

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 East Hants.

The objectives of the Council Procedural Policy are to:

1. Clearly communicate the procedures to be used for council and committees of council in the execution of all business for the Municipality of East Hants 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 Bylaw, policy or resolution;
2. Outline the Elected Officials Code of Conduct;
3. Provide a guide to procedural motions;

SCOPE

This policy applies to meetings of East Hants municipal council and committees of council.

DEFINITIONS

Term	Definition
<i>Abstain</i>	A member who is lawfully entitled to vote but chooses not to exercise his/her right to vote on a matter
<i>Agenda</i>	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.
<i>Clerk</i>	The Municipal Clerk of the Municipality of East Hants and/or designate.
<i>Committee</i>	Any committee of council.
<i>Council</i>	The council of the Municipality of East Hants.
<i>Improper conduct</i>	Conduct that obstructs in any way the deliberations and/or proper action of committee or council.
<i>Majority</i>	A number greater than half of a total.
<i>Pecuniary interest</i>	A direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act.
<i>Point of order</i>	A matter that a member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of council.
<i>Point of personal privilege</i>	A matter that a member considers to question their integrity and/or the integrity of the council.
<i>Policy Matter</i>	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.
<i>Presiding Officer</i>	The person presiding over a meeting. This may also be referred to as “chair”.
<i>Quorum</i>	A majority of the total number of voting members currently on council or committee.
<i>Regular meeting</i>	A scheduled meeting held in accordance with the approved calendar/schedule of meetings.

POLICY

POLICY STATEMENT

1. APPLICATION OF THE POLICY

- 1.1 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.
- 1.2 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, 11th edition.
- 1.3 This Council Procedural Policy serves to replace any former municipal policies referencing the proceedings of council or council committees.
- 1.4 This Council Procedural Policy shall be reviewed annually by Council.

2. PRESIDING OFFICER

- 2.1 The warden shall be the presiding officer at all council meetings, unless unavailable, in which case the deputy warden shall be the presiding officer. Only the elected warden shall wear the Chain of Office.
- 2.2 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 he/she desires to to leave the chair for the purposes of taking part in the debate.
- 2.3 Election of Presiding Officers
 - 2.3.1 Warden
 - 2.3.1.1 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.
 - 2.3.1.2 All nominations will be received verbally, with nominations to be closed by motion. After nominations have closed, councillors having let their names stand for election will each have 5 minutes to address council.
 - 2.3.1.3 Voting will take place via secret ballot with counting to take place by scrutineers approved by council. After counting, the scrutineers will announce if a majority was achieved by any candidate.
 - 2.3.1.4 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.
 - 2.3.1.5 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.
 - 2.3.1.6 The warden shall hold office for a term of four (4) years. 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.

2.3.1.7 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.

2.3.2 Deputy Warden

2.3.2.1 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.

2.3.2.2 The deputy warden will hold office for a term of one (1) year.

2.3.3 Standing Committee Chairs/Vice-Chairs

2.3.3.1 Election of standing committee chairs and vice-chairs will take place at the first regular meeting of committee in the same manner as election for warden, except that candidates will not address council, except with permission from council.

2.3.3.2 Chairs/Vice-Chairs shall hold position for a term of two (2) years, unless otherwise decided by motion of council.

2.4 It shall be the duty of the presiding officer to:

2.4.1 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;

2.4.2 Ensure the meeting agenda is followed and that the meeting progresses with due efficiency;

2.4.3 Protect all rights of those attending the meeting;

2.4.4 Receive and put to a vote all motions presented and to announce the result;

2.4.5 Decline to put to vote motions which infringe upon the rules of order or are beyond the jurisdiction of the assembly;

2.4.6 Enforce the rules of order;

2.4.7 Preserve order and decide points of order;

2.4.8 Restrain the members within the rules of order when engaged in debate;

2.4.9 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 from Council.

2.4.10 Exclude from debate or expel from any meeting any person who is guilty of improper conduct at the meeting;

2.4.11 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;

2.4.12 Ensure that decisions of committee/council are in conformity with the laws governing the activities of committee/council;

2.4.13 Adjourn the meeting when business is concluded;

2.4.14 Adjourn the meeting without question in the case of grave disorder arising in the meeting

place.

COUNCIL/COMMITTEE MEETINGS

2.5 Inaugural Meeting of Council

- 2.5.1 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.
- 2.5.2 The clerk shall be responsible for the content and format of the agenda as well as all arrangements for the proceedings.
- 2.5.3 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

2.6 Council Meetings

- 2.6.1 Unless otherwise decided by council, all meetings of council and standing committees shall be held in council chambers, located at the Lloyd E. Matheson Centre, 15 Commerce Court, Elmsdale, NS.
- 2.6.2 Regular meetings of council will be held according to the schedule set annually by council and at a time determined by council.
- 2.6.3 Except as provided in this policy and the MGA, all meetings shall be open to the public.
- 2.6.4 Council may by resolution alter the time, day, and place of any meeting previously approved under section 2.6.2.
- 2.6.5 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.
- 2.6.6 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.
- 2.6.7 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.
- 2.6.8 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.
- 2.6.9 A brief Council meeting shall 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.
- 2.6.10 As per section 17(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.

2.7 Emergency Meetings

- 2.7.1 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.

2.8 In Camera Meetings

- 2.8.1 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:
 - 2.8.1.1 Issues related to the proposed or pending acquisition, sale, lease or security of municipal property;
 - 2.8.1.2 Setting a minimum price to be accepted by the municipality at a tax sale;
 - 2.8.1.3 Personnel matters;
 - 2.8.1.4 Labour relations or contract negotiations
 - 2.8.1.5 Issues related to public security.
 - 2.8.1.6 Litigation or potential litigation affecting the municipality.
 - 2.8.1.7 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- 2.8.2 Prior to moving in camera session for one of the reasons listed in section 2.8.1, 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. This motion shall contain a brief description of the matter being considered.
- 2.8.3 A vote may occur during an in camera session, provided the reason for being in camera is sanctioned under section 2.8.1 , and the vote is for a procedural matter or for giving direction to staff or solicitors of the municipality.
- 2.8.4 Recommendations to council from an in camera session will be dealt with immediately following dissolution of the in camera session.
- 2.8.5 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.

2.9 Call to Order/Quorum

- 2.9.1 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.
- 2.9.2 If a quorum for a meeting is not present within fifteen (15) 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.
- 2.9.3 In the case where quorum is present and the presiding officer has not arrived within fifteen 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. The vice-presiding officer or deputy warden shall preside until the arrival of the regular presiding officer or the warden.
- 2.9.4 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.

- 2.9.5 Members are encouraged to inform the clerk when a member is aware that they will be absent from any meeting.
- 2.9.6 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.
- 2.9.7 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 the names of the members present in the minutes.

2.10 Opening Invocation (Regular Meetings of Council)

2.10.1 After calling any regular meeting of council to order, councillors will next rise and:

- 2.10.1.1 The Warden shall recite a territorial land acknowledgement
- 2.10.1.2 Undertake a “moment of silent contemplation”

2.11 Governance by Bylaws, Policy and Resolutions

- 2.11.1 Council shall govern by Bylaw in all matters required by the Municipal Government Act
- 2.11.2 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
- 2.11.3 Council shall govern by Resolution only when a Bylaw 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.

3. COMMITTEES

3.1 General

3.1.1 The rules governing the procedures of council shall be observed in Committee and Board meetings, except that:

- 3.1.1.1 A member need not rise to speak;
- 3.1.1.2 A motion to close debate is out of order;
- 3.1.1.3 Motions do not have to be submitted in writing unless requested by the presiding officer;
- 3.1.1.4 Casual dress is acceptable by members.

3.1.2 The following Committees/Boards are approved for Council appointments or nomination/recommendation to the Province (including outside organizations):

- 3.1.2.1 Nominating Committee

- 3.1.2.2 Planning Advisory Committee
- 3.1.2.3 Corporate and Residential Services Committee
- 3.1.2.4 Infrastructure and Operational Services Committee
- 3.1.2.5 Parks, Recreation and Culture Committee
- 3.1.2.6 Fire Advisory Committee
- 3.1.2.7 Fences Arbitration Committee
- 3.1.2.8 Police Advisory Committee
- 3.1.2.9 Audit Committee
- 3.1.2.10 Agricultural Advisory Committee
- 3.1.2.11 East Hants Source Water Protection Advisory Committee
- 3.1.2.12 Corridor Community Options Society
- 3.1.2.13 Northern Region Solid Waste
- 3.1.2.14 Colchester-East Hants Library Board
- 3.1.2.15 Cobequid Housing Authority (nomination/recommendation to the Province)
- 3.1.2.16 Regional Enterprise Network (REN) Liaison Committee
- 3.1.2.17 Accessibility Advisory Committee

3.1.3 Committee membership shall be as follows:

- 3.1.3.1 Corporate and Residential Services, Infrastructure and Operational Services, Parks, Recreation and Culture Committees shall be composed of all members of Council for the duration of the term of Council
- 3.1.3.2 Planning Advisory Committee shall be composed of all members of Council, plus two public members,
 - 3.1.3.2.1 Public members will be appointed to the committee by resolution of council,
 - 3.1.3.2.2 Public members will have equal rights and responsibilities as all other committee members as it relates to administering the business of the committee, including:
 - 3.1.3.2.2.1 The ability to make and vote on motions,
 - 3.1.3.2.2.2 The requirement to declare any conflict of interest, and
 - 3.1.3.2.2.3 The expectation of confidentiality of in camera committee discussions and information.

- 3.1.3.2.3 Public member terms will be for a period of four years, the term for which will begin in the January immediately following a municipal election.
- 3.1.3.2.4 Previously serving as a public member on the planning advisory committee does not preclude anyone from re-offering in subsequent years.
- 3.1.3.2.5 A temporary vacancy of either or both public member positions does not negate the ability of the committee to hold regular meetings.
- 3.1.3.3 The Nominating Committee shall consist of the Warden, Deputy Warden and 3 members of Council, as determined during the inaugural meeting of Council. The Warden shall serve as chair of the nominating committee and the Deputy Warden as vice-chair. Membership will be held for the term of Council.
- 3.1.3.4 The Fire Advisory Committee shall consist of nine members;
- 5 Councillors appointed by Council
 - 3 public representatives of the fire service, appointed by Council (including 1 representative from the rural area, 1 representative from the urban area and a third member undesignated)
 - 1 representative from the East Hants Fire Service, appointed by Council,
 - A Councillor shall serve as chair
 - The Fire Advisory Committee membership is governed by the Fire Advisory Committee Terms of Reference
- 3.1.3.5 The Fences Arbitration Committee shall consist of;
- 1 Councillor appointed by Council and;
 - 1 member appointed by the Federation of Agriculture
 - The Council member shall sit for the duration of Council.
 - The Federation appointed member shall sit until replaced by the Federation, either at the request of the Municipality or the action of the Federation.
 - The Councillor representative shall serve as Chair.
- 3.1.3.6 The Police Advisory Committee shall consist of;
- All members of Council
 - 3 Public members appointed by Council, preferably one representative from the rural area, one representative from the urban area and a third member undesignated
 - 1 Public member appointed by the Minister of Justice
 - A Councillor shall serve as Chair
 - Public members shall serve a term of three (3) years
 - Council members shall serve a term of four (4) years
 - All members are subject to a background check
 - Meetings will be held quarterly
- 3.1.3.7 The Audit Committee shall consist of the:
- Warden
 - Chairperson of Corporate and Residential Services Committee
 - One other member of Council
 - One public member (to be appointed by Council for a two-year term)
 - The Chairperson of the Corporate and Residential Services Committee shall be the Chairperson of the Audit Committee
 - Council shall annually appoint an audit committee
 - The Audit Committee membership is governed by the Audit Committee Terms of Reference

3.1.3.8 The Agricultural Advisory Committee shall consist of:

- 2 Councillors appointed by Council
- 1 member appointed by the Federation of Agriculture
- 1 member appointed by Nova Scotia Agriculture
- 2 farmers in East Hants appointed by Council
- 3 citizens-at-large appointed by Council
- A Councillor shall serve as Chair
- The Agricultural Advisory Committee membership is governed by the Agricultural Advisory Committee Terms of Reference

3.1.3.9 The East Hants Source Water Protection Advisory Committee shall consist of the following voting members:

- 1 member of Council that would Chair the meetings
- 1 member of Council that would be Vice-chair, responsible for backup duties of Chair as required.
- 1 customer of the Water Utility within the Regional Water Supply System
- 1 customer of the Water Utility within the Shubenacadie Aquifer Water Supply System
- 1 representative from Shubenacadie Watershed Environmental Protection Society (SWEPS) or an equivalent association as determined by the East Hants Nominating Committee
- 1 representative working in the Agricultural sector (farming community) within East Hants and has a stake in the water supply
- 1 resident living within the East Hants portions of the Near Zone of the Grand Lake watershed
- The East Hants Source Water Protection Advisory Committee will be governed by the East Hants Source Water Protection Advisory Committee Terms of Reference

3.1.3.10 The Accessibility Advisory Committee shall consist of the following voting members:

- 2 members of Council
- 4 members from the stakeholder community
- 1 citizen-at-large member
- Municipal Accessibility Coordinator (non-voting)
- A Councillor shall serve as Chair and Vice-Chair
- The Accessibility Advisory Committee will be governed by the Accessibility Advisory Committee Terms of Reference

3.1.4 The chair and a vice-chair of all committees, unless otherwise outlined above, will be chosen according to council/committee electoral rules established in section 2. All chair and vice-chair appointments shall be for two years and will be reviewed by Council.

3.1.5 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.

3.1.6 Special or other Committees of Council may be appointed as determined necessary by motion of Council.

4. COUNCIL/COMMITTEE ORDER OF BUSINESS AND AGENDA

4.1 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.



- 4.2 Agendas for council/committee will be posted on the Friday before the meeting, or seventy-two (72) hours before the meeting unless circumstances prevent it.
- 4.3 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.
- 4.4 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.

5. DISCLOSURE OF PECUNIARY INTEREST

- 5.1 It is the responsibility of each member to identify and disclose any pecuniary interest (as defined by the Municipal Conflict of Interest Act) in any item or matter before the council or committee.
- 5.2 Where a member, either on their own behalf or while acting for, by, with and/or through another, has any pecuniary 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:
 - 5.2.1 Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
 - 5.2.2 Leave their seat and sit in the gallery for the duration of the discussion pertaining to the matter.
 - 5.2.3 Not take part in the discussion of or vote on any question with respect to the matter.
 - 5.2.4 Not attempt in any way before, during and/or after the meeting to influence the voting on any such question.
- 5.3 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.
- 5.4 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.

6. PRESENTATIONS TO COUNCIL/COMMITTEE

- 6.1 Any persons or groups may be permitted to make a presentation to committee/council provided that the applicant(s) have submitted an application one week prior to the meeting and been granted permission from the clerk.
- 6.2 On receipt of an application to present, the warden, CAO and the clerk shall review the application to determine its appropriateness and may:
 - 6.2.1 Place the presentation on the agenda for committee;
 - 6.2.2 Place the presentation on the agenda for council;
 - 6.2.3 Determine that council will receive only written submissions on the matter;
 - 6.2.4 Determine the subject matter of the presentation is outside the jurisdiction of the municipality, and refuse the application.



- 6.3 Generally, a maximum of two presentations will be made at any meeting, with no individual presentation to exceed 10 minutes. The CAO and Warden may add additional presentations, depending on the circumstances.
- 6.4 Any group having been approved to present to council/committee must submit any electronic or paper presentation materials by 12:00 p.m. on the Friday prior to the meeting.
- 6.5 Any persons presenting to council/committee shall not:
 - 6.5.1 Speak disrespectfully of any person;
 - 6.5.2 Use offensive language;
 - 6.5.3 Speak on any subject other than the subject for which they have received approval;
 - 6.5.4 Disobey any decision of the presiding officer;
 - 6.5.5 Enter into cross debate with other delegations, staff, or committee/council members.
- 6.6 The presiding officer may curtail any delegation, any questions of a delegation and/or debate during a delegation for disorder or any other breach of this policy and, if the presiding officer rules that the delegation is concluded, the person or persons appearing shall withdraw, and the decision of the warden/presiding officer shall not be subject to challenge.

7. MINUTES

- 7.1 The clerk shall verify and maintain the minutes of all council and committee meetings.
- 7.2 All minutes recorded for council/committee shall record all resolutions, decisions and other proceedings at a meeting of the body, whether it is an in camera session or not.
- 7.3 Minutes of meetings shall record:
 - 7.3.1 The type, place, date and time of meeting;
 - 7.3.2 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);
 - 7.3.3 The time of late arrival or early departure of members of committee/council;
 - 7.3.4 The substantive decisions made and actions taken;
 - 7.3.5 The results of votes on all motions, including noting the members voting in the minority;
 - 7.3.6 Attendance of staff;
 - 7.3.7 The time the meeting went in and out of an in camera session.
- 7.4 The minutes of each council meeting shall be presented to council at the next regular meeting for confirmation.
- 7.5 The minutes of each committee meeting shall be presented to the committee at the next regular meeting for confirmation.

7.6 The warden and the clerk shall sign minutes of council after council approval.

8. RULES OF ORDER AND DEBATE

8.1 Conduct of Members

8.1.1 Members of council shall:

- 8.1.1.1 Act in accordance with their Oath of Office and Council Code of Conduct;
- 8.1.1.2 Discharge with integrity all responsibilities to council, the Municipality of East Hants, and the public, in keeping with approved corporate policies;
- 8.1.1.3 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;
- 8.1.1.4 Treat the presiding officer, other members, staff, and the delegates from the public with courtesy, respect and good faith;
- 8.1.1.5 Maintain business casual dress attire for all meetings;
- 8.1.1.6 Make an attempt at being acknowledged by the presiding officer before leaving the council chambers;
- 8.1.1.7 Not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
- 8.1.1.8 Not criticize any decision of the council except for the purpose of introducing a motion for reconsideration;
- 8.1.1.9 Not disobey 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;
- 8.1.1.10 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;
- 8.1.1.11 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.

8.1.2 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.

8.2 Speaking/Rules of Debate

8.2.1 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 will ask for a motion.

- 8.2.2 A member shall not speak until the presiding officer has recognized them by indicating it is their turn to speak.
- 8.2.3 When a member has been recognized by the presiding officer as having the floor, the member shall rise and 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.
- 8.2.4 When a member is speaking, no other member shall interrupt, except to raise a point of personal privilege or point of order.
- 8.2.5 Any member may require the question or motion under discussion to be read or displayed at any time during the debate but not so as to interrupt a member while speaking.
- 8.2.6 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.
- 8.2.7 A member shall not speak to the same question, or in reply, for longer than ten minutes, without leave of council.
- 8.2.8 A member shall be restricted to asking questions related directly to the matter under discussion.
- 8.2.9 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.
- 8.2.10 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.

8.3 Public Conduct at Council and Committee Meetings

- 8.3.1 Members of the public present in the council chamber shall maintain order and quiet and shall not address council except with the permission of council.
- 8.3.2 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.
- 8.3.3 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.
- 8.3.4 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.
- 8.3.5 Persons invited to address council or committee shall only speak on the subject in debate and shall not speak on any other subject.
- 8.3.6 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.

9. MOTIONS

- 9.1 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:

- 9.1.1 A point of order or personal privilege.
- 9.1.2 To close debate.
- 9.1.3 To adjourn.

9.2 Standard Meeting Motions

9.2.1 For the purposes of this policy, the following will be considered “standard” meeting motions:

- 9.2.1.1 To approve the agenda;
- 9.2.1.2 To adopt minutes;
- 9.2.1.3 To recess;
- 9.2.1.4 To adjourn.

9.2.2 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, without pressing the Request-to-Speak microphone function. The presiding officer will verbally indicate which members have moved and seconded the motion.

9.2.3 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.

9.3 Except as provided in Section 9.1 and 9.2, or motions prepared by municipal staff, all motions shall be clearly stated by the Chair before being voted upon.

9.4 Motions prepared in a staff report may be moved verbally by referencing the motion and the report.

9.5 In Council, the following motions may be introduced without notice and without leave, except as otherwise provided by this policy:

- 9.5.1 To suspend the rules of procedure.
- 9.5.2 To table.
- 9.5.3 To postpone definitely (deferral motion with a specified date/meeting).
- 9.5.4 To refer.
- 9.5.5 To amend.
- 9.5.6 To postpone indefinitely (deferral motion without specifying a date/meeting).
- 9.5.7 Any other procedural motion.
- 9.5.8 Motions arising from Business From Councillors

9.6 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.

9.7 Appendix “B” forms part of this policy and shall describe the form and standard descriptive characteristics of motions commonly used in committee and council.

10. VOTING

10.1 Except as outlined in section 10.2, the manner of determining the decision of the council or committee on a motion shall be via electronic voting where the votes of members are displayed once all have been cast. In the event of computer difficulties, raised hands or another method at the discretion of council may be used.

10.2 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.



- 10.3 All members of council and standing committee members, as outlined in section 4.1.3. are qualified to vote once on each motion, and are not permitted to abstain from voting, except when such member has declared a pecuniary interest.
- 10.4 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.
- 10.5 The mover and seconder of a motion must be present at the meeting for debate to occur.
- 10.6 A member not in their seat at the call of the vote shall not be entitled to vote.
- 10.7 Each member shall occupy their seat until the result of the vote has been declared.
- 10.8 Voting conducted at public hearings shall be done in accordance with provisions of the MGA.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Owner	The policy owner (see Version Log Section) is responsible for ensuring that the policy is implemented and being followed. In addition, the policy owner is responsible for reviewing the policy on a yearly basis for relevancy and potential updates. <Note: Policy Owners are usually the heads of management units (i.e. Department Directors or the CAO).>
Municipality of East Hants Staff	All personnel that fall within the scope of this policy (see Scope Section) must follow the policy statements within this document and must follow the governing authority of the policy owner.



RELATED DOCUMENTATION

APPENDIX A TO COUNCIL PROCEDURAL POLICY ELECTED OFFICIALS CODE OF CONDUCT

1. PURPOSE

The public expects the highest standards of professional conduct from members elected to local government. The purpose of this code is to establish guidelines for the ethical and inter-personal conduct of members of council (“members”). The council is answerable to the community through democratic processes and this code will assist in providing for the good government of the Municipality of East Hants.

2. STANDARDS OF CONDUCT

Members shall uphold the law and at all times:

- 2.1 Seek to advance the common good of the municipality as a whole, while conscientiously representing the communities they serve;
- 2.2 Perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:
 - 2.2.1 Integrity - giving the municipality’s interests absolute priority over private individual interests;
 - 2.2.2 Honesty - being truthful and open;
 - 2.2.3 Objectivity - making decisions base on a careful and fair analysis to the facts;
 - 2.2.4 Accountability - being accountable to each other and the public for decisions taken;
 - 2.2.5 Leadership - confronting challenges and providing direction on the issues of the day.
- 2.3 Uphold this code as a means of promoting the standards of behavior expected of members and enhancing the credibility and integrity of council in the broader community.

3. COUNCIL RESPONSIBILITIES

The council (or its designated committee) will:

- 3.1 Review the municipality’s Code of Conduct as required and make any amendments considered appropriate;
- 3.2 Review, consider or take other action concerning any violation of the Code of Conduct which is referred to council for consideration. Where there is any conflict between the Code of Conduct and the requirements of any statute of the provincial or federal government, provincial or federal statutes shall take precedence.

4. MEMBER RESPONSIBILITIES

CONDUCT TO BE OBSERVED

Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they are entrusted with upholding and adhering to the policies of the municipality as well as all applicable provincial

and federal laws. As public servants, members must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

DEDICATED SERVICE

All members should faithfully work towards developing programs to address the needs of the citizens in the course of their duties. Members should strive to perform at a level which is expected of those who work in the public's interest.

RESPECT FOR DECISION-MAKING PROCESS

All members recognize the responsibility of the mayor or warden to accurately communicate the decisions of the council, even if they disagree with such decisions, such that respect for the decision-making processes of council is fostered.

CONDUCT AT MEETINGS

Members shall respect the chair, colleagues, staff and members of the public present during council meetings or other proceedings of the municipality. Meetings shall provide an environment for transparent and healthy debate on matters requiring decision making.

RELEASE OF CONFIDENTIAL INFORMATION PROHIBITED

No member shall disclose or release to any member of the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the municipality to do so. Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

GIFTS AND BENEFITS

No member shall show favouritism or bias toward any vendor, contractor or others doing business with the municipality. Members are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the municipality personally, or through a family member or friend, which could give rise to a reasonable suspicion of influence to show favour or disadvantage to any individual or organization.

USE OF PUBLIC PROPERTY

No Member shall request or permit the use of municipal-owned vehicles, equipment, materials or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resources.

OBLIGATIONS TO CITIZENS

No member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

INTERPERSONAL BEHAVIOUR

Members shall treat every person, including other members, corporate employees, individuals providing services on a contract for service, and the public with dignity, understanding and respect and ensure that their work environment is free from discrimination, bullying and harassment.

Harassment and/or discrimination includes intentional or unintentional language or action used against an individual or group, that threatens, demeans, excludes, humiliates, provides unequal treatment or causes embarrassment or behaviors as outlined and prohibited within the N.S. Human Rights Code and existing Municipal Policies.

COMMUNITY REPRESENTATION

Members shall observe a high standard of professionalism when representing the municipality and in their dealings with members of the broader community.



5. GOOD GOVERNANCE

Members accept that effective governance of the municipality is critical to ensuring that decisions are taken in the best interests of all stakeholders and to enable the municipality to function as a good corporate citizen.

6. GOVERNMENT RELATIONSHIPS

Members recognize the importance of working constructively with other levels of government and organizations in Nova Scotia and beyond to achieve the goals of the municipality.

7. CONFLICT OF INTEREST AVOIDANCE

Members are committed to making decisions impartially and in the best interest of the municipality and recognize the importance of fully observing the requirements of the Municipal Conflict of Interest Act, R.S.N.S. 1989, c. 299 with regard to the disclosure and avoidance of conflicts of interest.

8. REPORTING BREACHES

Persons who have reason to believe that this code has been breached in any way are encouraged to bring their concerns forward. No adverse action shall be taken against any member or municipal employee who, acting in good faith, brings forward such information.

9. CORRECTIVE ACTION

Any reported violation of the code will be subject to investigation by the council. Violation of this code by a member may constitute a cause for corrective action. If an investigation finds a member has breached a provision of the code, council may impose corrective action commensurate with the nature and severity of the breach, which may include a formal warning or reprimand to the member.

10. COMPLIANCE WITH CODE

Members acknowledge the importance of the principles contained in this code which will be self-regulated by council. Councillors are encouraged to sign a "Statement of Commitment" within seven (7) days of taking the councillor's oath pursuant to section 147 of the Municipal Elections Act, R.S.N.S. 1989, c. 300.

Council as a whole provides for the enforcement of this Code of Conduct upon its members. Any complaint made under this code will be administered by the CAO in conjunction with the Warden, who will delegate the inquiries as appropriate and make recommendations as are reasonable.

11. COMPLAINT PROCESS

All complaints will be considered informal unless a complaint form is filed and remitted to the Municipality detailing the concern issue.

Anonymous complaints that include threats, harassing statements, abusive language or vulgarity will be saved but not considered or tracked.

A complaint form may be obtained from the Municipal CAO's office. This form shall be used by members of the public or any member of Council.

All complaints shall be handled in accordance with provisions of the Freedom of Information and Protection of Privacy Act unless the person waives the right to confidentiality in writing.

12. INVESTIGATION of an ALLEGED BREACH OF THE CODE OF CONDUCT

A copy of the signed complaint and a request for an investigation into an alleged breach shall be made in writing

to the CAO's office within a reasonable time after the alleged breach(generally 30 days). The request shall contain the name of the Member who breached the Code of Conduct as well as details of the specific breach.

The CAO shall acknowledge the complaint to the complainant within 3 business days.

The CAO may delegate the inquiry as appropriate, including seeking advice from legal counsel as necessary.

The CAO or delegate will make every effort to address the issue within 30 business days or provide an estimate of time required if expected to take longer.

The CAO or delegate will report to Council in writing for each complaint.

13. DECISIONS REPORTED TO COUNCIL AND OPTIONS FOR REMEDIAL ACTION

Where the investigation has found a probable breach, the complaint will be brought to Council during a public meeting (censured where necessary by the MGA). Only Council can decide that an actionable breach has occurred. Council shall rule on penalties to a member within 60 days of the breach if reasonably possible.

14. PENALTIES FOR A BREACH OF THE CODE OF CONDUCT

The Council of the Municipality may impose penalties with regard to a breach of the CODE of CONDUCT including but not limited to:

- a. Public reprimand or requirement for public apology.
- b. Expulsion from one or more meetings for up to 90 days
- c. Removal from appointments or chair positions
- d. Expulsion from in-camera meetings
- e. Suspension of the remuneration paid to a member for up to 90 days
- f. Any combination of the above

APPENDIX B TO COUNCIL PROCEDURAL POLICY
PROCEDURAL MOTIONS

1. MOTION TO ADJOURN

1.1 A Motion to adjourn:

- 1.1.1 Is always in order except as provided by this policy.
- 1.1.2 Is not debatable.
- 1.1.3 Is not amendable.
- 1.1.4 Is not in order when a member is speaking or during the verification of the vote.
- 1.1.5 Is not in order immediately following the affirmative resolution of a motion to close debate; and
- 1.1.6 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:

- 3.1.1 Is not debatable;
- 3.1.2 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 meeting 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:
 - 4.1.1 Is not debatable.
 - 4.1.2 Is not amendable.
 - 4.1.3 Cannot be moved with respect to the main motion when there is an amendment under consideration.
 - 4.1.4 Should be moved by a member who has not already debated the question.
 - 4.1.5 Requires a two-thirds (2/3) majority vote of members present for passage; and
 - 4.1.6 When resolved in the affirmative, the question is to be put forward without debate or amendment.
 - 4.1.7 Is not permitted in committee.

5. MOTION TO POSTPONE DEFINITELY

- 5.1 A motion to postpone definitely (to a fixed time or date):
 - 5.1.1 Is debatable, but only as to whether a matter should be postponed and to what time.
 - 5.1.2 Is amendable as to time and/or date
 - 5.1.3 Requires a majority vote of members present to pass.
 - 5.1.4 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:
 - 6.1.1 Is debatable.
 - 6.1.2 Is amendable.
 - 6.1.3 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:
 - 7.1.1 Is debatable.
 - 7.1.2 Is amendable
 - 7.1.3 Shall be relevant and not contrary to the principle of the report or motion under consideration.
 - 7.1.4 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:

- 8.1.1 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.
- 8.1.2 Is not amendable.
- 8.1.3 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 leave of the presiding officer and after leave 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, as the case may be. 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)

- 14.1 A motion to suspend the rules:
 - 14.1.1 Is not debatable.
 - 14.1.2 Is not amendable.
 - 14.1.3 Requires a two-thirds (2/3) majority vote to carry.
 - 14.1.4 Takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

15. MOTION TO RECONSIDER

- 15.1 A motion to reconsider:
 - 15.1.1 Is debatable and such debate should be confined to reasons for or against recommendation.
 - 15.1.2 Is amendable.
 - 15.1.3 Requires a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.
- 15.2 A motion to reconsider may be made only by a member who voted on the prevailing side in the original vote.
- 15.3 No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 15.4 No discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- 15.5 The mover of a motion to reconsider shall specify whether the reconsideration will address the entire original motion or part of the original motion.
- 15.6 A motion to reconsider can only be moved to consider reversing a decision made previously at the same meeting.

16. MOTION TO AMEND/RESCIND A PREVIOUS DECISION

- 16.1 A motion to amend/rescind a previous decision:
 - 16.1.1 Is debatable and such debate should be confined to reasons for or against recommendation.



- 16.1.2 Is amendable, only as to the portion of the decision to be amended.
- 16.1.3 Requires a two-thirds vote of the members present.
- 16.2 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.
- 16.3 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.
- 16.4 If a question is re-visited, it is re-visited in its entirety, unless the re-visiting motion specifies otherwise.
- 16.5 If the question is re-visited, all previous decisions remain in force unless council decides otherwise.

VERSION LOG

Version Number	Amendment Description	Amendment/Policy Owner	Approved By	Approval Date
1.0	Creation of Council Procedural Policy and repeal of all former bylaws pertaining to procedures of council	CAO	Council	April 24 th , 2013
2.0	Addition of membership terms for committees and minor housekeeping edits	CAO	Council	January 28 th , 2015
3.0	Replace “Lord’s Prayer” with “moment of silent contemplation” in Section 2.10.1.1	CAO	Council	May 27 th , 2015
4.0	Update to Police Advisory Section 3.1.3.6 in keeping with approval of a two-year pilot Addition of Audit Committee Update to Recreation and Culture renamed Parks, Recreation and Culture	CAO	Council	June 29 th , 2016
5.0	Section 3.1.3.4 changed to reflect update to Fire Advisory Committee terms of reference and membership to include a member from East Hants Fire Service	CAO	Council	July 27 th , 2016
6.0	Addition of Section 3.1.2.10 and 3.1.3.8 and update to Section 3.1.3.2.3 respecting the Agricultural Advisory Committee	CAO	Council	September 28 th , 2016
7.0	Update Section 3.1.2 and addition of Section 3.1.3.9 East Hants Source Water Protection Advisory Committee (per Motions C16(338), C16(339) and C16(346)	CAO	Council	December 21, 2016
8.0	Addition of Sections 1.4, 2.4.9, 2.6.9, 2.11 clarifying governance by Bylaw, Policy and Resolution	CAO	Council	March 29, 2017
9.0	Addition of public member to the Audit Committee in Section 3.1.3.7	CAO	Council	April 25, 2018
10.0	Update Section 3.1.3.6 reflecting permanent approval of the governance pilot and addition of a public member appointed by the Minister of Justice	CAO	Council	September 26, 2018



Version Number	Amendment Description	Amendment/Policy Owner	Approved By	Approval Date
11.0	Updates to Section 3.1.2 and addition of Section 3.1.3.10 to recognize the Accessibility Advisory Committee; update to Section 8.1.1.5 to change dress standard; update to Section 3.1.3.8 to require a Councillor serve as Chair for Agricultural Advisory Committee; update to Section 3.1.2 to recognize appointments by Council vs. Nominations to province for committee memberships	CAO	Council	February 27, 2019
12.0	Update to Elected Officials Code of Conduct and addition of Sections 11, 12 and 13	CAO	Council	June 26, 2019

CERTIFICATION

I, Connie Nolan, Municipal Clerk of the Municipality of East Hants, hereby certify that this policy was duly approved.

Connie Nolan
Municipal Clerk