

BY-LAW NO. 40-04

A BY-LAW TO REPLACE BY-LAW NO 6-96 FOR THE MUNICIPALITY OF GRAND MANAN RESPECTING THE PROCEDURE AND ORGANIZATION OF THE VILLAGE OF GRAND MANAN

The Council of Village Of Grand Manan, NB under the authority vested in it by section 10.3 of the Municipalities Act, enacts as follows:

Title

1. This by-law may be cited as **A BY-LAW RESPECTING THE PROCEDURE AND ORGANIZATION FOR THE VILLAGE OF GRAND MANAN.**
2. By-Law No. 6-96 is hereby repealed:

Definitions

3. In this by-law
 - i. “Clerk” means the clerk of the municipality appointed under section 76 of the Municipalities Act;
 - ii. “Committee of the Whole” is used when matters cannot be discussed in public as per section 10.2 (4) of the Municipalities Act.
 - iii. “Corporation” means the Municipality;
 - iv. “Council” means the Village Council of the Municipality, consisting of a Mayor, and nine Councillors, as duly elected;
 - v. “Councillor” means a member of the Council other than the Mayor;
 - vi. “Member” means a person elected to the Council;
 - vii. “Municipality” means the Village of Grand Manan;
 - viii. “Points of Order” means
 - a. any breach of the Rules of Council; or
 - b. any defect in the constitution of any meetings of the Council; or
 - c. the improper, offensive or abusive language; or
 - d. notice of the fact that the motion under discussion is not within the scope of the notice of motion; or
 - e. “any other informality or irregularity in the proceedings of Council;
 - ix. “Points of Privilege” does not relate to the business on the floor, but to the rights of the members of Council;
 - x. “Quorum” means a majority of the full number of members of council.
 - xi. Any reference to the male gender in this by-law includes female.

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Seal

- 4.1 The corporate seal of the Village Of Grand Manan shall have inscribed thereon the words “**Village Of Grand Manan**” and include the date of incorporation “**May 8, 1995**” and imprint of the seal appearing on the margin of this by-law is adopted as its corporate seal.
- 4.2 The corporate seal shall be at all times in the custody of the clerk and shall be used by him or her in matters as required under the section 76 (1)(d) of the Municipalities Act.

Election of the Deputy Mayor

- 5.1 Election of a Deputy Mayor shall occur at the inaugural meeting of Council. The Mayor will take nominations from Council members. Once nominations cease and the nominated members accept nomination and have removed themselves, the remaining members will vote. The nominated member with most votes shall assume the duty of Deputy Mayor. The term of Deputy Mayor shall exist until the next municipal election.

Meetings

- 6.1 The Council shall hold regular meetings on the first Monday of each month in the Grand Manan Boys & Girls Club located at 1019 Route 776 at 19:30 o'clock. Should another location be used for a Regular Meeting of Council, a notice shall be posted on the front door of the building 24 hours prior to that meeting. With Council's approval additional monthly meetings may be held as required.
- 6.2 When the day of the regular meeting falls on a day that is a holiday or a prescribed day of rest as defined under the Days of Rest Act, the Council shall meet at 19:30 o'clock of the following Monday.
- 6.3 The Mayor may, on two clear days written notice given through the clerk's office, change any regular meeting of council to a day and time to be named in the notice, and that particular meeting shall be held at that time, place and date.

Agenda

- 7.1 The clerk shall make available to each member, no later than Friday noon before the day fixed for each regular meeting, the agenda of the meeting and a copy of the minutes of the preceding meetings.
- 7.2 Unless unanimously voted in the affirmative by Council, no matter shall be placed on the agenda for consideration at any council meeting unless the request for consideration of the matter is received by the clerk before noon on the Wednesday preceding the day on which the regular meeting is to be held.

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Special Meetings

- 8.1 Upon having received a written request to call a special council meeting signed by not less than three councillors or the Mayor, the clerk shall call a special meeting for the purpose and at the time specified in the petition.
- 8.2 When a special meeting is called, the clerk shall inform each member of the time and place of the meeting and the business to be transacted thereat.
- 8.3 At a special meeting, the council shall consider only the business set out in the written notice calling the meeting except where otherwise determined by the unanimous consent of all Council members present.
- 8.4 All special meetings may, if time permits, be advertised by a notice on the Community Channel indicating the time, date, place and the purpose of the meeting at least 24 hours in advance.

Call to Order

- 9.1 Subject to subsection (2) as soon after 19:30 o'clock the day of a Regular or Special Council meeting and as soon after the hour of the meeting a quorum is present, the Mayor shall take the chair and call the Council to order.
- 9.2 When the Mayor is not present within fifteen minutes of the time set for the meeting, or when the Mayor has previously indicated that he will not be in attendance, the Deputy Mayor shall call the Council to order and shall preside during the meeting or until the arrival of the Mayor.
- 9.3 Upon a quorum of the members being present, the Mayor shall take the chair and call the members to order. In the absence of the Mayor and the Deputy Mayor, the Council may, from among the members present, appoint a chairman who, during the absence of the Mayor and Deputy Mayor, shall have the powers of the Mayor.
- 9.4 When there is no quorum present within twenty minutes after 19:30 o'clock, or the time set for the Regular or Special Council meeting, the clerk shall take down the names of the members then present and shall adjourn the meeting until the next regular meeting or until a special meeting is called.
- 9.5 The Clerk, or Assistant Clerk, or Council member appointed by Council shall record the minutes, subject to section 76 of the Municipalities Act.

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Order of Proceedings

10.1 As soon after a “Regular Council” meeting is called to order by the Mayor or Chairperson, subject to subsection (2) the business of the meeting shall be dealt with in the following order:

Agenda
Purpose
Place
Date & Time

1. Calling to Order
2. Prayer
3. Opening Remarks – Mayor
4. Disclosure of Conflict of Interest
5. Adoption of Minutes
6. Additions to Agenda
7. RCMP Report
8. Business Arising from Minutes
9. Old Business
10. Ten Minutes Open Session
11. Delegations and/or Special Speaker
12. Petitions and/or Written Submissions to be Read
13. Correspondence
14. New Business
15. Committee Reports
16. By-Laws
17. Approval to Pay the Following Invoices
18. Closed Session
19. Next Meetings
20. Adjournment

Unless otherwise determined by motion passed by the affirmative vote of at least two-thirds of the members present at the meeting.

Reading of the Minutes

11. Minutes of the last preceding meetings shall not be read at the meeting unless a member so requests in which case, the clerk shall read the minutes or a portion thereof, before the Council deals with the business before it in order set out in section 9.1.

Order

12.1 The Mayor shall preserve order and decorum at the Council meetings. He shall decide upon all questions of order, subject to an appeal to Council that shall be put to the meeting immediately and decided forthwith.

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12.2 When in the opinion of the Mayor, a member of the public or Council is guilty of improper conduct at a Council meeting, the Mayor may expel that person from the meeting immediately.

Rulings on Order

13. Where in the Mayor's opinion, or where the Mayor is called upon to decide a point of order or practice, he shall state the question without unnecessary comment and decide the issue in accordance with *Robert's Rules of Order*.

Mayor on Entering Debate

14. Where the Mayor wishes to participate in the debate at a Council meeting, he shall leave the chair before the debate commences and call on the Deputy Mayor, if present, or if not present, a Councillor to preside until he resumes the chair. The Mayor shall not return to the chair until the matter is dealt with. The member of Council who assumes the chair cannot enter the debate and shall remain in the chair until the matter is dealt with.

Chairperson

15. A Chairperson, whether appointed by the Mayor or by Council to act in the absence of the Mayor, shall have the same authority, while presiding at a Council meeting, as the Mayor would have if present and occupying the chair and in the by-law, where the context allows the "Mayor" it shall be deemed to mean a chairperson.

Manner of Speaking

16. Every member or delegation upon speaking to a question, motion or matter, shall address himself or herself to the Mayor.

Who shall have the Floor

17. When two or more members attempt to speak at the same time, the Mayor shall recognize the member who first attracts his attention, and address them by name.

Voting

18. All Councillors shall vote on all matters as per section 10.1 (1) of the Municipalities Act. In the event of a tie vote, the Mayor shall cast the deciding vote. The Mayor shall only vote in the event of a tie and at no other time unless require to under the Provincial statutes.

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19. As per Robert's Rules of Order "Silence is Consent." Any member who does not verbally vote, agrees to go along with the decision of the majority.

Interruptions

20.1 When the Mayor is putting a question or motion, no member shall leave his or her seat or make any disturbances.

20.2 When the Mayor or a member is speaking, no person may pass between him or her and the chair or interrupt him or her except to raise a point of order.

Disrespectful Statements

21.1 No member shall

- i. use offensive words against the Council or any member thereof,
- ii. refuse to obey the rules of Council, or
- iii. disobey the decision of the Mayor on a question of order.

21.2 When a member refuses to obey the rules of Council or disobeys the decision of the Mayor on a question of order, the Mayor shall order him to leave his seat for that meeting and he may be summarily ejected provided that, when the member apologizes he may, on a majority vote of Council resume his seat forthwith.

Recording Of Vote

22. When the Council is divided on any question, motion, or matter, the clerk shall enter in the minutes the names of the members who vote for and those who vote against the question, motion or matter.

Questions Under Debate

23.1 Subject to Section 27.3, when a motion is under debate, no motion shall be received except a motion to amend it, to lay it on the table, to postpone it, to adjourn it, to refer to a committee, to move the previous question, to move that the vote be now taken or subject to Section 23.2, to extend the hour to consider it.

23.2 A motion to adjourn the debate or to adjourn the meeting or resolve the Council into the Committee of the Whole shall always be in order except:

- i. when a member is speaking,
- ii. when it has been decided that the previous question shall be put forthwith,
- iii. when the yeas and nays have been called for, and
- iv. when the members are voting

and shall be put by the Mayor forthwith, without debate, and the members shall not make a second motion to adjourn the debate or the meeting until after some intermediate proceeding has taken place provided, however, that Council shall

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automatically adjourn at 22:00 o'clock unless two-thirds of the members present consent to continuing the proceedings.

Separate Vote on Distinct Propositions

24. Whenever a motion under consideration consists of more than one distinct proposition, matter or question, upon the request of a member the vote upon each separate proposition, matter or question shall be taken separately.

Motion to Take a Vote

25. After each member has had his or her opportunity to speak to the question, and a member moved that the vote be now taken and his motion is seconded, the Mayor shall put the motion without further debate.

Privilege

26. When a question of privilege arises, it shall be taken into consideration immediately.

General

27.1 No by-law, question, motion or matter that has been disposed of by a majority vote at a Council meeting shall be introduced for consideration at a Council meeting prior to the expiration of six months from the disposal without the consent of a majority of all the members of Council.

27.2 Upon the enactment of this by-law, all by-law, rules and regulation heretofore passed, adopt and observed by Council relating to proceedings in Council and Committees are hereby repealed.

27.3 In all matters, points of order or question of procedure arising and not provided for hereunder, and proceedings in Council and in Committee, shall be governed by *Robert's Rules of Order*.

Motion Re: Committee of the Whole

28. A motion to resolve Council into "Committee of the Whole" shall state the proposition, matter or question to be considered.

Committee of the Whole

29.1 Chairman: When a motion to resolve Council into "Committee of the Whole" is decided in the affirmative, the Mayor may appoint a chairperson of the "Committee of the Whole" from among the members present and in so doing shall immediately leave the chair.

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29.2 Duties of the Chairperson: When a Council is resolved into “Committee of the Whole,” the chairperson shall immediately take charge of the proceedings and for the purpose of maintaining order in “Committee of the Whole,” shall have all the powers of the Mayor.

29.3a. Order of Proceedings: In the “Committee of the Whole,” rules of Council shall be observed in as far applicable except that”

- i. no motion shall require a seconder;
- ii. no motion for adjournment shall be allowed;
- iii. the yeas and nays shall not be recorded, and
- iv. no minutes shall be recorded.

29.3b. In “Committee of the Whole,” no proposition, matter or question shall be considered except as provided in the motion resolving Council into “Committee of the Whole”

29.4 Question of Order: Subject to an appeal to the “Committee of the Whole,” questions of order arising in “Committee of the Whole” shall be decided by the Chairperson.

Petitions and Communications

30.1 All petitions, applications or other written communication intended to be presented to Council, shall be written legibly, typewritten or printed on paper and signed by at least one person.

30.2 All delegations or persons addressing Council shall be limited to 10 minutes in the “Ten Minutes Open Session” unless extended by a majority vote of Council.

30.3 Every petition, application, or other written communications on any subject, within the cognizance of any standing committee, shall be considered, on presentation to Council, as referred to the proper committee without any motion, unless otherwise ordered.

30.4 No member shall speak, nor shall a debate be allowed, upon the presentation of petition, application or other written communication to Council, but a member may move in referring a petition, application, tender or other written communication, that certain instructions be given by Council or that the petition, application or other written communication, be referred to a special committee.

30.5 If a petition, application or other written communication complains of a present personal grievance requiring immediate remedy, upon the consent of a majority of the members present, the matter contained therein shall be brought into immediate discussion and disposal of forthwith.

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30.6 When a petition, application or other written communication is received concerning subject that is not within the cognizance of any standing committee, it shall be presented to Council.

Correspondence

31. Any other correspondence to be read has to be agreed upon by a majority vote of Council.

By-Law

32.1 Every by-law or amendment to a by-law shall be introduced by a notice of motion specifying the title of the by-law, and the motion shall be decided without amendment of debate.

32.2 Every proposed by-law or amendment to a by-law shall receive three separate readings, but not more than two at any one meeting; except in the case where all the members present declare by resolution that an emergency exists.

32.3 The Council may amend a proposed by-law or amendment to a by-law at any time prior to the third reading by title.

32.4 The Clerk shall endorse on all by-laws read in Council, the dates of the readings thereof and shall be responsible for the inclusion of any amendments.

Appointment and Organization of Committees

33.1 At the inaugural meeting of Council, the following standing Committee may be appointed;

- i. Emergency Measures Committee
- ii. Finance Committee;
- iii. Personnel Committee;
- iv. Transportation Committee;
- v. Planning Advisory Committee;
- vi. RCMP Communication Committee;
- vii. Recreation Committee;
- viii. Solid Waste Committee
- ix. Economic Development Committee;
- x. And any other committees deemed necessary.

33.2 The Mayor may appoint to a standing committee a member of the Municipality who is qualified to be a candidate in a municipal election as defined by the Schools Act.

33.3 The Mayor shall be an ex officio member of all committee and shall have the right to vote on all questions before a committee.

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33.4 A member who introduces a by-law or motion upon any subject, which is subsequently referred to a special committee or subcommittee, may be a member of the committee without being so named by Council.

33.5 The Standing Committee may meet at any time as determined from time to time by each committee.

33.6 A Council member may attend the meeting of any committee but may not vote or take part in any discussion or debate unless the committee accepts with the permission of the majority of the committee members present.

33.7 A Standing Committee may add advisory members to its composition who need not be members of Council and shall inform Council of all advisory appointments.

Expenditure

34. All spending by any member of Council or Committees shall be limited to the amount authorized by Council.

Over Expenditure

35. Subject to section 32, no work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of Council.

Payments of Accounts

36. All accounts may be paid by those with signing authority as soon as payment is authorized by Council.

Office Hours and Privilege

37.1 Minutes and by-laws will be open for public inspection and examination in the Village Office weekly Monday through Friday, 9am to 4 pm. Upon request, the public may purchase copies of by-laws and/or minutes at cost of copying.

37.2 The Village Book of Accounts will be open for public inspection at the Village Office by appointment.

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A BY-LAW ENTITLED "A BY-LAW OF THE MUNICIPALITY OF GRAND MANAN RESPECTING THE PROCEDURE AND ORGANIZATION OF THE VILLAGE OF GRAND MANAN" BEING BY-LAW NO. 6-96, PASSED ON THE 4TH DAY OF MARCH 1996, AND ALL AMENDMENTS THERETO, IS HEREBY REPEALED.

THIS BY-LAW COMES INTO FORCE ON OCTOBER 31, 2004.

READ A FIRST TIME IN ITS ENTIRETY: THIS 27 DAY OF SEPTEMBER 2004.

READ A SECOND TIME BY TITLE ONLY: THIS 4 DAY OF OCTOBER 2004.

READ A THIRD TIME BY TITLE ONLY AND ENACTED: THIS 4 DAY OF OCTOBER 2004.

LINDA N. SULLIVAN
ACTING CLERK
VILLAGE OF GRAND MANAN

DENNIS C. GREENE
MAYOR
VILLAGE OF GRAND MANAN

SEAL