



## Council Procedural Policy C-028-19

Effective Date:

### Part 1 Purpose

- 1.1 In order for any organization to function smoothly, it is critical that all members clearly understand its governing rules and operating principles. This Council Procedural Policy outlines the operating principles and procedures of the municipal Council and committees of *Council* for the Municipality of the District of Yarmouth;
- 1.2 The objectives of the Council Procedural Policy are to:
  - 1.2.1 Clearly communicate the procedures to be used for *Council* and Committees of Council in the execution of all business for the Municipality of the District of Yarmouth relating to meeting protocol, election of officers, Committee composition, conflict of interest, public presentations, rules of order and debate, motions and voting, choices in governance by Bylaw, policy or resolution;
  - 1.2.2 Complement and supplement, but not replace, applicable legislation and procedures (e.g., Municipal Government Act, Councillor Code of Conduct, Oath of Office, etc.);
  - 1.2.3 Provide a guide to procedural motions;
  - 1.2.4 Provide the mechanism for giving notice to *Council*, Committee Members, Staff and the Public on matters going before *Council* and Committees of Council.

### Part 2 Definitions

- 2.1 **“Ad-Hoc Committee”** means a committee that has been established for a specific purpose when needed or as necessary, and is not a permanent committee;
- 2.2 **“Advisory Committee”** means a committee of Council, including Committee of the Whole, and includes committees with council, citizen and staff appointments;
- 2.3 **“CAO”** means the Chief Administrative Officer of the Municipality of Yarmouth;
- 2.4 **“Chain of office”** means a collar which has symbols sewn onto it, and is worn by the Warden to represent pride in the community;
- 2.5 **“chair”** means the person in charge of a meeting; may also be referred to as “presiding officer”;
- 2.6 **“committee”** means any committee of Council, including standing, advisory and ad-hoc committees;



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- 2.7 **“Committee of the Whole”** means a committee of Council which is comprised of all Council members.
- 2.8 **“Council”** means the Council of the Municipality of the District of Yarmouth;
- 2.9 **“employee”** means any employee of the Municipality of the District of Yarmouth;
- 2.10 **“inaugural meeting”** means the first official meeting of a newly-elected Council;
- 2.11 **“in-camera”** means a session held without the presence of members of the public;
- 2.12 **“majority”** means a number greater than half of the total;
- 2.13 **“member”** means a member of the Council of the Municipality of the District of Yarmouth, or a member of any committee of Council;
- 2.14 **“MGA”** means the Nova Scotia Municipal Government Act;
- 2.15 **“MODY”** means the Municipality of the District of Yarmouth;
- 2.16 **“Municipality”** means the Municipality of the District of Yarmouth;
- 2.17 **“pecuniary interest”** means a direct, indirect, or deemed pecuniary interest as defined in the Nova Scotia Municipal Conflict of Interest Act:

Pecuniary means relating to or consisting of money;

Direct pecuniary interest means a situation where the Member themselves has a direct conflict of interest;

Indirect pecuniary interest means a situation where the Member is a member, director, senior officer, or employee of an organization that has an interest in a matter with which the council is concerned;

Deemed pecuniary interest means if any of the following have a pecuniary interest, the Member is also deemed to have that pecuniary interest – spouse of member; son, daughter, father, mother, brother, sister (or the spouse of any of these individuals) of the Member or the Member’s spouse; any person who normally resides in the same household as the Member

- 2.18 **“presiding officer”** means the person in charge of a meeting; may also be referred to as “Chair”;
- 2.19 **“quorum”** means the minimum number of members of council or a committee that are required to be present in order to make the meeting legitimate;



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- 2.20 “**recording secretary**” means the individual tasked with keeping a record of the content of the meeting;
- 2.21 “**regular meeting**” means a regularly scheduled meeting of Council, Committee of the Whole or committee of Council;
- 2.22 “**special meeting**” means a meeting set outside of the regular schedule of meetings;
- 2.23 “**standing committee**” means a permanent committee of Council.

### Part 3 Authorities

Unless otherwise stated in approved Terms of Reference, all advisory committees may only make motions and resolutions in the form of recommendations to *Council*.

### Part 4 Meetings – time, place, date and notice

- 4.1 Unless otherwise specified pursuant to Part 4.5 or Video Conferencing Policy V-1064-21, regular meetings of Council and Committee of the Whole shall be held in the Council Chambers of the Municipal Building, 932 Highway 1, Hebron, N.S.;
- 4.2 the *Council* shall hold Committee of the Whole day time meetings monthly on a recurring day and time, to be reviewed annually. Meetings will be no more than three hours, unless a majority of those present agree to continue beyond this time;
- 4.3 the *Council* shall hold regular evening meetings monthly on a recurring day and time, to be reviewed annually. Meetings will be no more than two hours, unless a majority of those present agree to continue beyond this time;
- 4.4 other Committees of Council shall meet on a regular schedule as determined by Council approved Terms Of Reference or, in the absence of Terms Of Reference, by the Committee;
- 4.5 Regular Council and Committee of the Whole meetings may be rescheduled, relocated or canceled
- 4.5.1 by resolution or consensus, including a contingent resolution or consensus, of *Council* at a previous meeting three or more business days in advance of the meeting;
- 4.5.2 by resolution or consensus, including a contingent resolution or consensus, of Committee of the Whole at a meeting three or more business days in advance of the meeting; or



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- 4.5.3 by the CAO on behalf of the Warden, owing to unforeseen circumstances, provided the Warden believes that the majority of Council Members would support such a step.
- 4.6 Additional or special and emergency meetings of *Council* may be convened;
- 4.6.1 by resolution or consensus, including a contingent resolution or consensus, of *Council* at a previous meeting three or more business days in advance of the additional or special meeting;
- 4.6.2 by resolution or consensus, including a contingent resolution or consensus of Committee of the Whole at a meeting three or more business days in advance of the additional or special meeting; or
- 4.6.3 by the CAO on behalf of the Warden, or Deputy Warden on shorter notice than the notice required by *Section 4.6.1 & 4.6.2*;
- 4.6.4 but no business shall be transacted at an emergency meeting other than that indicated in the Notice calling the meeting unless all Members of the *Council* are present and no objection is taken to the discussion or transaction of business other than what is stated in the notice.
- 4.7 Per the MGA Section 19(1), specific notice to Council Members and to the public is not required by law. However, notice of meetings shall be provided to the public by posting a notice on the *Municipality's* electronic media (including, but not limited to, website and Facebook page) containing the time, date, and place of the meeting.
- 4.8 As per Section 19(7)(a)(b) of the MGA, a meeting of *Council* is not an illegal or invalid meeting by reason only of failure to give notice, or meeting elsewhere than provided in this policy or a notice of meeting.
- 4.9 Within 30 days following the first meeting of *Council* after a municipal election or by-election, each elected Council Member shall
- 4.9.1 provide to the CAO a telephone number at which the Council Member can be reached;
- 4.9.2 Provide to the CAO a mailing address to which correspondence may be sent;
- 4.9.3 be provided with an electronic mail address. The Council Member shall be deemed to have received any notice(s) within three business days of its being sent.

### Part 5 Inaugural Meeting



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- 5.1 The inaugural meeting of *Council* shall be held on the first available date no earlier than ten (10) days and not later than four (4) weeks after ordinary polling day, for the purpose of administering the Oath of Office;
- 5.2 the CAO shall be responsible for the content and format of the agenda as well as all arrangements for the proceedings;
  - 5.2.1 Notwithstanding 5.2 above, the Councillors-elect shall take their Oath of Office prior to the election of Warden and Deputy Warden
  - 5.2.2 A copy of the signed, sworn oaths shall be maintained in the Municipality's central filing system
- 5.3 the CAO shall serve as presiding officer for the inaugural meeting until the Warden has been elected, at which time the Warden will assume Chair of the meeting.

**Part 6 Presiding Officers**

- 6.1 *Council* and Committee of the Whole
  - 6.1.1 The Warden shall be the presiding officer at all Council meetings, unless unavailable, in which case the Deputy Warden shall be the presiding officer.
  - 6.1.2 Only the elected Warden shall wear the Chain of Office.
- 6.2 Committees of Council
  - 6.2.1 Each committee of *Council* shall elect from its Members a Chair and Vice-Chair;
  - 6.2.2 the Chair shall be the presiding officer at all meetings;
  - 6.2.3 where the Chair is unable to preside, the Vice-Chair shall act as Chair for that meeting;
- 6.3 Election of presiding officers – Warden
  - 6.3.1 Immediately after the Councillors-elect have taken the Oath of Office and signed the Code of Conduct, the Warden shall be elected at the inaugural meeting of *Council*;
  - 6.3.2 all nominations shall be received verbally, with nominations to be closed by motion;



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- 6.3.3 after nominations have closed, Councillors having let their names stand for election will each have five (5) minutes to address *Council*;
- 6.3.4 voting will take place via secret ballot with counting to take place by scrutineers who shall be a member of the senior management team as determined by the CAO and the Municipal Solicitor, but in no case shall the CAO act as a scrutineer. After counting, the scrutineers will announce if a majority was achieved by any candidate;
- 6.3.5 if a majority has not been achieved, then the candidate with the lowest number of votes is dropped from the ballot and an additional vote is held. This process continues until a candidate achieves a majority or only two (2) candidates remain;
- 6.4 the Warden shall hold office for a term of four (4) years. If the Warden position becomes vacant during the term of *Council*, the newly elected Warden shall hold office until the end of the *Council* term;
- 6.5 Election of presiding officers – Deputy Warden
  - 6.5.1 the election of the Deputy Warden shall take place immediately following the election of Warden, and be conducted in the same manner as the election of Warden;
  - 6.5.2 the Deputy Warden shall hold office for a term of four (4) years;
- 6.6 It shall be the duty of the Chair to:
  - 6.6.1 open the meeting by taking the Chair and calling the Members to order;
  - 6.6.2 ensure the meeting agenda is followed and that the meeting progresses with due efficiency;
  - 6.6.3 receive and submit motions properly presented by a Member;
  - 6.6.4 determine, at their discretion,
    - 6.6.4.1 whether a motion is in order
    - 6.6.4.2 and, in the case of a Council meeting, whether a motion deals with policy matter and therefore requires the mandatory 7 days' notice to Councillors from *Council*;
  - 6.6.5 put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;



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- 6.6.6 decline to put to a vote, a motion which infringes upon the rules of procedure;
- 6.6.7 enforce the rules of order;
- 6.6.8 preserve order and decide on points of order;
- 6.6.9 restrain Members, when engaged in debate, within the rules of conduct of debate;
- 6.6.10 enforce on all occasions the observance of order and decorum, including all Council Codes of Conduct and administrative policies relating to safe, respectful workplaces;
- 6.6.11 call by name any Member persisting in a breach of the rules of order thereby ordering him/her to vacate the meeting space;
- 6.6.12 inform the Members when necessary, or when referred to, on a point of order;
- 6.6.13 permit the CAO to speak on any point upon request;
- 6.6.14 permit proper questions to be asked, through the Chair, of any official or employee of the *Municipality* to provide information to assist any debate;
- 6.6.15 declare a meeting dissolved if no quorum has been achieved within fifteen (15) minutes of the scheduled meeting time; and
- 6.6.16 adjourn the meeting when the business is concluded or, where an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by majority consent.

### Part 7 Quorum

- 7.1 As soon as there is a quorum after the time set for the start of the meeting, the presiding officer shall call the Members to order;
- 7.2 if a quorum for a meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the presiding officer shall indicate that no quorum is present and the meeting shall stand adjourned until the next meeting called in accordance with the provisions of this policy;
- 7.3 in the case where quorum is present and the presiding officer has not arrived within fifteen (15) minutes after the time appointed, the vice-presiding officer (Deputy Warden for Council meetings) shall assume the Chair and call the meeting to order. The vice-presiding officer or Deputy Warden shall preside until the arrival of the regular presiding



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officer or the Warden;

- 7.4 in the event the Member designated as vice-presiding officer or deputy warden is not present, then the Members shall nominate and elect a presiding officer from among the Members present who shall preside until the arrival of the regular presiding officer or Warden;
- 7.5 Members are expected to inform the Warden or CAO when a Member is aware they will be absent from any meeting;
- 7.6 where the number of Members who are unable to participate in a meeting by reasons of the provisions of the Municipal Conflict of Interest Act, such that at that meeting the remaining Members are insufficient to constitute quorum, the remaining Members shall be deemed to constitute a quorum, provided the number is not less than two. A Member who has declared a conflict of interest and leaves the meeting shall not be counted in determining quorum;
- 7.7 if during the course of a meeting a quorum is lost due to vacating Members, the presiding officer shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this policy. Should the meeting be adjourned, the recording secretary shall record the names of the Members present in the minutes.

### Part 8 Qualification to serve as Warden or Councillor

A Warden or Councillor who, without leave of the *Council*, is absent from three (3) consecutive regular meetings of the *Council*, ceases to be qualified to serve as Warden or as a Councillor.

### Part 9 Governance by By-law, Policy, Resolution and Motion

- 9.1 *Council* shall govern by By-law in all matters required by the MGA;
- 9.2 *Council* shall govern by Policy in all other matters. When in doubt, it is preferable to govern by policy rather than by-law;
- 9.3 *Council* shall govern by Resolution or Motion only when a By-law or Policy is not applicable and in particular, only when the motion does not involve principles and/or processes that must be used in future staff or *Council* decisions;
- 9.4 the business of *Council* resulting in decisions and direction should be in the form of resolutions or motions. This is important to avoid ambiguity.



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### Part 10 Meetings – Order of Business, Agenda and Minutes

- 10.1 During a meeting, *Council* may adjourn for short periods or move to another place, without ending the meeting.
- 10.2 At regular meetings, except when *Council* or the committee resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed. After all necessary corrections and amendments have been made and the minutes approved:
- 10.2.1 the approved minutes of *Council* shall be entered in the minute book of the proceedings of *Council* and such entry shall conclusively constitute the minutes of *Council*;
- 10.2.2 the Committee of the Whole shall recommend its minutes to *Council* meetings for approval;
- 10.2.3 the approved Committee of the Whole minutes shall be entered in the minute book proceedings of *Council* and such entry shall conclusively constitute the minutes of *Council*;
- 10.2.4 all other Committee minutes shall be approved by said Committee and shall be stored in the *Municipality's* records management archive and forwarded to the regular Council meeting;
- 10.2.5 approved minutes are the only official record of meetings, and not video or audio recordings.
- 10.3 At each Regular Council and Committee of the Whole meeting, fifteen (15) minutes will be allowed for a public comments session prior to the adjournment of the meeting.
- 10.3.1 Each citizen will be allowed a maximum of three (3) minutes to present their comments, within the fifteen (15) minute time allotted for the public comments session;
- 10.3.2 comments shall be within the purview of municipal government;
- 10.3.3 comments shall be directed at the whole of Council, and not to individual Councillors or staff;
- 10.3.4 questions shall be directed to Council via written correspondence, as the public session is not intended as a Q&A between members of the public and Council. Rather, it is an opportunity for a community member to voice their position on an issue of interest to municipal government; and



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10.3.5 the list of citizens slated for the public comments session will be determined by the Chair of the meeting by a method of their choosing.

10.4 At Council/Committee meetings, unless a majority consents to a different order for that meeting, *Council* shall conduct business shall be conducted in the following order:

10.4.1 Regular Council meetings:

- Call to order by Chair / Record of attendance
- Land acknowledgement
- Playing of 'O Canada'
- Additions to the Agenda
- Approval of Agenda
- Declarations of any conflicts of interest
- Approval of Minutes
- Old business
- New business
  - a. Recommendations to Council
- Correspondence
  - a. for action
  - b. for information
- Reports
  - CAO's Report
  - Warden's Report
  - Legal entities
  - Advisory Committees
  - Ad-hoc Committees
  - Public Comments
- In-camera (if necessary)
- In-camera recommendations (if any)
- Adjournment

10.4.2 Committee of the Whole and Council Committees:

- Call to order by Chair / Record of attendance
- Land acknowledgement
- Additions to the Agenda
- Approval of Agenda
- Declarations of any conflicts of interest
- Presentations
- Correspondence
  - a. for action
  - b. for information
- Old business
- New business
- Public Comments



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In-camera (if necessary)  
In-camera recommendations (if any)  
Adjournment

- 10.5 The minutes shall be kept by the Recording Secretary and shall record:
- 10.5.1 the name of the presiding officer and the record of attendance;
  - 10.5.2 the time when any Member joins or leaves a meeting which is in progress;
  - 10.5.3 all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;
  - 10.5.4 reports, petitions and other papers submitted to *Council* only by their respective titles, or a brief description of their contents;
  - 10.5.5 the time the meeting went in and out of an in-camera session.
- 10.6 Meeting packages shall be finalized and made available to Council by end of business on the Friday preceding any regularly scheduled Council or Committee of the Whole meeting (where possible), or end of business three (3) business days prior to any regular, additional or rescheduled meeting. Meeting packages (including supporting documents) shall be made available to the public two business days prior to any regularly scheduled Council, Committee of the Whole or committee of Council meeting. Additions to the agenda shall follow the procedural guidelines as set out in *Section 9.3*. Items or business arising after this time shall be added to the next regularly scheduled meeting;
- 10.7 an item of business not listed on the agenda is not permitted to be introduced at a meeting unless authorized by motion of *Council*;
- 10.8 Council Members wishing to place an item on a meeting agenda must do so in writing through the Warden or CAO.

### Part 11 In-camera

- 11.1 Except as provided in this policy and the MGA, all Council and Committee of Council meetings shall be open to the public;
- 11.2 *Council* and Committee of Council meetings, or portions thereof, may be held in-camera only in accordance with *Section 22* of the MGA, as may be amended from time to time.
- 11.3 Prior to moving in-camera, *Council* or the Committee shall pass a motion stating the fact that it is convening into in-camera session, and the general nature of the matter to be considered;



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- 11.4 no decision shall be made at a private (in-camera) *Council* meeting except a decision concerning procedural matters or to give direction to staff or solicitors for the *Municipality*;
- 11.5 recommendations to *Council* from in-camera will be dealt with immediately following return to open session;
- 11.6 staff reports presented during an in-camera session and notes of an in-camera session will be maintained by the CAO and considered confidential unless *Council* determines that the information, or part thereof, shall be made available to the public, or as required under Freedom of Information and Protection of Privacy legislation.

### Part 12 Parliamentary Procedures – Robert’s Rules of Order (latest edition)

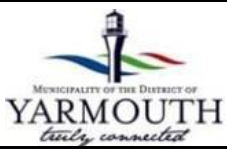
- 12.1 Speaking/rules of debate;
  - 12.1.1 no matter shall be debated by *Council* or a Committee of Council unless a motion has been duly moved and seconded;
  - 12.1.2 every Member, prior to speaking on any question or motion, shall indicate they wish to speak and wait to be recognized by the Chair. When two (2) or more Members wish to speak, the Chair shall designate the Member who has the floor as being the Council Member who, in the opinion of the Chair, first indicated a desire to speak;
  - 12.1.3 no Member may speak more than twice, without the leave of *Council* or the Committee, on any motion except to explain a misconception of his/her remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate;
  - 12.1.4 when a Member wishes to explain, the Member, using the microphone, shall ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language;
  - 12.1.5 no Member shall speak more than five (5) minutes upon any matter at one time, without the leave of *Council* or the Committee;
  - 12.1.6 no Member shall stand, speak or whisper so as to interrupt any Member who is speaking unless it is to speak to order or to ask the Chair for leave to explain;
  - 12.1.7 no Member shall use audio or video recording devices and/or software of any sort.
- 12.2 Conduct of meeting – motions and voting



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- 12.2.1 A motion must be seconded and then repeated by the Chair or read aloud by the Recording Secretary before it is debated. The Chair may direct that the motion be put in writing by the mover;
- 12.2.2 after reading of a motion by the Chair or Recording Secretary, it shall be open for discussion;
- 12.2.3 a motion may, at any time before the vote has been called, be withdrawn by the mover with the consent of the seconder;
- 12.2.4 when any question is on the floor, the only motions in order shall be:
  - 12.2.4.1 a motion in amendment of the original motion;
  - 12.2.4.2 a motion to refer the question, including the motion and amendment if one is moved, to any committee;
  - 12.2.4.3 a motion to defer the consideration of the question;
  - 12.2.4.4 a motion to close the debate at a specific time;
  - 12.2.4.5 a motion that the question be put to a vote;
  - 12.2.4.6 if “question” is called the Chair shall rule if it is in order; in any case, no call for the “questions” shall be in order when members are in the speaker’s queue.
- 12.2.5 a motion to adjourn shall always be moved, seconded, and approved by a majority of those Members present;
- 12.2.6 the Chair may have the Recording Secretary state every question properly presented, and before putting it to a vote, shall ask “Are the Members ready for the question” and if no Member offers to speak, the Chair shall put the question, after which no Member shall be permitted to speak upon it;
- 12.2.7 the usual form of voting on any question shall be by the Chair calling for “yeas” and “nays” but any Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands;
- 12.2.8 subject to the Municipal Conflict of Interest Act, all Members present, including the person presiding, shall vote on a question. A Member who fails or refuses to vote on a question on the floor is deemed to have voted in the negative;
- 12.2.9 where there is a tied vote, the question shall be determined in the negative;



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- 12.2.10 amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question;
- 12.2.11 motions committing the Municipality of the District of Yarmouth to the expenditure of funds may only come to the *Council* floor under the following circumstances:
  - 12.2.11.1 matters arising from correspondence, committee or other reports;
  - 12.2.11.2 agenda items, or notices of motion or other material circulated to Council Members three business days preceding a Council meeting;
  - 12.2.11.3 matters arising from an in-camera meeting;
  - 12.2.11.4 the unanimous consent of Council Members present.
- 12.2.12 where a Member serves notice of motion for a subsequent meeting and is absent at that meeting, the motion may be taken up by any other Member.
- 12.2.13 after any question has been decided either in the affirmative or negative, and after the decision has been announced from the Chair, but before adjournment of the meeting, a motion to reconsider may be brought to the floor. The motion to be reconsidered must be done so at the next meeting. The giving of such a notice operates as a stay or suspension of decision.
- 12.2.14 no discussion of the main question shall be allowed on the motion for reconsideration
- 12.2.15 the following matters are not eligible for reconsideration:
  - 12.2.15.1 a motion approving the first or second reading of a By-Law enactment, amendment or repeal;
  - 12.2.15.2 a motion to decide upon a matter which was the subject of a statutory hearing by *Council*;
  - 12.2.15.3 a motion which is or was considered by Committee of the Whole in substantially the same form in which it is being or will be considered by *Council*, irrespective of whether *Council* has adopted or rejected, or may adopt or reject, the recommendation of Committee of the Whole;



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12.2.15.4 a matter which has been reconsidered once; and

12.2.15.5 a vote to reconsider.

12.3 Conduct of Meeting – points of order

12.3.1 It shall be the duty of the Chair, and the privilege of any Member, to call any Member to order who violates any established code, policy, rule order or *Council's* approved parliamentary procedures. A point of order must be decided before the subject under consideration is proceeded with;

12.3.2 when a Member is called to order, the Member shall remain seated and silent until the point is determined, or until called upon by the Chair to be heard on the point of order;

12.3.3 a point of order is not debatable amongst other Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion on a point of order, no Member shall speak more than once;

12.3.4 decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the meeting room pursuant to *Sections 13.6 & 13.9*, are not debatable but are appealable by any Member. When an appeal is made on the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?";

12.3.5 no Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone, or speak outside the parameters of the question in debate. In all cases, Council Codes of Conduct and policies for safe, respectful workplaces shall be observed;

12.3.6 if a Member resists the rules, willfully obstructs business or disobeys the decision of the Chair, or decisions on appeal, on any question of order or practice or upon the interpretation of the rules, the Member may be ordered by the Chair to leave the Member's seat provided that a majority vote shall be required to sustain the expulsion;

12.3.7 if the Member refuses to leave his/her seat, the Chair may order the Member to be expelled and excluded from the meeting room;

12.3.8 such Member may, by vote of *Council* or Committee of Council, later in the meeting or a subsequent meeting be permitted to re-enter the meeting room and to resume participation in business with or without conditions;

12.3.9 persons who are not Members, officers or employees of the *Municipality* shall observe silence and order in the meeting room, unless given permission to



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speak. Any such persons disturbing the proceedings shall be called to order by the Chair and, if they fail to comply, shall be ordered by the Chair to be expelled and excluded from the meeting room, provided that a majority vote shall be required to sustain the expulsion;

- 12.3.10 such member of the public, under *Section 13.9*, may, by vote, later in the meeting or at a subsequent meeting be permitted to re-enter the meeting room with or without conditions;
- 12.3.11 an order of the Chair to expel a person from the meeting room pursuant to *Section 13.6 and 13.9* of the Policy constitutes a direction from the *Municipality* to leave the premises for the purposes of the Protection of Property Act and other applicable laws;
- 12.3.12 if any question arises that is not provided for by applicable legislation or the foregoing rules, reference shall be made to the ***Roberts Rules of Order*** (latest edition).

### Part 13 Disclosure of Conflict of Interest

- 13.1 It is the responsibility of each Member to identify and disclose any pecuniary interest (as defined by the Municipal Conflict of Interest Act) in any item or matter before the *Council*;
- 13.2 where a Member, either on their own behalf or while acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at the meeting at which the matter is the subject of consideration, the Member shall:
  - 13.2.1 prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - 13.2.2 leave their seat and sit in the gallery for the duration of the discussion pertaining to the matter;
  - 13.2.3 where discussion takes place in-camera, the Member shall remove themselves from any space where they may see or hear the debate;
  - 13.2.4 not take part in the discussion of or vote on any question with respect to the matter;
  - 13.2.5 not attempt in any way before, during and/or after the meeting to influence the voting on any such question;
- 13.3 where the interest of a Member has not been disclosed by reason of his/her absence from the particular meeting, the Member shall disclose the interest and otherwise comply

MUNICIPALITY OF THE DISTRICT OF YARMOUTH



**Council Procedural Policy  
C-028-19**

Effective Date:

at the first meeting of or Committee of Council attended by the Member after the particular meeting.

<b>Chief Administrative Officer's Council Annotation for Official Policy Book</b>	
Date of Notice to Council members of Intent to Consider (7 days Min)	
Date of Passage of current Policy	
I certify that this Council Procedural Policy C-028-19 was adopted by Council as indicated above.	
<p>_____</p> <p>Chief Administrative Officer <span style="float: right;">Date</span></p>	

**Date last reviewed by Council: March 27, 2024**

**Date last amended: March 27, 2024**

**Amendment Log**

<b>Date</b>	<b>Amendment Description</b>
May 12, 2022	Part 1 – added Section 1.2.4 Part 2 – added Sections 2.1, 2.21, 2.22 and 2.23 Part 6 – removed the Director of Corporate Services in Section 6.3.4 Part 10 – updated the order of the Regular Council Meeting agenda and added Section 10.3.2. Updated Section 10.5 for when meeting packages are made available to the public. Part 12 – Section 12.2.8, changed affirmative to negative.
October 25, 2023	Part 5 – added Section 5.2.1 and 5.2.2



**Council Procedural Policy  
C-028-19**

Effective Date:

March 27, 2024	Part 10 – added Section 10.2.5 approved minutes are the only official record of meetings, and not video or audio recordings.
January 22, 2025	Part 10 - added Section 10.3 regarding Public Comments Session, added “Public Comments” to 10.4.1 and 10.4.2.

DRAFT