

**CORPORATION OF THE TOWNSHIP OF
KILLALOE, HAGARTY AND RICHARDS**

By-Law #19-2008

BEING A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE MUNICIPAL COUNCIL AND COMMITTEES FOR THE TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS;

WHEREAS the Municipal Act, 2001, S.O., Section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. DEFINITIONS:

1. **“Council”** means the elected and sworn members of the Council of the Township of Killaloe, Hagarty and Richards.
2. **“Head of Council”** means the Mayor.
3. **“Acting Head of Council”** means a designate, appointed by resolution by the majority of council, to act as presiding officer in the absence of the Mayor.
4. **“Clerk”** means the CAO/Clerk-Treasurer of the Corporation of the Township of Killaloe, Hagarty and Richards, or his/her designate, who shall have all the powers and duties of the Clerk under this and every other Act.
5. **“Closed Session”** means closed to the public as defined in Section 239 of the Municipal Act, S.O. 2001.
6. **“Committee of the Whole”** means a meeting of council in committee for discussion purposes.
7. **“Committee”** means any advisory or other committee, subcommittee or similar entity composed of members of the Council of the Township of Killaloe, Hagarty and Richards alone or together with members of another council or the public.
8. **“Committee Chair”** means the Chairperson of any committee of council and the Committee, and the committee chair shall have the same powers during a Committee Meeting as Head of Council during Council meetings.
9. **“Conflict of Interest”** means a pecuniary/financial interest as defined in the Municipal Conflict of Interest Act.
10. **“Local Board”** means a local board as defined in Section 238(1) of the Municipal Act, S.O. 2001.
11. **“Meeting”** means any regular, special, committee meeting of Council, local board or a committee of either of them.
12. **“Quorum”** means a majority of the whole number of members of council or a committee or board.

2. INTENT OF BY-LAW:

The rules and regulations hereinafter provided shall govern the proceedings of the council and the committees thereof. Any part or parts of this by-law may be suspended if agreed upon by the majority of the members present, unless the part or parts is prescribed by statute or law. For points of procedure not provided for 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. CLOSED MEETINGS, LOCATION, MEETINGS TIMES AND NOTICE FOR COUNCIL AND COMMITTEE MEETINGS:

1. Council and Committee Meetings shall be held at the Council Chambers adopted and used by the Council from time to time for such purposes. The Inaugural Meeting of Council shall take place on the first Tuesday of the month following the election at 11:00 o'clock in the morning. Regular meetings shall be held on the first and third Tuesday of each month at 7:00 PM.
2. Notice of Council and Committee meetings shall be given by publication of upcoming meetings on the Council/Committee Agenda and by posting on the municipal website and at the municipal office. In the case of Special Meetings, notice shall be given in the same manner as soon as practicable after notice of the holding of a Special Meeting has been received by the Clerk.
3. All regular and special council meetings, and committee meetings, shall be open to the public, but a meeting or any part thereof 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 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 or committee or other body has authorized a meeting to be closed under another Act;
 - h) related to 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 the Act;
 - i) for the purpose of educating or training of council, committee or local board members and if 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.
4. Before holding a meeting or part of a meeting that is to be closed to the public, council or a committee or a local board, shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting, and in the case of a closed meeting held under Section 239(3.1) of the Municipal Act, 2001, (section 3(i) of this by-law), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
5. 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.
6. The Head of Council may at any time summon a special meeting of Council, or upon receipt of the petition of the majority of the Members of the Council, the CAO/Clerk-Treasurer shall summon a special meeting for the purpose and at the time mentioned in the petition.
7. In case of the absence of the Head of Council, or if he/she refuses to act or his/her office is vacant, another council member shall be appointed from time to time in the place instead of

the Head of Council and he/she shall have all rights, powers and authority of the Head of Council, while so doing.

4. CALL OF MEETING TO ORDER AND QUORUM:

1. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.
2. In the case where the Head of Council does not attend within fifteen minutes after the time appointed for a meeting of the Council, and has not given notice to the Clerk that he/she will not be in attendance, 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.
3. 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 a date for the next regular meeting is called and a quorum is present.

5. CURFEW:

1. Meetings begin at 7:00 PM and adjourn no later than 11:00 PM. If all business has not been concluded, a special meeting may be called to conclude business.

6. ROLE OF THE HEAD OF COUNCIL:

1. It is the role of the Head of Council to:
 - a) act as Chief Executive Officer of the municipality;
 - b) preside over council meetings so that its business can be carried out efficiently and effectively;
 - c) provide leadership to the council;
 - d) without limiting Section 6(c) of this by-law, to provide information and recommendations to the council with respect to the role of council described in Section 8 (1) (d)(e) of this by-law;
 - e) to represent the municipality at official functions, and;
 - f) to carry out the duties of the head of council under this or any other Act.

7. ROLE OF HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER:

1. As Chief Executive Officer of a municipality, the head of council shall:
 - a) uphold and promote the purposes of the municipality;
 - b) promote public involvement in the municipality's activities;
 - c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and,
 - d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

8. ROLE OF COUNCIL:

1. It is the role of council to:
 - a) represent the public and to consider the well-being and interests of the municipality;
 - b) develop and evaluate the policies and programs of the municipality;
 - c) determine which services the municipality provides;

- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) maintain the financial integrity of the municipality; and
- g) carry out the duties of council under this or any other Act.

9. AGENDA:

1. 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:
 - 1) Call to Order
 - 2) Mayor's Address
 - 3) Pecuniary/Financial Interest
 - 4) Minutes of Previous Meetings
 - 5) Delegations
 - 6) CAO/Clerk-Treasurer
 - 7) Reports – a) Road Superintendent
 b) Fire Chief
 c) Chief Building Official
 - 8) Committee Reports
 Roads & Bridges
 Waste Management
 Personnel
 Recreation
 Finance
 Emergency Plan
 Library
 Economic Development
 Water & Sewage
 Other Committees
 - 9) Examining Accounts
 - 10) Severances
 - 11) By-Laws
 - 12) Correspondence
 - 13) Unfinished Business
 - 14) New Business
 - 15) Committee of the Whole
 - 16) Adjournment
2. 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 Council.
3. The chair or designate of each committee submitting a report shall field questions regarding same during discussion of that report as may be required.
4. When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) may be considered at the next meeting of the council.

10. COUNCIL MINUTES:

1. The minutes of council as taken by the clerk or designate shall consist of a record of all proceedings of the council meeting. Pursuant to the Municipal Act, 2001, the minutes shall be a factual recount without note or comment.
2. Following adoption by council, all council and committee minutes, reports and by-laws shall be kept in the office of the Clerk and shall be made available for viewing during normal office hours, and shall be posted on the township website, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 3 and 4 of this by-law, and subject to the provisions of any applicable by-law, act or statute.

3. Minutes of council meetings shall be prepared by the Clerk or Recording Secretary and shall be made available to the members prior to the next meeting for adoption at the next meeting.

11. COMMITTEE OF THE WHOLE:

1. The Rules of the Council as provided for in this by-law shall be observed in Committee of the Whole and in the procedure of committees of council. The Clerk or designate or Recording Secretary shall record in the minutes all resolutions and amendments to reports or by-laws as made in Committee of the Whole or Committee, for subsequent consideration by Council.

12. CORRESPONDENCE AND COMMUNICATIONS:

1. Every communication, including a petition designed to be presented to the Council shall be signed, shall be legibly written or printed and shall not contain any obscene or improper matter or language.
2. No person shall be allowed to record the meeting using an audio and/or audio visual recording device, without first obtaining the permission of council.

13. DELEGATIONS:

1. Where possible, persons desiring to present information verbally on matters of fact, or make a request of Council shall give prior notice to the CAO/Clerk-Treasurer.

14. BY-LAWS AND PROCEEDINGS THEREON:

1. Every by-law shall be introduced upon a written motion by a Member of Council, specifying the title of the by-law.
2. Every by-law shall have three readings prior to it being passed.
3. If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
4. If Council so determines, a by-law may be taken as read.
5. The CAO/Clerk-Treasurer shall set out on all by-laws enacted by Council the date of the three readings thereof.
6. If the by-law has been circulated prior to the Council session, the reading of the by-law in full is waived.
7. Unless otherwise decided by Council, by-laws shall have first and second reading; then third reading at a subsequent meeting.
8. Every by-law shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and Mayor and shall be deposited by the Clerk in his/her office.

15. MOTIONS:

1. Any motion may be introduced without notice.
2. A motion must be formally seconded before the Presiding Officer can put the question, or a motion be recorded in the minutes.
3. When a motion is presented to Council in writing, it shall be read out loud by the Clerk.

16. VOTING ON MOTIONS:

1. No other motion shall be made until after the vote is taken and the result has been declared, or the motion has been tabled for further discussion.

2. 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.
3. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.

17. RECORDED VOTE:

1. If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote, beginning with the member who made the motion and proceeding in alphabetical order. The names of those who voted for and others who voted against, shall be noted in the minutes.
2. A failure to vote under Section 16(1) of this by-law, 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.

18. RULES OF DEBATE:

1. Every Member prior to speaking on any question or motion shall address the Presiding Officer. When two or more Members 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, was first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute.
2. When the Presiding Officer calls for the vote or 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, and during such time no Member shall walk across the floor to speak to any other Member or make any noise or disturbance.
3. 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.
4. 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.

19. POINTS OF ORDER:

1. The Presiding Officer shall preserve order and decide questions of order.
2. The Council may decide the question without debate and its decision shall be final.
3. No Member shall:
 - a) use offensive words or unparliamentary language in or against the Council or against any Member;
 - b) speak on any subject other than the subject in debate;
 - c) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
 - d) disobey the rules of the Council or a decision of the Presiding Officer of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Council;" but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.
4. No person except Members and Officers of the Council shall be allowed to come to the table during the sittings of the Council without permission of the Presiding Officer of the Council.

