

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 7-2007

A BY-LAW TO REGULATE THE PROCEEDINGS OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EAST GARAFRAXA AND THE BOARDS AND COMMITTEES THEREOF AND TO REPEAL BYLAW 10-95, 30-2000, 39-2002

WHEREAS Section 238 of the Municipal Act, S.O. 2001 provides that a Council and/or local board shall pass by-laws for governing the proceedings of the Council and/or local board and the calling of meetings;

AND WHEREAS Section 223.2(1) of the Municipal Act, S. O. 2001 provides that a Council may pass bylaws pertaining to the conduct of its members;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA HEREBY ENACTS AS FOLLOWS:

GENERAL PROVISIONS:

The rules and regulations set out herein shall be observed in all proceedings of the Council/Local Board, and with necessary modifications, the Committees of Council/Local Boards and shall be the rules and regulations for the order and conduct of business therein. In all unprovided cases in the proceedings of the Council/Local Boards or Committee, regard should be had to Robert's Rules of Order as a rule for guidance on the question. No standing rule, order or procedure shall be suspended except by majority vote of Council or committee.

PART 1

DEFINITIONS

1.1 In this by-law

CLERK means the Clerk of the Corporation of the Township of East Garafraxa

COUNCIL means the Council of the Corporation of the Township of East Garafraxa

HEAD OF COUNCIL means the Mayor

MEMBER means a member of the Council or of a committee

MUNICIPALITY means the Corporation of the Township of East Garafraxa

PART 2

INAUGURAL MEETING

2.1 Inaugural Meeting

Following a regular municipal election, the Inaugural Meeting shall be held on the first Tuesday in the month of December at 10:00 A.M. for the purpose of Administering the Declaration of Office.

PART 3

COUNCIL MEETINGS

3.1 Procedures

In all the meetings of Council, a Committee of Council or Committees appointed by Council, the Procedures outlined in this By-Law shall apply except where differing procedures are prescribed by Provincial legislation.

3.2 Schedule of Meetings

The schedule of meetings of Council shall be as follows:

- a) Second Tuesday of each month commencing at 2:00 P.M.
- b) Fourth Tuesday of each month, commencing at 2:00 P.M.
- c) Additional meetings shall be held in accordance with Section 240 of the Municipal Act, S.O. 2001, and shall commence at the discretion of Council.
- d) Council may, by resolution, alter the time, day or place of any council and/or committee meeting.

3.3	Place of Meetings	All meetings shall be held in the Council Chambers or at any other place as designated by resolution of Council and the Public Offices of the Township shall be in the Township of East Garafraxa Municipal Offices, Laurel.
3.4	Special Meetings	Section 240 of the Municipal Act, S.O. 2001 provides that the Head of Council may at any time call a special meeting and that upon request of the majority of the members of Council, the clerk shall call a Special Meeting of Council. Council of the Township of East Garafraxa require that at least twenty-four hours notice be given of such special meeting.
3.5	Emergency Meetings:	The Head of Council or Clerk shall call an emergency meeting to deal with a matter which is deemed to require immediate action. Notwithstanding Section 3.6 notice of an emergency meeting need not be in writing and need not be 24 hours in advance of the meeting but by contact each member of Council and verbally advising them of the time and place of the meeting.
3.6	Notice of Meetings	Notice of Emergency Meetings and Special Meetings of Council shall be given by the Clerk or his/her designate to all Members of Council within the times specified in this by-law, by telephone, personal contact or written notice as determined by the Clerk. Notice shall not be required to be given if the special meeting is arranged by council in session, except to council members who were not present when the meeting was arranged. If all members of Council can be contacted and all members can attend a meeting to be called immediately then the meeting may proceed at the agreed upon time. If all members of council cannot be contacted then the emergency meeting shall take place at least 24 hours later. Notice of all meetings shall also be posted in the Municipal Building at least 24 hours in advance of the meeting and in accordance with By-Law 48-2002, a by-law to prescribe the form and manner and times for the provision of notice and/or any amending by-laws.
3.7	Meetings to be Open	All Meetings of Council, committees of council and committees appointed by council shall be open to the public, pursuant to Section 239 (1) of the Municipal Act, 2001, S.O.
3.8	Closed Council Meeting	Notwithstanding Section 3.7, and pursuant to Section 239 (2) of the Municipal Act, 2001 S.O., which provides that a meeting of Council or a Committee may be closed to the public, authorized by Resolution, if the subject matter being considered relates to: <ul style="list-style-type: none"> i) the security of the property of the Township, 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 Township or a local board; vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
3.8	Closed Meetings	vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. Section 239 (3) states 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;

- 3.8 Closed Meetings (Cont.) and Section 239 (3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the meeting is held for the purpose of education or training the members and 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.
- Before all or part of a meeting is closed to the public, referred to as "in-camera", the Council shall state by Resolution the fact of the holding of the closed meeting, and the general nature of the matter considered at the closed meeting. A meeting shall not be closed to the public during the taking of a vote, unless the meeting is required to be closed to the public and, the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- 3.9 Adjournment of Meetings The proceedings of a Meeting of Council shall adjourn no later than 11:00 P.M. unless a Motion waiving this Section is passed by all Members of Council present.
- 3.10 Quorum A majority of the Members of Council shall constitute a quorum. A quorum of any of the committees appointed by the council/local board shall be a majority of its members. Unless a quorum is present within one-half hour after the time appointed for the meeting of the council/local board, there shall be no meeting thereof until the next regular day of meeting, unless in the meantime, a special meeting is called. The Clerk/Secretary shall record the names of such members as are present.
- 3.11 Cancellation of Meeting Notwithstanding Section 3.2, Council may cancel a regular meeting by motion of Council. The Mayor may cancel a meeting if it is in his/her opinion appropriate due to weather or an emergency.

PART 4

ORDER OF PROCEEDINGS

- 4.1 Call to Order As soon after the appointed hour of meeting as there is a quorum present the Mayor shall take the Chair and call the Members to order.
- 4.2 Mayor Absent The Deputy Mayor of the Municipality shall be the Acting Mayor and exercise the powers of the Office of Mayor in the Absence of the Mayor. If the Mayor does not attend within five minutes after the time appointed for the meeting the Clerk shall call the Members to order and if a quorum is present the Deputy Mayor shall preside over the meeting until the arrival of the Mayor. In addition, the Members of Council may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- 4.3 Mayor to Preserve Order The Mayor shall be the Chair of the Meeting and preserve order and decorum and decide on questions of order, subject to appeal to the Council. When the Mayor is called upon to decide a point of order, the Mayor shall do so without unnecessary comment and the rule or authority applicable shall be cited.
- 4.4 Mayor leaves the Chair Should the Mayor leave the Chair, or if he/she refuses to act, the Deputy Mayor shall be the presiding Officer and shall have all the powers of the Mayor, or the Members of Council shall choose a Chair from among the remaining members.
- 4.5 Voting Procedures Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
- A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
- When a motion is presented in Council in writing it shall be read by the Mayor or presiding Officer.

- 4.5 Voting (Cont.)
- Once read or stated by the Mayor or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
- 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.
- 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.
- On a recorded 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.
- 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 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. No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect. All motions shall be in writing and signed by the mover and seconder.
- 4.6 Equality of Votes
- Should there be an equality of votes on any Motion, the Motion will be deemed lost.
- 4.7 Addressing Council
- All Members of Council and any person addressing Council shall address themselves to the Chair. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.
- 4.8 Order of Speaking
- Any Member of Council wishing to address Council shall indicate so by raising their hand. When two or more Members wish to address Council, the Mayor or presiding officer shall designate the member who may speak first.
- 4.9 Members Required to Vote
- The Mayor or presiding officer, except where disqualified to vote, shall vote on all questions and when so doing, shall vote last. All other Members of Council present in the Council Chambers when a Motion is put to vote shall vote on the matter unless that Member declares a pecuniary interest under The Municipal Conflict of Interest Act.
- 4.10 Declaration of Pecuniary Interest
- Every Member of Council shall declare any pecuniary interest with respect to any item of business in accordance with the Municipal Conflict of Interest Act as amended. Any member of Council who declares a pecuniary interest shall be required to leave the meeting, whether a closed or open session is being held.
- 4.11 Refusal to Vote
- Subject to Section 4.11, any Member of Council refusing to vote on any item of business shall be deemed to have cast a negative vote.
- 4.12 Interrupting Proceedings
- No one shall interrupt the proceedings of a meeting during a vote of Council or when a Member of Council is speaking, except another Member of Council to raise a point of order. No one in the audience shall interrupt or interfere with the proceedings of Council or a Committee. The Chair shall keep order and shall dismiss from the building anyone who will not refrain from such behaviour. The Chair may move the meeting to another venue.
- 4.13 Limit on Debate
- A member shall speak no longer than ten minutes to any question, nor more than twice, except in explanation or by permission of the Mayor or presiding officer, when no new matter shall be introduced.
- 4.14 Member Called to Order
- A Member called to order by the Chair shall immediately relinquish the floor, but may appeal the Order to Council. Council shall decide the point of order without debate. If there is no appeal the decision of the Chair shall be final.

- 4.15 Disobeyance and Dismissal No Member of Council shall speak disrespectfully or use offensive words against the Council, nor shall they speak beside the Motion in debate, nor reflect on any decision of Council except for the purpose of moving to reconsider the decision, nor resist or disobey the decision of the Chair and Council and in any such case such a Member may be ordered to leave his/her seat for that Meeting, and may be removed by a constable for contempt of Council. The Council may restore a Member to his/her seat forthwith in the case of ample apology.
- 4.16 Reading of the Motion Any Member of Council may require the question or Motion in discussion to be read at any time during the debate, but not so to interrupt a Member while speaking.
- 4.17 Recorded Votes Upon the request of any Member of Council, the names of those who vote in favour and those who vote against any Motion shall be recorded in the Minutes.
- 4.18 Record of meeting Section 239 (7) of the Municipal Act, 2001 R.S.O. provides that a municipality or local board or a committee of either shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.
- 4.19 Delegations to Council No person, with the exception of the Members of Council and the Officers of Council, shall address Council without the permission of Council.
- 4.20 Suspension of Procedures 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.
- 4.21 Rules of Parliament In all unprovided cases in the proceedings of Council, the Municipal Act and Roberts Rules of Order shall be followed.

PART 5

AGENDAS

- 5.1 Notice of Meeting The Agenda for a Council Meeting shall constitute notice of a meeting under this By-Law. Copies of all Council and/or Committee meeting agendas shall be posted in full view of the public at the Municipal Office in advance of the meeting at the time of their availability to Councillors or Committee members and posted on the Township Website.
- 5.2 Order of Business The Agenda shall contain the following order of business for every Meeting of Council:
1. Approval of Agenda
 2. Minutes
 3. Disclosure of Pecuniary Interest with Reasons
 4. Delegations and Public Meetings
 5. Unfinished Business
 6. County Council Business
 7. Committees
 8. Roads department
 9. Planning and By-Law Enforcement Matters
 10. Correspondence
 11. Bills and Accounts
 12. By-Laws
 13. Legal, Property and Personnel
 14. New Business
 15. Bulletins and Information
 21. Confirming By-Law
 22. Adjournment
- 5.3 Agendas for Special Meetings The Agenda for a Special Meeting shall contain only the business for which the meeting was called. At a Special Meeting no other business shall be considered except that for which the meeting was called.

- 5.4 Item Re-Opened At the request of any member present, any item on the agenda may be re-opened upon a majority vote of the members present.

PART 6

MOTIONS & ORDER OF PUTTING QUESTIONS

- 6.1 Motions Any Member of Council may introduce a Motion on a matter of new business unless the majority of Council objects to the Motion in which case the Motion shall not be proceeded with until the next regular meeting and shall stand as a notice of motion for the next meeting.
- 6.2 Presenting Motions All Motions shall be made in writing.
- 6.3 Motions Seconded All Motions shall be seconded before being debated or being put to a question.
- 6.4 Withdrawal of Motions A Motion which has been moved and seconded may be withdrawn upon the request of the mover or seconder prior to voting on the Motion.
- 6.5 Commit Motion to Vote A Motion to commit the Motion to a Vote, shall be decided without debate and shall preclude all amendments to the main Motion.
- 6.6 Motion to Adjourn A Motion to Adjourn the Meeting shall be in order at any time, but no second motion to adjourn shall be entertained until such time as some intermediate business shall be dealt with.
- 6.7 Motion Under Debate When a Motion is under debate no further Motion shall be entertained unless it is one of the following:
a) to commit the original Motion to a vote;
b) to amend the original Motion;
c) to table the original Motion;
d) to postpone discussion of the original Motion;
e) to adjourn the Meeting.
- 6.8 Amendments to Motions A Motion to amend the original Motion shall be considered first. In no case shall there be more than one amendment to an amendment. Amendments shall be considered prior to consideration of the original Motion in the reverse order in which they are presented.
- 6.9 Motions Considered in Parts When the Motion under consideration contains more than one distinct proposition, each distinct proposition shall be considered separately at the request of any Member.
- 6.10 Voting on Motions No Member shall speak on a Motion after the vote on the Motion has been called by the Mayor. Members of Council will immediately take their places when the Mayor calls for a vote on a Motion.
- 6.11 Reconsideration A motion to reconsider shall not be made during the same meeting of Council which the original determination was taken. No question shall be further reconsidered until the expiration of 6 months from the meeting at which the question was originally reconsidered.

PART 7

COMMITTEE OF THE WHOLE COUNCIL

- 7.1 Chairman Whenever Council passes a motion to go into Committee of the Whole, the Mayor shall leave the Chair and appoint a Char of the Committee of the Whole to preside over the meeting.
- 7.2 Procedures in Committee The procedures governing meetings of the Committee of the Whole Council shall be the same as those for meetings of Council with the following exceptions.
a) no motion will be required to be seconded
b) a motion to commit the motion to a vote shall not be allowed
c) There will be no recorded votes
d) The number of times a member may speak shall not be limited

- 7.3 Disorder in Committee Questions of order arising in a meeting of the Committee of the Whole shall be decided by the Chairman, subject to appeal to Council, and if any disorder should arise in the Committee, the Chair shall resume the Chair without any motion being passed.
- 7.4 Rise and Report A member of the committee may at any time make a motion to rise and report and such motion is not debatable and shall be committed to a vote prior to any other motion on the floor.

PART 8

BY-LAWS

- 8.1 Introduction of By-Laws Every By-Law shall be introduced through a Motion to read the By-Law a first and second time. Such a motion shall be decided without comment or debate.
- 8.2 Incomplete By-Laws No By-Law shall be introduced either in a blank or incomplete form.
- 8.3 Consideration of By-Laws Every By-Law must be read a third time in order to be passed. Council may deem a By-Law to have had one or more of the required three readings with the unanimous consent of Council.
- 8.4 Signing By-Laws All By-Laws enacted by Council shall be signed by the Mayor and Clerk and shall have the seal of the Corporation affixed.

PART 9

PETITIONS, COMMUNICATIONS AND DELEGATIONS

- 9.1 Agendas The Clerk shall prepare agendas of Council and Committee meetings as assigned. Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Friday prior to a regular meeting.
- 9.2 Signing Every petition, communication or application must be signed by at least one person. Every petition, communication or application addressed to the Council will be presented to the Council on its agenda for the next regular Council Meeting.
- 9.3 Deadline for Receiving All petitions, communications or applications must be received by the Clerk no later than 4:30 p.m. the Thursday preceding the meeting in order to be placed on the agenda and considered by Council.
- 9.4 Late Submission Any petition, communication or application not included on the agenda may be considered at Council's discretion by passing a motion that the matter be considered.
- 9.5 Delegations No person shall make a delegation to Council unless they have submitted a request to the Clerk no later than 4:30 p.m. the Thursday preceding the meeting and such request shall state the nature of the business and the names of the persons in the delegation. Council may permit any person to make a delegation to Council at any time. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall be limited to not more than fifteen (15) minutes. No person shall address Council without the permission of Council. Council may refuse to hear depositions when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Township of East Garafraxa.
- No person will be permitted to address Council with respect to a specific labour/management dispute, nor will a brief respecting such disputes to listed on an agenda, although a written brief by any person with respect to labour negotiations or labour/management disputes may be distributed to the Council for information purposes.

PART 10

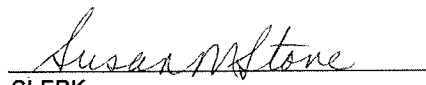
GENERAL

- 10.1 Minutes The Clerk of the Municipality shall truly record the Minutes of the Council Meetings and all the decisions of Council. The Minutes of the Meetings of Council shall be signed by the Mayor and the Clerk.

- 10.2 Exception from Procedures Council may, by unanimous vote, suspend any procedure contained in this By-Law subject to the provisions of the Municipal Act.
- 10.3 Appointments All appointments to Township committees shall be made by Council. Tenure of committee shall be for a period of time set by Council but shall not exceed the term of Council, providing however that appointments shall continue until successors are appointed.
- 10.4 Councillor at Committees Any member of Council may attend any meeting, including an "in camera" meeting, of a committee appointed by Council as a non participating observer.
- 10.5 By-Law to be provided 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.
- 10.6 Inconsistent By-Laws Any By-Law or portion thereof inconsistent with this By-Law is hereby repealed.
- 10.7 By-Law in Force This By-Law shall come into force upon the date of the final passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 20 DAY OF February 2007
BY-LAW READ A THIRD TIME AND PASSED THIS 20 DAY OF February 2007


HEAD OF COUNCIL


CLERK

CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

PROCEDURAL BY-LAW

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