



BY-LAW N° 20-2005

RULES OF PROCEDURES

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**CORPORATION OF THE TOWN OF HAWKESBURY**

**By-law N° 20-2005**

**(consolidated with By-laws N° 81-2006, 99-2006,  
48-2007, 77-2007, 16-2008, 84-2008, 37-2009 & 3-2011)**

**Being a by-law for governing  
the calling, place and  
proceedings of meetings**

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**WHEREAS** the *Municipal Act*, S.O. 2001, c. 25, section 238(2) provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

**PART I - INTERPRETATION**

**1. RULES AND REGULATIONS**

- (1) The rules and regulations contained in this by-law shall be followed for governing the proceedings of Council and the Committees thereof and the conduct of its members;
- (2) Notwithstanding Subsection (1) hereof, the rules and regulations contained in this by-law may be suspended by a two-thirds vote of the members present and voting;

- (3) The majority of the members present and voting shall decide on all points of order not provided for herein and their decision on such points will be the Rule of Procedure for similar cases in the future.

**2. DEFINITIONS**

- (1) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25;
- (2) "Ad Hoc Committee" means a special purpose committee of limited duration, created by Council to inquire into and report on a particular matter or concern and which dissolves automatically upon submitting its final report unless otherwise directed by Council;
- (3) "Chief Administrative Officer" means the Chief Administrative Officer (C.A.O.) of the Corporation of the Town of Hawkesbury;
- (4) "Clerk" means the Clerk of the Corporation of the Town of Hawkesbury;
- (5) "Chair" means the member of Council who presides the meetings of Council or Committee;
- (6) "Committee" means a committee of Council and includes Standing Committees, Joint Committees, Ad Hoc Committees, Committee of the Whole or other Committees or Sub-committees;

- (7) "Council" means the Municipal Council of the Corporation of the Town of Hawkesbury;
- (8) "Majority" means more than half of the members of Council, Committees or Boards;
- (9) "Mayor" means the Head of Council;
- (10) "Member" means a member of Council or of a Committee;
- (11) "Point of Order" means a statement made by a member of Council during a meeting thereof drawing to the attention of the Mayor a breach of the Rules of Procedure;
- (12) "Presiding Officer" means the Mayor at a Regular or Special meeting of Council or the member of Council appointed as the Chair of a Committee or, in the absence of either, the Acting Mayor at the meeting of Council or the Vice-President of Committee at the meeting of a Committee; (Amended by by-law N° 99-2006)
- (13) "Privilege" means the raising of a question which concerns a member of Council or Committee, or the Council or Committee collectively, when a member believes that his or her rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole or of a Committee as a whole have been impugned;
- (14) "Recorded Vote" means the recording of the name and vote of every member voting on any matter or question;

- (15) "Town" means the Corporation of the Town of Hawkesbury;
- (16) "Treasurer" means the Treasurer of the Corporation of the Town of Hawkesbury;
- (17) "Two-thirds vote" means the affirmative vote of at least two-thirds of the members present at the meeting and eligible to vote.

## **PART II - OFFICE OF THE MAYOR**

### **3. DUTIES OF THE MAYOR**

It shall be the duty of the Mayor:

- (1) to open the meeting of Council by taking the chair and calling the members to order;
- (2) to announce the business before the Council and the order in which it is to be acted upon;
- (3) to receive and submit, in the proper manner, all motions presented by the members of Council;
- (4) to put to a vote all motions, which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the results;
- (5) to sit *ex officio* as a member of all Standing Committees and other Committees of the Council and be entitled to vote at meetings;

- (6) to vote on all matters, which are moved and seconded, or necessarily arise in the course of the proceedings;
- (7) to decline to put to a vote, motions which infringe upon the Rules of Procedure;
- (8) to enforce the Rules of Procedure;
- (9) to restrain the members, when engaged in debate, within the Rules of Procedure;
- (10) to enforce on all occasions, the observance of order and decorum among the members;
- (11) to call by name any member persisting in a breach of the Rules of Procedure and order the member to vacate the Council Chambers;
- (12) to expel any person for improper conduct at a meeting; [*Municipal Act, 2001, S.O. 2001, c. 25, s.241(2)*];
- (13) to permit questions to be asked, through the Mayor, to any officer of the Corporation in order to provide information to assist any debate when the Mayor deems it proper;
- (14) to provide information to members of Council on any matter regarding the business of the Corporation;
- (15) to inform the members of Council of any petition or other communication upon receipt;

- (16) to authenticate, by signature, all by-laws and minutes of Council;
- (17) to represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
- (18) to adjourn the meeting to a time to be named by the Mayor, without any motion being put, when it is not possible to maintain order;
- (19) to adjourn the meeting when the business is concluded.

#### **4. PARTICIPATION OF THE MAYOR IN DEBATE**

- (1) The Mayor may state relevant facts and his position on any matter before the Council without leaving the chair, but it shall not be permissible for the Mayor to move a motion or debate a question without first leaving the chair.
- (2) If the Mayor desires to leave the chair to move a motion or to take part in the debate pursuant to Subsection (1), or otherwise, the Mayor shall call upon a member to preside until the issue is resolved.

### **PART III - COUNCIL**

#### **5. INAUGURAL MEETING**

- (1) The inaugural meeting of Council after a regular municipal election shall be held on the first Monday in the month of December at seven o'clock in the evening in the Council

Chambers at the Town Hall.

- (2) A member shall not take his seat on the council until he takes his declaration of office in the English or French version of the form established by the Minister for that purpose. [*Municipal Act, 2001, S.O. 2001, c. 25, s.232(1)*]

## **6. COUNCIL MEETINGS**

- (1) Regular meetings of Council shall be held in the Council Chambers on the second, third and last Mondays of each month at 7:00 p.m. (amended by By-law N° 84-2008)
- (2) If the Regular meeting to be held on the last Monday of each month shall fall on a public holiday, the Council shall meet at the designated hour on the previous Monday. If the Regular meetings to be held on the second and third Monday of each month shall fall on a public holiday, the meeting is cancelled. (Amended by By-law N° 16-2008)
- (3) Council may alter the date and/or time of a Council meeting provided that a notice of 48 hours is posted at the Town Hall.
- (4) During the months of July and August the regular meetings shall be suspended. However, during the month of August, a regular meeting may be held on the third Monday at 7:00 p.m. if needed. (amended by By-law N° 84-2008)

## **7. SPECIAL MEETINGS**

- (1) The Mayor may at any time call a Special meeting. [*Municipal Act, 2001, S.O. 2001, c. 25, s. 240 (a)*]
- (2) 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. [*Municipal Act, 2001, S.O. 2001, c. 25, s. 240 (b)*]
- (3) Once received by the Clerk, no member may add or remove his name from a petition filed under this Section.
- (4) In either case of (1) or (2) above, the Special meeting shall be held not sooner than 48 hours following the Mayor's summons or receipt of the petition, as the case may be, and the Clerk shall provide written notice of the Special meeting immediately following receipt of the summons or petition.
- (5) Notwithstanding this Section, on urgent and extraordinary occasions, with the consent of four members of Council, recorded in the minutes, an emergency Special meeting of the Council may be called by the Mayor without notice, to consider and deal with such urgent and extraordinary matters.
- (6) The notice for a Special meeting shall specify the purpose for the meeting.

- (7) The only business to be dealt with at a Special meeting is that which is given in the notice of the meeting.

#### **7A. NOTICE OF MEETINGS**

A monthly calendar shall be adopted by the Municipal Council at either a regular meeting or special meeting. All scheduled Council meetings shall be shown on the monthly calendar. Said monthly calendar shall be posted no later than the first day of the month on the Town website. It may be revised during the month to show any special meetings that have been called or any modifications. Notice for meetings that were not on the original monthly calendar shall be posted on the Town website. (Amended by by-law N° 16-2008).

#### **8. SEATING AT THE COUNCIL TABLE**

The seating at the Council table shall be determined by the Mayor before the inaugural meeting.

#### **9. PRESIDING AT THE COUNCIL MEETINGS**

- (1) The Mayor, except where otherwise provided, shall preside at all meetings of the Council. [*Municipal Act, 2001*, S.O. 2001, c. 25, s.241]
- (2) When the Mayor is absent or refuses to act, or the office is vacant, the Acting Mayor shall act in the place and stead of the Mayor and, while so acting, the Acting Mayor has all the powers and duties of the Mayor. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 242] (Amended by by-law N° 99-2006)

### **PART IV - OPEN AND CLOSED MEETINGS**

#### **10. MEETINGS OPEN TO THE PUBLIC**

All Council meetings shall be open to the public. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 239 (1)]

#### **11. MEETINGS CLOSED TO THE PUBLIC**

- (1) Notwithstanding Section 10 above, a meeting or part of a meeting may be closed to the public if the subject matter being considered is: [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 239 (2)]
- (a) the 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 by the municipality or local board purposes;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) 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 meeting under another Act.
- (h) for the purpose of educating 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.  
(Amended by by-law N° 16-2008)

- (2) Before holding a meeting or part of a meeting that is to be closed to the public, the Council shall state by resolution: [*Municipal Act, 2001, S.O. 2001, c. 25, s. 239 (4)*]
  - (a) the fact of the holding of the closed meeting; and
  - (b) the general nature of the matter to be considered at the closed meeting.
  - (c) in the case of a meeting under subsection (1) (h), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. (Amended by by-law N° 16-2008)
- (3) A meeting shall not be closed to the public during the taking of a vote unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or

agents of the municipality or local board or committee of either of them or persons retained by or under contract with the municipality or local board. [*Municipal Act 2001, S.O. 2001, c. 25, s. 239 (5) and s. 239 (6) (b)*]

- (4) Meetings closed to the public may be held either in the Council Chamber or in the Conference Room located in the Mayor's Department. However, the Municipal Council shall return in the Council Chamber for the taking of the votes.  
(amended by By-law N° 48-2007)

## 12. QUORUM

- (1) A majority of the members of a municipal council is necessary to form a quorum. [*Municipal Act, 2001, S.O. 2001, c. 25, s. 237 (1)*]
- (2) If a quorum is not present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present and the members shall stand discharged from waiting further and the meeting shall not commence or proceed.
- (3) If a meeting does not take place because of the lack of a quorum under Subsection (1), the Council shall meet at the next scheduled meeting, or at such other time as the Mayor shall announce.

### 13. QUORUM LOST

- (1) If, during the course of a meeting, a quorum is lost, then the meeting shall stand adjourned, not ended, to convene or reconvene at such other time as the Mayor shall then announce.
- (2) If, in the Mayor's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor shall announce that the unfinished business of the Council will be taken up at its next regularly scheduled meeting.
- (3) The Clerk shall give notice of any meeting so adjourned and to be reconvened by telephone or as is otherwise practical within the time available.

### 14. CURFEW

Council meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a resolution passed by unanimous vote.

## PART V - ORDER OF PROCEEDINGS

### 15. AGENDAS AND SUPPORTING MATERIAL

- (1) The clerk shall prepare agendas of council meetings. Subjects to be presented on the agenda must be received by the clerk no later than 11:00 a.m. the Thursday preceding the meeting with all supporting documents.  
(Amended by By-law N° 84-2008)

- (2) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members of Council on the Friday prior to a Regular meeting.

### (3) Presentations

Include:

- a) Visit of a provincial or federal elected member of Parliament;
- b) Visit of an elected member of a local municipality or of the United Counties of Prescott & Russell to present a subject of municipal interest;
- c) Remittance of certificate of merit or of recognition by Council;
- d) Report of a consulting firm hired by the municipality;
- e) Report of an Ad Hoc Committee, commission or local board duly appointed by Council;
- f) Report of an individual or group representing a community organization of the municipality duly invited by resolution of Council adopted at a preceding meeting.

Presentations are subject to a fifteen minute time limit plus an extra five minutes for questions and/or comments from Council. The Clerk shall be notified of these presentations no later than 1:00 p.m. the Wednesday preceding the regular meeting and presentation material shall be submitted in full at the same time. Exception to the disclosure rule is made to the following: a), c), and d)

enumerated in the preceding paragraph.

There shall be no more than two presentations scheduled for any regular meeting of Council.

Specific types of audio visual equipment may be used to assist in presentation to Council, provided that permission has been obtained from the Clerk, and material shall be provided and installed by the presenters prior to the meeting.

The Clerk shall keep account of the time expended by presentations and at the completion of the allotted time, the Chair shall advise the presenter to cease. A two-thirds vote may be duly requested by Council to extend the allotted time.

#### Delegations

Every individual, organization or group wishing to address Council shall notify the Clerk no later than 1 :00 p.m. on the Wednesday preceding the regular meeting by providing the Clerk with a written copy of the full document to be presented.

Delegations shall be permitted to speak on a matter only once, and be limited to speak for no more than ten minutes.

There shall be no more than 2 delegations scheduled for any regular meeting of Council.

Council shall have the discretion to limit delegations on repetitive topics, topics that are of personal interest, or beyond the jurisdiction of the municipality by adopting a motion to that effect. No delegations shall be permitted to address Council relating to any litigation matters with respect to the municipality or any subjects that have been discussed in closed meeting as per section 11.

The Clerk shall keep account of the time expended by delegations and at the completion of the allotted time, the Chair shall advise the individual to cease.

It shall be permitted to members of Council to ask one question each for obtaining clarification from delegates but shall not engage in any debate. It shall also be permitted to members of Council to emit comments on the subject by respecting however the five minute delay prescribed in section 24. If the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

No delegation shall:

- speak disrespectfully of any person;
- use improper language or unparliamentarily language;
- speak on any subject other than the subject for which they have received approval to address Council;
- disobey the rules of procedures or a decision of the Chair. (amended by By-law N° 37-2009)

Question period:

A question period from the public shall be authorized for a maximum of ten minutes. It may be extended by a majority vote of council. A person wishing to put a question to council shall seek permission from the mayor by advancing to the podium, introducing himself or herself, giving his or her contact information and addressing his or her question to the mayor.

The mayor may answer the question, refer same to another member of council or of staff, or if not possible to answer it immediately, he or she shall refer it to the Chief administrative officer who shall ensure that the concerned department answers it in writing to the person. A copy of the written answer shall be circulated to council. It shall be out of order that a debate be introduced between the person who asked a question and the person who answers it.

A person shall be authorized to ask only one question and a sub-question per meeting and shall be limited to three minutes including the preamble. A person shall be authorized to submit a detailed preamble of his or her question in writing in advance to council by submitting the entire text no later than 1:00 p.m. on the Wednesday preceding the regular meeting to the clerk. Council shall have the discretion to limit questions on repetitive topics, even if questions are not asked by the same person.

Only questions of public concerns shall be authorized. Questions pertaining to personal files, litigation matters, insurance claims and subjects discussed in-camera, matters

beyond the municipality's jurisdiction, accusations and complaints against an individual including a member of council or staff shall be inadmissible. Speeches shall not be authorized in the question period. A person who has addressed council in the delegation section shall not be authorized to ask a question on that matter.

No person shall:

- speak disrespectfully of any person;
- use improper language or unparliamentary language;
- disobey the rules of procedures or a decision of the mayor.

The Mayor or any member of council may rise of point of privilege or a point of order in accordance with sections 20 and 21. (Added by by-law N° 3-2011)

- (4) The Order of Business of Council at a regular meeting shall in all cases, be taken up in the following sequence, unless otherwise decided by the majority of the Members present:
- 1) Prayer
  - 2) Adoption of the agenda
  - 3) Disclosure of pecuniary interest
  - 4) Adoption of minutes
  - 5) Reports of the Mayor and councillors
  - 6) Presentations
  - 7) Delegations
  - 8) Question period (Added by By-law N° 3-2011)
  - 9) Matters requiring action
  - 10) By-laws
  - 11) Notices of motion

- 12) Services reports and requests for support
- 13) Question period from Council members
- 14) Closed meeting
- 15) Confirming by-law
- 16) Adjournment

The item "Reports of the Mayor and councillors" on the agenda shall be used by each member of Council to present a summary of all activities or meetings attended since the last meeting, not to attack an individual, a member of Council or a member of staff, nor to give personal comments on any subject already or to be discussed. Reports shall be presented in writing and made available to the public. Reports of the Mayor and councillors shall not be adopted by resolution of Council.

The item "Question period from Council members" shall not exceed ten minutes, and questions shall be submitted to the administration prior to the meeting. No question pertaining to a particular case where an individual may be identified shall be permitted. Only questions of public interest shall be asked. (Amended by By-law N° 84-2008)

- (5) The business of the Council shall be considered in the order set forth on the agenda, provided however that the Mayor, with the approval of the Council, may vary the order of business to better deal with matters before the Council.
- (6) Communications received after the day the agenda was distributed to Council may, with the approval of the Mayor, be distributed at said meeting. Any communications so

distributed shall be recorded in the minutes.

- (7) The Council shall not consider any by-law which is not listed on the agenda, nor any report of a Committee or any motion that has not been distributed to the members with the agenda.
- (8) Notice of regrets from members unable to attend a Council meeting shall be made directly to the Clerk's Office.

## 16. MINUTES

- (1) Minutes shall record:
  - (a) the place, date and time of the meeting;
  - (b) the name of the Presiding Officer and the record of the attendance of the members;
  - (c) the disclosures of pecuniary interest;
  - (d) the late arrivals and early departures of members;
  - (e) the reading, if requested, correction and adoption of the minutes of prior meetings;
  - (f) all other proceedings of the meeting without note or comment.
- (2) If the minutes have been delivered to the members of Council, then the minutes shall not be read, and a

resolution that the minutes be adopted shall be in order. Minutes of in-camera meetings shall be adopted by Council at the same meeting than the minutes of the open meeting. They shall be delivered in a seal envelop to the members of Council prior to their adoption and shall not be read publicly. If a discussion about the in-camera minutes is asked, the Municipal Council shall hold the discussion in an in-camera meeting. It shall not be mandatory for the mover and seconder to have attended a meeting for moving and seconding the adoption of the minutes. Minutes of different meetings may be adopted all at once. (Amended by by-law N° 16-2008)

- (3) After the minutes have been adopted, they shall be signed by the Mayor and the Clerk. They shall be made available for viewing during normal office hours and shall be posted on the Town website, except for the minutes recorded during a meeting or part thereof that was closed to the public in accordance with Section 11 of the present By-law. (Amended by by-law N° 16-2008)

## **17. COMMUNICATIONS AND PETITIONS**

- (1) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall be signed by at least one person and filed with the Clerk.
- (2) All written communications on any subject within the jurisdiction of the Council shall, on presentation, be referred to the Chief Administrative Officer's Office for proper action.

If presented by a member at a Council meeting, any member may move that the said communication be referred to the Chief Administrative Officer's Office for proper action.

- (3) (Repealed by By-law N° 84-2008)

## **PART VI - RULES OF CONDUCT AND DEBATE**

### **18. ADDRESS THE MAYOR**

- (1) Any member desiring to speak shall so signify his or her intent in such a manner as the Mayor may direct, and, upon being recognized by the Mayor, shall address the Mayor.
- (2) When two or more members signify their desire to speak, the Mayor shall recognize the member who, in his opinion, signified first and next recognize in order the other members.

### **19. CONDUCT OF MEMBERS OF COUNCIL**

- (1) No member of Council shall:
  - (a) speak disrespectfully of a fellow member of Council, staff or guest;
  - (b) use offensive words or unparliamentary language;
  - (c) speak on any subject other than the subject in debate;
  - (d) leave a meeting without first obtaining permission from the Mayor;

- (e) upon returning to his seat during a discussion, debate or vote the resolution which is being discussed;
- (f) where a matter has been discussed in a meeting closed to the public, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the meeting closed to the public;
- (g) disobey the Rules of Procedure or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

- (2) Where a member has been called to order by the Mayor for failing to observe the provisions of Subsection (1) and the member persists in any such disobedience, the Mayor may immediately put the question, no amendment, adjournment or debate being allowed: "That (*Name of member of the Council*) be ordered to leave his seat for the duration of the meeting of the Council", but if the member apologizes, the member may, by vote of Council, be permitted to retake his seat.

## **20. PERSONAL PRIVILEGE**

Where a member considers that his or her rights, immunities or integrity or the rights, immunities or integrity of the Council has been impugned, the member may, as a matter of privilege, speak at any time, with the consent of the Mayor, for the purpose of drawing the

attention of the Council to the matter.

## **21. POINTS OF ORDER**

- (1) A member who desires to address the Council upon a matter which concerns the rights or privileges of the Council collectively, or as an individual member, shall be permitted to raise such matter of privilege. A breach of privilege is a wilful disregard by a member or any other person of the dignity and lawful authority of the Council. A matter of privilege shall take precedence over other matters. When a member raises a point of privilege, the Mayor shall rule on the point of privilege, and no one will be considered to be in possession of the floor.
- (2) A member who desires to call attention to a violation of the Rules of Procedure shall ask the Mayor to raise a point of order. When leave is granted, the member shall state the point of order with a concise explanation and will follow the decision of the Mayor. The speaker in possession of the floor when the point of order or privilege was raised will have the right to the floor when the debate resumes.
- (3) A member called to order by the Mayor shall immediately remain in his seat until the point of order is dealt with, and will not speak again without the permission of the Mayor unless to appeal the ruling of the Mayor.
- (4) The decision of the Mayor is final, subject to an immediate appeal, requested and seconded, to the members of Council.

- (5) If the decision is appealed, the Mayor shall give concise reasons for a ruling, and the Council, if so appealed to, shall call a vote, without debate on the following question: "Will the Mayor be sustained?", and its decision is final.

## **22. ENQUIRIES AND ANSWERS**

- (1) Any special enquiry made by a member at a meeting of the Council must be submitted in writing, signed by the member, and referred to the Chief Administrative Officer or Clerk for response.
- (2) A response to such enquiry shall be provided in writing in accordance with the procedures under the Municipal Freedom of Information and Protection of Privacy Act, and distributed to all members of Council.
- (3) Should the request involve extraordinary staff research time and production costs, the Council shall be advised.

## **23. MEMBER SPEAKING**

- (1) When a member is speaking, no other member shall pass between the member and the Mayor or interrupt the member except to raise a point of order.
- (2) No member shall speak more than once to the same question without leave of the Council, except that a member who has presented a substantive motion, rather than an amendment, may reply.

## **24. TIME LIMITED**

No member, without leave of the Mayor, shall speak to the same question, or in reply, for longer than five minutes.

## **25. QUESTION PUT - NO FURTHER DEBATE**

After any question is put by the Mayor, no member shall speak to the question, nor shall any other motion be made until after the result is declared, and the decision of the Mayor as to whether the question has been put, shall be conclusive.

## **26. MEMBERS' QUESTIONS**

- (1) A member may ask a question to the Mayor for the purpose of obtaining information relating only to the matter under discussion and such question must be stated succinctly.
- (2) 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.
- (3) When questions are called for on the agenda or a specific item is under discussion, enquiries may be made to the Mayor, or through the Mayor to any member of Council or any Director, concerning any matter connected with the business of the Corporation. However, no argument or opinion is to be offered, or facts to be stated, except so far as may be necessary to explain same. In answering or putting any such question, a member is not to debate the

matter to which the question refers.

**27. UNPROVIDED CASES**

In all unprovided cases in the proceedings of the Council, the matter shall be decided by the Mayor, subject to an appeal to the Council.

**PART VII - VOTING IN COUNCIL**

**28. SECRET VOTING PROHIBITED**

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 244]

**29. ALL MEMBERS VOTE**

- (1) Except as otherwise provided, every member of a council shall have one vote. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 243]
- (2) Every member present at a meeting of the Council, when a question is put, shall vote thereon, unless excused for a pecuniary interest, in which case it shall be recorded. Any member who abstains or refuses to vote shall be recorded as voting in the negative.

**30. SEVERABILITY OF QUESTION**

When the matter under consideration contains distinct recommendations or propositions, upon the request of any member, a vote upon each recommendation or proposition shall be taken separately.

**31. VOTING**

When the Mayor calls for the vote on a question, each member shall occupy his or her seat until the result of the vote has been declared by the Mayor, and during such time, no member shall walk across the room or speak to any other member or make any noise or disturbance. A member who is not at his seat during a discussion shall not be entitled, upon returning to his seat, to vote the resolution which was being discussed during his absence.

**32. RECORDED VOTE**

- (1) 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. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 246 (1)]
- (2) When a recorded vote is requested by a member on any matter or question, the Clerk shall call each member by name and such member shall announce his vote openly. The members shall be called in alphabetical order starting with the Councillors and then the Mayor. (Amended by by-law N° 99-2006)
- (3) When a vote is taken, and no dissent is declared, such vote shall be deemed to be unanimously in favour of the question approved.
- (4) If a vote is to be recorded as herein provided, the Clerk shall call the vote, announce the division, and shall record them in the minutes.
- (5) A failure to vote 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. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 246 (2)]

**33. TIE VOTE**

Any question on which there is an equality of votes shall be deemed to be lost, except where otherwise provided by any Act. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 245]

**34. DISAGREEMENT WITH THE RESULT OF THE VOTE**

If a member disagrees with the announcement of the Mayor that a question is carried or lost, the member may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken.

**35. PECUNIARY INTEREST**

- (1) Notwithstanding the provisions of section 29, if a member of Council present at a meeting desires to refrain from voting by reason of a pecuniary interest, he shall abide with the provisions of Section 5 of the Municipal Conflict of Interest Act.
- (2) It shall be the duty of the Clerk to record in the minutes of the meeting, every declaration of interest and the general nature thereof made under section 5 of the Municipal Conflict of Interest Act.

## PART VIII - RESOLUTIONS AND MOTIONS

### 36. MOTIONS

- (1) Every motion, when duly moved and seconded, shall be read by the mover and shall be open for discussion.
- (2) The Mayor may not move or second any motion without first leaving his chair, but must vote on a motion.
- (3) The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by the Rules of Procedure:
  - (a) a point of order or personal privilege;
  - (b) presentation of petitions;
  - (c) to move the question be put;
  - (d) to adjourn or to postpone indefinitely or to a specific day.
- (4) The following motions may be introduced, without notice and without leave, except as otherwise provided by the Rules of Procedure:
  - (a) to refer;

(b) to table, or to postpone, or to adjourn or defer to a certain day;

(c) to amend;

(d) to suspend the Rules of Procedure;

(e) any other procedural motion.

- (5) Except as provided for in Subsection (3) hereof, all motions and resolutions shall be in writing commencing with the words "Be it resolved that".
- (6) All motions may be supported or opposed by the mover and seconder.
- (7) The mover and seconder may withdraw a motion or a notice of motion at any time prior to the commencement of debate thereon.
- (8) There shall never be more than one motion before the Council or Committee at one time.
- (9) When the motion under consideration contains two or more matters, upon the request of any member of Council or Committee, each matter may be voted on separately.
- (10) The Clerk shall note the date and shall assign a number on each resolution, along with the results of the vote.

**37. NO DEBATE UNTIL READ**

- (1) No member shall speak on any motion until it is first read, and the mover is entitled to speak if the member so elects. If debated, the question of motion shall be read again before being put.

**38. MOTIONS RULED OUT OF ORDER**

- (1) Whenever the Mayor is of the opinion that a motion or resolution is contrary to the Rules of Procedure, the Mayor shall rule the motion or resolution out of order.

**39. ORDER OF CONSIDERATION**

- (1) When a question is under consideration, no motion shall be received except a procedural motion or motion to amend.
- (2) Procedural motions shall be considered immediately upon receipt and shall have precedence and are subject to debate as follows:
- (a) to extend the time of the meeting (not debatable);
  - (b) to move the question be put (not debatable);
  - (c) to refer (debatable);
  - (d) to lay on the table (debatable);
  - (e) to defer indefinitely or to a certain day (debatable);

(f) to adjourn (not debatable);

(g) any other procedural motion (debatable).

**40. AMENDMENT**

- (1) A motion to amend:
- (a) shall be presented in writing;
  - (b) shall be relevant and not contrary to the principle of the report or motion under consideration;
  - (c) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the main issue which was the subject matter of the question;
  - (d) shall be put in the reverse order to the order in which it is moved.
- (2) Only one motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.
- (3) Notwithstanding subsection (2) hereof, any amendment(s) to a motion may be placed in the order to be determined by the Mayor as the most logical, practical and expeditious in all of the circumstances.

#### **41. THE QUESTION BE NOW PUT**

- (1) A motion that the question be now put:
  - (a) is not debatable;
  - (b) cannot be amended;
  - (c) cannot be moved when there is an amendment under consideration;
  - (d) shall preclude all amendments of the main question;
  - (e) when resolved in the affirmative, the question is to be put forward without debate or amendment;
  - (f) cannot be moved by a member who has already debated the question unless another member has subsequently debated the question;
  - (g) can only be moved in the following words "*that the question be now put*";
  - (h) may be voted against by the mover and seconder.

#### **42. MOTION TO REFER**

- (1) A motion for reference to a Committee, Board, Official or Commission until it is decided, shall preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table.

- (2) A motion simply "to refer", without specifying the Committee or other body or official to whom the matter is referred, is a referral to the Committee of the Whole.

- (3) A motion to refer is debatable.

#### **43. MOTION TO LAY ON THE TABLE**

- (1) A motion simply "to lay a matter on the table" is debatable but cannot be amended.

- (2) A motion "to lay on the table" with some condition, opinion, or qualification added to the motion to table shall be deemed to be a motion to postpone or defer made under Section 44.

- (3) The matter tabled shall not be considered again by the Council until a motion has been made to take up the tabled matter at the same or subsequent meeting of the Council.

- (4) A motion to take up a tabled matter is not subject to debate or amendment.

- (5) A motion that has been tabled at a previous meeting of the Council cannot be lifted off the table unless notice is given in accordance with Section 45.

- (6) A motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn, and cannot be taken from the table.

**44. MOTION TO POSTPONE OR DEFER**

- (1) A matter postponed or deferred to a definite date shall have precedence over all other business on such date.
- (2) A motion to postpone or defer indefinitely shall be treated as if it was a motion to lay on the table.

**45. NOTICE OF MOTION**

- (1) A notice of motion shall:
  - (a) be in writing;
  - (b) be included in the agenda;
  - (c) inform Council that the matter will be discussed at a subsequent meeting;
  - (d) be presented as follows:

*I hereby give notice that at the next meeting of Council (or Committee) which will be held on (date), I will move a resolution concerning (subject).  
(Name of mover)*

- (2) When a member's notice of motion has been called from the Mayor at two consecutive meetings and not proceeded with, it shall be dropped from the agenda unless the Council otherwise decides.
- (3) If, at the third meeting, such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

- (4) The mover may withdraw a motion or a notice of motion at any time prior to the commencement of debate thereon.

**46. DISPENSING WITH NOTICE**

- (1) Any motion may be introduced without notice if the Council or Committee, without debate, dispenses with notice on the affirmative vote of a least two-thirds of the members present and voting.

**47. RECONSIDERATION**

- (1) A substantive resolution, by-law of any question or matter that has previously been adopted by the Council may be reconsidered by the Council subject to the following:
  - (a) A notice of motion, moved by a member who voted in the majority on the question, must be introduced according to the procedures for notices of motion.
  - (b) Debate on the question must be confined to reasons for or against.
  - (c) Such motion must be supported by a majority vote of the members of the Council before the matter to be reconsidered can be debated.
  - (d) A vote to reconsider shall not be considered more than once in any twelve-month period.

- (2) These rules do not apply when a motion pertains to a decision of a previous Council.

#### **48. MOTION TO ADJOURN**

- (1) A motion to adjourn:
  - (a) shall always be in order except as provided by the Rules of Procedure;
  - (b) when resolved in the negative, cannot be made until after some intermediate proceedings have been completed by the Council;
  - (c) is not in order when a member is speaking or during the verification of a vote;
  - (d) is not in order immediately following the affirmative resolution of a motion for the previous question;
  - (e) is not debatable.
- (2) A motion to adjourn without qualification, if carried, brings a meeting of the Council to an end.
- (3) A motion to adjourn to a specific time, or to reconvene upon the happening of a specific event, if carried, suspends the meeting of the Council to continue at such time.

## **PART IX - BY-LAWS**

### **49. READING OF BY-LAWS AND RELATED PROCEEDINGS**

- (1) By-laws may be presented to the Municipal Council at any Regular Meeting for consideration but the approval may be postponed to a subsequent meeting at the discretion of the Municipal Council. (amended by By-law N° 48-2007)
- (2) 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 any Act.
- (3) Every by-law shall be given three readings for enactment.
- (4) 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.
- (5) The Clerk shall endorse on all by-laws enacted by the Council, the dates of the several readings, if any.
- (6) Upon enactment, by-laws shall be numbered, signed by the Mayor or the Acting Mayor and the Clerk or the Acting Clerk and embossed with the seal of the Corporation. (Amended by by-law N° 99-2006)
- (7) All by-laws enacted by Council shall be indexed and filed in the office of the Clerk for safekeeping.

**PART X – COMMITTEES** (Sections 51 to 65 repealed by by-law N° 16-2008)

**50. SPECIAL OR AD HOC COMMITTEES**

The Municipal Council may establish special or Ad Hoc Committees at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Council. Upon appointment, the terms of reference shall be set forth by the Council. The Special or Ad Hoc Committees shall conform to the rules governing procedure in the Council and shall report back to the Council as per Section 66 Reports of Committees. (Amended by by-law N° 16-2008)

**66. REPORTS OF COMMITTEES**

- (1) All Committees, including Ad Hoc Committees, shall submit written reports on any subject or matter referred to by the Council or dealt with between meetings of the Council, but verbal reports may also be received by the Council when requested by the Mayor.
- (2) When it is desired that the Council take cognizance only of a report which has been submitted rather than adopt the same, the motion shall be: "THAT THE REPORT BE RECEIVED".
- (3) When it is desired that the Council authorize, approve, confirm and cause to be implemented that which a Committee has recommended, the motion shall be: "THAT THE REPORT BE ACCEPTED".

- (4) Notwithstanding Subsection (3) hereof, when a report deals with more than one subject matter and the Council is not prepared to adopt all the report, a separate vote should be taken with respect to each subject matter and any matter which is not adopted should be referred back to the Committee for further consideration.

**67. BOARDS**

The Council shall appoint members to certain boards and other bodies as follows:

- (1) **Police Board** on which the Mayor, or another member of Council appointed by resolution of the Council, is appointed for the term of the Council.
- (2) **Public Library Board** on which one member of Council is appointed for the term of the Council.
- (3) **Business Improvement Area Board (B.I.A.)** on which one member of Council is appointed for the term of Council.

**68. VACANCY ON COMMITTEES AND BOARDS**

- (1) Should any member of a Committee or Board fail to attend three consecutive Regular or Special meetings without being authorized to do so by a resolution of the Committee or Board, the Committee or Board may certify such failure and the membership of such person of the Committee or Board is terminated and the Council may appoint another member to fill the vacancy.

- (2) Should a member of a Committee or Board die, resign, or be otherwise disqualified, the Council shall, by resolution, declare his seat vacant and may appoint another member to fill the vacancy.
- (3) Should any Committee or Board neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such Committee or Board and appoint another in its place.
- (4) Should the Presiding Officer of any Committee or Board neglect or refuse to call meetings of the Committee or Board at such times or with such frequency as the proper dispatch of the Committee's or Board's business requires, or do the business of the Committee or Board without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee or Board may report such neglect, refusal or action to the Council which may remove such Presiding Officer and appoint another member as Presiding Officer.

## **PART XI - GENERAL PROVISIONS**

### **69. REQUESTS FROM MEMBERS OF COUNCIL**

All requests from any member of Council concerning any administrative matter of the Corporation of the Town of Hawkesbury shall be directed to the Chief Administrative Officer for proper action.

### **70. DUTIES OF THE CLERK**

- (1) It shall be the duty of the Clerk or a representative to act as the Secretary of Council.
- (2) When any matter is referred from one meeting to the next, the Clerk shall take cognizance of the same and lay the same before the Council at such next meeting.
- (3) 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.

### **71. TIME**

Whenever any time is referred to in this by-law, the same shall be reckoned to be Eastern Standard Time or Daylight Saving Time, whichever shall be in effect at the relevant time.

### **72. EXECUTION OF DOCUMENTS**

Whenever the execution of any document is required to give effect to any resolution or by-law of the Corporation, the Mayor or the Acting Mayor and the Clerk or the Acting Clerk shall have general authority for and in the name of the Town to execute and to affix the seal of the Corporation to such documents. (Amended by by-law N° 99-2006)

### **73. PROCEDURE TO AMEND THE PROCEDURE BY-LAW**

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 Council and the waiving of notice is prohibited.

**74. RULES OF PARLIAMENT**

All proceedings of the Council or Committee not specifically provided for herein shall be dealt with, firstly, in accordance with Robert's Rules of Order and secondly with "Code Morin".

**75. ADDRESS OF MEMBERS OF COUNCIL**

Each member of Council shall inform the Clerk of the address to which notices of meetings, agendas, minutes and other information may be sent.

**76. RECORDING EQUIPMENT**

At the meetings of Council and Committees, the use of cameras, electric lighting equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public or of any news media whatsoever, may be permitted. and may be subject to the approval and/or direction of the Mayor or Presiding Officer unless otherwise decided by the Council.

**77. COMMUNICATION DEVICES**

(1) The use of cellular phones, audible pagers or any other similar communication device is not permitted at Council or Committee meetings.

(2) Despite Subsection (1), the use of any communication device is permitted to the Town emergency personnel on duty.

**78. REPEAL**

By-law N° 4-2004 and amendments thereto are hereby repealed.

**79. EFFECT**

This by-law shall come into force and take effect on the 1<sup>st</sup> day of May, 2005.

**80. SHORT TITLE**

This by-law may be referred to as the "*Council Procedure By-law*" or the "*Procedure By-law*".

**READ A FIRST AND SECOND TIME THIS 23<sup>rd</sup> DAY OF MARCH 2005.**

\_\_\_\_\_  
**Acting Clerk**

\_\_\_\_\_  
**Mayor or Reeve**

**READ A THIRD TIME AND FINALLY ADOPTED THIS 6th DAY OF APRIL 2005.**

\_\_\_\_\_  
**Acting Clerk**

\_\_\_\_\_  
**Mayor or Reeve**

(By-law N° 81-2006 was adopted by Council on September 18<sup>th</sup>, 2006, By-law N° 99-2006 was adopted of December 20<sup>th</sup>, 2006, By-law N° 48-2007 was adopted on June 25<sup>th</sup>, 2007, By-law N° 77-2007 on October 29<sup>th</sup>, 2007, By-law 16-2008 on March 3, 2008, By-law N° 84-2008 on November 24, 2008 and By-law N° 37-2009 adopted on May 25, 2009)