
Municipality of Cumberland Policy 21-04

Council Meetings and Proceedings Policy

General

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation.
2. In this Policy, unless the context otherwise requires,
 - (1) "business day(s)" means a day when the Municipality's office is open for business;
 - (2) "Chair" means the presiding officer;
 - (3) "CAO" means the Chief Administrative Officer of the Municipality;
 - (4) "Committee of the Whole" means a committee consisting of all of the Councillors;
 - (5) "Council" means the Council of the Municipality;
 - (6) "Council Member(s)" include(s) the Mayor unless the context indicates otherwise;
 - (7) "majority" means more than one half of those present, unless the context indicates otherwise;
 - (8) "Municipality" means the Municipality of the County of Cumberland.
3. Unless otherwise specified pursuant to section 4, regular meetings of Council shall be held
 - (1) at the Council Chamber in the E. D. Fullerton Municipal Building, 1395 Blair Lake Road, Upper Nappan;
 - (2) commencing at 3:30 p.m. on the first and third Wednesday of each month, except that there shall be no regular meeting during the month of August.
4. Regular meetings of Council may be rescheduled, relocated or canceled
 - (1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (2) by resolution or consensus, including a contingent resolution or consensus, of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (3) by the CAO on behalf of the Mayor, owing to unforeseen circumstance, provided the Mayor believes that the majority of Council Members would support such a step.
5. Additional or special meetings of Council may be convened
 - (1) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (2) by resolution or consensus, including a contingent resolution or consensus, of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (3) by the CAO on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
6. Specific notice to Council Members and to the public need not be provided of
 - (1) meetings held pursuant to section 3; or
 - (2) meetings held pursuant to subsection 1 and 2 of section 4 or 5;

but, subject to any statutory relaxation of notice requirements, three days notice shall be specifically provided for other meetings to Council Members in the manner described in sections 7 and 8 and to the public in the manner described in section 9.

7. Subject to section 6, notice of meetings shall be provided in writing (including e- mail) to each Council Member.
8. Within 30 days following the first meeting of Council after a municipal election or by-election, the Municipality will provide each elected Councillor and the Mayor an official Municipal email address and a cell phone which the Council Member will maintain and use for conducting Council business, the Council Member will be expected to check these at least once per day. the Council Member shall also be responsible for checking the mailbox assigned to the Council Member and marked with the Council Member's name located at the E D Fullerton Municipal Building The Council Member shall be deemed to have received any notice within one business day of its being sent pursuant to this section.
9. Subject to section 6, notice of meeting shall be provided to the public by posting a "Notice of Council Meeting" containing the time, date and place of the meeting on the outer doors leading to the main lobbies of the Municipal Service Centres in Upper Nappan, Springhill, and Parrsboro; and on the Municipality's web site and social media accounts.

Conduct of Meetings: General

10. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.
11. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
12. The minutes shall be kept by the Municipal Clerk and shall:
 - (1) record the time when any Council member joins or leaves a meeting which is in progress;
 - (2) contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders and a brief summary of the issues discussed;
 - (3) record the outcome of each vote; and
 - (4) mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.
13. It shall be the duty of the Chair to:
 - (1) open the meeting of Council by taking the chair and calling the Council Members to order;
 - (2) Read the territorial acknowledgement -The Municipality of the County of Cumberland acknowledges that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people.
 - (3) ask the Council whether there is a consensus of an item of procedure or business, and if no Council Member indicates dissent, may treat the item as resolved to the same extent as if a motion had been duly moved, seconded and passed by vote;

- (4) receive and submit to Council motions properly presented by a Council Member;
- (5) put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;
- (6) decline to put to a vote, a motion which infringes upon the rules of procedure;
- (7) restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
- (8) enforce on all occasions, the observance of order and decorum;
- (9) call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
- (10) inform the Council when necessary, or when referred to, on a point of order;
- (11) permit the CAO to speak on any point upon request;
- (12) permit proper questions to be asked through the Chair of any official or employee of the Municipality, to provide information to assist any debate;
- (13) declare a meeting dissolved if no quorum has been achieved within 15 minutes after the scheduled meeting time; unless a Councillor has within the previous hour, indicated his or her arrival within 30 minutes after the scheduled meeting time; and
- (14) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by a majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent.

14. At Council and Committee of the Whole meetings, unless a majority consents to a different order for that meeting, Council shall conduct business in the following order:

- (1) Call to Order
 - 1.1 Territorial Acknowledgement
 - 1.2 O Canada
 - 1.3 Roll call
- (2) Administrative and Procedural Issues;
 - 2.1 Approval of agenda
 - 2.2 Approval of minutes from the previous meeting
 - 2.3 Action List from Previous Meeting
 - 2.4 Delegations Presentations Petitions
 - 2.5 Public Hearings
- (3) Strategic Priorities;
- (4) Major Organizational Issues;
- (5) Organizational Policy / By-Law Issues;
- (6) Business Issues;
- (7) Information Items; and
- (8) Adjournment
 - 8.1 The Queen.

15. At the time the agenda is put forward for approval the Chair shall inquire of Council Members whether they have any new or other business. Council Members having such business shall then identify it for the Chair or shall lose the right to raise new or other business at the meeting.

16. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.

17. No Council Member shall speak for a second time on any question or motion until all Council Members who wish to speak have spoken once.
18. The mover of a motion shall have the right to reply and sum up in closing the debate.
19. No Council Member shall speak more than ten minutes upon any matter without the leave of Council.

Conduct of Council Meetings: Motions and Voting

20. The Chair shall state every question properly presented to Council and before putting it to a vote, shall ask "Is Council ready for the question?" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
21. The usual form of voting on any question shall be by the Chair calling for a show of hands, and any Council Member can call for, and obtain through the Chair, a recorded vote with each Council member's vote entered into the minutes. If the Chair believes a question is generally supported by Council, he or she may, instead of calling for a show of hands, ask if there are any objections to the motion or question. If no objections are voiced by any Councillor, the Chair may declare the matter resolved in the affirmative. If any objections are voiced by a Councillor, the issue shall be decided by vote.
22. A motion must be seconded and then repeated by the Chair or read aloud by the Municipal Clerk before it is debated. The Chair may direct that the motion be put in writing.
23. After reading of a motion by the Chair or Municipal Clerk, it shall be open for discussion.
24. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
25. When any question is before the Council, the only motions in order shall be:
 - (1) a motion in amendment of the original motion;
 - (2) a motion to refer the question, including the motion and amendment if one is moved, to any committee;
 - (3) a motion to defer the consideration of the question either indefinitely or to a specified time;
 - (4) a motion to close the debate at a specified time;
 - (5) a motion that the question be put to a vote;
 - (6) a motion to adjourn.
26. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment to the original motion or to the amendment, except the following:
 - (1) to refer to a committee;
 - (2) to defer the consideration of the question;
 - (3) to close the debate at a specified time;
 - (4) that the question be put to a vote;
 - (5) to adjourn;any of which may be moved either to the original motion or to the amendment of the original motion.

27. A motion:

- (1) that the debate be closed at a specified time; or
- (2) that the question be put to a vote;
shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard, and the mover of the question has had the right to reply and sum up as provided in section 18 herein.

28. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote." If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall continue to debate the question.

29. A motion to adjourn shall always be in order except in the following cases:

- (1) when a Council Member is in possession of the floor;
- (2) when the vote is being called;
- (3) while the Council Members are voting; or
- (4) when the adjournment was the last preceding motion.

30. The following questions shall be decided without debate:

- (1) all motions as to priority of business or as to the suspension of the order of the day;
- (2) a motion to allow any person other than the Council member to address the Council;
- (3) a motion to postpone to a specified time or day;
- (4) a motion to lay on the table when claiming a privilege over another person; and
- (5) a motion to adjourn.

31. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.

32. Except for matters arising from correspondence, committee or other reports, agenda items, or notice of motion or other material circulated to Council Members on or before the day before the meeting, and except for matters arising from an *in-camera* meeting, no motion committing the Municipality to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.

33. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.

Committee of the Whole Meetings


1. Council hereby establishes a Committee of the Whole, consisting of all the councillors, to meet on the second Wednesday of each month commencing at 3:30 p.m. except that there shall be no meeting during the month of August.
2. Council or Committee of the Whole may cancel or re-schedule a meeting of the Committee of the Whole, providing the public is given at least three days' notice.

3. The Committee of the Whole will be responsible for all matters which would be of concern to the Municipal Council.
4. Meetings of the Committee of the Whole shall be open to the public, unless the Committee moves into an In-Camera session which complies with the Municipal Government Act (MGA) (Section 22(2)). The public, with permission from the majority of Council, may address the Committee, with a time limit of ten minutes. This excludes comments on matters where there are existing meeting procedures with First or Second Readings, or other matters that have a public process in place.
5. Staff reports and Councillor's reports shall be presented to the Committee of the Whole.
6. Committee of the Whole will meet for the purposes of discussion and possible recommendation to Council. No formal decisions will be made when the councillors are meeting as Committee of the Whole.
7. Committee of the Whole may, in its discretion, decide not to refer a staff recommendation to Council if the Committee feels that recommendation would not be appropriate at that time.
8. a) The Mayor shall act as chairperson and presiding officer at the meetings of the Committee of the Whole.
(b) In the absence of the Mayor, the Deputy Mayor shall so serve.
(c) In the absence of both the Mayor and Deputy Mayor, the Committee of the Whole may appoint a chairperson from the members present.
9. The Clerk shall keep minutes of the discussions and recommendations of the Committee of the Whole.

Conduct of Meetings: Points of Order

10. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
11. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
12. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
13. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to section 40 and 44, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
14. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.

15. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question or order or practice or upon the interpretation of the rule of Council after being called to order by the Chair, or otherwise disrupts the proceedings of Council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
16. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
17. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.
18. Persons who are not Council Members or officers or employees of the Municipality shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered, by the Chair, to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.
19. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers with or without conditions.
20. An order of the Chair to expel a person from the Council Chamber pursuant to sections 40 and 44 of this Policy constitutes a direction from the Municipality to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
21. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability, but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
22. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.
23. All former Council Meetings and Proceedings Policies of the Municipality are hereby repealed.

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| <u>Clerks Annotation for Official Policy Book</u> | |
| Date of Notice to Council Members of Intent to Consider: <u>May 5, 2021</u> Date of Passage of Policy: <u>May 19, 2021</u> | |
| I hereby certify that this Council Meetings and Proceedings Policy was adopted as indicated above. | |
| DocuSigned by:  E37AA34E947E4E1... | 5/20/2021 |
| Clerk | Date |