



## **CORPORATION OF THE MUNICIPALITY OF EAST FERRIS**

### **BY-LAW NO. 2019-03**

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, LOCAL BOARDS AND COMMITTEES OF EITHER, THE CONDUCT OF ITS MEMBERS THE CALLING OF THE MEETINGS AND TO ESTABLISH RULES OF ORDER.

**Whereas** pursuant to Section 238(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended that every Municipality and Local Board pass a Procedure By-law for governing the calling place and proceedings of meetings;

**And Whereas** pursuant to Section 238(2.1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended requires public notice of meetings;

**Now Therefore** the Council of the Corporation of the Municipality of East Ferris hereby enacts as follows:

## PROCEDURAL BY-LAW

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## **ARTICLE 1 - INTERPRETATION**

### **1.1 Short Title of By-law**

This By-law shall be known as the Municipality of East Ferris Procedural By-law.

### **1.2 Definitions**

In this By-law:

- a) "CAO" means the Chief Administrative Officer reporting to Council, the Chief Administrative Officer (CAO) is the senior administrator providing information, advice, and recommendations to Council on issues that affect the municipality in order to ensure that Council makes informed decisions and to fulfill such duties as may be assigned by the Municipality from time to time. Attending all Council meetings.
- b) "Chair" means the person presiding at a meeting and sees that the rules of procedure are observed whether that person is the regular presiding officer or not.
- c) "Clerk" means that person appointed by the Council of the Municipality of East Ferris to fulfill such duties as may be assigned by the Municipality from time to time.
- d) "Committee" means any advisory or other Committee, Subcommittee or similar entity of which at least 50 percent of the members are also members of one or more Councils or Local Boards. Committees are established by Council and are governed by the Terms of References in the Boards and Committees Policy.
- e) "Council" refers to elected members of Council.
- f) "Head of Council" means the Mayor of the Corporation of the Corporation of East Ferris or in the case of the absence of the Mayor from the Municipality or if he is absent through illness, or his office is vacant, a Councillor shall be appointed to act from time to time in the place and stead of the Mayor and he shall have all the rights, powers and authority of the Head of Council while so doing.
- g) "Local Board" means a municipal service board, transportation commission, board of health, planning board and any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, a conservation authority, a police services board or a public library board.
- h) "Meeting" means any regular, special or other gathering of Council, a Local Board or of a Committee of Council, for which a quorum is required in order to make a decision on any matter over which it has jurisdiction

and does not include participation at workshops, training sessions or conferences;

- i) "Member" as it relates to Council means a member of the Corporation of the Municipality of East Ferris Council and as it relates to Committees as defined in 1.2(d) shall mean a person elected or appointed to the Committee and includes the Head of Council and the Chair of any Committees;
- j) "Municipal Act" means the Municipal Act S.O. 2001, c.25 as amended or replaced.
- k) "Present" means physically in attendance at the meeting.
- l) "Presiding Officer" means the Head of Council or the Chair of a Committee unless otherwise appointed in accordance with the provisions of this By-law.
- m) "Quorum" as it relates to Council means three members of Council and as is it relates to Committees means a majority of the applicable membership.
- n) "Secretary" shall mean the person appointed by Council, a Local Board or a Committee of either of them to record the proceedings of any meeting constituted pursuant to this By-law.
- o) "Corporation" means the Corporation of the Municipality of East Ferris.

### **1.3 Use of pronouns**

Throughout this By-law the words "he" and "his" shall, where appropriate, be deferred to read "she" and "her".

## **ARTICLE 2 - GENERAL PROVISIONS**

### **2.1 Rules and Regulations**

Subject to the provisions of the Municipal Act, the rules and regulations contained in this By-law shall be the rules of procedure governing the proceedings of Council, the Local Boards and the Committees thereof.

### **2.2 Rules – suspended by resolution**

Any rules established by this By-law, other than a quorum requirement, may be suspended upon resolution by a quorum of Council, a Local Board or Committee members provided that the suspension of the rules does not result in a contravention of any prescribed statute or law.

### **2.3 Rules of Order – governing proceedings**

Subject to the provisions of the Municipal Act and any other Act and except as expressly provided in this By-law, the Rules of Order of the Parliament of Canada, shall be the rules governing the proceedings of Council, a Local Board or Committees and the conduct of the members of same.

### **2.4 Rules of Order – Robert’s application**

The most recent edition of Robert’s Rules of Order in existence from time to time shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in this By-law or respecting the Rules of Order of the Parliament of Canada.

### **2.5 Conflict – Rules of procedure**

In the event of any conflict between the provisions of this By-law and those contained in any of the authorities set out previously, the provisions of this By-law shall apply.

## **ARTICLE 3 - ROLE OF HEAD OF COUNCIL**

### **3.1 Role of Mayor**

It is the role of the Mayor as the Head of Council: (Ref. 225)

- a) to Act as Chief Executive Officer of the municipality;
- b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
- c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1) of the Municipal Act
- d) to represent the municipality at official functions; and
- e) to carry out the duties of the Head of Council under the Municipal Act or any other statute or regulation; and

### **3.2 Mayor – Chief Executive Officer**

As Chief Executive Officer for the Corporation, the Head of Council shall: (Ref.226.1)

- a) uphold and promote the purposes of this municipality;
- b) promote public involvement in the Corporation’s activities;
- c) act as the representative of the Corporation both within and outside the municipality and promote the Corporation locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Corporation and its residents.

### **3.3 Ex-officio – all Committees**

The Head of Council shall be an ex-officio member of all Local Boards or Committees of Council and shall be entitled to vote as a member of such Committees. Notwithstanding the above, the Head of Council is not considered a member of the Committee when determining a quorum.

### **3.4 Mayor – appointed by Council – Member of Board**

Unless otherwise prohibited, whenever the Mayor is appointed by Council as a member of a Local Board or Committee, the Mayor may, from time to time, appoint a member of Council as a designate to attend a meeting of the Local Board or Committee, as the case may be.

### **3.5 Absence of Mayor**

A Deputy Mayor shall act from time to time in the place and stead of the Mayor while the Mayor is absent from the municipality or is absent through illness or his/her office is vacant.

### **3.6 Selection Criteria**

The Deputy Mayor when acting in the place and stead of the Mayor shall be a Councillor appointed by Council and he shall have all the rights, powers and authority of the Head of Council while so doing.

### **3.7 Absence of Mayor and Deputy Mayor**

In the absence of both the Mayor and the Deputy Mayor, then an Acting Deputy Mayor shall be appointed by Council from the remaining members of Council to act in the capacity of Head of Council and he shall have all the rights, powers and authority of the Mayor.

## **ARTICLE 4 - ROLE OF COUNCIL**

### **4.1 Role of Council**

It is the role of Council: (Ref. 224)

- a) to represent the public and consider the well-being and interests of the Corporation;
- b) to develop and evaluate the policies and programs of the Corporation;
- c) to determine which services the Corporation provides;
- d) to ensure the administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
- e) to maintain the financial integrity of the municipality;
- f) to carry out the duties of Council under the Municipal Act or any other statute or regulation.



#### **4.2 Disqualification (Ref 258(2))**

A member of council of a municipality is disqualified from holding office if, at any time during the term of office of that member, he or she,

- a) ceases to be a Canadian citizen;
- (b) is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the municipality, in the case of a member of council of a local municipality, or in a lower-tier municipality within the upper-tier municipality, in the case of a member of council of an upper-tier municipality; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of member of council of the municipality if an election was held at that time. 2001, c. 25, s. 258 (2); 2005, c. 5, s. 44 (3).

#### **4.3 Vacant seat (Ref 259(1))**

The office of a member of council of a municipality becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 256, 257 or 258;
- (b) fails to make the declaration of office before the deadline in section 232;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from his or her office and the resignation is effective under section 260;
- (e) is appointed or elected to fill any vacancy in any other office on the same council;
- (f) has his or her office declared vacant in any judicial proceeding;
- (g) forfeits his or her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).

#### **Exception**

(1.1) Clause (1) (c) does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member. 2017, c. 10, Sched. 1, s. 30.

## **ARTICLE 5 - LOCATIONS, MEETING TIMES AND NOTICE**

### **5.1 Inaugural meeting – date – time – location**

The inaugural meeting of Council in an election year shall be held on the 15<sup>th</sup> of November of an election year. If the 15<sup>th</sup> of November falls on a Saturday, Sunday or a Statutory Holiday, the meeting will be held on the next business day. This meeting shall be for the purpose of swearing in the new Council and the appointment of Deputy Mayor.

### **5.2 Regular meetings of Council – date – time - location**

Regular meetings of Council shall be held in the Council Chambers or other designated location beginning at 6:00 p.m. local time and shall be held on the second and fourth Tuesday of each calendar month. When the day of the regular meeting of Council is a public or civic holiday, Council shall meet at the same hour on the next following day which is not a public or civic holiday.

### **5.3 Council meetings - July, August & December**

Notwithstanding the provisions of Subsection 5.2, during the months of July, August and December there shall be only one regular meeting of Council held on the second Tuesday of each of those months.

### **5.4 Special meeting summoned by Head of Council**

The Head of Council may, at any time call a special meeting of Council to be held on such day, time and location as is chosen by the Head of Council.

### **5.5 Special meeting summoned by majority petition**

Upon receipt of a petition of a majority of Council members, the Clerk shall summon a special meeting of Council for the purpose stated in the said petition and to be held on such day, time and location mentioned in the petition. Once such petition is received by the Clerk, no member may remove his or her name.

### **5.6 Committee or Local Board meetings – date, time, location**

Committee meetings shall be called by the appointed Chair with notice given by the staff resource person to be held on such day, time and location mentioned in a written or verbal notice to all members of the Committee.

### **5.7 Notice of regular meetings**

Notice to members of Council shall not be required to be given of regular meetings of Council unless the day of the meeting is other than that provided for by this By-law or by Council resolution. It is understood that provision of the Agenda for regular Council meetings by the Clerk will be done in electronic format and shall be considered adequate notice of such regular meetings.

### **5.8 Notice of special meeting**

In either circumstances, the Clerk shall give every member of Council at least 24 hour notice of the special meeting which shall include the date, time, location and purpose of the said meeting. Notice of said meeting shall be either verbal or written and unless otherwise specified on the notice shall be held in the Council Chambers. Notwithstanding the above, the 24 hour notice requirement may be waived with the majority of Council.

### **5.9 Committee meetings – notice of meeting**

The recording secretary for the Committee shall give every member of the Committee at least 48 hours notice of said meeting. Such notice shall be either verbal or written and shall include the agenda for a regular meeting or the purpose for a special meeting. This 48 hour notice requirement may be waived with the majority of Council.

### **5.10 Notice of meetings – Provided to the Public**

Notices of all meetings of Council shall be provided to the public by placing a copy of the Agenda on the front counter of the Corporation office foyer and by posting a notice of the date, time and location of such meetings on the Corporation web site not less than twenty-four (24) hours prior to the said meeting, exclusive of non-business days. Notwithstanding the foregoing, where such meeting is a special meeting called pursuant to this By-law and it is not possible to provide the aforementioned notice, the Municipal Clerk shall make reasonable efforts to provide notice to those concerned. Public notices of Local Board and Committee meetings shall be given by the recording secretary by posting a notice of the date, time and location of such meetings on the Corporation Web Site as soon as is practicable after notice of the meeting has been given.

### **5.11 Location of meetings**

Unless otherwise specified in the notice of meetings, all meetings shall be held in at the Corbeil Park Hall.

## **ARTICLE 6 - MEETINGS OF COUNCIL**

### **6.1 Calling the meeting to order**

At the hour appointed when a quorum is present, the Presiding Officer shall call the Council meeting to order.

### **6.2 No Quorum**

If a quorum is not present within fifteen (15) minutes after the hour appointed, the meetings shall be considered cancelled and the Clerk or recording secretary shall record the names of those members present and the matters listed on the agenda shall be listed on the agenda at the next regular meeting or special meeting.

Under the Municipal Conflict of Interest Act, where compliance with that Act disables a number of members from participating in a meeting such that the remaining members are not of sufficient number to constitute a quorum, the remaining number of members shall be deemed to constitute a quorum, provided that such number is not fewer than two.

### **6.3 Curfew**

Council shall adjourn its meeting at the hour of 9:00 p.m., if in session at that hour, save and except with the unanimous consent of members present.

### **6.4 Meetings open to the public**

All Council meetings, Local Board and Committee meetings shall be open to the public unless otherwise provided for in the Municipal Act or any other statute or regulation.

### **6.5 Closed Session or Meeting**

A meeting or part of a meeting of Council, Local Board or any Committee of either may be closed to the public if the subject matter being considered is set out in Subsection 239(2) or Subsection 239(3) of the Municipal Act, 200 as follows:

- (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 or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative 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;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

A meeting of Council, Local Board or Committee of either may be closed to the public if the following conditions are both satisfied:

- a) the meeting is held for the purpose of educating and training the members;
- b) 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.

Meetings or sessions which are closed to the public may be referred to as in-camera meeting or sessions.

#### **6.6 Closed Session – Resolution**

Before holding a meeting or part of a meeting that is to be closed to the public, Council, a Local Board or a Committee of either of them shall state by resolution:

- a) the fact of the holding of the closed meeting; and
- b) the general nature of the matter to be considered at the closed meeting.

#### **6.7 Votes of Council**

All votes of Council, Local Boards and Committees of either shall be open to the public except those decisions taken during a meeting or part thereof that is closed to the public in accordance with Subsection 6.5 of this By-law and if said decision is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under contract agents of the Municipality, Local Board or Committee or to rise from closed session.

#### **6.8 Closed Session – Confidentiality**

All information, documentation or deliberations received, reviewed or provided in a closed session or meeting is confidential. Members of Council, Local Board or Committee shall not release, reproduce, copy or make public any information or material considered at a closed session or meeting, or discuss the content of such a meeting with persons other than members of Council or relevant staff members present at the closed session or meeting. All closed session or meeting materials shall be returned to the Clerk after each closed session.

#### **6.9 Closed Session or Meeting – Release of information**

All materials considered in closed session or meeting shall not be released to the public in advance of the closed session or meeting, and release upon request from the public of such items after the closed session or meeting shall be subject to the Municipal Freedom of Information and Protection of Privacy Act. Notwithstanding the above, members of Council and relevant staff shall release information discussed in a closed session or meeting to an investigator appointed by the municipality under Subsection 293(2)(1) of the Municipal Act, 2001 or the Ombudsman appointed under the Ombudsman Act if the municipality has not appointed an investigator, for the purpose of determining if Council, a Local Board or a Committee has complied with Section 239 of the Municipal Act, 2001 or a Procedure By-law under Subsection 238(2) of the Municipal Act, 2001.

## **ARTICLE 7 - AGENDAS**

### **7.1 Preparation of an Agenda**

The Clerk shall prepare an agenda for all regular meetings of Council in the following format:

Call to Order.

- 1) Adoption of Agenda
- 2) Accepting the minutes of previous meetings
- 3) Business Arising from the Minutes
- 4) Declarations of Conflict of Interest
- 5) Chairs Comments
- 6) Delegations to Council
- 7) Committee Reports
- 8) Board Reports
- 9) Departmental Reports and Resolutions
- 10) By-laws
- 11) Correspondence and Information
- 12) Action Items
- 13) Approval of Accounts Payable.
- 14) Other Business
- 15) In-Camera Session (if required)
- 16) Confirmatory By-law
- 17) Adjournment

### **7.2 Items for Inclusion on the Agenda**

Any member of Council may have an item placed on the agenda by submitting in writing this item to the Clerk no later than 12:00 noon the Thursday preceding the date of the meeting;

### **7.3 Preparation of Agenda – Special Meetings**

The Clerk shall prepare an agenda for all special meetings of Council in the following format:

- 1) Adoption to agenda
- 2) Declaration of Conflict of Interest – Disclosure of Pecuniary Interest
- 3) New business/Unfinished business
- 4) In Camera Session (if required)
- 5) Adjournment

### **7.4 Circulation of Agenda – Council Meetings**

The Clerk shall prepare and forward the agenda and make it available to Council members not less than forty-eight (48) hours before the commencement of a regular meeting of Council and not less than twenty-four (24) hours before the

commencement of a special meeting of Council except that Council may waive the circulation requirement with the consent of majority of Council.

#### **7.5 Correspondence and Communication**

The Clerk shall list all correspondence and petitions on the agenda with a note as to subject and may append to the agenda copies of the correspondence or communication that the clerk determines is important and should be attached thereto. All other correspondence not attached to the agenda will be made available for review at the municipal offices to members of Council at least 48 hours prior to commencement of the regular meeting of Council. Any correspondence or communication may be, at the discretion of the Clerk, referred to a Committee of Council or Local Board for response thereto rather than directed to Council.

#### **7.6 Order of Business**

The business of Council shall be conducted in the order listed on the agenda unless otherwise decided by quorum of Council.

#### **7.7 Agenda – Local Board/Committee**

The rules of procedure for the Agendas under Article 7 shall be the same for Local Boards or Committees except where they may be changed by the Local Board or Committee.

### **ARTICLE 8 - MINUTES OF MEETINGS**

#### **8.1 Content of Minutes**

The minutes of all Council, Local Board and Committee meetings shall be prepared by the Clerk or the secretary or their designate and shall record without note or comment all resolutions, decisions and other proceedings at the meeting whether it is closed to the public or not. The minutes of each meeting shall also record the date, place and time of the meeting, the name of the Presiding Officer and members present and the adoption correction and any amendments to the minutes of the previous meeting(s).

#### **8.2 Language of Minutes**

The minutes of the proceeding of Council, Local Boards and Committees shall be kept in English.

#### **8.3 Minutes available for public review**

Minutes of meetings shall be prepared by the Clerk or secretary and shall be made available to the respective members for consideration, revision and adoption at the next meeting following which, they will be made available to the public save and except those minutes recorded during a meeting or part thereof that was closed to the public in accordance with Subsection 6.5 of this By-law and subject to the provisions of any applicable By-law, Act or Statute.

#### **8.4 Reading of Minutes**

Minutes of previous meetings that have been circulated to members at least 24 hours before the meeting shall be considered for adoption without reading.

#### **8.5 Minutes – Kept in Clerk’s Office**

All minutes of Council, Local Board and Committee following adoption shall be kept in the Clerk’s office and shall be made available for viewing during normal office hours and shall be posted on the Corporation website, save and except those minutes recorded during a meeting or part thereof that was closed to the public in accordance with Section 6.5 of this By-law and subject to the provisions of any applicable By-law, Act or Statute.

### **ARTICLE 9 - DELEGATIONS**

#### **9.1 Notice to Clerk/Secretary**

Any delegations that wish to address Council, Local Board or Committee on municipal business shall notify the Clerk or the Secretary of the Local Board or Committee in writing not less than four (4) business days preceding the meeting and by providing the Clerk or Secretary of the Local Board or Committee a written copy of their presentation. There shall not be more than 3 delegations entered on the agenda for the meeting. Requests to be heard at the meeting without prior notification may be considered by Council, the Local Board or the Committee regarding time sensitive matters or as otherwise deemed appropriate upon unanimous approval of all members present.

#### **9.2 Further Hearing**

After a delegation has been heard at Council, a Local Board or Committee and Council, a Local Board or Committee feels that a further hearing on the same topic is warranted, it may so recommend and it shall set the time and date of such further hearing.

#### **9.3 Length of Delegations**

Persons who are allowed to address Council, a Local Board or Committee shall be limited to 10 minutes in length. It will be the responsibility of the Clerk to measure the time of each presentation and to advise the Presiding Officer when 10 minutes has elapsed.

#### **9.4 Repetitive or frivolous topics**

The Presiding Officer has the discretion to limit deputations on repetitive topics, or topics that are deemed frivolous.



## **9.5 Committee Review and Consideration**

The Clerk or designate may direct that a deputation be received by a Local Board or Committee for consideration and recommendation to Council on a particular matter rather than addressing Council directly.

## **9.6 Submissions of Petitions**

Petitions shall be signed by the subscribers and presented to Council, a Local Board or a Committee by an appointed representative who has knowledge of the information stated therein.

# **ARTICLE 10 - BY-LAWS AND AGREEMENTS**

## **10.1 Circulation of By-laws and Agreements**

Every proposed By-law and/or Agreement other than Agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council, or a Local Board, and by such circulation to members shall be deemed to have been known to the public.

## **10.2 Introduction of By-laws**

Every proposed By-law and/or Agreement shall be introduced by the Presiding Officer specifying the title of the By-law and in so doing, shall request a motion for the first and second reading of the By-law under consideration.

## **10.3 First and Second Reading**

The First and Second Reading of the By-law shall proceed without amendment or debate.

## **10.4 By-law – Debate or Amendment**

Each By-law may, after its Second Reading, be debated or amended.

## **10.5 By-law – Third Reading**

A Third and Final Reading of a By-law shall direct that the By-law be signed and sealed with the seal of the Corporation.

## **10.6 By-law – Constitutes Reading**

The reading of the title of the By-law under consideration shall constitute the first reading, second reading and third reading of the By-law subject to Subsection 10.7.

## **10.7 By-law – Reading in its entirety**

The By-law shall be read in its entirety on the Second Reading unless copies of the By-law have been circulated to members.

#### **10.8 By-law – Number of Readings**

Every By-law shall have three readings prior to being passed by Council. A By-law may be read three times at the same meeting unless otherwise provided by statute or by Council. If any member objects to the third reading being given, a majority vote of all members present is necessary to proceed with the reading.

#### **10.9 By-law – Date of readings**

The Clerk shall endorse on all By-laws enacted by Council the date of each of the readings of the By-law.

#### **10.10 By-law – Signing – Sealing – Filing**

Every By-law enacted by Council shall be numbered and dated, signed by the Presiding Officer and the Clerk, and sealed with the seal of the Corporation. The Clerk shall be responsible for the classifying, indexing, numbering, filing and custody of all By-laws once they have been passed by Council.

### **ARTICLE 11 - MOTIONS/RESOLUTIONS**

#### **11.1 Motion – Possession of Council**

Every motion as herein provided when duly moved and seconded and placed under the direction of the Presiding Officer, shall be considered to be in the possession of Council, Local Board or Committee but may be withdrawn with the consent of the mover and the support of a majority of members.

#### **11.2 Motion – Introduction**

Every motion as herein provided when duly moved and seconded shall be read by the Presiding Officer in the precise form in which it was introduced and in which it will be recorded in the minutes and the question shall then be open for discussion and consideration.

#### **11.3 Form of Motion**

Any resolution adopted by Council, Local Board or Committee shall be in writing under the signature of the mover and seconder and over the signature of the Presiding Officer.

#### **11.4 Priority of Disposition**

A motion properly before Council, a Local Board or a Committee for decision must receive disposition before any other motion can be introduced except a motion to adjourn, to amend, to extend the hour of adjournment or to decide a point of order or privilege.

### **11.5 Motion – Amendment**

A motion to amend when duly moved and seconded:

- a) May be made verbally but when requested by the Presiding Officer shall be confirmed in writing;
- b) Shall receive disposition of Council, Local Board or Committee before the original motion;
- c) Shall not be amended more than twice before voting;
- d) Shall be relevant to the motion to be received;
- e) Shall not be received proposing a direct negative to the motion;
- f) May propose a separate and distinct disposition of a motion;
- g) May propose to separate two or more components contained in the original motion.

### **11.6 Motion – Voting**

After the motion is deemed to be finally put to a vote 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. The decision of the Presiding Officer as to whether the motion has been finally put to a vote shall be final except any member may require any motion to be repeated from the Chair prior to voting on such motion.

### **11.7 Motion – Recorded Vote**

If a member present at a meeting at the time of the 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 or Secretary shall record each vote (Ref. 246(1) of the Municipal Act, S.O. 2001, c.25) with the Presiding Officer voting last. The call of the recording of the vote shall be in the order as elected with the Presiding Officer voting last.

### **11.8 Motion – Abstention or Failure to Signify Vote**

A failure to vote by a member under section 11.7 of the Procedural By-law or subsection (1) of section 246 of the Municipal Act, S.O. 2001 c. 25 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.

### **11.9 Motion – One member – One Vote**

Every member of Council, Local Board or Committee shall have one vote.

### **11.10 Motion – Open Voting**

No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

### **11.11 Motion – Tie Vote**

Any motion on which there is a tie vote shall be deemed to be lost except where otherwise provided by any Act.

### **11.12 Motion – Declaration of results**

The Presiding Officer shall declare the vote on all motions and should his/her declaration be stated by any member to be in doubt, the vote shall be retaken in an alternative manner and the results of this vote shall be final.

### **11.13 Motion – Reconsideration**

After any question has been decided a motion of reconsideration may be presented by any two members present including the Presiding Officer. No question shall be considered at the same meeting. Where any question has a motion to reconsider and the decision is upheld, any further reconsideration of the same question is not in order for six months from the time of the first motion for reconsideration.

### **11.14 Motion – Out of Order**

Any motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

### **11.15 Motion – Privilege**

A question on a point of order shall be dealt with immediately upon receipt by Council, Local Board or Committee and when decided upon, Council, Local Board or Committee shall return to the matter before Council, Local Board or Committee when such point of order arose. A question of privilege relates to any matter affecting rights and immunities of the Council, Local Board, or Committee collectively, or to the position, reputation, and conduct of members in their respective character.

## **ARTICLE 12 - RULES OF DEBATE**

### **12.1 Speaking on a Motion**

Every member prior to speaking to any question or motion must first be recognized by the Presiding Officer. 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. The mover of a motion shall have the privilege of being the first speaker in the debate on the motion and shall have the further privilege of speaking once more to conclude the debate.

### **12.2 Points of Order and Privilege**

The Presiding Officer shall preserve order and decide questions of order and points of privilege. When a member rises to a point of order he/she shall state the point of order to the Presiding Officer and sit down and remain seated until the Presiding Officer shall have stated and decided the point of order or point of privilege. Thereafter, a member shall only address the Presiding Officer for the purpose of appealing to the Council the decision of the Chair. If no member appeals the decision of the Presiding Officer shall be final. The Council, Local

Board or Committee if appealed to, shall decide the question without debate and its decision shall be final.

### **12.3 Matters of Personal Privilege**

When a member considers that his/her integrity has been impugned he/she may as a matter of personal privilege, rise at any time, with the consent of the Presiding Officer for the purpose of drawing the attention of the Council, a Local Board or a Committee to the matter. If the Presiding Officer determines that the matter is not a point of privilege, such determination shall be final and binding and shall not be subject to appeal. If the Presiding Officer rules that the matter is a point of privilege he/she shall request the member who made the offending remark to withdraw such remark. If the member fails or refuses to withdraw such remark, the Presiding Officer may deal with such member in accordance with Subsection 3.2 herein. If the Presiding Officer rises on, or is the subject of a point of privilege, the Deputy Mayor or Vice Chair shall deal with the point of privilege involving the Presiding Officer. If the Deputy Mayor or Vice Chair is absent or cannot take the chair, the Presiding Officer shall call for a motion to appoint an Acting Chair to deal with the point of privilege involving the Presiding Officer.

## **ARTICLE 13 - CONDUCT OF MEMBERS**

### **13.1 Code of Conduct**

The Code of Conduct approved under By-law No. 2018-50, November 27<sup>th</sup>, 2018 is applicable to this Procedural By-law.

### **13.2 Ejection of member - disobedience**

Any member who disobeys the rules of Council, Local Board or Committee of either, question of order, or practice or upon the interpretation of such rules; and in the case a member persists in such disobedience after having been called to order by the Presiding Officer, the Presiding Officer shall require such member to vacate his seat and the chambers for the duration of the meeting.

## **ARTICLE 14 - GENERAL**

### **14.1 Notices referred to in this By-law**

Any notice referred to in this By-law shall include a notice in writing personally delivered to the recipient or sent by facsimile transmission, or by electronic mail, or a telephone call to the member's residence or to the member's place of business.

### **14.2 Variation from provisions**

The provisions of this By-law are intended to govern the conduct of the meetings of Council, a Local Board or a Committee of either but any variation therefrom

shall not vitiate or render void any action taken at a constituted meeting of Council, a Local Board or a Committee of either and Council, a Local Board or a Committee of either can waive any provision of this By-law by a majority vote of members present.

#### **14.3 Severability**

Each and every one of the provisions of this By-law is severable and if any provisions of this By-law should for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

#### **14.4 Repeal of previous Procedural By-law**

By-law No. 2215 is hereby repealed.

#### **14.5 Date of effect**

This By-law shall come into effect on the date it receives third reading by the Council of the Corporation of the Municipality of East Ferris.

#### **14.6 Review**

To proactively manage this By-law review, it is desirable to set a review date. Therefore, a review of this By-law shall be performed in the year of a Municipal Election in order to maintain its accuracy and applicability. Should legislation that governs this Procedural By-law change prior to the year of a Municipal Election, the policy shall be reviewed and revised accordingly.

READ A FIRST AND SECOND TIME in open Council this 8<sup>th</sup> day of January, 2019.

READ A THIRD TIME AND FINALLY passed this 22<sup>nd</sup> day of January, 2019.

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Mayor  
Pauline Rochefort

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Clerk  
Monica L. Hawkins