

THIRD READING

No. 14

COUNCIL OF _____ SESSION, 19 95

Moved by Norman Colby Seconded by Carol French

That a By-law to _____

as reported by the Committee of the Whole be read a third time, passed and numbered _____ and that the said by-law be signed by the _____ and clerk, sealed with the seal of the Corporation, and be engrossed in the By-law Book.

Carried. Albert Uader

SECOND READING

No. 14

COUNCIL OF _____ SESSION, 19 95

Moved by Carol French Seconded by John Walsh

That a By-law to _____

be read a second time and be referred to a committee of the whole council.

Carried. Albert Uader

FIRST READING

No. 14

COUNCIL OF _____ SESSION, 19 95

Moved by John Walsh Seconded by Norman Colby

That a By-law to govern the proceedings of council, the conduct of its members and the calling of meetings see subhead A attached

be received and read a first time.

Carried. Albert Uader

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THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

By-Law NO. 14-95

Being a By-law to govern the proceedings of Council, the conduct of its members and the calling of meetings.

WHEREAS, pursuant to Section 55 of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended by the Planning and Municipal Statute Law Amendment Act, 1994 every Council and local board shall adopt a procedure By-Law to govern the calling, place and proceedings of meetings,

AND WHEREAS, pursuant to Section 102 of the Municipal Act R.S.O. 1990 Chapter M45, every Council may pass By-Laws to govern the conduct of its members,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOLLASTON HEREBY ENACTS AS FOLLOWS:

1. 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 dispatch of business by Council and its committees.

COUNCIL AND COMMITTEE MEETINGS

2. Regular meetings of Council shall be held in the Council Chambers on the first and third Tuesdays of each month at 7:00 P.M.
3. The inaugural meeting of Council after a regular election shall be held on the first Tuesday in December at a time to be set by By-Law.
4. Council may, by Resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted and published in local newspapers.
5. (a) The Head of Council may, at any time, summon a special meeting.
(b) The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
(c) In either case of (a) or (b) above, the Special Meeting shall be held not sooner than 48 hours following the Head's summons or receipt of the petition, as the case may be and the Clerk shall provide written notice of the special meeting immediately following receipt of the summons or petition.
(d) Notwithstanding the notice requirement set out above, in the event of a boni fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.
(e) Unless otherwise specified in the notice described in Paragraph 5 (c) above, a special meeting shall be held in the Council Chamber.
(f) The notice of a special meeting shall specify the purpose for the meeting.

6. (a) The Reeve shall preside at all meetings of the Council.
- (b) When the Reeve is absent or refuses to act, or the office is vacant, the Deputy-Reeve shall act in the place and stead of the head, and, while so acting, the Deputy-Reeve has and may exercise all the rights, powers and authority of the Reeve.
- (c) Notwithstanding Paragraph 6 (b) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- (d) The Reeve or presiding officer may expel from a meeting anyone who engages in improper conduct.
7. (a) All Council and Committee meetings shall be open to the Public.
- (b) Notwithstanding Paragraph 7 (a) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - i) the security of the property of the Township, or local board;
 - ii) personal matters about an identifiable individual including municipal or local board employees;
 - iii) a proposed or pending acquisition of real property for municipal or local board purposes;
 - iv) employee negotiations or labour relations;
 - v) litigation or potential litigation including matters before administrative tribunals, affecting the Township or a local board;
 - vi) a matter in respect of which Council, a Committee of Council or a local board has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament.
 - vii) the receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose.
- (c) Before all or part of a meeting is closed to the public, the Council shall state by Resolution :
 - i) the fact of the holding of the closed meeting;
 - ii) the general nature of the matter considered at the closed meeting;
- (d) Subject to subsection (a) a meeting shall not be closed to the public during the taking of a vote.
- (e) Despite subsection 27 a meeting may be closed to the public during a vote if;
 - i) Subsection 7 (b) permits or requires a meeting to be closed to the public and,
 - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- (f) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.

AGENDAS AND SUPPORTING MATERIAL

8. (a) The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- (b) Insofar as is practicable, Council agendas, along with supporting materials, shall be prepared and made available to members on the Friday prior to a regular meeting.
- (c) Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk not later than 4:00 P.M. on the Thursday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.

- (d) Written reports of officers shall, insofar as is practicable, be made available to Council by 4:00 P.M. on the Monday immediately preceding regular meetings.
- (e) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this By-Law.
 - 1) Disclosure of Pecuniary Interest
 - 2) Minutes of Previous Meetings
 - 3) Business Arising from the Minutes
 - 4) Petitions and Delegations
 - 5) Accounts
 - 6) Reports (with appropriate sub-headings)
 - 7) Correspondence
 - 8) Motions
 - 9) Notice of Motions
 - 10) Resolution: to move to an in-camera (closed) session
 - 11) New Business/By-Laws
 - 12) Adjournment
- (f) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or presiding officer.

NO QUORUM

- 9. If no quorum is present one half hour after the time appointed for a Council or Committee meeting, the Clerk or recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

CURFEW

- 10. Council and Committee meetings shall stand adjourned at 11:00 P.M. but business may be continued upon a resolution passed by unanimous vote.

DUTIES OF THE REEVE

- 11. It shall be the duty of the Reeve 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 the 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 results;
 - (e) to decline to put to vote motions which infringe upon the rules of procedure;
 - (f) to enforce on all occasions the observance of order and decorum among the members;
 - (g) to call by name any member persisting in breach of the rules or order of the Council thereby may order the member to vacate the Council Chamber;

- (h) to authenticate by signature all By-laws, Resolutions and minutes of the Council;
- (i) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
- (j) to select the members of Council who are to serve on Committee where no consensus of Council occurs;
- (k) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (l) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the municipal Corporation;
- (m) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- (n) to order any individual or group in attendance at the meeting to cease and desist any behavior which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists.

CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

12. No member shall:

- (a) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
- (b) disturb another, or the Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- (c) speak on any subject other than the subject in debate;
- (d) resist the rules of Council or disobey the decisions of the Reeve or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- (e) leave a meeting without first obtaining permission from the Reeve or presiding officer;
- (f) 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;
- (g) interrupt the member who has the floor except to raise a point of order.

13. No person shall be allowed to address Council or speak in debate without permission of the Reeve or presiding officer.

MOTIONS / RULES OF DEBATE

- 14. Subject to Paragraph 15 and insofar as is practicable, notice of motions, except those listed in Paragraphs 30 and 31, shall be given in writing to the Clerk not later than 4:00 P.M. on the Thursday preceding the next regular meeting so that the matter may be included in the Council agenda package.
- 15. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
- 16. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
- 17. When a motion is presented in Council in writing it shall be read, or, if it is an oral motion, stated by the Reeve or presiding officer.

18. (a) A motion to amend shall:
 - i) be presented in writing;
 - ii) be dealt with by Council before a previous amendment or the main motion;
 - iii) not be further amended more than once provided that further amendment may be made to the main motion;
 - iv) be relevant to the main motion;
 - v) not propose a direct negative to the main motion;
19. Once read or stated by the Reeve or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
20. Immediately prior to voting on a motion, the Reeve or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
21. After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
22. Members shall not speak more than once to the same question without the consent of the Reeve or presiding officer.
23. On a unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Reeve or presiding officer and may be by voice, show of hands, standing or otherwise.
24. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an Order determined by the Reeve or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
25. The Reeve or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
26. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
27. Subject to Subsection 7 (e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
28. (a) Unless otherwise authorized by the Reeve or presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
 - (b) When two or more members seek to address Council, the Reeve or presiding officer shall designate the member who may speak first.
29. 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.
30. The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
 - (a) a point of order or personal privilege;
 - (b) presentation of petitions;
 - (c) to lay on the table (to defer temporarily)
 - (d) to postpone indefinitely or to a specific day;
 - (e) to move previous question (immediate vote on the main motion).

31. The following motions may be introduced without notice and 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.
32. Except as provided in Paragraph 30 all motions shall be in writing and signed by the mover and seconder.
33. The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 14.
34. Council may, from time to time, employ a confirming Resolution immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a By-law or Resolution.

POINT OF ORDER AND PRIVILEGE

35. The Reeve or presiding officer shall preserve order and decide questions of order.
36. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

37. No By-laws shall be presented to Council unless the subject matter has been considered and approved by Council.
38. Every By-law shall be introduced upon motion by a member specifying the title of the By-law.
39. Every By-law when introduced shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
40. Every By-law shall be given three readings prior to passage.
41. The first and second reading of a By-law shall be decided without amendment or debate.
42. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
43. Upon passage By-laws shall be numbered, signed by the Reeve or presiding officer and embossed with the seal of the Corporation.
44. Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

GENERAL

45. When the Reeve of Council is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.
46. In all matters and under all circumstances the members shall be guided by an shall have regard to the Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act 1994, upon Proclamation.

47. At Councils discretion individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 8 (c), be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.
48. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
49. Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.
50. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Council and the waiving of notice is prohibited.

Read a first and second time this 18th day of April,
1995.

Read a third time and finally passed this 18th day of April,
1995.

Albert Wade

Reeve

Jacqueline M. Dalby
Clerk