

Rules of Order & Procedure  
Updated September 11, 2024

This policy governs the procedures of the Town Council meetings of Mount Carmel-Mitchell's Brook-St. Catherine's, Newfoundland. It aims to ensure transparency, efficiency, and participation in line with Bourinot's Rules of Order, and ensure a voice for all councillors and staff.

**1. Meetings**

**a) Schedule and Location**

-January Meeting: Held on the third Wednesday at 7 pm.

- Subsequent Meetings: From February onwards, on the second Wednesday at 7pm. If this Wednesday is a holiday, the meeting is rescheduled to the next available Wednesday at 7pm.

- Location: All meetings will occur in the main room of the town hall, designated as the "council chambers" for the duration of the meetings.

**b) Notification of Meetings:**

**-Public Notice:** At least 48 hours before the monthly meeting, notices will be posted to the:

- The town Facebook page
- The social media bulletin board
- The town hall bulletin board
- The local post office

**-Councillor Notice:** Councillors shall receive an email from to the town clerk/acting town clerk to their town email a minimum of 48 hours prior to the scheduled meeting. The email should include the time, date and place of the meeting, as well as, agenda, minutes, correspondence, reference materials, and financial reports.

**2. Agenda Submission:**

-Submissions for agenda items from councillors or the public must be received by the office by 12 Noon the Monday before the scheduled meeting.

-Persons wishing to present to council shall give notice of request to the town clerk at the office either by email or hand by 12 Noon the Monday before the scheduled meeting.

### **3. Special & Emergency Meetings:**

Called by the mayor or any two councillors, with 24-hour email notice provided by the town clerk to all councillors.

### **4. Chairing and Recording:**

-The Mayor shall chair meetings, or in their absence, the Deputy Mayor or a chair appointed by the council majority.

-The town clerk, or an alternate town clerk records the meetings in a computer notebook and/or handwritten notes to be transcribed into minutes to be presented at the next public meeting, in accordance with section 9.

-Audio/Visual recording is not the standard and no councillor or staff shall record, by any electronic method, unless it is agreed upon by majority prior to beginning of recording.

-If an electronic recording of council meeting is to take place after a majority agreement, notice must be given to the public in attendance.

-In the absence of the Clerk, Council shall appoint an agent to undertake the recording duties.

### **5. Quorum:**

Defined as two-thirds or a minimum of four councillors. If not met within 15 minutes of the scheduled start, the Clerk will record the names of those in attendance call off the meeting. There isn't an alternate date and if the need arises a special meeting may be called in accordance with the rule to take care of urgent business.

### **6. Agenda Order:**

1. Adoption of agenda
  2. Speakers or presenters
  3. Adoption of minutes
  4. Adoption of financial report
  5. New business, including:
    - Policy and Procedure Committee
    - Infrastructure Committee
    - Recreation Committee-Seniors
    - Recreation Trails Committee
    - Recreation-Kids
-

- Town Clerk Report
- Fire Department Report
- 6. Recurring business
- 7. Round table/public Q&A
- 8. Next Meeting
- 9. Privileged Items
- 10. Motion to adjourn

## **7. Privileged Sessions:**

For privileged items on the public agenda the chair will ask the public to leave the chamber. Decisions made are reported and recorded in the next public meeting.

## **8. Minutes:**

Draft minutes sent to councillors before the next public meeting, published on the town website, and available post-adoption. They include attendance, call to order time, resident count, motions, votes, and concise descriptions of presentations, not verbatim accounts. Should focus on what was done not who said what.

## **9. Rules of Decorum & Speaking**

- a) Decorum must be maintained with all discussions directed to the chair in a respectful manner.
- b) Councillors shall wait to be recognized before speaking and shall refrain from speaking over each other.
- c) For the purpose of an orderly debate and discussion, the chair will first recognize the councillor to the left of the councillor that is tabling a motion or introducing a topic for discussion and continue on in order until everyone has been recognized.
- d) Each councillor shall be given a maximum of **2 minutes to speak on a subject**. If a councillor would like to readdress the topic once he/she has already had their time it must first be agreed upon by members.
- e) The Chair, should he/she wish to express an opinion on the tabled issue, must vacate the chair position for that sole purpose and return to the position once finished speaking.
- f) The town clerk or acting town clerk may speak to an agenda item immediately after the last councillor to speak and recognition by the chair. The town clerk is granted



the right to speak, however, opinion of the clerk is not binding and does not constitute as a vote as stated in legislation.

- g) Decorum rules for public shall be written as a separate policy and available as a handout upon arrival of public.

## 10. Motions & Resolutions

- A) All motions must be submitted in writing to ensure clarity and accuracy in council discussions and records. This written form should be presented to the town clerk prior to the council meeting.
- b) To introduce a motion during a council meeting, the proposer must clearly state, "***I move that...***" followed by a concise statement of the motion's intent. This ensures all members understand the proposal's purpose.
- c) After a motion is introduced, it must receive support from another council member to proceed. The ***chair will call for a seconder three times***. If no seconder comes forward after three calls, the motion is considered dead and will not proceed to discussion or vote.
- d) Prior to the vote, the wording of a motion can be changed if necessary. ***To amend a motion***, a council member must propose the specific changes in writing. These changes then require a seconder and approval by a majority vote before the amended motion can proceed.
- e) A motion can be tabled, or laid on the table, ***for future consideration***. To do so, a council member must move to table the motion, requiring a seconder and a majority vote. This action pauses discussion until the council decides to revisit the motion.
- f) If a motion needs substantial changes, it may be necessary to ***repeal a previous motion*** and ***replace*** it with a new one. This process requires a motion to repeal, followed by the introduction of a new motion. Both steps require seconders and a majority vote for approval
- g) For the purpose of a ***debate*** of the tabled motion refer to ***sections 10 (b) (c)***
- h) In matters of suspected conflict of interest refer to section 12.
- i) Motions are required to/for:
  - Accept Minutes
  - Accept Financial Statements

- Accept decisions related to purchases of goods and services under the Procurement Act.
- Acceptance of Annual Meeting and Event Schedule
- Acceptance of Annual Budget
- Acceptance of Auditor's Annual Financial Report
- Contracts for services not already discussed and pre-approved in council.
- Spending by town clerk or alternate town clerk over \$500 and not directly related to office operation, utilities and minor maintenance
- Adjournment
- Other financial matters as deemed by a majority of council

## 11. Conflict of Interest

- a) *Purpose:* This rule is established to maintain the integrity of the decision-making process of the Town Council. It ensures that councillors act in the public interest, free from personal gain or influence from close associates or family members.

b) *Definitions:*

- Conflict of Interest:** A situation where a councillor's personal interest, or that of a close associate or family member, could improperly influence the performance of their official duties or decision-making.
- **Monetary Interest:** Any potential for financial gain or loss to the councillor, their immediate family, or any business entity in which they or their family have a significant interest.
- **Familial Interest:** Interests involving family members, including spouses, partners, children, parents, siblings, or any other relative residing in the same household as the councillor.
- Close Associate:** Any individual or entity with whom the councillor has a close personal or business relationship, potentially influencing the councillor's duties.

c) *Disclosure of Interest:*

- Councillors **must** disclose any direct or indirect monetary or familial interest in matters that come before the council. This disclosure must occur as soon as the councillor **is aware of the agenda item related** to the interest.
- The disclosure should be made in writing to the Chair (or the presiding officer) and recorded in the minutes of the council meeting.

-The town clerk or acting town clerk shall have councillors complete, sign and submit declarations at the first meeting of the new year in January, read them aloud and keep them in a secure location in the town office for future reference should the need arise.

-Councillors must report any changes or additions to their declarations in a timely manner to the clerk who shall report to council and record in the minutes.

*d) Abstaining from Voting:*

- Councillors with a conflict of interest regarding any agenda item must abstain from voting on that matter.

- The abstention ***must be recorded in the minutes***, clearly indicating the councillor's non-participation due to a declared conflict of interest.

*e) Leaving the Meeting:*

- Upon disclosure of a conflict, the councillor ***must leave the council chamber*** (or meeting room) for the duration of the discussion and vote on the agenda item in question. This ensures the council's debate and decision-making process is free from any undue influence.

- The councillor may ***return*** once the ***discussion*** and ***voting*** on the item are ***completed***.

*f) Enforcement and Compliance:*

- Failure to comply with these rules constitutes a breach of the council's code of ethics and can result in sanctions, including but not limited to reprimand, suspension from council duties, or other penalties as determined by council resolution or applicable provincial legislation.

- The council shall periodically review these rules to ensure they remain effective and relevant to its operations.

*g) Advisory Opinion:*

- Councillors uncertain about the applicability of this rule to a particular situation are encouraged to seek an advisory opinion from the legal counsel appointed by the council or the minister responsible for municipalities.



## 12. Voting

- a) Abstaining from voting is not permitted. Councillors, ***must*** by legislation ***vote*** on all matters before council with either yes or no.
- b) Council may by a majority vote grant an exemption to a councillor for abstaining.
- c) Exemptions granted by council for a vote is for one specific item at a time, in one particular meeting. Discussions, exemption, motion and vote must be recorded in the minutes.
- d) Councillors ***shall not vote*** on matters that are deemed ***conflict-of-interest***
- e) Should a councillor ***refuse to vote*** on an item before council without a grant of exemption from the majority, or a conflict-of-interest shall ***consider their position vacated and leave council chambers***.
- f) Councillors who do not agree with section 13 (e) may seek advice from the minister of the department administering the act for Towns and LSDs.

## 13. Remote Attendance

- a) Councillors, when it is required, may attend council meetings by electronic means from a remote location.
- b) Remote attendance may be facilitated by phone, Zoom, Microsoft Teams or Google Meet.
- c) Councillors must notify the town clerk no later than 2pm on the day of the meeting so that the clerk may set up the appropriate meeting space.
- d) A councillor shall not attend more than 2 consecutive remote meetings unless it is agreed upon in advance by the majority of council or it is unexpected for instances such as sickness and/or family emergencies.
- e) The town clerk shall, in emergency or sickness situations on the day of the meeting, may grant a 3<sup>rd</sup> remote meeting and report the decision at the call to order and record such in the minutes.

## 14. Vacation of Office


- a) A councillor's office shall be considered vacated if the councillor refuses to vote on an item before council without an exemption granted by the majority.

- b) A councillor's office may be vacated in the instance of acting without declaring a conflict-of interest and appointed conduct officer deems it is a violation of the code of conduct.
- c) A councillor who does not attend 3 consecutive meetings without an approval from the majority shall consider their office vacated.
- d) The minister responsible for the administration of municipalities orders it vacated.
- e) The councillor resigns.

These rules are designed to streamline council meetings, ensuring that all motions are considered fairly and efficiently. Adhering to these procedures will promote transparency, order, productivity in our governance, and respect for democratic principles.

This document is to be reviewed annually to ensure it meets all the requirements of provincial mandates and is current with guiding principles of the town.

Approved on this date Sept 11, 2024

  
Elaine Nash, Mayor