

**Village of Minto**  
**BY-LAW NO. 138**

**A BY-LAW OF THE MUNICIPALITY OF THE VILLAGE OF MINTO**  
**REGULATING THE PROCEEDINGS OF COUNCIL**

The Council of the Village of Minto under authority vested in it by the *Municipalities Act*, R.S.N.B. (1973), Chapter M-22, amendments thereto and regulations adopted thereunder, hereby enacts as follows:

**1. DEFINITIONS**

"clerk" means the clerk of the municipality appointed pursuant to Section 74 of the *Municipalities Act*;

"Council" means the Mayor and Councillors of the municipality;

"Councillor " means a member of the Council other than the Mayor;

"Mayor " means the Mayor of the municipality or the person for the time being having the power of, or performing the duties of the Mayor;

"Member " means a person elected to the Council and includes both Councillors and Mayor;

"point of information" means the procedural mechanism by which a member may present or receive information of interest to Council;

"point of order " means:

- (a) any breach of the procedural by-law; or
- (b) any defect in the constitution of any meeting of the Council; or
- (c) the use of improper, offensive or abusive language; or
- (d) notice of the fact that the motion under discussion is not in order; or
- (e) any other informality or irregularity in the proceedings of Council;

"point of privilege" means the procedural mechanism by which a member may address incorrect, defamatory or slanderous statements made about the Council, members or civic staff;

"Presiding Officer " means the Mayor, or if the Mayor is absent, the Deputy Mayor, or if the Deputy Mayor is also absent, then the Member elected by a majority vote to act as Presiding Officer;

"question of privilege " means:

- (a) any scandalous or libelous reflection on the proceedings of the Council or on any Member;
- (b) a pressing situation affecting a right or privilege of the Council or individual Member thereof;
- (c) introduction of a confidential subject matter in the presence of guests or the public;

"quorum" means a majority of those members of Council holding office at the time of the meeting.

**2. REMUNERATION OF COUNCIL**

(1) The Mayor shall be paid an **annual salary**, paid in monthly installments, and an **annual allowance** paid in monthly installments for expenses incidental to the discharge of the duties of Mayor, as follows:

effective December 6, 1988 - salary of \$ 2,400.00 and expenses of \$ 1,200.00

(2) Each Councillor shall be paid an **annual salary**, paid in monthly installments, and an **annual allowance** paid in monthly installments for expenses incidental to the discharge of the duties of a Councillor,:

effective December 6, 1988 - salary of \$ 1,600.00 and expenses of \$ 800.00;

(3) The Mayor shall be paid a **Local Mileage and Expense allowance** to a maximum of \$200.00 per month for the carrying out of Village business and civic relations. A "Travel Expense Report" must be submitted to the Village office for payment based on the approved kilometrage and meal allowance rates specified by By-law.

(4) The Deputy Mayor and each Councillor shall be paid a **Local Mileage and Expense allowance** to a maximum of \$150.00 per month for the carrying out of Village business and civic relations. A "Travel Expense Report" must be submitted to the Village office for payment based on the approved kilometrage and meal allowance rates specified by By-law.

(5) A **mileage allowance** will be paid at the rate of \$ 0.32 per kilometre for Village business requiring travel **outside the Municipality** of Minto.

(6) The Mayor, Councillors shall be paid the sum of \$50.00 for each **Regular or Special Meeting** of Council in which they are in attendance.

(7) The Mayor and Councillors shall be paid the sum of \$50.00 for any **governmental or business meeting, seminar or workshop** in which they are in attendance that the whole Council has been invited to attend.

(8) The **Clerk** shall be paid the sum of \$50.00 for each **Regular or Special Meeting** of Council held outside the Clerk's normal working hours, in which he/she is in attendance.

(9) The **Clerk or Assistant Clerk** shall be paid the sum of \$35.00 for each **Committee Meeting** held outside his/her normal working hours in which he/she is in attendance.

(10) The Mayor, Councillors and staff will be paid a **meal allowance** when necessitated for the carrying out Village business as follows:

Breakfast: \$ 7.50      Lunch \$15.00      Dinner \$15.00

Expenditures for meal allowance exceeding the amount allotted by this By-law require a receipt and the approval of the Mayor.

3. REGULAR MEETINGS

(1) The Council shall hold a regular meeting on the second Tuesday of each month, unless otherwise determined by the majority of Council.

(2) When any such Tuesday falls on a civic, public or statutory holiday, the Council shall meet on the following day, or such day as determined by the majority of Council.

(3) Unless otherwise specified, all meetings of the Council shall be held in the Council Chambers of the Municipal Office, at 7:00 o'clock in the afternoon.

(4) In the absence or inability of the mayor to act, or if the office of mayor is vacant, the deputy mayor shall act in the place of the mayor, and while acting, he\she possesses the powers and shall perform the duties of the mayor.

(5) In the absence or inability of both the mayor and the deputy mayor to act, or if their offices are vacant a Councillor shall be elected to act from time to time in place and instead of the mayor by a majority vote of the members.

(6) If a quorum is not present within thirty minutes after the time fixed for a regular or special meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned until the next properly scheduled meeting.

(7) A majority of the elected Councillors, together with the Mayor or other Presiding Officer shall constitute a quorum.

(8) The Clerk shall fix a date for the first meeting of a newly elected Council, which date (a) shall not be earlier than the expiration of the ten day period referred to in subsection 42(1) of the *Municipal Elections Act* following the Council's election; and (b) shall not be later than the fifteenth day of June following the Council's election.

No business shall be transacted until the oaths of office have been taken and subscribed to by all members who present themselves for that purpose.

(9) The Clerk shall allot to each Councillor a seat within the Council Chamber which he/she shall thereafter be entitled to occupy at all meetings of the Council.

(10) All regular Council meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

(11) Council may schedule a Closed meeting of Council, as per Section 10.2(4) of the *Municipalities Act*, to discuss any of the following matters:

(a) information the confidentiality of which is protected by law;

(b) personal information;

(c) information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;

(d) the proposed or pending acquisition or disposition of land for a municipal purpose.

(e) information that could violate the confidentiality of information obtained from the Government of Canada or of the Province;

(f) information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications as between solicitor and client in a matter of municipal business.

(g) litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;

(h) the access to or security of particular building, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;

(i) information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; or

(j) labour and employment matters, including the negotiations of collective agreements.

(12) The Mayor may, on two full days written or verbal notice, given through the Clerk's office, postpone any regular meeting of Council to a day and place to be named and posted on the municipal website and on notices posted at the Minto Municipal Building.

(13) The Clerk shall deliver to each member of Council not later than two days before the day fixed for each regular meeting, a notice of meeting setting out the time of the meeting and the business to be transacted. The public shall be notified of regular meetings of Council via the municipal website and notices posted at the Minto Municipal Building.

(14) Any member wishing to introduce any new or extraordinary business, shall advise the Clerk of his/her intention to do so in time to have such item of business included on the agenda, and if not so included, may not be discussed at such meeting except with the approval of two-thirds of the members present at such meeting.

(15) At the pleasure of Council, members of the public shall be entitled to address Council, under the heading "Open to the Public" on matters of municipal jurisdiction following Committee reports or by "appointment" for presentations which may be permitted with 48 hours notice to the Clerk on specific concerns or topics.

(16) The business before the Council at each meeting shall be taken up in regular order, unless otherwise determined by the vote of the members present, and all questions as to procedure or to the suspension of the regular order shall be decided without debate.

(17) Committee session notes shall not be read during any regular meeting of Council.

#### 4. SPECIAL MEETINGS

(1) The Mayor may at any time summon a Special Meeting of Council. It shall be his/her duty to do so when requested verbally or in writing by a majority of the members of Council.

(2) In the absence of the Mayor, or if his/her office is vacant or he/she is unable to attend, a Special Meeting may be convened by the Clerk upon the verbal or written request of the majority of the members of Council.

(3) The Clerk shall give to all members of Council verbal or written notice of each Special Meeting of the Council at least twenty four hours before the time set for the meeting.

(4) No business shall be transacted at a Special Meeting other than that specified in the notice calling it except where otherwise determined by the unanimous consent of the members present.

(5) All Special Sessions of Council are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

5. PROCEDURE

(1) In the absence of the Mayor and the Deputy Mayor, the Council may, from among the members present, appoint a Presiding Officer who, during the absence of the Mayor and Deputy Mayor, shall have all the powers of the Mayor.

(2) The chairperson shall not participate in any debate but shall use his/her office to preserve order and to direct members in keeping to the question. If the chairperson wishes to take part in any debate he/she must appoint a member of the Council to take the chair while he/she stands upon the floor to debate the question.

(3) The minutes of the preceding meeting shall be accepted as distributed or amended and then approved by motion. The approved minutes will then be signed by the Mayor and Clerk. The minutes of the previous meeting shall not be read at the meeting unless a member so requests, in which case, the Clerk shall read the minutes before the Council proceeds with the business set out in the agenda.

(4) The business of the meeting shall be dealt with in the following order:

Call to Order

Adoption of the Minutes of previous meeting(s)

Presentations by appointment

Reading of Correspondence, petitions and memorials

Presentation and consideration of reports from committees

Open to the Public (Not to exceed 20 Minutes)

Unfinished Business

Reading of By-laws (third Reading where first and second reading were given at a previous meeting of Council, then first and/or second readings)

Consideration of Business of which Notice has been given at some previous meeting of Council

Notices of Motion

Passage of Bills paid as presented on check disbursement lists

New Business

Motion for adjournment

(5) When any matter or proceeding is not contemplated by this by-law or provincial legislation, the Chair shall use the most recent edition of *Roberts Rules of Order* as a guide.

6. MOTIONS

(1) All motions shall be moved and seconded before being presented to the chair and when a motion is presented it shall be read by the mover before debate and read again if requested before being put forward.

(2) A member, at any time during a debate but not so as to interrupt a member then speaking, may request that the question, motion or matter under discussion be read.

(3) A motion shall require a majority vote of the eligible council members present.

7. VOTING

(1) All Councillors, and the Mayor, shall have the right to vote on a motion unless he/she is in a conflict of interest. Having declared a conflict of interest, he/she shall leave the room during the vote and discussion, and his/her reason for not voting shall be entered into the minutes by the Clerk.

(2) When the Mayor wishes to participate in the debate at a Council meeting, he/she shall leave the chair and call on the Deputy Mayor if present or, if not present, a Councillor to preside until he/she resumes the chair. The Mayor must resume the chair prior to the vote being taken.

(3) When a member abstains from voting for any reason other than Conflict of Interest, the Clerk shall record him/her as voting in the affirmative on the question or motion before the Council.

(4) Except otherwise provided, no member shall speak without recognition of the Chair.

(5) A member of Council may, at any time, rise on a point of order, a point of privilege or a point of information. All debate shall cease and the "point" shall be clearly stated by the member and, if applicable, ruled upon by the Chair.

(6) A member of Council may, at any time during debate, request that the question, motion or matter under discussion be clarified or restated.

8. RECORDING OF VOTE

(1) The Council shall determine every question submitted to it by an open vote of "yea" and "nay" of the members present or in a form requested by the Mayor.

(2) In the event of a division of Council upon any question, motion or matter, the Clerk shall enter in the minutes the names of the members who vote for and those who vote against the question, motion or matter.

9. WITHDRAWAL OF MOTIONS

After a motion is seconded it shall be deemed to be in possession of Council but may be withdrawn by the mover and seconder at any time before decision or amendment with the permission of Council.

10. CONFLICT OF INTEREST

(1) Where a member of Council of a municipality has an interest in the matter at hand or with any person having dealings with the municipality, he/she shall forthwith declare his/her conflict of interest in writing to the Council.

(2) A member of Council who has declared a conflict of interest shall leave the Council chamber during any discussion or vote by Council on the matter in which he/she has declared a conflict of interest.

12. CONFIDENTIALITY

(1) Until a matter is formally presented at a regular or special meeting of Council, items of a sensitive, personal or business nature will not be publicly disclosed by Council, committee members, or staff.

(2) Information which is presented in open or public session of Council may be discussed, while maintaining discretion regarding preliminary discussions.

(3) While not intended in any way to impede the ability of Village representatives to express their opinion or position in public, this Policy is adopted to foster the thorough investigation and consideration of important issues, including frank discussion and debate, without jeopardizing public reputation or proprietary information.

(4) Failure to respect confidentiality will result in disciplinary action which may include, but not be limited to, verbal cautions, verbal or written warnings, dismissal from committee memberships or termination (in the case of employees).

(5) This policy applies to all Village of Minto employees, all elected officials and members of the public who serve as members of standing or ad hoc committees of Council.

13. MEDIA INQUIRIES



(1) The Mayor or his/her delegate will normally serve as the primary media contact for all Village matters.

(2) All Village representatives are advised to exercise caution in their interaction with the media. At all times, the greater interests of the Village of Minto as a whole must be considered.

14. DISRESPECTFUL STATEMENTS

(1) No member shall

(a) use offensive words against the Council or any of its members.

(b) refuse to obey this by-law.

(c) disobey the decision of the mayor or in his/her absence the Presiding Officer on questions of order or practice.

(d) speak disrespectfully of the Council, another member of Council, staff person or a member of the general public, or use offensive or profane language.

(2) When a member refuses to obey the rules of Council or disobeys the decision of the Presiding Officer on a question of order or practice, the Presiding Officer shall order him/her to leave his seat for that meeting and he/she shall be required to leave provided that where the member apologizes, he/she may, on a majority vote of the members present, forthwith resume his/her seat.

15. DISRESPECTFUL ACTIONS

When any member deliberately acts against Council's wishes or breaches confidentiality, his/her actions will result in disciplinary action by Council which may include, but not be limited to, verbal cautions, verbal or written warnings, or dismissal from committee memberships.

16. APPOINTMENT OF OFFICIALS

Whenever a position of municipal officer becomes vacant or a new position of municipal officer is created, the matter shall be referred to the Municipal Council before an appointment is made.

17. ELECTION OF DEPUTY MAYOR

The Councillor receiving the greatest number of votes during the quadrennial municipal elections will be elected to the position of Deputy Mayor and shall hold office until the end of that Council member's term as Councillor, or until the next Municipal Election, whichever is earlier. Should that individual decline or be unable to complete the term, then the Councillor with the next largest number of votes would be elected. In the event of a tie, or an acclamation of Council, the Mayor will appoint the Deputy Mayor and length of term of office.

18. APPOINTMENT AND ORGANIZATION OF COMMITTEES

(1) At the inaugural meeting of Council, or such other time fixed by the Mayor, a chairperson for each committee shall be appointed by the Mayor.

(2) At the inaugural meeting of Council or such other time fixed by the Mayor, the standing committees shall be appointed by the Mayor in consultation with each chairperson.

(3) The development officer appointed under the Community Planning Act shall attend the Planning Advisory Committee meetings.

(4) The mayor shall be an ex officio member of all committees and shall not have the right to vote on all questions before a committee.

(5) A majority of the members of a committee shall constitute a quorum.

(6) A member of Council may attend the meetings of any committee of which he/she is not a member but may not vote. He/she may take part in any discussion or debate in the committee with the permission of the chairperson.

(7) The general duties of all committees of Council in addition to any specific duties which may be set out in the constituting resolution are herein described as follows:

(a) to report to Council as often as the interest of the municipality may require on all matters connected with the duties imposed on the committee and to recommend such action by Council in respect thereto as they deem necessary.

(b) to consider and report on any and all matters referred to them by Council.

(c) to adhere in the transaction of all business to the rules prescribed by by-laws,

19. SIGNING OFFICERS

(1) Finance and Accounting - The Mayor or Deputy Mayor shall sign jointly with the Clerk Administrator or the Assistant Clerk, all cheques issued by the Municipality.

(2) General Matters - The Mayor shall sign jointly with the Clerk Administrator all agreements, contracts, deeds, by-laws, resolutions or other documents of a general nature and affix the corporate seal of the Village thereto pursuant to subsection 5(2) of the *Municipalities Act*, R.S.N.B 1984, c.M-22.

20. CORPORATE SEAL

The corporate seal of the Village of New Minto shall be at all times under the custody of the Clerk Administrator and shall be used by him\her in corporate matters as required under the *Municipalities Act*.

21. BY-LAWS REPEALED

By-law Number 5, a By-law of the Municipality of Minto respecting Meetings and By-law Number 87, A By-law of the Municipality of Minto Respecting Composition of the

Council and the Remuneration of the Mayor and Councillors and Meeting Remuneration of the Village Clerk, along with all Amendments thereto, are hereby repealed.

Read the First Time: December 9, 2004

Read the Second Time: December 9, 2004

Read the Third Time and Enacted: December 16, 2004

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Gary Di Paolo  
Mayor

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Rose Collette  
Clerk

**A BY-LAW TO AMEND THE PROCEDURAL BY-LAW**

The Council of the Municipality of Minto duly assembled hereby enacts as follows:

1. REMUNERATION OF COUNCIL

(5) A **mileage allowance** will be paid at the kilometric allowance set by the Province and adjusted according with this provincial rate for all Village business requiring travel **outside the Municipality** of Minto.

READ FIRST TIME: April 11, 2006

READ SECOND TIME:

READ THIRD TIME AND ENACTED:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**A BY-LAW TO AMEND THE PROCEDURAL BY-LAW**

The Council of the Municipality of Minto duly assembled hereby enacts as follows:

2. REMUNERATION OF COUNCIL

(3) The Mayor shall be paid a **Local Mileage and Expense Allowance** to a maximum of \$230.00 per month for the carrying out of Village business and civic relations. A “Travel Expense Report” must be submitted to the Village office for payment based on the approved kilometer and meal allowance rates specified by By-law.

(4) The Deputy Mayor and each Councillor shall be paid a **Local Mileage and Expense Allowance** to a maximum of \$180.00 per month for the carrying out of Village business and civic relations. A “Travel Expense Report” must be submitted to the Village office for payment based on the approved kilometer and meal allowance rates specified by By-law.

READ FIRST TIME: October 12<sup>th</sup>, 2006

READ SECOND TIME: October 12<sup>th</sup>, 2006

READ THIRD TIME AND ENACTED: October 24<sup>th</sup>, 2006

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MAYOR

\_\_\_\_\_  
CLERK

**BY-LAW NO. 138C**

**A BY-LAW TO AMEND THE PROCEDURAL BY-LAW**

The Council of the Municipality of Minto duly assembled hereby enacts as follows:

3. REMUNERATION OF COUNCIL

(3) The Mayor shall be paid a **Local Mileage and Expense Allowance** to a maximum of \$275.00 per month for the carrying out of Village business and civic relations. A “Travel Expense Report” must be submitted to the Village office for payment based on the approved kilometer and meal allowance rates specified by By-law.

(4) The Deputy Mayor and each Councillor shall be paid a **Local Mileage and Expense Allowance** to a maximum of \$225.00 per month for the carrying out of Village business and civic relations. A “Travel Expense Report” must be submitted to the Village office for payment based on the approved kilometer and meal allowance rates specified by By-law.

READ FIRST TIME:

READ SECOND TIME:

READ THIRD TIME AND ENACTED:

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MAYOR

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CLERK

**BY-LAW NO. 138D**

**A BY-LAW TO AMEND THE PROCEDURAL BY-LAW**

The Council of the Municipality of Minto duly assembled hereby enacts as follows:

4.1 EMPLOYEE MEETINGS

(1) Any meeting requested from any employee of the Village of Minto will have recorded minutes kept upon the wishes of any of the persons involved. The only people in attendance will be the persons involved, Councillor in charge, Mayor and Clerk Administrator.

READ FIRST TIME:

READ SECOND TIME:

READ THIRD TIME AND ENACTED:

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MAYOR

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CLERK



