

**BY-LAW NO. 106**  
**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE**  
**AND ORGANIZATION OF THE COUNCIL**  
**PAGE 1 OF 19**

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 11 of the *Municipalities Act*, R.S.N.B. 1973, c.M-22 enacts as follows:

**SEAL**

1. The corporate seal of the Town of Grand Bay-Westfield, which has inscribed thereon the words, Town of Grand Bay-Westfield, and the seal appearing on the final page of this By-law is adopted as its corporate seal.
2. The Corporate Seal shall at all times be under the custody of the Clerk and shall be used by him/her in corporate matters as required under the *Municipalities Act*, R.S.N.B. 1973, C.m-22.

**DEFINITIONS**

3. In this By-law,
  - (a) "Manager" means the Manager/Chief Administrative Officer of the Municipality;
  - (b) "Clerk" means the Clerk of the Municipality;
  - (c) "Assistant Clerk" means the Assistant Clerk of the Municipality;
  - (d) "Corporation" means the Municipality;
  - (e) "Council" means the Mayor and Councillors of the Municipality;
  - (f) "Mayor" means the Mayor of the Municipality;
  - (g) "Councillor" means a member of the Council other than the Mayor;
  - (h) "Member" means any person elected to the Council;
  - (i) "Municipality" means the Town of Grand Bay-Westfield;
  - (j) "Municipal Officer" means a person appointed by the Council under the *Municipalities Act*, R.S.N.B. 1973, C.m-22 in a supervisory capacity;
  - (k) "Quorum" means a majority of the full number of members of a Council;
  - (l) "Vacancy" means as defined in the *Municipalities Act*, R.S.N.B. 1973, C.m-22;
  - (m) "Point of order" means
    - (i) any breach of the procedural and organizational By-law; or
    - (ii) any defect in the constitution of any meeting of the Council; or
    - (iii) the use of improper, offensive or abusive language; or

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 2 OF 19**

- (iv) notice of the fact that the motion under discussion is not within the scope of the notice or motions, or
  - v) any other informality or irregularity in the proceedings of Council;
  - (n) "question of privilege" means any scandalous or libelous reflection on the proceedings of Council or on any member.
4. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the committees thereof, provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) affirmative vote of the Council.

**MEETINGS**

**REGULAR MEETINGS**

5. (1) A newly elected Council
- (a) shall hold its first meeting in the Council Chambers at 7:30 o'clock in the evening of the fourth Monday in May following its election; and
  - (b) shall transact no business at its first meeting until the oaths of office have been taken and subscribed to by all members who present themselves for that purpose; and
  - (c) shall elect at their first meeting a Deputy Mayor, which Deputy Mayor so elected shall be that member of the newly elected Council who received the highest number of public votes of all of the members of the newly elected Council, which Deputy Mayor shall hold office until the end of that Council member's term as Councillor, or until the next municipal election, whichever is earlier.
- (2) The Council shall hold regular meetings on the 2nd and 4th Monday of each month in the Council Chambers at 7:30 p.m. hours unless otherwise determined by motion passed by the affirmative vote of at least two-thirds (2/3) of the members present at the meeting to which the motion is put.
- (3) Public notice of the date and time of regular council meetings shall be given by posting the dates and times on the Town's internet web site and by posting a notice on the front door of the Town office.
- (4) When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the following day, which is not a public or civic holiday.
- (5) In the absence or inability of the Mayor to act, or if the office of Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while acting, he/she possesses the powers and shall perform the duties of the Mayor.

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 3 OF 19**

- (6) In the absence or inability of both the Mayor and the Deputy Mayor to act, or if their offices are vacant a Councillor shall be elected to act from time to time in the place and stead of the Mayor by a majority vote of the members.
- (7) The Clerk shall provide to each member not later than forty-eight (48) hours before the time fixed for each regular meeting, a notice of meeting setting out the time of the meeting and all business to be brought before Council.
- (8) No matter shall be placed on the agenda for consideration at any regular Council meeting unless the request for consideration of the matter is received by the Clerk in writing before 12:00 noon on the Wednesday of the preceding week on which the meeting is to be held.
- (9) Any business may be introduced and dealt with at a regular Council meeting with the unanimous approval of the members present expressed by motion.

SPECIAL MEETINGS

6. The Mayor or his/her designate and three other members of Council may at any time call a special meeting of Council on 24 hours verbal notice to the members of Council, or upon receipt by the Clerk of the petition of the majority of the members for the purpose and at the time mentioned in the petition. Twenty-four (24) hours notice on all special meetings of Council shall be given to the members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting except by **unanimous** consent of all the members present.

EMERGENCY MEETINGS

7. Upon the consent of the Mayor and all of the members of Council, an emergency meeting of Council may be called. The only business to be dealt with at an emergency meeting of Council shall be that agreed to be dealt with by the unanimous consent of all members present.

GENERAL PROVISIONS REGARDING MEETINGS

8. The Council may prohibit the tape recording of its proceedings and/or forbid any conduct likely to interfere with its proceedings.
9. When in the opinion of the Mayor, a member of the public is guilty of improper conduct at a Council meeting, the Mayor may require that person to leave the meeting forthwith.

DECISIONS OF COUNCIL

10. All decisions of Council shall be:
  - (a) made in a regular, special or emergency meeting of Council, and

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 4 OF 19**

(b) adopted by a by-law or resolution of Council,

and no decision of Council is valid unless this section is complied with.

**CURFEW**

11. No item of business may be dealt with at a Council meeting after eleven (11:00) p.m. unless by vote of two-thirds (2/3) of the members present the Council determines otherwise.

**CALLING OF MEETING TO ORDER AND QUORUM**

12. (1) A majority of members must be present at any regular, special, or emergency meeting of Council to constitute a quorum.
- (2) Subject to Section 14, as soon as the hour fixed for the holding of the meeting of the Council as a quorum is present, the presiding officer shall take the Chair and call the meeting to order.

**ABSENCE OF MAYOR**

13. Subject to the provisions of the *Municipalities Act*, R.S.N.B. 1973, C.m-22, and where no presiding officer has been appointed under Subsection 5(5) or 5(6) of this By-law, in case the Mayor or the Deputy Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk shall call the members to order and a presiding officer shall be elected from among the members present and he/she shall preside until the arrival of the Mayor or Deputy Mayor.

**NO QUORUM**

14. If no quorum is present one half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.

**AGENDA**

15. The Clerk shall have prepared and printed for the use of the members at the regular meetings of Council an agenda under the following headings:
- 1) Call to Order - 7:30 p.m.
  - 2) Record of Attendance
  - 3) Approval of the Order of Business and Approval of Additions and Deletions
  - 4) Disclosure of Conflict of Interest
  - 5) Public Hearings
  - 6) Public Presentations
  - 7) Minutes of Previous Meetings
  - 8) Bills for Payment
  - 9) Consent Agenda

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 5 OF 19**

- 10) Business Arising from the Minutes
  - 11) Delegations
  - 12) Petitions
  - 13) By-laws
  - 14) Notice of Motions
  - 15) Reports
  - 16) Other Items of Business in Numerical Order  
Adjournment
16. (1) The minutes of the preceding meeting shall be approved or amended and approved on motion.
- (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 before the Council deals with the business before it in the order set out in Section 15.
- (3) The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by motion of Council.

**PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS**

17. Subject to sections 8, 9, 18 and 19 of this by-law, all regular, special and emergency meetings of Council, and all meetings of Committees of Council, are open to the public and no member of the public shall be excluded there from.
18. If it is necessary at a meeting of Council or a Committee of Council to discuss any of the following matters, the public may be excluded from the meeting for the duration of the discussion:
- (a) information the confidentiality of which is protected by law;
  - (b) personal information;
  - (c) information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;
  - (d) the proposed or pending acquisition or disposition of land for a municipal purpose;
  - (e) information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
  - (f) information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications as between solicitor and client in a matter of municipal business;
  - (g) litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 6 OF 19**

- (h) 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;
  - (i) 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
  - (j) labour and employment matters, including the negotiation of collective agreements.
19. If a meeting of a Committee of Council is closed to the public pursuant to section 18, no decisions shall be made at the meeting except for decisions related to:
- (a) procedural matters;
  - (b) directions to an officer of the municipality, or
  - (c) directions to a solicitor for the municipality.
20. If a meeting is closed to the public pursuant to section 18, a record shall be made containing only the following:
- (a) the type of matter under section 18 that was discussed during the meeting; and
  - (b) the date of the meeting.
21. The record made under section 20 shall be available for examination by the public in the office of the Clerk during regular office hours.
22. Members of the public present at a meeting of Council or a Committee of Council shall:
- (a) conduct themselves in a respectful way and in such a way as to not disrupt the meeting and the business of Council or a Committee of Council, as the case may be; and
  - (b) not be permitted to address Council unless the subject matter of the address is on the agenda and until permitted to speak by the person chairing the meeting.
23. Members of the public wishing to place a matter on the agenda for an upcoming meeting of Council or a Committee of Council and wishing to address Council or a Committee of Council shall, no later than 12:00 noon on the Wednesday preceding the meeting, give written notice of the subject matter and the person's request to address Council, which notice shall be given by filing the notice in the office of the Clerk.
24. (1) All delegations wishing to address Council shall be heard by Council or by the appropriate Committee of Council by appointment to be made with the Clerk prior to the meeting deadline for which the appointment is requested.
- (2) Delegations heard by Council shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.

**ORDER**

25. The presiding officer shall preserve order and decorum at the Council meetings and decide all questions of order, subject to an appeal to Council upon motion which motion may be made at any time and shall be put to the meeting immediately and decided forthwith.

**RULINGS OF ORDER**

26. When the presiding officer is called upon to decide a point of order or practice, he/she shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable thereto.

**MAYOR ENTERING DEBATE**

27. Where the Mayor wishes to participate in the debate at a Council meeting, he/she shall leave the Chair and call on the Deputy Mayor if present or, if not present, a Councillor to preside until he/she resumes the Chair. The Mayor must resume the Chair previous to the vote being taken.

**CHAIRPERSON**

28. A Chairperson, whether appointed by the Mayor or elected by Council to act in the absence of the Mayor and the Deputy Mayor, shall have the same authority while presiding at a Council meeting as the Mayor would have if present and occupying the Chair.

**MANNER OF SPEAKING**

29. Every member shall address himself/herself to the presiding officer.

**WHO SHALL HAVE THE FLOOR**

30. When two or more members arise to speak at the same time, the presiding officer shall recognize the member who first attracts his/her attention.

**VOTING**

31. Subject to Subsections 32 and 33 the Mayor shall vote only in a case of equal division and every other member present at the meeting when a question or motion is put shall vote thereon unless
- (a) excused by Council by motion,
  - (b) personally interested in the question or motion in a manner which prevents the member from voting legally,

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 8 OF 19**

- (c) the question or motion may result in the personal pecuniary profit for the member,

and in all cases the member shall disclose his/her conflict of interest if applicable in which case he/she shall leave the room in accordance with Section 79(2) and the fact of his/her not voting and the reason therefor shall be entered upon the minutes by the Clerk.

32. When the presiding officer is other than the Mayor all members shall vote.
33. Where under the *Community Planning Act* a majority vote of the **whole** Council is required and unless otherwise ineligible, the Mayor may vote once on any motion.

**ABSTENTION BY MEMBER FROM VOTING**

34. Where a member abstains from voting and is not excused by Council or for the reasons stated in Section 31, the Clerk shall record him/her as voting in the affirmative on the question or motion before the Council.

**INTERRUPTIONS**

35. (1) Where the presiding officer is putting a question or motion, no member shall leave his/her seat or make any noise or disturbance.
- (2) When the presiding officer or a member is speaking, no person may pass between him/her and the Chair or interrupt him/her except to raise a point of order.

**PRIVILEGE**

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

**APPEAL TO COUNCIL**

37. (1) Any member may appeal to Council the decision of the Chair on a point of order at the time the matter is being addressed by Council. The member of Council appealing the ruling of the Chair shall clearly and succinctly state the reasons for the point of order and any breach of the rules of order. The Chair may give his/her reasons for his/her ruling. Council shall then decide the question without debate.
- (2) Where there is no appeal under Subsection (1), the decision of the presiding officer is final.

**MEMBERS MAY FILE PROTESTS AGAINST COUNCIL ACTION**

38. Any member of Council shall have the right to have the reasons for his/her dissent from, or protest against, any action of Council entered on the minutes.



**DISRESPECTFUL STATEMENTS**

39. (1) No member shall
- (a) speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor-General or person administering the Government of Canada or of the Lieutenant Governor or of a person administering the government of the Province of New Brunswick,
  - (b) use offensive words against the Council or any member thereof,
  - (c) speak beside the question or motion in debate,
  - (d) reflect upon any vote of the Council except for the purpose of moving that the vote be rescinded,
  - (e) refuse to obey this By-law, or
  - (f) disobey the decision of the Mayor and in his/her absence the presiding officer on questions of order or practice.
- (2) Where a member refuses to obey the rules of Council or disobeys the decision of the presiding officer on a question or practice, the member shall be required to leave provided that where the member apologizes, he/she may on a two-thirds (2/3) vote of the members present forthwith resume his/her seat.

**READING OF MOTION**

40. A member at any time during a debate, but not so as to interrupt a member then speaking, may request that the question, motion or matter under discussion be read.

**LIMITS OF DEBATE**

41. (1) No member shall speak more than once on the same question, motion or matter without leave of the presiding officer except in explanation of the material part of his speech which may have been misconceived and when so speaking he/she shall not introduce any new matter.
- (2) No member shall speak to the same question, motion or matter or in reply for a longer period than five (5) minutes without leave of Council.
- (3) A member who has made a substantive motion by making an original motion or moving an amendment to a motion or moving the previous question shall be allowed to reply.

**RECORDING OF VOTE**

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL  
PAGE 10 OF 19**

42. (1) Subject to Subsection (2), the Council shall determine every question submitted to it by an open vote of "yea" and "nay" of the members present.
- (2) When required by law or whenever two (2) members call for the "yeas" and "nays" upon a division of Council upon 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.

**MOTIONS**

43. (1) All motions may be oral or in writing and must be seconded before being presented to the Chair, and when a motion is presented it shall be stated or read by the mover before debate.
- (2) Notice of motion shall be given in writing prior to 12:00 noon on the Wednesday preceding the day of the regular meeting of Council.
- (3) Notice of motion shall be given:
- (a) to amend, repeal or alter a By-law or resolution,
  - (b) to introduce any measure or change in the Council's established policy, or
  - (c) for reconsideration of any matter.

**WITHDRAWAL OF MOTIONS**

44. After a motion is read or stated and moved and seconded it shall be deemed to be in possession of Council but may be withdrawn by the mover and seconder at any time before decision or amendment with the permission of Council.

**QUESTIONS UNDER DEBATE**

45. Subject to Section 48, when a motion is under debate no other motion shall be received except 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 to extend the hour to consider it.

**LAY ON THE TABLE**

46. A motion to Table an item shall **state a reason**, always be in order and shall not be debatable.

**MOTION TO REFER**

47. A motion to refer to a committee, commission, or board shall be debatable only on the propriety of referring the question.

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 11 OF 19**

48. A motion to adjourn the debate or to adjourn the meeting or resolve the Council into Committee shall always be in order except
- (a) when a member is speaking,
  - (b) when it has been decided that the previous questions 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 presiding officer 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 automatically adjourns at 11:00 p. m. unless two-thirds (2/3) of the members present consent to continuing the proceedings.

**THE PREVIOUS QUESTION**

49. (1) A motion to move the "previous question" shall be in the following words, "Are you now ready for the question" and shall preclude all further amendment of the original motion.
- (2) Where the motion to move the previous question is resolved in the affirmative, the original motion and any amendment properly made shall be put forthwith without amendment or debate.
- (3) Where the motion to move the previous question is resolved in the negative, the original motion and any amendment may be further debated and, if proper, amended.
- (4) No amendment may be proposed to the motion for the previous question.

**ORDER OF AMENDMENTS**

50. Amendments to a motion shall be put in the reverse order to that in which they are moved except in filling up blanks when the longest time and the smallest sum shall be put first and shall be decided or withdrawn before the main motion is put to a vote and only one amendment shall be allowed to an amendment.

**SEPARATE VOTE ON DISTINCT PROPOSITIONS**

51. Whenever a motion under consideration consists of more than one (1) 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**

52. (1) When a member moves that the vote be now taken and his/her motion is seconded, the presiding officer shall put the motion without debate.

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 12 OF 19**

- (2) Where the motion referred to in subsection (1) is decided in the affirmative the motion and amendments under discussion shall immediately be submitted to Council without further discussion.

**AFTER VOTE PUT, DECLARATION OF VOTE**

53. After a motion is put to the meeting by the presiding officer, no member shall speak to the motion or make any other motion until the result of the vote has been declared and the decision of the Mayor as to whether or not the motion has been put is conclusive.
54. Where the presiding officer is of the opinion, that a motion is contrary to the rules and privileges of Council, he/she shall so advise Council and cite without argument or comment the rule or authority applicable thereto.

**MEMBERS TO PLACES ON DIVISION**

55. When a vote is called for, the members shall immediately take their places and shall remain seated until the presiding officer declares the result of the vote.

**APPOINTMENT OF OFFICIALS**

56. Whenever a position of Municipal Officer becomes vacant or a new position of Municipal Officer is created, the matter shall be referred to the Municipal Council.

**RECONSIDERATION**

57. A substantive resolution, by-law or any matter that has been previously adopted by Council may be reconsidered by Council subject to the following:
- (1) a notice of motion to reconsider, given in accordance with this By-law, must be given by a member on the **prevailing** side;
  - (2) a motion to reconsider, if duly moved and seconded, shall be considered at the next regular Council Meeting after the Council Meeting that received the notice of motion to reconsider;
  - (3) a motion to reconsider must be supported by a majority of the members of the whole Council before the matter to be reconsidered can be debated; and
  - (4) a vote to reconsider shall not be considered more than once in a three month period.

**GENERAL**

58. No standing rule or order of Council shall be suspended except by the affirmative vote of two-thirds (2/3) of all members present.
59. No Councillor or Officer of the Municipality and no Auditor of the Municipality shall be a surety for any Officer appointed by Council or for any work to be done for Council.

**BY-LAW NO. 106**  
**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE**  
**AND ORGANIZATION OF THE COUNCIL**  
**PAGE 13 OF 19**

**UNPROVIDED CASES**

60. In all matters, points of order or questions of procedure arising and not provided for in this By-law, proceedings in Council, and in Committee shall be as near as may be that set out in Roberts Rules of Order and in such case the decision of the Mayor or presiding officer shall be final and acquiesced in without debate.

**MINUTES**

61. Except for minutes relating to a meeting at which the public is excluded pursuant to sections 18 and 19 of this By-Law, minutes shall record:
- (a) the place, date, and time of meeting;
  - (b) the names of the presiding officer or officers and record of attendance of the members;
  - (c) the reading, if requested, correction and adoption of the minutes of prior meetings;
  - (d) all other proceedings of the meeting without note or comment, i.e. minutes will only record decisions/actions and yeas and nays if requested unless otherwise required by this Procedural By-law.
62. It shall be the duty of the Clerk to ensure that the minutes of the last regular Council meeting, all Special Council meetings, and standing committee meetings held more than five (5) days prior to a regular meeting, together with the agenda prepared in accordance with Section 15 are provided to each member not less than forty-eight (48) hours before the hour appointed for the holding of such regular meeting.
63. Such minutes as referred to in Section 62 may be adopted by Council without having been read at the meeting considering the question of their adoption, unless a member so requests in which case the Clerk or his/her designate shall read the minutes prior to consideration of adoption.

**PETITIONS AND COMMUNICATIONS**

64. Every communication, including a petition, application or tender 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.
65. No petition, application, tender or other written communication shall be presented to a Council meeting unless it is received by the Clerk before 12:00 noon of Wednesday preceding the day on which the Council meeting is to be held.
66. Every petition, application, tender or other written communication 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.
67. No member shall speak nor shall a debate be allowed upon the presentation of a petition, application, tender or other written communication other than for certain instructions to be

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 14 OF 19**

given by Council or that the petition, application, tender or other written communication be referred to a Special Committee.

68. If the petition, application, tender 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 disposed of forthwith.
69. When a petition, application, tender 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.

**COMMITTEE REPORTS**

70. Committee Reports shall not be received by the Council unless received by the members in accordance with Section 65 and may be recommitted to the same or a different Committee.

**UNFINISHED BUSINESS**

71. The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by leave of the Council.

**BY-LAWS**

72. The provision for enactment of all by-laws shall be as set out in the *Municipalities Act*, R.S.N.B. 1973, c.M-22.
73. No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
74. Every by-law shall be introduced upon motion by a member of the Council, specifying the title of the by-law.
75. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any act and shall be complete with the exception of date thereof.
76. No by-law shall be passed except by the vote of a majority of the members present or by a vote as required by statute.
77. The Clerk shall endorse on all by-laws read in Council the dates of the several readings thereof and shall be responsible for the inclusion of any amendments.

**VACANCIES IN COUNCIL**

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 15 OF 19**

78. When the office of Mayor or of a Councillor becomes vacant, the Clerk shall notify the Council of that vacancy within ten (10) days at a regular or special meeting of Council.

**CONFLICT OF INTEREST**

79. (1) Where a member of Council of a Municipality has an interest with any person having dealings with the Municipality, he/she shall forthwith declare his/her interest in writing to the Council.
- (2) A member of Council who has declared a conflict of interest shall leave the Council Chamber during any discussion or vote by Council on the matter in which he/she has declared an interest.
80. The Clerk or Assistant Clerk shall attend all regular, special and emergency meetings of Council.

**APPOINTMENT AND ORGANIZATION OF COMMITTEES**

81. (1) At the inaugural meeting of Council the following Standing Committees shall be appointed by a two-thirds (2/3) majority vote of Council:
- (a) Tourism Committee;
  - (b) Safety/Labour Management Committee (Management Members)
  - (c) Emergency Measures Committee;
  - (d) Beautification Committee;
  - (e) Grants Committee;
  - (f) Special Events Committee;
  - (g) Town Promotion Committee;
- (2) At the inaugural meeting of Council the following liaisons shall be appointed by two-thirds (2/3) majority vote of Council:
- (a) Senior Citizens Liaison
  - (b) Chamber of Commerce Liaison
82. At the inaugural meeting of Council a Chairperson and a Vice-Chairperson for each Committee shall be appointed by the Council and the Vice-Chairperson shall be ex-officio the Chairperson of any subcommittee appointed from the Committee unless otherwise provided in the resolution constituting the subcommittee, and in the absence of the Chairperson shall act in his/her place and stead as Chairperson and as a member of other Committees.
83. All other Committees shall be made up of Councillors and citizens as designated.

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 16 OF 19**

84. The Chairperson for each Committee shall appoint a secretary from the Committee if such appointment has not been otherwise made.

**DUTIES OF COMMITTEES**

85. (1) The Safety/Labour Management Committee shall
- (a) have jurisdiction in matters relevant to all municipal departments.
  - (b) be responsible for all negotiations on behalf of the Municipality with recognized bargaining units representing any group of municipal employees. The composition of the Committee shall be as per Council resolution.
- (2) The Emergency Measures Committee shall
- (a) advise Council on the development of emergency measures plans,
  - (b) have control over the municipal emergency measures organization established and maintained by Council, and
  - (c) promote emergency measures activities as contained in the *Emergency Measures Act*.
- (3) The Beautification Committee shall work toward the improvement of green areas, parks, and beaches.
86. The Council, by resolution, may appoint such Select Committees as may be deemed advisable and for the purposes as the constituting resolution states, and any Select Committee exists until it has reported finally to the Council or until the thirty-first (31st) day of December next following when it shall be functus officio.
87. The Mayor shall be ex officio a member of all Committees and shall have the right to vote on all questions before the Committee.
88. A member who introduces a by-law or motion upon any subject, which is subsequently referred to a Select Committee or Subcommittee, shall be a member of the Committee without being so named by Council.
89. The Standing Committees may meet at any time as determined from time to time by each Committee.
90. Special meetings of a Standing Committee may be called by the Chairperson thereof whenever he/she deems it advisable and the Chairperson or in the case of his/her illness or inability to act or absence from the Municipality, the Vice-Chairperson shall call a special meeting of the Committee whenever requested in writing to do so by a majority of the members of the Committee.
91. A Standing Committee may add qualified voters of the Municipality to its composition who need not be members of Council and shall **inform** Council of all such appointments. All Committee members shall have the right to make motions and vote on matters considered by the Committee.



**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 17 OF 19**

92. A member of Council may attend the meetings of any Committee of which he/she is not a member, but may not vote. He/she may take part in any discussion or debate in the Committee with the permission of the majority of the Committee members present.
93. The business of Standing, Select, and Subcommittees, shall be conducted under the following regulations and subject to rules governing procedure in Council as far as may be applicable except that no motion shall require a seconder, no motion for the previous question shall be allowed, and a member is not limited in the number of times he/she may speak to the question under consideration:
- (a) the Chairperson shall preside at every meeting and may not vote on any question submitted and where there is an equal division the question shall be considered decided in the negative;
  - (b) the Chairperson shall sign all orders and documents, which the Committee may legally adopt;
  - (c) in the absence of the Chairperson, the Vice-Chairperson shall discharge the duties of the Chairperson during the meeting until the arrival of the Chairperson;
  - (d) the minutes of the transactions of every Committee shall accurately be recorded and at each meeting shall be submitted for confirmation or amendment, and after they have been approved by a majority of the members present, shall be signed by the Chairperson;
  - (e) when a division takes place on a question, the votes of the members, if required by one of the members, shall be recorded;
  - (f) no order or authority to do any matter or thing shall be recognized as emanating from any Committee unless it is in writing referring to the minutes of the Committee under which it is issued and signed by the Chairperson, Vice-Chairperson, or secretary thereof.
94. The Committee Secretary shall be responsible for the recording of minutes of all Committee meetings unless excused.
95. The Committee Secretary shall
- (a) send a notice to each Standing and Select Committee member in time to reach each member of the Committee at least twenty-four (24) hours before the time of the meeting except in an emergency when the notice shall be as directed by the Chairperson of the Committee concerned,
  - (b) attend all Committee meetings, and record the minutes, orders and directions of the meeting, and
  - (c) notify the Town Manager and any Department Heads of any orders made by the Committee which are to be acted or reported on without order of the Council.
96. The general duties of all Committees of Council, in addition to any specific duties as herein described or as may be set out in the constituting resolution, are as follows:
- (a) to report to Council from time to time and whenever desired by Council as often as the

**BY-LAW NO. 106**

**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE  
AND ORGANIZATION OF THE COUNCIL**

**PAGE 18 OF 19**

interests of the Municipality may require on all matters connected with the duties imposed on the Committees and to recommend such action by Council in respect thereto as they deem necessary;

- (b) to examine and certify all accounts connected with the discharge of their duties or with the performance of any works or the purchase of any material, equipment or services;
- (c) to consider and report on any and all matters referred to them by Council;
- (d) every report shall be signed by the Chairperson and may be signed by any and all other members of the Committee;
- (e) to adhere in the transaction of all business to the rules prescribed by the by-laws;
- (f) to submit minutes to Council.

**AUTHORIZATION OF EXPENDITURES**

97. No work or expenditure shall be undertaken without previous authorization of Council through:
- (a) approved departmental budgets; or
  - (b) approved contracts or projects; or
  - (c) individually approved items for purchase.
98. In the event of an emergency an expenditure not exceeding three thousand five hundred dollars (\$3,500) may be authorized upon receipt of individual verbal approval of the majority of Council members. The verbal approval shall be ratified at the next regular Council meeting.

**OVER EXPENDITURE**

99. No work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of Council.

**EXPENDITURE BY MAYOR**

100. The Mayor may authorize an expenditure to a maximum of five hundred dollars (\$500.00) without prior approval of Council. Each expenditure shall be ratified at the next regular Council meeting.

**PURCHASE ORDERS/WORK ORDERS**

101. (1) No purchase shall be made for or on behalf of the Municipality unless a purchase order/work order therefore has been signed by the Town Manager-Treasurer or designate.

**BY-LAW NO. 106**  
**TOWN OF GRAND BAY-WESTFIELD BY-LAW RESPECTING THE PROCEDURE**  
**AND ORGANIZATION OF THE COUNCIL**  
**PAGE 19 OF 19**

- (2) The Town Manager shall have spending authority up to three thousand dollars (\$3,000) with respect to section 98.
- (3) The Town Manager shall have authority to authorize the making of expenditures for carrying out the business of the Municipality to a maximum of five hundred dollars (\$500); all invoices in this regard shall appear on "Bills for Payment".
102. On receipt of goods purchased, the official receiving them shall check them with a copy of the purchase order/work order and the suppliers packing slip and certify on the packing slip and purchase order/work order copy that he/she has checked them. The invoice shall be certified for prices and extensions by the appropriate Department Head. The invoice shall be verified by the Municipal Treasurer.
103. With leave, the Town Manager may offer comments to the Council or Committees thereof to assist that body in disposing of the issues before it.

**EFFECTIVE DATE**

104. By-law No. 106, A By-law of the Municipality of Grand Bay-Westfield Respecting the Procedure and Organization of Council comes into effect on the date of filing in the Registry Office.

**REPEAL**

105. By-law No. 1, being Town of Grand Bay-Westfield By-law Respecting the Procedure and Organization of the Council, and all amendments thereto, is hereby repealed.

**READ A FIRST TIME this 12<sup>th</sup> day of October 2004.**

**READ A SECOND TIME this 12<sup>th</sup> day of October 2004.**

**READING IN ITS ENTIRETY this 25<sup>th</sup> day of October 2004**

**READ A THIRD TIME AND ENACTED this 25<sup>th</sup> day of October 2004.**

\_\_\_\_\_  
Sandra Gautreau  
Town Manager/Clerk

\_\_\_\_\_  
Brenda Murphy  
Deputy Mayor

seal