



TOWNSHIP OF
ASHFIELD - COLBORNE - WAWANOSH

THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 07-2011

Being a Procedural By-law to govern the proceedings and the conduct of the meetings of the Council and Committees of the Township of Ashfield-Colborne-Wawanosh

WHEREAS Section 238 subsection 2 of the Municipal Act, 2001 as amended states that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH ENACTS AS FOLLOWS:

1. General

From and after the passing of this by-law, the procedures herein shall govern the proceedings of all the meetings, including committee meetings of the Township of Ashfield-Colborne-Wawanosh. Any proceedings or requirements not specifically provided for in this by-law shall be governed in accordance with the rules of procedure as accepted by the Parliament of Canada. In such cases of procedure that require the arbitration of the Presiding Officer of the meeting, the decision of the Presiding Officer shall be final and accepted without debate, subject only to an appeal to the majority of Council or the committee.

2. Definitions

- 2.1 "Chair" shall mean the person presiding at a committee meeting.
- 2.2 "Clerk" shall mean the Clerk of the Corporation of the Township of Ashfield-Colborne-Wawanosh.
- 2.3 "Closed Meeting" or "In-camera meeting" shall mean a closed session of Council, committee or Committee of the Whole, not open to the public.
- 2.4 "Committee" shall mean a committee established by the Council.
- 2.5 "Committee of the Whole" shall mean a committee composed of all of the members of the Council.
- 2.6 "Council" shall mean the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh.
- 2.7 "Head of Council" shall mean the Reeve who shall preside at all meetings of the Council, and who is responsible for conducting the business of the meeting of Council. In the absence of the Reeve, the Deputy-Reeve shall be the Head of Council.
- 2.8 "Member" shall mean a member of the Council or when referring to a Committee, a member of a Committee appointed by the Council.
- 2.9 "Presiding Officer" shall mean the Head of Council or if in reference to a Committee, shall mean the Chair of the Committee.
- 2.10 "Recorded vote" shall mean the recording of the name and vote of every member on a motion made.

3. Council Meetings

- 3.1 Meetings shall be scheduled for the first and third Tuesdays of each month. If the first or third Tuesday of the month falls on a statutory or municipal holiday, the meeting will be held the next day that is not a holiday.
- 3.2 A majority of the voting members of the Council shall constitute a quorum.
- 3.3 As soon after the hour fixed for the meeting, as there is a quorum present, the Presiding Officer shall call the members to order. In the absence of both the Reeve, and the Deputy-Reeve, the members present shall appoint by resolution an Acting Presiding Officer for the meeting who shall exercise all the rights, powers and authority of the Presiding Officer.
- 3.4 If there is no quorum present within one half hour after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members of the Council present and the meeting shall stand adjourned until the next scheduled meeting day.
- 3.5 Evening meetings shall be from 7:30 p.m. to 11:00 p.m. and shall stand adjourned, unless a majority of Council votes in favour of extending the hour to complete the business of the day.
- 3.6 The Reeve at any time may summon a special meeting of Council, subject only to 24 hours notice being provided to all members. In the event of an emergency, the 24 hour notice requirement is waived.
- 3.7 The Clerk shall summon a special meeting of Council upon receipt of a petition of the majority of the members of Council, for the purpose and at the time mentioned in the petition, provided that at least 24 hours notice of the meeting is given to all members.
- 3.8 When possible, the Clerk shall provide not less than 6 hours notice of the time, date, and purpose of any special meeting of the Council called under Section 3.6 or 3.7 to the local media and to the public.

4. Council Meeting Agenda

- 4.1 Any member of Council, committee appointed by the Council, municipal staff or any person may file with the Clerk prior to 12:00 noon on the Thursday before the meeting of the Council, an item for inclusion on the agenda, subject to the requirements of Section 5.
- 4.2 The business of the Council shall be taken up in the following order:
 - 1 Call to Order
 - 2 Disclosure of Pecuniary Interest, or potential conflict of interest
 - 3 Minutes of Previous Meeting
 - 4 Delegations (in accordance with Section 5)
 - 5 Accounts
 - 6 Department / Committee Reports
 - 7 Open Forum (items pertaining to the agenda)
 - 8 New Business
 - 9 Correspondence – Direction Required
 - 10 Correspondence – For Information Purposes
 - 11 Correspondence – On Council Table
 - 12 Unfinished Business
 - 13 In-Camera / Closed Session
 - 14 By-laws
 - 15 Adjournment
- 4.3 The order of business may be re-arranged on the agenda to facilitate the participation in the meeting of the members of the public where appropriate.

- 4.4 All motions called in pursuance of the agenda and not disposed of shall be placed on the agenda for the next meeting unless otherwise decided by the Council.
- 4.5 The agenda will be available to the members on the Friday prior to the scheduled meeting.
- 5. Delegations**
- 5.1 Persons or groups wanting to appear before the Council shall advise the Clerk no later than noon on the Thursday prior to the meeting and shall provide a written submission detailing the nature of the request to Council for inclusion in the agenda package. A determination may be made at that time as to the deferral of the delegation to a subsequent meeting.
- 5.2 Persons or groups making a presentation shall be limited in speaking to not more than ten minutes except that a delegation consisting of more than five persons shall be limited to two speakers, collectively limited to speaking not more than ten minutes.
- 5.3 A person may speak longer than ten minutes if granted leave by the Presiding Officer.
- 6. Duties of the Presiding Officer**
- 6.1 Open the meeting of the Council by taking the chair and calling the members to order.
- 6.2 Announce the business before the Council in the order in which it is to be acted upon.
- 6.3 Authenticate by signature, all By-Laws and minutes of the Board.
- 6.4 Represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- 6.5 Ensure that the decisions of the Council are in conformity with the laws and By-Laws governing the activities of the Council.
- 6.6 To select the members of Council who are to serve on Committees.
- 6.7 The Presiding Officer may speak to any question.
- 6.8 When the Presiding Officer is called upon to decide a Point of Order or Procedure, he shall state his ruling and if an objection is made to his ruling, he shall submit it to a vote of the Council without debate in the following words, "Shall the ruling of the Presiding Officer be sustained?" and the decision of the Council shall be final.
- 6.9 When two or more members speak at once, the Presiding Officer shall name the member who is first to be heard and the other or others shall have the privilege of speaking thereafter in the order named by the Presiding Officer.
- 6.10 When the vote on the issue is tied, the Presiding Officer, except when disqualified to vote by reason of Pecuniary Interest or otherwise, shall vote.
- 6.11 The Presiding Officer shall receive and submit, in the proper manner, all motions presented by the Members of the Council.
- 6.12 The Presiding Officer shall put to vote all questions which are moved and seconded in the course of the proceedings and announce the results of the vote.
- 6.13 The Presiding Officer shall decline to put to a vote, motions, which are contrary to the rules of procedure.
- 6.14 The Presiding Officer shall require the members to observe the rules of order.
- 6.15 The Presiding Officer shall ensure the decisions of the Council are in conformity with laws governing the activities of the Council.

6.16 The Presiding Officer may expel any person present at a meeting who speaks or makes a noise or behaves in a riotous, disorderly or unseemly manner or otherwise disturbs or interrupts the proceedings of the meeting.

6.17 The Presiding Officer may adjourn the meeting without question in the case of grave disorder arising in the Meeting Room.

7. Duties and Privileges of Members

7.1 Members, prior to speaking to a question or motion, shall obtain recognition of the Presiding Officer.

7.2 No member shall use indecent, offensive or insulting language in or against the Council or any member of the public or staff.

7.3 No member shall speak except to the issue in debate.

7.4 No member shall interrupt a member who has the floor except to raise a Point of Order or a matter of privilege.

7.5 No member shall engage in conduct disturbing to another member or the Council itself or interfering with a member recognized to speak.

7.6 No member shall be permitted to retake his or her seat at any meeting after being ordered by the Presiding officer to vacate after committing a breach of any rule or order of the Council, without making an apology and without the consent of the Council expressed by a majority of the members present determined without debate.

7.7 No member shall walk across or out of the Meeting Room or make any noise or disturbance when the Presiding Officer is putting the question and each member present, shall occupy their seat while a vote is being taken and until the result thereof is declared.

7.8 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.

7.9 Any member may appeal the decision of the Presiding Officer on a Point of Order or a matter of privilege to the Council which, shall by a majority vote decide the question without debate.

7.10 Every member present when a question is put shall vote thereon unless the Council excuses them, or unless they had declared a Pecuniary Interest in the question as provided by The Municipal Conflict of Interest Act, and amendments thereto.

8. Motions and Amendments

8.1 All motions shall be moved and seconded before the Presiding Officer will permit debate and put the question.

8.2 After the Presiding Officer reads a motion, it may be withdrawn at the request of the mover and seconder at any time before the decision and/or amendment with permission of the Council.

8.3 A motion to amend:

- a) shall not be further amended;
- b) shall be relevant to the question;
- c) shall not be received if it proposes a direct negative to the question; and
- d) shall be put in reverse order to that in which it is moved.

8.4 A motion to amend shall be voted on first.

- 8.5 A motion to make a further amendment may be made to the main question.
- 8.6 A motion to "table" (or defer) a motion must be supported by the majority of the members present and is put to vote without debate or amendment.
- 8.7 A motion to "lift from the table" may reintroduce a tabled motion, in the same form as the original motion, as long as some other order of business has been dealt with since the motion was tabled. A motion to "lift from the table" must be supported by the majority of the members present and is put to vote without debate or amendment.

9. Taking the Vote

- 9.1 If a member moves that the vote be now taken and another member seconds it, the same shall be put without debate, and if carried, the motion or amendment under discussion shall be immediately submitted to the Council without further discussion.
- 9.2 When the question under consideration contains two or more propositions, the same shall be put separately at the request of any member of the Council
- 9.3 After the Chair commences to take a vote on a question, no member shall speak to such question or present any other motion until the vote has been taken or such question, be it main motion, an amendment to a main motion or an amendment to an amendment.
- 9.4 Voting shall be by way of "show of hands" in favour or against; except when a recorded vote is requested by any member.
- 9.5 When a vote is taken for any purpose, and a member requests immediately prior, or immediately subsequent to 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/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote, and the Clerk shall record each vote.
- 9.6 The names of those who vote for and those who vote against the question shall be entered in the minutes. Each member voting for the question shall say "Yes" and each member voting against the question shall say "No".
- 9.7 When recording the "Yes" votes and the "No" votes, the Clerk shall call the names of the members in random order, each member responding yes or no, and before the result of the vote is announced by the Presiding Officer, the Clerk shall, if requested, read the vote so taken.
- 9.8 Any question on which there is an equality of votes, shall be deemed to be negated.

10. Reconsideration

- 10. Any motion except a motion to refer, to amend, to lay on the table to postpone indefinitely or to set a specific day or to adjourn may be reconsidered subject to the provisions contained in this section.
- 10.2 No discussion of the main question or the motion to reconsider the main question shall be allowed unless and until the Council has voted to reconsider the same, but the member who gives the notice may have the privilege of stating their reasons for doing so.
- 10.3 A motion to reconsider a decision of the Council shall be moved only by a member who voted with the majority of the Council on that decision and before accepting a motion to reconsider the Presiding Officer shall ask the Member to confirm that he voted with the majority on the issue in question.
- 10.4 A motion for reconsideration will require a two thirds (2/3) majority for approval and a motion can only be reconsidered two times in one year.

11. Minutes

- 11.1 The minutes of the Council shall consist of a record of the place and time of the meeting, the name of the Presiding Officer, a record of all members present, and the names of those absent, together with all resolutions, decisions, and other proceedings of the Council.
- 11.2 It shall be the duty of the Clerk at the close of each meeting to transcribe the proceedings of such meeting in the minute book.
- 11.3 At the next regularly scheduled meeting of the Council, the minutes of the previous meeting shall be considered so that any errors may be corrected and accuracy of the record confirmed, and once approved, signed by the Reeve and Clerk.

12. Accounts

All accounts dealing with the operation of the Council shall be submitted to the Council for approval.

13. Open Meeting Provisions

- 13.1 All meetings of the Council shall be open for the attendance of the public except if the following subject matters are being considered:
 - a) the security of the property of the municipality;
 - b) personal matters about an identifiable individual;
 - c) a proposed or pending acquisition of land;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigations, including matters before administrative tribunals, affecting the municipality;
 - f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) any other matter authorized under the Municipal Act, or any other Act.
- 13.2 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.
- 13.3 The Council may schedule a closed meeting to commence prior to the scheduled meeting of the Council. Notice of the closed meeting shall be included with the agenda.
- 13.4 Before holding a meeting or part of meeting that is to be closed to the public the Council shall state by resolution:
 - a) the fact that it is holding a closed meeting;
 - b) the general nature of the matter or matters to be considered at the closed meeting;
 - c) any persons other than a member of Council authorized to attend the closed meeting.
- 13.5 No meeting shall be closed to the public during the taking of a vote:
 - a) unless Section 13.1 and 13.2 permits or requires a meeting to be closed to the public;
 - b) unless the vote is for a procedural matter or for giving directions or instruction to officers, employees or agents for the Council or persons retained by or under contract with the municipality.
 - c) unless the vote is taken to resolve how the matter under consideration shall be reported to public session.
- 13.6 The rules of the council shall be observed in closed meetings so far as may be applicable.

13.7 After consideration of a matter in the closed session, and the report from the closed session is in the possession of the Council, any resulting action of the Council by way of resolution or by-law of the Corporation shall be debated and voted upon in a public session, unless the subject matter under consideration must remain confidential as it pertains to issues noted in Section 13.1 and 13.2.

13.8 No member or other person attending a closed session shall without the authorization of the Council, release confidential reports of information considered at a closed meeting, or discuss the content of such reports or information with persons other than members of the Council or appropriate municipal staff members and/or agents of the Council concerned with the reports or information.

14. In-Camera

14.1 A motion of Council is required to move into an In-Camera session, at which time the Reeve or Presiding Officer may vacate the Chair and appoint another member of Council to act as Chair of the session.

14.2 When a motion is passed by the Council to "rise from In-Camera", the Council meeting shall resume with the Presiding Officer taking the Chair.

15. Committees

15.1 The Council may by resolution establish ad hoc committees which shall advise the Council on matters assigned or referred to them by the Council.

15.2 The Council shall determine the "Terms of Reference" for each committee established.

15.3 The Council shall appoint the members of Council and the citizens who shall serve on each committee and council shall determine the term of the appointment of each member.

15.4 The Presiding Officer of the Council shall be an ex officio member of all committees.

15.5 Each committee at its first meeting shall elect a Committee Chair from amongst its members.

15.6 A quorum for a committee shall be the majority of those appointed to the committee by the Council.

15.7 The rules governing the procedure for the Council shall be observed in all committees insofar as applicable.

15.8 A committee which refuses or neglects to give due consideration to any matter assigned to it or before it, may by Council resolution be discharged of such responsibility.

15.9 Each committee is subject to the control and direction of the Council.

15.10 Each committee shall submit minutes or reports with recommendations to the Council on all matters connected with their duties or matters referred to them by the Council.

15.11 The Clerk may assign a person to prepare the minutes of a committee meeting.

16. Reading of By-laws and Proceeding Thereon

16.1 Every by law when introduced shall be in printed form, and included in the agenda package and shall contain no blanks except such as may be required to conform to accepted procedures or to comply with the provisions of any Act.

- 16.2 The first reading of a by-law shall be for introduction. The second reading shall be for debate and amendments before the vote. The third reading shall be for debate on the whole by-law with amendments and the final vote.
- 16.3 All amendments to a by-law shall be open to debate and amendment before the by-law is ordered for a third reading.
- 16.4 A by-law may be read three times at the same meeting, however, if any member objects, the Council may proceed if the majority of the members present, overrule the objection.
- 16.5 A by-law may be given all three readings with one resolution with the consent of Council.
- 16.6 Every by-law enacted by the Council shall be numbered and dated and shall be signed by the Presiding Officer and the Clerk and shall be deposited for safekeeping.
- 16.7 All matters of substantial concern to the Council shall be presented and adopted by by-law. Matters may include:
- a) structure of governance and procedure;
 - b) municipal programs of service;
 - c) personnel; and
 - d) administration of the municipality.
- 16.8 Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the Solicitor for the Corporation.

This by-law supersedes By-Law No. 59-2001.

This by-law shall come into force and effect upon final passing thereof.

Read a FIRST and SECOND time this 18th day of January, 2011.

Read a THIRD TIME and FINALLY PASSED this 18th day of January, 2011.



Reeve, Ben VanDiepenbeek



Administrator/Clerk-Treasurer, Mark Becker