

CORPORATION OF THE TOWNSHIP OF WOLLASTON
BY-LAW NO. 39-12 Repeals By-Law 68-09

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS, THE CALLING OF MEETINGS AND GIVING NOTICE TO AND CONSULTING WITH THE PUBLIC.

THE purpose of this by-law, under the Municipal Act, 2001, is to ensure the manner in which the Township is accountable to the public for its actions and that its actions are transparent to the public.

WHEREAS Section 238(2) of the Municipal Act, 2001, provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Municipal Act, 2001 provides that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS Section 223.2 of the Municipal Act, 2001 as amended, authorize the Municipality to establish codes of conduct for members of the council of the municipality and of local boards of the Municipality

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

GENERAL

Council shall at all times adhere to the provisions of the Municipal Act, 2001 as amended from time to time.

The rules and regulations contained in this bylaw herein may be suspended by a two thirds (2/3) vote of the Council unless the part or parts is prescribed by statute or law.

In any case for which provision is not made herein, the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committee, as set out in Robert's Rules of Order, eleventh edition.

If any member of Council has any pecuniary or other interest, direct or indirect in a matter that is subject of consideration by Council as defined within the Ontario's Municipal Conflict of Interest Act, they shall as soon as practicable after the commencement of the meeting disclose the interest and shall not take part in the discussion nor vote in any respect to the matter. If the matter is disclosed during closed session the member shall vacate the room.

All members of council shall be familiar with and comply with the Code of Conduct for the Township of Wollaston, being By-Law 40-12.

1.0 DEFINITIONS

- (a) "Act" shall mean any Statute adopted by the Legislative Assembly of the Province of Ontario.
- (b) "Acting Reeve" shall mean the Deputy Reeve or in his absence another member of council.
- (c) "Clerk" shall mean the Clerk of the Township of Wollaston or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act.
- (d) "Closed Meeting" shall mean closed to the public as defined in Subsection 5.3 of this By-law
- (e) "Committee of the Whole" shall mean a meeting of Council in Committee format for discussion purposes.
- (f) "Council" shall mean the elected and sworn members of the Council of the Township of Wollaston.
- (g) "Head of Council" shall mean the Reeve or Acting Reeve of the Township of Wollaston.
- (h) "Meeting" means any regular, special, committee, or other meeting of Council, of a local board or of a committee of either of them.
- (i) "Pecuniary interest" shall mean an interest as defined in the Municipal Conflict of Interest Act and in the Code of Conduct By-Law 40-12.

- (j) "Quorum of Council" means (i) in the case of Council, is three (3) members present
(ii) in the case of disclosure of conflict of interest, any number that is not less than two (2) members shall be deemed to constitute a quorum, as per Conflict of Interest Act R.S.O. 1990, Chapter M.50
- (k) "Recorded Vote" shall mean the recording of the name and vote of every Member of Council voting on any matter or question.

2.0 COUNCIL MEETINGS AND NOTICES FOR THE SAME

2.1 Schedule of Meetings

- (a) The Inaugural Meeting of the Council shall be held during the first week in December, following the Municipal Election, beginning at 9 a.m., unless otherwise noted.
- (b) A schedule of Meetings pertaining to regular Meetings of Council and, are set out in Appendix "A" attached hereto and forming part of this by-law.
- (c) All meetings shall be held in the Wollaston Council Chambers located at 90 Wollaston Lake Road, or as per amending resolution of Schedule "A"

2.2 Notice of Council Meetings shall be given by:

- (a) publication of future meetings in previous agendas.
- (b) posting of meeting Agendas at the Township Municipal Office Building at 90 Wollaston Lake Road and on the township Website at www.wollastontownship.ca.
- (c) if council chooses to give notice in a local paper, commercial gazette or any other forum of public viewing , it shall first be authorized by resolution of Council.

2.3 Special Meetings/Notice

- (a) The Head of Council may at any time call a special meeting;
- (b) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- (c) Special meetings require a minimum notice of twenty-four (24) hours unless otherwise agreed to by a majority of members.
- (d) Notice for such items as special meetings will be posted at the Township Municipal Office Building at 90 Wollaston Lake Road, on the Township's website at www.wollastontownship.ca.
- (e) Council shall only consider the matter or matters that are specifically listed for consideration on the Notice of the Special Meeting, unless unanimous consent is given by Members of Council to consider other matters.

2.4 Emergency Meetings

"Emergency" means a situation or the threat of an impending situation adversely affecting property and/or the health, safety and welfare of the community or the Region, which by its nature and magnitude requires a timely, coordinated, and controlled response;

- (a) in the case of a bona fide emergency the head of council or designate may call a meeting. The meeting may be held as soon as practical in a suitable location following the notification of all Members.
- (b) Notice of meeting may be waived for the purposes of an emergency meeting

2.5 Presiding at Council Meeting

The Reeve is the Head of Council and he/she shall preside at the meetings of Council. In the case the Reeve does not attend without prior notice within fifteen minutes after the time appointed, and if there is a quorum, the meetings of Council shall be presided over by the Deputy Reeve. If both the Reeve and Deputy Reeve are absent, providing there is a quorum, a

Member of Council shall be chosen from the members present to preside during the meeting. While presiding, the Acting Reeve shall have all the powers of the Reeve.

2.6 Quorum

If there is no quorum within fifteen (15) minutes after the time scheduled for a meeting of Council, the Clerk shall call the roll and record the names of the Members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

2.7 Curfew

No item of business may be dealt with at a Council meeting after 4:00 p.m. for day meetings and 11:00 p.m. for evening meetings unless unanimous consent is given by the Members of Council to extend the closure time.

3.0 AGENDAS AND SUPPORTING MATERIAL

3.1 Agendas

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

1. Call to Order
2. Closed Session
3. Declaration of Pecuniary Interest
4. Adoption of Minutes
5. Business Arising from the Minutes
6. Adopt Agenda
7. Delegations/presentations
8. Reports to Council – Reeve's report, staff and committee reports
9. Items for discussion and motions
10. Correspondence for Council Information
11. Accounts.
12. Notice of Motions
13. Question Period
14. New Business – non agenda committee items which because of urgency cannot be deferred to a subsequent meeting identified to be considered in this meeting both in camera and in open meeting.
15. By-Laws
16. Confirmation by-law
17. Adjournment

The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or Member of council. Questions asked under item 13 shall be confined to items on the agenda. Question period shall be limited to 15 mins. With a limit of one question per guest directed through the Reeve.

3.2 Circulation of Agenda

- (a) Insofar as is practicable, the agenda and background information shall be equally distributed to all Members no later than 48 hours prior to a regular meeting. Time sensitive supplementary agenda items will be circulated to Members prior to Call to Order of the meeting, otherwise they will be held over for the next Council meeting.

- (b) Insofar as is practicable, it shall be the duty of the Clerk to ensure that the Minutes of the last regular Council meeting and all Special meetings held more than nine business days (9) days prior to the regular meeting are circulated along with council agendas and supporting material.

3.3 Minutes

Minutes shall record:

- (a) the place, date and time of meeting;
- (b) the name of the person presiding and a record of the attendance of Members;
- (c) proceedings of the meeting without note or comment;
- (d) all corrections or omissions noted prior to its adoption;
- (e) the signature of the Reeve and Clerk.

Insofar as is practicable, it shall be the duty of the Clerk to ensure that the Minutes of the last regular Council meeting and all Special meetings are posted for public viewing.

3.4 Accounts

General or Special Accounts will be presented for Council approval at the first regular meeting of each month or at other meetings upon approval of Council.

4.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

4.1 Duties of Head of Council

It shall be the duty of the Head of Council:

- (a) to open the meeting of Council as soon as quorum is present, by taking the Chair and calling the meeting to order, and giving appropriate opening remarks;
- (b) to announce the order of business as it appears on the agenda so that an orderly sequence of business may be maintained;
- (c) to receive and put to vote all motions presented that are duly moved and seconded, or necessarily arise in the course of the proceedings and announce the results;
- (d) to decline to put to vote motions which infringe upon the rules of procedure;
- (e) to ensure and enforce the observance of order and decorum among the Members;
- (f) to ensure and enforce the observance of order and decorum among the assembly;
- (g) to call by name any member(s) persisting in breach of the rules or order of the Council, thereby ordering the member to vacate the Council Chamber;
- (h) to order any individual or group in attendance at the meeting to cease and desist any behavior which disrupts the order or decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists;
- (i) to receive all communications and delegations and announce them to the Council;
- (j) to authenticate, by his/her signature when necessary all minutes, resolutions/motions and By-Laws of the Council;
- (k) to select the members of Council who are to serve on Committees;
- (l) to represent and support the Council, declaring its will, and obeying its decisions in all things;
- (m) to ensure that the decisions of Council are in conformity with the laws and By-Laws governing the activities of the Council;

- (n) to request a motion of Council to move in to Committee of the Whole/Closed session
- (o) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- (p) to adjourn the meeting when the business is concluded.

4.2 Conduct of Council Members and Guest

- (a) No Member or Guest shall:
 - (i) use offensive words or unparliamentary language in or against the Council or against any Member, staff or guest;
 - (ii) speak on any subject other than the subject under debate or question;
 - (iii) criticize any decision of Council except for the purpose of moving that the question be reconsidered;
 - (iv) disobey the rules of Council or disobey the decisions of the Reeve or of the Council on questions of order or practice or upon the interpretation of the rules of the Council. If the member/guest persists in disobedience, a member of Council may forthwith put forward the motion (without amendment, adjustment or debate) "that such member/guest be ordered to leave his/her seat for the duration of the meeting", but if the Member/guest apologizes he/she may, by vote of the Council, be permitted to retake his seat;
 - (v) attend a meeting in a condition unfit for conducting the business of Council;
 - (vi) interrupt or make a disturbance when the Head of Council is putting the question to a vote, and/or when a member has the floor, except to raise a point of order;
 - (vii) address Council or speak in debate without permission of the Head of Council, or by motion of Council.
 - (viii) make or cause to be made a disturbance of any nature.
 - (ix) use video camera's or recording devices without prior permission by motion of Council.

5.0 MOTIONS/RULES OF DEBATE

Motion or Resolution: Council may express their decisions in the form of resolutions: which is simply an expression of the decision or wishes of Council, which has been submitted in the form of a motion and has been adopted by majority vote. Resolutions usually deal with the smaller acts of administration and matters of internal management within the Municipality. They are frequently used to place on record Council's view on some matter.

5.1 Motions

- (a) Any Member of Council may introduce a motion for discussion or debate. A motion must be formally seconded before it is subject to discussion or debate.
- (b) The Head of Council may take part in any debate without leaving the Chair.
- (c) When a motion is under debate, no new motion shall be received unless it is related to a question under consideration and may be entertained only if it is:
 - (i) to refer to Committee of the Whole (debatable)
 - (ii) to amend (debatable)
 - (iii) to lay on the table deferring temporarily (not debatable)
 - (iv) to postpone indefinitely or to a specific day (not debatable)
 - (v) to adjourn (not debatable)

These motions shall have precedence in the order in which they are named. A motion to adjourn shall always be in order, and shall be decided without debate.

- (d) A motion that was duly made, discussed or debated shall be put to a vote and the resolution and the result of the voting shall be recorded in the Minutes.
- (e) A motion may be withdrawn by the mover with permission of the seconder prior to its being debated or put to a vote.

5.2 Voting on Motions

- (a) Before a motion is put to a vote, the Head of Council shall state the resolution in the precise form it will be recorded in the Minutes. Members present must vote on the resolution unless prohibited by any Act.
- (b) When a motion is put to a vote, no Member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.
- (c) Any motion on which there is a "tie vote" or equality of votes, the vote shall be deemed to be lost.
- (d) Any member present who persists in not voting shall be deemed to have voted to the negative.
- (e) The manner of determining the decision of Council shall be by voice, and the Head of Council may vote on any issue, except where disqualified to vote by reason of interest or otherwise.
- (f) Any Member may request a recorded vote to appear in the minutes. On a recorded vote the Head of Council shall vote last because in the event of a "tie vote" the Head of Council must cast the deciding vote unless he or she is prohibited from voting by Conflict of Interest or any other Act. If such is the case on a "tie vote", the motion would be deemed to be lost.
- (g) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote, and the names of those who voted for and those who voted against shall be recorded in the Minutes.
- (h) No vote by Council shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.

5.3 Closed Meetings

- (a) Pursuant to Section 239(1) of the Municipal Act, 2001 all Council and Committee meetings shall be open to the public.
- (b) Pursuant to Section 239(2), notwithstanding Paragraph 5.3 (a) above, a meeting of Council or a Committee meeting may be closed in part or whole to the public if the subject matter being considered relates to:
 - (i) the security of the property of the municipality or local board.
 - (ii) personal matters about an identifiable individual, including municipal or local board employees.
 - (iii) a proposed or pending acquisition or disposition of land by the municipality or local board.
 - (iv) labour relations or employee negotiations.
 - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
 - (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

- (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- (c) Pursuant to Section 239(3) a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act.
- (d) Pursuant to Section 239(3.1) a meeting of council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - (i) the meeting is held for the purpose of educating or training the members and.
 - (ii) at the meeting, no member discussed or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- (e) Pursuant to Section 239(4) before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,
 - (i) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
 - (ii) in the case of a meeting under Section 239(1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- (f) Pursuant to Section 239(6), despite Section 244, a meeting may be closed to the public during a vote if,
 - (i) Section 239(2) or 239(3) permits or requires the 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 municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

5.4 Rules of Debate

- (a) Any Member of Council who desires to speak may remain seated and address his/her remarks to the Head of Council. The Member shall confine his/her remarks to the motion and shall avoid personal attacks. No member shall speak to the same motion or in reply for longer than five minutes.
- (b) The Head of Council shall ensure that any Member who wishes to speak on a subject is given a fair opportunity to do so and without interruption from any other Member. When two or more members request to speak, the Reeve shall designate the member who has the floor.
- (c) A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereon, but the question shall not be used as a means of making statements or assertions.
- (d) When the Head of Council calls for a vote on a question each Member shall remain seated and refrain from communicating with other Members until the result of the vote has been declared by the presiding officer.

5.5 Points of Order and Privilege

- (a) The Head of Council shall preserve order and decide questions of order.
- (b) The Head of Council may call a Member to order while speaking and the debate shall be suspended and the Member shall not speak until the point of order is determined. Any Member may appeal the decision of the Chair to Council and the Council shall decide by a majority vote without debate and its decision shall be final.

- (c) A Member may rise and address the Chair to raise a point of order. After leave is granted, he/she shall state the point of order which shall be decided on by the presiding officer. If the decision of the presiding officer is appealed, Council shall decide the question by a majority vote and its decision shall be final.
- (d) When two or more Councillors rise at the same time, the Reeve shall name who is first to speak.
- (e) When a Member considers/believes that his/her integrity or the integrity of the Council as a whole has been impugned he/she may as a matter of privilege rise at any time and with the consent of the Reeve draw the attention of Council to the matter.

5.6 Delegations/presentations

- (a) Petitions presented to Council shall be legibly written or printed on the prescribed delegation form and signed by at least one person and filed with the Clerk at least five (5) regular working days prior to the meeting. The person or persons presenting the petition may speak on the matter before Council, in which case it shall be limited to a maximum time of fifteen (15) minutes.
- (b) Delegations wishing to address Council shall notify the Clerk at least five (5) regular working days before the day of the scheduled regular Council meeting. The purpose of the delegation shall be clearly stated and it shall be contained in the agenda delivered to Council Members prior to the meeting.
- (c) Notwithstanding Sub clause 5.6 (b) above and at Council's discretion, any delegations or deputations other than those listed may be heard only in relation to any item appearing on the agenda.
- (d) Delegations wishing to address Council shall be limited to three (3) per meeting. Exceptions will be considered at the Clerk's discretion.
- (e) Delegations shall be limited to not more than fifteen (15) minutes, including questions and discussion with Council. Exceptions will be considered by motion of Council.
- (f) Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 5.6(b), 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
- (g) There shall be no obligation of Council to respond to the requests or information presented by a delegation. Requests that require further research or clarification may be placed on a future agenda for consideration.
- (h) The Clerk shall record the name of every person who speaks as a member of a delegation to Council, a general statement of intent of the delegation shall be recorded in the Minutes of the regular Council meeting.

6.0 BY-LAWS

“By-Law”: Powers of Council are exercised by by-law in more important matters and where the action taken will affect the general public. A by-law is used to implement Council decision: Example entering into agreements, setting policy and authorizing large expenditures not included in the annual budget.

- (a) 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 with the number and date thereof.
- (b) Every By-Law shall have three readings prior to it being passed. Three reading may occur at the same meeting.
- (c) The Head of Council shall introduce the reading of By-Laws and the first reading of a By-Law shall be decided without amendment or debate.
- (d) The By-Law may be debated or amended during the second reading. If the Council determines that the By-Law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.

- (e) The third and final reading of a By-Law shall direct that the By-Law be signed, sealed and numbered. If Council so determines, a By-Law may be taken as read.
- (f) The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.
- (g) Every By-Law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.

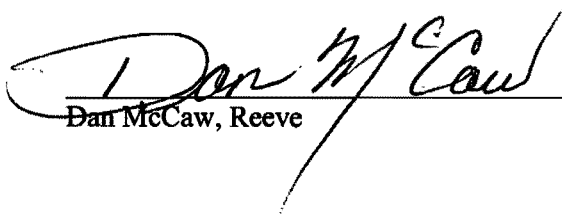
7.0 RESCIND BY-LAW

- 7.1 That this By-Law repeals all previous by-laws and/or Motions of Council pertaining to the same.

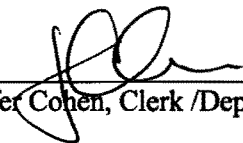
8.0 EFFECTIVE DATE

- 8.1 This By-Law shall become effective upon the date of passing thereof.
- 8.2 Where any By-Law passed prior to this conflicts with this By-Law, the terms of this By-Law shall prevail.

Read a first, second and third time and finally passed on the 10 day of July, 2012



Dan McCaw, Reeve



Jennifer Cohen, Clerk /Deputy Treasurer

APPENDIX "A" TO BY-LAW NO. 39-12

Being a By-Law to Govern the Proceedings of Council,
the conduct of its members,
the calling of meetings
and giving notice to and consulting with the public

- 1) The regular Meetings of Council shall be held on the second and fourth Tuesday of each month. Meetings that include notice of a closed session shall begin at 8:30am. Meetings that do not include notice of a closed session shall begin 9:00am at the Wollaston Township Council Chambers, 90 Wollaston Lake Road, Coe Hill, ON or at the place designated by Council.