

<b>MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL</b>		<b>AM - 1.2.0</b>
<b>Section Procedure &amp; Organization of Council</b>	<b>Subject Council Meetings and Procedures</b>	

**1.0 GENERAL**

- 1.1 The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation.
- 1.2 In this Policy, unless the context otherwise requires,
  - (a) “business day(s)” means a day when the administrative offices of the Municipality of the County of Annapolis are open for business;
  - (b) “Chair” means the presiding officer;
  - (c) “Council” means the Municipal Council of the Municipality of the County of Annapolis;
  - (d) “Council Member(s)” include(s) the Warden and Deputy Warden;
  - (e) “majority” means more than one half of those present.

**2. TIME, PLACE, DATE AND NOTICE OF MEETINGS**

- 2.1 Unless otherwise specified pursuant to Subsections 2.2 or 2.3, regular meetings of Council shall be held
  - (a) at the Council Chambers in the Municipal Administration Building, 752 St. George Street, Annapolis Royal;
  - (b) on the third Tuesday of every month;
  - (c) commencing at 10:00 a.m.
- 2.2 Regular meetings of Council may be rescheduled, relocated or cancelled
  - (a) by resolution or consensus, including a contingent resolution or consensus, of Council at a previous meeting three or more days in advance of the meeting;
  - (b) by resolution or consensus, including a contingent resolution or consensus, of the Committee of the Whole at a meeting three or more days in advance of the meeting; or
  - (c) by the CAO or Municipal Clerk on behalf of the Warden, owing to unforeseen circumstances, provided the Warden believes that the majority of Council Members would support such a step.
- 2.3 Additional or special meetings of Council may be convened
  - (a) 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;
  - (b) by resolution or consensus, including a contingent resolution or consensus, of the Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (c) by the CAO or Municipal Clerk on behalf of the Warden, owing to unforeseen circumstances, provided the Warden believes that the majority of Council Members would support such a step.

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2.4 Specific notice to Council Members and to the public need not be provided of

- (a) meetings held pursuant to Subsection 2.1; or
- (b) meetings held pursuant to Subsection 2.2 (a) and (b) or Subsection 2.3 (a) and (b);

but, subject to any statutory relaxation of notice requirements, five (5) days notice shall be specifically provided for other meetings to Council Members in the manner described in Subsections 2.5 and 2.6 and to the public in the manner described in Subsection 2.7.

2.5 Subject to Subsection 2.4, notice of meetings shall be provided verbally (by telephone or telephone answering machine / voicemail) **or** in writing (including electronic mail or facsimile messages) to each Council Member.

2.6 Within thirty (30) days following the first meeting of Municipal Council after a municipal election or by-election, each elected Council Member shall provide to the Municipal Clerk

- (a) a telephone number at which the Council Member has and will maintain, access to a telephone answering machine / voicemail which the Council Member will check at least once per day; **or**
- (b) an electronic mail address or facsimile telephone number at which the Council Member has and will maintain, access to electronic mail or facsimile messages, as the case may be, and which the Council Member will check at least once per day;

failing which the Council Member shall be responsible for checking at least once per business day a mailbox assigned to the Council Member and marked with the Council Member's name located at the Administration Office in Annapolis Royal and shall be deemed to have chosen this method of notification. The Council Member shall be deemed to have received any notice within one business day of its being sent or left by the method of the Council Member's choice pursuant to this section.

2.7 Subject to Subsection 2.4, notice of meetings shall be provided to the public by posting at the Administration Office in Annapolis Royal and the Planning Office in Lawrencetown a "Notice of Council Meeting" containing the time, date and place of the meeting. Additional notice shall be provided on the County of Annapolis web site.

### **3. CONDUCT OF MEETINGS: GENERAL**

3.1 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 by the Municipal Clerk and such entry shall conclusively constitute the minutes of Municipal Council.

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3.2 The minutes shall be kept by the Municipal Clerk and shall:

- (a) record the time when any Council Member joins or leaves a meeting which is in progress;
- (b) contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;
- (c) mention reports, petitions, correspondence, presentations and other papers submitted to Municipal Council only by their respective titles, or a brief description of their contents.

3.3 It shall be the duty of the Chairman to:

- (a) open the meeting of Municipal Council by taking the chair and calling the Council Members to order;
- (b) ask the Municipal Council whether there is a consensus on 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;
- (c) receive and submit to Municipal Council motions properly presented by a Council Member;
- (d) 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;
- (e) decline to put to a vote, a motion which infringes upon the rules of procedure;
- (f) restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
- (g) enforce on all occasions, the observance of order and decorum;
- (h) call by name any Council Member persisting in a breach of the rules of order of Municipal Council thereby ordering him or her to vacate the Council Chambers;
- (i) inform the Municipal Council when necessary, or when referred to, on a point of order;
- (j) permit the Chief Administrative Officer or Municipal Clerk to speak on any point upon request;
- (k) permit proper questions to be asked through the Chairman of any official or employee of the County, or any member of the public in attendance, to provide information to assist any debate;
- (l) declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time; and
- (m) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent.

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- 3.4 At Municipal Council Meetings, unless a majority consents to a different order for that meeting, Municipal Council shall conduct business in the following order;
- (a) approval of minutes from the previous meeting;
  - (b) approval of agenda, including additions or deletions;
  - (c) business arising from minutes;
  - (d) Municipal Solicitor's Report
  - (e) public hearings (usually @ 11:00 a.m.);
  - (f) new or other business;
  - (g) presentations;
  - (h) other motions;
  - (i) reading of reports of committees and of officers;
  - (j) consideration of correspondence;
  - (k) notices of motions;
  - (l) late additions;
  - (m) adjournment.
- 3.5 The Municipal Clerk must receive correspondence to be included in the agenda no later than six (6) business days prior to the Council Meeting.
- 3.6 Council Members wishing to add or delete items from the agenda shall identify them at the time the agenda is approved. Except in a circumstance of urgency or a request for routine information, motions or decisions on late additions may be deferred until the next regular meeting.
- 3.7 Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chairman. When two or more Council Members raise their hands to speak, the Chairman shall designate the Council Member who, in the opinion of the Chair, first raised a hand.
- 3.8 No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
- 3.9 When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chairman, without further comment, and if permitted by the Chairman, shall explain only an actual misunderstanding of language.
- 3.10 No Council Member, staff member or presenter shall speak more than ten minutes upon any matter at one time, without the leave of Municipal Council.
- 3.11 This policy shall be applicable for all meetings of Municipal Council, including periods of adjournment to "in camera".

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#### **4. CONDUCT OF MEETINGS: MOTIONS AND VOTING**

- 4.1 The Chairman shall state every question properly presented to Municipal 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 Chairman shall put the question, after which no Council Member shall be permitted to speak upon it.
- 4.2 The usual form of voting on any question shall be by the Chairman calling for “yeas” and “nays”, but any Council Member, before or after a voice vote can call for, and obtain through the Chairman, a show of hands, and any two Council Members can call for, and obtain through the Chairman, a recorded vote with each Council Member’s vote entered into the minutes.
- 4.3 A motion must be seconded and then repeated by the Chairman or read aloud by the Municipal Clerk before it is debated.
- 4.4 After reading of a motion by the Chairman or Municipal Clerk, it shall be open for discussion.
- 4.5 A motion may at any time before the Municipal Council has voted on it be withdrawn or modified by the mover.
- 4.6 When any question is before the Municipal Council, the only motions in order shall be:
- (a) a motion in amendment of the original motion;
  - (b) a motion to refer the question, including the motion and amendment if one is moved, to any committee;
  - (c) a motion to defer the consideration of the question either indefinitely or to a specified time;
  - (d) a motion to close the debate at a specified time;
  - (e) a motion that the question be put to a vote;
  - (f) a motion to adjourn.
- 4.7 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 except to the original motion or to the amendment, except the following:
- (a) to refer to a committee;
  - (b) to defer the consideration of the question;
  - (c) to close the debate at a specified time;
  - (d) that the question be put to a vote;
  - (e) to adjourn;
- any of which may be moved either to the original motion or to the amendment of the original motion.

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- 4.8 A motion to adjourn shall always be in order except in the following cases:
- (a) when a Council Member is in possession of the floor;
  - (b) when the “yeas” and “nays” are being called;
  - (c) while the Council Members are voting; or
  - (d) when the adjournment was the last preceding motion.
- 4.9 The following questions shall be decided without debate:
- (a) a motion to reconsider;
  - (b) all motions as to priority of business or as to the suspension of the order of the day;
  - (c) application to speak more than the prescribed number of times;
  - (d) a motion to allow any person other than the Council Members to address the Council;
  - (e) a motion to postpone to a specified time or day;
  - (f) a motion to lay on the table when claiming a privilege over another person; and
  - (g) a motion to adjourn.
- 4.10 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.
- 4.11 Except for matters arising from correspondence, committee or other reports, agenda items, or notices 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 County of Annapolis to the expenditure of funds shall be accepted by the Chairman for the consideration of Council except with the unanimous consent of Council Members present.
- 4.12 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.
- 4.13 After any question has been decided either in the affirmative or negative, any two (2) Council Members may, after the decision has been announced from the Chairman, but before adjournment of the meeting give notice of an intention to move reconsideration at the next meeting of the Municipal Council. The giving of such a notice operates as a stay or suspension of Municipal Council’s decision.
- 4.14 Unless reconsideration is moved at the next meeting the right of reconsideration shall be lost.
- 4.15 No discussion of the main question shall be allowed on the motion for reconsideration.

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4.16 The following matters are not eligible for reconsideration:

- (a) a motion approving the first or second reading of a bylaw enactment, amendment or repeal;
- (b) a motion to decide upon a matter which was the subject of a statutory hearing by Municipal Council;
- (c) a motion which is or was considered by the Committee of the Whole in substantially the same form in which it is being or will be considered by Municipal Council, irrespective of whether Municipal Council has adopted or rejected, or may adopt or reject, the recommendation of the Committee of the Whole;
- (d) a matter which has been reconsidered once; and
- (e) a vote to reconsider.

## **5. CONDUCT OF MEETINGS: POINTS OF ORDER**

- 5.1 It shall be the duty of the Chairman, 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.
- 5.2 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 Chairman to be heard on the point of order.
- 5.3 A point of order is not debatable amongst other Council Members, unless the Chairman invites discussion in an effort to assist in making a ruling. Where the Chairman permits discussion of a point of order, no Council Member shall speak more than once.
- 5.4 Decisions of the Chairman on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to Subsections 5.6 and 5.7, are not debatable but are appealable to Municipal Council by any Council Member. When an appeal is made from the decision of the Chairman, the Chairman shall simply put the question, "Shall the decision of the Chairman be sustained?"
- 5.5 No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Municipal Council, or speak outside the parameters of the question in debate.
- 5.6 If a Council Member resists the rules of Municipal Council, wilfully obstructs the business of Municipal Council or disobeys the decision of the Chairman, or of Municipal Council on appeal, on any question of order or practice or upon the interpretation of the rules of Municipal Council after being called to order by the Chairman, or otherwise disrupts the proceedings of Municipal Council, the Council Member may be ordered by the Chairman to leave the Council Member's seat provided that a majority vote of Municipal Council shall be required to sustain the expulsion.
- 5.7 If the Council Member refuses to leave the Council Member's seat, the Chairman may order the Council Member to be expelled and excluded from the Council Chambers.

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- 5.8 Such Council Member may, *by vote of Municipal Council*, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Municipal Council’s business with or without conditions.
- 5.9 Persons who are not Council Members or officers or employees of the County of Annapolis shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Municipal Council shall be called to order by the Chairman and, if they fail to comply, shall be ordered, by the Chairman to be expelled and excluded from the Council Chambers, provided that a majority vote of Municipal Council shall be required to sustain the expulsion.
- 5.10 Such member of the public may, by vote of Municipal Council later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers with or without conditions.
- 5.11 An order of the Chairman to expel a person from the Council Chambers pursuant to Subsections 5.7 and 5.9 of this policy constitutes a direction from the County of Annapolis to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
- 5.12 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern in all cases to which they are applicable and in which they are not inconsistent with provincial legislation or the bylaws, policies or procedures of the municipality.
- 5.13 Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

Municipal Clerk’s Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
<i>Seven (7) Day Notice</i> .....	<b><i>January 13, 2015</i></b>
<i>Council Approval</i> .....	<b><i>January 20, 2015</i></b>
<b><u><i>Carolyn Young</i></u></b>	<b><u>January 21, 2015</u></b>
Municipal Clerk	Date
At <b><u>Annapolis Royal</u></b> <i>Nova Scotia</i>	

**Amendments:**

June 17, 2014:

- Corrected references to other subsections in Subsections 2.1 and 5.4;
- Replaced and clarified wording of Subsection 3.5;
- In Subsection 3.6 deleted the words “*as the Council Member who has the floor*”.
- Deleted Subsection 2.8 “*The regular meeting held on the third Tuesday of May shall be the annual meeting of Municipal Council.*”

January 20, 2015:

- Inserted new Subsection 3.5 “*The Municipal Clerk must receive correspondence to be included in the agenda no later than six (6) business days prior to the Council Meeting.*” (and re-numbered subsequent sections accordingly).