

CORPORATION OF THE MUNICIPALITY OF TWEED

DRAFT

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BY-LAW NO. 2012-

**** Changes from current procedure by-law are showing in bold and italics.**

Being a By-Law to govern the proceedings of Council meetings, and to repeal By-Law No. 2004-15, By-Law No. 2005-28, By-Law No. 2006-03 and By-Law 2007-09 of the Corporation of the Municipality of Tweed.

WHEREAS Section 238 (2) of the Municipal Act, 2001 provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Sections 239 to 246 of the Municipal Act, 2001 provide the requirements for meetings, the calling of meetings, the duties of Council, and voting;

AND WHEREAS Section 238 (4) of the Municipal Act, 2001 provides that before passing a by-law for the governing and proceedings of meetings a municipality shall give notice of its intention to pass the by-law;

AND WHEREAS notice of the intention to pass the by-law has been given in accordance with the Municipality's by-law for the giving of notice;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

1. Definitions.

The following definitions shall apply:

- i. 'Council' means the Council of the Corporation of the Municipality of Tweed.*
- ii. 'Head of Council' means the Reeve.*
- iii. 'Presiding Officer' means in the case of Council the Reeve, or in his/her absence the Deputy Reeve, or in the case of committees the person appointed as Chair.*
- iv. 'Clerk' means the Clerk of the Corporation of the Municipality of Tweed.*
- v. 'Caucus' session means a portion of a meeting which is closed to the public.*
- vi. 'Committee' means any advisory or other committee as determined and appointed by Council.*
- vii. 'Meeting' means any regular, special or other meeting of Council or a committee of Council as organized by the Municipality and in which Council is acting in its capacity as elected Councillors to carry out the business of the municipality.*
- viii. 'Minutes' means a record, without note or comment, of all resolutions, by-laws, decisions and other proceedings of Council taken by the Clerk.*
- ix. 'Quorum' means greater than 50% if the members of Council or a Committee of Council.*
- x. 'Recorded Vote' means the recording of the name and vote of every member on a motion or resolution during a meeting.*
- xi. 'Resolution' means a written motion adopted by a majority of Council.*

1. Council Meetings.

- i. The first meeting of the Council of the Municipality following a regular election shall be held not later than the second Tuesday in December, and no business shall be proceeded with until after the declarations of office have been made by all of the members who present themselves for that purpose.**

- ii. Regular meetings of Council shall be held on the *fourth* Tuesday of each month, with the exception of the month of December during which regular meetings will be held on the second Tuesday only, and the *months of August and February during which regular meetings will be held on a Tuesday not to conflict with annual conference dates.*
 - iii. Regular meetings will commence at 5:00 p.m. and end no later than 9:00 p.m., unless extended by Council resolution. Meetings will be held in the Council Chambers at 255 Metcalf Street, Tweed, unless otherwise determined by Council and *with the exception of four meetings each year which will be held in the hamlets of Actinolite, Queensborough, Marlbank and Thomasburg.*
 - iv. The Reeve may at any time summon a special meeting of Council, and it shall be the duty of the Reeve to summon a special meeting whenever requested to do so, in writing, by the majority of the members of Council. A special meeting, when so requested, shall not be held sooner than forty-eight hours following the summons or receipt of the request.
 - v. Notwithstanding the provisions of Section 1 (iv), in the event of a bona fide emergency a special meeting may be held as soon as practicable following receipt of a request or the summons, and notice to Council members may be made by telephone or personal contact as determined by the Reeve.
 - vi. Notice of a special meeting shall specify the time, location and purpose of the meeting.
 - vii. Notice of meetings and availability of meeting agendas shall, whenever possible, be given in accordance with Municipality's by-law for the giving of notice.
 - viii. A majority of the members of the Council shall constitute a quorum for each meeting. If there is no quorum present within one half hour after the time appointed for the start of the meeting, the Reeve shall record the names of the members of Council present and the meeting shall stand adjourned until the next meeting.
 - ix. *No meeting shall be held without the Clerk or his/her designate in attendance.*
2. Duties of the Reeve.
- i. The Reeve shall be the presiding officer at the meetings of the Council. In the absence of the Reeve the meetings of Council shall be presided over by the Deputy Reeve, who shall have all of the rights, responsibility and authority as the Reeve while performing his or her duties. If both the Reeve and Deputy Reeve are absent, providing there is a quorum a member of Council shall be appointed to preside over the meeting.
 - ii. It shall be the duty of the Reeve to:
 - a) call the members to order;
 - b) announce the business before the Council in the order in which it is to be acted upon;
 - c) receive and submit, in the proper manner, all motions presented by the members;

- d) put to a vote all questions which are moved and seconded, or which arise in the course of the proceedings, and to announce the result;
- e) decline to put to a vote motions which infringe upon the rules of procedure;
- f) ensure on all occasions the observance of order and decorum among the members;
- g) authenticate by signature all by-laws, motions, resolutions and minutes of the Council;
- h) inform the Council when necessary, or when requested, on a point of order or usage;
- i) represent and support the Council and its decisions;
- j) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- k) on motion of the Council, allow any member of the Council to speak to an issue in debate before the Council votes;
- l) order any individual or group in attendance at a meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting, and to order the individual or group to vacate the meeting room when such behaviour persists;
- m) adjourn the meeting without question in the case of disorder arising from the meeting room.

iii. The Reeve shall be appointed as an alternate for all committee meetings and shall have voting rights the same as the member for which the Reeve is acting as alternate.

3. Conduct of Members of Council.

- i. No member of Council shall:
 - a) use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
 - b) disturb Council, staff or guest by any disorderly conduct disconcerting to the speaker or the assembly;
 - c) speak on any subject other than the subject in debate;
 - d) resist the rules of the Council or disobey the decisions of the presiding officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;
 - e) be permitted to retake his or her seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without first making an apology to the Council;
 - f) interrupt a member who has the floor except to raise a point of order.

4. Open and Closed Meetings.

- i. All Council meetings shall be open to the public, with the exception of a meeting or part of a meeting where the following subject matters are being considered:
 - a) the security of the property of the municipality;
 - 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;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
 - 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.
- ii. A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council is the head of an institution for the purposes of that Act.
- iii. Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution in an open meeting:
 - 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.
- iv. A meeting shall not be closed to the public during the taking of a vote, with the exception of the following:
 - a) section 4 (i) permits or requires the meeting to be closed to the public; and
 - b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained under a contract with the municipality.
- v. All information, documentation or deliberations received, reviewed or taken in a closed meeting shall be considered confidential and shall be dealt with in the following manner.
 - a) The Clerk shall distribute all confidential reports and materials for closed meetings in sealed envelopes and included in each Council member's agenda package.
 - b) The agenda for the Council meeting shall include a general outline of the item(s) being addressed in the Caucus portion of the meeting.

- c) ***Council members shall return all confidential reports and documents to the Clerk following the Caucus portion of the meeting.***
- vi. Release of information and enquiries concerning matters dealt with during a Caucus session shall be dealt with in the following manner.
 - a) The release of any information about any matters dealt with by Council at a closed meeting shall be by the Reeve or his/her delegate only.
 - b) Notwithstanding the provisions of Section 4 vi (a), the response of members of Council to inquiries about any matter dealt with by Council at a closed meeting, prior to it being reported publicly, shall be “no comment” or words to that effect. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members.
 - c) Any violation of the confidentiality of closed meetings may result in the exclusion of the offending member of Council from future closed meetings of Council, and that member no longer being provided with correspondence, materials or information proposed to be dealt with by Council at a closed meeting.

5. Order of Business.

- i. The order of business of the Council at a regular meeting shall be in the format below. Modifications to the matters to be included or the order of business may be affected without requiring amendments to the by-law.
 - a) Review of Agenda
 - b) Caucus
 - c) Notification of Caucus
 - d) Adoption of Minutes
 - e) Errors and Omissions
 - f) Business Arising from Minutes
 - g) Disclosures
 - h) Accounts
 - i) Delegations
 - j) Reeve’s Report
 - k) Public Works Supervisor’s Report
 - l) Clerk’s Report
 - m) Committee Reports
 - n) By-Laws
 - o) Motions and Notice of Motions
 - p) Unfinished Business
 - q) New Business
 - r) Correspondence - Action
 - s) Correspondence - ***Other Municipalities***
 - t) Correspondence - ***Information***
 - u) Committee Minutes
 - v) Response to Delegations
 - w) Question Period
 - x) Adjournment
- ii. Caucus sessions will be held at the start of the regular meeting when required and as determined by Council. Notification of the Caucus session will be provided on the agenda for the Council meeting agenda and will be given prior to the start of the regular order of business.

iii. *Question period will be held at the end of the regular meeting and will be for the purpose of addressing questions from the media and members of the public in attendance pertaining to agenda items. Maximum time period for question period will be ten minutes.*

iv. Delegations and presentations will commence at 6:00 p.m. unless otherwise approved by Council. The regular order of business will commence at 5:00 p.m. and will proceed in accordance with Section 5.i. until the specified time for Delegations. Delegations and presentations will be heard in the order indicated on the meeting agenda, following which the regular order of business will continue.

6. Delegations and Presentations.

i. Any person, group or organization desiring to address Council shall notify the Clerk, in writing during normal business hours. The notice shall specify clearly the business to be presented, who the spokesperson shall be, and the date of the meeting at which the delegation wishes to be heard.

ii. A notice of delegation must be received by the Clerk not later than the end of the business day three working days immediately preceding the day of the meeting.

Verification of receipt of email submissions within the required time frame will be the responsibility of the sender.

iii. Every delegation shall provide to the Clerk a detailed summary of the information they wish to share with Council. The detailed summary shall be provided not later than the end of the business day three working days immediately preceding the day of the meeting, and the Clerk shall include this information in the agenda package.

iv. A delegation shall address Council for a period not exceeding ten minutes during any Council meeting. Additional time may be provided to any delegation at the discretion of the Chair. A delegation may address Council through one or more spokespersons; the total time for each delegation, whether one or more spokespersons, shall not exceed ten minutes, unless otherwise approved by the Chair.

v. Any new information on a topic may be provided to Council in writing through the Clerk. The Clerk shall determine whether the new information will be provided to Council in the written form or through an additional presentation by a delegation.

vi. The Chair may invite questions from a delegation making a presentation to Council. All questions shall be addressed through the Chair.

vii. An individual who has been included in an agenda as a delegation, and who is unable to attend the Council meeting, shall, whenever possible, so notify the Clerk before the end of the business day on the day of the meeting.

7. Motions and Rules of Debate.

i. Insofar as is practicable, a notice of motion shall be given in writing to the Clerk not later than the end of the business day on the third business day immediately preceding the Council meeting, so that the matter can be included in the agenda for the meeting.

- ii. Any motion may be introduced without notice if the Council, without debate, agrees on a majority vote to dispense with notice.
- iii. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
- iv. When a motion is presented to the Council in writing it shall be read, or if the motion is an oral motion it shall be stated by the presiding officer.
- v. A motion to amend shall:
 - a) be dealt with by the Council before a previous amendment or the main motion;
 - b) not be further amended more than once provided that further amendment may be made to the main motion;
 - c) be relevant to the main motion;
 - d) not propose a direct negative to the main motion.
- vi. Once read or stated by the presiding officer a motion may not be withdrawn without the consent of the majority of the members.
- vii. Immediately prior to voting on a motion, the presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the questions.
- viii. After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
- ix. Members shall not speak more than twice to the same question without the consent of the presiding officer.
- x. All members, staff and guests shall address the Council through the presiding officer and only when recognized to do so, and when two or more members seek to address the Council, the presiding officer shall designate the member who shall speak first.
- xi. Any member may require a question or motion under discussion to be read at any time during the debate, but no so as to interrupt a member while speaking.
- xii. The following matters may be introduced orally without written notice and without leave, except as otherwise provided by these rules.
 - a) a point of order or personal privilege;
 - b) presentation of petitions;
 - c) to defer temporarily;
 - d) to postpone indefinitely or to a specific day;
 - e) to move the previous question (immediate vote on the main motion).

- xiii. The following motions may be introduced without notice and without leave:
 - a) to refer;
 - b) to adjourn;
 - c) to amend;
 - d) to suspend the rules of procedure.
 - xiv. Except as provided in Sections 7 (xii) (xiii) all motions shall be in writing and signed by the mover and seconder.
 - xv. The Council may from time to time employ a confirming motion or by-law immediately prior to adjournment for the purpose of validating decisions or directions given which are minor in nature and not set out in a specific by-law or motion.
8. Points of Order and Privilege.
- i. The presiding officer shall preserve order and decide questions on order.
 - ii. The Council, if appealed to, shall decide the question without debate and its decision is final.
9. Voting.
- i. No vote shall be taken by ballot or by any other method of secret voting, and any vote so taken shall be considered of no effect.
 - ii. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
 - iii. Any question on which there is a majority of votes shall be deemed to be carried.
 - iv. Any member of Council present at a meeting at the time of a vote may request, immediately before or after the taking of the vote, that the vote be recorded. If a member requests 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 the vote.
 - v. A failure to vote under Section 8 (iv) 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.
 - vi. The presiding officer, except where disqualified to vote, may vote on all questions and when doing so, shall vote last.
10. Taping and Recording of Meetings.
- i. Meetings of Council may be videotaped or recorded by a member of the public or press only with the prior consent of Council.
11. By-Laws.
- i. By-laws shall be prepared by the Clerk and no by-law shall be presented unless the subject matter has been previously considered and approved by Council.

- ii. By-laws shall be introduced upon motion by a member specifying the title of the by-law.
- iii. Every by-law shall be given three readings prior to passage. The three readings may be given on the same day except when requested otherwise by motion of a majority of the members present or as otherwise provided by law.
- iv. By-laws may be debated or amended during the second reading only.
- v. Upon final reading and passing of any by-law, the by-law shall be numbered and certified by the signatures of the Reeve and Clerk.

12. Minutes.

- i. The minutes shall record:
 - a) the place, date and time of the meeting;
 - b) a record of attendance of the members of Council and the staff;
 - c) the consideration, correction (if requested) and adoption of the minutes of the previous meeting;
 - d) all other proceedings of the Council without note or comment.
- ii. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting of the Council and all special meetings held more than five working days prior to a regular meeting are circulated with the agenda.

13. *Committees.*

- i. *Council may appoint by by-law or resolution, Committees of Council including advisory committees, for a special purpose as set out in the by-law or resolution. Committees of Council shall be governed by this Procedural By-Law.*
- ii. *All Committees of Council shall comply with all applicable legislation and municipal by-laws and resolutions.*
- iii. *The Reeve shall be an ex officio member of all committees with the exception of the Committee of Adjustment, and the Reeve shall have the same rights and privileges as any other committee member and shall not constitute part of the quorum.*
- iv. *The committee chair shall report to Council any committee member who refuses or neglects to attend a meeting. Council may remove that member from the committee and appoint another member in his/her place.*
- v. *Council may discharge from responsibility any committee or committee member which/who refuses or neglects to give due consideration to any matter before it. Council may then allot such responsibility to another committee or may appoint another committee member.*
- vi. *All committees of Council are subject to the control and direction of Council. A report from each committee meeting, including recommendations on all matters connected with the committee's duties, shall be prepared by the Clerk or his/her delegate and shall be included in an upcoming Council meeting agenda. Minutes from all committee meetings shall be approved at a subsequent committee meeting and then included in an upcoming Council meeting agenda.*

- vii. *Committees of Council shall be comprised of three members of Council.*
 - viii. *Advisory committees shall be comprised of two members of Council and five members of the public, appointed by Council resolution or by-law.*
 - ix. *Hamlet committees shall be comprised of members of the public appointed by Council resolution or by-law and shall include the following:*
 - a) *Actinolite Recreation Committee*
 - b) *Queensborough Recreation Committee*
 - c) *Thomasburg Hall Committee*
 - x. *All committee meetings shall be open to the public with the exception of Caucus sessions in accordance with Section 4 of this Procedural By-Law.*
 - xi. *The Chair of the committee shall:*
 - a) *be a member of Council, with the exception of hamlet committees, and shall be appointed at the inaugural meeting by the Committee (and appointed at the first meeting in any year thereafter).*
 - b) *ensure the committee gives clear direction to the Clerk by way of a motion to be recorded in the committee minutes and such motions shall not be carried or become resolutions until approved by Council.*
14. General.
- i. In all matters and under all circumstances the members shall be guided and shall have regard for the Municipal Conflict of Interest Act, R.S.O. 1990 and amendments.
 - ii. Any procedure under this by-law which is discretionary and not mandatory under Statute may be suspended with the consent of two thirds of the members present.
 - iii. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting to the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Council.
13. This by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.
14. By-Law No. 2004-15, By-Law No. 2005-28, By-Law No. 2006-03 and By-Law No. 2007-09 shall be repealed in their entirety.

Read a first and second time this day of

Read a third time, passed, signed and sealed in open Council this day of .

REEVE

CLERK