CHANNEL
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Title: *Rules of Procedure and Meetings Bylaw*	Publication: *External*
Department: *Administration*	Bylaw Number: *TOCPAB-003-BL*
Approval Date: May 13th 2025	Implementation Date: May 14th 2025

SECTION 1: APPLICATION

1.1 TITLE

This Bylaw shall be known and cited as the *Rules of Procedure and Meeting Bylaw for the Town of Channel - Port Aux Basques.*

1.2 PURPOSE

To ensure that the Town of Channel - Port Aux Basques (the "Town") can effectively apply rules of procedure to all council related meetings. This includes Town Council meetings, special meetings, committees and all other meetings related to the governance of the municipality and its entities.

1.3 AUTHORITY

This Bylaw is adopted in accordance with several sections of the *Towns and Local Service Districts Act, Chapter T-6.2, 2023.*

SECTION 2: DEFINITIONS

Amend - A motion to change the wording of a pending motion.

Committee of the Whole - A Committee comprised of all members of Council and is open to public attendance.

Lay on the Table - To table. Entrusting an item with the Town Clerk until such time that the item will be reviewed and discussed by Council.

Move the Previous Question - A motion to close debate. Council immediately proceeds to vote.

New Business - Portion of Council agenda that allows Councillors to bring forth items of interest. Items are not to be discussed or debated.

Point of Order - An assertion that a rule is being violated and a request that the Chair enforce the rule.

Postpone Indefinitely - To remove a motion from consideration without a vote on it.

Question of Privilege - Questions relating to the rights and benefits of Council or its members. Addresses the comforts of members; ability to hear or see speakers; conduct of officers, members, employees or guests; or the accuracy of materials presented.

Refer or Commit - Sends a pending motion to a Committee or Board.

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Special Committees - Committees of Council that are formed for a specific purpose. These committees are temporary.

Special Meetings - Meetings of Council that are called outside of the regular meeting schedule.

Standing Committees - Committees of Council that are formed for the length of the Council term. Members are appointed annually. For example: Human Resources Committee

SECTION 3: TOWN COUNCIL MEETINGS

3.1 REGULAR MEETING OF COUNCIL

Town Council meetings shall be held exclusively at the Council Chambers; unless access is impeded by a disastrous event. Council meeting annual schedules are advertised on the town website (www.portauxbasques.ca) at the beginning of every year. As per section 42(1)(2), a town council may allow a councillor to participate in a town council meeting or town council committee meeting by electronic means. A councillor participating in a town council meeting or town council committee meeting by electronic means is considered to be in attendance at the meeting.

3.2 SPECIAL MEETING OF COUNCIL

The mayor may at any time can summon a special meeting of Council with twenty-four-hour notice to the councillors, or, upon receipt of the petition of the majority of members of the Council, the Town Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Twenty-four-hour notice of all special meetings of Council shall be given to the Members through the Town Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting or agenda.

3.3 PRESIDING OFFICER

The Mayor, Deputy Mayor or designate shall be the Presiding Officer at all meetings of the Town Council.

3.4 QUORUM

As per section 43(1)(2)(3)(4) of the Towns and Local Service Districts Act, a quorum is required at all times for town council meetings. A quorum shall consist of a majority of councillors in office; provided there are three councillors in office. Where there are less than 3 councillors in office, the minister may order that the remaining councillors constitute quorum until an election or a by-election is held to fill the vacancies.

3.5 IF NO QUORUM

If there is no quorum present within fifteen minutes after the scheduled meeting time, the Town Clerk shall call the roll and take down the names of the members then present. The meeting shall then stand adjourned until the next regular meeting.

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3.6 ATTENDANCE

In addition to the Mayor and Councillors, the following persons will regularly attend all meetings of Council:

1. Town Manager
2. Town Clerk
3. Superintendent of Public Works

Other management staff of council shall attend Town Council meetings when requested to do so by Council, the Town Manager, or the Town Clerk.

3.7 MEETINGS OPEN TO THE PUBLIC

As per section 40 of the Towns and Local Service Districts Act, every meeting of Council shall be open to the public, unless it is held in accordance to section 41 to discuss:

a. information of which the confidentiality is protected by law;
b. personal information that is protected under the Access to Information and Protection of Privacy Act, 2015;
c. information that could cause financial loss or gain to a person or the town, or could jeopardize negotiations leading to an agreement or contract;
d. the proposed or pending acquisition or disposition of land;
e. information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;
f. information concerning legal opinions or advice provided to the town council by its lawyer or privileged communications between lawyer and client in a matter of town business;
g. litigation or potential litigation affecting the town or a municipal service delivery corporation or a matter before a board, commission or tribunal that affects the town or a municipal service delivery corporation;
h. the access to or security of buildings and other structures occupied or used by the town or access to or security of systems of the town, including computer or communication systems;
i. information gathered by the Royal Canadian Mounted Police and Royal Newfoundland Constabulary, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information; or
j. labour and employment matters, including the negotiation of collective agreements.

3.8 PRIVILEGED MEETINGS

As per section 41(3) of the Towns and Local Service Districts Act, where a decision is made by the Councillors at a closed meeting, the decision, in order to be valid, shall be ratified at the next public town council meeting. Where a meeting is held as or declared to be a closed meeting, all members of the public present at the meeting shall leave.

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3.9 MINUTES

Minutes of meeting of Council shall be recorded by the Town Clerk or designate. Such minutes shall contain:

a. All motions and resolutions coming before Council, including the names of the movers and seconders thereof;
b. The title or brief description of all reports, petitions, and other documents submitted to Council. Reports accepted by Council shall be attached to the minutes.
c. The general guideline for determining the content of minutes, is they should record what is done by the assembly, not what is said by the members.

3.10 CORRECTION OF MINUTES

If any member of Council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

3.11 AGENDA

Prior to each regular meeting of Council, the Town Clerk shall prepare an agenda of all business to be brought before the Council. The agenda is to be distributed to Councillors on the Friday preceding the next scheduled Council meeting. Any member of Council, up until the Thursday preceding the scheduled Council meeting, may submit to the Town Clerk items for inclusion in the agenda. The format of the agenda shall be as follows:

1. Adoption of Agenda
2. Adoption of minutes
3. Visitors, Presentations, Petitions
4. Business arising from Minutes
5. Correspondence
6. Business arising from Correspondence
7. Committee Reports
8. New Business
9. Adjournment

3.12 AGENDA FOR SPECIAL MEETING

When a special meeting is called, Council shall proceed immediately to the consideration of 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 majority vote. The format of the special meeting agenda shall be as follows:

1. Calling of meeting to order
2. Adoption of Agenda
3. Agenda items
4. Adjournment

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3.13 AGENDA FOR PRIVILEGED MEETING

The format of the agenda shall be as follows:

1. Calling of meeting to order
2. Adoption of Agenda
3. Agenda Items
4. Adjournment

3.14 ORDER AND DECORUM

The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times. All debate and discussion should be carried out in a professional manner, respecting the rights and views of all present. Any speaker who has the floor should not be interrupted by another member. Inappropriate language and personal attacks shall not be tolerated and may lead to expulsion from the meeting by a majority vote of Council. In the case of the exclusion of a member of Council, an entry shall be made in the minutes of the reason for such exclusion. This would include Regular, Closed, Special, Standing Committee and Special Committee meetings of Council.

3.15 DISORDERLY PERSONS

The presiding officer may expel and exclude from a meeting any other person who is guilty of improper conduct at the meeting. Any Councillor expelled from a meeting under the provisions of Rule 18 may be permitted, by a majority vote of Councillors at the meeting in progress, to resume his place after making an apology to the presiding officer.

3.16 NOTICE OF MOTION

Any Councillor wishing to make a Notice of Motion for the next Regular Meeting of Council must present this motion in writing to the Town Clerk by the Thursday preceding the regular council meeting. When presented at a Regular Meeting of Council, the Councillor making the Notice of Motion shall read the motion. There will be no discussion or debate. At the next Regular Meeting of Council, the Notice of Motion shall be moved by the Councillor making the Notice of Motion, and if seconded, shall be treated as a resolution of Council as noted above.

3.17 MOTIONS DURING DEBATE

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

1. To refer or commit
2. To amend
3. To lay on the table
4. To postpone indefinitely
5. To move the previous question.

3.18 MOTIONS TO BE SECONDED

Every motion shall be seconded before being put or debated.

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3.19 WITHDRAWAL OF MOTIONS

When a motion has been moved and seconded, it cannot be withdrawn except with the permission of Council, the mover and seconder, and then only before a decision has been taken or an amendment made.

3.20 ADDRESSING THE MOTION

Members of Council shall address their remarks to the presiding officer and confine themselves to the question at hand.

3.21 ENTITLEMENT TO SPEAK

If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

3.22 CALL TO ORDER

The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

3.23 APPEAL ON A POINT OF ORDER

The decision of the presiding officer on a point of order is subject to an appeal to Council, which is to be decided by majority vote without debate.

3.24 MEMBER SPEAKING NOT TO BE INTERRUPTED

When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain or ask a question.

3.25 LENGTH OF DEBATE

No member, without the consent of Council, shall speak longer than *five minutes* at any one time or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice to open and close debate.

3.26 REREADING OF MOTION

Any member of Council 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 member speaking.

3.27 VOTING

All votes of Council, unless otherwise specified either under the Towns and Local Service Districts Act or under these rules, shall be by majority vote of the members present.

3.28 RECORDED VOTE

The vote on any question before council shall be recorded and the Town Clerk shall record the names of those voting in favour of the motion, against the motion and abstaining.

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3.29 RECONSIDERATION

Any question, except one of indefinite postponement, or except one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given in accordance with section 3.16 of this bylaw. If the Notice of Motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion.

3.30 TIE VOTE

As per section 44(5) of the Towns and Local Service Districts Act, where there is a tie vote on a question, the question will fail.

3.31 MOTION TO ADJOURN

A motion to adjourn is always in order except when:

1. A member is addressing the chair;
2. A vote is being taken;
3. It has been decided that the previous question shall be taken.

A motion to adjourn the Council meeting or adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the Council meeting or the debate to a given day may be amended and is open to debate.

3.32 BYLAW PROCEDURE OF MEETINGS

No second motion to adjourn the Council meeting of the debate shall be made until some intermediate proceedings have transpired.

3.33 PREVIOUS QUESTION

The *previous question* shall preclude all amendments of the main questions and shall be put in the following words: "*that the question now be put.*" If the motion is resolved in the affirmative, the original questions shall be voted on immediately without amendment or debate. If the motion is defeated, then the main question may then be debated and amended.

3.34 MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely shall not be amended, and when any question before Council has been postponed indefinitely, it shall not be taken up again during the same meeting.

3.35 MOTION TO LAY ON THE TABLE

A motion to lay a question on the table shall not be debatable. However, a motion *to lay on the table* with addition, qualification or opinion, shall be subject to amendment and debate.

3.36 QUESTION OF PRIVILEGE

Whenever a question of privilege arises it shall be dealt with immediately by Council.

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3.37 MOTION TO REFER OR COMMIT

A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

3.38 MOTION TO AMEND

A motion to change the words of a pending motion.

SECTION 4: COMMITTEES

4.1 AUTHORITY TO FORM

As per section 47(1)(2)(3) of the Towns and Local Service Districts Act, Council may appoint persons to serve on a Committee and where a Council does not appoint persons to a Committee, the Mayor shall appoint those persons. The Mayor shall be an ex-officio member of all committees.

4.2 STANDING COMMITTEES

Standing Committees of Council shall remain in effect for the life of the Council, and members shall be appointed at the first Council meeting of each year.

4.3 SPECIAL COMMITTEES

Special Committees of Council shall remain in effect only until the purpose for which they were set up has been accomplished. Special Committees will automatically expire at the end of each year, unless struck again by Council.

4.4 COMMITTEE OF THE WHOLE

Council may, by majority vote, resolve itself into a Committee of the Whole whereby it will operate under the rules of Committees as set out hereunder.

4.5 ADVISORY COMMITTEE

As per section 48(1)(2)(3) of the Towns and Local Service Districts Act, membership on advisory committees of Council is not limited to members of Council, but rather may include members of the public appointed by a majority vote of Council at the discretion of Council.

4.6 QUORUM OF COMMITTEES

A majority of the members of any committee shall constitute a quorum.

4.7 COMMITTEE CHAIR

When Council appoints a Committee, it shall also appoint one of its members to be Chair of that Committee or may appoint a representative to attend the Committee meetings.

4.8 COMMITTEE SECRETARY

The Town Clerk shall act as secretary to each Committee of Council.

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4.9 COMMITTEE MINUTES

Prior to the next Regular Meeting of Council, the secretary shall prepare complete minutes of the previous standing Committee(s) of the Whole meetings for submission to and confirmation by Council.

4.10 COMMITTEE REPORT

Following every Committee meeting, the secretary shall prepare for the Chair a report on all matters which require Council action.

4.11 CONDUCT OF BUSINESS IN COMMITTEES

The following rules shall apply to the proceedings in meetings:

1. The Chair shall preside at every meeting. In the absence of the Chair, one of the other members of the committee shall be appointed by the members present to preside during the Chair's absence.
2. There shall be no limit on the number of times a member may speak.
3. The votes of members on any question shall be recorded if requested by any member.

4.12 CONFLICT OF INTEREST

Where a Councillor or a member of the Town staff fails to disclose that they are in a conflict of interest as set out in the Municipal Conduct Act, the onus is upon the presiding officer to inform Council of such conflict of interest. If the presiding officer is unaware of or fails to act as stated above, any Councillor or staff member shall advise Council of such conflict of interest and request a decision in accordance with the Municipal Conduct Act.

4.13 CLARIFICATION AND AMENDMENT PROCEDURE CLARIFICATION OF RULES

In all cases where these rules and procedures do not make provision or adequate provision, then the Roberts Rules of Order shall apply.

4.14 AMENDMENT OF RULES

Any motion to amend these rules must be presented to Council in accordance with section 3.16 of this bylaw, and must be passed by a two-thirds majority of members present.

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SECTION 5: REVIEW OF BY-LAW

This Bylaw will be reviewed as deemed necessary. Any revisions to this Bylaw are subject to approval of Council. This Bylaw rescinds all previous policies or Bylaws pertaining to this subject matter.

[end of by-law statement]

Dated at the Town of Channel - Port Aux Basques this 14th day of May, 2025.

Brian Button
Mayor

Nadine Osmond
Town Manager