

TOWN OF HARTLAND

BY-LAW A-16

A BY-LAW RELATING TO THE COMPOSITION OF THE COUNCIL

BE IT ENACTED by the Council of the Town of Hartland under the authority vested in it by the Municipalities Act, c. M-22, R.S.N.B. 1973, with amendments thereto as follows:

- 1. The Council of the Municipality of the Town of Hartland shall consist of a Mayor and four (4) Councillors.**
- 2. The Mayor and all four (4) Councillors shall be nominated and elected at large from within the whole of the municipality of Hartland.**
- 3. By-Law A-2, a By-law entitled "The Composition of the Council", enacted September 2, 1980 is hereby repealed.**

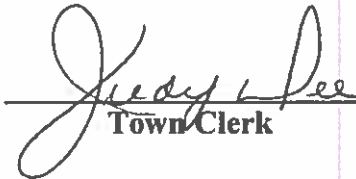
First Reading July 6,2009

Second Reading July 6, 2009

**Third Reading August 4, 2009
and Enactment**



Mayor



Town Clerk

“point of order” means an issue raised by a participant at a meeting claiming that the procedures of a meeting or of an individual are contrary to procedural rules or practices;

“point of privilege” means the procedural mechanism by which a member may speak to address incorrect, defamatory or slanderous statement made about the council members or civic staff;

“quorum” unless a majority of those members of Council holding office at the time of the meeting;

“rules of order” means Roberts Rules of Order;

“shall” is to be construed as imperative and “may” as permissive;

“simple majority” means the majority of councillors present at a meeting;

“standing committees” are committees of Council;

“two-thirds vote” means a condition imposed when a vote is taken on a major issue whereby approval is contingent on not less than two-thirds of the votes cast being in the affirmative;

“whole council” means the majority of the members of Council holding office together with the Mayor or presiding officer;

“year” means twelve consecutive months and “calendar year” means the period from the first day of January to the last day of December then following, inclusive;

3. Terminology

In every by-law, unless otherwise stated,

- (a) a word importing the masculine gender includes the feminine**
- (b) a word importing the singular includes the plural and a word importing the plural includes the singular**

4. Application

The rules and regulations contained in this by-law:

- (1) shall be used for the order and dispatch of business in council and committees;**
- (2) shall apply to council, employees of the Town of Hartland and members of the general public.**

5. Seal

- (1) **The corporate seal shall be at all times under the custody of the clerk and shall be used by the clerk in corporate matters as required under the *Municipalities Act* of New Brunswick.**

6. Meetings of Council

- (1) **A newly elected council shall not transact any business at its first meeting until the Oaths of Office have been taken and subscribed to by persons present who have been elected to office.**
- (2) **The council shall hold its regular (public) meeting at 7:30 p.m. on the first Monday of each month. If Monday is a legal holiday, the meeting shall be held on the next following day which is not a legal holiday.**
- (3) **At the first meeting of council, the councillors shall elect a deputy mayor.**
- (4)(a) **The Mayor or any three (3) members of council upon written petition, may, at any time call a Special Meeting of council on twenty-four hours' notice to the clerk and members of council.**
- (b) **Notice of any Special Meetings so called shall be circulated in writing to members of council by the clerk.**
- (c) **Council shall not consider any business at a Special Meeting except matters specified in the notice except by unanimous consent of all members present.**
- (5)(a) **The Mayor may call an emergency meeting of council when deemed necessary by the Mayor.**
- (b) **When an emergency meeting of council is called, only the subject matter of the emergency shall be considered.**
- (6) **All meetings of council shall be open to the public. However, the public may be excluded from the discussion dealing with any matters described under Section 10.2(4) of the *Municipalities Act*.**
- (7) **If a councillor can not attend a meeting of council, he/she shall notify the clerk's office.**
- (8) **Notices for all regular meetings of council shall be posted on the Town's website.**

7. Agenda

- (1) The clerk shall have prepared and printed for a regular meeting or a special meeting of council an agenda reflecting the matters to be considered, under the following headings:
 - (a) Call to Order**
 - (b) Recording of Attendance**
 - (c) Declaration of Conflict of Interest**
 - (d) Additions, Deletions and Approval of Agenda**
 - (e) Approval of Minutes**
 - (f) Business Arising from the Minutes**
 - (g) Remarks from Visitors**
 - (h) Reports and Standing Committee Reports**
 - (i) Bills and Accounts**
 - (j) Correspondence**
 - (k) New Business**
 - (l) Announcements**
 - (m) Date of Next Meeting**
 - (n) Adjournment****
- (2) The deadline for receipt of items for the agenda to the clerk is 12:00 noon on the Thursday preceeding the meeting.**
- (3) Any additional matter not included on the agenda shall only be considered with the unanimous consent of all members of the council present at the meeting.**

8. Minutes

- (1) The Clerk shall record in a book all resolutions, decisions and proceedings of the Council. Minutes shall record the place, date and time of the commencement of the meeting and the names of all members of council and employees in attendance.**
- (2) The minutes of the preceding meeting, as circulated, shall be adopted and approved. Upon motion, such minutes may be amended to reflect greater accuracy.**

9. Standing Committees

- (1) The Mayor may establish and abolish committees of council and may make appointments to such committees.**
- (2) The Mayor shall appoint a chairperson to serve on each standing committee and assign two other members to the committee.**
- (3) The Mayor may constitute special or ad hoc committees and appoint persons thereto.**
- (4)(a) The Mayor shall be a member of all committees.**
 - (b) A member of council may attend meetings of any committee of council, except special or ad hoc committees, whether or not a member of that committee to observe deliberations and may address the committee.**
 - (c) The clerk or designate, on instruction from the committee chair, shall send notice of meetings to each member of the committee and of council at least twenty-four (24) hours before the time of the meeting.**
 - (d) The clerk or designate shall record the minutes of all committee meetings, which minutes shall be circulated to all members of the committee and council.**
 - (e) A member of council appointed to any board, commission, etc. shall at the regular monthly meeting of council present a report to council.**

10. Procedure

- (1) The Mayor shall preside over all meetings. In the absence or inability of the Mayor to preside over meetings, the Deputy-Mayor shall preside.**
- (2) All meetings of council shall be open to the public and no member of the public shall be excluded except for improper conduct or language.**
- (3) Except as otherwise provided, no member shall speak without recognition of the Chair.**
- (4) Once a motion is made and seconded, the mover shall have the privilege of speaking first, and have the privilege of closing debate.**

- (5) A member of council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease and the “point” shall be clearly stated by the member and, if applicable, ruled upon by the Chair.
- (6) A member of council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- (7) No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the general public, or use offensive or profane language.
- (8) Unless disqualified to vote by reason of conflict of interest or otherwise, every member of council present shall announce their vote openly and individually.
- (9) A member who abstains from voting shall be recorded as voting in the affirmative.
- (10) All negative votes shall be recorded by name in the minutes.
- (11) A motion receiving a tie vote is lost.
- (12) If the Chair desires to take part in any debate, he may appoint a member of council to take the Chair while he stands upon the floor to debate the question. Otherwise the Chair shall not enter the debate but shall use his office to preserve order and to direct members in keeping to the question.
- (13) Members of the public shall be entitled to address council, under the heading “Remarks from Visitors”, on matters of municipal jurisdiction that are not otherwise mandated by legislation such as the Community Planning Act or the Business Improvement Areas Act. If a delegation is appearing before council, the delegation shall appoint one member to speak on their behalf. In all cases, members of the public shall limit their comments to ten minutes.
- (14) Any person who:
 - (a) breaches this by-law
 - (b) behaves in a disorderly manner; or
 - (c) uses threats or profane language in debate

may be required to leave the meeting at the discretion of the Chair.

(15) A ruling of the Chair may be appealed to council by a non-debatable motion. A majority vote of the members of council in attendance shall be required to overturn a ruling of the chair.

11. Other Procedural Matters

When any matter or proceeding is not contemplated by this by-law or provincial legislation, the chair shall use the most recent edition of Roberts Rules of Order as a guide.

(2) Proceedings of council or committees shall be in the English language.

12. Offences

Any person who violates any provisions of this by-law is guilty of an offence, and liable on conviction to a minimum fine of fifty (\$50.00) dollars and a maximum fine of five hundred (\$500.00) dollars.

13. Repeal

By-law A-4, a By-law Respecting Meetings, Order of Business, Rules of Procedure and Standing Committees of the Town Council, is hereby repealed.

First Reading August 3, 2010

Second Reading August 3, 2010

Third Reading September 7, 2010
and Enactment



Mayor



Town Clerk