

Municipal Council Meeting Guide

Introduction

This Municipal Council Meeting Guide is issued by the Minister responsible for the Municipalities pursuant to Section 7B of the Municipalities Act 1923. The Municipal Council Meeting Guide shall apply to any and all meetings of the Corporation of Hamilton, including but not limited to meetings of the Council and Committee meetings.

1. Definitions

1.1 The Act

The Act refers to the Municipalities Act 1923.

1.2 Acting Chief Operating Officer (“Acting COO”)

The Acting COO refers to the Treasurer or failing which the City Engineer in the event that the COO is absent.

1.3 Chief Operating Officer (“COO”)

The COO refers to the Chief Operating Officer of the Corporation.

1.4 Corporation

Corporation refers to the Corporation of Hamilton.

1.5 Committee

Committee refers to a committee of the Corporation comprised of such persons as are appointed by the Council from time to time together with the COO.

1.6 Council

Council refers to The Mayor, Councillors and Alderman of the Corporation.

1.7 Employee(s)

Employee(s) includes administrative employees, maintenance employees, landscaping employees, supervisors and managers of the Corporation.

1.8 Finance Committee

Finance Committee refers to the committee of the Corporation comprised of such persons as are appointed by the Council from time to time together with the Chief Operating Officer (“COO”) and Treasurer.

1.9 Meeting Guide

Meeting Guide refers to the Municipal Council Meeting Guide issued pursuant to Section 7B of the Municipalities Act 1923.

1.10 Members

Members refer to the Mayor, Alderman and the Common Councillors of the Corporation, all of whom are elected under the Municipalities Act 1923 and to whom the Meeting Guide applies.

1.11 Minister

Minister refers to the Minister responsible for the Municipalities.

1.8 Secretary

Secretary refers to the Secretary of the Corporation who shall at all times be the Chief Operating Officer.

Public Accountability

The Council is accountable to the people and public who elected them to office. The Council exercises its power and makes decisions for the municipality through the passing of resolutions. An action by the Council is not valid unless it is adopted by a resolution at a properly constituted Council meeting. A meeting is properly constituted if:

- Proper notice is provided to all Members;
- A quorum is in attendance;
- The proper authority is presiding over the meeting;
- The proper person is recording the minutes of the meeting; and
- The COO or Acting COO is present.

Open Meetings

Council and Committee meetings are to be conducted in public. Everyone has the right to attend meetings, unless they have been expelled for improper conduct by the Secretary. The Council and the Committees have limited authority to close meetings to the public to discuss certain items set out below.

Closed Meetings

The Council and the Committees have authority to close meetings to the public as they relate to the following items:

- Legal matters, including privileged legal discussions and enforcement of certain laws;
- Sales or purchase strategy;
- Personnel issues, including union negotiations; or
- Security of the property of the municipality;

The Council and the Committees shall use discretion when using closed sessions because too many closed sessions may lead to false impressions and suspicions. Open discussions, even the

uncomfortable ones, stimulate the free exchange of information with citizens and build trust between decision makers and the public.

To move into a closed session, Members must entertain a motion as follows:

“That this meeting be closed to the public for the discussion of [state matter]”.

Such a motion is debatable but not amendable and requires a majority vote. The minutes should reflect the time at which the meeting went into a closed session and the time the closed session ends.

Meeting Notice

Any meetings of the Corporation, whether Committee meetings, Council meetings or otherwise, shall be called providing at least seven (7) business days written notice of the meeting. Notice shall be provided by the Secretary to all Members or Committee members as appropriate. Any changes to the monthly General and Committee meetings should give seven (7) business days written notice of the change prior to the scheduled meeting date.

Agenda

The Agenda for all Council meetings shall be the responsibility of and be set by the Secretary in consultation with the Mayor. All recommendations from a Committee for resolutions or ordinance must be indicated on the Agenda posted. The Secretary shall ensure that the Agenda is posted on the Corporation Website and City Hall Notice Boards for the public no less than three (3) business days prior to the meeting. The Agenda posted must be signed by the Secretary in order to be valid.

The Secretary shall send all Members an electronic copy of the Agenda no less than three business days prior to the meeting.

At a minimum, the Agenda shall consist of the following items:

- Confirmation that Notice was duly given;
- Confirmation that a quorum has been established;
- Role of Chairman assumed;
- Chairman to open meeting;
- Apologies;
- Public Participation;
- Minutes of previous meeting tabled;
- Matters arising from the minutes;
- Committee Minutes, Reports and Recommendations; and
- Any Other Business.

Preparation

All Members shall attend meetings fully prepared with the appropriate meeting documentation to discuss agenda items, after having thoroughly read the supporting documentation.

Chair

The Mayor will be the Chairman of Council meetings and if unable to perform his duties due to illness or if overseas, the Deputy Mayor and then Senior Alderman will assume those duties.

Quorum

Pursuant to the Act, the quorum to conduct Corporation business is the Mayor, 2 Aldermen and 2 Councillors.

Any resolution must be passed by a majority of the Members to include two Aldermen and the Mayor.

Any ordinances must be passed by a majority of the Members and the Mayor or Secretary shall signify that it has been passed.

Quorum for Committee meetings established by the Council and the Finance Committee shall be one-half of those Members assigned by the Council to the given Committee.

Minutes

Minutes of both Council and Committee meetings shall be drafted by either a recording secretary or the Secretary, but in the event they are drafted by the recording secretary, copies of the minutes shall be provided within three (3) business days to the Secretary.

In addition, all Council and Committee meetings shall be digitally recorded and all written submissions shall be scanned and form part of the digital record of the meeting and shall be published on the Corporation website as part of the meeting minutes.

Speaking During Meetings

A Member may speak only when recognised by the Chairman and speak only once on a motion except as listed below. A Member must be standing while speaking. While a Member is speaking the other Members shall remain quiet, unless rising to a point of order or in personal explanation.

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate except:-

- in exercise of the right of reply to a question ;
- on a point of order to alter or withdraw a motion or amendment ;
- to second or to speak once on an amendment moved by another Member;
- if the motion has been amended since he or she last spoke, to move a further amendment.

A Member shall direct his or her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives to or use offensive expressions about any other Member.

If any Member, in the opinion of the Chairman as signified to the Council, misconducts himself or herself by persistently disregarding the rulings of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, or by tedious repetition or unbecoming language in his or her speech, the Chairman or any other Member may move "That the Member named be not further heard", and such motion if seconded shall be put and determined without discussion.

If the Member named continues his or her misconduct after a motion under the last previous paragraph has been carried, the Chairman shall either:-

(a) Move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or

(b) Adjourn the meeting of the Council for such period as he or she in his or her discretion shall consider expedient.

Opening the Meeting

The meeting begins after the Chairman declares the meeting opened.

The meeting is unable to begin until the Chairman declares a quorum to allow debates to be conducted and decisions to be voted upon. If a quorum cannot be declared within 30 minutes of the meeting's designated starting time, the meeting should be called again for a similar time and place at least seven (7) days later. If the Chairman has not taken the chair 15 minutes after the meeting was due to begin, the meeting should be chaired by the Deputy Mayor or Senior Alderman acting as Mayor.

Postponement or Halting of Any Meeting

The Chairman may postpone or halt any meeting where deemed necessary to do so. Notice of the new meeting shall be given and sent in accordance with the provisions set out herein.

Apologies

The first item of business is to confirm that notice of the meeting was duly given.

The second item of business is to list those unable to attend. The Chairman will request the Secretary to state the names of those Members who formally indicated that they were unable to attend the meeting.

Public Participation

The next item on the agenda is Public Participation. The time allowed for public participation will normally be 15 minutes in total. This time period may vary at the discretion of the Chairman with the consent of the meeting. The Chairman will ask the Secretary if there are any questions or comments from the public gallery. Although it is preferable for questions or details of the representation to be submitted to the Secretary prior to the relevant meeting, this is not required.

The Council wishes to encourage public participation during its meetings in order to use this as a means of obtaining the views of the public. However, the Council recognises that rules must control the manner of participation in order that the meetings may continue to operate effectively.

In allowing public participation the Council is aware that this forms only one means of seeking views of the public, and that no decisions other than undertaking further research or writing to relevant bodies can be taken at the meeting where the matter is raised unless it is already included in the agenda for that meeting.

Public participation provides an opportunity to ask questions and to make brief representations to the Council.

Any petition presented to Council will be received by the Secretary. Any further discussion with regard to the petition will be deferred to a future meeting unless already included in the agenda for that meeting.

The following rules must be observed for public participation at meetings.

1. Public participation will be an agenda item at every Council and Committee meeting.
2. Public participation provides an opportunity to ask questions or make brief representations.
3. Each Member of the public will be allowed a maximum of 3 minutes to speak. Any individual can only speak once in any meeting except to ask for clarification of a reply.
4. The Chairman will determine in what order Members of the public will be allowed to ask their questions.

In answer to questions about services, the Council or Committee will provide answers where possible at the meeting. If this is not possible a written response will be given to the questioner within 10 working days of the meeting by the Secretary on behalf of the Council.

Public participation forms part of the Council or Committee meeting and shall be minuted.

This is the only opportunity for the public to participate at a Council or Committee meeting. If, during the course of the meeting outside of the public participation item of the agenda, a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the person be removed from the meeting and may adjourn the meeting for such time as is necessary to restore order.

Minutes of the Previous Meeting

The Secretary will confirm that the Agenda and the minutes of the previous meeting have been forwarded to the Members electronically at least three days before the meeting and that the Members binders were also prepared 2 days before the meeting.

The Chairman then moves that the minutes of the previous meeting be accepted or adopted. If the Members do not agree that the draft minutes are accurate, changes may be suggested. The Chairman

should then ask the meeting to vote on those corrections. If there are only a few minor corrections, the Chairman may ask the Members to accept the minutes with the corrections. The vote to adopt the minutes can then go ahead on that basis.

It is not appropriate at this time to indulge in debates on decisions which were made at the previous meeting. Anyone who wishes to change a motion should wait until the same subject arises in the business of the current meeting or raise it in the part called "Any Other Business."

Matters Arising from Minutes of the Previous Meeting

Matters arising from the minutes of the Previous Meeting is next on the agenda and deals with any reports, pieces of information or other matters of substance that were requested at the previous meeting, which will be discussed during the Committee report time or Any Other Business unless directed by Council vote to the appropriate committee for further research and discussion with a recommendation to Council on the appropriate action to take.

Committee Minutes, Reports and Recommendations

Reports written for the meeting are tabled and debated, if the meeting wishes to do so.

Reports and submissions that have been written for the meeting or include information relevant to the work of the meeting are tabled and discussed.

A motion is required to be put that a report be received. This means that the report exists, as far as the meeting is concerned, and a discussion or debate may now take place on the contents, interpretation and recommendations of the report.

Motions are able to be put for or against the recommendations of the report or ask the author to consider further issues or reconsider issues on the basis of particular information.

A Member at a meeting can even put forward a motion to change the wording of a report or submission.

Any recommendations for resolutions or Ordinances from the committee meetings will be put forward as a motion by the committee chairman or designated Member of the committee. Motions put forward by committee will be considered as already proposed and seconded by a Member. Motions can still be amended, or deferred during the debate.

Committee Items listed on the agenda are then put forward for discussion and debated. The debate usually begins with the Chairman calling on someone to move a motion. In the case of motions on agenda items not brought forward by Committee, will consist of motions that are moved and seconded by Members at the meetings. A seconder is another Member who agrees that a motion should be debated.

Motions that suggest methods of resolving issues are put forward and to a vote. Once the motions receive a simple majority, or a majority as defined under the Act prior to May 2015, they become resolutions. Sometimes amendments to a motion are put forward. Only after the amendments are debated and voted upon can the revised substantive motion be brought to the vote.

No motion to rescind any resolution passed within the preceding three months and no motion to the same effect as one which has been rejected within that period shall be proposed unless at a meeting subsequent to the meeting at which such resolution or rejection was agreed a Member moves for consent to propose his or her motion and obtains a majority of those Members present at the meeting, in which case notice of the motion shall be inserted in the Agenda for the next general meeting of the Council.

Voting on a Motion

When the discussion has been sufficient and all those who wish to speak have done so or have been encouraged to do so the Mayor may ask the Secretary to read the motion before asking for a vote. This step ensures all Members are fully aware of the motion before them particularly if there has been significant debate on the question.

Recorded Votes

Any Member may request a recorded vote on a motion before the meeting. The request for a recorded vote must be made before Members actually vote on the question. It is not necessary to provide a reason for the request. The Secretary will record the manner in which each Member votes not just the Member who requested his or her vote to be recorded.

Defeated Motions

When a motion is brought to a vote and it fails to secure support from a majority of attending Members it appears in the minutes as a defeated resolution. Members may reconsider the item at the same or a subsequent meeting if a majority of the Members vote to do so.

Withdrawing a Motion

The mover may request the withdrawal of the motion prior to Members voting on the matter. The Mayor will ask if there is any objection to the withdrawal of the motion. Withdrawal is automatic if there are no objections. The minutes reflect the motion as withdrawn. If a Member voices an objection the Mayor may put the matter to an informal vote. A simple majority allows withdrawal of the motion. Withdrawing motions occurs in their voting order meaning withdrawal of an amendment occurs before withdrawing the main motion. To do otherwise will leave the amendment on the table without a main motion.

Any Other Business

When all items on the agenda have been debated, the Chairman may call for items not listed on the agenda.

It is at this point, that Members are able to raise issues they feel are important. These include any items which were not listed on the agenda.

No motions or votes should be taken on any issue not listed on the Agenda the items should be raised for informational purposes only. Extremely important or complex issues should not be raised unannounced during this part of the meeting. If an urgent matter must be dealt with by the meeting, the Chairman should be informed before the meeting begins so that the Agenda can then be revised before the meeting is due to begin.

If the Chairman feels that any of the issues brought up for discussion are too complex or troublesome, he may call for another meeting to discuss the issue or alternatively, put it on the Agenda for the next scheduled meeting.

Close of Meeting

Once all the issues have been put forward and discussed, the Chairman advises Members of the date and time of the next meeting. The meeting is then officially closed.