

**THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN**

BY-LAW NO. 2001-20

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

WHEREAS pursuant to Section 55 of the Municipal Act. R.S.O. 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 MUNICIPALITY OF POWASSAN HEREBY ENACTS AS FOLLOWS:

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 dispatch of business by Council and its Committees.

COUNCIL AND COMMITTEE MEETINGS

2. The inaugural meeting of Council after a regular election shall be held on the first Tuesday in December.
3. Regular meetings of Council shall be held in the Council Chamber on the first and third Tuesday of each month at 7:15 p.m.
4. Council may by resolution, alter the date and/or time of a regular meeting provided that adequate notice of change is posted.
5.
 - (a) The Head of Council may, at any time summon a special meeting and shall indicate the purpose of the 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 24 hours following the Head's summons or receipt of the petition, as the case may be and the Clerk shall provide by personal contact or telephone notice, of the special meeting immediately following receipt of the summons or petition.
 - (d) Notwithstanding the notice requirements set out above the council may upon a majority vote, waive that notice in the event of a boni fide emergency, the meeting may be held as soon as practicable following the 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 and the time frames of the notice may be also waived.
 - (e) Unless otherwise specified in the notice described in Paragraph 5 (c) above, all special meetings shall be held in the Council Chambers.

- (f) The notice of a special meeting shall specify the purpose for the meeting and notice to the newspaper shall be waived.
- 6.
- (a) The Mayor shall preside at all meetings of the Council.
 - (b) When the Mayor is absent or refuses to act or the office is vacant, the Deputy Mayor shall act in the place instead of the head, until the Mayor becomes present and, while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor.
 - (c) Notwithstanding Paragraph 6 (b) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting after the Clerk has called the meeting to order.
 - (d) The Mayor or presiding officer may expel from a meeting anyone who engages in improper conduct.
- 7.
- (a) All Council and Committee meetings shall be open to the public.
 - (b) Notwithstanding Paragraph 7 (a) 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 of real property for municipal or local board purposes;
 - (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, a Committee of Council or a local board has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament;
 - (vii) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purposes;
 - (c) 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;
 - (d) Subject to subsection (e) a meeting shall not be closed to the public during the taking of a vote.
 - (e) Despite subsection 27 a meeting may be closed to the public during a vote, if,
 - (i) Subsection 7 (b) 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 Municipality or persons retained by or under contract with the Municipality.
- (f) Meetings or sessions which are closed to the public may be referred to as closed camera meetings or sessions.

AGENDAS AND SUPPORT MATERIAL

- 8. (a) The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- (b) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members two working days prior to a regular meeting.
- (c) Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk not later than 12:00 noon on the Thursday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- (d) Written reports of officers shall, insofar as it practicable, be made available to Council by 12:00 noon on the Thursday immediately preceding regular meetings.
- (e) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law.
 - 1) Call to order.
 - 2) Declaration of pecuniary interest.
 - 3) Adoption of minutes of previous meeting
 - 4) Public presentations.
 - 5) Accounts
 - 6) Public Works discussion.
 - 7) Committee and staff reports.
 - 8) Correspondence.
 - 9) Current business.
 - 10) New business.
 - 11) Next meeting date.
 - 12) Adjourn.
- (f) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or presiding officer.

NO QUORUM

- 9. If no quorum is present 15 minutes 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.

CURFEW

10. Council and Committee meetings shall stand adjourned at 10:30 p.m. but business may be continued upon a resolution passed by majority vote.

DUTIES OF THE MAYOR

11. It shall be the duty of the Mayor or other presiding officer:
- (a) To open the meeting by taking the chair and calling the members to order.
 - (b) To announce the business before Council in the order in which it is to be acted upon.
 - (c) To receive and submit, in the proper manner, all motions presented by the members.
 - (d) To put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result.
 - (e) To decline to put to vote motions which infringe upon the rules of procedure.
 - (f) To enforce on all occasions the observance of order and decorum among the members.
 - (g) To call by name any member persisting in breach of the rules of order of the council thereby ordering the member to vacate the Council Chamber.
 - (h) To authenticate by signature all By-laws, Resolutions and minutes of the Council.
 - (i) To inform the Council when necessary or when referred to for the purpose, on a point of order or usage.
 - (j) The Mayor shall be a member of each Standing Committee ex officio,
 - (k) To represent and support the Council, declaring its will and implicitly obeying its decision in all things.
 - (l) To ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation.
 - (m) To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.
 - (n) 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 individuals or group to vacate the Council Chamber where such behaviour persists.

CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

12. 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 Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council.
 - (e) Leave a meeting without first obtaining permission from the Mayor or presiding officer.
 - (f) 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.
 - (g) Interrupt the member who has the floor except to raise a point of order.
13. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.

MOTION/RULES OF DEBATE

14. Subject to Paragraph 15 and insofar as it practicable notice of motions, except those listed in Paragraph 30 and 31, shall be given in writing to the Clerk not later than 12:00 noon on the Thursday preceding the next meeting so that the matter may be included in the Council agenda package.
15. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
16. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
17. When a motion is presented in Council in writing it shall be read, or, if it is an oral motion, stated by the Mayor or presiding officer.
18. (a) A motion to amend shall:
- (i) be presented in writing;
 - (ii) be dealt with by Council before a previous amendment or the main motion;
 - (iii) not be further 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.
19. Once read or dated by the Mayor or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
20. Immediately prior to voting on a motion, the Mayor 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.
21. 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.

22. Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer.
23. On a unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.
24. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or presiding officer, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
25. The Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
26. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
27. Subject to Subsection 7 (e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
28.
 - (a) Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
 - (b) When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
29. 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.
30. The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
 - (a) A point of order or personal privilege;
 - (b) Presentation of petitions;
 - (c) To lay on the table (to defer temporarily).
 - (d) To postpone indefinitely or to a specific day.
 - (e) To move the previous question (immediate vote on the main motion).
31. The following motions may be introduced without notice and without leave but such motions shall be in writing and signed.
 - (a) To refer;
 - (b) To adjourn;
 - (c) To amend;
 - (d) To suspend the rules of procedure.
32. Except as provided in Paragraph 30 all motions shall be in writing and signed by the mover and seconder.

33. The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 14.
34. Council may, from time to time, employ a by-law immediately to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a By-law or Resolution.

POINTS OF ORDER AND PRIVILEGE

35. The Mayor or presiding officer shall preserve order and decide questions of order.
36. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

37. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
38. Every By-law shall be introduced upon motion by a member specifying the title of the By-law.
39. 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 the Act.
40. Every By-law shall be given three readings prior to passage.
41. The first and second reading of a By-law shall be decided without amendment or debate.
42. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
43. Upon passage By-laws shall be numbered, signed by the Mayor or presiding officer and embossed with the seal of the Corporation.
44. Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

GENERAL

45. When the Mayor of Council is absent on temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.
46. Recording devices will be allowed to be used by members of the public. The Clerk must be advised three (3) working days prior to the meeting of their intention to use a recording device. The media will be allowed to use recording devices without prior notice to the Clerk.
47. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act 1994, upon Proclamation.
48. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 8 (c), 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.

49. 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.
50. 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.
51. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Council and the waiving of notice is prohibited.

Resolution Number 2001-02 Moved by Rob Passmore

Seconded by Carole Dobbs

Be it resolved that the Council of the Corporation of the Municipality of Powassan approves the first and second reading of By-Law Number 2001-14 to 2001-25 and approves the third reading and final passing of said by-laws.

Mayor

Clerk