



NOTICE

MEETING: Inaugural Council Meeting

DATE: Wednesday, October 30th, 2024

TIME: 4:00 pm

PLACE: Council Chambers, 8296 Highway 7,
Sherbrooke

Please Advise If Unable To Attend



Municipality of the District of St. Mary's

Inaugural Council Meeting
Monday, October 30th, 2024

We acknowledge that we are gathering in Mi'kmaqi the traditional unceded territory of the Mi'kmaq people.

1. Call to Order
2. Results of 2024 Municipal Election
3. Oaths of Office & Code of Conduct (S. 9.1.1 *Council Procedural Policy – Pg. 11*)
4. Roll Call
5. Terms of Warden & Deputy Warden (S. 5.3.6 *Council Procedural Policy – Pg. 4*)
6. Warden Selection (S. 5.3.1 *Council Procedural Policy – Pg. 3*)
7. Deputy Warden Selection (S. 5.3.9 *Council Procedural Policy – Pg. 4*)
8. Signing Authority for Municipal Banking
9. Council Procedural Policy
 - a. Review of Internal/External Committees (S. 5.4 & 14 *Council Procedural Policy – Pg. 4*)
 - b. Schedule Council/COTW Meeting Dates/Times (S. 6.2.2 *Council Procedural Policy – Pg. 6*)
 - c. Seating Arrangements (S. 6.1.4 *Council Procedural Policy – Pg. 7*)
10. Outside Events Attendance
 - a. Provincial Orientation (November 4th and 5th)
 - b. NSFM (November 25th to 30th)
11. In-House Council Orientation Planning/Set Date

Adjournment

A 10-minute question and answer period pertaining to agenda items.

2024 Municipal Election Results

District	Candidate	Elected	Vote Count
1	Emma Tibbo	Elected	139
1	Everett Baker		96
2	Dana O’Connell	Acclaimed	
3	Beulah Malloy	Acclaimed	
4	Scott Beaver	Elected	149
4	Greg Wier		60
5	James Fuller	Elected	114
5	Clarence Dort		53

**Form 39: Council Member's Oath of Allegiance and of Office
(Section 147)**

I _____, swear (or solemnly affirm) that I will be faithful and bear true allegiance to His Majesty King Charles the Third, His heirs and successors according to law; (the name of and reference to the sovereign to be changed as occasion requires.)

And that I am duly qualified as required by law for the office of the Municipality of the District of St. Mary's.

And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

Sworn (or affirmed) at Sherbrooke
in the County of Guysborough
this 30th day of October,
2024, before me

Municipal Clerk

ATTACHMENT A

STATEMENT OF COMMITMENT TO COUNCILLORS' CODE OF CONDUCT

I, (Full Name) _____ declare that as a Councillor of the

_____ I acknowledge and support

the Councillors' Code of Conduct.

Signed: _____

Declared this 30 day of October, 2024.

Before me:

Chief Administrative Officer/Clerk/Treasurer



Municipality of the District of St. Mary's

INTERNAL AND EXTERNAL COMMITTEES OF COUNCIL 2024/2025

IN HOUSE COMMITTEES	2024-2025	2024-2025 (New Council)
Accessibility Advisory Committee	Deputy Warden Fuller	
Audit Committee		<i>Open to all Councillors</i>
Fences and Arbitration Committee	Councillor Baker Alternate: Warden Wier	
Fire Services Advisory Committee		<i>Open to all Councillors</i>
Joint Occupational Health & Safety Committee	Councillor Harpell Alternate: Councillor Malloy	
Source Water Protection Advisory Committee	Councillor Mailman Alternate: Councillor Harpell	
OUTSIDE BOARDS/AGENCIES	2024-2025	2024-2025 (New Council)
Eastern Counties Regional Library Board	Councillor Mailman Alternate: Councillor Harpell	
Eastern Region Solid Waste Management	Councillor Malloy Alternate: Warden Wier	
Guysborough Adult Learning Association	Deputy Warden Fuller Alternate: Councillor Baker	
Guysborough Community Health Board	Deputy Warden Fuller Alternate:	
Tourism Guysborough County Association	Councillor Zinck Alternate:	
Guysborough County Home Support Agency	Councillor Harpell Alternate: Councillor Malloy	
S.V. Old Fashioned Christmas Association	Warden Wier Councillor Zinck	
Port Bickerton & Area Planning Association	Councillor Harpell Alternate:	
Sherbrooke Restoration Commission	Deputy Warden Fuller Alternate:	
Community First Guysborough Housing Association	Warden Wier Alternate:	

Approved by St. Mary's Municipal Council on this 3rd Day of March 2024.

Municipality of the District of St. Mary's

Code of Conduct Policy



Purpose:

The purpose of this policy is to promote high standards of professional conduct and values among elected officials and municipal employees. The policy will provide guidelines for identifying potential conflicts of interest and breaches of trust and help ensure that elected officials and municipal employees do not place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust.

Responsibilities:

- Elected officials and municipal employees are agents of the public whose primary objective is to address the needs of the public. As such, they are entrusted with upholding and adhering to the bylaws and policies of the municipality including the Hospitality and Mileage/Expense policies as well as all applicable federal and provincial laws.
- Elected officials and municipal employees must observe a high standard of morality in the conduct of their official duties and responsibilities without consideration of personal or financial gain.
- In the course of their duties, elected officials and municipal employees should strive to perform at a level which is expected of those who work in the public's interest.
- Elected officials and municipal employees should not exceed their authority, breach the law, or ask others to do so, and should work in full co-operation with other public officials and employees.
- No elected official or municipal employee will grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.
- Soliciting members of council or municipal staff directly or indirectly in order to obtain preferential consideration in connection with any appointment to the municipal service may disqualify the candidate from further consideration for the appointment.
- No elected official or municipal employee will request or permit the use of municipality-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public.

- Any elected official or municipal employee who has a financial or personal interest in any proposed council matters, and who participates in discussion of such matters, will declare a conflict of interest.
- No elected official or municipal employee will perform work on behalf of any political party or candidate during their hours of employment with the municipality.
- No elected official or municipal employee will knowingly create, reproduce or distribute any material (printed or otherwise) that could be considered derogatory or harmful to fellow elected officials, municipal staff or the reputation of the municipality.

Conflict of Interest:

- No elected official or municipal employee will engage in any business transaction or have a financial or personal interest, direct or indirect, which would impair their independence of judgement or action in the performance of their official duties. Elected officials and municipal employees shall follow the provisions of Conflict of Interest found within the Municipal Government Act of Nova Scotia. There are a variety of situations which could constitute a conflict of interest for elected officials and municipal employees. The following list provides some examples:
 - No elected official or municipal employee will engage in or accept private employment or render services for private interests when such employment or services are incompatible with the proper discharge of their official duties or would impair their independence of judgement or action in the performance of their official duties.
 - No elected official or municipal employee shall, without proper legal authorization, disclose confidential information; nor will they use such information to advance the financial or personal interest of themselves or others.
 - No elected official or municipal employee will show favouritism or bias toward any vendor, contractor, or others doing business with the municipality.
 - Elected officials and municipal employees are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality. The exception being where gifts are exchanged as a cultural practice.
 - No elected official or municipal employee will represent private interests in any action or proceeding against the interests of the municipality or in any litigation to which the municipality is party. Furthermore, no elected official

or municipal employee will accept compensation or a retainer, which is conditional upon the actions of a municipal agency.

- No elected official or municipal employee will have any interest, direct or indirect, in any municipal contract issued by the municipality.

However, an elected official or municipal employee may enter into a legal contract with the municipality or any agency thereof for the sale and purchase of supplies, materials, or equipment or for the construction of public improvements if:

- they are not authorized by law to act on behalf of the municipality or any agent thereof in the awarding of the contract.
- the tender is called in a written, public, and openly competitive manner.
- all bids received and all documents pertaining to the awarding of the contract are retained according to the requirements of the Records Management policy.

Reporting Breaches of this Policy:

Elected officials or municipal employees who have reason to believe that this Code of Conduct policy has been breached in any way are encouraged to bring their concerns to the Chief Administrative Officer or Warden. No adverse action will be taken against any elected official or municipal employee who, acting in good faith, brings forward such information.

Corrective Action Violation of this Policy:

Any reported violation of this policy will be subject to investigation by the Chief Administrative Officer and/or Council. If an investigation finds an elected official or municipal employee guilty of a breach of this policy, the corrective action pursued will be commensurate with the nature and severity of the violation.

General:

When administering this policy, elected officials and municipal employees must adhere to the Municipal Government Act (MGA) or any other provincial acts governing the municipality and all relevant legislation pertaining to the subjects covered in this policy.


Municipal Clerk


Date

Date Adopted: June 10, 2019

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1. Purpose

In order for any organization to function smoothly, it is critical that all members clearly understand its governing rules and operating principles. This Council Procedural Policy outlines the operating principles and procedures for the municipal council and council committees of the Municipality of the District of St. Mary's. The procedural requirements in this Policy are intended to complement and supplement, not to replace, the requirements contained in the *Municipal Government Act (MGA)*.

The objectives of the Council Procedural Policy are to:

- a. Clearly communicate the procedures to be used for council and committees of council in the execution of all business for the Municipality of the District of St. Mary's relating to meeting protocol, election of officers, committee composition, conflict of interest, public presentations, rules of order and debate, motions and voting, choices in governance by By-law, policy, or resolution;
- b. Outline the Municipal Code of Conduct Policy;
- c. Provide a guide to procedural motions.

2. Scope

This policy applies to meetings of the Municipality of the District of St. Mary's municipal council and committees of council; as well as members of council appointed to external boards/committees.

3. Definitions

- 3.1. *Abstain* - A member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter.
- 3.2. *Agenda*- The specific items of business to be dealt with at a meeting. Items are placed on the agenda in the sequence defined by the order of business.
- 3.3. *Business day*- A Day when the Municipality of the District of St. Mary's office is open for business.
- 3.4. *Chair*- The presiding officer.
- 3.5. *Chief Administrative Officer or CAO*- The administrative head of a municipality as appointed by council under subsection 86(2)(c) of the *Municipal Government Act*.

- 3.6. *Clerk*- The municipal clerk of the Municipality of the District of St. Mary's and/or designate.
- 3.7. *Committee*- Any committee of council.
- 3.8. *Council*- The council of the Municipality of the District of St. Mary's.
- 3.9. *Council member(s)*- Include(s) the warden unless the context indicates otherwise.
- 3.10. *Conflict of interest*- A direct or indirect conflict of interest within the meaning of the Municipal Conflict of Interest Act.
- 3.11. *Improper conduct*- Conduct that obstructs in any way the deliberations and/or proper action of committee or council.
- 3.12. *Leave of Council*- Permission of Council.
- 3.13. *Personnel*- Employees of the Municipality of the District of St. Mary's (excluding elected officials).
- 3.14. *Point of personal privilege*- A matter that a member considers questioning their integrity and/or the integrity of the council.
- 3.15. *Policy matter*- A matter which will be governed by the provisions of the policy and includes any matter on which decisions may have to be made on a regular or repetitive basis on which council wishes to guide the process or specify the principles to be adhered to by council or staff as they make that decision.
- 3.16. *Presiding Officer*- The person presiding over a meeting. This may also be referred to as "chair."
- 3.17. *Quorum*- A majority of the total number of voting members currently on council or committee.
- 3.18. *Regular meeting*- A scheduled meeting held in accordance with the approved calendar/schedule of meetings.

4. Application of the Policy

- 4.1. The rules of procedure contained in this policy shall be observed in all proceedings of council and council committees and shall be the rules for the order and dispatch of business in council and council committees.

- 4.2. This policy applies to all members of council, the Chief Administrative Officer (CAO), members of council committees, Municipality of the District of St. Mary's employees, those who appear before the council and members of the general public.
- 4.3. All points of order or procedure for which rules have not been provided in this policy and its appendices shall be decided by the presiding officer in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in *Robert's Rules of Order, 12th edition*.
- 4.4. In the event of any conflict between the provisions of this policy and the *Municipal Government Act* and this policy, the *MGA* will prevail.
- 4.5. This Council Procedural Policy serves to replace any former municipal policies or past practices referencing the proceedings of council or council committees.
- 4.6. This Council Procedural Policy shall be reviewed at the council orientation or as deemed necessary by council resolution.

5. Presiding Officer

- 5.1. The warden shall be the presiding officer at all council meetings, unless unavailable, in which case the deputy warden shall be the presiding officer.
- 5.2. The chair or vice-chair in the chair's absence of each standing committee of council will serve as its presiding officer. The warden shall act as presiding officer at the request of the chair if they desire to leave their chair for the purposes of taking part in the debate.
- 5.3. Election of Presiding Officers

Warden

- 5.3.1. The warden will be elected at the inaugural meeting of council, immediately after the councillors-elect have taken the Oath of Office and signed the Code of Conduct.
- 5.3.2. All nominations will be received verbally, with nominations to be closed by a seconded motion. After nominations have closed, councillors having let their names stand for election will each have 5 minutes to address council.
- 5.3.3. Voting will take place via secret ballot with counting to take place by staff. After counting, the clerk will announce if a majority was achieved by any candidate.

5.3.4.If a majority has not been achieved, then the candidate with the lowest number of votes is dropped from the ballot and an additional vote is held. This process continues until a candidate achieves a majority or until only two candidates remain.

5.3.5.If only two candidates remain, if necessary, two votes will take place to determine a majority. If no majority is achieved after two votes, then the clerk will determine the warden from the two leading candidates by lot as per section 12(5) of the *MGA*.

5.3.6.The warden will hold office for a term of four (4) years unless, prior to the selection of a warden, the council adopts a shorter term of office for the warden as per section 12(2) of the *MGA*.

5.3.7.If the warden position becomes vacant during the term of council, the newly elected warden shall hold office until the end of the council term, unless overturned as per section 12(7) of the *MGA*.

5.3.8.After declaration of the warden, all ballots related to the election shall be destroyed in the presence of council, unless otherwise decided by majority vote.

Deputy Warden

5.3.9.Election of the deputy warden will take place immediately following the election of warden and be conducted in the same manner as the election of warden.

5.3.10. The deputy warden will hold office for a term of four (4) years unless, prior to the selection of a deputy warden, the council adopts a shorter term of office for the deputy warden as per section 16(2) of the *MGA*.

5.3.11. If the deputy warden position becomes vacant during the term of council, the newly elected deputy warden shall hold office until the end of the council term, unless overturned in the similar manner of overturning the Warden as per section 12(7) of the *MGA*.

5.4. Appointed Committees

5.4.1.Appointment of councillors to internal and external committees will take place by consensus of council at the first regular meeting of council.

5.4.2.Appointed councillors hold position for a term of one (1) year, with the option for reappointment at the Annual General Meeting of Council.

5.5. It shall be the duty of the presiding officer to:

- 5.5.1. Open the meeting by taking the chair, calling the members to order, and announcing the business before the assembly and the order in which it is to be acted upon;
- 5.5.2. Ensure the meeting agenda is followed and that the meeting progresses with due efficiency;
- 5.5.3. Protect all rights of those attending the meeting;
- 5.5.4. Receive and put to a vote all motions presented and to announce the result;
- 5.5.5. Decline to put to vote motions which infringe upon the rules of order or are beyond the jurisdiction of the assembly;
- 5.5.6. Enforce the rules of order;
- 5.5.7. Preserve order and decide points of order;
- 5.5.8. Restrain the members within the rules of order when engaged in debate;
- 5.5.9. Determine, at their discretion, whether a motion is in order and whether a motion deals with a policy matter and therefore requires the mandatory 7 days' notice to councillors prior to the motion;
- 5.5.10. Exclude from debate or expel from any meeting any person who is guilty of improper conduct at the meeting;
- 5.5.11. Call on the warden, or in the absence of the warden on another member, to fill their place until resuming the chair, if the presiding officer desires to leave the chair for the purpose of taking part in the debate or otherwise;
- 5.5.12. Ensure that decisions of committee/council are in conformity with the laws governing the activities of committee/council;
- 5.5.13. Adjourn the meeting when business is concluded;
- 5.5.14. Adjourn the meeting without question in the case of grave disorder arising in the meeting place.

6. Council/Committee Meetings

- 6.1. Inaugural Meeting of Council

6.1.1. The inaugural meeting of council shall be held on the first available date no earlier than 10 days and not later than 4 weeks after ordinary polling day for the purpose of administering the Oath of Office as per section 148 of the *Municipal Elections Act (MEA)*. All councillors shall sign the *Statement of Commitment to the Code of Conduct Policy* (Appendix B).

6.1.2. The clerk shall be responsible for the content and format of the agenda as well as all arrangements for the proceedings.

6.1.3. The clerk shall serve as presiding officer for the inaugural meeting until the warden has been elected, at which time the warden will assume chair of the meeting.

6.1.4. Seating arrangements for councillors will be determined at the inaugural meeting and will be then set for future meetings of council.

6.2. Council Meetings

6.2.1. Unless otherwise decided by council, all meetings of council and standing committees shall be held in council chambers, located at the Municipal Office, 8296 HWY #7, Sherbrooke NS.

6.2.2. Regular meetings of council and Committee of the Whole meetings will be held according to the schedule set by council and at a time determined by council.

6.2.3. Internal Committees of Council shall schedule regular meeting as per each committee's policy.

6.2.4. Except as provided in this policy and the *MGA*, all meetings shall be open to the public.

6.2.5. Council may by resolution alter the time, day, and place of any meeting previously approved under section 6.2.1 & 6.2.2.

6.2.6. In addition to regular meetings, the council may hold such other meetings as may be necessary or expedient for the dispatch of business at such time and place as the council determines, if each council member is notified at least three days in advance and the clerk gives at least two days public notice of the meeting.

6.2.7. The clerk shall call a meeting of the council when required to do so by the warden or upon presentation of a written request signed by a majority of the councillors. When calling a meeting in this manner, the clerk shall give at least two days public notice of the meeting.

6.2.8. The warden and CAO jointly may decide to cancel a council/committee meeting due to inclement weather or other circumstance, which in their judgement appears appropriate.

6.2.9. Any decision to cancel a meeting that was called by a petition of a majority of councillors shall only be upheld by a two-thirds (2/3) majority decision of councillors.

6.2.10. A special meeting of council may be convened, as applicable, immediately following the regular monthly meeting of committees for the purpose of receiving recommendations involving the MGA required minimum 7 days' notice of change in policy.

6.2.11. As per section 19(7)(a)(b) of the MGA, a meeting of council is not an illegal or invalid meeting by reason only of a failure to give notice or meeting elsewhere than provided in this policy or a notice of meeting.

6.2.12. Any scheduled meetings of council that fall on a holiday may be held on the next regular business day.

6.2.13. As per the municipal *Virtual Meetings Policy*, meetings of council and municipal committees, including annual general meetings and in camera meetings, may be held by virtual means where Public Health orders or other circumstances do not allow for in-person meetings; or, where a councillor, staff or presenter is not able to attend a meeting in-person due to health considerations or illness; or travel considerations provided that for any meeting required to be an open meeting, a recording of the meeting is posted to the Municipality's website within a reasonable period of time following the meeting to ensure openness and transparency.

6.3. Emergency Meetings

6.3.1. Where the warden determines that there is an emergency, the council may meet without notice or with such notice as is possible in the circumstances.

6.4. In Camera Meetings

6.4.1. Committee and council meetings, or portions thereof, may be held in camera only in accordance with section 22 of the *Municipal Government Act*, as may be amended from time to time. The only matters to be considered in an "in camera session" are as follows:

- a. Issues related to the proposed or pending acquisition, sale, lease, or security of municipal property; or
 - b. Setting a minimum price to be accepted by the municipality at a tax sale; or
 - c. Personnel matters; or
 - d. Labour relations; or
 - e. Contract negotiations; or
 - f. Issues related to public security; or
 - g. Litigation or potential litigation affecting the municipality; or
 - h. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- 6.4.2. Prior to moving in camera session for one of the reasons listed in section 3.41, committee/council shall pass a motion stating the fact that the committee/council is convening into in camera session, and the general nature of the matter to be considered.
- 6.4.3. A vote may occur during an in-camera session, provided the reason for being in camera is sanctioned under section 3.4.1, and the vote is for a procedural matter or for giving direction to staff or solicitors of the municipality.
- 6.4.4. Recommendations to council from an in-camera session will be dealt with immediately following dissolution of the in-camera session.
- 6.4.5. Staff reports presented during an in-camera session and minutes of an in-camera session will be maintained by the clerk and considered confidential unless council determines that the information, or part thereof, shall be made available to the public.
- 6.5. Call to Order/Quorum
- 6.5.1. As soon as there is a quorum after the time set for the start of the meeting, the presiding officer shall call the members to order.
- 6.5.2. If a quorum for a meeting is not present within five (5) minutes of the time fixed for the commencement of the meeting, the presiding officer shall indicate that no quorum is present, and the meeting shall stand adjourned until the next meeting called in accordance with the provisions of this policy. If a member is running late

due to an emergency, an exemption may be made by consensus of council if they are notified that the member is on their way.

6.5.3. In the case where a quorum is present and the presiding officer has not arrived within five (5) minutes after the time appointed, the vice-presiding officer (or deputy warden for council meetings) shall assume the chair and call the meeting to order. If the presiding officer later arrives to the meeting, the vice-presiding officer can choose to continue chairing the meeting or ask the presiding officer to take over.

6.5.4. In the event the member designated as vice-presiding officer or deputy warden is not present, then the members shall nominate and elect a presiding officer from among the members present who shall preside until the arrival of the regular presiding officer or the warden.

6.5.5. Members are encouraged to inform the clerk when a member is aware that they will be absent from any meeting.

6.5.6. As per section 17(4) of the *Municipal Government Act*, a warden or councillor who, without leave of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as warden or as a councillor.

6.5.7. Where the number of members who are unable to participate in a meeting by reason of the provisions of the *Municipal Conflict of Interest Act*, such that at that meeting the remaining members are insufficient to constitute quorum, the remaining members shall be deemed to constitute a quorum, provided the number is not less than two. A member who has declared a conflict of interest and leaves the meeting shall not be counted in determining the quorum.

6.5.8. If during the course of a meeting a quorum is lost due to vacating members, the presiding officer shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this policy. Should the meeting be adjourned, the clerk shall record in the minutes the names of the remaining members.

6.6. Governance by Bylaws, Policy, and Resolutions

6.6.1. Council shall govern by Bylaw in all matters required by the *MGA*.

6.6.2. Council shall govern by Policy in all issues meeting the definition of a Policy Matter. When in doubt, it is preferable to govern by policy rather than resolution.

6.6.3. Council shall govern by resolution only when a by-law or policy is not applicable and in particular, only when the motion does not involve principles and/or processes that must be used in future staff or Council decisions.

7. Council/Committee Order of Business and Agenda

- 7.1. The clerk, under the direction of the chief administrative officer in accordance with the warden, will prepare the agenda for all regular and special meetings of council and council committees.
- 7.2. Agendas for council/committee will be provided to members seventy-two (72) hours before the meeting unless circumstances prevent it and posted within 48 hours to the municipal website.
- 7.3. The business of committee/council shall be taken up in the order in which it stands on the agenda, unless otherwise decided by committee/council.
- 7.4. An item of business not listed on the agenda is not permitted to be introduced at a meeting unless authorized by motion of committee/council.
- 7.5. After adjournment of a regular monthly council meeting, council will permit a ten (10) minute question period for any public in attendance with questions pertaining only to items that were on the agenda.

8. Minutes

- 8.1. The clerk shall verify and maintain the minutes of all council and committee meetings.
- 8.2. All minutes recorded for council/committee shall record all resolutions, decisions, and other proceedings at a meeting of the body.
- 8.3. All in camera minutes shall record high level summaries of discussion and decisions and are not open to the public.
- 8.4. Minutes of meetings shall record:
 - a. The type, place, date, and time of meeting.
 - b. The name of the presiding officer and the record of attendance of the members and the names of those council members attending who are not part of the committee (if applicable).
 - c. The time of late arrival or early departure of members of committee/council.

- d. The substantive decisions made, and actions taken.
 - e. The results of votes on all motions, including noting the members voting in the minority.
 - f. Attendance of staff.
 - g. The time the meeting went in and out of an in-camera session.
- 8.5. The minutes of each council/committee meeting shall be presented to council at the next regular meeting for confirmation.
- 8.6. The minutes of each committee meeting shall be presented to the committee at the next regular meeting for confirmation.
- 8.7. In order to move or second the approval of minutes, the member must have been in attendance of that meeting where the minutes are being approved.
- 8.8. The warden and clerk shall sign minutes of council after council approval. If the clerk was not present to record the minutes, the CAO or Director of Finance shall sign the minutes. If the warden was not present for the meeting the presiding officer shall sign the minutes.

9. Rules of Order and Debate

9.1. Conduct of Members

Members of council shall:

- 9.1.1. Act in accordance with their Oath of Office and Council Code of Conduct.
- 9.1.2. Discharge with integrity all responsibilities to council, the Municipality of the District of St. Mary's, and the public, in keeping with approved corporate policies.
- 9.1.3. Not use offensive words or insulting expressions at any time including speaking in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability.
- 9.1.4. Treat the presiding officer, other members, staff, and the delegates from the public with courtesy, respect, and good faith.
- 9.1.5. Treat the presiding officer, other members, staff, and the delegates from the public with courtesy, respect, and good faith.

- 9.1.6. Make an attempt at being acknowledged by the presiding officer before leaving the council chambers.
- 9.1.7. Not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared.
- 9.1.8. Not criticize any decision of the council except for the purpose of introducing a motion for reconsideration.
- 9.1.9. Obey the rules of the council or a decision of the presiding officer or council on a question of order, practice, or interpretation of the rules of the council.
- 9.1.10. Be encouraged to ask any relevant questions of staff prior to any meeting where an issue may be introduced or debated so that staff may be able to have appropriate information at such meeting if necessary.
- 9.1.11. Turn off all cell phones, and electronic devices, except those in use to facilitate the meeting, or otherwise set them so as not to emit any audible sound during a meeting as per the municipal *Meetings of Council-Electronic Devices Policy*.
- 9.1.12. If a member disregards the rules of procedure or a decision of the presiding officer or council on questions of order, practice and/or interpretation of the rules, and persists in such conduct, after having been called to order by the presiding officer, the presiding officer shall forthwith put the question with no amendment or debate - "That such member be ordered to leave their seat for the duration of the meeting". If, following such vote by council, the member apologizes, council may, by a further vote of those present, permit the member to retake their seat.

9.2. Speaking/Rules of Debate

- 9.2.1. While in committee, after a presentation or report, the chair will open for discussion and questions, and after discussion and questions have ceased or been limited, the chair may ask for a motion.
- 9.2.2. A member shall not speak until the presiding officer has recognized them by indicating it is their turn to speak.
- 9.2.3. When the presiding officer has recognized a member as having the floor, the member shall direct their question or comment to the presiding officer and speak only to the matter under consideration. The presiding officer shall recognize the

members who wish to speak in the order that they indicate their desire to address council.

9.2.4. When a member is speaking, no other member shall interrupt, except to raise a point of personal privilege or point of order.

9.2.5. Any member may require the question or motion under discussion to be read or displayed at any time during the debate but not to interrupt a member while speaking.

9.2.6. A member shall not speak more than once on the question until all other members have had the opportunity to speak to the matter for the first time, except for the purpose of providing an explanation of a material part of their speech which may have been misunderstood. New information is not to be introduced. No member shall speak to the same matter more than four times without the leave of council.

9.2.7. A member shall not speak to the same question, or in reply, for longer than five (5) minutes, without leave of council. The chair may ask the clerk to keep the time of the member speaking.

9.2.8. A member shall be restricted to asking questions related directly to the matter under discussion.

9.2.9. After a question has been put by the presiding officer, no member shall speak to the question, nor shall any other motion be made until after the vote is taken and the result has been declared.

9.2.10. To participate in debate, the presiding officer shall relinquish the position to the vice- presiding officer until the matter has been disposed of. Relinquishing such position ensures impartiality of the presiding officer position.

9.3. Public Conduct at Council and Committee

9.3.1. Meetings Members of the public present in the council chamber shall maintain order and quiet and shall not address council except with permission by a majority vote of council.

9.3.2. No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of council.

9.3.3. No person shall bring into the council chamber cellular telephones or other electronic devices which emit a sound unless such devices are turned off or

otherwise set to non-audible as per the municipal *Meetings of Council- Electronic Devices Policy*.

9.3.4. There shall be no recording of meetings permitted unless pre-approved by the presiding officer and announced prior to the meeting commencing.

9.3.5. When invited to address council, no person shall use indecent, offensive, or insulting language or speak disrespectfully of any member of council or any employee of the municipality.

9.3.6. Persons invited to address council or committee shall only speak on the subject in debate and shall not speak on any other subject.

9.3.7. Any person, not being a member of council, who contravenes any provision of this section, may be expelled from the meeting by the presiding officer.

10. Motions

10.1. In council, the following matters, and motions with respect thereto, may be introduced verbally, without notice and without leave, except as otherwise provided by this policy:

- a. A point of order or personal privilege.
- b. To close debate.
- c. To adjourn.

10.2. Standard Meeting Motions

10.2.1. For the purposes of this policy, the following will be considered "standard" meeting motions:

- a. To approve the agenda.
- b. To adopt minutes.
- c. To recess.
- d. To adjourn.

10.2.2. The presiding officer may ask if a member of council/committee is willing to move/second a standard meeting motion, in which case any member may respond verbally. The presiding officer will verbally indicate which members have moved and seconded the motion.

- 10.2.3. In order to streamline meetings, any of the four (4) standard meeting motions may be voted upon by the members by a show of hands or by saying aye/nay.
- 10.3. Except as provided in Section 8.1 and 8.2, or motions prepared by municipal staff, all motions shall be clearly stated by the chair before being voted upon.
- 10.4. Motions prepared in a staff report may be moved verbally by referencing the motion and the report.
- 10.5. In Council, the following motions may be introduced without notice and without leave, except as otherwise provided by this policy:
- a. To suspend the rules of procedure.
 - b. To table.
 - c. To postpone definitely (deferral motion with a specified date/meeting).
 - d. To refer.
 - e. To amend.
 - f. To postpone indefinitely (deferral motion without specifying a date/meeting).
 - g. Any other procedural motion.
 - h. Motions arising from Business from Councillors
- 10.6. After a motion has been read or stated by the presiding officer, it shall be deemed to be in the possession of council but may be withdrawn by the originator at any time before a decision or amendment, provided council does not object.
- 10.7. Appendix "A" forms part of this policy and shall describe the form and standard descriptive characteristics of motions commonly used in committees and council.

11. Voting

- 11.1. Except as outlined in section 9.2, the manner of determining the decision of the council or committee on a motion shall be via raised hands or verbal aye/nay.
- 11.2. No vote shall be taken by ballot or by any other method of secret voting, except for the selection of warden, deputy warden and standing committee presiding officers as stated in section 2.

- 11.3. All members of council and standing committee members that are qualified to vote shall vote once on each motion, and are not permitted to abstain from voting, except when such member has declared a conflict of interest as per section 21(2)(3) of the *MGA*.
- 11.4. Except as provided elsewhere in this policy, a motion shall be deemed to have been carried when a majority of the members present, and voting have expressed agreement with the question. Consequently, on a tie vote, a motion is defeated.
- 11.5. The mover and seconder of a motion must be present at the meeting for debate to occur.
- 11.6. A member not in their seat at the call of the vote shall not be entitled to vote.
- 11.7. Each member shall occupy their seat until the result of the vote has been declared.
- 11.8. Voting conducted at public hearings shall be done in accordance with provisions of the *MGA*.

12. Presentations to Council/Committee

- 12.1. Any persons or groups may be permitted to make a presentation to committee/council provided that the applicant(s) has submitted a completed "Request for Making Presentation" form and been granted permission from the CAO and following the *Presentations to Council* policy and procedures.

13. Disclosure of Conflict Interest

- 13.1. It is the responsibility of each member to identify and disclose any conflict of interest (as defined by the *Municipal Conflict of Interest Act*) in any item or matter before the council or committee.
- 13.2. Where a member, either on their own behalf or while acting for, by, with and/or through another, has any conflict of interest, direct or indirect, in any matter and is present at a meeting of the council or standing committee at which, the matter is the subject of consideration, the member shall:
 - a. Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
 - b. Not participate for the duration of the discussion pertaining to the matter.

- c. Not take part in the discussion of or vote on any question with respect to the matter.
- d. Not attempt in any way before, during and/or after the meeting to influence the voting on any such question.

- 13.3. Where a meeting is not open to the public, in addition to complying with the requirements, the member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 13.4. Where the interest of a member has not been disclosed by reason of his absence from the particular meeting, the member shall disclose the interest and otherwise comply at the first meeting of council or standing committee, as the case may be, attended by the member after the particular meeting as per the *Municipal Conflict of Interest Act*.
- 13.5. Where a member has declared a conflict of interest, the clerk shall record this in the minutes and a separate document that refers to the meeting date and time as well as a copy of the minutes where the conflict was recorded will be kept in the Conflict-of-Interest file.

14. Committees

- 14.1. The rules governing the procedures of council shall be observed in committee and board meetings.
- 14.2. Internal and external committees/boards are approved for council appointments or nominations or recommendations to the province by way of motion of council and placed on the *Approved Committees/Boards* list (Schedule A).
- 14.3. The appointed councillor(s) of all committees shall serve for a term of one (1) year and will be chosen according to section 2.3.3. Council will review annually and update the approved list on *Schedule A*.
- 14.4. The role of the committees shall be to receive reports on areas of interest within their scope and make recommendations to council on the direction and nature of policy development and general governance of the municipality as required.
- 14.5. Special or other committees of council may be appointed as determined necessary by motion of Council and then reviewed annually at the Annual General Meeting of Council.
- 14.6. Council members appointed to external boards/committees, shall provide regular updates upon attending the meeting to municipal staff by using the *Municipal Outside*

Committee Appointment Report template (Appendix C). These reports will be added to the regular meeting of council for the information of all members of council and will be posted on the municipal website for the information of the public.

Mallory Fraser
Municipal Clerk

April 4, 2023
Date

SCHEDULE A - "Policy Record"

The Municipality shall ensure this policy is reviewed by January 31st immediately following a regular election held under the Municipal Elections Act and, where necessary revised upon approval of Council.

Version #	Amendment Description	Approved By	Approval Date
1	Approval of the policy	Council	August 10, 2020
2	Amendments to section 3.12 to include the definition of a Leave of Council, section 6.2.2 and 6.2.3 to clarify scheduling for meetings, section 6.2.13 to include the update of the virtual meetings policy, section 6.5.6 which clarifies how many consecutive council meetings may be missed before requesting an extended absence from council meetings.	Council	April 4, 2023

APPENDIX A - PROCEDURAL MOTIONS

1. Motion to Adjourn

- 1.1. A Motion to adjourn:
 - a. Is always in order except as provided by this policy.
 - b. Is not debatable.
 - c. Is not amendable.
 - d. Is not in order when a member is speaking or during the verification of the vote.
 - e. Is not in order immediately following the affirmative resolution of a motion to close debate; and
 - f. When resulting in the negative, cannot be made again until after some proceedings have been completed by council.
- 1.2. A motion to adjourn without qualification, if carried, brings a meeting or a session of council to an end.
- 1.3. A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of council to continue at such time.

2. Point of Personal Privilege

- 2.1. A member may at any time raise a point of privilege directing attention to a matter that affects the integrity, character, or reputation of an individual, individuals or the entire council, or the ability of an individual to participate.
- 2.2. A point of privilege shall take precedence over any other matter.
- 2.3. A member shall not be permitted to enter into any debate or introduce any motion not related to the point of privilege.
- 2.4. The chair shall decide upon the point of privilege and advise the members of the decision.
- 2.5. Unless a member immediately appeals the chair's decision, the decision of the chair shall be final.

- 2.6. If the decision of the chair is appealed, the question "Shall the ruling of the chair be upheld?" shall be called without debate, and its results shall be final, based on a majority vote.
- 2.7. When the matter has been determined to be a point of privilege, the member shall be afforded an opportunity to propose a motion in relation to that point of privilege.

3. Motion to Table

- 3.1. A motion to table:
 - a. Is not debatable.
 - b. Is not amendable.
- 3.2. A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.
- 3.3. The matter tabled shall not be considered again by council until a motion has been made to take up the tabled matter at the same or subsequent meetings of council.
- 3.4. A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

4. Motion to Close Debate

- 4.1. A motion to close debate:
 - a. Is not debatable.
 - b. Is not amendable.
 - c. Cannot be moved with respect to the main motion when there is an amendment under consideration.
 - d. Should be moved by a member who has not already debated the question.
 - e. Requires a two-thirds (2/3) majority vote of members present for passage.
 - f. When resolved in the affirmative, the question is to be put forward without debate or amendment.
 - g. Is not permitted in committee.

5. Motion to Postpone Definitely

5.1. A motion to postpone definitely (to a fixed time or date):

- a. Is debatable, but only as to whether a matter should be postponed and to what time.
- b. Is amendable as to time and/or date.
- c. Requires a majority vote of members present to pass.
- d. Shall have precedence over the motions to refer, to amend, and to postpone indefinitely.

6. Motion to Refer (To Committee or Staff)

6.1. A motion to refer:

- a. Is debatable.
- b. Is amendable.
- c. Shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

7. Motion to Amend

7.1. A motion to amend:

- a. Is debatable.
- b. Is amendable.
- c. Shall be relevant and not contrary to the principle of the report or motion under consideration.
- d. May propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue, which was the subject matter of the question.

7.2. Only one motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.

8. Motion to Postpone Indefinitely

8.1. A motion to postpone indefinitely:

- a. Is debatable, and debate may go into the merits of the main question, which effectively stops a motion and avoids a direct vote on the question.
- b. Is not amendable.
- c. Requires a majority vote.

9. Point of Order

9.1. The presiding officer shall decide all points of order. When a member wishes to raise a point of order, the member shall ask the presiding officer for a "point of order" and after permission is granted, the member shall state the point of order to the presiding officer, after which the presiding officer shall decide on the point of order. Thereafter, the member shall only address the presiding officer for the purpose of appealing the decision to council or committee. If the member does not appeal, the decision of the presiding officer shall be final. If the member appeals to council or committee as the case may be, council/committee shall decide the question without debate and the decision shall be final.

10. Motion to Suspend the Rules (Waive the Rules)

10.1. A motion to suspend the rules:

- a. Is not debatable.
- b. Is not amendable.
- c. Requires a two-thirds (2/3) majority vote to carry.
- d. Takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

11. Motion to Reconsider

11.1. A motion to reconsider:

- a. Is debatable and such debate should be confined to reasons for or against recommendation.
- b. Is amendable.
- c. Requires a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.

- 11.2. A motion to reconsider may be made only by a member who voted on the prevailing side in the original vote.
- 11.3. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 11.4. No discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- 11.5. The mover of a motion to reconsider shall specify whether the reconsideration will address the entire original motion or part of the original motion.
- 11.6. A motion to reconsider can only be moved to consider reversing a decision made previously at the same meeting.

12. Motion to Amend/Rescind a Previous Decision

- 12.1. A motion to amend/rescind a previous decision:
 - a. Is debatable and such debate should be confined to reasons for or against recommendation.
 - b. Is amendable, only as to the portion of the decision to be amended.
 - c. A motion to amend/rescind a previous decision requires at least two-thirds of the members present and voting. If the motion is decided in the negative, it cannot be brought forward again during a period of twelve months following the date on which the question was decided.
- 12.2. No discussion of the main question by any person shall be allowed unless the motion to amend/rescind a previous decision has first been adopted.
- 12.3. If a question is re-visited, it is re-visited in its entirety, unless the re-visiting motion specifies otherwise.
- 12.4. If the question is re-visited, all previous decisions remain in force unless council decides otherwise.

APPENDIX B - STATEMENT OF COMMITMENT TO CODE OF CONDUCT POLICY

I, _____ declare that as a Councillor of District
(Full name)

_____ I acknowledge and support the Code of Conduct Policy.
(district)

Signed: _____

Declared this _____ day of _____, year of _____.

Before me:

Chief Administrative Officer/Municipal Clerk



APPENDIX C – Report to Council



Report to Council

Member of Council: _____

Board/Agency/Organization: _____

Date Attended: _____ **Location:** _____

Notes:

SCHEDULE B - APPROVED COMMITTEES/BOARDS

The following committees/boards have been approved by council for council appointments or nominations or recommendations to the Province. Council will review these appointments annually at the Annual General Meeting and the list will be updated accordingly.

Table 1. Internal Committees/Boards:

Committee	Approved By	Approval Date
Accessibility Advisory Committee	Council	April 4, 2023
Audit Committee	Council	April 4, 2023
Fences Arbitration Committee	Council	April 4, 2023
Fire Services Committee	Council	April 4, 2023
Joint Occupational Health and Safety Committee	Council	April 4, 2023
Source Water Protection Advisory Committee	Council	April 4, 2023
Land Development Committee	Council	April 4, 2023

Table 2. External Committees/Boards:

Committee	Approved By	Approval Date
Eastern Counties Regional Library (Board Member)	Council	April 4, 2023
Eastern Region Solid Waste Management	Council	April 4, 2023
Sherbrooke Village Commission (Board Member)	Council	April 4, 2023
Guysborough Adult Learning Association (Board Member)	Council	April 4, 2023
Guysborough Home Support	Council	April 4, 2023
Old Fashioned Christmas Association	Council	April 4, 2023
Port Bickerton Lighthouse Association	Council	April 4, 2023
Guysborough Community Health Board	Council	April 4, 2023
Guysborough County Tourism Board	Council	April 4, 2023