

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

BY-LAW NUMBER 27 /2007

A by-law to repeal By-law No. 60/2002 and to provide rules governing the order and proceedings of Council and Committees of Council of the Corporation of the Township of Guelph/Eramosa and for the conduct of its Members

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

AND WHEREAS it is necessary and expedient that there should be rules governing the order and proceedings of the Council and its committees;

NOW THEREFORE, the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. DEFINITIONS

The following terms shall have the meanings indicated:

- 1.1** "Acting Mayor" means a Member of Council appointed to fulfil the duties of the Mayor in his or her absence
- 1.2** "Addendum" means added items of business that have arisen since the preparation of the Agenda for Council approval which are of an urgent nature and must be addressed prior to the following Meeting of Council.
- 1.3** "Agenda" means the specific items of business to be dealt with at a Meeting. Items are placed on the Agenda in the sequence defined by the order of business.
- 1.4** "Chair" means the Presiding Officer.
- 1.5** "Clerk" means the Clerk of the Corporation of the Township of Guelph/Eramosa or his/her designate.
- 1.6** "Closed Session Meeting" means a Meeting or part of a Meeting of Council or Committee that may be or shall be closed to the public in accordance with *The Municipal Act, 2001*.
- 1.7** "Committee" means any advisory or other committee, subcommittee or similar entity of which at least fifty percent (50%) of the Members are also Members of Council.
- 1.8** "Council" means the Council of the Corporation of the Township of Guelph/Eramosa.
- 1.9** "Councillor" means a Councillor of the Corporation of the Township of Guelph/Eramosa.
- 1.10** "Delegation" means a person or persons who address Council or a Committee of Council in the manner provided in Section 12 of this by-law.
- 1.11** "Defer" "Deferred" or "Deferral" when used in connection with a matter or item before the Council or a Committee means that the said matter or item is to be dealt with at the next or specified Meeting of the same body.
- 1.12** "Emergency" means a situation or the possibility of an impending situation which by its nature and magnitude requires a timely, coordinated and controlled response.
- 1.13** "Head of Council" means the Mayor of the Corporation of the Township of Guelph/Eramosa or the Acting Mayor, if the Mayor is unable to act.

- 1.14 "Majority" means a number greater than half of a total.
- 1.15 "Mayor" means the head of Council for the Township of Guelph/Eramosa.
- 1.16 "Meeting" means any regular, special, Committee or other meeting of Council.
- 1.17 "Member" means a Member of the Council of the Township of Guelph/Eramosa or Committee of Council
- 1.18 "Motion" means a formal proposal for action or to express views, drafted in such a way so as to be capable of expressing a decision of Council.
- 1.19 "Notice of Motion" means an advanced notice to Members on a matter which Council will be asked to take a position.
- 1.20 "Open Meeting" means all Meetings excluding "Closed Session Meeting" as defined in this section.
- 1.21 "Pecuniary Interest" means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50, as amended*.
- 1.22 "Point of Order" means:
- (a) Any breach of the rules of order of Council.
 - (b) Any difficulty in the continuation of any Meeting.
 - (c) The use of improper, offensive or abusive language.
 - (d) Notice of the fact that the discussion is not within the scope of the Motion or of the Notice of Motion.
 - (e) Any other irregularity in the proceedings.
- 1.23 "Presiding Officer" means the person presiding over a Meeting.
- 1.24 "Question of Privilege" means a statement by a Member which addresses any matter that is deemed to affect the Members collectively or reflects on an individual Member of Council.
- 1.25 "Quorum" means a Majority of the whole number of Members required to constitute Council or a Committee.
- 1.26 "Refer", "Referred" or "Referral", when used in connection with a matter or item before the Council or Committee means that the said matter or item is referred to the body or person named in the Motion specified to report back to the Council or Committee.
- 1.27 "Resolution" means a motion that has been resolved by Council.
- 1.28 "Rules of Order" means the applicable regulations contained in this by-law.
- 1.29 "Special Meeting" means a Meeting not scheduled in accordance with the approved Schedule of Council Meetings.

2. GENERAL

Rules of Order

- 2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible and with the necessary modifications, for all Committees, unless otherwise prescribed.
- 2.2 Any reference to a Member of Council shall include the Mayor and any reference to the Mayor shall be deemed to include, where context requires, the Acting Mayor, the Presiding Officer and the Chair.

- 2.3 The Clerk or his/her representative shall be present at all Meetings. Should the Clerk or the representative have to absent himself/herself during a Meeting, the Clerk shall appoint a Member of his/her staff to assume the Clerk's duties and shall advise the Chair accordingly prior to leaving the Council chamber.

3. INAUGURAL MEETING

- 3.1 The first Meeting in a new term of Council shall be held not later than the first Monday in December in each election year, at the hour of seven o'clock in the evening (7:00 p.m.) If this day is a public holiday, the Council shall meet at the same hour on the next day, not being a public holiday.
- 3.2 The location of the inaugural Meeting shall be in the Council Chambers of the Township of Guelph/Eramosa.
- 3.3 The inaugural Agenda shall include:
- Filing of Certificates and Declaration of Office and Oath of Allegiance in accordance with the provisions of the Municipal Act
 - Address by the Mayor
 - Passage of Confirmatory By-law.

4. MEETINGS

Unless there is a Quorum consisting of 3 (three) Members of Council present within fifteen (15) minutes after the time appointed for the Meeting of the Council, the Council shall stand adjourned until the next Meeting date, and the Clerk shall take down the names of the Members present at the expiration of such fifteen (15) minutes.

As soon after the hour of Meeting as there shall be a Quorum present, the Mayor shall take the Chair and call the members to order. In the absence of the Mayor or Acting Mayor, the Clerk shall call the members to order. A Chair shall be chosen from the members present and that person shall preside during the Meeting or until the arrival of the Mayor or Acting Mayor.

4.1 Location of Meetings

- 4.1.1 All Meetings of the Council and Committees of Council shall be held in the Council Chambers at 8348 Wellington Road 124, Rockwood, Ontario.
- 4.1.2 In the case of an Emergency, a Meeting of Council may be held at a location outside or inside the Township, at the call of the Mayor in accordance with the requirements of this procedure by-law.
- 4.1.3 Despite Subsections 4.1.1 and 4.1.2, a Meeting of Council and that of another or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them.

4.2 Date and Time of Regular Meetings

- 4.2.1 Council Meetings shall be held on the first and third Mondays of each month of the year, with the exception of July and August when Meetings shall be held on the first Monday of each of these two months, or at such other date as Council may be way of Resolution determine.
- 4.2.2 The Clerk shall, before the first Meeting in December of each year, present to Council for approval the schedule of regular Council Meeting dates for the following calendar year.
- 4.2.3 All regular Meetings of Council shall commence at seven o'clock p.m. (7:00 p.m.) or at such other time as Council may be way of Resolution determine.

4.2.4 In the event the Monday designated for holding a regular Council Meeting falls on public holiday or civic holiday, Council shall meet at the designated hour on the first day when the Township re-opens for business.

4.3 Public Notice of Meetings

4.3.1 The schedule of regular Council Meetings for the year shall be posted on the Township's website once approved by Council.

4.3.2 The Clerk shall provide notice of a Special Meeting or re-scheduled Meeting not less than twenty-four (24) hours of the appointed time of the Meeting on the Township's website.

4.3.3 The agenda summary will be placed on the Township's website once it has been distributed to Members of Council.

4.4 Videotaping

Subject to the provision of this by-law, all Meetings of Council shall be recorded on videotape or similar video recording equipment.

5. SPECIAL COUNCIL MEETINGS

5.1 The Mayor may at any time call a Special Meeting of Council on forty-eight (48) hours notice to the Clerk and Members of Council.

5.2 The notice calling a Special Meeting of the Council shall state the business to be considered at the Special Meeting and no business other than that stated in the notice shall be considered at such Meeting.

5.3 A Majority of the Council Members may at any time petition the Clerk to call a Special Meeting of Council by providing a written petition to the Clerk. The Clerk shall summon the Special Council Meeting for the purpose and at the time mentioned in the petition, not less than forty-eight (48) hours from the date of submission of the petition.

5.4 Notwithstanding any other provision of this by-law, a Special Meeting may be held without the notice required by subsection 4.3 and or subsection 5.1 of this by-law, to deal with an Emergency, provided that attempts have been made to reach all the Members of Council and notice placed on the Township's website.

6. DUTIES OF THE MAYOR, ACTING MAYOR, CHAIR OR PRESIDING OFFICER

6.1 The Mayor shall be Presiding Officer at all Council Meetings, unless unavailable, in which case the Acting Mayor shall be the Presiding Officer.

6.2 The Mayor shall be an ex-officio Member of all Committees of Council and as such is entitled to full membership participation, including the right to vote except when disqualified by reason of Pecuniary interest.

6.3 It shall be the duty of the Presiding Officer to:

- (a) open the Meeting by taking the Chair and calling the Members to order,
- (b) announce the business before the assembly and the order in which it is to be acted upon,
- (c) ensure the Meeting Agenda is followed and that the Meeting progresses with due efficiency,
- (d) receive and submit in the proper manner, all Motions presented by the Members,
- (e) put to vote all Motions which are moved and seconded or necessarily arise in the course of the proceedings and to announce the results,

- (f) decline to put to vote Motions which infringe upon the rules of order or are beyond the jurisdiction of the assembly,
- (g) restrain the Members, when engaged in debate, within the rules of order,
- (h) enforce the observance of order and decorum among the Members,
- (i) do all matters to permit the Meetings to proceed in an orderly and efficient manner,
- (j) expel or exclude from any Meeting any person who is guilty of Improper Conduct at the Meeting,
- (k) call on the Acting Mayor, Vice-Chair or other Member, to assume the role of Presiding Officer, if desiring to take part in a debate or otherwise,
- (l) ensure that decisions of Council/Committee are in conformity with the laws governing the activities of Council/Committee,
- (m) adjourn the Meeting when business is concluded, and
- (n) sign all by-laws, Resolutions and minutes of Council.

6.4 The Presiding Officer may adjourn the sitting without question or suspend the sitting for a time to be named by him/her, if he/she considers it necessary, because of grave disorder.

7. AGENDA

7.1 The Clerk shall have prepared and printed for use of Members at the Regular Meetings of Council, an Agenda with the following headings:

1. Call To Order
2. Approval of Agenda
3. Announcements/Recognitions
4. Declaration of Pecuniary Interest
5. Adoption of Minutes
6. Public Meetings pursuant to other Acts
7. Delegations
8. Regular Business
9. By-laws
10. Notices of Motion
11. Closed Session
12. Adjournment

7.2 The order of business shall be considered in the order set forth on the Agenda, unless otherwise decided by Council/Committee.

7.3 At the time of approval of the Agenda, a change in the order of items listed on the Agenda may be permitted on a Majority approval of Council/Committee.

7.4 At the time of approval of the Agenda, Addendum items to the Agenda may be permitted by a Majority vote of the Members present and heard under the appropriate section in the Agenda.

7.5 The items on the Agenda not dealt with by Council/Committee before the Meeting is adjourned shall be noted and Deferred to the next Agenda. This includes items of business not tabled due to lack of time.

8. ANNOUNCEMENTS/RECOGNITIONS

This section on the Agenda is for the presentation of civic or staff recognitions and/or awards and announcements of upcoming events/Meetings pertaining to the Township.

9. DISCLOSURE OF PECUNIARY INTEREST

9.1 It is the responsibility of each Member to identify and disclose any Pecuniary Interest in any item or manner before the Council or Committee of Council.

9.2 Where a Member, either on his/her own behalf or while acting, by, with or through another, has any Pecuniary Interest, direct or indirect, in any manner and is present at a Meeting of the Council or Committee of Council at which the matter is the subject of consideration, the Member shall:

- prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
- leave the room and not take part in the discussion of, or vote on any question in respect of the matter;
- not attempt in any way whether before, during or after the Meeting to influence the voting on any such question.

9.3 Such disclosure shall be announced publicly and shall be recorded in the minutes by the Clerk.

9.4 Where the interest of a Member has not been disclosed by reason of his/her absence from the particular Meeting, the Member shall disclose the interest at the next Meeting of Council or Committee of Council as the case may be, attended by the Member.

10. MINUTES

10.1 The Clerk shall prepare the minutes for all Council and Committee Meetings.

10.2 The minutes of a Meeting shall be recorded, without note or comment and include:

- (a) the place, date and time of Meeting,
- (b) the name of the Presiding Officer and record the attendance of the Members,
- (c) the reading, if required, correction and adoption of the minutes of prior Meetings, and
- (d) all the proceedings of the Meeting.

10.3 The minutes of the previous Meetings not yet adopted, shall be presented by the Clerk for adoption. It shall not be necessary to have the minutes read where copies thereof have been provided to Members of Council with the Agenda.

10.4 When the minutes have been adopted, they shall be signed by the Mayor and the Clerk.

10.5 Minutes of Closed Session Meetings shall be processed for adoption by Council as follows:

- (a) the Closed Session Meeting minutes shall be printed as a confidential document and distributed to Members only, separate from the other Agenda items;

- (b) the Closed Session Meeting minutes shall be listed on the Agenda for adoption by Council, at the same time the regular minutes are presented;
- (c) Closed Session Meeting minutes shall be adopted without debate or comment in open Council. If a question or discussion is raised by a Member of Council regarding the Closed Session Meeting minutes, the Member wishing to raise the question shall call a Motion to go into closed session to discuss the matter, in the manner as set out in Section 16 of this By-law. The minutes as presented, or amended, shall then be adopted in open Council without debate or comment;
- (d) Once the Closed Session Meeting minutes are adopted by Council, all Members shall return their copy of the Closed Session Meeting minutes to the Clerk.

11. PUBLIC MEETINGS PURSUANT TO LEGISLATION

- 11.1 The time limitation for Delegations as set out in Subsection 12.2 shall not apply to a public Meeting held within a Council Meeting, for the purpose of informing the public of matters in accordance with legislation, including matters under the *Planning Act*.

12. DELEGATIONS

- 12.1 The purpose of a delegation is to provide new information to Council to advance the business of the Township.
- 12.2 Any person may, by written notice to the Clerk, make application to address Council on a matter which requires specific action of Council and which is within the jurisdiction of the Township.
- 12.3 Requests to be a Delegation shall be submitted to the Clerk not later than noon on the Wednesday immediately preceding the regular Council Meeting as follows:
 - (a) Requests to be a Delegation shall be in writing and shall include the person's complete name, address, telephone number and/or e-mail address. The written request shall also include an outline summarizing the presentation and outline specifically what action will be requested.
 - (b) In the case of a group of individuals wishing to address Council on the same matter, the Clerk will encourage the group to appoint one or two spokespersons to address Council on behalf of the group. The group is limited to ten (10) minutes for its Delegation.
- 12.4 The Clerk shall evaluate the request for Delegation and decide whether the request complies with the criteria set out in this by-law.
- 12.5 In the event that a request for a Delegation wishing to address an item already on the Agenda is received after the Agenda has been finalized for printing purposes, the Clerk shall make note of the request and advise the Presiding Officer at the time of the approval of the Agenda.
- 12.6 A person wishing to appear as a Delegation may address the Council for a period of time not exceeding 5 (five) minutes. The 5 (five) 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.
- 12.7 Delegations shall sit or stand, as may be appropriate, at a place usually reserved for that purpose or as may be directed by the Presiding Officer. No person, except Members of Council and appointed officials of the Township of Guelph/Eramosa, shall be allowed to come within the horseshoe during the sittings of the Council without the permission of Council.
- 12.8 Delegations will be permitted from the gallery without prior registration only during the public hearing portion of a Meeting under the provisions of the

Planning Act, R.S.O. 1990, as amended or prior to the adoption of certain by-laws at the Council Meeting pursuant to legislative requirements.

12.9 Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity, grandstanding or personal attacks.

12.10 Delegations who have previously appeared before Council on a subject matter shall provide new information only in any subsequent presentations relating to that matter.

12.11 A person who is unable to attend a Council Meeting may arrange for another person to appear as a Delegation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council Agenda.

12.12 Except on matters of order, Members of Council or Committee shall not interrupt a Delegation while he or she is addressing Council.

12.13 Members of Council or Committee may only ask questions of Delegations and shall not express an opinion or enter into debate with the Delegations.

12.14 All Delegations on an issue shall be heard before questions are asked of staff or discussion among Members.

12.15 Matters raised by Delegations shall be considered by Council immediately following the presentation.

12.16 If a staff report is required to provide further information, the matter shall be Referred to the appropriate staff to report back to Council.

12.17 No person shall be permitted to address Council on a matter of litigation or potential litigation, including matters which are before any court or tribunal or relates to a recommendation of any tribunal or court that has conducted a hearing under the *Statutory Powers Procedure Act*.

12.18 Delegations shall not:

- (a) speak disrespectfully of any person;
- (b) use offensive words;
- (c) speak on any subject other than the subject for which they have received approval to address Council;
- (d) disobey a decision of the Presiding Officer or Committee or Council; or,
- (e) enter into cross debate with other Delegations, administration, Council Members or the Presiding Officer.

12.19 Audio visual equipment may be used to assist in presentation to Council/Committee, provided permission has been obtained for use of such equipment from the Clerk at the time the Delegation contacted the Clerk to register for the Meeting.

12.20 The Presiding Officer may curtail any Delegation, any question of a Delegation or debate during a Delegation for disorder or any other breach of this by-law and, if the Presiding Officer rules that the Delegation is concluded, the person or persons appearing shall withdraw from the Delegation table and the decision of the Presiding Officer shall not be subject to any challenge.

12.21 Upon the completion of a presentation to Council/Committee by a Delegation, any discourse between Members of Council and the Delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members of Council shall not enter into debate with the Delegation respecting the presentation. Once a Motion has been moved and seconded, no further presentation or questions of the Delegation shall be permitted.

13. REGULAR BUSINESS

- 13.1 All staff reports, communications, petitions, minutes and reports from Committees of Council, shall be submitted and placed on the Agenda at the discretion of the Clerk.
- 13.2 Correspondence for the direction of Council shall include:
 - (a) correspondence for which a policy decision or approval of Council is required;
 - (b) correspondence accompanied by a recommendation from the Clerk; and
 - (c) correspondence where a Member of Council has requested that the item be placed on the Agenda.
- 13.3 All reports from Committees of Council shall be presented by the Chair of the Committee or, in their absence, by a Member of the Committee, who shall move the adoption of the Report, or that the Report be received.

14. BY-LAWS

- 14.1 Motions for amendment need not be written unless the effect of such amendment would be to substantially change the intent of the by-law.
- 14.2 Every by-law proposed for adoption shall be introduced upon Motion, and shall be read three times before it is finally passed.
- 14.3 After the by-laws have been passed, the Clerk shall be responsible for their correctness should they be amended at the Council Meeting.
- 14.4 Every by-law passed by Council shall:
 - (a) be signed by the Mayor;
 - (b) be signed by the Township Clerk;
 - (c) be sealed with the seal of the Corporation;
 - (d) indicate the date of passage; and,
 - (e) be numbered and deposited by the Clerk in his/her office for safe keeping.

15. NOTICES OF MOTION

- 15.1 Notices of all new Motions shall be given in writing and shall be delivered to the Clerk by noon on the Wednesday preceding the date of the Council Meeting. The Clerk shall include such Notice of Motion in full in the Agenda.
- 15.2 In exceptional circumstances, where a Notice of Motion is raised at a Council Meeting, the new Motion shall be given in writing and delivered to the Clerk by noon on the Wednesday preceding the date of the next Council Meeting. The Clerk shall include such Notice of Motion in full in the next Council Agenda.
- 15.3 The Notice of Motion shall be introduced at the Meeting of Council, but shall not be discussed or debated until the next regular Meeting of Council.
- 15.4 Where a Member's Notice of Motion has been called by the Mayor at the subsequent Meeting and not proceeded with, it shall be dropped from the Agenda unless Council decides otherwise.
- 15.5 Where Council has determined not to drop a Notice of Motion from the Agenda and at the subsequent Meeting such Notice of Motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.

16. CLOSED SESSION

- 16.1** A Meeting or part of a Meeting may be closed, provided that, before holding the Closed Session Meeting or portion thereof, a Resolution shall be passed stating the fact of the holding of the Closed Session Meeting and the general nature of the matter to be considered at the Closed Session Meeting.
- 16.2** Notice of a Closed Session Meeting shall be printed in the Agenda or may be announced at a Meeting if necessary to conduct the business of Council.
- 16.3** All matters shall be discussed in an Open Meeting with the exception of the following:

 - (a) A matter addressing security of the property of the municipality or local board;
 - (b) Personal matters about an identifiable individual, including municipal or local board employees;
 - (c) A proposed or pending acquisition or disposition of land for municipal purposes;
 - (d) Labour relations or employee negotiations;
 - (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) The receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;
 - (g) A matter in respect of which a Council, board, Committee or other body may hold a Closed Session Meeting under another Act;
 - (h) A matter in which the subject relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*; or,
 - (i) Education or training of Council Members.

- 16.4** A Meeting shall not be closed during the taking of a vote unless the subject matter of the Meeting consists of one (1) of the exceptions cited in subsection 16.3 above where Meetings are permitted to be closed and the vote is for a procedural matter or for giving directions or instructions.

17. ADJOURNMENT

- 17.1** The Council shall always adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a Majority vote of the Members present. When the Council is adjourned at 11:00 p.m., before the Agenda is completed, the items on the Agenda not dealt with shall be noted and deferred to the next scheduled Council Agenda.
- 17.2** In the event the business before Council has not been completed at the hour of 11:00 p.m., then Council by unanimous vote of all Members present may approve an extension of the Meeting to the hour of 12:00 midnight. At 12:00 midnight the unfinished business shall be Deferred to the next regular Meeting of Council, unless a Resolution of Council to reconvene the Council Meeting to another day and time prior to the next regular Meeting of Council is adopted by the Majority vote.
- 17.3** A Motion to adjourn may be made by a Member who has the floor, requires no seconder and need not be in writing. However, no Motion may be made during the taking of a vote on any other Motion.
- 17.4** A Council Meeting shall not be adjourned until a by-law confirming the proceedings of the Meeting at the time of adjournment has been presented to and adopted by the Council.

18. POINT OF ORDER OR PRIVILEGE

- 18.1** A Point of Order may be raised at any time by a Member of Council who considers that there is a breach of the Rules of Order pursuant to this By-law.
- 18.2** When a Member rises on a Point of Order, a Member of Council shall state the Point of Order to the Presiding Officer. The Presiding Officer shall immediately rule on the Point of Order and there shall be no debate by Council.
- 18.3** Thereafter, the Member raising the Point of Order shall only address the Council for the purpose of appealing the decision of the Mayor. If there is no appeal, the decision of the Mayor is final.
- 18.4** The Council, if appealed to, shall decide the question without debate and its decision is final.
- 18.5** The procedure for decision on matters of personal privilege by Council shall be the same as for Point of Order.
- 18.6** Where a Member considers that their integrity or the integrity of Council as a whole has been impugned, the Member may as a matter of personal privilege rise at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council to this matter.
- 18.7** Where the Presiding Officer considers that the integrity of any Township employee has been impugned or questioned, the Presiding Officer may permit the Township's administrator, department head or any other Township employee to make a statement to Council.

19. CONDUCT OF MEMBERS IN COUNCIL AND COMMITTEES OF COUNCIL

- 19.1** The Presiding Officer shall preserve order and decide questions of order and privilege.
- 19.2** Every Member desiring to speak shall raise his or her hand so as to be recognized by the Presiding Officer.
- 19.3** Members will not speak among themselves, debate or hold "side meetings" while the business of the assembly is being conducted or in session.
- 19.4** No Member shall:
 - (a) without leave of the assembly, speak to the same issue more than once or in reply for longer than 5 (five) minutes;
 - (b) use indecent or offensive words, insulting expressions or speak disrespectfully at any time toward other Members, municipal employees, Delegations or members of the public,
 - (c) speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability,
 - (d) speak on any subject other than the subject under debate;
 - (e) speak in contempt of any decision;
 - (f) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or,
 - (g) disobey the rules or decision of the assembly or a decision of the Presiding Officer on questions of order or practice or upon the interpretation of the rules of order.

20. PROCEDURES GOVERNING MOTIONS

- 20.1** The Mayor may not move or second any Motion nor enter into any debate on any question while in possession of the Chair. However if the Mayor wishes to propose a Motion or enter the debate, he or she must step down and shall not resume the Chair until the vote is taken.
- 20.2** All Motions shall be read aloud and duly moved and seconded before being debated. Upon request, the Motion may be read or stated by the Presiding Officer or Clerk at any time during the debate.
- 20.3** Whenever the Presiding Officer is of the opinion that a Motion is contrary to the rules and privileges of the assembly, the Presiding Officer shall apprise the Members thereof immediately and shall cite the rule or authority applicable to the case without argument or comment.
- 20.4** A Motion in respect of a matter which is not within the jurisdiction of the Council or Committee of Council shall not be in order.
- 20.5** After a Motion is moved and seconded, it shall be deemed to be in possession of the Council/Committee but may, with consent of the Council/Committee, be withdrawn at any time before decision or amendment.
- 20.6** When a Motion is under consideration no other Motion shall be received unless:
- (a) to Refer the Motion to a Committee of Council, administrative staff or any person or body and such Motion:
 - (i) is open to debate;
 - (ii) is amendable; and
 - (iii) shall preclude amendment or debate of the preceding Motion unless resolved in the negative.
 - (b) to amend the Motion and such Motion to amend:
 - (i) is open to debate;
 - (ii) shall not propose a direct negative to the main Motion;
 - (iii) shall be relevant to the main Motion;
 - (iv) is subject to only one amendment at one time, and any subsequent amendment must be to the main question; and
 - (v) shall be put in the reverse order to that in which they are moved, and shall be decided or withdrawn before the main question is put to the vote.
 - (c) to Defer the Motion to another time and such Motion to Defer:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) applies to the main Motion and any amendments thereto under debate at the time the Motion to Defer is made.
 - (d) to adjourn the Meeting and such Motion to adjourn:
 - (i) is not open to debate;
 - (ii) is not subject to amendment; and
 - (iii) shall always be in order, but no other such Motion shall be made unless some intermediate preceding has taken place.
 - (e) to move the previous question and such Motion:

- (i) cannot be amended;
- (ii) cannot be proposed when there is an amendment under consideration;
- (iii) shall preclude all amendments of the main question;
- (iv) when resolved in the affirmative, the question is to be put forthwith, without debate or amendment;
- (v) when resolved in the negative, the debate shall continue;
- (vi) cannot be received in any Committee of Council; and
- (vii) may be voted against by the mover and seconder.

21. VOTING

- 21.1** Every Member present at a Meeting when a question is put shall vote unless prohibited by statute or otherwise disqualified, in which case the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting and if a Member is absent, the Clerk shall also record his/her absence.
- 21.2** The manner of voting, where no recorded vote is required, shall be by a show of hands. If any Member present and qualified to vote does not vote when a vote is taken, he or she shall be deemed to have voted in the negative.
- 21.3** When a vote is taken and a tie results, it is deemed to be lost.
- 21.4** When one or more of the Motions set out in Section 20 above has been made, the order of the vote shall be as follows:
 - (a) to Defer consideration of the Motion;
 - (b) to Refer the Motion;
 - (c) upon amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
 - (d) then, upon the main Motion or upon the main Motion as amended, if any amendments have been carried.
- 21.5** When the question under consideration contains distinct propositions, upon the request of any Member of Council, the vote upon each proposition shall be taken separately.
- 21.6** After a question is finally put by the Mayor, no Member shall speak to the question, nor shall any other Motion be made until after the result of the vote has been declared.
- 21.7** The Clerk shall, if requested by any Member present, record the name and vote of every Member voting on any matter or question under consideration. The Mayor shall announce the results.
- 21.8** The Clerk shall record in the minutes the name of any Member of Council who is not present in the Chamber when such recorded vote is taken.

22. RECONSIDERATION OF COUNCIL DECISION

- 22.1** After any question has been decided by Council, any Member who voted with the Majority in respect of such question may move a motion for reconsideration. The motion shall only be seconded by a Member of Council who voted with the Majority.

- 22.2** No discussion on the main question shall be allowed unless the motion for reconsideration is carried in the affirmative by a vote of two-thirds (2/3) of the Members.
- 22.3** If a motion to reconsider is decided in the affirmative, such reconsideration of the original question shall become the next order of business, unless the motion for reconsideration calls for debate at a future date. The question to be reconsidered shall proceed as though it had never previously been voted upon.
- 22.4** Any Member of Council who was absent at the time a vote was taken on a question, shall be deemed to be a Member who voted with the Majority for the purposes of subsection 22.1.
- 22.5** A motion to reconsider may also be introduced by a Member at any meeting following the meeting when the question was considered, by Notice of Motion. Such Notice of Motion shall appear on the Agenda of a subsequent Meeting or the Meeting specified by the mover. The mover of the motion must have voted with the Majority on the question to be reconsidered, or absent at the time the original vote was taken. No discussion on the main question shall be allowed unless the motion for reconsideration is carried in the affirmative by a vote of two-thirds (2/3) of the Members.
- 22.6** No question shall be reconsidered more than once during the term of Council, nor shall a motion to reconsider be reconsidered.

23. SUSPENSION OF RULES

- 23.1** No provision of this By-law shall be suspended except by affirmative vote of two-thirds (2/3) of the entire Council.

24. UNPROVIDED RULES

- 24.1** All points of order or procedure for which rules have not been provided in this by-law shall be decided by the Presiding Officer in accordance, as far as it is reasonably practical, with the rules of parliamentary law as contained in Bourinot's Rules of Order (the Canadian Parliamentary Authority).
- 24.2** Unless a contrary intention appears in this by-law, words in the singular include the plural and words importing masculine gender include the feminine.

25. BY-LAW 60/2002 IS HEREBY REPEALED.

26. THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT THIS 22ND DAY OF MAY, 2007.

READ three times and finally passed this 22nd day of May, 2007.

Chris White, Mayor

Janice Sheppard, Clerk