

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TOPIC:	Policy Regarding Rules of Order and Council Proceedings (Section 23, Municipal Government Act)
POLICY NUMBER:	37
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1) First Meeting

- (1) The first meeting of Council shall be held no later than four weeks following a civic election, or such sooner date as may be required by law. Until the selection of a Warden, the Clerk shall preside at a first meeting.
- (2) At a first meeting, Council members shall be sworn in, and the Warden and Deputy Warden shall be elected by Council, or as otherwise determined by law.
- (3) Where the post of Warden becomes vacant, the Clerk shall, unless a meeting is scheduled to be held within a week of the date of the vacancy, cause a special meeting of Council to be held for the purpose of selecting a new Warden.

2) Regular Meetings of Council

- (1) Council shall hold a regular meeting on second Tuesday of every month, with the exception of the months of July and August.
- (2) A regular meeting shall be held at the Council Chamber at the Administrative Offices of the Municipality beginning at 7:30pm, local time, provided that Council may, by resolution or by consensus, direct that a regular meeting be held at another place or time.
- (3) No public notice is required for a regular meeting of Council, unless it is to be held at a place other than the Municipality's Administrative Offices.

3) Other Meetings

- (1) Council may hold other meetings, for the dispatch of business of the Municipality; at such place and time as Council may determine, provided that each Councillor is notified at least three (3) days in advance.
- (2) The Clerk shall call a meeting when required by the Warden, or upon receipt of a written requisition signed by a majority of Councillors.
- (3) The Clerk shall give at least three (3) days public notice of a meeting called pursuant to this section.

4) Emergency Meetings

Where the Warden determines that there is an emergency and that a meeting of Council is required, Council may meet without notice, or with such notice as is possible in the circumstances.

5) Open Meetings and Exceptions

- (1) All meetings of Council shall be open to the public, subject to paragraph (2).
- (2) Council may meet in closed session to discuss matters relating to:
 - (a) The acquisition, sale, lease and security of municipal property;
 - (b) Setting a minimum price to be accepted by the Municipality at a tax sale;
 - (c) Personnel matters;
 - (d) Labour relations;
 - (e) Contract negotiations;
 - (f) Litigation or potential litigation;
 - (g) Legal advice eligible for solicitor-client privilege;
 - (h) Public security.
- (3) At a closed meeting, Council shall make no decision except in regard to procedural matter or to give direction to staff or to solicitors.
- (4) No member shall, without the express written permission of Council, divulge what transpires at a closed meeting.
- (5) The Clerk shall cause a record to be kept noting the fact that Council met in closed session, and the type of matter that was discussed, but no other information. That record shall be open to the public.

Part 2 – Proceeding of Council

6) Presiding Member or Chair

- (1) The Warden shall be the chair or presiding officer for all meetings of Council, and in the Warden's absence, the Deputy Warden shall preside. In the absence of both the Warden and the Deputy Warden, such other councillor chosen by a majority of those present shall preside.
- (2) The member chairing a Council meeting is described herein as the "presiding member".

7) Duties of the Presiding Member

- (1) The presiding member shall:
 - (a) Open meetings of Council by calling members to order;
 - (b) Receive and submit to Council all motion properly present by a member;
 - (c) Put to a vote a motion that is properly presented, or that necessarily arises in the course of a meeting, and to announce the result;
 - (d) Decline to put to a vote a motion that infringes on the rules of procedure;
 - (e) Enforce the observance of order and decorum;
 - (f) Permit questions to be asked, through the chair, of any official of the Municipality to provide information to assist any debate or the discharge of Council business;
 - (g) Provide information to Council on any matter touching on the business of the Municipality;
 - (h) Decide and inform the Council on any points of order.

- (2) The presiding member shall have the authority to call to order any member who violates the rules of order.
- (3) The presiding member may take part in any debate, with the exception of debate concerning any point of order or point of privilege upon which the presiding member has been asked to rule.

8) Agenda

- (1) The Clerk shall cause an agenda to be prepared for each regular meeting of Council or on the Friday preceding the meeting, with copies of all reports or communications to be dealt with at the meeting. For all other meetings, the Clerk shall cause an agenda to be prepared as soon as practicable before the meeting. The agenda shall conform to the order of proceeding set out in Section 10 hereof.
- (2) Only members or the Clerk may submit additions to the agenda, and any member proposing an addition shall provide the Clerk with sufficient detail on the matter as to permit the Clerk to be in a position to communicate to the nature and effect of the item to Council, and shall provide the Clerk with any available supporting documentation.
- (3) A proposed addition to the agenda shall be communicated to the Clerk by close of business on the Tuesday preceding the meeting. The Clerk shall review the proposed addition and, if satisfied that it relates to the business of the Municipality, add it to the agenda.
- (4) No other matter shall be added to the agenda without the consent of a majority of the members present at the meeting.
- (5) No matter concerning staff, or any matter referred to subsection 5(2) of these Rules, may be added to the agenda until the matter has been reviewed by the Clerk and a decision is taken by Council as to whether to hold an in camera meeting.
- (6) The agenda for a regular meeting shall be made available to the public on the Monday morning preceding the meeting.

9) Call to Order

- (1) As soon after the hour of meeting as a quorum is present the presiding member shall take the Chair and the members shall be called to order.
- (2) The Clerk shall cause to be recorded in the minutes the names of the members present, and shall cause to be recorded the names and time of arrival of those members who arrive after the call to order.
- (3) Where no quorum is present fifteen (15) minutes after the time appointed for the meeting, the presiding member may adjourn the meeting, and the Clerk shall cause the names of those members present to be recorded.

10) Order of Proceedings

- (1) The following shall be the order of proceedings of a regular meeting of Council:
 - (a) Call or Order;
 - (b) Approval of the Agenda, and of any additions or deletions;

- (c) Reading and approval of the minutes of the previous meeting, including correction or errors or omissions;
 - (d) Reconsideration of motions
 - (e) Deferred business
 - (f) Public Hearings (where required);
 - (g) Correspondence;
 - (h) Petitions and Delegations;
 - (i) Reading or report of Committees, officers and staff;
 - (j) Motions;
 - (k) Added items;
 - (l) Miscellaneous business;
 - (m) Adjournment.
- (2) This sequence shall apply unless a vote of two-thirds (2/3) of members present decides otherwise.
- (3) The following shall be the order of proceeding sat all other meetings of Council:
- (a) Additions to or deletions from the agenda;
 - (b) Approval of the agenda;
 - (c) Consideration of the particular business or items of business for which the meeting was called;
 - (d) Adjournment.

11) Participation in Meetings

- (1) Except as provided in this section, no one but members, or staff or officers of the Municipality when requested by the presiding member, shall be entitled to speak at a meeting of Council.
- (2) A person or delegation which has been entered on the agenda for a meeting may speak, subject to time limits imposed by the presiding member.
- (3) A person or delegation not on the agenda for a meeting may request permission to speak in reference to any petition or other written application presented to Council or any other matter within the jurisdiction of Council, and the presiding member shall request a motion to allow the person or delegation to speak, and if carried by a majority of members present, the person or delegation shall be heard.
- (4) The presiding member may place limits on the time and the numbers of persons who speak pursuant to a motion adopted under the preceding paragraph.

12) Petitions and Other Written Submissions

- (1) Every petition, application or other communication intended to be presented to Council shall:
 - (a) Be legibly written or printed;
 - (b) Not contain any improper language or matter;
 - (c) Be signed by at least one person;
 - (d) State the reasons for the communication and the remedy sought;

- (e) Be submitted to the Clerk as set out in subsection (2).
- (2) The petition or communication must be presented to the Clerk before close of business on the Tuesday preceding the meeting. The Clerk shall review it and if of the opinion that it contains improper language or matter, or is libellous shall advise the presenter that the document is not suitable, and the petition or communication shall not be received. All other petitions or written submissions presented in accordance with subsection (1) shall be added to the agenda.
- (3) A member may present a petition by acquainting the Council with its contents, and asking for leave for it to be read; if Council by a two-thirds (2/3) vote of those present agrees, the Petition shall be added to the order of business.

13) Minutes

- (1) The Clerk shall cause minutes of all meetings to be kept, and those minutes shall record in summary form:
 - (a) The place, date and time of the meeting;
 - (b) The name of the presiding member and record of attendance;
 - (c) The reading and, if requested, the correction and adoption of minutes of the previous meeting;
 - (d) All motions moved or move and seconded by members;
 - (e) A record of the result of all votes.
- (2) If there is any objection to minutes presented at any regular meeting the member making it shall state the grounds of the objection and, if no member objects, the minutes shall be amended accordingly.
- (3) If a member objections to amendment of minutes, a motion must then be made and seconded to effect the amendment. The motion shall be debatable.
- (4) A motion to amend minutes may only be made to correct an omission or erroring the record; no amendment shall be made that effects a substantive change in that record.
- (5) After minutes have been adopted, they shall be signed by the Clerk and maintained as an official record in the Municipal Administrative Offices.

Part 3 – Rules of Conduct and Debate

14) Members Conduct

- (1) In speaking to a motion or question, a member shall address the presiding officer, confining his or her remarks to the matter under debate and avoiding improper language.
- (2) When two or more members wish to speak, the presiding member shall decide which shall be heard.
- (3) A motion may be made that a member who wishes to speak “be now heard” or “do now speak”, which motion shall not be debated and, if carried, the member shall be permitted to speak.

- (4) During the reading of minutes or any other document or communication, and when a member or other person is addressing Council, silence shall be observed, and nothing shall be done to disturb the meeting.
- (5) No member shall speak longer than ten (1) minutes at one time, without leave of the presiding member, or more than twice upon any motion, and once on any motion to seek leave to speak oftener.
- (6) When a member is speaking, no other member shall interrupt, except to make a point of order.
- (7) No member shall:
 - (a) Use offensive or un-parliamentary language, or speak disrespectfully of anyone while in Council.
 - (b) Impeach the motive of any other member, or treat any member with personal disrespect;
 - (c) Wilfully violate any of the rules of order and procedure;
 - (d) Wilfully obstruct the business of Council;
 - (e) Reflect upon any vote of Council except for the purpose of moving in accordance with the provisions hereof that the question be rescinded or reconsidered.
 - (f) Disobey a decision or ruling made by the presiding member.
- (8) A member who contravenes subsection (7) shall be called to order by the presiding member, and shall be censured and may be ordered by a majority of the members present to leave the member's seat for that meeting. A presiding member who contravenes subsection (7) may be called to order, on motion, by vote of a majority of those members present, and dealt with as any other member under this paragraph.

15) Points of Order

- (1) The presiding member shall decide points of order, subject to appeal to Council, and shall speak to a point of order in preference to other members.
- (2) An appeal of the decision of the presiding member on a point of order shall be by motion duly made and seconded, the question begin gin the following form: "Shall the decision of the presiding member be sustained?", the motion shall be decided without debate, and a decision of the majority of those member present shall be final and binding.

Part 4 – Voting

16) Manner of Voting

- (1) The presiding member shall state every question properly presented to Council and before putting it to a vote shall ask whether Council is ready for the question and, if no member should speak, shall proceed with the question, after which no one shall speak to the matter, except on a point of order.
- (2) The usual form of voting on any question shall be by the presiding member calling yeas and nays.
- (3) The presiding member shall vote on all questions before Council.

- (4) Every member present when a motion is put shall vote thereon, unless the member has a conflict of interest in relation to the matter at issue. A member who declines to vote shall be deemed to have voted in the negative.

17) Results of Voting

- (1) All questions shall be decided by a majority of votes, except those that by virtue of these rules or any other law, require a larger majority.
- (2) The presiding member may require, and any member may demand, a division on any question, and the members shall thereupon be polled, with the affirmative counted first.
- (3) In the event of a tie, the motion in issue shall be deemed to have been determined in the negative.
- (4) All votes shall be entered in the minutes and the names of those members voting in the affirmative and the negative shall be recorded where there is any division.

Part 5 – Motions

18) Form and Consideration of Motions

- (1) A motion shall be clearly stated for the record, and the presiding member, where the matter is complex or lengthy, may request the moving member to reduce the motion to writing. A motion shall also be seconded and afterwards repeated from the Chair before it is debated.
- (2) After the presiding member or the Clerk reads a motion, it shall be deemed to be open for debate unless it is not a debatable motion.
- (3) A motion may, at any time before it is voted on, be withdrawn by the mover, with the consent of the seconder.
- (4) A motion in respect of a matter that is not within the jurisdiction of Council shall not be in order.
- (5) Where the presiding member is of the opinion that a proposed resolution is contrary to the rules and privileges of Council, the presiding member shall apprise the members immediately, before putting the question, and shall cite the rule or authority applicable to the case, without argument or comment.
- (6) Council shall not vote on a motion arising out of a presentation made at Council or an item added to the agenda by a member until a staff report and recommendation is received from the Clerk in regard to the matter, and a motion so made shall be deemed to be deferred until that report is made to Council. Council shall not be bound to accept any recommendation made in such a report.

19) Procedural Motions – Order of Consideration

- (1) When any question is before Council, the only motions that shall be received are:
 - (a) A motion in amendment of the original motion;
 - (b) A motion to refer the question, including a motion to amend, to a standing or special committee;
 - (c) A motion to table the question;

- (d) A motion to defer consideration of the question either indefinitely or to some time named;
 - (e) A motion to call for the question;
 - (f) A motion to close the debate at a specified time;
 - (g) A motion to adjourn;
 - (h) A point of order;
 - (i) A point of privilege.
- (2) When any motion referred to in paragraph (1) is put, no other motion may be made except those described in (b), (c), (e), (f), or (g).
- (3) A motion to close the debate, to call for the question, or to adjourn shall be put without amendment to debate, but a motion to call for the question shall not be put until after every member who has not spoken on the question in issue, and who claims the right to speak, has been heard.
- (4) Procedural motion shall be considered immediately upon being made, and are subject to debate as follows:
- (a) Non-debatable: (i) motion to extend the time of the meeting; (ii) motion to call for the question.
 - (b) Debatable: (i) motion to refer; (ii) motion to defer; (iii) motion to table; and (iv) any other procedural motions.

But debate shall be limited to the desirability of referring, deferring or tabling, or to the date upon which the matter should return to Council.

20) Motions to Amend

- (1) A motion to amend shall be relevant to the question; shall not propose a direct negative to the question; and shall be decided upon or withdrawn before the main question is out to a vote and before a further amendment to the question is considered.
- (2) Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question.
- (3) On an amendment to “strike out and insert” certain words, the paragraph 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 paragraph as it would stand as amended.

21) Motion calling for the Question

- (1) A motion to calling for the question is not debatable; cannot be amended; cannot be proposed when there is an amendment under consideration, shall preclude any further amendments to a debate on the main question.
- (2) When a motion calling for the question is resolved in the affirmative, the main motion is put immediately without amendment or debate.
- (3) When a motion calling for the question is resolved in the negative, then the main question may be further debated and amended.

22) Motion to Refer

- (1) A motion to refer the question to Committee shall, until it is decided, preclude amendment to the main question and a motion to defer or table.
- (2) A motion to refer is debatable, but only as to the desirability of the referring, and the motion shall not be put until all members listed to speak on the main question have been given the opportunity to raise any issues or ask any questions in relation thereto.

23) Motions to Table or Defer

- (1) A motion to table a question is debatable, but only with respect to the desirability of the tabling and cannot be amended; provided that if the motion has some qualification other than as to time, it is subject to debate and amendment.
- (2) A matter that has been tabled shall not be considered again by Council until a motion has been passed to take up the tabled question at the same or a subsequent meeting of Council, and a motion to take up a tabled question is not subject to debate or amendment.
- (3) A motion that has been tabled and not taken from the table for six months shall be deemed to have been withdrawn. The Clerk shall, for the last meeting immediately preceding that deemed withdrawal, give notice to Council of the effect of this paragraph.
- (4) A motion to defer shall be debated only as to the desirability of deferring consideration of the motion, and the motion shall not be put until all members listed to speak on the main question have been given the opportunity to raise any issues or ask any questions in relation thereto.
- (5) A motion to defer indefinitely shall be treated as a motion to table.

24) Motion to Adjourn

- (1) A motion to adjourn shall always be in order except: when a member is speaking or during a vote or the verification of a vote; when made after the approval of a motion to call for the question of a matter before Council; or when adjournment was the last preceding question.
- (2) A motion to adjourn is not debatable. When it is made without qualification, and carried, brings the meeting to an end. When it is made to adjourn to a specific time, or to cause Council to convene on the happening of a specified event, and carries, suspends the meeting to continue at that time.
- (3) If a motion to adjourn is decided in the negative, it cannot be made again until after some immediate proceedings have been completed by Council.

Part 6 – Reconsideration or Rescission

25) Negative Votes

When a motion has been resolved in the negative it shall not be returned to Council except with the consent of two thirds (2/3) of the whole Council, and only after two months have elapsed after the vote. If resolved again in the negative, it shall not be brought again before Council until the expiry of the civic year.

26) Affirmative Votes

- (1) After a matter has been decided in the affirmative, a member may give notice to intention to move for reconsideration or rescission before the adjournment of the meeting at which the vote was taken.
- (2) A notice of intention to move for reconsideration or rescission shall be dealt with at the next meeting of Council.
- (3) A motion to reconsider or rescind shall be dealt with after approval of the minutes and adoption of the agenda, and before any other business, and in the absence of the member who gave notice may be put by any other member.
- (4) A notice of motion to reconsider to rescind shall have the effect of delaying any action necessary to give effect to the matter to be considered, and no action shall be taken until such reconsideration has been disposed of.
- (5) No motion to reconsider or rescind shall be allowed in regard to a motion approving all or part of the Municipality's budget, or a motion authorizing legal proceedings and no question shall be reconsidered more than once nor shall a vote to reconsider or rescind be reconsidered or rescinded.

Part 7 – Committees

27) Committee Boards and Commissions

- (1) The standing committees enumerated in Schedule "A" and the special or external/internal committees, enumerated in Schedule "B" shall be appointed in the manner set out in these Rules.
- (2) Council may, by resolution, add to or remove committees from Schedules "A" and "B".
- (3) Council may, from time to time, and at such time as may be required, appoint Council members to such external boards, committees or commissions as it may be required or it sees fit, subject to any legislative requirements.

28) Nomination and Appointment

- (1) All members of Council shall be members of the Finance Committee, the Operational Services Committee, and the Recreation Committee.
- (2) The Warden shall be, ex officio, a member of all committees.
- (3) The Warden shall consult with members of Council and appoint members to committees within 30 days of the adoption of these Rules to hold membership until November of the following year, and thereafter shall appoint committee members annually in November, to hold membership for the ensuing year. In an election year committee, appointments shall be made at the first opportunity after Council members are sworn in, and a Warden is chosen.
- (4) Where a vacancy occurs on a committee, the Warden shall appoint a replacement to be a member to serve the unexpired term.

29) Vacating membership

A member appointed by Council who fails to attend three (3) consecutive meetings of such committee of which notice has been given, without having been excused from attendance by resolution of the committee, shall thereupon vacate the seat and shall be deemed to have resigned, and a replacement shall be appointed, with all required changes made, pursuant to Section 28.

30) General Duties of a Committee

- (1) The general duties of a committee shall be:
 - (a) To report to Council from time to time whenever desired by Council as often as the interest of the Municipality may require on all matters connected with the duties imposed on it, and to recommend such action by Council as may be deemed necessary
 - (b) To consider and report on all matters referred to it by Council;
 - (c) To adhere to the rules and orders of Council;
 - (d) To make its reports available to Council prior to the same being given to the public.

31) Clerk

- (1) Unless otherwise stipulated by Council, the Clerk shall be the secretary of all committees.
- (2) The Clerks shall cause notice of each regular and special meeting of a committee to be sent to each member of the committee and any staff or officer required to attend, no later than one day before the meeting, if possible.
- (3) The Clerk shall attend, or cause an assistant to attend all committee meetings and to record the minutes, orders, and requests of the committee.

32) Rules of Procedure

- (1) The business of a committee shall be conducted according to the rules governing procedure in Council, except as otherwise stated herein.
- (2) The Warden shall choose all committee chairs.
- (3) The minutes of the transactions of a committee shall be entered in a book to be provided for that purpose. At each meeting the minutes of the preceding meeting shall be submitted for approval, and after receiving the approval of the majority of members present, shall be certified by the Clerk or Chair of the committee.
- (4) A committee shall not consider any business if a quorum is not present. A quorum for a committee having an even number of members is one-half of all members; and a quorum for a committee having an uneven number of members is a majority of all members.
- (5) The Clerk shall endeavour, where possible, to give 48 hours notice of a meeting to committee members, and to provide an agenda for the meeting.
- (6) All meetings of committees, unless permitted by law to be held in camera, shall be open to the public.
- (7) Any member of Council may attend a meeting of a committee, but Councillors who are not members of a committee shall not vote and may only take part in a committee's discussion with the consent of a majority of committee members.

- (8) A committee shall consider and report upon only such matters as have been referred to it as provided herein or such matters as come reasonably within its continuing terms of reference as established from time to time by resolution of Council.
- (9) No report or recommendation to do any matter or thing shall be recognized unless it is in writing and bears the name of the Chair, or the person acting in that capacity.

32) Special Committees

- (1) Council may appoint a special committee at any time as is deemed necessary concerning any matter within the jurisdiction of the Municipality, and Council shall set forth terms of reference for a special committee, and such other provisions as it considers proper.
- (2) A special committee shall consist of not less than three (3) members, and shall be chosen by the Warden, after consultation with Council members, who shall also appoint a Chair.
- (3) When a special committee has completed its work, rendered its report, and Council has made a final decision upon the report, the committee shall thereupon be dissolved.

Part 8 – Committee of the Whole

33) Motion

- (1) When a committee report is presented to Council, the chair of the committee shall move that Council to go into Committee of the Whole, to discuss the report, and when a motion to go into Committee of the Whole is carried, the presiding member shall act as chair.
- (2) In Committee of the Whole, no vote shall be recorded, there shall be no limits on the number of times speaking on any question, and no motion to call for the question shall be permitted.
- (3) No member shall speak more than once, except to make an explanation, until all members who wish to speak have done so.
- (4) Committee of the Whole shall report to Council with any recommendations made in regard to its deliberations.

Part 9 – General

35) Suspension of Rules

Notwithstanding any provision in this policy, any one or more of the rules and procedures herein may be suspended by the unanimous vote of the members present and voting.

36) Supplementary rules

In all cases not provided for in this policy, the rules of the Nova Scotia Legislature shall be followed.