



**BY-LAW NO. 1A**  
**A PROCEDURAL BY-LAW FOR THE COUNCIL OF ARCADIA**

**PURPOSE:** A By-law of Arcadia, in the Province of New Brunswick, for the purpose of establishing the proceedings of the Council of Arcadia.

**WHEREAS:** Subsection 10(2)(a) of the *Local Governance Act*, authorizes and requires local governments to establish a by-law respecting the procedures at council meetings, including any matters prescribed by regulation and

**WHEREAS:** The enactment of this by-law repeals the following by-law(s):

- By-Law #1 – A Procedural By-Law For The Council of Arcadia

**NOW THEREFORE:** the Council of Arcadia adopts the following as A Procedural By-Law For The Council of Arcadia.

**1. TITLE:**

- 1.1. The by-law shall be cited as the “Proceedings of Council”

**2. APPLICATION:**

- 2.1. The proceedings of council by-law:

- 2.1.1. Applies to the following:

- 2.1.1.1. All members of the council, including Mayor, Deputy Mayor, and Councillors, and
    - 2.1.1.2. All members of staff required or requested to attend council meetings, and
    - 2.1.1.3. Any members of the public appearing at council meetings.

- 2.1.2. Shall be used for the order and dispatch of business in council and committees.

### 3. DEFINITIONS

- 3.1. "Clerk" means the Clerk of Arcadia appointed under Section 71 of the Local Governance Act;
- 3.2. "Chair" means the member of council presiding over the council meeting;
- 3.3. "Closed" means a meeting of Council which is not open to the public, so convened in accordance with the *Local Governance Act*;
- 3.4. "Council" means the Mayor and Councillors of Arcadia;
- 3.5. "Point of information" means the procedural mechanism by which a member may rise to present or receive information of interest to the council;
- 3.6. "Point of order" means the procedural mechanism by which a member may rise where this by-law or any other procedural legislation is believed to have been infringed;
- 3.7. "Point of privilege" means the procedural mechanism by which a member may rise to address incorrect, defamatory, or slanderous statements made about the council, its members or municipal staff;
- 3.8. "Quorum" means a simple majority of those members of council.

### 4. MEETINGS OF COUNCIL

- 4.1. At its first meeting after an election, the council shall elect a Deputy Mayor from among the Councillors. The Deputy Mayor shall be elected by majority vote of council, for a term of 2 years. At the expiration of the 2 year term, council shall again elect, by majority vote, a Deputy Mayor from among the Councillors.
- 4.2. The Council shall hold its regular meeting at a location determined by Council at the previous regular meeting of council, on the 3<sup>rd</sup> Monday of the month starting at 7:00pm. If that Monday is a holiday, the meeting shall be held on the following day of that week.
- 4.3. The Clerk shall be responsible for preparing and circulating the agenda for all meetings of the council. The deadline for agenda submissions for a regular meeting of council shall be noon on the Wednesday prior to the meeting. The agenda of a regular council meeting shall be posted on the Friday prior to the scheduled meeting.
  - 4.3.1. The business of the Formal Meeting of Council shall be dealt with in the following order:
    - 4.3.1.1. Call to Order
    - 4.3.1.2. Approval of Agenda
    - 4.3.1.3. Presentations
    - 4.3.1.4. Staff Reports
    - 4.3.1.5. Approval of Minutes
    - 4.3.1.6. Business Arising From The Minutes
    - 4.3.1.7. Committee Reports
    - 4.3.1.8. Correspondence
    - 4.3.1.9. New Business
    - 4.3.1.10. Open Floor – Comments from the Public
    - 4.3.1.11. Date and Location of Upcoming Meeting
    - 4.3.1.12. Motion to Adjourn

- 4.4. A quorum must be present at all regular and special meetings of the council. If quorum is not present within one-half (1/2) hour after the scheduled start time of the meeting, the Clerk shall record the names of the Council members present and the meeting shall stand adjourned until the next scheduled regular meeting or a special meeting is scheduled in accordance with Section 4.5 of this by-law.
- 4.5. The Mayor or a majority of the council, upon written petition, may call a special meeting of the council on twenty-four (24) hours' notice to the Clerk and members of council.
- 4.6. Notice of any special meetings shall be circulated in writing or electronic format to members of council by the Clerk. The notice of a meeting shall be posted to the local government's website.
- 4.7. The council shall not consider any business at a special meeting except matters specified in the notice unless all members of council present at the special meeting agree.
- 4.8. Any meeting of the council may be closed to the public as stipulated in Section 68 of the *Local Governance Act*.
  - 4.8.1. The matters discussed in a Closed Session shall be posted in a Book of Record indicating the date of the meeting and what topic under 68(1) of the *Local Governance Act* was discussed. This record shall be made available to the general public.

## 5. ELECTRONIC MEETINGS

- 5.1. It is permitted to use electronic means on communication in a council meeting or a committee of council meeting if it allows members of council to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the members.
- 5.2. Any member of council who intends to participate in a meeting in the manner referred to in subsection 5.1 shall provide sufficient notice to the Clerk to ensure that the relevant materials may be sent to the member and to ensure that the appropriate electronic means of communication are available and, if applicable, that the public notice referred to in subsection (7) is given.
- 5.3. Any member of council who participates in a meeting closed to the public under [subsection 68\(1\)](#) of the Local Governance Act in the manner referred to in subsection 5.1 shall, at the beginning of the meeting, confirm that the member is alone.
- 5.4. A member of council who participates in a meeting in the manner referred to in subsection 5.1 shall be deemed to be present at the meeting.
- 5.5. If a council meeting or a committee of council meeting is open to the public, use of an electronic means of communication is permitted only if a notice of the meeting is given to the public that includes the following information:
  - 5.5.1. A statement that an electronic means of communication will be used at the meeting;  
and
  - 5.5.2. The location where the public may hear the meeting.

## **6. PROCEDURE FOR ALL MEETINGS OF THE COUNCIL**

- 6.1. The Mayor shall chair all meetings. If the Mayor is unable to chair a meeting, the Deputy Mayor shall act as a chair for the meeting.
- 6.2. Except as otherwise provided, no member shall speak without being recognized by the chair.
- 6.3. Once a motion is made and seconded, the mover shall have the privilege of speaking first and of closing debate.
- 6.4. A member of council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease, and the matter shall be clearly stated by the member and, if applicable, ruled upon by the chair.
- 6.5. A member of council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.
- 6.6. All members of the council shall follow the rules set forth in the Code of Conduct by-law. No member of council shall speak disrespectfully of the council, another member of council, staff person or a member of the public, or use offensive or profane language.
- 6.7. Unless disqualified to vote by reason of conflict of interest, all Councillors present shall announce their vote openly and individually, and the Clerk shall record it. The Chair shall not vote unless there is a tie vote amongst the Councillors. Then, the Chair shall cast the deciding vote.
- 6.8. Members of the public shall not be entitled to address the council during the meetings unless the Clerk has been notified at least five business days prior to the council meeting, and the item has been added to the agenda of the meeting.
- 6.9. Any person, at the discretion of the Chair, may be required to leave the meeting who:
  - 6.9.1. breaches this by-law;
  - 6.9.2. behaves in a disorderly manner; or
  - 6.9.3. uses threats or profane language in debate.

## **7. MINUTES**

- 7.1. The minutes shall record, without note or comment:
  - 7.1.1. The place, date, and time of the meeting,
  - 7.1.2. The names of the presiding officer and the attendance of Council members,
  - 7.1.3. The reading, if required, correction and adoption of the minutes of prior meetings, and
  - 7.1.4. All resolutions, decisions, and proceedings of the meeting.

## **8. COMMITTEES**

- 8.1. The council may establish or abolish committees of council. The council shall appoint, to such committees, members who are qualified voters of the local government. Committees of the council shall have at least one member of the council on the committee.
- 8.2. The council shall approve the mandate of each committee.
- 8.3. The council may establish special or ad hoc committees. The council shall appoint persons who are qualified voters of the local government thereto. Special or ad hoc committees shall have at least one member of Council on the committee.

- 8.4. The Mayor may be a member or all committees or may appoint a member of the council to attend any committee meeting on the Mayor's behalf.
- 8.5. The committee chair shall send notice of meetings to each member of the committee at least twenty-four (24) hours before the time of the meeting.
- 8.6. The Clerk or designate shall record the minutes of all committee meetings. The minutes shall be circulated to all members of the committee. Minutes of committee meetings shall be provided to the Clerk within seven (7) days of the approval of the minutes.

**9. OTHER PROCEDURAL MATTERS**

- 9.1. This by-law shall identify the procedures that the council is to use to govern matters of procedure that arise during a meeting of council that are not otherwise provided for in the Act or the procedural by-law.
- 9.2. When any matter or proceeding is not contemplated by this by-law or provincial legislation the chair shall use the most recent edition of Roberts Rules of Order as a guide.

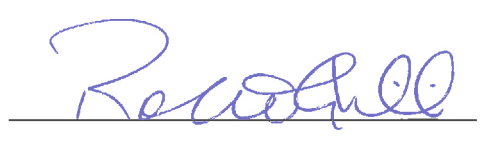
**10. EFFECTIVE DATE**

10.1. Given under the hands of the Mayor and Clerk and under Corporate Seal of Arcadia this 24<sup>th</sup> day of July, A.D. 2023.

First Reading: June 19<sup>th</sup>, 2023  
Second Reading: June 19<sup>th</sup>, 2023  
Third Reading: July 24<sup>th</sup>, 2023

This By-law shall come into full force and take effect and be binding on all persons as of and from the date of the Council Resolution to enact the By-Law.

  
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Mayor – Derek Pleadwell

  
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Clerk/CAO – Robert White

