



TOWN OF FOGO ISLAND BYLAW

RULES OF PROCEDURE FOR THE CONDUCT OF MEETINGS		
Bylaw No: 2025-02	Motion of Council: 2025-067	Effective Date: April 30, 2025
Section: Finance & Admin	Amendment Motion:	Amendment Date:

Authority

Whereas the Towns and Local Service District Act requires that every Council shall adopt rules of procedure for its meetings. Therefore, the Council of the Town of Fogo Island enacts the following rules and regulations.

Regular Meetings of Council

Regular meetings of Council shall be held on the second and last Tuesday of each month at 7 p.m. in the chamber of the Town Office, unless Council, by resolution direct otherwise.

Special Meetings of Council

Special meetings of Council may be called by either the Mayor or any two members of Council by giving written notice to the clerk.

Notice

Notice for all meetings of Council shall be by the agenda which shall be provided to all members of Council twenty-four (24) hours prior to each meeting. Notice shall be deemed to have been given if it is delivered by email to a Councilor. The failure of any Councilor to have received notice shall not invalidate a meeting of Council.

Presiding Officer

In accordance with the Towns and Local Services District Act, the Mayor shall preside at all meetings of Council. In his/her absence, the Deputy Mayor shall preside. In the absence of both the Mayor and Deputy Mayor, the clerk shall take the chair, call the members to order, and if a quorum is present, a chairperson shall be appointed from among the Councilors present. Such chairperson shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

Quorum

In accordance with The Towns and Local Service Districts Act, a quorum shall consist of a majority of Councilors in office.

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If No Quorum

If there is no quorum present within fifteen minutes after the time appointed for holding a meeting, the clerk shall call roll and take down the names of the members then present. The meeting shall then stand adjourned until the next regular meeting.

Attendance

In addition to the Mayor and Councillors, the following persons shall attend all meetings of Council:

1. The Chief Administrative Officer or designate.
2. The Town Clerk, recording secretary or designate.

Meetings open to the Public

In accordance with The Towns and Local Service Districts act section 40. All regular and special meetings of a town Council and all meetings of a town Council committee shall be open to the public.

Closed Meetings

In accordance with The Towns and Local Service Districts Act section 41.

- 1) Notwithstanding section 40, a town Council meeting or a town Council committee meeting may be closed to the public for the duration of the discussion if it is necessary to discuss
 - a) information of which the confidentiality is protected by law;
 - b) personal information that is protected under the Access to Information and Protection of Privacy Act, 2015;
 - c) information that could cause financial loss or gain to a person or the town, or could jeopardize negotiations leading to an agreement or contract;
 - d) the proposed or pending acquisition or disposition of land;
 - e) information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;
 - f) information concerning legal opinions or advice provided to the town Council by its lawyer or privileged communications between lawyer and client in a matter of town business;
 - g) litigation or potential litigation affecting the town or a municipal service delivery corporation or a matter before a board, commission or tribunal that affects the town or a municipal service delivery corporation;
 - h) the access to or security of buildings and other structures occupied or used by the town or access to or security of systems of the town, including computer or communication systems;
 - i) information gathered by the Royal Canadian Mounted Police and Royal Newfoundland Constabulary, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information; or
 - j) labour and employment matters, including the negotiation of collective agreements.
- 2) Where a meeting is a closed meeting,
 - a) members of the public shall not be present;
 - b) a resolution or by-law shall not be adopted other than a resolution
 - (i) giving instructions to the lawyer for the town,
 - (ii) giving instructions to any person negotiating a contract on behalf of the town,
 - (iii) giving directions to employees on matters referred to in subsection (1),

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- (iv) adjourning the closed meeting, or
- (v) opening the meeting to the public;
- c) a record shall be made containing only the following information:
 - (i) the type of matter under subsection (1) that was discussed during the meeting, and
 - (ii) the date of the meeting; and
- d) all decisions made during the meeting shall be documented by a resolution.
 - (i) Where a decision is made by a town Council at a closed meeting, the decision shall be ratified at a public meeting.

Minutes

Minutes of meetings of Council shall be recorded by the town clerk or designate. Such minutes shall contain:

- a) All motions and resolutions coming before Council, including the names of the movers and seconders thereof;
- b) The names of all Council members voting in favour or against each motion, and the names of those abstaining;
- c) The title or brief description of all reports, petitions, and other documents submitted to Council. Reports accepted by Council shall be attached to the minutes.

Correction of Minutes

If any member of Council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections.

Agenda

Prior to each regular meeting of Council, town employees shall prepare an agenda of all business to be brought before the Council. As indicated in Rule 3, the agenda is to be distributed to Councillors twenty-four hours prior to Council meetings.

Any member of Council, up until 4 pm Thursday prior to the Council meeting, may submit to town staff an item for inclusion on the agenda. Any additions after this are to be submitted for the following Council meeting, to allow adequate time for staff to prepare.

The format of the agenda shall be as follows:

- a) Call to Order
- b) Adoption of Agenda with Additions
- c) Adoption of Minutes
- d) Business Arising from Minutes
- e) Delegation
- f) Committee Reports
- g) Correspondence
- h) New Business
- i) Questions & Concerns
- j) Council Report

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k) Adjournment

Delegations

When a person or group of people request, in writing, to address Council at a Public Meeting, they shall be given the opportunity to do so unless there is a justifiable reason for refusal. In the case of a group, one person shall be appointed as spokesperson. Any policy or procedure of Council, pertaining to the issue, shall be explained by the Mayor, Deputy Mayor, or Appointed Chairperson.

After the presentation the individual will be informed that Council will review the information and they will be informed of any decision(s) at a later date.

There shall be absolutely 'No Debate'.

Agenda for Special Meeting

When a special or privileged meeting is called for the consideration of some particular matter, the order of business as set out in Agenda shall not apply. Council shall proceed immediately to consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with.

Order and Decorum

The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times.

Disorderly Persons

The presiding officer may expel and exclude from a meeting any member of Council or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a member of Council, an entry shall be made in the minutes of the reason for such exclusion.

Any member expelled from a meeting under the provisions may be permitted, by a majority vote of Councillors at the meeting in progress, to resume his/her place after making an apology to the presiding officer.

Notice of Motion

Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda by moving a motion at the previous meeting.

Motions During Debate

When a question is under debate, the following non-written motions shall be in order:

- a) To extend the time of the meeting
- b) To refer or commit
- c) To amend
- d) To lay on the table
- e) To postpone indefinitely
- f) To move the previous question

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Motions to be seconded

Every motion shall be seconded before being put or debated.

Withdrawal of Motions

When a motion has been moved and seconded, it cannot be withdrawn except with the permission of Council and the mover and seconder, and then only before a decision has been taken or an amendment made.

Division of Motion

Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon the request of any member, be divided if the sense of the motion permits. The vote on each such division shall be taken separately. If a motion cannot reasonably be so divided, any request to do so shall be declared out of order by the presiding officer.

Addressing the Motion

Members of Council shall address their remarks to the presiding officer and continue themselves to the question at hand.

Entitlement to Speak

If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

Call to Order

The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

Appeal on a Point of Order

The decision of the presiding officer on a point of order is subject to an appeal to Council which is to be decided by majority vote without debate.

Member Speaking not to be Interrupted

When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

Length of Debate

No member, without the consent of Council, shall speak longer than five minutes at any one time, or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

Rereading a Motion

Any member of Council may require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a member speaking.

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Voting

All decisions of Council, unless otherwise specified either under the Towns and Local Services District Act or under these rules, shall be by majority vote of the members present.

Recorded Voting

All decisions of Council, unless otherwise specified either under the Towns and Local Services District or under these rules, shall be by majority vote of the members present.

In accordance with The Towns and Local Services District Act, the clerk or designate shall record the names of those voting in favour of the motion, those voting against the motions and those abstaining.

No vote shall be taken in Council by ballot or by any other method of secret voting.

Reconsideration

Any question, except one of indefinite postponement, or one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given.

If the motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion.

Tie Vote

In accordance with section 44.(5) of the Towns and Local Services District Act, where there is a tie vote on a question, the question shall be considered to have been defeated.

Meeting to Adjourn

A motion to adjourn is always in order except when:

- a) A member is addressing the chair
- b) A vote is being taken
- c) It has been decided that the previous question shall be taken.

A motion to adjourn the Council meeting or adjourn the debate cannot be amended and is not debatable.

However, a motion to adjourn the Council meeting or the debate to a given day may be amended and open to debate.

No second motion to adjourn the Council meeting or the debate shall be made until some intermediate proceedings have transpired.

Motion to Postpone Indefinitely

A motion to postpone indefinitely shall not be amended, and when any question before Council has been postponed indefinitely, it shall not be taken up again during the same meeting.

Motion to Lay on the Table

A motion to lay a question on the table shall not be debatable. However, a motion "to lay on the table" with addition, qualification or opinion, shall be subject to amendment and debate.

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Motion to suspend the Rules

A motion to suspend the rules requires a two-thirds vote of members present.

Privilege

Whenever a matter of privilege arises it shall be dealt with immediately by Council.

Motion to Refer or Commit

A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

Committees

As per the Towns and Local Services Districts Act;

47. (1) A town Council may establish the standing or special committees that it considers necessary.
- (2) A town Council shall appoint Councillors to serve on a committee established under subsection (1).
- (3) A committee established under subsection (1) shall consist of no less than 2 Councillors.
- (4) Where a town Council establishes a standing or special committee under subsection (1), the town Council may establish the mandate of the committee and the procedures to be followed by the committee.

When Council appoints a committee, it shall also appoint one of its members to be chairman of that committee.

The Committee Secretary shall be the head of the department pertaining to the committee.

Prior to the next meeting of the committee, the secretary shall prepare minutes of the previous meeting for submission to and confirmation by the committee.

Advisory Committees

As per the Towns and Local Services Districts Act;

48. (1) A town Council may establish one or more advisory committees to advise on matters of special interest to the town.
- (2) An advisory committee may be comprised of
- (a) Councillors;
 - (b) residents; and
 - (c) persons with expertise in areas that the town Council determines necessary.
- (3) A town Council shall
- (a) define the function and scope of an advisory committee; and
 - (b) establish guidelines and procedures for an advisory committee.

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Committee of the Whole

Council may, by a majority vote, resolve itself into a Committee of the Whole whereby it will operate under the rules for committees as set out hereunder. The deputy Mayor will assume the chair, and if the deputy Mayor is absent, another member of Council shall be elected as chairman.

Conduct of Business in Committees

The following rules and regulations shall apply to the proceedings in committees:

- a) The chairman shall preside at every meeting. In the absence of the chairman, one of the other members of the committee shall be elected by the members present to preside during the chairman's absence.
- b) The chairman may vote on all questions. In case of a tie vote on any motion, the question shall be deemed lost.
- c) No motion needs to be seconded.
- d) The previous question will not be allowed.
- e) There shall be no limit on the number of times a member may speak.
- f) The votes of members on any question shall be recorded if requested by any member.

Members of a committee dissenting from a report which has been adopted by the majority of a committee may make and present to Council a minority report. Such a report must be presented at the same meeting of Council to which the majority report is submitted and must be signed by the dissenting member(s).

Effective Date: These rules and resolutions shall become effective upon the date of enactment.

Mayor

CAO