



TOWN OF
GANDER

RULES OF PROCEDURE BY-LAW

**Effective the 22nd day of January, 2025.
Resolution #25-005**



1.0 Title

1.1 This document shall be referred to and cited as the “*Rules of Procedure.*”

2.0 Adoption

2.1 Whereas Section 46 of the *Towns and Local Service Districts Act* requires that a Council shall adopt rules of procedure for its meetings; Therefore, the Town Council of the Town of Gander hereby enacts the following *Rules of Procedure.*

3.0 Definitions

3.1 “Town Clerk” shall mean the Town Clerk of the Town of Gander.

3.2 “Town” shall mean the Town of Gander.

3.3 “Council” shall mean the Town Council for the Town of Gander.

3.4 “The Act” shall mean the *Towns and Local Service Districts Act.*

3.5 “Presiding Officer” shall mean the Mayor or Designate.

3.6 “Motions” shall mean a proposal made during a meeting to prompt discussion and a decision, which may become a resolution if approved.

3.7 “Resolutions” shall mean a binding decision formally agreed upon by a majority vote, recorded in meeting minutes.

4.0 Hierarchy of Authority

4.1 These *Rules of Procedure* are secondary to the *Towns and Local Service Districts Act (TLSDA)* and all other applicable legislation, including provincial and federal laws. In the event of a conflict, the provisions of the *Act* or other higher-level legislation shall prevail.

4.2 Where these Rules of Procedure and higher-level legislation are silent or unclear, the Chairperson shall determine the appropriate course of action, ensuring alignment with the legislative framework and the intent of the Rules. In emergency situations, the Rules of Procedure may be temporarily suspended by a 2/3 vote of the Council, provided such suspension does not contravene the TLSDA or other applicable legislation.

4.3 Any policies, regulations, or bylaws approved by Council that relate to procedural matters must also align with these Rules of Procedure and the overarching legislative framework.

5.0 Approval

5.1 These *Rules of Procedure* shall be adopted and approved by a resolution of Council during a Public Council Meeting.

5.2 Any subsequent amendments to these Rules must also be approved by resolution of Council following the required Notice of Resolution procedure.



6.0 Types of Council Meetings

Regular Public Meetings of Council

6.1 Regular Public Meetings of Council shall be held every 4th Wednesday in the Council Chambers in accordance with the schedule of Public Council meetings approved annually by resolution of Council, unless otherwise approved by Council.

6.1.1 These meetings are open to the public and serve as the primary forum for Council to make decisions on municipal matters.

Special Meetings of Council

6.2 Special Meetings of Council may be called by the Mayor or any two Councillors by giving written notice to the Town Clerk or designate.

6.2.1 Notice of a Special Meeting must be given at least 24 hours before the meeting time by notifying all Members of Council and the public through the Town's website and other communication channels.

6.2.2 The notice shall include the date, time, location, and purpose of the meeting. Only the business specified in the notice shall be discussed, unless otherwise approved by a majority vote of Council.

6.2.3 Special Meetings shall be open to the public, unless closed under Section 41 of the Act.

6.2.4 No business may be conducted at a Special Meeting of Council other than that specified in the Notice of such meeting, unless otherwise decided by majority vote.

Committee of the Whole Meetings

6.3 The Committee of the Whole shall replace all standing committees and consist of all members of Council.

6.3.1 Committee of the Whole meetings shall be held at least once every month.

6.3.2 The purpose of these meetings is to discuss and review matters in detail before making recommendations to the Regular Public Meeting for final decisions.

6.3.3 Committee of the Whole Meetings are open to the public, except when the meeting or a portion of the meeting is declared closed under the provisions of Section 41 of the Towns and Local Service Districts Act.

Open Meetings

6.4 All Regular and Special Meetings of Council and Committee of the Whole Meetings shall be open to the public unless closed in accordance with Section 41 of the Towns and Local Service Districts Act.

6.4.1 Public notice of open meetings shall be provided through the Town's website and other communication channels as approved by Council.

6.4.2 Members of the public are encouraged to attend and observe Council proceedings. Opportunities for public input, such as delegations or presentations, shall be provided in accordance with the applicable rules outlined in this document. Unless pre-approved, members of the public may only observe and shall not participate in Council meeting proceedings. The Presiding Officer reserves the right to remove any member of the public from the meeting if they fail to comply with the established "Rules and Procedures."



- 6.5** In accordance with Section 41 of the Towns and Local Service Districts Act, meetings or parts of meetings may be closed to the public to discuss sensitive matters, including but not limited to:
- Personal, legal, financial, or proprietary information;
 - Labour relations;
 - Land acquisition or disposal negotiations;
 - Matters subject to solicitor-client privilege.
 - Decisions shall not be ratified during a Closed Meeting; matters discussed must be brought forward for ratification in a Regular Public Meeting where required.

6.6 Section 9 outlines further details on Open and Closed meetings.

7.0 Notice of Meetings

Annual Meeting Schedule

- 7.1** The schedule of all Regular, Committee of the Whole, and Special Meetings of Council for the upcoming year shall be adopted by Council prior to January 1st.
- 7.1.1** A copy of the adopted schedule shall be posted on the Town's website and distributed to relevant stakeholders for public awareness.
 - 7.1.2** Meetings Scheduled on Town Observed Holidays
 - 7.1.3** When a meeting date coincides with an observed holiday, the meeting shall be rescheduled to a day and time determined by Council and reflected in the annual meeting schedule.

Changes to Scheduled Meetings

- 7.2** If a Regular or Special meeting of Council is cancelled, rescheduled, or if an additional meeting is requested outside the approved schedule, notice shall be provided as follows:
- **To Council:** The Clerk or designate shall notify all Councillors via email or telephone at least twenty-four (24) hours in advance, unless otherwise approved by Council.
 - **To the Public:** Details of the updated meeting shall be posted on the Town's website and shared with relevant stakeholders.
 - The failure of any Councillor to receive notice of a meeting shall not invalidate the meeting, provided that reasonable efforts were made to notify all members and a quorum is present.

8.0 Meeting Decorum

Order and Decorum

- 8.1** The Presiding Officer at any meeting shall preserve order during debate and ensure that all proceedings are conducted in an orderly and respectful manner.

Interruptions

- 8.2** No member may interrupt a member who is speaking except to raise a point of order. If more than one member begins to speak at the same time, the Presiding Officer must call on the member who, in the Presiding Officer's opinion, first spoke.



Unacceptable Conduct of Behaviour - Councillor

- 8.3** When a Councillor during any type of Council Meeting, engages in conduct that is disruptive, disrespectful, or contrary to the *Rules of Procedure*, the Presiding Officer shall have the authority to:
- Name the offending Councillor and issue a formal warning to desist, which shall be recorded in the minutes.
 - Request the offending Councillor to leave the meeting if the behaviour persists, subject to the following:
 - If the Councillor refuses to leave, the Presiding Officer may recess the meeting and call upon the Presiding Officer, Town Clerk, Municipal Enforcement Officer, or the RCMP to remove the Councillor from the premises.
 - Such action shall also be recorded in the minutes.

Disorderly Persons

- 8.4** The Presiding Officer has the authority to expel and exclude from a meeting any Councillor, staff member, member of the public, other person who engages in improper conduct that disrupts the proceedings.
- 8.4.1** If a Councillor is expelled from a meeting, the Presiding Officer shall ensure that the reason for the expulsion is clearly recorded in the minutes.
- 8.4.2** An expelled Councillor may be permitted to resume participation in the meeting if a majority of the Councillors present vote in favor, following an apology by the Councillor to the Presiding Officer and Council.
- 8.4.3** Any member of the public or other individual in attendance may be expelled from a meeting by the Presiding Officer if their conduct is deemed disruptive or improper.
- 8.4.4** If the individual refuses to comply with the Presiding Officer's direction, the meeting may be recessed, and assistance from law enforcement (Municipal Enforcement Officer or RCMP) may be sought to restore order.
- 8.4.5** Actions taken under this section must align with the principles of open and accountable governance as outlined in the Towns and Local Service Districts Act.

Respectful Behaviour

- 8.5** Members speaking at a Council meeting must:
- Use respectful and non-discriminatory language at all times;
 - Refrain from making offensive gestures, signs, or remarks;
 - Speak only on matters directly related to the topic under debate or discussion;
 - Adhere to the rules of procedure as established under these *Rules of Procedure* and comply with the decisions of the Presiding Officer;
 - Cease speaking immediately when called to order by the Presiding Officer, unless granted permission to explain their remarks.



Dress Code

- 8.6** All Councillors and Resource personnel are expected to maintain a professional appearance at Public Council Meetings.
- 8.6.1** Attire should be neat, clean, and appropriate for a professional setting, reflecting the importance of Council proceedings and fostering public confidence.
 - 8.6.2** While formal business attire is not mandatory, clothing should project professionalism and respect for the responsibilities of the role.
 - 8.6.3** Councillors and staff are encouraged to consider comfort, inclusivity, and practicality in their choice of attire, while ensuring a presentable appearance.

Use of Cell Phones or Electronic Devices

- 8.7** All personal cell phones and other communication devices must be silenced or turned off prior to the commencement of Council meetings to maintain focus and professionalism.
- 8.7.1** Electronic devices provided for conducting the meeting (e.g., laptops or tablets for accessing agendas) may be used, provided they are operated solely for meeting-related purposes.
 - 8.7.2** The CAO (or designate) and Town Clerk (or designate) are permitted to keep their cell phone active to respond to potential emergencies during the meeting.
 - 8.7.3** In certain circumstances, Councillors or staff may seek permission from the Presiding Officer to keep a device active for emergency purposes.

9.0 Presiding Officer

- 9.1** The Mayor shall preside over all meetings of Council, maintaining order, guiding discussion, and ensuring adherence to the *Rules of Procedure*.
- 9.1.1** In the absence of the Mayor, the Deputy Mayor shall preside.
 - 9.1.2** If both the Mayor and Deputy Mayor are absent, and a quorum is present, the Town Clerk shall call the meeting to order. The Councillors present shall appoint a temporary chairperson to preside over the meeting. The temporary chairperson shall exercise the powers and perform the duties of the Mayor during the meeting or until the arrival of the Mayor or Deputy Mayor.
 - 9.1.3** If the Mayor, Deputy Mayor, or any Councillor presiding over a meeting wishes to participate in the debate, they shall step down as the Presiding Officer for the duration of their participation. A temporary chairperson shall be appointed to preside while they are debating. Upon conclusion of the debate, the original Presiding Officer may resume their role.

10.0 Quorum

- 10.1** A quorum shall consist of a majority of the number of Councillors that may be elected or appointed to the Council under the provisions of the *Towns and Local Service Districts Act*.
- 10.2** If a quorum is not present within fifteen (15) minutes after the scheduled start time of a Regular, Special, or Committee of the Whole Meeting, the Clerk or designate shall record the names of the Councillors present and absent.



10.2.1 The meeting shall stand adjourned until the next scheduled meeting or to a date and time decided by the Council members present, provided notice is given in accordance with the *Rules of Procedure*

10.3 If a quorum is lost during a meeting, the Town Clerk or designate shall record the names of the Councillors present at the time quorum is lost.

10.3.1 The meeting shall be adjourned, and any remaining business shall be carried forward to the agenda of the next meeting.

10.3.2 All business on the agenda that is not addressed due to a lack of quorum shall be automatically added to the agenda of the next meeting.

11.0 Attendance

11.1 The Mayor, Councillors, the Chief Administrative Officer (CAO), and the Clerk (or their designate) are expected to make every reasonable effort to attend all meetings of Council.

11.1.1 It is recognized that circumstances may occasionally prevent attendance. In such cases, members and required staff are encouraged to notify the Clerk or Presiding Officer as soon as possible to ensure proper planning for the meeting.

11.2 Other municipal staff may attend Council meetings as requested by the Council or the Clerk, either to provide expertise on specific matters or to support meeting operations.

11.3 Where deemed appropriate by Council, attendance may include virtual participation using technology approved by the Town, provided it adheres to the rules of procedure for remote participation.

12.0 Meetings Open to the Public

12.1 All Regular Public Meetings of Council shall be open to the public, in accordance with the *Towns and Local Service Districts Act*, to promote transparency, accountability, and public participation in municipal governance.

12.2 A meeting or portion of a meeting may be closed to the public if it is necessary to discuss matters specified under Section 41 of the *Act*.

12.3 Before closing a meeting or portion of a meeting, Council must pass a resolution stating:

- The general nature of the matter to be discussed; and
- The specific authority under the *Act* that permits the meeting to be closed.

12.4 When a meeting or portion of a meeting is declared closed:

- All members of the public present shall leave the room unless their attendance is specifically requested by the Presiding Officer or Council.

12.5 All decisions made during a closed meeting must be ratified by resolution at a subsequent public meeting to ensure transparency and accountability, unless the resolution is one permitted under Section 234(2)(b) of the *Towns and Local Service Districts Act*.

12.6 A record of each closed meeting shall be kept, containing only:

- The type of matter discussed, as outlined in Section 9.2; and
- The date of the meeting.



13.0 Conflict of Interest

General Provisions

- 13.1** A Councillor must not participate in debate, vote, or otherwise influence a matter where they have a conflict of interest, as established by the Municipal Code of Conduct Act and associated policies.
- 13.2** All policies and guidance related to the administration of the Code of Conduct shall be governed by those provisions.

14.0 Minutes

Responsibility for Recording Minutes

- 14.1** Minutes of all Council meetings shall be recorded by the Town Clerk or designate, as appropriate.

Contents of Minutes

- 14.2** The minutes shall include:

- 14.2.1** A record of all members of Council present, as well as advisory and resource staff in attendance;
- 14.2.2** All motions presented to Council, including the names of those who moved and seconded each motion;
- 14.2.3** The names of all Councillors voting against or abstaining from voting on any motion;
- 14.2.4** A concise summary of comments, reports, petitions, presentations, or documents submitted to Council to provide context for decisions made.

- 14.3** Minutes should reflect what was done during the meeting, rather than verbatim accounts of what individual Councillors or staff said.

- 14.4** The inclusion of specific comments or statements shall require unanimous consent or a majority vote of Council.

Distribution of Minutes

- 14.5** Draft minutes shall be distributed to Councillors prior to the next scheduled meeting to allow for review and preparation.

Public Access to Minutes

- 14.6** Minutes of Regular and Special Meetings of Council shall be made available on the Town's website within seven (7) working days of the meeting's conclusion.

- 14.7** The minutes posted online shall include a disclaimer stating that they are not the official transcript and are subject to adoption by Council at its next meeting.

Adoption of Minutes

- 14.8** During the Public Council Meeting where the minutes are to be adopted:

- Any Councillor who objects to any portion of the minutes of the preceding meeting shall state the grounds of objection;
- If necessary, amendments to the minutes may be made by resolution of the Council;
- Once adopted, the minutes shall be deemed the official record of the meeting.



14.9 Official minutes shall be retained in accordance with the Town's Records Retention Policy and applicable legislation.

15.0 Agendas

15.1 Council and Committee of the Whole Meetings

Preparation of the Agenda

- The Clerk or designate shall prepare an agenda for each meeting, listing all business to be addressed.
- For Public Council Meetings, Councillors must submit items for inclusion on the agenda to the Clerk or designate no later than 9:00 A.M. on the day preceding the meeting.
- For Committee of the Whole Meetings, agenda items must be submitted in accordance with the Council's procedural policies.

Distribution and Posting

- Reports from the Committee of the Whole shall be distributed to Council no later than Noon on the day preceding the Public Council Meeting where the recommendations will be addressed.
- A summary of the finalized Regular or Special meeting of Council agenda, consisting only of the items included on it (excluding attachments), shall be circulated to all members of Council and posted on the Town's website no later than noon on the day preceding the meeting, to ensure transparency and accessibility.

Format of the Agenda

- The agenda format for Public Council Meetings and Committee of the Whole Meetings shall be as follows unless otherwise approved by Council:

Public Council Meeting Agenda

1. Call to Order
2. Land Acknowledgement
3. Visitors/Presentations
4. Approval of Agenda
5. Approval of Previous Minutes
6. Business Arising from Previous Minutes
7. Standing Council Business
 - Correspondence and Action Plans
 - Internal Operations
 - Regulatory Affairs and Policy
 - Finance
 - Strategy, Growth, and Investments
 - Community Well-being and Outreach
8. Administration
9. New Business
10. Adjournment

Committee of the Whole Meeting Agenda (Open) (Subject to Items)

1. Call to Order
2. Presentations/Delegations
3. Approval of Agenda
4. Approval of Previous Minutes



5. Standing Council Business
 - Correspondence and Action Plans
 - Internal Operations
 - Regulatory Affairs and Policy
 - Finance
 - Strategy, Growth, and Investments
 - Community Well-being and Outreach
6. New Business
7. Adjournment

Committee of the Whole Meeting Agenda (Closed)

1. Call to Order
2. Presentations/Delegations
3. Approval of Agenda
4. Approval of Previous Minutes
5. Executive Privilege
6. Adjournment

15.2 Special Meeting of Council Agenda

A Special Council Meeting shall be called to address specific matters requiring urgent or focused attention.

- The order of business for a Special Council Meeting shall follow the items specified in the notice calling the meeting. Council shall proceed directly to the consideration of the business for which the meeting was called.
- Only the business specified in the notice shall be addressed during the meeting.
- Additional items may be considered only if approved by unanimous consent or by a majority vote of Councillors present.

16.0 New Business

Public Council Meetings

16.1 The New Business portion of the Public Council Meeting is intended for brief updates, informational items, and general announcements. Examples include:

- Sharing information or updates from attendance at previous events;
- Providing notice of upcoming events;
- Offering congratulatory remarks or acknowledgments.

16.2 Substantive items or matters requiring decisions of Council shall not be introduced under New Business unless approved by unanimous consent.

16.2.1 Each Councillor shall be limited to a maximum of two (2) minutes to present their New Business, unless otherwise extended by unanimous consent.

16.2.2 Councillors are encouraged to focus on concise and relevant updates to ensure the efficient use of meeting time.

16.2.3 The Presiding Officer may guide the discussion to ensure adherence to the time limits and procedural rules.



Committee of the Whole Meetings

16.3 The New Business portion of the Committee Meeting is intended to:

- Allow Councillors to share updates, raise concerns, or seek clarification on issues related to Council's operations; and
- Provide an opportunity for preliminary discussion on matters within the Committee's mandate.

16.4 New business items related to the Committee's mandate shall be raised for informational purposes only.

16.4.1 Substantive items requiring decisions, research, or additional information shall be referred to the next Committee Meeting or the appropriate administrative department for further consideration and recommendations.

16.5 While there are no specific time limits for new business discussions during Committee Meetings, Councillors are encouraged to focus on concise and relevant updates to ensure efficient meeting management.

16.6 All new business items raised during a Committee Meeting shall require consensus of Council or majority vote and be documented in the meeting minutes, including any decisions to refer items for further research or action.

16.7 The Presiding Officer or Town Clerk shall ensure that referred items are included on the agenda for the appropriate future meeting or forwarded to the relevant administrative department for follow-up.

16.8 New business discussions and decisions at Committee Meetings shall adhere to the procedural rules established under Section 46 of the *Towns and Local Service Districts Act*, ensuring transparency, accountability, and alignment with the Committee's mandate.

17.0 Notice of Motion

17.1 A Notice of Motion, in writing, must be tabled at a Regular Public Council Meeting prior to the introduction or amendment of any By-Law.

18.0 By-Laws

18.1 All by-laws, including amendments, must be prepared in written form and circulated to Councillors before being introduced for consideration by Council.

18.2 A by-law must receive two readings before being adopted by Council, unless Council, by a majority vote, approves its adoption without a second reading.

18.3 A by-law shall take effect upon adoption unless a specific effective date is included in the by-law.

18.4 Where the approval of a Minister or Lieutenant Governor is explicitly required by statute, such approval must be obtained before the by-law takes effect.

18.5 Once adopted, certified copies of by-laws shall be made available for public viewing and posted on the Town's website, in accordance with the requirements of the *Act*.



19.0 Regulations

- 19.1** Any regulations established under the authority of the previous *Municipalities Act* shall now be deemed as by-laws and will require approval by the Town Council through the prescribed legislative process.
- 19.2** For regulations established under the authority of other legislation, these shall remain as regulations, and the current process for their adoption and amendment will remain unchanged unless otherwise stipulated by the applicable legislation.
- 19.3** All regulations, including amendments, must be prepared in written form and circulated to Councillors before being introduced for consideration by Council.
- 19.4** All regulations must receive two readings before being adopted by Council, unless Council, by a majority vote, approves its adoption without a second reading.
- 19.5** A regulation takes effect at the time of adoption unless otherwise specified by Council.
- 19.6** If approval of a Minister or Lieutenant Governor is required, such approval must be obtained after the regulation, including amendments, has been given second reading and before it is adopted.
- 19.7** The Mayor, Deputy Mayor, or the presiding Council member at the meeting at which the regulation is adopted, along with the Town Clerk, must sign the regulation.
- 19.8** After signing, the Town Clerk must place the regulation in the Town's records for safekeeping and ensure a copy is posted to the Town's website.

20.0 Motions and Resolutions

- 20.1** A motion is a formal proposal made by a Councillor during a meeting, requesting that Council take specific action or make a decision. Before any subject can be debated or decided upon, it must be introduced in the form of a motion.
- 20.2** Upon a motion being carried, it becomes a resolution.
- 20.3** All motions and resolutions, including the names of the mover and seconder, as well as the outcome of the vote, shall be recorded in the meeting minutes.
 - 20.3.1** All motions shall be decided by a majority vote of the Councillors present unless a two-thirds vote is required by law or procedure.
- 20.4** Privileged motions take precedence over all other motions due to their urgent nature.
- 20.5** Incidental motions take precedence over pending motions when related to procedural concerns.
- 20.6** Once a motion is seconded, it is open for debate unless it is a privileged or incidental resolution, which may be decided without debate.
- 20.7** A motion may be debated and voted on only if it is:
 - First proposed by one Councillor (moved); and
 - Then supported by another Councillor (seconded).
- 20.8** The Presiding Officer may call for a vote on the motion after all Councillors have had an opportunity to speak, in accordance with the Rules of Procedure.



Five (5) classes of motions and resolutions

20.9 Main Motions

20.9.1 A main motion is a formal proposal that introduces new business or requests Council to take a specific action. It is the lowest-ranking motion and may only be made when no other motion is pending.

20.9.2 A main motion or resolution must be:

- In writing, wherever possible;
- Concise, unambiguous, and complete;
- Stated or read aloud by the mover, who may make introductory remarks to explain the purpose of the resolution.
- Once duly moved and seconded, the resolution shall be restated by the Presiding Officer and opened for consideration and discussion.

20.9.3 All Councillors are entitled to participate in the discussion of a main motion, in accordance with the Rules of Procedure.

20.9.4 Discussion must remain focused on the subject of the motion to ensure efficient deliberations.

20.9.5 Main motions should be stated in a positive form wherever possible, so that a "yes" vote means approval and a "no" vote means rejection.

20.9.6 Exceptions, such as motions to deny a development application, must be carefully worded to avoid confusion.

20.9.7 A main motion is adopted when it receives a majority vote of the Councillors present unless a higher threshold is required by law or procedural rules.

20.9.8 The full text of every main resolution, including the names of the mover and seconder, as well as the outcome of the vote, shall be recorded in the minutes.

20.10 Subsidiary Motion

20.10.1 Assists in modifying, amending, or disposing of a main motion. These motions take precedence over the main motion and are listed below in order of rank:

Lay on the Table

Purpose: To temporarily set aside the pending business without setting a specific time for resuming its consideration. This motion is not intended to permanently delay or avoid the business at hand.

Examples:

- To address an urgent matter requiring immediate attention.
- To accommodate a member of the public with a vested interest in a matter later on the agenda.



Previous Question (Call the Question)

Purpose: To close debate and move directly to a vote on the pending motion.

Requirements:

- A Councillor must be recognized by the Presiding Officer to make this motion.
- A seconder is required unless unanimous consent is provided.
- A two-thirds vote is necessary to adopt this motion, as it limits the rights of debate.

Limit or Extend the Limits of Debate

Purpose: To adjust the time allocated for discussion or the number of times a Councillor may speak on a motion.

Examples:

- Limit debate if it is consuming excessive time.
- Extend debate to allow thorough discussion.

Requirements:

- A two-thirds vote is required unless unanimous consent is provided.

Postpone to a Certain Time (or Definitely)

Purpose: To delay a final vote on a motion until a specified later time or meeting.

If postponed to the next meeting, the motion will automatically be included on the agenda.

Commit or Refer

Purpose: To send a motion to a committee or staff for further review and recommendations. This is the only method to temporarily dispose of a motion beyond the next regular meeting.

Procedure: Council should specify deadlines for the committee or staff to ensure timely handling of the matter.

Friendly Amendment

Purpose: To allow minor changes to a motion before it is formally stated by the Presiding Officer.

Procedure: Before the Presiding Officer states the motion, the mover may accept suggested changes without consulting the seconder. After the Presiding Officer states the motion, any proposed changes must be treated as formal amendments, requiring debate and a vote unless unanimous consent is provided.

Amend

Purpose: To modify the wording of a motion to make it more suitable.

Amendments must relate directly to the main motion (germane) and may be proposed in one of three ways:

- Add words within or at the end of the motion;
- Remove specific words or paragraphs; or
- Replace specific text or substitute an entire paragraph.



Voting Procedure: Amendments are voted on in reverse order:

- Secondary amendments are voted on first.
- Primary amendments are voted on next.
- The main motion (as amended, if applicable) is voted on last.
- If there is general agreement, amendments may be approved without a formal vote.

Postpone Indefinitely

Purpose: To dispose of a motion without directly voting on it.

This motion is commonly used to avoid voting on an embarrassing or controversial main motion. It prevents the motion from being reconsidered during the same meeting.

20.11 Privileged Motion

20.11.1 Privileged motions do not relate to the pending business but address urgent matters of immediate importance, such as meeting continuation, comfort, or adherence to the agenda. These motions take precedence over all subsidiary motion and are ranked above them.

20.11.2 Privileged motions are generally not debatable when a main or subsidiary resolution is under consideration.

20.11.3 Fix the Time to Which to Adjourn

Purpose: To set the date, time, and place for an adjourned meeting to continue the current session.

Requirements:

- Requires a seconder.
- Adopted by majority vote.

Adoption of this resolution does not adjourn the current meeting but establishes when it will resume.

20.11.4 Adjourn

Purpose: To close the meeting entirely, regardless of whether the agenda or order of business has been completed.

Requirements:

- Requires a seconder.
- Adopted by majority vote.
- Always in order except when:
 - i.) A Councillor is addressing the Presiding Officer.
 - ii.) A vote is being taken, or it has been decided that the previous question shall be taken.

Uncompleted business is listed as unfinished business at the next meeting.

This resolution cannot be amended or debated.

A second resolution to adjourn cannot be made until intermediate proceedings have occurred.



20.11.5 Recess

Purpose: To take a short intermission in the meeting without adjourning it.

Requirements:

- Requires a seconder.
- Amendable regarding the length of the recess or the time to reconvene.
- Adopted by majority vote unless unanimous consent is provided.

20.11.6 Raise a Question of Privilege

Purpose: To address immediate concerns affecting the rights, comfort, or ability of Councillors to participate in the meeting.

Examples:

- Excessive noise, inadequate lighting, uncomfortable temperature.
- Difficulty hearing or accessing necessary reports or visuals.

Procedure:

- Does not require recognition by the Presiding Officer.
- The Presiding Officer takes appropriate action without a Council vote.

20.11.7 Call for the Orders of the Day

Purpose: To request that the Council follow the adopted agenda or order of business.

Procedure:

- A Councillor may interrupt business to raise this resolution if the wrong item is announced or if the agenda is not being followed.
- If a resolution is pending, the Councillor must wait until the resolution is resolved.

The agenda must be followed unless Council votes by a two-thirds majority not to proceed or provides unanimous consent to deviate.

20.12 Incidental Resolution

20.12.1 Incidental motions relate directly to the pending question or the conduct of the meeting and must be decided immediately before other business proceeds. These motions do not have a specific rank but are addressed in the order they arise.

20.12.2 Point of Order

Purpose: To address a perceived breach of the rules.

Procedure:

- A Councillor must raise a point of order at the time of the infraction unless the breach is of a continuing nature.
- The Presiding Officer rules on the question without requiring a seconder or a vote.



20.12.3 Appeal

Purpose: To challenge a ruling made by the Presiding Officer.

Procedure:

- Must be seconded.
- The Presiding Officer speaks first to explain the ruling.
- Each Councillor may speak once.
- The Presiding Officer may close with a final explanation.

Voting Rules:

- Specifies that the vote is on the Presiding Officer's decision, not the appeal itself.
- Maintains the principle that a majority or tie vote sustains the ruling, aligning with established parliamentary practices.

20.12.4 Suspend the Rules

Purpose: To temporarily set aside procedural rules for a specific purpose.

Restrictions:

- By-laws, statutory law, or fundamental parliamentary rules cannot be suspended.
- The rule is suspended only for the current meeting.

Vote: A two-thirds vote or unanimous consent, depending on the type of rule.

20.12.5 Objection to the Consideration of a Question

Purpose: To prevent consideration of an original main resolution that could harm Council's reputation or effectiveness.

Procedure:

- Must be raised before any debate or subsidiary resolution is introduced.
- Requires a two-thirds vote to dismiss the resolution.

20.12.6 Division of a Question

Purpose: To separate a resolution into parts that can be debated and voted on individually.

Procedure: Requires a resolution and a majority vote to divide the question.

20.12.7 Consideration by Paragraph or Seriatim

Purpose: To allow detailed consideration of a lengthy resolution or document by individual sections.

Procedure: Each section is debated and amended separately, followed by a vote on the entire document.



20.12.8 Division of the Assembly

Purpose: To verify the result of a voice vote through a more accurate method, such as roll call, where each Councillor is named, and their vote is announced and recorded.

Procedure:

- May be called by any Councillor without a seconder.
- The vote is retaken and recorded.

20.12.9 Request to be Excused from a Duty

Purpose: To relieve a Councillor of an obligation imposed by virtue of their office or appointment.

Procedure: Requires a resolution and a majority vote for approval.

20.12.10 Parliamentary Inquiry

Purpose: To request guidance from the Presiding Officer on procedural matters.

Procedure:

- Does not require a seconder or vote.
- The Presiding Officer provides an answer to the Councillor's question.

20.12.11 Point of Information

Purpose: To request factual clarification on the pending business.

Procedure: The Presiding Officer may provide an answer or refer the question to another Councillor or staff member.

20.12.12 Withdraw or Modify a Resolution

Purpose: To allow the mover of a resolution to withdraw or make changes to it after it has been stated by the Presiding Officer.

Procedure: Requires unanimous consent or a majority vote to approve the request.

20.12.13 Request to Read Papers

Purpose: To seek permission to read from documents such as papers, books, or reports during the meeting.

Procedure: Requires unanimous consent.

20.12.14 Request for Any Other Privilege

Purpose: To request privileges not covered by other incidental motion, such as making a presentation when no resolution is pending.

Procedure: Usually granted by unanimous consent.

20.13 Motion that Brings a Question Again Before the Council

20.13.1 These motions allow Council to revisit business that has already been adopted or acted upon. They are used to either bring back or modify a previously decided matter. There is no ranking among these motions, and they are presented in the order listed below.



20.13.2 Take from the Table

Purpose: To bring back a resolution that was previously laid on the table for further consideration.

Procedure:

- May be moved at the same or next meeting after the resolution was laid on the table.
- Requires a majority vote to take the resolution from the table.
- If not taken from the table by the end of the next regular meeting, the resolution is considered withdrawn and no longer under consideration.

Resumes consideration at the exact point where the resolution was laid on the table.

20.13.3 Rescind or Amend Something Previously Adopted

Purpose: To entirely repeal a previously adopted resolution, section, paragraph, or rule; or to change or modify a previously adopted decision.

Requirements for Approval:

- A two-thirds vote; or
- A majority vote if notice of intent to rescind or amend was given at the previous meeting or included in the meeting notice.

Cannot be applied to actions that have already been carried out and cannot be undone.

20.13.4 Discharge of Committees (Special/Ad Hoc/Task Force/Advisory)

Purpose: To remove an item of business from a committee and bring it back to Council for consideration or to terminate a committee's work on the matter.

This applies primarily to Special Committees, Advisory Committees, Task Forces, or Ad Hoc Committees, as the Committee of the Whole structure assumes the responsibilities previously managed by Standing Committees.

These temporary or task-specific committees may be discharged once their assigned purpose or task has been completed; or Council determines their continued existence is no longer necessary.

The Committee of the Whole is not discharged, as it operates as the primary decision-making forum for Council deliberations and recommendations.

Requirements for Approval:

- A two-thirds vote or a majority vote with prior notice is required to discharge a Special, Advisory, Task Force, or Ad Hoc Committee.
- If the committee fails to report within the prescribed time or if Council is considering a partial report, only a majority vote is required discharge the committee.

The business referred to the committee is brought back to Council (via the Committee of the Whole) for direct consideration or dropped altogether.

Discharge of Special Committees, Advisory Committees, Task Forces, or Ad Hoc Committees signals the end of their existence unless Council assigns them additional tasks.



20.13.5 Reconsideration During a Council Meeting

Purpose: To revisit a decision made earlier in the same meeting when a Councillor who voted on the prevailing side has changed their mind.

Procedure:

- Only a Councillor who voted on the prevailing side (yes for adopted resolutions, no for lost motions) may move to reconsider.
- Requires a majority vote to pass.

The original resolution is brought back before Council as if it had not been voted on, resuming consideration at the point just before the initial vote.

20.13.6 Reconsideration After a Council Meeting

Purpose: To revisit a decision made at a previous meeting, provided notice of reconsideration is given.

Procedure:

- Notice must be given by a Councillor who voted on the prevailing side of the original resolution.
- A majority vote of Councillors present and voting is required to carry the resolution to reconsider.
- Once carried, the main question is debated as if it were an original resolution.

A resolution cannot be reconsidered more than once.

A resolution of indefinite postponement cannot be reconsidered.

20.14 Motions During Debate

20.14.1 When a question is under debate, the following motions may be made without requiring prior written notice. These motions are considered procedural tools to manage the debate and decision-making process:

- To Extend the Time of the Meeting
- To Refer or Commit a Matter
- To Amend a Motion
- To Lay a Motion on the Table
- To Postpone a Motion Indefinitely
- To Move the Previous Question

20.14.2 Every motion must be seconded before it can be debated or voted on.

20.14.3 Motions listed above take precedence based on their rank in parliamentary procedure and must be resolved before returning to the main question.



20.15 Withdrawal of a Motion

20.15.1 A motion that has been moved and seconded may only be withdrawn with the unanimous consent of the Councillors in attendance. This withdrawal is permitted only before any decision has been taken on the motion or an amendment to the motion has been made. This ensures that all Councillors have equal opportunities to consider and debate motions before they are formally removed from discussion.

20.16 Addressing the Motion

20.16.1 Councillors and staff, where appropriate, shall address the Presiding Officer respectfully by referring to them as “Your Worship,” “Mr. Mayor,” or “Madam Mayor.” Speakers must wait to be recognized by the Presiding Officer before speaking and must direct their remarks to the specific matter under consideration. Councillors may not speak against a motion they have moved; however, they retain the right to vote against it if they so choose.

20.17 Entitlement to Speak

20.17.1 If two or more Councillors wish to speak at the same time, the Presiding Officer shall decide which Councillor is entitled to speak. This ensures fairness and order in debate, preventing interruptions and ensuring all voices are heard appropriately.

20.18 Order During Consideration of Motion

20.18.1 During the consideration of a motion, Councillors shall maintain decorum. No Councillor may walk across the Council Chambers, engage in private conversations, or create disturbances while another Councillor is speaking or while a vote is being taken. Interruptions are only allowed to raise a point of order, seek clarification, or ask a question. These rules support a respectful and orderly meeting environment.

20.19 Debate Procedure and Length of Debate

20.19.1 Debate on motions shall focus strictly on the question at hand, avoiding personal remarks. No Councillor may speak for longer than five minutes at one time or more than once on any motion or amendment unless permitted by the Council. Exceptions include clarifications of misunderstood remarks, which must not introduce new matters. The mover of a motion is allowed to speak twice: once to introduce the motion and once to close the debate. Debate concludes following the mover's second contribution to the discussion.

20.20 Rereading of a Motion

20.20.1 During debate, any Councillor may request that the question or motion under discussion be reread for clarification or information. This request may be made at any time during the debate but must not interrupt a Councillor who is currently speaking. The rereading of the motion ensures that all Councillors remain fully informed and focused on the matter under discussion.

21.0 Voting

21.1 All decisions of Council shall be made by a majority vote of the Councillors present at the meeting, including the Presiding Officer, unless otherwise specified under the *Act* or these Rules of Procedure.

21.2 A Councillor shall not abstain from voting on a motion or resolution unless:

- They are required to abstain due to a conflict of interest, as defined under applicable legislation, or;



- They have been granted permission to abstain by a majority vote of the other Councillors in attendance at the meeting.

21.3 If a Councillor abstains from voting, a decision on the motion or resolution can only be made if the number of Councillors voting in favour meets or exceeds the majority of those present at the meeting.

21.4 Each member of Council, including the Mayor, is entitled to one vote on any question.

21.5 The Presiding Officer shall restate the motion or resolution before calling for the vote to ensure clarity and understanding.

21.6 Recorded Vote

21.6.1 Whenever a decision of Council is taken, each Councillor, including the Mayor, who is present and voting shall indicate their vote openly and individually by a show of hands. The Clerk or designate shall record the names of Councillors voting against the motion, those abstaining, and those voting in favour.

21.6.2 Councillors who remain silent during the vote shall be deemed to agree with the decision made by those who vote and will be recorded as voting with the prevailing side, as declared by the Presiding Officer when announcing whether the motion is carried or defeated.

21.7 No Secret Ballot

21.7.1 Votes in Council shall not be conducted by ballot or any other method of secret voting. The sole exception is the election of the Deputy Mayor, which may be conducted by secret ballot if there is more than one nomination for the position. Such a vote shall be administered by the Clerk or designate to ensure impartiality and fairness.

21.8 Tie Vote

21.8.1 In the event of a tie vote on a motion or resolution, the motion or resolution shall be considered defeated. A tie indicates that the required majority for adoption has not been achieved, and no further action will be taken on the matter unless reintroduced at a subsequent meeting in accordance with the rules of procedure.

22.0 Committees

22.1 Authority to Form Committees

22.1.1 The Mayor may appoint committees as necessary to support Council's work. The Mayor shall be an ex-officio member of all committees. Committees are established to address specific tasks or issues and ensure focused deliberation outside of regular Council meetings.

22.2 Committee of the Whole

22.2.1 Committee of the Whole shall replace Standing Committees as the primary forum for Council's deliberations.

22.2.2 Committee of the Whole is comprised of all members of Council, including the Mayor, and is chaired by the Mayor or the Deputy Mayor in the Mayor's absence.

22.2.3 Matters previously addressed by Standing Committees will now be deliberated in the Committee of the Whole, with recommendations made to the Public Council Meeting for final approval.



22.3 Special Committees

22.3.1 Special Committees may be established to address specific matters or projects and consist of at least three Councillors, along with other members as appointed by the Mayor and ratified by Council.

22.3.2 These committees exist only until their assigned task or purpose is completed.

22.3.3 Special Committees report directly to the Committee of the Whole or Council, as appropriate.

22.4 Advisory Committees and Task Forces

22.4.1 Advisory Committees and Task Forces may be formed to provide non-binding advice to Council or the Committee of the Whole on specific topics or initiatives.

22.4.2 Advisory Committees are composed primarily of citizens and should reflect the diversity and interests of the community.

22.4.3 Task Forces are established for specific, short-term objectives and are disbanded upon completing their work.

22.5 Representation on External Committees

22.5.1 The Mayor may appoint Councillors to external committees or organizations where Council representation is required. Such appointments must be ratified at the first Public Council Meeting following a general election and reviewed as necessary.

22.6 Quorum for Committees

22.6.1 Quorum for the Committee of the Whole shall consist of a majority of its members, which includes all seven members of Council. Without a quorum, no official business may be conducted.

22.6.2 For any Special Committee where members of Council have been appointed, quorum shall consist of a majority of the appointed members. In the absence of quorum, no official business may be conducted.

22.7 Committee Leadership

22.7.1 The Mayor shall appoint a Chairperson for each Special Committee. The Chairperson is responsible for leading the committee's meetings and ensuring its mandate is fulfilled.

22.7.2 Task Forces and Advisory Committees shall operate collaboratively without a designated Chairperson, with members working collectively to address their objectives and report back to Council as required.

22.8 Committee Resources

22.8.1 Staff may be assigned as advisory and resource to committees to provide administrative support, facilitate communication, and prepare reports for Council consideration.

22.9 Committee Minutes and Reports

22.9.1 Minutes of all Committee of the Whole and Special Committee meetings must be prepared by the assigned resource staff or Town Clerk within 48 hours of the meeting and provided to Councillors at least 24 hours before the Public Council Meeting.



22.9.2 The Clerk or a designated staff member shall prepare reports summarizing discussions and recommendations from the Committee of the Whole. These reports will highlight matters requiring Council action or updates for public record and will be submitted to the Public Council Meeting for review and decision.

22.9.3 Minutes and reports shall comply with the TLSDA's requirements for transparency and public accessibility, except where confidentiality provisions apply.

22.10 Conduct of Business in Committees

22.10.1 The Committee of the Whole serves as the primary forum for Council discussions. The following rules and procedures govern its proceedings:

- The Mayor presides over Committee of the Whole meetings. In their absence, the Deputy Mayor shall chair the meeting. If both are unavailable, Council will appoint a temporary chairperson.
- All Councillors may speak freely without limits to the number of times, encouraging open deliberation. However, comments must remain focused on the subject under discussion.
- Decisions made during Committee of the Whole meetings are intended to reach a consensus among members. No binding votes are taken at this stage.
- Committee of the Whole meetings shall be open to the public in accordance with Section 46 of the *Act*, except where matters are being discussed in a closed session under Section 41 of the *Act*.
- Outcomes or positions formed during the Committee of the Whole are summarized and brought forward to a Public Council Meeting for formal consideration and ratification.
- Resource staff or department representatives may be present to provide expertise and assist in discussions as required.
- No formal action or execution of decisions arising from the Committee of the Whole discussions occurs without ratification at a subsequent Public Council Meeting. Exceptions may be made in exigent circumstances, subject to unanimous agreement by the Committee and subsequent reporting to Council.

23.0 Delegations

23.1 Requests to Appear

23.1.1 Requests to appear as a delegation before the Committee of the Whole or a Public Council Meeting must be submitted to the Town Clerk or designated Resource Person at least one week prior to the preferred meeting date.

23.1.2 Requests must be submitted in writing and include the subject matter, the name(s) of the spokesperson(s), and any attachments relevant to the presentation.

23.2 Restrictions on Delegations

23.2.1 Delegations will not be permitted to address the following matters:

- Official Community Plan by-laws or Zoning by-laws, including amendments, that have received first reading but have not yet been adopted, defeated, or abandoned;



- Matters on which the Town has initiated prosecution and where judgment has not been rendered;
- Promotion of commercial products or services unrelated to Town business;
- Publicly tendered contracts or proposal calls, during the period between authorization and award by Council or staff.

23.3 Approval Process

23.3.1 The Town Clerk or Resource Person may refuse to place a delegation on the agenda if the matter does not fall within Council's jurisdiction.

23.3.2 Delegations may appeal such decisions by requesting Council's review. Council will consider the appeal, and materials may be distributed under separate cover for Council's decision.

23.3.3 If approved, the Town Clerk or Resource Person will confirm attendance or propose alternative arrangements with the delegation.

23.4 Limits on Delegations

23.4.1 Only one delegation will be permitted per Council or Committee meeting, unless otherwise approved.

23.4.2 Delegations wishing to appear at consecutive meetings will only be considered if no other delegations are scheduled for the later meeting, unless otherwise approved.

23.5 Rules for Delegations

23.5.1 Presentations are limited to a maximum of 15 minutes, excluding questions from Council, unless extended by Council.

23.5.2 Delegations intending to use audio or audio-visual equipment must notify the Town Clerk or Resource Person in advance. The Town will assist with the setup of available equipment. If additional equipment is required beyond what the Town can provide, the delegation must supply their own.

23.5.3 Delegations must not communicate disrespectfully about any person, either verbally or otherwise. If, in the opinion of the Chair, the delegation is being disrespectful, the Chair may request the withdrawal of offensive remarks or actions.

23.5.4 If a delegation refuses to withdraw offensive remarks, refuses to follow the rules, or disobeys instructions from the Chair, the Chair may terminate the presentation and direct the delegation to leave the meeting.

23.5.5 Where a delegation refuses to leave, the Chair may order their expulsion and exclusion from the meeting.

23.5.6 If an offending delegation apologizes, Council may permit the delegation to continue their presentation.



24.0 Electronic Recording Restrictions

24.1 Members of the public attending town council meetings are prohibited from using any electronic devices to make audio or video recordings of the proceedings unless prior written permission has been granted by the town council. This restriction is to ensure the orderly conduct of meetings and to protect the privacy and integrity of discussions. Any violation of this rule may result in removal from the meeting and other actions as deemed appropriate by Council.

25.0 Clarification and Amendment Procedure

25.1 Clarification of Rules

25.1.1 In cases where these Rules of Procedure are silent or do not provide sufficient guidance, *Robert's Rules of Order* shall apply as a supplementary authority, provided they do not conflict with applicable laws or these Rules.

25.2 Amendment of Rules

25.2.1 Any motion to amend these Rules of Procedure requires a Notice of Motion and must be approved by a majority vote of the Council during a Public Council Meeting.

26.0 Effective Date

26.1 These Rules of Procedure shall become effective upon the 22nd day of January, 2025 by Resolution #25-005.

27.0 Publication

27.1 These *Rules of Procedure* will be posted to the Town's Website following adoption by Council.

28.0 Repeal of Previous Rules of Procedure

28.1 All previous Town of Gander's Rules of Procedure and amendments are repealed.