

**CORPORATION OF THE TOWNSHIP OF GILLIES
BY-LAW NO. 650**

Being a by-law to govern the proceedings of council, the conduct of its members and the calling of meetings, and to repeal By-law #516.

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

WHEREAS section 238 (2.1) of the *Municipal Act, 2001* provides that the procedure by-law shall provide for public notice of meetings.

NOW THEREFORE the Council of the Corporation of the Township of Gillies hereby enacts the following:

1. Short Title

This By-law may be cited as the "The Procedural By-law".

2. Definitions

In this by-law:

- 2.1 "Act" means provincially enacted legislation;
- 2.2 "Clerk" means the Clerk-Treasurer of the Township of Gillies;
- 2.3 "Committee" means any advisory or other committee, subcommittee or similar entity composed of members of one or more councils;
- 2.4 "Council" means the Council of the Township of Gillies;
- 2.5 "Meeting" means any regular, special, committee or other meeting of a council;
- 2.6 "Member" means a member of Council, including the Reeve;
- 2.7 "Municipality" means the Corporation of the Township of Gillies.

3. Application

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 provided that the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

4. Holding of Council Meetings

Regular meetings of Council shall be held in the Council Chambers at 7:00 PM,

- on the second Monday of each month; and
- on the fourth Monday of each month except during the months of July, August, and December; and

- where a regular council meeting falls on a Statutory or Civic Holiday on the Monday, the meeting shall take place on the second or fourth Wednesday, as the case may be.

4.1 Notice of Regular Council Meetings

- (a) Notice of all regular meetings shall be posted on the Township website and published in each issue of Gillies Community News.
- (b) Council may, by resolution alter the date and/or time of a regular meeting provided that 48 hours notice of the change is posted in the Municipal Office, Green Acre Variety, the Gillies Community Centre, Municipal Website and if feasible, the Waste Disposal Site.
- (c) Council may, by resolution at a prior meeting, or by request of the Reeve and consensus of Council members, cancel the date of a subsequent regular meeting due to the lack of an agenda, provided that 48 hours notice of the cancellation is posted at the Municipal Office, Green Acre Variety, the Gillies Community Centre, Municipal Website and if feasible, the Waste Disposal Site.

4.2 Notice of Special Council Meetings

- (a) The Reeve may at any time summon a special meeting of Council to be held in the Council Chambers.
- (b) The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose of 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 no sooner than 24 hours following the Reeve's summons or receipt of the petition, as the case may be, and the Clerk shall provide notice of the special meeting immediately, insofar as is practical, following receipt of the summons or petition.
- (d) Notice of special meetings of Council shall be given to the public by a notice being posted on the bulletin board at the following locations: Municipal Office, Green Acre Variety, the Gillies Community Centre, Municipal Website and if feasible, the Waste Disposal Site.
- (e) The only business to be dealt with at a special meeting is that listed in the notice of the meeting.

5. Chair of Meetings

- (a) The Reeve shall preside at all meetings of the council.
- (b) A by-law appointing an Acting Reeve for each year of the term of council, shall be enacted and passed at the first meeting of council following an election. When the Reeve is absent or refuses to act, or the office is vacant, the Acting Reeve shall act in the place and stead of the Reeve, and while so acting, the Acting Reeve has and may

exercise all the rights, powers and authority of the Reeve.

6. Open and Closed Meetings

- (a) All Council meetings shall be open to the public.
- (b) Notwithstanding 6 (a) above, a meeting of Council may be closed to the public in accordance with current legislation.
- (c) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.
- (d) Minutes of a closed session shall be kept in accordance with section 11 of this by-law, and shall be adopted during a subsequent closed meeting.

7. Calling of Meeting to Order and Quorum

As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Reeve shall take the Chair and call the meeting to order.

7.1 Quorum Requirements

- (a) If the number of members who, by reason of any Act are disabled from participating in a meeting, is such that there is no quorum, despite any other Act, any number that is not less than one-third of the total number of members of the Council shall be deemed to constitute a quorum, but the number shall not be less than two unless an order is made under (c) authorizing it.
- (b) When the remaining number of members under (a) is two, the concurrent votes of both are necessary to carry any resolution, by-law or other measure.
- (c) If the remaining number of members who are not disabled from participating in the meeting is less than one-third of the total number of members or less than two, as the case may be, the council may apply to a judge without notice for an order authorizing the council to give consideration to, to discuss, and to vote on the matter out of which the pecuniary interests arise, as prescribed under Section 7 of the *Municipal Conflict of Interest Act*.

7.2 No Quorum

If no quorum is present one half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.

8. Curfew

No new item of business may be dealt with at a Council meeting after 10:30 PM, unless a resolution to extend the time has been passed.

9. The Conduct of Proceedings at a Meeting of Council

9.1 Duties of the Reeve

It shall be the duty of the Reeve,

- (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 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 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 chambers;
- (h) to receive all messages and other communications and announce them to the Council;
- (i) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council;
- (j) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- (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 conform to the laws and by-laws governing the activities of the Council;
- (m) to adjourn the meeting when the business is concluded;
- (n) to adjourn the meeting without question put, in the case of grave disorder arising in the council chamber;
- (o) to expel from a meeting anyone who engages in improper conduct, as listed in subsection 9.2 of this by-law.

9.2 Conduct of Members of Council and Guests

No Person shall:

- (a) use offensive words or gestures or unparliamentary language in or against the Council or against any member, staff or guest;

- (b) speak on any subject other than the subject in debate;
- (c) disturb another, or the Council, staff or guest by any disorderly conduct disconcerting to the speaker or the assembly;
- (d) resist the rules of Council or disobey the decisions of the Reeve or presiding member 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;
- (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;
- (h) be allowed to address Council or speak in debate without the permission of the Reeve.

9.3 Unless otherwise authorized by the Reeve, all members, staff and guests shall address Council through the chair and only when recognized to do so.

9.4 When two or more members seek to address Council, the Reeve shall designate the member who may speak first.

10. Agenda

- (a) The Clerk shall prepare agendas of Council meetings as assigned.
- (b) Insofar as is practicable, Council agendas along with supporting material, shall be prepared and made available to members after 3 PM on the Thursday preceding a regular meeting.
- (c) Written reports of members/staff shall, insofar as is practicable, shall be made available to Council prior to 3 PM on the Thursday preceding a regular meeting.
- (d) 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:
 - i. Disclosure of Interest
 - ii. Adoption of Minutes of previous meeting(s)
 - iii. Visitors and Deputations
 - iv. Finances and Accounts
 - v. Reports

- vi. Correspondence
 - vii. Unfinished business
 - ix. New business
 - x. Upcoming Matters
 - xi. Adjournment
- (e) 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 consensus of Council.
- (f) A copy of the draft Agenda shall be posted at the Municipal Office, Green Acre Variety, Gillies Community Centre, Municipal Website and the Waste Disposal Site by 5 PM on the Thursday preceding a regular meeting.

11. Minutes

Minutes of open and closed meetings shall record:

- (a) The place, date and time of meeting;
- (b) The name of the Chair, and the attendance of the members and staff;
- (c) Disclosure of interest;
- (d) The names of guests or deputations;
- (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, unless the individual making the comment requests the comments to be recorded;
- (g) The time of adjournment.

12. Petitions and Communications

Every communication, including a petition designed to be presented to the Council shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by a least one person and filed with the Clerk.

13. Deputations

- (a) Persons desiring to present information verbally on matters of facts or make a request of council shall give notice in writing to the Clerk by 4:30 PM of the Wednesday prior to the Monday regular Council meeting and may be heard by leave of the Reeve, but shall be limited in speaking to not more than ten (10) 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.

- (b) The notice shall be legibly written and shall include a brief summary of the matter or matters that is/are to be presented.
- (c) Persons desiring to make a request of Council who have not given notice to the Clerk may be heard if all members of council agree to hear the request.

14. Reading of By-Laws and Proceedings Therein

- (a) A by-law may be introduced in draft form for council information and input for consideration of enactment at a subsequent meeting and this does not constitute as a reading of the by-law.
- (b) No by-law shall be presented to Council for enactment unless the subject matter has been considered and approved by Council, or unless it is a by-law that must be enacted annually under any Act.
- (c) Every by-law shall be introduced upon motion by a member of the Council, specifying the title of the by-law and general nature thereof.
- (d) Every by-law when introduced shall be in typewritten format and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception of the number and date thereof.
- (e) Every by-law shall require only one reading prior to it being enacted and passed, unless requested otherwise by motion of the majority of the members present or as otherwise provided in law to have more than one reading.
- (f) If it has been determined by motion or law that a by-law is to have three readings, the first and second reading of a by-law shall be received without amendment or debate.
- (g) If Council so determines, a by-law may be considered as being read. Also, Council may permit the presentation of a synopsis in place of a complete reading of a by-law.
- (h) Any proposed or draft by-law may be referred to a committee, department head, or officer for review and comment, including the solicitor for the Municipality.
- (i) Upon passage, by-laws shall be numbered, signed by the Reeve and the Clerk, embossed with the seal of the Municipality, embedded in the by-law book and deposited by the Clerk in the Municipal office for safekeeping.
- (j) The Clerk shall set out on all by-laws enacted by Council the date of passing and if applicable, the dates of the several readings.

15. Motions/Rules of Debate

- (a) Notice of motions, except those listed in Sections 15 (p) and (q) of this by-law, or raised at a previous council

meeting under 'Upcoming Matters', shall be given in writing to the Clerk not later than 4:30 PM on the Wednesday preceding the next regular Monday meeting so that the matter may be included in the Council agenda package.

- (b) Notice of motion is required to submit a by-law or resolution to Council which had previously been voted upon and the vote lost.
- (c) When a notice of motion has appeared on two successive agendas and has not been proceeded with, it shall be dropped from the agenda unless Council otherwise decides.
- (d) A motion must be formally seconded before the question can be put or a motion be recorded in the minutes.
- (e) When a motion is presented to Council in writing, it shall be read, or, if it is an oral motion, it shall be stated, by the Reeve before debate.
- (f) A motion to amend shall:
 - (i) be presented in writing;
 - (ii) be dealt with by Council before a previous amendment or the main motion;
 - (iii) not be further amended more than once provided that further amendment may be made to the main motion;
 - (iv) be relevant to the main motion;
 - (v) not propose a direct negative to the main motion.
- (g) Once read or stated by the Reeve a motion may not be withdrawn without the consent of the majority of the members.
- (h) Immediately prior to voting on a motion, the Reeve shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
- (i) 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.
- (j) On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Reeve and may be by voice, show of hands, standing or otherwise. Every member present, except a member who is disqualified from voting by any Act, shall vote openly. If any member does not vote, they shall be deemed as voting in the negative.
- (k) 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.

- (l) The Reeve, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
- (m) Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- (n) No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
- (o) 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.
- (p) The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided by these rules of procedure:
 - (i) a point of order or personal privilege;
 - (ii) presentations of petitions;
 - (iii) to lay on the table; (to defer temporarily)
 - (iv) to postpone indefinitely or to a specific day;
 - (v) to move the previous question (immediate vote on the main motion).
- (q) The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
 - (i) to refer;
 - (ii) to adjourn;
 - (iii) to amend.
- (r) Except as provided by Section 15 (p) of this by-law, all motions shall be in writing and signed by the mover and seconder.
- (s) The Clerk and other staff may introduce matters to be dealt with by motion subject to the notice provisions set out in Section 15 (a) of this by-law.

16. Points of Order and Privileges

- (a) The Reeve shall preserve order and decide questions of order.
- (b) The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- (c) In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.

17. Advisory Committee Meetings

- (a) Meetings of advisory committees shall be held as may be determined from time to time by the appointed Chair of each advisory committee, at a public location acceptable to the members. The Chair shall give oral or written notification of the date, time and location of the meeting to the Clerk, who shall post notice of the meeting on the Municipal Website at least 24 hours prior to the holding of the meeting.
- (b) Upon oral or written notification given to the Clerk by the Chair, a called meeting may be cancelled as long as notice of the cancellation can be posted on the Municipal Website by the Clerk at least 4 hours prior to the intended start time of the cancelled meeting.
- (c) All meetings shall be open to the public.
- (d) The Chair, or an alternate council member who is a member of the committee, shall preside at all meetings.
- (e) At least one council member and one non-council member must be present for quorum. If there is no quorum present within 15 minutes of the start time of the meeting, the meeting shall stand adjourned until rescheduled by the Chair, within the notice provisions of subsection 17 (a) of this by-law.

18. Amendment

No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

19. That By-law #516 is hereby repealed.

20. This by-law shall become effective upon date of enactment.

Hereby enacted and passed this 14th day of September 2009.

THE CORPORATION OF THE TOWNSHIP OF GILLIES

REEVE_____

CLERK_____