

**THE MUNICIPALITY OF THE COUNTY OF COLCHESTER  
COUNCIL PROCEEDINGS AND COMMITTEES POLICY**

**Part 1  
THE COUNCIL**

**Definitions**

1. In this Policy, unless the context otherwise requires,
  - a. “CAO” means the Chief Administrative Officer of the Municipality of the County of Colchester;
  - b. “Clerk” means the Municipal Clerk of the Municipality of the County of Colchester;
  - c. “Council” means the Council of the Municipality of the County of Colchester;
  - d. “Councillor(s)” means a Council Member other than the Mayor;
  - e. “Member(s)” means a Councillor(s) or the Mayor;
  - f. “Municipality” means the Municipality of the County of Colchester;
  - g. “Meeting” or “Meetings” means a regular meeting or meetings of Council as required under Section 19 of the Municipal Government Act, 1998 S.N.S., c. 18, as amended.
  - h. “Quorum” as applied to the Council, means a majority of the Council Members constituting the Council, subject to statutory provisions for a reduced quorum.

**Time, Place, Date and Notice of Meetings**

2.
  - a. The Council shall hold it's Meeting as follows:
    - i. unless otherwise specified, pursuant to subsection 2b., Meetings of the Council shall be held at the County Courthouse, Truro, on the last Thursday of every month, convening at six (6) o'clock p.m., except that there shall be no Meeting during the months of July and December.
  - b. Meetings of Council may be rescheduled, relocated or cancelled, and additional or special meetings may be convened:
    - i. without notice or with such notice as is possible in the circumstances, where the Mayor determines that there is an emergency;

- ii. by authority of Council, Council Committee, or Executive Committee, provided that each Member is notified at least three days in advance and the Clerk shall post a public notification in the Municipal building and shall carry out any other public notification requested by the authority convening, rescheduling, relocating or cancelling the meeting; or
  - iii. by the majority of the Members or the Mayor in accordance with Section 19 (4) of the Municipal Government Act.
- c. Each Member has a mailbox in an office in the Municipal building and has access to it on all days when the Municipal building is open. Each Member also has a laptop and shall be provided an email address supported by the Municipality's Manager of Computer and Information Systems. Members shall be deemed to have received any document of notice on the date when it is either placed in that Member's mailbox or sent to him or her at his or her email address. In addition to the mailbox, or email address, a Member may request an alternate means of receiving some or all documents or notices, which staff shall use reasonable efforts to comply with, but for the purpose of any notice required under legislation, by-law or policy, the Member shall be deemed to have received notice as set out above.

### **Conduct of Meetings: General**

- 3. During a Meeting, the Council may adjourn for short periods or to another place, without ending the Meeting.
- 4.
  - a. The Mayor shall be Chairperson of all Meetings of the Council, and in the absence of the Mayor, the Deputy Mayor shall have the same authority while presiding at the Meeting, and in the absence of both the Mayor and the Deputy Mayor, the Alternate Council Committee Chair shall preside and have and exercise all authority necessary to the proper conduct of the proceedings of the Council.
  - b. In the absence of the Mayor, Deputy Mayor and Alternate Chair, the Councillors shall from among themselves, elect a Chairperson, who shall in the absence of the Mayor, Deputy Mayor, and Alternate Chair, preside and have and exercise all authority necessary to the proper conduct of the proceedings of the Council.
- 5. Upon the opening of each Meeting of the Council, regular or special, the minutes of the last preceding Meeting shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the same shall be entered in the minute book of the proceedings of the Council and such entry so made in the minute

book shall be deemed to be the original minutes of the Council.

- a. The minutes shall:
  - i. record the date, time and place of the meeting, and the kind of meeting;
  - ii. record the time when any Member joins or leaves a meeting which is in progress;
  - iii. record in summary format the record of all hearings or presentations before Council;
  - iv. record in summary format the record of all Council deliberations;
  - v. record when any Member declares a conflict of interest in any matter before Council;
  - vi. contain all resolutions, and motions, with the name of the movers and seconders; and record outcome of the vote (defeated or passed) and all names of those voting in the negative shall be recorded in the minutes, and all others shall be assumed to have voted in the affirmative;
  - vii. all elections and results;
  - viii. mention reports, petitions and other papers submitted to the Council only by their respective titles, or a brief description of their purport;
  - ix. time of adjournment.
  
6. It shall be the duty of the Mayor or other Chairperson to:
  - a. open the meeting of Council by taking the chair and calling the Members to order;
  - b. receive and submit, in the proper manner, motions properly presented by Members;
  - c. put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;
  - d. decline to put to a vote, a motion which infringes upon the rules of procedure;
  - e. restrain the Members, when engaged in debate, within the rules of conduct of debate;

- f. enforce on all occasions, the observance of order and decorum;
- g. call by name any Member persisting in a breach of the rules of order of the Council thereby ordering him or her to vacate the Council Chambers;
- h. permit questions to be asked through the Chairperson of any official of the Municipality to provide information to assist any debate when it is deemed proper to do so;
- i. inform the Council when necessary, or when referred to, on a point of order; and,
- j. adjourn the meeting when the business is concluded.

7.

- a. Subject to paragraph b. and c. at each meeting, unless a majority of the Council consent to a different order for that meeting, the Council shall conduct business in the following order:
  - i. roll call;
  - ii. public hearings;
  - iii. approval of agenda and approval of any additions thereto or deletions therefrom;
  - iv. approval of minutes from the previous meeting;
  - v. business arising from minutes;
  - vi. reports of committees;
  - vii. action items;
  - viii. correspondence;
  - ix. information items;
  - x. reports from Council Members appointed to outside Boards and Agencies;
  - xi. in-camera items;
  - xii. adjournment.

- b. At the first meeting of the Council after a general election of Council Members, and whenever the office of Deputy Mayor becomes vacant, the first business after the calling of the roll shall be the election of a Deputy Mayor.
- c. It shall be the privilege of the Chairperson to take up any item of business out of its usual order or to bring before the Council any matter that they may have in charge, or to otherwise alter the order of business, except when any question is actually under discussion.

8.

- a. Recognizing that it is in the best interests of Council proceedings that matters be addressed with as much information as possible, it shall be the practice that Councillors, staff, and the Municipal Solicitor, notify the CAO of any items they wish to have introduced as an agenda item for the next Council or Council Committee meeting as far in advance of the meeting as possible in the circumstances.
- b. Councillors, staff and the Municipal Solicitor may only bring new action items forward at Council and Council Committee meetings for decision, as per Section 7(a)(iii) of this policy, if the items are urgent or time-sensitive and the associated staff and/or financial resources are known. Otherwise, it shall be the practice of Council and Council Committee that action items be referred to staff for research and analysis.
- c. Council retains the unrestricted authority to make a decision on any item at any meeting but should only do so without the benefit of receiving the results of research and analysis from staff if Council is satisfied that:
  - i. the item is an emergency or involving loss of property/life, requiring immediate intervention of the Council where a delayed decision could create avoidable hardship or exacerbate the emergency; or,
  - ii. the item is critical and time bound, and therefore must be dealt with immediately by the Council; or,
  - iii. that any delay in decision or action on the item may cause significant financial harm and/or loss of business to the Municipality;
  - iv. that the item is of a general nature that does not impact in anyway the operations, funds or investment decisions of the Municipality; or,
  - v. that the item requires action by another order of government or such authority and the Council is desirous of communicating its wishes,

suggestions or requests to appropriate authority.

- d. Council retains the unrestricted authority to defer decision on action items if information, or the time to review and consider information, is not deemed to be adequate.
- 9.
- a. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council, to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
    - i. the date the meeting was held;
    - ii. a review of the key issues or discussion points covered that have an impact on the municipality;
    - iii. information and decisions that may impact a current Council position, or future Council course of action.
- 10.
- a. It is encouraged that Council meetings end no later than ten (10:00) pm. The agenda will be reviewed at nine (9:00) pm to determine whether Council can be completed by the designated time.
  - b. If it is determined that a meeting cannot be completed by the designated time, the Tuesday immediately following the meeting shall be used as an alternate date to complete the balance of the agenda.
  - c. Notwithstanding the above, Council meetings may extend beyond ten (10:00) pm, if needed.
11. Council shall deliberate in “closed meetings” only in accordance with Section 22 of the Municipal Government Act.

### **Rules of Conduct of Debate**

- 12.
- a. Every Member, prior to speaking to any question or motion, shall press the push-to-talk button on his or her microphone and wait to be recognized by the Chairperson. When two or more Members press their push-to-talk buttons, the Chairperson shall designate the Member who has the floor based on the order identified by the conference microphone system.

- b. No Member may speak more than twice, without the leave of the Council, on any motion except to explain a misconception of his or her remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
- c. No Member shall speak more than ten minutes upon any matter at one time, without the leave of the Council.
- d. When a Member wishes to explain, they shall raise their hand and ask leave of the Chairperson, without further comment, and if permitted thereto, shall explain only an actual misunderstanding of language.
- e. The Chairperson shall state every question properly presented to the Council and before putting it to a vote, shall ask "Is this Council ready for the question" and if no Member offers to speak, the Chairperson shall put the question, after which no Member shall be permitted to speak upon it.
- f. All questions arising in the Council shall be determined by a majority of votes, and the Chairperson shall have the right to vote on all questions; in the event of an equality of votes, the question shall be deemed to be determined in the negative, except as expressly provided for in this Policy.
- g. It shall be the duty of the Chairperson and the privilege of any Member to call any Member to order, who violates any established rule, order or regulation.
- h. When a Member is called to order he/she shall keep their seat until the point is determined.
- i. When any Member speaks to order, the question of order must be decided before the subject under consideration is proceeded with.
- j. Every Member shall be heard in his or her place touching the charge brought against him or her.
- k. The decision of the Chairperson on points of order shall not be debatable, unless, entertaining doubts upon the subject, the Chairperson invites discussion; he or she may speak to points of order in preference to other Members, rising from his or her seat for that purpose; and he or she shall decide questions of order subject to an appeal to the Council by any Member; where the Chairperson permits discussion of a point of order, no Member shall speak more than once.
- l. When an appeal is made from the decision of the Chairperson on a point of order, he or she shall forthwith put the question, "Shall the decision of the Chair be

sustained?", either a majority or a tie vote sustains the chair's decision.

- m. No Member shall use offensive or un-parliamentary language or speak disrespectfully of anyone while in Council or speak off the topic in debate or reflect upon vote of the Council except for the purpose of moving in accordance with the provisions hereof, that the question be rescinded or reconsidered.
- n. If a Member resists the rules of the Council, willfully obstructs the business of Council or disobeys the decision of the Chairperson, or of the Council on appeal, on any question of order or practice or upon the interpretation of the rules of the Council after being called to order by the Chairperson the Member may be ordered by the Council by a majority vote to leave the Member's seat.
  - i. If the Member refuses to leave his or her seat, the Chairperson may order the Member removed from the Council Chambers by the police.
  - ii. In case of ample apology being made, the Member may, by vote of the Council, be permitted forthwith to retake his or her seat.
- o. No person not a Member shall be heard without permission of the Council.
- p. Any persons who are not Members or designated employees or agents of the Municipality shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this Policy. Any such persons disturbing the proceedings of Council shall be called to order by the Chairperson and, if they fail to comply, shall be ordered, by the Chairperson to leave the Council Chambers, and if such persons refuse to leave Council Chambers, they may be ordered removed by the police.
- q. If any question arises not provided for by the foregoing rules, the same shall be decided according to the ruling of the Chairperson, having regard to the general principles of parliamentary procedures to the best of his/her knowledge.
- r. Any of the foregoing rules may be suspended in its operation by the unanimous consent of the Members present.

## **Part II MOTIONS IN GENERAL**

- 13. A motion must be seconded and afterwards, the Chairperson should state the motion as he or she understands it, or refer to a written motion, where the motion has been reduced to writing, in which case the motion need not be read out loud. The Chairperson may ask

- a Member to reduce a motion to writing, for clarification. The Chairperson may divide a motion into separate motions.
14. After the reading of a motion by the Chairperson or Clerk it shall be deemed to be open for discussion.
  15. A motion may at any time before Council has voted on it be withdrawn or amended by the mover with the consent of the seconder.
  16. When any question is before the Council, the only motions in order shall be:
    - a. a motion in amendment of the original motion;
    - b. a motion to refer the question, including the motion and amendment if one is moved, to any standing committee or special committee;
    - c. a motion to defer the consideration of the question either indefinitely or to sometime named;
    - d. a motion to close the debate at a specified time;
    - e. a motion that the question be now put;
    - f. a motion to adjourn.
  17. A motion:
    - a. that the debate be closed at a specified time; or
    - b. that the question be now put; shall be put without further amendment or debate, but a motion that the question be now put shall not be put until every Member who has not spoken on the question and claims a right to speak has been heard.
  18. A motion to adjourn shall always be in order except in the following cases:
    1. When a Member is in possession of the floor
    2. While the Members are voting
    3. When adjournment was the last preceding motion.
  19. Council may reconsider a decision at a subsequent meeting, but no Member may suspend or delay the operation of a decision of Council in the meantime by giving a notice of reconsideration.

**Part III**  
**COMMITTEES OF COUNCIL**

20.

- a. Pursuant to Section 24 of the *Municipal Government Act*, Council may establish committees. Standing Committees are permanent committees established by Council that shall continue to remain in force until otherwise directed by Council through a resolution. Ad Hoc Committees are of limited duration, and are dissolved automatically upon submitting a final report to Council, unless otherwise directed by Council. Other Committees may be established by Council if deemed to be in the best interest of the Municipality.

- i. Indemnification:

The Municipality of the County of Colchester agrees to indemnify, protect and save harmless any volunteer acting on a municipal committee (the "Volunteer") from and against any damages, losses, costs, expenses, demands, claims, actions, proceedings or liabilities (collectively, "Liability") that may be suffered by, imposed upon, or asserted against the Volunteer as a result of, in respect of, connected with or arising out of the presence of the Volunteer on such committee.

The foregoing indemnity shall not apply in the event and to the extent that the Volunteer was acting with willful, reckless or criminal misconduct or gross negligence, was acting in bad faith, and/or was acting outside the scope of his or her duties or authorities as a volunteer on such committee at the time any such liability arose.

- ii. Citizen representatives appointed to Committees of Council may be reimbursed for kilometrage at a rate equal to the current Provincially prescribed amount for travel on behalf of and authorized by the Committee to which they are appointed, including actual distance travelled from and to their principal residence for each meeting of the Committee. Claims must be submitted to and approved by the CAO or designate for reimbursement.

- b. Council hereby establishes eight (8) Standing Committees of Council to be known as:

- i. Council Committee;  
ii. Executive Committee;

- iii. Audit Committee;
  - iv. Planning Advisory Committee;
  - v. Nominating Committee;
  - vi. Tatamagouche Water Utility Committee;
  - vii. Dangerous and Unsightly Premises Committee; and
  - viii. Flood Advisory Committee.
- c. Other Standing Committees as established through by-laws include:
- i. Sewer Use Appeals Committee (Sewer Use By-Law)
  - ii. Livestock Control Appeals Committee (Livestock Control By-Law)
- d. Ad-Hoc Committees consisting of at least three (3) members of Council may be appointed from time to time for the purpose of inquiry into and report upon any matter referred to such Committee.
- e. Other Committees, including inter-municipal committees, may be formed with the appropriate number of Council members appointed as needed.
- f. The term of office for members of Council on all Committees shall be two years. The term of office for citizen representatives and those appointed as non-voting or Ex-Officio members shall be the term of Council, unless otherwise specified. Where beneficial, any term may be renewed as approved by Council, to provide continuity of knowledge and experience.
21. It shall be the duty of all committees to report on matters referred to them by the Council. The report shall be either the minutes of the committee or a written report, as per Section 9 of this policy.

### **Council Committee**

22. The Council Committee, consisting of all Members, shall hold their regular meeting on the second or third Thursday of the month, and an additional meeting, as necessary, on the Tuesday following Council Committee. Council Committee or the CAO may schedule the additional meeting when the agenda for the regular meeting is too lengthy to be completed in one evening.
23. The Council Committee shall hold a separate meeting on an as needed basis, on the first Tuesday of the month, unless otherwise agreed by Council, for the purpose of receiving presentations.
24. The Council Committee will be responsible for all matters which would be of concern to

the Council.

25. The Council Committee will meet for the purpose of discussion and possible recommendation to Council and no formal decisions will be made by Council Committee, except to the extent that Council Committee is specifically designated by by-law or delegated by resolution of Council as having the authority to make a decision.
26. The Council Committee shall be chaired by the Deputy Mayor. Every two years the Council shall elect by majority vote from among its Members, an Alternate Chair to act as Chairperson of the Council Committee in the absence or incapacity of the Deputy Mayor.
27. Council Committee shall follow the rules and procedures in this Policy that are specified for Council, except to the extent that the context requires otherwise.

#### **Executive Committee**

28. The Executive Committee shall be comprised of the Mayor, Deputy Mayor, Alternate Chair of Council Committee and the Chairperson of the Planning Advisory Committee.
29. The Chairperson of the Executive Committee shall be the Mayor.
30. The duties of the Executive Committee shall be as follows:
  - a. authorize, in the name of the Municipality, the commencement of or the defense of any legal action or proceedings before any court, board or tribunal and report the commencement of the legal action, defense or other proceedings to the Council at the next Meeting;
  - b. conduct the annual performance appraisal of the CAO in accordance with the Municipality's Personnel Policies;
  - c. authorize disciplinary action against the CAO and report same to Council at its next Meeting;
  - d. act as the Emergency Measures Executive Committee, in accordance with the Civil Emergency Planning By-law, Chapter 42;
  - e. act as Council's representative or advisor in negotiations.

#### **Audit Committee**

31. The Audit Committee shall be comprised of the Mayor, Deputy Mayor, Alternate Chair of Council Committee, the Chairperson of the Planning Advisory Committee, and at least one person who is not a member of Council or an employee of the Municipality who lives in the Municipality of Colchester and has a professional designation or relevant experience and financial literacy in accounting or financial management.
32. If the Audit Committee has not secured a person who is not a member of Council or an employee of the Municipality
  - a. the Committee shall continue to meet and perform its duties and may exercise its powers; and,
  - b. the Municipality shall advertise to recruit a person who is not a member of Council or an employee of the Municipality until this requirement is met.
33. The Chairperson of the Audit Committee shall be the Mayor.
34. The Audit Committee shall meet at least twice in each fiscal year.
35. The duty of the Audit Committee shall be to fulfill the mandate as specified by legislation

#### **Planning Advisory Committee**

36. The Planning Advisory Committee shall be comprised of the Mayor, the Deputy Mayor, two (2) Councillors and four (4) citizen representatives.
37. Council shall appoint the Chairperson.
38. The duties and responsibilities of the Planning Advisory Committee are as set out in the *Municipal Government Act* and Municipal By-Laws.
39. The Planning Advisory Committee and two (2) citizen representatives shall make up the Heritage Advisory Committee except for those areas in the County which do not have a designated Heritage Advisory Committee, pursuant to a Heritage Conservation District By-law.

#### **Nominating Committee**

40. At the Inaugural Council meeting following a general election, the Council shall elect a Committee comprised of three Councillors and the Mayor, to act as a Nominating

Committee, which Committee shall file its report at the next meeting of Council, and as necessary to fill a vacancy.

41. The Mayor shall be Chairperson.
42. The duties of the Committee shall be to make recommendations to Council on all vacancies on Committees, Boards and Agencies to which Council appoints members.
43. The Council may, by resolution, accept the full report of the Nominating Committee or it may deal with each appointment separately.

#### **Tatamagouche Water Utility Committee**

44. The Tatamagouche Water Utility Committee shall be comprised of the Mayor, the Deputy Mayor, the Councillor whose Council district includes the area or a part of the area serviced by the Tatamagouche Water Utility and three (3) citizen representatives. The citizen representatives must live in the area serviced by the Tatamagouche Water Utility.
45. The Councillor appointed shall be the Chairperson.
46. The duties of the Committee shall be to make recommendations to Council on policy, budget and regulatory compliance matters related to the Tatamagouche Water Utility.

#### **Dangerous and Unsightly Premises Committee**

47. Council shall appoint the Chairperson.
48. The Dangerous and Unsightly Committee shall be comprised of five (5) Councillors, but may proceed with hearings provided at least three (3) of the committee members are in attendance.
49. Council hereby delegates its authority to order demolition and to hear appeals from orders of the Administrator of the Committee.

#### **Flood Advisory Committee**

50. The Flood Advisory Committee shall be comprised of:
  - a. six (6) voting members consisting of the Mayor and three (3) Council members of Council and two (2) citizen representatives of Colchester County, chosen by the Council;

- b. two (2) non-voting members consisting of one (1) representative from the Nova Scotia Department of Environment and one (1) representative from the Nova Scotia Department of Transportation and Infrastructure Renewal; and,
- c. In addition to Primary membership of the Committee, the Director of Public Works of the Municipality shall be an Ex-Officio member.

51. Council shall appoint the chairperson. The Committee shall appoint a vice chair.

52. The duties of the Committee shall be to make recommendations to Council with respect to coordinating large and small flood reduction projects and storm water strategies, including making recommendations to Council on actions to be taken with respect to policy, capital, and operating budgets, as well as other matters related to the objective of decreasing flooding and the impact of flooding that has occurred.

<b>Clerk's Annotation For Official Policy Book</b>	
Date of Notice to Council Members of Intent to Consider (7 days minimum): <u>October 4, 2019</u>	
Date of Passage of Current Policy: <u>October 30, 2019</u>	
I certify that this Policy was adopted by Council as indicated above.	
<u>Rob Simonds</u> Municipal Clerk	<u>November 5, 2019</u> Dated

*amended October 30, 2019*  
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