

THE CORPORATION OF THE TOWNSHIP OF CHAMBERLAIN

BY-LAW NO. 2016-13

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

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

AND WHEREAS the *Municipal Act* 2001, S.O. c.25 Section 238 (2.1) states that the procedure by-law shall provide for public notice of meetings;

NOW THEREFORE, the Council of The Corporation of the Township of Chamberlain hereby enacts as follows:

PART 1 GENERAL

1. The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and committees thereof, and shall be the rules and regulations for the conduct of business by Council and its committees, and all rules existing and inconsistent with this By-Law at the time of passing thereof are hereby repealed.

PART 2 COUNCIL AND COMMITTEE MEETINGS

Meeting Date, Time and Place:

1. The inaugural meeting of Council after a regular election shall be held on the first Tuesday in December at 7:00 p.m.
2. Regular meetings of Council shall be held in Council Chambers on the first Tuesday of each month at 7:00 p.m. When a holiday falls on a regular meeting day, the day following shall be considered the regular meeting day.
3. Public notice of regular Council meetings will be in the form of a newsletter, a notice posted in a conspicuous place in the Municipal Office and included on the municipal website.
4. Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is advertised on CJBB radio station, posted in a conspicuous place in the Municipal Office and included on the municipal website.
5. If, at the discretion of the Reeve or Presiding Officer, Council Chambers are too small for the number of persons in attendance, or, if the meeting is held during normal business hours, the meeting shall be moved to the Recreation Hall within the same building.
6. Should the Council Chambers or the Recreation Hall not be available for use as a meeting site, due to unforeseen circumstances, the Clerk shall secure an alternate location and advise the Council and any delegations of the change in location. A notice of change of meeting location will be posted in the Municipal Office and on the municipal website, if time permits.
7. ALL COUNCIL AND COMMITTEE MEETINGS SHALL BE OPENED TO THE PUBLIC.
8. Notwithstanding paragraph 7 a meeting or part of a meeting may be closed to the public. if the subject matter being considered is:
 - ◆ the security of the property of the Township or local board;
 - ◆ personal matters about an identifiable individual, including municipal or local board employees;
 - ◆ a proposed or pending acquisition or disposition of land by the municipality or local board;
 - ◆ labour relations or employee negotiations;

- ◆ litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- ◆ advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- ◆ a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c .25, s. 239 (2).

Other criteria – A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purpose of that Act.

Educational or Training Session – A meeting of a council or local board or a committee of either of them may be closed to the public if the following conditions are both satisfied;

- (1) The meeting is held for the purpose of educating or training the members.
- (2) 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.

Resolution to Close Meeting

Must state by resolution the time that you are closing the meeting to the public, and state the reason and the general nature of the matter to be considered .

Resolution to Resume Open Meeting

Must state time and may include information in a general manner.

PART 3 SPECIAL MEETINGS

1. The Head of Council may, at any time, summon a special meeting subject to the notice requirements; however, Council reserves the right to waive the notice requirements.
2. The Clerk shall summons 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.
3. In either case of Part 3, 1 or 2 above, the special meeting shall be held not sooner than 24 hours following the summons or receipt of the petition, as the case may be and the Clerk shall provide notice of the meeting in writing or by telephone or personal contact as determined by the Clerk; immediately following receipt of the summons or petition.
4. Notwithstanding the notice requirement set out above, in the event of a boni 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.
5. Unless otherwise specified in the notice described in paragraph 3 above, a special meeting shall be held in Council Chambers.
6. Notice of special meetings/cancellations will be advertised, if time permits 48 hours prior to the meeting by posting a notice in a conspicuous place in the Municipal Office.

PART 4 PRESIDING OFFICER

1. The Reeve shall preside at all meetings of the Council.
2. In the event the Reeve and Deputy Reeve are absent or refuses to act, or the office is vacant, the members may appoint another Presiding Officer from among themselves for the purpose of chairing the meeting. In this case, the Clerk shall call the meeting to order, request nominations from the members to elect a chair, record the vote and declare the nominated member receiving the largest number of votes to be Presiding Officer for the meeting.
3. The Reeve, Deputy Reeve or Presiding Officer may expel from a meeting anyone who engages in improper conduct.

PART 5 AGENDAS AND SUPPORTING MATERIAL

1. The Clerk shall prepare agendas of Council and committee meetings as assigned and shall be made available to the public on the business day prior to a regular meeting.
2. The Clerk shall prepare agendas of Council and committee meetings as assigned and supporting material and shall be made available to members on the business day prior to a regular meeting.
3. Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk not later than 4:00pm on the Thursday prior to the meeting and the Clerk may make a determination as to the deferral of delegations to a subsequent meeting.
4. Individuals or groups which are listed on the agenda or are otherwise approved to appear before Council shall, subject to Part 5, Paragraph 2, be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.
5. Agendas shall be generally formatted as follows, but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-Law.

Standard Agenda Format:

1. Disclosure of Pecuniary Interest
 2. Approval of Agenda
 3. Minutes of the Previous Meeting
 4. Business Arising from the Minutes
 5. Petitions and Delegations
 6. Statement of Accounts
 7. Reports from:
 - a. Roads Superintendent
 - b. Administrative
 - c. Committees-
 8. Resolution to move to Closed Session (if required)
 9. Committee/Board Reports
 10. Correspondence Requiring Decision
 11. Motions
 12. Notice of Motions (New Business)
 13. By-Laws
 14. Correspondence
 15. Adjournment
6. The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or Presiding Officer.

PART 6 QUORUM

1. 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.

PART 7 CURFEW

1. Council and committee meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a resolution passed by unanimous vote.

PART 8 DUTIES OF THE PRESIDING OFFICER

1. It shall be the duty of the Reeve or Presiding Officer:
 - a) to open the meeting by taking the chair and calling members to order;
 - b) to put to vote all questions and motions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
 - c) Where a vote is taken for any purpose and a member requests that vote to be recorded, each member in order determined by the Reeve or presiding officer, announce their vote openly and any failure to vote by member shall be deemed to be a negative vote and the clerk shall record each vote. Question or motion cannot be reopened unless new information is present.
 - d) Any question or motion on which there is an equality of votes shall be deemed to be defeated.
 - e) No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
 - f) To ensure that the decisions of council are in conformity with the laws and by-laws governing the activities of council.
 - g) to decline to put to vote motions which infringe upon the rules or procedure;
 - h) to enforce on all occasions the observance or order and decorum among the members;
 - i) 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 Chambers;
 - j) to authenticate by signature all By-Laws, resolutions and minutes of the Council;
 - k) to select members of the Council who are to serve on committees and boards;
 - l) to adjourn the meeting without question in the case of grave disorder arising in Council Chambers;
 - m) to 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 Council Chambers where such behavior persists.

PART 9 CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

1. No member shall:
 - a) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
 - b) disturb another or the Council, staff or guest by any disorderly conduct disconcerting to the speaker or the assembly;
 - c) speak on any subject other than the subject in debate;
 - d) resist the rules of Council or disobey the decisions of the Reeve or Presiding Officer or of Council on questions or order or practice or upon the interpretation of the rules of Council;
 - 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) interrupt the member who has the floor except to raise a point of order.
2. No person shall be allowed to address Council or speak in debate without permission of the Reeve or Presiding Officer.

PART 10 MOTIONS/RULES OF DEBATE

1. All motions shall be submitted in writing over the signature of the mover, and may be introduced by a member without prior notice to Council.
2. A motion must be formally seconded by the signature of the seconder before the question can be put by the Reeve or Presiding Officer, or the motion recorded in the minutes.
3. A motion to amend shall:

- a. be presented in writing;
 - b. be dealt with by the Council before a previous amendment or the main motion;
 - c. not be further amended more than once provided that further amendment may be made to the main motion;
 - d. be relevant to the main motion;
 - e. not propose a direct negative to the main motion.
4. Once read or stated by the Reeve or Presiding Officer, a motion may not be withdrawn without the consent of the majority of the members.
 5. Immediately prior to voting on a motion, the Reeve or Presiding Officer shall state the question in the precise form it is written and is to be recorded in the minutes, including any amendments thereto.
 6. 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 declared.
 7. Members shall not speak more than once to the same question without consent of the Reeve or Presiding Officer.
 8. On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Reeve or Presiding Officer and may be by voice, show of hands, standing or otherwise.
 9. The Reeve or Presiding Officer, except where disqualified to vote, may vote on all questions and when doing so, shall vote last.
 10. Unless otherwise authorized by the Reeve or Presiding Officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
 11. When two or more members seek to address Council, the Reeve or Presiding Officer shall designate the member who is to speak first.
 12. 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.
 13. A motion may be introduced at any time during the meeting to suspend the rules of procedure provided herein.
 14. The Clerk, Treasurer, Tax Collector, Road Superintendent, and other officers may introduce matters to be dealt with by motion.

PART 11 POINTS OF ORDER AND PRIVILEGE

1. The Reeve or Presiding Officer shall preserve order and decide on questions of order.
2. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

PART 12 BY-LAWS

1. The Clerk or any member of Council may introduce a by-law for consideration by Council.
2. Every By-Law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
3. Every By-Law shall be given three readings as expressed in resolution prior to passage.
4. By-Laws may be given three readings on the same day except when requested otherwise by motion of the majority of members present or as otherwise to comply with the provisions of any Act.
5. Upon passage, By-Laws shall be numbered, signed by the Reeve, or Presiding Officer, and the Clerk and embossed with the seal of the Corporation.
6. Any proposed By-Law may be referred to a Committee, Department Head, or other officer as determined by Council for review and comment, including the solicitor of the Corporation.

PART 13 GENERAL

1. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act. R.S.O 1990, c. M. 50
2. Following a regular or new election, the clerk, shall provide each new member with a copy of this by-law including any amendments thereto.
3. 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.

PART 14 REPEAL

1. That By-Law No. 2015-17, and all by-laws, resolutions or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4th DAY OF October, 2016.

Reeve

Clerk-Treasurer/CAO