

**THE CORPORATION OF THE TOWNSHIP OF TYENDINAGA
BY-LAW NUMBER 2020-09**

**A BY LAW TO ESTABLISH RULES OF ORDER AND PROCEDURES FOR THE COUNCIL
AND COMMITTEES OF THE TOWNSHIP OF TYENDINAGA.**

WHEREAS Section 55 of the Municipal Act, R.S.O. 1990 Chapter M.45, and as amended by the Planning and Municipal Statute Law Amendment Act, 1994, provides that every Council/Boards shall pass by-laws for governing the proceedings of Council/local board and the calling of meetings;

AND WHEREAS Section 102 of the Municipal Act R.S.O. 1990, Chapter M.45 provides that Council may pass by-laws pertaining to the conduct of its members;

AND WHEREAS it is desirable that the rules governing the order and procedure of the Council/local boards be updated to coincide with current legislation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TYENDINAGA ENACTS AS FOLLOWS:

1. In this by-law:
 - a. CLERK means the Clerk of the Township of Tyendinaga.
 - b. COUNCIL means the Council of the Township of Tyendinaga
 - c. HEAD OF COUNCIL means the Reeve of the Township of Tyendinaga or designate
 - d. RECORDED VOTE means the recording of the name and vote of every Member of Council on any matter of question.
 - e. TOWNSHIP shall mean the Corporation of the Township of Tyendinaga.
2. The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof.

COUNCIL AND COMMITTEE MEETINGS

3. The inaugural meeting of Council after a regular election shall be held on the first day of December at a time and such place as directed by Council.

4. All regular meetings of Council shall be held on the 1st and 3rd Monday of each month at 7:00 P.M. except during the months July and August and December when there will be one meeting scheduled at a time mutually agreeable to Council, near the middle of the month. Regular meetings shall be held at the Council Chamber unless otherwise directed by Council.
5. Council may, by Resolution, alter the date and/or time of a regular meeting and such alteration shall be posted in the municipal office advising of the altered date and/or time.
6. When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise by Resolution, meet at the same hour on the next following day which is not public or civic holiday.
7.
 - (a) The Head of Council (Reeve or Designate) may, at any time, summon a special meeting.
 - (b) The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
 - (c) In either case of (a) or (b) above, the Special Meeting shall be held not sooner than 48 hours following the Head of Council (Reeve or Designate) 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 petition.
 - (d) Notwithstanding the notice requirement set out above, in the event of a boni fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.
 - (e) Unless otherwise specified in the notice described in Paragraph 7 (c) above, a special meeting shall be held in the Council Chamber.
 - (f) The notice of a special meeting shall specify the purpose for the meeting.
8. Pursuant to Section 238 of the Municipal Act, as amended, during any period where an emergency has been declared to exist in all or in part of the Municipality a member of a Council, of a local board or of a Committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

A member of a Council, of a local board or of a Committee of either of them can participate electronically in a meeting that is closed to the public.

9. (a) The Reeve shall preside at all meetings of the Council.
 - (b) When the Reeve is absent or refuses to act, or the office is vacant, the Deputy reeve shall act in the place and stead of the head, and, while so acting, the Deputy Reeve has and may exercise all the rights, powers and authority of the Reeve.
 - (c) Notwithstanding Paragraph 8(b) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
 - (d) The Reeve or presiding officer may expel from a meeting anyone who engages in improper conduct.
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9. (a) All Council and Committee meetings shall be open to the public.
 - (b) Notwithstanding Paragraph 9(a) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - (i) The security of the property of the Township, or local board;
 - (ii) Personal matters about an identifiable individual including municipal or local board employees;
 - (iii) A proposed or pending acquisition of real property for municipal or local board purposes;
 - (iv) Employee negotiations or labour relations;
 - (v) Litigation or potential litigation including matters before administrative tribunals, affecting the Township or local board;
 - (vi) A matter in respect of which Council, a Committee of Council or a local board has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament.

 - (vii) The receiving of advice that is subject to solicitor – client privilege, including communications necessary for that purpose.
 - (c) Before all or part of a meeting is closed to the public, the Council shall state by Resolution:
 - (i) The fact of the holding of the closed meeting;
 - (ii) The general nature of the matter considered at the closed meeting;
 - (d) Subject to subsection (e) a meeting shall not be closed to the public during the taking of a vote.

- (e) Despite subsection 28 a meeting may be closed to the public during a vote if:
 - (i) Subsection 9 (b) permits or requires a meeting to be closed to the public and,
 - (ii) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.

- (f) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.

AGENDAS AND SUPPORTING MATERIAL

- 10. (a) The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- (b) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Friday prior to a regular meeting.
- (c) Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk not later than 12:00 p.m. on the Thursday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- (d) Written reports of officers shall, insofar as is practicable, be made available to Council by 12:00 P.M. on Thursday immediately preceding regular meetings.
- (e) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law:
 - 1. Call to Order
 - 2. Disclosure of Pecuniary Interest
 - 3. Minutes of Previous Meeting – Approval
 - 4. Petitions and Delegations
 - 5. Review & Approval of Accounts
 - 6. Correspondence
 - 7. New and/or Other Business
 - 8. Business Arising from the Minutes
 - 9. Members Reports
 - 10. Reading of By-laws
 - 11. In Camera Session- when required
 - 12. Adjournment

- (f) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or presiding officer.

- (g) Any Member of Council, at any time prior to the preparation of the agenda on the Thursday afternoon prior, may file in writing or verbally an item for inclusion in the agenda under new business. Any Member of Council may also during any meeting, and upon agreement of other members present, request inclusion of an item(s) under new business.

NO QUORUM

11. A quorum of Council or Committee of Council is the number of persons who constitute a majority of Council or said Committee. If no quorum is present one half hour after the time appointed for a Council or Committee meeting, the Clerk or recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.
12. Council and Committee meetings shall stand adjourned at 11:00 P.M. but business may be continued upon a Resolution passed by unanimous vote.
13. It shall be the duty of the Reeve or other presiding officer:
 - a. To open the meeting by taking the chair and calling the members to order;
 - b. To announce the business before Council in the order in which it is to be acted upon;
 - c. To receive and submit, in the proper manner, all motions presented by the members;
 - d. To put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
 - e. To decline to put to vote motions which infringe upon the rules of procedure;
 - f. To enforce on all occasions the observance of order and decorum among the members;
 - g. To call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chamber;
 - h. To authenticate by signature all By-laws, Resolutions and minutes of the Council;
 - i. To inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
 - j. To select the members of Council who are to serve on Committee;
 - k. To represent and support the Council, declaring its will and implicitly obeying its decisions in all things;

- l. To ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the municipal Corporation;
- m. To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- n. To order any individual or group in attendance at the 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 Council Chamber where such behaviour persists.

CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

14. No member shall:

- a. Use offensive or unparliamentarily language in or against the Council or against any member, staff or guest;
- b. Disturb another, or the Council, staff, or guest, by any disorderly conduct disconcerting to the speaker of the assembly;
- c. Speak on any subject other than the subject in debate;
- d. Resist the rules of Council or disobey the decisions of the Reeve or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- e. Leave a meeting without first obtaining permission from the Reeve or presiding officer;
- f. Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council.
- g. Interrupt the member who has the floor except to raise a point of order.

15. No person shall be allowed to address Council or speak in debate without permission of the Reeve or presiding officer. The subject matter must be that which is under discussion.

MOTION / RULES OF DEBATE

- 16. Any Motion of Council may be presented orally unless a Council Member so requests that said Motion be presented in writing.
- 17. Any Motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
- 18. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.

19. When a motion is presented in Council in writing it shall be read, or, if it is an oral motion, stated by the Reeve or presiding officer.
20. Once read or stated by the Reeve or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
21. Immediately prior to voting on a motion, the Reeve or presiding officer shall state the question in the precise form it is to be recorded in the minutes.
22. After a motion 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.
23. Members shall not speak more than once to the same question without the consent of the Reeve or presiding officer.
24. On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Reeve or presiding officer and may be by voice, show of hands, standing or otherwise.
25. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by an 'Act, shall, in alphabetical order, announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
26. The Reeve or presiding officer, except where disqualified to vote, any vote on all questions and when so doing, shall vote last.
27. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
28. Subject to Subsection 9(e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken are of no effect.
29. (a) Unless otherwise authorized by the Reeve or presiding officer, all members, staff and guests shall address Council through the chair and only when recognized to do so.
(b) When two or more members seek to address Council, the Reeve or presiding officer shall designate the member who may speak first. The subject matter must be that which is under discussion.
30. 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.

POINTS OF ORDER AND PRIVILEGE

31. The Reeve or presiding officer shall preserve order and decide questions of order.
32. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

33. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
34. Every By-law shall be introduced upon motion by a member specifying the title of the By-law.
35. 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.
36. Every By-law shall be given three readings prior to passage.
37. The first and second readings of a By-law shall be decided without amendment or debate.
38. 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.
39. The Clerk shall set out on all By-laws enacted by Council the date of the several readings thereof.
40. Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his office for safekeeping.

MINUTES


41. Minutes shall record:
 - (a) The place, date and time of meeting;
 - (b) The name of the Presiding Officer and record of the attendance of the Members;
 - (c) The reading, if requested, correction and adoption of the minutes of prior meetings;
 - (d) All resolutions, motions and decisions and other proceedings of the Council without note or comment
42. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, all special Council meetings and Committee meetings held more than five (5) days prior to a regular meeting, together with the agenda prepared in accordance with Clause 10 are available to each Member not less than seventy two (72) hours before the hour appointed for the holding of such regular meeting.
43. Such minutes as referred to in Clause 42. May be adopted by Council without having been read at the meeting considering the question of their adoption, and in other cases, the minutes shall be read prior to consideration of adoption.

GENERAL


44. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, or its successor.
45. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 10(c), be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.
46. 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.
47. Any procedure under this by-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of members present.
48. 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 the previous regular meeting of the Council and the waiving of notice is prohibited.
49. That By-law No. 95-18 is hereby rescinded
50. This By-law shall become effective on the date of passing thereof.

AND THAT BY-LAW 2019-05 is hereby rescinded

- Read a First Time March 30/2020
- Read a Second Time March 30/2020
- Read a Third Time and Finally Passed March 30/2020



Rick Phillips, Reeve



Brad Roach, CAO/Clerk-Treasure

