

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW - 95-11

Being a By-Law to Establish Rules of Order and Procedures for the Council of the Township of Westmeath.

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WHEREAS, pursuant to Section 55 of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended, a Council shall pass By-Laws for governing the proceedings of the Council and the Calling of Meetings.

And WHEREAS Section 102 of the Municipal Act provides that a Council may pass By-Laws pertaining to the conduct of its members.

And WHEREAS it is desirable that there be rules governing the order and procedure of the Council of the Township of Westmeath.

Now THEREFORE the Council of the Corporation of the Township of Westmeath ENACTS as follows:-

1. Definitions:

- (a) "Township" means the Corporation of the Township of Westmeath
- (b) "Council" means the Council of the Corporation of the Township of Westmeath
- (c) "Clerk" means the Clerk of the Corporation of the Township of Westmeath
- (d) "Member" means a member of the Council and includes the head of Council
- (e) "Meeting" means an Inaugural Meeting, Council Meeting, Special Meeting and Committee Meeting.
- (f) "Recorded Vote" means the recording of the name and vote of every member voting on any matter or question
- (g) "Committee of the Whole" means all the members present at a meeting sitting in Committee
- (h) "Motion" means by which a matter is brought before Council
- (i) "By-Law" means a law passed by a municipal council, founded upon statutory authority.

2. General Provisions:

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.

3. Meetings:

- (a) The first meeting of a newly elected Council after a regular election shall be held on the first Wednesday in December at 11:00A.M.. The Reeve elect and Clerk shall be responsible for the content of the Agenda for the Inaugural Meeting.
- (b) All meetings of Council, unless otherwise specified, shall be held in the Council Chamber in the Municipal Office Building on the first and third Wednesday of each month at 7:30P.M., except if the first Wednesday falls on the first or second day of the month. The meeting will then be held on the second and fourth Wednesday of the month.
- (c) Council may, by Resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is published in local newspapers or by posting a notice in the Municipal Office.
- (d) The Head of Council may, at any time, summon a special meeting.

- (e) 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.
- (f) In either case of (d) and (e) above, the special Meeting shall be held not sooner than 72 hours following the Head's summons or receipt of the petition, as the case may be except for matters deemed to be of extreme urgency.
- (g) The notice of a special meeting shall specify the purpose for the meeting.
- (h) The Reeve or in his absence, the Deputy-Reeve, shall preside at all meetings of the Council.
- (i) Notwithstanding Paragraph (h) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- (j) The Reeve or presiding officer may expel from a meeting anyone who engages in improper conduct.
- (k) All Council and Committee Meetings shall be open to the public except a meeting dealing with matters relating to:
  - (i) the security of the property of the Township
  - (ii) personal matters about an identifiable individual including municipal employees
  - (iii) a proposed or pending acquisition of real property for municipal purposes
  - (iv) employee negotiations or labour relations
  - (v) litigation or potential litigation including matters before administrative tribunals, affecting the Township
  - (vi) a matter in respect of which Council, or a Committee of Council 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
- (l) 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
- (m) Subject to subsection (n) a meeting shall not be closed to the public during the taking of a vote
- (n) A meeting may be closed to the public during a vote if,
  - i) Subsection (k) permits or requires a meeting to be closed to the public and,
  - ii) the vote is for 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.
- (o) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.

#### 4. Agendas

- (a) The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- (b) As far as it is practicable, Council agendas, along with supporting material, shall be prepared and mailed out 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 12:00 Noon on the Thursday prior to the meeting and the Clerk will give the delegation a time to appear before Council. No more than two delegations will be scheduled for any one meeting. In case of a matter of urgency, the Reeve can permit a delegation to be heard after the scheduling deadline.
- (d) 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) The Lord's Prayer
  - 2) Approval of Minutes of Previous Meetings
  - 3) Approval of Agenda
  - 4) Correspondence
  - 5) Delegations
  - 6) Reports
  - 7) Accounts
  - 8) Severances
  - 9) By-Laws
  - 10) Motions
  - 11) Any other business
  - 12) Adjournment
- e) 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.

5. No Quorum

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.

6. Curfew

Council and Committee meetings shall stand adjourned at 11:00PM, but business may be continued upon passing a resolution to extend the meeting.

7. Duties of the Reeve

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 result;
- (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 ordering 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 Committees;
- (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 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.

8. Conduct of Members of Council and Guests

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) interrupt the member who has the floor except to raise a point of order

9. Motions/Rules of Debate

- (a) Every member when speaking to any question or motion shall respectfully address the Reeve or other presiding Officer;
- (b) A motion must be formally seconded before the question can be put or a motion recorded in the minutes. All motions shall be signed by the mover and seconder.
- (c) When a motion is presented in Council in writing it shall be read by the Reeve or presiding officer;
- (d) A motion to amend shall:
  - i) be presented in writing;
  - ii) be relevant to the main motion
  - iii) not propose a direct negative to the main motion
- (e) 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;

- (f) 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;
- (g) On an unrecorded vote, the manner of determining the decision on a motion shall be by show of hands;
- (h) 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;
- (i) The Reeve or presiding officer, except where disqualified to vote, may vote on all questions. Any questions on which there is an equality of votes shall be deemed negative.
- (j) No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
- (k) 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;
- (l) The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
  - i) a point of order or personal privilege;
  - ii) presentation of petitions
  - iii) to lay on the table (to defer temporarily)
  - (iv) to postpone indefinitely or to a specific day
  - (v) to move the previous question (immediate vote on the main motion)
- (m) The Clerk, members of Council and other officers may introduce matters to be dealt with, if considered urgent.

#### 10. Points of Order and Privilege

- (a) The Reeve or presiding officer shall preserve order and decide questions of order
- (b) the Council, if appealed to, shall decide the question without debate and its decision shall be final.


#### 11. By-Laws


- (a) Every By-Law shall be introduced upon motion by a member specifying the title of the By-Law;
- (b) Every By-Law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
- (c) Every By-Law shall be given three readings prior to passage on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
- (d) Upon passage By-laws shall be numbered, signed by the Reeve or presiding officer and Clerk and embossed with the seal of the Corporation.
- (e) 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.

12 General

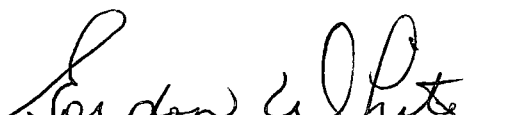
- (a) In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act;
- (b) Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, be limited to not more than fifteen (15) 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.
- (c) 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.
- (d) 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.
- (e) 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 3<sup>rd</sup> day of May, 1995

  
Reeve

  
Clerk

READ A THIRD TIME AND FINALLY PASSED this 3<sup>rd</sup> day of May, 1995

  
Reeve

  
Clerk