

Hartland

By-Law No. A-028.02

PROCEDURAL BY-LAW FOR THE COUNCIL OF HARTLAND



PURPOSE: A By-law of Hartland, in the Province of New Brunswick, for the purpose of establishing the proceedings of the Council of Hartland.

WHEREAS: Subsection 10(2)(a) of the *Local Governance Act*, SNB 2017, c 18, authorizes and requires local governments to establish a by-law respecting the procedures at council meetings, including any matters prescribed by regulation and

WHEREAS: The enactment of this by-law repeals By-law A-028.01 of the town of Hartland

BE IT ENACTED by the Council of Hartland that By-Law No. A-028.02 replaces the previous By-Law that was enacted on May 14, 2024, as follows:

1. **TITLE.** This By-Law shall be cited as the "Proceedings of Council."
2. **APPLICATION.**
 - a) The rules and regulations in this by-law shall be used for the order and dispatch of business in Council and committees.
 - b) The rules and regulations contained in this by-law shall apply to (a) all Members of Council, including the Mayor, the Deputy Mayor, and the Councillors, (b) all members of staff required or requested to attend council meetings, and (c) any members of the public appearing at council meetings.
3. **PURPOSE.** This by-law shall be used for the order and dispatch of business in council and committees.

4. DEFINITIONS.

- a) "Amended by-law" refers to an operative by-law for which alterations have been proposed that may require the repeal of other by-laws.
- b) "Clerk" means a clerk of Hartland appointed under Section 71 of the *Local Governance Act*.
- c) "Chair" means the Member of Council presiding over a council meeting.
- d) "Closed" means a meeting of council not open to the public, so convened in accordance with the section 68 of the *Local Governance Act*, SNB 2017, c 18.
- e) "Council" means the Mayor and Councillors of Hartland.
- f) "Emergency Meeting" refers to a meeting other than a regular or special meeting for local state of emergency or public safety matters.
- g) "Electronic Communication" means the attendance of a meeting through electronic means, which includes telephone, speaker phone, computer, tablet, or other electronic means as technology advances.
- h) "Extemporaneous motion" means a motion composed without advance preparation.
- i) "Member," "Council Member," or "Member of Council" means any person elected to Council.
- j) "Municipality" means the town of Hartland.
- k) "Municipal website" refers to the town's official website at: www.townofhartland.ca.
- l) "New by-law" refers to a proposed by-law that addresses a subject area or a set of issues that is not addressed by one or more current by-laws and that will not require the repeal of any by-law.
- m) "Personally interested" means having a conflict of interest pursuant to the provisions of the *Local Governance Act*.
- n) "Point of information" means the procedural mechanism by which a Council Member may rise to present or receive information of interest to the council.

- o) "Point of order" means the procedural mechanism by which a Council Member may rise where this by-law or any other procedural legislation is believed to have been infringed.
- p) "Point of privilege" means the procedural mechanism by which a Council Member may rise to address incorrect, defamatory, or slanderous statements made about the council, Members or Council, or civic staff.
- q) "Quorum" means a majority of those Members of Council; in the case of the town of Hartland, quorum at a regular meeting means three (3) sitting Members, plus the Chair.
- r) "Regular item" refers to any matter that was included in a meeting agenda that was distributed to Council prior to the established deadline for distribution.
- s) "Sitting member" refers to a current member of council who holds office at the present time
- t) "Special Meeting" refers to any meeting other than a regular meeting, a committee of the whole meeting, or an emergency meeting.
- u) "Ward" is an electoral division of the municipality for administrative and representative purposes.

5. ELECTION OF DEPUTY MAYOR.

- a) At its first meeting, council shall elect a deputy Mayor from among the Councillors.
- b) The Mayor shall take nominations for Deputy Mayor from the Councillors and council shall elect the Deputy Mayor through a majority vote and by a show of hands.
- c) The Deputy Mayor shall be elected for a term of four (4) years or until the next municipal election, whichever takes place first.

6. CLERK. As prescribed under section 74(1) of the *Local Governance Act*, the Clerk of a municipality is the Clerk of the Council and shall:

- a) attend all meetings of council and record in a book or electronically
 - i. the names of the Members of Council present at the meeting, and
 - ii. all resolutions, decisions, and proceedings of the council, without note or comment,

- b) if required by any Member of Council present, record the name and vote of every Member voting on a question,
- c) keep the books, documents and records of the council and the originals of all by-laws and resolutions,
- d) maintain an indexed register of certified copies of all by-laws of the local government;
- e) be the custodian of the corporate seal of the local government,
- f) if the Mayor and Deputy Mayor are absent or the office of Mayor is vacant, call a special meeting of council to select a Councillor to act as presiding officer of the council,
- g) sign all agreements, contracts, instruments, and other documents to which the local government is a party,
- h) notify all Members of Council of all meetings of the council, and
- i) perform any other duties as required under the Local Governance Act.

7. CALL TO ORDER.

- a) The Mayor, and in the absence of the Mayor, the Deputy Mayor, shall be the Chair of meetings.
- b) The Chair shall call the Members to order at the commencement of a regular council meeting, a committee of the whole meeting, a special meeting, or an emergency meeting.
- c) The Chair, and in the absence of the Chair, the Vice-Chair of a Standing Committee shall call the Members of a Standing Committee meeting to order.
- d) Where the Mayor and Deputy Mayor are absent at a meeting, the Clerk shall call the meeting to order and, on a Chair having been chosen on motion, the Council shall proceed with the business of the meeting.
- e) Where the Chair and Vice-Chair of a Standing Committee are absent, the Clerk shall record the names of the committee members present and the committee meeting shall stand adjourned until such date of meeting as the Clerk shall declare.
- f) If there is not quorum fifteen (15) minutes after the time appointed for the meeting of Council, the Clerk shall record the names of the Council Members present and

the Council meeting shall stand adjourned until such day of meeting as the Clerk shall declare.

- g) The Clerk shall record the Council Members in attendance.

8. AGENDA.

- a) The agenda for a regular Council meetings, , Special meetings, and Standing Committee meetings shall be prepared by the Clerk or their designate.
- b) The agenda shall be based on submissions from Council, staff, and the public.
- c) At the discretion of the Clerk, late items may be placed on an agenda as a regular item for consideration in an open session or a closed session if received by the Clerk after 4:00 p.m. on the Wednesday prior to the meeting.
- d) Any matter submitted for consideration in a closed session must reference the legislative requirement that applies as listed under section 68(1) pf the Local Governance Act..
- e) Agendas shall be posted to the municipal website no later than 4:30 pm on Friday the week prior to the meeting.
- f) During approval of the agenda, an item shall only be added to the meeting agenda with the unanimous consent of Council.

9. REQUEST BY PUBLIC TO PRESENT TO COUNCIL.

- a) A person who seeks to address Council or a Committee of Council is advised to describe the matter to be presented in advance, by submitting a request to present in writing or electronically to the Clerk. A person may also submit a request to present in person by meeting with the Clerk at Town Hall. In the request to present, the submitter shall include any information that serves to inform Council about the subject to be presented, including any request that will be made of Council.
- b) To be included in the meeting agenda, the request to present must be received by the Clerk no later than 4:30 PM Tuesday the week prior to the meeting.
- c) If a person does not submit a request to present to the Clerk, a person may attend the meeting of Council in person and rise to request to speak during the presentations and petitions section of the meeting. Each request to speak shall be

approved with the unanimous consent of Council. If approved, the person may speak to Council for up to ten (10) minutes.

- d) Council may refrain from responding to persons who rise to speak and instead defer their response to a future meeting of Council and until such time as they have the opportunity to fully review the matter.

10. FIRST MEETING OF NEWLY ELECTED COUNCIL.

- a) A newly elected Council shall hold its first regular meeting on the day prescribed by the *Local Governance Act*.
- b) A newly elected Council shall not transact business at its first meeting until the Oaths of Office have been taken by persons present who have been elected to office.
- c) The Clerk shall allot to each Councillor a seat within the bar of the Council Chamber, which they shall thereafter be entitled to occupy at all meetings of the Council.

11. REGULAR COUNCIL MEETINGS.

- a) The following shall be the order of business of each regular meeting of Council in open session.
 - (1) Call to Order
 - (2) Attendance
 - (3) Approval of Agenda
 - (4) Approval of Minutes of Prior Meeting
 - (5) Conflict of Interest Declarations
 - (6) Correspondence/Presentations/Petitions
 - (7) Council Reports
 - (8) Other Reports
 - (9) Business from Prior Meeting
 - (10) New Business
 - (11) Date of Next Meeting(s)
 - (12) Adjournment
 - (13) Signatures
- b) Council shall hold its regular meetings on the second and fourth Tuesday of the month at 6:30 pm.
- c) Council meetings shall be held in the Council Chamber in the Town Hall or at such other place as the Clerk may establish. If a meeting is to be held outside of Council

Chambers, it will be advertised at the new location, on social media and posted in the office of the Clerk.

- d) When any such Tuesday falls on a statutory holiday, the meeting shall be held on the next weekday that is not a holiday or on a date decided through a motion of council.
- e) Council may waive a regular meeting or change the date for such meeting when, by resolution made at least two (2) weeks prior thereto, the Council deems it appropriate. The Clerk shall post the information regarding the change in date and time in the office of the Clerk and to the municipal website.
- f) Council meetings shall be open to the public and no member of the public shall be excluded except for closed meetings, pursuant to the *Local Governance Act*, or improper conduct.
- g) The Mayor or other presiding officer may order the expulsion from any meeting of any person acting improperly at such meeting.
- h) All directions to the CAO made from the floor during a Council meeting shall be made by motion and be subject to approval by the Council.
- i) The minutes of any preceding meeting need not be read.
- j) The notice of each regular meeting shall be posted to the municipal website one week prior to the meeting date.
- k) Regular meeting minutes shall be posted to the municipal website and in the Office of the Clerk within seven (7) days after being approved by Council.

12. SPECIAL MEETINGS.

- a) At any time, the Mayor may call a special meeting.
- b) Upon receiving a petition to call a meeting by three (3) Councillors, the Clerk shall call a special meeting for the purpose mentioned in the petition at a time to be determined by the Clerk.
- c) If the office of Mayor or Councillor becomes vacant, the Clerk may summon a special meeting of Council for the purpose of declaring such vacancy.
- d) The Clerk shall issue notices of all special meetings of Council and shall specify the time of such meeting and the business to be transacted thereat. The Clerk shall

cause such notices to be provided to the Council at least twenty-four (24) hours before the meeting.

- e) Council shall not consider any business at a special meeting except matters specified in the notice unless all Council Members present at the special meeting agree.
- f) Notices of Special Meetings shall be posted on the municipal website and in the Office of the Clerk.

13. EMERGENCY MEETINGS.

- a) The Mayor may, when deemed necessary, call an emergency meeting of Council.
- b) When such an emergency meeting is called, it shall be considered a special (public) meeting, except that the time requirements for notice of special meetings shall not apply, and only the subject matter of the emergency shall be considered.
- c) When an emergency meeting has been called, the Clerk shall post the information on the municipal website and at the Clerk's office.

14. CLOSED MEETINGS AND SESSIONS.

15. Council meetings or sessions within meetings may be closed to the public as stipulated in Section 68(1) of the *Local Governance Act*. ELECTRONIC MEETINGS.

- a) Electronic means of communication may be used in a council meeting or a committee of council meeting if such means allow Members of Council to hear and speak to each other and, in the case of a meeting that is open to the public, allow the public to hear the Members.
- b) Any Member of Council who plans to participate in a meeting electronically shall advise the Clerk twenty-four (24) hours prior to the meeting by email.
- c) Members of Council participating in a meeting in the manner referred to in this section shall be deemed to be present at the meeting for quorum purposes.
- d) If a closed session occurs, the Members who are participating electronically must, at the beginning of the meeting, confirm that the Council Member is alone.
- e) If a meeting is open to the public, use of electronic communication shall be permitted only if a notice of the meeting is given to the public that includes

- i. a statement that an electronic means of communication will be used at the meeting, and
 - ii. the login or connection details to enable the public to observe the meeting.
- f) The Chair shall announce to those in attendance at the meeting that a Council Member is attending the meeting by means of electronic communication.
- g) When a vote is called, Members attending the meeting via electronic communication shall be asked to state their vote only after all the other Members physically present at the meeting have cast their votes.
- h) Where there is a declared state of emergency or a declared state of local emergency, the Clerk may use electronic communication for any Council, Special, or Emergency meeting.

16. REGULAR ORDER – COUNCIL MEMBERS.

- a) The Chair shall preserve order and decorum.
- b) The Chair shall decide all questions of order, subject to an appeal to the Council.
- c) No person shall address Council without permission of the Chair.
- d) Before speaking to any question, every Member shall respectfully address the Chair.
- e) When two or more Members raise their hands to speak, the Chair shall name the Member who first raised their hand.
- f) Members shall follow the rules set forth in the Code of Conduct By-Law.
- g) No Member shall speak disrespectfully of the council, another Member, a staff person, or a member of the public, or use offensive or profane language.
- h) Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt another Member who is speaking.
- i) No Member, without consent, shall speak to the same motion for longer than 10 minutes.
- j) No Member shall disobey the rules of Council or the Chair's decision on a question of order or procedure, or upon the interpretation of a rule of the Council.

- k) If any Member disobeys the rules, the Chair may order the Member to vacate his or her seat for the rest of the meeting; however, upon apologizing, he or she may, by vote of Council, be permitted to return to their seat.
- l) A Member 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 matter shall be clearly stated by the Member and, if applicable, ruled upon by the chair.
- m) When called upon to decide a point of order, procedure, or practice, the Chair shall state the question without unnecessary comment and then announce his or her decision citing any rule or authority he or she may deem necessary.
- n) In a Committee meeting, the Chair has the same right as any other Member of Council to participate in discussion but shall not move or second a motion unless he or she steps out of the chair.

17. MEETING ORDER AND CONDUCT – GENERAL PUBLIC.

- a) At the discretion of the chair, any member of the public in attendance may be required to leave the meeting if they breach this by-law; behave in a disorderly manner; or use threats or profane language.
- b) Members of the public shall not display signs or placards in a Council meeting.
- c) If approved and scheduled by the Clerk to speak to Council in accordance with the rules for meeting agendas under this By-Law, members of the public may take up to 10 minutes to address council on one agenda item. The Mayor may extend this time limit with the unanimous consent of Council.

18. MOTIONS.

- a) After a motion has been moved and seconded, it may be read or stated by the Chair, and then debate shall take place.
- b) If the Chair proposes a motion, they must step down in favour of the Vice-Chair (or in favour of a Councillor if the Vice-Chair is not present) and shall not resume chairing until the motion has been resolved.
- c) The mover of the motion shall have the privilege of speaking first in the debate.
- d) At any time during debate, a Member of Council may request that the question, motion, or matter under discussion be clarified or restated.

- e) After a motion has been read or stated, it may, with unanimous consent of Council, be withdrawn prior to amendment or final vote.
- f) The Mayor may close debate on a motion at any time prior to the final vote.

19. VOTING.

- a) Every motion of Council shall be determined by an open vote and confirmed by a show of hands of the Members present.
- b) Unless disqualified to vote by reason of conflict of interest, every Member present shall announce their vote openly and individually, and the Clerk shall record it.
- c) The names of Members who vote nay (that is, against a motion) shall be entered in the minutes.
- d) Every Member shall vote on a motion unless the member declares a conflict of interest.
- e) After each Member speaks to the motion, the Mayor may speak to the motion and then shall close debate with the calling of a vote.

20. CONFLICT OF INTEREST.

- a) Conflicts of interest shall be governed by the provisions stated in sections 88 to 98 of the *Local Governance Act*.
- b) Members who declare a conflict shall submit a Disclosure of Interest form to the Clerk in advance of related motions and shall be excluded from the related discussion, debate, and vote.
- c) Before the matter is discussed in the meeting, each Member in conflict shall recuse themselves from the meeting and vacate the Council Chambers until the matter is fully addressed by Council.

21. MINUTES.

- a) The minutes of all meetings shall record, without note or comment, the following:
 - i. the place, date, and time of the meeting,
 - ii. the name of the presiding officer and the attendance of Council Members,

- iii. the reading (if required), correction, and adoption of minutes of prior meetings, and
 - iv. all resolutions, decisions, and proceedings of the meeting.
- b) The minutes shall be posted within seven (7) days of the meeting to the municipal website.
- c) After approved by Council, the minutes of meetings shall be published by the Clerk.

22. COMMITTEES OF COUNCIL.

- a) Council shall approve the mandate of all committees: standing, ad hoc, and special.
- b) The CAO shall be a member of all committees.
- c) Only the CAO may appoint staff members to serve on a committee.
- d) Notice of meetings shall be sent to each committee member at least forty-eight (48) hours before the time of the meeting.
- e) The Clerk, or the Clerk's designate, shall appoint a minute taker to record the minutes of all committee meetings.
- f) Committees shall have a defined mandate that specifies their (a) type (standing or ad hoc), (b) term, (c) membership, (d) purpose, and (e) scope of responsibility.
- g) Committee meeting minutes shall be distributed to all committee members.
- h) Committee meeting minutes shall be provided to the Clerk within seven (7) days of their approval.
- i) Committee meeting minutes shall be posted to the municipal website within fourteen (14) days of their approval.

23. STANDING COMMITTEES OF COUNCIL.

- a) Council shall establish and abolish Standing Committees of Council.
- b) Standing Committees shall address regular, ongoing matters such as finance, infrastructure, transportation, protective services, and public safety.
- c) Standing committees, their mandates and members shall be approved once per election term.

- d) The membership of each Standing Committee shall be comprised of:
 - i. a chair, a vice-chair, and at least one other Member, all of whom shall be Councillors,
 - ii. the CAO, and
 - iii. the Clerk, Assistant Clerk, or their designate.
- e) The membership of each Standing Committee may also include the following.
 - iv. Persons who are qualified to vote in a Hartland municipal election who have been appointed by the unanimous consent of Council may serve as voting members.
 - v. Persons who cannot vote in a Hartland municipal election who have been appointed by the unanimous consent of Council may serve as non-voting advisors.
 - vi. Employees of the town as appointed by the CAO.
- f) All municipal employees on Standing Committees, including the CAO, the Clerk, and the Treasurer, shall serve as non-voting advisors.
- g) A committee member who is an advisor, or a municipal employee shall not move or second any motion, nor shall they vote on any matter before the committee.
- h) The Mayor shall be an ex officio member of all Standing Committees and, as such, shall be included in the membership to constitute quorum.
 - i. The Mayor shall have voting privileges on motions of recommendation to Council before Standing Committees.
 - ii. In the absence of the Mayor, the Deputy Mayor shall be an ex officio member of a Standing Committee.
- i) The business before the Standing Committee shall be taken up in regular order unless otherwise determined by the vote of the members present.
- j) A Councillor who is not a Standing Committee member may attend a meeting to observe deliberations and address the committee. They are not permitted to vote, make a motion, move or second.

- k) In a Standing Committee meeting, quorum shall be constituted by the attendance of (a) the Chair and Vice-Chair, (b) the Chair and one member, or (c) the Vice-Chair and one member.
- l) Each Standing Committee shall perform the duties as defined in its mandate and other duties as may from time-to-time be referred to it by Council.

24. SPECIAL AND AD HOC COMMITTEES OF COUNCIL.

- a) Council may establish Special Committees or Ad Hoc Committees from time-to-time to address specific matters of a limited scope and duration.
- b) Council may appoint persons to Special Committees or Ad Hoc Committees by resolution.
- c) Special committees or Ad Hoc Committees shall have at least three (3) Members of Council and shall be approved by Council each year.
- d) Council may appoint a qualified voter of the local government to be a member of a Special Committee or an Ad Hoc Committee.
- e) In a Special or Ad Hoc Committee meeting, quorum shall be constituted by the attendance of (a) the Chair and Vice-Chair, (b) the Chair and one member, or (c) the Vice-Chair and one member.
- f) Each Special or Ad Hoc Committee shall perform the duties as defined in its mandate and other duties as may from time-to-time be referred to it by Council.

25. PETITIONS

- a) When a petition or a communication is received concerning a subject within the mandate of any Standing Committee, the Clerk may refer it to such Standing Committee.
- b) When the subject of a petition or a communication is not within the mandate of any Standing Committee, the Clerk may refer it to the Regular Council meeting.

26. OTHER PROCEDURAL MATTERS.

- a) Matters of procedure that arise during a meeting of the council that are not otherwise provided for in the Local Government Act or the procedural by-law shall be governed by Robert's Rules of Order.

27. EFFECTIVE DATE.

FIRST READING

April 29, 2025

SECOND READING


April 29, 2025

THIRD READING AND
ENACTMENT

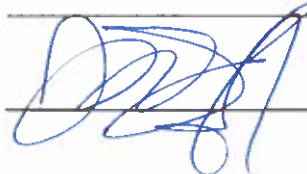
May 13, 2025

28. SIGNATURES.

MAYOR


Tracey DeMerchant

CLERK

Julie Stockford


By-Law No. A-028.01 Procedural By-Law for the Council of Hartland, enacted May 14, 2024 and all amendments thereto, are hereby repealed.