

CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 20-2005

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

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 Reeve or Deputy Reeve at the meeting of Council or the Vice-President of Committee at the meeting of a Committee;
- (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 last Monday of each month at 7:00 p.m.
- (2) If a Monday designated for the holding of a Council meeting shall fall on a public holiday, the Council shall meet at the designated hour on the previous Monday.
- (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 meeting of Council shall be suspended.

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.

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 Reeve and in the absence of the Reeve, the Deputy Reeve shall act in the place and stead of the Mayor and, while so acting, the Reeve or the Deputy Reeve has all the powers and duties of the Mayor. [*Municipal Act, 2001*, S.O. 2001, c. 25, s. 242]

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.
- (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.
- (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)]

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 as assigned.
- (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) Individuals or groups wishing to appear before Council at a Regular meeting shall advise the Clerk not later than 4:00 p.m. seven days prior to the meeting and the Clerk may make a determination as to deferral or delegations to a committee meeting.
- (4) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law:
 - (a) Prayer
 - (b) Adoption of the agenda
 - (c) Disclosure of pecuniary interest
 - (d) Mayor's Report
 - (e) Visitors
 - (f) Adoption of the minutes
 - (g) General Administration
 - (h) Technical Services
 - (i) Services to Citizens
 - (j) Tourism Development and Heritage

- (k) By-laws
 - (l) Notices of motions
 - (m) Confirming by-law
 - (n) Adjournment
- (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.
- (3) After the minutes have been adopted, they shall be signed by the Mayor and the Clerk.

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) Individuals or groups who are listed on an agenda or are otherwise approved to appear before Council shall be limited to a maximum of ten (10) minutes.

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, Deputy Reeve, Reeve and then the Mayor.
- (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) Except as otherwise provided, no by-law, except a by-law to confirm the proceedings of the Council, shall be presented to Council unless the subject matter has been considered and approved by a Committee.
- (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 Reeve and the Clerk or the Acting Clerk and embossed with the seal of the Corporation.
- (7) All by-laws enacted by Council shall be indexed and filed in the office

of the Clerk for safekeeping.

PART X – COMMITTEES

50. PROCEDURE

Except as otherwise provided herein, all Committees shall conform to the rules governing procedure in the Council.

51. ESTABLISHMENT/APPOINTMENT

- (1) The members required to serve on the following Standing Committees shall be selected by the Mayor and confirmed by Council:
 - (a) Committee of the Whole
 - (b) Technical Services Committee
 - (c) Services to Citizens Committee
 - (d) Tourism Development and Heritage Committee
- (2) The members to be appointed to any Board, Commission or other body to which the Council is required or empowered to appoint persons shall be determined by the Council.
- (3) Special or Ad Hoc Committees may be established by the Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Council.
- (4) The Committee of the Whole shall consist of all members of Council with the Mayor presiding.

52. MAYOR – EX OFFICIO

- (1) Except for the Committee of the Whole, the Mayor is an *ex officio* member of every Committee.
- (2) Where a Committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided for in Subsection (1) hereof.
- (3) The Mayor may vote and otherwise participate in the business of the Committee, without any restriction, on the same basis as any other Committee member.

53. COMMITTEE PRESIDING OFFICER

The Mayor, with the approval of Council, in establishing a Committee at its inaugural meeting of Council, may direct who shall be the Presiding and Vice-Presiding Officer of the Committee.

54. COMPOSITION OF THE STANDING COMMITTEES

The Standing Committees of the Council and their membership shall be composed of four members of Council and the Mayor as an *ex officio* member.

55. TERMS OF REFERENCE

- (1) Subject to the provisions of any general or special Act, the Council, in

establishing any Committee, shall set forth the terms of reference of the Committee and such other provisions as the Council shall deem proper.

- (2) The Council shall consider any matter without referring it to a Standing Committee or may refer it to one or more than one Committee and may withdraw a matter from a Committee whether or not the Committee has entered into consideration.

56. DUTIES OF THE PRESIDING OFFICER

It shall be the duty of the Presiding Officer:

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

(16) to adjourn the meeting to a time to be named by the President Officer, without any motion being put, when it is not possible to maintain order;

(17) to adjourn the meeting when the business is concluded.

57. PARTICIPATION OF THE PRESIDING OFFICER IN DEBATE

(1) The Presiding Officer may state relevant facts and his position on any matter before the Committee without leaving the chair, but it shall not be permissible for the Presiding Officer to move a motion or debate a question without first leaving the chair.

(2) If the Presiding Officer desires to leave the chair to take part in the debate pursuant to Subsection (1), or otherwise, the Presiding Officer shall call upon a member to preside until the Presiding Officer resumes the chair.

58. PRESIDING AT THE COMMITTEE MEETINGS

(1) The Presiding Officer shall preside at all meetings of the Committee.

(2) When the Presiding Officer is absent or refuses to act, or the office is vacant, the Vice-President shall act in the place and stead of the Presiding Officer and, while so acting, the Vice-President has and may exercise all the rights, powers and authority of the Presiding Officer.

59. QUORUM

(1) A Committee shall not consider any business if a quorum is not present.

(2) A quorum in a Committee shall be the majority of the voting members of the Committee thereof.

(3) The presence of the Mayor at a meeting of a Committee shall always be considered in the determination of whether a quorum is present.

(4) If there is no quorum, Section 12 (2) shall apply with necessary modifications.

60. MEETINGS OF COMMITTEES

(1) The Regular meetings of the Committees shall be as follows:

(a) Committee of the Whole on the third Wednesday of each month at 5:30 p.m.

(b) Technical Services Committee on the second Wednesday of each month at 5:30 p.m.

(c) Services to Citizens Committee on the second Monday of each month at 5:30 p.m.

(d) Tourism Development and Heritage Committee shall meet, as needed.

(2) All Committee meetings shall be held in the Council Chambers;

- (3) The Committee may alter the date and/or time of a Committee meeting provided that a notice of 48 hours is posted at the Town Hall;
- (4) During the months of July and August, the meetings of Committees shall be suspended;
- (5) The Presiding Officer may cancel one or more regular meetings of the Committee if in the Presiding Officer's opinion such meetings are not necessary for the proper conduct of the business of the Committee and provided that not more than two successive regular meetings are cancelled under this Subsection;
- (6) No Committee shall meet while the Council is in session;
- (7) Members may speak more than once on the same question;
- (8) Notwithstanding Subsection (7), no member, without leave of the Committee, shall speak to the same question, at one time, or in reply, for longer than five minutes;
- (9) A member of Council who is not a member of a Committee is entitled to attend all meetings of the Committee and to participate, subject to Subsection (10) herein;
- (10) A member of Council who is not a member of a Committee, at a meeting of the Committee shall:
 - (a) not be counted in determining the presence or number for quorum;
 - (b) not move or second any motion or vote on any matter; and
 - (c) subject to clauses (a) and (b) above, not speak, without leave of the Committee, to a matter or ask questions for a total of more than 10 minutes per meeting of a Committee.
- (11) Subject to Section 10, the meetings of a Committee shall be open to the public;
- (12) Insofar as is practicable, Committee agendas, along with supporting material, shall be prepared and made available to members of the Committee on the Friday prior to a Committee meeting.

61. GENERAL PROVISIONS FOR COMMITTEES

- (1) The rules in respect of the introduction of new business in the Council and the hearing of delegations shall not apply to Standing and other Committees of the Council.
- (2) The Presiding Officer of the Committee may vote on any question before the Committee, and, in the event of an equality of votes, the question being voted upon shall be deemed to have been lost.
- (3) Committees may receive representations from the public. Other than at a statutory public hearing, no person, without leave of the Committee, shall speak for longer than five minutes.

- (4) Each Standing Committee shall diligently pursue its duties and shall report to Council on every matter and question coming before it within its terms of reference and jurisdiction.
- (5) Subject to its terms of reference, each Committee, other than a Standing Committee, shall diligently pursue its duties and shall report to Council on every matter and question coming before it within its terms of reference.
- (6) When an Ad Hoc Committee has completed its work and submitted its final report, it dissolves automatically, unless otherwise directed by Council.
- (7) All Committees shall be dissolved after a regular election.

62. COMMITTEE RECORDING SECRETARY

An employee of the Department shall be the Recording Secretary of the Committee to which he or she is responsible.

The Chief Administrative Officer's Office shall be responsible for the Committee of the Whole.

63. AGENDA IN COMMITTEE

- (1) The Recording Secretary shall have prepared and printed for the use of the members at the regular meeting of Committee an agenda setting forth the business to be considered at such meeting.
- (2) The business of the Committee shall be considered in the order set forth on the agenda, provided however, that the Presiding Officer of the Committee, with the approval of the Committee, may vary the order of business to better deal with matters before the Committee.
- (3) Except as otherwise decided by a two-thirds vote of the members of Committee present and voting, the Committee shall not consider any report or any matter that has not been distributed to the members with the agenda.
- (4) The Recording Secretary shall forward the minutes of the meeting and all appropriate resolutions to the Clerk to be included in the agenda of the Regular meeting of Council.

64. SPECIAL MEETINGS OF COMMITTEES

- (1) The Presiding Officer, may at any time, summon a Special meeting of a Committee or, upon receipt of the petition of the majority of the members of the Committee, the Clerk shall summon a Special meeting for the purpose and at the time mentioned in the petition.
- (2) Notice of all Special meetings of the Committee setting forth the matters to be considered at such Special meeting shall be given to all members of Council.
- (3) At Special meetings of a Committee, it shall not be competent to consider or decide upon any matter unless such matter has been explained in the notice calling the meeting, without the consent, recorded in the minutes, of all of the members of the Committee.

- (4) Subject to Section 10, a Special meeting of the Committee may be either open or closed as determined by the Committee.

65. JOINT COMMITTEE MEETINGS

- (1) A joint meeting of two Committees may be directed by the Council or may be called by their Presiding Officers whenever such Presiding Officers consider it necessary for their respective Committees to consider and report jointly on matters within their joint areas of concern.
- (2) A quorum for the joint meeting of two Committees shall be a majority of the combined number of members of both of the Committees. The Mayor, if present, shall be counted as one member in making such quorum and shall have one vote.
- (3) The members in attendance at a joint meeting called pursuant to this Section may appoint the Presiding Officer of one of the Committees to chair the joint meeting, but if both such Presiding Officers are absent, the Vice-President of one of the two Committees may be so appointed.
- (4) When the Presiding Officer of the joint meeting calls for the vote on a question, each member of the two Committees shall vote in unison, and the question shall be decided by the majority of votes, so that only one decision is made thereon and the Presiding Officer of the joint meeting may vote on all questions submitted and in the case of an equal division, the question shall be deemed to have been decided against.
- (5) The provisions of this by-law with respect to the conduct of business in Committees shall apply, with necessary changes, to the conduct of business at a Special or joint meeting called pursuant to this Section.

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 Reeve 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.

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 1st 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 23rd 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