

BY-LAW # A-01

A BY-LAW RELATING TO THE PROCEEDINGS OF THE COUNCIL
OF THE VILLAGE OF PLASTER ROCK

BE IT ENACTED by the Council of the Village of Plaster Rock under the authority vested in it by the Municipalities Act, R.S.N.B. 1973, c. M-22, as follows:

1. Definitions

“Act” means the Municipalities Act.

“Procedural by-law means a by-law enacted pursuant to section 10.3 of the Act.

“clerk” means a clerk appointed pursuant to section 74 of the Municipalities Act;

“council” means the Mayor and Councillors;

“point of information” means the procedural mechanism by which a member may rise to present or receive information of interest to council;

“point of order” means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed;

“point of privilege” means the procedural mechanism by which a member may rise to address incorrect, defamatory or slanderous statements made about the council, members or civic staff;

“quorum” means a majority of those members of Council holding office at the time of the meeting.

2. Application

The rules and regulations contained in this by-law:

- (a) shall be used for the order and dispatch of business in council and committees;
- (b) shall apply to council, employees of the Village of Plaster Rock, and members of the general public.

3. Meetings of Council

- (1) 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.
- (2) All Council meetings shall be held in the Village Council Chambers unless, under special circumstances, otherwise agreed to by council and public notice given.

By-Law A-01 Proceedings of Council

- (3) Subject to the Municipalities Act, council shall hold its Regular (Public) Meetings on the 3rd Mondays of each month, at a time to be determined by council. In the event that Monday is a holiday, the meeting shall be held on the Tuesday of that week. The Agenda of the said meeting shall be circulated on the preceding Friday.
- (4) Council as per Section 30 of the Municipalities Act shall elect a Deputy Mayor from within Council. The Councillor with the majority number of votes shall be appointed Deputy Mayor. The election of the Deputy Mayor shall be held at the first meeting of council and shall serve for the duration of the 4 year term.
- (5) (a) The Mayor or any three (3) members of council upon written petition, may, at any time, call a Special (Public) Meeting of council on twenty-four hours' notice to the clerk and members of council.
 - (b) Notice of any Special (Public) Meetings so called shall be circulated to members of council in writing or through technology instruments by the clerk.
 - (c) Council shall not consider any business at a Special (Public) Meeting except matters specified in the Notice except by unanimous consent by motion of all the members present.
- (6) (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. The Village Clerk will make reasonable efforts to notify the public when an emergency meeting has been called.
- (7) (a) Council shall hold closed meetings of council, to be called at the discretion of the Mayor or upon written petition of any three members of Council, when the subject matter of the meeting includes any of the following:
 - (I) information, the confidentiality of which, is protected by law;
 - (II) personal information;
 - (III) information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;
 - (IV) the proposed or pending acquisition or disposition of land for a municipal purpose;
 - (V) information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
 - (VI) information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications between solicitor and client in a matter of municipal business;
 - (VII) litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
 - (VIII) the access to or security of particular buildings, other structures or systems, including computer or communications

- systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
 - (IX) information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; or
 - (X) labour and employment matters, including the negotiation of collective agreements.
- (b) The agenda for closed meetings of council shall be approved by a majority of members attending the closed meeting
- (c) All recommendations of closed meetings, which require the approval of Council, shall be reported to a Regular or Special Public Meeting of Council.

4. Agenda for Regular (Public) Meetings

- (1) The Mayor and Clerk shall have prepared and printed for a regular meeting or a special meetings of council, an agenda reflecting the matters to be considered, under the headings noted below, referred to as the Order of Business:
- (a) Call to Order
 - (b) Opening Prayer
 - (c) Recording of Attendance
 - (d) Disclosure of Conflict of Interest
 - (e) Approval of agenda – additions or deletions.
 - (f) Adoption of Minutes
 - (g) Delegations/Public Presentation/Petitions
 - (h) Committee/Department Reports
 - (i) Reports and Recommendations from Committees and Closed Meetings
 - (j) New Business
 - (k) Other Reports
 - (l) Correspondence
 - (m) By-Laws, Zoning
 - (n) Next Meeting Date
 - (o) Adjournment
- (2) The deadline for receipt of Agenda materials by the clerk is 11:00 a.m. on the Tuesday preceding the meeting.
- (3) Any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of council present at the meeting.
- (4) Additions or deletions require the consent of 3 out of 4 councilors or approval by the Mayor.
- (5) The public shall be notified of Regular or Special Meetings on the village web site or by notice posted on the bulletin board at the municipal office.

5. Procedure for Regular and Special Meetings

- (1) The Mayor shall preside over all meetings. In the absence of or inability of the Mayor to preside over meetings, the Deputy Mayor shall preside.
- (2) Except as otherwise provided, no member shall speak without recognition of the Chair.
- (3) Once a motion is made and seconded, the mover shall have the privilege of speaking first, and have the privilege of closing debate.
- (4) A member of council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease and the “point” shall be clearly stated by the member and, if applicable, ruled upon the Chair.
- (5) A member of council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- (6) No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the general public, or use offensive or profane language.
- (7) Unless disqualified to vote by reason of interest or otherwise upon a by-law, resolution, motion or for any other purpose, each member present, including the mayor, shall announce his or her vote openly and individually, and the clerk shall record it. No vote shall be taken by ballot or by any other method of secret voting, and every vote so takes is of no effect. Abstentions are not counted.
- (8) Members of the public shall be entitled to address council, under the heading “Delegations/ Public Presentations/Petitions”, on matters of municipal jurisdiction, that are not otherwise mandated by legislation such as the Community Planning Act and the Business Improvement Areas Act. In all cases, members of the public shall notify the clerk at least 24 hours prior to the meeting, of the subject matter of the presentation and shall limit comments to ten minutes. Motions shall be out of order under this heading.
- (9) Any person who:
 - (a) breaches this by-law
 - (b) behaves in a disorderly manner; or
 - (c) uses threats or profane language in debatemay be required to leave the meeting at the discretion of the chair.
- (10) A ruling of the chair may be appealed to council by a non-debatable motion. A majority vote of the members of council in attendance shall be required to overturn a ruling of the chair.

6. Minutes

- (1) The clerk shall record in a book, all resolutions, decisions and proceedings of the council. Minutes shall record the place, date and time of commencement of meeting, and the names of all members of council and employees in attendance.
- (2) The minutes of the preceding meeting, as circulated, shall be adopted and approved. Upon motion, such minutes may be amended to reflect greater accuracy.

7. Committees

- (1) Council may establish and abolish committees of Council; and the Mayor may make appointments to such committees.
- (2) Council shall approve the mandate of each committee.
- (3) Council may constitute special or ad hoc committees and appoint persons thereto.
- (4)
 - (a) The Mayor shall be a member of all committees.
 - (b) A member of council may attend meetings of any committee of Council whether or not a member of that committee, and for the purpose of that meeting, be deemed to be a member of that committee and may take part in any discussion or debate in the committee, but shall not vote.
 - (c) The clerk, on instruction from the committee chair, shall send notice of meetings to each member of the committee and of council at least twenty-four (24) hours before the time of the meeting.
 - (d) The record the minutes of all committee meetings, which minutes shall be circulated to all members of committee and of council.
 - (e) A member of Council appointed to any board, commission, etc. shall, at the regular monthly meeting of Council, present a written report for circulation to all members.

8. Other Procedural Matters

- (1) When any matter or proceeding is not contemplated by this by law or provincial legislation the chair shall use Roberts Rules of Order as a guide.
- (2) As much as is practicable, proceedings of council or committees shall accommodate presentations in either official language.

A by law entitled “A BY LAW RELATING TO THE PROCEEDINGS OF THE COUNCIL OF THE VILLAGE OF PLASTER ROCK,” being by law #A- 01, ordained and passed on

First Reading	November 21, 2005
Second Reading	December 19, 2005
Third Reading and Enactment	January 16, 2006

Mayor Peter White

Barbara Wishart, Clerk