

**MUNICIPALITY OF THE COUNTY OF PICTOU  
COUNCIL PROCEEDINGS POLICY**

In accordance with Section 23(1)(b) of the *Municipal Government Act*, being Chapter 18 of the Revised Statutes of Nova Scotia, 1998, the Municipal Council for the Municipality of the County of Pictou hereby enacts a policy with respect to Council proceedings as follows:

1. In this Policy,
  - (1) "Point of Order" means:
    - ( i) any breaches of the Rules of Order of Council; or
    - ( ii) any defect in the constitution of any meetings of the Council; or
    - (lii) the use of improper, offensive or abusive language; or
    - (iv) notice of the fact that the motion under discussion is not within the scope of the notice of motion; or
    - ( v) any other informality or irregularity in the proceedings of Council;
  - (2) "Resolution" means a motion that has been resolved in the affirmative by the Council;
  - (3) "Substantive motion" means an original motion that has been amended by resolution of the Council.
2. Every meeting of the Council shall be presided over;
  - (a) by the Warden, if present; or
  - (b) by the Deputy Warden, if the Warden is absent; or
  - (c) if both are absent, then by such Councillor as the Councillors then present choose.
3. A majority of the maximum number of persons that may be elected to the Council

is a quorum for every meeting of the Council.

4. At the time appointed for any meeting of the Council, if ten minutes elapse without a quorum being present, the Councillors present shall meet, and
  - (a) adjourn the Council; or
  - (b) extend the time for the meeting of the Council for one-half hour from the hour fixed for such meeting when, if the quorum is still not present, the Council shall stand adjourned.
5.
  - (1) Unless otherwise prescribed by statute, a question arising at a Council meeting shall be decided by a majority of votes.
  - (2) Subject to the *Municipal Conflict of Interest Act*, all Council members present, including the person presiding, shall vote on a question.
  - (3) In the event of a tie in a vote on a question, the question is determined in the negative.
6. The order of business at any regular meeting of the Council shall be:
  - (a) a prayer;
  - (b) approval of agenda, including added items;
  - (c) the correction of errors and omissions, if any, and the approval of the minutes of the last meeting;
  - (d) review of correspondence;
  - (e) public hearings;
  - (f) consideration of petitions and other documents, and the reception of delegations, and their reference, if required by the Chairman to the appropriate board or committee, without motion;
  - (g) consideration of reports of standing committees of the Council and of officers;
  - (h) consideration of reports of committees, other than standing committees, of the Council, and of boards and commissions;

- (i) motions, other than motions of the reconsideration and rescission, of which notice has been given;
  - (j) consideration of deferred business;
  - (k) motions of reconsideration;
  - (l) notices of motion;
  - (m) miscellaneous business;
  - (n) added items.
7. (1) The order of business of any meeting of Council called for the consideration of some particular business shall be:
- (a) a prayer;
  - (b) consideration of the particular business for which Council is called.
- (2) If there is more than one item of business for which such other meeting of the Council is called, the Chairman shall designate the order in which the same shall be taken up.
- (3) At any other meeting of the Council, no other item of business shall be considered except as is specified in the notice calling the meeting.
- (4) Notwithstanding the provisions of sub-section (3) of this Section, any member may, at any other meeting of the Council, move that an item or items of business be added to the order of business, and the Council, by the unanimous affirmative vote of all the members present at such meeting, may add such item or items of business.
8. (1) Minutes of all the proceedings of every meeting of the Council shall be drawn up and fairly entered by the Clerk in a book kept for that purpose and such book shall be properly indexed.
- (2) Such minutes shall include:
- (a) all motions moved, or moved and seconded, by a member or members;
  - (b) all resolutions of the Council, with the names of the movers and

seconders; and

- (c) mention of all reports, petitions and other documents submitted to the Council, at least by their respective titles or by a brief description of their purported accepted reports shall be attached to the original of such minutes.
- (3) At any regular meeting of the Council, the minutes of the preceding regular meeting, or of any preceding other meeting of the Council need not be read at such meeting, unless a majority of the Councillors present require it to be done, in order that any mistake in such minutes may be corrected by the Council.
  - (4) If there is any objection made to such minutes of the Council presented at any regular meeting, the Councillor making it shall state the grounds of his objection, without comment, and if the Council agrees, the minutes shall be altered accordingly.
  - (5) If all the members present at such meeting do not agree to the proposed alteration, a motion must then be duly made and seconded, to amend the minutes to meet such objection, which shall then be debatable.
- 9.
- (1) Every petition or other document submitted to the Council shall only be presented by a member of the Council, who shall examine the same before presenting it, and endorse the same with his name, and be answerable that it does not contain any impertinent or improper matter and is respectful and proper in its language.
  - (2) Every such petition or other document to be submitted to the Council shall be plainly printed or written and signed by at least three residents of the Municipality.
  - (3) It shall not be necessary to read, otherwise than by title, any petition or other document when first submitted, unless the Chairman directs, or at least three members of the Council request that it shall be read in full.
- 10.
- (1) No person, not a member, shall be heard without first advising Council of the subject matter of the request and obtaining the permission of the Council, and such person shall be limited to ten minutes in addressing the Council.
  - (2) Except by leave of the Council, any delegation, wishing to address the Council, shall give notice of the subject matter of the request to the Clerk not later than the close of business on the Monday prior to the Council meeting

at which such delegation wishes to appear and such delegation shall be limited to 10 minutes in addressing the Council.

11. Any member, when about to speak, shall rise, and address himself to the Chairman. He shall confine himself to the motion or matter under debate, and avoid personalities, and not refer to any member except in a respectful manner.
12.
  - (1) If two or more members rise at the same time, the Chairman shall decide which member shall be heard first.
  - (2) Before it shall be competent for any Councillor to make a motion, the Chairman shall have the privilege of bringing such matters as he may have in charge before the Council. He shall have the same privilege at any time except when a question is actually under debate.
13.
  - (1) Except where the Council agrees, by majority affirmative vote of the members present at such meeting, no member shall speak more than twice on any motion and once to any amendment thereto, and any such member speaking after an amendment has been moved and seconded shall be deemed to be speaking to the amendment.
  - (2) No Councillor shall speak longer than:
    - (a) ten minutes when speaking for the first time on any motion;
    - (b) five minutes when speaking for the second time on any motion; and
    - (c) five minutes when speaking to the amendment to any motion.
  - (3) If the Council agrees that a Councillor may speak on a motion more than the prescribed number of times, as set out in subsection (1) of this Section, such Councillor shall not, for each additional time so permitted by the Council, speak longer than five minutes.
14. No Councillor shall rise from his seat except for the purpose of addressing the Chairman, nor shall he interrupt any Councillor while speaking except to ask an explanation or ask leave to explain, or to raise a point of order.
15.
  - (1) The Chairman may call any Councillor to order at any time, and any member may raise a point of order.
  - (2) Whenever the Chairman is of the opinion that a motion is contrary to the rules and privileges of the Council, he shall apprise the members thereof

immediately, before putting the question and shall cite the rule or authority applicable to the case without argument or comment.

- (3) If a member, when speaking, is called to order, he shall, subject to his right to discuss such point, take his seat until the point has been determined.
16. Any member may, with the permission of the Chairman, have leave to explain, but any remarks so made shall be strictly confined to the explanation desired.
17. Any Councillor may, through the Chair, request the opinion of the Solicitor, on any point of order before the meeting.
18.
  - (1) The Chairman shall decide all points of order, and may state his reasons for any such decision.
  - (2) An appeal shall lie to the Council from any decision of the Chairman on a point of order or his ordering a member of the Council to retire from the meeting then in progress.
  - (3) Such appeal shall be submitted by the Clerk to the Council by the question: "Shall the decision of the Chair be sustained?", and such appeal shall be decided without debate. The Chairman shall be guided on the point by the vote on such appeal, and he shall rule accordingly.
19.
  - (1) An amendment must be relevant to the subject matter of the motion under debate, and no amendment shall be allowed which, in the opinion of the Chairman, has the effect of nullifying the motion under debate.
  - (2) Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to vote. Only one amendment shall be allowed to an amendment, and any amendment more than one must be to the main question.
  - (3) An appeal shall lie to the Council from any decision of the Chairman on the relevance or acceptance of an amendment, in a like manner as an appeal under the provisions of subsection (3) of Section 24.
20.
  - (1) If any member uses insulting or improper language to the Chairman or any Councillor, and refuses to apologize when so directed by the Chairman; or willfully obstructs the conduct of business, and refuses to desist when called upon to do so by the Chairman, he may be ordered by the Chairman to retire from the Council for that meeting, and, if he refuses to do so, he may, on the

order of the Chairman, be removed from the meeting by the police. Any Councillor so removed, on making an apology to the Chairman and to any Councillor insulted by him, may by a vote of the Council be permitted to resume his place at such meeting.

- (2) Any person interfering with the business of the Council, or acting in a disorderly manner, may upon the order of the Chairman, be removed from the Council Chamber by police.
21.
  - (1) Except as to making observations on any matter before the Council, or when stating in debate his reasons for deciding a point of order, the Chairman shall not take part in any discussion without leaving the Chair.
  - (2) In any such case, the Chair shall be filled while the Chairman is taking part in the discussion by the Deputy Warden, or, if the Deputy Warden is absent, by a member requested by the Chairman to take the Chair. A Chairman who has left the Chair, to take part in a debate, shall be subject to the rules of order of Council.
22. When a motion is regularly under debate, no other motion shall be entertained, until it is decided, except that it is:
  - (a) a motion in amendment of the original motion or a substantive motion, as the case may be;
  - (b) a motion to refer the matter, including the motion, to any board or committee;
  - (c) a motion to defer the consideration of the motion to some time named;
  - (d) a motion to close the debate at a specified time;
  - (e) a motion that the motion be now put;
  - (f) a motion to adjourn;
23. When a motion in amendment of a motion is regularly under debate, no other motion shall be entertained until it is decided except a motion:
  - (a) to refer the matter, including the motion and amendment, to a board or committee;
  - (b) to defer the consideration of the motion and amendment to some time named;

- (c) to close the debate at a specified time;
- (d) that the motion be now put; or
- (e) to adjourn.

24. (1) A Motion:

- (a) that the debate be closed a specific time; or
- (b) that the motion be now put; or
- (c) to adjourn

shall be put to a vote of the Council, without further amendment or debate; but a motion that the motion be now put shall not be put until after every Councillor who has not spoken on the motion, and claims a right to speak has been heard.

(2) No debate shall be allowed on any motion:

- (a) to refer the matter to a board or committee; except as to the board or committee to which such referral is to be made and the length of time of the consideration and report of such matter by such board or committee.
- (b) to defer the consideration of the motion to some time named; except as to the length of time of deferring of such consideration of the motion by the Council.

25. (1) A motion that the motion be now put, except as provided in Section 30 herein, shall be put forthwith, without debate, in the following words: "That this motion be now put".

(2) If a motion that the motion be now put is resolved in the affirmative, the motion under debate shall be put forthwith, without further debate; but, if the motion that the motion be now put is resolved in the negative, the motion under debate may then be further debated and amended, in accordance with the Rules of Order.

(3) When a motion that the motion be now put has been resolved in the negative, a similar motion shall not be made until twenty minutes have elapsed.



26. (a) A motion to adjourn shall always be in order, except when a member is addressing the Chair, except while the members are voting and except when adjournment was the last preceding motion.
- (b) A motion to adjourn may be debated, but only as to the time of adjournment.
27. When a motion in amendment of a motion has been resolved in the affirmative by the Council, such amendment shall be incorporated in the original motion, and subject to the Rules of Order, put to vote of the Council.
28. Any conflict of interest shall be resolved as provided in the *Municipal Conflict of Interest Act*.
29. Every member, present when a motion is put, shall vote on the motion, unless disqualified by any conflict of interest as disclosed in the *Municipal Conflict of Interest Act*.
30. No member shall leave the Council before the close of any meeting, without the permission of the Chairman.
31. (1) No question or matter shall be made, debated or voted upon, unless a motion in respect thereto has been moved and seconded.
- (2) The Chairman may require that any motion shall be reduced to writing by the mover and seconded before being debated.
- (3) Any member may require the division of any motion, when, in the opinion of the Chairman, or on an appeal thereof to the Council, the sense will admit of it.
32. Before putting any motion to a vote, the Chairman shall state the same clearly, and ask the Council if it is ready for the motion, provided that, in any matter on which there has been no discussion, the Chairman may ask if there is any objection to such motion, and, if none is made declare the motion carried.
33. (1) Every motion shall be decided by a vote of yeas and nays, and the Chairman shall state whether in his opinion the motion has been carried or defeated, but the Chairman or any two members may call for names on the division, in which case the vote of each member shall be taken by the Clerk, and recorded in the minutes, and the motion decided accordingly.
- (2) If the Chairman or any two members call for names on the division, the vote to be taken by the Clerk shall not start with the same member that the Clerk

started with at any previous vote taken by the Clerk at such meeting, until all the members present at such meeting have, at that meeting, had their vote recorded first by the Clerk.

34. Subject to the Rules of Order, any member may, at any regular meeting of the Council, move that the order of business be suspended, to permit such member to introduce a motion, and the Council, by the unanimous affirmative vote of all the members present at such meeting, may suspend the order of business for the introduction of such motion.
35. A motion, at any time before the Council has voted on it, may be withdrawn by the mover with the consent of the seconder.
36. Any member may have the motion under discussion read at any time during the debate on the same.
37. After the Chairman has asked the Council if it is ready for the motion, and has begun to take the vote, no member shall be permitted to speak while the vote is being taken.
38.
  - (1) After any motion, other than a motion in amendment of a motion, has been decided in the affirmative, any member may, at the session or meeting at which the same was decided, give notice of reconsideration of such resolution, at the next session or regular meeting of the Council. The giver of such notice, or , in his absence, any other member on his behalf, may briefly state his reasons for the reconsideration of such resolution, and if the motion to reconsider is seconded, the same shall then be put to vote, without further debate, and if carried, the resolution so reconsidered shall then be read and the Rules of Order shall apply.
  - (2) If the Council refuses to reconsider, or, if after reconsideration, the matter is again decided in the affirmative, no other motion to reconsider or rescind such motion, or to reconsider the motion refusing to reconsider or rescind, can be made until the expiry of twelve months; provided however that any member may move that any such motion of reconsideration or rescission may be made before the expiry of twelve months, and the Council, by the unanimous affirmative vote of all the members present at such meeting, may permit such motion of reconsideration or rescission to be made.
  - (3) If the next meeting of the Council after notice of reconsideration is one called for the consideration of a particular item of business, a motion of reconsideration may be considered thereat, after such particular business has been disposed of, if the motion of such reconsideration has, at the

request of the giver of such notice, been placed on the notice calling the meeting.

39. A notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of the Council.
40. A notice of motion to reconsider or rescind shall not have the effect of delaying or impeding any action necessary to give effect to any resolution unless the Council otherwise orders. A motion to stay proceedings on such resolution, pending the consideration of any such notice, may be made by the giver of the notice, together with such notice, and, if seconded, shall be put to a vote at once without debate.
41. When a motion has been resolved in the negative, it shall not be again brought before Council, except by the approval of two-thirds of the Council, until two months have elapsed, and, if again resolved in the negative, shall not again be brought before the Council until the expiry of twelve months.
42. No motion to rescind any resolution of the Council shall be made, unless notice of the intention to move the same has been given at the regular meeting of the Council previous to that at which the same is moved.
43.
  - (1) For the purpose of eliciting information in respect of any matter relating to the business of the Municipality, any member may, at the time appointed by the order of business, put any question to the Warden or Clerk, or a member of any board or committee, but any such question shall be stated simply and concisely, without comment, and shall be reduced to writing if the Chairman so directs, and no debate shall be permitted on the answer thereto, or any comment, except an explanation of the question if it has been misunderstood.
  - (2) If any member of the Council puts any questions to the Warden or Clerk or to a member of any board or committee, as provided in subsection (1) of this Section, such member of the Council may also request that the answer to such questions shall be in writing and tabled at a subsequent, but not necessarily the next, meeting of the Council.
44. If any question arises, not provided by the foregoing rules, the same shall be decided according to the rules of the Legislature.
45. Any Councillor may move that any of the foregoing Sections be suspended in its operation, and the Council, by the unanimous affirmative vote of all the members present at such meeting, may suspend any such Section in its operation.

46. All former policies and/or by-laws heretofore enacted with respect to Council proceedings are hereby repealed.

Approved by Council: April 27, 1999