

**THE CORPORATION OF THE MUNICIPALITY
OF ST.-CHARLES**

BY-LAW 2018-46

**BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE MUNICIPAL
COUNCIL, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS**

WHEREAS pursuant to Section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS pursuant to Section 223.2(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, authorizes the municipality to establish a Code of Conduct for members of the Council and of local boards;

**NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE
MUNICIPALITY OF ST.-CHARLES HEREBY ENACTS AS FOLLOWS:**

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PART 1 – INTRODUCTION

ARTICLE 1

MISSION, VALUES, GOALS

1.1 Mission

We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the Municipality of St.-Charles.

1.2 Values

We are committed to:

- providing high quality service
- managing the resources efficiently, responsibly and effectively
- developing organizational excellence
- maintaining honest and open communication

1.3 Broad Goals

- to promote the well-being of our citizens in a healthy, safe and stimulating community
- to protect and improve the environment of the community
- to ensure our community is attractive to young adults as a place to raise families
- to present the Municipality of St.-Charles to the world as a dynamic and vibrant community

PART 2 – DEFINITIONS

ARTICLE 2

DEFINITIONS

2.1 Chair

“Chair” means the person at a meeting who conducts the meeting and sees that the rules and procedures are observed and is actually presiding at the time, whether that person is the regular presiding officer or not.

2.2 Chief Administrative Officer - defined

“Chief Administrative Officer” means the person appointed by by-law as the Chief Administrative Officer of the Corporation and whose duties are herein prescribed and in the Municipal Act.

2.3 Chief Executive Officer - defined

“Chief Executive Officer” shall mean the Mayor in accordance with the Municipal Act.

2.4 Clerk – defined

“Clerk” means the Clerk of the Corporation of the Municipality of St.-Charles

2.5 Close Session – defined

“Closed session” means a meeting or portion thereof, which is closed to the public pursuant to Section 239 of the *Municipal Act, 2001*.

2.6 Committee – defined

“Committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.

2.6.1 “Standing Committee” means a committee constituted to perform a continuing function, and remain in existence permanently or for the life of the Council that establishes them and are appointed by by-law or resolution.

2.6.2 “Ad Hoc Committee” means a special purpose committee of limited duration, created by Council to inquire into and report on a particular matter or concern and which dissolves after the term of the committee

expires.

2.6.3 “Statutory Committee” means committees established pursuant to a specific enabling statute such as a Committee of Adjustment established pursuant to the *Planning Act*, a Municipal Election Compliance Audit Committee established pursuant to the *Municipal Elections Act*, and any other body established pursuant to enabling legislation which services in an arms-length (quasi-judicial) capacity on behalf of or in cooperation with the Corporation of the Municipality of St.-Charles.

2.7 Committee of the Whole – defined

“Committee of the Whole” means a Committee composed of all Members of Council.

2.8 Council – defined

“Council” means the Council of the Corporation of the Municipality of St.-Charles

2.9 Deputy Mayor – defined

“Deputy Mayor” means a Council Member appointed in accordance with Article 5 who shall act in the absence of the Mayor and who shall perform such duties as are prescribed herein or as may be determined from time to time by the Mayor.

2.10 Emergency – defined

“Emergency” means a situation or the threat or an impending situation abnormally affecting the property and/or health, safety, welfare and well-being of the citizens of the Municipality or the Municipal government, which by its nature and magnitude requires a controlled and coordinated response and is by its nature and magnitude distinct from the routine daily operations of the municipality.

2.11 Majority – defined

“Majority” means more than half of the votes cast by Members present and eligible to vote.

2.12 Meeting – defined

“Meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

- a) a quorum of members is present, and
- b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

2.13 Member – defined

“Member” means a Member of Council or a Committee, as the case may be, and includes the chair.

2.14 Motion – defined

“Motion” means a question to be considered by the Council or a Committee which is moved, seconded, presented, read by the Chair/or Clerk and is subject to debate. When a motion is adopted, it becomes a resolution.

2.15 Municipal Act – defined

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended or replaced.

2.16 Municipality – defined

“Municipality” means the Corporation of the Municipality of St.-Charles

2.17 Roll Call Vote – defined

“Roll Call Vote” means a vote as provided for in the Municipal Act.

2.18 Two-thirds Majority – defined

“Two-thirds Majority” means the affirmative vote of two-thirds (2/3) of the Members present and eligible to vote.

PART 3 – GENERAL PROVISIONS

ARTICLE 3

GENERAL PROVISIONS

3.1 Rules – governing – proceedings – Council – Committees

Subject to the provisions of the Municipal Act, the rules established by this By-law shall be the rules governing the proceedings of the Council and its Committees.

3.2 Rules – suspended – by resolution – exception

Any rules established by this By-law, other than a quorum requirement, may be suspended at or for a particular meeting by resolution adopted with the unanimous consent of all Members present and voting, provided that the suspension of the rules does not result in a contravention of the Municipal Act.

3.3 Rules of Order – governing proceedings

Subject to the provisions of the Municipal Act and any other Act and except as expressly provided in this By-Law the Rules of Order of the Parliament of Canada shall be the rules governing the proceedings of the Council or Committees and the conduct of the Members of same.

3.4 Rules of Order – Robert’s – application

The most recent edition of Robert’s Rules of Order in existence from time to time shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in this By-law or respecting the Rules of Order of the Parliament of Canada.

3.5 Conflict – Rules of Procedure

In the event of any conflict between the provisions of this By-law, and those contained in any of the authorities set out previously, the provisions of this By-law shall apply.

3.6 Procedure – Interpretation by the Chair

Procedure shall be a matter of interpretation by the Chair or other presiding Member, subject to the appeal process as set out in Article 24.

ARTICLE 4

MAYOR

4.1 Chair – all Council meetings

The Mayor shall be the Chair of Council meetings.

4.2 Ex-officio – all Committees

The Mayor shall be an ex-officio Member of all Committees of the Council, shall have the right to participate, but does not form part of the quorum.

4.3 Head of Council – role

It is the role of the head of Council,

- a) to act as chief executive officer of the municipality;
- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
(c.1) without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) of the Municipal Act, 2001;
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the head of council under the Municipal Act, 2001 or any other Act.

4.4 Head of Council as Chief Executive Officer

As chief executive officer of a municipality, the head of council shall,

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally;
and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

ARTICLE 5

DEPUTY MAYOR, CHAIR

~~5.1 Appointment – Deputy Mayors~~

~~At the regular meeting of Council in December of an election year, Council shall by By-law, appoint a member of Council as Deputy Mayor, to hold office for the term of Council.~~

5.2 Absence Mayor

A Deputy Mayor shall act from time to time in the place and stead of the Mayor while the Mayor is absent from the municipality or is absent through illness or his/her office is vacant.

ARTICLE 6

COUNCIL

6.1 Council – role

It is the role of council,

- a) to represent the public and to consider the well-being and interests of the municipality
- b) to develop and evaluate the policies and programs of the municipality
- c) to determine which services the municipality provides
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of council under the Municipal Act 2001 or any other Act.

ARTICLE 7

CONVENING OF MEETINGS

7.1 Inaugural Meeting

The inaugural meeting of Council after a regular election shall be held on a date and time set by by-law, and in accordance to the provisions of the Municipal Act, as amended.

~~**7.2 Council meetings – meeting dates**~~

~~Regular Meetings of Council, other than the first meeting, shall be held on the third Wednesday of each month.~~

~~**7.3 Council meetings – time – location**~~

~~Regular Meetings of Council shall be held at 6:30 p.m. on the days set out herein at the Municipality of St. Charles Council Chambers.~~

7.4 Council meetings – time – date – place – altered – by resolution

Council may, by resolution passed by two-thirds (2/3) of the members present, dispense with or alter the date, time or place of a regular meeting, provided that adequate notice of the change is posted at the municipal office, and provided that the location be within the boundaries of the municipality.

~~**7.5 Special meeting – summoned – by Mayor – any time**~~

~~The Mayor may, at any time, summon a special Council meeting to be held on such day at such time and in such location as is chosen by the Mayor.~~

7.6 Special meeting – summoned – majority petition

Upon receipt of a petition of the majority of the Members of Council the Clerk shall summon a special Council meeting for the purpose set out in the petition and on the day and at the time and in the location mentioned in the petition. Once such a petition is received by the Clerk, no Member may remove his or her name.

7.7 Special meeting – location – open – closed

If there is no By-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held and a special meeting may be either open or closed in accordance with the Municipal Act.

~~7.8 — Committee of the Whole meeting — meeting dates~~

~~Committee of the Whole meetings shall be held on the first Wednesday of each month.~~

~~7.9 — Committee of the Whole meeting — time — location~~

~~Committee of the Whole meetings shall be held at 6:30 p.m. on the days set out herein at the Municipality of St. Charles Council Chambers.~~

7.10 Cancellation of Meetings

The Clerk may cancel any meetings of Council or a Committee.

ARTICLE 8

NOTICE OF MEETINGS

8.1 Notice – by Clerk – all Members

The Clerk shall give notice of each meeting in accordance with this Article to all Council Members, to Committee Members where required, to the Chief Administrative Officer and to such other persons as the Mayor, Chair or the Clerk deem advisable.

8.2 Notice – form – agenda

The notice shall be in the form of an agenda which shall first make mention of the day, time and place for the meeting.

8.3 Agenda – special meeting – informed by telephone

In the case of special meeting of Council or any Committee the Clerk shall attempt to inform each Member and such other persons as the Mayor or the Clerk deem advisable of the date, time place and purpose of the meeting by telephone, electronic mail or otherwise.

8.4 Notice – not received – validity of meeting – upheld

Failure of any person to receive notice of the meeting to whom notice of the meeting was required to be given, shall not affect the validity of the holding of the meeting or any action taken thereafter.

ARTICLE 9

SEAT ALLOCATION

9.1 Council – established – by Mayor – Clerk

Prior to the commencement of the first regular meeting of the Council following an election, the Clerk, in consultation with the Mayor, shall establish for Council and Committee meetings, the seating arrangement to be used for the term of that Council.

9.2 Media – staff – public – Council meetings – established

The Clerk, in consultation with the Mayor shall designate the seating arrangement for the media, municipal staff and the public at Council meetings.

9.3 Seating arrangement – contravened – improper conduct

Any person who contravenes any established seating arrangement shall be guilty of improper conduct and may be subject to expulsion or exclusion from the meeting by the Mayor.

PART 4 – AGENDA

ARTICLE 10

PREPARATION OF AGENDAS

10.1 Clerk – responsibility

It shall be the duty of the Clerk to prepare the agendas of all Council and Committee meetings in accordance with the provisions contained in this Article.

10.2 Correspondence – petitions – considered – included

The Clerk shall receive correspondence and petitions from the public and if, in the Clerk's opinion, the matter warrants the consideration of Council or a Committee, place the correspondence or petition on an agenda.

10.3 Approved format – required – all agenda items

All items for any agenda must be in an approved format and must be received in writing by the Clerk no later than 12:00 p.m. (Noon) on the Wednesday of the week prior to the Council meeting.

ARTICLE 11

AGENDA FORMAT

~~11.1 Agenda Format – Regular Meetings~~

~~Regular Meetings of Council agendas shall be generally formatted as follows but modifications to the matters to be included in the order of business may be effected without requiring amendment to this By-law, particularly with respect to the Closed Session portion which may be altered in order to accommodate the passing of required resolutions.~~

~~1. Meeting Called to Order and Roll Call~~

~~1.1 Resolution to Open the Meeting~~

~~2. Adoption of Agenda~~

~~3. Disclosure of Pecuniary Interest~~

~~4. Presentations and Delegations~~

~~5. Announcements and Inquiries by Council and Members of the General Public~~

~~6. Notice of Motions~~

~~7. Adoption of Minutes~~

~~8. Correspondence for Information~~

~~9. Standing Committee Recommendations/Reports – Motions
(motions for which notice has been given either at a previous meeting or received by the Clerk prior to the agenda deadline)~~

~~9.1 Environmental Services Committee~~

~~9.2 Finance Committee~~

~~9.3 General Government Committee~~

~~9.4 Health Services Committee~~

~~9.5 Parks & Recreation Services Committee~~

~~9.6 Planning & Development Committee~~

~~9.7 Protection to Persons & Property Committee~~

~~9.8 Social & Family Services Committee~~

~~9.9 Transportation Services Committee~~

~~10. By-laws~~

~~11. Addendum~~

~~12. Closed session~~

~~13. Adjournment~~

~~13.1 Confirmation By-law~~

~~13.2 Resolution to Adjourn the Meeting~~

~~11.2 Agenda Format – Committee of the Whole Meetings~~

~~Committee of the Whole meeting agendas shall be generally formatted as follows but modifications to the matters to be included in the order of business may be effected without requiring amendment to this By-law.~~

~~Meeting Called to Order and Roll Call~~

~~Disclosures of Pecuniary Interest~~

~~Presentations and Delegations~~

~~Notice of Motions~~

~~Announcements and Inquiries by Council and Members of the General Public~~

~~COMMITTEES:~~

~~1. Environmental Services Committee~~

~~2. Finance Committee~~

~~3. General Government Committee~~

~~4. Health Services Committee~~

~~5. Parks & Recreation Services Committee~~

~~6. Planning & Development Committee~~

~~7. Protection to Persons & Property Committee~~

~~8. Manitoulin-Sudbury District Services Board (MSDSB)~~

~~9. Transportation Services Committee~~

~~10. St. Charles Public Library Board~~

~~11. Sudbury East Planning Board (SEPB)~~

~~12. Sudbury East Municipal Association (SEMA)~~

~~Closed Session~~

~~Adjournment~~

11.3 Order – followed – exception – by resolution

The items on the agenda of each meeting shall be taken in the order in which they stand on the agenda unless otherwise decided by resolution by two-thirds of the members present.

11.4 Items – not considered – transferred – next meeting

All items on an agenda not dealt with at a meeting shall be placed on the agenda for the next regular meeting unless otherwise decided.

11.5 Practices and Procedures – Inquiries – Members of the General Public

Announcements by the general public shall be limited to a total duration of 15 minutes. The Clerk shall advise the Chair once the prescribed time limit has lapsed.

A limit of two (2) questions per attendee will be permitted. Attendees wishing to speak shall stand and await approval from the Chair before commencing. Once approval is granted, the attendees shall state their first and last name which the Clerk will record in the minutes. Questions will be taken one at a time, in the order received. Attendees wishing to ask more than one question shall give all other attendees the opportunity before being permitted to ask a second question.

All question topics shall be limited to current agenda items. The Chair shall be given first opportunity to respond to the attendee and may ask members of Council or staff for further input. Questions requiring a lengthy answer, or which require research shall be directed to staff for further review.

The Chair shall have the right to curtail any questions which are not related to an agenda item, or questions which are deemed to be inappropriate, derogatory or otherwise not suitable for discussion in an open meeting. This opportunity to speak shall not be used to file complaints of any nature but to clarify information on the specific subject being discussed. Attendees wishing to file a complaint shall direct the information to municipal administration staff outside of meeting times.

The announcements and inquiries section may be cancelled by resolution if passed by two-thirds of the members present.

ARTICLE 12

ROLL CALL

12.1 Roll Call – by Mayor

The roll call shall be called by the Mayor.

12.2 Late arrival – Clerk to record – in minutes

If a member arrives at a meeting after the roll has been called, the Clerk of the meeting shall note the time of arrival in the minutes.

12.3 Early departure – Clerk to record – in minutes

If a member must leave the meeting that is still in progress, the Clerk of the meeting shall note the time of departure in the minutes.

ARTICLE 13

PECUNIARY INTEREST

13.1 Declaration – Pecuniary Interest – Members bound

When a Member has any declaration of pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, at which the matter is the subject of consideration, the Member shall act in accordance with the *Municipal Conflict of Interest Act*, as amended and declare a pecuniary interest.

13.2 Pecuniary Interest – Chair – Withdraw

If the Chair has disclosed a pecuniary interest on any matter before Council or Committee, the Chair shall withdraw from the Chair during the deliberations on that matter.

13.3 Declaration – Interest – Form

The Member disclosing a pecuniary interest, shall at a meeting or as soon as possible afterwards or no later than 48 hours after declaring the pecuniary interest, file a written statement of the interest and its general nature with the Clerk on the Declaration of Interest Form, as attached hereto as Schedule “D”.

13.4 Registry – Declarations – Interest

The Declaration of Interest Form, as prepared by the Clerk, shall form part of the Registry. The Registry shall be made available for public inspection and kept up to date, no later than 72 hours following the declaration, at the Clerk’s Office during regular office hours.

ARTICLE 14

DELEGATIONS

14.1 Delegations at Council

There shall be not more than four (4) delegations at any meeting.

14.2 Presentation – time limitation – extension

A delegation shall have up to ten (10) minutes to make its presentation, although such time limit may be extended or reduced by decision of the Chair, by such amount of time as the Chair deems advisable.

14.3 Delegations to be heard in order

The clerk shall place each delegation on the appropriate Agenda and each delegation shall appear on the Agenda, and be heard in the order determined by the Clerk.

14.4 Decision of Clerk to be final

The decision of the Clerk as to the placement of a delegation on the Agenda shall be considered final.

14.5 Request in writing – requirements

A delegation shall be addressed to the Clerk and shall be as follows:

- be printed, typewritten or legibly written;
- clearly set out the matter at issue and the request made of Council;
- be signed by the name of the writer; and
- contain the mailing address, street address and telephone number of the writer

In the case of a petition:

- be signed by at least two (2) citizens resident in the municipality;
- set out the civic address of each petitioner; and
- indicate the name of a spokesperson, his or her mailing address, street address and telephone number.

14.6 Clerk to forward

On receipt of a communication intended for Council or a Committee of Council, the Clerk may include it as an item on the Agenda for the appropriate meeting of Council or a Committee of Council, together with any necessary reports from the administration or refer it to the administration for a reply.

14.7 Request – by delegation – deadline

Prior to 12 o'clock noon of the Wednesday of the week prior to the meeting of Council, the delegation shall submit its request in writing, together with a written submission detailing the matters that the delegation wishes to present to the Council.

14.8 Delegations encouraged to speak first to Staff

Depending on the situation in question, delegations shall be encouraged by the Chief Administrative Officer and the Clerk to first resolve the issue with staff. Matters which are operational or administrative only shall be referred to the appropriate Department Head for resolution.

14.9 Members and head of departments to ask questions for clarification and additional information

Upon the completion of a presentation to Council or a Committee by a delegation, any discourse between Members of Council, the Committee, or the Head of Departments and the delegation shall be limited to asking questions for clarification and obtaining additional, relevant information only. Members of Council or the Committee and the Head of Departments shall not enter into debate with the delegation respecting the presentation.

14.10 Questions of Staff

Members shall not ask questions of staff until all representatives of a delegation have been heard.

14.11 Rules for delegations

No delegation shall:

- speak disrespectfully of any person;
- use offensive words or unparliamentary language; and/or
- speak on any subject other than the subject for which they have received approval to address Council.

14.12 Chair may curtail any delegation

The Chair may curtail any delegation, any questions of a delegation or Member of Council or debate during a delegation for disorder or any other breach of this By-law and, if the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw.

14.13 Request – presentation – prior to meeting

Any person present at a meeting may request to make a presentation to Council or a Committee, as the case may be, respecting an item on the agenda, provided that the request is made to the Clerk prior to the commencement of the meeting and provided that the request is agreed to by two-thirds of the Members present. If agreed to, all such delegations shall be placed as the final delegation on the agenda.

14.14 Public hearing – presentation – prohibited

Where a public hearing is held by a Committee pursuant to the Municipal Act, no person shall be permitted to appear before Council in respect of that matter.

14.15 Clerk – announce – time remaining – expiry

The Clerk shall advise the meeting when there is one (1) minute remaining and once the time allotted to a delegation has expired, the Chair shall so inform the delegation and the delegation shall immediately cease its presentation.

14.16 Visual aids – use – as required – arrangement in advance

A delegation making its presentation may use such visual aids as it deems advisable provided that where such visual aids requires the use of municipal equipment, arrangements must be made by the delegation with the Clerk at least one (1) day prior to the meeting.

14.17 Limitation on appearance of delegations

A delegation, once heard, shall not be entitled to be heard either at Council or a Committee on substantially the same matter for a period of twelve (12) months from the date of its first hearing.

ARTICLE 15

CLOSED MEETINGS

15.1 Open Meetings

Subject to the Municipal Act, all Council and Committee meetings shall be open to the public. A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- 15.1.1 The security of the property of the municipality or local board;
- 15.1.2 Personal matters about an identifiable individual, including municipal or local board employees;
- 15.1.3 A proposed or pending acquisition or disposition of land by the municipality or local board;
- 15.1.4 Labour relations or employee negotiations;
- 15.1.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- 15.1.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 15.1.7 A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- 15.1.8 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;
- 15.1.9 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 the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- 15.1.10 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;
- 15.1.11 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;
- 15.1.12 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;
- 15.1.13 An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2 (1) of the Municipal Act.

In accordance with Section 239 (3.1), a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- The meeting is held for the purpose of educating or training the members.
- At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

15.2 Request – by member – requirements

If, during a meeting of Council or a Committee, a Member wishes to move in “closed session”, the Member shall either move a motion to defer the matter to the closed session item on the agenda or move a motion which would require a two-thirds vote of those Members present to immediately recess into the closed session.

15.3 Closed meeting – resolution

Before all or part of a meeting is closed to the public, the Council or a Committee thereof, shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

15.4 Closed meetings – votes

A meeting of Council or a Committee thereof shall not be closed to the public during the taking of a vote unless the Municipal Act permits or requires a meeting to be closed to the public, and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the Municipality.

15.5 Direction to Staff – closed

Direction to staff or consultants retained by the Municipality may be provided at closed meetings when permitted under the Municipal Act, by consensus of Members present.

15.6 Speaking – not limited

The number of times a Member may speak on any question shall not be limited at an closed meeting, provided that no Member shall speak more than once until every Member who is entitled to do so shall have spoken.

15.7 Motion – for adjournment – not entertained

A motion for adjournment shall not be entertained by the Chair at a closed meeting.

15.8 Completion – reconvene – public session

Upon completion of the closed session, the Council or Committee, as the case may be, shall immediately reconvene in public session. The Chair shall provide a verbal report to the public on the disposition of items discussed in closed meeting without revealing any confidential security, personal, personnel or legal matters.

15.9 Disclosure – closed – meeting

No Member, officer or employee shall disclose the content of the matter or substance of the deliberations of a closed meeting, unless expressly authorized to do so by Council or the Committee or as required by law.

15.10 Closed meetings – minutes

Record of the closed meetings shall be kept in the form of minutes, as those kept for open meetings and shall be adopted at the next scheduled closed meeting and kept in a secure location by the Clerk.

ARTICLE 16

REFERRED – DEFERRED ITEMS

16.1 Items – deferred – included – next meeting agenda

Any item which is deferred by Council shall be included on the agenda of the next regular meeting of Council if not deferred to a subsequent meeting.

ARTICLE 17

ADDENDUM

17.1 Permitted – after deadline – urgent items – on approval

There shall only be an addendum to an agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the agenda and prior to the meeting, which items the Clerk, believes are of urgent nature and require the immediate consideration at the meeting.

17.2 Items – dealt with – resolution required – Council

Before any addendum may be dealt with at Council, a resolution must be passed by two-thirds (2/3) of the members authorizing the Council to deal with all or any of the items on the addendum.

17.3 Declaration – of pecuniary interest

The addendum shall include provision for declarations of pecuniary interest.

ARTICLE 18

NOTICE OF MOTION

18.1 Submitted – to Clerk – prior to preparation of agenda

Notices of motion may be submitted to the Clerk by a member at any time and each notice of motion the Clerk has received prior to the preparation of the Agenda shall be included on the Agenda for that meeting under the item “Motions”.

18.2 Submitted – prior to close of meeting – recorded

A notice of motion in writing may also be received by the Clerk prior to the closing of a meeting and in this event, the Chair shall either read the notice of motion or declare the motion as read and it shall be duly recorded in the minutes and shall form part of the agenda for the subsequent meeting under the item “Motions”.

18.3 Secunder – not required – before debate

The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate.

18.4 Reading – member submitting – need not be present

The member who delivers a written notice of motion to the Clerk to be read at any meeting need not be at the meeting during the reading of the notice.

18.5 Moved – seconded – at meeting – before debate

A motion for which notice was given in accordance with this article must be moved and seconded at the meeting on which it appears on the agenda for debate; the motion cannot be moved at any subsequent meeting without notice having been given pursuant to Article 18.

ARTICLE 19

ADJOURNMENT

19.1 Motion – in order – exception – member on floor

A motion to adjourn a meeting shall be in order except when another Member is in possession of the floor.

19.2 Motion – in order – exception – decision vote

A motion to adjourn a meeting shall be in order except when it has been decided that the vote be now taken.

19.3 Motion – in order – exception – during vote

A motion to adjourn a meeting shall be in order except during the taking of a vote.

19.4 Automatic – 10 p.m. – exception – resolution

The council meeting shall be deemed to be automatically adjourned at the hour of 10 p.m. if in session that hour, unless otherwise determined by resolution passed by two-thirds of the members present.

19.5 Continuation – automatic adjournment – exception

Where by Article 18.4 a meeting continues past 10 p.m., the meeting shall be deemed to be automatically adjourned at the hour of 11 p.m. and each hour thereafter unless such proceedings be continued past that hour with the unanimous consent of all members present.

PART 5 – RULES OF PROCEDURE

ARTICLE 20

QUORUM

20.1 Minimum – 50% – members

The quorum required to commence and continue a meeting of Council or a committee shall be more than fifty percent (50%) of the members.

20.2 Adjournment – no quorum – within 30 minutes

Unless a quorum is present within thirty (30) minutes after the time appointed for the commencement of the meeting, the meeting shall automatically be deemed to stand adjourned until the next regular meeting or until a special meeting is called to deal with matters intended to be dealt with at the adjourned meeting.

20.3 Adjournment – names – members present – recorded

The Clerk shall record the names of the Members present at the expiration of the thirty (30) minute time limit and such record shall be appended to the agenda for the next meeting.

20.4 Recess – temporary lack of quorum – procedure

If at any time during the meeting there is not a quorum, the meeting shall automatically be deemed to stand recessed until there is a quorum again in attendance or until the Chair declares the meeting adjourned. Should the lack of a quorum continue for thirty (30) minutes from the time of its occurrence, then the meeting shall automatically be adjourned either until the next regular meeting day or until a special meeting is called to deal with the matters still to be dealt with at the adjourned meeting.

20.5 Present – meeting called to order

As soon as there is a quorum after the hour affixed for the commencement of the meeting, the Chair shall call the meeting to order.

ARTICLE 21

RULES OF DEBATE – IN COUNCIL AND COMMITTEE

21.1 Order – decorum – points of order – procedure – other

The Chair shall preside over the conduct of the meeting including the preservation of good order and decorum, ruling of points of order, questions of privilege, points of information and ruling on all questions relating to the procedure of the meeting.

21.2 Council meeting – Chair – appointed – Mayor absent

If the Mayor or Deputy Mayor or Committee Chair is not present at a meeting by the commencement of the meeting, the Clerk shall call the meeting to order and the Members present shall, from amongst themselves, appoint a member to act as Chair in the place and stead of the Chair until the Chair arrives.

21.3 Ruling – subject to appeal

Any ruling made by the Chair is subject to an appeal to the Members by any Members.

21.4 Appeal – announced – reasons

If an appeal is made by a Member of a ruling by the Chair, the Member appealing shall, after announcing the appeal, state the reasons for such an appeal and the Chair may then indicate why the appeal should be rejected and the Chair's ruling upheld.

21.5 Appeal – without debate – vote

Without debate on the appeal, the Members by roll call shall then vote on the appeal.

21.6 Appeal – upheld – rejected – results

If the appeal is upheld, then the Chair shall change his or her ruling accordingly, if the appeal is rejected then the ruling stands.

21.7 Chair – speaking – before debate

The Chair may speak on any matter before the commencement of debate on that matter.

21.8 Chair – speaking – close of debate

The Chair may speak to close the debate on any matter after everyone else wishing to speak has spoken.

21.9 Chair – participation – in debate – leaves chair

If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place and stand until the debate is closed and in such case the Chair waives his or her privilege to close the debate and the Member acting in the Chair's place may close the debate.

21.10 Pecuniary interest – declared – withdrawal – from chair

If a Chair has declared a pecuniary interest on any item on an agenda, then the Chair shall withdraw from the chair during the deliberation of that matter by Council or Committee.

21.11 Speaking – without permission – improper conduct

No person shall speak aloud at a meeting or address Members without first receiving permission of the Chair to do so. All remarks shall be addressed to the Chair. Any person contravening this rule shall be guilty of improper conduct and may be subject to expulsion or exclusion from the meeting by the Chair.

21.12 Recognition by Chair – acknowledgment – by speaker

After being recognized by the Chair, every Member shall respectfully acknowledge the Chair prior to speaking on any matter.

21.13 Ruling – by Chair – before presentation – prohibited

The Chair may not exclude any matter from an agenda or rule any item out of order until that item is placed before the Council or Committee.

21.14 Motion – mover – first – right to speak

A Member who moves a main motion has the first right of speaking on that motion after the Chair.

21.15 Motion – mover – seconder – right to speak

A main motion is one requiring a seconder, and the seconder has the right of speaking second on the motion.

21.16 Speaking – only once – exception

A member shall not speak more than once on a matter without the leave of Council or Committee, as the case may be, except:

- a) if questioned by another Member; or
- b) to explain comments which the Member believes have been misunderstood; or
- c) in the case of the mover of a main motion, in reply just before the Chair and after everyone else has spoken.

21.17 Speaking – time limitation – exception

No Member, without the leave of the Council or Committee, as the case may be, shall speak to a matter or in reply for longer than 10 minutes.

21.18 Motion – to refer – defer – adjourn – precedence

A motion to refer or defer shall take precedence over any motion or amendment except a motion to adjourn.

21.19 Motion – to defer – reason – time – required

A motion to defer must give a reason and a time certain to which the matter is deferred and is not debatable.

21.20 Motion – to vote – opportunity to speak – required

A motion that the vote be now taken shall not be entertained by the Chair until each of the Members has had an opportunity to speak at least once on the particular matter.

21.21 Motion – to vote – entertained – vote – without debate

Once a motion that the vote be now taken is presented and entertained by the Chair, it shall be put to a vote without debate and if carried by a two-third vote of the Members present, the motion and any amendments thereto under discussion shall be submitted to vote forthwith without further debate.

21.22 Conduct of Members

No Member shall:

- a) engage in private conversation while in the Council Chamber in such manner as to interrupt the proceedings of Council;
- b) speak on any subject other than the subject in debate; and
- c) where a matter has been discussed in closed session, disclose the content of the matter or substance of deliberations of the closed meeting, except as required by law.

21.23 Visitors

No person shall display signs or placards, applaud, engage in conversation or other behaviour which may disrupt debate.

ARTICLE 22

POINTS OF INFORMATION

22.1 Offensive – unparliamentary language – prohibited

No person at a meeting shall use offensive words or unparliamentary language.

22.2 Procedural rules – order – disobeyed – prohibited

No person at a meeting shall disobey the procedural rules or the decisions of the Chair or of the Council or Committee, as the case may be, on questions of order or practice or upon the interpretation of the procedural rules.

22.3 Leaving – seat – during vote – prohibited

No Member at a meeting shall leave his or her seat while a vote is being taken and until the results are declared.

22.4 Noise – disturbance – during vote – prohibited

No person at a meeting shall make any noise or disturbance while a vote is being taken and until the result is declared.

22.5 Entrance – to meeting – during vote – prohibited

No member at a meeting shall enter the meeting while a vote is being taken.

22.6 Interruption – speaker – prohibited – exception

No person at a meeting shall interrupt a Member while speaking, by speaking out, making a noise or disturbance, except to raise a point of order.

22.7 Improper conduct – expulsion – exclusion

Any person who contravenes any of the rules set out in Article 22 at a meeting shall be guilty of improper conduct and may be subject to expulsion or exclusion therefrom by the Chair.

22.8 Leaving meeting – prior to adjournment – procedure

If a Member desires to leave a meeting prior to adjournment and not return thereto, the Member shall so advise the Chair and the fact and time of the Member's early departure shall be recorded in the minutes.

ARTICLE 23

POINTS OF ORDER

23.1 Member – recognition – rise to speak

When a Member desires to call attention to what the Member believes to be a violation of the rules of procedure, the Member shall, when once recognized by the Chair, rise on a point of order.

23.2 Member – explanation – Chair – ruling

On raising the point of order, a Member shall state the point of order with a concise explanation and the Chair shall rule upon the point of order.

23.3 Ruling – appealed – immediately – or final

Unless a Member immediately appeals the ruling of the Chair, the ruling of the Chair on the point of order shall be final.

23.4 Ruling – appealed – procedure

If the ruling is appealed, the appeal procedure set out in Article 21 shall be followed.

23.5 Decision – debate resumed

Once the point of order has been dealt with, the debate shall resume at the point it was before the point of order was raised unless the decision on the point of order has changed the procedure.

23.6 Improper conduct – expulsion – meeting adjourned

Where a person has been deemed guilty of improper conduct by the Chair and is expelled or excluded from the meeting by the Chair and such person refuses to so leave, the Chair may adjourn the meeting without any motion to do so until such time as the person has left the meeting room.

23.7 Conduct – Members disobey rules of Council or decision of Mayor

No Member shall disobey the rules of Council or decision of the Mayor or Chair or of the Council on questions of order or practice or upon the interpretation of the rules of Council.

23.8 Conduct – question – Member ordered to leave seat

In case a Member persists in any such disobedience 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 his or her seat for the duration of the meeting of the Council”.

23.9 Conduct – Member apologizes – retake seat

If the Member apologizes he or she may, by vote of the Council, be permitted to retake his or her seat.

ARTICLE 24

VOTING – GENERAL

24.1 Voting – commenced – speaking – motions – prohibited

After the Chair commences to take a vote on a question, no Member shall speak to such question or present any other motion until a vote has been taken on such question.

24.2 Method – show of hands – exception – roll call vote

Voting shall be by way of a “show of hands” in favour or against, except when a roll call vote is requested by any Member

24.3 Refusal – failure – to vote – deemed negative

Every Member present at a meeting, when a vote by way of “show of hands” is taken on a question, shall vote thereon unless prohibited by statute; and if any Member present other than the Chair refuses to vote or fails to vote, the Member shall be deemed as voting against the question.

24.4 Chair – right to vote

Nothing in Article 24 shall be deemed to prevent the Chair from voting on any question.

24.5 Chair – to announce – results

The Chair shall announce the results of the vote once the vote is completed.

24.6 Roll Call vote – requested – vote announced – openly

A Member may request a roll call vote on any question and when a Member so requests a roll call vote, each Member present, unless otherwise prohibited by statute, shall announce his or her vote openly and individually in favour of or against the question.

24.7 Members – called – alphabetical order – Chair last

The Clerk shall call the names of the Members present in alphabetical order except for the Chair whose name shall be called last and the Clerk shall record each Member’s vote and each Member’s vote shall be recorded in the minutes.

24.8 Results – Clerk – to announce

After completion of the vote the Clerk shall announce the results.

24.9 Refusal – failure to vote – deemed negative

If, during the roll call vote any Member present refuses to vote or fails to vote, the Member shall be deemed and recorded as voting against the question.

24.10 Opposition – not recorded – exception – roll call

A Member's opposition to any question shall not be recorded in the minutes unless a roll call has been taken.

ARTICLE 25

VOTING – RECONSIDERATION

25.1 Motion – carried – lost – seconded – opened to debate

Once a motion has been made and carried or lost, it shall be in order for any Member who voted with the prevailing side to move for a reconsideration and if such motion is seconded, it shall be open to debate and be disposed of by the meeting.

25.2 Reconsideration – same meeting – motion passed

When a motion of reconsideration is made at the same meeting at which the question to be reconsidered was previously dealt with, the majority of Members present may pass such motion of reconsideration.

25.3 Reconsideration – subsequent meeting – upon 2/3 vote

When a motion of reconsideration is made at a meeting subsequent to that at which the question to be reconsidered was previously dealt with, the question shall not then be reconsidered unless 2/3 of the Members present pass a motion of reconsideration to do so.

25.4 Motion – reconsideration – limited – two annually

No more than two (2) motions for reconsideration of any question shall be permitted in the same calendar year.

25.5 Question – not reconsidered – until motion – adopted

When Council has decided either for or against a certain question, a Committee shall not reconsider the same question during the same calendar year until a motion for reconsideration has been adopted by Council.

ARTICLE 26

TELEPHONE / ELECTRONIC MAIL POLL

26.1 Exceptional matter – emergency – immediate action – required

Where a matter or an emergency nature arises, which requires the approval of Council, and, in the opinion of the Chief Administrative Officer, requires immediate action by the Corporation prior to the next meeting of Council, the Clerk can conduct a telephone and /or electronic mail poll of Members of Council.

26.2 Resolution – read – included – next meeting – report

The resolution authorizing the appropriate action will be read to each Member of Council for information and that resolution will be included on the next regular meeting of Council, together with a report of the Clerk stating the results of the poll of Council.

26.3 Action – authorized – Chief Administrative Officer – duty

If, as a result of the poll of Council, the action is authorized, the Chief Administrative Officer shall direct the staff to take the appropriate action.

PART 6 – COMMITTEES

ARTICLE 27

COMMITTEES OF COUNCIL

27.1 General responsibility of all Committees

It shall be the responsibility of all Committees of Council:

- a) to consider and report on any and all matters referred to it by Council;
- b) to provide direction and guidance to staff, through the Chief Administrative Officer, set priorities and ensure co-ordination among the policies, programs and services of the Municipality; and
- c) to promote accountability.

27.2 Expenditure of funds by committees

Committees shall not recommend the expenditure of any funds not provided for in the current year's budget approved by Council unless their recommendation specifically identifies the expenditure as unbudgeted and further identifies a source of funds for the expenditure.

ARTICLE 28

AD HOC COMMITTEES

28.1 Appointed – by Council – specific matters

Ad Hoc Committees of Council may be appointed by Council from time to time to consider specific matters and the following rules shall apply.

28.2 Motion to appoint – requirements

A motion appointing an Ad Hoc Committee shall include:

- a) the name of the Ad Hoc Committee;
- b) the Members of Council forming the Ad Hoc Committee;
- c) the purposes and objectives of the Ad Hoc Committee;
- d) the date by which the Ad Hoc Committee shall report to Council; and
- e) the term of the Ad Hoc Committee and the date its mandate expires.

28.3 Management team – designates – to render assistance

Members of the Management team or their designates shall render assistance to Council or Committees as required, and shall attend meetings of the Council and Committees.

ARTICLE 29

AMENDMENT AND REVIEW

~~29.1 Notice – majority vote required~~

~~Any provision contained in this By-law may be repealed, amended or varied and additions may be made to this By-law by a majority vote, provided that no motion for that purpose may be considered unless notice thereof has been given at a preceding regular Council meeting and such notice may not be waived.~~

29.2 Procedure By-Law – review

This by-law shall be reviewed once during the term of each Council.

1. THAT by-laws 2007-59, 2011-15, 2011-44, 2012-65 and 2014-04 are hereby repealed.
2. THAT all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.
3. THAT where the provisions of any other by-laws are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.
4. THAT Schedules "A", "B", "C" and "D" as attached hereto, shall form part of this by-law.
5. THAT this by-law shall come into force and take effect immediately upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 19TH DAY OF SEPTEMBER 2018.

"ORIGINAL SIGNED"

MAYOR

"ORIGINAL SIGNED"

CLERK

The Mayor is elected as a political leader and as a representative of the people. He/she is not expected to have any training as a municipal administrator. On the other hand, the Mayor needs to be able to understand community issues and concerns and to be able to lead the Council toward a successful resolution of the key issues.

Repealed by By-law 2019-06



SCHEDULE "D" TO BY-LAW 2018-46

**DECLARATIONS OF INTEREST FORM
Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50**

AGENDA

- Committee of the Whole Meeting
- Regular Meeting of Council
- Special Meeting of Council
- Committee _____

DETAILS

Date of Meeting: _____

Subject Matter: _____

MEMBER SIGNATURE / CERTIFICATION

I, Councillor Mayor _____,

declare a potential (deemed / direct / indirect) pecuniary interest on the matter outlined above for the following reason:

Member Signature: _____

For an "indirect" pecuniary interest see Section 2 of the *Municipal Conflict of Interest Act*.

For a "deemed" direct or indirect pecuniary interest see Section 3 of the *Municipal Conflict of Interest Act*.