

THE CORPORATION OF THE TOWNSHIP OF O'CONNOR
BY-LAW NUMBER 2002-22

Being a By-law to govern the proceedings of Council and Committees of the Corporation of the Township of O'Connor and to repeal By-law 874, 934,957,92-6, 94-20 and 95-12.

WHEREAS pursuant to Section 238 (2) of the Municipal Act, 2001, c.25, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings

AND WHEREAS pursuant to Section 238 (3) the procedure by-law may provide that meetings be held and public offices be kept at a place outside the municipality within an adjacent municipality.

AND WHEREAS pursuant to Section 238 (4) before passing a by-law under subsection (2), a municipality and local board shall give notice of its intention to pass the by-law.

AND WHEREAS it is desirous that there be rules governing the conduct of its members as may be deemed expedient and are not contrary to law;

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF O'CONNOR ENACTS AS FOLLOWS:

1. In this By-law;
 - (a) "Clerk" means the Clerk of the Corporation of the Township of O'Connor;
 - (b) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;
 - (c) "Corporation" shall mean the Corporation of the Township of O'Connor;
 - (d) "Council" means the Council of the Corporation of the Township of O'Connor;
 - (e) "Head of Council" means the Mayor,
 - (f) "Meeting" means any regular, special, committee or other meeting of Council or local board,
 - (g) "Member of Council" shall mean a member of Council and includes the Head of Council,
 - (g) "Township" shall mean the Corporation of the Township of O'Connor;
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 Committee thereof, 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 Committee.

COUNCIL MEETINGS

3. Meetings of Council shall be held at Council Chambers adopted and used by the Council, from time to time for such purposes. Regular meetings of Council shall be held on the second Monday of each month at 7:00 p.m., except for the month of December, when the meeting will be held on the first Monday of the month.

A meeting of Council shall be held on the fourth Monday of each month at 7:00 p.m. except during the months of July, August and December. Only during the month of December, a meeting will be held on the third Monday.

Where any of the meeting dates fall on a statutory holiday the meeting will be held on the Tuesday of that week at 7 p.m.

Public notice of Meetings of Council will be posted on the Township of O'Connor website and included in the Township monthly newsletter.

Council may, by resolution, alter the date and/or time of a regular meeting provided that notice of the change is posted on the bulletin board, in the Municipal Office and community centre and posted on the Township of O'Connor website.

The first meeting of a new council of a municipality after a regular election and after a by-election shall be held not later than 31 days after its term commences.

4. When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour on the next following day which is not a public or civic holiday unless the Council by resolution passed at a regular meeting directs otherwise.
5. The Head of Council may at any time call a special meeting of Council on 48 hours notice or 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. Forty-eight hours notice of all special meetings of Council shall be given to the ratepayers by the notice being placed on the bulletin board in the Municipal office and community centre and posted on the Township of O'Connor website.

The only business to be dealt with at a special meeting is that listed in the notice of the meeting.

6. In the case of the absence of Head of Council from the municipality, or if he/she refuses to act or the office is vacant, a Councillor shall be appointed on a rotating alphabetical order of Council for each month of the year, in the place and stead of the Head of Council and he/she shall have all the powers and duties of the Head of Council.

CALLING OF MEETING TO ORDER AND QUORUM

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

Where the number of members who, by reason of the provisions of the Municipal Conflict of Interest Act, Section 7 are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

NO QUORUM

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

ABSENCE OF HEAD OF COUNCIL

9. Subject to the provisions of the Municipal Act, and where no Presiding Officer has been appointed under Clause 6 of this By-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and an acting Head of Council, shall be appointed from among the Members present and he/she shall preside until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

OPEN MEETINGS

10. Except as provided in Section 239 (1) of the Municipal Act, 2001, all meetings shall be open to the public.

CLOSED MEETINGS

11. A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
 - 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 of local board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administration 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.
12. 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, board, commission or other body is the head of an institution for the purposes of that Act.

A meeting of Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, 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.

Once Council has determined that the subject matter of a meeting or part of a meeting either permits or requires the issue to be dealt with in a closed meeting; Council shall state by resolution (a) the fact of the holding of the closed meeting, (b) the general nature of the matter to be considered at the closed meeting.

CURFEW

13. No item of business may be dealt with at a Council meeting after 10:30 p.m. unless a resolution extending the time has been passed by unanimous vote.

THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

14. The Head of Council, except where otherwise provided, shall preside at all meetings of Council
 - a) to open the meeting of Council by taking the chair and taking the Members to Order
 - b) to announce the business before the 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 of Council,
 - d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result
 - e) to decline to put to vote motions which infringe the rules of procedure,
 - f) to restrain the Members, within the observance of order and decorum among the Members
 - g) to enforce on all occasions the observance of order and decorum among the Members,
 - h) the Head of Council or other presiding officer may expel any person for improper conduct at a meeting.
 - i) to receive all messages and other communications and announce them to the Council,
 - j) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council,
 - k) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
 - l) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
 - m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
 - n) to adjourn the meeting when the business is concluded,
 - o) to adjourn the meeting without the question being put, in the case of grave disorder arising in the Council Chamber.

AGENDA

15. The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda under the following headings:
 - a) Call to order
 - b) Disclosure of pecuniary interest and the general nature thereof
 - c) Minutes of previous meeting
 - d) Visitors and Deputations
 - e) Interview with Leadhand (on request)
 - f) Interview with Fire Chief (on request)
 - g) Administration and Road Voucher
 - h) Statement of Revenue and Expenditure report
 - i) By-laws and Policies
 - j) Consent applications
 - k) Resolutions for endorsement
 - l) Correspondence
 - m) Old business
 - n) New business
 - o) Issues brought forward or letters received after agenda was mailed
 - p) Information purposes: building permits approved
 - q) Closed portion, if required
 - r) Open meeting,
 - s) Adjournment

The Clerk shall deliver or cause the agenda to be delivered the Friday prior to the regular meeting date.

16. 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.

MINUTES

17. Minutes shall record:
 - a) The place, date and time of meeting;
 - b) The names of the Presiding Officer or officers and record of the attendance of the Members;
 - c) Disclosure of pecuniary interest and the general nature thereof
 - d) The reading, if requested, correction and adoption of the minutes of prior meetings;
 - e) All other proceedings of the meeting without note or comment
 - f) Any persons attending the meeting

PETITIONS AND COMMUNICATIONS

18. 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 at least one person and filed with the Clerk.

DEPUTATIONS

19. Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and may be heard, but will 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.

Persons desiring to make a request of Council who have not given notice to the Clerk may be heard if all Members of the Council agree to hear the request.

VOTING

20. Except as otherwise provided, every member of a Council shall have one vote.
21. QUESTION STATED – Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
22. NO INTERRUPTION AFTER QUESTION – After a question is finally put by the Presiding Officer no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
23. UNRECORDED VOTE – the manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

In an Unrecorded vote, if a Member chooses not to vote, it is a vote in the negative.

24. TIE VOTE – Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
25. RECORDED VOTE – If a Member present at a meeting at the time of a vote requests immediately before or after taking 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.

The vote will be taken in an alphabetical order by the Council members last name. A failure to vote during a recorded vote by a Member who is present at the meeting at the time of the vote and who is not disqualified to vote shall be deemed to be a negative vote.

26. CLOSED MEETINGS - A meeting shall not be closed to the public during the taking of a vote unless Section 11 and 12 of this By-law permits or requires the meeting to be closed to the public; and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

RULES OF DEBATE

27. Every Member prior to speaking to any question or motion shall raise his/her hand and address the Presiding Officer. When two or more Members raise their hands to speak, the Presiding Officer shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, raised his/her hand first.
28. When the Presiding Officer calls for the vote on a question, each Member shall occupy his seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
29. When a Member is speaking no other Member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.
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.
31. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
- a) a point of order or personal privilege;
 - b) presentations of petitions;
 - c) to lay on the table;
 - d) to postpone indefinitely or to a day certain
 - e) to move the previous question
32. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- a) to refer;
 - b) to adjourn;
 - c) to amend;
 - d) to suspend the Rules of Procedure
33. Except as provided by Clause 31, all motions shall be in writing with a mover and seconder.

POINTS OF ORDER AND PRIVILEGES

34. The Presiding Officer shall preserve order and decide questions of order. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

SUSPENSION OF RULES

35. Any procedure required under this By-law may be suspended with consent of a majority of the Members of the Council present.

AMENDMENT

36. Before passing a Procedure By-law, the municipality and local board shall give notice of its intention.

GENERAL

37. 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.
38. If there is a conflict between this By-law and the Municipal Act, the provisions of the Municipal Act shall prevail.
39. 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.
40. That By-law 874, 934,957,92-6, 94-20 and 95-12 are hereby repealed in their entirety.
41. This By-law shall be known as the "Procedural By-law".
42. This By-law shall come into force and take effect January 1, 2003.

READ A FIRST, SECOND AND A THIRD TIME AND FINALLY PASSED THIS 19th DAY OF DECEMBER, 2002.

The Corporation of the
Township of O'Connor

Ron Nelson
Mayor

Lorna Buob
Clerk-Treasurer

This By-law was amended as follows:

December 18, 2003 -By-law Number 2003-15

Section 3, Section 19, Section 25, Section 27 and 28, Section 29

March 11, 2004 – By-law Number 2004-06, Section 23

June 10, 2004 – By-law Number 2004-10, Section 3

April 11, 2011 – By-law Number 2011-07, Section 3, 5, 12 and 15