

BY-LAW NO. 2012-02

**A BYLAW OF THE MUNICIPALITY OF FREDERICTON JUNCTION
RESPECTING THE PROCEDURE AND
ORGANIZATION OF THE VILLAGE OF FREDERICTON JUNCTION**

UNDER SECTION 189(9) OF THE *MUNICIPALITIES ACT*, THE COUNCIL OF THE VILLAGE OF FREDERICTON JUNCTION, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. In this by-law

- (a) “act” means the *Municipalities Act*
- (b) “clerk” means the clerks of the municipality appointed under section 74 of the *Municipalities Act*;
- (c) “corporation” means the municipality;
- (d) “committee” means a committee provided for or created by Council.
- (e) “council” means the mayor and councilors, of the municipality;
- (d) “councilor” means a member of the council other than the mayor;
- (e) “member of council” means a person elected to the council;
- (f) “municipality” means the Village of Fredericton Junction.
- (g) “quorum” means a majority of the full number of members of council.

SEAL

- 2. The corporate seal of the Village of Fredericton Junction shall be a metal stamp and have inscribed thereon the words, “the Village of Fredericton Junction” and include the date of incorporation and the imprint of the seal appearing on the margin of this by-law is adopted as its corporate seal.
- 3. The corporate seal shall be at all times in the custody of the clerk

REGULAR MEETINGS OF COUNCIL

- 4. (1) The Clerk shall fix a date for the first meeting of a newly elected Council in accordance with the Act. No business shall be transacted until the oaths of office have been taken and subscribed to by all persons declared elected, in accordance with the *Municipal Elections Act*, R.S.N.B. (1973) and amendments thereto

(2) The Clerk shall allot to each Councillor a seat within the Council Chamber which he/she shall thereafter be entitled to occupy at all meetings of Council.

(3) The council shall hold regular meetings on the second and fourth Monday of each month in the Council Chamber at 7:30 o'clock in the evening and public notice of this will be displayed on the door of the Village Office and on its web site.

(4) When the day of the regular meeting falls on a day that is a prescribed day of rest as defined under the *Days of Rest Act*, the council may meet at 7:30 o'clock in the evening of the next following day.

(5) Whenever possible, the clerk shall make every reasonable effort to give public notice of a cancelled or rescheduled meeting or of the change of time or location by posting notice to the public on the Village's website (www.frederictonjunction.ca) before the date and time on which the Council, meeting was to have been held.

(6) The mayor may, on two clear days written notice to the public, given through the clerk's office, change any regular meeting of council to a day and time to be named in the notice, and that particular meeting shall be held at that time, place and date.

(7) The clerk shall make available to each member, not later than the Friday before the day fixed for each regular meeting, the agenda of the meeting and the minutes of the previous meeting.

(8) Unless otherwise agreed to by Council, no matter shall be placed on the agenda for consideration at any council meeting unless the request for consideration of the matter is received by the clerk before five o'clock in the afternoon of the Thursday preceding the day on which the meeting is to held.

(9) Copies of the agenda shall be made available to the general public at the Office of the clerk, during office hours or on the website of the Village (www.frederictonjunction.ca) by 9:00 a.m. of the day of the meeting.

SPECIAL OR EMERGENCY MEETINGS

5. (1) Upon having received a written request to call a special or emergency council meeting signed by not less than three councillors or the Mayor, the clerk shall call a special or emergency meeting for the purpose noted in the written request and at the specified in the petition.

(2) When a special or emergency meeting is called, the clerk shall inform each member of the time of the meeting and the business to be transacted thereat.

(3) All special or emergency meetings shall be advertised by distributing a written notice to each household indicating the time, date, place and the purpose of the meeting at least 24 hours prior to start of the meeting. The notice may also be placed on the Village's web site

CALL TO ORDER

- 6 (1) Subject to subsection (2), as soon after 7:30 o'clock in the evening of the day for a regular council meeting and as soon after the hour of the meeting set by the calling of a special meeting as there is a quorum present, the mayor shall take the chair and call the council to order.
- (2) When the mayor is not present within fifteen minutes of the time set for the meeting, or when the mayor has previously indicated that he will not be in attendance, the deputy mayor shall call the council to order and, shall preside during meeting or until the arrival of the mayor.
- (3) Upon a quorum of the members being present, the mayor shall take the chair and call the members to order. In the absence of the mayor and the deputy mayor, council may, from among the members present, appoint a chairman who, during the absence of the mayor and deputy mayor, shall have the powers of the mayor.
- (4) When there is no quorum present within twenty minutes after 7:30 o'clock in the evening of the day for a regular council meeting or within twenty minutes of the hour set in the calling of any special meeting, the clerk shall call the roll and take down the names of the members then present and shall adjourn the meeting until the next regular meeting or until a special meeting is called.

ORDER OF PROCEEDINGS

7. (1) As soon as a regular council meeting is called to order by the mayor or chairperson, subject to subsection (2), the business of the meeting shall be dealt with in the following order:
 - (a) recording of attendance;
 - (b) declaration of any conflict of interest;
 - (c) motion approving or amending the minutes;
 - (d) approval of agenda
 - (e) reading of petitions and hearing delegates;
 - (f) correspondence
 - (g) Statements from members of Council
 - (h) presentation and consideration of reports of committees. Reports to include unfinished business and any new Business;
 - (i) other business
 - (j) payment of bills
 - (k) adjournment

unless otherwise determined by motion passed by the affirmative vote of at least two-thirds of the members present at the meeting.

(2) Minutes of the last preceding meeting shall not be read at the meeting unless a member so requests in which case, the clerk shall read the minutes before the council deals with the business before it in the order set out in subsection(1).

ORDER

8. (1) The mayor shall preserve order and decorum at the council meetings. He shall decide upon all questions of order, subject to an appeal to council which shall be put to the meeting immediately and decided forthwith.

(2) When, in the opinion of the mayor, a member of the public is guilty of improper conduct at a council meeting, the mayor may expel that person from the meeting forthwith.

RULINGS ON ORDER

9. Where, in the mayor's opinion, or where the mayor is called upon to decide a point of order or practice, he shall state the question without unnecessary comment and decide the issue in accordance with *Robert's Rules of Order*.

MAYOR ENTERING DEBATE

10. Where the mayor wishes to participate in the debate at a council meeting, he shall leave the chair before the debate commences and call on the deputy mayor, if present or, if not present, a councilor to preside until he resumes the chair. The mayor shall not return to the chair until the matter is dealt with. The member of council who assumes the chair cannot enter the debate and shall remain in the chair until the matter is dealt with.

CHAIRPERSON

11. A chairperson, whether appointed by the mayor or by council to act in the absence, of the mayor, shall have the same authority, while presiding at a council meeting, as the mayor would have is present and occupying the chair and in the by-law, where the context allows the "mayor" it shall be deemed to mean a chairperson.

MANNER OF SPEAKING

12. Every member or delegation upon to speaking to a question, motion or matter, shall address himself or herself to the mayor.

WHO SHALL HAVE THE FLOOR

13. When two or more members attempt to speak at the same time, the mayor shall recognize the member who first attracts his attention.

VOTING

14. All councillors shall vote on all matters as per section 10.1 of the *Municipalities Act*. In the event of a tie vote, the Mayor shall cast the deciding vote. The mayor shall only vote in the event of a tie and at no other times unless required to under the Provincial statutes.

INTERRUPTIONS

15. 1) When the mayor is putting a question or motion, no member shall leave his or her seat or make any disturbance.
- 2) When the mayor, or a member, is speaking, no person may pass between him or her and the chair or interrupt him or her except to raise a point of order.
16. (1) No member shall
- (a) use offensive words against the council or any member thereof,
 - (b) refuse to obey the rules of council, or
 - (c) disobey the decision of the mayor on a question of order.
- (2) Where a member refuses to obey the rules of council or disobeys the decision of the mayor on a question of order, the mayor shall order him to leave his seat for that meeting and he may be summarily ejected provided that when the member apologizes, he may, on a majority vote of the council resume his seat forthwith.

RECORDING OF VOTE

17. (1) When required by law, or, whenever any member calls for the “yeas” and “nays” upon a division of council upon any question, motion or matter, the clerk shall enter in the minutes the names of the members who vote for and those who vote against the question, motion or matter.

QUESTIONS UNDER DEBATE

18. When a motion is under debate, no other motion shall be received except a motion to amend it, to lay it on the table, to postpone it, to adjourn it, to refer it to committee, to move the previous question, to move that the vote be now taken or, subject to Section 19, to extend the hour to consider it.
19. A motion to adjourn the debate or to adjourn the meeting or resolve the council
- (a) into committee of the whole shall always be in order except
 - (b) when a member is speaking,
 - (c) when it has been decided that the previous question shall be put forthwith,
 - (d) when the members are voting

and shall be put by the mayor forthwith, without debate, and the members shall not make a second motion to adjourn the debate or the meeting until after some intermediate proceeding has taken place provided, however, that council shall automatically adjourn at 11:00 o'clock in the evening unless two-thirds of the members present consent to continuing the proceedings.

SEPERATE VOTE ON DISTINCT PROPOSITIONS

20. Whenever a motion under consideration consists of more than one distinct proposition, matter or question, upon the request of a member the vote upon each separate proposition, matter or question shall be taken separately.

MOTION TO TAKE VOTE

21. When a member moves that the vote be now taken and his motion is seconded, the mayor shall put the motion without further debate.

PRIVILEGE

22. When a question of privilege arises it shall be taken into consideration immediately.

GENERAL

23. No by-law, question, motion or matter that has been disposed of by a majority vote at a council meeting shall be introduced for consideration at a council meeting prior to the expiration of three months from the disposal without the consent of a majority of all of the members of council.
24. Upon the enactment of this by-law, all by-laws, rules and regulations heretofore passed, adopted and observed by council relating to proceedings in council and committees thereof and providing for the constitution of committees are hereby repealed.
25. In all matters, points of order or question of procedure arising and not provided for hereunder, proceedings in council and in committee shall be governed by *Robert's Rules of Order*.

MOTION RE: COMMITTEE OF WHOLE

26. A motion to resolve council into committee of the whole shall state the proposition, matter or question to be considered.

COMMITTEE OF THE WHOLE

27. (1) If it is necessary at a meeting of a council or a committee of council to discuss any of the following matters, the public may be excluded from the meeting for the duration of the discussion:
- (a) information the confidentiality of which is protected by law;
 - (b) personal information;
 - (c) information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;
 - (d) the proposed or pending acquisition or disposition of land for a municipal purpose;
 - (e) information that could violate the confidentiality of information obtained from the Government of Canada or from the Province;
 - (f) information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications as between solicitor and client in a matter of municipal business;
 - (g) litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
 - (h) the access to or security of particular buildings, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
 - (i) information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; or
 - (j) labour and employment matters, including the negotiation of collective agreements.
- (2) If a meeting of a committee of council is closed to the public, no decisions shall be made at the meeting except for decisions related to
- (a) procedural matters,
 - (b) directions to an officer of the municipality, or
 - (c) directions to a solicitor for the municipality.
- (3) If a meeting is closed to the public, a record shall be made containing only the following:
- (a) the type of matter under subsection (4) that was discussed during the meeting;
- and

(b) the date of the meeting.

(4) The record made under subsection (3) shall be available for examination by the public in the office of the clerk during regular office hours.

CHAIRPERSON

28. When a motion to resolve council into committee of the whole is decided in the affirmative, the mayor shall appoint a chairperson of the committee of the whole from among the members present and shall immediately leave the chair.

DUTIES OF CHAIRPERSON

29. When council is resolved into committee of the whole, the appointed chairperson shall immediately take charge of the proceedings and, for the purpose of maintaining order in committee of the whole, shall have all the powers of the mayor.

ORDER OF PROCEEDINGS

30. (1) In the committee of the whole, rules of council shall be observed in as far as applicable except that:

- (a) no motion shall require a seconder,
- (b) no motion for adjournment shall be allowed,
- (c) the yeas and nays shall not be recorded, and
- (d) no minutes shall be recorded.

(2) In committee of the whole, no proposition, matter or question shall be considered except as provided in the motion resolving council into committee of the whole.

QUESTIONS OF ORDER

31. Subject to an appeal to the committee of the whole, questions of order arising in committee of the whole shall be decided by the chairperson.

PETITIONS AND COMMUNICATIONS

32. All petitions, applications or other written communications intended to be presented to council, shall be written legibly, typewritten or printed on paper and signed by at least one person.

33 (1) No member shall speak, nor shall a debate be allowed, upon the presentation of a petition, application or other written communication to council, but a member may move, in referring a petition, application, tender or other written communication, that certain instructions be given by council or that the petition, application or other written communication be referred to a special committee.

- (2) If the petition, application or other written communication complains of a present personal grievance requiring immediate remedy, upon the consent of a majority of the members present, the matter contained therein shall be brought into immediate discussion and disposed of forthwith.
34. When a petition, application or other written communication is received concerning a subject which is not within the cognizance of any standing committee, it shall be presented to council.

BYLAWS

35. Every bylaw or amendment to a bylaw shall be introduced by a notice of motion specifying the title of the bylaw, and the motion shall be decided without amendment or debate.
36. The clerk shall endorse on all bylaws read in council, the dates of the several readings thereof and shall be responsible for the inclusion of any amendments.

ELECTION OF DEPUTY MAYOR

37. After an election, the Councillor receiving the most votes will become the Deputy Mayor. In the event, that all members of Council are acclaimed, then the Mayor will appoint a Councillor as Deputy Mayor. The Councillor elected or appointed as Deputy Mayor will hold this office until the next Municipal election. In the event that the office of Deputy Mayor becomes vacant before the term has expired, the Mayor shall appoint another Councillor as Deputy Mayor for the rest of the term.

APPOINTMENT AND ORGANIZATION OF COMMITTEES

38. Council may establish and abolish committees. Council shall approve the mandate of each committee. The Mayor may make appointments to such committees. Council may also constitute special or ad hoc committees and appoint persons thereto
39. At the inaugural meeting of council a chairperson for each committee shall be appointed by the Mayor.
40. The Mayor may appoint a member of the Municipality, who is qualified to be a candidate in a municipal election as defined by the *Municipal Elections Act*.
41. The Mayor shall be an ex officio member of all committees and shall have the right to vote on all questions before a committee.
42. A member who introduces a bylaw or motion upon any subject which is subsequently referred to a special committee or subcommittee shall be a member of the committee without being so named by council.

43. The standing committees may meet at any time as determined from time to time by each committee.
44. A member may attend the meeting of any committee but may not vote or take part in any discussion or debate in the committee except with the permission of the majority of the committee members present.
45. A standing committee may add advisory members to its composition who need not be members of council and shall inform council of all advisory appointments.

PURCHASING

46. (1) The municipality must abide by all relevant provincial legislation, including but not limited to, the *Public Purchasing Act*, *Atlantic Procurement Act*, *Agreement on Internal Trade*, and the *Crown Construction Contracts Act*, as well as the guidelines detailed in this by-law.

(2) The CAO or Treasurer, or his/her designate, shall be the Purchasing Agent and is therefore authorized to carry out purchasing on behalf of Council:
 - (a) **budgeted items:** for all Council approved budgeted items, not exceeding \$25,000; budgeted items over \$25,000 require Council approval; and
 - (b) **non-budgeted items:** for all non-budgeted items less than \$1,000.00; non-budgeted goods and services over \$1,000 require Council approval.
 - (c) The Treasurer, upon the recommendation of a committee, is authorized to re-allocate funds within the department's line budget for operation budgets only.
 - (d) Tenders shall be advertised, as per the *Public Purchasing Act* or relevant legislation, as follows:
 - (i) on **goods** valued at **\$25,000** (twenty-five thousand dollars) or more;
 - (ii) on **services** valued at **\$50,000** (fifty thousand dollars) or more; and
 - (iii) on **construction** valued at **\$100,000** (one-hundred thousand dollars) or more.
 - (e) Tenders shall be invited from three (3) or more suppliers on all items with an estimated cost of between \$10,000 and \$25,000 except:
 - (i) in the case of an emergency;
 - (ii) where fewer than three (3) suppliers are known and/or available; or
 - (iii) where transactions for like items have been completed in the previous twelve (12) months and the successful vendor will honor the same terms, Council may decide to extend the current agreement.

OVER EXPENDITURE

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

EXPENDITURE BY MAYOR & COMMITTEE CHAIRPERSON

- 48. Discretionary spending, by any member of council, shall be limited to the amount authorized in the annual budget.

PAYMENT OF ACCOUNTS

- 49. All accounts may be paid as soon as payment is authorized by the appropriate member of council, or as soon thereafter as practicable.
- 50. This bylaw comes into effect on January 1, 2013 and repeals and replaces bylaws numbers 1 - A BY-LAW OF THE MUNICIPALITY OF FREDERICTON JUNCTION RESPECTING THE PROCEDURE AND ORGANIZATION OF THE VILLAGE OF FREDERICTON JUNCTION; 1B - "A By-law of the Municipality of Fredericton Junction to Repeal By-law #1A Respecting the Procedure and Organization of the Village of Fredericton Junction"; 1C - "a By-Law of the Municipality of Fredericton Junction Respecting the Procedure and Organization of the Village of Fredericton Junction"

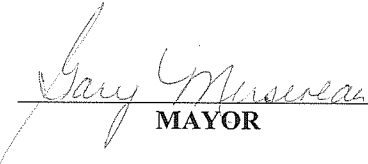
READ A FIRST TIME this ____ 12th ____ day of ____ November 2012 ____

READ A SECOND TIME this ____ 10th ____ day of ____ December 2012 ____

READ A THIRD TIME AND ENACTED BY COUNCIL this ____ 14th ____ day of ____ January 2013 ____.



CLERK



MAYOR