



BY-LAW # 001-25

RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS

Pursuant to the authority conferred in Section 7 of the Towns and Local Service Districts Act, the Town of Aquaforte makes the following by-law.

1. TITLE

This document will be known and cited as *Rules of Procedure*.

2. PURPOSE

Pursuant to Section 7(1)(a) and Section 46 of the Towns and Local Service Districts Act, the Rules of Procedure are required to be adopted. These provide guidelines to follow for order and structure at town council meetings. The Minister may make regulations prescribing matters required to be included in the town's Rules of Procedure.

3. INTERPRETATION/DEFINITION

3.1 Clerk – shall mean the Town Clerk/Manager of the Town of Aquaforte

3.2 Council – shall mean the Aquaforte Town Council

3.3 Employee – shall mean any individual under an employment contract with the Town of Aquaforte including all members of staff, volunteers, contractors and members of Council.

3.4 Town – Shall mean the Town of Aquaforte

3.5 Towns and Local Service Districts Act – Shall be known and cited as “the Act”

4. APPLICATION

These Rules of Procedure shall apply to all town council meetings, town council committee meetings, and their attendees.

5. REVIEW

Council shall conduct a review of this by-law every 2 (two) years and consider the areas which may be improved.

6. PENALTIES

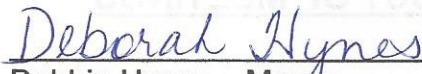
These Rules of Procedure shall be followed in accordance with the Town of Aquaforte Code of Conduct

7. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS

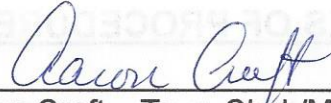
All previous Town of Aquaforte Rules of Procedure and amendments are hereby repealed.

8. COME INTO EFFECT

These regulations came into effect on April 15, 2025 through a resolution of council Ref.#AC2025-026



Debbie Hynes – Mayor



Aaron Croft – Town Clerk/Manager

9. REGULAR MEETINGS OF COUNCIL

Regular meetings of council shall be held on the second Tuesday of each month at 3:30pm at the Don Graham Community Center as per the adopted Public Meeting Schedule.

10. SPECIAL MEETINGS OF COUNCIL

Special meetings of council may be called by either the mayor or any two members of council by giving written notice to the Clerk.

11. NOTICE

Notice for all meetings of council shall be by the way of the agenda, which shall be provided to all members of council twenty-four (24) hours prior to each meeting. Notice shall be deemed to have been given if it is delivered by email to a councillor. The failure of any councillor to have received the notice shall not invalidate a meeting of council.

12. PRESIDING OFFICER

In accordance with section 36 of the Towns and Local Service Districts Act, the mayor, or in the mayor's absence, the deputy mayor shall preside at all meetings of council. In the absence of both the mayor and deputy mayor, the clerk shall take the chair, call the members to order, and if a quorum is present, a chairperson shall be appointed from among the councillors present. Such chairperson shall preside for the duration of the meeting, or until the arrival of the mayor or deputy mayor.

13. QUORUM

In accordance with section 43(1) of the Towns and Local Service Districts Act, a quorum is required at all times for town council meeting and town council committee meetings. A majority of all councillors in office constitutes a quorum for a town council meeting provided there are at least 3 councillors in office. A majority of all members of a town council committee constitutes a quorum for a town council committee meeting.

14. IF NO QUORUM

If quorum is not present within fifteen (15) minutes after the fixed time for a regular, special, privileged meeting, the Town Clerk or designate, as appropriate, shall record the names of members present and the meeting will stand adjourned until the next regular meeting, or until such time as council may decide.

15. ATTENDANCE

In addition to the mayor and councillors, the following person(s) shall attend all meetings of council:

- a. The Town Clerk/Manager or designate.

16. MEETINGS OPEN TO THE PUBLIC

In accordance with section 40 of the Towns and Local Service Districts Act, all regular and special meetings of a town council shall be open to the public. All meetings of a town council committee shall be open to the public.

17. CLOSED MEETINGS

In accordance with section 41(1) of the Towns and Local Service Districts Act, a town council meeting or a town council committee meeting may be closed to the public for the duration of the discussion if it is necessary to discuss;

- a) Information of which the confidentiality is protected by law;
- b) Personal information that is protected under the Access to Information and Privacy Protection Act, 2015 (ATIPPA, 2015)
- c) Information that could cause financial loss or gain to a person or the town, or could jeopardize negotiations leading to an agreement or contract;
- d) The proposed or pending acquisition or disposition of land;
- e) Information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;
- f) Information concerning legal opinions or advice provided to the town council by its lawyer or privileged communications between lawyer and client in a matter of town business;
- g) Litigation or potential litigation affecting the town or a municipal service delivery corporation, or a matter before a board, commission, or tribunal that affects the town or a municipal service delivery corporation;
- h) The access to or security of building and other structure occupied or used by the town or access to or security of systems of the town including computer or communication systems;
- i) Information gathered by the Royal Canadian Mounted Police (RCMP) and Royal Newfoundland Constabulary (RNC), in the course of investigating an illegal activity or suspected illegal activity, or the source of that information; or
- j) Labour employment matters, including the negotiation of collective agreements.

Where a meeting is a closed meeting;

- a) Members of the public shall not be present;
- b) A resolution or by-law shall not be adopted other than a resolution;
 - (i) Giving instructions to the lawyer for the town;
 - (ii) Giving instructions to any person negotiating a contract on behalf of the town;

- (iii) Giving directions to employees on matters referred to in section 41(1)
- (iv) Adjourning the closed meeting, or
- (v) Opening the meeting to the public;
- c) A record shall be made containing only the following information;
 - (i) The type of matter under section 41(1) that was discussed during the meeting, and
 - (ii) The date of the meeting.
- d) All decisions made during the meeting shall be documented by a resolution.

Where a decision is made by a town council at a closed meeting, the decision shall be ratified at the next public meeting.

18. MINUTES

Minutes of meetings of council shall be recorded by the town clerk or designate. Such minutes shall contain:

- a) All motions and resolutions coming before council, including the names of the movers and seconders thereof.
- b) The names of all council members voting in favor or against each motion, and the names of those abstaining.
- c) The title or brief description of all reports, petitions, and other documents submitted to council. Reports accepted by council shall be attached to the minutes.

19. CORRECTION OF MINUTES

If any member of council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if council agrees, the motion adopting the minutes shall contain the necessary corrections.

20. AGENDA

Prior to each regular meeting of council, the town clerk shall prepare an agenda of all business to be brought before council. The agenda is to be distributed to councillors twenty-four (24) hours prior to council meetings.

Any member of council, up until 5:00pm Friday prior to the council meeting, may submit to the town clerk an item for inclusion on the agenda. Any additions after this are to be submitted for the following council meeting to allow the town clerk adequate time to prepare.

The format of the agenda shall be as follows:

- Call to Order
- Adoption of Agenda
- Adoption of Minutes
- Business Arising from Minutes
- Committee Reports
- Financial Report
- Delegations
- Correspondence

- New Business
- Adjournment

21. DELEGATIONS

When a person or group of people request, in writing, to address council at a public meeting, they shall be given the opportunity to do so unless there is a justifiable reason for the refusal. In the case of a group, one person shall be appointed as spokesperson. Any policy or procedure of council, pertaining to the issue, shall be explained by the Mayor, Deputy Mayor, or Appointed Chairperson.

After the presentation the individual will be informed that council will review the information and they will be informed of any decision(s) at a later date. There shall be absolutely **no debate**.

22. AGENDA FOR SPECIAL MEETINGS

When a special or privileged meeting is called for the consideration of a particular matter, the order of business as set out in section 17 shall **not** apply. Council shall proceed immediately to consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with.

23. ORDER AND DECORUM

The presiding officer at any meeting shall preserve order during the debate and maintain decorum at all times.

24. DISORDERLY PERSONS

The presiding officer may expel and exclude from a meeting, any member of council or other person who is guilty of improper conduct at a meeting. In the case of the exclusion of a member of council, an entry shall be made in the minute of the reason for such exclusion.

Any member expelled from a meeting under the provisions may be permitted, by a majority vote of councillors at the meeting in progress, to resume their place after making an apology to the presiding officer.

25. NOTICE OF MOTION

Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda by making a motion at the previous meeting.

26. MOTIONS DURING DEBATE

When a question is under debate, the following non-written motions shall be in order:

- To extend the time of the meeting
- The refer or commit
- To amend
- To lay on the table
- To postpone indefinitely
- To move the previous question

27. MOTIONS TO BE SECONDED

Every motion shall be seconded before being debated.

28. WITHDRAWAL OF MOTION

When a motion has been moved and seconded, it cannot be withdrawn except with the permission of council, the mover and seconder, and then only before a decision has been taken or an amendment made.

29. DIVISION OF MOTION

Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon request of any member, be divided if the sense of the motion permits. The vote on each of such divisions shall be taken separately. If a motion cannot be reasonably be so divided, any request to do so shall be declared out of order by the presiding officer.

30. ADDRESSING THE MOTION

Members of council shall address their remarks to the presiding officer and continue themselves to the question at hand.

31. ENTITLEMENT TO SPEAK

If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

32. CALL TO ORDER

The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

33. APPEAL ON POINT OF ORDER

The decision of the presiding office on a point of order is subject to an appeal to council which is to be decided by a majority vote, without debate.

34. MEMBER SPEAKING NOT TO BE INTERRUPTED

When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance, or interrupt a speaker, except to raise a point of order, explain, or ask a question.

35. LENGTH OF DEBATE

No member, without the consent of council, shall speak longer than five (5) minutes at any one time, or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after the second occasion.

36. RE-READING A MOTION

Any member of council be require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a member speaking.

37. VOTING

All decisions of council, unless otherwise specified either under the Towns and Local Service Districts Act, or under these rules, shall be by majority vote of the members present.

38. RECORDED VOTE

All decisions of council, unless otherwise specified either under the Towns and Local Service Districts Act, or under these rules, shall be by majority vote of the members present.

In accordance with the Towns and Local Services District Act, the clerk or designate shall record the names of those voting in favour of the motion, those voting against the motion, and those abstaining from voting.

No vote shall be taken in council by ballot or by any other method of secret voting.

39. RECONSIDERATION

Any question, except one of indefinite postponement, or one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given.

If the motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion.

40. TIE VOTE

In accordance with section 44(5) of the Towns and Local Service Districts Act, where there is a tie vote on a question, the question shall be considered to have been defeated.

41. MOTION TO ADJOURN

A motion to adjourn is always in order, except when;

- a) A member is addressing the chair
- b) A vote is being taken
- c) It has been decided that the previous question shall be taken.

A motion to adjourn the council meeting or adjourn the debate cannot be amended and is not debatable. A motion to adjourn the meeting or the debate to a given day may be amended and open to debate.

No second motion to adjourn the meeting or the debate shall be made until some intermediate proceedings have transpired.

42. MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely shall not be amended, and when any question before council has been postponed indefinitely, it shall not be taken up again during the same meeting.

43. MOTION TO LAY ON THE TABLE

A motion to lay a question on the table shall not be debatable. A motion to lay on the table with addition, qualification, or opinion, shall be subject to the amendment and debate.

44. MOTION TO SUSPEND THE RULES

A motion to suspend the rules require a two-thirds vote of members present.

45. PRIVILEGE

Whenever a matter of privilege arises, it shall be dealt with immediately by council.

46. MOTION TO REFER OR COMMIT

A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

47. COMMITTEES

In accordance with Section 47 of the Towns and Local Service Districts Act;

- a) A town council may establish the standing or special committees that it considers necessary.
- b) A town council shall appoint councillors to serve on a committee established under subsection (a).
- c) A committee established under subsection (a) shall consist of no less than two (2) councillors.
- d) Where a town council establishes a standing or special committee under subsection (a), the town council may establish the mandate of the committee and the procedures to be followed by the committee.

When council appoints a committee, it shall also appoint one of its members to be chairperson of that committee.

The committee secretary shall be the head of the department pertaining to the committee.

Prior to the next meeting of the committee, the secretary shall prepare minute of the previous meeting for submission to and confirmation by the committee.

48. ADVISORY COMMITTEES

In accordance with section 48 of the Towns and Local Service Districts Act;

- a) A town council may establish one or more advisory committees to advise on matters of a special interest to the town.
- b) An advisory committee may be comprised of
 - i) Councillors;
 - ii) Residents; and
 - iii) Persons with expertise in areas that the town council determines necessary.
- c) A town council shall;
 - i) Define the function and scope of an advisory committee; and
 - ii) Establish guidelines and procedures for an advisory committee.

49. COMMITTEE OF THE WHOLE

Council may, by majority vote, resolve itself into a Committee of the Whole, whereby it will operate under the rules for committees as set out hereunder. The deputy mayor will assume the chair, and if the deputy mayor is absent, another member of council shall be elected as chairperson.

50. CONDUCT OF BUSINESS IN COMMITTEES

The following rules and regulations shall apply to the proceedings in committees

- The chairperson shall preside at every meeting. In the absence of the chair, one of the other members of the committee shall be elected by the members present to preside during the chairperson's absence.
- The chairperson may vote on all questions. In case of a tie vote on any motion, the question shall be deemed lost.
- No motion needs to be seconded
- The previous question will not be allowed.
- There shall be no limit on the number of times a member may speak.
- The votes of members on any question shall be recorded if requested by any member.

Member of a committee dissenting from a report which has been adopted by the majority of a committee, may make and present to council a minority report. Such report must be presented at the same meeting of council to which the majority report is submitted and must be signed by the dissenting member(s).

Effective Date: These rules and regulations shall become effective upon the date of enactment.