

The Corporation of the Municipality of Magnetawan

BY-LAW NO. 2004 - 16 PROCEDURAL BY-LAW

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c 25, as amended, Section 238 requires for Council to pass a Procedural By-law to govern the calling, place and proceedings of meetings and the conduct of its Members;

BE IT ENACTED as a By-law of this Corporation as follows:

1. DEFINITIONS

In this By-law

1.1_ “Clerk” means the Clerk of the Corporation of the Municipality of Magnetawan.

1.2 “Administrator” means the Administrator of the Corporation of the Municipality of Magnetawan.

1.3 “Council” means the Council of the Corporation of the Municipality of Magnetawan.

1.4 “Head of Council” means the Mayor.

1.5 “Member” means a person declared to the Council of the Municipality of Magnetawan.

1.6 “Person” means any person attending a meeting of Council.

2. RULES OF PROCEDURE

The rules of procedure 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, 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.

3. ELECTRONIC RECORDING DEVICES

Electronic recording devices shall be permitted in the Council Chambers, at the discretion of the Presiding Officer.

4. COUNCIL MEETINGS

4.1 Meetings of the Council may be held at the Municipal Office in the Community Centre in Magnetawan as per Resolution, adopted and used by the Council for such purpose. The Inaugural Meeting of Council shall take place at 7:00 p.m. on the first Thursday of December following the Election.

4.2 The next and each succeeding regular meeting of Council shall be held on the second and fourth Wednesday of each month at 7:00 p.m.

4.3 When the day for a Regular Meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.

4.4 The Head of Council may at any time summon a Special Meeting of Council, on twenty-four (24) hours notice, to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition. Twenty-

four (24) hours notice of all Special Meetings of Council shall be given to the Members through the Clerk's Office.

4.5 The only business to be dealt with at a Special Meeting is that which is listed in the notice of the meeting.

4.6 This does not prevent the Council from meeting to deal with an emergency situation.

5. CALLING OF MEETING TO ORDER AND QUORUM

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

6. ABSENCE OF HEAD OF COUNCIL

6.1 In the case of the absence of the Head of the Council from the Municipality or if he/she is absent through illness or he/she refuses to act or his/her office is vacant, a Councillor shall be appointed by Resolution to act in the place and stead of the Head of Council and he/she shall have all the rights, powers and authority of the Head of Council for the meeting.

6.2 Subject to the provisions of '*TheMunicipal Act, 2001*' and where no presiding Officer has been appointed under Section 6.1 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 Council, the Clerk shall call the Members to order and an acting Head of Council shall be appointed by resolution 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.

7. NO QUORUM

If no quorum is present one half (½) 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 Regular Meeting.

8. CURFEW

No item of business may be dealt with at a Council Meeting after ten (10) p.m. unless approved by a Resolution of Council. No item of business shall be dealt with at a Meeting of Council after eleven (11) p.m. unless unanimously approved by a Resolution of Council.

9. THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

It shall be the duty of the Head of Council or other Presiding Officer:

9.1 to open the Meeting of Council by taking the Chair and calling the Members to order;

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

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

9.4 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;

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

9.6 may, prior to the adjournment of a Regular Meeting, allow time for persons to ask questions of Council on current agenda items;

- 9.7 to restrain the Members or the persons within the ‘rules of order’ which engage in debate;
- 9.8 to enforce, on all occasions, the observance of order and decorum among the Members and/or the persons;
- 9.9 to call by name, any Member or person persisting in breach of the ‘rules of order’ of the Council, thereby ordering him/her to vacate the Council Chamber;
- 9.10 to receive all messages and other communications and announce them to the Council;
- 9.11 to authenticate, by his/her signature when necessary, all By-laws, Resolutions and Minutes of the Council;
- 9.12 to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- 9.13 to represent and support the Council, declaring its’ will and implicitly obeying its’ decisions in all matters, as validated by Policy, Resolution or By-law;
- 9.14 to ensure that the decisions of Council are in conformity with the Laws and By-laws governing the activities of the Council;
- 9.15 to adjourn the Meeting when the business is concluded;
- 9.16 to adjourn the Meeting without question put, in the case of grave disorder arising in the Council Chamber.

10. **AGENDA - SECOND WEDNESDAY OF EACH MONTH**

The Clerk shall have prepared and printed for the use of the Members at the first Regular Council Meeting in each month, an agenda under the following headings:

- 10.1 Opening Comments
- 10.2 Declaration of Pecuniary Interest
- 10.3 Minutes of previous Meeting(s)
- 10.4 Reports of Municipal Boards/Committees
- 10.5 Reports of Municipal Officers
- 10.6 Draft By-laws
- 10.7 Correspondence
- 10.8 Unfinished Business
- 10.9 New Business
- 10.10 Accounts
- 10.11 Adjournment

11. **AGENDA - FOURTH WEDNESDAY OF EACH MONTH**

The Clerk shall have prepared and printed for the use of the Members at the second Regular Council Meeting in each month, an agenda under the following headings:

- 11.1 Opening Comments
- 11.2 Declaration of Pecuniary Interest
- 11.3 Minutes of previous Meeting(s)
- 11.4 Deputations and Presentations
- 11.5 By-laws
- 11.6 Motions and Discussions
- 11.7 Correspondence

- 11.8 Unfinished Business
- 11.9 New Business
- 11.10 Accounts
- 11.11 Adjournment

12. BUSINESS OF COUNCIL

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 a vote of Council.

13. MINUTES

Minutes shall be recorded by the Clerk, or designate, and shall contain the following:

- 13.1 the place, date and time of meeting;
- 13.2 the names of the Presiding Officer or Officers and record of the attendance of the Members;
- 13.3 the reading, if requested, correction and adoption of the Minutes of prior Meetings;
- 13.4 all other proceedings of the Meeting without note or comment.

14. PETITIONS AND CORRESPONDENCE

- 14.1 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.
- 14.2 Every petition or communication shall be delivered to the Clerk during regular office hours, the Wednesday prior to the next Regular Meeting of Council, so the item may be included in the Agenda circulated to Council.
- 14.3 Agendas will be available for Council at 1 p.m. on the Friday preceding a Regular Meeting of Council.

15. DEPUTATIONS AND PRESENTATIONS

- 15.1 Once Council has rendered a decision resulting from a presentation and written notification of that decision has been given Council will not revisit that issue without the consent of a majority of the Members of Council present.
- 15.2 Persons desiring to make a presentation to Council on matters of fact or make a request of Council must follow their written presentation and shall give notice to the Clerk of such presentation the Wednesday prior to the next Regular Meeting of Council and may be heard by leave of the Presiding Officer of Council 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 five (5) minutes each.
- 15.3 All presentations to Council shall be communicated in legible form and must be presented to the Clerk, during Regular Office hours, no later than the Wednesday preceding the Regular Meeting of Council.
- 15.4 The time limit may be extended only by the authority of the Head of Council.
- 15.5 A member of Council may ask questions only for the purpose of obtaining

information relating to the matter under discussion and such question must be stated concisely.

16. **READING OF BY-LAWS AND PROCEEDINGS THEREON**

- 16.1 No By-law except a By-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- 16.2 Every By-law shall be introduced upon motion by a Member of Council, specifying the title of the By-law.
- 16.3 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 provisions of any act and shall be complete with the exception of the number and date thereof.
- 16.4 Every By-law shall have three (3) readings prior to it being passed.
- 16.5 The first reading of a By-law shall be decided without amendment or debate.
- 16.6 If the Council determines that the By-law is to be considered in 'Closed Session' it shall be so considered previous to the third reading thereof.
- 16.7 If Council so determines, a By-law may be taken as read.
- 16.8 The Clerk shall set out on all By-laws enacted by Council, the date of the several readings thereof.
- 16.9 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/her Office for safekeeping.

17. **VOTE**

- 17.1 **Unrecorded Vote**
The manner of determining the decision of Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
- 17.2 **Recorded Vote** - If a Member present at a Council or Committee 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 an Act, shall announce his or her vote openly and the Clerk shall record each vote.
- 17.3 Failure to vote 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.
- 17.4 When the Presiding Officer calls for a vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer.

18. **CONDUCT OF MEMBERS AND PERSONS**

- 18.1 Any Member may require the question of motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
- 18.2 No Member nor Person shall:
 - 18.2.1 use offensive words or unparliamentary language in or against the Council or

against any Member;

18.2.2 speak on any subject other than the subject in debate;

18.2.3 criticize any decision of the Council except for the purpose of moving that the question be reconsidered;

18.3 It shall be the duty of the Head of Council or other Presiding Officer to expel or exclude from any meeting, any person who has been guilty of improper conduct at the meeting.

18.4 A Member who violates the provisions under Section 18.2 and is requested to vacate his/her seat, may retake his/her seat after apologizing to the Council.

18.5 When the Chair is putting the question, no Member or Person shall leave or make a disturbance.

18.6 No person except Members and Officers of Council shall be allowed to come within the Bar during the Sittings of Council without permission of the Presiding Officer or the Council upon reference.

19. NEW BUSINESS

Any matter arising from a Deputation or Presentation may be dealt with by Council at this time if sufficient information is available and time permits.

20. SUSPENSION OF RULES

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

21. AMENDMENT

21.1 No amendment or repeal of this By-law or any part thereof shall be considered at any Meeting of Council unless notice of proposed amendment or repeal has been given at a previous regular Meeting of Council.

21.2 Waiving of this notice by the Council is prohibited.

22. EFFECTIVE DATE

22.1 This By-law shall become effective upon the date of enactment.

22.2 By-law No. 2003-02 is hereby repealed.

**PASSED IN OPEN COUNCIL as read a first, second and third time
this 14th day of April, 2004.**

Sam Dunnett, **Mayor**

Brenda J. Fraser, **Clerk/Administrator**