

BISHOP'S FALLS TOWN COUNCIL
(Hereinafter referred to as 'Council')

Bishop's Falls Town Council Standing Orders 2017

Pursuant to the powers conferred under section 24(3) of the *Municipalities Act, 1999* and all other powers it enabling, the Bishop's Falls Town Council, during a Public Meeting convened on October 10, 2017, hereby passes and enacts the following Standing Orders governing the conduct of Council and its meetings.

Part I

PUBLIC AND PRIVILEGED COUNCIL MEETINGS

1.0 Public Meetings

- 1.1 Effective October 17, 2017, a Regular Public Meeting shall be held on the third Tuesday of every month beginning at 7:00 pm.
- 1.2 Regular Public Meetings shall take place at the Town Hall in Council's Chambers and, in accordance with section 24 (1) (1) of the *Municipalities Act, 1999*, shall be open to the general public.
- 1.3 The Mayor, Deputy Mayor or two (2) Councillors may, upon giving 36 hours written notice to the Town Manager/Clerk, call a Special Public Meeting.

2.0 Privileged Meetings

- 2.1 The Mayor, Deputy Mayor or two (2) Councillors may, upon giving 36 hours written notice to the Town Manager/Clerk, call a Privileged Meeting.
- 2.2 Council may, by a majority vote of the Councillors present, declare a Public Meeting to be a Privileged Meeting and in that case, members of the general public are required to vacate Chambers.
- 2.3 Privileged Meetings shall not be open to the general public.
- 2.4 As per subsection 213 (3) of the *Municipalities Act, 1999*, a decision of Council made at a Privileged Meeting shall not be valid until that decision has been ratified by a vote of the Councillors at a Public Meeting.

3.0 Notice of Meetings

- 3.1 Notice of Public Meetings shall be by way of an agenda that is served by hand or email, whatever method is most feasible in the circumstances, to Councillors at least 24 hours in advance.

3.2 Notice of Privileged Meetings shall be by way of email or telephone, whatever method is most feasible in the circumstances, that is served upon the Councillors at least 24 hours in advance.

3.3 Notwithstanding Order 3.1 and 3.2, the failure of any Councillor to receive notice shall not invalidate a Public or Privileged Meeting of Council.

3.4 A notice under these Orders shall be served by the Town Manager/Clerk or his/her designate.

4.0 Meeting on Legal Holiday

4.1 Notwithstanding Orders 1.1, 1.3, and 2.1, where a Public or Privileged Meeting falls on a statutory holiday or a holiday listed in article 19.01 of the Collective Agreement between the Town and CUPE Local 1349, the Public or Privileged Meeting shall be deferred to the next immediate day that is not a holiday or a weekend.

5.0 Presiding Officer

5.1 As per section 22 of the *Municipalities Act, 1999*, the Mayor, or in his/her absence the Deputy Mayor, shall preside over all meetings of Council. In the event the Mayor and Deputy Mayor are absent from the meeting, the Town Manager/Clerk shall take the chair, call the meeting to order, and if there is quorum he/she shall see that a Chairperson is appointed by and from the Councillors present.

5.2 A Councillor serving as Chairperson as per Order 5.1 shall do so only until the arrival of the Mayor or Deputy Mayor.

6.0 Quorum

6.1 In accordance with section 211 of the *Municipalities Act, 1999*, a quorum shall be reached when a majority of the Councillors in office are present at the meeting.

6.2 Where a quorum is not reached within fifteen minutes after the time set aside for the meeting, the Town Manager/Clerk shall record the names of those Councillors present and the Presiding Officer shall adjourn the meeting.

7.0 Town Employees Attendance Required

7.1 The Town Manager/Clerk is required to attend all Public and Privileged Meetings of Council.

7.2 At the request of the Mayor, the Town Manager/Clerk or a Standing Committee Chairperson, Department Heads may be required to attend a Public or Privileged Meeting of Council.

8.0 Agendas and Minutes

8.1 The Town Manager/Clerk, or his/her designate, shall prepare agendas for Public and Privileged Meetings. Public Meeting agendas shall, where permissible and at the discretion of the Town Manager/Clerk, take the following form:

Call Meeting to Order
Silent Reflection
Adoption of Agenda
Delegations
Adoption of Minutes
Business Arising From the Minutes
Standing Committee Reports
Regulations
Policies
General Business
Notice of Motions
Councillor Statements
Adjournment

- 8.2 The Town Manager/Clerk, or his/her designate, shall record the minutes of Public Meetings. Such minutes are to be prepared and distributed to Council by email within 72 hours of the adjournment of the Public Meeting. The minutes of Council shall, among other things;
- a. not contain the names or personal information of residents who have put a request before Council unless required by law.
 - b. contain the motions of Council that clearly indicate the mover and seconder along with the names of Councillors voting in favour or against the motion and those abstaining.
- 8.3 Minutes for Public Meetings, once adopted by Council, shall be available to the general public. Upon submitting a written request to the Town Manager/Clerk and depositing a service fee of \$0.15 per page with the Town, the Town Manager/Clerk shall provide the resident with a copy of the minutes. Minutes shall also be posted to the Town website.
- 8.4 Errors or omissions concerning minutes for Public Meetings may, upon majority resolution of the Councillors present during a Public Meeting, be amended to correct an error or omission. Such amendments are to be included in the motion adopting the minutes for the public record.
- 8.5 Notwithstanding Order 8.4, errors or omissions may, at the request of the Mayor or a Councillor, be amended before they are adopted by Council at a Public Meeting where the Town Manager/Clerk is satisfied that the error or omission ought to be corrected to ensure the minutes accurately reflect the events during the Public or Privileged Meeting.

9.0 Power to Preserve Order in the Chamber

- 9.1 The Presiding Officer shall have the authority to preserve order during meetings of Council. Where, in the opinion of the Presiding Officer, a Councillor or a member of the general public is acting inappropriately or is contravening these Orders, the Presiding Officer may;
- a. in the case of inappropriate behaviour, ask the Councillor or member of the general public to cease the inappropriate behaviour immediately;
 - b. in the case of a contravention of these Orders, order the Councillor or member of the general public to comply with these Orders; or

- c. where Order 9.1 (a) and 9.1 (b) have not resolved the situation, expel the Councillor or member of the general public from Chambers.
- 9.2 A Councillor who has been expelled from Chambers as per Order 9.1 (c) shall not be permitted back into Chambers until he/she has formally apologized to the Presiding Officer, and Council, by majority resolution, permits the Councillor to re-enter Chambers.
- 9.3 A member of the general public, who has been expelled from Chambers as per Order 9.1 (c), shall not be permitted back into Chambers until he/she has formally apologized to the Presiding Officer, and the Presiding Officer permits the member of the general public to re-enter Chambers.

10.0 Delegations

- 10.1 A person or group of persons may request an audience with Council during a Public Meeting for the purpose of presenting a proposal or raising an issue, problem, or situation from a personal or community perspective. In such a situation, the person or group of persons must submit a formal request to the Town Manager/Clerk at least 24 hours in advance of the Public Meeting that;
 - a. describes the purpose of the delegation; and
 - b. lists the person(s) who will make the presentation to Council.
- 10.2 With leave from the Presiding Officer, a Councillor may ask questions to obtain clarification on a point made by the delegation. Under no circumstances shall a Councillor be permitted to engage the delegation in debate. Where the matter being raised by the delegation is determined to be private in nature by the Presiding Officer, Council shall dissolve into a privileged session to consider the matter.
- 10.3 Where a delegation raises an issue that, in the opinion of the Presiding Officer, is new business that has not been place on the Public Meeting agenda in accordance with these Orders, the Presiding Officer shall direct the Town Manager/Clerk to place the issue on a Standing Committee's agenda for future consideration.

11.0 Notice of Motion

- 11.1 A motion respecting the adoption or amendment of a regulation shall not be presented to Council until a written notice of motion respecting that regulation is placed on the agenda of a previous Public Meeting and is heard by Council.
- 11.2 Notice of motions shall be in the following form:

*“Mayor, I speak today to advise my fellow Councillors that during a Public Meeting to be held on *date and month* in the year *0000*, it will be moved and seconded that Council adopt or amend the *Bishop’s Falls Regulation*.”*
- 11.3 To be valid, a notice of motion must be in the form described in Order 11.2 and signed by the mover or Chairperson of the Standing Committee responsible for the regulation.

12.0 Motions

- 12.1 Every motion must be moved and seconded before being put to debate.
- 12.2 When a motion has been moved and seconded, it cannot be withdrawn by the mover or seconder unless and until permission is granted by Council by majority resolution. Notwithstanding the latter, a motion shall not be withdrawn when an amendment to the motion is before Council.
- 12.3 Any motion or question that contains several distinct propositions may, by the direction of the Presiding Officer, be divided if the sense of the motion permits. The vote on each such division shall be taken separately. In the opinion of the Presiding Officer, if a motion cannot reasonably be divided, any request to do so shall be declare out of order by the Presiding Officer.
- 12.4 Councillors shall address the Presiding Officer when debating any motion before Council, and shall refrain from engaging or confronting individual Councillors while debating the motion.
- 12.5 Only one (1) Councillor shall speak to a motion at a time. Where more than one (1) Councillor attempts to speak to a motion, the Presiding Officer shall decide which Councillor shall speak first.
- 12.6 The Presiding Officer, acting on his/her judgement, may call a Councillor to order while debate is in progress. In such an event the debate shall be suspended and the Councillor called to order shall not speak again until the point of order has been addressed. A decision of the Presiding Officer concerning a point of order in this circumstance may be appealed to Council during the meeting where the point of order was called, and in that case Council shall, by majority resolution, make a decision on the appeal without debate.
- 12.7 No Councillor shall, unless granted leave by the Presiding Officer, speak longer than five (5) minutes or more than once on any motion or amendment. The Presiding Officer may grant leave for the Councillor to speak to the motion a second time for a maximum of two (2) additional minutes.
- 12.8 A Councillor may request and the Presiding Officer shall grant that a motion be read at any time during a debate on that motion.
- 12.9 A motion to adjourn is always in order except where a Councillor is addressing the Presiding Officer or a vote is being taken.
- 12.10 A motion to adjourn the Council meeting or to adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the Council meeting or to adjourn the debate to a given day may be amended and is open to debate.

Part II

CORRESPONDENCE

13.0 Correspondence Received from External Parties

- 13.1 Correspondence received from external parties shall be reviewed and addressed by Standing Committees and shall not be presented during Public Meetings. Notwithstanding the latter, where Standing Committees are not convened, such as during the summer period as per Order 15.2, correspondence shall be addressed during public meetings.
- 13.2 Notwithstanding Order 13.1, Council may, by majority resolution, order that a specific piece of correspondence received from external parties become part of the public record.

14.0 Correspondence Sent by Mayor, Deputy Mayor, Councillors and Town Officials

- 14.1 Correspondence sent by the Mayor, Council, or Town Officials shall be reviewed and addressed by Standing Committees and shall not be presented during Public Meetings.
- 14.2 Notwithstanding Order 14.1, Council may, by majority resolution, order that a specific piece of correspondence sent by the Mayor, Deputy Mayor, Councillors or Town Officials become part of the public record.
- 14.3 Correspondence issued as a result of a Council decision shall not be reviewed by a Standing Committee unless requested by the Standing Committee.

Part III

STANDING COMMITTEES

15.0 Standing Committees Meetings

- 15.1 Effective November 1, 2017, Regular Standing Committee meetings shall take place as per the following schedule:

Standing Committee	Day and Time
Community Relations	First Wednesday of each month at 7:00 pm
Recreation	First Monday of each month at 7:00 pm
Public Works	Second Tuesday of each month at 7:00 pm
Finance	Second Thursday of each month at 7:00 pm ¹

- 15.2 Notwithstanding Order 15.1, during the months of June, July and August Standing Committees shall be suspended and convened only by the call of the Chairperson for special business.

¹ Amendment R133/2017 (PM 1399)

- 15.3 Standing Committees shall sit so long as two (2) of the three (3) members are able to attend. Where quorum is not reached, the Standing Committee shall stand adjourned until the next regularly scheduled meeting as per Order 15.1 or at the call of the Chairperson.
- 15.4 The Chairperson may, in his/her discretion, convene a special sitting of his/her Standing Committee to address business of an urgent nature.
- 15.5 Where, in the opinion of the Town Manager/Clerk or his/her designate, there is insufficient business before the Standing Committee to warrant a meeting, the Town Manager/Clerk shall advise the Chairperson and the Chairperson shall decide whether or not the meeting will proceed as scheduled. Where the meeting is cancelled, the Standing Committee shall not sit until the next schedule session as determined by Order 15.1.

16.0 Terms of References

- 16.1 Each Standing Committee shall have a Terms of Reference that, among other things as determined by Council, defines the Committee’s mandate and composition.

17.0 Reports and Recommendations

- 17.1 During each Regular Public Meeting the Chairperson shall present the Standing Committee’s report and recommendations. In the absence of the Chairperson, the Presiding Officer shall appoint another member of the Standing Committee for the purpose of presenting the report and recommendations.
- 17.2 Reports from Standing Committees, which shall be prepared by the Town Manager/Clerk or his/her designate, shall highlight the business conducted by the Committee, but shall not disclose information that is deemed confidential and privileged by the Chairperson.
- 17.3 Recommendations from Standing Committees shall take the form of a motion or resolution.
- 17.4 Standing Committee reports shall take the following form:

- Standing Committee
- Chairperson
- Members in Attendance
- Committee’s Report
- Recommendations Arising
- Appendices
- Staff Action Items (Internal)

18.0 Agendas and Minutes

- 18.1 The agendas for Standing Committees shall be prepared by the Town Manager/Clerk or his/her designate.
- 18.2 Any member of a Standing Committee may add an item to the agenda at any time during a meeting of the Standing Committee.

18.3 No minutes shall be recorded for Standing Committee meetings. Rather, the report as outlined under section 17 shall be prepared.

19.0 Minority Reports

19.1 A member of a Standing Committee dissenting from a report or recommendation that has been presented by majority support of the Standing Committee’s members may present a minority report to Council. Such a report must be presented to Council during the debate of the majority report or recommendation.

19.2 To be valid and admissible before Council, minority reports must be signed by the dissenting member and submitted to the Town Manager/Clerk at least six (6) hours before the meeting where the majority report or recommendation is being presented to Council.

20.0 Delegations

20.1 A person or group of persons may request an audience with a Standing Committee for the purposes of presenting a proposal or raising an issue, problem, or situation from a personal or community perspective. In such a situation, the person or group of persons must submit a formal request to the Town Manager/Clerk at least 24 hours in advance of the Standing Committee meeting that;

- a. describes the purpose of the delegation; and
- b. lists the person(s) who will make the presentation to the Standing Committee.

20.2 With leave from the Chairperson, a member may ask a delegation as many questions as necessary to obtain clarification on a point made by the delegation. Members shall be permitted to engage the delegation for the purpose of exploring the proposal, issue, problem or situation further.

21.0 Attendance by Town Employees

21.1 The following employees shall be required to attend the respective Standing Committee meetings:

Standing Committee	Employee
Finance	Town Manager/Clerk
Public Works	Town Manager/Clerk, Assistant Town Manager, and the Public Works Supervisor.
Community Relations	Office Administrator

Recreation	Assistant Town Manager
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21A.0 Chairperson Roles, Responsibilities and Authorities

- 21A.1 In addition to the roles, responsibilities, and authorities of the Chairperson as described in these Orders and the Standing Committee’s Terms of Reference, the Chairperson shall also;
- a. ensure the Standing Committee’s mandate is executed accordingly and as required;
 - b. ensure reports are presented to Council in proper form;
 - c. speak for the Standing Committee at and between Council meetings;
 - d. be aware and well versed on the matters before the Standing Committee; and
 - e. keep order during Standing Committee meetings and exercise, where necessary, the authorities of a Presiding Officer as delineated under Orders 9.1, 9.2 and 9.3.

Part IV

INTERPRETATION AND AMENDMENT

22.0 Point of Order

- 22.1 A Councillor may, if he/she believes these Orders have not been interpreted or applied correctly, call a point of order.
- 22.2 A point of order called as per Order 22.1, either verbally or in writing, shall;
- a. identify the Order he/she believes has been incorrectly interpreted or applied;
 - b. describe the situation giving rise to the point of order; and
 - c. describe the course of action he/she believes to be appropriate.
- 22.3 The Mayor, in response to a point of order called as per Order 22.1 and 22.2, shall review these Orders and Robert’s Rules of Order and shall, within ten (10) days after the point of order was called, make a decision as to the correct interpretation and application of these Orders or, where more appropriate, Robert’s Rules of Order. The Mayor’s decision may be appealed to Council during a Public Meeting, and in such an event the decision may be overturned by a two-thirds majority of the Councillors present.
- 22.4 These Orders or Robert’s Rules of Order shall not be interpreted or applied in such a way as to contravene any provision of the *Municipalities Act, 1999* or any regulations made there under.

23.0 Amendment and Suspension

- 23.1 These Orders may be amended or suspended at any Public Meeting by a two-thirds vote of the Councillors present.

Part V

ELECTRONIC BUSINESS

24. The Mayor, Deputy Mayor, a Standing Committee Chairperson, or the Town Manager/Clerk may initiate a process under these *Standing Orders* to have Council resolve an urgent matter by electronic means. For the purpose of this part;
 - (a) electronic means shall include email and telephone methods.
 - (b) a matter is considered urgent when it must be resolved by Council in the near future and a public meeting is not scheduled within five (5) business days of the matter arising.
25. Where a process is initiated under section 24, the Town Clerk shall immediately prepare an *Electronic Business Decision Instrument (EBDI)* that shall;
 - (a) summarize the matter before Council;
 - (b) indicate who is initiating the process;
 - (c) indicate why the matter is deemed urgent;
 - (d) outline a recommendation in relation to the matter;
 - (e) provide supporting materials where relevant.
26. The Mayor shall determine the method (i.e. email or telephone) that will be used to resolve the urgent matter by electronic means. Where telephone is selected, the Town Clerk shall distribute the *EBDI* to Council at least one (1) business day in advance before the telephone poll is conducted. A telephone poll shall be conducted in rare occasions where it is particularly urgent for Council to resolve a matter. Where email is selected, Councillors shall have three (3) business days after receiving the *EBDI* from the Town Clerk to register their vote for or against the recommendation.
27. Unless otherwise required by the *Municipalities Act, 1999*, urgent matters brought before Council to resolve by electronic means shall be decided by simple majority of the Councillors in office. Upon conclusion of the processes outlined by section 26, the Town Manager/Clerk shall proceed to implement the decision of Council, where required, as though it were passed during a public meeting.
28. Decisions reached by electronic means in accordance with this part must be ratified by Council during a public meeting at the earliest opportunity.
29. Notwithstanding any other section under this part, where at least two Councillors oppose the urgent matter being addressed by electronic means, for whatever reason, the Town Clerk shall immediately advise Council and cease the process. In such cases, the urgent matter shall remain unresolved and shall be placed on a public meeting agenda at the earliest opportunity.

