

UNOFFICIAL OFFICE CONSOLIDATION– FOR REFERENCE ONLY



**BY-LAW 100-10-1**

**A BY-LAW RELATING TO THE PROCEEDINGS OF THE COUNCIL OF THE TOWN OF RIVERVIEW**

(Consolidated to Include Amendment 100-10-2 and 100-10-3)

**BE IT ENACTED** by the Town Council of the Town of Riverview, under the authority vested in it by the Municipalities Act, R.S.N.B. c M-22 Section 10.3(1) as follows:

**1. DEFINITIONS**

“abstention” means to choose not to vote upon a by-law, resolution, motion or for any other purpose.

“clerk” means a municipal clerk appointed under Section 74 of the Municipalities Act

“committee of Council” means a committee provided for or created under the authority of Subsection 4(3) of the Municipalities Act

“Council” means the mayor and Councillors

“Councillor” means a member of Council other than a mayor

“member of Council” means any person elected to the Council of the Town of Riverview

“point of order” means the procedural mechanism by which a member of Council may rise where this by-law or any other relevant procedural legislation is believed to have been infringed

“point of privilege” means the procedural mechanism by which a member of Council may rise to address incorrect, defamatory or slanderous statements made about members of Council or civic staff

“quorum” means a majority of the full number of members of Council, as determined in accordance with Section 28 or 29 of the Municipalities Act

“chairman” means the Mayor or in the absence of the Mayor the Deputy Mayor or in the absence of the Mayor and Deputy Mayor a member of Council selected by a majority vote of the members of Council present to serve as chairman

“special meeting” means any meeting of the Council except for the regular meeting.

**2. MEETINGS**

- 1) The regular meeting of Council shall be held on the second Monday of every month except that if the second Monday of the month is a holiday the meeting shall be held on the first business day immediately following the Monday.
- 2) Any regular or special meeting of Council can be cancelled or postponed if a motion to that effect is passed by a two-thirds (2/3) majority of the Council at a meeting prior to the regular or special meeting to be cancelled or postponed except that a regular meeting may not be cancelled or postponed if doing so would cause the Council to have less than four (4) regular meetings in a year.

- 3) Regular meetings of Council shall be held at 7:00 p.m. in the Council Chambers at Town Hall. Special meetings of Council shall be held at the time indicated on the circulated agenda.
- 4) The proposed agenda for regular meetings of Council shall be available for public review at Town Hall and on the Town of Riverview website no later than 4 p.m. on the Friday immediately preceding the meeting.
- 5) A special meeting of Council may be called when deemed necessary by the Mayor or by written petition of any three members of Council on twenty-four hours notice to the clerk. Any time requirements for notification or circulation of agenda shall not apply. The clerk will make reasonable efforts to notify the public when a meeting has been called.
- 6) When any meeting of Council reaches the hour of 11:00 p.m. the meeting shall be adjourned unless by a two-thirds majority vote the members of Council present at the meeting decide to continue.

### **3. CONDUCT AT MEETINGS**

- 1) Members of Council and the public shall conduct themselves with decorum and mutual respect at all times.
- 2) No member of Council or the public shall speak disrespectfully of the reigning Sovereign or of any member of the Royal Family or of the Governor General or person administering the Government of Canada or of the Lieutenant Governor or of a person administering the government of the Province of New Brunswick.
- 3) No member of Council or the public shall use offensive words against the Council, any member of Council or any staff member or advisor.
- 4) No member of Council shall reflect upon any vote of Council except for the purpose of moving that the vote be rescinded.
- 5) No member of Council or the public shall refuse to obey this by-law.
- 6) No member of Council or the public shall disobey the decision of the chairman, or if called to rule, the decision of the Council on any question of order or practice.
- 7) Where a member of Council or the public refuses to obey the rules of Council or the decision of the chairman, the chairman shall order him to leave the Council Chambers for that meeting. The member of Council or the public may be permitted to return with the agreement of a majority of members of Council present.
- 8) Where the chairman or member of Council is speaking or putting a motion, no member of Council or the public shall leave his seat or make any noise or disturbance or interrupt him except to raise a point of order or a question of privilege.
- 9) All remarks, comments and questions shall be addressed through the chairman.
- 10) Members of the public shall not be permitted to address the Council unless on the approved agenda or with the agreement of a majority of members of Council.

### **4. PUBLIC PARTICIPATION IN MEETINGS OF COUNCIL**

- 1) All regular and special meetings of Council are open to the public and no member of the public shall be excluded from a meeting except for improper conduct or as permitted by statute.

- 2) Members of the public wishing to address Council may do so by requesting to be put on the agenda for committee of the whole meeting. The Clerk must be contacted no later than the Wednesday immediately preceding the committee of the whole meeting of Council at which they wish to appear.
- 3) The Clerk must be advised of the subject matter of the presentation and presentations shall be limited to ten minutes unless otherwise decided by a majority vote of Council at the time of presentation.
- 4) In the event that a request by a member of the public to be put on a specific agenda cannot be accommodated the Clerk shall accommodate the request at the earliest possible time mutually convenient to the member of the public and Council. In special circumstances, Council may consider allowing the public to address Council at a regular or special meeting.

**5. ELECTION OF DEPUTY MAYOR**

- 1) Council shall by majority vote elect a Deputy Mayor at its first regular meeting and annually thereafter at a regular meeting following the anniversary date of the initial election.

**6. ORDER OF THE DAY**

- 1) The business of Council at a regular meeting shall be stated in the agenda in the following order:
  1. *Call to Order*
  2. *Adoption of the Agenda*
  3. *Declaration of Conflicts of Interest*
  4. *Adoption of the Minutes*
  5. *Business Arising from the Minutes*
  6. *Correspondence*
  7. *Recommendations from the Committee of the Whole*
  8. *By-Laws*
  9. *Notice of Motion*
  10. *Unfinished Business*
  11. *New Business*
  12. *Councillor Statements/Inquiries*
  13. *Adjournment*
- 2) The order of business for special meetings of Council shall be as presented on the agenda and circulated to Council prior to the meeting.
- 3) Agendas and supporting documentation for regular and special meetings shall be circulated to members of Council no later than the Friday preceding the regular or special meeting.
- 4) Additions and deletions from the circulated agenda for regular and special meetings may be made prior to approval of the agenda with unanimous consent of Council.

**7. VOTING**

- 1) Unless disqualified to vote by reason of interest or otherwise upon a by-law, resolution, motion or for any other purpose, each member present shall announce his or her vote openly and individually, and the clerk shall record it, and no vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect. An abstention shall not constitute a vote and shall not be permitted unless required by reason of disqualification. Disqualifications shall be confirmed by a majority of council members.
- 2) The mayor shall not vote except to have a casting vote in the event of a tie.

- 3) A motion, resolution or by-law passed by Council may be reconsidered by Council if:
  1. A notice of motion to reconsider is presented by a member of Council who voted with the majority.
  2. The motion to reconsider is passed by a majority of members of Council at the next regular Council meeting after the Council meeting that received the notice of motion to reconsider.

#### **8. COMMITTEES**

- 1) Council may establish and abolish committees of Council and the Mayor shall make appointments to such committees and designate the chairperson.
- 2) The Mayor is an ex-officio member of all committees created by Council, may attend all meetings and may vote at all meetings.
- 3) Councillors not appointed to a committee may attend any committee meeting and with consent of the chairperson take part in any discussion but shall not be entitled to vote.
- 4) The terms of reference or mandate of a committee may be established by Council during creation of the committee. If not, the first duty of a committee is to establish its terms of reference or mandate and submit same to Council for approval.
- 5) The Mayor or Council may establish an ad hoc committee to provide advice to Council on a specific matter, appoint members to the ad hoc committee and instruct the committee as to its duties. Council shall be advised of any ad hoc committee established by the Mayor. Any ad hoc committee shall cease to exist twelve months after its establishment or whenever its final report has been received, whichever is earlier.

#### **9. PROCEDURAL AUTHORITY**

- 1) In matters of procedure not provided for in this by-law "Roberts Rules of Order" shall govern.

#### **10. OFFENCES**

- 1) Any person who is convicted of violating any provision of this By-Law shall pay a fine not to exceed the maximum amount payable under Part II of the Provincial Offences Procedure Act as a Category D offence.

#### **11. REPEAL**

- 1) By-law #100-10 (A By-law of the Town of Riverview Respecting the Procedure and Organization of Council) is hereby repealed.

First Reading	August 9, 2010
Second Reading	September 13, 2010
Third Reading	October 12, 2010
Amendment No. 100-10-2 read third time and enacted:	January 9, 2012
Amendment No. 100-10-3 read third time and enacted:	March 14, 2016

**Original by-laws and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.**