

BY-LAW NO.4

COUNCIL MEETINGS BY-LAW

1. The Council shall meet on the second Thursday of each month at the hour of 7:30 o'clock in the evening at the Town Hall, provided that:
 - (a) if the second Thursday of any month shall be a holiday, or
 - (b) the majority of the members of Council present at the preceding meeting decide against holding the meeting on the second Thursday of the next month, or
 - (c) if the Mayor, because of an emergency situation, decides that the meeting should not be held on the second Thursday of that month,

Then the regular meeting for such month shall be on the third Thursday of that month at the same time and place.

2. Council may also meet in accordance with Section 15 to 22 of the Town's Act, R.S.N.S., 1989, Chapter 472, as amended.
3. Within four weeks of, and at the first meeting after an election, the Council shall first administer the required oaths, if not previously administered, and appoint one of their number to be Deputy Mayor, and after the said administration of oaths and appointment, the further business of the meeting shall then be proceeded with according to the order of business hereinafter provided.
4. At every meeting, as soon as there is a quorum, the Mayor, if in attendance, shall take the chair.

5. If the Mayor is not present within fifteen minutes after the time appointed for the meeting, the Deputy Mayor, if in attendance, shall, if there is a quorum, take the chair and preside during the meeting or until the arrival of the Mayor.
6. If neither the Mayor or Deputy Mayor is in attendance within fifteen minutes after the time appointed for the meeting, and there is a quorum, the Town Clerk shall call the meeting to order and the Councillors present shall appoint one of the members chairman, and he shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
7. If there is no quorum within twenty minutes from the time appointed for the meeting, the Town Clerk shall call the roll and record the names of the members present, and the meeting shall then stand adjourned.
8. The Council shall not sit later than eleven o'clock at night, unless otherwise determined by a two-thirds vote of the members present.
9. Minutes of the proceedings of every meeting of the Council shall be drawn up and fairly entered by the Town Clerk in a book kept for that purpose by him, and such book shall be properly indexed.
10. Such minutes shall:
 - (a) contain all resolutions and motions passed, with the names of the movers and seconders, and shall
 - (b) mention reports, petitions and other papers submitted to the Council by their respective titles only, or by a brief description of their purpose, except accepted reports, which shall be entered at length.

11. Unless objection is taken to the minutes, when read, they shall be deemed approved and shall be signed by the Chairman. If any objection is made thereto the member making it shall state his grounds without comment, and if the Council acquiesces the minutes shall be amended accordingly. If all the members do not acquiesce in the proposed amendment, a motion must be made and seconded to amend the minutes in accordance with the objection, which shall then be debatable.

12. The order of business at a regular meeting of the Council shall be:
 - (a) the reading or circulating of a printed copy of minutes of the last regular meeting and of any special meeting held since such meeting;
 - (b) motions of reconsideration, if any;
 - (c) old business;
 - (d) new business;
 - (e) reports;
 - (f) accounts.

13. (a) At any special meeting, the order of business provided by these rules shall not apply, but the Council shall proceed at once to the consideration of the particular business for which the meeting was called. If there is more than one item of such business, the chairman shall designate the order in which the same shall be taken up.

- (b) No presentation from a non-member shall be considered by Council unless twenty-four (24) hours' notice in writing has been given to the Chief Administrative Officer, or all Councillors present at the meeting waive this notice requirement.
- 14. Every document intended to be submitted to the Council must be plainly printed or written and signed by at least one person.
- 15. It shall not be necessary to read, otherwise than by title, any minutes, petition, memorial, or other paper when first submitted, or any report or other document of which a copy has been furnished to the members at the time of the giving of the notice of meeting, unless the chairman directs, or not less than three members request that it shall be read in full.
- 16. The Town Clerk shall prepare a list of all deferred business, including any notice of motion to reconsider, or any other motion of which notice has been given, and a copy of such list shall be furnished to each member at the time of the giving of the notice of meeting. The Council by a majority vote may at any time direct that any item of deferred business, except one the consideration of which has been deferred to a specified time, may be taken up.
- 17. No person, not a member, shall be heard without the permission of the chairman; any decision of the chairman may be overruled by a majority vote of the members present.
- 18. Any member when about to speak shall address himself to the chairman. He shall confine himself to the questions under debate and avoid personalities and not refer to any member of the Council except in a respectful manner.

19. If two or more members rise at the same time, the chairman shall decide which shall be heard.
20. No member shall speak longer than ten minutes at one time, or more than twice on any motion, and once on any amendment thereto, and any member speaking after an amendment has been moved shall be deemed to be speaking to the amendment.
21. No member shall rise from his seat except for the purpose of addressing the chair, or shall interrupt any member while speaking except to ask an explanation or ask leave to explain or to take a point of order.
22. The chairman may call any member to order at any time and any member may raise a point of order.
23. If a member when speaking is called to order, he shall, subject to his right to discuss such point, take his seat until the point has been determined. Any member may, with the permission of the chairman, have leave to explain, but any remarks so made shall be strictly confined to the explanation desired, and shall not be of a controversial character.
24. The chairman shall decide all points of order and shall, upon request of any Councillor, state his reasons for any such decision.
25. If any member uses insulting or improper language to the chairman or any member and refuses to apologize when so directed by the chairman, or willfully obstructs the conduct of business and refuses to desist when called upon so to do by the chairman, he may be ordered by the chairman to retire from the Council for that meeting, and if he refuses to do so, he may, on the order of the chairman, be removed from the meeting. Any member so removed

on making an apology to the chairman and to any member of the Council insulted by him, may, by a vote of the Council, be permitted to resume his place.

26. An appeal shall lie to the Council from any decision of the chairman on a point of order, or ordering a member to retire from the Council or from the meeting then in progress. Such appeal shall be submitted by the Town Clerk to the Council by the question: "Shall the decision of the chair be sustained?" and shall be decided without debate. The chairman shall be guided on the point by the vote on such appeal and rule accordingly.
27. Except as to minor observations on any matter before the Council, or when stating his reasons for deciding a point of order, or for giving his casting vote, the chairman shall not take part in any discussion without leaving the chair, in which case he shall be subject to the regular rules of order. In such case, the chair shall be filled while the chairman is taking part in the discussion by the Deputy Mayor, or if the Deputy Mayor is absent, by a Councillor requested by the chairman to take the chair.
28. When a question is regularly under debate, no other question or motion shall be entertained until it is decided, except if it is:
 - (a) a motion that is an amendment of the original motion;
 - (b) a motion to refer the question, including the motion and amendment, if one is moved, to any standing committee or a special committee;
 - (c) a motion to defer the consideration of the question whether indefinitely or to some time named;

- (d) a motion to close the debate at a special time;
- (c) a motion that the question be now put; or
- (d) a motion to adjourn.

29. When any one of the motions enumerated in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment either to the original motion or to the amendment, except;

- (a) to refer to a board or committee;
- (b) to defer the consideration thereof;
- (c) to close the debate at a specified time;
- (d) that the question be now put; or
- (e) to adjourn;

any one of which may be moved either to the original motion or to any amendment thereof.

30. A motion

- (a) that the debate be closed at a specified time; or
- (b) that the question be now put, shall be put to the question without further amendment or debate, but a motion that the question be now put shall not be put until after every other member who has not spoken on the question and claims a right to speak has been heard.

31. A motion that the question be now put, until it is decided shall preclude all amendment of the main question, and shall be put, without debate, in the following words: "That this question be now put." If this motion is resolved in the affirmative, the original question shall be put forthwith without any amendment or debate; but if such motion is resolved in the negative, the main question may then be debated and amended.
32. A motion to adjourn shall always be in order, except when a member is addressing the chair, and providing no motion to adjourn has been made within fifteen minutes previously thereto, unless other business in the meantime has been considered by the Council.
33. No member of the Council shall be permitted to vote or speak upon any question before the Council or before any board or committee, where his private interest is immediately concerned, distinct from his public interest, or where he is personally directly or indirectly interested, or where he is the solicitor, counsel or agent for any company or person interested in such question.
34. Every member present when a question is taken shall vote upon it, unless disqualified by interest or otherwise, or unless the Council, for special reasons, excuses him. Application to be so excused on any question must be made before the chairman proceeds to put the question, and such application shall be accompanied by a brief statement of the reasons, and shall be decided without debate.
35. No member shall leave the Council before the close of any meeting without permission of the chairman.
36. No question shall be debated or voted on unless a resolution in respect thereto has been moved and seconded.

37. The chairman may require that any motion shall be reduced to writing and signed by the mover and seconder before debated.
38. Any member may require the division of any question when, in the opinion of the chairman, or on appeal, in the opinion of the Council, the sense will admit of it.
39. No debate shall be allowed on any motion of adjournment or on a motion that the question be now put, or on a motion to reconsider, or for leave for any person to address the Council, or to change the order of business, or to speak more than the prescribed number of times.
40. Before putting any question to vote, the chairman shall state the same clearly and ask the Council if it is ready for the question, provided that in any matter on which there has been no discussion the chairman may ask if there is any objection to the resolution, and if none is made declare the motion carried.
41. Every question shall be decided by a vote of yeas and nays, and the chairman shall state whether in his opinion the motion has been carried or defeated, but any two members may call for names on the division, in which case the vote of each member shall be taken and recorded in the minutes, and the question decided accordingly.
42. If the chairman is of the opinion that any motion, of the moving of which notice has not been given, is of such a character or importance that discussion should not proceed without opportunity for further information or consideration, or if two members object to the immediate consideration thereof, the chairman shall direct that the motion be put in writing and that the consideration thereof be deferred until a subsequent meeting, in which case such motion shall operate as a notice of the motion.

43. Subject to the provisions of the next preceding rule, any member may at any time move that the order of business be suspended to permit him to introduce a motion, and the Council by a majority vote may grant such permission.
44. When a motion has been moved and seconded, it cannot be withdrawn, except by leave of the Council.
45. Any member may have the motion under discussion read at any time during the debate on the same.
46. After the chairman has asked the Council if it is ready for the question and has begun to take the vote, no member shall be permitted to speak while the vote is being taken.
47.
 - (a) After a resolution has been voted upon, any Councillor who voted thereon may at the same meeting as the resolution was voted on, give notice for reconsideration or rescission of the resolution for the next regular meeting of the Council.
 - (b) After any resolution has been voted upon, any Councillor may, at any subsequent regular meeting of the Council, give notice for reconsideration or rescission of the resolution for the next regular meeting of the Council.
 - (c) If the Council refuses to reconsider or rescind the questions, or if the Council agrees to reconsider or rescind the question and votes upon it, no other motion for reconsideration or rescission can be made within one year from the decision of Council, except with unanimous consent of all Councillors present at a regular monthly meeting.

- (d) When a motion for reconsideration or rescission comes up, the giver of the notice, or in his absence any other Councillor on his behalf, may briefly state his reasons for reconsideration or rescission, and if the motion is seconded, the same shall then be open for debate and voting upon in the usual manner.
48. For the purpose of eliciting information in respect to any matter relating to the business of the Town, any member may, at the time appointed by the order of business, put any question to any official of the Town or chairman of any committee or board, but any such question shall be stated simply and concisely without comment, and shall be reduced to writing if the chairman so directs, and no comment or debate shall be permitted on the answer thereto.
49. When the consideration of miscellaneous business is reached, the chairman shall have precedence in bringing before the Council such matter as he deems expedient.
50. If any question arises not provided for by any of the foregoing rules, the same shall be decided according to the rules of procedure set forth by Baronet's Rules of Order, Part 11, "Rules and Usages for Assemblies Generally."
51. Any of the foregoing rules may be suspended in its operation by the unanimous consent of the members present.
52. These rules shall apply to meetings of committees, boards, and commissions of the Town of Yarmouth, mutatis mutandis.

By-law adopted

May 18., 1983

Amendment to Section 1 & 2

December 2, 1992