

# The Corporation of the Township of Whitewater Region

## By-law Number 18-01-1035

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### **A by-law to govern the proceedings of the Council of the Township of Whitewater Region**

**Whereas**, section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25* requires every municipality to adopt a procedure by-law for governing the calling, place and proceedings of meetings; and

**Whereas**, it is necessary and expedient to enact rules governing the order and procedure of the Council and its meetings;

**The Council of the Corporation of the Township of Whitewater Region enacts as follows:**

#### **Part I – General**

##### **1.0 Rules of Procedure Adopted/Suspended**

- 1.1 The proceedings of the Council and its committees, the conduct of the Council Members and the calling and notice of meetings shall be governed by the provisions of the Municipal Act and the rules and regulations contained in this by-law.
- 1.2 Except as provided herein, the rules of parliamentary procedure as contained in Robert's Rules of Order 11<sup>th</sup> Edition shall be followed for governing the proceedings of Council and its committees and the conduct of its members.
- 1.3 Despite subsection 1(1), the rules and regulations contained in this by-law may be suspended by a vote of two-thirds of the Council Members present and voting.

##### **2.0 Interpretation**

- 2.1 Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- 2.2 References to items in the plural include the singular, as applicable.
- 2.3 The words "include", "including", and "includes" are not to be read as limiting the phrases or descriptions that precede or follow them.
- 2.4 Headings and the index are included for ease of reference only and are not to be used as interpretation aids.
- 2.5 Specific references to legislation in this by-law are meant to refer to the current laws applicable within the Province of Ontario as at the time the by-law was enacted, as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

### 3.0 Definitions

- a) "Advisory Committee" means a body, primarily made up of citizen appointees with representation from Council providing advice to Council and staff on an area of expertise. The work of the advisory committee is undertaken in keeping with Terms of Reference adopted by Council. Meetings are held in open session with minutes received by Council.
- b) "CAO" means the Chief Administrative Officer/Clerk of the Township of Whitewater Region as referred to in Section 229 of the Municipal Act or designate.
- c) "Chair" means the Head of Council or Acting Head of Council or chairperson of any committee.
- d) "Clerk" means the CAO/Clerk of the Township of Whitewater Region as appointed pursuant to Section 228 of the Municipal Act or designate.
- e) "Committee" means any committee, standing committee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards. Hiring Panels are specifically excluded and not considered committees for the purposes of this by-law.
- f) "Committee of the Whole" means Council sitting as a committee as required and as Standing Committee where:
  - i. Council Members consider and debate matters for recommendation to Council in an environment that is procedurally more relaxed than the formal Council meeting.
  - ii. Motions adopted are not deemed to represent the final decision of Council until confirmed by resolution or by-law of Council.
- g) "Council" means the Council of the Corporation of the Township of Whitewater Region.
- h) "Day" does not include Saturday, Sunday or a holiday.
- i) "Head of Council" means the Mayor, or in the absence of the Mayor, the Reeve or, in the absence of both, another member of Council appointed by Council.
- j) "Hiring Panel" means an internal ad hoc working team comprised of staff and Council Members selected by the Mayor to conduct recruitment for staffing positions.
- k) "Holiday" means a holiday as defined by the Legislation Act, S.O. 2006, c. 21, Schedule F.
- l) "Interest" means a matter potentially relating to or connected with money or a financial matter pursuant to relevant conflict of interest legislation.
- m) "Meeting" means a meeting when a quorum of members is present, and members must discuss or otherwise deal with any matter in a way that materially advances business or decision-making.

- n) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25.
- o) "Notice" means notice that includes the time and place of a meeting and, in the instance of a Special Meeting, shall include the purpose of the meeting and whether the meeting was called by the Mayor, CAO/Clerk or upon petition.
- p) "Notice of Motion" means notice, including the name of the mover, advising Council that a motion will be brought to a subsequent meeting.
- q) "Ombudsman" means the Ontario Ombudsman appointed under the Ombudsman Act in the absence of a municipally-appointed Ombudsman under the requirements of the Municipal Act.
- r) "Point of Order" means a statement made by a member of Council during a meeting drawing the attention of the Chair to a breach of the Rules of Procedure.
- s) "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 Council as a whole have been impugned.
- t) "Procedural Motion" means any motion concerning the manner or time of consideration of any matter before Council as opposed to the substance thereof, and includes, without limitation, the following:
  - i. To extend the time of the meeting;
  - ii. To commit or refer (to a specific body);
  - iii. To lay on the table (set aside temporarily);
  - iv. To postpone to a certain time (defer);
  - v. To postpone indefinitely (decline to take a position);
  - vi. To adjourn (end the meeting);
  - vii. To move the question be put (end debate); or
  - viii. To suspend the Rules of Procedure.
- u) "Quorum" means a majority (more than half) of the whole number of Council Members or a Committee except where a member has or members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act, at which time the quorum may be less than half plus one of the whole number of members but shall not be less than two.
- v) "Resolution" means a formal determination made by Council on the basis of a motion debated and passed.
- w) "Rules of Procedure" means the rules provided in this by-law.
- x) "Substantive Motion" means any motion other than a Procedural Motion.
- x) "Task Force or Working Group" means a body of limited duration established by Council through Terms of Reference to produce recommendations for Council's consideration.

- x) "Team" means an informal team generally of limited duration or scope established by Council through Terms of Reference to assist staff and Council with operational matters, such as a project, proposal or event. A team does not meet the definition of committee in terms of its composition. It is a mechanism for informal discussion.
- y) "Township or Municipality" means the Corporation of the Township of Whitewater Region.
- z) "Voting Period" means the time during which electors can vote in a municipal election year, including advance voting.

## **Part II – Duties and Conduct**

### **4.0 Duties of the Chair**

It shall be the duty of the chair:

- a) to open the meeting by taking the chair and calling the members to order;
- b) to announce the business before the meeting and 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 motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result and, in so doing, to ensure that the mover and seconder are clearly identified;
- e) to decline to put to a vote motions which infringe the rules of procedure;
- f) to vote on all matters, which are moved and seconded, or necessarily arise in the course of the proceedings;
- g) to permit questions to be asked through the Chair of any officer in order to provide information to assist in any debate when the Chair deems it proper;
- h) to provide information to members on any matter touching on the business of the Municipality;
- i) to receive all petitions and communications and announce them at the meeting;
- j) to inform the members of the proper procedure to be followed;
- k) to enforce on all occasions, the observance of order and decorum among the members and those in attendance;
- l) to call by name any member or attendee persisting in a breach of the Rules of Procedure and order the member to vacate the Council Chamber;
- m) to decide all questions of order at the meeting, subject to an appeal by any member to Council on any question of order in respect to business before the Council;
- n) to authenticate, by signature when necessary, all by-laws and Minutes.

### **5.0 Expulsion for Misconduct**

- 5.1 Behaviour that constitutes misconduct, such as heckling, use of inappropriate language, display of any offensive or partisan political material, or signs or plaque cards, is not permitted.
- 5.2 The Chair may expel or exclude from the meeting, any person, who, in the opinion of the Chair, has behaved improperly.

## 6.0 Conduct of Council Members

- 6.1 Any Code of Conduct applicable to Council Members adopted by Council shall apply during a meeting held pursuant to this by-law.
- 6.2 A Council Member shall have the following duties:
  - a) to deliberate on the business before it;
  - b) to vote when a motion is put to a vote;
  - c) to respect the Rules of Procedure.
- 6.3 No Council Member shall:
  - a) use offensive words or unparliamentary language in or against Council or against any member of staff or the public;
  - b) speak on any subject other than the subject in debate;
  - c) criticize any decision of Council or continue to debate the matter after it has been decided, except for the purpose of moving that the question be reconsidered;
  - d) disobey the Rules of Procedure or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council;
  - e) disclose any information that is deemed to be confidential pursuant to the Municipal Freedom of Information and Protection of Privacy Act;
  - f) display any offensive or partisan political material, including buttons.
- 6.4 Where a Member persists in any disobedience of the Rules of Procedure after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave their seat for the duration of the meeting of Council", but if the Member apologizes they may be permitted to retake their seat.

## Part III – Meetings

### 7.0 Inaugural Meeting

- 7.1. The first meeting of a newly elected Council after a regular election shall be held on the first Monday of the term.
- 7.2 The meeting shall take place at such location and time determined by the person who has been certified by the CAO/Clerk to be elected as Mayor.
- 7.3 At the Inaugural Meeting of Council, the only business to be brought before the meeting shall be the following:
  - a) Oaths, Affirmations and Declarations of Office;
  - b) Inaugural Address by the Mayor; and
  - c) Matters incidental to any of the above.

### 8.0 Open Meetings

All meetings must be open to the public.

## 9.0 Closed Meetings (In Camera)

### 9.1 Notwithstanding Section 8.0 above,

- a) A meeting may be closed 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) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii) a matter in respect of which the meeting may be closed as authorized by statute;
  - viii) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - x) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
  - xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- b) A meeting may be closed to the public if the meeting is held for the purpose of educating or training the members, and, at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision of the council, local board or committee.
- c) Council shall, by resolution close a meeting or part of a meeting to the public where the subject matter to be considered is a request under the Municipal Freedom of Information and Protection of Privacy Act.
- d) Council may by resolution close a meeting or part of a meeting to the public where the subject matter to be considered is an ongoing investigation respecting the municipality, a local board, or a municipally-controlled corporation by the Ombudsman.

### 9.2 Before all or part of a meeting is closed to the public, the body proposing to hold the meeting shall state by Resolution:

- a) the time of the meeting at which the closed session began;
- b) the fact of holding of the closed meeting;
- c) the general nature of the matter to be considered at the closed meeting;
- d) all persons other than Council Members specifically invited to remain with all others departing the meeting.

9.3 Subject to subsection 9.1, a meeting shall not be closed to the public during the taking of a vote unless the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the Municipality or local board, or persons retained by or under contract with the Municipality or local board.

9.4 A motion to move out of closed session shall specify the time at which the meeting resumed in open session.

9.5 Upon resuming in open session the Chair shall state:

- a) the matters which were considered; and
- b) confirmation that no motions were carried in closed session other than procedural motions or direction to staff.

#### 10.0 Calendar of Meetings

10.1 The CAO/Clerk or designate shall prepare each calendar year a schedule of meetings.

10.2 Regular Council meetings shall generally be scheduled to accommodate statutory holidays and major conferences.

#### 11.0 Regular Meeting Times – Council

11.1 The regular meetings of Council shall generally be held twice per month on the first and third Wednesdays at 6:00 p.m.

11.2 A meeting commencing at 6:00 p.m. shall adjourn no later than 9:00 p.m. If the Council meeting is not finished by 9:00 p.m. it will automatically reconvene the following Wednesday at 6:00 p.m.

11.3 Despite clause 11.2 Council can extend the meeting time beyond the adjournment time specified by a two-thirds vote.

11.4 There shall generally be a four week break from meetings between December-January and during the summer.

11.5 Despite clause 11.1 no regular meeting shall occur during the Voting Period in the year of an election.

#### 12.0 Place of Meetings

Meetings of Council shall be held in the Council Chamber situated at 44 Main Street (Cobden) or at such other place as is specified in the agenda.

#### 13.0 Persons within Council Horseshoe

13.1 No person, except Council Members and appointed officials of the Township, shall be allowed to come within the horseshoe during the meetings without the permission of the Chair.

13.2 No person, except Council Members and appointed officials of the Township, shall place on the desks of the members or otherwise distribute any material unless such person has received the approval of the Chair or CAO/Clerk.

#### 14.0 Recording Equipment and Electronic Devices

14.1 The use of video or audio recording equipment or devices by the public or press during a meeting is generally permitted. If in the opinion of the Chair or the majority of Members of Council present the use of such equipment or devices is disruptive to the conduct of the meeting, recording privileges can be withdrawn from any offending user.

14.2 All electronic devices including cellular telephones shall be placed in silent mode during the course of meetings.

14.3 Council meetings held in the Council Chamber shall generally be recorded for public viewing for webcasting purposes by the Township of Whitewater Region.

#### 15.0 Public Notice of Meetings

Public notice shall be given for all meetings of Council and committee by means of the municipal website with the posting of the agenda.

#### 16.0 Special Meetings

16.1 The Mayor and/or CAO/Clerk may at any time summon a special meeting of Council on 48 hours email notice by the COA/Clerk or designate to the Members of Council. The agenda shall be circulated to members by email and posted on the municipal website at least 24 hours in advance of the meeting.

16.2 Upon receipt of the petition of the majority of Council, the CAO/Clerk or designate shall summon a special meeting for the purpose and at the time mentioned in the petition.

16.3 The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

16.4 In circumstances of an emergency, the Mayor and/or CAO/Clerk may summon a special meeting of Council on less than 48 hours' notice. All Council Members shall be notified of the special meeting either personally or by email, or by any other means necessary. An agenda will be provided at the meeting.

16.5 In keeping with clause 16.4 above an emergency meeting shall proceed with the consent of two-thirds of the Council Members present, recorded in the minutes.

#### 17.0 Calling a Meeting to Order

As soon after the hour fixed for the holding of the meeting, the Chair shall take the chair and call the meeting to order.



## 18.0 Absence of the Chair

In the absence of the Chair, the Co-Chair shall take the chair and in their absence, the Council Members present shall elect an Acting Chair of the meeting.

## 19.0 Arrival and Departure of Council Members

19.1 Late arrivals and early departures will be noted in the minutes.

19.2 If a Member arrives late at a meeting, any prior discussion shall not be reviewed without the unanimous consent of all Council Members present.

## 20.0 No Quorum

20.1 If no quorum is present twenty minutes after the time appointed for a meeting, the CAO/Clerk shall record the names of the Council Members present and the meeting shall stand adjourned until the same time of commencement on the following Wednesday.

20.2 If in the Mayor's opinion it is not essential that the matters on the agenda be dealt with before the next regularly scheduled meeting, then the Mayor shall announce that the business will be taken up at the next regularly scheduled meeting.

## 21.0 Unfinished Business – Quorum Lost

21.1 If during the course of a meeting quorum is lost, then the meeting shall stand as adjourned and not ended, to reconvene at the same time of commencement on the following Wednesday.

21.2 If in the Mayor's opinion it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor shall announce that the unfinished business will be taken up at the next regularly scheduled meeting.

## **Part IV – Order of Proceedings – Agendas and Minutes**

### 22.0 General Rules Regarding Council Agendas

#### 22.1 Preparation of Agenda

- a) Prior to each regular meeting, the CAO/Clerk or designate shall prepare an agenda of all the business to be brought before such meeting.
- b) No motion or by-law shall be placed on the agenda for final consideration unless it was first considered by Standing Committee, unless authorized by the CAO/Clerk.
- c) Additional items not included in the agenda can be added for consideration by a two-thirds vote.

#### 22.2 Agenda Delivery

- a) A final agenda shall be circulated to Council Members and made public generally on the Thursday immediately preceding the meeting, but no later than 48 hours in advance.

- b) In the event of a holiday or other special circumstance, agenda delivery may be delayed if required.
- c) Each agenda shall contain all reports, motions and by-laws to be considered.
- d) Correspondence received pertaining to agenda items shall be circulated to Council Members electronically by the CAO/Clerk or designate.

### 23.0 Order of Business – Council

The following headings shall make up the Council agenda:

- 1) Call to Order
- 2) Prayer
- 3) Disclosure of Interest
- 4) Public Meeting
- 5) Announcements
- 6) Presentations
- 8) Standing Committees
- 9) By-laws
- 10) Resolutions
- 11) Notice of Motion
- 12) Adoption of Minutes
- 13) Correspondence
- 14) Closed Session
- 15) Confirming By-law

### 24.0 Minutes

24.1 Minutes of a meeting shall be brought forward for approval as soon as practicable.

24.2 Minutes shall record:

- a) the place, date and time of meeting;
- b) the names of the presiding officer or officers and the record of attendance;
- c) the reading, if requested, correction and confirmation of the minutes of prior meetings;
- d) declarations of interest;
- e) the motions considered and votes taken by Council; and
- f) all the other proceedings of the meeting generally without note or comment.

24.3 If the minutes have been delivered to Council Members then the minutes shall not be read, and a resolution that the minutes be adopted shall be in order.

24.4 After the minutes have been adopted they shall be signed by the Chair and Recording Secretary.

24.5 The CAO/Clerk or designate shall act as the Recording Secretary for Council and committee meetings.

24.6 Closed Session minutes shall be brought forward for approval as soon as practicable and be listed on the open meeting agenda. Despite approval in open session, the minutes remain confidential.

### 25.0 Public Meetings

Such meetings shall generally be called for 6:00 p.m. on Council meeting dates.

## 26.0 Announcements

Council Members may present community and municipal related announcements at this juncture of the meeting when called upon by the Chair.

## 27.0 Presentations

27.1 A Presentation is defined as the verbal and/or visual provision of information to Council by an individual, community group or organization.

27.2 A Ceremonial Presentation is defined as the giving of an award, prize or other form of recognition by the Mayor at a Council meeting.

27.3 A person or group wishing to make a Presentation to Council shall provide the CAO/Clerk or designate with written notice no later than seven days prior to the meeting. Such request shall state the specific nature of the matter to be presented and supporting material for inclusion in the agenda.

27.4 Presentations and Ceremonial Presentations shall only be made in respect of matters within Council's purview and jurisdiction.

27.5 Presentations and Ceremonial Presentations at the Council Meeting shall be limited to 10 minutes each. The duration may be extended by majority vote specifying the additional time. Such question shall be decided by the Council without debate.

27.6 Presenters may only present once every 12 months on the same topic.

27.7 Generally, a maximum of three presentations per meeting will be scheduled by the CAO/Clerk or designate.

27.8 Immediately following a presentation the Chair will determine if further action is required and direct staff to prepare a report for consideration by the appropriate Standing Committee. If no report is required, presentations will be noted and filed.

27.9 Non-scheduled presentations and delegations can be heard with two-thirds support of those members present and voting.

## 28.0 Reports Deemed Received

A report presented to Council and committee contained in the agenda is deemed received.

## 29.0 Standing Committees

29.1 Standing Committees, comprised of all Council Members, consider reports for recommendation to Council for final approval by resolution or by-law.

29.2 The following Standing Committees are constituted:

Building & Property Services  
Community Services  
Corporate Services  
Economic Development & Tourism  
Fire & Emergency Services  
Physical Services.

29.3 A Chair and Co-Chair for each Standing Committee shall be recommended by the Mayor for appointment by Council at the commencement and mid-point of the term of Council.

29.4 Standing Committees will consider matters within their respective Terms of Reference, which shall be approved through by-law.

### 30.0 By-laws

30.1 Every by-law presented to Council shall have three readings. Unless otherwise required by any act of statutory procedure, all by-laws shall be given first, second and third reading at one meeting in a single motion.

30.2. Every by-law shall be numbered and signed by the Head of Council and CAO/Clerk, sealed and recorded in the by-law book.

30.3 The CAO/Clerk or designate is hereby authorized to make such minor deletions, additions or other changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council.

### 31.0 Correspondence

31.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed, shall not contain any impertinent or improper matter or language and filed with the CAO/Clerk.

31.2 Correspondence, including names and addresses, addressed to Council or directed to a Public Meeting become part of the public record and may be published in a report, agenda or minutes.

### 32.0 Notice of Motion

32.1 Notice of a Notice of Motion must be given at a previous Council meeting. Such notice should contain the general topic and action to be considered. The complete motion will be provided in writing to the CAO/Clerk or designate for inclusion in the agenda for the meeting at which it will be considered.

32.2 Directions requiring a report with staff recommendation should be presented as a Notice of Motion given the requirement for research and preparation.

### 33.0 Adjournment

At the conclusion of the agenda seeing no other business, the Chair shall deem the meeting adjourned. No motion will be required.

## **Part V – Motions and Voting**

### **34.0 Moved and Seconded**

- 34.1 All motions shall be moved, seconded and presented orally. The CAO/Clerk or designate may be asked to re-state the question if called upon by the Chair.
- 34.2 No member shall speak to any motion until it is first read by the CAO/Clerk, and the mover is entitled to speak first thereon if the member so elects.
- 36.3 A motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder.
- 34.4 The Chair may vacate the chair in order to move or second a motion and shall resume the chair following the vote on the matter.
- 34.5 Whenever the Chair is of the opinion that a motion or resolution is contrary to the Rules of Procedure, the Chair shall rule the motion or resolution out of order.
- 34.6 A motion or resolution which requires the exercise of a power or powers by Council which are not within its jurisdiction shall not be in order.
- 34.7 All motions may be supported or opposed by the mover and seconder.

### **35.0 Severability of Question**

Upon the request of any member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

### **35.0 Voting Procedure**

- 35.1. Each Member present and voting shall announce or indicate his or her vote upon the motion openly and individually by show of hands and no vote shall be taken by ballot, or any other method of secret voting.
- 35.2 Every Member present at a meeting when a question is put shall vote, unless prohibited by statute, in which case it shall be so recorded.
- 35.3 If any Member at a meeting when a question is put does not vote, he or she shall be deemed as voting in the negative except where prohibited from voting by statute.
- 35.4 When the Chair calls for a vote on a question, each member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair, and during such time no member shall speak to any other member or make any noise or disturbance.
- 35.5 After a question is put by the Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

## 36.0 Recorded Vote

- 36.1 A request by a Council Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter, prior to proceeding to the next item on the agenda.
- 36.2 When a recorded vote is requested, or is otherwise required, the CAO/Clerk shall call the names and record the vote in the following order:
- a) the requestor shall be called first;
  - b) to be followed by the next Councillor in alphabetical order;
  - c) with the Reeve and Mayor voting second last and last;
  - e) if the requestor is the Mayor or Reeve, the requestor shall vote first.

## 37.0 Tie is Lost

- 37.1 If there is a tie vote on any question, the vote shall be deemed to have been lost.
- 37.2 A matter lost on a tie at Standing Committee or Committee of the Whole shall rise to Council for consideration.

## 38.0 Secondary Motions

- 38.1 The following matters and motions 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 question be put;
  - c) to adjourn.
- 38.2 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 lay on table, or to postpone, or postpone to a certain day;
  - c) to amend;
  - d) to suspend the Rules of Procedure;
  - e) any other procedural motion.

## 39.0 Order of Consideration

- 39.1 When a question is under consideration, no motion shall be received except a procedural motion or a motion to amend.
- 39.2 Procedural motions shall be considered immediately upon receipt and shall have precedence and may be subject to debate as follows:
- a) to extend the time of the meeting (not debatable);
  - b) to move the question be put or end debate (not debatable);
  - c) to commit or refer to a specific body (debatable);
  - d) to lay on the table or set aside temporarily (not debatable);
  - e) to postpone to a certain time or defer (debatable)
  - f) to postpone indefinitely or decline to take a position (debatable)
  - g) to adjourn (not debatable);
  - h) any other procedural motion (debatable).

#### 40.0 Motion to Amend

- 40.1 An amendment shall be relevant and germane to the principle of the report or motion under consideration.
- 40.2 A motion to amend may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.
- 40.3 Amendment motions shall be put in the reverse order to the order in which they are moved.

#### 41.0 The Question Be Now Put

- 41.1 A motion that the question be now put shall preclude all further amendments of the question. When resolved in the affirmative, the question and all amendments thereto are to be put forward without debate or further amendment.
- 41.2 Such motion cannot be moved by a member who has already debated the question.

#### 42.0 Motion to Lay on the Table

- 42.1 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.
- 42.2 The matter tabled shall not be considered again by the Council until a motion has been made to take up the tabled matter at a subsequent meeting.
- 42.3 A motion to take up a tabled matter is not subject to debate or amendment.
- 42.4 A motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn, and cannot be taken from the table.

#### 43.0 Motions to Postpone

- 43.1 A matter postponed to a definite time shall generally be considered first over all other new business on such date.
- 43.2 A motion to postpone without a definite date shall be treated as if it was a motion to decline to take a position.
- 43.3 A motion that was postponed indefinitely is subject to reconsideration.

#### 44.0 Reconsideration of a Matter

- 44.1 If a matter has been previously considered, it shall not be reconsidered by such body within twelve months after the meeting at which it was originally considered, without the consent of at least two-thirds of the Council Members present.

44.2 "Considered" shall mean those matters for which the members of a meeting have decided to act or not act upon, and shall not include the mere receipt of information where no action has been sought or taken.

44.3 A motion to reconsider must be moved by a member of the prevailing side when the matter was first considered.

## **Part VI – Rules of Debate**

### **45.0 Rules of Debate**

45.1 The Chair may maintain a list of members who have requested to speak or to ask questions and the Chair shall designate members to speak or to ask questions in the order in which they arose.

45.2 No member shall speak more than once, except if requested to give an explanation, until every member who desires to speak, has spoken.

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

45.4 A member may speak to the same question for a maximum of five minutes, and, with leave of the Council, may be granted an extension.

45.5 When an item is being discussed and one member has the floor a member may ask a question only for the purpose of obtaining information necessary for a clear understanding thereof.

45.6 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

45.7 Questions may be asked through the Chair of the previous speaker, staff, a deputation or presenter.

45.8 A member may not ask a question if the Chair rules that such question, in substantially similar form and content, has already been asked and answered.

### **46.0 Points of Order or Points of Privilege**

46.1 A member may interrupt the person who has the floor to raise a point of order when such member feels that there has been a deviation or departure from the rules of procedure and upon hearing such point of order, the ruling of the Chair shall be final unless the member appeals the ruling to Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Council Members present.

46.2 A member may rise at any time on a point of personal privilege where such member feels that personal integrity or the integrity of the Council has been impugned by another member and upon hearing such point, the ruling of the Chair shall be final unless



the member appeals the ruling to Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Council Members present.

46.3 Where the Chair recognizes that a breach of privilege has taken place, the Chair shall cause the offending member to apologize, and failing such apology shall require such member to vacate the Council Chamber for the duration of the meeting.

46.4 Any member may appeal the decision of the Chair to the Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Council Members present.

#### 47.0 Declaration of Interest

47.1 No Council Member after having declared an interest on any matter may move, second or vote on the matter having declared an interest is contained therein.

47.2 The Council Member having declared an interest shall leave the meeting room during consideration of the matter so declared.

47.3 At a meeting at which a Council Member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk.

47.4 Every declaration of interest and the general nature thereof made shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk.

47.5 Every declaration of interest, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.

47.6 The Clerk shall establish and maintain a registry in which shall be kept a copy of each statement filed.

47.3 The Council Member after having declared an interest may move, second and vote on the Confirming By-law.

### **Part VII – Other Committees, Task Forces and External Boards**

#### 48.0 Committee of the Whole

48.1 In addition to its regular meeting, a meeting of the Committee of the Whole shall be constituted whenever a majority of Council Members present decide that Council shall convene a Committee of the Whole to consider a matter or matters during a regular or special meeting of Council.

48.2 The Committee of the Whole shall report to Council on all matters and shall recommend such action as deemed necessary.

48.3 Matters rejected at Committee of the Whole will rise to Council for final decision.

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49.0 Other Internal Committees, Advisory Committees or Task Forces

Council may create, appoint and dissolve any committee or task force by by-law including Terms of Reference. Where no specific rules of procedure are specified, these Rules of Procedure shall apply.

50.0 Council Representation on External Boards

50.1 The Township of Whitewater Region shall be represented on all external board and committees for whom appointments are sought or required at the discretion of Council.

50.2 At the beginning and mid-point of each term of Council, the Mayor shall request with the assistance of the CAO/Clerk or designate a list of boards and committees each member of Council is interested in serving on for their Council term.

50.3 The Mayor shall submit for Council consideration a list of external boards and committees accompanied by one or more Council Members to be appointed to each of these bodies. The list may be debated at time of consideration.

50.4 Appointments shall be made through by-law.

51.0 Committee of Adjustment

Hearings of Committee of Adjustment shall generally be called for 5:45 p.m. on Council meeting dates.

**Part VIII – Other Matters**

52.0 Conflict with any Other By-law

In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.

53.0 Short Title

This by-law shall be known as the "Procedural By-law" or "Rules of Procedure".

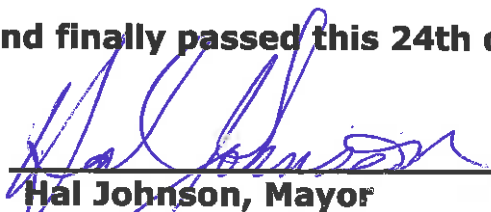
54.0 Repeal

That By-laws 17-02-924 and 17-08-984 are hereby repealed.

55.0 Effective Date

This by-law shall come into force and take effect upon passing.

**Read a first, second and third time and finally passed this 24th day of January, 2018.**

  
\_\_\_\_\_  
**Hal Johnson, Mayor**

  
\_\_\_\_\_  
**Robert H. A. Tremblay, Clerk**