

# THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

## BY-LAW NUMBER 2015-002-14

**BEING** a by-law to establish rules governing the proceedings of Council, the calling of meetings and the conduct of members.

**SHORT TITLE** - This By-law may be cited as the "Procedure By-law."

**WHEREAS** Section 238 of the *Municipal Act 2001 S.O. 2001, c. 25* as amended provides that every municipality and local board shall pass a procedure by-law for governing the calling, place, notice and proceedings of meetings;

**AND WHEREAS** it is desirable that there be rules governing the conduct, order and procedure of Council and its local boards and committees;

**NOW THEREFORE** the Council of the Corporation of the United Townships of Head, Clara & Maria enacts as follows:

### 1.0 DEFINITIONS

- 1.1. **"Alternate Head Of Council"** means a member of the council appointed by by-law or resolution to act in the place of the head of council to preside at meetings when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member;
- 1.2. **"The Act"** shall mean the *Municipal Act S. O. 2001, c. 25* as amended.
- 1.3. **"Clerk"** shall mean the statutory position of Clerk of The Corporation of the United Townships of Head, Clara & Maria.
- 1.4. **"Committee"** shall mean any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards. All committees with less than a majority of members of council shall be referred to herein as "advisory committees" and such advisory committees shall not be bound by section 239 of the Municipal Act, 2001, as amended. Council encourages all advisory committees to comply with the closed meeting rules in section 239.
- 1.5. **"Committee of the Whole"** shall mean the meeting at committee of all members of Council;
- 1.6. **"Council"** shall mean the members of the Council of The Corporation of the United Townships of Head, Clara & Maria acting as one body.
- 1.7. **"Emergency"** shall mean a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise."
- 1.8. **"Head of Council"** shall mean the ~~Reeve-Mayor~~ of The Corporation of the United Townships of Head, Clara & Maria.
- 1.9. **"Majority"** means more than 50% of members present at a meeting.
- 1.10. **"Meeting"** means any regular, special or other meeting of a council, of a local board or of a committee of either of them;
- 1.11. **"Member of Council"** means any municipal Councillor including the Head of Council.
- 1.12. **"Quorum"** means the majority of the members present to conduct business.
- 1.13. **"Gender-specific"** terms shall include both sexes and include corporations.

- 1.14. Words in the “singular” include the “plural” and words in the plural include the singular.

## 2.0 APPLICATION OF THE BY-LAW

- 2.1. The rules and regulations contained in this By-Law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business of Council, of a local board or of a committee of either of them.

~~---Resolution #25/04/14/1201---~~

- ~~2.2. Subject to the requirements of the *Municipal Act* and other legislation, the rules and regulations contained herein may be suspended with a vote of ¾ of members present.~~

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## 3.0 COUNCIL MEETINGS & NOTICE

- ~~3.1. The An~~ inaugural meeting of Council in an election year shall be held on the first ~~Friday business day~~ in the month of December at 14:00 h, or if that day is a statutory holiday, on the next business day following or on an alternate date to be set by the outgoing council. ~~This meeting shall be for the sole purpose of swearing in the new Council and providing them with Council orientation packages; regular business will commence at the first regular meeting of the new Council as set in this Procedure By-law.~~

~~3.1.~~

- 3.2. Meetings of Council shall be held in the ~~Chambers adopted and used by Council from time to time for such purpose or in the Municipal Hall if public attendance warrants~~ Municipal Hall; in camera sessions will occur in the municipal office.

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- 3.3. Regular meetings of Council shall be held ~~on the first and third Friday of each month at 2:00 p.m. or 14:00 h. according to a calendar which shall be set annually by Council to call or schedule regular meetings for the year~~ unless Council, by resolution, directs otherwise, in which case notice shall be given in accordance with the Municipal Notice By-law as to the new date, time and place.

~~---By-Law 2012-31---~~

~~*“Regular meetings of Council shall be held on the first and third Friday of each month at 2:00 p.m. or 14:00 h. unless Council, by resolution, directs otherwise,” be modified by removing the words “on the first and third Friday of each month at 2:00 p.m. or 14:00 h” to be replaced with the words “according to a calendar which shall be set annually by Council to call or schedule regular meetings for the year”.*~~

- 3.4. Notice of regular and special meetings shall be posted by the Clerk in accordance with the Municipal Notice By-law.
- 3.5. When the day for a regular meeting of Council is a public or civic holiday, Council shall meet at the same hour on the next/following business day which is not a public or civic holiday or at an alternate date and time as set in advance by Council resolution.
- 3.6. Subject to the Notice and Accountability & Transparency Policies of the Municipality, twenty-four (24) ~~hours notice~~ hour's notice of all special meetings of Council shall be given to the members through the Clerk's office. The only business to be dealt with at a special meeting shall be that which is listed in the notice of the meeting. Special meetings shall be either open or closed to the public as section 239 of the *Municipal Act, 2001* and any other act dictates.
- 3.7. Notwithstanding Section 3.5, the Head of Council may, in the event of an emergency, call an emergency meeting of Council without giving the mandatory twenty-four (24) ~~hours notice~~ hour's notice, provided that the Clerk has diligently tried to advise all members of Council immediately on being advised by the Head of Council of the intention to hold such an emergency meeting. The only business to be dealt with at an emergency meeting of Council shall be respecting that emergency.
- 3.8. All notification to be provided to Council members from the Municipal Office, including notice of special meetings, is considered to be delivered once it is sent via email to the email address on file for each Council member. It is incumbent on the Council member to notify staff if and when they require alternate delivery or if their contact information has changed

- 3.9. Every Member of Council, the Clerk and other municipal employee as requested to attend, shall attend each meeting of Council or shall notify the Clerk in advance, of their inability to attend.

#### **4.0 CALLING OF MEETING TO ORDER AND QUORUM**

- 4.1. As soon after the hour fixed for the holding of the Council as a quorum is present, the Head of Council shall take the chair and call the meeting to order.
- 4.2. If no quorum is present one quarter (1/4) hour after the time appointed for the Meeting of Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until a new meeting date is set by the majority of Council.

#### **5.0 ABSENCE OF HEAD OF COUNCIL**

- 5.1. If the Head of Council does not provide notice or attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Alternate Head of Council, if present shall call the meeting to order and preside until the arrival of the Head of Council, and while so presiding the Alternate Head of Council shall have all the powers and duties of the Head of Council.
- 5.2. If the Head of Council and the Alternate Head of Council do not provide notice or attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and an acting Head of Council shall be appointed from among the members present and he shall preside until the arrival of the Head of Council or Alternate Head of Council, and while so presiding the acting Head of Council shall have all the powers and duties of the Head of Council.
- 5.3. If a member arrives late for a Council meeting, any prior discussion shall not be reviewed without the unanimous consent of all members present.

#### **6.0 CURFEW**

- 6.1. Subject to article 6.3, no item of business may be dealt with at a Council meeting after 10:00 p.m. or 22:00 h. for evening meetings, unless unanimous consent is given by the members of Council to extend the closure time beyond the set time.
- 6.2. Any meeting that continues for four (4) consecutive hours and has not reached its conclusion will be adjourned for a recess of not less than one half (½) hour.
- 6.3. No meeting shall continue for more than six (6) hours in total, including the half (½) hour recess.

#### **7.0 THE CONDUCT OF PROCEEDINGS AT A COUNCIL MEETING**

- 7.1. It shall be the duty of the Head of Council or other Presiding Officer;
- to open the meeting of Council by taking the chair and calling the meeting to order;
  - to put to vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings and to announce the results;
  - to vote on all questions;
  - to decline to put to vote motions which infringe upon the rules of procedure;
  - to, after the **Moment of Silence**, briefly outline the rules of order for the general public at regular meetings of Council.
  - to review the rules of order for deputations or delegations with the public gallery when receiving a public deputation or delegation.
  - to attempt to bring under control the members, within the rules of order, when engaged in debate;
  - cause to be expelled and excluded, any person who creates a disturbance or acts improperly during a meeting.

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- to enforce or have enforced on all occasions the observance of order and decorum among the members;
- to advise any member that they are persisting in breach of the rules of order of Council, and may be ordered to vacate the Council Chambers or meeting room;
- to represent and to support the Council, declaring its will, and implicitly obeying its decision in all things;
- to authenticate, by his signature when necessary, all by-laws, resolutions and minutes of the Council;
- to rule on a point of order or usage;
- to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- to adjourn the meeting;
- to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

## 8.0 AGENDA

8.1. The Clerk shall have prepared and printed for the use of the members at all regular meetings of Council, an agenda using the following headings:

- Call to Order & **Moment of Silence**;
- Roll Call;
- Disclosure of Pecuniary Interest and General Nature thereof;
- Adoption of Minutes of Previous Meetings including Committees;
- Deputations;
- Correspondence and Petitions;
- Staff Reports;
- Financial Reports;
- By-Laws;
- Unfinished Business;
- Addendum (New Business);
- In Camera or Closed Sessions (as required);
- Business Arising from Closed Session (as required);
- Question and Answer period (Council to ask of Staff);
- Confirmation of Proceedings By-Law;
- Adjournment.

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- 8.2. The agenda in 8.1 shall be adapted, subject to necessary changes, for special and emergency meetings as determined by the Clerk.
- 8.3. Subject to the Municipal Notice Policy, any member of Council, at any time prior to the publication of the agenda, may suggest an item for inclusion.
- 8.4. The business of the Council shall in all cases, be taken up in the order in which it stands on the agenda unless otherwise decided by the majority of Council present.
- 8.5. An item of business not listed on the Council agenda shall not be introduced at a Council meeting without the approval of the majority of Council and must comply with the Notice Policy of the municipality.
- 8.6. When it appears that any matter may be more conveniently considered by Committee, Council may, on motion, refer the matter to the appropriate Committee and await its recommendations.

## 9.0 CONFLICT OF INTEREST

9.1. Any declaration of pecuniary interest and general notice thereof shall be made as per the *Municipal Conflict of Interest Act* and recorded in the minutes of the meeting. It is the responsibility of the member to ensure that it has been duly noted in the minutes.

9.1.9.2. It is recommended that any Council member who feel they may have pecuniary interest in any matter before Council and intends to declare such shall not move or second the motion dealing with that issue.

## **10.0 ADDENDUM (New Business)**

10.1. Addendums are described as being any business arising from the regular course of operations, brought forth by any member of Council, or staff. These items shall be presented on the agenda distributed to each member prior to the Council Meeting, or deferred to the next scheduled meeting unless a unanimous decision of Council agrees to address the business at the current meeting.

## **11.0 MINUTES of PREVIOUS MEETINGS**

11.1. Minutes shall record:

- the place, date and time of meeting;
- the names of the Presiding Officer or officers and record of the attendance of all members and guests;
- the reading, correction, if necessary, and adoption of the minutes of prior meetings;
- such adoption shall indicate Council's approval of the actions set out in the minutes;
- all other proceedings of the meeting without note or comment; and
- may include items requiring additional attention, brief descriptions of discussions, information before Council, approaches explored and directions to staff to ensure that a record of same exists.

11.2. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special and committee meetings held more than five (5) business days prior to a regular meeting, together with the agenda and related materials are made available to each member not less than forty-eight (48) hours before the hour appointed for the holding of such regular meeting.

11.3. Reports and minutes from Committees shall include information and action items and deal solely with matters previously delegated to them or that fall within their jurisdiction.

11.4. All reports/minutes from committees shall be information or request for decision reports only and all decisions will be ultimately made by Council.

11.5. All reports/minutes from committees, aside from those administrative in nature, shall be adopted by Council to ratify committee recommendations.

11.6. The Clerk shall make such minor clerical, typographical or grammatical corrections, additions, deletions or other changes to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring the correct and complete implementation of the actions of Council without Council's express direction or permission.

## **12.0 DEPUTATIONS**

12.1. Persons requesting to present information verbally on matters of fact, give a presentation to or make a request of Council shall give verbal/written notice to the Clerk at least five (5) business days prior to the next regular meeting of the Council. Any information received later than that date may be withheld to the next regular meeting of Council.

12.2. Written documentation of the contents of the deputation shall be provided to the Clerk in order to allow staff time to prepare a report to Council.

12.3. Notwithstanding Section 12.1, delegations not listed with the Clerk prior to the meeting may be heard upon unanimous consent of Council however; any decision shall be deferred on the matter in question until a staff report can be prepared for further consideration by Council or Committee.

12.4. Deputation requests are screened by the Municipal Clerk, in consultation with the Head of Council. The Clerk will contact the requester by telephone or email to confirm or deny the request. The Clerk will inform Council of requests not granted through the Clerk's report.

- 12.5. Persons wishing to present information verbally on matters of fact or to make a request of Council shall be limited in speaking to not more than ten (10) minutes excluding points of clarification or questioning.
- 12.6. Notwithstanding Section 12.5, delegations consisting of more than five (5) persons shall be limited to two (2) speakers, each restricted to speaking not more than ten (10) minutes.
- 12.7. Modifications to these limits shall be at the discretion of the majority of members of Council.
- 12.8. During or following a deputation Council members may ask the delegate questions relating to the presentation for the purpose of clarification without statement or comment.
- 12.9. A limit of 5 minutes per Council Member, including the question and the response is to be allowed.
- 12.10. If the delegate has written materials to support any presentation, even if the presentation is verbal, a copy shall be provided to Council and to staff for official record.
- 12.11. Any matter put before Council by a delegate shall be referred to staff for a report prior to any decision being made by Council.
- 12.12. The subject matter of the deputation must fall within municipal jurisdiction.
- 12.13. No delegate shall speak to any subject other than that for which they have received prior approval to address Council. Straying from that issue (those issues) may result in the deputation being terminated.
- 12.14. All content, debate or presentation material shall be germane to the issue or subject of the presentation, must be courteous and respectful and no one may impugn the motives of another.
- 12.15. Delegates are to be respectful of everyone in attendance including Council, the Public and Staff and are not to use offensive words or gestures, un-parliamentary language, disobey the rules of civil procedure or any decision or direction of Council.
- 12.16. No more than two deputations shall be scheduled for any Council meeting, subject to the necessity to deal with matters of an urgent nature.
- 12.17. Deputations to Council from declared candidates for elected office for personal promotion shall not be permitted.
- 12.18. A delegation is an opportunity to make a presentation to or request of **Council**. Delegates are to address Council only and not staff or the gallery without express permission of the majority of Council and should stand facing Council during their entire presentation.
- 12.19. Except as required by law, any person appearing before Council who has previously appeared before the same board or before the same committee on the same subject matter shall be limited to providing only new information in their second and subsequent appearances and are further limited by our reconsideration clause 24.6.
- 12.20. Failure to comply with the above rules or abuse of the process may result in the deputation being terminated and/or the privilege being denied to the individual in the future at the discretion of Council.

### **13.0 COMMENTS AND PRESENTATION BECOMES PART OF THE PUBLIC RECORD**

- 13.1. Written comments together with the personal information of the delegate will become part of the public record.

- 13.2. If written comments on an item are submitted prior to the agenda being published, they will be reproduced in the printed version of the agenda package.
- 13.3. If written comments are received after the printed agenda package has been distributed, the correspondence will be copied and distributed to all Members of Council and relevant Municipal staff electronically.
- 13.4. Copies will also be made available for public inspection at the meeting and posted on-line.
- 13.5. If an individual is presenting in a personal capacity, he/she will be listed as a correspondent in any relevant agenda, decisions and minutes. These documents will be posted online, so the individual's name in connection with an agenda item or future reports to Council may be indexed by internet search engines. A full copy of correspondence will be made available for public inspection.
- 13.6. When a delegate appears before Council, the entire presentation becomes part of the public record.
- 13.7. Council records all meetings of council and/or committee, so it is possible that all presentations, deputations and delegations will be recorded and remains a permanent part of the public record. Council reserves the right to record all proceedings in audio and/or video formats.

#### 14.0 PUBLIC MEETINGS

- 14.1. Public meetings required to be held under municipal by-laws or provincial or federal legislation may be held from time to time.
- 14.2. If other legislated rules or procedures apply to those meetings, those procedures shall be followed. In the absence of other defined rules or procedures, public meetings will be chaired by the Presiding Officer who will hear from each member of the public who wishes to speak.

14.3. The Head of Council may delegate the authority of Presiding Officer to another Council members, depending on the type of meeting.

14.3.14.4. Rules of decorum as they relate to deputations and civil procedure as listed elsewhere in this by-law shall be followed by all those speaking at a public meeting.

14.5. Each person will be allowed no more than 5 minutes to speak at a time.

14.4.14.6. The public are invited to express their opinions, provide information and ask questions. Public meetings are not held to provide an opportunity for debate.

14.5.14.7. Following public input, Councillors may ask questions of the public presenters or staff but the topic shall not be debated by Council until after all public input and questions have been received.

14.8. The public shall not participate in debate. Decisions of Council are not to be made at a public meeting. Council issues are to be debated by Council at a duly called and conducted Council meeting.

14.9.

#### 15.0 CORRESPONDENCE

- 15.1. All correspondence addressed to Council will be forwarded through the Council information packages normally available to all members of Council at least forty-eight (48) hours prior to the next regular meeting of Council. The packages will be made available in the Municipal Office at that time. Each Council member is responsible for collection or delivery of their package.
- 15.2. In order for inclusion in correspondence packages, all documents and information will need to be received in the Clerk's office five (5) business days preceding the commencement of the next regular meeting of the Council or Committee.

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- 15.3. Any information/correspondence received after that date, ~~may~~ be deferred to the next regular meeting of Council unless in the opinion of the Clerk, time is of the essence. In this instance, the Clerk will attempt to deliver the information to Council members electronically prior to the meeting. In the event that the information was electronically circulated, a hard copy of the material will be provided to each Council/Committee member prior to the meeting in Council Chambers.
- 15.4. Every Communication, written or otherwise, addressed to Council, and included on an agenda and considered in Open Session by Council or a Committee thereof shall be deemed to be a Communication in the public domain.
- 15.4. Prior to each piece of correspondence being debated, the Head of Council shall briefly summarize the content when members of the public are present.
- 15.5. All notification to be provided to Council members from the municipal office including notice of special meetings is considered to be delivered once it is sent via email to the email address on file for each Council member. It is incumbent on the Council member to notify staff if and when they require alternate delivery or if their contact information has changed.

**16.0 PETITIONS**

- 16.1. Any petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper content or language and shall be signed by at least two (2) ratepayers or residents and filed with the Clerk.
- 16.2. Every petition shall be delivered to the Clerk not later than five (5) business days preceding the commencement of the next regular meeting of Council to be included on that meeting's agenda.

**17.0 REPORT OF THE REEVE MAYOR**

- 17.1. The ~~Reeve Mayor~~ shall briefly report on matters of interest to Council and such report shall include items of interest from meetings of County Council and any committees attended by the ~~Reeve Mayor~~ as municipal representative of Head, Clara & Maria at the County or at outside committees and boards.

**18.0 STAFF REPORTS**

- 18.1. Reports from administration are for information purposes only and deal only with the administrative duties and activities of the employee.
- 18.2. If a decision of the assembly is required, the matter may properly be placed under addendums or in another appropriate place on the agenda.
- ~~18.2-18.3.~~ If an issue is time sensitive and straightforward, a resolution may be included in a staff report for Council consideration, debate and decision. Should Council members feel that not enough background information has been provided, the issue may be deferred to another meeting with a complete report attached.
- ~~18.3.~~ Any questions, comments, and answers may not go into discussion or debate but, again are for information only and need to be placed in another more appropriate place on the agenda if they require attention by the assembly.
- 18.4. Reports from Municipal employees shall deal solely with matters previously delegated to them, that fall within their jurisdiction are routine in nature or are for information purposes only.

**19.0 READING OF BY-LAWS**

- 19.1. Reports of all proposed/draft by-laws will be provided to each member of Council to provide background information and to explain the necessity for the by-law.
- 19.2. Every-Most By-Laws shall be introduced by a motion for first and second reading which shall be duly moved and seconded, specifying the title and number of the by-law. This motion shall be carried without debate.

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~~19.2.19.3.~~ Some routine by-laws, such as the Confirmatory By-Law, may be introduced by a motion for first and final short reading and final passage only.

~~19.3.19.4.~~ Every By-Law (when introduced) shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete including the number and date thereof.

~~19.4.19.5.~~ Most~~Every~~ by-laws shall be introduced and shall have three readings prior to its being passed as follows:

- The third reading of a by-law shall permit amendment and debate. At this reading the by-law may be referred by resolution to a committee of Council for further review or clarification, or deferred to a later meeting of Council, or tabled, or approved or defeated.
- The third reading will normally be delayed until the next regular meeting following that in which the by-law was introduced, where it will be accompanied by a motion to pass the by-law.

• By-laws however, may receive all three readings at one Council meeting.

~~19.5.19.6.~~ The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.

~~19.6.19.7.~~ Every By-Law enacted by the Council shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be retained by the Clerk for safe keeping.

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## 20.0 UNFINISHED BUSINESS

20.1. Unfinished business deals with business not finalized from previous meetings and includes:

- Actions taken away from a previous meeting by any individual;
- Business postponed or deferred to a future meeting; or
- Business not completed or reached at a previous meeting.

20.2. Business interrupted by adjournment or not reached is listed on the agenda in the order in which it would have been dealt with at the previous meeting.

## 21.0 CLOSED SESSIONS

21.1. All meetings of Council shall be open to the public except for those specifically allowed by the *Municipal Act, R.S.O. 2001*, as amended or by any other act.

## 22.0 QUESTION AND ANSWER SESSION

22.1. All meetings shall include a question and answer period to allow Council members to ask questions of staff or each other for clarification or to request information or inclusion of a topic on a subsequent agenda.

22.2. It is not the intent of this session to open the floor to questions from visitors.

22.3. The Head of Council is to ensure that this is made clear to meeting attendees prior to calling for questions.

## 23.0 ADJOURNMENT

23.1. A member who wishes to adjourn a meeting may move the motion to adjourn when no other business is being deliberated or any other motion is open.

23.2. The Presiding Officer takes a vote on the motion to adjourn without debate.

23.3. When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.

## 24.0 MOTIONS

24.1. A main motion shall be presented in writing, and shall be stated by the Presiding Officer prior to debate. Additional information on types of motions and their uses can be found in Appendix "A" to this by-law.

24.2. Any motion may be introduced without notice, however; should a motion exist prior to the circulation of the correspondence package, a copy of the motion shall

be included in the package for consideration by the Council members. A decision should not be made until staff have had time to conduct research and provide a report to Council.

24.3. At a meeting, the motion must be formally introduced by a member of Council, in writing, by having that member submit the motion to Council, or “move” it.

| 24.4. A motion must be formally seconded before the Presiding Officer can present the issue for deliberation to Council or before a motion may be recorded in the minutes.

| 24.4-24.5. Moving or Seconding a motion does not necessarily mean that the member of Council supports the motion; it is simply a means of having the resolution brought before Council for deliberation.

| 24.5-24.6. A main motion stated by the Presiding Officer may introduce a subject for the first time or may reintroduce the subject from a previous meeting.

| 24.6-24.7. A previously considered matter may not be reconsidered by Council more than two times in a calendar year. Decisions which contractually bind the Township shall not be reconsidered. The motion to reconsider may only be moved by a member on the prevailing side of the previous decision.

| 24.7-24.8. A motion in respect of a matter which is beyond the jurisdiction of the council, or “ultra vires”, shall not be in order.

| 24.8-24.9. Although not conclusive, the following matters and motions with respect to them may be introduced verbally:

- point of order;
- point of privilege;
- recess;
- to close debate;
- motion to withdraw;
- motion to put the main motion to a vote.

| 24.9-24.10. The following motions shall be in writing and signed:

- to introduce new business;
- to refer (the business to a committee);
- to defer;
- to divide;
- to amend (a motion currently before Council);
- to amend a previous decision;
- to rescind a previous decision;
- to reconsider a vote;
- to postpone indefinitely;
- to postpone temporarily;
- to postpone the decision to a certain time;
- to limit or extend debate;
- to suspend the Rules of Procedure;
- fix the time for a continued meeting;
- motion to adjourn.

## 25.0 VOTING ON MOTIONS

25.1. Immediately preceding the taking of the vote, the Presiding Officer shall state the question in the form introduced or “as read” if the motion was provided to Council via hard copy in the Councillor package.

25.2. After a question is finally put by the Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

25.3. The manner of determining the decision of Council on a motion shall be at the discretion of the Presiding Officer and may be by voice or show of hands.

25.4. Where a vote decision is not unanimous, all municipal council votes are to be recorded. All members present at the Council meeting, including the Presiding Officer, must vote in alphabetical order, unless otherwise prohibited by statute.

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-----Resolution #21/02/14/1207-----

- | 25.5. ~~The presiding officer shall vote last.~~ The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall conduct the vote and announce the results.
- | ~~25.6. A request for a recorded vote may be made immediately prior to or immediately following the taking of the vote.~~
- | ~~25.7.~~25.6. Every member present at a meeting of Council when a question is put shall have one vote thereon unless prohibited by statute.
- | ~~25.8.~~25.7. No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
- | ~~25.9.~~25.8. Any question on which there is a tie vote shall be deemed to be lost.
- | ~~25.10.~~25.9. Any abstention from voting by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.
- | ~~25.11.~~25.10. A failure to vote when a recorded vote has been requested by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed a negative vote.
- | ~~25.12.~~25.11. A separate vote shall be taken upon each proposal contained in a motion divided by resolution of Council.

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## 26.0 WITHDRAWAL OF MOTION

- 26.1. After a motion has been moved and seconded, and placed under the direction of the Presiding Officer, it shall be considered to be in the possession of the Council but may be withdrawn by a request to withdraw made by the mover of the motion and the support of a majority of Council.
- 26.2. A request to withdraw a motion may be made without the consent of the seconder of the motion.
- 26.3. A request to withdraw a motion shall be in order any time during debate.

## 27.0 RECESS

- 27.1. A motion to recess when other business is before the meeting shall specify the length of time of the recess.
- 27.2. A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.
- 27.3. A motion to recess when other business is before the meeting shall not have a motion to reconsider applied to it.

## 28.0 RULES OF DEBATE

- 28.1. Debate may not begin until the Presiding Officer has stated the motion.
- 28.2. Permission to speak and hence to debate, is required from the Presiding Officer.
- 28.3. Debate must be germane to the issue or subject under debate, must be courteous and respectful, and no one may impugn the motives of another.
- 28.4. Members who have declared a pecuniary interest shall not participate in or influence the debate and are encouraged to remove themselves from the meeting room. If the issue is in closed session; the member is required to leave the room.
- 28.5. When two or more members begin to speak at the same time, the Presiding Officer shall designate the member who has the floor.
- 28.6. When the Presiding Officer calls for the vote on a question, each member shall occupy his seat and shall remain in his place until the result of the vote has been declared by the Presiding Officer, and during such time, no member shall speak to any other member or make any noise or disturbance.

- 28.7. When a member is speaking, no other member shall interrupt him except on a point of order, and during such time, no other member shall speak to any other member or make any noise or disturbance.
- 28.8. The Presiding Officer or a member may interrupt a speaker on a point of order if the member believes the speaker is violating a rule of debate.
- 28.9. Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 28.10. No member shall speak more than once to the same question without the leave of Council, except that a reply shall be allowed to be made only by a member of the Council who has presented the motion to the Council where the member is a champion of the issue/motion.
- 28.11. No member, without leave of the Council, shall speak to the same question, or in reply, for longer than ten (10) minutes.
- 28.12. When a member has been recognized as the next speaker, then immediately before speaking to the matter, such member may ask a question of the Presiding Officer or an official of the Municipality on the matter under discussion, but only for obtaining information, following which the member shall speak.

## **29.0 POINTS OF ORDER AND PRIVILEGE**

- 29.1. The Presiding Officer shall preserve order and decide questions of order.
- 29.2. All points of order of procedure not provided for in these Rules shall be decided in accordance with the current edition of Meeting Procedures, by James Lochrie or other such current source of parliamentary procedure as adopted by Council.
- 29.3. The Head of Council shall submit the ruling on a point of order without debate.
- 29.4. When a member rises to a point of order, he shall ask leave of the Presiding Officer to raise a point of order and after leave is granted he shall state the point of order to the Presiding Officer, wait for the Presiding Officer to state, and decide the point of order.
- 29.5. Where a member considers that his integrity or the integrity of the Council as a whole has been impugned, he may as a matter of personal privilege draw the attention of the Council to the matter.

## **30.0 APPEAL PROCESS**

- 30.1. Thereafter, the member shall only address the Chair for the purpose of appealing the Presiding Officer's decision to the Council.
- 30.2. If no member appeals, the decision of the Presiding Officer shall be final.
- 30.3. If the decision of the Presiding Officer is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.

## **31.0 CONDUCT OF MEMBERS OF COUNCIL, STAFF and GUESTS**

- 31.1. No member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
- 31.2. No member at a meeting shall:
- use offensive words or un-parliamentary language in or against the Council or against any member;
  - disturb another member, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
  - speak on any subject other than the subject in debate;
  - criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
  - disobey the rules of the Council or decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;

- and in case a member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may submit the following question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his seat for the duration of the meeting of the Council."
  - If that member subsequently apologizes to Council he may, by majority vote of Council, be permitted to retake his seat.
- 31.3. No person except members and Officers of the Council shall be allowed to come to the Council table during the sittings of the Council without permission of the Presiding Officer to do so.
- 31.4. When the chair is putting the question, no member shall leave the table or make a disturbance.

## 32.0 OTHER COMMITTEES

- 32.1. Insofar as possible, the procedures of the committees shall be the same as those set out for Council, unless otherwise prescribed by statute or law; it being understood that Committees act in an advisory capacity only and that unless decision making authority has been delegated by Council, motions presented and resolutions passed at the Committee level shall be deemed proposals and recommendations respectively.
- 32.2. The purpose, composition, jurisdiction, term and support staff assigned to any committee shall be as stipulated in the by-law or resolution establishing that Committee.
- 32.3. Standing, Advisory and Ad-hoc Committees wholly within the sphere of jurisdiction of Council may be established, revised, disbanded and replaced, as Council deems necessary.
- 32.4. The Council may, by By-Law or resolution, appoint any of its members or ~~non-Council~~ non-Council members to standing, special or ad-hoc committees of Council.
- 32.5. Immediately after committee members are appointed, each committee shall meet briefly to appoint a chairperson from among themselves, unless otherwise specifically stipulated herein.
- 32.6. The Head of Council will be deemed to be an ex officio member on all committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda. The Head of Council, in this capacity, does not count towards the determination of a quorum.
- 32.7. Should one be created, the main purpose of a Standing Committee is to oversee the operations of one or more municipal departments as well as to make recommendations to Council on policy matters referred to them. All provisions of this by-law shall apply to Standing Committees of Council.

## 33.0 SPECIAL/AD HOC COMMITTEES

- 33.1. Special/ad hoc committees shall be constituted for the purpose, and members named, as expressed by resolution of Council. The Head of Council shall be an ex-officio member and in this capacity will not be included in determining a quorum.
- 33.2. If no time limit is set for dissolution, a special/ad hoc Committee shall be dissolved upon the acceptance of its final report by Council and at the end of the term of Council.
- 33.3. Meetings shall be called as designated by Council, or at the call of the committee chairperson.
- 33.4. Committees appointed to report upon any subject referred to them by the Council shall report their findings and their opinion thereof in writing in the form of minutes and resolutions passed in duly conducted meetings of committee. No minutes

shall be received by Council unless signed by the secretary and chair of the committee.

#### **34.0 AMENDMENT**

34.1. No amendment or repeal of this By-Law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council. The waiving of this notice by the Council is prohibited in the *Municipal Act*.

#### **35.0 SEVERABILITY**

35.1. The provisions of this by-law are severable. If any provisions, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

#### **36.0 EFFECTIVE DATE**

36.1. **THAT** where any by-law passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.

36.2. **THAT** this by-law comes into force upon passing;

| 36.3. **THAT** by-law No. ~~2012-142008-40~~ and any other by-laws and resolutions governing the proceedings of council are hereby repealed.

| **READ** a 1<sup>st</sup> and 2<sup>nd</sup> time this ~~1320<sup>th</sup>~~ day of ~~February 2015~~.~~April 2012~~.

| **READ** a 3<sup>rd</sup> time short and passed this ~~134<sup>th</sup>~~ † day of ~~May 2012~~~~February 2015~~.

| ~~TAMMY SONNENBURG, REEVE~~ \_\_\_\_\_ ~~JIM GIBSON, MAYOR~~

\_\_\_\_\_  
MELINDA REITH, CLERK

## **APPENDIX “A” to PROCEDURE BY-LAW 2008-10**

### **MAIN MOTIONS, SUBSIDIARY MOTIONS AND PRIVILEGED MOTIONS**

#### **MAIN MOTIONS**

A main motion is a substantive proposal made by a member. It is the lowest ranked motion and may only be made when no other business is pending. Substantive means that the motions content is related to the business of the organization. For example, a motion or a resolution that proposes the adoption of a policy by the organization would be substantive.

Types of main motions:

- (a) to introduce a new issue or item of business;
- (b) to amend a previous decision;
- (c) to rescind a previous decision; and
- (d) to reconsider a vote.

#### **SUBSIDIARY MOTIONS**

A subsidiary motion is one that modifies the main motion or in some way assists in disposing of the main motion. The subsidiary motions in order of rank, lowest to highest, are:

- (a) to postpone indefinitely;
- (b) to amend (a main motion that is currently before Council);
- (c) to refer (the business) to committee;
- (d) to postpone the decision to a certain (specific) time;
- (e) to limit or extend debate;
- (f) to close debate; and
- (g) to postpone temporarily.

#### **PRIVILEGED MOTIONS**

Privileged motions are those that must be dealt with immediately even if business is pending. The privileged motions in order of rank, lowest to highest are:

- (a) to raise a question of privilege – individual;
- (b) to raise a question of privilege – affecting the assembly;
- (c) to recess;
- (d) to adjourn; and
- (e) to fix the time for a continued meeting.

Privileged motions take precedence over the pending business – main motions, subsidiary motions, and in some instance incidental motions. Privileged motions do not directly apply to the pending business but are concerned with individual members, the assembly, or the convenience of the members.

Impugning the motives of another member, speaking in derogatory terms to another member, or misquoting a member, qualify as questions of privilege affecting an individual. A question of privilege in these circumstances may be raised; if the member is speaking at the time, the member may be interrupted. Any member, whether affected by the remarks or not, may raise the question of privilege.

Questions of privilege affecting the assembly include situations that may affect the safety and well-being of the assembly or organization. If the meeting place is unsafe or unhealthy, a member may raise a question of privilege affecting the assembly. The well-being of the organization may be put at risk through a resignation of an officer, an attack on the organization's integrity, or the compromise of confidential information. In these circumstances, the matter may be important enough to interrupt proceedings and deal with immediately.

#### **INCIDENTAL MOTIONS**

An incidental motion deals mainly with procedural aspects of the pending business or of the meeting generally. Although the motions are termed incidental they are very important to the integrity and efficiency of the meeting. They allow members to bring to the attention of the assembly when a rule is broken, allows the Presiding Officer to make ruling, and allow the assembly to overrule the Presiding Officer. They also allow motions to be divided, withdrawn and revoked when necessary.

Incidental motions include:

- (a) Point of order;
- (b) Appeal a decision of the Presiding Officer;
- (c) Suspend the rules;
- (d) Request to be excused from a duty;
- (e) Request for information;
- (f) Consider by paragraph;
- (g) Request to withdraw a motion;
- (h) Division of a question;
- (i) Doubt the vote; and
- (j) Physical methods of voting.