

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW 2005-12

Being a By-Law to Regulate the Proceedings of the Township Council in the Township of McGarry.

WHEREAS Section 238 (2) of the Municipal Act, R.S.O. 2001, as amended, requires that Municipalities and Local Boards shall pass a Procedure By-Law for governing the calling, place and proceedings of Meetings.

AND WHEREAS the provisions of the Municipal Act, 2001 outline the provisions for open and closed meetings and provide definitions.

NOW THEREFORE Council of the Corporation of the Township of McGarry enacts as follows;

1. THAT in this By-law;
 - a) "Clerk" means the Clerk of the Township of McGarry, or a person, other than a member of Council, to whom the Clerk has in writing, delegated the Clerk's duties and powers.
 - b) "Council" means the Council of the Township of McGarry.
 - c) "Head of Council" means the Reeve.
 - d) "Recorded Vote" means the recording of the name and vote of every Member on any matter of question.
 - e) "Holiday" means:
 - (i) any holiday as defined in the Interpretation Act, R.S.O. 1990, Chapter I.11
 - (ii) Boxing Day, January 2.
 - (iii) any day proclaimed by the Head of the Council as a Civic Holiday
 - f) "Member" means member of Council and includes the head of Council.
 - g) "Committee of the Whole" means all members present at a meeting sitting in Committee.
 - h) "Local Board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any Act with respect to the affairs or purposes of one or more municipalities excluding a school board and a conversation authority.
 - l) "Meeting" means any regular, special, committee or other meeting of a Council or local board
2. General
 - a) The rules and regulations contained in this By-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business for Council, Committees, and local boards.
 - b) All meetings of Council and all meetings of any Standing or Special Committees of Council shall be open to the Public.

- c) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- (i) the security of property of the municipality or local board;
 - (ii) personal matters about an identifiable individual, including municipal or local boards employees;
 - (iii) a proposed or pending acquisition or disposition of land by the Municipality or local board;
 - (iv) labour relations or employee negotiations;
 - (v) litigation or potential litigation including matters before administrative tribunals, affecting the municipality or local board;
 - (vi) advise that is subject to solicitor - client privilege, including communications necessary for that purpose;
 - (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- d) 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 to Privacy Act if the council, board, commission or other body is the head of an institution for the purposes of that Act;
- e) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution;
- (1) the fact of the holding of the closed meeting; and
 - (2) the general nature of the matter to be considered at the closed meeting.
- f) A meeting shall not be closed to the public during the taking of a vote except
- (a) subsections, 2© or 2(d) above permits or requires the meeting to be closed to the public, and;
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the Municipality or local board.
3. Except as provided by law, a person not a member of Council shall not be allowed to address Council except upon approval of Council. Any person desiring to be heard should submit a request in writing to the Clerk by the Thursday before a regular meeting by 4:00 p.m. The written request shall state the nature of the business to be discussed. Persons addressing Council shall confine their remarks to the stated business.
4. The Inaugural Meeting of Council shall take place at 7:00 p.m. on the first Tuesday of December following a regular election.

5. Meetings of Council - Regular

- (a) The Council of the Corporation of the Township of McGarry shall hold its Regular Meetings at the XYZ Room, Virginiatown, on the 2nd and 4th Tuesday of each month at 7:00 p.m. or on such other day as may be determined from time to time by resolution of Council.
- (b) Where a Regular Meeting of Council is to be held at a time, day or place other than as set out in Section 5 (a) above, Council shall give notice, at least 48 hours in advance of such meeting.
- © It shall be the responsibility of the Clerk to prepare an agenda for all Regular Meetings at least 2 working days in advance of a regular meeting.
- (d) A meeting of Council of two or more municipalities for the consideration of matters of common interest may be held within any one of the Municipalities or in a Municipality adjacent to any of them.

6. Meetings of Council - Special

Subject to the provisions of this By-Law:

- (a) The Head of Council may at any time call a special meeting and;
- (b) upon receipt of a petition of the majority of the members of Council, the clerk, shall call a special meeting for the purpose and at the time mentioned in the petition.
- © Council, at a special meeting, shall only deal with the specific matter for which the meeting was called.

7. Adjournment

The hour for adjournment for day meetings shall be 4:00 p.m. and the hours of adjournment for night meetings shall be 11:00 p.m. The Council shall always adjourn at these hours unless this rule be temporarily suspended by a majority of the Members present, by resolution.

8. Order of Proceedings of Council

- (a) The Head of Council, except where otherwise provided, shall preside at all meetings of Council.
- (b) As soon after the hour fixed for the meeting as there is a quorum present, the Head of Council shall call the meeting to order.
- © The Council shall by resolution or By-Law, appoint a member of Council to act in the place of the Head of Council when the Head of Council is absent or refuses to act or the office is vacant and while so acting such member has all the powers and duties of the Head of Council.

9. (a) If there is no quorum within fifteen minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a Special Meeting is called.

- (b) Three (3) members of Council shall constitute a quorum.
- © The use of recording equipment or devices during a Council or Committee Meeting is not permitted within the designated area unless the majority of the Council Members, permit the use of such equipment or devices

and it is not disruptive to the conduct of the meeting at which the recording privileges are granted. The designated area means the spectator areas within the Council Chambers and Committee Room.

10. (a) The Head of Council, or other presiding officer shall preserve order and decorum and decide questions of order if called upon to do so.

Duty of Head of Council:

- (I) to open the meeting of Council by taking the chair and calling the members to order.
 - (ii) to announce the business before the Council in the order in which it is to be acted upon.
 - (iii) to receive and submit, in the proper manner, all motions presented by the Members of Council.
 - (iv) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results.
 - (v) to decline to put to vote motions which infringe on the rules of procedure.
 - (vi) to restrain the Members, within the rules of order when engaged in debate.
 - (vii) to enforce on all occasions the observance of order and decorum among the Members.
 - (viii) to expel any person for improper conduct.
 - (ix) to call by name any Member persisting in breach of the rules of order of the Council, thereby ordering him/her to vacate the Council Chamber.
 - (x) to receive all messages and other communications and announce them to the Council.
 - (xi) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council.
 - (xii) to represent and support the Council, declaring its decision in all things.
 - (xiii) to ensure that the decisions of Council are in conformity with the laws and by-laws governing activities of the Council.
 - (xiv) to adjourn the meeting when the business is concluded.
 - (xv) to adjourn the meeting without question put, in the case of grave disorder arising in the Council Chambers.
 - (xvi) to appoint members of Council to sit on various Township Committees.
11. (a) The Head of Council except where disqualified from voting by reason of interest or otherwise may vote with the members on all questions. Any questions on which there is an equality of votes shall be deemed to be negative.

- (b) If the Head of Council desires to introduce a motion or by-law, he/she shall leave the Chair for that purpose, and shall call on another Member of Council to fill their place until he/she resumes the Chair.

12. Decorum

No Member shall:

- (I) disturb another, or the Council itself, by any disorderly deportment disconcerting to any Member speaking.
- (ii) resist the rules of Council or disobey the decision of the Head of Council or Chairperson on questions of order or practice or upon the interpretations of the rules of order of the Council.
- (iii) be permitted to retake his/her seat at any meeting after being ordered by the Head of Council or Chairperson to vacate after committing a breach of any rule of order of the Council expressed by a majority vote of the other Members present, determined without debate.
- (iv) leave his/her place on adjournment until the Head of Council or Chairperson leaves his chair.
- (v) speak until he/she has addressed himself to the Head of Council or Chairperson.
- (vi) walk across or out of the Chamber or make any noise or disturbance when the Head of Council or Chairperson is putting a question and shall occupy his/her seat while a vote is being taken and until the result thereof is declared.
- (vii) ignore a dress code for Council Meeting agreed to by the majority of Council.

13. Rules of Debate - the Head of Council or Chairperson

In directing the course of debate, the Head of Council or Chairperson shall:

- (I) designate the Member who has the floor when two or more Members raise their hand to speak.
- (ii) preserve order and decide questions of order.
- (iii) read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

14. Rules of Debate - In Council.

In addressing the Council, no member shall:

- (I) speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario;
- (ii) use indecent, offensive or insulting language in or against the Council or any member thereof;
- (iii) speak beside the question in debate;

- (iv) criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- (v) disobey the rules of Council or a decision of the Head of Council or Chairperson of the Council on questions of order or practice, or upon the interpretation of the rules of the Council.

15. Rules of Debate- In Council

- (a) Every member when speaking to any question or motion shall respectfully address the Head of Council or Chairperson.
- (b) When a member is speaking, no other member shall pass between him/her and the Chair, or interrupt him except to raise a point of order.
- (c) Any member may require the question or motion under discussion to be read at anytime during the debate, but not so as to interrupt a member while speaking.
- (d) No member shall speak to the same question for longer than 2 (two) minutes, with the leave of Council a supplementary question with a further 1 (one) minute, may be granted.
 - (1) A member may ask a question only for the purpose of obtaining facts relevant to the clear understanding thereof.
 - (2) All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions

16. Voting on Questions

- (a) Except as otherwise provided, every member of Council shall have one vote.
- (b) When the Head of Council or Chairperson calls for the vote on a question, each member shall occupy their seat and shall remain there until the result of the vote has been declared.
- (c) If a member who has voted on a question disagrees with the declaration of the Head of Council or chairperson that the question is carried or lost, they may but only immediately after the declaration, object to the declaration and require a recorded vote to be taken in the manner prescribed in Section 17 of this By-Law.

17. Recorded Vote

- (a) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.
- (b) A failure to vote under section (a) above by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

18. Introducing Motions

1. The following matters may be introduced orally without written notice and without leave:
 - (a) a point of order or personal privilege
 - (b) presentations of petitions

- ©) a motion to suspend a rule of procedure or in compliance with a rule of procedure
- (d) a motion to adjourn (not debatable)
- (e) a motion that the vote now be taken
- (f) a motion that the Council resolve itself into a Committee of the Whole (not debatable)

19. Agenda

- (a) The Clerk shall have prepared and printed for the use of the members at the regular meetings of Council, an agenda under the following headings:
 - (1) Opening of Meeting
 - (2) Additions or Deletions to the Agenda
 - (3) Disclosure of Interest
 - (4) Minutes of Previous Meeting
 - (5) Matters Arising from the Minutes
 - (6) Deputations/Delegations
 - (7) Submitted Questions
 - (8) Correspondence, Information
 - (9) Councillor Reports
 - (10) New Business
 - (11) Passing of Accounts
 - (12) Passing of By-Laws
 - (13) Closed Meeting
 - (14) Confirmation By-Law
 - (15) Adjournment
- (b) Subject to the provisions of the Township By-Law respecting notice requirements, the Clerk may from time to time provide notice as required under the Municipal Act 2001 by listing items on the Meeting Agenda.
- ©) The Agenda for Regular Meetings of Council shall be available to the Public by noon on the Friday proceeding a regular meeting of Council and shall be posted.

20. (a) Motions

- (I) Except as outlined in Section 18 of this By-Law, no motions shall be debated upon unless the same be written, moved and seconded.
- (ii) When the motion under consideration concerns two or more matters upon the request of any member, the vote upon each matter shall be taken separately.

(b) **Withdrawal of a Motion**

After a motion has been received and/or read by the Head of Council or Chairperson, it shall be deemed to be in the possession of the Council but it may with the majority consent of the Council members present, be withdrawn by the mover prior to discussion or amendment or voting thereon.

(c) **A Motion to Amend**

(i) shall be presented in writing

(ii) shall receive disposition of Council before a previous amendment or the question

(iii) shall not be further amended more than once provided that further amendment may be made to the main question

(iv) shall be relevant to the question to be received

(v) shall not be received proposing a direct negative to the question

(vi) may propose a separate and distinct disposition of a question

(vii) shall be put in the reverse order to that in which it is moved.

(d) A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

(e) Every motion when duly moved and seconded, shall be received by the Head of Council, Chairperson, or member and shall then open for discussion prior to the vote being taken.

(f) No member shall speak to a motion more than once, without leave from the Head of Council or Chairperson. Each Member shall confine their remarks to a limit of 2 (two) minutes.

(g) Immediately preceding the taking of the vote, the Head of Council, Chairperson, or member may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He/She shall state the question in the precise form in which it will be recorded in the minutes.

(h) After a question is finally put by the Head of Council, Chairperson or member, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

(i) The manner of determining the decision of the Council on a motion shall be by a show of hands.

(j) Any motion shall require three affirmative votes in order to be valid and binding on Council. Where only a quorum is present, a resolution, in order to carry or be passed, must be affirmed by the majority of the quorum

(k) After any question has been decided, the following shall prevail:

(a) Any Member of Council may give notice at the next regular Meeting of Council for a reconsideration of the question at any regular Meeting of Council. The majority vote will be required to carry the Motion.

- (b) No discussion except that obtaining information that justifies the reconsideration, shall be allowed until the Motion for reconsideration is carried.

21. (a) Proceedings in Committee of the Whole - Closed Session

- (I) Whenever the Council resolves itself into Committee of the Whole, the Head of Council may appoint a Chairperson from amongst its members, and vacate the chair.
 - (ii) the Chairperson of the Committee of the Whole may appoint another Member of the Committee to act as the Chairperson while he is temporarily absent from the meeting.
 - (iii) The majority of the Members of Council shall constitute a quorum of Committee of the Whole.
- (b) Unless otherwise decided by Council, no matter or report shall be referred to the Committee of the whole unless such matter or report has been previously presented and placed in the hands of the members.
- (I) The Chairperson of the Committee of the Whole shall maintain order in the Committee and report the proceedings to the Council.
 - (ii) The Chairperson of the Committee of the Whole shall have all the powers and duties of the Head of Council.
- ©) The rules governing the procedure of the Council and the conduct of Members of Council shall be observed in Committee of the Whole so far as they are applicable.

22. (a) Minutes

The minutes shall record:

- (I) The place, date and time of meeting;
- (ii) The name of the Chairperson and record of attendance of the Members;
- (iii) The reading, if requested, correction and adoption of the minutes of the prior meetings;
- (iv) All other proceedings of the meeting without note or comment.

23. Petitions and Communications

- (a) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language, and shall be signed and dated by at least one person, filed with the Clerk, and shall include an address and telephone number where return correspondence or contact is to be directed.
- (b) Every petition or communication shall be delivered to the Clerk by 4:00 p.m. on the Thursday before a regular meeting of Council.
- ©) All questions submitted under Section 7 of the agenda shall be submitted to the Clerk in writing by 4:00 p.m. on the Thursday proceeding a regular meeting of Council, and shall specify the question, which member of Council is to answer, and shall be signed by the person submitting the question.

24. Deputation/Delegations

- (a) Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk by 4:00 p.m. on the Thursday before a regular meeting of Council, in writing, stating the purpose of the Deputation. All requests to be heard by Council shall be signed. Deputations/Delegations may be heard by leave of Council but shall be limited in speaking to not more than ten (10) minutes, except that 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. Persons requesting to appear before Council shall be advised of the time limitation in advance of their presentation.
- (b) Notwithstanding the provisions of Section 24 (a) Council may, at their sole discretion, entertain deputations or delegations with less notice as the circumstance may warrant.
- (c) the Chairperson of a Committee Meeting or Council Meeting may expel or exclude from the meeting, any person who in the opinion of the Chairperson, has behaved improperly.

25. Readings of By-Laws and Proceedings thereon

- (a) Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the By-law.
- (b) Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date hereof.
- (c) Every by-law shall have three readings prior to it being passed.
- (d) The first and second reading of a by-law shall be decided without amendment or debate.
- (e) If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
- (f) If Council so determines, a by-law may be taken as read.
- (g) The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
- (h) Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the clerk and the Head of Council or Chairperson and shall be deposited by the Clerk in the office for safekeeping.

26. Other Committees

- a) The provisions of this By-Law with respect to open and closed meetings and voting shall apply to the following Township Committees and Boards.
 - (i) Recreation Committee
 - (ii) Tourist Centre Committee
 - (iii) Strategic Planning Committee
 - (iv) Library Board

- b) These Committees and Boards shall provide their members with a prepared agenda at least two working days before their scheduled meeting.

27. Confirmatory By-law

- (a) There shall be enacted a by-law at the end of each Council Meeting to confirm, each recommendation contained in a Report of the Committee of Council, and in respect of each motion, resolution and other actions passed and taken by Council at the meeting, except where the prior approval of the Ontario Municipal board or any other body or agency is required.
- (b) That a motion for leave to pass a by-law to confirm the proceedings of a meeting of Council shall be voted on without debate.

28. Amendment to this By-law

- (a) Any procedure required by this by-law may be suspended with consent of a majority of the Members of the Council present.
- (b) No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

29. Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the provision so declared to be invalid. Any provincial Statutes imposed contrary to this By-law shall take precedence.

30. By-Law No. 2002-25 is hereby repealed.

31. This By-law shall take effect on April 13, 2005.



BY-LAW READ A FIRST AND SECOND TIME THIS 12th DAY OF APRIL 2005.

BY-LAW READ A THIRD TIME AS AMENDED AND FINALLY PASSED THIS 12TH DAY OF APRIL 2005.

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

Account Separable

REEVE

Gayle...

CLERK-TREASURER