

THE CORPORATION OF THE TOWNSHIP OF WHITE RIVER

B Y-LAW NO. 2015-05

Being a by-law to regulate the proceedings of the Municipal Council of The Corporation of the Township of White River.

The Council of The Corporation of the Township of White River **ENACTS AS FOLLOWS:**

1.00 DEFINITIONS

- 1.1 "Ad Hoc Committee" means a committee appointed to review and report on a specific issue; once the report is delivered, the Ad Hoc Committee is automatically dissolved; includes a special committee.
- 1.2 "Chairperson" means the person presiding at a meeting.
- 1.3 "Clerk" means the Clerk of The Township of White River.
- 1.4 "Closed Session" means a meeting or part of a meeting that is not open to the public under authority of section 239 of the Municipal Act, 2001 S.O. 2001, c.25, , as amended.
- 1.5 "Committee" means any committee, such as an advisory, Ad Hoc or standing committee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.
- 1.6 "Council" means the Municipal Council of the Municipality.
- 1.7 "Deputy Mayor" as appointed by Council.
- 1.8 "Meeting" means any regular, special, or other meeting of the Council, of a local board or of a committee of either of them, as the case may be.
- 1.9 "Member" means a member of the Council or a committee, as the case may be.
- 1.10 "Municipality" means The Corporation of the Township of White River.
- 1.11 "Roll Call Vote" means a recorded vote as provided for in section 246, of the Municipal Act, 2001 S.O. 2001, c.25, as amended.

- 1.12 "Quorum" means a majority of the whole number of members or not less than two members where by reason of the Municipal Conflict of Interest Act members are disabled from participating in the meeting.
- 1.13 The rules and regulations contained in this by-law shall be the rules and regulations for the order and dispatch of business of the Municipality; provided that the rules and regulations contained herein may be suspended by resolution, other than a quorum requirement or the amendment process for this by-law. Any case for which provision is not made herein, the rules of the Legislative Assembly of Ontario and its committees shall apply with necessary modification.
- 1.14 The lawful will and intent of the Council shall always take precedence and procedural imperfections in the dispatch of business shall not affect the validity of any action taken.

2.00 COUNCIL MEETINGS

- 2.1 Meetings of the Council shall be held in the Council Chambers adopted and used by the Council from time to time for such purpose. The inaugural meeting of Council shall take place at the hour of 7:00 P.M. on the second Wednesday of December following an election.
- 2.2. Regular meetings of Council shall be held on the second and fourth Wednesday of each month at the hour of 7:00 P.M.
- 2.3 The Mayor may at any time summon a special Council meeting to be held at the time, date and place of his preference.
- 2.4 Upon receipt of a petition of the majority of the Council members, the Clerk shall summon a special Council meeting in accordance with the petition. The petition must at least speak to the purpose and the time of the special Council meeting or else it is invalid.
- 2.5 The members may, by resolution, cancel or alter the time, day or place of any meeting.
- 2.6 The Mayor shall act as Chairperson of the Council meeting. In the absence of the Mayor, the Deputy Mayor shall have all the rights, powers and authority of the Mayor, while so acting.

3.00 ABSENCE OF MAYOR AND DEPUTY MAYOR

- 3.1 In case the Mayor and Deputy Mayor do not attend after the time appointed for a meeting of the Council, the City Clerk shall call the members to order and an acting Chairperson shall be appointed from among the members present and he shall preside until the arrival of the Mayor or Deputy Mayor and while so presiding the acting Chairperson shall have all the powers of the Mayor or Deputy Mayor.

4.00 NO QUORUM

- 4.1 If no quorum is present after the time appointed for a meeting of the Council, the City Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.
- 4.2 If at any time during the meeting there is no quorum in attendance, the meeting shall automatically stand adjourned until there is a quorum once again in attendance within a reasonable period of time, if not then the meeting shall automatically stand adjourned until the next regular meeting day or until a special meeting is called to deal with the matters still to be dealt with from the adjourned meeting.

5.00 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

- 5.1 It shall be the duty of the Chairperson:

to open the meeting of Council by taking the Chair and calling the members to order;

to announce the business before the Council in the order in which it is to be acted upon;

to receive and submit, in the proper manner, all motions presented by the members of Council;

to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results;

to decline to put to vote motions which infringe upon the rules of procedure;

to restrain the members, within the rules of order, when engaged in debate;

to enforce on all occasions the observance of order and decorum among the members;

to call by name any member persisting in breach of the rules of order of the Council, thereby ordering him to vacate the Council Chambers;

to authenticate, by his signature when necessary, all by-laws and minutes of the Council;

to inform or advise the Council on points of order or usage;

to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;

to ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council;

to adjourn the meeting when the business is concluded;

to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers.

6.00 NOTICES OF MEETINGS

6.1 a) The Clerk shall give notice of each meeting to all Council members, and to such other persons as the Mayor and/or the City Clerk deems advisable. Public Notice shall be given by posting the Agenda cover page on the City Hall Bulletin Boards.

b) The notice shall be in the form of an Agenda which shall first make mention of the day, time and place of the meeting and then of any matter or matters so far as is known to be brought before such meeting, such Agenda to be prepared as hereafter provided.

c) In the case of special meetings of Council, where time does not permit delivery of the Agenda to meet the "previous Monday" deadline, the City Clerk shall attempt to inform each Council member and such other persons as the Mayor and/or the City Clerk deem advisable of the day, time, place and purpose of the meeting by telephone or otherwise. In such case, the City Clerk shall deliver the Agenda as soon as reasonably possible.

7.00 AGENDA

7.1 All items for the Agenda shall be delivered in writing to the City Clerk, prior to 12:00 noon on the Monday preceding the meetings of Council.

7.2 It shall be the duty of the Clerk:

to prepare the Agenda of Council;

to receive petitions and communications from the public and if, in the opinion of the City Clerk, the matter warrants the consideration of Council, to place the petition or communication on the Agenda of Council; all requests for proclamations shall be referred to the Office of the Mayor for processing;

to ensure that all correspondence addressed to the Mayor and members of Council is made available for their inspection through the use of a "Council reading file" system or the Agenda;

to direct correspondence or petitions to a Department Head for a report to Council when deemed warranted.

7.3 The Clerk shall have prepared for the use of the members at the regular meetings of Council an Agenda under the following headings:

Call to Order;

Roll Call;

Declarations of Conflicts of Interest;

Confirmation of Previous Minutes;

Public Presentations;

Correspondence;

Mayor/Councillor Report;

Reports of Committees;

Notices of Motion;

Other Business;

By-laws;

Addendum;

In-Camera Business;

Adjournment.

- 7.4 The business of the Council shall in all cases be taken up in the order in which it stands upon the Agenda unless otherwise decided by the Council.
- 7.5 An item of business not listed on the Council Agenda cannot be introduced at a Council meeting without the approval of Council expressed by resolution.
- 7.6 When it appears there is insufficient business for a regular meeting of the Council, the Clerk, with the consensus of not less than two-thirds of the members, may cancel the meeting.

8.00 CONTENT OF MINUTES

- 8.1 Closed Session Minutes shall record as a confidential record, the proceedings of the In-Camera portion of the meeting, and shall be maintained in a separate and secure location as determined by the City Clerk.

9.00 ROLL CALL

- 9.1 At regular Council meetings, the members and those in attendance at the meeting shall be seated and the roll call shall then be called by the Chairperson. If a member arrives at a meeting after the roll has been called, the Clerk shall note the time of arrival in the minutes.

10.00 ADOPTION OF COUNCIL MINUTES

- 10.1 When the item on the Council Agenda "Confirmation of Previous Minutes" is called, no changes can be made at that time in the action taken or not taken at a previous Council meeting, only changes in the form of errors or omissions in the recording of any action taken or not taken at a previous Council meeting can be made at that time.

11.00 PUBLIC PRESENTATIONS

- 11.1 Brief verbal reports on matters of public interest may be provided by City staff.

12.00 PASSING OF BY-LAWS AND PROCEEDINGS THEREON

- 12.1 By-laws shall only be passed at Council meetings.

- 12.2 Every by-law shall be introduced upon motion by a member of the Council, specifying the title of the by-law.
- 12.3 Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any act.
- 12.4 Each by-law heading shall appear on the Council Agenda of the meeting together with a short description of its contents.
- 12.5 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 Chairperson and shall be deposited by the Clerk in his office for safekeeping.

13.00 MOTIONS

- 13.1 A motion with respect to a matter not on the Agenda or Addendum shall not be presented without the prior notice required unless the members pass a resolution to suspend the rules of procedure.
- 13.2 When a matter is under debate, no motion shall be entertained other than a motion:

to amend; to refer to a certain body; to defer action; that the vote be now taken.

14.00 ADDENDUM

- 14.1 There shall only be one Addendum to an Agenda for a meeting when an item or items arise after the closing of the deadline for submitting items for the Agenda and prior to the meeting, which item or items the Clerk believes are of an urgent nature requiring the immediate consideration of the Council.
- 14.2 Before an Addendum is dealt with, a resolution must be passed, to deal with all or any of the items on the Addendum.

15.00 ADJOURNMENT

- 15.1 A motion to adjourn a meeting shall be in order, except: when another member is in possession of the floor; when it has been decided that the vote be now taken; or during the taking of a vote.
- 15.2 No subsequent motions to adjourn shall be made until after an intermediate proceeding has taken place.
- 15.3 A meeting shall be deemed to be automatically adjourned at the hour of 11:00 P.M. if in session at that hour, unless otherwise determined by resolution, passed by two thirds of the members present.
- 15.4 Where a person has been deemed guilty of improper conduct by the Chairperson and is expelled or excluded from the meeting by the Chairperson and such person refuses to so leave, the Chairperson may adjourn the meeting without any motion to do so until such time as the person has left the meeting room.

16.00 VOTING

- 16.1 After the Chairperson commences to take a vote on a motion, no member shall speak to such question or present any other, motion until the vote has been taken on such question, be it a main motion, an amendment to a main motion or an amendment to an amendment.
- 16.2 Voting shall be by way of "Show of Hands" in favour or against; except when a roll call vote is requested by any member on a main motion.
- 16.3 Every member may request a roll call vote on any main motion and when a member so requests a roll call vote, each member present unless otherwise prohibited by Statute, shall announce his vote openly and individually in favour of or against the question except for the Chairperson who shall announce his vote last. The Clerk shall record each member's vote and each member's vote shall be noted in the minutes. After completion of the vote, the Clerk shall announce the results.

If during the roll call vote any member present refuses to vote or fails to vote, he shall be deemed and recorded as voting against the motion.

- 16.4 If a member disagrees with the announcement by the Chairperson of the results of any vote, except a roll call vote or a vote on a motion that is not a main motion, he may object immediately to the Chairperson's declaration and require the vote to be retaken by a roll call vote.

- 16.5 A member's opposition to a motion shall not be recorded in the minutes unless a roll call vote has been taken and in the roll call vote the member voted against the motion.

17.00 RECONSIDERATION

- 17.1 Any resolution may be reconsidered if, upon the putting of the motion, the minority vote comprised not less than one third of the members present and voting. After a resolution has been decided, any member who voted or is deemed to have voted thereon may at any time prior to adjournment of the meeting at which such resolution was decided, move a motion to reconsider, which motion shall not require a seconder.
- 17.2 The Council shall immediately vote on the motion to reconsider.
- 17.3 If the motion to reconsider passes, no action shall be taken to carry into effect the resolution until after the resolution to be reconsidered has been disposed of at the next regular or special meeting.
- 17.4 Every resolution being reconsidered shall be declared lost, unless the majority of all the members of Council vote in favour thereof.
- 17.5 No further discussion of the resolution to be reconsidered shall be allowed until the Council have agreed to reconsider, but the member who moves the motion to reconsider may have the privilege of stating his reasons for doing so.

18.00 CLOSED SESSIONS

- 18.1 The Council may proceed into closed session under authority of the Municipal Act, 2001 S.O. 2001, c. 25. A meeting or part of a meeting may be closed to the public if the subject matter being considered is related to:
- i) the security of the property of the municipality or local board
 - ii) personal matters about an identifiable individual, including municipal or local board employees;
 - iii) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - iv) labour relations or employee negotiations;
 - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

- vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; matter in respect of which the Council has authorized a meeting to be closed under another Act;
- vii) a matter in respect of which the Council has authorized a meeting to be closed under another Act;
- viii) a matter related to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act;
- ix) educating or training of the members provided that no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

18.2 Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:

- i) The fact of the holding of the closed meeting; and
- ii) The general nature of the matter to be considered at the closed meeting.

18.3 If a meeting or part of a meeting, is closed to the public;

- i) The Chair shall inquire as to whether any member present has a conflict of interest, to allow a member to declare any conflict, the reasons therefore, and leave the meeting;
- ii) No resolutions or records of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the Municipal Freedom of Information and Protection of Privacy Act.

18.4 Confidentiality:

- i) Every member of Council shall make an affirmation of confidentiality and execute a confidentiality agreement in the form attached as Schedule "A";
- ii) No person in attendance at a closed session meeting shall disclose to any person not in attendance at the meeting any of the information provided at such closed session meeting;

- iii) Any person who contravenes subsection ii) of this Section shall be guilty of an offence and upon conviction is liable to a fine under the Provincial Offences Act.

The rules governing the procedure of a closed session and the conduct of members in a closed session shall be as set out in this by-law except that:

no motions may be voted on except a motion to come out of the closed session;

the number of times of speaking to any question shall not be limited, provided no member shall speak more than once until every member who desires to do so shall have spoken.

A motion to come out of the closed session shall always be in order and be decided without debate, except when a member is in possession of the floor. Upon completion of the closed session, the meeting shall immediately reconvene in public open session and the Chairperson of the closed session shall entertain motions arising out of the business of the closed session which motions shall be voted on without debate.

19.00 RULES OF DEBATE AND CONDUCT OF MEMBERS IN COUNCIL

- 19.1 The Chairperson shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, questions of privilege, points of information and ruling on all questions relating to the procedure of the meeting. Any ruling made by the Chairperson is subject to an appeal to the members by any member.

If an appeal is made by a member on a ruling of the Chairperson, the member appealing shall, after announcing the appeal, state his reasons for such appeal and the Chairperson shall then indicate why the appeal should be rejected and his ruling upheld. Without further debate on the appeal, the members, by roll call vote, shall then vote on the appeal. If the appeal is upheld then the Chairperson shall change his ruling accordingly. If the appeal is rejected then the ruling stands.

- 19.2 The Chairperson may speak on any matter before the commencement of debate on that matter. In addition, the Chairperson may speak to close the debate on any matter after every member wishing to speak has spoken.
- 19.3 Every member after being recognized by the Chairperson and prior to speaking to any matter, shall respectfully address the Chair.

19.4 A member who moves a main motion on a matter has the first right of speaking on that matter after the Chairperson, once the motion has been seconded.

19.5 A member shall not speak more than once on a matter without leave of the Chairperson except:

if requested by the chairperson or a fellow member for answers and/or explanations respecting part or parts of a member's remarks; or to explain remarks which the member believes have been misunderstood; or

in the case of a main motion, just before the Chairperson and after every member wishing to speak on the main motion has spoken provided that the member is the one who moved the main motion concerned.

19.6 A member may, through the Chairperson, ask questions of a previous speaker arising out of those speaker's remarks.

A member may, through the Chairperson, seek an explanation from a previous speaker of any part of that speaker's remarks.

A member may, during the discussion of any particular item on the Agenda, ask questions, through the Chairperson, of any Department Head of the Municipality in attendance at the meeting, pertaining to the item concerned.

19.7 Every motion is the property of the Council and may be withdrawn or modified at any time prior to the vote thereon with the consent of the mover and seconder.

19.8 Motions shall be debated in the order of their presentation to the Chairperson.

19.9 No person, shall at a meeting:

speak disrespectfully of the Reigning Sovereign, any member of the Royal Family, the Governor General, a Lieutenant Governor, a Provincial Premier, a Member of Provincial Parliament or a Member of Parliament; use offensive words or parliamentary language;

disobey the procedural rules or the decisions of the Chairperson or of the Council on questions of order or practice or upon the interpretation of the procedural rules; leave his seat while a vote is being taken and until the results are declared;

make any noise or disturbance while a vote is being taken and until the result is declared; enter the meeting while a vote is being taken;

Interrupt a member while speaking through speaking out, noise or disturbance, except to raise a point of order; pass between a member who is speaking and the Chair.

- 19.10 Any person who contravenes any of the rules set out in the preceding section at a meeting is hereby deemed to be guilty of improper conduct and is subject to expulsion or exclusion by the Chairperson.

20.00 POINTS OF ORDER AND QUESTIONS OF PRIVILEGE

- 20.1 When a member desires to call attention to what he believes to be a violation of the Rules of Procedure he shall, when recognized by the Chairperson, raise a point of order. On raising the point of order a member shall state the point of order with a concise explanation and the Chairperson shall rule upon the point of order.

Unless a member immediately appeals to the members, the ruling of the Chairperson on the point of order shall be final.

If the ruling is appealed, the appeal procedure set out in subsection 21.1 hereof shall be followed.

Once the point of order has been dealt with, the debate shall resume at the point it was before the point of order was raised unless the decision on the point of order has changed this procedure.

- 20.2 When a member desires to address the meeting upon a matter that concerns the rights or privileges of the Council collectively or of themselves as a member thereof, they shall be permitted to raise such matter of privilege, and a matter of privilege shall take precedence over other matters except for points of order and motions to adjourn.
- 20.3 When a member is called to order by the Chairperson so that a point of order or a question of privilege can be dealt with, the member shall cease their remarks until the point of order or question of privilege, as the case may be, has been dealt with after which such member is entitled to resume the floor and continue their remarks unless the decision on the point of order or question of privilege, as the case may be, requires the procedure to be changed.

21.00 COMMITTEES

- 21.1 Committees may be appointed by Council from time to time to consider specific matters or to serve in an advisory capacity.
- 21.2 The following applies to all committees:

- a) The rules and regulations contained in this by-law shall apply to all committees, with necessary modifications.
- b) The Mayor is a member Ex Officio, of all committees and shall have the same voting rights as a member.
- c) The Chief Administrative Officer is a member Ex Officio, of all committees but shall not have voting privileges. All Standing Committee and Subcommittee agendas are to be reviewed by the Chief Administrative Officer prior to distribution to ensure matters on the agenda are those referred by Council and/or the Chief Administrative Officer only.
- d) A quorum for a committee is a majority of the members thereof, not including the Mayor.
- e) The Committee shall appoint a chair from among its members for a term of one year, with no member serving for more than two years.
- f) Notwithstanding, the Mayor may recommend appointments from the members of Council serving on the following standing committees, a chairperson, and may specify the term of office: Public Services Committee; Administration & Finance Committee; By-laws and Planning Committee; Growth, Opportunity, Development Committee, and Parks and Recreation Committee.
- g) Unless authorized by by-law, no committee or member of a committee shall incur any expense or liability in the name of the Corporation.
- h) Unless authorized by by-law, no committee or member of a committee shall become involved in any of the day-to-day departmental operations or direct any Municipal employee.
- i) When a date set for a committee meeting conflicts with a regular Council meeting, then the committee meeting shall be held on the following working day.
- j) The Committees shall meet on the first or third Mondays of each month or otherwise as decided by the committee.
- k) The Committee, Sub-committee and Advisory Board secretaries shall record attendance at meetings. Voting members who miss three subsequent meetings without providing reasonable regrets shall be deemed to have resigned and Council shall appoint a replacement by resolution.

22.00 AMENDMENT OF BY-LAW 2015 – 05

The by-law may be amended by: passing a motion to consider an amendment to this by-law at a later regular Council meeting; passing a motion to prepare an amendment to this by-law; passing the amending by-law, at a later regular Council meeting; and this procedure may not be waived.

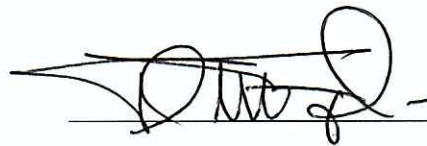
23.00 REPEAL OF BY-LAW

- 23.1 By-law No. 1959 -08 and 1979 - 26, as amended, being a by-law to regulate the proceedings of Council, is hereby repealed.

PASSED this 13 day of May, 2015.



MAYOR



CLERK