartial;
  - (e) Decide points of order; and
  - (f) Advise on points of procedure.
- 33.2 When wishing to participate in any debate, the Mayor shall:
  - (a) Vacate the chair, and request that the Deputy Mayor take the chair;
  - (b) If the Deputy Mayor is absent, the immediately previous Deputy Mayor shall take the chair; and
  - (c) The Mayor shall remain out of the chair until the debate has ended and any motion or resolution has been dealt with.
- 33.3 Pursuant to Subsection 33.2, the Mayor shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.

**34. Deputy Mayor**

- 34.1 If the Mayor, for any reason, is unable to perform the duties of his office, the Deputy Mayor shall have all of the powers of the Mayor during the inability.

**35. Acting Mayor**

- 35.1 Council shall appoint a member to act as Mayor if both the Mayor and the Deputy Mayor are unable to perform the duties of the office.
- 35.2 The member to be appointed, pursuant to Subsection 35.1, shall be elected by a majority of the members present.
- 35.3 When two (2) members have an equal number of votes, the Clerk shall:
  - (a) Write the names of those members separately blank sheets of paper of equal size, colour and texture;
  - (b) Fold the sheets in a uniform manner so the names are concealed;
  - (c) Deposit them in a receptacle; and
  - (d) Direct a person to withdraw one (1) of the sheets.
- 35.4 The member whose name is on the sheet withdrawn pursuant to Subsection 35.3(d) shall be declared elected.
- 35.5 The member appointed shall possess the powers and shall perform the duties of the Mayor.

**36. Conduct of Members**

- 36.1 In addition to adherence to the Town's By-law #100-25-Code of Conduct, members of Council shall conduct themselves with decorum and mutual respect at all times.
- 36.2 Members of Council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 36.3 If more than one member wishes to speak at a meeting at the same time, the Mayor shall indicate which member shall speak first.
- 36.4 When addressing a Council meeting, a member shall refrain from:
- (a) Speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
  - (b) Speaking disrespectfully of the reigning Sovereign or of any member of the Royal Family or of the Governor General;
  - (c) Using offensive words in referring to another member, an employee of the Town or a member of the public;
  - (d) Reflecting on a vote of Council except when moving to rescind or reconsider it;
  - (e) Reflecting on the motives of the Members who voted on the motion or the mover of the motion; or
  - (f) Shouting or using an immoderate tone, profane, vulgar or offensive language.
- 36.5 When a member is addressing the Council, all other members shall:
- (a) Remain quiet and seated;
  - (b) Refrain from interrupting the speaker, except on a point of order; and
  - (c) Refrain from carrying on a private conversation in such a manner that disturbs the speaker.
- 36.6 No Member of Council shall disobey the decision of the Mayor, or if called to rule, the decision of the Council on any question of order or practice.
- 36.7 All remarks, comments and questions shall be addressed through the Mayor.
- 36.8 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

**37. Conduct of Public**

- 37.1 All persons in the public gallery at a Council meeting shall:
- (a) Refrain from addressing Council or a member unless permitted to do so;
  - (b) Maintain quiet and order;
  - (c) Refrain from disturbing the proceedings by words, gestures or actions; including applauding, displaying flags, placards or similar material;
  - (d) Refrain from talking on mobile devices; and
  - (e) Ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.
- 37.2 Members of the public shall not be permitted to address the Council unless on the approved agenda or with the agreement of a majority of members of Council.

**38. Conduct of Delegations**

- 38.1 When addressing members at a Council meeting, a delegation shall refrain from:
- (a) Speaking disrespectfully of the federal government, the provincial government, or another municipal council, or any official representing them;
  - (b) Speaking disrespectfully of the reigning Sovereign or of any member of the Royal Family or of the Governor General;
  - (c) Using offensive words in referring to a member, an employee of the municipality or a member of the public; or
  - (d) Shouting or using an immoderate tone, profane, vulgar or offensive language.

**39. Improper Conduct**

- 39.1 Where a member of Council, the public or a delegation refuses to obey the rules of Council or the decision of the Mayor, as set out in Sections 36, 37 and 38:
- (a) The Mayor may request that the person leave or be expelled from the meeting.
  - (b) No person shall refuse to leave a Council meeting when requested to do so by the Mayor.

- (c) If a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting to another day.
- (d) Any member of Council, public or delegation who has been expelled from a meeting may be permitted to return with the agreement of a majority of members of Council present.

**40. Point of Order**

- 40.1 A member may rise and ask the Mayor to rule on a point of order.
- 40.2 When a Point of Order is raised, the member speaking shall immediately cease speaking until the Mayor decides the point of order raised.
- 40.3 A Point of Order must be raised immediately at the time the rules of Council are breached.
- 40.4 The member against whom a Point of Order is raised may be granted permission by the Mayor to explain.
- 40.5 The Mayor may consult the Clerk before ruling on a point of order.
- 40.6 A Point of Order does not require a seconder and is not subject to amendment or debate.
- 40.7 A Point of Order should not be raised on minor irregularities of a purely technical character or if it is clear that no one's rights are being infringed upon and no real harm is being done to the proper transaction of business.

**41. Point of Privilege**

- 41.1 A member may rise and ask the Mayor to rule on a point of privilege.
- 41.2 After the member has stated the point of privilege, the Mayor shall rule whether or not the matter raised is a point of privilege.
- 41.3 If the matter is determined to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.
- 41.4 If the point of privilege concerns a situation, circumstance or event which arose between Council meetings, the member shall raise the point of privilege immediately after adoption of the minutes of the previous Council meeting.
- 41.5 The Mayor may consult the Clerk before ruling on a point of privilege.
- 41.6 A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to Council.

**PART V - COMMITTEES**

**42. Committee Procedures**

- 42.1 Council may from time to time establish and abolish committees of Council and the Mayor shall make appointments to such committees and designate the chairperson.
- 42.2 The Mayor or Council may also establish an ad hoc committee to provide advice to Council on a specific matter, appoint members to the ad hoc committee and instruct the committee as to its duties. Council shall be advised any ad hoc committee established by the Mayor. Any ad hoc committee shall cease to exist twelve months after its establishment or whenever its final report has been received, whichever is earlier.
- 42.3 The Mayor is an ex-officio voting member of all committees established by Council and when in attendance, possesses all of the rights, privileges, powers and duties of other members, whether elected or appointed.
- 42.4 The Mayor's attendance shall not, however, be included for the purpose of determining a quorum.
- 42.5 Councillors not appointed to a committee may attend any committee meeting and with consent of the chairperson take part in any discussion but shall not be entitled to vote.
- 42.6 The terms of reference or mandate of a committee may be established by Council during creation of the committee. If not, the first duty of a committee is to establish its terms of reference or mandate and submit same to Council for approval.
- 42.7 Each committee shall meet as soon as possible after it has been appointed and if required, decided the day and time for holding its regular meetings.
- 42.8 The chairperson shall preside at every meeting, participate in the debate and shall vote on all motions.

- 42.9 The business of committees shall be conducted in accordance with the rules governing the procedure of Council or as otherwise established by Council for the committee or established by the committee.
- 42.10 Every committee shall report to Council, and no action of any committee shall be binding on the municipality unless:
- (a) Power to take such action is expressly conferred on the committee by legislation, bylaw or resolution of Council; or,
  - (b) Council has considered the report of the committee and if adopted, shall become the resolve of Council.

#### **PART VI – MISCELLANEOUS**

#### **43. Procedural Authority**

- 43.1 When any matter or proceeding is not contemplated by this by-law or provincial legislation, the most recent version of “Robert’s Rules of Order” shall be used as a guide.

#### **44. Offences**

- 44.1 Any person who is convicted of violating the provisions of this by-law indicated in the Act as being unlawful, shall pay a fine not to exceed the maximum amount payable under Part II of the *Provincial Offences Procedure Act*.

#### **45. Severability**

- 45.1 Where a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall remain in force unless the court makes an order to the contrary.

#### **46. Repeal**

- 46.1 By-law #100-10-1 *A By-law of the Town of Riverview Respecting the Procedure and Organization of Council*, and all amendments thereto, is hereby repealed.

**First Reading:**                           **October 12, 2021**

**Second Reading:**                     **November 8, 2021**

**Third Reading & Enactment:**      **November 8, 2021**

**Original by-law and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.**