

**THE CORPORATION OF THE  
TOWNSHIP OF NAIRN & HYMAN**



**BY-LAW # 2004-9**

**BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL,  
THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS**

**WHEREAS**, pursuant to Section 238(2) of the Municipal Act, 2001, requires every council and local board to adopt a Procedural by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE** the council of the Corporation of the Township of Nairn and Hyman **HEREBY ENACTS AS FOLLOWS:**

1. In this By-law:
  - (a) "Clerk" means the Clerk of the Corporation of the Township of Nairn & Hyman.
  - (b) "Committee" means a Committee of Council and includes Advisory Committee, Standing Committee or Committee of the Whole of Council.
  - (c) "Council" means the Council of the Corporation of the Township of Nairn & Hyman.
  - (d) "Head" means the Reeve of the Council or the Chair of a Committee.
  - (e) "Member" means a Member of Council or of a Committee.
  - (f) "To defer" means to postpone a decision or discussion on a matter until later in the same meeting or to a future meeting of Council or Committee.
  - (g) "To table" means to introduce an item for discussion at a meeting.
2. The rules and regulations contained in this by-law shall be observed in all proceedings of the council and shall be the rules and regulations for the dispatch of business by Council and its Committees

**COUNCIL AND COMMITTEE MEETINGS**

3. Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purpose. The inaugural meeting of Council shall take place at 7:00 P.M. on the first Monday in December following an election. The elected official shall not take a seat on council until the person takes the declaration of office on the form established by the Province for that purpose. The member of council shall take the declaration of office after 9:15 a.m. on the first working day in December after a municipal election.

The next and each succeeding regular meeting of Council shall be held on the first Monday of each month at 7:00 P.M.

4. 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 that is not a public or civic holiday.
5. (a) The Head of Council may at any time summon a special meeting of Council with a notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
6. In case of the absence of the Head of Council from the Municipality, or if he/she is absent through illness, he/she refuses to act or his/her office is vacant, a Councillor shall be appointed to act from time to time in the place and stead of the Head of Council and shall have all the rights, powers, and authority of the Head of Council, while doing so.

#### **CALLING OF MEETING TO ORDER AND QUORUM**

7. 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.

#### **ABSENCE OF HEAD OF COUNCIL**

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

#### **NO QUORUM**

9. If no quorum is present fifteen minutes 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.

#### **CURFEW**

10. No item of business may be dealt with at a Council meeting after 11:00 P.M. but business may be continued upon a resolution passed by unanimous vote.

#### **THE CONDUCT OF PROCEEDING AT A MEETING OF COUNCIL**

11. It shall be the duty of the Head of Council or other Presiding Officer:
  - (a) to open the meeting of Council by taking the chair and calling the Members to order,
  - (b) to announce the business before the Council in the order in which it is to be acted upon,
  - (c) to receive and submit, in the proper manner, all motions presented by the Members of Council,

- (d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
  - (e) to decline to put to vote motions which infringe the rules of procedure,
  - (f) to restrain the Members, within the rules of order, when engaged in debate,
  - (g) to enforce on all occasions the observance of order and decorum among the members,
  - (h) to call by name any Member persisting in breach of the rules of order of the Council, thereby ordering him/her to vacate the Council Chamber,
  - (i) to receive all messages and communications and announce them to Council,
  - (j) to authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes of the Council,
  - (k) to inform the Council, when necessary or when referred to for the purpose on a point of order or usage,
  - (l) to represent and support the council, declaring its will, and implicitly obeying its decisions in all things,
  - (m) to ensure that the decisions of council are in conformity with the laws and by-laws governing the activities of the council,
  - (n) to adjourn the meeting when the business is concluded,
  - (o) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber,
  - (p) the Reeve or Presiding Officer may expel anyone from a meeting who engages in improper conduct,
  - (q) meetings shall be recorded when requested in writing with the use of the municipality's own recording equipment. The use of other video or audio recording equipment or devices during a meeting is not permitted without the approval of council. No concealed electronic recording devices are permitted at any meetings. The use of cell phones is prohibited at meetings.
12. (a) All council and committee meetings shall be open to the public.
- (b) notwithstanding Paragraph 12 (a) above, a meeting of Council or of a Committee may be closed to the public if the subject matter being considered relates to:
- i) the security of the property of the Township or local board;
  - ii) personal matters about an identifiable individual including municipal or local board employees;
  - iii) a proposed or pending acquisition of real property for municipal or local board purposes;
  - iv) employee negotiations or labour relations;

- v) litigation or potential litigation including matters before administrative tribunals, affecting the Township or a local board;
  - iv) a matter in respect of which Council, a Committee of Council or a local board has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament;
  - vii) the receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose.
- (c) Before all or part of a meeting is closed to the public, the Council shall state by resolution:
- i) the fact of the holding of the closed meeting;
  - ii) the general nature of the matter considered at the closed meeting;
- (d) Subject to section 12 (e) a meeting shall not be closed to the public during the taking of a vote.
- (e) A meeting may be closed to the public during a vote if,
- i) Section 12 (b) permits or requires a meeting to be closed to the public and,
  - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- (f) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.
- (g) Any correspondences and/or literature received relating to an in-camera meeting will not be photo copied for the members of council. Council members can view the original copy from the Clerk at the Clerk's office.

### **AGENDA**

13. The clerk shall have prepared and printed for the use of the members at the regular meetings of Council an agenda generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law.
- (a) Open Meeting:
  - (b) Approval of Agenda:
  - (c) Declaration of Conflict of Interest:
  - (d) Delegations:
  - (e) Minutes from Previous Meeting(s):
  - (f) Minutes/Reports:
  - (g) Correspondences:
  - (h) Resolutions from Other Municipalities:
  - (i) Disbursement Sheets:

- (j) Tax/Water Write Offs:
- (k) By-laws:
- (l) For Information Only:
- (m) Other Business:
- (n) Adjournment:

Agenda items will be made available prior to a council meeting to council members only. These agenda items will not be made available to the general public until council has reviewed them at their council meeting. Once these have been reviewed by council, request for access by the public for agenda items may be filed with the clerk in writing. Access to any records shall be subject to review under the Municipal Freedom of Information Act and the Municipal Act. The reproduction of items to the public will be via photo copying only and will be charged the applicable photo copying charges. Agenda items will not be faxed.

- 14. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.

#### **MINUTES**

- 15. Minutes shall record:
  - a) The place, date and time of meeting;
  - b) The names of the Presiding Officer or Officers and record of the attendance of the Members;
  - c) The reading, if requested, correction and adoption of the minutes of prior meetings;
  - d) All other proceedings of the meeting without note or comment.

#### **PETITIONS AND COMMUNICATIONS**

- 16. 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 a least one person and filed with the Clerk.

#### **DELEGATIONS**

- 17. Persons desiring to present information verbally on matters of fact or make a request to Council, shall give written notice to the Clerk not less than five (5) working days before the commencement of the meeting of the 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 ten (10) minutes.

#### **READING OF BY-LAWS AND PROCEEDINGS THEREON**

- 18. 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.
- 19. Every by-law shall be introduced upon motion by a member of council, specifying the title of the by-law.

20. 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 the provisions of any act and shall be complete with the exception of the number and date thereof.
21. Every by-law shall have three (3) readings prior to it being passed.
22. The first and second reading of a by-law shall be decided without amendment or debate.
23. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided by law.
24. If Council so determines, a by-law may be taken as read.
25. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
26. Every by-law enacted by 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.

### **MOTIONS**

27. NOTICE OF MOTION - Notice of all new motions except motions listed in Clauses 43 and 44 shall be given in writing and be delivered to the Clerk at least five (5) calendar days preceding the date of the meeting at which a motion is to be introduced. A motion, which when adopted either becomes an act or expresses the sense of Council, shall be submitted over the signature of the mover or the signatures of the mover and seconder and shall be complete and correct.
28. DISPENSING WITH NOTICE - Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the members present and voting.
29. SECONDING - A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the minutes.
30. PRESENTATION OF MOTION BY CHAIRPERSON - When a motion is presented to Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
31. AMENDMENT - A motion to amend:
  - shall be presented in writing,
  - shall receive disposition of council before a previous amendment or the question,
  - shall not be further amended more than once provided that further amendment may be made to the main question,
  - shall be relevant to the question to be received,
  - shall not be received proposing a direct negative to the question,
  - may propose a separate and distinct disposition of a question,

- shall be put in the reverse order to that in which it is moved.

### **VOTING ON MOTIONS**

32. QUESTIONS STATED - Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a member except when a motion of the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
33. NO INTERRUPTION AFTER QUESTION - After a question is finally put by the Presiding Officer, no Member shall speak to the question nor shall any other motion be made after the vote is taken and the result has been declared.
34. 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.
35. RECORDED VOTE - When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote by a show of hands, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can be made immediately before or after an unrecorded vote is taken. The reeve or clerk will circle the name of the council member deemed to have requested the recorded vote.
36. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
37. When a motion is presented in council in writing it shall be read, or, if it is an oral motion, stated by the Reeve or Presiding Officer.

### **RULES OF DEBATE**

38. Every Member, prior to speaking to any question or motion, shall raise his/her hand and address the Presiding Officer. When two or more Members raise their hands to speak, the Presiding Officer shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, raised their hand first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute.
39. When the Presiding Officer calls for the 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, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
40. 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.
41. Any Member may require the question or motion under discussion to be read at any time during the debate but so as to not interrupt a Member while speaking.
42. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
  - i) a point of order or personal privilege;
  - ii) presentations of petitions;

- iii) to lay on the table;
  - iv) to postpone indefinitely or to a certain day;
  - v) to move the previous question.
43. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- i) to refer;
  - ii) to adjourn;
  - iii) to amend;
  - iv) to suspend the Rules of Procedure.
44. Except as provided by Clause 42 above, all motions shall be in writing and signed by the mover and seconder.
45. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

#### **POINTS OF ORDER AND PRIVILEGES**

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

#### **CONDUCT OF MEMBERS OF COUNCIL**

48. No member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or the of Governor General, the Lieutenant Governor of any Province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
49. No member shall:
- i) use offensive words or unparliamentary language in or against the Council or against any Member,
  - ii) speak on any subject other than the subject in debate,
  - iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered,
  - vi) disobey the rules of the Council or a decision of the Presiding Officer or 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 Council" but if the Member apologizes, he/she may, by vote of the Council, be permitted to retake his/her seat.

50. No person except Members and Officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.
51. When the Chair is putting the question, no Member shall leave or make a disturbance.

**SUSPENSION OF RULES**

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

**AMENDMENT**

- 53. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

**EFFECTIVE DATE**

- 54. This By-law shall become effective upon the date of enactment.
- 55. This By-law shall repeal By-law numbers 2002-20 and 2004-1.
- 56. Where any By-law passed prior to this By-law conflicts with this By-law, the terms of this By-law shall prevail.

**READ A FIRST AND SECOND TIME  
THIS 5<sup>TH</sup> DAY OF APRIL, 2004.**

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**REEVE**

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**CLERK**

**READ A THIRD TIME AND FINALLY  
PASSED IN OPEN COUNCIL THIS  
3<sup>RD</sup> DAY OF MAY, 2004.**

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**REEVE**

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**CLERK**