

Item No. 11.4.2
Halifax Regional Council
August 2, 2011

TO: Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Mayor Peter Kelly, Chair, Executive Standing Committee

DATE: June 28, 2011

SUBJECT: Amendments to Administrative Order #1- Respecting Procedures of Council

ORIGIN

The January 24, 2011 meeting of the Executive Standing Committee the Committee recommended a review of Administrative Order #1- Respecting the Procedures of Council.

A motion of the Executive Standing Committee meeting of June 27, 2011 recommending proposed changes to Administrative Order #1- Respecting the Procedures of Council.

RECOMMENDATION

The Executive Standing Committee recommends that Halifax Regional Council;

- 1) Adopt the proposed changes to Administrative Order #1 – Respecting the Procedures of Council as outlined in Attachment A of this report and,
- 2) Give notice that the current Administrative Order #1 is to be repealed at the August 9, 2011 meeting of Regional Council and,
- 3) At the August 9, 2011 meeting of Regional Council adopt the new Administrative Order #1 – Respecting the Procedures of Council, incorporating the changes as outlined in the Attachment A of this report.

BACKGROUND

The mandate of the Executive Standing Committee, as adopted by Regional Council, includes the following responsibility:

3.6 General Council Governance

3.6.1 The Committee shall act as a review committee for matters related to the general self-governance and administration of Council as directed by Regional Council

At the January 24, 2011 meeting of the Executive Standing Committee the Committee recommended a review of Administrative Order #1 to ensure that;

- changes in procedure adopted by motion of Council are incorporated
- updates to the Administrative Order be proposed and reviewed, and
- the review be used as an opportunity to better structure the Administrative Order for usability

The Office of the Municipal Clerk, in collaboration with HRM Legal Services;

- Invited suggestions from the members of the Administrative Standing Committee and all members of Regional Council
- Reviewed the Administrative Order to incorporate changes approved by Council, cross references to requirements under the HRM Charter and any administrative changes required to bring the Administrative Order into compliance with current practise

A report, submitted at the May 17, 2011, from the Municipal Clerk dated May 6, 2011 outlined several proposed changes. A copy of the report is attached. The Executive Standing Committee considered amendments to Administrative Order 1 at two meetings, May 17, 2011 and June 27, 2011.

DISCUSSION

The Executive Committee agreed that the main focus of amendments to Administrative Order #1 should be in order to update and better structure the Administrative Order and that the rules of procedure outlined in Administrative Order #1 are generally effective and well understood by members of Council.

The recommendations brought forward by the Executive Standing Committee primarily address:

- a) updating the Administrative Order based on Council practice
- b) consistency with the HRM Charter
- c) better readability and understanding

The Executive Committee further recommended that changes to Administrative Order #1 incorporating the consent agenda should be considered only after Council has had the opportunity to conduct a trial using the proposed changes associated with the use of a consent agenda.

A copy of Administrative Order# 1, including all revisions recommended by the Executive Committee is attached. With reference to the deletion of Section 3 (3) on page 3, Legal Services has advised that the purpose of this section is to provide default procedures should an extraordinary situation arise which is not covered by either the Administrative Order or the Charter. Legal Services would recommend that Council retain this section or adopt a new Section 3 (3) based upon recognized parliamentary rules of procedure such as Roberts Rules of Order.

BUDGET IMPLICATIONS

There are no additional budget implications arising from this report. Any costs related to these amendments are covered in the Municipal Clerk's cost center A121.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The Executive Standing Committee is comprised of nine members of Halifax Regional Council including the Mayor as Chair. Meetings of the Executive Standing Committee are open to the public and agendas and reports are posted to the web.

ALTERNATIVES

1. Council may decide to make further revisions to Administrative Order #1 before approving.
2. Council may decide to retain the existing Administrative Order #1. This is not the recommended action.

ATTACHMENTS

1. Proposed Revisions to Administrative Order #1
2. Report dated May 6, 2011 from Municipal Clerk

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Cathy Mellett, Municipal Clerk
Report Approved by: Kirby Grant, Solicitor

**PROPOSED CHANGES TO ADMINISTRATIVE ORDER ONE
RESPECTING THE PROCEDURES OF THE COUNCIL**

August 2, 2011

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BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number One, the Procedure of Council Administrative Order.

Definitions

2. In this Administrative Order:

"Clerk" means the Municipal Clerk for the Municipality;

"Council" means the Council of the Municipality;

"Municipality" means the Halifax Regional Municipality;

"Presiding Officer" means:

a) the Mayor when present at a meeting of the Council;

b) the Deputy Mayor when presiding at a meeting of the Council in the absence of the Mayor; or

c) such other member as may be presiding at a meeting of the Council in the absence of the Mayor and Deputy Mayor.

"Petition" includes a written or an electronic petition;

Rules Adopted

3. (1) The proceedings of Council and committees, the conduct of members and the calling of meetings shall be governed by the provisions of this Administrative Order.

(2) Notwithstanding subsection (1), any one or more or all of the rules and regulations contained herein may be suspended by the affirmative vote of two-thirds of the members present and voting.

~~(3) The rules of the Nova Scotia Legislature shall be followed in all cases not provided for in this Administrative Order.~~

Duties of Presiding Officer

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

a) open the meeting of Council by taking the chair and calling the members to order;

b) receive and submit, in the proper manner, motions properly presented by a member of Council;

c) put to a vote a question which is regularly moved and seconded or necessarily arises in the course of the proceedings and to announce the result of the vote;

d) decline to put to a vote a motion which infringes upon the rules of procedure;

e) restrain the members, when engaged in debate, within the rules of order;

f) enforce, on all occasions, the observance of order and decorum;

g) call by name any member persisting in a breach of the rules of order of the Council thereby ordering him or her to vacate the Council Chamber;

- h) permit questions to be asked through the chair of any official of the Municipality to provide information to assist any debate when he or she deems it proper to do so;
- i) provide information to members of Council on any matter touching on the business of the Municipality;
- j) inform the Council when necessary, or when referred to, on a point of order; and
- k) adjourn the meeting when the business is concluded.

Absence of Mayor and Deputy Mayor

- 5. (1) In the event that neither the Mayor nor Deputy Mayor is in attendance within fifteen minutes after the hour appointed for a meeting, the Clerk shall call the meeting to order until a presiding officer shall be chosen, who shall then preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
- (2) ~~If the Mayor desires to leave the chair for any purpose during a meeting, the Deputy Mayor or in the absence of the Deputy Mayor, such other member of Council as may be appointed by the Mayor shall act in the place of the Mayor until the return of the Mayor to the chair. During the temporary absence of the Mayor, the Deputy Mayor shall preside, and where neither is present, the immediate past Deputy Mayor shall preside unless determined otherwise by the members of Council present [HRM Charter Section 12 (2)]~~
- (3) While presiding, the presiding officer shall have all the powers of the Mayor.

Presiding Officer Entering Into Debate

- 6. (1) If the presiding officer desires to take part in the debate, the presiding officer shall leave the chair and in such case shall call on the Deputy Mayor or one of the Councillors to take the chair until resuming the chair. The presiding officer shall return to the chair before the vote is taken on the motion.
- (2) Except as set out above, or to provide information on any matter before the Council, or to give reasons for deciding a point of order, the presiding officer shall not take part in debate.

Seating of Members

- 7. Seating of members shall be in numerical order of their polling divisions.

Council Meetings

- 8. (1) The first meeting of the Council shall be held within thirty days after a civic election.
- (2) Council shall meet ~~every Tuesday at the hour of 6:00 p.m.~~ at such an hour as deemed appropriate by the Mayor and CAO jointly, with the exception of vacation periods as determined by Council by resolution ~~or when deemed appropriate by the Mayor and Chief Administrative Officer jointly, or two thirds of the Council to convene earlier in the day.~~
- (3) Until otherwise decided by Council, Council shall meet at the Council Chamber located at 1841 Argyle Street.

(4) Upon receipt of a written petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition, on at least three days' notice.

(5) Once such a petition is received by the Clerk, no member may remove his or her name.

(6) Written notice of any special meeting of the Council setting forth the matters to be considered shall be given to all members of the Council by delivery to the address or official email address of each member recorded with the Clerk, not less than seventy-two hours prior to the time fixed for the meeting and the Clerk shall make every reasonable effort to contact the members to advise of the meeting.

(7) Subject to ~~subsection (8)~~ Section 9, regarding quorum, at a special meeting the Council shall not consider or decide upon a matter not set forth in the notice calling the special meeting, without the consent, recorded in the minutes, of all the members of Council present at the meeting.

Quorum of Council

9. (1) A majority of the maximum number of persons that may be elected to Council is a quorum for meetings of the Council.

(2) Where there is a vacancy in the Council's numbers, Council may make a decision if a quorum is present at the meeting.

Emergency Meeting of Council

10. Notwithstanding this section, in an emergency, with the consent of two-thirds of all the members of Council as defined in Section 9 regarding quorum (which shall be recorded in the minutes of the meeting), an emergency special meeting of the Council may be called by the Mayor and held to consider and deal with such emergency.

Cancelling a Meeting of Council

11. The Mayor and Chief Administrative Officer jointly or two-third of the Council may cancel any meeting of Council where the proposed agenda is such that in their judgement, the holding of the meeting is not justified or for any other reason which in their judgement appears appropriate.

In Camera Meetings

12. (1) When Council or a Committee of Council meets In Camera to discuss any items designated in Section 18(5) of the *Halifax Regional Municipality Act*, the Clerk shall list such items at the end of the agenda of regular meetings of Council.

(2) In Camera agenda items shall be identified by the type of matter to be discussed, with additional information, where possible, to further identify the item but not as to disclose the confidential information.

(3) A brief description or summary of the subject matter of the items to be discussed In Camera shall be made available to Council no later than the commencement of the Council meeting at which time such items are intended to be discussed In Camera. Such a summary will identify the reason In Camera discussion is warranted.

~~When In Camera meetings are held on regular Council meeting days, they shall be scheduled to end no later than 4:30 p.m. in the Council Chamber, 1841 Argyle Street, Halifax. (no longer required)~~

(4) Council may, at the request of one or more of its members, and with the agreement of two-thirds majority of Council members present, agree to enter into In Camera discussions without meeting the requirements set out in subsections (2) and (3), provided however, that the request is supported by information which explains a legitimate reason for the necessity of In Camera discussions taking place.

(a) No In Camera meeting may proceed in the absence of the Municipal Solicitor, or delegate.

(5) The rules of procedures set forth in this Administrative Order for regular meetings of Council shall apply to In Camera discussions except as otherwise specifically provided for in this Section.

(6) Minutes of In Camera meetings will be taken by the Clerk or a designate and kept in the office of the Clerk. The minutes of In Camera meetings shall be approved at the next In Camera meeting of the Council as the first item of business of the In Camera meeting. Subject to subsections (8), (9) and (10), such minutes are not considered to be of public record.

(7) Recommendations resulting from discussions taking place in the In Camera meeting shall be brought forward as an added item for approval by Council in open session immediately following dissolution of the In Camera session and the rules of procedure will apply to the adoption of such recommendations, provided, however, that the motion to adopt a recommendation shall not be debated.

(8) Staff reports submitted to In Camera Meetings of Council and details of the matters discussed at and the minutes kept of such meetings, except background information, shall be maintained by the Clerk as confidential information ~~for a period of five years following the date of the In Camera meeting unless Council earlier~~ unless Council determines that the information or any part thereof be made available to the public pursuant to subsection (10).

(9) If it is determined by Council, following a recommendation of staff, that the release of ~~minutes and other~~ information identified as confidential, has the potential to unduly damage or embarrass or in other ways be detrimental to an individual or individuals, Council may decide to maintain the confidentiality of the information for a further specified or unspecified period of time. This clause will not, however, be used to protect an elected official from potential embarrassment or damage arising from a position taken, or remarks made, during In Camera meetings.

(10) ~~Minutes of meetings,~~ Reports and other information arising out of In Camera meetings, for which Council determines no legitimate reason exists to maintain such records ~~for any period of time~~ as confidential information, will be made available to the public upon request in writing to the Clerk.

(11) When any member of the public requests access to In Camera discussion information, which is classified as confidential, the Municipality, under the signature of the Chief Administrative Officer, shall provide reasons in writing addressed to the inquirer why such information is so classified.

(12) For the purposes of subsection (11), merely identifying the requested information as being access restricted because it is considered to be of a confidential nature will not constitute a satisfactory response to a request for information.⁸

(13) Where a request for information from an In Camera meeting has been denied on the grounds of it being confidential, or where such information is considered by the inquirer to have been withheld for an unreasonable period of time, the inquirer may in writing request Council to review the decision, whereupon the inquirer shall be granted the right to make a formal presentation either orally or in writing and by a two-thirds majority vote of the Council members, Council may direct the release of the information.

MEETING ORDER AND DECORUM

Call to Order

13. (1) As soon after the hour of meeting as there is a quorum present, the Mayor shall take the chair and the members shall be called to order.
- (2) The Clerk shall record in the minutes the names of the members present and shall record in the minutes the names of members who arrive after the meeting has been called to order and the time of their arrival.
- (3) Where there is no quorum present fifteen minutes after the time appointed for the meeting, the Clerk shall call the roll and take down the names of members present and the council shall then stand adjourned.

End of Meeting

14. (1) A Council meeting shall automatically end at 10 o'clock p.m. unless otherwise determined by a vote of two-thirds of the members present.
- (2) A motion to extend the time of a meeting beyond 10 o'clock p.m. may be made and passed either while in Council or in Committee of the Whole.

Members Leaving on Adjournment

15. No member of Council shall leave his or her place on adjournment until the ~~presiding officer leaves the chair~~ mace is removed from the chambers.

Persons within Bar of Council

16. (1) No person, except a member of Council or an officer of the Municipality, shall be allowed to come within the bar of Council during the sittings of the Council without the express permission of the presiding officer.
- (2) No person, other than a member of the Council, the Chief Administrative Officer, the Clerk or the Municipal Solicitor shall, before or during a meeting of the Council, place on the desks of members or otherwise distribute to members any material whatsoever unless such person is so acting with the permission of the Clerk.

Questions

17. (1) A member may ask a question of the presiding officer for the purpose of obtaining information relating only to the matter under discussion.
- (2) When enquiries are provided for on the agenda or a specific item is under discussion, enquiries may be made of the presiding officer, or through the presiding officer to any member of the Council or to an Officer, concerning any matter connected with business of the Municipality but no argument or opinion is to be offered or facts to be stated except so far as may be necessary to explain the enquiry, and in answering any such question a member is not to debate the matter.
- (3) No member shall speak longer than three minutes when putting a question pursuant to this Section.

Voting

18. (1) When a vote on any motion is taken, the presiding officer shall determine whether the vote shall be taken orally, by show of hands or using the electronic voting system installed in the Council Chamber.
- (2) If the presiding officer determines that the vote shall be taken orally or by show of hands, before the question is decided or immediately after the question is decided, a member may require that the vote be taken using the electronic voting system or, if the electronic voting system for any reason is not operational, that the vote be recorded.
- (3) When a vote is taken orally, and no dissent is declared, the vote shall be deemed to be unanimously in favour of the motion.
- (4) When a vote on any motion is taken, no vote shall be recorded as unanimous, unless the vote is taken by a recorded vote.
- (5) When the electronic voting system is utilized,
- (a) when the presiding officer calls for the question to be taken, each member shall indicate whether they are in favour of or opposed to the question by pressing the "Yea" or "Nay" button provided at their desk;
 - (b) after the vote is completed, the Clerk shall display on the television monitors in the Council Chamber and when technically possible, on home televisions when the Council sessions are televised, the total number of votes for and against the motion and the presiding officer shall declare whether the motion is carried or lost;¹⁰
 - (c) the Clerk shall then display on the television monitors in the Council Chamber and when technically possible, on home televisions when the Council sessions are televised, the result as to how each member voted on the question; and
 - (d) the Clerk shall print off and maintain in the records of the meeting the screens showing the total votes on each question and the result as to how each member voted on each question, and include those results in the minutes, and such records shall be open to the public.
 - (e) when the results of how each member voted on the question are displayed on the television monitors in the Council Chamber, a member shall immediately bring any error in the result due to the member's vote either not being recorded or being recorded improperly, to the attention of the Clerk and the presiding officer,

and the clerk shall make a note of the error and record it in the minutes of the meeting and the presiding officer shall declare any change in the result if necessitated by the error.

Members to Be Seated During Vote

19. A member shall always take his or her place when any division is called for and shall remain there until the presiding officer has declared the result of the question.

Decorum during Vote

20. (1) When the presiding officer calls for the question no member shall walk across or out of the room or speak to any other member or make any noise or disturbance.
(2) A member not in his or her seat shall not be entitled to vote.

Members Required to Vote

21. (1) Every member present in Council or in Committee of the Whole, shall vote when a question is put, unless disqualified by the Municipal Conflict of Interest Act or otherwise, or unless the Council or Committee excuses the member from voting.
(2) Application to be excused from voting on a question shall be made before the presiding officer puts the question and such application shall be accompanied by a brief statement of the reason and shall be decided by the Council without debate.¹¹
(3) A member who does not vote, except as set out in (1) and (2) above, shall be recorded as having voted in the negative.

Separation of Propositions

22. When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.

Action After Vote

23. After any question is put by the presiding officer, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared; and the decision of the presiding officer as to whether the question has been put shall be conclusive.

Disputing Vote

24. If a member disagrees with the declaration of the presiding officer that a question is carried or lost, the member may object to the declaration and require a recorded vote to be taken but shall do so only immediately after the declaration by the presiding officer.

Order of Proceedings

25. (1) The Clerk shall have prepared and printed the agenda of Council together with copies of all reports or communications to be dealt with at each regular meeting of Council under the following headings:

- a) Invocation
- b) Special community announcements and acknowledgments
- c) minutes of the previous meeting; including correction of errors and omissions;
- d) approval of the listed order of business and approval of any additions thereto or deletions therefrom;
- e) business arising out of minutes unless dealt with elsewhere;
- f) motions of reconsideration;
- g) motions of rescission;
- h) consideration of deferred business;
- i) public hearings (when required will be held at 6 p.m.)
- j) correspondence, petitions and delegations;
- k) reports from:
 - i) staff;
 - ii) standing committees of council;
 - iii) committees other than standing committees;
 - iv) members of Council.
- l) motions;
- m) added items;
- n) notices of motion;
- o) adjournment.

(2) The sequence established in the foregoing paragraph shall apply unless otherwise determined by a vote of two-thirds of the members present and the vote upon a matter of priority of Council business shall be decided without debate.

(3) The Clerk shall also have prepared an Information Agenda with copies of all reports ~~or communications~~ to be provided to Council only for its information. The Agenda shall indicate the source of the item, the date received. No anonymous item shall be included in the Agenda.

(4) Where a member of Council wishes to have an item placed on the Council agenda, the member shall submit the request in writing to the office of the Municipal Clerk no later than 12:00 noon on the Thursday prior to the Council meeting at which the item is to be considered, whereupon the Clerk shall cause the item to be added to the agenda.

(5) Where a member of Council wishes to have an item placed on the Council agenda following the deadline prescribed by subsection (4), the member shall submit the request in writing to the Mayor and the Chief Administrative Officer by noon on the Monday immediately preceding the Council meeting, whereupon the Mayor and the Chief Administrative Officer shall review the request and decide whether or not to place the item on the agenda.

(6) The request required to be submitted pursuant to subsections (4) and (5) shall include an explanation of the item and the reasons for making it as well as a copy of the resolution which Council will be requested to consider.

(7) The Council shall not consider any matter not listed on the Agenda or added to the Agenda pursuant to subsection (5), unless the matter has been added to the Agenda with approval to such addition given by a two-thirds majority vote of the members present, duly recorded in the minutes.

(8) Where a member of Council wishes to bring forward a motion in opposition to the motion contained in the report before Council on the Agenda, Council shall first vote on the motion before them in the report. If that motion fails, the alternative motion may then be placed on the floor for the consideration of Council.

(9) Where a Councillor wishes to bring forward an alternative motion relating to an item on the Council agenda the Councillor shall provide a copy of the motion in writing to the Clerk.

(10) Where a member of Council has an issue concerning staff, either individually or collectively, the issue shall not be added to the agenda of a Regular Council meeting until the Council member has discussed the issue with the Chief Administrative Officer and the matter has been discussed at an In Camera Session of Council.

Order of Proceedings at Special Meeting

26. (1) The Order of Business at a Special Meeting of the Council shall be:

- a) additions to or deletions from the Order of Business;
- b) approval of the Order of Business;
- c) consideration of the particular business for which the Special meeting was called in the order designated by the presiding officer;
- d) adjournment.

(2) Where there are a number of items for consideration at a Special meeting, the Order of Business for a regular meeting shall be followed so far as is possible.

Deferred Business

27. The Clerk shall prepare a list of all deferred business and a copy of such list shall be provided to each member.

Information to be Provided to Members

28. (1) On the ~~Friday~~ **Wednesday** next preceding each regular meeting of the Council, the Clerk shall cause to be delivered electronically or circulated to each member ~~at the address which each member has recorded in writing with the Clerk~~ the following:

- a) the agenda;
- b) a copy of each report which is to be considered;
- c) a copy of each motion to be considered if the motion or the purport thereof is not indicated on the agenda;
- (d) the information agenda.

(2) The Clerk shall make the agenda immediately available to the public and the other information referred to subsection (1) available to the general public ~~at 9:00 a.m. on the~~

~~Monday next preceding each regular meeting~~ on a day and time specified by motion of Council, to be no later than 9:00am on the Monday preceding each regular meeting.

(3) Where an item on the agenda has a notation indicating that the report will be circulated other than with the agenda package listed in subsection (1), the report shall be delivered, ~~faxed~~, electronically or circulated to all each members of Council as soon as it is practical prior to the regular meeting of Council, and the report shall be provided to all members of Council as near as is reasonably possible at the same time, and in no event shall the report be made available to the public prior to the report having been provided to all members of the Council.

Minutes

29. (1) The minutes shall record:
- a) the place, date and time of meeting;
 - b) the name of the presiding officer and the record of the attendance of the members;
 - c) the reading, if requested, correction and adoption of the minutes of prior meetings;
 - d) all motions moved, or moved and seconded, by a member or members;
- (2) The minutes of the preceding meeting shall be read by the Clerk in order that errors or omissions may be corrected by Council.
- (3) If there is any objection made to such minutes of the Council presented at any regular meetings, the member making it shall state the grounds of his objection, without comment, and if the Council agrees, the minutes shall be altered accordingly.
- (4) If all the members present at such meeting do not agree to the proposed alteration, a motion must then be duly made and seconded, to amend the minutes, to meet such objection, which shall then be debatable;
- (5) Where minutes have been previously circulated to the members, reading of such minutes is not required unless a motion requiring such reading is adopted; 15
- (6) A resolution that the minutes be adopted as if read shall be in order;
- (7) After the minutes have been adopted they shall be signed by the Clerk.

Special Community Announcement and Acknowledgments

30. (1) ~~No—~~ Members may speak once for no longer than one minute to Special Announcements and Acknowledgments related to HRM business at the time so specified in the Council agenda. ~~for longer than one minute.~~
- (2) Special Community Announcements and Acknowledgments shall not be recorded but the minutes shall reflect that Community Announcement and Acknowledgments were given.

Petitions and Communications

31. (1) (a) Every communication, including a petition designed to be presented to Council, shall:
- i) be legibly written, printed, typed or delivered electronically;

- ii) not contain any impertinent or improper matter or language;
- iii) be signed by at least one person, or be received from an electronic address which clearly identified the person sending the communication;
- iv) state the reasons for the communication and the remedy sought; and
- v) be filed with the Clerk as set out in subsection (2).

(b) A petition shall include:

- i) the date the petition was commenced;
 - ii) the ~~signature~~ name, civic address and either the telephone number or email address of the person(s) who started the petition;
 - iii) the name and civic address of every person who signed or electronically submitted their name to the petition.
- and
- ~~iv) the date every person signed the petition.~~

(c) The content of all petitions submitted and accepted by Council under this section shall be public information, including the names and addresses of those signing the petition.

(2) The Clerk shall list on the Council agenda every petition ~~or communication~~ which has been delivered to the Clerk not later than 12:00 o'clock noon on the Thursday immediately preceding each regular meeting of the Council.

(3) The Clerk shall arrange that the communication be placed before Council unless, upon examination, the Clerk is of the opinion that it contains matter that is impertinent, improper or libellous in which case the person presenting the communication shall be advised that the document is not deemed in suitable form for presentation to Council; provided that the decision of the Clerk in the matter may be appealed to the Council.

(4) When a member presents a petition to the Council, the member shall acquaint the Council with its contents and ask leave for it to be entered. ~~read and entered members present agrees, then the petition can be added to the Order of Business.~~

(5) A petition or written communication to Council on a subject already before a committee may be referred by the presiding officer to the committee without any motion unless otherwise ordered.

(6) No member shall speak upon nor debate a petition or a written communication if it has been referred but a member may move that in referring the matter Council give certain instructions.

(7) Notwithstanding subsections ~~(2) and (3)~~ (4), (5) and (6) above, when Council considers that the petition or communication requires an immediate reply, the matter contained therein may be discussed and disposed of forthwith.

Delegations

32. (1) Whenever a delegation desires to make a presentation to Council, it shall apply to the Clerk in writing, either by letter, fax or e-mail, stating the essence of the presentation to be made, not later than 12:00 o'clock noon on Thursday immediately preceding each regular meeting of the Council.

~~29A The Procedure contained in Appendix "A" attached to this Administrative Order shall apply to the conduct of Public Hearings.~~

(2) On receipt of an application to present, the Mayor, CAO and the Clerk shall review the application and determine the appropriate disposition of the application and may:

- (a) place the delegation on the Regional Council agenda;
- (b) refer the delegation to the chair of an appropriate Standing Committee or Community Council;
- (c) if the delegation is requesting financial assistance or a tax exemption, refer the delegation to the Grants Committee;
- (d) if the subject matter of the presentation is a matter which can be addressed by staff, refer the delegation to the appropriate business unit;
- (e) determine that Council will receive only written submissions on the matter; or
- (f) if the subject matter of the presentation is a matter which is outside the jurisdiction of the municipality, refuse the application.

(3) The delegation shall be placed on a Council or a Community Council agenda only if the presentation is in reference to an item of business before the Council or Community Council or any matter within the jurisdiction of the Council or Community Council.

(4) Delegations which are placed on a Council agenda shall may be scheduled on an "as requested" basis, subject to the following criteria:

- (a) a maximum of two presentations shall be scheduled per meeting;
- (b) each presentation shall deal with one topic only;
- (c) each presentation shall consist of a maximum of two presenters;
- (d) each presenter shall speak for a maximum of five (5) minutes;
- (e) the presentation shall be relevant and timely;
- (f) members of council may ask questions of clarification of the presenters, but there shall be no debate of the subject matter of the presentation and the presentation shall be automatically referred to staff for review, comments and recommendations unless the presentation is in respect of an item of business before the Council.

(5) When multiple requests are received for a single topic, the presentations may be scheduled for a Committee of the Whole.

(6) The list of presentations for a Council meeting will be finalized and the delegation notified by noon of the ~~Friday~~ Monday immediately preceding a Council meeting.

(7) The Clerk shall include in the information agenda for the each regular Council meeting a report listing the delegations who requested to be heard during the previous week and the disposition of the requests.

(8) Whenever a delegation desires to make a representation to Council or presents a petition or other communications, Council may direct a committee or officer of Council to investigate and make a report upon the matter and may defer the hearing of the delegation or the discussion of the matter pending a report.

(9) Notwithstanding subsections (1) to (3), when a delegation wishes to be heard in reference to any petition or other written application presented to the Council or any

matter within the jurisdiction of the Council, a member of the Council may move that the delegation shall now be heard.

(10) When a delegation is added to the agenda pursuant to subsection (9), the rules outlined in subsection (4) shall apply to the presentation.

(11) A delegation, once heard, shall not be entitled to be received again on substantially the same matter for a period of three months from the date of its first hearing.

Procedures for Public Hearings

33. The Procedure contained in Appendix "A" attached to this Administrative Order shall apply to the conduct of Public Hearings.

Rules of Conduct and Debate in Council

34. A member in speaking to a question or motion shall, upon being recognized by the presiding officer, address only the presiding officer.

35. (1) When two or more members desire to speak to a matter the presiding officer shall settle the priority.

(2) A motion may be made that a member who wishes to speak "be now heard" or "do now speak", which motion shall be put without debate and if carried, such member shall be allowed to speak immediately.

36. During the reading of minutes, a report, communication or other paper, and when a member is addressing the Council, silence shall be observed and no one shall be allowed to retire or otherwise disturb the meeting.

37. (1) A member called to order shall immediately sit down, but may afterwards explain, and the Council, if appealed to, shall decide the same without debate.

(2) If there be no appeal the decision of the presiding officer shall be submitted to by the member.

38. (1) No member shall:

a) use offensive or unparliamentary language or speak disrespectfully of anyone while in Council;

b) speak beside the question in debate;

c) reflect upon any vote of the council except for the purpose of moving in accordance with the provisions hereof, that the question be rescinded or reconsidered;

(2) If a member resists the rules of the Council, willfully obstructs the business of Council or disobeys the decision of the presiding officer, or of the Council on appeal, on any question of order or practice or upon the interpretation of the rules of the Council after being called to order by the presiding officer the member may be ordered by the Council by a majority vote to leave the member's seat for that meeting.

(3) If the member refuses to leave his or her seat, the presiding officer may order the member removed therefrom by the police; but in case of ample apology being made, the member may, by vote of the Council, be permitted forthwith to retake his or her seat.

39. A member may require the question or motion under discussion to be read at any time during debate, but not so as to interrupt a member while speaking.
40. (1) No member shall speak more than once to the same question without leave of the presiding officer, except in explanation of a material part of his or her speech which may have been misconceived and in doing so the member is not to introduce new matter.¹⁹
(2) A member who has made a substantive motion shall have the right to speak a second time in reply and sum up in closing the debate.
(3) No member shall, without leave of the presiding officer, speak to the same question or in reply for longer than three minutes.
(4) No member shall, without leave of the presiding officer speak more than three minutes on an amendment to a motion.
41. When a member is speaking no other member shall interrupt, except to raise a point of order.

Motions and Order of Putting Questions in Council

42. No motion introducing a new matter, other than to bring up a petition, read a communication or report, raise a matter of privilege or consideration of a report of a committee, shall be considered unless:
- a) notice of the same be given at a meeting of the Council held at least five days before the meeting at which the motion is to be considered, or
 - b) the Council shall by an affirmative vote of two-thirds of the members present dispense with such notice, such dispensation to be decided without debate.
43. (1) All motions shall be seconded before being debated **or voted on**.
(2) At the time the motion is made, the mover may speak for not more than five minutes in order to explain the motion and the reasons for making it.
(3) When a motion is seconded, it may be read before debate, if requested.
44. After a motion is moved and seconded, it shall be deemed to be in possession of the Council but may be withdrawn at any time before the question is put with the permission of the Council.
45. (1) Every motion shall be read or stated by the presiding officer except in the cases provided for by the rules of Council; provided however that in reading motions which have been distributed or printed in the Agenda, recitals need not be read.
(2) No member shall speak to any motion until it is first read or stated from the Chair.

46. Whenever the presiding officer is of the opinion that a resolution is contrary to the rules and privileges of the Council, the presiding officer shall apprise the members thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
47. A motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order.
48. Council shall not vote on a motion arising out of a presentation made at Council or an item added to the agenda by a member of Council until a staff report and recommendation is received from the Chief Administrative Officer in respect of the subject matter of the motion, and a motion so made shall be deemed to be deferred until such report and recommendation is received by Council, but Council shall not be bound to adopt such recommendations.

Point of Order (suggested to delete/not general agreement/not recommended)

49. (1) The presiding officer shall preserve order and decide any point of order.
- (2) If a member is called to order while speaking, such member shall, subject to that member's right to enter the debate on the point of order, not speak further until the point has been determined.
- (3) When a member rises on a point of order, the member shall ask leave of the presiding officer to raise a point of order and, if leave is granted, shall state the point of order to the presiding officer and then remain silent until the presiding officer shall have stated and decided the point of order.
- (4) Thereafter, a member shall only address the presiding officer for the purpose of appealing to the Council from the presiding officer's decision.
- (5) If no member appeals, the decision of the presiding officer shall be final.
- (6) The Council, if appealed to, shall decide the question: "Shall the decision be sustained?" without debate and its decision shall be final.

Personal Privilege

50. (1) Where a member considers that his or her integrity or the integrity of the Council as a whole has been impugned, the member may, as a matter of personal privilege, speak at any time, with the consent of the presiding officer, for the purpose of drawing the matter to the attention of the Council, provided that in so doing no member shall speak for more than five minutes.
- (2) Whenever any matter of privilege arises, it shall be immediately taken into consideration.
- (3) Whenever possible, a member shall give notice to the Clerk, twenty-four hours prior to the meeting at which the member intends to raise the matter of privilege, of the nature of the matter or privilege.

Procedural Motions

51. (1) The following matters and motions with respect thereto may be introduced without written notice and without leave, except as otherwise provided in this administrative order:
- a) a point of order or personal privilege;
 - b) a motion to adjourn;
 - c) a motion to call for the question.
- (2) The following motions may be introduced without notice and without leave, except as otherwise provided in this administrative order:
- a) a motion to refer;
 - b) a motion to table or to defer to a day certain;
 - c) an amendment to a motion;
 - d) a motion to suspend a rule of procedure;
 - e) any other procedural motion.

Order of Consideration of Motions

52. (1) When a question is under consideration, no motion shall be received except:
- a) a motion to refer;
 - b) a motion to amend;
 - c) a motion to table;
 - d) a motion to defer;
 - e) a motion to adjourn;
 - f) a motion to call for the question;
 - g) a point of order;
 - h) a point of privilege;
 - i) a motion to close debate at a specified time.
- (2) When any matter set out in clause (1) above is made, no other motion may be made except:
- a) a motion to refer;
 - b) a motion to defer;
 - c) a motion to close the debate at a specified time;
 - d) a motion to call for the question;
 - e) a motion to adjourn.
- (3) A motion:
- a) that the debate be closed at a specified time;
 - b) to call for the question;
 - c) to adjourn;
- shall be put without amendment or debate

(4) Procedural motions shall be considered immediately upon being made and are subject to debate as follows:

a) non-debatable:

i) to extend the time of the meeting;

ii) to call for the question;

b) debatable:

i) to refer;

ii) to defer certain;

iii) to table;

iv) any other procedural motion.

but debate shall be limited only to the desirability of referring, deferring or tabling or to the date when the matter should be brought back before the Council.

Notice of Motion

53. (1) A Notice of Motion shall:

a) be in writing;

b) include the name of the mover;

c) be received by the Clerk at a regular meeting of the Council; and

d) be printed in full in the agenda for the next regular meeting and each successive meeting of Council until considered or otherwise disposed of.

(2) When a member's motion has been called at two successive Council meetings and not proceeded with, it shall be deemed to have been withdrawn and be dropped from the agenda unless Council then otherwise decides.

(3) The mover may withdraw a Notice of Motion at any time prior to the commencement of debate thereon.

Motion to Amend

54. (1) A motion to amend:

a) shall be decided upon or withdrawn before the main question is put to a vote and before a further amendment to the question is considered;

b) shall be relevant to the question;

c) shall not propose a direct negative to the question.

(2) A motion to appoint a person to an office shall preclude any amendments.

Calling for the Question

55. (1) A motion to "call for the question":

a) is not debatable;

b) cannot be amended;

c) cannot be proposed when there is an amendment under consideration;

d) can only be put in the following words: "that the question be now put";

(2) A motion to call for the question shall be determined by a vote of two-thirds of the members present and if resolved in the affirmative, the main motion shall be put immediately without further amendment or debate.

(3) When a motion to call for the question is resolved in the negative, then the main motion under consideration may be further amended and debated.

Motion to Adjourn

56. A motion to adjourn:

- a) shall always be in order except as provided in this section;
- b) when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council;
- c) is not in order when a member is speaking, during a vote or during the verification of a vote;
- d) is not in order immediately following the affirmative resolution of a motion to call for the question;
- e) is not debatable;
- f) when made without qualification and if carried, brings a meeting or session of the Council to an end;
- g) when made to adjourn to a specific time or to reconvene upon the happening of a specified event, suspends the meeting of the Council to continue at that time.

Motion to Refer

57. (1) A motion to refer, until it is decided, shall preclude an amendment to the main question and a motion to defer or table. 24

(2) A motion to refer is debatable but only with respect to the desirability of referring the motion.

(3) A motion to refer shall not be put to a vote until all members of Council listed to speak on the motion proposed to be referred have been given the opportunity to ask any questions or raise any issues they wished considered.

Motion to Authorize Over-Expenditure

58. A motion to authorize an expenditure in excess of that authorized by the operating budget shall be passed at two Council meetings before it shall be effective.

Motion to Table

59. (1) A motion to table a question is debatable but only with respect to the desirability of tabling and cannot be amended.

(2) A motion to table with some qualification other than time is subject to amendment and debate.

(3) The matter tabled shall not be considered again by the Council until a motion has been passed to take up the tabled question at the same or a subsequent meeting of the Council.

- (4) A motion to take up a tabled question is not subject to debate or amendment.
- (5) A motion which has been tabled at a previous meeting of the Council cannot be taken up unless notice thereof is given in accordance with section (48) hereof.
- (6) A motion which has been tabled and not taken from the table for six months shall be deemed to have been withdrawn.
- (7) The Clerk shall at the last meeting of Council immediately preceding one month before a tabled motion would be deemed to be withdrawn pursuant to subsection (6) give notice to Council of the motion and of the potential effect of subsection (6).

Motion to Defer

- 60. (1) A motion to defer indefinitely shall be treated as if it were a motion to table.
- (2) A motion to defer shall be debated only with respect to the desirability of deferring consideration of the motion.
- (3) A motion to defer shall not be put to a vote until all members of Council listed to speak on the motion proposed to be deferred have been given the opportunity to ask any 25 questions or raise any issues they wished considered.

Motion of Reconsideration or Rescission

- 61. (1) When a motion has been resolved in the negative, it shall not be again brought before the Council, except with the consent of two-thirds of the whole Council, until two months have elapsed and, if again resolved in the negative, shall not be again brought before the Council until the expiry of the civic year.
- (2) After a matter has been decided in the affirmative, a member, before the adjournment of the meeting at which the same was decided, may give notice of motion of reconsideration, provided that such notice shall be effective only when another member at the same meeting gives notice of intention to second the motion to reconsider
- (3) At the next meeting of Council, including a meeting specially called to hear the motion of reconsideration, immediately after the consideration of the minutes and before any other business is considered, the giver of such notice or in that member's absence any other member on the member's behalf, may briefly state the reasons for reconsideration, and if the motion for reconsideration is seconded, the same shall then be put to vote without further debate and if carried, the question so reconsidered shall then be read and disposed of.
- (4) No motion to reconsider shall be put until at least twenty-four hours have elapsed from the adjournment of the meeting at which the notice of motion was given.
- (5) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.
- (6) No motion to reconsider shall be allowed in regard to a motion approving all or part of the annual budget of the Municipality or a motion authorizing any legal proceedings.
- (7) A notice of motion to reconsider shall, pending the putting of such motion, have the effect of delaying or impeding any action necessary to give effect to the motion to be considered and no action shall be taken on that motion until such reconsideration has been disposed of.

Motion of Rescission

62. (1) After a matter has been decided in the affirmative, a member, at any subsequent meeting, may give notice of motion of rescission.
- (2) At the next meeting of Council, the giver of such notice, or in that member's absence, any other member on the member's behalf, may put the motion of rescission.
- (3) A motion of rescission is debatable.
- (4) A motion of rescission shall be passed by a majority vote.

Bringing Back a Motion of Rescission or Reconsideration

63. If the motion to reconsider or rescission is not made at the time so fixed, or if the Council refuses to consider or rescind, or if after reconsideration the question is again decided in the affirmative, no other motion to reconsider or rescind can be made within one year, except with the consent of two-thirds of the members of the Council.

By-law Procedure

64. (1) No by-law, and no repeal, alteration or amendment of any by-law, shall be passed by Council unless at least one week's notice has been first given to Council.
- (2) Subsection (1) does not apply to the adoption of planning documents pursuant to Parts VIII and IX of the Municipal Government Act.
- (3) The question: "That this By-law be now read a first time" shall be decided without amendment or debate.
65. (1) A proposed by-law may be referred after the first reading to a standing committee or to the Council in Committee to report upon the leading features of the proposed by-law and any proposed amendments.
- (2) After the required notice has been published, Council shall receive public input and the proposed by-law shall be open for debate and amendment in second reading.

Appointment of Deputy Mayor and Standing Committees

66. (1) The election of a Deputy Mayor and appointment of Standing Committees shall be made in November annually.
- ~~(2) Notwithstanding subsection (1) above, the Deputy Mayor elected by the Council in 1996 shall be elected at the first meeting of Council in April and shall serve until November 1997 or until a successor is elected, whichever is later.~~
- ~~(3) Notwithstanding subsection (1) above, any Standing Committees appointed during 1996 shall be appointed at such time as the Council by resolution shall decide and shall serve until November 1997, or such later time as is set out in the Terms of Reference for such Standing Committee.~~
- (2) A member of the Council may be placed on a committee notwithstanding the absence of such member at the time of the appointment.

Mayor Ex-officio Member of Committees

67. (1) The Mayor shall be ex officio a member of all committees and shall have all the powers and privileges of a member, including the right to vote upon any question to be dealt with by such Committee.
- (2) Where a committee is established by reference to a particular number of members without specifically provided for the membership of the Mayor, such number is automatically increased by one, being the Mayor as provided under subsection (1).

Procedure for Appointments to Committees

68. Appointments to a Committee shall proceed as follows:
- a) a member of the ~~Membership-Selection~~ Standing Committee shall move the slate of members recommended by the Committee and the motion shall be seconded by another member of the Committee;
 - b) the presiding officer shall then call for further nominations;
 - c) an additional name may be placed in nomination by motion;
 - d) where more than the number required for the committee stand for election, a vote shall be taken for the entire slate nominated for that committee;
 - e) voting shall be by secret ballot;
 - f) where two or more nominees have an equal number of votes for an appointment, a special vote shall be taken to decide which one or more of such nominees shall be appointed;
 - g) where no additional names are placed in nomination for any committees, Council shall vote on the nominations for the remaining committees and the usual rules of procedure respecting motions shall apply thereto.

Vacating of Position on Committee

69. (1) A Committee member may resign from a Committee at any time by submitting to the clerk a signed resignation and the Council shall fill the vacancy created.
- (2) A resignation may not be withdrawn once it has been delivered to the Clerk.
- (3) A member appointed by Council to a Committee who fails to attend three consecutive meetings of such committee of which notice has been given to the member, without having been excused from attending such meetings by a resolution of the Committee entered in its minutes prior to the close of the third of such meetings, shall thereby forthwith vacate the seat and shall be deemed to have resigned therefrom.
- (4) In the circumstances set out in subsection (3) the remaining members of such committee shall, at the next meeting, declare the seat of such person to be vacated and the secretary thereof shall forthwith notify the Council Clerk in writing and the Council shall fill the vacancy as created. 28

Procedure in Committee of the Whole

70. (1) When a report of a committee is presented to the Council, the chairman of the committee presenting the report may move that the Council go into Committee of the Whole to discuss the report.
- (2) When all the items of the report have been dealt with, the chairman may move the adoption of the report with amendments, if any.
71. (1) Whenever it shall be moved and carried that the Council go into Committee of the Whole, the presiding officer shall be in the Chair unless otherwise ordered, and shall maintain order in the committee and shall report the proceedings of the Committee.
- (2) The presiding officer shall be referred to as Chair.
- (3) The Chair may appoint another member of the Committee to so act while the Chair is temporarily absent from the meeting.
- (4) The rules of governing the procedure of the Council shall be observed in Committee, so far as they are applicable, except that:
- a) no vote shall be recorded;
 - b) the number of times of speaking on any question shall not be limited;
 - c) no motion to call for the question shall be allowed.
- (5) No member shall speak more than once except to make an explanation until every member who desires to speak shall have spoken.

Motion to Rise from Committee of the Whole

72. (1) On motion in Committee of the Whole to rise and report, the question shall be decided without debate.
- (2) A motion in Committee of the Whole to rise without reporting shall always be in order and shall take precedence over any other motion.
- (3) On an affirmative vote to rise without report, the subject of the reference to the committee shall be considered as disposed of in the negative.

Agenda in Committee of the Whole

73. (1) The Clerk shall have prepared and printed for the use of the members at any 29 regular meeting of Committee of the Whole, an Agenda setting forth the business to be considered at such meeting.
- (2) The business of the committee shall be considered in the order set forth on the Agenda, provided however, that the Chairman of the committee, with the approval of the committee, may vary the order of business to better deal with matters before the committee.

Public Submissions at Committee of the Whole

74. (1) The Committee may hear and consider a submission or representation from any person who wishes to be heard, upon each item in the agenda as the item is reached by the Committee and each submission shall be limited to 5 minutes.
- (2) If more than one person appears representing a group or association in relation to a particular item, the Committee may require that the persons designate a spokesperson who shall speak on behalf of the group or association so appearing.
- ~~(3) Persons who appear before the Committee concerning matters which are not on the agenda shall be heard with the permission, after the agenda items have been completed and the submission of each such person shall be limited to 5 minutes.~~
- ~~(4) After hearing a submission referred to in subsection (3), the Committee may refer the matter to the appropriate official of the Municipality or to a special committee for review and report back to the Committee after which the Committee may then further consider the matter and report to Council.~~

Quorum of Committee

75. (1) A committee shall not consider any business if a quorum is not present.
- (2) A quorum for a committee having an even number of members, is one-half of all the appointed members thereof.
- (3) A quorum for a committee having an uneven number of members, is a majority of the appointed members thereof.
- (4) Council may determine quorum as otherwise through adoption of the continuing terms of reference and jurisdiction of a committee as established from time to time by resolution of Council.
- (5) In determining the quorum for a committee where the Mayor is an ex officio member, the Mayor shall not be counted unless he/she is in attendance at the meeting
- (6) Under acceptable circumstances, as determined by the Clerk of the Committee, a member of an Advisory Committee may attend the meeting through the use of electronic conferencing for the purpose of meeting quorum. Provided the member has before them the report and recommendations to be considered the member may be included in debate and vote on the matter. Application of this clause shall not negate the requirement to ensure that meetings are open to the public.

Meetings of Committee Open to Public

76. (1) Unless otherwise determined by the committee, its meetings shall be open to the public.
- (2) At least forty-eight hours notice of a meeting shall be given to the members of a committee, and, wherever possible, an agenda shall be provided to the members in advance of the meeting.

Responsibility of Committee

77. (1) A committee shall consider and report upon only such matters as have been referred to it as provided herein or such matters as come within or reasonably flow from its

continuing terms of reference and jurisdiction as established from time to time by resolution of Council.

(2) Each committee shall diligently pursue its duties and the Chair of the committee shall promptly report to Council on every matter and question coming before it.

Election of Chair of a Committee

78. Each committee shall unless otherwise determined by Council ~~by administrative order~~ determine the procedure for electing its own Chair.

Special Meeting of a Committee

79. It shall be the duty of the Clerk to summon a special meeting of the committee whenever requested to do so by any two members of the Committee.

Attendance at Committee Meetings by Members of Council

80. A meeting of a committee of the Council, including any In Camera portion of the meeting, may be attended by members of the Council who do not serve on the Committee, but such members shall not be allowed to vote and may, with the permission of the majority of the members of the committee, but not otherwise, be allowed to take part in discussion or debate.

Council Meeting as Standing Committee

81. (1) Council may decide that at any time all the members of Council with the Mayor as Chair, may meet as a standing committee of the Council.

(2) The rules for the conduct of business in standing committees shall apply mutatis mutandis to the conduct of business when all the members of Council meet as a standing committee of Council.

Rules of Procedure of a Committee

82. (1) The business of a committee shall be conducted according to the rules governing procedure in the Council except that:

- a) the number of times a member may speak to the question under consideration shall not be limited;
- b) the Chair, or in the absence of the Chair, the Vice-Chair shall preside and shall vote on all questions submitted, and in case of an equal division, the question shall be decided in the negative ~~negatively~~;
- c) the name of the Chair shall appear upon any report and recommendation made by the Committee and shall duly and accurately reflect the recommendation as adopted by motion of the committee;
- d) the minutes of the transactions of every committee shall be accurately entered in a book to be provided for that purpose, and at each meeting the minutes of the preceding meeting shall be submitted for confirmation or amendment and after they have received the approval of a majority of the members present, shall be certified by the Clerk or the secretary to the committee;

- e) no report or recommendation to do any matter or thing shall be recognized as emanating from any committee unless it is in writing and bears the name of the Chair, Vice-Chair or acting Chair.

Clerk as Secretary

83. The Clerk shall be Secretary of all committees, unless otherwise determined by Council.

General Duties of a Council Committee

84. The general duties of any committee of the Council shall be:
- a) to report to Council from time to time whenever desired by the Council and as often as the interests of the Municipality may require on all matters connected with the duties imposed on it, and to recommend such action by the Council, in relation thereto, as may be deemed necessary;
 - b) to consider and report on any and all matters referred to it by the Council;
 - c) in the transaction of all business, to adhere to the administrative orders and by-laws of the Council;
 - d) to make its reports available to the Council prior to the same being given to the public.

Duties of Secretary of Committee

85. It shall be the duty of the Secretary of every committee:
- a) to cause notice of each regular and special meeting of the committee to be sent to each member of the committee and any officer required to attend, no later than the day preceding the meeting, if possible;
 - b) to attend, or cause an assistant to attend, all meetings of the committee and to record the minutes, orders and requests of the committee.

Special Committees

86. (1) A Special Committee may be appointed by the Council at any time as is deemed necessary concerning any matter which is within the jurisdiction of the Council.
- (2) A Special Committee shall consist of not less than three members.
- (3) An appointment to a Special Committee shall be made according to Section 66 of this Administrative Order.
- (4) Subject to the provisions of any general or special act, the Council, in appointing a Special Committee, shall set forth terms of reference of the committee and such other provisions as the Council shall consider proper.
- (5) The Council in establishing a Special Committee may direct who shall be the chair of the committee and in the absence of such direction the committee shall ~~appoint~~ elect its own chair and, if required, vice-chair.
- (6) When a Special Committee has completed its work, made its report and Council has made a final decision upon the report, the Committee thereupon shall dissolve automatically.

General

87. No member of the Council shall have power to direct or interfere with the performance of any work of the Municipality and an officer in charge shall be subject only to that person's superior officer, if any, and to the Council.

Amendment

88. This administrative order shall not be amended or repealed except:
- a) by administrative order unanimously passed at a regular or special meeting at which all the members of Council are present; or
 - b) by administrative order passed at a regular meeting of the Council pursuant to a notice of motion in writing given at the next preceding regular meeting of Council and setting forth the terms and substantial effect of the proposed administrative order.

Appendix "A"

(1) Except where otherwise stated, these Rules shall apply equally to Public Hearings conducted by Community Council as to those conducted by Regional Council.

(2) All Regional Council Public Hearings will be advertised to commence at 6:00 p.m. Community Council Public Hearings will be advertised to commence at 7:00 p.m. Advertisements will only be placed for the first date of a Public Hearing only. The advertisements shall indicate that if the Public Hearing cannot be concluded at the advertised date, it will continue on a date determined by Council at the Public Hearing.

(3) Where Regional Council public hearings are expected to draw a number of speakers larger than can be accommodated by the facilities at City Hall, Council may consider holding the Public Hearing at an alternate suitable location.

(4) Those interested in providing a written submission (including fax or email) pertaining to Public Hearings may do so by directing the submission to the Clerk's Office. To ensure distribution of submissions prior to the public hearing, submissions are to be received no later than 3:00 p.m. on the advertised Public Hearing date or any continuation date for a public hearing. All submissions will be distributed to Council. The Clerk will require 35 copies for distribution of any submission which exceeds three (3) pages.

(5) A Speakers List will be available outside of the meeting room one-half hour prior to the commencement of the Public Hearing where those wishing to speak at a public hearing may provide their name and community of residence. If an individual is representing a group, they should indicate this on the Speaker's List and when they address Council during the Public Hearing.

(6) Before the Public Hearing is opened, staff will provide an explanation of the matter being considered and the staff recommendation to Council. Following the staff presentation, members of Council may ask staff questions of clarification only. The applicant (or designate) will then be given 10 minutes to present his proposal after which he will respond to questions of clarification from members of Council.

(7) The Presiding Officer will then proceed by calling speakers in order from the Speaker's List. If a person is not present when their name is called, they will be given a second opportunity after everyone on the list has been called. 34

(8) At the initial meeting advertised for the Hearing, once all those on the Speaker's List have been given the opportunity to speak in accordance with Clause 7, an opportunity will be given to others present wishing to speak. The Presiding Officer will call three times for any others wishing to address Council. Every person wishing to speak to Council will be given the opportunity to do so.

(9) If it is necessary to adjourn the Hearing to another date, those in attendance at the initial advertised date who did not have the opportunity to be heard and still wished to address Council shall be directed by the Presiding Officer to the Clerk, who, immediately following the

adjournment of the meeting, shall collect the names of those who were in attendance at the initial meeting and indicate that they still wished to speak.

(10) a) At the continuation of the Hearing on a second or subsequent date, only those whose names were on the Speakers List and were not heard at the initial advertised date or whose names were added to the Speakers List at the conclusion of the initial advertised date shall be permitted to speak. There shall be no substitution of names permitted.

b) Clause eight (8) does not apply at a continuation of Hearing.

c) The Clerk may, upon receiving a request, advise members of the public where they appear on the Speakers List. Following the close of the public hearing, the minutes record those who spoke at the hearing.

(11) For Public Hearings being held by Regional Council at City Hall, speakers can wait for their turn to speak in the Council Chamber (space permitting) or alternatively, in Halifax Hall (the overflow room.) Audio feed of Regional Council Public Hearings is available in Halifax Hall. Video feed is available when Eastlink Cable is broadcasting the hearing.

(12) At the discretion of the Presiding Officer, Council may take a recess every hour.

(13) Speakers addressing Council should do so with proper decorum. Speakers' comments must be specifically related to the subject of the Public Hearing, directed to the Presiding Officer and limited to five minutes. There is no opportunity at the hearing to debate points of view expressed by other speakers.

(14) The role of Council at a Public Hearing is to listen to the public. Members of Council shall not debate nor challenge the comments being offered by the Speaker. Following a speaker's presentation, Members of Council may ask questions of the speaker, seeking clarification of the points they have raised. Members of Council shall not enter into dialogue with the public during the Public Hearing.

(15) In order to ensure that no member of the public feels discouraged, intimidated or otherwise prevented from making his or her views known, no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned. No signs shall be displayed.

(16) When the last speaker from the public has been heard, the Presiding Officer shall provide the applicant (if one) with an opportunity to briefly respond to points raised by speakers.

(17) When the Public Hearing has been closed, staff will be provided an opportunity to briefly respond to points raised by the speakers.

(18) Council will then proceed to immediately consider the approval or disapproval of the matter under consideration and reach a decision. The Council decision will start with a motion from a member of Council (to refuse or approve the matter under consideration, or approve it in an amended form). The consideration of the motion is subject to the regular rules of procedure and debate. No further public presentations will be heard. In some instances, particularly when Council members need more time to consider what they have heard, or require further

information from staff, the Council may defer the debate and decision until a later date, usually at the next regular meeting.

(19) Only members of Council present for the entire Public Hearing are permitted to vote.

(20) The vote shall be taken in accordance with the Rules of Procedure. The decision will be determined in accordance with the appropriate section(s) of the Municipal Government Act.

(21) Any member who fails to attend for the presentation, or any portion thereof, from a member of the public is not eligible to vote.

(22) Any member who leaves the council chamber during the debate, including during any clarification by staff, the developer or members of the public, is not eligible to vote in respect of those matters considered quasi-judicial in nature including development agreement applications and any associated Regional Planning Strategy, Municipal Planning Strategy, Secondary Planning Strategy or Land Use By-law amendments, site-plan appeals, variance appeals, heritage registrations, and heritage de-registrations.

(23) Further to section (4) hereof, following the close of the public presentation portion of the public hearing, members of council shall not accept individual, representations, whether oral or in writing, following the close of the public presentation portion of the public hearing in respect of those matters considered quasi-judicial in nature such as development agreement applications, site-plan appeals, variance appeals, heritage registrations, heritage de-registrations and less than market value property sales.

Done and passed in Council this 9th day of August A.D. 2011

Peter Kelly
Mayor

Cathy Mellett
Municipal Clerk

Appendix 2
Administrative Standing Committee
May 16, 2011

TO: Chair and Members of the Administrative Standing Committee

SUBMITTED BY: Original signed by CJM

Cathy J. Mellett, Municipal Clerk

DATE: May 6, 2011

SUBJECT: Proposed Amendments to Administrative Order #1 – Council Procedures

ORIGIN

Direction to Staff from the Administrative Standing Committee of January 24, 2011 and March 28, 2011

RECOMMENDATION

It is recommended that Administrative Standing Committee recommend to Regional Council the adoption of the proposed amendments to Administrative Order #1 as outlined Attachment 1 of this report.

And, that in order to facilitate the changes, that Regional Council repeals the current Administrative Order #1 and adopts the proposed changes in a new Administrative Order #1.

BACKGROUND

The mandate of the Administrative Standing, as adopted by Regional Council, includes the following responsibility:

3.6 General Council Governance

3.6.1 The Committee shall act as a review committee for matters related to the general self-governance and administration of Council as directed by Regional Council

At the first meeting of the Administrative Standing Committee the Committee recommended a review of Administrative Order #1 to ensure that;

- changes in procedure adopted by motion of Council are incorporated
- updates to the Administrative Order be proposed and reviewed, and
- the review be used as an opportunity to better structure the Administrative Order for usability

The Office of the Municipal Clerk, in collaboration with HRM Legal Services;

- Invited suggestions from the members of the Administrative Standing Committee and all members of Regional Council
- Reviewed the Administrative Order to incorporate changes approved by Council, cross references to requirements under the HRM Charter and any administrative changes required to bring the Administrative Order into compliance with current practise
- Are bringing the proposed changes to the Administrative Standing Committee by way of this report

DISCUSSION

Council Feedback

Amendments proposed to the Administrative Order by Members of Regional Council had more to do with readability, corrections and standardization with Council's practises. Based on feedback from the Administrative Standing Committee and members of Council there appears to be general acceptance of the standard *Rules of Conduct and Debate* as currently provided for in Administrative Order #1.

Changes to Administrative Order based on motions of Council

Two (2) amendments are proposed in order to bring the Administrative Order into compliance with motions of Regional Council.

- 1) In Camera Meetings – Section (new) 14(4) a – *No In Camera meeting may proceed in the absence of a Municipal Solicitor* (Motion of Council August 10, 2010)
- 2) Consent Agenda – Inclusion of the definition (Section 2), procedure (new) Section (new) 18, and the place in the Order of Proceedings Section (new) 26 for use of the Consent Agenda (Motion of Council August 3, 2010)

Proposed Administrative Changes

As Administrative Order #1 outline the rules for Council's Procedures for members of Council, staff and the public it is important that the Administrative Order be in keeping with the practises and intent of Council.

Specific amendments are proposed in order to bring the Administrative Order to:

- ensure consistency between the Administrative Order and the HRM Charter requirements
- bring the Administrative Order in line with Council's practises
- provide improved usability through restructuring the Administrative Order

Consistency between Administrative Order and Charter Requirements

Two (2) changes to the Order have been proposed in order to ensure consistency between the Administrative Order and HRM Charter requirements.

1) Appointing the presiding officer – Sections 5(2) and 6 (1)

The HRM Charter and MGA outline the procedures for selecting the presiding officer should neither the Mayor nor Deputy Mayor be present. The Charter/MGA specifies that: *Council may appoint a person to preside from among the members present.* [HRM Charter Section 12 (2)]. The relevant sections of the Administrative Order have been brought in to line with that requirement.

2) Definition of Quorum for Council

For clarity and better referencing a section (new) 9 entitled "Quorum of Council" has been added to the Administrative Order which outlines the HRM Charter/MGA definition of quorum rather than having to refer back to the Legislation.

Update and Bring the Administrative Order in line with Council practises

A number of minor amendments have been proposed to update the Administrative Order and bring it in to line with Council practises including;

- 1) Notification to Council through use of electronic means as well as circulation (various sections)
- 2) Flexibility in the time set for Council meetings by agreement of Mayor/CAO -Section 8 (2)
- 3) Update the times/dates of circulation of information to Council and the public and allowing flexibility for changes through motion of Council rather than requiring changes to the Administrative Order – Section (new) 29
- 4) Clarification around procedures for petitions and delegations – Section (new) 32
- 5) Proposed Motions– written notice of revised motions from the floor be required - Section (new) 26 (8) – proposed by member of Council

6) Electronic Conferencing– an inclusion of very specific uses for electronic conferencing in regard to Advisory Committees only –Section (new)76 (5).

7) Special Community Announcements & Acknowledgements – Section (new)31 (2) The minutes would not recorded announcements or acknowledgments as events have passed before the minutes are approved and these are not appropriate to the perpetual (100year) record of Regional Council. Special note by name will be taken of individuals honoured by Council.

7) Other minor administrative amendments as highlighted in the strike out version of the Administrative Order circulated to the Administrative Standing Committee.

Usability through restructuring the Administrative Order

The proposed rewording, renumbering improved table of contents, font and spacing are meant to provide greater usability to the Administrative Order.

Amendment Process

In keeping with the Administrative Order itself the Order outlines the process for amending the Administrative Order. That process is to provide a notice of motion which outlines the proposed changes proposed followed by a motion to adopt those changes at the next regular meeting of Council.

Due to the substantial reordering and renumber in the proposed amendments staff proposes that it would be more expedient and effective if notice was given to rescind the current Administrative Order #1 and adopt a new Administrative Order #1. A report and notice would outline the proposed changes. Council would continue to be fully informed as to the changes proposed and provided with appropriate notice for review and consideration. Council, should they so wish, could then rescind the Order and adopt the new Administrative Order at the next regular meeting of Council.

BUDGET IMPLICATIONS

There are no budget implications to this report or the amendments proposed to Administrative Order #1 – Procedures of Council.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Meetings of the Administrative Standing Committee are open to the public and reports are posted on-line.

ALTERNATIVES

The Administrative Standing Committee could adopt and recommend to Regional Council the amendments as proposed in the staff report, or

The Administrative Standing Committee could propose to Regional Council alternative amendments that are keeping with the intent of the procedures and practise of Council and in compliance with the HRM Charter.

The Administrative Standing Committee could recommend to Regional Council that no changes be adopted to Administrative Order #1. This is not the recommended course of action as updates and revisions to the Order are required to bring the Administrative Order into compliance with the direction provided by motions of Regional Council, the HRM Charter and Council practises.

ATTACHMENTS

Attachment A – Proposed Amendments to Administrative Order #1 – Procedures of Council

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Cathy J. Mellett, Municipal Clerk and Kirby Grant, Sr. Solicitor

Report Approved by: Original signed by MED
Mary Ellen Donovan, Director, Legal Services and Risk Management
