

PROCEDURAL & OPERATIONAL BY-LAWS

OF THE

PORTMORE MUNICIPAL COUNCIL

What is in This Procedure Rules?

It is organized in 3 sections:

Section 1

These bylaws are the Portmore Bylaws under the Municipalities Act. The Portmore Municipal Council under the Municipalities Act adopts these as the bylaws.

Section 2

Sets out the procedural and operational By-Laws of the Council. The By-Laws start on page 7 and they interpret local authorities rules of debate and procedure for the conduct of meeting of the full Council; it also indicates where these rules apply to committee meetings. Also sets out in a separate document are new proposals to be considered by individual councils to adopt as part of their rules procedure, this is indicated as new contents table.

Section 3

This section details the new procedural rules proposed to the local authorities to adopt as an enhancement to the existing rules of procedure. These By-Laws are set out in the document titled “Duties of Officers and Employees By-Laws’.

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SECTION 1

Summary and Explanation

The purpose of this section is to set out some background explanation on how the Council wants to lead its civil society.

Leadership

Leadership places a duty on all local authorities to explore good governance i.e. a more open, transparent and accountable approach to organizing their statutory duties. The aim is to help local authorities to provide clear leadership; make effective and efficient decisions; identify clearly those responsible for decision-making and make them accountable to their citizen; and assist in making local authorities strong institutions to aid delivering the right services to their respective communities.

The Portmore Municipal Council has agreed to the following objectives:

- a) To provide for efficient and accountable management of the affairs of the Municipality of Portmore
- b) To institute such measures as are necessary for ensuring that the management of the affairs of the Municipality are conducted in a manner, which is responsive to the needs and aspirations of the inhabitants of Portmore.
- c) To provide governance mechanism which will enable the inhabitants of Portmore to:
 - ✓ Participate in determining the social services and regulatory framework which will best satisfy their needs and expectations; and
 - ✓ Verify whether public resources and authority are utilized or exercised, as the case may be, to their satisfaction;
 - ✓ To vigorously pursue the development opportunities which are available to Portmore and to institute such measures as are necessary for achieving public order and the provision of civic amenities, so as to enhance the quality of life of the inhabitants;
 - ✓ To provide a high standard of social services in a cost efficient manner for the inhabitants of Portmore; and
 - ✓ To promote social cohesiveness and a sense of civic duty and responsibility among all inhabitants and stakeholders in Portmore, in order to facilitate collective action and commitment towards achieving the goal of a harmonious and stable community.

Conditions of Operation

How the Council Operates

The Council is a body, comprised of 11 Councillors and a directly elected Mayor every 3 years. *For functions of the Mayor refer to the Municipalities Act, section 3.* Councillors are democratically accountable to residents of their [electoral divisions]. The overriding duty of Councillors is to the whole community, but they have a special duty to their electorate.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The [Standards Committee] trains and advises them on the code of conduct.

All Councillors meet together as the Council. Monthly general Council Meetings are opened to the public. Annually Councillors meet to decide the Council's overall strategic policies and to set the budget. Council prepares the budget, presents it to the PCAC and PCAC presents it to the public. A Chief Administrative Manager will be appointed in accordance with the Municipality Act 2003; once appointed; s/he will be under employment of the Council and will be responsible to serve the Council as a whole. The functions of the Chief Administrative Manager are outlined in the Duties of Offices and employees' By-Laws.

The Portmore Municipal Council shall within 60 days of its inauguration appoint the Portmore Citizens Advisory Council (refer to the Municipal Charter 7.1)

See page 5 of new proposal)

How Decisions are Made

The General Council is responsible for most policy-making decisions. The General Council is made up of the Chief Administrative Manager (Leader) and 11 of Councillors appointed by the Council. When major decisions are to be discussed or made, these are published in the General Council Forward Plan (see page 8 of new proposal document) insofar as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the General Council, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The General Council has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Civic Society Involvement in Committees

In order to give citizens a greater say in Council affairs 5 committees have been created or are in existence; these cover Finance, Disaster Preparedness, Infrastructure and Traffic Management, Planning Development and Environment and Community and Civic Affair.

This section will state the role of the area committees or other non-political organs e.g. National Advisory Committees if they so wish. They involve Councillors for each

particular area and are held in public. PCAC has representation on all committees excepting Finance and General Council and has voting rights excepting said committees.

The Council Staff

The Council has officers to give advice and make representation, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and Councillors in the Council. [For Duties of Officers refer to Employees By-Laws].

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in late projects. Some of these are legal rights, whilst others depend on the Council's own processes. The [autonomous organization that can advise on individuals' legal rights] or a solicitor can advise on individuals legal rights.

Citizens have the right to:

- Vote at local elections if they are registered;
- Contact their local Councillor about any matters of concern to them;
- Obtain a copy of their By-Laws;
- Attend meetings of the Council and are represented on its committees by the PCAC except where, for example, personal or confidential matters are being discussed;
- Contribute to the Council's policy review and scrutiny through the Portmore Citizens Advisory Council
- See reports and background papers, and any record of decisions made by the General Council;
- Express their concerns to the Council about any matter within the Council's control;
- Seek redress through PCAC, then Minister then with the Ombudsman e.g. Office of the Public Defender and the Contractor General (or a similar body) if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- Make contact with the Standards Committee (or a similar body) if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- Request to view the Council's financial reports and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Chief Administrative manager at the Portmore Municipal Council at the office located at 82-85 Portmore Pines Plaza, telephone 740-7440-1, fax 740-7521.

Section 2

Purpose of the By-Laws

These should relate to the community leadership agenda, to local democratic self-government and to improvement, quality and equality in service delivery. There may be other specific purposes relevant to each locality. See example below:

The purpose of the By-Law is to:

1. Enable the Council to provide clear leadership to the community in partnership with the citizens, businesses and the other organizations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Help Councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively;
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no will review or scrutinize a decision in which they were directly involved; (See s. 99 of the Parish Council Act); and
7. Provide a means of improving the delivery of services to the community from time to time.

NB *When the purpose of the By-Laws have been agreed and ratified, the local authority must ensure that subsequent procedures rules that follow reflect and deliver the statement of purposes. The purpose must therefore be given reality in the By-Laws rather than just be a set of verbose statements which have no connection with the operation of the Council.*

Interpretation and Review of the By-Laws

Where the By-Laws permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purpose stated above.

The Council will monitor and evaluate the operation of the Procedural By-Laws from time to time.

BY-LAWS

Power of the Council

The Council will exercise all powers and duties in accordance with the law and this By-Law.

The By-Laws

The By-Laws outlined in this document will be the procedural By-Laws for the Portmore Municipal Council and it will govern the conduct of Council and Committee meetings to ensure the management of Council business is fair and provides the citizens with quality and equality of services delivery.

These By-Laws shall be the responsibility of the chairperson/mayor to enforce, except that a resolution of a majority of the Councillors voting the By-Laws or any part of it may be suspended in an emergency to necessitate the efficient operation of Council business. The same majority vote will reinstate a new procedure to be followed. *See section on Purpose of the By-Laws p5.*

PART 1 – GENERAL

1. General Provision

The Portmore Municipal Council – in exercise of powers conferred on it by the Portmore Municipal Charter, the Municipalities and Parish Councils Acts, and every other power enabling, at a meeting of the Council held on [date], hereby adopts the following by-laws.

2. Short Title

These By-laws may be cited as the Portmore Municipal Council’s [Procedures and Operations] Bylaws, and will govern the conduct of Council and Committee meetings and the operations of the Council. The said By-laws shall come into effect as of....

3. Interpretation Clause

In these By-laws, the following terms shall have the meaning ascribed to them here-under:

- a. **“Annual Budget”** A statement of the estimated revenue inflows which the Council expects to receive, & the expenditures which it intends to undertake, during the course of any particular fiscal year.
- b. **“Chief Administrative Manager”** refers to the Manager of the Council, appointed in accordance with section 7 of the Municipalities Act.
- c. **“Council”** means the Portmore Municipal Council.
- d. **“Co-opted member”** means a person, other than an elected member of the Portmore MC, who is appointed to serve on a Committee/Sub-Committee of the Council, in accordance with provisions of the Parish Councils or Municipalities Acts, or the Charter of the Municipality.
- e. **“Exempt Information”** means the information contained in exempt documents as defined in part III of the Access to Information Act.
- f. **“Interest”** includes pecuniary or personal interest in any contract or other matter in which the Councillor might potentially benefit depending upon the outcome of the Council’ deliberations.
- g. **“Minister”** refers to the Cabinet Minister of the National Government responsible for local government

- h. **“Point of Order”** means a point raised against any proceeding or motion that the Councillor believes is a violation of the rules.
- i. **“Privilege”** means the right of any Councillor to interrupt the proceedings of the Council in order to express a concern that the integrity of a Councillor has been called into question.
- j. **“Standing Committees”** mean the Committees of the Council established from time to time by the Council in accordance with the Parish Council’s Act, with such functions, powers and operational guidelines as the Council may deem necessary or appropriate to delegate to or confer or impose on any such Committee.

“Special Committees” mean Committees of the Council, as established from time to time by the Council in accordance with the Parish Council’s Act, to undertake any special or specific task or function, and to report their findings and/or make recommendations to the Council on the specific or special issues referred.

PART II – OPERATIONS

4. OPENING TIMES

The offices of the Council shall be located at 82-85 Portmore Pines Plaza or other such places as may be determined from time to time. The normal daily business hours of the Council shall be from 8:30 a.m. to 5:00 p.m. Mondays to Thursdays and 8:30 a.m. to 4 p.m. on Fridays, and shall be closed to the public on the weekends and public holidays, except otherwise approved by the Council.

5. THE COMMON SEAL

5.1 General

The Council shall acquire and maintain a seal, which shall only be affixed to a document pursuant to a resolution of the Council.

5.2 Custody and use of the Seal

5.3 The Chief Administrative Manager of the Council shall have custody of the Seal of the Council and shall be responsible for its safe-keeping and for ensuring that it is only be affixed to documents in accordance with the Act and this By-Law.

5.4 The Chief Administrative Manager shall ensure the Seal is stored in a secure location in the Council’s registered office.

5.5 It shall be the duty of the Chief Administrative Manager to affix the Seal, on the passage of a resolution of Council.

5.6 Notwithstanding, the Mayor acting on behalf of Council may authorize the Chief Administrative Manager to affix the Seal to a document and at the first opportunity have this action ratified by the Council.

5.7 The affixing of the Seal to a document referred to in Clause 4.1 shall be attested by mayor/deputy mayor or any such person acting on behalf of the aforementioned and Chief Administrative Manager.

5.8 Register of the Common Seal

5.9 The Chief Administrative Manager shall maintain a register in which all instances in which the Seal has been used is recorded.

The register shall contain the following information on each use of the Seal:

- i. The resolution which authorized the use of the seal;
- ii. The date of the Council meeting that authorized the attachment of the Seal;
- iii. The date the seal was affixed;
- iv. A description of the instrument that the seal was affixed to;
- v. The names of the Councillors who attested the affixing of the seal;

5.10 The Chief Administrative Manager shall lay on the table of each Council Meeting, the extract of the transactions of the seal for each month.

6. PUBLIC PRESENTATION OF THE PROPOSED ANNUAL BUDGET OF THE COUNCIL

The Council shall, as part of its annual Budget Exercise, take such steps as are reasonable and feasible, to present for public information and comment, financial statements regarding expected revenue inflows and proposed public expenditures of the Council for the forthcoming fiscal year. Methods for effecting such information to the public may include, but is not limited to, presentations to the PCAC and/or public hearings or consultations with communities/civic organizations.

PART III – PROCEDURES

MEETINGS

7. INAUGURAL MEETING OF THE COUNCIL

7.1 Timing and business

Following a General Election of Mayor and Councillors of the Municipality, the Principal Returning Officer shall as soon as the results relating to these elections have been declared, shall notify the Chief Administrative Manager of these results, and they shall both jointly arrange the inaugural meeting of the Council, in the Council Chamber or at any suitable location in Portmore.

The inaugural meeting shall be at 12:00 noon on the first Thursday after the declaration of the election results. If such Thursday falls on a public holiday the meeting will be held on the next working day at 4 p.m.

The Inaugural meeting must include;

- a. Call to order by the Principal Returning Officer
- b. National anthem
- c. Declaration of Councillors by Principal Returning Officer
- d. Swearing in of the Mayor of Council;
- e. Election of the Deputy Mayor of Council
- f. Address by the Mayor
- g. Adjournment

8 REGULAR MEETINGS

8.1 Timing and business

There shall be regular monthly meetings of the Council to be held on the second Wednesday of the month, at 7 p.m., or at such other times as the Council may approve. Such meetings shall be held at the Council's Chamber, or in special circumstances, at another location in Portmore. If the date for a regular meeting falls on a public holiday, the Council shall by resolution, at a prior meeting of the Council approve an alternate date for the holding of the meeting, and shall publish the new date in the media.

8.2 Notice Summoning Councillors to Meetings

At least three (3) clear days notice shall be given to Councillors by the Chief Administrative Manager, of General Council Meeting. The minutes of the previous meeting shall be attached along with the Agenda for the next meeting, and should be left at their usual place of residence.

8.3 Meetings not Held

Where a meeting of the Council cannot be held for some factor that is beyond the control of the Council, the Mayor shall determine a new date and members notified within seven (7) days.

8.4 Order of Business

- a. The Chief Administrative Manager of Orderly shall announce the arrival of the Mayor, or Deputy Mayor – if he/she will be presiding. The Agenda may include the following.
 - i. Notice Convening Meeting
 - ii. Confirmation of Minutes
 - iii. Matters Arising
 - iv. Presentations
 - v. PCAC Segment
 - vi. Chairman's Announcements
 - vii. Correspondence
 - viii. Reports of Committees
 - ix. Seal Reports
 - x. Questions and Answers
 - xi. Petitions
 - xii. Notices of Motion
 - xiii. Any other Business
 - xiv. Adjournment

9 SPECIAL MEETINGS

9.1 Calling Special Meetings

A special meeting of the Council shall be convened by the Chief Administrative Manager on the direction of the following:

1. The Council by resolution;
2. The Mayor of the Council;
3. Any five Councillors of the Council if they have signed a requisition stating the reason, presented to the mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

9.2 Notice of Special Meeting

Notice of a Special Meeting of the Council shall be issued to all persons eligible to attend such a meeting, at least five (5) full working days before the convening of the meeting, and such notice shall specify the matters to be dealt with at that meeting.

9.3 Business

No business other than that stated in the notice summoning a Special Meeting shall be dealt with at such a meeting

9.4 Advisors to be Invited

Where the matter to be dealt with so requires, the Mayor/Council may invite professionals or expert advisors relevant to matters to be discussed.

10. GENERAL NOTICE OF MEETINGS

10.1 Public Notice

The Chief Administrative Manager will give notice to the public of the time and place of any meeting that is open to the public.

10.2 Notice of meeting

The Council will give at least seven (7) clear days notice of General Council to the Public and special meetings by posting details of the meeting through the most appropriate means of media communication.

10.3 Right to attend meetings

Members of the public may attend all general council meetings subject only to the exceptions outline in clause 25.

11. CHAIRING MEETING OF THE COUNCIL.

The Mayor shall chair all meetings of the Council. If however, after thirty (30) minutes of the time appointed for the start of the meeting the Mayor is not present, the Deputy Mayor shall preside. In the absence of both, the members present shall elect a chairman. The person presiding at the meeting shall exercise any power or duty of the Mayor. The acting chairperson shall relinquish the chair when either the Mayor or Deputy Mayor arrives.

12. QUORUM

The quorum for the General Council meeting is as set out at section 95 of the Parish Councils Act.

12.1 Absence of a quorum

If during the course of a meeting are to be convened within one hour of the stipulated time. If after one (1) hour of the appointed time for the start of the meeting there is no quorum, the meeting shall stand adjourned.

12.2 Quorum mid meeting

If during the course of a meeting it is brought to the attention of the chairperson that there is no quorum then the meeting shall immediately be adjourned. Matters not dealt with, will be considered at the next regular meeting.

The Chief Administrative Manager shall prepare and submit a report of all Council and Committee Meetings that have not been held due to the lack of a quorum and items that were not dealt with.

13 DURATION OF MEETING

Meetings shall be two (2) hours in the first instance. A motion for extension of the duration has to be moved for thirty (30) minutes in the first instance and then repeated at half hour intervals is necessary.

QUESTION TIME

14 QUESTIONS BY COUNCILLORS

14.1 Questions without notice

A Councillor of the Council may ask the Mayor or the chairperson of the Committee any question(s) without notice upon an item of the report of the General Council when that item is being received or under consideration by the Council.

14.2 Questions on notice at full Council

A Councillor may ask a question on any matter to which the Council has powers or duties or which affects Portmore subject to rule 14.3 Councillors are limited to asking two (2) questions only, and questions should be directed to the following;

- a. The Mayor;
- b. A member of the General Council;
- c. The Chief Administrative Manager;
- d. The Chairperson of any committee; or
- e. The Council's representative(s) on any external body.

14.3 Notice of questions

A Councillor may only ask a question under Rule 14.2 if they have given at least 5 working days notice in writing or by email of the questions to the Chief Administrative Manager.

14.4 Supplementary question

A Councillor asking a question under Rule 14.2 may ask one supplementary question without notice of the Councillor to whom the first question as asked. The supplemental question must arise directly out of the original question or the reply.

15 Questions and Presentations by the Portmore Citizens Advisory Council

15.1 General

In this section, “PCAC” shall refer to the Portmore Citizens Advisory Council

The PCAC shall be granted (20) minutes within which time they may:

- a. Ask questions;
- b. Make presentations;
- c. Answer questions relating to presentation made;

This may be extended by the Mayor to facilitate additional follow-up questions or comments.

15.2 Notice to be given

Notice should be given in writing of the intent of the PCAC to make presentations or ask questions at Council. The topic to be presented on should also be noted. The PCAC should not ask outside bodies to present on their behalf without the prior consent of the Mayor. Notice should be given at least three (3) days before General Council, and should be in writing and addressed to the Mayor and the Chief Administrative Manager.

15.3 Number of Questions

The number of questions permitted will be limited to those that can be asked and answered within the allotted time unless an extension has been granted.

15.4 Scope of Questions

Questions asked shall be related to:

- Matters that were presented at General Council
- Matters affecting Portmore Planning
- Matters concerning the Council in exercise of their right as set out in the Portmore Municipal Charter and matters that are not considered confidential or exempt.

15.5 Voting Rights in Council

The PCAC has no voting rights at General Council.

15.6 Attendance and role of the PCAC at Committee Meetings

The PCAC is allowed two (2) representatives on each full committee and one (1) member on each sub-committee of the Council. The names and contact numbers of these persons and the committees on which they are to sit should be submitted to the Chief Administrative Manager after nomination by respective members. These representatives are charged with the responsibility of reporting to the citizens of Portmore and also to recommend from their consultation with the communities/citizens ways in which solution can be derived. They are also to

report to the PCAC and in turn the community on the deliberations and decisions made at these committees.

15.7 Voting Rights at Committee Meetings

The PCAC is entitled to nominate persons to sit on committees of the Council and those persons have the right to vote on these committees in accordance with the Charter of the Municipality of Portmore.

16 QUESTIONS BY THE PUBLIC

16.1 General

Members of the public may ask questions relating to issues before the Council at Regular meetings of the Council subject to rules 16.2-16.5.

16.2 Notice of questions

A person or organization desiring to ask a question shall give notice by delivering it in writing or by electronic mail to the Chief Administrative Manager no later than midday seven (7) working days before the day of the meeting. Each question must give the name and address of the questioner and must name the persons, to whom it is to be put.

16.3 Order of questions

Questions will be asked in the order they are received, except that the chairperson may prioritize and/or group together similar questions. Questions not answered shall be given priority at the next regular meeting of the Council.

16.4 Number of Questions

No person or organization may submit more than one (1) question to any meeting excepting the PCAC.

16.5 Rejection of Questions

The Chief Administrative Manager in consultation with the Mayor may reject a question if it:

- a. Is not about a matter for which the local authority has a responsibility or which affects the Council;
- b. Is defamatory, frivolous or offensive.
- c. Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- d. Requires the disclosure of confidential or exempt information.

16.6 Record of Questions

The Chief Administrative Manager will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to the respective person(s) and committees, and will be made available to the public attending the meeting.

16.7 Asking the Question at the Meeting

The chairperson will invite the questioner to put their query to the Councillor(s) named in the notice. If a questioner who has submitted a query is unable to be present, they may ask the chairperson to put the query on their behalf.

The chairperson may ask the question on the questioner's behalf and decide whether a written reply will be given; or in the absence of the questioner, the chairperson may decide that the question will not be dealt with.

16.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question to the person who has replied to his or her original question. A supplementary question must arise directly out of the original question or the

reply. The chairperson may reject a supplementary question on any of the grounds in Rule 16.6 above.

16.9 Response

A response may take the form of:

- a. A direct oral or written answer by the next Council Meeting;
- b. A reference to that publication, where the desired information is in a publication of the Council or other published work; or

Where the reply cannot be answered by a specified time, permission should be sought from the Mayor for an extension before the next Council Meeting.

16.10 Written Answers

All questions shall be acknowledged in writing. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the person to whom a question(s) was to be put, will be dealt with by a written answer; or passed on to the appropriate committee for a written answer or; adjourned until the next regular meeting.

16.11 Referring Question (s) to the General Council or a Committee

Unless the chairperson decides otherwise, no discussion will take place on a submitted question. A Councillor may ask that some action be taken on a matter raised, by moving a motion that it be referred to the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

MOTIONS

17 MOTIONS OF NOTICES

17.1 Notice

Except for motions which can be moved without notice under Rule 18, written notice of every motion, signed by at least 2 Councillors, must be delivered to the Chief Administrative Manager not later than 4 p.m., seven (7) working days before the date of the meeting. These will be entered in a register open to public inspection

17.2 Motion Set out in Agenda

Motions for which notice have been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it.

17.3 Scope

Motions must be confined to matters of which the Council has a responsibility or which affect Portmore.

18 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- a. To appoint a chairperson of the meeting at which the motion is moved;
- b. For acceptance of the minutes;
- c. To change the order of business in the agenda;
- d. To refer something to an appropriate body or individual;
- e. To appoint a committee or Councillor from an item on the agenda of that meeting;
- f. To receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g. To withdraw a motion;
- h. To amend a motion;
- i. To proceed to the next business;
- j. That the question be now put;
- k. To adjourn a debate;
- l. To adjourn a meeting;
- m. That the meeting continues beyond 2 hours in duration and extended at ½ hour intervals;

- n. To suspend a particular By-Law to permit an item not on the agenda to be dealt with;
- o. To exclude the public and press in accordance with these By-Laws or in accordance with the Mayor's Rule of Order;
- p. To not hear further a Councillors named under Rule 26.3 or to exclude them from the meeting under Rule 26.4; and
- q. To give the consent of the Council where its consent is required by these By-Laws.
- r. To protect breach of rules and conduct of Council.

19 PREVIOUS DECISION AND MOTIONS

19.1 Motion to rescind a previous decision

A motion to rescind or amend a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is supported by at least two-thirds of the Council.

19.2 Motion Similar to one Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is accepted by vote signed by at least two-thirds of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

DEBATES

20 RULES OF DEBATE

A Councillor shall stand to address the chairperson. The chairperson will recognize the Councillors in the order in which they indicate by hand or electronic signal their desire to speak.

20.1 No speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

20.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

20.3 Secunder's Speech

When seconding a motion or amendment, a Councillor may reserve his/her speech until later in the debate.

20.4 Content and Length of Speeches

A speech must be directed to the matter under discussion or to a personal explanation or point of order. No speech may exceed five (5) minutes without the consent of the Mayor. The Mayor may elect to allow the requisite Councillor a further three (3) minutes, no Councillor will speak more than once on the same motion except with the leave of the Council.

20.5 When a Councillor May Speak Again

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. To speak once on an amendment moved by another Councillor;
- b. To move a further amendment if the motion has been amended since he/she last spoke;
- c. If his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d. In exercise of a right of reply;
- e. On a point of order; and
- f. By way of personal explanation.

20.6 Amendments to Motions

- a. An amendment to a motion must be relevant to the motion and will either be;
 - i. To refer the matter to an appropriate body or individual for consideration or reconsideration;
 - ii. To leave out words;
 - iii. To leave out words and insert or add others; or
 - iv. To insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is carried, other amendments to the original motion may be moved.
- d. If an amendment is not carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e. After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

20.7 Alteration of Motion

- a. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be by vote without discussion.
- b. A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be by vote without discussion.
- c. Only alteration which could be made as an amendment may be made.

20.8 Withdrawal of Motion

A Councillor may withdraw a motion, which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

20.9 Right of Reply

- a. The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

20.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. To withdraw a motion;
- b. To amend a motion;
- c. To proceed to the next business meeting;
- d. That the question be now put;
- e. To adjourn a debate;
- f. To adjourn a meeting;
- g. That the meeting continue beyond two (2) hours in duration and at half (1/2) hour intervals
- h. To exclude the public and press in accordance with this By-Law; and
- i. To not hear further a Councillor named under Rule 26.3 or to exclude them from the meeting under Rule 26.4.
- j. Standing Order.

20.11 Closure Motions

- a. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - i. To proceed to the next business;
 - ii. That the question be now put;
 - iii. To adjourn a debate; or
 - iv. To adjourn a meeting
- b. If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c. If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion the right of reply before putting his/her motion to the vote.
- d. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion (see 20.9) to the vote without giving the mover of the original motion the right of reply.

20.12 Point of Order

A Councillor may raise a point of order at any time. The Mayor will hear him/her immediately. A point of order may only relate to an alleged breach of these By-Laws or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been breached. The ruling of the Mayor on the matter is final and this will include deciding whether a Point of Order is valid.

20.13 Personal Explanation

A Councillor may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation is final

21 VOTING

21.1 Simple Majority

Unless this By-Law provides otherwise, any matter will be decided by a simple majority of those Councilors voting and present in the room at the time the question was put.

21.2 Show of Hands

Unless a ballot or recorded vote is demanded under Rules 21.4 and 21.5 the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

21.3 Ballots

The vote will take place by ballot if two-thirds of the Councillors present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

21.4 Recorded Vote

If two-thirds of the Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

21.5 Right to Require Individual Vote to be Recorded

Where any Councillor requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

21.6 Voting on Appointments

If there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

22 MINUTES

22.1 Signing the Minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting being a Regular meeting. The Mayor will move that the minutes of the previous

meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

22.2 Requirement to Sign Minutes of Previous Meeting at Special Meeting

The next meeting for the purpose of signing the minutes shall be the next Regular meeting. If the next meeting happens to be a special Meeting, then there will be no requirement to sign minutes of previous meetings at such a meeting. The next meeting called other than a Special meeting will be treated as suitable for the purpose of signing minutes.

22.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

The Mayor will ensure that the record in the minutes contains the following:

- a. The date, time and place of meeting
- b. Councillor' attendance and any apologies by name
- c. The reading, correction and adoption of the minutes of prior meetings
- d. All other proceedings of the meetings.

23 RECORD OF ATTENDANCE

All Councillors present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

24 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with this By-Law or any Act of Parliament in force.

25 Exclusion of Access to the Public to Meetings

Prior to the start of such meeting the Council or its committees will pass a resolution stating the fact that the meeting will be closed and state the general nature of the matter to be considered at this meeting. A meeting of the Council may be closed to the public if the subject matter being considered is:

- a. The security of the property of the Council
- b. Personnel matters about identifiable individuals, including Council employees
- c. A proposed or pending acquisition of land for Council
- d. Employment labour relations or employee negotiation
- e. Litigation or potential litigation against the Council, including matters before administrative tribunals
- f. Obtaining advice the nature of which is a solicitor-client confidentiality, including communication necessary for this purpose
- g. A matter for consideration of the Finance Committee.

CONDUCT AT MEETINGS

26 COUNCILLORS' CONDUCT DURING MEETINGS

26.1 Standing to Speak

When a Councillor speaks at General Council they must stand and address the meeting through the Mayor. If more than one Councillor stands, the Mayor will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a Point of Order or a point of personal explanation or privilege.

26.2 Mayor Standing

When the chairperson stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

26.3 Councillor not to be Heard Further

If a Councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.

26.4 Councillor to leave the Meeting

If the Councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the Councillor leaves the meeting or that the

meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion

26.5 Interrupting a Motion Under Discussion

A Councillor may concisely ask a question through the chairperson only for the purpose of obtaining information relating to the motion under discussion; the reply will be limited to two (2) minutes.

26.6 General Disturbance

If there is a general disturbance making orderly business impossible, the chairperson may adjourn the meeting for as long as he/she thinks necessary.

26.7 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chairman will warn the person(s) concerned. If they continue to interrupt, the Chairman will call for their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared.

27 SUSPENSIONS AND AMENDMENT OF COUNCIL BY-LAWS

27.1 Suspension

All of these Council Procedural Rules may be suspended by motion on notice or without notice if at least one half of the whole numbers of Councillors of the Council are present and the proposal to suspend is seconded. Suspension can only be for the duration of the meeting.

27.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next Regular meeting of the Council.

COMMITTEES

28 Rules 8, 11, 17, 20.2, 20.12, 21, 22, 23, 26.3, and 26.4, and 26.6 shall apply to meetings of Committees, and in addition, the following Rules shall apply to the establishment, operations and proceedings of committees of the Council.

28.1 Appointment of Standing Committees

The Council, at its first business meeting following the inauguration of a new Council, shall appoint on the recommendation of the Mayor, such Standing Committees as are required by statute or permitted by law at the discretion of the Council; and shall determine the membership, terms of reference and powers of such Committees, except where these are already prescribed by statute. The term of such Committees shall normally for the full term of the Council, except that the Council may at any time, on the recommendation of the Mayor, abolish, reconstitute, or change the membership, terms of reference or powers of all or any of these Committees, or may appoint new Standing Committees, as it sees fit.

28.2 Appointment of Ad Hoc or Special Committees

The Council may from time to time, on the recommendation of the Mayor, appoint Ad Hoc or Special Committees of the Council, to undertake special assignments as are deemed appropriate or desirable. The Council, on appointing such Committees, shall specify the membership, terms of reference and term of each such Committee. The term of an Ad Hoc or Special Committee shall not exceed six months, except that the term may be extended or the Committee re-appointed upon the presentation of an acceptable report.

28.3 Dates, Times and Venues for the Holding of Committee Meeting

The dates, times and venues at which Committee shall meet will be determined by the Council from time to time. Provided however, that responsibility for establishing and reviewing the schedule for the meetings of the various Committees of the Council may be delegated to an Executive Committee, or some other appropriate coordinating Committee.

28.4 Quorum

- i. The quorum of committee meeting shall be established in the Terms of Reference of the Council.
- ii. If a meeting is adjourned due to lack of quorum, matters can be dealt with at a new date or at the next regular meeting.

28.5 Chairperson

Council shall appoint chairpersons and deputy chairpersons of the Standing Committees, on the recommendation of the Mayor.

28.6 Subcommittees

Committees may appoint subcommittees from time to time to consider and recommend to the Committees, matters referred.

29 CO-OPTED MEMBERS

The Council may choose to appoint committees to investigate a general or specific purpose from time to time based on its own direction, or advice from the Minister, or as otherwise prescribed in law

29.1 Appointment

Council shall appoint co-opted members to sit and contribute their specialized knowledge or technical skill to the matter under the mandate of the committee.

29.2 Numbers – Council Councillors

For each co-opted committee, at least two-thirds of its membership shall be made up of councillors.

29.3 Numbers- Co-opted Members

Committees may include co-opted members providing that they do not comprise more than one third (1/3) of the total membership of the committee.

29.4 Powers, Duties and term of Office

The Council shall have the authority to decide the powers and duties conferred on the co-opted members and from time to time may review such powers and duties as they think fit.

29.5 Voting Rights

Co-opted members shall vote or shall refrain from voting as determined by the Council.

30 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council.

31 INTERPRETATION OF COUNCIL BY-LAWS

The ruling of the Mayor, on the advice of the Chief Administrative Manger, as to the construction, application or interpretation of these Council Procedural Rules shall not be challenged at any meting of the Council.