

VILLAGE OF STANLEY **Y**
INCORPORATED 1966
BY-LAW NO. A-3

MUNICIPAL PROCEDURAL BY-LAW REGULATION – MUNICIPALITIES
ACT

A BY-LAW RESPECTING THE PROCEDURES OF VILLAGE COUNCIL

BE IT ENACTED by the Council of the Village of Stanley as follows:

1. Hours of Service

1.01 The official hours for the transaction of public business in the Village Office shall be from 9:00 a.m. to 5:00 p.m. on Monday, and Thursday of each week, except on holidays, and on Tuesday of each week between the hours of 9:00 a.m. and twelve o'clock noon, except on holidays.

1.02 Nothing herein prevents the extension of official hours when public business so demands.

2. Definitions

Unless otherwise defined, in every by-law of the Village of Stanley,

2.01 "by-law" means a bylaw of the Village of Stanley,

2.02 "village" means the Village of Stanley,

2.03 "clerk" means a Clerk appointed pursuant to section 74 of the *Municipalities Act*,

2.04 "council" means the Mayor and Councillors of the Village of Stanley,

2.05 "councillor" means a member of the Council other than the Mayor,

2.06 "herein" used in any section shall be understood to relate to the whole by-law and not just to the section in which it is used,

2.07 "mayor" means Mayor of the Village or the person for the time being having the powers of or performing the duties of the Mayor,

2.08 "member" or "member of council" means any person elected to Council,

2.09 "municipality" means the Village of Stanley,

2.10 "quorum" unless otherwise defined means a majority of the members of Council holding office from time to time together with the mayor or other presiding officer,

2.11 "shall" is to be construed as imperative, and "may" as permissive and empowering.

Seal

(1) The corporate seal of the Village of Stanley shall have inscribed thereon the words "Village of Stanley – Province of New Brunswick" and include the year of incorporation "1966" and imprint of the seal appearing on the margin of this by-law is adopted as its corporate seal.

(2) The corporate seal shall at all times remain in the custody of the clerk and shall be used by him or her in matters as required under section 76(1)(d) of the Municipalities Act.

3. Application

The rules and regulations within this by-law:

- (a) shall be used for the order and issue of business in council and committees;
- (b) may be suspended by unanimous consent of the members present, and shall apply to council members, employees of the Village of Stanley, and members of the general public.

4. The Village Clerk

4.01 The Village Clerk shall perform the duties prescribed in section 76 of the *Municipalities Act*, ch. M-22, RSNB, 1973, with amendments thereto.

4.02 In addition to the duties prescribed by statute or by any other by-law of the Village, the Village Clerk shall perform such other duties that he or she may be required to do by resolution of the Council or any committee thereof or which would naturally devolve upon him or her in his or her official capacity.

5. Procedure

5.01 Call to Order

- (a) The Mayor shall preside at all meetings of the Council.
- (b) As soon after the hour of meeting as a quorum is present, the Mayor shall take the chair and call the members to order.

5.02 Chairperson in Absence of Mayor

In the absence or inability of the Mayor to act, or if the office of Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while so acting, shall possess the powers and shall perform the duties of the Mayor.

5.03 Duties of the Chair

- (a) Open the meeting of Council and call the members to order.
- (b) Announce the business before Council in the order in which it is to be acted upon.
- (c) Receive and submit in the proper manner all motions presented by the members.
- (d) Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings and announce the result.
- (e) Decline to put to vote motions, which infringe the rules of procedure.
- (f) Ensure that each member present shall announce his or her vote on a motion openly and individually and that the Clerk records it.
- (g) Enforce on all occasions the observance of order and decorum among the members and visiting public within the confines of the council chamber.
- (h) Authenticate by a signature when necessary all by-laws, resolutions and minutes of Council.
- (i) Inform Council when necessary or when referred to for that purpose on a point of order or usage.

5.04 Absence of Quorum

- (1) A majority of the Councillors, including the Mayor, shall constitute a quorum.
- (2) Unless there is a quorum within fifteen minutes after the time appointed for the meeting of the Council, the Council shall then stand adjourned until such day of meeting as the Village Clerk shall then declare.

6. Meetings

6.01 Regular Meetings

- (a) The Council shall hold regular meetings on the third Monday of each month . When any such Monday falls on a civic, public or statutory holiday, the Council shall meet on the Monday of the next week if Council so determines.

- (b) Meetings of the Council shall be held in the Council Chamber in the Village Office or at such other place as the Council may establish by resolution.
- (c) The regular meetings of the Council shall be held at 5:00 o'clock in the afternoon.
- (d) The Clerk shall issue notices of all regular meetings of the Council and shall specify the time of such meeting and the business to be transacted thereat.
- (e) All meetings of the Council shall be open to the public and no member of the public shall be excluded there from except for improper conduct. The Mayor or other presiding officer may order the expulsion from any meeting any person guilty of improper conduct at such meeting.
- (f) The Clerk shall allot to each Councillor a seat within the bar of the Council Chamber, which he or she shall thereafter be entitled to occupy at all meetings of the Council.
- (g) When any matter or proceeding is not contemplated by this by-law or provincial legislation the chair shall use the most recent edition of Robert's Rules of Order as a guide.

6.02 Special Meetings

- (a) The Mayor may at any time summon a special meeting.
- (b) Upon receiving a petition to summon a meeting by two Councillors, the Clerk shall summon a meeting for the purpose and at the time mentioned in the petition.
- (c) In case the office of Mayor or Councillor becomes vacant, the Clerk may summon a special meeting of the Council for the purpose of declaring such vacancy.
- (d) The Clerk shall issue notices of all special meetings of the Council and shall specify the time of such meeting and the business to be transacted thereat.
- (e) All special meetings of the Council shall be open to the public and no member of the public shall be excluded there from except for improper conduct. The Mayor or other presiding officer may order the expulsion from the special meeting any person guilty of improper conduct at such meeting.
- (f) Except by unanimous consent of all the members present, the Council shall not consider any new business other than what is specified in the notice of meeting.

6.03 Committee Of The Whole

- (a) The Mayor, or a Councillor appointed by the Mayor from among the members present, shall be chairperson of committee of the whole.
- (b) The general rules of Council shall be observed during committee of the whole so far as they are applicable except that,
 - (i) no motion for adjournment shall be allowed,
 - (ii) the yeas and nays shall not be recorded,
 - (iii) members shall not be limited in the number of times they may speak on any question.
- (c) All decisions of the Council, while acting in committee of the whole shall be made in a regular or special meeting of the Council.

7. Select Committees

The Council may establish select committees as it may from time to time deem necessary and may appoint members to and establish terms of reference for such committees.

8. Conflict of Interest Disclosure

Sections 90.1 to 90.91, inclusive, of the *Municipalities Act*, and amendments thereto, will govern any conflict of interest.

8.01 Where a member has a conflict of interest with respect to any matter in which the Council is concerned and he or she is present at a meeting of Council, a meeting of a committee of Council, or any other meeting at which business of Council is conducted, at which the matter is a subject of consideration he shall,

- (a) as soon as the matter is introduced, disclose the conflict of interest in the matter, and
- (b) forthwith withdraw from the meeting while the matter is under consideration or vote.

8.02 Each member shall file with the Clerk in the form prescribed by regulation a statement disclosing any conflict of interest of which he has knowledge or should reasonably have knowledge.

9. Approval of Minutes

(a) The minutes of the next preceding meeting need not be read in open Council unless a Councillor present requires the reading, in which case, the Clerk shall read the minutes.

(b) The minutes shall record, without note or comment, all resolutions, decisions and proceedings of the Council meeting.

(c) The minutes shall record the place, date and time of the Council meeting, and record the attendance of Council members.

(d) The Mayor and Clerk shall sign the minutes approved by Council.

10. By-laws

10.01 All bylaws shall,

(a) be enacted in accordance with the procedure directed by the *Municipalities Act*, and amendments thereto,

(b) be sealed with the corporate seal of the municipality, and

(c) be signed by the Clerk and the Mayor or in his or her absence the presiding officer of the Council who presided at the meeting at which it was enacted.

10.02 Unless all the members present declare by resolution that an emergency exists, not more than two of the three readings by title shall take place at one meeting of the Council.

10.03 A proposed by-law may be amended at any time prior to third reading by title.

11. Voting

11.01 Unless disqualified to vote by reason of conflict of interest or otherwise upon a by-law, resolution, motion or for any other purpose, each member present shall announce his or her vote openly and individually, and the Clerk shall record it.

11.02 No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

12. Vacancies on Council

When the office of the Mayor or of a Councillor becomes vacant, the Clerk shall notify the Council of that vacancy within 24 hours.

13. Election of Deputy-Mayor

The Mayor shall elect a Deputy-Mayor from amongst elected Councillors for a two-year term. The first election will be held prior to their first regular meeting and the second election held at the midpoint of Council's four-year term.

14. Appropriations and Expenditures

14.01 Over Expenditure

No work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of the Council.

14.02 Accounts Against the Village

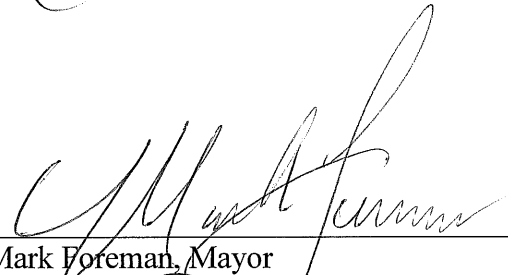
The Treasurer shall prepare and submit statements to the Council as the Council requires, and shall advise the Council on all matters relating to finance or accounting.

15. Repeal Provision


15.01 Bylaw No. 2, A Bylaw Regarding Meetings Of The Council, passed by Village Council on September 14, 1967, is hereby repealed.

15.02 The repeal of Bylaw No. 2, A Bylaw Regarding Meetings Of The Council, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF
STANLEY ON October 28TH, 2004.



Mark Foreman, Mayor



Lorna Pinnock, Village Clerk

Read for the first time on: *Sept. 16/04*
Read for the second time on: *Oct. 28/04*
Read for the third time and enacted on: *Oct 28/04*