

DISTRICT OF TOBIQUE VALLEY

PROCEDURAL BY-LAW No. 2026-10

A By-Law Respecting the Procedures and Organization of Council

WHEREAS subsection 10(2)(a) of the *Local Governance Act*, S.N.B. 2017, c. 18, requires a local government to make a by-law respecting procedures at Council meetings;

AND WHEREAS the Council of the District of Tobique Valley wishes to establish clear, consistent and respectful procedures for Council meetings, Committee of the Whole meetings, public participation, electronic participation, debate, motions and related municipal business;

NOW THEREFORE the Council of the District of Tobique Valley enacts as follows:

1. TITLE

1.1 This by-law may be cited as the “Procedural By-law” of the District of Tobique Valley.

2. DEFINITIONS

2.1 “Act” means the *Local Governance Act*, S.N.B. 2017, c. 18, as amended from time to time.

2.2 “CAO” means the Chief Administrative Officer of the District of Tobique Valley.

2.3 “Clerk” means the Clerk of the District of Tobique Valley and includes an Assistant Clerk, where applicable.

2.4 “Council” means the Mayor and Councillors of the District of Tobique Valley.

2.5 “Committee of the Whole” means a meeting of all members of Council convened for discussion, consideration and recommendation without final decision-making authority, unless otherwise authorized by law.

2.6 “Member” means a member of Council, including the Mayor.

2.7 “Presiding Officer” means the Mayor or, in the Mayor’s absence or inability to act, the Deputy Mayor or another Councillor selected in accordance with this by-law.

2.8 “Quorum” means a majority of the full number of members of Council.

2.9 “Point of Order” means a breach of this by-law, an irregularity in the proceedings, improper or offensive language, or another procedural matter requiring a ruling by the Presiding Officer.

3. APPLICATION AND SUSPENSION OF RULES

3.1 The rules in this by-law apply to regular and special meetings of Council and, where applicable, to Committee of the Whole and other committees of Council.

3.2 Council may suspend a procedural rule established under this by-law where permitted by applicable legislation. A motion to suspend a procedural rule shall require an affirmative two-thirds (2/3) vote of the members present, unless otherwise required by law. No provision of this by-law may be suspended where doing so would contravene applicable legislation.

3.3 Where this by-law is silent, Council shall proceed in accordance with applicable legislation and, where appropriate, generally accepted parliamentary procedure.

4. MEETINGS

4.1 Regular meetings of Council shall be held at 7:00 p.m. on the third Monday of each month in the Council Chambers at the Phil Sharkey Memorial Centre, unless Council determines otherwise by resolution.

4.2 Where a regular meeting falls on a statutory or civic holiday, the meeting shall be held at the same time on the Tuesday of that week, unless Council determines otherwise.

4.3 The Clerk shall provide notice of regular meetings and the agenda in accordance with the Act and this by-law.

4.4 Council may, by resolution, change the date, time or location of a regular meeting where circumstances require.

4.5 Newly elected Council members shall complete a Disclosure of Conflict of Interest form at the first regular meeting of Council, as required under section 91 of the *Local Governance Act*. A copy of section 91 and the Conflict of Interest form shall be provided to each Council member.

4.6 The first meeting of a newly elected Council shall be held within the time prescribed by the *Local Governance Act*. Where the declaration of an elected member is delayed and affects the scheduling of the meeting, the first meeting shall be held as soon as practicable in accordance with the Act.

4.7 The newly elected Council shall appoint a Deputy Mayor by a vote of all members of Council. The Deputy Mayor shall hold office until the next municipal election.

4.8 All decisions of Council shall be made in accordance with the *Local Governance Act* and other applicable legislation. Decisions requiring a by-law or resolution shall be formally adopted in the manner prescribed by law and recorded in the official minutes of Council. Other proceedings and decisions shall be documented in the minutes as required by legislation and this by-law.

5. COMMITTEE OF THE WHOLE

5.1 Committee of the Whole shall ordinarily meet at 7:00 p.m. on the first Monday of each month, unless Council determines otherwise.

5.2 The Committee of the Whole consists of the Mayor and all Councillors. The Mayor shall chair the meeting; in the Mayor's absence, the Deputy Mayor shall chair.

5.3 The purpose of Committee of the Whole is to provide a less formal forum for Council to discuss issues, concerns, long-term planning, policy development, finance, zoning, land development and matters previously presented to Council, and to develop recommendations for consideration at a regular Council meeting.

5.4 Committee of the Whole shall not make final decisions except where expressly authorized by law. Recommendations arising from Committee of the Whole shall be brought forward to Council for consideration and decision.

5.5 Committee of the Whole is not intended to require routine staff attendance. The CAO/Clerk shall arrange for staff attendance where their information, advice or participation is required for the subject under discussion.

5.6 Committee of the Whole meetings are open to the public unless the matter falls within the closed-meeting provisions of the Act.

5.7 Minutes shall be maintained to record matters discussed, recommendations and procedural decisions, without recording a verbatim debate.

5.8 Meetings of the Committee of the Whole shall not be livestreamed.

6. SPECIAL AND EMERGENCY MEETINGS

6.1 Special meetings of Council may be called by the Mayor or by any other person authorized to do so under the *Local Governance Act*. Notice of a special meeting shall be provided to all members of Council and the public in accordance with the Act and applicable notice requirements. Where practicable, the Mayor shall provide the Clerk with at least twenty-four (24) hours' notice to allow sufficient time for the necessary notifications and meeting arrangements.

6.2 Only the business stated in the notice of a special meeting may be considered, unless otherwise permitted by the Act.

6.3 Emergency meetings may be called where permitted by the Act, and only business properly authorized for the emergency meeting may be considered.

7. ELECTRONIC PARTICIPATION

7.1 A member may participate in a Council or Committee of the Whole meeting by electronic means where the technology is reasonably available and permits the member to hear and speak to the other members and, at an open meeting, permits the public to hear the member.

7.2 A member intending to participate electronically shall provide sufficient notice to the Clerk to permit meeting materials to be provided and the necessary technology to be arranged.

7.3 A member participating electronically shall be considered present for the period during which the member is connected and participating, subject to the Act.

7.4 Where participating in a closed meeting electronically, a member shall confirm to the Presiding Officer that the member is alone and that reasonable steps have been taken to maintain confidentiality.

7.5 The Clerk may establish reasonable technical requirements for electronic participation and may interrupt or terminate electronic participation where technical conditions make meaningful participation impossible.

7.6 Nothing in this section limits any restriction imposed by the Act or other applicable law.

8. CONDUCT OF THE PUBLIC

8.1 Members of the public attending a meeting shall conduct themselves respectfully and in a manner that does not disrupt the meeting or the business of Council or a committee.

8.2 No member of the public shall address Council unless the matter is on the agenda and the person has been recognized and permitted to speak by the Presiding Officer.

8.3 Council may prohibit conduct likely to interfere with, disrupt or impede its proceedings.

8.4 The Presiding Officer may require a person whose conduct is improper, disruptive, abusive or otherwise interferes with the meeting to leave the meeting immediately.

8.5 The Presiding Officer may request assistance from municipal staff, security or law enforcement where reasonably necessary to maintain order and safety.

9. DECORUM AND CONDUCT OF MEMBERS

9.1 Members shall conduct themselves with respect, courtesy and decorum and shall avoid personal attacks, offensive or abusive language, and conduct that disrupts the orderly transaction of Council business.

9.2 Members shall address remarks through the Presiding Officer and shall speak to the question or matter before Council.

9.3 A member shall not interrupt another member except to raise a Point of Order or where otherwise recognized by the Presiding Officer.

9.4 A member shall comply with this by-law and with a ruling of the Presiding Officer on a question of order or practice, subject to the right of appeal provided by this by-law.

9.5 Where a member refuses to comply with this by-law or a ruling of the Presiding Officer, the Presiding Officer may remind the member of the applicable requirements and direct the member to comply. Any further action taken to address continued non-compliance shall be consistent with the *Local Governance Act*, this by-law and the applicable Code of Conduct for Members of Council. No member shall be required to leave a meeting except where such action is authorized by applicable law.

9.6 Nothing in this section limits the requirements of the applicable Code of Conduct for Members of Council.

10. CURFEW

10.1 Council meetings shall ordinarily conclude by 9:30 p.m. No further business shall be considered after 9:30 p.m. unless Council approves a motion to continue the meeting by an affirmative two-thirds (2/3) vote of the members present.

10.2 Where Council continues beyond 9:30 p.m., the Presiding Officer shall endeavour to limit the continuation to the business necessary to conclude the meeting.

11. CALLING TO ORDER, QUORUM AND PRESIDING OFFICER

11.1 A majority of the full number of members constitutes a quorum.

11.2 The Presiding Officer shall call the meeting to order when the appointed hour has arrived and quorum is present.

11.3 If the Mayor is absent or unable to act, the Deputy Mayor shall preside. If both are absent or unable to act, the members present shall select a Councillor to preside.

11.4 If quorum is not present within thirty (30) minutes after the appointed time, the Clerk shall record the members present, and the meeting shall stand adjourned, subject to the Act.

12. ORDER OF BUSINESS AND AGENDA

12.1 The regular Council agenda shall, unless Council otherwise determines, follow this order:

1. Call to Order – 7:00 p.m.
2. Land Acknowledgement
3. Mayor's Comments
4. Record of Attendance
5. Adoption of the Agenda
6. Declaration of Conflicts of Interest
7. Adoption of Minutes
8. Public Hearings / Presentations / Delegations / Petitions
9. Unfinished Business
10. By-laws
11. New Business / Recommendations
12. Notice of Motion
13. Administrative Reports and Correspondence
14. Council Reports
15. Business Arising from Committee of the Whole
16. Next Meeting Date
17. Adjournment

12.2 Council may alter the order of business by motion.

12.3 Unfinished Business shall include matters previously considered by Council that have not been finally disposed of, including matters referred for further information or consideration.

12.4 Business Arising from Committee of the Whole shall identify recommendations or matters from Committee of the Whole requiring consideration by Council. Council may instead place such matters under New Business / Recommendations where appropriate.

12.5 Administrative or staff reports shall focus on significant new information, material updates, issues requiring Council attention, or matters requiring direction, rather than routine details of ongoing staff activity.

12.6 All items proposed for inclusion on a regular Council meeting agenda shall be submitted to the Clerk in writing, together with all relevant supporting information and presentation materials, no later than noon on the first Wednesday of each calendar month. Items received after the deadline may be deferred to a subsequent meeting unless Council determines by resolution to add the agenda item in accordance with this by-law and applicable legislation.

13. PUBLIC PARTICIPATION AND DELEGATIONS

13.1 Persons wishing to make a presentation or appear as a delegation before Council shall submit a completed public presentation request form, available on the district's website, to the Clerk no later than noon on the first Wednesday of the month in which the regular Council meeting is to be held. Requests shall include a description of the subject matter and any relevant supporting documentation. Requests received after the deadline may be considered for a subsequent meeting unless Council determines otherwise in accordance with this by-law and applicable legislation. Submission of a request does not guarantee placement on the agenda.

13.2 Delegations shall normally be limited to ten (10) minutes unless the Presiding Officer grants additional time.

13.3 A person addressing Council shall remain respectful, relevant and within the subject for which permission to speak was granted.

13.4 The Presiding Officer may terminate a presentation that becomes repetitive, abusive, irrelevant or disruptive.

13.5 Where a presentation or delegation has been made to Council and Council has rendered a decision on the matter, that decision shall remain in effect for the duration of the current Council's term of office, unless Council formally reconsiders the matter in accordance with this by-law and applicable legislation, or a review is required due to legal implications arising from the previous decision.

14. CLOSED MEETINGS

14.1 Council or a committee of Council may meet without the public for the duration of discussion where it is necessary to discuss a matter authorized by section 68 of the Act.

14.2 Without limiting the Act, matters that may justify a closed meeting include:

- Information the confidentiality of which is protected by law;
- Personal information as defined in the *Right to Information and Protection of Privacy Act*;
- Information that could cause financial loss or gain to a person or the local government, or could jeopardize negotiations leading to an agreement or contract;
- The proposed or pending acquisition or disposition of land;
- Information that could violate the confidentiality of information obtained from the Government of Canada or a province or territory;
- Legal opinions or advice provided by a solicitor for the local government, or solicitor-client privileged communications;
- Litigation or potential litigation affecting the local government or a corporation, agency, board or commission referred to in the Act, including a matter before an administrative tribunal;

- Access to or security of buildings, structures, facilities or municipal systems, including computer or communication systems;
- Information gathered by police in the course of investigating illegal or suspected illegal activity, or the source of such information; and
- Labour and employment matters, including negotiation of collective agreements.

14.3 No decision shall be made during a closed meeting except decisions permitted by the Act, including procedural matters, directions to an officer or employee, or directions to a solicitor for the local government.

14.4 Where a meeting is closed, the Clerk shall maintain the record required by the Act.

15. MOTIONS AND NOTICE OF MOTION

15.1 A motion shall be stated clearly and, where required by the Clerk or Presiding Officer, shall be submitted in writing.

15.2 A motion must be moved and seconded before debate, unless the Act or this by-law provides otherwise.

15.3 Once a motion has been stated, moved and seconded, it is in the possession of Council and may be withdrawn only with the permission of Council.

15.4 A Notice of Motion may be placed on the agenda to give Council an opportunity to review the subject and conduct background research before the matter is debated or decided.

15.5 A Councillor wishing to place a Notice of Motion on a future agenda shall provide the proposed subject or wording to the Mayor and Clerk within the applicable agenda deadline.

15.6 There shall be no debate on a Notice of Motion when it is first presented solely for notice, unless Council determines otherwise in accordance with this by-law.

16. DEBATE AND SPEAKING LIMITS

16.1 The Presiding Officer shall recognize members wishing to speak and shall maintain an orderly rotation.

16.2 For substantive motions and significant questions, the Presiding Officer may proceed around the Council table, giving each Councillor up to five (5) minutes for an initial contribution, including comments, questions and relevant information.

16.3 After each member has had an opportunity for an initial contribution, the Presiding Officer may conduct a second round of up to two (2) minutes per Councillor for follow-up questions or comments before the vote.

16.4 The Presiding Officer may extend or adjust speaking time where necessary to ensure fairness or where the complexity of the matter reasonably requires it.

16.5 No member shall speak more than once on the same question without permission of the Presiding Officer, except to clarify a previous statement or exercise a procedural right.

16.6 The member who moved a substantive motion may be permitted to reply before the question is put to a vote.

17. VOTING AND CONFLICTS OF INTEREST

17.1 Members of Council shall vote on questions put to Council in accordance with the *Local Governance Act* and other applicable legislation, except where a member is legally disqualified from voting or is otherwise excused as permitted by law.

17.2 Votes shall be taken and recorded in the manner required by legislation. Where a recorded vote is requested and permitted by law, the Clerk shall record each member's vote in the official minutes.

17.3 The Mayor and Councillors shall participate in voting as required by the *Local Governance Act*, subject to any applicable conflict-of-interest requirements or other legal restrictions.

17.4 A member who has an actual or potential conflict of interest shall disclose the conflict and complete the required declaration or disclosure form in accordance with the *Local Governance Act* and applicable procedures.

17.5 A member who is required to withdraw from consideration of a matter because of a conflict of interest shall not participate in the discussion or vote on that matter and shall leave the Council Chamber for the duration required by applicable legislation. The Clerk shall record the declaration and the members' withdrawal in the minutes in accordance with the Act.

18. POINTS OF ORDER AND APPEALS

18.1 The Presiding Officer shall preserve order and decorum and decide questions of order, subject to appeal to Council.

18.2 A member raising a Point of Order shall state the point briefly and identify the rule or authority relied upon.

18.3 An appeal of a ruling of the Presiding Officer shall be decided by Council in accordance with applicable parliamentary procedure and without unnecessary debate.

19. INTERRUPTIONS

19.1 When the Presiding Officer is putting a question or motion, no member shall make a disturbance or interrupt the vote.

19.2 No person shall pass between a member speaking and the Presiding Officer or interrupt a speaker except for a recognized Point of Order or other procedural matter.

20. DISRESPECTFUL STATEMENTS BY MEMBERS

20.1 No member shall use offensive, abusive or disrespectful language toward Council, another member, a member of the public, a municipal employee or any other person participating in municipal business.

20.2 No member shall speak beside the question, deliberately misrepresent a matter before Council, refuse to obey this by-law, or knowingly disobey a ruling of the Presiding Officer.

20.3 Members shall direct criticism toward issues, decisions, policies or processes rather than personal attacks.

20.4 Where a member is found to have breached this section, the Presiding Officer may direct the member to withdraw the remark or apologize. Further measures may be taken where authorized by law or the applicable Code of Conduct.

21. MINUTES

21.1 The Clerk shall record the place, date and time of each meeting, the Presiding Officer, attendance, decisions and proceedings of Council without note or comment, together with votes where required.

21.2 Minutes may be adopted without being read unless a member requests that they be read or corrected.

21.3 Minutes of closed meetings shall comply with the record requirements of the Act.

22. CORRESPONDENCE AND PETITIONS

22.1 Correspondence and petitions intended for Council shall be provided to the Clerk within the applicable agenda deadline.

22.2 The Clerk may include correspondence in the agenda, refer it to the appropriate staff member for information, or identify it for Council direction where appropriate.

22.3 Council shall not be required to debate correspondence when it is first presented unless a member moves that the matter be considered.

23. UNFINISHED BUSINESS

23.1 Items previously placed before Council and not finally disposed of may remain on the agenda under Unfinished Business until Council resolves the matter or removes it from the agenda.

23.2 Examples may include matters previously discussed but requiring further information or a final decision.

24. COMMITTEE REPORTS AND COMMITTEE OF THE WHOLE RECOMMENDATIONS

24.1 Committee reports and recommendations shall be presented to Council through the agenda and may be adopted, amended, referred back, deferred or otherwise dealt with by Council.

24.2 Committee of the Whole shall not exercise final decision-making authority unless expressly authorized by law.

25. GENERAL COMMITTEE PROVISIONS

25.1 Council may establish standing, select or other committees by resolution where authorized by law.

25.2 Each committee established by Council should have approved terms of reference addressing its purpose, scope, membership, reporting relationship, meeting expectations and term, where applicable.

25.3 The Mayor is an ex officio member of committees unless otherwise provided by law or the establishing resolution.

25.4 Committee minutes and recommendations shall be provided to Council as required.

26. RECONSIDERATION OF DECISIONS

26.1 A matter previously decided by Council may be reconsidered only where permitted by the *Local Governance Act* and other applicable legislation. A request for reconsideration shall be submitted to the Mayor and Clerk in accordance with the applicable agenda deadlines and procedural requirements.

26.2 The notice, procedure and voting requirements for reconsideration shall be determined in accordance with applicable legislation and any relevant provisions of this by-law. Nothing in this section authorizes Council to reconsider a matter where doing so is prohibited by law.

26.3 Where reconsideration is permitted and approved, Council may confirm, amend, rescind or otherwise vary its previous decision, subject to applicable legal requirements.

27. BY-LAWS

27.1 By-laws shall be introduced, considered, read, amended and enacted in accordance with the Act and any other applicable legislation.

27.2 The Clerk shall record the readings and amendments to each by-law and maintain the official record.

28. EFFECTIVE DATE AND REPEAL

28.1 This by-law comes into force on the date of its final passing and enactment by Council.

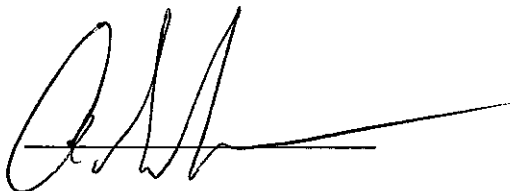
28.2 Upon this by-law coming into force, By-law No. 2023-05 and amendments thereto respecting Council procedure are repealed, except to the extent that any provision must continue to apply by law.

READINGS AND ENACTMENT

READ A FIRST TIME BY TITLE on this 21st day of September 2026.

READ A SECOND TIME BY TITLE on this 21st day of September 2026.

READ A THIRD TIME AND ENACTED on this 19th day of October 2026.



Aaron Jones
Mayor



Patty St. Peter
Clerk

