

**CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION**

**BY-LAW # 10-03-424**

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**Being a By-Law to govern the Proceedings of Council and Committees**

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**WHEREAS** pursuant to Section 238 of the Municipal Act, 2001, as amended every municipality and Local Boards shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE** the Council of the Corporation of the Township of Whitewater Region enacts that:

1. That the Procedural Bylaw as attached hereto as Schedule "A" be hereby established for the Municipal Council of the Corporation of the Township of Whitewater Region.
2. Be it further enacted, that all bylaws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be the same are hereby repealed.
3. This bylaw shall come into force and be effective upon passing thereof

READ a First, Second and finally passed on the Third Reading this 17<sup>th</sup> day of March, 2010

  
\_\_\_\_\_  
MAYOR, Donald Rathwell

  
\_\_\_\_\_  
Dean Sauriol, CAO/CLERK

**SCHEDULE "A"**  
**PROCEDURAL BYLAW**  
**BYLAW # 10-03-424**

**THE CORPORATION OF THE  
TOWNSHIP OF WHITEWATER REGION  
BYLAW # 10-03-424**

**March 2010**

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CORPORATION OF THE  
TOWNSHIP OF WHITEWATER REGION

BY-LAW NUMBER 10-03-424

**BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE COUNCIL  
AND THE COMMITTEES OF THE TOWNSHIP OF WHITEWATER REGION.**

**WHEREAS** pursuant to Section 55 of the *Municipal Act, Chapter M.45, R.S.O. 1990*, every Council shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** pursuant to Section 102 of the *Municipal Act, Chapter M.45, R.S.O. 1990*, every Council may pass such by-laws and make such regulations for governing the conduct of its Members;

**AND WHEREAS** Council has from time to time enacted by-laws for the good order of Council and said by-laws have been amended from time to time as Council deemed it expedient;

**AND WHEREAS** Council now deems it expedient to pass a new by-law governing Rules of Procedure for Council and Committees;

**NOW THEREFORE BE IT ENACTED** by the Council of the Corporation of the Township of Whitewater Region that:

**PART I - INTERPRETATION**

**1. GENERAL**

- (1) The proceedings of the Council and of its Committees, the conduct of the Members and the calling of meetings will be governed by the rules and regulations contained in this By-law.
- (2) These rules of procedure shall be deemed to apply to Standing Committees, Ad Hoc Committees and Sub-Committees of Council.
- (3) Where the term Committee is used in this By-law, the provision applies only to Committee meetings and related Committee matters.
- (4) Notwithstanding subsection (1) hereof, the rules and regulations contained in this By-law may be suspended by a two-thirds vote of Council.

- (5) The majority of Council shall decide on all points of order not provided for herein.

## 2. DEFINITIONS

- (1) An Act means the *Municipal Act*, as amended from time to time.
- (2) An Ad Hoc Committee means a special purpose committee of limited duration, created by Council to inquire and report on a particular matter or concern and which dissolves automatically upon submitting its final report unless otherwise directed by Council.
- (3) A Chief Administrative Officer means the Chief Administrative Officer of the Corporation of the Township of Whitewater Region.
- (4) A Clerk means the Clerk of the Corporation of the Township of Whitewater Region.
- (5) A Committee means a Committee of Council and includes Standing Committees, Joint Committees, Ad Hoc Committees, Committees and Sub-Committees.
- (6) A Committee Chair means the Chair of a Standing Committee or Ad Hoc Committee or Sub-Committee of the Council.
- (7) A Committee of the Whole means all the Members present sitting in Committee.
- (8) A Council means the Council of the Corporation of the Township of Whitewater Region, comprised of Township Councillors (Members).
- (9) A Township means the Corporation of the Township of Whitewater Region.
- (10) A Majority of Council means 50% of the members plus one. This definition does not apply to a recorded vote.
- (11) A Meeting means any regular, special, committee or other meeting of Council.
- (12) A Meeting Closed shall mean a meeting closed to the public as defined by the *Municipal Act*.
- (13) A Member means a Member of Council. A Township Councillor shall have a corresponding meaning.

- (14) A Motion to Receive and File means a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration, and of having the item, report or recommendation placed in the records of the Clerk for future reference, with no additional action being taken at that time.
- (15) A Motion (Substantive or Main) means any motion except a motion to:
- (a) Extend the time of the meeting;
  - (b) Refer;
  - (c) Amend;
  - (d) Lay on the table;
  - (e) Postpone indefinitely or to a day certain;
  - (f) Adjourn.
- (16) A Motion (Subsidiary) means one which affects the disposition of a substantive or main motion, by bringing it to an immediate vote, by delaying or by deferring a decision thereon.
- (17) A Notice of Meeting is deemed to be given on the day that the notice is mailed, couriered or faxed.
- (18) A Notice of Motion means a written notice, including the names of the mover and seconder, advising Council that the motion described therein will be brought forward at a subsequent meeting.
- (19) A Privilege means the raising of a question which concerns a Member of Council, or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole have been challenged.
- (20) A Point of Information is a request directed to the Mayor, or through the Mayor to another Member or to the staff, for information relevant to the business at hand, but not related to a Point of Procedure.
- (21) A Point of Order means a statement made by a Member of Council during a meeting, drawing to the attention of the Chair a breach of the Rules of Procedure.
- (22) A Point of Procedure means a question directed to the Mayor to obtain information on a matter of the rules of the Council bearing on the business at hand, in order to assist a Member to make an appropriate motion, raise a point of order, and understand the situation or the effect of a motion.
- (23) A Presiding Officer shall in all cases refer to the Mayor or in the absence of the Mayor, the Member of Council chosen by a majority vote to act as

presiding officer for the purpose of presiding over a session of Council only or until the arrival of the Mayor.

- (24) A Quorum, subject to any other applicable statutory provisions, is:
  - (a) In the case of the Council, a majority of Council.
  - (b) In the case of a Committee, a majority of the Members of the Committee.
- (25) A Recorded Vote means the recording of the name and vote of every Member voting on any matter or question.
- (26) A Resolution means a formal determination made by the Council or a Committee on the basis of a motion, duly placed before a regularly constituted meeting of the Council or a Committee for debate and decision, and duly passed.
- (27) A Rule or Rules of Procedure means the rules and regulations provided in this By-law.
- (28) A Special Enquiry includes a request for detailed investigative, statistical or technical information or study.
- (29) A Special Meeting means a meeting other than a regular scheduled meeting called pursuant to the Act or the provisions of this By-law.
- (30) Standing Committee includes Finance and Administration, Public Works, Waste Management, Fire, Water and Sewer and Committee of Adjustment.
- (31) A Two-thirds vote means the affirmative vote of at least two-thirds of the Members present and eligible to vote.
- (32) A Mayor means the Chair of the Council.

## **PART II - PRESIDING OFFICER**

### **3. DUTIES OF THE PRESIDING OFFICER**

The Presiding Officer shall:

- (1) Open the meeting of Council by taking the Chair and calling the Members to order;
- (2) Make such remarks as is fitting for the information or assistance of the Council;



- (3) Receive and submit, in the proper manner, all motions presented by the Members of Council;
- (4) Put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and announce the result;
- (5) Decline to put to vote motions which infringe upon the Rules of Procedure;
- (6) Enforce, on all occasions, the observance of order and decorum among the Members;
- (7) Authenticate, by his signature, when necessary all by-laws, resolutions, and minutes of the Council;
- (8) Inform the Council, when necessary, or when referred to for the purpose of a point of order of usage;
- (9) Represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (10) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (11) Adjourn the meeting, when the business is concluded;
- (12) The Mayor may state relevant facts and his position on any matter before the Council without leaving the chair, but to move a motion the Mayor must first leave the chair;
- (13) If the Mayor desires to leave the chair to move a motion pursuant to subsection (12), or otherwise, the Presiding Officer will call upon a Deputy Mayor to preside until the issue is resolved.

#### **4. Duties and Responsibilities of Council:**

1. It is the role of council to:
  - a) represent the public and to consider the well-being and interests of the municipality;
  - b) develop and evaluate the policies and programs of the municipality;
  - c) determine which services the municipality provides;

- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) maintain the financial integrity of the municipality; and
- g) carry out the duties of council under this or any other Act.

**5. DUTIES AND RESPONSIBILITIES OF COUNCIL POSITIONS:**

**A. ROLE OF THE HEAD OF COUNCIL:**

1. It is the role of the Head of Council Referred to as Mayor:

- a) act as Chief Executive Officer of the municipality;
- b) preside over council meetings so that its business can be carried out efficiently and effectively;
- c) provide leadership to the council;
- d) without limiting Section 1(c) of this by-law, to provide information and recommendations to the council with respect to the role of council described in Section 5 (1) (d)(e) of this by-law;
- e) to represent the municipality at official functions, and;
- f) to carry out the duties of the head of council under this or any other Act.

**B. ROLE OF HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER:**

1. As Chief Executive Officer of a municipality, the head of council shall:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,

- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

**C. ROLE OF THE DEPUTY MAYOR:**

- a) The duties of Deputy Mayor shall be to represent the Mayor at any function, event or municipal activity during the absence of the Mayor.
- b) The Deputy Mayor shall chair Council meetings and Committee-of-the-Whole meetings in the absence of the Mayor under the provisions of the Municipal Act, 2001 Section 242 and Section 10.3. of this By-Law.
- c) The Deputy Mayor when acting as Mayor shall exercise all the rights, powers and authority of the mayor
- d) The Deputy Mayor shall not receive adjusted compensation during the time the Member serves as Mayor

**D. ROLE OF THE REEVE**

- a) The position of Reeve shall be Council's representative on County Council and shall represent the Township in County Council business.
- b) The Reeve shall report any relevant information stemming from County Council business in a timely manner to Township Council. To this end a Council may consider requesting a Reeve's Report from County Council to be presented to Township Council at a Regular Council meeting.

**PART III – COUNCIL**

**6. INAUGURAL MEETING**

- (1) The inaugural meeting of the Council will be held annually on the first Wednesday in the month of December at the hour of 1:00 p.m. or at such other time as the Council may determine by resolution.

**7. REGULAR MEETINGS**

The regular meetings of the Council will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of every month, at the hour of 1:00 p.m. and 7:00 p.m. respectively, or at such other time as may from time to time be determined by resolution of the Council or by the Mayor.

## **8. SPECIAL MEETINGS**

- (1) A special meeting of the Council will be convened:
  - (a) Upon being summoned by the Mayor or
  - (b) Upon receipt of the petition of the majority of the Members of Council.
- (2) Upon receipt of the petition set out in Section 6(1)(b), the Clerk shall summon a special meeting for the purpose(s) and at the time stated in the petition.
- (3) The Mayor at any time summons a special meeting of the Council and it shall be his/her duty to summon a special meeting whenever so requested by a majority of the members of Council. Twenty-four hours notice shall be necessary for all special meetings of Council.
- (4) A special meeting of Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such a meeting, except with the unanimous consent of all members present at such a meeting.
- (5) It shall be the responsibility of the Clerk or his/her representative to forward all notices and agendas for the regular and special Council meetings.

## **9. PLACE OF MEETING**

All the meetings of the Council will be held in the Council Chamber in the Township Administration Building, 44 Main Street, Cobden, Ontario or at such place as the Council may from time to time determine.

## **10. MEETINGS OPEN TO THE PUBLIC**

- (1) Subject to Section 9, the meetings of the Council shall be open to the public and no person shall be excluded there from, except for improper conduct.
- (2) The Mayor may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

## **11. MEETINGS CLOSED TO THE PUBLIC**

- (1) Council may, by resolution, close a meeting or part of a meeting to members of the public if the subject matter to be considered is,

- (a) The security of the property of the Corporation of the Township of Whitewater Region;
  - (b) Personal matters about an identifiable individual, including staff;
  - (c) A proposed or pending acquisition of land for the purposes of the Corporation of the Township of Whitewater Region;
  - (d) Labour relations or employee negotiations;
  - (e) Litigation or potential litigation, affecting the Corporation of the Township of Whitewater Region, including matters before administrative tribunals;
  - (f) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
  - (g) A matter in respect of which the Council is authorized by statute to hold a closed meeting.
- (2) Council shall, by resolution, close a meeting or part of a meeting to members of the public where the subject matter to be considered is a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
  - (3) A resolution to close a meeting or part of a meeting to the public shall state,
    - (a) The fact of the holding of the closed meeting; and
    - (b) The general nature of the matter to be considered at the closed meeting.
  - (4) Where a meeting or part of a meeting is closed to the public, all persons not specifically invited to remain by the Council shall retire from the Chambers.

## **12. COMMENCEMENT OF MEETING**

As soon as there is a quorum after the hour set for meeting, the Mayor shall take the chair and call the Members present to order.

## **13. ABSENCE OF THE MAYOR**

- (1) Should the Mayor not be in attendance within fifteen minutes after the time fixed for a meeting or where the Mayor has advised that he/she will not be attending, the Deputy Mayor shall call the Members to order and Preside over the meeting, if both the Mayor and Deputy Mayor are absent a Presiding

Officer will be appointed from among the Members present and will preside until the arrival of such.

- (2) While presiding, the Deputy Mayor or Presiding Officer will have all the powers of the Mayor and will be so entitled to vote as a Member.

#### **14. NO QUORUM AT BEGINNING OF THE MEETING**

- (1) If no quorum is present to enable a meeting to commence thirty minutes after the time fixed for a meeting of the Council, the Clerk shall call the roll and record the names of the Members present and the Members will stand discharged from waiting further.
- (2) If a meeting does not take place because of the lack of a quorum under subsection (1), the Council will meet at the next regularly scheduled meeting of the Council or at such other time and place as the Mayor shall announce.

#### **15. UNFINISHED BUSINESS - QUORUM LOST**

If during the course of a meeting a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the next regularly scheduled meeting of the Council, or at such other time and place as the Mayor shall announce.

#### **16. NOTICE OF REGULAR MEETINGS**

It shall be the duty of the Clerk to give written notice to the Members of Council of all regular meetings thereof, such notice to be delivered to each Member, at his address recorded with the Clerk, 2 full business days previous to the date on which such session is to be held.

#### **17. COUNCIL CHAMBER**

- (1) No person except a Member of Council or an authorized employee of the Township shall, before or during a meeting of Council, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

### **PART IV - INAUGURAL MEETING**

#### **18. AGENDA**

At the inaugural meeting of the Council, the agenda shall be as follows:

- (1) Call to Order
- (2) Prayer

- (3) Members Oath of Office
- (4) Roll Call
- (5) Mayor's Address
- (6) Committee Appointments
- (7) Matters Incidental to any of the above or Other Business as required
- (8) Adjournment

## **PART V - ORDER OF PROCEEDINGS**

### **19. AGENDA**

- (1) The Clerk shall prepare a printed Agenda under the following headings for the use of the Members at the regular meetings of the Council:
  - (1) Call to Order
  - (2) Prayer
  - (3) Roll Call
  - (4) Disclosure of Pecuniary Interest
  - (5) Adoption of the Agenda
  - (6) Adoption of the Minutes of the Last Meeting
  - (7) Delegations
  - (8) Adoption of the Accounts
  - (9) Misc. Correspondence
  - (10) Committee Reports
  - (11) By-laws
  - (12) New/Unfinished Business
  - (13) Adjournment

- (2) Resolutions, questions and reports may be received by the Council at any time as directed by the Mayor.
- (3) The Council shall not consider any Item that is not listed on the Agenda, unless agreed to by a two-thirds vote of the Members present.
- (4) For special meetings, the agenda will be prepared by the Clerk as directed by the Mayor and if the meeting is called by a petition of the majority of the Members, the Agenda will be prepared by the Clerk for the purpose stated in the petition.

## **20. DELIVERY OF AGENDA TO MEMBERS**

- (1) Not less than forty-eight (48) hours in advance of each regular meeting of the Council, the Clerk shall cause the following to be delivered to each Member as specified under Section 14 A Notice of Regular Meeting provisions:

## **21. MINUTES**

- (1) Minutes shall record:
  - (a) The place, date and time of the meeting;
  - (b) The names of the Presiding Officer or Officers and the record of the attendance of the Members;
  - (c) The late arrivals and early departures of Members;
  - (d) The reading, if requested, correction and adoption of the minutes of prior meetings;
  - (e) All other proceedings of the meeting without note or comment.
- (2) If the minutes have been delivered to the Members of Council then the minutes will not be read, and a resolution that the minutes be adopted as if read shall be in order.

## **22. COMMUNICATIONS AND PETITIONS**

- (1) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall be signed by at least one person and filed with the Clerk.
- (2) All written communications on any subject within the jurisdiction of the Council shall, on presentation, be referred to the proper committee by the



Mayor and any Member may move that the said communication be referred to a select committee.

### **23. DELEGATIONS**

- (1) Any group, or agent representing a group, desiring to address the Council shall notify the Clerk in writing of such intention, 5 Business days prior to the date of the meeting, shall specify the nature of the business to be discussed and name the delegate who will address the Council. Any delegation that intends to distribute any reports or supporting documentation shall provide same to the Clerk with the request in order that the material can be circulated with the agenda. Failure to comply with the above requirements may result in the request being refused. The Clerk shall advise of the approximate time the delegate will be heard.
- (2) Delegations not listed on the agenda may be heard provided a majority of the Members present vote to hear the delegation.
- (3) Delegations shall be limited to a maximum of fifteen (15) minutes inclusive of questions and answers.
- (4) Members of the public who constitute the audience in the Council Chamber during a Council meeting shall maintain order and quiet and may not:
  - (a) Address the Council except upon request of the Mayor with Council approval and with the restriction of 5 minutes;
  - (b) Interrupt any speech or action of the Members of Council, or any other person addressing the Council;
  - (c) Display or have in their possession, picket signs or placards in the Council Chamber or Meeting Rooms or Township property.

### **24. ENQUIRIES AND ANSWERS**

- (1) Any special enquiry made at a meeting of the Council or of a Committee must be submitted in writing, signed by the Member, and referred to the CAO/Clerk.
- (2) The CAO/Clerk shall respond to the enquiry in accordance with the procedure found in the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

- (3) Should the request involve extraordinary staff research time and production costs, the Council or the Committee will be advised and the request will proceed subject to Council approval.
- (4) The response to the special enquiry will be distributed to all Members of Council or of the Committee at which the enquiry was made.

## **PART VI - RULES OF CONDUCT AND DEBATE**

### **25. ADDRESS THE MAYOR**

Any Member desiring to speak, shall so signify their intent in such a manner as the Mayor may direct, and, upon being recognized by the Mayor, will address the Chair.

### **26. ORDER OF SPEAKING**

When two or more Members signify their desire to speak, the Mayor will recognize the Member who, in his opinion, signified first and next recognize the other Member(s).

### **27. CONDUCT OF MEMBERS DURING COUNCIL MEETINGS**

No Member shall:

- (1) Speak until he/she has been recognized by the Mayor;
- (2) Disturb another Member, or the Council itself, by any disorderly behavior disconcerting to any Member speaking;
- (3) Use offensive words during the Council or Committee Meetings against the Council or staff;
- (4) Speak on any subject other than the subject in debate;
- (5) Disobey the Rules of Procedure or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure. In the case where the Member persists in any such disobedience after having been called to order by the Mayor, the Mayor may immediately put the question, no amendment, adjournment or debate being allowed, That such Member be ordered to leave his/her seat for the duration of the Meeting of Council, but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.

## **28. PRIVILEGE**

Where a Member considers that his or her rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole has been impugned, the Member may, as a matter of personal privilege, speak at any time, with the consent of the Mayor, for the purpose of drawing the attention of the Council to the matter.

## **29. POINTS OF ORDER**

- (1) A Member who desires to address the Council upon a matter which concerns the rights or privileges of the Council collectively or as an individual Member shall be permitted to raise such matter of privilege. A breach of privilege is a willful disregard by a Member or any other person of the dignity and lawful authority of the Council. A matter of privilege shall take precedence over other matters. When a Member raises a point of privilege, the Mayor shall rule on the point of privilege, and no one will be considered to be in possession of the floor.
- (2) A Member who desires to call attention to a violation of the Rules of Procedure shall ask the Mayor to raise a point of order. When leave is granted, the Member shall state the point of order with a concise explanation and will follow the decision of the Mayor. The speaker in possession of the floor when the point of privilege was raised will have the right to the floor when the debate resumes.
- (3) A Member called to order by the Mayor shall immediately remain in his/her seat until the point of order is dealt with, and will not speak again without the permission of the Mayor unless to appeal the ruling of the Mayor .

## **30. APPEAL**

- (1) The decision of the Mayor is final, subject to an immediate appeal, requested and seconded, to the Members of Council.
- (2) If the decision is appealed, the Mayor shall give concise reasons for a ruling, and the Council, if so appealed to, shall call a vote, without debate on the following question: Will the Chair be sustained?, and its decision is final.

## **31. MEMBERS SPEAKING**

When a Member is speaking, no other Member will pass between the Member and the Mayor or interrupt the Member except to raise a point of order.

## **32. QUESTION READ**

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.

**33. SPEAK ONLY ONCE AND REPLY**

No Member shall speak more than once to the same question without leave of the Mayor, except that a Member, who has presented a substantive motion rather than an amendment, may reply.

**34. TIME LIMITED**

No Member, without leave of the Mayor, shall speak to the same question, or in reply, for longer than five minutes.

**35. QUESTION PUT - NO FURTHER DEBATE**

After any question is put by the Mayor, no Member shall speak to the question, nor shall any other motion be made until after the result is declared, and the decision of the Mayor as to whether the question has been put, is conclusive.

**36. MEMBER'S QUESTIONS**

- (1) A Member may ask a question to the Mayor for the purposes of obtaining information relating only to the matter under discussion and such question must be cited succinctly.
- (2) When questions are called for on the Agenda or a specific item is under discussion, enquiries may be made of the Mayor or through the Mayor to any Member of Council, the Chief Administrative Officer, or any Department Head, concerning any matter connected with the business of the Township. However, no argument or opinion is to be offered, or facts stated, except as may be necessary to explain same. In answering or putting any such question, a Member is not to debate the matter to which the question refers.

**PART VII - VOTING DURING COUNCIL MEETINGS**

**37. ALL MEMBERS VOTE**

Every Member present at a meeting of the Council, when a question is put, shall vote thereon unless excused as provided for in Section 44, in which case it shall be

recorded. Any Member who refuses to vote shall be recorded as voting in the negative.

**38. UNRECORDED VOTE**

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

**39. SEVERABILITY OF QUESTION**

When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition shall be taken separately.

**40. RECORDED VOTE**

- (1) Any Member, prior to or immediately subsequent to the taking of the vote, may require that the vote be recorded.
- (2) When a recorded vote is requested by a Member on any matter or question, the Clerk shall call for those in favor to stand at once and subsequently those against to stand at once. The Members shall be called in a counter clockwise order starting with the individual Council Member that moved the motion.
- (3) When a vote is taken, and no dissent is declared, such vote is deemed to be unanimously in favor of the question approved.
- (4) If a vote is to be recorded as herein provided, the Clerk shall announce the decision, and record them in the minutes.

**41. DISAGREEMENT WITH THE RESULT OF THE VOTE**

If a Member disagrees with the announcement of the Mayor that a question is carried or lost, the Member may, but only immediately after the declaration by the Mayor, object to the Mayor's decision and require a recorded vote to be taken.

**42. TIE VOTE**

A motion on which the voting results in a tie shall be declared lost.

**43. VOTING**

When the Mayor calls for the vote on a question, each Member shall occupy their seat until the result of the vote has been declared by the Mayor, and during such

time, no Member shall walk across the room or speak to any other Member or make any noise or disturbance. A Member who is absent from his/her seat when the vote is called does not have the right to vote.

#### **44. PECUNIARY INTEREST**

- (1) Notwithstanding the provisions of Section 37, if a Member of Council present at a meeting desires to refrain from voting by reason of a pecuniary interest, he/she shall abide with the provisions of the applicable conflict of interest legislation.
- (2) It shall be the duty of the Clerk and the Secretary of the Committee, as the case may be, to record in the minutes of the meeting, every oral declaration of interest.

### **PART VIII - COMMITTEE OF THE WHOLE**

#### **45. PROCEDURE**

- (1) The Council may by resolution go into a Committee of the Whole. When it appears that any matter may be more conveniently considered in Committee of the Whole, the Council may on motion resolve into a Committee of the Whole, and the proceedings taken in Committee when adopted by the Council are deemed to be proceedings of the Council. The Mayor may preside in the Committee of the Whole or may designate another Member to preside.
- (2) While sitting in Committee of the Whole, the rules governing the procedure of the Council and the conduct of the Members shall be observed except that the number of times of speaking on any question shall not be limited, provided that no Member speaks more than once until every Member who desires to speak has spoken.
- (3) Subject to Section 9, the Committee of the Whole may, by resolution go into closed session and may exclude all persons from a meeting or part of a meeting. During such period, all persons not specifically invited to remain by the Committee shall retire from the Chamber.

#### **46. ADJOURNMENT OF THE COMMITTEE DEBATES**

A motion in Committee of the Whole to rise and report shall be put immediately and will be decided without debate.

#### **47. REPORT OF THE COMMITTEE OF THE WHOLE**

The proceedings and findings of the Committee of the Whole may be reported by the Mayor to the Council as soon as the Committee rises and shall be received forthwith. A motion for the concurrence of the Council in the report of the Committee of the Whole and dealing with the subject matter thereof will be in order.

## **PART IX - RESOLUTIONS AND MOTIONS**

### **48. READING**

Every motion when seconded shall be received and read by the Mayor, except as provided for by the Rules of Procedure. However, where motions have been distributed or printed in the Agenda, recitals need not be read.

### **49. WITHDRAWAL**

After a motion has been duly moved and seconded, it shall be deemed to be in the possession of the Council, and it may only be withdrawn before decision or amendment with the permission of the Council.

### **50. NO DEBATE UNTIL READ**

No Member shall speak on any motion until it is first read, and the mover is entitled to speak first if the Member so elects. If debated, the question or motion shall be read again before being put.

### **51. MOTIONS RULED OUT OF ORDER**

(1) Whenever the Mayor is of the opinion that a motion is contrary to the Rules of Procedure, the Mayor shall rule the motion is out of order.

### **52. NOT WITHIN THE JURISDICTION OF THE COUNCIL**

A motion or resolution which requires the exercise of a power or powers by the Council which are not within its jurisdiction shall not be in order.

### **53. MOTIONS**

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

(a) A point of order or privilege;

(b) To move the adoption of a committee report provided that the report has been signed by the majority of the members of the committee;

- (c) To move the question to be put;
  - (d) To adjourn;
  - (e) To adjourn and resume to sit as a Committee of the Whole or Closed Session.
- (2) The following motions may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:
- (a) To refer;
  - (b) To table, or to postpone, or defer to a day certain;
  - (c) To amend;
  - (d) To suspend the Rules of Procedure;
  - (e) Any other procedural motion.
- (3) Except as provided for in subsection (1) hereof, all motions shall be in writing and signed by the mover and seconder.
- (4) All motions may be supported or opposed by the mover and seconder.
- (5) No motion made in open Council shall be debated or voted on unless the same is seconded.
- (6) There shall never be more than one motion before the Council at one time.
- (7) When the motion under consideration contains two or more proposals, the same shall, at the request of any Member of Council, be voted on separately.
- (8) The Clerk shall note the date on each motion, along with the results of the vote.
- (9) Any Member may require the motion under discussion to be read a second time for his/her information, at any time of debate, but not so as to interrupt a Member speaking.

#### **54. ORDER OF CONSIDERATION**

- (1) When a question is under consideration, no motion shall be received except a procedural motion or motion to amend.



- (2) Procedural motions shall be considered immediately upon receipt and shall have precedence and are subject to debate as follows:
  - (a) To extend the time of the meeting (not debatable);
  - (b) To move the question be put (not debatable);
  - (c) To refer (debatable);
  - (d) To lay on the table (not debatable);
  - (e) To defer indefinitely or to a day certain (debatable);
  - (f) To adjourn (not debatable);
  - (g) Any other procedural motion (debatable).

#### **55. AMENDMENT**

- (1) A motion to amend:
  - (a) Shall be presented in writing;
  - (b) Shall be relevant and not contrary to the principle of the report or motion under consideration;
  - (c) May propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the main issue which was the subject matter of the question;
  - (d) The amendment shall be voted on before the main motion.
- (2) Only one amendment shall be before the meeting at one time. An amendment to an amendment shall not be permitted.

#### **56. THE QUESTION BE NOW PUT**

A motion that the question be now put:

- (1) Can only be moved in the following words, that the question be now put;
- (2) Is not debatable;
- (3) Cannot be amended;
- (4) Cannot be moved when there is an amendment under consideration.

**57. MOTION TO REFER**

- (1) A motion to refer to a Committee, Board, Official or Commission until it is decided shall preclude all amendments of the main question and any motion to postpone or defer, or to lie on the table.
- (2) A motion to refer is debatable.

**58. MOTION TO LAY ON THE TABLE**

- (1) A motion simply to lay a matter on the table is debatable but cannot be amended.
- (2) A motion to lay on the table with some condition, opinion, or qualification added to the motion to table shall be deemed to be a motion to postpone or defer made under Section 59.
- (3) The matter tabled shall not be considered again by the Council until a motion has been made to take up the tabled matter at the same or subsequent meeting of the Council or until such time as was identified in the motion to table.
- (4) A motion to take up a tabled matter is not subject to debate or amendment.
- (5) A motion that has been tabled at a previous meeting of the Council cannot be lifted off the table unless notice is given in accordance with Section 61.
- (6) A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn, and cannot be taken from the table.

**59. MOTION TO POSTPONE OR DEFER**

- (1) A matter postponed or deferred to a definite date shall have precedence over all other business on such date.
- (2) A motion to postpone or defer indefinitely shall be treated as if it was a motion to lie on the table.

**60. NOTICE OF MOTION**

- (1) A Notice of Motion shall:
  - (a) Be in writing;
  - (b) Include the name of the mover and seconder;

- (c) Shall be made as an agenda item of Township Council.
- (2) When a Member's notice of motion has been called from the Mayor and it has not proceeded with, it shall be dropped from the Agenda and it shall be deemed to have been withdrawn.

**61. RECONSIDERATION**

- (1) A substantive resolution, By-law or any question or matter that has previously been adopted by the Council may be reconsidered by the Council subject to the following:
  - (a) A notice of motion, moved by a Member who voted in the majority on the question, must be introduced according to the procedures for notices of motion.
  - (b) Debate on the question must be confined to reasons for or against.
  - (c) Such motion must be supported by a two-third majority vote of the Members of Council before the matter to be reconsidered can be debated.
  - (d) A vote to reconsider shall not be considered more than once in any twelve-month period.

**62. MOTION TO ADJOURN**

- (1) A Motion to Adjourn:
  - (a) Shall always be in order except as provided by the Rules of Procedure;
  - (b) When resolved in the negative, cannot be made again until after some intermediate proceedings have been completed by the Council;
  - (c) is not in order when a Member is speaking or during the verification of a vote;
  - (d) May be verbal;
  - (e) is not debatable.

- (2) A Motion to Adjourn without qualification, if carried, brings a meeting of the Council to an end.
- (3) A Motion to adjourn to a specific time, or to reconvene upon the happening of a specific event, if carried, suspends the meeting of the Council to continue at such time.

## **PART X - BY-LAWS**

### **63. READING OF BY-LAWS AND RELATED PROCEEDINGS**

- (1) Except as otherwise provided, no By-law shall be presented unless the subject matter has been considered and approved by resolution of the Council.
- (2) Every By-law shall be in writing and be introduced upon the recommendation of a Committee or upon resolution of Council.
- (3) The Clerk shall endorse on all By-laws enacted by the Council, the dates of the readings and the date of passage by Council.
- (4) Every By-law which has been enacted by the Council shall be numbered, dated, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and deposited in the office of the Clerk for safekeeping.

## **PART XI - COMMITTEES OF COUNCIL**

### **64. PROCEDURE**

Except as otherwise provided herein, a Committee will conform to the Rules of Procedure governing protocol and procedures of the Council.

### **65. ESTABLISHMENT/APPOINTMENT**

- (1) At the first sitting of Council in each year, immediately after communications, petitions, etc., having been read by the Clerk, the Mayor shall select and appoint the Standing Committees and Ad Hoc Committees for the current year to the Council.

At the Council meeting at which the appointments to the Standing Committee are made, the Mayor shall report to the Council the names of the members who should serve on the various Standing Committees and Ad Hoc Committee for the ensuing year.

- (2) A Standing Committee may recommend such sub-committees as are necessary to discharge its mandate subject to Council approval.
- (3) The Standing Committees will be composed of designated Members of Council. The names of members required to service including the Chair and Vice-Chair if necessary on each Standing Committee will be determined by the Mayor and approved by Council.

- (4) Ad Hoc Committees may be established by Council at any time as is deemed appropriate for the consideration of matters within the jurisdiction of the Council.
- (5) The names of members to be appointed to any Board, Commission or other body to which Council is required or empowered to appoint persons will be determined by Council. In order to respond in a timely and coordinated manner to issues of significance to the Corporation, the Mayor may appoint members of Council to any Board, Commission or other body which will require ratification by Council at the next regular meeting.
- (6) Members shall be entitled to compensation as may be determined from time to time by Council for their participation in the various committees, sub-committees, Boards, ad hoc committees, etc. provided that Township Council has confirmed the appointments.

#### **66. TERMS OF REFERENCE**

- (1) Subject to the provision of any general or special act, the Council, in establishing any Committee, shall set forth the Terms of Reference of the Committee and such other provisions as Council deems appropriate.
- (2) Council may consider any matter without referring it to a Standing Committee or may refer it to one or more Committees and may withdraw a matter from a Committee whether or not the Committee has entered into consideration.

#### **67. GENERAL ROLE AND POWERS**

- (1) Council shall ascribe to Standing Committees a general role of policy formulation and program monitoring. More specifically, the role of any Standing Committee includes the following:
  - (a) To guide staff, through the CAO/Clerk, on the direction and nature of the policy development, fact-finding, analysis, and generation of alternatives required;
  - (b) To receive public delegations and establish mechanisms to receive further public input on vital public policy matters;
  - (c) To provide guidance and direction to staff through the CAO/Clerk where policy interpretation or clarification is required during the administration or implementation of policy; and
  - (d) To provide staff, through the CAO/Clerk with direction and guidance on policy and level of service priorities wherein the programs within the

Committee purview may be refined to meet established budget targets.

**68. RESPONSIBILITIES OF THE COMMITTEE CHAIR**

The Chair of a Committee shall:

- (1) Ensure that the Committee deals with policy issues effectively;
- (2) Ensure public dialogue and communication on policy matters are effective and coordinated;
- (3) Ensure the needs of the Committee for administrative support, analysis and advice are provided through the Office of the CAO/Clerk;
- (4) Ensure that all Committee members are fully informed on all matters within the jurisdiction of the Committee and for the duties and responsibilities of the Committee;
- (5) Liaise with the Mayor and communicate any matter within the knowledge of the Chair that is required to be communicated to another Committee.

**69. QUORUM**

- (1) A quorum in any Committee is the majority of the voting Members of the Committee as appointed by the Council, and the Mayor, if present, is a member to be included in determining the quorum.
- (2) Members of Council who are not Members of a Committee may attend meetings of the Committee, may with the consent of the Chair take part in the discussion but shall not be allowed to vote, nor shall they be remunerated.

**70. MEETINGS OF COMMITTEES**

- (1) Committees will meet at such time and place as the Committee Chair or Committee determines, subject to the direction of Council.
- (2) A meeting of any Committee shall be called by the CAO/ Clerk, upon instruction of the Committee Chair and Mayor.
- (3) In the case of any emergency and in the absence of the Committee Chair and/or the Mayor, a Committee meeting may be called by the Clerk in such a way as he may deem best with regards to any length of notice to the members.

- (4) The Mayor is ex officio, a member of every Committee. The Mayor may vote and participate in the business of the Committee, without any restriction, on the same basis as any other Committee member.
- (5) In the absence of the Committee Chair and Vice-Chair for a period of fifteen (15) minutes after the time appointed for the holding of a meeting of the Committee, one of the other members of the Committee, if there be a quorum present, may be appointed and discharge the duties of the Committee Chair during the meeting or until the arrival of the Committee Chair or Vice-Chair.
- (6) The Chair of the Committee may vote on any question before the Committee, and, in the event of an equality of votes the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.
- (7) If there is no quorum present thirty (30) minutes after the time appointed for the meeting, the meeting will stand adjourned at the call of the Committee Chair.
- (8) The Committee Chair will preside or alternatively the Vice-chair upon request of the Chair; in the absence of the Committee Chair, the Vice-Chair will preside, or in the absence of both, such other member of the Committee as may be appointed by the concurring vote of a majority of the members of the Committee present.
- (9) Committee will consider and report on such matters only as have been referred to them by the Council or such matters as come within their continuing Terms of Reference and jurisdiction.
- (10) Meetings will be open to the public pursuant to Sections 8 and 9 of this By-law.

#### **71. GENERAL PROVISIONS FOR COMMITTEES**

- (1) It will be the duty of each Committee to adhere to the transaction of all business to the rules governing the procedure of Council as prescribed by this By-law.
- (2) When a point of order is raised or when a member is called to order in a Committee, the same procedure will be adopted as in Council, except that the question will be decided by the Committee Chair, subject to an appeal to the members of the Committee.
- (3) Should the Chair of any Committee neglect or refuse to call meetings of the Committee at such times or with such frequency as the proper dispatch of the Committees business requires, or do the business of the Committee without



the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.

- (4) Should any Committee neglect or refuse to give due attention to any matter before it, the Council may by resolution, discharge such Committee and appoint another in its place.
- (5) When an Ad Hoc Committee has completed its work and submitted its final report, it dissolves automatically, unless otherwise directed by Council.
- (6) The CAO/ Clerk of the Council or an employee of the Corporation designated by the CAO/ Clerk will be the recording secretary of the Committee.
- (7) Except as may be provided in the Act and herein, no member will have precedence or seniority over any other member.
- (8) Should a Member of a Committee decease, resign or be otherwise disqualified, the Council shall, by resolution declare his seat vacant and, upon the recommendation of the Striking Committee, appoint another Member to fill the vacancy.

## **72. REPORTS OF COMMITTEES**

- (1) All Committees including Ad Hoc Committees shall submit written reports on any subject or matter referred to by the Council or dealt with between meetings of Council, by Committee.

Each report to Council shall be signed by a majority of the Committee members. Should any member not concur with any or all of the recommendations contained in the report therein, the member may nevertheless sign the report and designate the section or sections from which he/she dissents.

- (2) When it is desired that the Council authorize, approve, confirm and cause to be implemented that which a committee has recommended, the motion shall be THAT THE REPORT BE ADOPTED.
- (3) Notwithstanding subsection (2) hereof, when a report deals with more than one subject matter and the Council is not prepared to adopt all the report, a separate vote should be taken with respect to each subject matter and any matter which is not adopted may be referred back to the Committee for further consideration.

## **73. AGENDA IN COMMITTEE**

- (1) The CAO/Clerk shall have prepared and printed for the use of the Members at the regular meetings of Committee an Agenda setting forth the business to be considered at such meeting. The items of business arising to be included on the Agenda will be developed under the direction of the Committee Chair.
- (2) The business of the Committee shall be considered in the order set forth on the Agenda, provided however, that the Chair, with the approval of the Committee, may vary the order of business to better deal with matters before the Committee.

#### **74. INFORMATION REPORTS**

- (1) A report may be forwarded to a Committee for information.
- (2) Notwithstanding that a report has been forwarded for information, motion(s) may be made by Members of the Committee for action to be taken on matters that arise from or are discussed in the report.
- (3) Motions made under Subsection (2) may be made at any meeting where the report is presented to the Committee.

#### **75. CONFIDENTIAL REPORTS**

- (1) Confidential reports distributed with the Agenda or handed out at the meeting shall be returned to the CAO/Clerk or his/her designate on the day of the meeting for shredding, unless it is determined by majority vote of Committee that the confidential report can remain in the possession of the members.
- (2) Members shall retain amongst themselves the confidential information until such time as the Committee by majority vote agrees to release the information or part thereof.

### **PART XII - GENERAL PROVISIONS**

#### **76. CURFEW**

No item of business may be dealt with at a meeting after 3 hours of deliberations without the approval of the majority of those present.

#### **77. DUTIES OF THE CLERK**

- (1) The Clerk shall, during regular office hours, on request of any Member of Council, furnish him with a copy or copies of any paper or document, in his possession as Clerk, of which the Council has taken cognizance.

- (2) When any matter is referred from one meeting to the next, the Clerk shall take cognizance of the same and lay the same before the Council at such next meeting.

**78. EXECUTION OF DOCUMENTS**

Whenever the execution of any document is required to give effect to any resolution or By-law of the Township, the Mayor and the Clerk have general authority for and in the name of the Township to execute and to affix the seal of the Township to such documents.

**79. REPEAL**

- (1) All previous Procedural By-laws are hereby repealed.
- (2) No amendment or repeal of this By-law will be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and the Council may not waive such notice.

**80. EFFECT**

This By-law will come into force and take effect December 1, 2010.

**READ** a FIRST, SECOND and finally passed this THIRD reading this 17<sup>th</sup> day of March, 2010.

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MAYOR

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CAO/CLERK