

CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 2009-24

Being a By-law to govern and regulate the proceedings of Council and Committees of the Corporation of the Township of McKellar and to repeal By-law No. 87-19 as amended by By-law No. 2000-20.

WHEREAS Section 238(2) of the *Municipal Act, 2001*, requires every municipality and local board to adopt a Procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the municipal council of the Corporation of the Township of McKellar deems it expedient to enact a by-law to govern and regulate the proceedings of Council and committees;

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

A. DEFINITIONS

In this by-law:

“Chair” shall mean the Head of Council or the Presiding Officer at a committee meeting;

“Clerk” shall mean the Clerk Administrator of the municipality;

“Committee” shall mean a standing or advisory ad/hoc committee established by Council but does not include the Committee of the Whole;

“Committee of the Whole” shall mean Council sitting as the Committee of the Whole;

“Council” shall mean the Council of the Corporation of the Township of McKellar;

“Defer and Refer” shall mean a motion to defer a motion or resolution to a specific time in order to refer it to staff/committee/or another body/institution for further information;

“Delegation” shall mean an address to the Committee of the Whole or Council by one or more persons who are not members of Council or Township staff and are speaking to action items on the Council agenda and shall be limited to ten (10) minutes.

“Head of Council” shall mean the Reeve of the municipality;

“In camera” shall mean a closed session of Council, or a Committee of the Whole not open to the public;

“Majority” shall mean greater than 50% of the members present

“Meeting” shall mean a meeting of Council, Committee of the Whole, or of committees established by Council;

“Motion” shall mean an original motion, an amendment to a motion, or a substantive motion;

“Municipality” shall mean the Corporation of the Township of McKellar;

“Point of Order” (must deal with a matter that is currently on agenda) shall include:

- (i) Breaches of the rules of order of Council
- (ii) Difficulty in continuation of the meeting
- (iii) Improper, offensive or abusive language
- (iv) Notice that the discussion is outside the scope of the motion or the notice of motion
- (v) Irregularities in the proceedings;

“Point of Privilege” shall mean a concern about the honour, dignity, character, rights, or professionalism of the Reeve, members of Council, or members of Staff or the dignity of the Council;

“Presentation” shall mean a ceremonial presentation to or from the Township of McKellar;

“Presiding Officer” shall mean the Head of Council unless otherwise appointed in accordance with the provisions of this by-law or the Chair at a committee meeting;

“Privilege” shall mean the raising of a question which concerns a member of Council, or the Council collectively, when a member believes that his/her rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned.

“Quorum” shall mean greater than 50% of the members of Council or of a committee;

“Recorded Vote” shall mean the recording of the name and vote of every member on a motion during the meeting;

“Resolution” shall mean a motion that has been resolved by Council or a committee;

“Senior Officer” shall mean the Clerk Administrator or his/her designate;

“Substantive Motion” shall mean a self contained proposal not incidental to any proceeding and may be referred to as the “main motion” or the “principal motion.” It is amendable and it is drafted in such a way so as to be capable of expressing a decision of Council. It excludes the following motions:

- (i) to extend time of the meeting
- (ii) to move the previous question
- (iii) to refer
- (iv) to amend
- (v) to lay on the table
- (vi) to postpone indefinitely or to a specific day
- (vii) to adjourn

“Visitor” shall mean an address to the Committee of the Whole or Council or a committee by a person who is not a member of Council or Township staff and is speaking to action items on the Council agenda and shall be limited to ten (10) minutes.

B. GENERAL PROVISIONS

- (a) The following rules and regulations shall govern the proceedings of Council or local board, or committee of either of them, and any rules or regulations in existence to the contrary are hereby repealed;
- (b) Any rules or regulations contained herein may be suspended upon resolution by a quorum of Council or local board, or committee of either of them;
- (c) Persons shall not be permitted to address Council except with the permission of the Presiding Officer. In the case of a delegation appearing before Council, only an appointed representative shall address Council with permission of the Presiding Officer.

C. CONVENING OF COUNCIL MEETINGS

- (a) An inaugural meeting of Council in an election year shall be held in the Council Chambers on the first Monday in the month of December at 7:00 p.m. for the purpose of swearing in the new Council and conducting regular business.

- (b) All regular meetings of the Council shall be held in the Council Chambers, #701 Hwy. 124, Township of McKellar, beginning at 7:00 p.m. local time. Regular meetings of Council shall be held on the first and third Monday of each calendar month. Notice of regular meetings of Council shall be posted on the Township web site [www.township.mckellar.on.ca];
- (c) When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour on the next following day which is not a public or civic holiday;
- (d) Except as otherwise provided in the *Municipal Act*, the Council may, by resolution, dispense with, alter the time of, day of, or place of any regular Council meeting;
- (e) In the case of the absence of the Head of Council from the Municipality, or if he is absent through illness, or he refuses to act, or his office is vacant, a Councillor shall be appointed to act from time to time in the place and stead of the Head of Council and he shall have all the rights, powers, and authority of the Head of Council while so doing;
- (f) In order to constitute a quorum, three (3) members of Council, composed of four councillors and one reeve, must be present.
- (g) If no quorum is present one half hour after the time appointed for a regular meeting of Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next regular Council meeting.
- (h) Except as provided in this section, all meetings of Council or local board or committee of either of them shall be open to the public.
- (i) Exceptions to subsection (h) above - A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - (i) the security of the property of the municipality or local board;
 - (ii) personal matters about an identifiable individual, including municipal or local board employees;
 - (iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (iv) labour relations or employee negotiations;
 - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- (j) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, commission or other body is the head of an institution for the purposes of that Act.
- (k) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,
 - (i) the fact of the holding of the closed meeting; and
 - (ii) the general nature of the matter to be considered at the closed meeting. No notice is required before the discussion of and passing of said resolution.
- (l) Subject to the exception(s) listed in subsection (m), a meeting shall not be closed to the public during the taking of a vote.
- (m) Exception(s) to subsection (l) above - A meeting may be closed to the public during a vote if,

- (i) subsection (i) or (j) permits or requires the meeting to be closed to the public; and
- (ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

D. CURFEW

- (a) The Presiding Officer shall declare any meeting of Council to be adjourned at the hour of 11:00 p.m. at the latest unless said meeting is extended by a resolution of Council, either verbal or written, decided by a quorum of Council.

E. NOTICE OF MEETING

- (a) The Head of Council may, at any time, call a special meeting of Council;
- (b) The Clerk shall summon a special meeting of Council upon receipt of a petition of a majority of Council members for the purpose and at the time stated in the said petition;
- (c) In either circumstance, the Clerk shall give every member of Council at least 24 hours notice of said meeting. Notice shall be either verbal or written. Such notice shall include the time and purpose of the special meeting;
- (d) The Clerk shall post notice of the special meeting of Council, on the bulletin board in the Township Office foyer, at least 24 hours prior to the special meeting of Council.

F. AGENDA

- (a) The Clerk shall be the secretary of all meetings of Council.
- (b) The Clerk shall prepare an agenda for all meetings of Council or local board or committee of either of them in the following format:
 - (i) call meeting to order
 - (ii) adoption (including any amendments) of minutes of previous meetings;
 - (iii) notice to members to declare any possible conflicts of interest when and if the situation should arise;
 - (iv) reports from municipal officers and/or committee chairs;
 - (v) listing of visitors and/or delegations;
 - (vi) by-laws before Council;
 - (vii) resolutions of Council;
 - (viii) correspondence;
 - (ix) list of unfinished business;
 - (x) list of new business;
 - (xi) public notices;
 - (xii) adjournment.
- (c) The Clerk shall accept items for inclusion on the agenda from members of Council, delegations and/or individuals, and shall place same on the agenda for consideration by Council. The items shall be specifically stated;
- (d) Persons desiring to present information at Council or to make a request of Council shall give notice in writing, stating the nature of the matter to be presented, to the Clerk not less than three business days before the commencement of the meeting of Council and may be heard by leave of the Presiding Officer;
- (e) The Clerk shall prepare and print the agenda and make it available to Council members not less than two business days before the commencement of the meeting of Council;

- (f) The Clerk shall list all correspondence and petitions on the agenda with a note as to subject and shall provide copies of same for all members of Council not less than two business days before the commencement of the meeting of Council;
- (g) Important correspondence will be appended to the agenda by the Clerk and copies will be distributed to each member of Council;
- (h) The business of Council shall be conducted in the order listed on the agenda unless otherwise decided, verbally or written, by a quorum of Council;
- (i) The agenda will be made available to the public, not less than two business days before the commencement of the meeting of Council, at the Township Office; and, at the beginning of meetings. The Clerk shall make every effort to post the agenda on the Township's web site [www.township.mckellar.on.ca] prior to the meeting.

G. MINUTES

- (a) The minutes of each meeting of Council or local board or committee of either of them shall record:
 - (i) the place, date and time of the meeting;
 - (ii) the name of the Presiding Officer, members present, and staff present;
 - (iii) the adoption, correction and amending of minutes of the previous meeting(s);
 - (iv) the names of visitors appearing before Council;
 - (v) the times the members arrive late and leave early;
 - (vi) the resolutions and by-laws passed and defeated by Council;
 - (vii) any recorded votes;
 - (viii) any declared conflict of interest.
- (b) The Clerk shall ensure that the minutes of any preceding meetings are available no later than three (3) business days after each meeting in hardcopy at the Municipal Office and on the Township's web site [www.township.mckellar.on.ca];
- (c) Minutes of previous meetings that have been circulated to members at least 24 hours before the regular meeting shall be considered for adoption without reading; in all other cases, the members shall read the minutes at the meeting, prior to commencement of the meeting.

H. COMMUNICATIONS AND/OR PETITIONS

- (a) Any written messages, memorials and/or enquiries before Council for consideration may be referred, at the discretion of Council, to a Committee of Council **and/or staff** for response thereto;
- (b) Petitions shall be signed by the subscribers and presented to Council by an appointed representative who has knowledge of the information stated therein;
- (c) Verbal deputations and/or presentations must not exceed 10 minutes in length, and any extensions of this time allotment must be approved by the Presiding Officer. It will be the responsibility of the Clerk to measure the time of each presentation and to advise the Presiding Officer when 10 minutes have elapsed;
- (d) Unless there is a staff presentation, all visitors appearing before Council or local board or committee of either of them shall be heard at the beginning of the regular meeting or just prior to the beginning of the specific item, and shall be permitted to speak only once on an item. Once deliberations on a specific item have commenced, no further presentations relative to the item shall be made by the visitor or by any person other than a Member of Council. The matter may be referred to a future meeting if there is not an accompanying report;

- (e) Members of Council shall speak to visitors through only the Presiding Officer; visitors shall respond to questions from the Members of Council through only the Presiding Officer;
- (f) Members of the audience shall not speak to the Council or local board or committee of either of them if they are not listed on the agenda as a Visitor.
- (g) Visitors who wish to submit materials for Council must do so through the Clerk.

I. UNFINISHED BUSINESS

- (a) Unfinished business shall be listed on the agenda in the order in which it first came before Council for consideration and if not dealt with at the meeting of Council at which it appeared on the agenda, shall continue to be listed until finalized.

J. BY-LAWS

- (a) Every proposed by-law shall be introduced upon motion by a member of Council or upon report from any Committee of Council;
- (b) Every By-law shall be given three readings at the same meeting, unless there is a reason supported, verbally or written, by the majority of Council to defer the third reading;
- (c) Every by-law read before Council shall be recorded by the Clerk and upon third reading shall be signed by the Presiding Officer and the Clerk and the Corporate Seal shall be added as soon as possible thereafter;
- (d) A by-law shall be passed only at a regular council meeting (or a reconvened regular meeting that had been properly adjourned to a specific time) or a special meeting that, when called, cites the consideration and passing of the by-law as one of its purposes.

K. CONDUCT OF PROCEEDINGS AT COUNCIL MEETINGS

- (a) It shall be the duty of the Presiding Officer to:
 - (i) open the meeting of Council/Committee by taking the chair and calling the members to order;
 - (ii) announce the business before Council/Committee in the order in which it appears on the agenda;
 - (iii) receive and submit, in the proper manner, all resolutions presented by Council/Committee;
 - (iv) put to a vote all questions, which are regularly moved and seconded or arise in the course of the proceedings, and to announce the result;
 - (v) decline to put to a vote any resolution that infringes on the Rules of Order;
 - (vi) restrain members when engaged in debate with the Rules of Order;
 - (vii) enforce, at all times, the observance of the Rules of Order;
 - (viii) call by name any member who persists in a breach of the Rules of Order and if such breach continues, to order the member to vacate his seat;
 - (ix) authenticate, by his signature, all by-laws, resolutions and minutes of Council/Committee;
 - (x) sign and seal, in conjunction with the Clerk, all agreements and other municipal documents that have been approved by Council;
 - (xi) inform Council, when necessary, or when referred to for the purpose, on a point of order or usage;
 - (xii) represent Council/Committee, declaring its will and obeying its decisions as indicated by resolution;
 - (xiii) ensure that the decisions of Council/Committee are in conformity with current by-laws and laws governing the activities of Council/Committee;

- (xiv) adjourn the meeting at the time of curfew indicated herein, or before if order of business is finished, or as extended by quorum of Council;
- (xv) adjourn the meeting without question where a grave case of disorder or disagreement arises in the Council chambers;
- (xvi) expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

- (b) **The Council may adjourn to a Committee of the Whole for an in camera discussion, but no business may be transacted in the said meeting. The procedure for going into Committee of the Whole: quorum of Council pass a motion to do so, setting time, and when the meeting is over, a motion to come back to open meeting, showing time. The regular meeting then shall proceed.**

L. DECORUM OF MEMBERS

- (a) No member shall:
 - (i) disturb another, or Council in general, by disorderly deportment to any member speaking;
 - (ii) resist the rules of Council/Committee or disobey the decisions of the Presiding Officer or Council on questions of order or upon the interpretation of the Rules of Order;
 - (iii) be permitted to retake his seat at any meeting after being ordered to vacate same due to a breach;
 - (iv) leave his chair after the Presiding Officer has called for a vote on a resolution before Council/Committee;
 - (v) leave his chair or the Council Chambers without the consent of the Presiding Officer.
- (b) To withdraw, **table**, or **defer** a motion once it is on the floor, it must be voted on by Council, verbally or written, with a simple majority to carry.

M. RULES OF DEBATE

- (a) The Presiding Officer

In directing the course of debate, the Presiding Officer shall:

- (i) designate the member who has the floor, when two or more members arise to speak;
- (ii) preserve order and decide questions of order;
- (iii) read all resolutions presented in writing.

- (b) Members

In addressing the Council/Committee, all comments must proceed through the Presiding Officer only, and no member shall:

- (i) speak disrespectfully or use indecent, offensive, or insulting language in or against the Council or any member thereof;
- (ii) speak to any matter except the question in debate;
- (iii) reflect upon any prior decision of Council except to conclude remarks with a resolution to rescind such decision;
- (iv) interrupt the member who has the floor except to raise a point of order.

- (c) The mover of a resolution shall have the privilege of being the first speaker in the debate on the resolution, and shall have the further privilege of speaking once more to

conclude the debate

N. POINT OF ORDER

- (a) Any member may appeal to the Presiding Officer to make a decision on a point of order and if the Presiding Officer declines to make such decision, a quorum of Council/Committee shall make such decision.

O. MOTIONS AND RESOLUTIONS

- (a) Introduction Without Notice

A motion may be introduced without notice upon leave, either verbally or written, of a quorum of Council/Committee.

- (b) Form of Resolution

Any resolution adopted by Council/Committee shall be in writing under the signature of the mover and seconder and over the signature of the Presiding Officer.

- (c) Motion and Resolution Must Be Seconded

A motion must be formally seconded, in writing, before the Presiding Officer may request a vote on the same or a resolution be recorded in the minutes.

- (d) Withdrawal of Motion

After a motion has been read or has been stated by the Presiding Officer, it shall be deemed to be in the possession of Council and can only be withdrawn before decision or amendment only with leave of Council expressed by resolution, either verbally or written.

- (e) Priority of Disposition

A motion properly before Council/Committee for decision must receive disposition before any other motion can be received except a motion to amend, to adjourn, to extend the hour of adjournment or decide a point of order or privilege.

- (f) Amendment Resolution

All proposed amendments to resolutions shall be in writing and shall be dealt with in the order presented to Council/Committee and shall not propose a question in direct opposition to the resolution before Council/Committee.

- (g) Review of Topic of Resolution

A resolution may not be revisited in future meetings of Council/Committee unless an individual member who voted in the majority decision resurrects the topic of discussion.

- (h) Motion of Adjournment

A motion to adjourn shall always be deemed to be in order, except when a member is speaking or there is a question on the floor and cannot be amended. If the motion is decided negatively, the Council/Committee shall take alternate action as provided by this by-law to extend the curfew of the meeting in process.

(i) Repetition

A motion presented in the order in which it stands on the agenda and which is not decided by Council/Committee shall remain on the agenda under “Unfinished Business” until said motion is voted upon by Council/Committee.

(j) Ultra Vires

A motion dealing with any matter not within the Council/Committee jurisdiction shall be deemed to be “ultra vires” (void) and shall not be dealt with by Council/Committee.

(k) Privilege

A motion on a point of order shall be dealt with immediately upon receipt by Council/Committee and when decided upon, Council/Committee shall return to the matter before Council/Committee when said point of order arose. A question of privilege relates to any matter affecting rights and immunities of the Council/Committee collectively, or to the position, reputation, and conduct of members in their respective character.

P. VOTING ON MOTIONS

(a) Question Stated

The Presiding Officer shall state the question before Council/Committee in the exact form in which the question is presented to Council/Committee. When a motion is to amend or reverse a decision of Council/Committee, the Presiding Officer may re-state the previous resolution as it was presented and adopted by Council/Committee.

(b) No Interruption After Question Stated

No member shall interrupt or speak to the question after the Presiding Officer has stated the question to Council/Committee or shall interrupt the voting on a motion before Council/Committee.

(c) Qualified Voters

Except as otherwise provided, every member of Council/Committee shall have one open vote. The Presiding Officer may not move or second any motion, but must vote on a motion.

(d) Nature of Vote

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

(e) Tie Vote

Any question on which there is a tie vote shall be deemed to be lost.

(f) Abstention or Failure to Signify Vote

Any member, who is not disqualified to vote by reason of a conflict of interest or other reason under current legislation and who fails to signify his vote when called upon to do so by the Clerk, or who abstains from voting, shall have his vote considered to be negative on the question before Council/Committee and the same shall be recorded by the Clerk.

(g) Recorded Vote

A member may request immediately prior to or immediately after the taking of a vote on a motion that the votes of the members be recorded by the Clerk. Every member shall signify his vote orally in such manner as enables the Clerk to record same in the

minutes.

Q. SUSPENSION OF RULES

- (a) Any procedure required by this by-law may be suspended where a resolution, verbally or written, to this effect is supported by a quorum of Council or Committee members.

R. AMENDMENT

- (a) No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of Council/Committee.

S. POINTS NOT PROVIDED FOR

- (a) Any points of procedure not governed by this by-law shall be governed by the rules of parliamentary procedure of the Canadian House of Commons and/or **Robert’s Rules of Order, latest edition.**

T. EFFECTIVE DATE

- (a) By-law No. 87-19, as amended by By-law No. 2000-20, is hereby repealed upon the passing of this By-law.
- (b) This by-law shall come into effect on the date it receives third reading by the Council of the Corporation of the Township of McKellar.

READ a FIRST and SECOND time this 21st day of December, 2009.

“original signed by David Moore, Reeve”

“original signed by Shawn Boggs, Clerk”

READ a THIRD time and PASSED in OPEN COUNCIL this 21st day of December, 2009.

“original signed by David Moore, Reeve”

“original signed by Shawn Boggs, Clerk”