

MUNICIPAL CORPORATION OF THE VILLAGE OF FORT SIMPSON
By-Law # 2019-008

Being a by-law to establish the proceedings during Regular Council Meetings
and its committees.

PURSUANT to the Cities, Towns and Villages Act, R.S.N.W.T. 2018, c.13.

WHEREAS Council shall, by by-law, make rules respecting procedures of Council.

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Village of Fort Simpson, in regular session duly assembled, enacts as follows:

A. SHORT TITLE

1. That this by-law may be cited as the “Procedural By-Law”.

B. INTERPRETATION

2. In this by-law:

“Village”	means the Municipal Corporation of the Village of Fort Simpson.
“Confidential”	means containing information whose unauthorized disclosure could be prejudicial to the interest of the Village.
“Council”	means the Council of the Village of Fort Simpson.
“In Camera”	means a private meeting.
“Member”	means a member or members of Council, inclusive of the Mayor
“Minister”	means the Minister of Municipal and Community Affairs.
“Peace Officer”	means a municipal enforcement officer (by-law officer) appointed by means of a by-law by the Municipal Corporation of the Village of Fort Simpson or a peace officer as defined in the Criminal Code or other acts thereof.

“Pecuniary Interest”	means a direct or indirect pecuniary interest as defined in the Conflict of Interest Act.
“Presiding Officer”	means the Mayor or in the absence of the Mayor, the Deputy Mayor, or in the absence of both, any other Member chosen to preside over a meeting.
“Private Meeting”	Means a meeting closed to the public pursuant to section 23.3 of the Cities, Towns and Village Act of the Northwest Territories.
“Senior Administrative Officer”	means the Senior Administrative Officer, or an employee of the Village of Fort Simpson appointed as an Officer pursuant to the <u>Cities, Towns and Villages Act</u> of the Northwest Territories.
“Special Resolution”	means a resolution requiring the approval of two thirds of the Members in attendance at a regular meeting of Council or two thirds of the members of a standing or special committee present at a meeting.

C. APPOINTMENT OF ACTING MAYOR

3. Where both the Mayor and Deputy Mayor are absent or unable to perform their duties, the Mayor or Deputy Mayor, as the case may be, shall appoint an Acting Mayor.

D. PARAMOUNT RULES

4. If the provisions of any other by-law conflict with the rules of this by-law, this by-law will prevail.

E. REFERENCE SOURCE

5. In all cases not provided for in this by-law, Robert’s Rule of Order or equivalent¹ shall be followed so far as they are applicable.

F. MEETINGS (GENERAL CONDUCT AT MEETINGS)

6. First Meeting

¹ Kaye KERR and Hubert W. KING – Procedures for Meetings and Organizations
Robert MARLEAU and Camille MONTPETIT – House of Commons Procedures and Practices

- a. Prior to commencement of the first meeting of Council following a general election, every Member shall take the Oath of Office.
- b. The Oath of Office shall be administered by a Justice of the Peace or person authorized to do a Commissioner of Oath².
- c. Where the Mayor does not designate the time and place of the first meeting of Council following a general election, the Mayor shall be deemed to have designated the first Monday in November at 7:00 pm.
- d. At this meeting, the Mayor in Council shall, by resolution:
 - i. Appoint a Deputy Mayor.

7. Regular Meetings

- a. Regular Meetings of Council shall be held on the first and third Monday of each month at 7:00 p.m., unless that day falls on a holiday, in which case the meeting shall be scheduled for the next regular working day at 7:00 P.M.
- b. Council shall pass a by-law at the beginning of each calendar year establishing the calendar of Regular Meetings of Council.
- c. Regular Council meetings and Statutory Public Hearings shall be held in the Council Chambers unless otherwise determined by the Mayor.
- d. Council may, by resolution, change the time, date or location of any regular meeting of Council, or cancel a regular meeting, provided that notice of change is given at least seventy two (72) hours in advance of the meeting.
- e. The Mayor may cancel or postpone any regular meeting of Council if he/she anticipates that there will not be a quorum for the meeting or if there are not items for the agenda provided that notice of the cancellation is given at least the Friday before the Regular Council Meeting. The notice of cancellation or postponement shall be posted on the doors of the Village Office and on the Village of Fort Website and have the Mayor and the Senior Administrative Officer's signature.

² Royal Canadian Mounted Police Officers are sworn to do Commissioner of Oath.

- f. Where the time, date or location of any regular meeting is changed, or a meeting is canceled pursuant to subsection (c) or (d), the Senior Administrative Officer shall give written notice to:
 - i. All Members of Council
 - ii. Media representatives who normally attend meetings of Council.

8. Special Meetings

- a. A special meeting of Council may be called by the Mayor or any two Members at any time and the calling of such meetings shall be in accordance with the requirements of the ***Cities, Towns and Villages Act***.
- b. Section “23.3” of the ***Cities, Towns and Villages Act*** relating to the holding of Private Meetings applies to a special meeting of Council.
- c. Where a special meeting has been called pursuant to subsection (a), the Senior Administrative Officer shall post a notice of the meeting in the front lobby of the Village office and give at least 48 hours notice to:
 - i. Members of Council.
 - ii. Media representatives who normally attend meetings of Council.
- d. The notice referred to in subsection (c) shall indicate the time, date, location and purpose for the special meeting of Council.
- e. No other business shall be conducted at a special meeting except that which is included on the notice referred to in subsection (d).

9. Emergency Meetings

- a. A Member may call an Emergency meeting of Council where the Member considers that an emergency exists or may exist in the Village and the calling of such a meeting shall be in accordance with the ***Cities, Towns and Villages Act***.

10. Attendance

- a. Any Member absent for three (3) consecutive regular meetings of Council, without Council's permission by a resolution passed at a regular meeting of Council, shall be deemed to have resigned.
- b. Permission for a Member to be absent from a regular meeting of Council pursuant to subsection (a) shall not be unreasonably denied.

11. Quorum

- a. A quorum for a regular or special meeting of Council shall be a majority of Members who comprise the Council, regardless of whether or not all the seats on Council are filled.
- b. A quorum of Council for an emergency meeting shall be those members in attendance.
- c. Where the number of Members who, by reason of having disclosed a pecuniary interest in a matter pursuant to this by-law are prevented from participating in a meeting, is such that the remaining number of Members present does not constitute a quorum, the remaining number of Members present shall be deemed to constitute a quorum, provided that such number is not less than two.

12. Vacancies on Council

- a. Where a Councilor dies, resigns or otherwise vacates his office, the Council may:
 - i. Appoint a person from the nominated election candidates;
 - ii. Accept names from the public to be decided by Council vote;
 - iii. Proceed with a by-election;
 - iv. Not fill the seat if the vacancy occurs within twelve (12) months of a general election.

13. Commencement of Meetings

- a. As soon after the time set for the meeting as a quorum exists, the Presiding Officer shall take the Chair and call the meeting to order.
- b. Where the Mayor and the Deputy Mayor do not attend the meeting within fifteen (15) minutes after the time set for the meeting, the Senior Administrative Officer shall call the Members to order and, if a quorum is present, call for a motion for the appointment of a Presiding Officer from among those Members present.
- c. If a quorum is still not present one half (1/2) hour past the time set for the meeting, the Senior Administrative Officer shall record the names of those Members present and the meeting shall stand adjourned until the next regular meeting. The agenda for the adjourned meeting will be dealt with at the next regular meeting of Council unless a special meeting is called before the next regular meeting to deal with the business of the adjourned meeting.

14. Recess and Adjournment

- a. At all regular meetings of Council and Committee of the Whole meetings, there shall be a ten (10) minute recess after ninety (90) minutes of continuous business, unless such recess is waived by the unanimous consent of the Members in attendance.
- b. Every regular meeting of Council shall be adjourned at or before 11:00 P.M., unless a motion to extend the meeting beyond 11:00 P.M. is passed by the unanimous consent of all Members present.

G. OFFICERS OF COUNCIL

15. Duties of the Presiding Officer:

- a. The Presiding Officer of Council shall have the following duties at meetings of Council:
 - i. To open the meeting of Council by assuming the chair and calling the Members to order;
 - ii. To announce the business before Council in the order in which it is to be acted upon;
 - iii. To receive, submit to Council and put to a vote, in accordance with the rules of procedure, all matters presented by the Members, and to announce the result;
 - iv. To decline to put to a vote any motion that infringes upon the rules of procedure;
 - v. To recognize any Member who wishes to speak on any matter that is debatable and determine the right of precedence where two or more Members request the floor of Council;
 - vi. To enforce the rules of procedure;
 - vii. To preserve order and decorum at meetings of Council;
 - viii. To rule on any point of order or question of privilege raised by any Member; and
 - ix. To authenticate by signature all by-laws and minutes of Council.

16. Duties of a Member of Council:

- a. A Member shall have the following duties at meetings of Council:
 - i. To deliberate the business submitted to Council;
 - ii. To respect the rules of procedure;

- iii. To disclose a pecuniary interest in any matter before Council in accordance with this by-law and the Conflict of Interest Act and remove him or herself from the meeting when this item is under consideration.

17. Duties of the Senior Administrative Officer:

- a. The Senior Administrative Officer shall have the following duties at meetings of Council:
 - i. To prepare and distribute the agenda and supporting material for all meetings of Council in accordance with the provisions of this by-law;
 - ii. To make a replay able audio-recording of all Council meetings and store these recordings in a place of safekeeping for a minimum of one year;
 - iii. To keep the minutes of Council;
 - iv. To inform the Members of Council, when requested, on all questions of procedure;
 - v. To advise the Presiding Officer, when requested, on all questions of procedure;
 - vi. To receive and file the original of any document presented to Council during a meeting;
 - vii. To follow up on undertakings made by members of the public to provide additional information;
 - viii. To keep in his/her office or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of Council;
 - ix. To cause to be printed and indexed all minutes of Council in any Council year;
 - x. To cause to be printed and indexed all by-laws enacted by the Council in any Council year;

- xi. To provide information to Council, through the Presiding Officer;
- xii. To respond to any question directed to him/her through the Presiding Officer or refer the question to the appropriate Member for response; and to provide advice to Council through the Presiding Officer on any matter.

G. PUBLIC AND PRIVATE MEETINGS OF COUNCIL

18. Meeting Open to the Public

- a. Subject to Section “23.1”, of the *Cities, Towns and Villages Act*, all meetings of Council and its committees shall be open to the public and no person shall be expelled from any meeting except for conduct in contravention of this by-law.

19. Private Meetings

- a. Council or its committees may, in accordance with Section 23 of the *Cities, Towns and Villages Act*, conduct all or a portion of any meeting during an in camera session to discuss issues that fall within the following categories if it is determined, by recorded vote, to be in the public interest to do so;
 - i. Commercial information that, if disclosed, would likely be prejudicial to the municipal corporation or the persons involved;
 - ii. Information received in confidence that, if disclosed, would be prejudicial to the municipal corporation or the persons involved;
 - iii. Personal information, including personal information about employees;
 - iv. The salary, benefits or performance record of an employee;
 - v. A matter still under consideration and on which council has not yet publicly announced a decision, if discussion in public

would likely prejudice the municipal corporation's ability to carry out its activities or negotiations;

- vi. The acquisition or disposition of property by or on behalf of the municipal corporation;
 - vii. The setting of a municipal tax sale prices under the *Property Assessment and Taxation Act*;
 - viii. The conduct of existing or anticipated legal proceedings;
 - ix. The conduct of an investigation under, or enforcement of, an enactment or by-law;
 - x. Information, the disclosure of which could prejudice public security or the maintenance of law and order;
 - xi. The security of documents or premises.
- b. The motion to move to a "private meeting" must identify the general nature of the topics to be discussed during the in camera session.
 - c. No by-law or resolution shall be passed during a private meeting except a resolution to revert to a public meeting.
 - d. Following a private meeting a motion may be made to place on the agenda, any recommendation arising from the in camera session. The motion shall identify the specific topics and/or recommendations in the order on the agenda in which the topics are to be placed. Once placed on the agenda, the normal rules of procedure shall apply.

20. Agendas and Minutes

- a. The agenda format shall:
 - i. Follow the Order of Business set out in Section "Y" and shall be in the format established in Schedule A attached to and forming part of this by-law.
 - ii. Items to be discussed at a private meeting shall be marked "Confidential".

21. Deadline for Submission of Agenda Items

- a. The deadline for the submission of items for the Senior Administrative Officer for inclusion on the agenda for Council and its standing committee meetings shall be 1:00 p.m. on the Thursday preceding the meeting.
- b. Items of an urgent nature may be submitted to the Senior Administrative Officer for inclusion on the agenda for Council or its standing committees after the deadline only if they cannot be delayed to a future meeting.

22. Agenda Distribution

- a. The Senior Administrative Officer shall prepare and distribute the agenda and all supporting materials for regular meetings of Council and its standing committees to Members by 5:00 P.M. on the Friday preceding the meeting.
- b. Should the Senior Administrative Officer not be able to respect the deadline as indicated in section 22.a of this by-law, he/she shall inform the Mayor and have the agenda package ready for distribution as soon as possible.
- c. The Senior Administrative Officer shall make copies of the agenda and supporting materials available to media representatives and the general public with the exception of supporting material scheduled to be considered at an in camera session and only after the agenda and supporting materials have been delivered to all Members.

23. Minutes of Council

- a. The minutes of Council shall record:
 - i. The date, time and location of the meeting;
 - ii. The name of the Presiding Officer, names of Members Council, the name of the Senior Administrative Officer and the name of the recording secretary.
- III. The adoption of the minutes of previous meetings of Council. The name of any Member who discloses a pecuniary interest in any matter on the agenda, the general nature and extent thereof and the time that the Member excused him or herself from and returned to the meeting.

- iv. Any motion moved and seconded by Council and the name of the mover and seconder and each Member who voted with the minority or abstained from voting;
- v. In the event of a tie vote, the minutes shall reflect that there was a tie and how the Presiding Officer voted to break the tie;
- vi. A summary of the proceedings of Council with the exception of those proceedings conducted during an in camera session; and
- vii. The signatures of the Presiding Officer and the Senior Administrative Officer.

24. Recording of Meetings

- a. Except for those portions of meetings held during a private meeting, the Senior Administrative Officer shall make a replay able audio recording of all Council meetings.
- b. The Senior Administrative Officer shall supervise access to the recordings of meetings.
- c. The audio recordings may be copied under the supervision of the Senior Administrative Officer. Anyone other than a Member requesting a copy of the audio recordings will be required to pay a fee equal to the Village's cost except for copies which are required by the Village's legal counsel in connection with litigation.
- d. The audio recordings may only be transcribed by resolution of Council unless the transcript is required by the Village's legal counsel in connection with litigation. Any transcript of the recordings authorized by Council must be prepared under the direction of the Senior Administrative Officer. Anyone other than a Member requesting a transcript of the audio recording will be required to pay a fee equal to the Village's cost except for

transcripts which are required by the Village's legal counsel in connection with litigation.

G. COMPONENTS OF THE AGENDA

25. Order Of Business (Agenda)

a. The Order of Business at regular meetings of Council shall be as follows:

i. CALL TO ORDER

(The Presiding Officer of Council shall open the meeting of Council by assuming the chair and calling the Members to order)

ii. AGENDA ADDITIONS

(Items of an urgent nature that cannot be delayed to a future meeting or an item that receives two thirds (2/3) majority of Members present.)

iii. ADOPTION OF THE AGENDA

(As presented with agenda additions)

iv. DISCLOSURE OF PECUNIARY INTEREST

(When a Member has a direct or indirect pecuniary interest, as defined in the Conflict of Interest Act, in any matter before Council and is present at a meeting when this matter is the subject of consideration, that member shall disclose his or her interest in the matter and the general nature and extent thereof and remove himself/herself from the meeting during consideration of the matter.)

When the interest of the Member has not been disclosed by reason of:

- 1. The Member being absent from the meeting in which the matter was the subject of consideration; or*
- 2. The Member acquired the interest after the meeting*
- 3. The Member shall disclose his or her interest in the matter at the next meeting of Council at which the matter is considered.*

All Members shall inform the Senior Administrative Officer, in writing, of;

- 1. Any taxes owed to the Village which have not been paid by December 31st of the year in which they were levied;*
- 2. any debt, with the exception of property taxes owed to the Village in excess of \$500 for more than 90 days; and*
- 3. Any controlling interest in a private or public corporation that is indebted to the Village, with the exception of property taxes, for sum exceeding \$500 for more than 90 days.*

v. COUNCILLOR ABSENCES

(The absence of Members shall be recorded. Member's absence with permission shall be excused by a resolution of Council. Any Member absent for three (3) regular meetings of Council, without Council's permission by resolution passed at a regular meeting of Council, shall be deemed to have resigned. Permission for a Member to be absent from a regular meeting of Council shall not be unreasonably denied.)

vi. DELEGATIONS / PRESENTATIONS

(Any delegation wishing to appear before Council shall inform the Senior Administrative Officer no later than 12:00 P.M. on Thursday preceding the meeting. The names and the general nature of the presentation shall be stated on the agenda under Delegations. Council may, by resolution, hear a delegation that has not met the notice requirement above.)

The following procedures apply to all delegations before Council:

- 1. All delegations shall address their remarks directly to the Presiding Officer and shall not pose questions to individual Members or Administration.*
- 2. Each presenter shall be afforded 15 minutes to make their presentation;*
- 3. The time allowed to each presenter may be extended by up to five minutes by a Special Resolution of Council.*

After a person has spoken, any Member may, through the Presiding Officer, ask that person or the Senior Administrative Officer relevant questions;

No debate shall be permitted on any delegation to Council either between Members or with an individual making a delegation.

When making a presentation to Council, no person shall: speak disrespectfully of the Crown, any Member of Council, the public or an employee of the Village or use offensive language, make personal remarks about any Member of Council, the public or employee of the Village, reflect upon the motives of Members who may have voted for a particular motion, reflect upon the motives of, or advice given to Council by Administration, refuse to comply with the decision of the Presiding Officer regarding any interpretation of this by-law.

Once a delegation has been heard, Council may respond by:

- 1. Referring the matter to Administration or a designated committee;*
- 2. Consider a motion on the subject matter of the presentation in accordance with the Order of Business.*

This section may also be use by the Mayor, Council or the Senior Administrative Officer to reward community members, staff or to highlight the presence of a visitor at the Council meeting.

- vii. ADOPTION OF MINUTES FROM PREVIOUS MEETING(S)**
(The minutes of each meeting shall be circulated with the agenda of the meeting at which they are to be adopted. If Council is of the opinion that the minutes contain no errors or omissions, a motion to adopt the minutes shall be passed. If errors or omissions are noted in the minutes, a motion to amend shall be introduced and the minutes shall be adopted as amended. Minutes that have been adopted by Council shall be signed by the Presiding Officer and the Senior Administrator Officer.)

viii. REPORTS

(Monthly written or verbal reports from the Presiding Officer, the Senior Administrative Officer and any other Village Department. Copies of all report material to be included in the meeting package. The name or the department of the reporter shall be stated on the agenda.)

- ix. **DEFERRED BUSINESS AND TABLED ITEM**
(Items of business that have been addressed at previous regular Council meetings or items that were previously tabled. The nature of the business shall be stated on the agenda).
- x. **NEW BUSINESS**
(Matters or Issues that has been studied or reviewed by a subcommittee and that is being sent referred back to Council to act upon).
- xi. **NEW BUSINESS**
(Matters that require Council consideration or action. Materials related to the matters before Council are to be included in the meeting package. The nature of the business shall be stated on the agenda).
- xii. **BY-LAWS**
(New By-laws or amendments to existing by-laws.)
- xiii. **CORRESPONDENCE & INFORMATION**
(All correspondence addressed to the Mayor and/or Council shall be distributed to all Members in the meeting package for the next meeting of Council as soon thereafter as is reasonably possible. Correspondence submitted for inclusion on the agenda of a meeting must be:
 - 1. *Legible and coherent.*
 - 2. *Signed by at least one person who provides a printed name and address.*
 - 3. *Not be libelous, impertinent or improper.*
- xiv. **COUNCIL ISSUES & CONCERNS**
(Issues and concerns of a public nature. Personal public complaints are to be addressed under New Business.)
- xv. **ADJOURNMENT**
(Council shall conclude its proceedings by adopting a motion to adjourn).

G. PROCEDURAL ACTIONS

26. MOTIONS

- a. **Introductions of Motions**
 - i. All motions must be concise and unambiguous and must either be given in writing or dictated to the Senior Administrative Officer.
 - ii. Wherever possible, motions shall be composed in a nature to avoid the use of any double negative statements and to result in a positive course of action upon receiving an affirmative vote.

- iii. A motion shall be considered to be in the possession of Council when it has been moved, seconded and stated by the Presiding Officer.
- iv. No debate or vote on a motion shall be permitted until the motion is in the possession of Council.
- v. The mover of a motion shall have the right to speak first to a motion for a period of up to five minutes and the right of the mover to introduce that motion takes precedence over all other motions.
- vi. No motion shall be introduced that is substantially the same as one which the judgment of Council has already been expressed during the same meeting.

b. Motion Out Of Order

- i. Wherever a motion is contrary to the rules of procedure, the Presiding Officer shall rule the motion to be out of order.

c. Features and Order of Precedence of Motion

- i. The features of individual motions and the order of precedence shall be those established in Schedules B and C attached to and forming a part of this by-law.

d. Motion to Amend

- i. A Member may move that a motion be amended in one of the following ways:
 - 1. by “adding” certain words.
 - 2. by “striking out” words or paragraphs, or
 - 3. by “striking out” certain words and “inserting” others.
- ii. A motion to amend shall be disposed of by Council prior to considering the main motion.
- iii. An amendment proposed to a motion must be relevant to its subject matter and must not propose a direct negative of the motion.
- iv. Only one amendment shall be allowed to an amendment.

- v. Where more than one motion to amend is introduced, Council shall consider the amendments in the reverse order in which they were introduced.
- vi. Where a Member suggests a minor alteration to any amendable motion and the mover and seconder of the motion consent to such a minor alteration, a friendly amendment shall be deemed to have been made and accepted by Council.
- vii. Where all amendments to a main motion have been voted on, Council shall vote on the main motion prior to considering any other matter.

e. Reconsideration of Motion

- i. After any motion has been voted on, any Member who voted with the majority on that motion may, at the same or any later regular meeting, serve notice that the Member will move, at the next regular meeting held thereafter, for reconsideration of the motion.
- ii. A motion to reconsider requires a Special Resolution.
- iii. A motion to reconsider allows for the amendment.
- iv. A motion to reconsider may not be applied to:
 - 1. A vote which has caused an irrevocable action
 - 2. A motion to give Third Reading to a by-law; or
 - 3. A motion to reconsider.

f. Withdrawal of Motion

- i. The mover of a motion may, with the consent of Council, withdraw his or her motion at any time prior to the commencement of the taking of the vote on the motion.

g. Reading of Matter

- i. Any Member may, at any time, request that the motion under consideration is read by the Mayor or the Senior Administrative Officer.

- ii. The request shall be made in such a manner as to not interrupt any Member who has obtained the floor of Council.
- h. Dividing Motion Into Parts
 - i. Where a matter relating to a single subject contains several parts, each capable of standing as a complete proposition, the matter may, at the request of any Member, be divided and each part shall be considered and voted on separately.
- i. Motion to Adjourn
 - i. A motion to adjourn is not debatable or amendable.
- j. Personal Privilege
 - i. Where a Member desires to address a matter that concerns the right or privilege of Council or the personal privilege of any individual Member, the Member shall be entitled to raise such a matter.
 - ii. A question of personal privilege shall take precedence over any motion or matter and shall be immediately taken into consideration of Council.
 - iii. The Member raising the question of personal privilege shall provide a concise explanation to the Presiding Officer.
- k. Point of Order
 - i. Where a Member rises on a point of order, the Member shall request leave from the Presiding Officer, and after being recognized, shall state the point of order.
 - ii. A point of order is not debatable or amendable.
 - iii. The Presiding Officer shall immediately rule on the point of order.
- l. Motion to Challenge
 - i. Any ruling of the Presiding Officer on parliamentary procedure may be challenged.
 - ii. Where a ruling of the Presiding Officer on any matter is challenged, the Presiding Officer must state the question, "Is

the ruling of the Chair upheld?” and the Mayor and the Member who challenged the ruling may debate the question.

- iii. If the Presiding Officer refuses to put the question on a challenge, the person who would preside if the individual occupying the chair were absent must put the question to Council.
- iv. A motion to sustain the chair shall be decided by a simple majority.

m. Numbering of Motions

- i. The resolutions of Council shall be numbered in order each year, commencing with number one for the first resolution of the calendar year; this number to be followed by the year, and continuing through to the last meeting of the calendar year.

K. CODE OF CONDUCT FOR COUNCIL MEMBERS AND THE PUBLIC

27. CONDUCT DURING DEBATE

a. Address Through Presiding Officer.

- i. Every Member intending to speak on any matter shall signify their intent to the Presiding Officer and, upon being recognized, shall address only the Presiding Officer.

b. Order of Speakers

- i. The Member who has moved a motion that is debatable shall be entitled to speak first to the motion and have a final reply when all Members wishing to speak have spoken.
- ii. When two or more Members signify their intent to speak, the Presiding Officer shall recognize the Member who, in the opinion of the Presiding Officer, first requested the floor of Council and next recognize the remaining Members wishing to speak in the same order.

c. Limits to Debate

- i. No Member may speak more than twice to a motion and no speech longer than five minutes shall be permitted except with the consent of Council by resolution.

- ii. No Member shall speak a second time to the same motion as long as any Member who desires to speak has not yet spoken.
- d. Opportunity to be Heard
 - i. Each Member will be given the opportunity to speak to a motion before it is put to a vote, unless a motion to limit or end debate is passed.
- e. Interruptions
 - i. Any Member who has the floor of Council may only be interrupted by another Member;
 - 1. When the Member is discussing a matter and no motion is on the floor;
 - 2. When a Member has exceeded the time limit to speak;
 - 3. By a call for the Orders of the Day;
 - 4. By a question of privilege;
 - 5. By a point of order;
 - 6. By an objection to the consideration of a matter;
 - 7. By a Challenge of the ruling of the Presiding Officer.
- f. Prohibited Actions by a Council Member
 - i. No Member shall:
 - 1. Speak disrespectfully of the Crown, other Members, the public or any employee of the Village;
 - 2. Use offensive language in Council Chamber, or in reference to any Member, the public or any employee of the Village;
 - 3. Speak on any matter except the subject being considered by Council;
 - 4. Make personal remarks about other Members;
 - 5. Reflect upon the motives of Members who may have voted for a particular motion;
 - 6. Debate the merits of a past vote of Council, unless to move to reconsider a motion;
 - 7. Walk out of the room while the Chair is putting the question;

8. Speak to a question after the question is finally put by the Presiding Officer;
9. Refuse to comply with the decision of the Presiding Officer on any point of order, question of personal privilege or any other interpretation of the provisions of this by-law.

g. Disciplinary Procedures

- i. The Presiding Officer may call to order any Member who is out of order.
- ii. Subject to subsection 26.g.i), where a Member persists in refusing to comply with the ruling of the Presiding Officer or a decision of Council on any point of order, question of personal privilege or other interpretation of the provisions of this by-law, the Presiding Officer may consider such action to be improper conduct and order such a Member to leave the Council Chamber and Council must vote immediately on a motion to expel that Member from the meeting without debate.
- iii. Where a Member presents an apology, the Presiding Officer shall permit the Member to remain in his or her seat.
- iv. The Presiding Officer shall have the authority to determine whether the use of any word, phrase, term or expression was offensive.

h. Disturbance from the Public

- i. The Presiding Officer may order any member of the public who disturbs the proceedings of Council by words or action to be expelled from the meeting.
- ii. The Presiding Officer may call upon a Peace Officer to remove any member of the public who refuses to leave a meeting voluntarily after having been expelled.

i. Participation of Presiding Officer in the Debate

- i. The Presiding Officer may state relevant facts on any matter before the Council without leaving the chair, but shall not fully participate in a debate or move or second any motion without first leaving the chair. If the Mayor wishes to leave the chair for any reason, he or she must call on the Deputy

Mayor, the Acting Mayor, or, in the absence of both, any other Member to assume the chair.

- ii. When the Presiding Officer vacates the chair pursuant to section 26.i.i), it shall not be resumed until after vote has been taken on the motion.

j. Committee Of The Whole

- i. Where Council, in consideration of any matter, requires additional information through questions to administration or wishes to allow for a less formal discussion of a matter, Council may, by resolution, move into Committee of the Whole.
- ii. The Presiding Officer of Council shall chair the Committee of the Whole.
- iii. A quorum of Committee of the Whole is a majority of Members.
- iv. The rules of procedure for Council shall be observed in Committee of the Whole with the following exceptions;
 - 1. Members may speak more than twice to a matter provided that all Members who wish to speak to a matter have been permitted to speak;
 - 2. The proceedings of Committee of the Whole will not be recorded except the report to Council;

L. VOTING AND ERRORS IN GOOD FAITH

28.VOTING

a. Voting Procedures

- i. Votes on all motions shall be taken as follows:
 - 1. Members shall be in their designated seat when the motion is put;
 - 2. The Presiding Officer shall put the motion;
 - 3. Members shall vote by a show of hands;
 - 4. The Presiding Officer shall declare the result of the vote and, in the case of a recorded vote, how each Member voted.

b. Duty of Member to Vote

- i. All Members present, with the exception of the Presiding Officer, shall vote when the question is put by the Presiding Officer;
- ii. Pursuant to Section 36 (3) of the Cities, Towns and Villages Act, and notwithstanding section 27 b. i. of this bylaw, an abstention by a council member does not count as a vote.
- iii. The Presiding Officer shall not vote on any motion except to cast the deciding vote for or against the motion, in the case of a tie.

c. Recorded Vote

- i. A recorded Vote is when all members of Council are requested to vote.
- ii. Any member of Council may request a recorded vote at any time.
- iii. A recorded vote is necessary for Council to move In-Camera.

d. Secret Ballot Prohibited

- i. No vote shall be taken in Council by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- ii. A Secret Ballot Vote will only be permitted when electing the deputy mayor at the inaugural meeting or when electing a deputy mayor if he/she resigns during the term of Council.

e. Errors In Good Faith

- i. Where a Member, immediately after casting his or her vote, states to the Presiding Officer that he or she has made an error in good faith, the matter may be resubmitted for a vote with the consent Council.

M. SEVERABILITY

29. Each provision of this By-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any

reason, all other provisions of this By-law shall remain valid and enforceable, and the By-law shall be interpreted as such.

N. REPEAL

30. That by-law 600, 645 672 and 2017-009 be repealed and replaced with this by-law.

O. READINGS

Read a first time as amended this 3rd day of JUNE, 2019

Mayor

Senior Administrative Officer

Read a second time this 3rd day of JUNE, 2019

Mayor

Senior Administrative Officer

Read a third time and passed this 17th day of JUNE, 2019

Mayor

Senior Administrative Officer

I hereby certify that that this by-law has been made in accordance with the requirements of the Cities, Towns and Villages Act and the by-laws of the Municipal Corporation of the Village of Fort Simpson.

Darrell White
Senior Administrative Officer

SCHEDULE "A"
COUNCIL AGENDA FORMAT

VILLAGE OF FORT SIMPSON
Regular Council Meeting
Monday, January __ , 201__

1. Call To Order
2. Agenda Additions
3. Adoption Of The Agenda
4. Disclosure of Pecuniary Interest
5. Councillor Absences
6. Delegations / Presentations
7. Adoption of the Minutes
8. Reports
9. Deferred Business and Table Items
10. Recommendations from Committees
11. New Business
12. By-laws
13. Correspondence and Information
14. Council Issues and Concerns
15. In-Camera Issues
16. Adjournment