

### 1.0 Purpose

The purpose of this policy is to provide a standard set of guidelines concerning the procedures of Council and Town Council meetings. This policy will provide Council, staff and community members with a reference for Council procedures, meeting schedules, and roles and responsibilities of Council members.

All meetings of Council must be held in accordance with the Municipal Government Act.

### 2.0 Scope

The Town Council Policy applies to all members of Town Council as well as Town staff and any members of the public in attendance or participating in a Town Council meeting and meetings of Town Council Committees (except as noted in the Town of Mahone Bay Committees policy).

The Town Council Policy will repeal and supersede any and all previous policies held by the Town of Mahone Bay regarding and/or governing Town Council and Town Council meetings.

### 3.0 Council

**Town Council:** Council shall consist of seven elected members; five Councillors, a Deputy Mayor and a Mayor.

**Organization of Council:** At the first meeting of Council after a regular or special election, the Council shall meet and administer the required oaths and appoint one of their number to be Deputy Mayor.

**Responsibilities of Council:** Members of council are expected to review pre-meeting packages provided, attend Council meetings and committee meetings as scheduled, respond to correspondence and attend special events. Council members are to conduct themselves in accordance with expectations as set forth by the Town of Mahone Bay.

The Council provides direction on the administration of the Town to the Chief Administrative Officer. All council members are required to vote during meetings and any non-vote will be deemed as a vote against the issue. No individual Council member shall instruct or give direction to an employee of the Town.

**Appointment of Deputy Mayor:** The candidate who received the most votes at the polls of the municipal election shall be appointed Deputy Mayor on their consent to this

appointment. If the person appointed as Deputy Mayor ceases to be a member of Council, or if the candidate who received the most votes does not consent to the appointment, then the member of Council who received the next highest number of votes at the most recent election shall be appointed Deputy Mayor for the balance of the term on their consent to this appointment.

If those nominated for Council are acclaimed, then the Councillor with the longest service on Council shall be appointed Deputy Mayor, on their consent to this appointment. In the event that this isn't possible, the selection will be made by motion of Council. If the person appointed as Deputy Mayor ceases to be a member of Council then the member of Council with the next longest service on Council shall be appointed Deputy Mayor for the balance of the term on their consent to this appointment.

**Responsibilities of Deputy Mayor:** The Deputy Mayor will act in the absence or inability of the Mayor or in the event that the office of Mayor becomes vacant.

**Responsibilities of Mayor:** The Mayor will preside over meetings of Council. Prior to the meeting, the Mayor will consult with the CAO concerning the meeting agenda. The Mayor shall monitor the administration and government of the Town. The Mayor may call a special meeting should an issue arise that requires immediate attention. Where the Mayor determines that there is an emergency, the council may meet without notice or with such notice as is possible in the circumstances. The Mayor shall also act as a public spokesperson in the media; if required, this can be designated to another member of Council or staff.

#### 4.0 Council Meetings

**Regular Council Meetings:** The Council meeting schedule is determined by Council, the CAO and the Town Clerk on an annual basis. No notice is provided for regular meetings.

**Special Council Meetings:** The Town Council shall hold Special Council meetings as may be necessary or expedient for the transaction of Town business. Special Council meetings will follow the same procedures as regular Council meetings. The CAO shall give the public three business days notice of special meetings by posting at the Town Hall and on the Town website. Failure to provide public notice does not invalidate the meeting.

**Emergency Meetings:** Emergency meetings are Special Council meetings held in response to an emergency as determined by the Mayor.

**Meeting Calendar:** There will be a meeting calendar available to Council and the public by January 2<sup>nd</sup> of each year, posted at the Town Hall and on the Town website. This calendar will list all regular meetings of the Town Council and council committees.

**Council Meeting Packages:** The Town Clerk shall distribute a Council package containing all the relevant documents for each regular or special meeting including: an agenda; minutes; documents corresponding to delegations or Council items; and staff reports or other materials necessary to the meeting as per the agenda. The Council

package will be distributed a minimum of three business days prior to the meeting. For special meetings these timelines may be reduced. Council meeting packages for regular meetings will be posted on the Town website three business days in advance of the Council meeting; special meeting packages will be posted in advance if possible. Closed session materials that are pre-distributed to Council members or circulated in closed session are deemed confidential information and shall not be released to the public; physical and electronic copies are to be destroyed following the meeting.

**Agenda:** Draft agendas for Council meetings are completed through consultation between the CAO and Town Clerk. Agenda items may be added by Council members, Town staff and the public as specified in this policy.

Council agendas are posted on the Town website and in pre-determined public locations three business days prior to the Council meeting.

**Minutes:** At regular meetings of Council, except when Council resolves to defer the approval of minutes for a maximum of one additional meeting, the minutes of the previous regular meeting and subsequent special meetings will be reviewed and after all necessary corrections and amendments have been made, the minutes shall be approved by Council. To facilitate this process draft minutes will be circulated five business days prior to each regular meeting and the Town Clerk will bring an updated version reflecting any suggested corrections to the meeting for approval. The minutes shall be restricted to a record of the date, location, time, Council members and staff present, and the outcomes and actions taken on all agenda items. The approved minutes will be signed by the Clerk and the Mayor, or their designates. The original, signed and sealed minutes shall be kept by the Clerk. Within three business days of approval, minutes will be uploaded onto the Town website.

**Recordings:** Regular Town Council Meetings and Special Town Council Meetings will be recorded and uploaded to the Town of Mahone Bay's video platform for public viewing and information. Audio recordings will be taken as a backup but will not generally be saved. Closed sessions will not be recorded. The approved written Minutes for meetings, presented to Council by the Town Clerk, remain the official record of Council meetings.

Delegations will be advised that the meetings are recorded.

**Staff:** The Chief Administrative Officer and the Town Clerk will generally be in attendance at meetings of Council. The CAO will assist and inform Council, the Clerk will keep a record of the meeting and may, at the discretion of the Clerk, appoint recording secretaries as appropriate. Other members of staff may be present at the invitation of Council, as directed by the CAO.

**Quorum:** As per the Section 20 of the Municipal Government Act quorum will be achieved by a majority of the maximum number of persons that may be elected to Council. In the case of quorum not being met within 15 minutes of the appointed meeting time, or if quorum is lost during a meeting, the meeting will be adjourned and rescheduled.

Chairperson: Once quorum is met, the Mayor, if physically in attendance, will chair the meeting. If the Mayor is not expected to be present or is not present within 15 minutes of the meeting's starting time, the Deputy Mayor shall take the chair and preside during the meeting or until the arrival of the Mayor. If neither the Mayor nor Deputy Mayor is physically in attendance within fifteen minutes of the meeting's starting time, the Chief Administrative Officer shall call the meeting to order and the Councillors present shall appoint one of the members the Chair and they will preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

The Chair may vote on any motion but may not introduce motions. If the Chair wishes to introduce a motion they may request that another member of Council temporarily take the Chair; this will be recorded in the minutes.

Breaks: Once a meeting has exceeded 2 hours, the Chair will entertain a motion for a 15 minute break.

Order of Business: The order of business at a regular or special Council meeting shall generally adhere to the following structure:

- a) The Chair will call the meeting to order;
- b) Approval of the meeting agenda;
- c) Approval of the Minutes of the last regular meeting and of any special meeting(s) held since the last regular Council meeting;
- d) Presentations from the Public;
- e) Correspondence – actionable items;
- f) Correspondence – information items;
- g) Consideration of reports of staff;
- h) Motions or items brought forward by Council;
- i) Reports from Council Committees and external boards and commissions of which the Town is a member
- j) New Business;
- k) Closed session if required;
- l) Adjournment.

Public Input Session: The fifteen (15) minutes prior to the Call to Order of regular Council meetings will be allocated for a public input session. Members of the public who have comments to make will be asked to state their place of residence and will be allotted an equal share of the time allotted for public comments.

The minutes will reflect the name and residence of those who speak as well as the general topic about which they spoke. No motions or decisions shall be introduced by Council at the public information session; Council members may raise items under New Business as per the provisions of this policy.

Approval of Agenda: At the beginning of each Council meeting, Council shall approve the meeting's agenda. At this time an item can be added by a Council member under the category of New Business. If an item is deemed to be of a time-sensitive nature it

may be added under Items brought forward by Council with a motion to amend the agenda, if this motion fails the item may still be added under New Business.

**Presentations:** Organizations or individuals are able to make presentations, in person, at Town Council meetings. A maximum of two presentations can be scheduled for any one meeting of Council unless emergency situations exist or there is cause for more presentations as determined by the CAO and Mayor.

Presentations must generally submit a completed Presentation Application Form (attached as a schedule to this policy) to the Clerk for approval a minimum of five business days prior to the Council meeting; applications are available at Town Hall and on the Town website. Invited presenters will not be requested to complete the presentation form and may be afforded more time at the discretion of the Chair.

Approved presentations are allotted 10 minutes to present to Council; if more time is needed for special consideration, a special meeting can be scheduled to receive the presentation of a delegation.

The Chair shall interrupt the presentation when the 10 minute timeframe is exceeded and ask direction from Council on whether the presentation shall continue. If the Chair rules that the presentation is concluded, the person or persons appearing shall withdraw, and the decision of the Chair shall not be subject to challenge.

No motions or decisions shall be introduced by Council concerning a delegation's requests at the same Council meeting as the presentation save for motions to refer an issue to a Council Committee or to staff.

**Correspondence:** Correspondence to Council and/or correspondence requiring the attention of Council will be placed on the agenda in two categories; Action (for correspondence requiring a response of Council) or Information. Correspondence must have a full name, address or place of residence, and contact information included; anonymous correspondence will not be accepted. For a piece of correspondence to be added to the agenda for an upcoming council meeting, it must be received by the Town Clerk no later than five business days before the meeting.

**Staff Reports:** Reports from staff will be provided to Council in the Council package; the reports may include recommendations which require motions. A report on tasks previously assigned by Council will be provided on each agenda. The CAO will respond to questions regarding the reports.

**Policy Approval Process:** Policies proposed for adoption, amendment or repeal shall be circulated to Council by the CAO and will then be presented for discussion at the next meeting of Town Council. The policy will then be presented for consideration at the next meeting of Council that is held no less than seven (7) days following the date received for consideration and will appear on the agenda under Staff Reports.

**By-Law Approval Process:** By-laws proposed for adoption, amendment or repeal shall be presented at a meeting of Council and given first reading by motion. At least fourteen

days before a by-law is read for a second time, notice of Council's intent to consider the by-law shall be published in a newspaper circulating in Town, posted at the Town Hall and posted on the Town website. The notice shall state the object of the by-law, the date and time of the hearing provided for public input, and of the meeting at which the council proposes to consider it and the place where the proposed by-law may be inspected. Council will schedule a hearing prior to second reading, generally immediately prior to the Council meeting where second reading is on the agenda. Only Council members present at the hearing may vote on the motion for second reading. On receiving second reading a notice of the By-Law's adoption, amendment or repeal shall be published in a newspaper circulating in Town.

**Town Council Committee Reports:** Town Council Committee Reports will be presented by one of the Council members who sits on the Town Council Committee. The complete draft minutes from each committee meeting will be provided to all of Council for their review in the Council package following their preparation. The Council member will present only the critical highlights of the meetings and motions or items requiring Council action or direction.

**Items brought Forward by Council:** Any member of Council may bring forward items of business or interest for consideration by Council. Motions can be made on these items during the meeting. To add a Council item to the agenda Council members must contact the Town clerk in writing in a minimum of five business days prior to the meeting date requesting the item be added; the Council member must provide sufficient background information for inclusion in the meeting package.

Staff will provide Outlook invitations to Council members for all regular meetings of Council in a calendar year by January 2<sup>nd</sup> of that year; once accepted, Council members will receive an automated reminder to submit agenda items one week prior to each meeting.

**New Business:** New Business presents an opportunity to raise subjects not previously discussed or included on the meeting Agenda. Council members can provide Notice(s) of Motion for upcoming meetings of Council; motions cannot be made under New Business. The Council member making the Notice of Motion will provide the motion to the Town Clerk for submission to Council in the next Town Council meeting package. Under New Business, Council members may bring forward items of interest to Council and the public and/or ask questions of the CAO.

**Closed Sessions:** The Council may meet in closed session to discuss matters relating to:

- a. Acquisition, sale, lease and security of municipal property;
- b. Setting a minimum price to be accepted by the municipality at a tax sale;
- c. Personnel matters;
- d. Labour relations;
- e. Contract negotiations;
- f. Litigation or potential litigation;
- g. Legal advice eligible for solicitor-client privilege;
- h. Public security;



No decision shall be made in closed session except a decision concerning procedural matters or to give direction to staff of, or solicitors for, the Town.

The meeting minutes will note the reason Council met in closed session and the duration, but no other information.

## 5.0 Meeting Procedures

### 5.1 Motions, Voting and Speaking:

- a) All motions shall be decided by majority vote of those present. An abstention will be considered a vote against the motion. If a motion fails to secure a majority of yes votes it will be considered to have failed.
- b) A motion may be withdrawn by the mover at any time, with the consent of the seconder, before the Council has voted on it.
- c) Prior to beginning a vote on any motion a Council member may request a role-call vote. If a role call is so requested the Chair will read each member's name in alphabetical order by surname and the member will reply with a yes or no vote.
- d) When any question is before Council only the following motions can be made:
  - i) A motion to amend the original motion;
  - ii) A motion to refer the question to any committee;
  - iii) A motion to defer the consideration of the question to a time specified by motion;
  - iv) A motion that the question be put to a vote;
- e) A motion that the question be put to a vote shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote will not itself be put to a vote until every Council member who has not spoken on the question and wishes to speak has been heard.
- f) Once a motion has been put to a vote the same motion will not be reintroduced for Council's consideration unless significant new information has been provided to Council. The Council will vote to reconsider a motion prior to the motion itself being put before Council.
- g) The Chair will start every question by asking "Is Council ready for the question?" and if no Council member speaks, the chair shall ask the question, after which no Council member is permitted to speak on the motion. A motion must be seconded before it is debated or discussed.
- h) The following questions will be decided without debate:
  - i) A motion to reconsider;
  - ii) A motion to allow any person other than the Council Members or CAO to address the Council;

- iii) A motion to adjourn.
- i) Every Council member, prior to speaking on any question or motion, will raise their hand and wait to be acknowledged by the Chair before speaking. If more than one Council member raises their hand to speak at the same time, the Chair shall decide who will be allowed to speak first.
- j) No Council member may speak more than twice, without the permission of Council, on any motion except to explain a misconception of their remarks. The mover of a motion shall have the right to reply and sum up in closing the debate; this shall be for a maximum of two minutes and shall not count against the limit of two opportunities to speak on a motion.
- k) No Council member shall speak more than two minutes upon any matter at one time, without the leave of Council.

## 5.2 Points of Order:

- a) It shall be the duty of the Chair, and the privilege of Council members, to call any Council Member to order, who violates any rules contained in this policy. A point of order must be decided before the subject under consideration can proceed.
- b) When a Council member is called to order, the Council member shall remain seated and silent until the point is determined.
- c) A point of order is not debatable amongst other members of Council, unless the Chair invites discussion in an effort to assist in making a ruling. If the Chair permits discussion of a point of order, no member of Council is permitted to speak more than once.
- d) Decisions of the chair on points of order or procedure are not debatable but are appealable by any member of Council. When an appeal is made from the decision of the Chair, the Chair shall simply state the question, "Shall the decision of the Chair be sustained?" which shall be voted on without debate.
- e) If a Council member resists the rules of Council, intentionally obstructs the business of Council or disobeys the decisions of the Chair, or of Council on appeal, on any question of order or practice, after being called to order by the Chair, or otherwise disrupts the proceedings of Council, the member of Council may be ordered by the Chair to leave the Council table provided that a majority vote of Council sustains the expulsion.

If the Council member refuses to leave the table, the Chair may order the member of Council be expelled and excluded from the Council Chambers. Such member of Council may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.



- f) If any question arises that is not provided for by applicable legislation or this policy, it shall be decided according to the ruling of the Chair.

### 5.3 Attendance at Council Meetings:

- a) Persons who are not Council members or employees of the Town of Mahone Bay who are in attendance during a meeting of Council shall observe silence and order in Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council will be called to order by the Chair, and, if they fail to comply, will be expelled from Council Chambers by the Chair; a majority vote of Council shall be required to sustain the expulsion. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers, with or without conditions. An order of the Chair to expel a person from the Council Chambers constitutes a direction from the Town of Mahone Bay to leave the premises.
- b) Persons who are not Council members or employees of the Town of Mahone Bay who are in attendance during a meeting conducted by means of electronic facilities who disturb the proceedings of Council and fail to comply when called to order by the Chair, as per 5.3 (a) of this policy, will be expelled from the electronic meeting by being disconnected and/or ejected from the meeting. Such member of the public may, by vote of Council, may be permitted to re-join the meeting, as meeting technology permits, with or without conditions.

## 6.0 General

**Questions:** For 10 minutes following a Council meeting, there will be an opportunity for the public in attendance to ask questions of Council. Questions must be related to the meeting's agenda. Council members are not obligated to answer.

**Professional Conduct:** All Council members, staff and members of the public are encouraged to maintain professional standards of conduct during all meetings of Town Council. Abusive language or actions can result in expulsion from the meeting, Council Chambers and/or the building. Threatening language, violence, or destruction of property can result in intervention by the RCMP.

**Conflict of Interest:** Any Council member with a conflict of interest related to motion or actions of Council, as per the Municipal Government Act, subject to the Municipal Conflict of Interest Act, must declare this conflict. If this conflict occurs in open session, the Council member must excuse themselves from the Council table during the time which the topic is under consideration; if this conflict occurs in closed session, the Council member must excuse themselves from the meeting room during the time which the topic is under consideration. The Clerk will record the date, Councillor's name and the topic of conflict, to be filed with the Council minutes.

**Conducting Meetings by Electronic Facilities:** A Council or council committee meeting may be conducted by means of electronic facilities as permitted by MGA(19A). When it is

the norm that Council meetings are held in person, electronic participation by a member will be permitted for a maximum of two (2) consecutive regular meetings of Council without leave of Council.

A Council member participating by means of an electronic facility is deemed to be present at the meeting, can be counted toward quorum and can vote, including casting the deciding vote in the event of a tie. If communication is lost during the meeting and cannot be reconnected, the minutes shall reflect when the Council member left the meeting.

A person can only participate electronically in a closed portion of a meeting if they assure Council that they are in a secure location where no other parties can view or hear any part of the closed session. Under no circumstances is any portion of the closed session to be recorded.

While it will generally be the norm that meetings are held in person, a remote meeting may be called as permitted by MGA(19A) and in such case the same expectations of public notice, transparency, and opportunity for public participation as laid out elsewhere in this policy will be maintained as for a physical meeting (via live broadcast on the Town of Mahone Bay's video platform). When a Council meeting will be conducted remotely using electronic facilities this information will be included on the agenda for public information.

Clerk's Annotation for Official Policy Book	
Date of notice to Council Members of Intent to Consider [minimum 7 days notice]	<u>March 24, 2022</u>
Date of Passage of Policy	<u>April 12, 2022</u>
_____	_____
Town Clerk	Date