

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 67-07 AS AMENDED BY BY-LAW 47-09

A By-Law to Govern the Proceedings of Council and Committees of Council

WHEREAS pursuant to the *Municipal Act 2001*, as amended, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Corporation of the Municipality of North Grenville deem it advisable to adopt a procedure by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville 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 order and dispatch of business in the Council and in the Committees thereof.

2. **SHORT TITLE**

This by-law may be referred to as the "Procedural By-Law".

3. **DEFINITIONS**

In this by-law

- (a) "C.A.O" shall mean the Chief Administrative Officer of the Municipality of North Grenville.
- (b) "Clerk" shall mean the Clerk of the Municipality of North Grenville.
- (c) "Closed Session" is a closed meeting to allow Council to consider business which in the public interest must be confidential.
- (d) "Committee of the Whole" shall be an informal discussion of Council.
- (e) "Council" shall mean the Council of the Municipality of North Grenville.
- (f) "Emergency" shall mean a sudden, generally unexpected occurrence demanding the immediate action of Council.
- (g) "Head of Council" shall mean the Mayor.
- (h) "Quorum" shall be a majority of the total number of the voting Members of the Council or Committee.
- (i) "Recorded Vote" shall mean the recording of the name and vote of every Member on any matter or question where any Member requests that the vote be recorded.
- (j) "Rules of Order" shall be the rules to regulate conduct during actual meeting of the Council.

4. MEETINGS

- (a) The Swearing-In Ceremony following each municipal election for Members of Council shall be held in the Council Chambers at 2:00 p.m. on the first day of December. Should the first or second day of December fall on a Saturday or Sunday, the Swearing-In Ceremony shall be held on the following Monday.
- (b) Regular meetings of Council shall be held on the second and fourth Monday of each month at the hour of 6:30 p.m. at 285 County Road 44 and shall be held in accordance with the schedule of meetings of Council prepared by the Clerk and approved by resolution of Council. In the case of an emergency, Council may hold the regular meeting at an alternate location as determined by Council.
- (c) If such a day falls on a day identified as a public or civic holiday, the Council shall meet at the same hour on the next following day which is not a public or civic holiday.
- (d) Notwithstanding the provisions of 4.(b) and (c), there shall be one meeting of Council in the months of July, August and December and the meeting shall be held on the second Monday of each month.
- (e) All meetings shall be open to the public except as provided in the *Municipal Act 2001*, as amended.
- (f) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is designated as head of the institution for the purposes of that *Act*.
- (g) Prior to holding a meeting or part of a meeting which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and including the general nature of the matter to be considered at the closed meeting.
- (h) A meeting shall not be closed to the public during the taking of a vote with the exception of the following:
 - the meeting is closed to the public in accordance with the *Municipal Act 2001*, as amended; and
 - the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or committee of either of them or persons retained by or under a contract with the municipality.
- (i) No item of business may be dealt with at a Council or Committee Meeting after ten thirty (10:30) p.m. except by unanimous vote of all Members present.
- (j) Special Meetings
 - (i) A special meeting of Council may be called
 - at any time by the Mayor; or
 - upon receipt of a petition or a clearly expressed opinion 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.
 - (ii) At any time during the absence or unavailability of the Mayor, the Deputy Mayor may call a special meeting.
 - (iii) Notice may be given by delivering a notice personally to a member by leaving such notice at his residence or place of business, or by facsimile transmission to such residence or place of business or by electronic mail to such residence or place of business, or by telephone. The written or verbal notice shall indicate the nature of the business to be considered at the special meeting, date, time and place of the meeting.

- (k) The ring tone on all personal cell phones and electronic devices in the meeting room shall be turned off prior to the start of Council and Committee meetings.
- (l) Public Notice of Meetings
 - (i) Public notice of regularly scheduled meetings of Council and the Committee of the Whole shall be by means of posting on the municipal website at least 7 days in advance and/or by advertising in a local newspaper at least once prior to the subject meeting.
 - (ii) Public notice of special meetings, including meetings closed to the public, shall be by means of posting on the municipal website immediately upon the call of the meeting, and if time permits, by advertising in a local newspaper at least once prior to the subject meeting.
 - (iii) Public notice of public meetings shall be in a similar manner as regularly scheduled meetings of Council and in accordance with any prescribed or legislated requirements.
 - (iv) Public notice of an emergency meeting shall be by means of posting on the municipal website immediately upon the call of the meeting, and contacting the local media by telephone, facsimile transmission, or electronic mail.
 - (v) Public notice of all other Council Committee meetings shall be by means of posting on the municipal website, at least seven (7) days prior to the scheduled meeting.

5. QUORUM

- (a) 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. A majority of the Members of the Council shall constitute a quorum.
- (b) In the event that there shall be no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Clerk shall take the names of those present and the meeting shall stand adjourned.
- (c) In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Deputy Mayor shall take the Chair and shall preside until the arrival of the Mayor.
- (d) In the absence of the Mayor and Deputy Mayor, and if a quorum is present, the Clerk shall call the Members to order. A resolution shall be passed to select an Acting Mayor from among the members present who will preside over the meeting until the arrival of the Mayor or Deputy Mayor.

6. ABSENCE OF HEAD OF COUNCIL

- (a) A Deputy Mayor shall be appointed from the members of Council by resolution during the term of Council. The resolution shall identify the Councillor's name(s) and duration of the appointment(s).
- (b) The Deputy Mayor shall act in the place of the Mayor when the Mayor 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 Mayor.
- (c) If both the Mayor and Deputy Mayor are absent or refuse to act or the offices are vacant, the Clerk shall call the Members to order if a quorum is present, and an Acting Mayor shall be appointed by resolution from among the Members present and he/she shall preside until the arrival of the Mayor or Deputy Mayor. While so acting, such member has all the powers and duties of the Mayor.

7. CONDUCT OF PROCEEDINGS AT MEETINGS OF COUNCIL

- (a) It shall be the duty of the Mayor or other Presiding Officer
- i) to open the meeting of Council by taking the Chair and calling the Members to order,
 - ii) to receive and submit, in the proper manner, all motions presented by the Members of Council,
 - iii) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
 - iv) to decline to put to vote motions which infringe upon the rules of procedure,
 - v) to restrain the Members, within the Rules of Order, when engaged in debate,
 - vi) to enforce on all occasions the observance of order and decorum among the Members,
 - vii) to call by name any Council Member persisting in breach of the Rules of Order of the Council, and to order him/her to vacate the Council Chamber,
 - viii) to receive all messages and other communications and announce or cause them to be announced to the Council,
 - ix) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council,
 - x) to inform the Council, when necessary, or when referred to for the purpose, on a point of order or usage,
 - xi) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
 - xii) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council,
 - xiii) with respect to recorded votes, where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to 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/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote, (The order of the vote shall be the member of Council who requested the recorded vote, followed by the remainder of Council in alphabetical order by last name, followed by the Mayor)
 - xiv) to adjourn the meeting when the business is concluded,
 - xv) to adjourn the meeting without a vote in the case of grave disorder arising in the Council Chamber.
- (b) The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda and the following shall be the General Order of Business at each Council Meeting.
- (i) Disclosure of Interest
 - (ii) Opening Remarks
 - (iii) Additions to the Agenda
 - (iv) Minutes of the Previous Meeting
 - (v) Business Arising From The Minutes

- (vi) Deputations
 - (vii) Correspondence
 - (viii) Reports of Municipal Officers
 - (ix) Reports of Members of Council
 - (x) Petitions
 - (xi) Unfinished Business
 - (xii) Notice of Motions
 - (xiii) Period For Questions From the Public and Media Relating to Agenda Items
 - (xiv) Adjournment
- (c) Any Member of Council, at any time prior to the preparation of the agenda, may file in writing an item for inclusion in the agenda under its appropriate heading.
- (d) The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.
- (e) An item of business not listed on the Council agenda may only be introduced at a Council meeting under 'Additions to the Agenda'. An addition to the agenda shall require Council's consent expressed by a resolution.

8. MINUTES

- (a) Minutes shall record:
- (i) The place, date and time of meeting;
 - (ii) The names of the Presiding Officer or Officers and record of attendance of the Members;
 - (iii) The reading, if requested, correction and adoption of the reading, if requested, correction and adoption of the minutes of prior meetings; and
 - (iv) All resolutions, decisions and other proceedings of the council without note or comment.
- (b) Minutes of Council meetings shall be prepared by the Clerk or their designate and shall be made available to the members of Council prior to the next Regular Council Meeting for consideration, revision and adoption at the next Regular Council meeting. Following adoption, they shall be made available to the public save and except those minutes and reports recorded during a meeting or part thereof that has been closed to the public in accordance with the *Municipal Act 2001*, as amended.
- (c) After this agenda has been made available to Council Members, no additions shall be made to the agenda, unless the Mayor and/or C.A.O. decide that new business has arisen which must be dealt with as quickly as possible.
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- If this situation occurs, the Clerk shall prepare an "Addition to the Agenda" outlining this new business, and each Member of Council will be given this new "Addition" at the beginning of the regular meeting. A resolution to include this in addition to the regular agenda will be made and passed before its inclusion in the business of that regular meeting.
- (d) All minutes for regular or special meetings which have been circulated to all councillors may be adopted by Council without having been read.

9. 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 by at least one person and filed with the Clerk.

- (b) Every petition or communication to be included at any meeting shall be delivered to the Clerk not later than 12:00 noon on the Tuesday preceding the regular Council Meeting.
- (c) A petition or communication may be introduced at a Council meeting with the consent of Council expressed by motion.
- (d) The Clerk shall read the substance of any petition or communication thereof to the Council but any Member may require the actual reading of part or all thereof.

10. DEPUTATIONS

- (a) Any person or deputation desiring to be heard by the Council shall inform the Clerk, in writing or in person, not later than 12:00 noon on the Tuesday preceding the regular Council Meeting, stating the nature of the business to be discussed. Persons addressing the Council shall confine their remarks to the stated business, and shall have a maximum of ten (10) minutes to address Council. There shall be a maximum of two spokesman for each delegation. No person shall be permitted to address Council without first receiving permission from the Council.
- (b) Special permission to address Council without the prescribed notice may be granted by Council, providing that the proper motion when presented, has been supported by the majority of Council members present. The Clerk shall list on the agenda, in the order which they are received a maximum of five (5) delegations. All other delegations received will be held over until the next regular meeting of Council.
- (c) Delegates will be restricted to speak to only those items on the Council agenda or on information item of public interest.
- (d) The Clerk or designate may direct that a deputation be received by the Committee of the Whole on a particular matter rather than addressing Council directly.
- (e) Delegates shall not use indecent, offensive, or insulting words, profanity or unparliamentary language against the Council, staff, guest or individual.

11. UNFINISHED BUSINESS

- (a) The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by direction of Council.

12. BY-LAWS

- (a) All by-laws shall be adopted in a single motion.
- (b) In the event a majority of Members of Council wish to further review a proposed by-law, the approval shall be deferred to a subsequent meeting.
- (c) Any proposed by-law may be referred to a Committee, Department Head, other Officer of the Corporation, or the Solicitor for review and comment.
- (d) 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 Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.

13. MOTIONS

- (a) When a motion is passed it becomes a resolution.
- (b) Every motion in Council must be formally seconded.
- (c) Where possible, motions should be prepared before the meeting and filed with the Clerk for presentation at the meeting.
- (d) *Ultra Vires* - A motion in respect of a matter which is beyond the jurisdiction of the Council shall not be in order.
- (e) *Withdrawal*- After a motion is read or stated by the Mayor it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.
- (f) *Priority of Disposition* - A motion properly before the Council for decision, must receive disposition before any other motion can be received, except motions to amend the main motion or in respect of matters listed in clause 13.(j).
- (g) *Procedure Next Meeting* - A motion called in the order in which it stands upon the agenda of a meeting, and which is not decided by Council shall be allowed to stand, retaining its precedence upon the agenda of the next regular meeting of the Council.
- (h) *Reference to a Committee* - At any time during debate on a motion, or on an amendment to a motion, a motion may be made to refer the matter under discussion to a Committee of Council. If this motion is passed, there will be no further action on the main motion or amendment, until the Committee concerned has made its recommendation to Council.
- (i) The following matters and motions with respect thereto may be introduced orally and without written notice and without leave, except as otherwise provide by these Rules of Procedure:
 - (i) a point of order or of personal privilege
 - (ii) presentation of petitions
 - (iii) to lay on the table or "defer"
 - (iv) to postpone indefinitely or to a certain day
 - (v) to move the previous question
 - (vi) to refer to a Committee.

14. RECONSIDERATION

- (a) A resolution may be reconsidered, if at any time prior to the adjournment of the meeting at which it was passed, any Member who voted on the resolution, gives notice in writing that he/she will move at the first regular meeting held thereafter, a motion for a reconsideration thereof.
- (b) The Council may immediately, when such notice has been given, vote as to whether or not such notice of reconsideration be entertained.
- (c) If such notice is given and accepted no action shall be taken to carry into effect the main motion, until after the motion to reconsider has been disposed of.
- (d) No further discussion of the main motion or on the motion to reconsider shall be allowed unless and until the Council shall have voted to reconsider the same, but the Member who gives the notice may have the privilege of stating his/her reasons for so doing.
- (e) No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.

- (f) After any question has been decided the following shall prevail:
- (i) Any member of Council who voted thereon may give notice within one calendar year after the question was decided, for a reconsideration of the question at any regular meeting of the Council. A 3/5 vote shall be required to carry the motion.
 - (ii) Any time after one calendar year after the question has been decided, the subject matter of the question shall be a proper matter to be brought forward as though it were a new question, and once the question has been allowed to be brought forward and has then been decided, subsection (a) shall again prevail and similarly if the motion for reconsideration is not carried, subsection (a) shall again prevail.
 - (iii) Notwithstanding sub-paragraph (a) hereof, any member of Council who did not vote on the question by reason of not being a duly elected member of Council at the time the vote was taken, shall be deemed to be a member of Council who voted thereon with the majority for the purpose of sub-paragraph 14.(f)(i) hereof.
 - (iv) No discussion of the main question shall be allowed until the motion for reconsideration is carried and no question shall be reconsidered more than once in a calendar year.

15. COMMITTEE OF THE WHOLE

- (a) "Committee of the Whole" is basically a procedure where more informal discussion may be held.
- (b) The Clerk or designate will act as secretary of the Committee.
- (c) Rules of regular Council will govern procedure.
- (d) Matters decided upon by the Committee must be reported back to Council if action is to be taken.
- (e) Council may, at the start of each year, direct certain Committee of the Whole Meetings to be held at locations in North Grenville other than the North Grenville Municipal Centre.

16. RULES OF DEBATE

- (a) When a recorded vote is requested by a Member, or is otherwise required, the Clerk shall record the name and vote of every Member on any matter or question.
- (b) If any member does not vote at a meeting of the Council when a question is put, he/she shall be deemed as voting in the negative, except where he/she is prohibited from voting by statute or he/she has declared a conflict of interest.
- (c) No Member, without leave of the Council, shall speak on the same question, or in reply, for longer than five minutes.
- (d) Where a Member considers that his/her integrity or the integrity of the Council as a whole has been questioned, he/she 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 the matter.

17. PUBLIC CONSULTATION

- (a) Public consultation shall be addressed by the following:
 - i) scheduled public meetings;
 - ii) general question period at Committee of the Whole Meetings; and
 - iii) other "town hall" meetings within North Grenville as determined by Council.
- (b) Question Period at Council Meetings shall be for the purpose of questions relating to agenda items only.

18. CONDUCT OF MEMBERS OF COUNCIL

- (a) No Member shall
 - (i) use offensive words or unparliamentary language in or against the Council or against any Member;
 - (ii) speak on any subject other than the subject in debate;
 - (iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered; or
 - (iv) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council.
- (b) In case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question; no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Council" but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.
- (c) When the Chair is putting any question no Member shall leave or make a disturbance.

19. CONDUCT OF COMMITTEES

- (a) Generally speaking the rules governing the procedure of the Council shall also govern the procedures of Committees, however:
 - (i) A motion shall not require to be seconded.
 - (ii) A motion may be verbal at the discretion of the Committee.
 - (iii) A Member may speak any number of times on a motion but he/she may not speak more than once until every Member who desires to speak has spoken.

20. AMENDMENTS

- (a) 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.

21. AUTHORITY

- (a) Roberts - "Rules of Order" shall be the final authority for any rules governing business procedures not covered in this by-law.

- (b) Any procedure required by this by-law may be temporarily suspended with the consent of a majority of the Council present.

READ A FIRST AND SECOND TIME
THE 13TH DAY OF NOVEMBER, 2007.

READ A THIRD TIME AND PASSED
THIS 26TH DAY OF NOVEMBER, 2007.

BILL GOOCH
Mayor

CAHL POMINVILLE
Clerk