



RULES OF PROCEDURE

Pursuant to the authority conferred in section 7 of the *Towns and Local Service Districts Act, 2025*, the Town Council of Torbay adopted the following by-law on February 3, 2025.

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 all town council meetings. The Minister may make regulations prescribing matters required to be included in a town's Rules of Procedure.

3. INTERPRETATION/DEFINITION

- 3.1. "**CAO**" shall mean the Chief Administrative Officer of the Town Council of Torbay.
- 3.2. "**Clerk**" shall mean the Town Clerk of the Town Council of Torbay.
- 3.3. "**Council**" shall mean the Town Council of Torbay.
- 3.4. "**Employee**" shall mean any individual under an employment contract with the Town of Torbay, including all staff, volunteers, contractors and members of Council.
- 3.5. "**Town**" shall mean the Town of Torbay.
- 3.6. "**The Act**" shall mean the *Towns and Local Service Districts Act, 2025*.

4. APPLICATION

These Rules of Procedure shall apply to all town council meetings, including public meetings, privileged meetings, Committee of the Whole meetings and committee meetings, and their attendees.

5. REVIEW

The Town shall, every 2 years, conduct a review of this by-law and consider the areas which may be improved.

6. PENALTIES

These Rules of Procedure must be followed in accordance with the Torbay Codes of Conduct.

7. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS

All previous Town of Torbay Rules of Procedure and amendments are repealed.

8. CAME INTO EFFECT

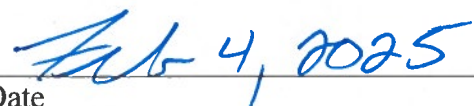
This By-law shall become effective upon the 3rd day of February, 2025, and adopted by Motion No.RES-27-2025, Public Meeting of Council of the Town of Torbay.



Mayor



Chief Administrative Officer



Date



Date

1. Types of Council Meetings:

a. Regular Public Meetings of Council:

Regular public meetings of Council shall be held every second Monday in the Council chambers, unless otherwise approved by Council, with public notice being provided at least 24 hours prior to the meeting via the Town's website, [Civic Web Portal](#), and social media. The Mayor shall determine the first public meeting of council of the new year.

Should a public meeting of Council fall on a civic holiday, the meeting will instead take place on the subsequent Tuesday night at 6:30 p.m.

The Town Clerk is responsible for calling all council meetings at the request of either the Mayor or any two (2) members of Council.

Unless otherwise indicated, public meetings of Council will take place in the Council chambers, Torbay Town Hall. These meetings shall be live streamed/recorded for public viewing and for information purposes only. Residents can view the live stream through the Town's Civic Web Portal.

As per section 42 of the *Act*, the Town does have a Remote Meeting Policy whereby a Councillor can participate remotely. A Councillor participating by electronic means is considered in attendance. The Chair must always attend in-person.

In the event of extenuating circumstances, remote/digital meetings will be permitted for Council and Staff based on those circumstances.

For safety reasons, visitors attending public meetings of Council are required to sign the visitors' attendance register or register for attendance with the Town Clerk or designate.

In the event of an extenuating circumstance, registration with the Town Clerk or designate may be required for public attendees due to limited seating in the gallery. Requirements/mandates may apply based on the extenuating circumstance.

b. Privileged Meetings of Council:

Privileged meetings can be declared to discuss issues best not talked about in public, or held for reasons of a sensitive, confidential, legal, human resources, or financial nature. Attendance is limited to Council, Chief Administrative Officer, Town Clerk or designate in their absence, and only those who Council wish to be present.

Council is required to pass a motion to declare a meeting, or a portion of a meeting, as a privileged meeting.

The Town Clerk is responsible for calling all Council meetings, at the request of either the Mayor or any two (2) members of Council.

All Councillors should preferably be provided with a minimum of 24 hours' notice prior to the meeting.

In the event Minutes are taken of a privileged meeting, those Minutes must be adopted at a public meeting of Council. However, the Minutes of a privileged meeting shall be brief and shall not reveal the detailed information/discussions that took place at the meeting.

Any decision of councillors made at a privileged meeting is not valid until that decision is brought forward and ratified by a vote of Councillors at a public meeting.

No business shall be conducted at a privileged meeting of Council other than that specified in the notice of such meeting, unless otherwise decided by majority vote.

A regular public meeting can be adjourned, by way of a motion of council, in order to conduct a privileged meeting to discuss a topic as stated above. Once the privileged meeting has concluded, the public meeting will resume. The public gallery will be asked to leave for the duration of the privileged meeting. Once a motion is passed to adjourn for a privileged meeting, live streaming of the public council meeting will go into intermission and the broadcast will be paused.

Unless otherwise indicated, privileged meetings are held at the Torbay Town Hall, Council chambers or Council boardroom.

The Town does have a Remote Meeting Policy whereby a Councillor can participate remotely. A Councillor participating by electronic means is considered in attendance. The Chair must always attend in-person.

In the event of extenuating circumstances, remote/digital meetings will be permitted for Council and Staff based on those circumstances.

Privileged meetings are not live streamed or digitally recorded.

c. Special Public Meetings of Council

Special public meetings of Council may be called for a specific, pressing reason between regular public meetings of Council.

The Town Clerk is responsible for calling all Council meetings, at the request of either the Mayor or any two (2) members of Council.

All Councillors, and staff if required, should preferably be provided with notice via email at least 24 hours prior to the meeting.

Public notice for special public meetings of Council is to be provided at least 24 hours prior to the meeting via the Town's website, Civic Web Portal, and the Town's social media platforms.

No business shall be conducted at a special public meeting of Council other than that specified in the notice of such meeting, unless otherwise decided by majority vote.

Any decision of Council made at a special public meeting, by way of a motion, is a valid decision, provided public notice has been given as per above.

Unless otherwise indicated, special public meetings are held at the Torbay Town Hall, Council chambers, and shall be live streamed/recorded for public viewing and for information purposes only. Residents can view the live stream through the Town's Civic Web Portal.

The Town does have a Remote Meeting Policy whereby a Councillor can participate remotely. A Councillor participating by electronic means is considered in attendance. The Chair must always attend in person.

In the event of extenuating circumstances, remote/digital meetings will be permitted for Council and Staff based on those circumstances.

For safety reasons, visitors attending special public meetings of Council are required to sign the visitors' attendance register, or register for attendance with the Town Clerk or designate.

In the event of an extenuating circumstance, registration with the Town Clerk or designate may be required for public attendees due to limited seating in the gallery. Requirements/mandates may apply based on the extenuating circumstance.

d. Committee of the Whole Council Meetings:

Attendance at Committee of the Whole meetings is limited to the Mayor, Deputy Mayor, Councillors, the CAO, the Town Clerk or designate and/or invited staff members. Council reserves the right to hold a Committee of the Whole meeting with only elected officials in attendance.

The Town Clerk is responsible for calling all Committee of the Whole meetings, at the request of either the Mayor or any two (2) members of Council.

Unless otherwise indicated, Committee of the Whole meetings are held every second week on Monday evenings, 6:00 p.m., on Monday, not designated for regular public Council meetings.

Any decision of Council made at a Committee of the Whole meeting is not valid until that decision is brought forward and ratified by a vote of Council at a public meeting.

In the event Minutes are taken of a Committee of the Whole meeting, those Minutes must be adopted at a public meeting of Council. However, the Minutes of a Committee of the Whole meeting shall be brief and shall not reveal the detailed information/discussions that took place at the meeting.

No business shall be conducted at a Committee of the Whole meeting of Council other than that specified in the notice, and listed on the agenda of the meeting, unless otherwise decided by majority vote.

Unless otherwise indicated, Committee of the Whole meetings are held at the Torbay Town Hall, Council chambers or Council boardroom.

The Town does have a Remote Meeting Policy whereby a Councillor can participate remotely. A Councillor participating by electronic means is considered in attendance. The Chair must always attend in person.

In the event of extenuating circumstances, remote/digital meetings will be permitted for Council and staff based on those circumstances.

Committee of the Whole meetings are not live streamed or digitally recorded.

Committee of the Whole meetings are normally held to discuss privileged items, as authorized by section 41 of the *Towns and Local Service Districts Act*. Committee of the Whole meetings that are not designated as privileged meetings are open to the public. Members of the public who wish to attend a Committee of the Whole meeting that is not a privileged meeting must do so in person.

In the event a Committee of the Whole meeting that is not a privileged meeting is held outside the regularly scheduled date and time, public notice for the meeting will be provided at least 24 hours prior to the meeting via the Town's website, Civic Web Portal, and the Town's social media platforms.

For safety reasons, visitors attending public meetings of council are required to sign the visitors' attendance register or register for attendance with the Town Clerk or designate.

In the event of an extenuating circumstance, registration with the Town Clerk or designate may be required for public attendees due to limited seating in the gallery. Requirements/mandates may apply based on the extenuating circumstance.

2. Notice of Meetings:

Notice for all public meetings of Council is included on the Agenda and Minutes. A schedule of public meetings of Council for the year is posted to the Town's Civic Web Portal and website.

In the event of meetings requested to be held outside the normal schedule, being every second Monday, notice should preferably be provided to all members of Council via email at least twenty-four (24) hours prior to such a meeting by the Town Clerk or designate, unless otherwise approved by Council. In the case of a Council Standing Committee meeting, such notice should be provided by the respective Director. The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

The preferred timeline for members of Council to provide confirmation of notice of attendance shall be 12:00 noon, the day of the meeting.

Requests to attend a meeting remotely should preferably be received by the Town Clerk, or designate in their absence, by 12:00 noon, the day of the meeting.

3. Presiding Officer:

The Mayor shall preside over all meetings of Council, with the exception of Committee meetings. In the absence of the Mayor the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, and if a quorum is present, the other Councillors shall appoint a temporary Chairperson, based on highest number of years of service, who has and may exercise the powers and carry out the duties of the Mayor at the Meeting, or until the arrival of the Mayor or Deputy Mayor.

The Mayor, Deputy Mayor or Councillor presiding over a meeting of Council, where they want to enter debate, shall be replaced as the Presiding Officer by a temporary Chairperson for the time during which the Mayor, Deputy Mayor or Councillor presiding is speaking. This shall be clearly noted in the Minutes of the Meeting, including information as to Acting Chair and times.

The duties of the Presiding Officer are to ensure order and decorum throughout the Meeting as per the Rules of Procedure, and such order and decorum shall be followed by all in attendance, including Council, Staff and Members of the Gallery.

The chairperson of a Committee shall preside over their respective Committee meetings. In the absence of the chairperson, the member of the Committee shall preside. The Mayor shall be an ex-officio member of all Committees.

Although the Town does have a Remote Meeting Policy, the Presiding Officer must always attend in person, except in the event of extenuating circumstances.

The term “Presiding Officer” and “Chair” are used interchangeably throughout this document and have the same meaning.

4. Meeting Decorum:

a. Order and Decorum:

The Presiding Officer at any meeting shall preserve order during debate and maintain decorum at all times.

When a Member of Council, at any type of Council meeting, is guilty of unacceptable conduct, or unparliamentarily behaviour, the Member of Council may be named by the Presiding Officer and warned to desist. Such warning shall be recorded in the minutes; and, if the offence warrants, in the opinion of the Presiding Officer, the offending Member of Council may be requested to leave the Council Chambers or the place where the meeting is held by the Presiding Officer without vote of the Council. Should the offending Member of Council refuse to leave the Council Chambers or the place where the meeting is held, the Presiding Officer may request the assistance of the Chief Administrative Officer or designate to enforce the order to leave. This may involve contacting the local police and/or adjourning the meeting. Should the Member of Council attend the meeting remotely and be requested to leave by the Presiding officer, the remote meeting will be ended by the Chief Administrative Office, Town Clerk or designate.

Any Member of Council engaging in such behaviour is subject to a complaint, investigation and possible penalties under authority of the *Municipal Conduct Act* and Code of Conduct for Councillors.

It is the responsibility of each Member of Council to be prepared for a meeting so as not to impede the progress of the meeting. All materials pertaining to any Meeting are to be reviewed well in advance of the meeting. Failure to do so is a violation of the Town of Torbay Code of Conduct for Councillors.

Questions for staff regarding any item on the agenda for a Regular or Special Public Meeting of Council shall be provided to staff by 12:00 p.m., the day of the meeting. This is to ensure staff are prepared and have information available to answer if and when the question is asked at a meeting of Council.

As per the Town’s Fitness for Duty and Drug and Alcohol Policy, all staff and Members of Council shall attend the workplace Fit for Duty and remain so while performing work for the Town.

The Town's Respectful Workplace Policy and Harassment Prevention Plan and Codes of Conduct shall apply to all Members of Council and staff, including fire chiefs and firefighters and other volunteer positions.

b. Disorderly Persons:

Council Conduct

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 Councillor, an entry shall be made in the minutes indicating the reason for such exclusion. Any Councillor expelled from a meeting may be permitted, by majority vote of Councillors at the meeting in progress, to resume their place after making an apology to the Presiding Officer.

Any Member of Council engaging in such behaviour is subject to a complaint, investigation and possible penalties under authority of the *Municipal Conduct Act* and Code of Conduct for Councillors.

The Town's Respectful Workplace Policy and Harassment Prevention Plan and Codes of Conduct shall apply to all Members of Council and staff, including fire chiefs and firefighters and other volunteer positions.

As per the Town of Torbay Code of Conduct - Councillors, 3.7. Legislative Compliance provides as follows:

3.7.1 A Councillor must reasonably comply with all obligations imposed on councillors by legislation, regulation, and municipal policy and procedures, including but not limited to:

- a) Municipalities Act, 1999*
- b) Municipal Conduct Act*
- c) Municipal Elections Act*
- d) Public Procurement Act*
- e) Urban and Rural Planning Act, 2000*
- f) Access to Information and Protection of Privacy Act, 2015*
- g) Occupational Health and Safety Act*
- h) Human Rights Act, 2010, and,*
- i) Any accompanying regulations*

Public Conduct

All Regular and Special Public Meetings of Council, as well as some Committee of the Whole and Council Standing Committee meetings, are open to the public. No one will be excluded from attending, except in the case of improper conduct by a member of the public.

The one exception to the above is in the event of extenuating circumstances, at which time public in-person attendance may not be permitted. In these situations, residents and the public will be able to view a Regular or Special Public Meeting of Council via the Town's Civic Web Portal. During the Question & Answer

Sessions in the Regular Public Meetings of Council, residents and the public have the opportunity to engage with Council by sending emails to the Town Clerk or designate, which will then be forwarded to the Mayor to acknowledge during a Regular Public Meeting of Council.

Committee of the Whole and Council Standing Committee meetings will not be available to view via the Town's Civic Web Portal.

Members of the gallery must maintain order and remain quiet. Conversations or discussions by members of the public are not permitted so as to not interrupt or disturb the Council session.

Members of the gallery in a Regular or Special Public Meetings of Council must refrain from addressing Members of Council unless permitted to do so, as per a Question & Answer session, or by the Mayor. Members of the gallery in a Committee of the Whole or Council Standing Committee meeting must refrain from addressing Members of Council or staff unless permitted to do so by the Mayor or Chairperson of the Committee, respectively.

Members of the media are not permitted to question Council while in session, other than the Question & Answer sessions in a Regular or Special Public Meeting of Council.

When a member of the gallery, the media or the public, at any public council or committee meeting, engages in unacceptable conduct and/or behaviour, as determined by the Presiding Officer, the Presiding Officer will provide a warning to desist. Such warning shall be recorded in the minutes. If, in the opinion of the Presiding Officer, the behaviour warrants, the individual may be requested to leave the Council Chambers or the place where the meeting is held, by the Presiding Officer without vote of the Council or a Committee. Should the individual refuse to leave the Council Chambers or the place where the meeting is held, the Presiding Officer may request the assistance of Chief Administrative Officer to enforce the request to leave. This may involve contacting the local police and/or adjourning the meeting.

In the event of improper conduct by a member of the gallery, the media or the public, Council shall determine a period of exclusion and provide written notice.

c. Dress Code:

The standard of dress for meetings of Council for all Councillors, Chief Administrative Officer, Town Clerk or designate and staff is a business casual dress code.

d. Use of Mobile Devices, Electronic Devices and Audio/Video Recording Equipment

All mobile devices, including cell phones, tablets, computers and other electronic devices must be on silent or vibrate prior to the commencement of all meetings.

Any work-related records created and recorded on any device, including personal devices, is subject to the Provincial Government *Access to Information and Protection of Privacy Act*.

Please refer to the Computer, Email and Internet Use Policy.

Mobile devices, tablets and cell phones for members of the public are to be silenced.

The recording of any public council meeting is not permitted by Council members, members of the gallery, the general public or the media, unless agreed to by Council. This includes any form of audio or video recording/digital audio and video recording or otherwise.

Pictures are not permitted to be taken, other than special circumstances/presentations, as agreed by Council. This applies to Council members, members of the gallery, the general public and the media.

Public Meetings of Council held in the Council Chambers are live streamed/recorded by the Town of Torbay for public viewing and information only. Meetings can be viewed on the Town's Civic Web Portal.

Members of the public who make presentations in-person will be live streamed/recorded.

Refer to the Live Streaming and Recording of Public Council Meetings Policy. Live streams and recordings of Public Meetings of Council are the property of the Town of Torbay, and cannot be reused or reproduced without the approval of the Town of Torbay.

Committee of the Whole and Council Standing Committee meetings are not live streamed/recorded by the Town of Torbay.

Any municipal official who engages in conduct on personal or official social media platforms that would bring the integrity of themselves, the council or the Town into disrepute is considered in violation of the Code of Conduct, and may be subject to a complaint, investigation and possible penalties under authority of the *Municipal Conduct Act* or Code of Conduct.

5. Quorum:

A quorum shall consist of a majority of the number of Councillors that are elected or appointed or otherwise approved by the Minister of Municipal and Provincial Affairs. If a quorum of four (4) is not present within fifteen (15) minutes after the time fixed for a regular, special, privileged or Committee of the Whole meeting, the Town Clerk or designate, as appropriate, shall record the Councillors present and the meeting shall stand adjourned until the next meeting or until such time as Council may decide. With respect to Council Standing Committee meetings, if two councillors and the respective director is not present within fifteen (15) minutes after the time fixed for the meeting, the meeting shall stand adjourned until the next meeting or until such time as the Committee may decide.

Should it be known there is no quorum in advance of any public meeting, notice must be provided to all members of Council/Committee and staff, and public notice must be provided immediately via the Town's website, Civic Web Portal, and social media by 4:00 p.m. on the day of the meeting. Public notice also to be posted on the building doors so residents are aware should they arrive to attend a meeting.

6. Attendance:

In addition to the Mayor, Deputy Mayor and Councillors, the Chief Administrative Officer or designate, Town Clerk or designate, Director of Planning and Development, Director of Infrastructure and Public Works, Director of Corporate Services, Director of Recreation and Community Services, Director of Economic Development and Tourism, Chief Human Resources Officer or designates shall attend Regular and Special Public Meetings of Council. Other staff shall attend when requested to do so by Council or the Chief Administrative Officer or designate.

The Mayor, Deputy Mayor, Councillors, the Chief Administrative Officer or designate and the Town Clerk or designate shall attend Committee of the Whole meetings. Other staff shall attend when requested to do so by Council or the Chief Administrative Officer or designate.

The two designated Council Standing Committee members and the respective Director shall attend Standing Committee meetings. In the event one of the Committee members is unable to attend, the Alternate Committee member shall attend in their place. Other staff shall attend when requested to do so by the Committee. The Mayor and/or the Chief Administrative Officer or designate may attend Standing Committee meetings.

The preferred timeline for providing notice of attendance at a Council meeting by members of Council is 12:00 p.m., the day of the meeting.

Remote Meeting Attendance

As per Section 42 of the *Towns and Local Service Districts Act*, Council may allow a member of Council to participate in a council meeting or a committee meeting by electronic means.

As per the Town of Torbay's Remote Meeting Policy, Council may permit members of Council to participate in Council meetings remotely, rather than in-person, as follows:

- Any Councillor wishing to participate remotely should preferably notify the Town Clerk twenty-four (24) hours in advance of the meeting.
- Remote meeting attendance shall only occur when in-person attendance is either impossible or impractical.
- Technology that can be used is Zoom and speaker telephone, or equivalent technology.
- Councillors attending remotely must keep their cameras on at all times.
- Any operational costs associated with technology used to allow remote meeting attendance will be reimbursed by the municipality.
- Remote attendance is only applicable for Councillors. The Chair must always attend in-person.
- A councillor participating by electronic means is considered to be attendance at the meeting.
- There is no limit to the number of remote meeting attendances for a councillor in a given year.
- There shall be no more than three (3) members of Council remotely attending. There must be a minimum of four (4) Councillors attending in person.
- If communication is lost a 10-minute recess will be called to try and re-establish the link. If the link cannot be re-established after the recess, the electronic participant is deemed to have left the meeting. If this means there is no longer a quorum of councillors in attendance, then the meeting is adjourned.
- In the event of extenuating circumstances, remote meetings will be permitted for all Council and staff, at the discretion of the Council and the Chief Administrative Officer.

Council Youth Representative

In the event Council decides to appoint a youth representatives, such appointment shall be for a one-year term.

The youth representative is not a member of the Town Council and shall not be counted for the purpose of determining a quorum or deciding a vote of Council.

The youth representative shall participate in regular Public Meetings of Council. Although unable to vote, the youth representative is entitled to speak and provide comments on any matter as agreed by the Chair of the meeting.

The youth representative shall engage with the Mayor and members of the Torbay Town Council on issues affecting youth in Torbay.

7. Meetings Open to the Public:

All regular and special meetings of Council and all meetings of a Council Committee shall be open to the public, unless held as a privileged or in camera meeting. If during a Public Meeting of Council or a Committee of the Whole meeting, Council wishes to declare the meeting to be privileged, they may do so by way of a motion. Once this motion has passed, all members of the public present at the meeting shall leave the room, unless their attendance is requested by the Presiding Officer. Members of the public may return to the gallery once the privileged meeting has ended.

Where a Council Standing Committee wishes to declare the meeting to be privileged, they may do so at their discretion, and in accordance with the *Towns and Local Service Districts Act*.

All meetings of the Human Resources and Administration Committee shall be privileged meetings.

As referenced above, all residents and members of the public are welcome to attend public Council meetings. If a resident or member of the public is unable to attend in person, Regular and Special public meetings are available to view through live streaming, on the Town's Civic Web Portal. Public Meetings of Council are recorded and available for viewing. Meeting dates and information can be viewed by visiting the Town's Civic Web Portal. Committee of the Whole and Council Standing Committee meetings are not live streamed/recorded by the Town of Torbay.

In the event of extenuating circumstances, the Council chambers may be closed to residents and the general public. Regular and Special public meetings can be viewed via live stream/video. For the Question & Answer sessions, residents and the public have the opportunity to engage with Council by sending emails to the Town Clerk or designate, which will then be forwarded to the Mayor to acknowledge during a Regular or Special Public Meeting of Council.

8. Conflict of Interest:

All municipal officials, including councillors, all staff and volunteers, are subject to the conflict of interest provisions. Conflict of interest provisions for Councillors are set out in Part II of the *Municipal Conduct Act*. Conflict of interest provisions for all other municipal officials are set out in the Code of Conduct for Municipal Officials, as adopted on November 14, 2022.

The definition of conflict of interest, as set out in section 5 of the *Municipal Conduct Act*, applies to all municipal officials, including councillors and staff. This definition provides as follows:

5. (1) *A municipal official has a conflict of interest where in the making, or involvement in the making, of a decision*

- (a) the municipal official's private interests are affected; or*
- (b) the municipal official is unable to act impartially on behalf of the municipality due to the municipal official's personal relationships.*

(2) For the purposes of paragraph (1)(a)

(a) a decision may affect, directly or indirectly, a private interest, where the decision may result in a gain or loss to the municipal official's private interests or the private interests of a relative; and

(b) a decision does not affect, directly or indirectly, a private interest where the decision affects the municipal official or a relative of a municipal official as one of a broad class of the public.

(3) For the purposes of paragraph (1)(b) a municipal official is unable to act impartially where a reasonable person may conclude that the municipal official's personal relationship would result in favoritism or prejudice to the person to whom the municipal official has a personal relationship.

Conflict of Interest for Councillors

Section 6 of the *Municipal Conduct Act* provides as follows:

6. (1) Where a councillor knows or ought reasonably to know that the councillor has a conflict of interest in a matter before council, the councillor shall, where present,

(a) declare the conflict of interest before any consideration or discussion of the matter;

(b) disclose the general nature of the conflict of interest;

(c) refrain from participating in any discussion relating to the matter;

(d) refrain from voting on any question, decision, recommendation, or other action to be taken relating to the matter; and

(e) leave the room in which the Meeting is held for the duration of the consideration of the matter.

(2) Notwithstanding paragraph (1)(e), where the Meeting referred to in subsection (1) is open to the public, the councillor may remain in the part of the room set aside for the general public.

(3) A councillor referred to in subsection (1) shall not attempt, in any way, before, during or after the Meeting, to influence

(a) the vote of other councillors; or

(b) any policy advice provided to council regarding the matter.

(4) A declaration of conflict of interest under subsection (1) and the general nature of the conflict of interest shall be recorded in the minutes of council or a Committee of council, where the declaration was made at a Committee Meeting.

(5) Where a councillor is uncertain as to whether or not the councillor has a conflict of interest, the councillor shall disclose the nature of the possible conflict of interest to the council and the council may decide by a majority vote.

(6) A councillor whose possible conflict of interest is being voted on is not entitled to vote.

(7) Where the vote referred to in subsection (5) is a tied vote, the councillor shall be considered to have a conflict of interest.

(8) Where the council determines by a majority vote under subsection (5) that a councillor does not have a conflict of interest and a complaint is subsequently filed under this Act and it is determined that a councillor did have a conflict of interest, the council may invalidate the decision of council in which the councillor acted in a conflict of interest but shall not impose any other penalties under this Act against the councillor.

Where one or more councillors have declared a conflict of interest and, as a result, Council loses quorum, Council may continue to discuss and vote on the matter, provided a minimum of two Councillors remain. Where there are less than two Councillors remaining, Council must seek direction from the Department of Municipal and Provincial Affairs.

While not legislatively required, it is appropriate for any member of Council to alert a fellow Council member of any potential conflict of interest. If a Councillor is unsure of a potential conflict, they may seek a decision of Council as per section 6(5) above.

As per section 8 of the *Municipal Conduct Act*, any person can file a conflict of interest complaint against a Councillor or former Councillor. Such a complaint must be filed with the Chief Administrative Officer and must be filed within 6 months of becoming aware of the potential conflict.

The process for addressing a conflict of interest complaint is set out in section 8 of the *Municipal Conduct Act*. Penalties are set out in section 9.

Conflict of interest matters discussed during a Public Meeting of Council shall be recorded in the Minutes.

Conflict of Interest for Municipal Officials

As per the Part 5 of the Code of Conduct for Municipal Officials, where the Chief Administrative Officer, or another official who reports directly to Council, suspects they may be in a conflict of interest, they must report the potential conflict directly to Council. In response, Council must determine, in a privileged meeting, whether a conflict exists.

Where any other official, including volunteers, suspects a conflict of interest, they must report the suspicion to the Chief Administrative Officer, who will in turn determine whether a conflict exists.

As per section 5.3 of the Code of Conduct for Municipal Officials, any person can file a conflict of interest complaint against a municipal official. If the complaint is against the Chief Administrative Officer, the complaint must be filed with Council. Complaints against all other municipal officials must be filed with the Chief Administrative Officer.

The process for addressing a conflict of interest complaint against a municipal official is set out in section 5.4 of the Code of Conduct for Municipal Officials.

Annual Disclosure Statements

As per section 4 of the *Municipal Conduct Act*, all Councillors and the Chief Administrative Officer must file a Disclosure Statement with Council, within 30 days of taking office or of commencing employment, respectively.

As per section 5.1 of the Code of Conduct for Municipal Officials, all department heads and those reporting directly to council, must file a Disclosure Statement with the Chief Administrative Office, within 30 days of commencing employment.

All Disclosure Statements must be filed annually on or before March 1.

Disclosure Statements must include the following:

- (a) *ownership of real property or an interest in real property within the municipality;*
- (b) *corporations in which 10% or more shares are held;*
- (c) *partnerships and sole proprietorships in which 10% or more interest is held;*
- (d) *ownership of businesses located within the municipality;*
- (e) *corporations, associations, or trade unions in which a position of director or executive officer is held;*
- (f) *sources of income; and*
- (g) *any other information the council determines necessary.*

Where there is a change in information contained in a Disclosure Statement, the Councillor or municipal official must revise their Disclosure Statement within 60 days.

Disclosure Statements for Councillors and the Chief Administrative Officer must include information in relation to their spouse or cohabiting partner. Disclosure Statements for other officials does not require this information.

Disclosure Statements for Councillors must be made available for public inspection during normal business hours, if requested. All other Disclosure Statements are not publicly available.

Disclosure Statements for Councillors and the Chief Administrative Officer must be retained by the Town Clerk, and must be reviewed at a privileged meeting no later than 30 days after they have been filed.

9. Minutes:

Minutes of all Regular and Special Public Meetings of Council shall be recorded by the Town Clerk or designate, as appropriate. The minutes shall contain:

- Members of Council and staff in attendance at the meeting, as well as those who are absent.
- Number of residents and those in the Gallery attending the meeting.
- All motions and resolutions coming before Council, including the names of the movers and seconders.
- The names of all Councillors voting for, voting against, abstaining, are absent or are absent due to conflict of interest.
- A brief description of comments, reports, petitions, presentations or documents submitted to Council for the purpose of providing the reader of the minutes with an understanding of the decisions of Council, and not for the purposes of recording lengthy descriptions of what was said or presented and by whom.

Minutes should reflect what was done in the meeting, not what individual Councillors or staff said.

Copies of Draft Minutes will be distributed to members of Council via the iCompass software program prior to the next Public Meeting of Council. Council Agendas are published to iCompass for viewing by members of Council on the Thursday prior to the scheduled meeting.

There are to be no edits to the Draft Minutes before being reviewed and adopted at a Public Meeting of Council.

Minutes of the Public Meeting of Council will be published to the Town's Civic Web Portal following their adoption.

If any Councillor objects to any portion of the minutes of the preceding meeting in the Public Meeting of Council they shall state the grounds of objection; and, if Council agrees, the motion adopting the minutes shall contain the necessary corrections. The minutes will be revised, as per the correction(s). Should the correction(s) be noticed in previously adopted minutes, if agreed by Council by way of a motion, changes will be handwritten in the minutes and initialed by the Mayor and the Chief Administrative Officer or designate.

The Town Clerk, or designate, provides follow-up/Action Tracking items to all Department Directors as soon as possible after a Public Meeting of Council.

Department Heads/Directors are required to edit their Business Arising/iCompass Action Tracking Reports on a regular basis between Public Meetings of Council, and review them during Committee meetings as updates.

10. Agenda – Regular and Special Public Council Meetings:

Prior to each Regular and Special Public Meeting of Council, the Town Clerk or designate shall prepare an agenda of all business to be brought before the public meeting.

Council shall receive the Agenda and all related information on the Thursday before the scheduled Public Meeting of Council through the Town's iCompass software program. Residents and the general public can view same on the Town's Civic Web Portal, which will be published for viewing on the Friday before the scheduled Public Meeting of Council.

Any Councillor, until 12:00 p.m. of the Thursday preceding the meeting, may submit to the Town Clerk or designate an item for inclusion on the agenda.

Correspondence/information from the public has to be received by the Town Clerk or designate by 12:00 p.m. of the Thursday preceding the Public Meeting of Council in order to be included on the Agenda.

Anyone wishing to present or speak during the Question & Answer session must provide notice to the Town Clerk or designate by 12:00 p.m. of the Thursday preceding the Public Meeting of Council in order to be included on the Agenda.

Department Heads/Directors are required to have their Committee minutes/reports to the Town Clerk or designate by 12:00 p.m. of the Thursday preceding the Public Meeting of Council in order to be included on the Agenda and published by end of day.

The format of the agenda for the Public Meeting shall be as follows:

1. Agenda/Minutes
 - 1.1. Adoption of the Agenda
 - 1.2. Adoption of Minutes
2. Conflict of Interest
3. Proclamations/Presentations/Question & Answer Session.
 - 3.1. Proclamations
 - 3.2. Presentations
 - 3.3. Question & Answer
4. Mayor's Report
5. Business Arising
6. Correspondence
7. Committees of Council
 - 7.1. Committee of the Whole
 - 7.2. Planning and Land Use Development

- 7.3. Administration and Human Resources
- 7.4. Corporate Services
- 7.5. Economic Development and Tourism
- 7.6. Infrastructure and Public Works
- 7.7. Recreation and Community Services
8. Liaison Committees
- 8.1. Atlantic Mayors Congress
- 8.2. Intergovernmental Affairs – Federal, Provincial, Municipal
- 8.3. Jack Byrne Regional Sports and Entertainment Centre
- 8.4. Northeast Avalon Joint Council
- 8.5. Royal Newfoundland Constabulary
- 8.6. Torbay Volunteer Fire Department
- 8.7. Urban Municipalities Committee
- 8.8. Water Committee
9. Notices of Motion
10. New Business
11. Question & Answer Session
12. Next Public Council Meeting
13. Adjournment

11. Agenda – Special, Privileged or Committee of the Whole Meetings:

When Special, Privileged or Committee of the Whole meetings are called for the consideration of some particular matter, the order of business shall be in accordance with the items specified in the notice for that meeting. Council shall proceed immediately to consider the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by unanimous consent or by majority vote.

Anyone wishing to present or speak at a Special Public Meeting of Council or Committee of the Whole meeting must provide notice to the Town Clerk or designate by 12:00 p.m. the day prior to the meeting.

All documentation for a Special Public Meeting of Council or Committee of the Whole meeting should preferably be provided to the Town Clerk or designate by 12:00 p.m. the day prior to the meeting in order for the Agenda to be published/distributed.

12. New Business – Regular Public Meetings of Council:

New business during the Regular Public Meeting of Council is limited to items of information, attendance at previous events, notice of upcoming events, or congratulatory items. It is not intended for substantive items or those which require decisions or debate of Council, unless otherwise decided by unanimous consent. New business is limited to a maximum of two (2) minutes per Councillor unless otherwise decided by unanimous consent.

13. Notice of Motion:

Prior to Council's consideration with the introduction of a By-law or amendment to a By-law, a Notice of Motion, in writing, shall be tabled at a Regular Public Meeting of Council.

A Councillor who wishes to introduce a motion shall verbally make notice of that motion to Council at a prior Regular Public Meeting of Council, indicating the rationale. The written motion shall come forward by the Councillor and be included in the next Council Meeting Agenda for consideration by Council. The Notice of Motion should preferably be forwarded to the Town Clerk, or designate, by 12:00 p.m. the Thursday before a scheduled Regular Public Meeting of Council.

14. Motions:

The word motion refers to a formal proposal by a Councillor, in a meeting, that the Council take certain action. Before a subject can be considered, it must be placed before Council in the form of a motion.

There are five (5) classes of motions:

- a. **Main motions** – introduces new business;
- b. **Subsidiary motions** – assist in treating or disposing of a main motion;
- c. **Privileged motions** – do not relate to the pending business but have a high priority;
- d. **Incidental motions** - change the procedure for handling the pending business but do not change what is being considered;
- e. **Motions that bring a question again before the Council** – bring business already decided back before the assembly.

As the principal resources staff person, the Town Clerk or designate is responsible for preparing the agenda, ensuring all business presented is appropriate and all motions are in order. During a Regular Public Meeting of Council, if any motion is made and seconded that was not included on the agenda, the Presiding Officer shall immediately confer with the Chief Administrative Officer and/or Town Clerk to ensure the motion is indeed in order before any debate or subsequent vote is taken.

Where there is no seconder to any motion, the motion is considered defeated; and, therefore, no debate or discussion shall be permitted.

15. Main Motion:

The main motion is the lowest ranking motion and can be made only when no other motion is pending. When adopted, it becomes the officially recorded statement of an action taken by the Council. Every motion or resolution should be in writing and should be worded in a concise, unambiguous, and complete form and should be stated or read by the mover (who alone can make introductory remarks thereon) and when duly moved and seconded, and stated by the Presiding Officer, shall be open for consideration and

discussion. The mover will conclude discussion and call for the question. Motions, wherever possible, should be stated in the positive, so that when the vote is taken yes means yes and no means no. One example of an exception is to deny a development application.

16. Subsidiary Motions:

The following subsidiary motions are listed in order of rank and take precedence over the main motion.

- **Lay on the Table:** This motion is designed to be used to set aside the pending business temporarily without setting a time for resuming its consideration in order to take up something more urgent.

An example of its use is when a member of the public is in attendance and Council wishes to consider a Committee report, in which the member of the public has an interest, prior to its scheduled order in the approved Agenda. Another appropriate use of the motion to lay on the table is to temporarily set aside agenda items in order to consider a particular item.

- **Previous question:** The purpose of this motion is to close debate and is sometimes referred to as Call the Question.

A Councillor must be recognized by the Presiding Officer to make this motion and unless unanimous consent is provided, a seconder is required, and a two-thirds vote is necessary for adoption.

Whenever a motion infringes on the rights of a Councillor, a two-thirds vote is required for adoption.

- **Limit or Extend the Limits of Debate:** If it appears that debate is consuming too much time, if additional time is needed, or if one or more Councillors need to speak more than once to adequately debate a motion, a Councillor may make a motion to Limit or Extend the Limits of Debate.

Since this motion affects the basic rights of Councillors and unless unanimous consent is provided, a two-thirds vote is necessary for adoption.

- **Postpone to a Certain Time (or Definitely):** If the Council is not ready to take a final vote on a motion, it can be postponed until later in the same or to the next meeting. If it is postponed to the next meeting, it will be included on the agenda.
- **Commit or Refer:** When it is beneficial to have a Committee or staff review a proposed motion or to provide additional information, a motion to commit or refer can be proposed. In either case, the Council should provide suggested deadlines for the Committee or staff so that the business will be handled in a timely manner.

The only method to temporarily dispose of a motion beyond the next regular meeting is to commit or refer.

- **Friendly Amendment:** If the Presiding Officer has not yet stated the motion, the mover of the motion has the ability to modify the original motion or to accept the proposed change that may be suggested by another Councillor by way of a “Friendly Amendment.” The seconder of the motion is not consulted.

If the Presiding Officer has stated the motion, the mover of the motion cannot individually accept or deny the “Friendly Amendment.” The proposed change should be offered, and voted on, as any other amendment unless unanimous consent is provided.

- **Amend:** If the main motion would be more suitable in an altered form, a motion to amend can be made. Motions to amend must be germane to the main motions; that is, they must relate to the business at hand.

There are three ways to amend:

1. To insert or add
 - a) Insert within the motion.
 - b) Add at the end of the motion.
2. Strike out words or a paragraph.
3. Strike out and insert words, or substitute a paragraph (strike out the entire text and insert another in its place).

A proposal to amend is a primary amendment and can be amended by a secondary amendment.

The amendments are voted on in reverse order, Council first voting on the secondary amendment, next the primary amendment (perhaps as amended), and finally the main motion (or main motion as amended).

If there is general agreement, the amendments may be approved by unanimous consent.

- **Postpone Indefinitely:** This motion kills, or disposes of, the main motion for the remainder of the meeting without bringing it to a direct vote. It is used if an embarrassing main motion has been proposed or Councillors wish to defeat the proposal without going on the record as having voted “no” on the motion.

17. Privileged Motions:

This class of motions does not relate to the pending business but rather to special matters of immediate importance that should be allowed to interrupt business. None of these motions is debatable when a main motion or subsidiary motion is under consideration.

These motions are listed in order of rank and their rank begins above the highest-ranking subsidiary motion.

- **Fix the Time to Which to Adjourn:** This is the motion to set an adjourned meeting. By majority vote, the Council establishes the date, time, and place for the continuance of the present meeting. Adoption of this motion does not immediately or necessarily adjourn the current meeting.
- **Adjourn:** The motion to adjourn is a proposal to close the meeting entirely. Even if the adopted agenda or order of business has not been completed, by majority vote the Council may adjourn the meeting.

Uncompleted items of business are listed as unfinished business at the next meeting.

A motion to adjourn requires a seconder and is always in order except when:

1. A Councillor is addressing the Presiding Officer.
2. A vote is being taken, and it has been decided that the previous question shall be taken.

A motion to adjourn cannot be amended and is not debatable. No second motion to adjourn shall be made until some intermediate proceedings have transpired.

- **Recess:** To take a short intermission in the meeting, a Councillor may make a motion to recess and a seconder is required. It is amendable as to the amount of time for the recess or the time to reconvene the meeting and requires a majority vote unless unanimous consent is provided.

The Chair, Chief Administrator Officer and/or Town Clerk or designate can determine and instruct that a meeting be recessed without a motion should a discussion or debate become disorderly and/or whereby there is unacceptable conduct or behaviour as determined by the Chair, Chief Administrator Officer and/or Town Clerk or designate.

- **Raise a Question of Privilege:** Any Councillor has the right to request certain privileges for themselves or for Council. This request usually has to do with the Councilors' comfort level (excessive noise, inadequate lighting, uncomfortable temperature, etc.) or affecting the Councilors' ability to make an informed decision (cannot hear the speaker, doesn't have the report, can't see the illustrations, etc.). No recognition by the Presiding Officer is needed to make this motion, and the Presiding Officer takes the appropriate action without vote of Council.
- **Call for the Orders of the Day:** If the adopted agenda or order of business is not being followed, any Councillor may bring this to the attention of the Presiding Officer. If the wrong item was announced, the Councillor does not need to be

recognized and may interrupt business to bring it to the Presiding Officer's attention. If a motion has been made, however, the Councillor must wait until the motion has been disposed of. The agenda must be followed unless Council decides by a two-thirds vote not to proceed to the orders of day or unless unanimous consent is provided.

18. Incidental Motions:

This class of motions relates to the pending question in such a way that it must be decided immediately before any other business intervenes. The listing of motions does not indicate rank, merely the order of the motions as found in *Robert's Rules of Order*.

- **Point of order:** Whenever a Councillor believes that the rules are being violated; it is the Councilors' duty to raise a point of order at the time of the breach. The motion effectively requires the Presiding Officer to rule on the question involved. Unless the breach is of a continuing nature, the point of order must be made immediately after the infraction; otherwise, it is too late.
- **Appeal:** If a Councillor disagrees with the ruling of the Presiding Officer, an appeal from the decision of the Presiding Officer can be made. This motion must be seconded, and the rules of debate changed. The Presiding Officer is allowed to speak first to explain the reason for the ruling. Each Councillor is then allowed to speak once in debate. After all who wish to speak have done so, the Presiding Officer may explain again the reason for the ruling. These rules hold even if the Presiding Officer normally does not have the right to speak in debate from the chair. The vote is taken not on the appeal but rather on the Presiding Officer's decision. A majority or a tie vote sustains the decision of the Chair on the principle that the Chair's decision stands until reversed by a majority.
- **Suspend the rules:** When the Council wishes to do something that its rules prohibit, a motion to suspend the rules may be made, so long as the rule may be suspended. Bylaws, statutory law, or rules that embody basic parliamentary law, such as only Councillors are allowed to vote, cannot be suspended. The vote required for passage depends on the type of rule, and the rule is only suspended for that particular meeting.
- **Objection to the Consideration of a Question:** Councillors may object to the consideration of a question for any original main motion that they think would do harm for the Council to even consider. This motion must be made before any discussion begins or any subsidiary motion has been stated. If there are two-thirds against consideration, the question is dropped; otherwise, the question is considered.
- **Division of a Question:** If the motion has several parts that are capable of standing as separate motions, a Councillor may move to divide the question. If a

division of the question is adopted, the vote is then taken individually on each part.

- **Consideration by Paragraph or Seriatim:** A Councillor may move to consider a long motion (consisting of a series of paragraphs, articles, or sections) by paragraph or seriatim rather than as a whole. Each part is opened for debate and amendment separately, and then the entire document is considered for adoption.
- **Division of the Assembly:** A Councillor who doubts the result of a voice vote can call for a division of the assembly. No second is required. Making this motion requires that the vote be retaken by a roll call vote (each Councillor is named and his vote is announced and recorded).
- **Request to be excused from a Duty:** If a Councillor wishes to be relieved from an obligation imposed by virtue of office or position (such as appointed to a Committee) a request to be excused from this duty can be made.
- **Parliamentary Inquiry:** This is a request from a Councillor for the Presiding Officer's guidance on a matter of parliamentary procedure. The Presiding Officer does not rule on this motion, but rather provides the answer to the Councillor's question.
- **Point of Information:** This motion is an inquiry regarding facts affecting the pending business. The Presiding Officer may choose to answer or direct another Councillor or Staff member to provide the requested information.
- **Withdraw or Modify a Motion:** After the Presiding Officer states a motion; the Councillor who made the motion must request permission to withdraw it or modify it in any manner. A majority vote, or unanimous consent, is required to grant such permission.
- **Request to Read Papers:** No Councillor may read from papers, books, magazines, etc., without the permission of the Council. This is usually granted by unanimous Consent.
- **Request for Any Other Privilege:** A Councillor may request any other privilege (not covered by the previous four types of motion), such as to make a presentation when no motion is pending. Permission is usually granted by unanimous consent.

19. Motions That Bring a Question Again before the Council:

This class of motions brings back before the Council business that has already been adopted. There is no ranking among the motions, and their order is as listed in *Robert's Rules of Order*.

- **Take from the Table:** At the same or next meeting after a question has been laid on the table, any Councillor may move to take it from the table. When a motion is taken from the table by majority vote, it is before the Council at exactly the point when it was laid on the table. If not taken from the table by the end of the next regular meeting, the motion dies.
- **Rescind: Amend Something Previously:** To entirely strike out a main motion, section, paragraph or rule that has previously been adopted, a motion to rescind can be made. If it is desired instead to change the previously adopted business, the motion to amend something previously adopted can be made. Approval of either form of the motion requires:
 - (a) A two-thirds vote, or
 - (b) A majority vote when notice of intent was given at the previous meeting or in the call of the meeting.

When something has been done as a result of the initial vote that is impossible to undo, these motions are not in order.

- **Discharge a Committee:** If a question was referred to a Committee that has not yet reported and the Council wishes to take it out of the Committee's hands so that the Council can consider it or drop it altogether, a motion to Discharge the Committee is in order. A Standing Committee is discharged from considering the referred business, whereas a Special Committee that is discharged ceases to exist. The necessary vote to approve this motion is the same as to rescind or amend something previously adopted. However, if the Committee fails to report in the time prescribed or if the Council is considering a partial Committee report, only a majority vote is required to discharge the Committee.
- **Reconsideration during a Council Meeting:** If a Councillor voted on the prevailing side on a question – that is, yes if it was adopted or no if it was lost – and had a change of mind, a motion to reconsider may be made during the meeting in which the original vote was taken. If the question receives a majority vote, then the original motion is back before the assembly at the point just before the initial vote was taken – as if it had not been previously considered.
- **Reconsideration after a Council Meeting:** Any question, except one of indefinite postponement may be reconsidered, providing a notice of motion of reconsideration is given by a Councillor who voted on the prevailing side (if the vote was passed a Councillor who voted in favour or if the vote was lost or tied by a Councillor who voted against the motion). If the motion to reconsider is carried by a majority of Councillors present and voting, the main question shall then be read and will be open to debate the same as an original motion. A motion shall not be reconsidered more than once.

Where there is no seconder to any motion, the motion is considered defeated.

20. Motions during Debate:

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

- To extend the time of the meeting where the time of the meeting has been established.
- To refer or commit a matter being considered by Council.
- To amend a motion being considered by Council.
- To lay a motion on the table.
- To postpone a motion indefinitely.
- To move the previous question.

Every motion shall be seconded before being put to the body or debated. If there is no seconder, then there is no debate.

21. Withdrawal of Motion:

When a motion has been moved and seconded, it cannot be withdrawn except with the unanimous consent of the Councillors in attendance and then only before a decision has been taken or an amendment made.

22. Addressing the Motion:

Councillors and staff where appropriate may stand and address their remarks to the Presiding Officer by referring to him or her as “Mr. Chair” or “Madame Chair”, wait to be recognized and keep their remarks to the question at hand. Councillors may not speak against a motion they made, but may vote against it.

23. Entitlement to Speak:

If two or more Councillors speak at the same time, the Presiding Officer shall determine which Councillor is entitled to speak.

Members speaking are not to be interrupted. When a Member of Council is speaking 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. Any Councillor who causes an interruption of disturbance may be in violation of the Code of Conduct and may be subject to an investigation and subsequent penalties.

24. Order During Consideration of Motion:

When the Presiding Officer is putting a question, no Councillor shall walk out of or across the Council Chambers and when a Councillor is speaking or a question is being put, no Councillor 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.

Any Councillor who causes an interruption of disturbance may be in violation of the Code of Conduct and may be subject to an investigation and subsequent penalties.

25. Debate Procedure and Length of Debate:

During debate, Councillors shall confine themselves to the question and avoid personalities. No Councillor, without the consent of Council, shall speak longer than three (3) minutes at any one time, or more than once on any motion or amendment thereto, except in explanation of a material part of their remarks, which may have been misunderstood, but then they shall not be permitted to introduce a new matter. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

While it is preferred to give everyone an opportunity to speak to the main motion first, an amendment can be made anytime during discussion.

26. Rereading of Motion:

Any Councillor may 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 Councillor speaking.

27. Voting:

- 1) All decisions of Council, unless otherwise specified under the *Act* or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer.
- 2) A Councillor shall not abstain from voting on a motion or resolution before the Council unless they are required to abstain from voting because of a conflict of interest or they have been permitted to abstain by a majority vote of the other Councillors in attendance at the Meeting.

A motion must be made and carried in order for a member of Council to abstain from voting. The Councillor requesting permission to abstain must provide a reason, and cannot vote on this motion.

As per section 45 of the *Towns and Local Service Districts Act*, Any Councillor who fails to vote on a matter before council, when they are required to vote, will have their seat as a Councillor vacated automatically.

- 3) Where a Councillor abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of Councillors in favour of the motion or resolution is equivalent to or more than a majority of the Councillors in attendance at the meeting.

4) Certain motions require a 2/3 vote of Councillors in office (not only those in attendance), in order to be passed. Motions requiring a 2/3 vote to pass are as follows:

- Creation, change, or appeal of a ward system
- Separate election for mayor
- Appointment of Town Manager and Town Clerk
- Suspension/dismissal of town manager, clerk or department head
- Exemption, remission, or deferment of taxes
- Tax agreements and tax incentives
- Remuneration for council members
- Holding of Plebiscites
- Contracting for work, goods or services not otherwise authorized
- Expenditures in excess of budget
- Provision of grants
- Writing off uncollectible debts
- Accepting certain offers to sell, lease or dispose of property

28. Recorded Vote:

Whenever a decision of Council is taken for any purpose, each Councillor, including the Mayor, present and voting shall announce their vote upon the question, openly and individually in the Council Chamber and the Town Clerk or designate shall record the names of those voting for the motion, voting against the motion, those who are absent, and those abstaining.

29. No Secret Ballot:

No vote shall be taken in Council by ballot or by any other method of secret voting with the exception of a vote for the Mayor where there is no separate election for the Mayor or for the Deputy Mayor which shall be determined by secret ballot and will be conducted by the Chief Administrative Officer or Town Clerk or designate where there is more than one nomination for the position.

30. Tie Vote:

Where there is a tie vote on a motion or resolution that motion or resolution shall be considered defeated.

Should a motion be defeated, it can be brought back to a future Public Meeting of Council, only if information and circumstances have changed pertaining to the motion or the matter/circumstance of the motion, and/or there is new information pertaining to the motion, which shall be provided if the motion is presented again at a future Public Meeting of Council.

With respect to conflict of interest, sections 6(5) and (7) of the *Municipal Conduct Act* provide as follows:

6. (5) *Where a councillor is uncertain as to whether or not the councillor has a conflict of interest, the councillor shall disclose the nature of the possible conflict of interest to the council and the council may decide by a majority vote.*

6. (7) *Where the vote referred to in subsection (5) is a tied vote, the councillor shall be considered to have a conflict of interest.*

31. Proclamations/Presentations/Question & Answer Sessions

- Item 3 on the Regular Public Council Meeting Agenda
 - Proclamations are to be received by 12:00 pm on the Thursday prior to the Regular Public Meeting of Council in order to be placed on the Agenda.
 - Presentations are by appointment only.
 - Appointments must be confirmed by contacting the Town Clerk by Thursday, 12:00 noon preceding the Regular Public Meeting of Council to have a presentation placed on the Agenda.
 - Question & Answer correspondence is to be received by 12:00 pm on the Thursday prior to the Regular Public Meeting of Council in order to be placed on the Agenda.
 - Those viewing a Regular Public Meeting of Council through the Town's Civic Web Portal are permitted to forward questions/comments via email to the Town Clerk or designate to be acknowledged by the Mayor during the meeting.
 - If there are no public presentations scheduled, and if time permits, comments/presentations can be taken from the floor and added to the Agenda by the Presiding Officer, at the discretion of the Presiding Officer.
- Item 11 on the Regular Public Council Meeting Agenda
 - Residents can ask questions pertaining to the current Regular Public Meeting of Council.
 - Those viewing a Regular Public Meeting of Council through the Town's Civic Web Portal are permitted to forward questions/comments via email to the Town Clerk or designate to be acknowledged by the Mayor during the meeting.

The above noted Question & Answer sessions are fifteen (15) minutes maximum, five (5) minutes per presentation/comments. There will be no debate in the Council Chambers. It is at the discretion of the Presiding Officer to either respond or refer questions to a Committee. The sessions are recorded as part of the Regular Public Council Meeting Minutes.

The Question and Answer sessions are live streamed/recorded, including those in attendance in the gallery who wish to speak or make presentation.

32. Committees

a. Authority to Form:

Council may from time to time appoint Committees and the Mayor shall be an ex-officio member of all Committees.

The Mayor shall hold all reasonable discourse with Councillors prior to their appointment to Committees.

Councillors shall be appointed by the Mayor at the first Regular Public Meeting of Council following a general election and changed by the Mayor on or before December 31st of the second year of Council's term of office. The Committee structure shall be ratified by Council following appointment by the Mayor.

Appointment of Committees and related meeting schedules are ratified by a motion of Council.

Written terms of reference are required for all Committees. The duties of Committees shall be in accordance with their approved Terms of Reference, which may be changed periodically subject to the approval of Council.

b. Standing Committees:

Standing Committees of Council shall consist of two (2) Councillors and one (1) alternate Councillor, and shall remain in effect at the discretion of Council for up to a maximum of two (2) years of a term of Council. Under normal circumstances, efforts will be made to appoint an alternate that had previously been a member of the Committee they are now acting as an alternate for.

The role of the alternate Council member is to attain meeting quorum. The alternate cannot participate in Committee meetings on a regular basis. No Committee meeting shall proceed with three (3) members of Council. Committees shall not have a majority of Council participate in any one meeting. Only Standing Committee members and the alternate shall participate in a Committee meeting.

In order to be kept up to date with Committee work, the alternate may be included on all respective email correspondence. The Mayor and Chief Administrative Officer or designate are to be copied on all Committee correspondence emails. The Committee alternate will have access to all Committee meeting agendas and related documentation through iCompass.

Council Standing Committee meetings shall be open to the public, unless held as a privileged or in camera meeting. Where a Council Standing Committee wishes to declare the meeting to be privileged, they may do so at their discretion, and in accordance with the *Towns and Local Service Districts Act*.

All meetings of the Human Resources and Administration Committee shall be privileged meetings.

A Standing Committee member should preferably confirm their attendance with the Committee staff person no later than 12:00 p.m. on the day of the Committee meeting. Should a Committee member be unavailable to attend a Committee meeting, the Committee staff person shall contact the Committee alternate to confirm availability. If the alternate is not available, the Mayor shall be contacted. If neither the alternate nor the Mayor is available, the Committee meeting shall be canceled and immediately rescheduled. Where the Committee meeting is open to the public, the Town shall post a public notice advising of the cancellation, and the date and time of the rescheduled meeting a minimum of 24 hours in advance of the rescheduled meeting.

Committee meeting agendas and information shall be distributed/made available to the Committee members through iCompass or PDF format via email 24 hours in advance of the Committee meeting, including the Mayor and Chief Administrative Officer.

Each Committee shall set the date, time and place for its meeting. The first Committee meeting of a term of Council shall be for review by the Committee staff person of the Committee mandate, outstanding items from the previous term of Council, and new business. The Committee staff person shall reach out to their respective Committee Chair to discuss logistics around scheduling the first Committee meeting. The Committee staff person shall send Committee meeting invites to Committee members, the Mayor and the Chief Administrative Officer for scheduling purposes once the Mayor confirms the first Regular Public Meeting of Council for the calendar year.

Committees manage the various affairs of a council and are advisory only. Recommendations are brought to Regular or Special Public Meetings of Council for discussion and decision. Once the Committee Chair has read their respective Committee report, other councillors will be given an opportunity to ask questions. Each councillor who wishes to ask questions will be allowed a maximum of three (3) minutes.

The following standing Committees are in place:

- Administration and Human Resources
- Corporate Services
- Economic Development and Tourism
- Infrastructure and Public Works
- Planning and Land Use Development
- Recreation and Community Services

When the Mayor attends a Committee as an ex-officio member, he/she can participate in discussions, however only the views of the remaining members shall be considered in arriving at a recommendation to be forwarded to the Public Meeting of Council for consideration and decision.

The Chief Administrative Officer or designate may attend Committee meetings at their discretion.

c. **Special Committees:**

Special Committees of Council shall consist of at least one Councillor and other members as appointed by the Mayor and ratified by Council, and shall remain in effect only until the purpose for which they were set up has been accomplished.

Special Committees will automatically expire at the end of each year, unless struck again by Council.

Written terms of reference are required for all Special Committees.

Appointment of Special Committees are ratified by a motion of Council.

d. **Advisory Committees**

Advisory Committees are made up primarily of citizens, with a Councillor liaison assigned. Written terms of reference are required for all Advisory Committees. Their duty is to provide advice to Council.

The following Advisory Committees are in place:

- Environment (A member of the Planning and Land Use Development Committee will serve as Council's representative on the Environment Advisory Committee)

Appointment of Advisory Committees are ratified by a motion of Council.

e. **Other Committee Representation:**

The Mayor shall appoint Councillors to Committees and other organization(s) as deemed appropriate, and such appointments shall be ratified at the first Regular Public Meeting of Council following a general election and any changes on or before December 31st of the second year of Council's term of office.

The following Liaison Committees are in place:

- Atlantic Mayors Congress
- Intergovernmental Affairs
- Jack Byrne Regional Sports and Entertainment Centre
- Northeast Avalon Joint Council

- Royal Newfoundland Constabulary
- Torbay Volunteer Fire Department
- Urban Municipalities Committee

Written terms of reference are required for all Committees.

Appointment of Committees are ratified by a motion of Council.

f. **Committee of the Whole:**

Council will meet as a Committee of the Whole in accordance with the provisions of these Rules of Procedure. The Mayor will assume the Chair and if absent the Deputy Mayor will assume the chair. If the Deputy Mayor is absent, another Councillor shall be elected as Chairperson based on highest number of years of service.

g. **Committee Membership:**

Membership of all Standing Committees and Committees of the Whole is limited to members of Council. Staff members are assigned to Standing Committees and act as a resource to the Committee.

h. **Quorum of Committees:**

A majority of the Councillors shall constitute a quorum at a Committee of the Whole meeting.

Standing Committees shall, whenever possible, convene with its two (2) regular Councillors. In the absence of one Councillor, the Standing Committee can convene with the remaining Councillor and the alternate, and bring forth its recommendations to Council. If the alternate Council member is unable to attend, the Mayor will attend.

A Council Committee member should preferably confirm their attendance with the Committee staff person no later than 2:00 p.m. on the day prior to the Committee meeting.

There shall be no other members of Council, other than the Committee members, permitted to attend Committee meetings as observers.

i. **Committee Chairperson:**

When Council appoints a Committee, it shall also appoint one of its Councillors to be chairperson of that Committee.

j. **Committee Resources:**

A staff person shall be appointed as a resource to each Standing Committee.

k. **Committee Minutes:**

Prior to the next meeting of the Standing Committee, the staff person assigned to that Committee shall prepare minutes of the previous meeting for submission to and confirmation by the Committee.

Following every Committee meeting the staff person assigned to that Committee shall prepare a report for submission to the Council on all matters which require Council action and/or for information purposes.

Reports are to be provided to the Town Clerk or designate by Thursday, 12:00 p.m. preceding the Regular Public Meeting of Council.

33. Conduct of Business in Committees:

The following rules and procedures shall apply to the proceedings of Committees:

- The Chairperson shall preside at every meeting. In the absence of the Chairperson, the remaining Committee member shall act as Chairperson during the Chairperson's absence. The designated alternate Committee member will attend if a Committee member is not available. If the alternate is unable to attend, the Mayor will attend.
- There shall be no limit on the number of times a Councillor may speak.
- There shall be no voting during Committee meetings. Its purpose is only to arrive at a consensus to present to Council. A recommendation can be brought forth to Council for consideration and decision.
- The Mayor is considered an ex-officio member of all Standing Committees of Council. He/she is welcome to attend Committee Meetings. The right of the Mayor to speak will be determined by the Chair of the Committee.
- Consensus shall be the recommendation brought forth to Council. If consensus cannot be reached, Committee members may discuss the matter with all Council at a Committee of the Whole meeting or a Public Meeting of Council.
- During Committee of the Whole meetings there shall be no limit on the number of times a Councillor may speak. There shall be no voting. Its

only purpose is to arrive at a position to be referred to the Regular Public Meeting of Council for consideration and decision.

- As per the Town's Fitness for Duty and Drug and Alcohol Policy, all staff and members of Council will attend the Workplace Fit for Duty and remain so while performing work for the Town.
- The Town's Respectful Workplace Policy and Harassment Prevention Plan and Codes of Conduct shall apply to all members of Council and staff, including volunteers.

34. Clarification and Amendment Procedure:

a. Clarification of Rules:

In all cases where these Rules of Procedure do not make provision or adequate provision, then *Robert's Rules of Order* shall apply.

b. Amendment of Rules:

Any motion to amend these Rules of Procedure requires a Notice of Motion and must be approved by a majority of Council.

35. Code of Conduct – Councillors

Any member of Council who does not abide by these Rules of Procedure is considered in violation of the Code of Conduct for Councillors, and is subject to a complaint, investigation and possible penalties under authority of the *Municipal Conduct Act*.