

Rules of Procedure

Whereas Section 37 of the *City of Mount Pearl Act (Act)* requires that the Council shall adopt Rules of Procedure for its meetings. Therefore, Council shall enact and administer meetings in accordance with these Rules of Procedure. These Rules conform with the City of Mount Pearl's *Council Code of Ethics*.

1.0 Types of Council Meetings

- **Regular Public Meetings of City Council:**

Regular Public Meetings of City Council shall be held every second week on Tuesday at 4:30 pm in the Council Chambers in accordance with the schedule of Public Council Meetings approved annually by motion of Council, unless otherwise approved by Council.

- **Committee of the Whole Meetings:**

Regular Committee of the Whole Meetings shall be held on Tuesday following the Regular Public Council Meeting in the *Sir James Pearl Room* and/or as otherwise scheduled by Council.

- **Special or Privileged Meetings of City Council:**

Special or Privileged Meetings of City Council may be called by either the Mayor or any two (2) Councillors by giving written notice to the Chief Administrative Officer (CAO).

- **In Camera Meetings of City Council:**

In Camera Meetings of Council, meetings with attendance limited to Councillors and the CAO may be called by the Mayor, an individual Councillor or the CAO upon verbal or written request to the Mayor.

2.0 Meetings

Notice of Meetings:

- Notice for all meetings shall be by way of the schedule of meetings approved annually by motion of Council.

- When the day ordinarily scheduled for a Council meeting falls on a legal holiday, the meeting shall be held on a day decided by the Council and included in the annual schedule of meetings.
- In the event of meetings requested to be held outside the approved schedule of meetings, the City Clerk, CAO or designate shall provide notice to all Councillors via email or telephone twenty-four (24) hours prior to such meeting, unless otherwise approved by Council. The failure of any Councillor to have received notice shall not invalidate a meeting of Council.

Business of Special, Privileged and In Camera Meetings:

No business may be conducted at Special, Privileged and In Camera Meetings of Council other than that specified in the notice of such meeting, unless otherwise decided by majority vote.

3.0 Meeting Decorum

3.1 Order and Decorum:

The Presiding Officer at any meeting shall preserve order during debate and maintain decorum at all times.

When a Councillor, at any type of Council meeting, is guilty of unacceptable conduct, or unparliamentary behaviour, the Councillor may be named by the Presiding Officer and warned to desist. Such warning shall be recorded in the minutes, and if the offence warrants, in the opinion of the Presiding Officer, the offending Councillor may be requested to leave the Council Chambers or the place where the meeting is held by the Presiding Officer without vote of the Council. Should the offending Councillor refuse to leave the Council Chambers or the place where the meeting is held, the Presiding Officer may request the assistance of a Municipal Enforcement Officer to enforce the order to leave.

3.2 Disorderly Persons:

The Presiding Officer may expel and exclude from a meeting any Councillor or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a Councillor, an entry shall be made in the minutes of the reason for such exclusion. Any Councillor expelled from meeting may be permitted, by majority vote of Councillors at the meeting in progress, to resume his/her place after making an apology to the Presiding Officer.

3.3 Dress Code

The standard of dress for Public Council Meetings for all Councillors, Chief Administrative Officer and Directors is a formal or business casual dress code.

3.4 Use of Cellphones

All cellphones or other communication devices, except for computer equipment provided for the conduct of meetings must be turned off or silenced prior to the commencement of all meetings.

4.0 Rules of Procedure

4.1 Presiding Officer

The Mayor shall preside at all meetings of Council. In the absence of the Mayor, the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, and if a quorum is present, the other Councillors shall appoint a temporary chair who has and may exercise the powers and carry out the duties of the Mayor at the meeting or until the arrival of the Mayor or the Deputy Mayor. The Mayor, Deputy Mayor or Councillor presiding at a meeting of Council, where he or she wants to enter debate, may be replaced as the Presiding Officer by a temporary chair for the time during which the Mayor, Deputy Mayor or Councillor presiding is speaking.

4.2 Quorum

A quorum shall consist of a majority of the number of Councillors that may be elected for the City Council. If a quorum is not present within fifteen (15) minutes after the time fixed for a Regular, Special, In Camera or Committee of the Whole Meeting the City Clerk, CAO, or designate, as appropriate, shall record the Councillors present and the meeting shall stand adjourned until the next meeting or to such date as Council may decide.

4.3 Attendance:

In addition to the Mayor and Councillors, the CAO or designate shall attend all meetings of Council. Directors, City Clerk, and other staff shall attend meetings of Council when requested by Council or the CAO.

In accordance with the provisions *C35 S.31 of the City of Mount Pearl Act*, the Council may allow a Councillor to participate in a meeting by electronic means where the electronic means enables the Councillor to listen to the proceedings and to be heard. A Councillor participating in a meeting by electronic means is considered to be in attendance at the meeting.

4.4 Meetings Open to the Public

All regular Public Meetings of City Council shall be open to the public, unless held as a Special, Privileged, In Camera or Committee of the Whole Meeting or declared by a vote of the Councillors present at the meeting to be a Special, Privileged, In Camera or Committee of the Whole meeting. Where a meeting is held or declared to be a Special, Privileged, In Camera, or Committee of the Whole meeting, all members of the public present at the meeting shall leave unless their attendance is requested by the Presiding Officer.

Where a decision is made at a Special, Privileged, In Camera or Committee of the Whole Meeting, and the decision is required to be ratified to be valid, it shall be ratified at a subsequent Public Meeting of Council.

4.5 Conflict of Interest:

A Councillor shall not vote on or speak to a matter before the Council or a Committee of the Council where:

- The Councillor has an interest in the matter distinct from an interest arising from his or her functions as a Councillor;
- The Councillor has a monetary interest directly or indirectly in that matter;
- A relative of the Councillor has an interest in the matter; or
- The Councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in that matter.

For the purposes of this section a relative in relation to a Councillor means a father, mother, spouse, sister, brother, child, stepchild, ward, mother-in-law, father-in-law, sister-in-law or brother-in-law of the Councillor.

For an interest to be considered as one falling within the prohibition set out herein it must be an interest separate and distinct from an interest held in common with the other citizens of the City or a class of citizens.

Where a Councillor has an interest as set out herein, the Councillor shall declare that interest and the nature of that interest at the beginning of discussion on the matter in which he or she has the interest. Where the Councillor declaring a conflict of interest is the Presiding Officer, he or she shall vacate the chair. Where the Councillor, declaring a conflict of interest does so at a Privileged, In Camera or Committee of the Whole Meeting, he or she shall leave that meeting while the matter giving rise to a conflict of interest is being discussed.

Where one or more Councillors have declared a conflict of interest and there is no longer a quorum to vote on a matter, the Minister of Municipal Affairs & Environment (Minister), upon request, may direct that the remaining Councillors decide on the matter as if those remaining Councillors constituted a quorum.

Where all Councillors have declared a conflict of interest the Minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the Councillors should proceed with deciding, the Minister may exempt the Council and the Councillors may vote on the matter.

Where a Councillor is in doubt as to whether he or she has an interest that is a conflict of interest, the Councillor shall make a disclosure and the Council may decide the question by majority vote and its decision on the matter is final. A Councillor who makes such a disclosure shall not be considered a Councillor for purposes of determining the majority vote.

4.6 Minutes:

Minutes of all meetings of City Council shall be recorded by the City Clerk, CAO, or designate as appropriate. Such minutes shall contain:

- All those in attendance at the meeting.
- All motions and resolutions coming before Council, including the names of the movers and seconders.
- The names of all Councillors voting against or abstaining from voting on motions.
- A brief description of comments, reports, petitions, presentations or documents submitted to Council to provide the reader of the minutes with an understanding of the decisions of Council and not for the purposes of recording lengthy descriptions of what was said or presented and by whom.

Minutes should reflect what was done in the meeting, not what individual Councillors or staff said. Unanimous consent or a majority vote is required to include such comments.

Copies of minutes will be distributed to Councillors via the approved Council meeting distribution system (electronic format) prior to the next meeting.

Minutes of the Public Council Meeting will be placed on the City's website within three (3) working days following completion with a statement to the effect that such minutes are not the official transcript, which can only be provided following their adoption at the next meeting of Council.

Should a Councillor object to any portion of the minutes of the preceding public Council meeting, he or she shall state the grounds of objection, and if Council agrees, the motion adopting the minutes shall contain the necessary corrections. Public Council Meetings will be broadcast via webcast and will be accessible in live format while Council is in session or in an archived format on the City website, www.mountpearl.ca.

4.7 Agenda – Public and Committee of the Whole Meetings:

Prior to each regular Public Meeting or Committee of the Whole Meeting of Council, the City Clerk shall prepare an agenda of all business to be brought before Council. Any Councillor, CAO, or Director, until 3:00 pm of the Friday preceding the meeting, may submit to the City Clerk or designate an item for inclusion on the agenda. Items after this deadline can only be included on the agenda with the approval of the CAO. The format of the agenda for the public meeting shall be:

- Call to order
- Approval of the Agenda
- Adoption of Minutes and Action Report
- Business Arising from Minutes
- Proclamations/Presentations/Delegations

Correspondence

- Committee Reports
- New Business
- Adjournment

The format of the agenda for the Committee of the Whole Meeting shall be as follows:

- Presentations
- Adoption of Previous Meeting Notes and Action Report
- Business arising from Meeting Notes
- Correspondence
- Committee Reports
- New Business
- Adjournment

4.8 Agenda – Special, Privileged and In Camera Meetings:

When Special, Privileged or In Camera Meetings are called for the consideration of a particular matter, the order of business shall be in accordance with the items specified in the notice for that meeting. Council shall proceed immediately to consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by unanimous consent or by majority vote.

4.9 New Business – Public Council Meeting:

New business during the Public Council Meeting is limited to items of information, attendance at previous events, notice of upcoming events, congratulatory items and is not intended for substantive items or those which require decisions of Council unless

otherwise decided by unanimous consent. New business is limited to a maximum of two (2) minutes per Councillor unless otherwise decided by unanimous consent.

4.10 New Business – Committee of the Whole Meeting:

New business during the Committee of the Whole Meeting is not time limited, however, its purpose is to provide information or receive clarification of issues of concern. Any item of new business pertaining to the mandate of Council’s Standing Committees should only be raised as information during the Committee of the Whole meeting and referred to the appropriate Standing Committee for proper research, information and recommendations.

4.11 Notice of Motion:

Prior to Council’s consideration of the introduction or the amendment of any City Regulation, a Notice of Motion, in writing, shall be tabled at a regular Public Council Meeting.

4.12 Motions:

The word motion refers to a formal proposal by a Councillor, in a meeting, that the Council take certain action. Before a subject can be considered, it must be placed before the Council in the form of a motion.

There are five (5) classes of motions:

- Main motions – introduces new business;
- Subsidiary motions – assist in treating or disposing of a main motion;
- Privileged motions – do not relate to the pending business but have a high priority;
- Incidental motions - change the procedure for handling the pending business but do not change what is being considered;
- Motions that bring a question again before the Council – bring business already decided back before the Council.

4.13 Main Motion:

The main motion is the lowest ranking motion and can be made only when no other motion is pending. When adopted, it becomes the officially recorded statement of an action taken by the Council. Every motion or resolution should be in writing and should be worded in a concise, unambiguous, and complete form and should be stated or read by the mover (who alone can make introductory remarks thereon) and when duly moved and seconded, and stated by the Presiding Officer, shall be open for consideration and discussion. Motions, wherever possible, should be stated in the positive, so that when the vote is taken yes means yes and no means no. One example of an exception is to deny a development application.

4.14 Subsidiary Motions:

The following subsidiary motions are listed in order of rank and take precedence over or ranks over, the main motion.

- **Lay on the Table**

This motion is designed to be used to set aside the pending business temporarily without setting a time for resuming its consideration in order to take up something more urgent. An example of its use is when a member of the public is in attendance and Council wishes to consider a committee report, in which the member of the public has an interest, prior to its scheduled order in the approved Agenda. Another appropriate use of

the motion to lay on the table is to temporarily set aside agenda items in order to consider a particular item.

- **Previous question:** The purpose of this motion is to close debate and is sometimes referred to as Call the Question. A Councillor must be recognized by the Presiding Officer to make this motion and unless unanimous consent is provided, a seconder is required and a two-thirds vote is necessary for adoption. Whenever a motion infringes on the rights of a Councillor, a two-thirds vote is required for adoption.
- **Limit or Extend the Limits of Debate:** If it appears that debate is consuming too much time, if additional time is needed, or if one or more Councillors need to speak more than once to adequately debate a motion, a Councillor may make a motion to Limit or Extend the Limits of Debate. Since this motion affects the basic rights of Councillors and unless unanimous consent is provided, a two-thirds vote is necessary for adoption.
- **Postpone to a Certain Time (or Definitely):** If the Council is not ready to take a final vote on a motion, it can be postponed until later in the same or to the next meeting. If it is postponed to the next meeting, it will be included on the agenda.
- **Commit or Refer:** When it is beneficial to have a committee or staff review a proposed motion or to provide additional information, a motion to commit or refer can be proposed. In either case, the Council should provide suggested deadlines for the committee or staff so that the business will be handled in a timely manner. The only method to temporarily dispose of a motion beyond the next regular meeting is to commit or refer.
- **Friendly Amendment:** If the Presiding Officer has not yet stated the motion, the mover of the motion has the ability to modify the original motion or to accept the proposed change that may be suggested by another Councillor by way of a "Friendly Amendment." The seconder of the motion is not consulted. If the Presiding Officer has stated the motion, the mover of the motion cannot individually accept or deny the "Friendly Amendment." The proposed change should be offered, and voted on, as any other amendment unless unanimous consent is provided.
- **Amend:** If the main motion would be more suitable in an altered form, a motion to amend can be made. Motions to amend must be germane to the main motions; that is, they must relate to the business at hand.

There are three ways to amend:

1. To insert or add
 - a) insert within the motion;
 - b) add at the end of the motion.
2. Strike out words or a paragraph.
3. Strike out and insert words or substitute a paragraph (strike out the entire text and insert another in its place).

A proposal to amend is a primary amendment and can be amended by a secondary amendment. The amendments are voted on in reverse order, Council first voting on the secondary amendment, next the primary amendment (perhaps as amended), and finally the main motion (or main motion as amended). If there is general agreement, the amendments may be approved by unanimous consent.

- **Postpone Indefinitely:** This motion kills, or disposes of, the main motion for the remainder of the meeting without bringing it to a direct vote.

4.15 Privileged Motions:

This class of motions does not relate to the pending business but rather to special matters of immediate importance that should be allowed to interrupt business. None of these motions is debatable when a main motion or subsidiary motion is under consideration. These motions are listed in order of rank and their rank begins above the highest- ranking subsidiary motion.

- **Fix the Time to Which to Adjourn:** This is the motion to set an adjourned meeting. By majority vote, the Council establishes the date, time, and place for the continuance of the present meeting. Adoption of this motion does not adjourn the current meeting.
- **Adjourn:** The motion to adjourn is a proposal to close the meeting entirely. Even if the adopted agenda or order of business has not been completed, by majority vote the Council may adjourn the meeting. Uncompleted items of business are listed as unfinished business at the next meeting. A motion to adjourn requires a seconder and is always in order except when:
 - o A Councillor is addressing the Presiding Officer.
 - o A vote is being taken, and it has been decided that the previous question shall be taken.

A motion to adjourn cannot be amended and is not debatable. No second motion to adjourn shall be made until some intermediate proceedings have transpired.

- **Recess:** To take a short intermission in the meeting, a Councillor may make a motion to recess and a seconder is required. It is amendable as to the amount of time for the recess or the time to reconvene the meeting and requires a majority vote unless unanimous consent is provided.
- **Raise a Question of Privilege:** Any Councillor has the right to request certain privileges for themselves or for Council. This request usually has to do with the Councillor's comfort level (excessive noise, inadequate lighting, uncomfortable temperature, etc.) or affecting the Councillor's ability to make an informed decision (cannot hear the speaker, doesn't have the report, can't see the illustrations, etc.). No recognition by the Presiding Officer is needed to make this motion, and the Presiding Officer takes the appropriate action without vote of Council.
- **Call for the Orders of the Day:** If the adopted agenda or order of business is not being followed, any Councillor may bring this to the attention of the Presiding Officer. If the wrong item was announced, the Councillor does not need to be recognized and may interrupt business to bring it to the Presiding Officer's attention. If a motion has been made, however, the Councillor must wait until the motion has been disposed of. The agenda must be followed unless Council decides by a two-thirds vote not to proceed to the orders of day or unless unanimous consent is provided.

4.16 Incidental Motions:

This class of motions relates to the pending question in such a way that it must be decided immediately before any other business intervenes. The listing of motions does not indicate rank, merely the order of the motions as found in Robert's Rules of Order.

- **Point of order:** Whenever a Councillor believes that the rules are being violated; it is the Councillor's duty to raise a point of order at the time of the breach. The motion effectively requires the Presiding Officer to rule on the question involved. Unless the breach is of a continuing nature, the point of order must be made immediately after the infraction; otherwise, it is too late.
- **Appeal:** If a Councillor disagrees with the ruling of the Presiding Officer, an appeal from the decision of the Presiding Officer can be made. This motion must be seconded, and the rules of debate change. The Presiding Officer is allowed to speak first to explain the reason for the ruling. Each Councillor is then allowed to speak once in debate. After all who wish to speak have done so, the Presiding Officer may explain again the reason for the ruling. These rules hold even if the Presiding Officer normally does not have the right to speak in debate from the chair. The vote is taken not on the appeal but rather on the Presiding Officer's decision. A majority or a tie vote sustains the decision of the Chair on the principle that the Chair's decision stands until reversed by a majority.
- **Suspend the rules:** When the Council wishes to do something that its rules prohibit, a motion to suspend the rules may be made, so long as the rule may be suspended. Bylaws, statutory law, or rules that embody basic parliamentary law, such as only Councillors are allowed to vote, cannot be suspended. The vote required for passage depends on the type of rule, and the rule is only suspended for that particular meeting. A two-thirds vote is required to suspend the Council's Rules of Procedure, and a majority vote suspends a standing rule or a policy.
- **Objection to the Consideration of a Question:** Councillors may object to the consideration of a question for any original main motion that they think would do harm for the Council to even consider. This motion must be made before any discussion begins or any subsidiary motion has been stated. If there are two-thirds against consideration, the question is dropped; otherwise, the question is considered.
- **Division of a Question:** If the motion has several parts that are capable of standing as separate motions, a Councillor may move to divide the question. If a division of the question is adopted, the vote is then taken individually on each part.
- **Consideration by Paragraph or Seriatim:** A Councillor may move to consider a long motion (consisting of a series of paragraphs, articles, or sections) by paragraph or seriatim rather than as a whole. Each part is opened for debate and amendment separately, and then the entire document is considered for adoption.
- **Division of the Assembly:** A Councillor who doubts the result of a voice vote can call for a division of the assembly. No second is required. Making this motion requires that the vote be retaken by a roll call vote (each Councillor is named and his vote is announced and recorded).

- **Request to be Excused from a Duty:** If a Councillor wishes to be relieved from an obligation imposed by virtue of office or position (such as appointed to a committee) a request to be excused from this duty can be made.
- **Parliamentary Inquiry:** This is a request from a Councillor for the Presiding Officer's guidance on a matter of parliamentary procedure. The Presiding Officer does not rule on this motion, but rather provides the answer to the Councillor's question.
- **Point of Information:** This motion is an inquiry regarding facts affecting the pending business. The Presiding Officer may choose to answer or direct another
- **Withdraw or Modify a Motion:** After the Presiding Officer states a motion; the Councillor who made the motion must request permission to withdraw it or modify it in any manner. A majority vote, or unanimous consent, is required to grant such permission.
- **Request to Read Papers:** No Councillor may read from papers, books, magazines, etc., without the permission of the Council. This is usually granted by unanimous consent.
- **Request for Any Other Privilege:** A Councillor may request any other privilege (not covered by the previous four types of motion), such as to make a presentation when no motion is pending. Permission is usually granted by unanimous consent.

4.17 Motions That Bring a Question Again before the Council:

This class of motions brings back before the Council, business that has already been adopted. There is no ranking among the motions, and their order is as listed in Robert's Rules of Order.

- **Take from the Table:** At the same or next meeting after a question has been laid on the table, any Councillor may move to take it from the table. When a motion is taken from the table by majority vote, it is before the Council at exactly the point when it was laid on the table. If not taken from the table by the end of the next regular meeting, the motion dies.
- **Rescind:** To entirely strike out a main motion, section, paragraph or rule that has previously been adopted, a motion to rescind can be made. If it is desired instead to change the previously adopted business, the motion to amend something previously adopted can be made. Approval of either form of the motion requires:
 - o (a) a two-thirds vote, or
 - o (b) a majority vote when notice of intent was given at the previous meeting or in the call of the meeting.

When something has been done as a result of the initial vote that is impossible to undo, these motions are not in order.

- **Discharge a Committee:** If a question was referred to a committee that has not that the Council can consider it or drop it altogether, a motion to discharge the committee is in order. A Standing Committee is discharged from considering the referred business, whereas a Special Committee that is discharged ceases to exist. The necessary vote to

approve this motion is the same as to rescind or amend something previously adopted. However, if the committee fails to report in the time prescribed or if the Council is considering a partial committee report, only a majority vote is required to discharge the committee.

- **Reconsideration during a Council Meeting:** If a Councillor voted on the prevailing side on a question – that is, yes if it was adopted or no if it was lost – and had a change of mind, a motion to reconsider may be made during the meeting in which the original vote was taken. If the question receives a majority vote, then the original motion is back before the assembly at the point just before the initial vote was taken – as if it had not been previously considered.
- **Reconsideration after a Council Meeting:** Any question, except one of indefinite postponement, or one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given by a Councillor who voted on the prevailing side (if the vote was passed a Councillor who voted in favour or if the vote was lost or tied by a Councillor who voted against the motion). If the motion to reconsider is carried by a majority of Councillors present and voting, the main question shall then be read and will be open to debate the same as an original motion. A motion shall not be reconsidered more than once.

4.18 Motions during Debate:

When a question is under debate, the following non-written motions shall be in order:

- To extend the time of the meeting where the time of the meeting has been established.
- To refer or commit a matter being considered by Council.
- To amend a motion being considered by Council.
- To lay a motion on the table.
- To postpone a motion indefinitely.
- To move the previous question.

Every motion shall be seconded before being put to the body or debated.

4.19 Withdrawal of Motion:

When a motion has been moved and seconded, it cannot be withdrawn except with the unanimous consent of the Councillors in attendance and then only before a decision has been taken or an amendment made.

4.20 Addressing the Motion:

Councillors, and staff where appropriate, shall stand and address their remarks to the Presiding Officer by referring to him or her as “Your Worship,” wait to be recognized and keep their remarks to the question at hand. Councillors may not speak against a motion they made but may vote against it.

4.21 Entitlement to Speak:

If two or more Councillors speak at the same time, the Presiding Officer shall determine which Councillor is entitled to speak.

4.22 Order During Consideration of Motion:

When the Presiding Officer is putting a question no Councillor shall walk out of or across the Council Chambers and when a Councillor is speaking or a question is being put, no Councillor shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

4.23 Debate Procedure and Length of Debate:

During debate, Councillors shall confine themselves to the question and avoid personalities. No Councillor, without the consent of Council, shall speak longer than five (5) minutes at any one time, or more than once on any motion or amendment thereto, except in explanation of a material part of their remarks, which may have been misunderstood, but then they shall not be permitted to introduce a new matter. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

4.24 Rereading of Motion:

Any Councillor may require the question or motion under discussion to be read for information at any period during the debate, but not to interrupt a Councillor speaking.

4.25 Voting:

All decisions of Council, unless otherwise specified either under the City of Mount Pearl Act or under these Rules, shall be by majority vote of the Councillors present, inclusive of the Presiding Officer. Notwithstanding subsection (1), where a Councillor abstains from voting on a disputed question a decision is not to be taken on that question unless the number of Councillors in favour of the question is equivalent to or more than a majority of the Councillors in attendance at the meeting, inclusive of the Presiding Officer. Notwithstanding subsection (1), the Council may, by a vote of 2/3 of the Councillors in office, grant an exemption, remission or deferment of taxes and interest on the taxes, either in whole or in part, for those periods of time that the Council decides and the Council may determine the evidence which it shall require to warrant that exemption, remission or deferment.

4.26 Recorded Vote:

Whenever a decision of Council is taken for any purpose, each Councillor, including the Mayor, present and voting shall announce their vote upon the question, openly and individually in the Council and the City Clerk or designate shall record the names of those voting against the motion, and those abstaining. Those who are silent when the vote is being taken are agreeing to whatever decision is made by those who vote and will be recorded as voting with the prevailing side as announced by the Presiding Officer as the motion being carried or defeated.

4.27 No Secret Ballot:

No vote shall be taken in Council meetings by ballot or by any other method of secret voting except for a vote for the Deputy Mayor which shall be determined by secret ballot and will be conducted by the City Clerk or designate where there is more than one nomination for the position.

4.28 Tie Vote:

Where there is a tie vote on a question, the question shall be raised at the next meeting of Council and if the vote on the question at that meeting is a tie vote, the motion shall be lost.

4.29 Committees

- **Authority to Form:**
Council may from time to time appoint committees and the Mayor shall be an ex- officio member of all committees.
- **Standing Committees:**
Standing Committees of Council shall consist of two Councillors and an alternate Councillor and shall remain in effect for the life of the Council. The Mayor shall hold all reasonable discourse with Councillors prior to their appointment to committees. Councillors shall be appointed by the Mayor at the first Council meeting following a general election and changed by the Mayor on or before December 31st of the second year of Council's term of office and the committee structure shall be ratified by Council following their appointment by the Mayor. The duties of Standing Committees shall be in accordance with their approved Terms of Reference and which may be changed subject to the approval of Council. Each committee shall set the day and place for its meeting.
- **Special Committees:**
Special Committees of Council shall consist of at least one Councillor and other members as appointed by the Mayor and ratified by Council and shall remain in effect only until the purpose for which they were set up has been accomplished. Special Committees will automatically expire at the end of each year, unless struck again by Council.
- **Other Committee Representation:**
The Mayor shall appoint Councillors to Regional Services Committees, the Urban Municipalities Committee, Northeast Avalon Joint Council and other organization(s) as deemed appropriate and such appointments shall be ratified at the first Council Meeting following a general election and any changes on or before December 31st of the second year of Council's term of office.
- **Committee of the Whole:**
Council will meet as a Committee of the Whole in accordance with the provisions of these Rules of Procedure. The Mayor will assume the chair and if absent the Deputy Mayor will assume the chair and if the Deputy Mayor is absent, another Councillor shall be elected as Chair.
- **Committee Membership:**
Membership on all Standing Committees and the Committee of the Whole is limited to Councillors.
- **Quorum of Committees:**
A majority of the Councillors at a Committee of the Whole shall constitute a quorum. Standing Committees shall, whenever possible, convene with its two regular Councillors

or an alternate Councillor where one regular Councillor is unavailable. In absence of one Councillor or the alternate, the Standing Committee can convene and bring forth its recommendations to Council or the Committee of the Whole on the basis one Councillor being in attendance.

- **Committee Co-Chairpersons:**

When Council appoints a committee, it shall also appoint two of its Councillors to be Co-Chairpersons of that committee.

- **Committee Resources:**

A Director will be appointed to each Standing Committee and administrative support will be provided by the respective Department.

- **Committee Notes:**

Prior to the next meeting of the committee, the Executive Assistant shall prepare notes of the previous meeting for review by the Director for submission to and confirmation by the committee. Following every committee meeting the Executive Assistant shall prepare a report for review by the Director and submission to the Council or the Committee of the Whole, as required, on all matters which require Council action.

- **Conduct of Business in Committees:**

The following rules and procedures shall apply to the proceedings in committees:

- Each Co-Chairperson shall chair their respective committee meeting on a rotating basis.
- There shall be no limit on the number of times a Councillor may speak.
- There shall be no voting during committee meetings, its purpose is only to arrive at a consensus to present to Council or the Committee of the Whole.
- In the event of a consensus not being arrived at, the positions of both Co-Chairpersons will be included in the report to be presented to the Committee of the Whole prior to presentation to Council.
- During Committee of the Whole meetings there shall be no limit on the number of times a Councillor may speak and there shall be no voting. Its purpose is only to arrive at a position to be referred to the Public Council Meeting for consideration and ratification.
- No action can be taken on issues arising or discussed during the Committee of the Whole unless by unanimous agreement and subject to ratification at the next Public Council Meeting, where a decision of Council is required or appropriate.

4.30 Clarification and Amendment Procedure:

- **Clarification of Rules:**

In all cases where these Rules of Procedure do not make provision or adequate provision, then Robert's Rules of Order shall apply.

- **Amendment of Rules;**

Any motion to amend these Rules of Procedure requires a Notice of Motion and must be approved by a majority of Council.

4.31 Effective Date:

These Rules of Procedure governing meetings of the Mount Pearl City Council and of Committees thereof were adopted on April 30, 2019. All amendments thereto and all other Rules of Procedure respecting Council meetings are hereby repealed.

Dave Aker
Mayor

Steve Kent
Chief Administrative Officer

Date