

**By-Law No. 6-96**

**A BY-LAW OF THE MUNICIPALITY OF GRAND MANAN  
RESPECTING THE PROCEDURE AND  
ORGANIZATION OF THE VILLAGE OF GRAND MANAN**

**UNDER SECTION 11 OF THE MUNICIPALITIES ACT, THE COUNCIL OF  
THE VILLAGE OF GRAND MANAN, DULY ASSEMBLED, HEREBY ENACTS  
AS FOLLOWS:**

1. In this by-law
  - a) “clerk” means the clerk of the municipality appointed under section 75 of the Municipalities act;
  - b) “corporation” means the municipality;
  - c) “council” means the Village Council of the municipality, consisting of the mayor and ten councillors, as duly elected;
  - d) “councillor” means a member of the council other than the Mayor;
  - e) “member” means a person elected to the council; and
  - f) “municipality” means the Village of **Grand Manan**
  - g) “quorum” means a majority of the full number of members of council.

**SEAL**

2. The corporate seal of the **Village of Grand Manan** shall have inscribed thereon the words “the **Village of Grand Manan**” and include the date of incorporation and imprint of the seal appearing on the margin of this by-law is adopted as its corporate seal.

3. 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 Municipalities Act.

4. 1) The Council shall hold regular meetings on the first Monday of each month in the appointed council chamber at 7:30 o’clock in the evening. With council approval additional regular monthly meetings may be held, as is necessary.

4. 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 may meet at 7:30 o’clock in the evening of the next following Monday.

4. 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.

4. 4) The clerk shall make available to each member, not later than the Friday noon before the day fixed for each regular meeting, the agenda of the meeting and a copy of minutes of the preceding meetings.

4. 5) Unless otherwise agreed to 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 meeting is to held.

### **SPECIAL MEETING**

5. 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.

5. 2) When a special meeting is called, the clerk shall inform each member of the time of the meeting and the business to be transacted thereat.

5. 3) At a special meeting, the council shall consider only the business set out in written notice calling the meeting except where otherwise determined by the unanimous consent of all members present.

5. 4) All special meetings may, if time permits, be advertised by a notice on the Community television channel indicating the time, date, place and the purpose of the meeting at least 24 hours prior to start of the meeting.

### **CALL TO ORDER**

6. 1) Subject to subsection (2) as soon after 7:30 o'clock in the evening of the day for a regular council meeting and as soon after the hour of the meeting set by the calling of a special meeting as there is a quorum present, the mayor shall take the chair and call the council to order.

6. 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.

6. 3) Upon a quorum of the member 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 mayo, shall have the powers of the mayor.

6. 4) When there is no quorum present within twenty minutes after 7: 30 o'clock in the evening of the day for a regular council meeting or within twenty minutes of the hour set in the calling of any special 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.

6. 5) The clerk, or assistant clerk or council member appointed by council shall record the minutes, subject to section 76 of the Municipalities Act.

### **ORDER OF PROCEEDINGS**

7. 1) As soon as 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:

1. Calling to order
2. Prayer
3. Disclosure of Conflict of Interest
4. Adoption of the minutes (after any correction notes)
5. Business arising from minutes
6. Old Business
7. Delegations or special speaker or petitions & written submissions to be read
8. Decision on any tenders
9. Correspondence
10. New Business
11. Committee Reports
12. Financial Reports
13. By-Laws
14. Acknowledgement of paid invoices
15. Seminars
16. Next meetings
17. Adjournments

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

7. 2) Minutes of the last preceding meeting 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 the order set out in subsection (1).

### **ORDER**

8. 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 which shall be put to the meeting immediately and decide forthwith.

8. 2) When, in the opinion of the mayor, a member of the public is guilty of improper conduct at a council meeting, the mayor may expel that a person from the meeting forthwith.

### **RULINGS ON ORDER**

9. Where, in the mayor's opinion, or where the mayo 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 Rules of Order.

### **MAYOR ENTERING DEBATE**

10. 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, of 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**

11. 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**

12. 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**

13. When tow or more members attempt to speak at the same time, the mayor shall recognize the members who first attracts his attention.

### **VOTING**

14. All councillors shall vote on all matters as per section 10.0 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 not other time unless required to under the Provincial statutes.

## **INTERRUPTIONS**

15. 1) When the mayor is putting a question or motion, no member shall leave his or her seat or make and disturbance.

15. 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**

16. 1) No member shall

- a) use offensive words against the council or any member thereof,
- b) refuse to obey the rules of Council, or
- c) disobey the decision of the mayor on a question of order

16. 2) Where 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**

17. 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**

18. Subject to section 25, when a motion is under debate, no motion shall be received expect a motion to amend it, to lay it on the table, to postpone it, to adjourn it, to refer it to committee, to move the previous question, to move that the vote be now taken or, subject to Section 19, to extend the hour to consider it.

19. A motion to adjourn the debate or to adjourn the meeting or resolve the council into committee of the whole shall always be in order except

- a) when a member is speaking,
- b) when it has been decided that the previous question shall be put forthwith,
- c) when the yeas and nays have been called for, and
- d) 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 automatically adjourn at 10:00 o'clock in the evening unless two-third of the members present consent to continuing the proceedings.

## **SEPARATE VOTE ON DISTINCT PROPOSITIONS**

20. 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 VOTE**

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

## **PRIVILEGE**

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

## **GENERAL**

23. 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 of the members of council.

24. Upon the enactment of this by-law, all by-laws, rules and regulations heretofore passed, adopted and observed by council relating to proceedings in council and committees are hereby repealed.

25. In all matters, points of order or question of procedure arising and not provided for hereunder, proceedings in council and in committee shall be governed by ROBERT'S RULES OF ORDER.

## **MOTION RE. COMMITTEE OF WHOLE**

26. A motion to resolve council into committee of the whole shall state the proposition, matter or question to be considered.

## **COMMITTEE OF THE WHOLE**

### **Chairperson**

27. 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.

## **DUTIES OF CHAIRPERSON**

28. When 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.

## **ORDER OF PROCEEDINGS**

29. 1) In committee of the whole, rules of council shall be observed in as far as applicable except that:

- a) no motion shall require a seconded,
- b) no motion for adjournment shall be allowed,
- c) the yeas and nays shall not be recorded, and
- d) no minutes shall be recorded.

2) 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.

## **QUESTIONS OF ORDER**

30. 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**

31. 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.

31. 2) All delegations or persons addressing council shall be limited to 10 minutes unless extended by a majority vote of Council.

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

32. 2) No member shall speak, nor shall a debate be allowed, upon the presentation of a 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.

32. 3) If the 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.

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

### **BY-LAWS**

34. 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.

35. Every proposed by-law or amendment to a by-law shall receive three (3) separate readings, but not more than (2) at any one (1) meeting; except in the case where all the members present declare by resolution that an emergency exists.

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

37. The clerk shall endorse on all by-laws read in council, the dates of the several reading thereof and shall be responsible for the inclusion of any amendments.

### **APPOINTMENT AND ORGANIZATION OF COMMITTEES**

38. At the inaugural meeting of council, the following standing committee may be appointed;

- a) Finance & Administration
- b) Public Works Committee
- c) Fire Committee
- d) Land Use Planning Committee
- e) Police Committee
- f) Recreation Committee
- g) Economic Development Committee
- h) And any other committee deemed necessary.

39. The mayor may appoint a member of the Municipality, who is qualified to be a candidate in a municipal election as defined by the Schools Act.

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

41. 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.

42. The standing committee may meet at any time as determined from time to time by each committee.



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

44. 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.

### **OVER EXPENDITURE**

45. Subject to section 46, no work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of council.

### **EXPENDITURES**

46. All spending by any member of council or committee shall be limited to the amount authorized by council.

### **PAYMENTS OF ACCOUNTS**

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

### **OFFICE HOURS AND PRIVILEGE**

48. a) Minutes and by-laws will be open for public inspection and examination in the Village office Monday through Friday, weekly, 9am to 11:30 am and 1 pm to 3:30 pm. Upon request, the public may purchase copies of by-laws and/or minutes at cost of copying.

b) The village books of accounts will be open for public inspection at the Village Office by appointment.

Read the first time February 19, 1996  
Read a second time February 19, 1996  
Read a third time and enacted March 4, 1996

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CLERK

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MAYOR