

BY-LAW NO. A – 7 – 2026

A BY-LAW FOR THE RURAL COMMUNITY OF FUNDY SHORES REGULATING THE PROCEEDINGS OF COUNCIL

BE IT ENACTED by the Council for the Rural Community of Fundy Shores, under the authority vested in in by section 10 (2) of the Local Governance Act, Chapter 2017, c.18 of the Province of New Brunswick, and in accordance with New Brunswick Regulation 2018-84 – Order in Council No. 2018-310, hereby enacts as follows:

1. Title
 - a. This by-law shall be cited as the “Procedural By-Law”.
2. Application
 - a. This procedural by-law of Council:
 - i. Applies to the following:
 1. All members of Council, including Mayor, Deputy Mayor and Councillors, and
 2. All members of staff required or requested to attend Council meetings, and Committee of Council meetings, and
 3. Any member of the public attending the meetings and/or appearing before Council and/or Committees of Council meetings
 - ii. Shall be used to dispatch of the business of Council and Committees of Council.
3. Fundamental Principles
 - a. The Rural Community of Fundy Shores is committed to open, respectful, and effective local government. These principles are intended to guide the conduct of all Council and Committee meetings and to support good decision-making on behalf of the community.
 - i. Transparency
Council meetings and decisions should be open and accessible to the public whenever possible.
 - ii. Accountability
Members of Council shall conduct themselves in compliance with established procedural rules and ethical standards set out in this by-law
 - iii. Respect and Civility
All participants in Council meetings shall treat one another with courtesy and respect.
 - iv. Fairness and Equal Opportunity
Each Member shall have an opportunity to contribute to discussions, regarding all matters before Council, except where prohibited by law.
 - v. Order and Efficiency
The Council Chair shall take all available measures to ensure respectful discussion and balanced participation.
 - vi. Integrity and Impartiality

Members are expected to act honestly, avoid conflicts of interest, and make decisions that reflect the best interests of the community as a whole.

vii. Inclusiveness and Participation

Council values the input of residents and encourages public participation in a respectful and constructive way. Council is to facilitate action, not obstruct it, while giving all Member of Council a fair opportunity to be heard.

viii. Informed Decision-Making

Decisions should be based on accurate information, professional advice, and thoughtful consideration. Members are responsible for preparing in advance of meetings.

ix. Consistency and Clarity

Procedures and decisions should be applied consistently so that the community and Council Members understand and trust the process.

x. Record and Continuity

Accurate records of meetings ensure transparency, accountability, and the continuity of Council's work on behalf of the community.

- b. These principles reflect Council's commitment to good governance, collaboration, transparency and service to the residents of the Rural Community of Fundy Shores

4. Conflict of Interest

- a. Conflict of Interest shall be disclosed and managed in accordance with the Local Governance Act of New Brunswick and any amendments thereto.

5. Vacancies In Council

- a. Subject to 5(b), the Clerk shall notify Council if a Council seat becomes vacant at the next Regular Meeting of Council, and the Chief Electoral Officer of New Brunswick pursuant to the *Local Governance Act*, SNB 2017, c18 and the *Municipal Elections Act*, SNB 1979, c M-21.01 and any amendments thereto.
- b. Where a vacancy on council results from fewer candidates than are required for office being nominated, the Municipal Electoral Officer shall hold a by-election to fill the vacancy pursuant to the *Local Governance Act*, SNB 2017, c18 and the *Municipal Elections Act*, SNB 1979, c M-21.01 and any amendments thereto.

6. Meetings of Council

- a. The Clerk shall schedule the first Council meeting in accordance with the Local Governance Act, SNB 2017, c 18 and the Municipal Elections Act, SNB 1979, c M-21.01 and any amendments thereto.
- b. At its first meeting, Council shall elected a Deputy Mayor from among the membership of Council. The Deputy Mayor shall be elected by a majority vote of Council, for the term of one year.
- c. The Clerk shall be responsible for the preparation and circulation of the agenda for all meetings of Council. The deadline for agenda submission for the regular meeting of Council shall be noon on the Wednesday preceding that of the meeting.
- d. Agendas shall be posted to the Fundy Shores website, the Monday prior to the scheduled meeting. Should Monday be a holiday, it shall be posted the very next working day.
- e. Types of Meetings
- i. Regular Council Meetings

1. Council shall hold its regular monthly meetings at its Local Government Office on the first Wednesday of the month starting at 6:00pm. If that Wednesday is a holiday, the meeting shall be held on the following day of the week that is not a holiday. Notice of the regular meeting shall be posted to the Fundy Shores Website a week in advance. Should an alternative location be used, a notice shall be placed in accordance with the Local Governance Act of New Brunswick.
2. Regular Council meetings are used to dispatch the business of the community.
- ii. Committee of the Whole Meetings
 1. A Committee of the Whole meeting is scheduled for the third Wednesday of the month at 6:00pm at the Local Government Office. If that Wednesday is a holiday, the meeting shall be held on the following day of the week that is not a holiday. Notice of the Committee of the Whole shall be posted to the Fundy Shores Website a week in advance. Should an alternative location be used, a notice shall be placed in accordance with the Local Governance Act of New Brunswick.
 2. No motions are made at the Committee of the Whole.
 3. Committee of the Whole is an opportunity for Council to get together to discuss the current projects or programs of the day and any progress thereto.
- iii. Special Council Meetings
 1. A Special Meeting of Council is called, when the business to be discussed is time sensitive and cannot wait until the next regularly scheduled meeting of Council.
 2. The Mayor or a Majority of Council upon written petition, may, at any time, call a Special Meeting of Council on twenty-four (24) hours notice to the Clerk and its members.
 3. The notice of any special meeting shall be circulated in writing to the member of Council by the Clerk identifying the topics to be discussed, additionally the notice shall be posted to the Fundy Shores website.
 4. Council shall not transact any business at a special meeting except matters specified in the notice, unless ALL members of Council vote unanimously to discuss the matter.
- iv. Emergency Council Meetings
 1. The Mayor or Deputy Mayor may, when deemed necessary call an Emergency Council Meeting in the event of a public emergency in relation to the Emergency Management Act of New Brunswick.
 2. An Emergency meeting shall be considered a special public meeting, expect that time requirements for notice of special meetings shall not apply, and the only item to be considered that of the emergency at hand.
 3. The Clerk attempt to post the information to the local government website if possible, however notice is not necessary in the case of an

emergency, however, the business discussed must be publicly available within seven (7) days following the meeting.

f. Open & Closed Meetings

- i. Subject to section 68(1) of the *Local Governance Act*, SNB 2017, c18, which describes those circumstances in which a meeting may be closed, all meetings of Council and Committees of Council shall be open to the public.
- ii. If a meeting is closed to the public, a record shall be made containing only the date of the meeting and the type of matter discussed under section 68(1) of the *Local Governance Act*, SNB 2017, c18. If a meeting is closed to the public, no decisions shall be made with the exception of decisions related to:
 1. Procedural matters;
 2. Direction to an officer or employee of the local government, or directions to a solicitor for the local government.

7. Electronic Meetings

a. General Intent

- i. Council Meetings of all types are ordinarily intended to be held in person. However, it is recognized that circumstances such as illness, travel, or other commitments may make it impractical for in-person attendance.
- ii. Subject to subsection 8.e, a member of Council may attend a meeting of Council by electronic means, in accordance with the *Local Governance Act* of New Brunswick, provided that the technology used:
 1. Allows all Members to hear and speak to each other; and
 2. In the case of an open meeting to the public, allows the public to hear the participating Member(s).
- iii. Fully Electronic Meetings – Exceptional Circumstances
 1. Only in exceptional or extraordinary circumstances – such as a mandatory federal or provincial order related to health, safety, or security and/or;
 2. An extreme weather-related event – as determined by Mayor or in their absence the Deputy Mayor;Council may conduct any type of meeting by fully electronic means. In such cases, Public Notice will be provided in accordance with the sections 69 (7) and 70 of the *Local Governance Act*, SNB 2017 c 18.

b. Notice of Electronic Participation

- i. A Member intending to participate a meeting electronically must provide sufficient notice to the Clerk to:
 1. Ensure the relevant meeting materials are delivered in the Member in advance
 2. Confirm the availability of suitable electronic communication methods; and
 3. If applicable, allow time for the public to be notified of the electronic participation.

c. Closed Session Participation

- i. If a Member is participating electronically to a meeting that is closed to the public, they must at the start of the meeting confirm that they are alone and that confidentiality can be maintained.

- d. Attendance Status
 - i. Any member participating electronically in accordance with this by-law shall be deemed present at the meeting.
- e. Public Notice
 - i. Public notice of the use of electronic means for meetings shall be provided in accordance with the Local Governance Act, SNB 2017, c 18.
- f. Limitations
 - i. Except in the case of illness and/or disability, or with the authorization of Council, by motion, a Member shall not participate in meetings of Council by electronic means, more than 3 times during a calendar year.

8. Quorum

- a. A quorum of Council is a majority of the members elected to Council. At a minimum four (4) members must be present to call the meeting to order.
 - i. Should a meeting fall below quorum due to a conflict of interest during a meeting, Council shall follow procedure outlined in the Local Governance Act.
- b. A quorum must be present to call all meetings of Council to Order. If quorum is not present after fifteen (15) minutes, the Clerk shall record the names of the Council Members present and the meeting shall stand adjourned until the next scheduled meeting or the scheduling of a special meeting of Council to dispatch the business of the Community.
- c. If a Member knows in advance of the meeting, that they will be unable to attend the meeting, the Clerk should also be advised; and if this notice is given to the Clerk at least twenty-four (24) hours in advance of the meeting, and it is determined by the Clerk that as a result of the non-attendance there will be no quorum, the Clerk is authorized to advise the Members the meeting is cancelled and is authorized to advertise on the Fundy Shores website the postponement of the meeting.

9. Presiding Officer

- a. The Mayor shall preside over all meetings of Council. If the Mayor is unable to chair the meeting, the Deputy Mayor shall act as the Chair for the meeting. If the Deputy Mayor is also absent from the meeting, then a Member shall be elected by a majority vote of Council to act as the Chair for that meeting.
 - i. If the Chair is other than the Mayor or Deputy Mayor, they shall preside over the meeting until the arrival of the Mayor or Deputy Mayor (as the case may be), at which time the chair shall be turned over to the Mayor or Deputy Mayor.
- b. The presiding officer, whether the Deputy Mayor, or elected by Council to act in the absence of the Mayor and Deputy Mayor, shall have the same authority, subjected to Act, which presiding over the meeting.

10. Order of the Day (Agenda)

The business of the day shall be dispatched in the following order unless agreed upon by Council to alter the order of business:

- a. Regular Council Meeting
 - Call to Order
 - Roll Call

Declaration of Conflict of Interest
Additions, Deletions or Approval of the Agenda
Approval of the Minutes
Presentations to Council
Old Business
Business Arising from the Minutes
Departmental Reports
Standing Committee Reports
Correspondence
Approval of Payments
Approval of Accounts
New Business
Open Session
Closed Sessions
Next Meetings
Announcements
Adjournment

b. Committee of the Whole

Call to Order
Roll Call
Declaration of Conflict of Interest
Presentations to Council
Projects or Program Updates
Business Reports
Adjournment

c. Special Council Meeting

Call to Order
Roll Call
Declaration of Conflict of Interest
Addition, Deletion or Approval of the Agenda
Business
Adjournment

d. Emergency Council Meeting

Call to Order
Roll Call
Declaration of Conflict of Interest
Addition, Deletion or Approval of the Agenda
Business
Adjournment

11. Admitting Members of the Public Before Council (Scheduled Public Presentations)

- a. Any person, persons or delegates requesting to address Council may be entitled to address Council on a matter of local government jurisdiction. Request to appear before Council shall be made to the Clerk in legible writing (written, printed, typed or emailed) without the use of obscene or improper language. The request must

include the Sender's Name, Contact Information, Civic Address, Presenter's Name if different from the Sender, Subject Matter to be Discussed and supporting documentation to be presented to Council.

- b. Application must be submitted by noon no later than a week in advance of the scheduled meeting (Regular Council or Committee of Council).
- c. Scheduled public presentations shall be no longer than 20 minutes, unless it is persons speaking on behalf of an organization and/or consulting firm commissions by Fundy Shores Council to perform certain studies, projects and/or works. They shall be permitted the time necessary to make presentation to Council if needed to go beyond 20 minutes.
- d. Notwithstanding above section, Council by majority vote, may allow or deny anyone or organization to address Council for whatever time period stipulated in the motion.
- e. When, in the opinion of the Chair of the meeting, a member of the public is guilty of improper conduct at a Council Meeting, the Chair may require that person to leave the meeting forthwith. In accordance with the Code of Conduct Policy for Public Presentations to Council.
- f. These presentations and the information provided before hand are to prepare Council, if they wish, to ask clarifying questions regarding the information provided not to enter into debate with the presenter.

12. Admitting Members of the Public Before Council (Open Session)

- a. An open session during a Council meeting shall be limited to a total 10 (ten) minutes in duration, unless extended by the affirmative votes of the majority of the Council Members present.
- b. Each member of the public may have (3) three minutes during the Open Session to address Council regarding items on the agenda for the meeting, unless prohibited elsewhere in accordance with this by-law or other enactments extended to Council.
- c. A member of the public wishing to address Council must do so in accordance with the Code of Conduct Policy for Public Presentations to Council and also start their presentation by stating their name and local address.
- d. A Council Member may ask or answer a question of the member of the public who is addressing Council, but must not enter into a debate.
- e. The presiding officer may refer members of the public to the appropriate member of Council, department head or other public body for response.

13. By-Laws

- a. Proposed by-laws shall be provided no later than forty-eight (48) hours in advance of a Council meeting, unless it is resolved by a majority affirmative vote of the Council members present at the meeting it is being presented.
- b. All other matters related to the dispatching of by-laws shall be done in accordance with the Act and Regulations of the Province of New Brunswick.

14. Motions

- a. Council may debate and vote on a motion only if it first made by one Council Member and then seconded by another.
- b. Any motion without a seconder, is defeated.

- c. After a motion has been seconded it shall be deemed to be in the hands of Council but the mover may, with the permission of the seconder, withdraw the motion at any time before the decision or amendment.
- d. Council may make only the following motions, when considering the question:
 - i. To refer to committee or staff;
 - ii. To amend;
 - iii. To lay on the table (to set the motion aside temporarily for consideration later in the same meeting);
 - iv. To table under the next meeting;
 - v. To postpone indefinitely;
 - vi. To move the previous question;
 - vii. To adjourn;
- e. A motion made under subsection d iii to vii is not amendable or debatable.

15. Limits of Debate

- a. Once a motion is made and seconded, the mover shall have the privilege to speak first during the debate and at closing the debate prior to the vote of Council.
- b. A member of Council may, at any time during the debate, request that the question, motion or matter under discussion be clarified or restated.
- c. Members should follow the decorum of normal debate by being brief, confining remarks to the question before them, refraining from personal attacks, always being courteous and not speaking until being recognized by the Chair.
- d. A Member of Council may speak more than once in connections with the same question only:
 - i. With permission of Council, or
 - ii. If the Member is explaining a material part of a previous speech without introducing a new matter.

16. Voting

- a. Every member of Council present, who has not withdrawn from the meeting room while the matter is under consideration or put to a vote due to a conflict of interest, shall announce their vote openly and individually and the Clerk shall record it.
- b. No vote shall be taken by ballot or by any other method of secret voting. Any vote taken in such a manner shall be of no effect.
- c. A tie vote on any motion presented to Council is considered defeated.

17. Minutes

- a. The minutes shall be recorded without note or comment:
 - i. The place, date and time of the meeting
 - ii. The name of the presiding officer and the attendance of Council Members and staff
 - iii. The reading, if required, correction and adoption of the minutes of prior meetings, and
 - iv. All resolutions, decisions and proceedings of the Council without note or comment.
 - v. The name and vote of every member voting on a question;
 - vi. If a meeting is closed, a record containing only the type of matter being discussed under section 68(1) Local Governance Act, SNB 2017, c 18 and

the date of the meeting shall be made available to the public, pursuant to section 68 (3) of the Local Governance Act, SNB 2017, c 18.

- vii. Every oral disclosure of a conflict of interest made during the meeting.
- viii. The taking of every oath and the making of every affirmation under section 58 of the Local Governance Act, SNB 2017 c 18.

18. Decorum & Deportment

- a. 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 matter be clearly stated by the member and, if applicable, ruled upon by the chair.
- b. No member or person attending the meeting may interrupt a member of Council who is speaking, except to raise a point of order or privilege.
- c. No Member or person attending the meeting may cause a disturbance, disruption or in any manner delay the conduct of the business at a meeting,
- d. Any member or other person permitted to speak on any matter during Council Meetings shall speak respectfully and free from disrespectful or offensive language.
- e. Comments made by an member or other person during Council Meetings shall be restricted to matters within the jurisdiction of Council.
- f. All members of Council shall follow the rules set forth in the Code of Conduct By-Law.
- g. Any person, at the discretion of the chair, may be required to leave the meeting who:
 - i. Breaches this by-law;
 - ii. Behaves in a disorderly manner, or;
 - iii. Uses threats or profane language in a debate.

19. Reconsideration

- a. No by-law, motions, questions, or other matters that have been disposed of by a majority vote at a Council Meeting shall be introduced for re-consideration at a Council Meeting prior to the expiration of 3 months from the disposal date, without a two-thirds (2/3) vote of Council present.

20. Public Hearings

- a. In the event that a Public hearing is required by statute, the hearing shall be held in accordance with the requirements set out in the applicable statute.

21. Communication on Behalf of Council

- a. The Mayor shall be the spokes person on behalf of Council's decisions and direction.
 - i. Personal opinions shall not be included in the capacity of Council's spokesman.

22. Committees

- a. Council may establish or abolish Committees of Council by a majority vote.
- b. The mandate of each Committee of Council must be recorded and approved by a majority vote of Council.
- c. Each Committee of Council shall include at least one member of Council.
- d. The Mayor, or their chosen delegate from Members of Council, shall be a member of each Committee of Council.

- e. Council shall, by a majority vote, appoint the remaining committee participants from the residents of Fundy Shores.
- f. Each Committee of Council shall appoint its own secretary, who shall record the minutes of the committee meetings and deliver said minutes to Council.

23. Other Procedural Matters

- a. When any matter or proceeding has not been contemplated by this by-law or provincial legislations, the most recent version of “Roberts Rules of Order” shall be used as a guide.

24. By-Law Repealed

- a. By-Law Number A-2-2022 “A Procedural By-Law for the Council of the Rural Community of Fundy Shores” is hereby repealed.

25. Effective Date

- a. This by-law comes into effect on the date of final reading and enactment thereof.

Reading for the First Time by Title: February 4, 2026

Read for the Second Time by Title & Summary: March 4, 2026

Read for the Third Time and Enacted: April 1, 2026

George (Denny) Cogswell
Mayor

Linda N. S. Brown
Chief Administrative Officer/Clerk