



RULES AND FORMS
OF
PROCEDURE
OF THE
COUNCIL OF THE REGION OF QUEENS MUNICIPALITY

JANUARY 2017

TABLE OF CONTENTS

Regulation and Management of Council

- 1. Application of Rules1
- 2. Cases Not Provided For.....1

Times of Sittings

- 3. Ordinary Hours of Meeting1
- 4. Absence of Quorum at Meeting Hour1
- 5. Uncompleted Business at Adjournment Time2

Quorum

- 6. Quorum.....2
- 7. Adjournment for Lack of Adjournment.....2
- 8. Lack of Quorum During Sitting2
- 9. Procedure on Counting Council2
- 10. Time of Next Meeting.....2

The Mayor

- 11. Powers and Privileges of Mayor.....3
- 12. Duties of Mayor.....3
- 13. Appeal of Mayor’s Ruling3
- 14. Mayor’s Role in Debate in Council.....3

Chair of Committees and Deputy Mayor

- 15. Chair of Committees and Deputy Mayor Election, Term, Etc.....3
- 16. Absence of Mayor and Deputy Mayor.....3

Conduct of Members

- 17. Conflict of Interest.....4
- 18. Conduct When Question Put4
- 19. Conduct When Other Member Speaking4
- 20. Conduct on Adjournment4

Visitors

- 21. Conduct of Visitors.....4

Business of Council

- 22. Daily Routine of Business5

Rules of Debate

- 23. Member Addressing Mayor5
- 24. Time Limit on Speeches5
- 25. Procedure on Point of Order5
- 26. Irrelevance or Repetition in Debate.....6
- 27. Limit on Speeches by Member in Debate6

28.	Right of Mover to Reply	6
29.	Closing of Debate by Mover of Motion	6
30.	Reading of Question During Debate	6
31.	Permitted Motions During Debate	6
32.	Unparliamentary Language	6
33.	Disorderly Conduct by Member	7
34.	Removal of Suspended Member by Clerk	7

Privilege

35.	Consideration of Matter of Privilege	7
36.	Notice to Mayor of Question	7

Motions

37.	Motions to be in Writing	7
38.	Seconding of Motions Required	7
39.	Withdrawal of Motion	7
40.	Improper Motion	8
41.	Rescinding Motions	8
42.	Motion to Amend Rules and Forms of Procedure	8
43.	Dilatory Motions	8

Divisions

44.	Termination of Debate on Question on Motion	8
45.	Majority Decision Required	8
46.	Recording of Votes on Division	9
47.	Roll Call	9

Committees

48.	Standing Committees	9
49.	Members Not Appointed	9

Petitions

50.	Filing of Petition	9
51.	Presentation of Petition in Council	9
52.	Debate Not Permitted	10
53.	Responsibility of Member for Content	10
54.	Endorsement of Member	10
55.	Minimum Number or Signatures	10

Clerk of the Council

56.	Duties of the Clerk	10
57.	Distribution of Council and Committee of the Whole Agenda	10
58.	Minutes	10

REGULATION AND MANAGEMENT

OF COUNCIL

Application of Rules:

1. The proceedings of the Council of the Region of Queens Municipality and in all Committees of the Council shall be conducted according to the following Rules, except as herein noted.

Cases Not Provided For:

2. In all cases not herein provided for and subject to the Municipal Government Act as amended from time to time, the question shall be decided by the Chairperson and, in making such decision, the Chairperson shall be guided by:

Firstly the usages and precedents of this Council;

Secondly Bourinot's Rules of Order (current edition)

Thirdly in all cases not provided for hereafter or by the usages and precedents of the House of Assembly or by the standing and sessional orders or usages of the House of Commons of Canada, the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland in force at the time.

TIMES OF SITTINGS

Ordinary Hours of Meeting:

3. The time for the ordinary meeting of the Council of the Region of Queens Municipality is at nine o'clock in the morning on the second and fourth Tuesday of each month except where that day is a holiday in which case Council meets on the immediate following day.

Absence of Quorum at Meeting Hour:

4. If a quorum of the Council is not present at the time appointed for the ordinary meeting, the Mayor may take the Chair and adjourn the Council without putting any question.

Uncompleted Business at Adjournment Time:

5. Unless otherwise ordered or provided by these Rules, all business not disposed of at the time of adjournment shall stand over until the next meeting day when it shall be placed on the Agenda of the day under its normal order of business and taken up at the stage where its progress was interrupted at the next meeting day when it is called under that order of business.

QUORUM

Quorum:

6. The presence of a least five members of Council shall be necessary to constitute a meeting of Council for the exercise of its powers.

Adjournment for Lack of Quorum:

7. If at the time of the meeting there is not a quorum, the Mayor may take the Chair and adjourn the Council until the next meeting day.

Lack of Quorum During Sitting:

8. If at any time the attention of the Mayor is called to the fact that there is no quorum present, the Mayor will proceed at once to count the Members and if there are not five members present including himself/herself, the Mayor will then adjourn the Council without question put.

Procedure on Counting Council:

9. While the Mayor is counting the Council, the doors shall remain open and Members may come in during the whole time occupied by the counting, but not after completion of the count.

Time of Next Meeting:

10. The adjournment shall be until the usual hour of the next Council day and whenever the Mayor adjourns the Council for want of a quorum, the time of the adjournment and the names of the Members then present, shall be inserted in the Minutes.

THE MAYOR

Powers and Privileges of Mayor:

11. The Mayor shall exercise all the powers and privileges necessary for the performance of his/her duties and the maintenance of the privileges of the Members and the Council. See Appendix A.

Duties of Mayor:

12. The Mayor shall preserve order and decorum, and shall decide questions of order; in explaining a point of order or practice, he/she shall state the Rule or authority applicable to the case.

Appeal of Mayor's Ruling:

13. The Mayor's ruling shall not be subject to appeal or question except by substantive motion.

Mayor's Role in Debate in Council:

14. The Mayor shall not take part in any debate before the Council unless he/she vacates the Chair to the Deputy Mayor or in the absence of the Deputy Mayor, another Member of Council.

CHAIR OF COMMITTEES AND DEPUTY MAYOR

Chair of Committees and Deputy Mayor Election, Term, Etc.:

15. At the beginning of the first session of each Council, the Council shall elect from among its Members a Member to be Deputy Mayor for the duration of two years, who may, at the request of the Mayor, take the Chair of Council with in such case, all the powers of the Mayor as conferred by these Rules; and if the Member so elected shall cease to be a Member of Council, the Council shall proceed forthwith to elect a successor for the remainder of the two-year term.

Absence of Mayor and Deputy Mayor:

16. Whenever the Council shall be informed of the absence of the Mayor, the Deputy Mayor shall take the Chair and perform all the duties of the Mayor. In the absence of the Mayor and Deputy Mayor, members shall, on motion put by the Clerk, appoint any member to take the Chair during such absence.

CONDUCT OF MEMBERS

Conflict of Interest:

17. Every Member shall comply with provisions of any Policy of the Region of Queens and/or Municipal Government Act and Municipal Conflict of Interest Act, respecting Conflict of Interest.

Conduct When Question Put:

18. When the Mayor is putting a question, no Member shall walk out of or across the Council Chamber, or make any noise or disturbance.

Conduct When Other Member Speaking:

19. (a) When a Member is speaking, no Member shall pass between him and the Chair, nor interrupt him/her, except to raise a point of order.

(b) If a Member seeks leave to ask a question of the Member who has the floor, the latter may accept or decline with no explanation given.

Conduct on Adjournment:

20. When the Council adjourns, the Members shall keep their seats until the Mayor has left the Chair.

VISITORS

Conduct of Visitors:

21. Any visitor admitted into any part of the Council Chamber or Gallery who misconducts himself/herself or does not withdraw when visitors are directed to withdraw while the Council or any Committee is sitting, shall be deemed to be in contempt.

BUSINESS OF COUNCIL

Daily Routine of Business:

22. The daily routine of business of the Council shall be in accordance with the approved Agenda usually in the following format, and such routine shall be without debate:
- 1.0 Call to Order
 - 2.0 Changes/Approval of Agenda
 - 3.0 Presentations
 - 4.0 Tabling of Petitions
 - 5.0 Public Question/Comment Session
 - 6.0 Approval of Minutes
 - 7.0 Dangerous or Unsightly Premises
 - 8.0 Economic Development
 - 9.0 Corporate Services
 - 10.0 Finance
 - 11.0 Engineering and Works
 - 12.0 Recreation and Community Facilities
 - 13.0 Queens Place Emera Centre
 - 14.0 Planning
 - 15.0 Heritage
 - 16.0 Other
 - 17.0 In Camera
 - 18.0 Adjournment

RULES OF DEBATE

Member Addressing Mayor:

23. Every Member desiring to speak is to address himself/herself to the Mayor.

Time Limit on Speeches:

24. Subject to Section 28, a Member may speak more than once, but no longer than fifteen minutes at a time.

Procedure on Point of Order:

25. A Point of Order may be raised by or with the Mayor at any time and, if a Member is then addressing the Council, he/she shall cease speaking while the Point of Order is under consideration. The Mayor may permit representations which are relevant to the point of order before giving his/her decision, but his/her decision on a Point of Order shall be final, subject only to appeal on motion.

Irrelevance or Repetition in Debate:

26. The Mayor, after having called the attention of the Council or of the Committee to the conduct of a Member who persists in irrelevance or repetition of his/her own arguments in debate, may direct him/her to discontinue his/her speech.

Limit on Speeches by Member in Debate:

27. Members may speak more than once on a question subject to Rule 26.

Right of Mover to Reply:

28. A reply shall be allowed to a Member who has moved a substantive motion but not to the mover of an amendment, the previous question or an instruction to a Committee.

Closing of Debate by Mover of Motion:

29. In all cases the Mayor shall inform the Council that the reply of the mover of the original motion closes the debate.

Reading of Question During Debate:

30. Any Member may require a question under discussion to be read at any time of the debate, but not so as to interrupt a Member while speaking.

Permitted Motions During Debate:

31. When a question is under debate, no motion shall be made, except as provided elsewhere in these Rules, other than an amendment to that question or a motion for the adjournment of the debate or a dilatory motion (See Section 47) and the question on a motion for adjournment of the debate shall be put without debate.

Unparliamentary Language:

32.
 - a) Unparliamentary words may be brought to the attention of the Council by the Mayor or by any Member. When the question is raised by a Member, it must be as a point of order and not as a question of privilege.
 - b) The proper time to raise such a point of order is when the words are used, not afterwards.
 - c) Threatening language is unparliamentary.

Disorderly Conduct by Member:

33. The Chair may order any Member who disregards the authority of the Chair or whose conduct is otherwise disorderly to withdraw immediately from the Council Chamber during the remainder of that day's sitting.

Removal of Suspended Member by Clerk:

34. When a Member has been ordered to withdraw pursuant to Rule 35, the Chair shall direct him/her to leave the Council Chamber and if he/she shall refuse to obey the direction of the Chair, the Chair shall order an appropriate authority to escort the Member from the Council Chamber, and if that Member then refuses to comply with the direction of the Chair, the Chair shall then authorize the use of such force as is necessary in order to compel obedience to his/her direction.

PRIVILEGE

Consideration of Matter of Privilege:

35. Whenever any matter of Privilege arises, it shall be taken into consideration immediately, but the Mayor may, if he/she thinks fit, delay giving his/her ruling on a question of privilege raised with him/her. (See Appendix A).

Notice to Mayor of Question:

36. A Member intending to raise a Question of Privilege shall give notice to the Mayor before the meeting of Council if practicable.

MOTIONS

Motions to be in Writing:

37. All motions and amendments, unless otherwise approved by the Chair, shall be in writing before being debated or put from the Chair.

Seconding of Motions Required:

38. Every motion or amendment shall require to be seconded when given or moved in Council or Committee.

Withdrawal of Motion:

39. A Member who has made a motion may withdraw the same with the unanimous consent.

Improper Motion:

40. Whenever the Mayor is of the opinion that a motion offered to the Council is contrary to the Rules and Privileges of Council, he shall apprise the Council thereof and quote the Rule or authority applicable to the case.

Rescinding Motions:

41. A Motion to Rescind has the effect of annulling a previous motion. Such motion is debatable. If due notice has been given prior to the day of consideration, it requires a simple majority to be carried in the affirmative. Should a Motion to Rescind be made without due notice, a two-thirds majority is required to carry the motion in the affirmative.

Amend Rules and Forms of Procedure:

42. A motion to amend the Rules and Forms of Procedure requires a minimum of seven days notice in writing and such notice shall be filed with the Clerk who will immediately circulate the notice to Members of Council and Chief Administrative Officer.

Dilatory Motions:

43. Dilatory motions are superseding motions intended to dispose of the original question before the Council either for the time being or permanently. They are usually made to cause delay or less frequently to advance the business of Council.

Dilatory motions include:

1. to adjourn debate
2. to adjourn Council
3. to postpone consideration (table)
4. procedural motions generally

DIVISIONS

Termination of Debate on Question on Motion:

44. After the Mayor or the Deputy Mayor or Committee Chair has put the question on a motion or an amendment, no further debate shall be permitted.

Majority Decision Required:

45. All questions shall be decided by a majority of hands except where a specific Rule provides otherwise.

Recording of Votes on Division:

46. Upon a division, the yeas and nays but not the names of Members shall be entered in the Minutes.

Roll Call:

47. When a Roll Call vote is demanded by at least two Members, the Mayor or the Deputy Mayor shall then direct the Clerk to call the Roll when he/she is satisfied that all Members wishing to vote are in their seats.

COMMITTEES

Standing Committees:

48. Committees (of which the mayor is an ex-officio member) of the Council of the Region of Queens Municipality are:

- i) Heritage Advisory
- ii) Planning Advisory
- iii) Nominating
- iv) Queens Place Emera Centre
- xi) Ad Hoc Committees established by Council from time to time

Members Not Appointed:

49. Members who have not been appointed to a committee are entitled to be present at sittings of all committees, unless the Council or the Committee orders otherwise. They may not vote, move motions nor be part of any quorum. They may participate during the committee's examination of witnesses, but they do so usually at the discretion of the Chair and the Committee. They normally retire when the committee is about to deliberate upon a report.

PETITIONS

Filing of Petition:

50. A Petition to the Council may be filed with the Clerk at any time in which case the Clerk shall advise Council of receipt of the Petition at the next Council meeting under the Order of Business Tabling of Petitions.

Presentation of Petition in Council:

51. Any Member desiring to present a Petition in his/her place in the Council must do so during routine proceedings under the Order of Business – Tabling of Petitions.

Debate Not Permitted:

52. Upon presentation of a Petition, no debate on or in relation to the same shall be allowed.

Responsibility of Member for Content:

53. Members presenting Petitions shall be answerable that they do not contain impertinent or improper matter.

Endorsement of Member:

54. Every Member presenting a Petition shall endorse his/her name thereon, but such endorsement does not commit the Member respecting the Prayer of the Petition.

Minimum Number of Signatures:

55. Petitions may be either written or printed; provided always that when there are three or more petitioners the signature of at least three petitioners shall be subscribed on the sheet containing the Prayer of the Petition.

CLERK OF THE COUNCIL

Duties of the Clerk:

56. The Clerk shall have the direction and control over other clerks and other persons employed in the office of the Clerk during the meeting, subject to such orders as he/she may, from time to time, receive from the Mayor or Council.

Distribution of Council:

57. a) The Clerk of Council shall insure the Mayor and each Member, as well as appropriate staff and media have a Council Agenda in advance of the meeting.
- b) The agenda of Council shall be posted on the Region of Queens website no fewer than two business days prior to the meeting day.

Minutes:

58. The Clerk shall see to the printing of the Minutes of the Council both approved and unapproved, and shall be responsible for the proper indexing and placement on the website of the approved Minutes. The Clerk shall ensure that a written record ("notes") are taken during in-camera sessions.

Appendices

Appendix A

Parliamentary Privilege:

Members of the Canadian Parliament and of the provincial and territorial legislatures enjoy certain privileges or rights without which they could not discharge their functions and which exceed those possessed by other bodies or individuals. They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members and by each House for the protection of its Members and the vindication of its own authority and dignity.

While the **Privileges** for national, provincial and territorial Parliaments are extensive, those accruing to Municipal Councils and their Committees are less so. For example, exemption from jury duty does not accrue to Municipal Members and it is unlikely protection from law suits is similarly not available to Members.

There are however, certain **Privileges** which clearly do belong to Municipal Members and to Council as a body. They include among others:

1. The Power of Council to enforce its rules to Members and others admitted within the precincts of the Chamber, but also to members of the general public who may interfere with the orderly conduct of Council business.
2. Council has the right to exclude the public from its deliberations, subject to the Municipal Government Act.
3. The Chair of Council and those of its committees has the right to clear the gallery without a motion of decision of Council if significant disorder occurs in the gallery.
4. Council has the right to remove any member of the public who misconducts themselves
5. Every Member duly elected has the right to take his/her place in Council.
6. Council has the right to control its publications including Minutes of Council and Standing and Ad Hoc Committees, subject to the Municipal Government Act.
7. Council has the right to formulate and amend its own rules.
8. Any threat employed to influence the vote or actions of a Member is a breach of privilege.
9. Privilege extends to Committees.
10. In addition to the right of Council to regulate its own affairs, Council also has the right to discipline its own Members for misconduct.

Appendix B

References:

1. Rules & Forms of the House of Commons of Canada – 6th Edition
By Alistair Fraser L.L.B., W.F. Dawson B.A., M.A., D.Phil, John A. Holtby
2. Bourinot's Rules of Order – Geoffrey H. Stanford
3. House of Commons Procedure and Practice – Second Edition, 2009
Audrey O'Brien & Marc Bosc
4. Province of Nova Scotia Rules and Forms of Procedure of the House of
the Assembly