

Municipality of the District of Lunenburg

POLICY

Title: Proceedings of the Council	
Policy No. 001	
Effective Date: November 9, 2010, February 10, 2016	Amended Date: Jan. 26, 2016; Oct. 11, 2016, July 14, 2020; Feb. 23, 2021

1 Definitions

In this policy all words shall have their meanings as described in Standard English dictionaries except for the following:

- 1.1 "Ballot" means:
A written vote that assures the secrecy of an individual's election decision.
- 1.2 "Chair" means:
 - (a) the Mayor; or
 - (b) in the absence of the Mayor, the Deputy Mayor; or
 - (c) in the absence of the Mayor and the Deputy Mayor, the Member appointed by Council to preside; or
 - (d) until a Mayor has been elected, the Clerk.
- 1.3 "Meeting" means a regular or special meeting of Council and covers the period of time in which Members are actually sitting, from the official opening of a meeting until the final adjournment thereof, regardless of the number or length of sessions which may be held and then terminated by temporary recesses or adjournments.
- 1.4 "Point of Order" means:
 - (a) any breach of the rules of order of Council; or
 - (b) any defect in the constitution of any meetings of the Council; or
 - (c) the use of improper, offensive or abusive language; or
 - (d) any other informality or irregularity in the proceedings of Council.
- 1.5 "Procedural Motion" means any motion dealing strictly with procedure and, without limiting the generality of the foregoing, includes the following: motions to adopt an agenda, motions to approve minutes, motions to extend the time of a meeting, motions to refer, motions to amend, motions to table, motions to postpone for a period of time or indefinitely, motions for points of order, motions to defer, motions to adjourn. (amended Jan. 26/16)

- 1.6 "Rescind a Motion" is a motion to nullify a vote taken at a previous meeting. It may be made by any Council member, but only if no action has been taken on the motion.
- 1.7 "Rules of Order" means the parliamentary rules followed by Council when conducting meetings of business, which are the practices under *Robert's Rules of Order*.
- 1.8 "Session" means the proceedings of Council held on any one day.
- 1.9 "Substantive Motion" means any motion other than a procedural motion, a question of privilege or a point of order.

2 Elections

- 2.1 The Council shall elect a Deputy Mayor in accordance with municipal policy MDL-11.
- 2.2 The nomination of Deputy Mayor shall be by ballot.
- 2.3 Upon nomination, if a Council member does not wish to accept the nomination, they should decline at once, by stating "I respectfully decline the nomination". [amended July 14, 2020]
- 2.4 Where only one person is nominated for an office and nominations have been closed by resolution, the chair shall declare that person elected to the office in question, by acclamation.
- 2.5 Where more than two persons are nominated for election of Deputy Mayor and no nominee receives, on the first vote or ballot, a majority of the votes of the Members present, the name of the nominee who receives the least number of votes shall be dropped from the vote or ballot and the Council vote again.

The Council shall vote up to three times after the number of candidates still on the ballot has been reduced to two or until one of the nominees has a majority of the votes of the Members present.

In the event of a tie vote for two or more candidates for the office being voted upon and the addition of one vote would entitle one or more of the candidates to be declared elected and where Council has voted up to three times to break the tie vote, the Clerk shall determine the candidate to be declared elected by Lot.

“Lot” means the method of determining the successful candidate randomly. This can be done for in-person meetings by placing the names of the candidates on equal size pieces of paper and placing them in a box and one name being drawn by a person chosen by the Clerk or designate. This same method can be used at a virtual meeting or it can be done electronically by listing the names in an electronic randomized selection program and running the program to select one name. [amended Feb. 23/21]

3 Meetings

- 3.1 Except as otherwise provided in *Subsection 22(2) of the MGA*, all Council meetings and meetings of committees appointed by Council are open to the public. [amended July 14, 2020]

In-person public attendance at Council meetings is encouraged, except in circumstances that have resulted from a Provincial State of Emergency being called (i.e. pandemic) and restrictions being placed on public meeting gatherings. During these times, no public will be allowed to attend meetings in person. [amended Feb. 23/21]

- 3.2 Regular meetings of the Council shall be held on the second and fourth Tuesdays of each month. Public notice of regular Council meetings is not required. (amended Jan. 26/16. Oct. 11/16 & July 14/20)

- 3.3 In addition to regular meetings, Council may hold such other meetings as may be necessary or expedient for the conduct of business provided that each member of Council is notified at least three (3) days in advance and the Clerk gives at least two (2) days' notice to the public. Notice to the public will be, at the minimum, through a notice on the MODL website; however, may be through other forms of media depending on the matter. [amended July 14/20; Feb. 23/21]

- 3.4 Council may meet without notice if the Mayor determines that there is an emergency. [amended July 14, 2020]

- 3.5 A meeting of Council is not illegal or invalid for a failure to give notice; or meeting elsewhere than provided in the by-laws, a policy, or a notice of meeting. [amended July 14, 2020]

- 3.6 Council meetings may be live streamed using a suitable streaming facility or similar technology. Mandatory public participation (e.g. Public Hearings, 2nd Readings, etc.) in live-streamed meetings is limited to messaging or other similar communication methods. [amended July 14/20; Feb. 23/21]

Council meetings will be audio recorded for the public to have access to the meeting and the recording will be posted on MODL's website within 24 hours of the meeting. [amended Feb. 23/21]

Audio recordings of Council meetings shall stay on MODL's website for two years, after which time they will be moved to an outside platform (e.g. SoundCloud) that can be accessed by the public. The recordings will be retained in accordance with MODL Policy 008 Records Management and Destruction. [amended Feb. 23/21]

- 3.7 As an alternative to in-person meetings, Council meetings may be conducted by electronic means such as telephone conferencing or internet conferencing provided that the following criteria are met:
- 3.7.1 notice of the alternative form of meeting is provided to the public at least two (2) days prior to the meeting;
 - 3.7.2 the alternative form of meeting chosen permits all members of Council to effectively communicate with each other during the meeting;
 - 3.7.3 all votes are taken as recorded votes; and,
 - 3.7.4 the meeting is recorded and the recording is made available on the MODL website within 24 hours of the end of the meeting.
[amended July 14, 2020]
- 3.8 (a) A member of Council may attend and participate in an in-person meeting of Council by electronic means provided that one of the following criteria is met and the member is not on extended vacation or unexcused leave of absence:
- (i) the member has made a request to the Mayor/ Chair based on planned unavailability;
 - (ii) the member of Council is away due to work or family commitments;
 - (iii) there is inclement weather and business cannot be postponed; or,
 - (iv) the member is not able to attend in person for health reasons but is able to attend by electronic means.
- (b) Any Councillor participating by electronic means is deemed present at the meeting. Otherwise, shall be marked absent if:

- (i) a technology problem prevents participation; and
- (ii) communication is lost and cannot be reconnected.

[amended July 14/20 Feb. 23/21]

- 3.9 When a Council meeting falls upon a holiday or upon a day deemed to be inappropriate, Council shall set a new date by resolution. [amended July 14, 2020]
- 3.10 The Mayor shall preside at all meetings of the Council or, in their absence, by the Deputy Mayor. (*See Section 15, MGA*) [amended July 14, 2020]
- 3.11 If both the Mayor and the Deputy Mayor are absent, the Council may appoint a chair from the Members present. (*See Section 15, MGA*) [amended July 14, 2020]
- 3.12 Meetings shall convene at a time established by a resolution of Council. [amended July 14, 2020]

4 Quorum of Council

- 4.1 A majority of the members of Council (Mayor or Chair is considered a member of Council) shall constitute a quorum for the transaction of business in accordance with *Section 20(1) of the MGA*.
- 4.2 At any meeting of the Council, if ten minutes elapse without a quorum being present, the Members present shall meet, and
- (a) Adjourn the meeting; or
 - (b) Recess; or
 - (c) Extend the time for the meeting of the Council for one half hour from the hour fixed for such meetings, if a quorum is still not present, the meeting shall stand adjourned.
- 4.3 A Mayor or Member who, without leave of Council, is absent from three consecutive regular meetings of Council, shall there by vacate their office, and the office shall be declared vacant by the Council in accordance with *Section 17(4) of the MGA and Section 18(6) of the Municipal Elections Act*.
- 4.4 Council may excuse, by resolution, the absence of a Member if there is just cause.

5 Voting

- 5.1 No motion shall be voted upon unless seconded and any un-seconded motion shall not be made again during the session.
- 5.2 A motion may be withdrawn by the mover with the consent of the seconder at any time before the Council has voted on it.
- 5.3 When a division on any question is demanded, the chair shall call for the yeas and nays and the chair shall then declare the result.
- 5.4 All votes other than votes on procedural motions shall be recorded.
 - 5.4.1 Unanimous votes shall be recorded as Carried unanimously.
 - 5.4.2 Where vote results are not unanimous, only the names of the Councilors voting against the motion will be recorded.
(amended Jan. 26/16)
- 5.5 Subject to the *Municipal Conflict of Interest Act* and *Sections 205(7) and 230(3) of the MGA*, all Members present including the person presiding, shall vote on a question.
- 5.6 Any Member who fails or refuses to vote and who is required to vote, except in accordance with subsection 5.5, shall be deemed to have voted in the negative.
- 5.7 As to the proceedings of Council, unless otherwise prescribed by statute, all questions arising in the Council shall be decided by a majority of votes. In the event of a tie, the question voted on shall be deemed to be determined in the negative.

6 Minutes

- 6.1 Upon the opening of each meeting of the Council, regular or special, the minutes of the last preceding meeting shall be considered and after all necessary corrections and amendments have been made, and the minutes approved, a copy of the same shall be entered in the Minute Book and shall be deemed to be the original minutes of the Council.
- 6.2 The minutes shall:
 - (a) record the date, time and place of the meeting, and the kind of meeting;
 - (b) record the time when any Council member joins or leaves a meeting which is in progress;

- (c) contain all resolutions, and motions, with the name of the mover and seconders; and record outcome of the vote;
- (d) all elections and results;
- (e) mention reports, petitions and other papers submitted to the Council only by their respective titles, or a brief description of their purport, except verbal reports which shall be entered at length; and
- (f) time of adjournment.

7 Agenda

7.1 The order of business shall be at the discretion of the Chairperson unless majority of Members consent to a different order of business. Otherwise, at each regular meeting of Council, Council shall conduct its business in the following order:

- (a) Call to order and opening;
- (b) Announcements, Acknowledgements, Recognition;
- (c) Public Input;
- (d) Approval of agenda, including additions thereto or deletions therefrom;
- (e) Approval of minutes;
- (f) Business arising from the minutes;
- (g) Awarding of tenders;
- (h) Presentations;
- (i) Consideration of correspondence;
- (j) Recommendations/referrals from committees and boards;
- (k) Staff reports;
- (l) Mayor's/Deputy Mayor's/Councillors' Matters;
- (m) In camera;

(n) Adjournment.

(amended Jan. 26/16)

7.2 Notwithstanding (7.1), the first meeting after an election the order shall be;

(a) Call to order by the Clerk;

(b) Declaration of results of election;

(c) Administration of the Oaths of Office for Mayor and Members elect and/or acclaimed candidates;

(d) Nomination and election by ballot for the Deputy Mayor.

7.3 Deadline for agenda items and accepting material for same is seven (7) days in advance of the meeting date. (amended Jan. 26/16)

7.4 Agendas shall be circulated four (4) days in advance of scheduled meeting dates. (amended Jan. 26/16)

7.5 In the case of urgent and/or pressing necessity, items may be added to a meeting agenda on the day of the meeting, without previous debate or notice being given, with a 2/3 majority vote of Council to add the item to the agenda. It must be demonstrated that the item is of an urgent nature (i.e. time sensitive). (amended Jan. 26/16)

7.6 Added items to an in-camera agenda shall be identified by the type of matter to be discussed, with additional information, where possible, to further identify the item but not as to disclose the confidential information and the reference under the MGA shall be stated. (amended Jan. 26/16)

7.7 No new items are permitted to be added or discussed at an in-camera meeting unless the matter has been previously added and approved as an addition prior to moving in-camera. (amended Jan. 26/16)

8 Rules of Debate

8.1 The rules and regulations contained in this policy shall be observed in all proceedings of Council and any of its committees; and in any case for which provision is not made herein the procedure to be followed shall be as set out in "*Robert's Rules of Order*" as revised from time to time.

- 8.2 The Council or a committee, by unanimous vote, may suspend any rule of order provided for in this policy and such suspension shall apply to all sessions of that particular meeting.
- 8.3 It shall be the duty of the chair to:
- (a) open the meeting of Council by taking the chair and calling the members to order;
 - (b) announce the business before the Council in the order in which it is to be acted upon;
 - (c) receive and submit, in the proper manner, motions presented by a member of Council;
 - (d) put to vote a question which is regularly moved and seconded or necessarily arises in the course of the proceedings and to announce the result of the vote;
 - (e) restrain the members, when engaged in debate, within the rules of order;
 - (f) enforce on all occasions, the observance of order and decorum;
 - (g) call by name any member persisting in a breach of the rules of order of the Council thereby ordering them to vacate the Council Chamber;
 - (h) inform the Council when necessary, or when referred to, on a point of order;
 - (i) permit questions to be asked through the chair of any official of the Municipality to provide information to assist any debate when they deem it proper; **[amended July 14, 2020]**
 - (j) provide information to members on any matter touching on the business of the Municipality; and
 - (k) adjourn the meeting when the business is concluded;
- 8.4 Every member, prior to speaking to any question or motion, shall raise their hand and wait to be recognized by the chair. When two or more Members have so indicated their desire to speak, the chair shall designate the Member who has the floor.

- 8.5 No Member shall speak more than twice on any motion, except in explanation of their remarks; however, the mover of a substantive motion shall have the right to speak a third time, if necessary, to reply and sum up in closing the debate.
- 8.6 No Member shall speak more than fifteen minutes upon any matter at any one time, without the leave of Chair.
- 8.7 No Member shall move about the chambers unnecessarily, nor speak or whisper so as to interrupt any member or delegate who has the floor.
- 8.8 If a Member wishes to explain a misunderstanding of a point they have made, they shall ask leave of the chair; if permitted, they shall explain only the misunderstanding of their words, without any further comment.
- 8.9 When a Member speaks, they shall address their remarks to the chair, confine themselves to the matter in question, avoid mentioning personalities and avoid unbecoming language.
- 8.10 The chair may censure any Member who:
 - (a) while speaking, questions the motives of another Member;
 - (b) while speaking, treats another Member with personal disrespect;
 - (c) passes between the chair and a Member who is speaking;
 - (d) uses unbecoming language;
 - (e) talks or acts so as to distract a Member who is speaking;
 - (f) willfully violates any rule of order.
- 8.11 If a Member feels they have been personally aggrieved by a censure of the chair, they may appeal from such censure to the Council.
- 8.12 Any such Member may speak on their own behalf in relation to any such censure being appealed to Council but shall withdraw from the Council Chambers before the Council proceeds to consider and vote on the matter.

9 Points of Order

- 9.1 The chair shall, and any Member may, call to order any Member who violates any rule of order. A Member raising a point of order shall verbally state "Point of Order".
- 9.2 When a Member speaks to a point of order, the question of order shall be decided before the matter under discussion is proceeded with, and when any Member is called to order the Member shall refrain from speaking until the point of order is determined.
- 9.3 The chair shall decide on points of order and the chair may make a decision immediately or may permit debate on the point of order before making a decision.
- 9.4 The decision of the chair may be challenged by a motion from the floor, which must be duly seconded, to dissent from the ruling of the chair. Such a motion is not debatable and the chair shall forthwith put the question in this manner "Shall the decision of the chair be upheld?"
- 9.5 If the question does not receive majority support, the ruling of the chair on the point is not sustained and is overturned.

10 Motions

- 10.1 When a motion is before the Council and under debate no other motion shall be entertained until the motion under debate is decided, except for the following:
 - (a) a motion to amendment;
 - (b) a motion to refer;
 - (c) a motion to close debate at a specified time;
 - (d) a motion to call for the question;
 - (e) a motion to table;
 - (f) a motion to postpone;
 - (g) a point of order;
 - (h) a point of privilege;
 - (f) a motion to adjourn.

- 10.2 A motion to refer a matter for further information shall state to whom the matter is referred, what information is desired.
- 10.3 Motions used to suppress debate such as, referring, postponing to a certain time, or tabling motions shall be ruled out of order.
- 10.4 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) While the Council members are voting;
- 10.5 No debate shall be allowed on the following motions:
- (a) a motion that the debate be closed at a specified time;
 - (b) a motion to adjourn;
 - (c) a motion to reconsider an earlier decision of Council; except as allowed in Section 13
 - (d) a motion for leave for any person, not a Member, to address the Council;
 - (e) a motion to change or suspend the order of business;
 - (i) a motion to allow a Member to speak more than the prescribed number of times; and
 - (g) a motion to dissent from the ruling of the chair on a point of order.
- 10.6 Limited Debate shall be allowed on the following motions:
- (a) A motion to refer a matter to a committee, staff or Council members may be debated only as to whom the matter is to be referred, what specific information is desired, or when the matter shall be brought back to the floor of Council;
 - (b) A motion calling for the question shall not be voted on until after every Member who has not spoken on the motion already, and who wishes to speak, has been heard.
- 10.7 Deleted (amended Oct. 11/16)

11 Amendments

- 11.1 An amendment shall be relevant to the subject matter of the motion under debate and no amendment shall be allowed which, in the opinion of the chair, has the effect of nullifying the motion under debate.
- 11.2 No more than one amendment and a sub-amendment shall be received by the chair or considered by Council at any one time;
- 11.3 The chair shall make all efforts to clarify the wording being voted on when Council is ready to vote on a sub-amendment, an amendment and then the main motion.

12 Resume Consideration

- 12.1 A motion to resume consideration shall be in order when a matter comes up on the agenda as a result of being earlier referred from the floor of Council to be studied by a board or committee or staff member or Councils.

13 Motion to Reconsider

- 13.1 After a question has been decided, either in the affirmative or negative, and after the decision has been announced from the chair, any member who voted with the majority may at that meeting or the next regular scheduled meeting give notice of intention to move a reconsideration.
- 13.2 Unless reconsideration is moved at the meeting or the next regular meeting the right of reconsideration shall be lost.
- 13.3 The main or substantive motion to be reconsidered does not come back on the floor of Council for debate until the motion to reconsider has been moved, seconded and has received the majority vote of Council.
- 13.4 A motion to reconsider shall not be debatable except where the question to be reconsidered was debatable and that the Member who gave the notice of motion to reconsider has the privilege of stating new information on the motion.
- 13.5 No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.
- 13.6 No motion to reconsider shall be allowed in regard to a motion approving all or part of the annual budget.

14 Motion to Rescind or Repeal

- 14.1 Any Council member may make a motion to rescind a main motion, and voting requirements for rescinding or repealing are as follows:
 - (a) if notice given, a majority vote is required;
 - (b) if notice not given, a 2/3 vote is required.
- 14.2 Any action may be rescinded or repealed except where action has been taken that cannot be undone.
- 14.3 A motion to rescind may be used if the opportunity for reconsideration has lapsed. (See section 13.2)

15 Motion to Renew

- 15.1 After a motion has been rejected, the maker of the motion may renew their motion at a future meeting, only if the option for reconsideration has expired. [amended July 14, 2020]
- 15.2 A motion to be renewed may not be made until a clear 6-month period has passed.

16 Petitions

- 16.1 Every ratepayer or resident of the Municipality, and every corporation doing business therein, shall have the right to be heard before Council by petition and every petitioner shall be entitled to be heard at the time of presentation of the petition.
- 16.2 Persons accompanying the petitioner may be heard, in support of such petition, if they have obtained consent by a majority vote of the Council. A total of 15 minutes shall be allotted to the petitioner and accompanying persons to speak to the petition at the Council meeting. (amended Jan. 26/16)
- 16.3 The petition must be addressed to the Council of the Municipality of the District of Lunenburg and request a particular action within the authority of Council. (amended Jan. 26/16)
- 16.4 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk. (amended Jan. 26/16)

- 16.5 The filing of a petition with the Clerk shall be done at least one week before the first day of the meeting of Council at which it is to be considered. (amended Jan. 26/16)

17 Verbal Presentations

- 17.1 Any persons who are not Members or officers of the Municipality shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this policy. Any such persons disturbing the proceedings of Council shall be called to order by the chair and, if they fail to comply, shall be ordered, by the chair to leave the Council Chambers.
- 17.2 At the beginning of regular meetings of the council, fifteen (15) minutes for non-scheduled public input shall be available. (amended Oct. 11/16)
- 17.3 For scheduled presentations, any delegation wishing to address Council can do so in person or through electronic means and shall:
- (a) give notice of such request to the Chief Administrative Officer or designate at least one week prior to the scheduled meeting at which such delegation is to present;
 - (b) be provided fifteen (15) minutes to present to Council;
 - (c) presentations shall also meet the requirements of MODL Policy 038 "Public Presentations to Council and Council Committees"
[amended Feb. 23/21]
- 17.4 No motions shall be brought to the floor, until; such time as the delegation has ended and the matter has been placed on an agenda thus providing for the opportunity to debate and/or discuss the matter in question.

18 Repeal

- 18.1 Previous policy MDL-01 is hereby repealed and replaced with new policy MODL-001. (amended Jan. 26/16)

Clerk's Annotation for Official Policy Book

Date of Adoption November 9, 2010

Date of Notice to Council Members
of Intent to Consider (7 days minimum): October 21, 2010

Date of Passage of Amendments: November 9, 2010

Date of Notice to Council Members
of Intent to Consider Amendments: January 19, 2016

Date of Passage of Amendments: January 26, 2016

Date of Notice to Council Members of Intent to Consider: September 30, 2016

Date of Passage of Amendments: October 11, 2016

Date of Notice to Council Members of Intent to Consider: June 23, 2020

Date of Passage of Amendments: July 14, 2020

Date of Notice to Council Members of Intent to Consider: February 16, 2021

Date of Passage of Amendments: February 23, 2021

I certify that this Policy 001 "**Proceedings of Council**" was adopted and amended by Council as indicated above.



February 23, 2021

Municipal Clerk

Date