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# THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

## BY-LAW NUMBER 15-2015

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Being a By-law to governing the calling, place and proceedings of meetings

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**WHEREAS** section 238 of the Municipal Act, 2001, S.O. 2001, Chap 25, requires the municipality to pass a by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE** the Council of the Corporation of the Township of Greater Madawaska **ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

**1.1 Citation**

This by-law may be referred to as the “Procedural By-Law”

**2. INTERPRETATION**

In this section, the following terms shall have the meanings assigned to them herein subject to any definition provided for in the Municipal Act.

**2.1 Ad Hoc Committee**

“Ad Hoc Committee” means a committee appointed by Council from time to time, to act on a temporary or singular issue and shall be discontinued by Council when IS recommendations upon the specified initiative or matter have been provided, and dealt with by Members of Council and further recommendations are no longer required.

**2.2 CAO**

“CAO” means the Chief Administrative Officer/Clerk – Treasurer of the Township of Greater Madawaska, designated by By-law.

**2.2 Clerk**

“Clerk” means the Clerk of The Corporation of the Township of Greater Madawaska, appointed by Bylaw.

**2.3 Closed Meeting**

“Closed Meeting” means a session of Council, Committee of the Whole or a Committee..

**2.4 Committee**

“Committee” means a Committee of Council and includes Standing Committees, Joint Committees, Ad-Hoc Committees and Sub-Committees.

**2.5 Committee Chair**

“Committee Chair” means the Chair of a Standing Committee, Joint Committee, Ad-Hoc Committee, or Sub-Committee of Council.

**2.6 Committee of the Whole**

“Committee of the Whole” means committee composed of all members of Council.

**2.7 Council**

“Council” means the Council of the Township of Greater Madawaska, which was elected by the registered voters or who has been appointed by virtue of a vacancy.

- 2.8 Delegation**  
“Delegation” includes presentation or award by Council, presentation to Council, or a Public Hearing.
- 2.9 Deputy Mayor**  
“Deputy Mayor” means acting as Head of Council with all of the powers, duties, rights and obligations of the Mayor, as well as other duties as assigned, in the absence of the Mayor and/or at the request of the Mayor.
- 2.10 Emergency**  
“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action
- 2.11 Grave Disorder**  
“Grave Disorder” means the Mayor or Chair does not have order or order cannot be restored.
- 2.12 Head of Council**  
“Head of Council” means the Mayor or Deputy Mayor in the absence of the Mayor of the Council of the Township of Greater Madawaska.
- 2.13 Local Board**  
“Local Board” means a municipal service board, transportation commission, public library board, board of health, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more municipalities excluding school boards.
- 2.14 Local Newspaper**  
“Local Paper” means a newspaper having general circulation in the Municipality, and may include the “on-line” version posted on the internet.
- 2.15 Local Radio Station**  
“Local Radio Station” means a radio station which can be locally received using AM or FM frequencies.
- 2.16 Majority of Council**  
“Majority of Council” or “Majority of Committee”, as the case may be, means more than 50% of the Members present, except as otherwise expressly provided in this By-law.
- 2.17 Majority vote**  
“Majority vote” means, except as otherwise expressly provided in this By-law, a simple majority of the votes cast (ie. more than 50% of the Members present) except in the case of a recorded vote.
- 2.18 Mayor - Ex-officio**  
“Mayor – Ex-officio” mean the Mayor shall be an ex-officio Member of all Council Committees, and may vote on all questions before the Committee but shall not be counted in the formation of a quorum.
- 2.19 Meeting**  
“Meeting” means any regular, special, committee, or other meeting of Council.
- 2.20 Member**  
“Member” means a member of the Council, including the Mayor.

- 2.21 Municipal Act**  
“Municipal Act” means the Municipal Act, 2001, S.O. 2001, Chap. 25 as amended from time to time.
- 2.22 Municipality**  
“Municipality” means the Township of Greater Madawaska.
- 2.23 Presiding Officer**  
“Presiding Officer” means the person appointed by a majority of the members present to preside over the meeting with the consent of the Mayor in the absence of the Mayor and Deputy Mayor.
- 2.24 Publish**  
“Publish” means posting on the Municipal website and posting in the Municipal Office. Publish may also include publishing in a daily or weekly newspaper that, in the opinion of the CAO/Clerk, has such circulation within the Municipality as to provide reasonable notice of those affected thereby, and includes broadcasting on a local radio station. “Publishing, published, publication and posting” have corresponding meanings.
- 2.25 Quorum**  
“Quorum” subject to any other applicable statutory provisions, is:  
(i) in the case of Council, a majority of Council Members  
(ii) in the case of a Committee, a majority of Committee Members.  
The Presiding Officer, if present, is a Member to be included in determining a quorum.
- 2.26 Recommendation**  
“Recommendation” means a decision of a Standing Committee, Committee-of-the-Whole or sub-committee thereof that is being forwarded to Council for consideration and approval.
- 2.27 Recorded Vote**  
“Recorded Vote” means the recording of the names and votes of every Member voting on any matter or question.
- 2.28 Resolution**  
“Resolution” means a formal determination made by Council or a Committee on the basis of a motion, duly placed before a regularly constituted Council or Committee meeting for debate and decision, and duly passed.
- 2.29 Special Meeting**  
“Special Meeting” means a meeting other than a regularly scheduled meeting called pursuant to the Municipal Act or the provisions of this By-law.
- 2.30 Standing Committee**  
“Standing Committee” means the standing committees of the Council of The Township of Greater Madawaska.
- 2.31 Township**  
“Township” means the Township of Greater Madawaska.

### **3. GENERAL PROVISION**

#### **3.1 Suspension - Rules Regulations - applicable - majority vote**

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of all Council meetings and in Committees, provided that the rules and regulations contained herein may be suspended by a majority vote of Members of the Council in any case for which provision is not made herein and shall not be debatable or amendable.

#### **3.2 Rules - regulations - new - majority vote**

Upon suspension, the new procedure to be followed shall be determined by a majority vote of the Members present. Once the matter of has been disposed of by Council the provisions of this by-law shall resume and remain in effect unless the provisions of this by-law are amended by Council.

#### **3.3 Parliamentary Authority**

The Procedural By-law shall govern the procedures of Council. Where inconsistencies exist, the current edition of "*Robert's Rules of Order 10<sup>th</sup> Edition*" will be the parliamentary authority which governs the proceedings of municipality.

### **4. MEETINGS**

#### **4.1 First (Inaugural) Meeting**

The first (inaugural) meeting of the new Council of the municipality shall be held no later than 31 days after its term commences.

#### **4.2 Regular Meetings**

The regular meetings of Council shall be held in the Calabogie Council Chambers at 5:15 PM on the second and fourth Tuesday of every month.

Council may, by motion, alter the date and/or time of a regular meeting provided that adequate notice of the change is published or broadcast in a manner approved by Council. Publishing means posting notice on the Municipal Website and **may** also include advertising in a local newspaper.

Council will not meet in regular session in the month of February.

The Municipal Clerk or designate, as appointed by By-law, shall be in attendance at all regular and special Council Meetings.

#### **4.3 Special Meeting**

Notice shall be given of all public meetings of the Council on the previous Agenda detailing the Order of Business, immediately following the Confirming By-law.

#### **4.4 Special Meetings**

##### **a) Special Meetings – Head of Council**

In addition to Public Meetings, the Mayor may at any time summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.

## **b) Special Meeting – Members of Council**

Upon receipt of a petition of the majority of the members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition.

## **c) Special Meeting – Notice by Clerk**

The Clerk shall give all Members notice of a Special Meeting of Council at least twenty-four (24) hours before the time appointed for such a meeting. The notice may be given by telephone, email or personal contact. The written or verbal notice shall indicate the nature of the business to be considered, date time and place of Special Meeting. No business other than that indicated in the written or verbal notice shall be considered at the Special Meeting. The Public shall post the agenda of a Special Meeting on the door of the municipal office and/or post on the Township's website.

## **4.5 Emergency Meeting – notice not required**

Notwithstanding any other provision of this By-law, an Emergency Meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

## **4.6 Committee of the Whole**

Informational Committee of the Whole meeting and other meetings may be called as required by Council or by the Clerk.

## **4.7 Meeting to consider applications under the Planning Act**

Meetings held to consider applications under the Planning Act or to obtain Public input may be held at 4:30 p.m. prior to the regular meeting of Council. The meeting may be called at an earlier time or at a different date and time upon the approval by resolution of Council, provided adequate notice is given to the public of the impending Change as directed by the Clerk or designate.

## **4.8 Meetings to consider public comment**

Where Council directs otherwise, a meeting for the purpose of receiving Public comments on any matter; or where Council directs a meeting shall be held pursuant to the provisions of the act or any other Act, a public meeting shall have a time limit of two hours unless extended, with the approval of the majority of all members of Council present at meeting prior to the time limit; in any event the meeting shall adjourn within four hours.

## **4.10 Notice of Meetings**

Notice to public of all Regular, Special Council and Committee of the Whole meetings shall be posted on the Municipal Website as soon as possible and **may** be advertised, time permitting, in a local paper for notification of the public and in such other manners the Clerks deems appropriate.

## **4.11 Location of Meetings**

All meetings of Council, Council of the Whole or any committees of Council shall be held within the Council Chambers located at the Municipal

Office, 19 Parnell Street, Calabogie, Ontario or at such place as Council may from time to time determine and give notice of. In the event of an Emergency declared by the Head of Council or any other Lead Agency as identified with the *Emergency Management Act* within the confines of a declared emergency, where the Municipal Office is not accessible, the Council shall be asked to meet at an identified location accessible by Members of Council.

#### **4.12 Open to Public Meetings of Council and Committees – Exception**

Meetings of the Council and its committees shall be open to the public except as provided in Sections 4.10 and 4.11; and as provided for under section 239(2) and (3) and (3.1) of the *Municipal Act* .

#### **4.13 Meetings Open to Public – Record**

All Council Meetings open to the public shall be recorded, by Clerk or designate, without note or comment on all resolutions, decisions and other proceedings and shall also be electronically recorded and kept for archival purposes.

#### **4.14 Closed to Public Meetings of Council and Committees – In Camera**

A meeting or part of a meeting of Council or its Committee of the Whole or its Appointed Committees of Council and Local Boards thereof may be closed to the public as provided for under section 239(2) and (3.1) of the *Municipal Act* .

#### **4.15 Confidential Matters**

Members are to ensure that confidential matters disclosed to them during closed are kept confidential

#### **4.16 Recording Equipment**

Members of the public, including accredited and other representatives of any news media, may use cameras, electric lighting equipment, recording equipment, television cameras, and any other devices of a mechanical, electronic, or similar nature to transcribe or record proceedings. These devices may not be used in such a way as to obstruct the proceedings of the meeting.

#### **4.17 Communication devices – public meeting**

Every member of Council or Committee must disable the audible signals of their communications devices during a Council or Committee meeting.

#### **4.18 Communication devices – closed meetings**

Every member of Council and every member of staff attending a closed meeting must not communicate via email, text, telephone or other electronic method during the a closed meeting.

#### **4.19 Public Hearings of Council - Agenda**

The Clerk, or designate, in accordance with the applicable Department, Shall prepare the necessary agenda for the public meeting, which could include, but is not limited to, a hearing for an Official Plan or zoning



amendment, requirements under the Notice By-law, or for the purpose of municipal licensing appeals.

#### **4.20 Public Hearings of Council – Minutes**

The Clerk, or designate, shall record the date, time, place, reason for meeting, and persons in attendance, together with the following:

- (1) Chair to confirm reason for the convening of the public meeting;
- (2) Chair to confirm public notice of meeting;
- (3) Chair to request anyone wishing to receive notice of the adoption of the by-law is to leave; their name and address with the Clerk (if necessary);
- (4) Chair to outline the procedures for the meeting;
- (5) Chair to call on Clerk for an explanation of the proposed amendment (if necessary);
- (6) Chair to call on the Clerk to identify written correspondence received;
- (7) Chair to call on comments from staff;
- (8) Chair to call on comments from the public of those opposed or in favour;
- (9) Chair to call on comments from Council; and
- (10) Chair to declare the public meeting adjourned.

### **5 DISCLOSURE OF INTEREST**

#### **5.1 Disclosing - Member responsibility**

All Members shall govern themselves at any Meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the "*Conflict of Interest Act*". Each Member shall identify and disclose any interest.

#### **5.2 Member - leave meeting - in camera**

Where the meeting is not open to the public, the Member shall immediately leave the Meeting or the part of the meeting during which the matter is under consideration.

#### **5.3 Member - absent - from meeting**

Where a Member is absent from a meeting which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting attend.

#### **5.4 Declaration - recorded – minutes**

The Clerk shall record the declaration of interest in the Minutes or report of the meeting and, where the meeting was open to the public, the general nature of such declaration. Each member will be asked to state whether or not they have a declaration of interest to be made with respect to the matters set out in the agenda for the Council or Committee meeting.

## **6. CALLING MEETINGS TO ORDER AND QUORUM**

### **6.1 Order and Quorum**

As soon after the hour fixed for holding of the meeting Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.

If no quorum is present one half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting of Council, either regular, special or emergency.

## **7. ORDER OF BUSINESS**

### **7.1 Agenda – Content**

Agendas shall be generally formatted as follows but modification to the matters to be included or the order of business may be affected without requiring amendments to this by-law;

- i. Call to Order
- ii. Opening Prayer/O Canada
- iii. Attendance/Motion to Excuse
- iv. Additions/Deletions/Amendments
- v. Declaration of Pecuniary Interest and the General Nature Thereof
- vi. Adoption of Minutes
- vii. Delegations
- viii. Presentations
- ix. Report of Municipal Staff
- x. Report of Committees
- xi. Mayor's Report
- xii. CAO Report
- xiii. Closed Meeting, If Required
- xiv. Petitions
- xv. By-laws
- xvi. Motions and Notice of Motion
- xvii. Correspondence
- xviii. Unfinished Business, Other Business
- xix. Confirming By-law
- xx. Adjournment

The agendas for Committee and Committee of the Whole meetings may follow a similar order with necessary modifications.

Additions to the Council Agenda prior to its approval must be authorized by a motion of Council, such motion requiring a simple majority of votes to pass.

The business of Council shall be considered in the order set forth on the agenda. The Presiding Officer, with the approval of Council, may vary the order in which the items are presented to better deal with matters before Council.

Every member of Council, all Department Heads and any other municipal employee, as directed by the Chief Administrative Officer, shall attend each meeting of Council or shall advise the Clerk of his/her inability to attend.

### **7.2 Creation of Agenda**

The Clerk shall prepare and provide the agenda for the use of the members at the regular meetings of Council and Committee of the Whole an agenda.

Individuals or groups wishing to appear before Regular Council meeting shall advise the Clerk no later than 12:00 p.m. on the Wednesday prior to the meetings. Individuals or groups wishing to appear before Committee of the Whole meeting shall advise the Clerk no later than forty-eight (48) hours prior to the meeting.

All agenda items for Council meeting shall be forwarded to the Clerk by 12:00 PM on the Wednesday of the week prior to the meetings. All agenda items for Committee of the Whole shall be forwarded to the Clerk no later than forty-eight (48) hours prior to the meeting.

### **7.3 Delivery of Agenda**

Insofar as practicable, Council agendas, along with supporting documentation shall be prepared and made available to members by 12:00 PM on the Friday prior to the meeting.

Insofar as practicable, Committee of the Whole agendas, along with supporting documentation shall be prepared and made available to members twenty-four (24) hours prior to the meeting.

## **8. CONDUCT**

### **8.1 The Conduct of Proceeding's at a Meeting**

It shall be the duty of the Head of Council or other Presiding Officer,

- a) to open the meeting by taking the chair and calling the members to order;
- b) to announce the business before Council in the order in which it is to be acted upon;
- c) to receive and submit, in the proper manner, all motions presented by members;
- d) to put to a vote all questions which are moved and seconded or necessarily arise in the course of the proceedings and to announce the result;
- e) to decline to put to vote motions which infringe upon the rules of procedure;
- f) to call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chamber;
- g) to authenticate by signature all by-laws, resolutions and minutes of the Council;
- h) to enforce on all occasions the observance of order and decorum among the members;
- i) to recommend, during his/her Inaugural Address, the rotation schedule for Deputy Mayor appointments, and the appointment of Members to services on Committees, for Council confirmation and approval;
- j) to represent and support the Council, declaring its will and implicitly obeying its decisions on all things; to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal corporation;
- k) to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;
- l) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the

- meeting and to order the individual or group to vacate the Council Chamber where such behaviour persists;
- m) to adjourn the meeting when the business is concluded.
  - n) may speak and/or vote on any question, but if the Head or Presiding Officer wish to make a motion they shall first leave the Chair by designating the Acting Mayor, and if the Acting Mayor is absent, by designating another Member to act in their stead until they resume the Chair.

## **8.2 CONDUCT OF MEMBERS OF COUNCIL AND GUESTS**

### **8.2.1 Member(s) shall:**

- a) Not use offensive words or unparliamentary language in or against Council or against any member, staff or guest;
- b) Not disturb another, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- c) Not speak on any subject other than the subject in debate;
- d) Not criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- e) Not resist the rules of Council or disobey the decision of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- f) Not leave a meeting without first obtaining permission from the Mayor or presiding officer;
- g) Not be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council; until the next meeting and without making an apology to Council;
- h) Not interrupt the member who has the floor except to raise a point of order.
- i) Not speak disrespectfully of the reigning sovereign or of any of the royal family or 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.
- j) Not be allowed to address Council or speak in debate without the permission of the Mayor or presiding officer.

**8.2.2** When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the member who is to speak first.

**8.2.3** When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of five minutes.

**8.2.4** A member may require the motion under debate to be read at any time during the debate, but shall not interrupt a member who is speaking.

## **8.3 Conduct by public**

No person in attendance at a meeting shall:

- (1) Address Council or Committee without permission from the Mayor or Chair;
- (2) Bring signage, placards or banners into such meetings or on the premises of Township Office;
- (3) Engage in any activity or behaviour that would affect the deliberations; nor
- (4) Bring food into the Council Chambers or meeting unless so authorized

#### **8.4 Appointment of Deputy Mayor**

The position of Deputy Mayor shall be on a rotating basis among the four members of Council whereby each member shall be appointed Deputy Mayor for a twelve-month period that is rotated over the term of Council. The appointments shall be approved by resolution, passed at the inaugural meeting of the new Council, and shall list the rotation every twelve months for the full term of Council commencing alphabetically, of the last name, on the date of the passing of the resolution.

In the absence of the Mayor, the Deputy Mayor for the purposes of this chapter shall act in the place and stead of the Mayor and shall have all rights, powers and authority of the Mayor, while so acting

#### **8.5 Address of Councillors**

At meetings, members of Council shall be addressed as "Councillor (surname inserted)."

#### **8.6 Address of Mayor**

At meetings, the Mayor shall be addressed as "Mayor (surname inserted)" or as "Your Worship."

### **9 MINUTES**

#### **9.1 Content**

Minutes shall record:

- a) the place, date and time of the meeting;
- b) the names of the Presiding Officer or Officers, and record the attendance of the members;
- c) the reading, if requested, correction and adoption of the minutes of prior meetings;
- d) all other proceedings of the meeting without notice or comment.

#### **9.2 Included in Agenda**

Minutes of the last regular Council meeting of Council and all Special Council Meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been read at the Meeting at which the question of their adoption is considered.

Should a Special meeting be held during or after final preparation of an agenda for an upcoming regular meeting, the minutes of those special meetings shall be scheduled at the next regularly scheduled meeting.

### **10 PRESENTATIONS/DELEGATIONS**

#### **10.1 Delegation**

Persons requested by Council to present information verbally on matters. Delegations will be listed on agendas for Council or Committee of the Whole shall be limited to speaking to not more than thirty (30) minutes. This time limit may be expended subject to approval by Council

#### **10.2 Presentation**

Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk no later than 12:00 p.m. the Wednesday prior to the meeting of Council.

Persons desiring to present information verbally on matters of fact or make a request of Council at Committee of the Whole shall give notice to the Clerk no later than forty-eight (48) hours prior to the meeting.

Time is limited to ten (10) minutes. This time limit may be expended subject to approval by Council.

### **10.3 Number of Presentation(s)/Delegation(s)**

In consideration of time restraints, the number of Presentations or Delegations shall be limited to a maximum of three.

## **11 BY-LAWS**

### **11.1 Description - number of readings - listed on agenda**

All by-laws, together with a brief description and the notation of the number of readings required, shall be listed on the agenda for the meeting at which they are to be read.

### **11.2 Introduction - upon motion - title read**

Every by-law shall be introduced upon motion of a Member specifying the title of the by-law.

### **11.3 Form – writing - compliance - relevant Act**

Every by-law when introduced shall be in writing and shall comply with the provisions of any relevant Act.

### **11.4 Readings - three - prior to passing**

Every by-law caption shall be read prior to it being passed and endorsed by the Council

### **11.5 Purpose - effect - explained upon request**

Any Member may request that the purpose and effect of any particular by-law be explained, and the Clerk or any other Township Official having knowledge thereof may provide such explanation.

### **11.6 Debate - amendment**

A by-law may be debated or amended before final adoption by Council.

### **11.7 Passed - numbered - dated - signed - seal affixed**

Every by-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Municipal Corporation and signed by the Mayor and the Clerk and shall be kept by the Clerk in the Clerk's office or any other place appointed for that purpose.

### **11.8 Confirmation - conclusion - of meeting**

At the conclusion of all regular meetings of the Council and prior to adjournment, a by-law shall be brought forward to confirm the actions of the Council at that meeting in respect of each motion, resolution and other action taken.

### **11.9 Confirmation - introduction - voted on - without debate**

A confirmation by-law when introduced shall be taken as read and finally adopted with debate

## **12 RESOLUTIONS**

### **12.1 Notice of Motion**

Notice of all new resolutions shall be given in writing and delivered to the Clerk by 12:00 p.m. the Wednesday preceding the meeting at which a resolution is to be introduced and a resolution shall be printed in the agenda for the meeting of Council.

### **12.2 Dispensing with Notice**

Any resolution may be introduced without notice of the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the members present and voting.

### **12.3 Seconding**

A motion must be formally seconded before the Presiding Officer can put the question or the motion be recorded in the minutes.

### **12.4 Presentation of Motion of Chairperson**

When a resolution is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.

### **12.5 No Interruption After Question**

After a question, as amended, if finally put by the presiding officer, no member shall speak to the question nor shall any other resolution be made until the vote is taken and the result has been declared.

### **12.6 Call for a Vote**

When the Presiding Officer calls for a 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 walk across the room to speak to any other member or make any noise or disturbance.

### **12.7 Unrecorded Vote**

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

### **12.8 Recorded Vote**

Where a vote is taken for any purpose and a member present requests a recorded vote before or immediately after the vote, all members present at the Council or committee meeting shall vote by voice or show of hands, unless otherwise prohibited by statute. Failure to vote by a qualified member shall be deemed a negative vote. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk will call the vote in the following manner:

- Member who called the vote will vote first
- Follow by the list of members on the motion paper
- The Mayor will vote last

The Clerk shall announce the results to the Mayor.

## **12.9 Voting**

The Presiding Officer, unless otherwise disqualified to vote, may vote with the other members on all questions.

Except where expressly provided in statute, any question on which there is an equality of votes shall be deemed to be defeated.

Subject to Subsection 3(e), no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.

## **12.10 Member Speaking**

Every member prior to speaking to any questions or motion shall raise his/her hand and address the Presiding Officer. When two or more members raise their hand to speak, the Presiding Officer shall designate the member who has the floor who shall be the member who, in the opinion of the Presiding Officer raised their hand first. Every member present at the meeting of Council when a question is put shall vote thereon unless prohibited by statute.

When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.

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.

## **12.11 Motions Introduced Orally**

The following matters and motions with respect thereto may be introduced orally without leave, except as otherwise provided by these Rules of Procedure:

- a) a point of order or personal privilege;
- b) presentation of petitions;
- c) to lay on the table
- d) to postpone indefinitely or to a day certain;
- e) to move the previous question.

## **12.12 Motions in Writing and Signed**

The following motions may be introduced without leave, but such motions shall be in writing and signed.

- a) to refer;
- b) to adjourn;
- c) to amend;
- d) to suspend the Rules of Procedure.

## **12.13 Resolutions – Writing and Signed**

Except as provided by Clauses 11.12 above, all resolutions shall be in writing and signed by a mover and seconder;

## **12.14 Other motions when motion under debate**

When a motion is under debate, no other motion shall be in order except a motion:



- (1) To adjourn;
- (2) To proceed beyond the hour of 9:00 p.m.;
- (3) To lay on the table (to set a motion aside temporarily in order to take up a more pressing matter);
- (4) To put the question (to close the debate);
- (5) To postpone (defer);
- (6) To refer; or
- (7) To amend.

#### **12.15 Motion to Adjourn**

A motion to adjourn shall:

- (1) Not be amended;
- (2) Not be debated; and
- (3) Always be in order, except when a member is speaking or the members are voting

#### **12.16 Motion to proceed past 9:00pm**

A motion to proceed beyond the hour of 9:00 p.m. shall:

- (1) Not be amended;
- (2) Not be debated;
- (3) Always be in order, except when a member is speaking or the members are voting; and
- (4) Shall require a majority vote of those members present for the first hour and a unanimous vote for every hour thereafter; and should this not occur, the meeting shall automatically be adjourned.

#### **12.17 Motion to defer to subsequent meeting**

This motion enables the discussion of a substantive issue to be put off to a subsequent meeting and shall:

- (1) State the substantive issue and the date and/or time of the postponement;
- (2) Be debatable only with respect to the date and time;
- (3) Have a seconder;
- (4) Have amendments restricted to the stated date/and or time; and
- (5) Be approved by majority.

#### **12.18 Motion to Amend**

A motion to amend, add to, delete from, or substitute words in the main motion shall:

- (1) Be presented in writing and seconded;

- (2) Be open to debate;
- (3) Not propose a direct negative to the main motion;
- (4) Be relevant to the main motion;
- (5) Have only one motion to amend the main motion at one time;
- (6) Have only one motion to amend a motion to amend the main motion at one time; and
- (7) Be put in the reverse order to that in which it is moved.

#### **12.19 Motion to refer**

A motion to refer is used to allow closer study of the subject. It is used to require a committee or staff to examine the matter under consideration in greater detail. A motion to refer a matter should include the name of the committee or official, etc. to whom the matter is to be referred and instructions respecting the terms upon which the matter is to be referred; and shall:

- (1) Be debatable (debate is restricted to the pros and cons of making the referral);
- (2) Be amendable; and
- (3) Be relevant to the main motion.
- (4) Have a seconder;

#### **12.20 Motion not within jurisdiction**

A motion relating to a matter not within the jurisdiction or beyond Council's power of authority is not in order and shall not be entertained by the Chair.

## **12.21 Disposition of motion**

Every motion in Council must be voted on and either carried, defeated, withdrawn, or deferred before any other motion (other than a motion to amend) can be introduced, deferred, amended, etc. If a motion is to be withdrawn it must be done so with the permission of Council or Committee as the case may be.

## **13. MOTION FOR RECONSIDERATION**

### **13.1 Reconsideration**

- (a) The purpose of a Motion for Reconsideration is to suspend all action that the original motion would have required until the reconsideration is acted upon. Any resolution, by-law, or matter that has previously been adopted by Council may be reconsidered by Council subject to:
- (i) a Notice of Motion must be introduced according to the procedures for notices of motion;
  - (ii) debate on the question must be confined to reasons for or against;
  - (iii) such motion must be supported by a two-thirds majority vote of the Members of Council before the matter to be reconsidered can be debated;
  - (iv) a motion to reconsider shall not be considered more than once in any twelve-month period.

(b) Voting on prevailing side can on request Motion for Reconsideration

## **14. NOTICE OF MOTION**

- (a) A Notice of Motion shall:
- (i) be in writing;
  - (ii) include the name of the mover;
  - (iii) advise Council that the motion described therein will be an agenda item at the next Council meeting unless stipulated for an alternate date.
- (c) When a Member's notice of motion has been called from the Presiding Officer and it has not proceeded with, it shall be dropped from the agenda and it shall be deemed to have been withdrawn

## **15. EFFECTIVE DATE**

This By-Law shall become effective upon the date of enactment.

Where any by-law passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.

That By-law No. 40-2014 is hereby repealed.

**READ** a first and second time this 20<sup>th</sup> day of January, 2015.

**READ** a third time and passed this 20<sup>th</sup> day of January, 2015.

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Glenda McKay  
Mayor

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Allison Holtzauer  
CAO Clerk/Treasurer