

BY-LAW 2

THE COUNCIL

* **Approved Ammendments Dec. 9/94 {6(19) & 6(21)}**

1. MEETINGS

REGULAR MEETINGS

(1) The Council shall hold its regular meetings as follows:

(a) The Annual Meetings beginning on the second Monday of May in each year.

(b) The Monthly meetings beginning on the second Monday of each month.

SPECIAL MEETINGS

(2) The Council may hold special meetings as provided by section 20 of the Municipal Act, being Chapter 295 of the Acts of Nova Scotia, 1989, and amended thereto.

PLACE

(3) Meetings of the Council shall be held at the County Court House at Port Hood or at such other place or places as the Warden may designate.

NOTICE

(4) The Clerk shall give public notice of the time and place of each regular meeting of the Council, and shall also mail a notice of each meeting to each Councillor; said notice to be given five clear days before any meeting of Council.

2. OPENING

(1) On the first day of the annual meeting the Council shall convene at 10:00 o'clock a.m., and the monthly meetings at 1:30 o'clock p.m. or so soon thereafter as circumstances permit, and at each succeeding session at the like hour or at such other hour as is specified on the preceding motion of adjournment.

RECESS

(2) During a session the Council may adjourn for short periods (as for meals) or to another place, without ending the session.

ATTENDANCE

(3) Councillors not present at roll call may have their names entered as being present if they join the Council at the place of meeting at the session in question within one hour of the start of the session, and call the attention of the Clerk to the fact immediately on arrival, with the consent of the Council.

3. CHAIRPERSON

In the temporary absence of the Warden and Deputy Warden, the Council shall appoint a Chairperson from the Councillors present.

4. MINUTES

Upon the opening of each session of every meeting of the Council, the minutes of the next preceding session, after all necessary corrections and amendment have been made the minutes shall be approved and a correct copy of the same shall be entered in the Minute Book of the proceedings of the Council, and shall be signed by the Chairperson and Clerk, and such entry so made in the Minute Book shall be deemed to be the original Minutes of the Council.

5. ORDER OF THE DAY

(1) At each session, unless a majority of the Council consent to a different order for that session, the Council shall conduct business in the following order:

- (a) The Clerk shall call the roll.
- (b) Adoption of the Minutes.
- (c) Reconsideration of Motions on resolutions of which due notice has been given.
- (d) Reading and consideration of correspondence, petitions and memorials.
- (e) Reading of reports of committees and of officers.
- (f) Consideration of Motions or resolutions of which notice has been given on a previous day.
- (g) Notices of Motion.
- (h) Miscellaneous or New Business.

PROVIDED, HOWEVER, that at the first sessions of the Council after a general election of Councillors, and whenever the office of Warden, Deputy Warden or Clerk becomes vacant, the first order of business after calling the roll call shall be the election of a Warden, and Deputy Warden, and the appointment of a clerk if such office is then vacant.

AND PROVIDED THAT it shall be the privilege of the Chairperson to take up any item of business out of its usual order, or to bring before the Council any matter that he/she may have in charge or otherwise alter the order of business except when any question is actually under discussion.

(2) The ordinary hours for the sessions of Council shall be from 10:00a.m. to 12:00 noon, and from 1:30p.m. to 4:30p.m. for the Annual Meeting and 1:30p.m. to 5:00p.m. for the monthly meetings.

6. RULES OF CONDUCT AND DEBATE

(1) The Chair shall preserve order and endeavour to conduct all business to a speedy and proper result.

(2) The Chair shall state every question properly presented to the Council and, before putting it to a vote, shall ask: "Is the Council ready for the question?" - and if no Councillor offers to speak, he/she shall put the question, after which no Councillor shall be permitted to speak upon it.

(3) The decision of the Chair on points of order shall not be debateable, unless, entertaining doubts upon the subject, he/she invites discussion; he/she may speak to points of order in preference to other Councillors, rising from his/her seat for that purpose; and he/she shall decide on questions of order, subject to an appeal to the Council by any two Councillors; where the Chair permits discussion of a point of order, no Councillor shall speak more than once.

(4) When an appeal is made from the decision of the Chair on a point of order, he/she shall forthwith put the question "shall the decision of the Chair be sustained?"

(5) The Chair shall, and any Councillor may, call to order any Councillor who violates any rule of order.

(6) No Councillor may speak more than twice on any motion except to explain a misconception of his/her remarks, but the mover of a substantive motion shall have the right to reply and sum up in closing the debate.

(7) No Councillor shall speak more than ten minutes upon any matter at one time, without leave of the Council.

7. MOTIONS

(1) Resolutions and amendments thereto are substantive motions; all other motions are procedural.

SUBSTANTIVE MOTION

(2) All substantive motions shall be made in writing and shall be seconded and shall be read aloud by the Chair or Clerk before being debated; after being so read, a resolution shall be open for debate.

WITHDRAWAL

(3) At any time before the Council has voted on a motion it may be withdrawn by the mover with the consent of the seconder.

PRIVILEGED MOTIONS

(4) When any motion is put before the Council, the only motions that shall be in order shall be:

- (a) To adjourn
- (b) To lay on the table
- (c) To postpone indefinitely
- (d) To postpone for a definite period
- (e) To refer
- (f) To amend
- (g) To hold a secret ballot

and when any such motion has been made, motions of a prior order shall be received and such motions shall be considered and decided in reverse of the order in which they were made; all such motions except the motion to adjourn shall be seconded.

ADJOURNMENT

(5) A motion to adjourn shall always be in order except in the following cases:

- (a) When a Councillor is speaking.
- (b) When the Council is voting.
- (c) When adjournment was the preceding motion.

UNDEBATABLE MOTIONS

(6) The following motions shall be decided without debate:

- (a) To reconsider
- (b) To suspend the order of the day
- (c) To permit a Councillor to speak more than once on a matter.

AMENDMENTS

(7) Every amendment submitted shall be decided or withdrawn before the main question is put to a vote, and no more than one amendment of the principal motion shall be received or considered at one time, and only one amendment to the amendment of the principal motion shall be decided or withdrawn before the amendment is decided.

(8) On an amendment to "strike out and insert" the matter to be amended shall first be read as it stands, then the words proposed to be struck out, then those to be inserted, and finally the matter as it would read if so amended.

MOTION TO APPEAL

(9) No motion to appeal, alter or amend any by-law shall be made unless at least one day's Notice of Motion has been given in writing of the intended motion to so appeal, alter or amend such by-law.

NOTICE OF MOTION

(11) Any notice of motion or notice of reconsideration given by a Councillor for action in a subsequent session may in the absence of such Councillor be taken up by any other in the Council, and a motion in accordance therewith moved by him/her.

NOTICE TO RECONSIDER

- (12) After any question has been decided in the affirmative or the negative any Councillor may, after the decision has been announced from the Chair, give notice that he/she will move a reconsideration thereof at a subsequent session or (where the session is the last of the meeting) at the conclusion of the business of that session and before Council adjourns; such notice may be given at any session of the same meeting.
- (13) No discussion of a matter to be reconsidered shall be allowed on the motion to reconsider.
- (14) No question shall be considered more than once at a meeting, nor shall a vote on a motion to reconsider be reconsidered.
- (15) Except by unanimous consent of the Council, no matter shall be reconsidered except as herein provided.
- (16) When any report, petition or other document is read in Council, the Chair shall endorse thereon a note of the reading, the date, and the manner of disposing thereof.
- (17) In all cases not covered the rules of procedure as applied in the Legislative Assembly of the Province of Nova Scotia shall govern the proceedings of the Council.

SUSPENSION OF RULES OF ORDER

- (18) Any or all of the foregoing Rules of Order may be suspended in its operation in any session by the unanimous consent of the Councillors present.

8. PETITIONS

- (1) Every petition, remonstrance, or written application made to the Council shall be plainly and legibly written or printed on paper and shall be signed by the requisite persons both as to number and status.
- (2) When any Councillor presents a petition he/she shall acquaint the Council with its contents and ask leave for it to be read.
- (3) Every petition, remonstrance or written applications presented to the Council shall have endorsed thereupon the names of one or more of the petitioners or applicants and the substance of the matter therein contained.
- (4) The Council may resolve to hear the endorsement in lieu of hearing the petition, remonstrance or application.

(8) While any Councillor is speaking in Council, no other Councillor shall stand, speak or whisper so as to interrupt him/her unless it be to speak to order or to ask the Chair for leave to explain.

(9) When a Councillor wishes to explain he/she shall stand and ask leave of the Chair, then, without further comment, if permitted thereto, he/she shall explain only an actual misunderstanding of language.

(10) When any Councillor speaks to order, the question of order shall be decided before the matter under discussion is proceeded with; and when any Councillor is called to order he/she shall take his/her seat until the point of order is determined.

(11) When any Councillor wishes to speak on a matter he/she shall rise and address his/her remarks to the Chair, and he/she shall confine himself/herself to the matter in question, he/she shall avoid personalities and unbecoming language, and he/she shall sit down when he/she has finished or when his/her time for speaking has elapsed.

(12) If more than one Councillor rises at one time, the Chair shall determine who first rose and permit the Councillor to speak.

(13) If any Councillor in speaking impeaches the motive of any other Councillor or treats him/her with personal disrespect, or passes between a Councillor who is speaking and the Chair, or uses unbecoming language, or talks or acts so as to distract a Councillor who is speaking, or disregards the authority of the Chair or whose conduct is otherwise disorderly or disruptive of the meeting, the Chair may:

(a) Censure such Councillor in his/her place and/or;

(b) Order such Councillor to withdraw from the meeting room for the remainder of that day's sitting if the meeting is for more than one day, or if the incident occurs near the end of a meeting or day, for such portion of the next meeting or day as the Chair sees fit, not to exceed one day.

(14) (a) If any Councillor considers himself/herself personally aggrieved by a censure of the Chair, or by an order of the Chair to withdraw from the meeting, he/she, may immediately, seconded by any other Councillor, appeal the same to the Council, whereupon the Chair shall put the question "Shall the (censure) (order) of the Chair be sustained?"

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(b) If a Councillor, after being ordered to withdraw from a meeting apologizes to the Chair and to the meeting, he/she may upon a majority vote of the Council be re-admitted forthwith.

(15) When a Councillor has been so ordered by the Chair to withdraw from a meeting he/she shall do so forthwith and without answer to the Chair of the meeting.

(16) If a Councillor refuses to withdraw when so ordered the Chair may adjourn the meeting, obtain such assistance as is necessary, including police assistance, to have the Councillor removed from the meeting and then resume the meeting.

(17) In any of the matters set out in Section 6(13) above, the Chair or Councillors may invoke the provisions of sections 6(3) and 6(4) of this by-law.

(18) Every Councillor shall be heard in his/her place touching any charge brought against him/her as such Councillor, but shall withdraw before the Council proceeds therein.

(19) When a division on any question is demanded the form of voting shall be by the Chairman calling for yeas and nays, but the Chairman may require Councillors voting in the affirmative to raise their hand and be counted and then for those voting in the negative to rise their hand and be counted. The Chairman shall direct the Clerk or solicitor or both to make the count and the Chairman, if he chooses to vote, shall vote at the same time as the other councillors.

(20) Where any Councillor so requires, the names of those voting on any question, and the way they voted thereon, shall be entered in the Minutes.

(21) **Repealed Dec. 9/94**

(22) All questions arising in the Council or Committee shall be determined by a majority of votes, and the chair shall have the right to vote on all questions; in the event of a tied vote the question shall be deemed to have been determined in the negative.