

CORPORATION OF THE TOWNSHIP OF CENTRE WELLINGTON

BY-LAW NUMBER 2002-91

A by-law to provide rules governing the proceedings of the Council of the Corporation of the Township of Centre Wellington, and the conduct of meetings.

WHEREAS pursuant to Section 55 of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended by the Planning and Municipal Statute Law Amendment Act, 1994 every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS pursuant to Section 102 of the Municipal Act, R.S.O. 1990 Chapter M.45, every Council may pass by-laws to govern the conduct of its members;

NOW THEREFORE the Council of the Corporation of the Township of Centre Wellington enacts as follows:

1. The rules and regulations contained herein 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 Committees thereof.
2. **MEETINGS OF COUNCIL - INAUGURAL MEETINGS**
 - (A) The first meeting of the Township Council after a regular election shall be held on the first Monday of December, and the meeting shall be held at 7:00 p.m. or such hour as may be fixed by by-law. The first meeting shall be held in the Council Chamber, Township of Centre Wellington Municipal Centre.
 - (B) The Council shall be deemed to be organized within and when the declarations of office have been made by a majority of the members, and it may be organized and business may be proceeded with despite failure of any of the other members to make such declarations.
3. **REGULAR COUNCIL MEETINGS**
 - (A) After its inaugural meeting, the Council shall meet on the first Monday of each month of the year at the hour of 7 o'clock in the evening and on the third Monday of each month of the year at the hour of 7 o'clock in the evening, in the Council Chamber at the Township Municipal Building, except as hereinafter provided:
 - (i) unless otherwise ordered
 - (ii) when a day for a regular meeting of Council is a public or civic holiday, Council shall, unless the Council decides otherwise, meet at the same hour on the next following day, which is not a public or civic holiday.
 - (iii) during the months of January and July when Council shall meet on the **third** Monday of the month, and during the month of August when the Council shall meet on the **second** Monday of the month or at the call of the Chair.
 - (iv) if the business of Council is not concluded by 10:00 p.m, the Council may, by resolution, extend the meeting for a maximum of one (1) hour, after which time Council must adjourn, unless it is agreed to continue the meeting by a unanimous vote of Council. If Council does not unanimously agree to continue they will meet again at the same hour on the following day, or on such other day as may be determined by the Head of Council.
 - (B) Council may, by resolution, alter the date, place and/or time of a regular meeting provided that adequate notice of the change is posted and published in local newspapers.

4. **QUORUM**

- (A) A majority of all members of Council shall constitute a quorum,
- (B) If no quorum is present one half hour after the time appointed for a Council or Committee meeting, the Clerk or recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

5. **SPECIAL MEETINGS**

- (A) The Head of Council may, at any time, summon a special meeting.
- (B) The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
- (C) In either case of (A) or (B) above, the Special Meeting shall be held not sooner than 48 hours following the Head of Council's summons or receipt of the petition, as the case may be, and the Clerk shall provide written notice of the special meeting, as required, immediately following receipt of the summons or petition.
- (D) Notwithstanding the notice requirement set out above, in the event of a bona fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.
- (E) Unless otherwise specified in the notice described in paragraph 5 (C) above, a special meeting shall be held in the Council Chamber.
- (F) The notice of a special meeting shall specify the purpose for the meeting.

6. **GENERAL RULES**

- (A) The Head of Council shall preside at all meetings of the Council.
- (B) When the Head of Council is absent or refuses to act, or the office is vacant, Council shall appoint another member of council to act in the place and stead of the head, and, while so acting, the presiding officer has and may exercise all the rights, powers and authority of the Head of Council.
- (C) If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he or she has the same authority as the absent person would have had if present.
- (D) The Head of Council or presiding officer may expel from a meeting anyone who engages in improper conduct.
- (E) All Council and Committee meetings shall be open to the public.
- (F) Notwithstanding 5 (E) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - (i) the security of the property of the municipality or local board
 - (ii) personal matters about an identifiable individual including municipal or local board employees
 - (iii) a proposed or pending acquisition or disposition of land by the municipality or local board
 - (iv) employee negotiations or labour relations
 - (v) litigation or potential litigation including matters before administrative tribunals, affecting the municipality or a local board

- (vi) a matter in respect of which Council, board, committee or other body may hold a closed meeting under another Act
- (vii) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- (G) Before all or part of a meeting is closed to the public, the Council shall state by resolution:
 - (i) the fact of the holding of the closed meeting
 - (ii) the general nature of the matter considered at the closed meeting
- (H) Subject to sub-section (I) a meeting shall not be closed to the public during the taking of a vote.
- (I) Despite sub-section 61(2) of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended, a meeting may be closed to the public during a vote if:
 - (i) sub-section (F) permits or requires a meeting to be closed to the public, and
 - (ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- (J) Council shall, by resolution, revert back to regular session of council.
- (K) Council, may upon a verbal motion with majority support, recess for a designated period of time during a meeting, and may then continue without additional motion.

7. AGENDA

- (A) The Clerk shall cause to be prepared for the use of the members of the Council an Agenda, containing:
 1. CALL TO ORDER
 2. REGRETS
 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE
THEREOF
 4. PRESENTATIONS / ANNOUNCEMENTS
 5. CONFIRMATION OF COUNCIL MINUTES
 6. DELEGATIONS
 7. STANDING COMMITTEE REPORTS
 8. ACTION ITEMS:
 9. INFORMATION ITEMS:
 10. BY-LAWS
 11. NEW / UNFINISHED BUSINESS
 12. QUESTIONS FROM MEDIA
 13. RESOLUTION TO MOVE TO CLOSED SESSION
 14. CONFIRMATORY BY-LAW

15. ADJOURNMENT

- (B) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Thursday preceding the Council meeting by 4:30 p.m.
- (C) Agendas shall be generally formatted as above, but modifications to the matter to be included or the order of business may be effected without requiring amendment to this by-law.
- (D) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Head of Council or presiding officer.

8. MINUTES

- (A) Immediately after the Head of Council has called the meeting to order, any regrets noted, any Disclosures of Interest recorded, and any announcements/presentations made, the Minutes of the previous meetings not yet adopted shall be presented by the Clerk for adoption.
- (B) It shall not be necessary to have the Minutes read where copies thereof have been furnished to members of Council prior to the meeting.
- (C) When the Minutes have been adopted, they shall be signed by the Head of Council and Clerk. All Minutes shall be bound in suitable volumes.

9. DELEGATIONS

- (A) No person, except members of Council and appointed officials of the Township of Centre Wellington, shall be allowed to come within the horseshoe during the sittings of Council without the permission of Council.
- (B) A person wishing to appear as a delegation may address the Council for a period of time not exceeding ten minutes. The ten minute time period may be extended by Council by a majority vote of the Council members present. Such question shall be decided by the Council without debate. Any group wishing to address Council as a delegation, shall be limited to a maximum of ten minutes regardless of the number of representatives of that group wishing to address Council.
- (C) Delegations wishing to address Council shall notify the Clerk no later than the Wednesday immediately preceding the regular Council meeting in order that they may be listed on the agenda along with the subject matter of their address. The delegation shall provide either a written copy of the submission, or an outline of the submission to go out with the Council package. Delegations shall not address Council on subjects not identified in their written submission or outline.
- (D) Delegations shall make their address in person or through an authorized agent.
- (E) Delegations wishing to address Council on a matter, which in the opinion of the Clerk, would clearly be referred to a standing committee of Council may be referred by the Clerk to the appropriate Committee in order to expedite matters, should the delegate so wish. The delegation shall provide a written outline identifying the subject matter and the nature of the request to the Clerk for inclusion with the applicable agenda package.
- (F) No person shall be permitted to address Council on a subject not on the Agenda, unless by permission of Council by a two-thirds majority vote of Council.
- (G) Delegations who have previously appeared before Council on a subject matter shall not be listed as a delegation on a subsequent agenda with respect to the same subject unless by permission of Council by a majority vote of the Council members present.
- (H) Except on matters of order, members of Council shall not interrupt a delegation while he or she is addressing Council.

- (I) Members of Council may only ask questions of delegations and shall not express an opinion or enter into debate with delegations.
- (J) All delegations on an issue shall be heard before questions are asked. All questions of deputations shall be addressed through the chair.

11. MATTERS ARISING OUT OF DELEGATIONS HEARD

- (A) When the subject matter of a deputation is such that direction of Council is required, appropriate resolutions shall be presented for consideration, after all the delegations have been heard.

12. STANDING COMMITTEE REPORTS

All Minutes from Standing Committees of Council shall be submitted in writing and shall be presented by the Chairperson of the Committee, or by a member of the Committee, who shall, before moving the adoption of the Minutes, ask for discussion or amendments to the Minutes.

13. ACTION REPORTS

All reports, minutes of all committees, except standing committees, and correspondence which require action by Council and shall be followed by a recommendation or recommendations.

14. INFORMATION ITEMS

Reports or minutes under this heading shall be for Council information and for which no action is required unless directed by Council.

15 BY-LAWS

- (A) Council shall be circulated with a staff report and a copy of each by-law which is on the agenda for consideration.
- (B) By-laws shall be introduced and given second reading upon motion therefore, and shall receive three readings before they are finally passed.
- (C) The Council may permit the presentation of a synopsis in place of the complete reading of the by-law. After by-laws have passed, the Clerk shall be responsible for their correctness should they be amended.
- (D) Every by-law which has been passed by the Council shall:
 - (i) Be under the seal of the Corporation, and shall be signed by the Head of Council and Clerk
 - (ii) Be typed and indexed

16. NOTICES OF MOTION

Notice shall be given, in writing, at a previous meeting of Council:

- (i) to amend, repeal, or alter this by-law
- (ii) to introduce any measure or change in the Council's established policy

17. QUESTIONS AND INFORMATION

- (A) Questions may be put to the Head of the Council, or, through him or her to any member of the staff, relating to any by-law, motion or other matter connected with the business of the Council, or the affairs of the municipality. In answering any such question, a staff member is not to debate the matter to which the same refers. A Council Member shall not debate a matter with a staff member.
- (B) Any member of Council may inform the Council of any matter, which he or she feels would be of interest or benefit to the Council, or the municipality.

18. MATTERS BEFORE COURT

No members of Council and no delegation shall be permitted to address the Council on any matter that is before any Court for decision.

19. ADDITIONAL ITEMS

No items shall be added to the agenda unless agreed to by a majority vote of Council.

20. DUTIES OF PRESIDING OFFICER

The Presiding Officer shall:

- (A) open the meeting of Council by taking the Chair and calling the members to order;
- (B) receive and submit, in the proper manner, all motions presented by the members of Council;
- (C) put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and announce the result;
- (D) decline to put to vote motions which infringe rules of procedure;
- (E) enforce, on all occasions, the observance of order and decorum among the members;
- (F) 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;
- (G) order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behaviour persists.
- (H) inform the Council, when necessary, or when referred to for the purpose, on a point of order or usage;
- (I) select the members who are to serve on Committees, when directed to do so, in a particular case, or, when it is made a part of his/her general duty by a rule of procedure;
- (J) represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (K) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (L) adjourn the meeting, when the business is concluded;
- (M) adjourn the meeting, without question, in the case of grave disorder arising in the Council Chamber.

The Head of Council, or the presiding officer, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be lost.

If the Head of the Council desires to leave the Chair, for the purpose of taking part in the debate or otherwise, he/she shall call on one of the Councillors to fill his place until he/she resumes the Chair.

21. RULES OF CONDUCT

No member shall:

- (A) use offensive words or unparliamentary language
- (B) speak on any subject other than the subject in debate
- (C) resist the rules of Council or disobey the decisions of the Head of Council or the presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council
- (D) leave a meeting without first obtaining permission from the Head of Council or presiding officer
- (E) be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council
- (F) shall be allowed to address Council or speak in debate without permission of the Head of Council or presiding officer

22. MOTIONS/RULES OF DEBATE

- (A) Any motion may be introduced without notice, but if any Councillor objects, then the motion may only proceed if Council, without debate, agrees on a majority vote to dispense with notice.
- (B) A motion must be formally moved and seconded before the question can be put or a motion recorded in the minutes.
- (C) When a motion is presented in Council in writing, it shall be read, or if it is an oral motion, stated by the Head of Council or presiding officer.
- (D) A motion to amend shall:
 - (i) be presented in writing, if requested;
 - (ii) be dealt with by Council before a previous amendment or the main motion;
 - (iii) not be amended more than once provided that further amendment may be made to the main motion;
 - (iv) be relevant to the main motion;
 - (v) not propose a direct negative to the main motion.
- (E) Once read or stated by the Head of Council or presiding officer, a motion may not be withdrawn without the consent of the majority of the members.
- (F) Members shall not speak more than once to the same question without the consent of the Head of Council or presiding officer.
- (G) Immediately prior to voting on a motion, the Head of Council or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
- (H) After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
- (I) On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council or presiding officer and may be by voice, show of hands, standing or otherwise.
- (J) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to 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, in an order determined by the Clerk, announce their vote openly. Any

failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.

- (K) Except where expressly provided by Statute, any question on which there is an equality of votes shall be deemed to be defeated.
- (L) Written resolutions or oral resolutions will be at the discretion of the Head of Council or presiding officer.
- (M) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

23. **COMMITTEE OF THE WHOLE PROCEEDINGS**

- (A) When it shall be moved and carried that the Council go into Committee of the Whole, the Head of the Council may remain in the chair of the Committee of the Whole, or may appoint a member of Council to act as Chairperson. The Chairperson shall maintain order in the Committee and shall report the proceedings thereof.
- (B) The rules of the Council shall be observed in Committee of the Whole, so far as may be applicable. No member shall speak longer than five minutes on any one question. The number of times speaking on any question shall not be limited in Committee, and a member shall have the privilege of having his or her name recorded as voting against the motion, if requested by that member. Discussion on any motion may be concluded by any member making a motion "that the question now be put", providing that such motion is passed by a two-thirds majority of the members present.
- (C) It shall not be necessary to have a motion before the Chair, when considering business in Committee of the Whole.
- (D) Questions of order arising in Committee of the Whole shall be decided by the Chairperson, subject to an appeal to the Committee.
- (E) On motion in Committee of the Whole to rise as Council and report, the question shall be decided without debate.
- (F) A motion in Committee of the Whole to rise as Council without reporting, shall always be in order, and shall take precedence over any other motion. On such motion, debate shall be allowed, but no member shall speak more than once and on an affirmative vote, the subject referred to the Committee shall be considered as disposed of in the negative, and the Head of Council shall proceed with the next order of business.
- (G) Each member shall have one vote at Committee of the Whole meetings

24. **GENERAL**

- (A) In all motions and under all circumstances, the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.
- (B) Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council, shall be limited to not more than 10 minutes.
- (C) Any procedure 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.
- (D) Following a regular or new election, the Clerk shall provide each member of Council with a copy of this by-law, including any amendments thereto.

25. **UNPROVIDED RULES**

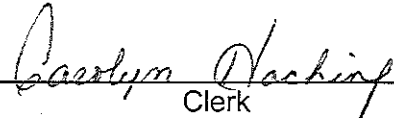
In all unprovided cases in the proceedings of Council, or in Committee, parliamentary procedure shall be followed as used by Ontario Legislature, and failing that Bourinot's Rules of Order.

26. By-laws 99-20, 99-32, 01-34 and 2002-09 are hereby rescinded.
30. This by-law shall come into effect upon its final passing.

READ A FIRST AND SECOND time this 18th day of November 2002



Head of Council



Clerk

READ A THIRD time and passed this 16th day of December 2002



Head of Council



Clerk