



**TOWN OF BURIN
TOWN COUNCIL MEETING
RULES OF PROCEDURE BY-LAW**

BY-LAW NO.:

BL-ROP-2026-003

ADOPTED BY COUNCIL ON:

MARCH 4, 2026

MOTION NUMBER:

202603-032

PUBLISHED BY AUTHORITY

Pursuant to the authority vested in it under the *Towns and Local Service Districts Act*, SNL 2023 T-6.2, Section 7(1)(a)., and all other powers enabling it, the following By-Law has been created by the Town of Burin and adopted to establish rules of procedure for Town Council Meetings.

1. TITLE

This By-Law may be cited as the Town Council Meeting Rules of Procedure By-Law.

2. INTERPRETATIONS

(a)"Act" means the *Towns and Local Service Districts Act*, SNL 2023 T-6.2

(b)"Council" means the Town Council of the Town of Burin.

3. MEETING INFORMATION

Council meetings serve as the primary forum for elected municipal officials to discuss important issues, make decisions, and carry out the business of the Council.

In accordance with the *Towns and Local Service Districts Act*, all Council meetings shall be open to the public.

As per the Act, a Council meeting shall occur at least once a month for the dispatch of general business; and at other times that the town Council deems necessary. Meetings are called by the Town Clerk upon the request of the Mayor or upon the written request by any two Councillors.

A schedule of the regular meetings shall be approved annually by resolution of the Town Council and shall set out the date, time and place of the regular meetings. Special Council meetings shall be called by the Town Clerk upon the request of the Mayor or any two Councillors. Where a special meeting is called the Clerk shall give notice of the special meeting to all Councillors by delivering notice at least 24 hours before the time set for the meeting. In extenuating circumstances, where an in-person Council meeting is not possible, the meeting may be held remotely via video conferencing.

4. CONDUCT OF PUBLIC ATTENDING COUNCIL MEETINGS

Members of the public may only speak if their names or a delegation's name has been placed on the agenda. Delegation requests must be made no later than the Friday prior to the meeting they wish to attend. Delegations appoint a speaker or speakers and have up to fifteen (15) minutes of speaking time.

Cell phones and other personal communication devices should be either turned off or set to vibrate during the meeting and there is to be no speaking on personal phones in the chamber during the meeting. The Presiding Officer may dismiss and exclude from a meeting any non-Council member who is demonstrating improper or disruptive conduct.

Infractions of the above rules may result in the following actions:

- *First Infraction:* Warning from the Presiding Officer that further infractions will not be tolerated.
- *Second Infraction:* Violators are directed to apologize to the Mayor, Councillor(s) or others attending the meeting. If they refuse, they must leave the meeting / Town Hall. If they refuse, Council may adjourn the meeting and request that law enforcement remove the person.
- *Third Infraction:* Violators are ordered to leave the meeting room / chambers and Town Hall. If they refuse, Council may adjourn the meeting and request that that law enforcement remove the person.

5. COUNCIL ATTENDANCE

As per the *Towns and Local Service Districts Act*, Councillors are expected to attend all regular public meetings of Council. The office of a Councillor may become vacant if meetings are not attended for three successive months. Attendance is recorded at each meeting and is included in the minutes.

In addition to the Mayor and Councillors, the Town Manager, Town Clerk and Department Heads (Directors) shall regularly attend public council meetings. Other management and staff may attend meetings of Council as requested. The Town Manager or a Department Head may delegate another staff member to attend meetings in their absence.

As per the Act, a Council may allow a Councillor to participate in a meeting by electronic means. A Councillor participating in a meeting by electronic means is considered to be in attendance at the meeting.

6. COUNCIL CONDUCT AND DECORUM

Council shall maintain a high level of decorum and order during meetings, and all discussion should be carried out in a professional manner, respecting the rights and views of all.

Members must read, understand, and act in accordance with all applicable Town Policies, including the Code of Conduct – Council Policy based on the Municipal Conduct Act, 2021. Any speaker who has the floor should not be interrupted by another. Inappropriate language and personal attacks are not tolerated and may lead to expulsion from the meeting by a majority vote. In the case of the exclusion of a member, an entry is made in the minutes of the reason for exclusion. Any Councillor expelled from a meeting may be permitted, by a majority vote of Council at the meeting in progress, to resume their place after making an apology to the Presiding Officer and other Councillors.

Business attire is the dress standard for council meetings. All are asked to be mindful of mobile device use during meetings and limit use to essential communications. Devices should be either turned off or set to vibrate. No phone voice conversations are to take place in the chamber during the meeting.

7. PREPARATION FOR MEETINGS

Before each council meeting, the agenda, minutes of the previous meeting, and any memos and relevant background information is distributed to Council. Councillors are expected to read all material prior to each meeting to prepare to deal with issues and to engage in informed discussion.

8. AGENDAS

Prior to each council meeting, the Town Manager and Town Clerk prepares and distributes an agenda of all business to be brought before Council.

The final agenda is internally distributed on the Friday prior to the meeting. Typical agenda items for Public Meetings of Council include Call Meeting to Order, Adoption of the Agenda, Adoption of Minutes, Business Arising from Minutes, Business as it relates to Committees of the Whole (Council Leads), Permit Applications, Correspondence, New Business, Notice of Motions and Adjournment.

9. MINUTES

Minutes are an accurate record of what was decided at council meetings, including who voted for and against a motion or resolution. Minutes of each meeting are recorded by the Town

Clerk or a designate. In order of action, Council minutes typically contain the: date and place of the meeting; the time at which the meeting was called to order; a record of attendance, including the time when individual Councillors arrived or left; exact wording of all motions and resolutions put before Council; the names of the mover and seconder of each motion or resolution; the names of Councillors in favour, against, or abstaining on a motion or resolution and any declaration of a conflict of interest by a member of Council and a record of that Councillor leaving the meeting proceedings while the matter is under discussion; and the time of adjournment.

The minutes for council meetings only reflect proceedings of the meeting and not what was said by individual Council members. The minutes of each meeting shall be circulated with the agenda for the meeting at which they are to be adopted.

10. PRESIDING OFFICER

The Mayor, or in their absence, the Deputy Mayor, shall preside at all public council meetings. The Presiding Officer is responsible for calling each meeting, maintaining rules of procedure, and ensuring rules are applied consistently and fairly. The Presiding Officer is subject to the direction and control of Council and must accept Council decisions.

The Presiding Officer may participate in the debate and vote on all matters before Council without relinquishing the chair. The Presiding Officer may make a motion but must vacate the chair to do so, and while the motion is being debated.

11. ENTITLEMENT TO SPEAK

The Council Lead shall have the first opportunity to speak to their item. Every member intending to speak on any matter shall signify their intent to the Presiding Officer and upon being recognized, shall only address the Presiding Officer. If two or more members raise their hand to speak, the Presiding Officer shall determine, as required, which member is entitled to speak first.

12. LENGTH OF DEBATE OR DISCUSSION

No member, without consent, shall speak for longer than five minutes at any one time or more than once on any motion or amendment thereto. The mover of a motion, however, may speak twice to open and close debate.

13. INTERRUPTIONS

When the Mayor or a Councillor is speaking, no others present shall hold private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain or ask a question. If someone wishes to explain a point or ask a question, they shall raise their hand without interruption and wait for the Presiding Officer to acknowledge them before speaking.

14. CALL TO ORDER

The Presiding Officer may call a member to order while debate is in progress. The debate shall then be suspended, and the members called to order shall not speak again until the point of order has been decided. This occurs if a member has spoken over their five-minute time limit, if a member is speaking out of turn / inappropriately, or if a member is otherwise ignoring or disregarding other meeting rules of order.

15. QUORUM

A quorum is required at all times for council meetings. The majority of the number of Councillors in office constitutes a quorum for the purpose of voting.

If no quorum is present within 15 minutes of the communicated meeting start time, a record will be taken of those in attendance, and the meeting shall be adjourned until the next regular meeting. Where there are less than three Councillors in office, the minister may order that the remaining Councillors constitute quorum until an election, or a by-election is held to fill the vacancies.

Where one or more Councillors have declared conflict of interest and the number remaining is not sufficient to constitute a quorum, the number of Councillors remaining, where not less than two, shall be considered to constitute a quorum for purposes of discussion and voting or disregarding other meeting rules of order.

16. COMMENCEMENT OF PROCEEDINGS

Once a quorum exists, the Presiding Officer shall take the chair and call the meeting to order.

17. CONFLICT OF INTEREST

A Councillor shall not abstain from voting on an item unless the Councillor is required to abstain from voting because of a conflict of interest under the Municipal Conduct Act.

In accordance with best practices, Conflict of Interest is a standing agenda item at each meeting. Councillors are expected to have reviewed the agenda prior to the meeting and declare potential conflicts before the start of business at each meeting.

As per the Municipal Conduct Act, where a Councillor knows or ought reasonably to know that a Councillor has or could be in a perceived conflict of interest in a matter before the Council, the Councillor shall, where present:

- Declare the conflict of interest before any consideration or discussion of the matter.
- Disclose the general nature of the conflict of interest.
- Refrain from participating in any discussion relating to the matter.

- Refrain from voting on any question, decision, recommendation or other action to be taken relating to the matter.
- A Council member in conflict during a public council meeting may remain in the area designated for the public.
- Request that the Council vote on the potential conflict of interest.

A declaration of conflict of interest and the general nature of the conflict of interest shall be recorded in the minutes of the meeting. The Councillor shall not attempt, in any way, before, during or after the meeting, to influence the vote of other Councillors or any policy advice provided to the Council regarding the matter.

Where one or more Councillors abstain from an item and the number of Councillors remaining at the meeting is not sufficient to constitute a quorum, the number of Councillors remaining, not less than two, shall be considered to constitute a quorum for purposes of discussion and consensus on the matter being considered by the Council.

Where Council determines that a Councillor does not have a conflict of interest, and a complaint is subsequently filed under the Municipal Conduct Act, and it has been determined that there was a conflict of interest, the Council may invalidate the decision of Council in which the Councillor acted in a conflict of interest but shall not impose any other penalties against the Councillor.

18. CORRECTIONS TO MINUTES

If Council is of the opinion that the minutes contain no errors or omissions, a motion to adopt the minutes shall be passed. If any member of the Council wishes to object to any portion of the minutes taken during the preceding meeting, that member shall state the grounds of objection. The minutes may then be adopted as corrected. Adopted minutes must not be changed after adoption. Once adopted, the minutes are public records and are posted to the Town website, and available by request.

19. MAIN MOTION: INTRODUCING BUSINESS

All business is introduced by a motion. A motion, or resolution, is a formal proposal that is discussed and voted on at a meeting. Motions must be moved and seconded before being discussed. If a seconder is not found, the motion cannot be discussed, and the meeting is to move on to other items of business. If another motion is on the floor, only procedural motions (Section 26) may be moved.

20. ADDRESSING THE MOTION

Members of the Council shall address their remarks to the Presiding Officer and confine themselves to the motion.

21. WITHDRAWAL OF MOTIONS

When a motion has been moved and seconded, it cannot be withdrawn except with the permission of Council and the mover and seconder, and then only before a decision has been taken or an amendment has been made.

22. QUESTION OF PRIVILEGE

A Councillor may raise a question of privilege at any time and no seconder is required. The Presiding Officer rules on whether the point is of privilege and normally, no vote is taken.

23. REREADING OF MOTIONS

Any member of the Council may request any question or motion under discussion be reread for information and clarity anytime another member is not speaking.

24. POINT OF INFORMATION

A motion is used to seek information from the speaker or the Presiding Officer, it is also used to interrupt a speaker to get or correct information. No seconder or vote is required.

25. PROCEDURAL MOTIONS

These Rules of Procedure contain provisions about which motions have precedence (i.e., which take priority over others) and when they can be made. The following are motions that deal with how the Council conducts business, rather than the substance of the issues. These are subject to the general rule of not interrupting a speaker. In order of precedence, procedural motions include:

(1) MOTION TO ADJOURN

A motion to adjourn is always acceptable unless a member is addressing the chair, a vote is being taken, or it has been decided that the previous question shall be taken. A motion to adjourn the meeting or the debate cannot be amended and is not debatable. However, a motion to adjourn the meeting or the debate to a given day may be amended and is open to debate.

(2) LAY ON THE TABLE

This motion is used to postpone discussion on an item in order that another pressing piece of business may be considered. A Councillor might move that the item under discussion to be laid on the table until after the pressing business is considered, then discussion on the original business resumes through a motion to take up from the table. The mover states the reason to lay on the table in the motion and the Presiding Officer decides whether it is appropriate to do so.

(3) PREVIOUS QUESTION

The purpose of this motion is to end the debate and to force an immediate vote. If this motion passes, all debate on the motion ends, and it is put to a vote. The previous question motion should state whether it applies only to the most recently moved amendment or to the main question and all amendments. Each amendment is voted on in turn and then the main question (as amended if any of the amendments have passed). If the motion of previous question fails, then discussion resumes on the original motion or amendment.

(4) POSTPONE TO A CERTAIN TIME

This motion is used to postpone further discussion of an issue until a certain time. The Town Clerk, or a designate, keeps track of postponements and places them on the agenda at an appropriate time. This motion must be seconded and debatable.

(5) MOTION TO COMMIT OR REFER (TO COMMITTEE OF THE WHOLE)

A motion to commit or refer is used in situations where Council feels that further study is required, typically at the Committee of the Whole level, on a matter before a decision is taken. The motion may specify a time limit by which the matter should be reported to Council. This motion must be seconded and is debatable.

(6) POSTPONE INDEFINITELY

The intent of this motion is to indirectly end a question. A motion to postpone indefinitely shall not be amended, and when any question before Council has been postponed indefinitely, it shall not be taken up again during the same meeting. This has the lowest precedence among the procedural motions, and it is advised that it is used very sparingly. This motion must be seconded and is debatable.

26. MOTIONS DURING DEBATE

When there is a question under debate, the following motions can occur, in the order listed, with the higher-ranking motion taking precedence over a motion listed lower:

- Motion to move the previous question,
- Motion to limit or extend the limit of debate,
- Motion for referral or commitment,
- Motion to amend, and
- Motion to postpone indefinitely.

27. VOTING

A motion before the Council shall be decided by a majority vote of the Councillors in attendance at the meeting except where a vote of 2/3 of the Councillors in office is required as specified in the Towns and Local Service Districts Act and in Appendix B.

A Councillor shall not abstain from voting on a motion before the Council unless the Councillor is required to abstain from voting because of a conflict of interest under the Municipal Conduct Act.

Where one or more Councillors abstain from voting on a motion due to provisions under the Municipal Conduct Act, and the number of Councillors remaining at the meeting is not sufficient to constitute a quorum, the number of Councillors remaining, where not less than two, shall be considered to constitute a quorum for purposes of discussion and voting on the matter being considered by the Council. In accordance with Section 44 (5) of the *Towns and Local Service Districts Act*, except in cases of conflict of interest, where there is a tie vote on a motion, the motion is defeated.

28. RECORDING OF THE VOTE

The minutes of a Council Meeting shall indicate the name of each Councillor who did any of the following: (a) voted for and against a motion (b) abstained from voting on a motion; or (c) was absent from the meeting.

29. RECONSIDER ACTION

Any question, except one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given. If the Notice of Motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion. This motion is typically only used infrequently, in cases where there has been a vote on a motion that a member would like to be reconsidered. It may only be used in the same meeting that the decision was made and must be enacted by the members who voted on the prevailing side of the motion.

30. APPEAL A POINT OF ORDER

The decision of the Presiding Officer on a point of order is subject to an appeal to Council, which is to be decided by majority vote and the item is debatable.

31. REVIEW AND AMENDMENTS

All sections of these Rules and Governing Procedures have been developed in accordance with the *Towns and Local Service District Act, 2023* and Municipal Conduct Act, 2022.

This document is reviewed as required following new information or knowledge. In cases where this By-Law does not address specific situations at council meetings, the most recent edition of Robert's Rules of Order shall apply.

32. PUBLICATION

This By-Law was published on the Town of Burin website in 2026.

33. COMING INTO EFFECT

Under the *Towns and Local Services Districts Act*, Section 12, this By-Law came into effect once adopted by Motion of Council (**Motion #202603-032**), voted on by a majority of the Councillors in attendance at the Town Public Council meeting on **March 4, 2026**.

According to Section 7 (2) of the Act, notwithstanding Section 7 (1)(a), the Minister may make regulations prescribing matters required to be included in the Town's rules of procedure referred to and the rules of procedure shall comply with the regulations made by the Minister.

IN WITNESS WHERE OF the Seal of The Town of Burin has been here unto affixed, and this By-Law has been signed by the Town Manager and Mayor on behalf of the Council.

Town Manager: Leo Hartson

Date: March 4, 2026

Mayor: Kevin Lundigan

Date: March 4, 2026



**APPENDIX – TOWNS AND LOCAL SERVICE DISTRICTS ACT - MOTIONS
REQUIRING 2/3 VOTE**

Section	Explanation
Town Manager	<p>58. (1) A Town Council may establish the position of Town Manager and may, by a vote of 2/3 of the Councillors in office, appoint a person as Town Manager.</p> <p>(2) Where the position of Town Manager is vacant, or the Town Manager is unable to carry out the Town Manager's duties, the Town Council may appoint a person to act as Town Manager, and the acting Town Manager has and may exercise the powers and shall carry out the duties of the Town Manager.</p>
Clerk	<p>66. (1) A Town Council shall, by a vote of 2/3 of the Councillors in office, appoint a Town Clerk.</p> <p>(2) Where the office of Town Clerk is vacant, or the Town Clerk is unable to carry out the Town Clerk's duties, the Town Council shall appoint a person to act as Town Clerk.</p> <p>(3) The acting Town Clerk may exercise the powers and shall carry out the duties of the Town Clerk.</p>
Suspension of CAO / Clerk / Director	<p>73. (1) Where a Town Council is of the opinion that the Town Manager, Town Clerk or a department head has engaged in misconduct, the Town Council may, by a vote of 2/3 of the Councillors in office, suspend the Town Manager, Town Clerk or department head for a period which the Town Council may determine.</p> <p>(2) A Town Council may determine, by a vote of 2/3 of the Councillors in office, if a suspended Town Manager, Town Clerk or department head is to receive a salary during the period of suspension or any portion of the period of suspension.</p>
Dismissal of CAO / Clerk / Director	<p>74. (1) A Town Manager, Town Clerk or department head may be dismissed by a vote of 2/3 of the Councillors in office.</p> <p>(2) Councillors shall not hold a vote on a motion to dismiss under subsection (1) unless</p> <p>(a) a written notice of the Town Council meeting signed by the Councillors intending to make and second the motion is provided to the Town Clerk or mayor; and</p> <p>(b) a copy of the notice addressed to the person who is the subject of the motion is served on the person personally or by leaving it at the person's last known address at least one week before the date of the Town Council meeting at which the motion to dismiss is to be made.</p>

<p>Expenditures in Excess of Budget</p>	<p>87. (1) A Town Council shall not, without authorization by a vote of 2/3 of the Councillors in office, incur, enter into, contract, or become liable for, an expenditure or indebtedness in excess of the estimated amount of expenditure set out in the adopted budget or revised budget.</p> <p>(2) Where under subsection (1) the Town Council has incurred, entered into, contracted or become liable for an expenditure or indebtedness that substantially exceeds the estimated amount of expenditure set out in the adopted or revised budget, the Town Council shall within 30 days prepare and adopt a revised budget in the form set by the minister.</p>
<p>Powers of Expenditure</p>	<p>89. (2) A Town Council may, out of the funds at its disposal, and by a vote of 2/3 of the Councillors in office, provide a grant of money or an in-kind grant for Town purposes to any of the following on the terms and conditions that are determined by the Town Council:</p> <ul style="list-style-type: none"> (a) a charitable or non-profit organization or corporation; (b) a recreational, cultural, environmental, social or educational organization; <p>and</p> <ul style="list-style-type: none"> (c) any other organization or corporation if, in the opinion of Town Council, the grant will benefit its residents and assist in the social or environmental development of the tow.
<p>Exemption, Remission and Deferment</p>	<p>115. (1) A person may apply to a Town Council for, and the Town 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 the period of time that the Town Council determines.</p> <p>(2) A Town Council may determine the evidence which it shall require to warrant the exemption, remission or deferment.</p>
<p>Tax Agreements</p>	<p>116. A Town Council may, by a vote of 2/3 of the Councillors in office, enter into tax agreements and offer tax incentives which vary existing rates of tax.</p>
<p>Uncollectable Debts</p>	<p>148. (1) A Town Council may, by a vote of 2/3 of the Councillors in office, cancel or write off any arrears of taxes, fees, penalties or interest charges prescribed by law or specified in a resolution that, in the opinion of the Town Council, are no longer collectable by the person that is liable to pay them.</p> <p>(2) Where a Town Council cancels or writes off taxes, fees, penalties or interest charges under subsection (1), the amounts owing in relation to the taxes, fees, penalties or interest charges cease to be amounts owing to the Town.</p>

<p>Property Acquisition (\$500 or more)</p>	<p>190 (5) Notwithstanding subsections (3) and (4), a Town Council may, by a vote of 2/3 of the Councillors in office, accept an offer to sell or lease real property at less than the estimated fair market value, or accept an offer to sell or lease real property that is not the highest offer, where the purpose of the sale or lease is economic, social or environmental well-being.</p> <p>(6) Notwithstanding subsection (5), a Council may, by a vote of 2/3 of the Councillors in office, accept an offer to sell real property at less than the estimated fair market value where the sale is to the owner of adjacent real property and the real property is of minimal value to another person.</p>
<p>Disposition of Property (\$500 or more)</p>	<p>191. (1) Where the estimated fair market value of real or personal property is \$500 or more, a Town Council may, by a vote of 2/3 of the Councillors in office, accept an offer to dispose of the real or personal property at less than the estimated fair market value, or accept an offer to dispose of the real or personal property that is not the highest offer, where the purpose of the disposition is economic, social or environmental well-being.</p>
<p>Remuneration and Expenses</p>	<p>34. (1) Notwithstanding section 89, a Town Council may, in accordance with the regulations:</p> <p>(a) pay to the mayor, deputy mayor and other Councillors the annual or other remuneration that may be agreed upon by the Town Council as determined by a vote of 2/3 of the Councillors in office; and</p> <p>(b) reimburse the mayor, deputy mayor and other Councillors for reasonable expenses incurred by them in the conduct of Town business that may be agreed upon by a vote of the majority of the Councillors.</p>
<p>Plebiscites</p>	<p>49. (1) A Town Council may, by a vote of 2/3 of the Councillors in office, hold a plebiscite in the Town for the purpose of determining the views of the voters in the Town and may:</p> <p>(a) set the date for the holding of the plebiscite; and</p> <p>(b) define the question to be voted on in the plebiscite.</p>
<p>Wards</p>	<p>(2) Where the minister does not divide a Town into wards under subsection (1), a Town Council may, by a vote of 2/3 of the Councillors in office:</p> <p>(a) divide the Town into 2 or more wards;</p> <p>(b) define the boundaries of the wards; and</p> <p>(c) fix the number of Councillors to be elected for each ward.</p> <p>(3) A Town Council may, by a vote of 2/3 of the Councillors in office, vary or repeal the wards and their boundaries established under subsection (1) or (2).</p>
<p>Private Services</p>	<p>56. (1) A Town Council may, by a vote of 2/3 of the Councillors in office, contract to do work, supply goods or provide a service not authorized for the Town under this Act where it:</p> <p>(a) has equipment, staff or goods surplus to its needs; and</p> <p>(b) charges normal commercial rates for the work, goods or service.</p> <p>(2) Notwithstanding subsection (1), a Town shall not contract to do work, supply goods or provide a service where it would be in competition with a person that is located in the Town.</p>