



Town of Gander Rules of Procedure

Whereas section 24 of the *Municipalities Act* requires that Council shall adopt rules of procedure for its meetings, therefore, the Town of Gander enacts the following rules and regulations:

1. **Types of Council Meetings:**

a) **Regular Public Meetings of Council:**

Regular Public Meetings of Council shall be held every 3rd Wednesday in the Council Chambers in accordance with the schedule of Public Council Meetings approved annually by motion of Council, unless otherwise approved by Council.

b) **Privileged Council Meetings:**

Privileged Council Meetings shall be held every 3rd Tuesday in the Council Chambers in accordance with the schedule of Privileged Meetings approved annually by motion of Council, unless there are no privileged items to be discussed or otherwise approved by Council.

c) **Special Meetings of Council:**

Special Meetings of Council may be called by either the Mayor or any two (2) Councillors by giving written notice to the Clerk or designate.

Notice of a Special Meeting must be given at least 24 hours before the meeting time by advising all Members of Council and the media of the meeting and posting a copy of the notice on the Town's website and other social media. The motion must include the date, time and place of the meeting and describing general terms the purpose of the meeting.

d) **Committee Meetings:**

Committee Meetings shall be held every 3rd week in the Lancaster Room in accordance with the schedule of Committee Meetings adopted annually by motion of Council.

2. **Notice of Meetings:**

The Schedule of all meetings for each year must be held in accordance with the schedule of dates and times adopted by Council prior to January 1st of each year. A copy of the schedule shall be posted on the Town's website and distributed to the media.

When the day ordinarily fixed for a meeting of Council falls upon a legal holiday, the meeting shall be held upon such day as the Council may decide and included in the annual schedule of meetings.

Where a meeting is cancelled or rescheduled or in the event of meetings requested to be held outside the approved schedule of meetings notice shall be provided to all Councillors via email or telephone call twenty-four (24) hours prior to such a meeting by the Clerk or designate unless otherwise approved by Council. The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

3. **Business of Special Meetings:**

No business may be conducted at a Special Meeting of Council other than that specified in the Notice of such meeting, unless otherwise decided by majority vote.

4. **Privileged Meetings of Council:**

Privileged Meetings of Council, which are closed to the Public, may be held and the agenda items will be restricted to the following:

- a) Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- b) Personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- c) Labour relations or other employee relations;
- d) The security of the property of the municipality;
- e) The acquisitions, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- f) Law enforcement, if Council considers that disclosures could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.
- g) Litigation or potential litigation affecting the municipality;

- h) A development issue that requires the consensus of Council;
- i) The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- j) Information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under the Freedom of Information and Protection of Privacy Act;
- k) Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- l) Discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing the annual budget;
- m) A matter that, under another enactment, is such that the public may be excluded from the meeting.

5. **Meeting Decorum:**

a) **Order and Decorum:**

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

b) **Interruptions:**

No member may interrupt a member who is speaking except to raise a point of order.

If more than one member begins to speak at the same time, the Presiding Officer must call on the member who, in the Presiding Officer's opinion, first spoke.

When a Councillor, at any type of Council Meeting, is guilty of unacceptable conduct, or unparliamentary behaviour, the Councillor 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 Councillor 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 and should the offending Councillor refuse to leave the Council Chamber or the place where the meeting is held, the Presiding Officer may request the assistance of the Municipal Enforcement Officer or the RCMP to enforce the order to leave.

c) **Disorderly Persons:**

The Presiding Officer may expel and exclude from a meeting any Councillor or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a Councillor, an entry shall be made in the minutes of 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 his place after making an apology to the Presiding Officer.

d) **Respectful Behaviour:**

Members speaking at a Council meeting:

- 1) Must use respectful language;
- 2) Must not use offensive gestures or signs;
- 3) Must speak only in connection with the matter being debated;
- 4) Must adhere to the rules of procedure established under these rules of procedures and to the decisions of the Presiding Officer;
- 5) Who are called to order by the Presiding Officer must immediately stop speaking.

e) **Dress Code:**

The standard of dress for Public Council Meetings for all Councillors and Resource personnel is a Business Dress Code. This Code requires a combination of a dress shirt and tie, cotton trousers and dress shoes for men and a skirt or trousers of a non-jeans material combined with a top (such as a dress shirt or sweater set) or a dress for women.

The Dress Code is relaxed for the summer season from the first Regular Council Meeting in June to the first one in September. The dress code for that period is Business Casual. This Code requires a combination of a dress shirt, cotton trousers and dress shoes for men and a skirt or trousers of a non-jeans material combined with a top (such as a dress shirt or sweater set) or a dress for women.

f) **Use of Cell Telephones:**

All cell telephones or other communication devices with the exception of electronic devices provided for the conduct of meetings must be turned off prior to the commencement of all meetings. The CAO will be required to have the cell phone turned on as a contact in the event that an emergency situation arises during the Council Meeting.

6. **Presiding Officer:**

The Mayor shall preside at all meetings of Council. 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 Town Clerk will call the meeting to order and ask the other Councillors to appoint a temporary chairperson 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 at a meeting of Council, where he or she wants to enter debate, may be replaced as the Presiding Officer by a temporary chairperson for the time during which the Mayor, Deputy Mayor or Councillor presiding is speaking.

7. **Quorum:**

A quorum shall consist of a majority of the number of Councillors that may be elected or appointed or otherwise approved by the Minister of Municipal Affairs (Minister). If a quorum is not present within fifteen (15) minutes after the time fixed for a Regular, Special, Privileged Meeting, or if a quorum is lost during the meeting, the Clerk or designate, as appropriate, shall record the Councillors present, and the absents, and the meeting shall stand adjourned until the next meeting or to such date as Council may decide. All business on the agenda for that meeting not dealt with at that meeting shall be incorporated in the agenda for the next meeting.

8. **Attendance:**

In addition to the Mayor and Councillors, the CAO, unless otherwise approved by Council, the Clerk or designate(s) shall attend all meetings of Council. Other staff shall attend meetings of Council when requested to do so by Council or the Clerk.

9. **Meetings Open to the Public:**

All regular Public Meetings of Council shall be open to the public, unless it is held as a Privileged or declared by a vote of the Councillors present at the meeting to be Privileged or In Camera. Where a meeting is held or declared to be a Privileged or In Camera, all members of the public present at the meeting shall leave unless their attendance is requested by the Presiding Officer

10. **Conflict of interest:**

A Councillor shall not vote on or speak to a matter before the Council or a committee of the Council where:

- b) The Councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a Councillor;
- c) The Councillor has a monetary interest directly or indirectly in that matter;
- d) A relative of the Councillor has a monetary interest in the matter; or

- e) The Councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in that matter.

For the purposes of this section a relative of a Councillor means a father, mother, spouse, cohabiting partner, sister, brother, child, stepchild, ward, mother-in-law, father-in-law, sister-in-law or brother-in-law of the Councillor.

In order for an interest to be considered as one falling within the prohibition set out herein it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the municipality.

Where a Councillor has an interest as set out herein, the Councillor shall state that he or she has that interest and state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest and that statement respecting his or her interest shall be recorded in the minutes of the Council, or a committee of the Council, where that statement was made at a committee meeting. Where a Councillor declaring a conflict of interest is the Presiding Officer, he or she shall vacate the chair. Where a Councillor declares a conflict of interest he or she shall leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

Where one or more Councillors declare a conflict of interest and there is no longer a quorum to vote on the matter, the Minister may direct that the remaining Councillors make a decision on the matter as if those remaining Councillors constituted a quorum.

Where all Councillors have declared a conflict of interest the Minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the Councillors should proceed with making a decision, the Minister may exempt the Council and the Councillors may vote on the matter.

Where a Councillor is in doubt as to whether he or she has a monetary interest that is a conflict of interest, he or she shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final. A Councillor whose possible conflict of interest is being voted on is not entitled to vote.

11. Minutes:

Minutes of all meetings of Council shall be recorded by the Clerk or designate as appropriate. Such minutes shall contain:

- a) All those in attendance at the meeting;
- b) All motions and resolutions coming before Council, including the names of the movers and the seconders;
- c) The names of all Councillors voting against or abstaining from voting on the motions;

- d) 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*. Unanimous consent or a majority vote is required to include such comments. Copies of minutes will be distributed to Councillors prior to the next meeting.

Minutes of the Public Council Meeting will be placed on the Town's Website within seven (7) working days following its completion with a statement to the effect that such minutes are not the official transcript which can only be provided following their adoption at the next meeting of Council.

In the Public Council Meeting adopting the minutes if any Councillor objects to any portion of the minutes of the preceding meeting, he or she shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

12. Agenda – Public and Committee Meetings:

Prior to each regular Public Meeting of Council, the Clerk shall prepare an agenda of all business to be brought before Council. Any Councillor has until 9:00 A.M. of the day preceding the meeting, to submit to the Clerk or designate an item for inclusion on the agenda. The agenda will be posted on the Town's website and circulated to Council by Noon of the day preceding the meeting.

Copies of the minutes of each of the Committee meetings will be circulated to Council by Noon of the day preceding the meeting.

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

1. Call to Order
2. Visitors/Presentation
3. Minutes for Approval
4. Business Arising from Previous Minutes
5. Reports – Standing Committees – by the Name of each Committee
6. Administration
7. Correspondence
8. New Business
9. Adjournment

The Agenda of each meeting must be adopted by Council or the Committee prior to the discussion of any item on said agenda.

13. Agenda – Special Council Meeting:

When a Special Council Meeting is 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 consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by unanimous consent or by majority vote.

14. New Business – Public Council Meeting:

New business during the Public Council Meeting is limited to items of information, attendance at previous events, notice of upcoming events, congratulatory items and is not intended for substantive items or those which require decisions 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.

15. New Business – Committee Meeting:

New business during the Committee Meeting is not time limited however its purpose is to provide information or receive clarification of issues of concern. Any item of new business pertaining to the mandate of Council's Committees should only be raised as information during the Committee Meeting and referred to the next Committee Meeting for proper research, information and recommendations.

16. Notice of Motion:

Prior to Council's consideration of the introduction or the amendment of any By-Law or Regulation a Notice of Motion, in writing, shall be tabled at a regular Public Council Meeting.

17. By-Laws and Regulations:

- a) Every by-law and regulation, or amendments, must be presented in written form before it is introduced for consideration by Council;
- b) Before a by-law or regulation, or amendment, is adopted by Council, it must be given two readings;
- c) Unless there is a statutory requirement for an approval or other act to be completed before a reading of a by-law or regulation, or amendment, a by-law may be given two readings at one meeting of Council;
- d) The by-law or regulation takes effect at the time of adoption unless otherwise specified by Council;
- e) If approval of a Minister or Lieutenant Governor is required the approval of such must be obtained after the by-law or regulation, or amendment has been given second reading and before it is adopted;

- f) The Mayor, Deputy Mayor, or Council member presiding, at the meeting at which it is adopted, and the Town Clerk must sign the by-law or regulation;
- g) After signage the Town Clerk must have it placed in the Town's records for safekeeping and a copy posted to the Town's website.

18. 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 the Council in the form of a motion. Council may debate and vote on a motion only if it is first made by one Councillor and then seconded by another.

There are five (5) classes of motions:

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

19. 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. 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.

20. Subsidiary Motions:

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

- a) **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.

- b) **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.

- c) **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.

- d) **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.
- e) **Commit or Refer:** When it is beneficial to have a committee or staff to 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.
- f) **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.

- g) **Amend:** If the main motion would be more suitable in an altered form, a motion to amend can be made. Motion to amend must be germane to the main motion; 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.

- h) **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.

21. 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 are 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.

- a) **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 adjourn the current meeting.
- b) **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:

- a) A Councillor is addressing the Presiding Officer;
- b) 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.

- a) **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.
- b) **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 Councillor's comfort level (excessive noise, inadequate lighting, uncomfortable temperature, etc.) or affecting the Councillor's 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.

- c) **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.

22. 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*.

- a) **Point of order:** Whenever a Councillor believes that the rules are being violated; it is the Councillor's 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.
- b) **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 change. 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 Office'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.

- c) **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. By-laws, 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.
- d) **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.
- e) **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.
- f) **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.
- g) **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).
- h) **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.
- i) **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.
- j) **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.
- k) **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.
- l) **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.
- m) **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.

23. 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*.

- a) **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;
- b) **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:
 - 1. A two-thirds vote, or;
 - 2. 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.

- c) **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.
- d) **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.
- e) **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.

24. Motions during Debate:

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

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

Every motion shall be seconded before being put to the body or debated.

25. 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.

26. Addressing the Motion:

Councillors and staff where appropriate shall stand and address their remarks to the Presiding Officer by referring to him or her as “Your Worship” or “Mr or Madam Mayor”, 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.

27. Entitlement to Speak:

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

28. 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.

29. 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 five (5) 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.

30. 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.

31. Voting:

- a) All decisions of Council, unless otherwise specified either under the *Act* or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer;
- b) A Councillor shall not abstain from voting on a motion or resolution before the Council unless he or she is required to abstain from voting because of a conflict of interest or he or she has been permitted to abstain by a majority vote of the other Councillors in attendance at the meeting;
- c) 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.;
- d) Each Council member, including the Mayor, has one vote on any question;
- e) The Mayor shall restate the question and call for the vote.

32. Recorded Vote:

Whenever a decision of Council is taken for any purpose, each Councillor, including the Mayor, present and voting shall indicate their vote upon the question, openly and individually in the Council by a showing of hands, and the Clerk or designate shall record the names of those voting against the motion, and those abstaining. Those who are silent when the vote is being taken are agreeing to whatever decision is made by those who vote and will be recorded as voting with the prevailing side as announced by the Presiding Office as the motion being carried or defeated.

33. 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 Deputy Mayor which shall be determined by secret ballot and will be conducted by the Clerk or designate where there is more than one nomination for the position.

34. Tie Vote:

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

35. Committees

a) **Authority to Form:**

The Mayor may from time to time appoint committees and shall be an ex-officio member of all committees.

b) **Standing Committees:**

Standing Committees of Council shall consist of three Councillors and shall remain in effect for the life of the Council, unless otherwise changed by a resolution of Council.

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 Council Meeting following a general election and changed by the Mayor on or before December 31st of the second year of Council's term of office and the committee structure shall be ratified by Council following their appointment by the Mayor. The Mayor shall also appoint the Chairperson of the Committees and a Councillor shall not sit on a Committee that he or she chaired during first two years of the Council.

The duties of Standing Committees shall be in accordance with their approved Terms of Reference and which may be changed subject to the approval of Council.

Each committee shall set the day and place for its meeting and shall be approved annually by a motion of Council.

c) **Special Committees:**

Special Committees of Council shall consist of at least three Councillors 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.

Citizen Advisory Committees:

A Citizen Advisory Committee is a body that provides non-binding strategic advice to Council or a Standing Committee of Council on matters and issues under consideration by Council. They may be established for any number of reasons including to investigate specific opportunities or to lead special community initiatives. Citizen Advisory Committees may be on-going or for special short term projects.

These committees are made up of primarily of citizens and should be representative of the community. A Councillor liaison may be assigned to sit on the committee.

d) **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 Council Meeting following a general election and any changes on or before December 31st of the second year of Council's term of office.

e) **Privileged Meeting:**

Council will meet in a Privileged Meeting 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 and if the Deputy Mayor is absent, another Councillor shall be elected as Chairperson.

f) **Committee Membership:**

Membership on all Standing Committees and the Privileged Meeting is limited to Councillors.

g) **Quorum of Committees:**

Standing Committees shall, whenever possible, convene with its three regular Councillors or an alternate Councillor where two of the regular Councillors are unavailable. In the absence of one Councillor or the alternate, the Standing Committee can convene with two Councillors and in the event there is no agreement, the issue can be brought forward to Council as a split decision or deferred to the next Committee Meeting.

h) **Committee Chairperson:**

The Mayor shall also appoint one of its Councillors to be Chairperson of each Committee.

i) **Committee Resources:**

A staff person may be appointed to each Standing Committee.

j) **Committee Minutes:**

Minutes of the Committee Meetings must be prepared within 48 hours of the meeting and must be available for review at least 24 hours prior to the Public Council Meeting.

After the Committee Meeting the resource person assigned to that committee shall prepare a report for submission to the Council, as required, on all matters which require Council action or information that needs to be provided at the Council Meeting.

k) **Conduct of Business in Committees:**

The following rules and procedures shall apply to the proceedings in committees:

- a) The Chairperson shall preside at every meeting. In the absence of the Chairperson, one of the other two Councillors on the committee shall act as Chairperson during the Chairperson's absence;
- b) There shall be no limit on the number of times a Councillor may speak;
- c) There shall be no voting during committee meetings, its purpose is only to arrive at a consensus to present to Council or Privileged Meeting;
- d) In the event of a consensus not being arrived at, the positions of both committee Councillors will be included in the report to be presented to the Privileged Meeting prior to presentation to Council;
- e) During the Privileged Meeting there shall be no limit on the number of times a Councillor may speak and there shall be no voting, its purpose is only to arrive at a position to be referred to the Public Council Meeting for consideration and ratification;
- f) No action can be taken on issues arising or discussed during the Privileged Meeting unless by unanimous agreement and subject to ratification at the next Public Council Meeting, where a decision of Council is required or appropriate.

36. Delegations:

Requests to appear as a delegation before a meeting of Council, or Standing Committee, must be submitted to the office of the Town Clerk/Resource Person one week prior to the preferred meeting;

Requests must be in writing, by email, fax or mail, and include the subject matter and the name of the spokesperson(s);

Delegations will not be heard at Regular Meetings of Council on the following:

- a) Official Community Plan By-laws or Zoning by-laws, including amendments to either such by-law, which have received first reading and which have not yet been adopted, defeated or abandoned;
- b) Matters on which the Town has commenced prosecution and on which judgment has not been rendered;
- c) The promotion of commercial products or services which have no connection to the business of the Town; and

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- d) Publicly tendered contracts or proposal calls for the provision of goods and services for the Town, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by Council or Town staff.

The Town Clerk/Resource Person may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the decision, the information must be distributed under separate cover to Council for their consideration.

If the request is granted by the Town Clerk/Resource Person or by Council in the case of consultation, the Town Clerk/Resource Person will contact the delegation to confirm attendance at the requested meeting or make alternate arrangements.

Only one delegation will be permitted at any Council or Committee meeting.

If a delegation wishes to appear at consecutive meetings, the delegation will be approved only if no more delegations are scheduled for the later meeting.

Delegations will be required to abide by the follow general rules:

- a) Delegations will be allowed a maximum of 15 minutes to make their presentation, excluding the time taken for questions posed by Council, unless Council or the Committee agrees to extend the time limit;
- b) A delegation intending to use audio and/or audio-visual equipment must advise the Town Clerk/Resource Person prior to the Council or Committee meeting, on the understanding that the Town will assist with, but not be responsible for, the provision of the necessary equipment;
- c) A delegation to Council must not speak disrespectfully of any person, and where in the opinion of the Chair, a delegation has done so, the Chair may ask the delegation to withdraw the offensive remarks;
- d) If the delegation refuses to withdraw remarks considered by the Chair to be offensive, or refuses to abide by the rules for delegations, or the instructions of the Chair, the Chair may terminate the presentation and direct the delegation to vacate the meeting room;
- e) Where a delegation refuses to comply with such direction, the Chair may order the expulsion and exclusion of the delegation from the meeting;
- f) If the offending delegation apologizes, Council may permit the delegation to continue their presentation.

37. 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.

38. Effective Date:

These Rules of Procedure shall become effective upon the 22nd day of May, 2013 by Resolution #13-132.

Amended effective 5th day of November, 2014 by Resolution #14-228.

Amended effective 9th day of November, 2016 by Resolution #16-217.

39. Publication:

These Rules of Procedure will be posted to the Town's Website following adoption by Council.

40. Copy to Minister:

A copy of these Rules of Procedure will be sent to the Minister of Municipal Affairs following adoption by Council.

41. Repeal of Previous Rules of Procedure:

All previous Town of Gander's Rules of Procedure and amendments are repealed.

Mayor

Clerk