

**DEPARTMENT: Council****TITLE: Proceedings of Council**Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019 2020 November 23 2021 May 25

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**General**

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation. Authority to enact this policy is under Section 23(1)(a) and (b) of the *Municipal Government Act*. The rules of order set out in this policy shall apply to all Town committees and commissions.

**Definitions**

2. In this Policy, unless the context otherwise requires,
  - (a) “business day(s)” means a day when the Town of Amherst office is open for business;
  - (b) “Chair” means the presiding officer;
  - (c) “committee” means any standing or adhoc committee or commission, the members of which are appointed by Council;
  - (c) “Council” means the Council of the Town of Amherst;
  - (d) “Council Member(s)” include(s) the Mayor unless the context indicates otherwise;
  - (e) “majority” means more than one half of those present, unless the context indicates otherwise.
  - (f) “Consent Agenda” means routine items or non -controversial items that are listed under the Consent Agenda section of the Agenda.

**Time, Place, Date and Notice of Meetings of Council and Committee of the Whole**

3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
  - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
  - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;
  - (c) Commencing at 6:00 PM and concluding not later than 8:00 PM; when public hearings are scheduled, the hearing will commence at 5:30 PM and the Council meeting will commence at 6:00 PM.
  - (d) Council members must attend Council meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.

- (e) Council member attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
- 4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:
  - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
  - (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
  - (c) Commencing at 4:00 PM and concluding not later than 6:00 PM.
    - i. Should there remain unfinished business on the agenda at 6:00 PM, the meeting shall be adjourned until 4:00 PM on the fourth Monday when the balance of the business on the agenda shall be addressed.
  - (d) Council members must attend Committee of the Whole meetings in person, or if requested in advance to the Clerk, for a valid reason, one or more Council members may appear at a meeting by videoconference.
  - (e) Council member attending a meeting by videoconference shall be considered present at the meeting. If a Council member becomes disconnected from the meeting due to technical problems or other reasons, the Council member shall notify the Clerk as soon as possible. The minutes will reflect that the member be considered to have left the meeting at the time of disconnection, unless they are able to rejoin and that shall be recorded.
- 5. Requirements for Virtual Attendance
  - (a) A Council or committee member may request in advance to join a meeting electronically. The reason for the request shall be communicated to the Clerk at the time of the request and is subject to review. Attendance shall be reviewed quarterly.
  - (b) All participants must have access to the necessary equipment for participation. A right of membership is participation; therefore, the technology used must be accessible to all members to be included in the meeting. All rules pertaining to in-person Council or Committee meetings apply equally to electronic meetings, for example, notice, pre-meeting package requirements, quorum, minute-taking, voting, confidentiality requirements, etc.
  - (c) Participants are to login 10 minutes before the scheduled meeting time to resolve any technical issues before the meeting starts.

- (d) During In Camera sessions, all meeting participants must ensure they maintain complete privacy in their off-site meeting space. This will ensure all discussions are kept confidential and are only heard by those invited to and attending the meeting.
- (e) All provisions and policy related to in camera meetings and conflict of interest will apply equally for all electronic meetings.

Subject to any conditions or limitations provided for under the Act, Regulations, Bylaws or this Policy, a Council member who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded as in attendance at and part of the quorum of the meeting.

- 6. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
  - (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
  - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
- 7. Additional or special meetings of Council or Committee of the Whole may be convened
  - (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
  - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
  - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support such a step.
  - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.
- 8. Specific notice to Council Members and to the public need not be provided of
  - (a) Meetings held pursuant to section 3 or 4; or
  - (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6;

but, subject to any statutory relaxation of notice requirements, three days' notice shall be specifically provided for other meetings to Council Members in the manner described in section 9 and to the public in the manner described in section 10.

9. Within 30 days following the first meeting of Council after a municipal election or by-election:
  - (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
  - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;
10. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.
11. Subject to section 7, notice of meetings shall be provided to the public by posting in the lobby of the Dominion Public Building and in a prominent place on the Town's website, a "Notice of Council Meeting" containing the time, date and place of the meeting.

**Conduct of Meetings**

12. It shall be the duty of the Chair to:
  - (a) Open the meeting of Council by taking the chair and calling the Council Members to order;
  - (b) Receive and submit to Council motions properly presented by a Council Member;
  - (c) Put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote.
  - (d) Decline to put to a vote, a motion which infringes upon the rules of procedure;
  - (e) Restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
  - (f) Enforce on all occasions, the observance of order and decorum;
  - (g) Call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
  - (h) Inform the Council when necessary, or when referred to, on a point of order;
  - (i) Permit the Chief Administrative Officer to speak on any point upon request;
  - (j) Permit proper questions to be asked through the Chair or any official or employee of the Town of Amherst, to provide information to assist any debate;
  - (k) Declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time. And
  - (l) Adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or when the adjournment time has been reached, except when it is extended by unanimous consent.

**Council Agenda**

13. All items appearing on the Council agenda will only consist of items that have been:
  - (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
  - (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
  - (c) Submitted by a member of Council prior to the issuing of the final agenda;
14. Consent Agenda – Regular Meetings of Council
  - (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
  - (b) The following matters shall not be set on the Consent Agenda:
    - i. Second Readings of by-laws and land use bylaws, including any amendments
    - ii. Policies
    - iii. Planning documents as defined by the Municipal Government Act;
    - iv. Development agreements, including any amendments thereto;
    - v. Appeals;
    - vi. Motions of rescission, or motions requiring a 2/3 vote of Council;
    - vii. In Camera matters; and
    - viii. Late or added items to the agenda
  - (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
  - (d) During the consideration of of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
  - (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
  - (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
  - (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
  - (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.
15. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.
16. Preliminary Council agendas will be issued by 4:30 PM on the Thursday preceding the regularly scheduled meeting.
17. Final Council agendas will be issued by noon on the day of the meeting.
18. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.

19. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with in camera.
20. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
  - (a) Call to Order
  - (b) Territorial Acknowledgement
  - (c) National anthem
  - (d) Presentations
  - (e) Approval of agenda
  - (f) Consent Agenda
  - (g) Approval of minutes from the previous meeting
  - (h) Requests for Decision
  - (i) Information / Discussion Items
  - (j) Internal Committee Reports
  - (k) External Committee Reports
  - (l) Adjournment
21. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
  - (a) The date the meeting was held;
  - (b) A review of the key issues or discussion points covered that have an impact on the Town;
  - (c) Information and decisions that may impact a current Council position, or future Council course of action;
  - (d) A summary of the organization's key operations and events.

**Committee of the Whole Agenda**

22. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.

23. Items appearing on the Committee of the Whole agenda will only consist of items as follows:

- (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
- (b) Submitted by a member of Council prior to the issuing of the final agenda;
- (c) Staff reports;
- (d) Items from the administration requiring a decision or direction;

24. Consent Agenda – Committee of the Whole

- (a) Subject to subsection (b), the Consent Agenda may contain routine or non-controversial items;
- (b) The following matters shall not be set on the Consent Agenda:
  - i. Policies
  - ii. Planning documents as defined by the Municipal Government Act;
  - iii. Development agreements or any amendments thereto;
  - iv. Motions of rescission, or motions requiring a 2/3 vote of Council;
  - v. In Camera matters; and
  - vi. Late or added items to the agenda
- (c) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motions shall be granted as of right.
- (d) During the consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.
- (e) The Chair shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.
- (f) The vote on the Consent Agenda shall require a majority vote of the Council Members present.
- (g) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (f) is passed.
- (h) An item removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

25. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Thursday preceding the regularly scheduled meeting.

26. Final Committee of the Whole agendas will be issued by 10:00 am on the day of the meeting.

27. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.

28. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 10:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.

29. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:

- (a) Call to Order
- (b) Approval of Agenda
- (c) Consent Agenda
- (d) Approval of Minutes
- (e) Presentations
- (f) Council Direction Requests
- (g) Information / Discussion Items
- (h) Monthly Departmental Reports
- (i) Adjournment

**Minutes**

- 30. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
- 31. The minutes shall be kept by the Clerk who may, in his or her discretion, appoint recording secretaries as appropriate
- 32. The Minutes shall:
  - (a) Record the time when any Council Member joins or leaves a meeting which is in progress;
  - (b) Contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;
  - (c) Mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.

**Motions, Voting and Speaking**

- 33. The Chair shall start every question properly presented to Council and before putting it to a vote, shall ask, "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
- 34. The usual form of voting shall be by the Chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.



35. A motion must be seconded and then repeated by the Chair or read aloud by the Chief Administrative Officer before it is debated. The Chair may direct that the motion be put in writing.
36. After reading of a motion by the Chair or Chief Administrative Officer, it shall be open for discussion.
37. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
38. The Chair must vote and shall be deemed to have voted in the affirmative on any resolution unless the Chair indicates clearly it is voting in the negative.
39. When any question is before the Council, the only motions in order shall be:
- (a) A motion in amendment of the original motion;
  - (b) A motion to refer the question, including the motion and amendment if one is moved, to any committee;
  - (c) A motion to defer the consideration of the question either indefinitely or to a specified time;
  - (d) A motion to close the debate at a specified time;
  - (e) A motion that the question be put to a vote;
  - (f) A motion to adjourn.
40. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:
- (a) To refer to a committee;
  - (b) To defer the consideration of the question;
  - (c) To close the debate at a specified time;
  - (d) That the question be put to a vote;
  - (e) To adjourn
- Any of which may be moved either to the original motion or to the amendment of the original motion.
41. A motion:
- (a) That the debate be closed at a specified time; or
  - (b) 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 shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

42. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.
43. A motion to adjourn shall always be in order except in the following cases:
  - (a) When a Council Member is in possession of the floor;
  - (b) When the "yeas" and "nays" are being called;
  - (c) While the Council Members are voting; or
  - (d) When the adjournment was the last preceding motion.
44. The following questions shall be decided without debate:
  - (a) A motion to reconsider;
  - (b) All motions as to priority of business or as to the suspension of the order of the day;
  - (c) Applications to speak more than the prescribed number of times;
  - (d) A motion to allow any person other than the Council Members or CAO to address the Council;
  - (e) A motion to postpone to a specified time or day;
  - (f) A motion to lay on the table when claiming a privilege over another person; and
  - (g) A motion to adjourn.
45. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
46. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
47. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.

48. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
49. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
50. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
51. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

**Reconsideration**

52. After any question has been decided in the affirmative, any Council Member who has voted in the affirmative, may, after the decision has been announced from the chair but before adjournment of the meeting, give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.
53. Unless reconsideration is moved at the next meeting, the right of reconsideration shall be lost.
54. No discussion of the main question shall be allowed on the motion for reconsideration.
55. The following matters are not eligible for reconsideration:
  - (a) A motion approving the first or second reading of a bylaw enactment, amendment or repeal;
  - (b) A motion to decide upon a matter which was the subject of a statutory hearing by Council;
  - (c) A matter which has been reconsidered once; and
  - (d) A vote to reconsider.

**Rescission**

56. No motion to rescind any resolution of Council shall be made unless Notice of intention to move the same has been given at the regular meeting of Council just previous to that at which the same is moved.
57. A Notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of Council.
58. When giving Notice of motion to rescind, the member shall provide a brief explanation of the reason for the Notice.

59. A Notice of motion to rescind shall be dealt with at the next meeting of the Council.
60. At such meeting, the giver of such Notice, or in the absence of the giver, any other member on the giver's behalf shall move the motion to rescind and shall briefly state the reasons therefor.
61. If the motion to rescind is seconded the same becomes subject to debate according to the normal rules except that it may not be amended.
62. A motion to rescind requires the same vote as was required for the resolution which is subject to rescission. That is, if the resolution subject to rescission required a majority vote of Council the motion to rescind such resolution shall require a majority vote of Council.

**Points of Order**

63. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
64. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
65. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
66. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 65 and 66, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
67. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.
68. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair or otherwise disrupts the proceedings of council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
69. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
70. Such Council Member 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.
71. Persons who are not Council Members or officers or employees of the Town of Amherst shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair, and, if

they fail to comply, shall be ordered by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.

72. 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.
73. An order of the Chair to expel a person from the Council Chambers pursuant to section 68 of this Policy constitutes a direction from the Town of Amherst to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
74. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
75. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

#### **Presentations to Council**

76. Persons wishing to make a presentation to Council shall write one week in advance of the next Committee of the Whole meeting to the CAO outlining their issue and the decision they wish Council to consider, and request to make a presentation.
77. The request will be added to the next Committee of the Whole agenda to be issued.
78. Committee of the Whole will discuss the matter when it appears on the agenda, and will determine if they wish to have the presentation at a future meeting.
79. The CAO shall advise the person or group requesting to make a presentation of the decision of Committee of the Whole including, if approved, the date and time of the presentation.
80. Presentations shall be limited to 15 minutes, unless Committee of the Whole determines a longer period of time is needed.
81. When a delegation is recognized and offered an opportunity to speak, the Mayor or Chairperson of the meeting will request the spokesperson to come forward from the gallery to present. Only one person shall be permitted to speak.
82. No debate or decision on the presentation will occur during the meeting in which the presentation is made, unless the item was previously an agenda item for that meeting.

#### **Petitions**

83. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.
84. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.

85. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.
86. No petition shall be presented which Council determines to contain impertinent or improper matter.
87. No persons shall be permitted to speak, whether supporting or opposing the petition, unless the petition comes up for discussion which shall be at the next regular meeting of Council unless Council decides according to the rules to hold a special meeting of Council for that purpose.