

OFFICE CONSOLIDATION

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BY-LAW NUMBER 2010-110

BEING a By-Law to regulate the proceedings of Council and Committees.

Consolidated as of April 6, 2020

By-Law	Date Approved	Amendment No.	Subject Matter
2015-68	December 7, 2015	1	Add 5.1 Audio Recording
2017-11	February 6, 2017	2	Add Ec. Dev. to 5.1
2020-14	April 6, 2020	3	Add 5.2, 5.3 and 5.4 (Re: Electronic Meetings)

WHEREAS pursuant to Sections 238 of The Municipal Act, S.O. 2001, c. 25, as amended every Municipality and Local Board shall adopt a Procedure By-Law for governing the calling, place and proceedings of meetings.

AND WHEREAS pursuant to Section 9 of the Municipal Act S.O. 2001, c. 25, every Council may pass By-Laws to govern the conduct of its members.

AND WHEREAS the Council of The Corporation of the Township of Rideau Lakes deems it expedient to pass a By-Law for governing the proceedings of the Council, the conduct of its Members and the calling of meetings;

NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

1. DEFINITIONS

- 1.1 Chief Administrative Officer exercises control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township and performs such other duties as are assigned by the Township. 2001, c 25, s. 229.
- 1.2 “Clerk” shall mean the Clerk of The Corporation of the Township of Rideau Lakes.
- 1.3 “Council” shall mean the Council of The Corporation of the Township of Rideau Lakes.
- 1.4 “Head” of Council shall mean the Mayor of the Corporation of the Township of Rideau Lakes.

- 1.5 “Committee(s)” shall mean any advisory or other committee, Sub-committee or similar entity of which at least 50% of the members are also members of one or more councils or local boards.
- 1.6 “Quorum” shall mean a majority of the whole number of members required to constitute the Council or Committee.
- 1.7 “Recorded Vote” if a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2001, c 25, s 246(1). A failure to vote under subsection (1) by a member who is present at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. 2001, c 25, s 246(2).
- 1.8 “Substantive Resolution” shall mean any Resolution except the following:
- (a) To extend the time of meeting;
 - (b) To refer
 - (c) To amend;
 - (d) To lay on the table or defer;
 - (e) To postpone indefinitely or set a specific day;
 - (f) To adjourn.

2. APPLICATION OF THE BY-LAW

- 2.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof, provided that the rules and regulations contained herein may be suspended by a vote of Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

3. COUNCIL MEETINGS

- 3.1 Meetings of the Council shall be held at the Council Chambers, or at such other location as designated by Council, adopted and used by Council from time to time for such purpose. The Inaugural Meeting of the Township of Rideau Lakes new Council shall take place at 11:00 a.m., on the first Monday of December following the Election.

The next Regular meeting of the new Council of the Township of Rideau Lakes shall take place on the third Monday of December at 6:00 p.m.

Succeeding Regular Meetings shall take place on the first and third Mondays of each month at 6:00 p.m., unless Council by resolution directs otherwise, in which case a notice shall be posted in the Municipal Office, and notice shall be advertised in the newspaper advising of the time and date.

- 3.2 When the day for a Regular Meeting of Council is a public or civic holiday, or due to inclement weather conditions, or unforeseeable circumstances, a meeting of Council cannot be held on the appointed date and at the appointed time, Council shall, unless Council decides otherwise, meet at the same hour on the next following day.
- 3.3 The Head of Council may at any time summon a Special Meeting of Council on 48 hours notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time specified in the petition. Forty-Eight hours notice of all Special Meetings of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a Special Meeting shall be that which is listed in the notice of the meeting, or given orally to the Members unless decided otherwise by consent of the entire Council.
- 3.4 Notwithstanding Section 3.3 the Mayor may, in the event of an emergency, call a Special Meeting of the Council without giving the mandatory forty-eight hours notice, provided that the Clerk has diligently tried to advise all Members of Council immediately on being advised by the Mayor of his intention to hold such an Emergency Meeting.
- 3.5 In the case of the absence of the Head of the Council from the Municipality, or if he/she is absent through illness, or if he/she refuses to act, or if his/her office is vacant, the Deputy-Mayor shall act in the place and stead of the Head of Council and he/she shall have all the rights, powers, and authority of the Head of Council while so acting.
- 3.6 In the event that both the Head of Council and the Deputy-Mayor are absent, a Councillor shall be appointed to act. He/she shall have all the rights, powers, and authority of the Head of Council, while so acting.

4. OPEN AND CLOSED MEETINGS

- 4.1 Except as provided in this Section, all meetings shall be open to the public. 2001, c. 25, s 239 (1)
- 4.2 Exceptions:
 - (a) The security of the property of the Township, or Local Board;

- (b) Personal matters about an identifiable individual including Municipal or Local Board employees;
 - (c) A proposed or pending acquisition or disposition of land by the Municipal or Local Board employees;
 - (d) Employee negotiations or labour relations;
 - (e) Litigation or potential litigation including matters before administrative tribunals, affecting the Township or a Local Board;
 - (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) A matter in respect of which Council, a Committee of Council, Local Board or other body may hold a closed meeting under another Act. 2001, c. 25, s 239(2)
- 4.3 Before all or part of a meeting is closed to the public, the Council shall state by Resolution;
- (a) The fact of the holding of the closed meeting;
 - (b) The general nature of the matter considered at the closed meeting.
- 4.4 Subject to subsection 4.5 a meeting shall not be closed to the public during the taking of a vote.
- 4.5 Despite subsection 4.4 a meeting may be closed to the public during a vote if:
- (a) Subsection 4.4 permits or requires a meeting to be closed to the public and;
 - (b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- 4.6 Meetings of sessions, which are closed to the public, may be referred to as Closed Sessions or Committee of the Whole meetings or sessions.

5. CALLING OF MEETING TO ORDER AND QUORUM

Subject to the procedure by-law passed under section 238,

- 5.1 At the hour fixed for the holding of the meeting of the Council, if a quorum is present, the Head of Council shall take the Chair and call the meeting to order.
- 5.2 A quorum is a simple majority of the elected Members of Council.
- 5.3 If no quorum is present one half hour after the time appointed for the meeting of the Council, the Clerk shall record the names of the

- Members present and the meeting shall stand adjourned until the date of the next Regular Meeting, subject to Sections 3.3 and 3.4.
- 5.4 If the Head of Council and the Deputy-Mayor do not attend within fifteen minutes after the time appointed for a Meeting of the Council, the Clerk shall call the Members to order and an Acting Head of Council shall be appointed from among the Members present and he/she shall preside until the arrival of the Head of Council or the Deputy-Mayor, and while so presiding the Acting Head of Council shall have all the powers of the Head of council.

5.1 **AUDIO RECORDING OF CERTAIN MEETINGS**

(added by By-Law 2015-68)

(Section 5.1.1 amended by By-Law 2017-11)

- 5.1.1 All regular and special meetings of Council, all regular and special meetings of the Municipal Services Committee, and all regular and special meetings of the Planning Advisory Committee, the Committee of Adjustment and the Economic Development Ad-Hoc Committee (and any potential future permanent Committee) shall be audio recorded by the municipality.
- 5.1.2 Audio recording of meetings shall not occur during a meeting or portion of a meeting closed to the public under the authority of the Municipal Act or any other applicable Act.
- 5.1.3 The audio recordings shall not constitute the minutes of the meetings for the purpose of the Municipal Act or any other applicable Act.
- 5.1.4 The Clerk shall be responsible for taking and maintaining the audio recordings and making them available as prescribed.
- 5.1.5 The audio recordings shall be retained as a record of the municipality for the term of Council.
- 5.1.6 The audio recordings shall be made available for downloading on the Township website as mp3 or comparable digital audio files.
- 5.1.7 The digital file of the recordings shall be made available on request to the Clerk at the Township office during regular office hours through a USB file transfer. The receiving party must provide the compatible USB device. Where practicable, remote file transfers may be permitted (i.e. by email or other file sharing methods).
- 5.1.8 Signs shall be posted at the public entrance of the meeting room noting that the meeting, including all statements made by the public, is being recorded and will be a publicly available record.
- 5.1.9 Staff shall not be tasked with removing potential breaches of the Municipal Freedom of Information and Protection of Privacy Act

contained in the recordings. All members, staff and members of the public are responsible to adhere to the requirements to not disclose personal information in violation of MFIPPA.

5.2 ELECTRONIC PARTICIPATION IN MEETINGS

(added by By-Law 2020-14)

5.2.1 Where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* Council may conduct meetings, and members may participate in said meetings, by electronic means that allow for remote participation.

5.2.2 Meetings may be both those open to the public as well as those closed to the public in accordance and compliance with Section 239(2) of the Municipal Act, 2001.

5.2.3 Members will be responsible to take all reasonable measures to ensure security in the event that a closed meeting is held electronically.

5.2.4 Motions shall not be required to be made in writing during an electronic meeting

5.2.5 All votes shall be recorded during an electronic meeting. Each member present, including the presiding officer, except a member who is disqualified from voting by an *Act*, shall announce his/her vote verbally when called in alphabetical order by the Clerk, and the Clerk shall record each member's name and vote.

5.2.6 All other procedures of this by-law apply with the necessary modifications to facilitate electronic participation.

5.3 PUBLIC PARTICIPATION IN E-MEETINGS

(added by By-Law 2020-14)

5.3.1 Meetings conducted electronically contemplated and authorized by Section 5.2.1 may preclude physical attendance by members of the public and media should the emergency situation warrant.

5.3.2 Where Section 5.4.1 applies, every reasonable effort shall be made to permit members of the public to view and or listen to the meeting live, as it occurs.

5.3.3 Where Section 5.3.2 applies, members of the public and media may participate in meetings and make questions of members related to the matters on the agenda by submitting them by email to the Clerk in advance of the meeting start time, or during the meeting in advance of the appropriate section of the agenda.

5.3.4 Questions determined to be in order and submitted under Section 5.3.3 will be read aloud by the Clerk or Chair and provided an answer by the Chair as appropriate.

5.3.5 All applicable meeting notice provisions will remain in force for meetings conducted electronically

5.4 APPLICATION TO BOARDS AND COMMITTEES

(added by By-Law 2020-14)

5.4.1 The provision for electronic meetings under Sections 5.2 and 5.3 shall also apply to all Committees of Council wherein members of Council constitute a majority of the appointed members.

5.4.2 The provision for electronic meetings under Sections 5.2 and 5.3 shall also apply to all local Boards and Committees of Council wherein members of Council do not constitute a majority of the appointed members.

5.4.3 Notwithstanding Section 5.4.2, the ability for local Boards and Committees to hold electronic meetings shall be subject to approval of Council by resolution.

6. CURFEW

6.1 No item of business may be dealt with at a Council Meeting after 10:00 p.m. unless unanimous consent is given by the Members of Council to extend the closure time beyond 10:00 p.m.

7. DUTIES OF THE MAYOR

7.1 To open the meeting by taking the Chair and calling the Members to order.

7.2 To announce the business before Council in the order in which it is to be acted upon.

7.3 To receive and submit, in the proper manner, all motions presented by the Members.

7.4 To put to vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result.

7.5 To decline to put to vote motions which infringe upon the rules of procedure.

7.6 To restrain the Members, within the Rules of Order, when engaged in debate.

- 7.7 To enforce on all occasions the observance of order and decorum among the Members.
- 7.8 To call by name any member persisting in breach of the rules or order of the Council thereby ordering the Member to vacate the Council Chamber.
- 7.9 To receive all messages and other communications and announce them to Council.
- 7.10 To authenticate by signature all By-Laws, Resolutions and Minutes of the Council.
- 7.11 To inform the Council when necessary or when referred to for the purpose, on a point of order or usage.
- 7.12 To select the Members of Council who are to serve on Committees.
- 7.13 To ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Municipal Corporation.
- 7.14 To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.
- 7.15 To order any individual or group in attendance at the meeting to cease and desist any behavior, which disrupts the order and decorum of the meeting, and or order the individual or group to vacate the Council Chamber where such behavior persists.
- 7.16 To be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed.
- 7.17 To oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished.
- 7.18 To communicate to the Council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality.
- 7.19 To represent and support Council, declaring its will, and implicitly obeying its decisions in all things.
- 7.20 To adjourn the meeting when the business is concluded.

8. AGENDAS AND SUPPORTING MATERIAL

- 8.1 The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- 8.2 Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to Members on the Friday prior to a regular meeting.
- 8.3 Written reports from Committees, Department Heads and support Staff shall be made available by Noon on the Wednesday immediately preceding regular meetings, for inclusion with Council agenda and material.
- 8.4 Agendas shall be generally formatted as follows, but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law.
 - (a) Call to Order
 - (b) Roll Call
 - (c) Additions to the Agenda
 - (d) Adoption of the Agenda
 - (e) Disclosure of Pecuniary Interest
 - (f) Delegations
 - (g) Minutes
 - (h) Reports from Municipal Officers (with appropriate sub-headings)
 - (i) Business Arising
 - (j) Reports from Committees (with appropriate sub-headings)
 - (k) Motions/Notice of Motion/Resolutions
 - (l) Correspondence Action
 - (m) By-Laws
 - (n) New Business
 - (o) Questions from the Press
 - (p) Questions from the Public
 - (q) Resolution: to move In-Camera/Committee of the Whole
 - (r) Correspondence Information
 - (s) Adjournment
- 8.5 Any Member of Council, at any time prior to the preparation of the agenda, may file in writing or by phone or other matter, an item for inclusion in the agenda under its appropriate heading.
- 8.6 The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or Presiding Officer.
- 8.7 After the agenda has been made available to Council Members, no additions shall be made to the agenda, unless the Mayor and Clerk

decide that new business has arisen which must be dealt with as quickly as possible.

If this situation occurs, the Clerk shall prepare an "Addition to the Agenda" outlining the new business, and each Member of Council will be given this "Addition" at the beginning of the Regular Meeting, and this "Addition" will be acknowledged under "Additions to the Agenda".

- 8.8 A matter of urgency or a matter of timely nature may be considered without notice by a simple majority vote of Council. Notice of the urgency or other matter shall be given to the Presiding Officer prior to adoption of the agenda.

9. DISCLOSURE OF PECUNIARY INTEREST

- 9.1 Any Member of Council shall now disclose any possible conflict of interest at this time, as defined in the Municipal Conflict of Interest Act, dealing either with any item on the agenda or with a matter discussed at a previous meeting from which the Member was absent.
- 9.2 Every Member, who is present when a question is put, shall vote thereon unless personally interested in pecuniary sense or excused by Council. The Member with an interest shall, before the question is put and before the division takes place, leave the meeting room and remain absent from it throughout any discussion, consideration, or vote upon the matter.
- 9.3 If the interest of a Member has not been disclosed by reason of his/her absence from the meeting, or by reason of such interest having been acquired subsequent to such meeting, he/she shall disclose such interest at the first possible subsequent meeting, and shall not take part in the consideration or discussion of, or vote on any question with respect to the contract, proposed contract, or other matter.
- 9.4 Every disclosure of interest made shall be received by Council and recorded in the minutes of the meeting by the Clerk and the Member shall, as soon as possible, complete and file with the Clerk a written disclosure, setting out the Member's pecuniary interest and its general nature, in accordance with the Municipal Conflict of Interest Act.

10. MINUTES

- 10.1 Minutes shall record:
- (a) The place, date and time of meeting;
 - (b) The names of the Presiding Officer and Officers and record of the attendance of the Members.

- (c) The reading, if requested, correction and adoption of the minutes of prior meetings;
 - (d) All other proceedings of the meeting without note or comment.
- 10.2 It shall be the duty of the Clerk to ensure that the minutes of the last Regular Meeting, and all Special and Standing Committee Meetings held more than five (5) days, excluding Saturdays and Sundays, prior to a Regular Meeting, together with the agenda and related materials prepared in accordance with Section 8, are available to each Member not less than forty-eight (48) hours before the hour appointed for the holding of such Regular Meeting.
- 10.3 Council may adopt minutes, which have been circulated to all Councillors, without having been read at the meeting. All other minutes must be read before adoption. When the minutes have been adopted the Presiding Officer and the Clerk shall sign them.

11. DELEGATIONS

- 11.1 Persons(s) desiring to present information verbally or written, on matters of fact or to make a request of Council shall first be referred to the appropriate Committee by the Clerk. The Committee shall then report the information or request to the Council at its next regular meeting, with the recommendation of the Committee, if a recommendation is required.
- 11.2 In a situation of emergency person(s) may present written information on matters of fact directly to Council and shall give notice to the Clerk not less than forty-eight hours, excluding Saturdays, Sundays and Statutory Holidays preceding the date of the Meeting of Council.
- 11.3 Notwithstanding Section 11.2, delegations not listed with the Clerk prior to the meeting may be heard upon unanimous consent of Council, but decision may be deferred on the matter in question until further study.
- 11.4 Delegations shall be limited in speaking to not more than ten (10) minutes, except that a delegation of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than five (5) minutes.
- 11.5 The inclusion of a delegation on the agenda shall be determined on a first come basis and regard shall be given to the length of the agenda.

12. PETITIONS AND COMMUNICATIONS

- 12.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, giving his/her address, and filed with the Clerk.
- 12.2 Every petition or communication shall be delivered to the Clerk not later than three days, excluding Saturdays, Sundays and Statutory Holidays, and not later than noon on the day prior to the day of preparation of the agenda.
- 12.3 Notwithstanding Section 12.2 petitions or communications not listed with the Clerk prior to the meeting may be heard upon unanimous consent of Council but decision may be deferred on the matter in question until further study.
- 12.4 All petitions of communications on any subject within the cognizance of a Committee shall on presentation, unless otherwise disposed of by Council forthwith, be referred to the appropriate Committee, as the case may be, without any motion or debate, unless otherwise ordered by Council.

13. REPORTS FROM COUNCIL COMMITTEES AND MUNICIPAL OFFICIALS

- 13.1 Reports from either Council Committees or Municipal Officials shall deal with matters previously delegated to them or that fall within their jurisdiction.
- 13.2 Reports will be submitted to the Clerk not later than noon on the day prior to the day of preparation of the agenda. All reports received after this time will be placed on the agenda for the next Regular Meeting of Council.

14. UNFINISHED BUSINESS

- 14.1 The items listed in the order of the topics set out in the agenda of previous meetings which have not been disposed of by Council and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by leave of Council.

15. READING OF BY-LAWS AND PROCEEDINGS THEREON

- 15.1 A Member of Council, specifying the title of the By-Law, shall introduce every By-Law upon Motion.

- 15.2 Every By-Law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception of the date thereof.
- 15.3 Every By-Law shall have three readings prior to it being passed, "Reading" in present usage means 'stage of consideration" and does not mean actual reading aloud. It is assumed that the By-Law has been circulated to Council Members before presentation.
- 15.4 At the call of the Mayor, and with the consent of Council a By-Law may be read by way of Short Reading, unless a Member of Council requests that the By-Law be given the Long Reading. Short Reading would consist of the reading of the preamble explanation of the By-Law, (BEING a By-Law to).
- 15.5 The first reading of a By-Law shall be decided without amendment or debate. It indicates approval of placing the matter before Council.

The second reading of a By-Law indicates approval in principle of the proposed By-Law. A By-Law shall be open to debate and amendment before it is ordered for the third reading.

The third reading is the stage at which the By-Law comes into force and takes effect unless the By-Law specifies otherwise.

- 15.6 Amendments to a By-Law shall take place after the second reading, and prior to third reading.

All amendments shall be presented as follows:

- (a) Shall be in writing;
- (b) Shall receive disposition of Council before a previous amendment or the question;
- (c) Shall not be amended more than once provided that further amendment may be made to the main question;
- (d) Shall be relevant to the objective of the By-Law;
- (e) Shall not be received proposing a direct negative to the question;
- (f) May propose a separate and distinct disposition of the question;
- (g) Shall be put to vote in the reverse order to that in which it was moved.

When all amendments have received final disposition, if any, the By-Law shall be forthwith ordered to be read the third time except when requested otherwise by a motion of the majority of the members present or as otherwise provided in law.

If the Presiding Officer puts to vote the motion proposing third and final reading at the same meeting as first and second reading, and the result of the vote is less than a simple majority, the By-Law shall only be deferred to the next or a subsequent meeting for third and final reading.

- 15.7 If the Council determines that the By-Law is to be considered in the Committee of the Whole, it shall be so considered after the second reading and previous to the third reading.

If Committee of the Whole is used for discussion of By-Law then any changes to the By-Law suggested in Committee of the Whole, shall be reported by the Chairman to the Council, which shall receive the same forthwith, and after the report has been received a By-Law shall be open to debate and amendment before it is ordered for the third reading.

- 15.8 When a By-Law is reported without amendment it shall be forthwith ordered to be read the third time at such time as may be appointed by the Council.

- 15.9 The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.

- 15.10 Every By-Law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.

16. MOTIONS / RESOLUTIONS

- 16.1 Notice of all new Motions or Resolutions, except Motions or Resolutions listed in clauses 18:10 and 18:11 shall be given in writing delivered to the Clerk at least three (3) calendar days, excluding Saturdays, Sundays and Statutory Holidays, preceding the date of the meeting at which a Motion or Resolution is to be introduced.

- 16.2 A Motion or Resolution must be formally seconded before the question can be put or a Motion or Resolution recorded in the minutes.

- 16.3 When a Motion or Resolution is presented in Council in writing it shall be read, or if it is an oral Motion or Resolution, stated by the Mayor or Presiding Officer.

- 16.4 Any Motion or Resolution maybe introduced without notice if the Council, without debate dispenses with notice on the affirmative vote of at least a simple majority of the Members present and voting.

- 16.5 A Motion or Resolution shall:
- (a) Be presented in writing;
 - (b) Be dealt with by Council before a previous amendment or the main motion or resolution;
 - (c) Not be further amended more than once provided that further amendment may be made to the main motion or resolution;
 - (d) Be relevant to the main motion;
 - (e) Not propose a direct negative to the main motion or resolution;
 - (f) May propose a separate and distinct disposition of a question;
 - (g) Shall be put in the reverse order to that in which it is moved.
- 16.6 A Motion or Resolution in respect of a matter, which is beyond the jurisdiction of the Council, shall not be in order.
- 16.7 After a Motion or Resolution is read or stated by the Chairman, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.
- 16.8 After a Motion or Resolution as amended is finally put, no Member shall speak to the question nor shall any other Motion or Resolution be made until after the vote is taken and the result is declared.
- 16.9 A Motion or Resolution called in the order in which it stands upon the agenda of a meeting, and which is not decided by Council shall be allowed to stand, retaining its precedence upon the agenda of the next Regular Meeting of Council.
- 16.10 At anytime during debate on a Motion or Resolution, or on an amendment to a Motion or Resolution, a Motion or Resolution may be made to refer the matter under discussion to a Committee of Council. If this Motion or Resolution is passed, there will be no further action on the Main Motion or Resolution of amendment, until; the Committee concerned has made its recommendation to the Council.

16.11 Main Motion

Motions shall be called in the order in which they appear on the agenda and must be signed by a mover and a seconder.

All main motions shall be in writing.

When called by the Presiding Officer, the Mover of the motion shall state the names of Members moving and seconding the Motion and read the Motion. A Motion so put shall be considered the Main Motion.

A motion in respect of a matter, the resolution of which is beyond the jurisdiction of Council, shall not be in order.

After a motion has been duly moved, seconded and read, it shall immediately be open to debate or amendment. The mover shall have the opportunity to make the introductory remarks.

Any Member of Council may request that any motion under debate be repeated by the Presiding Officer for the benefit of clarification but not so as to interrupt a Member while speaking.

16.12 Secondary Motion

When a main motion is under debate, it shall be in order for any member to present the following secondary motion:

(a) Withdrawal

A motion to withdraw

- (1) Need not be in writing;
- (2) Shall be put and seconded by the mover and seconder of the main motion respectively;
- (3) Shall receive disposition prior to any other secondary motion being presented;
- (4) Shall not be debatable.

(b) Refer

A motion to refer a matter under debate

- (1) Need not be in writing;
- (2) Shall receive disposition of Council before the main motion;
- (3) Shall state the committee or appointed official to which the matter shall be referred;
- (4) Can be amended as to the method of disposition, size of committee or other similar instructions;
- (5) Shall preclude all amendments of the main question until it is decided;
- (6) Shall not be debatable except that debate may be permitted on the advisability or propriety of the referring question.

(c) Defer

A motion to defer

- (1) Need not be in writing;

- (2) Shall receive disposition of Council before the main motion;
- (3) Shall state the specific date upon which the motion shall again be put;
- (4) Shall not be debatable except that debate may be permitted on the advisability or propriety of the referring question.

(d) Divide

A motion to divide

- (1) Shall be presented in writing;
- (2) Shall receive disposition of the committee before the main motion;
- (3) Shall be in order only when the motion to be divided contains two or more separate and distinct proposals;
- (4) Shall be debatable.

(e) Amend

A motion to amend

- (1) Shall be presented in writing;
- (2) Shall receive disposition of the committee before the main motion;
- (3) Shall not be amended more than once, provided that further amendment may be made to the main motion;
- (4) Shall be relevant to the main motion received;
- (5) Shall not be received proposing a direct negative to the main motion;
- (6) May propose a separate and distinct disposition of the main motion;
- (7) Shall be put in reverse order to that in which it was moved;
- (8) Shall be debatable.

16.13 Once debate has finished and all secondary motions have been received, the Presiding Officer shall put to vote all such secondary motions in the following order:

- To withdraw;
- To refer;
- To defer;
- To divide;
- To amend.

16.14 A motion to defer, to refer, or to withdraw shall negate all other secondary motions.

16.15 All secondary motions shall be resolved prior to the disposition of the main motion.

16.16 Special Motions

(a) A Motion to Put the Main Motion:

- (1) Shall be in the following form: "That the vote on the main motion now be taken".
- (2) Need not be in writing;
- (3) Shall not be debatable or amended;
- (4) Shall receive prior disposition prior to the main motion being moved;
- (5) If resolved in the affirmative, the main motion shall forthwith be put as a question by the Presiding Officer; and
- (6) If resolved in the negative, debate may continue on the main motion.

(b) A Motion to adjourn the meeting

- (1) Shall not be in order when a member is speaking;
- (2) Shall not be in order during the verification of a vote;
- (3) Need not be in writing;
- (4) Shall be resolved prior to any other motion being moved;
- (5) If resolved in the affirmative, Council shall immediately rise and no further Council proceedings shall take place until the next meeting of Council and the Presiding Officer shall note the time of adjournment;
- (6) If resolved in the negative, Council shall resume its debate at the point immediately prior to the point at which the motion to adjourn was moved;
- (7) Shall not be debatable.

16.17 Reconsideration of a Motion

- (1) A motion for reconsideration shall not be in order if Council is made aware that the question or by-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved.
- (2) Debate on a motion to reconsider shall be confined to such matters as new information, which has come forward, an error in documentation presented or incorrect statements made during the original debate.

- (3) A motion to reconsider shall be considered lost unless the motion receives a majority of the votes and therefore no more than one motion for reconsideration of any question or by-law shall be permitted.
- (4) If a motion to reconsider has been carried in the affirmative, no action shall be taken to carry into effect the question or by-law until that question or by-law has been presented to Council for reconsideration.
- (5) If a motion to reconsider is carried in the affirmative, it shall not be in order to reconsider the subject matter of the question or by-law until the next subsequent meeting of Council. The question or by-law being reconsidered shall be stated in the exact manner in which it was first presented and shall be subject to the rules of debate and amendment outlined herein.

17. VOTING ON MOTIONS / RESOLUTIONS

- 17.1 Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a Member except when a Motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.
- 17.2 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.
- 17.3 After a question is put by the Presiding Officer, 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. Each Member shall remain in his / her seat until the result of the vote has been announced by the Presiding Officer.
- 17.4 A separate vote shall be taken upon each proposal contained in a motion divided by resolution of Council.
- 17.5 A Member not present at the time the question is put by the Presiding Officer shall not be entitled to vote on that question.
- 17.6 Each Member of Council present, including the Presiding Officer, unless disqualified from voting by an Act, shall vote on each and every question put by the Presiding Officer. The Presiding Officer shall vote last.
- 17.7 Any question on which there is an equality of votes shall be deemed to be lost.

- 17.8 The Presiding Officer may engage in the debate to clarify a point of fact and may make comment on the motion at the close of debate followed immediately by the putting of the question.
- 17.9 On an unrecorded vote, the manner of determining the decision of Council on a question shall be at the discretion of the presiding Officer, by show of hands. Failure to vote by a Member who is not otherwise disqualified shall be deemed to be a negative vote.
- 17.10 Where a vote is taken for any purpose and a Member requests, before or after the taking of the vote, that the vote be recorded, each Member of Council present, including the Presiding Officer, except a member who is disqualified from voting by an Act, shall announce his/her vote verbally when called in alphabetical order by the Clerk. The Clerk shall record each Member's name and his/her vote.
- 17.11 The decision of Council shall be announced verbally, and all resolutions carried in the affirmative, save and except those motions that need not be in writing, shall be signed.
- 17.12 The Clerk and other Officers may introduce matters to be dealt with by Motion.
- 17.13 If any Member at a Meeting of the Council when a Question is put and a recorded vote taken does not vote, he shall be deemed as voting in the negative except where he is prohibited from voting by Statute.

18. RULES OF DEBATE

- 18.1 Unless otherwise authorized by the Mayor or Presiding Officer, all Members, Staff and Guests shall address Council through the Chair and only when recognized to do so.
- When two or more Members seek to address Council, the Mayor or Presiding Officer shall designate the Member who may speak first.
- 18.2 If a Member disagrees with the announcement of the Presiding Officer that a Question is carried or lost he may, but only immediately after the said declaration is made, appeal the declaration and request that a recorded vote be taken.
- 18.3 When the Presiding Officer calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.

- 18.4 When a Member is speaking no other Member shall interrupt him/her except on a point of order, and during such time no other Member shall speak to any other or make any noise or disturbance.
- 18.5 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.
- 18.6 No Member without leave of the Council shall speak to the same question, or reply, for longer than five (5) minutes.
- 18.7 When a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Presiding Officer or an Official of the Municipality on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak.
- 18.8 The following matters and Motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
- (a) A point or order or personal privilege;
 - (b) Presentations and petitions;
 - (c) To lay on the table or defer;
 - (d) To postpone indefinitely or to a day certain;
 - (e) To move the previous question;
 - (f) To refer to committee.
- 18.9 The following Motions may be introduced without notice and without leave, but such Motions shall be in writing and signed:
- (a) To refer;
 - (b) To adjourn;
 - (c) To amend;
 - (d) To suspend the Rules of Procedure.
- 18.10 In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

19. RECONSIDERATION OF MOTIONS / RESOLUTIONS

- 19.1 A resolution may be reconsidered, if at any time prior to the adjournment of the meeting at which it was passed, any Member who voted on the resolution, gives notice in writing that he will move at the first regular meeting held thereafter, a motion for a reconsideration thereof.

- 19.2 The Council may immediately, when such notice has been given, vote as to whether or not such notice of reconsideration be entertained.
- 19.3 If such notice is given and accepted no action shall be taken to carry into effect the main motion, until after the motion to reconsider has been disposed of.
- 19.4 No further discussion of the main motion or on the motion to reconsider shall be allowed unless and until the Council shall have voted to reconsider the same, but the Member who gives the notice may have the privilege of stating his/her reasons for so doing.
- 19.5 No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.

20. POINTS OF ORDER AND PRIVILEGES

- 20.1 The Presiding Officer shall preserve order and decide questions of order.
- 20.2 The Council, if appealed to, shall decide the question without debate and its decision shall be final.

21. CONDUCT OF MEMBERS OF COUNCIL

- 21.1 No Member shall:
 - (a) Use offensive words or unparliamentarily language in or against the Council or against any Member;
 - (b) Speak on any subject other than the subject in debate;
 - (c) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
 - (d) Disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of Order or practice or upon the interpretation of the Rules of the Council; and in case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his seat for the duration of the Meeting of the Council" but if the Member apologizes he may, by vote of the Council, be permitted to retake his seat.
- 21.2 No person except members and Officers of the Council shall be allowed to come to the council Table during the sittings of the Council without permission of the Presiding Officer or the Council to do so.

21.3 When the Chair is putting the question no Member shall leave or make a disturbance.

22. SUSPENSION OF RULES

22.1 Any procedure required by this By-Law may be suspended with Consent of a majority of the Members of the Council present.

23. COMMITTEES OF COUNCIL

23.1 The authority of any Committee of Council is limited to the making of recommendations to Council unless expressly authorized to do otherwise by law. No decision to take any action or do any thing other than administrative in nature shall be recognized as emanating from any Committee.

23.2 The jurisdiction, term, membership and support staff assigned to a Committee shall be as stipulated in the appropriate by-law or resolution establishing the Committee.

23.3 Appointments to Committees, other than the Committee of the Whole, shall be confirmed by resolution of Council.

23.4 The Mayor shall be an Ex-officio Member of all Committees and may state his/her opinion on all questions before the Committee and vote on all questions but shall not be counted in the formation of a quorum.

23.5 A simple majority of the Members of a Committee present at a Committee meeting shall be sufficient to adopt a recommendation

23.6 For the purpose of this section, all references to the Presiding Officer, Clerk and Members shall be read as Chair, Secretary and Members of the Committee respectively. The rules governing the procedure of the Committee and the conduct of Members of the Committee, unless otherwise specifically stated herein, shall be observed in a Committee meeting insofar as they are applicable.

23.7 A motion shall be considered a motion to recommend and not a question to be decided on and implemented, unless the motion is an administrative directive.

23.8 The Chair may vote on all motions.

23.9 The number of time or length of times a Member may speak on any question shall not be limited, however, no Member shall speak more than once to the issue except to clarify a statement made by him/her, until every Member who desires to speak has spoken.

- 23.10 The agenda may be amended as directed by the Chair.
- 23.11 Prior to any action being taken to the Committee and at the request of any Member of the Committee present, any item on the agenda, including those added during the meeting, may be reconsidered upon the consent of the majority of the members present.
- 23.12 Members of council may attend and participate in discussion or debate at any Committee meeting, but shall not be allowed to vote, unless they are appointed Members of the Committee.

24. AD HOC, SPECIAL AND SUB COMMITTEES

- 24.1 The Mayor, Presiding Officer or Council may recommend, at any time, the establishment of a special committee, ad hoc or sub committee to study, evaluate, negotiate, investigate, prepare a special report, or make recommendations for the resolution of a specific matter or issue.
- 24.2 A motion to establish an ad hoc, special or sub committee shall contain the general nature of the issue or issues and the persons appointed to the committee.
- 24.3 An ad hoc, special or sub committee shall be automatically dissolved once its work is complete and recommendations have been reported to Council, or upon the dissolution by Council of such committee, or at the end of the term of Council.

25. GENERAL

- 25.1 When the Mayor of Council is absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provisions for the capital spending is included in the estimates for that given year as approved by By-Law or unless the expenditure is required as a result of an emergency.
- 25.2 Following a regular or new election, the Clerk shall provide each Member of Council with a copy of this By-Law, including any amendments there to.
- 26.3 Any procedures under this By-Law, which is discretionary and not mandatory under Statute, may be suspended with the consent of a majority of the Members present.

26. AUTHORITY

- 26.1 Roberts "Rules of Order" shall be the final authority for any rules governing business procedures not covered in this By-Law.

- 26.2 Any procedure required by this By-Law may be temporarily suspended with consent of a majority of the Council present.
- 26.3 Where any By-Law, Resolution, Motion, or Actions of Council passed prior to these By-Law conflicts with the By-Law, the terms of this By-Law shall prevail.
- 26.4 Any previous By-Laws, Resolutions, Motions, or Actions of Council that are in contravention of this By-Law, are hereby repealed.

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- 26.5 This By-Law shall come into force and take effect on the date of final reading.

Read a first, second and third time this 1st day of December 2010.

Ronald E. Holman
Mayor

Dianna G. Bresee
Clerk

Signatures on Original and Amending By-Laws.