

CORPORATION OF THE MUNICIPALITY OF HURON SHORES

BY-LAW # 16-83

PROCEDURAL BY-LAW

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THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES

BY-LAW # 16-83

A BY-LAW TO REGULATE THE PROCEEDINGS OF
COUNCIL, COMMITTEES AND BOARDS OF
THE CORPORATION OF THE
MUNICIPALITY OF HURON SHORES
AND TO RESCIND BY-LAW #13-01

WHEREAS *The Municipal Act, 2001, c. 45, Section 238 (2)* as amended, requires Council to pass by-laws governing the proceedings of the Council, Boards and Committees, the conduct of its members and the calling of meetings;

AND WHEREAS the Council of The Corporation of the Municipality of Huron Shores deems it advisable to enact a by-law to govern the proceedings of Council, the conduct of its members and the calling of meetings;

NOW THEREFORE the Council of The Corporation of the Municipality of Huron Shores **ENACTS AS FOLLOWS:**

1. Short Title

1.1 The short title for this By-law shall be "The Procedural By-law" and may be cited as such.

2. Definitions

THAT in this By-law:

"CLERK" shall be the Clerk of The Corporation of the Municipality of Huron Shores as defined in *The Municipal Act* from time to time.

"CLOSED SESSION" means a Council, Local Board or Committee sitting in Closed Session that is not open to the public.

"COMMITTEE" shall be as defined in *The Municipal Act* from time to time.

"COUNCIL" means the Council for The Corporation of the Municipality of Huron Shores.

"EX-OFFICIO" means a member of a committee with the same rights as the other committee members, but is not obligated to attend meetings of the committee and is not counted in determining the number required for a quorum or whether a quorum is present.

"HEAD OF COUNCIL" is the person elected as the Mayor or appointed as the Acting Head of Council as for The Corporation of The Municipality of Huron Shores. The Head of Council is also an ex-officio member of all standing and ad hoc committees.

"HOLIDAY" means:

i) any holiday as defined as a "public holiday" in the *Employment Standards Act, S.O. 2000, c.41*, as amended;

- ii) Easter Monday
- iii) Remembrance Day when it falls on regularly scheduled work day;
- iii) Any day proclaimed by the Head of Council as a Civic Holiday.

"LOCAL BOARD" shall be as defined in *The Municipal Act* from time to time.

"MAIN MOTION" shall mean any motion except the following ones:

- i) a motion to extend the time of the meeting;
- ii) a motion to refer;
- iii) a motion to amend;
- iv) a motion to defer or table;
- v) a motion to reconsider;
- vi) a motion to adjourn - **"MOTION TO ADJOURN"** shall mean a meeting is ending unless a specified time is set to reconvene the meeting.

"MEMBER" means a member of the Council and includes the Head of Council.

"MOTION" means a question to be considered by the Council, Local Board or Committee which is moved, seconded, presented, read by the Chair and is subject to debate. When a Motion is adopted, it becomes a Resolution.

"PRESIDING OFFICER" means

- i) in reference to Council Meetings, the Head of Council acting as Chair of the Meeting or such member chosen from a quorum of members present to preside over a Council meeting in the absence of the Head of Council;
- ii) in reference to Committee Meetings, the Chair of the Meeting.

"RECORDED VOTE" means a vote which notes the name and vote of every member of Council on any motion.

"RULES OF ORDER" are the rules set out in this By-law and in any case for which provision is not made herein the procedure to be followed shall be as outlined in Meeting Procedures: Parliamentary Law and Rules of Order for the 21st Century by James Lochrie.

"RULES OF PROCEDURE" are the rules set out in this by-law and in any case for which provision is not made herein the procedure to be followed shall be as outlined in Meeting Procedures: Parliamentary Law and Rules of Order for the 21st Century by James Lochrie.

"THE MUNICIPALITY OF HURON SHORES" means The Corporation of the Municipality of Huron Shores.

3. General

- 3.1 Subject to the provisions of the *Municipal Act*, the rules and regulations contained in the By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business for the Council. Council encourages the same rules for Committees of Council, but recognizes their exemption from the *Municipal Act, 2001*, Section 239.
- 3.2 All rules inconsistent with this By-law at the time of the passing hereof, be repealed and the same are hereby repealed.
- 3.3 Any rule established by the By-law, other than a quorum requirement, may be suspended at or for a particular meeting by Resolution, provided two-thirds of all members of Council present vote in favour thereof, and provided that the suspension of the rules does not result in a contravention of the Municipal Act.

4 Meetings of Council

4.1 Inaugural Meeting of Council

The Inaugural meeting of Council shall take place at 7:00 p.m. on the first Wednesday in December following a regular election at the Council Chambers in the Municipal Office.

4.2 Regular Meeting of Council

- i) The Council of The Corporation of the Municipality of Huron Shores shall hold its regular meetings at 7:00 p.m. in Council Chambers, as follows:
- on the second *Wednesday* and the fourth *Wednesday* of each month for the months of January – June and September – November.
 - on the second *Wednesday* of each month for the months of July and August.
 - on the third *Wednesday* of the month for the month of December.
- ii) Regular meeting dates may be changed by resolution of Council.
- iii) When a holiday falls on a regular meeting day, an alternate meeting date shall be set up, if required, at the prior regular Council meeting.
- iv) Where a regular meeting of Council is to be held at a time, day or place other than as set out in
- a. above, Council shall give notice by having the Clerk post it on the door
 - b. if time permits, publicly advertised on the Municipal Website and/or via other media.

- v) It shall be the responsibility of the Clerk to make available when possible all notices, agendas, previous Council Minutes and financial statements for regular Council meetings by the Friday evening preceding the Council Meeting.

4.3 **Closed Sessions**

- i) When Council, a Local Board or Committee is in Closed Session all Public (other than those involved in discussion and support staff, asked to stay) will be asked to leave the room in which the meeting is being held.
- ii) Before holding a meeting or part of a meeting that is to be closed to the public, a Council, Local Board or Committee shall state by resolution,
 - a) the fact of the holding of the Closed Session; and
 - b) the general nature of the matter to be considered at the Closed Session.
- iii) Any voting during a lawfully Closed Session may only be conducted on matters to provide direction on a procedural matter (e.g. to defer the matter until more information is available) or for giving directions or instructions to officers, employees or agents or person retained by or under contract with the municipality, local board or committee.
- iv) Council, a Local Board or a Committee may hold a Closed Session as authorized and in accordance with the applicable provisions of The Municipal Act in force at the time.
- v) Matters shall be debated in Closed Session if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, Local Board, Committee or other body is designated as head of the institution for the purposes of that Act

4.4 **Special Meetings of Council**

- i) The Head of Council at any time may summon a special meeting of Council on four hours' notice to all the Councillors.
- ii) Upon receipt of the petition of the majority of the Councillors, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- iii) Four hours notice of all special meetings of Council shall be given to the Councillors through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
- iv) It shall be the responsibility of the Clerk to make available when possible all notices, agendas, and financial statements for special Council meetings.
- v) Notwithstanding the requirements set out above, in the event of a bona fide emergency, the special meeting may

be held as soon as practical following receipt of the summons or petition as the case may be.

4.5 Cancellation of Meetings

- i) Where it is necessary for Council for any reason to cancel any regular meeting of Council, it shall only do so upon approval by the majority of the members present at the meeting immediately preceding the meeting of the Council and post notice on the door and on the Municipal Website.
- ii) Due to inclement weather or other emergencies, a notice must be posted on the door and an attempt made to notify all Council members.

5. Adjournment

5.1 A motion to adjourn a meeting shall be in order except,

- i) When another member of Council is in possession of the floor;
- ii) When it has been decided that the vote be now taken; or
- iii) During the taking of a vote.
- iv) Where a person has been deemed guilty of improper conduct by the Presiding Officer and is expelled or excluded from the meeting by the Presiding Officer and such person refuses to so leave, the Presiding Officer may adjourn the meeting without any motion to do so until such time as the person has left the meeting room.

6. Time Limit of Meeting

6.1 Resolution must be made to proceed after 11:00 p.m.

7. Preparation of Agenda

7.1 It shall be the duty of the Clerk to prepare the Agendas of all Council Meetings in accordance with the provisions contained herein

7.2 The Clerk shall:

- i) accept items for the agenda from Members of Council;
- ii) receive correspondence and petitions from the public and if, in the Clerk and Mayor's opinion, the matter warrants the consideration of Council or a committee, place the correspondence or petition on an Agenda. Before placing any correspondence or petition from the public on an Agenda, the Clerk shall discuss the substance of the petition with the Mayor.

7.3 All items for any Agenda must be received in writing by the Clerk not later than Friday prior to the date of the meeting concerned.

7.4 An addendum to the Agenda will be made, in the case of an emergency or urgency, as the Clerk and Mayor may determine

from time to time and shall include provision for declaration of conflict.

8. Agenda Format

8.1 The Clerk shall have prepared and printed for the use of the Councillors at the regular meetings of Council, an agenda under the following headings;

1. Call to Order
2. Agenda Review
3. Declaration of Pecuniary Interest
4. Adoption of Minutes
5. Adoption of Accounts
6. Delegations and Petitions
7. Council and Staff Reports
8. General Business
 - a. Planning Act Matters
 - b. By-laws
 - c. Minutes - Boards and Committees
- Member organizations
 - d. Motions
 - e. Notice of Motions
9. Letters & Communications for Action
10. Letters & Communications for Information
11. ROUTINE/MONTHLY INFORMATION
(The following items are not included the in Minutes of the Meeting)
Correspondence:
Newsletters/Reports:
Minutes (to which the Municipality is not a party):
Magazines/Papers:

'*' denotes copy not provided in Council package

12. Closed Session
13. Confirming By-law
14. Adjournment

8.2 The items on the Agenda of each meeting shall be taken in the order in which they stand on the Agenda unless otherwise decided by consensus as noted in the minutes by two-thirds of the Councillors present.

8.3 All items on an Agenda not dealt with at a meeting shall be placed on the Agenda for the next regular meeting unless otherwise decided.

8.4 All concerns/issues brought before Council shall be in writing and signed by the complainant.

9. Order of Proceedings of Council

9.1 As soon after the hour fixed for the meeting as there is a quorum present, the head of Council shall take the Chair and call the members of Council to order. A majority of the members of Council shall constitute a quorum.

i) In the event the Head of Council does not attend within fifteen minutes after the time appointed, the Clerk shall call the members to order if a quorum is present. A Presiding Officer shall be chosen by a vote of the Councillors from the Councillors who shall preside during the meeting until the arrival of the Head of Council.

ii) The Presiding Officer shall have all the power of the Head of Council and shall be entitled to vote as a Councillor.

10. Quorum

10.1 The quorum required to commence and continue a meeting of Council shall be five (5) Members of Council.

10.2 If there is no quorum within fifteen minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the Councillors present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

10.3 The quorum required to commence and continue a meeting shall be more than 50 per cent (50%) of the Members on the Committee.

11. Adoption of Minutes

11.1 During the adoption of the Minutes of a previous meeting of Council, no changes can be made in the action taken by Council at the previous meeting; only changes in the form of errors and omissions and recording of any action taken at the previous meeting may be made in adopting the Minutes.

12. Conduct of Proceedings at a Meeting of Council

12.1 It shall be the duty of the Presiding Officer:

i) to preserve order and decorum, decide questions of order (subject to an appeal to the Council by any Councillor) and without unnecessary comment, cite the rule or authority (as commonly accepted under parliamentary procedures) applicable to the case if called upon to do so;

ii) to open the meeting of Council by taking the Chair and calling the Councillors to order and to announce the business before the Council, in the order in which it is to be acted upon;

iii) to receive and submit, in the proper manner, all motions presented by the Councillors;

- iv) to put to vote all motions which are properly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results;
- v) to decline to put to vote motions which infringe on the rules of procedure;
- vi) to restrain the Councillors, within the rules of order when engaged in debate.
- vii) to enforce on all occasions, the observance of order and decorum among the Councillors;
- viii) to call by name, any Councillor persisting in breach of the rules of order of the Council, thereby ordering them to vacate the Council Chamber.
- ix) to receive all messages and other communications and announce them to the Council.
- x) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of Council;
- xi) to represent and support the Council, declaring its decision in all things;
- xii) to ensure that the decisions of Council are in conformity with the laws and by-laws governing activities of the Council;
- xiii) to adjourn the meeting when the business is concluded, without question put in the case of grave disorder arising in the Council Chamber.

13. Decorum

13.1 No Councillor Shall:

- i) disturb another, or the Council itself, by any disorderly deportment disconcerting to any Councillor speaking;
- ii) resist the rules of Council or disobey the decision of the Presiding Officer or of the Council on questions of order of practice or upon the interpretations of the rules of order to the Council;
- iii) be permitted to retake their seat at any meeting after being ordered by the Presiding Officer to vacate after committing a breach of any rule of order of the Council, without making apology and the consent of the Council expressed by a majority vote of the other Councillors present, determined without debate;
- iv) leave their place on adjournment until the Presiding Officer has left;
- v) speak until they have addressed themselves to the Presiding Officer;

- vi) walk across or out of the Chamber or make any noise or disturbance when the Presiding Officer is asking for a vote on a motion and shall occupy their seat while a vote is being taken and until the results thereof are declared;
- vii) have a disregard for a dress code for Council Meetings as agreed to by a majority of the Councillors.

14. Rules of Debate

14.1 The Presiding Officer - in directing the course of debate, the Presiding Officer shall:

- i) designate the Councillor who has the floor when two or more members signify they wish to speak;
- ii) read all motions presented in writing before permitting debate on the question, except when otherwise provided in this by-law;
- iii) preside over the conduct of the meeting including the preservation of good order and decorum, ruling of points of order, questions of a privilege, points of information and ruling on all questions relating to the procedure of the meeting;
- iv) be subject to an appeal to the Councillors by any Councillor on any ruling made;

and if an appeal is made by a Councillor for a ruling of the Presiding Officer, the Councillor appealing shall, after announcing the appeal, state the reasons for such an appeal and the Presiding Officer may then indicate why the appeal should be rejected and the Presiding Officer's ruling upheld;

without debate on the appeal the Councillors by Roll call shall then vote on the appeal;

if the appeal is upheld, then the Presiding Officer shall change his ruling accordingly if the appeal is rejected the Presiding Officer may close the debate.

14.2 Councillors - in addressing the Council, no member shall;

- i) use indecent, offensive or insulting language in or against the Council or any Councillor thereof;
- ii) speak beside the motion in debate;
- iii) criticize any decision of Council except for the purpose of moving that the motion be reconsidered;
- iv) disobey the rules of Council or a decision of the Presiding Officer on questions of order or practice, or upon the interpretation of the rules of the Council.

14.3 General

- i) Every Councillor when speaking to any motion shall respectfully address the Presiding Officer

- ii) When a Councillor is speaking, no other Councillor shall pass between the speaker and the Presiding Officer, or interrupt the speaker except to raise a point of order
- iii) Any Councillor may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Councillor while speaking
- iv) A Councillor may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof
- v) All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions
- vi) Questions may be asked of
 - the previous Speaker
 - the Presiding Officer or
 - an Official of the Municipality
- vii) No Councillor shall, without leave of Council, report to Council, speak to any question, or in reply, longer than five (5) minutes.

14.4 **Motions and Order of Putting Questions in Council**

- i) any main motion may be introduced without notice if the Council, without debate, dispenses with the notice on the affirmative vote of at least two-thirds of the Councillors present and voting.
- ii) Main Motions**
 - a) no main motions shall be debated upon or put unless the same be written, moved and seconded.
- iii) Withdrawal of a Motion**
 - a) after a motion has been received and read by the Presiding Officer it shall be deemed to be in the possession of the Council but it may with the majority consent of the Councillors present, be withdrawn by the mover prior to decision or amendment or voting thereon.
- iv) A Motion to Amend**
 - a) shall be presented in writing;
 - b) shall be voted on prior to the vote being taken on the main motion or a previous amendment to the main motion;
 - c) may be amended only once with a secondary amendment or amendment to the amendment;
 - c) shall be relevant to the motion to be received and read;

- d) shall not be received by the Presiding Officer if it proposes a direct negative to the main motion;
- v) A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.
- vi) every motion when duly moved and seconded, shall be received by the Presiding Officer, and shall then be open for discussion prior to the vote being taken.
- vii) no member shall speak more than once on the same motion, except;
 - a) when considering a report from a committee;
 - b) to explain a material part of their speech which may have been interpreted incorrectly;
 - c) with leave of the Council, after all other Councillors so desiring have spoken;
 - d) in reply if he/she is the Councillor who presented the motion to Council;
 - e) that Councillor (or Councillors) under whose name the motion is introduced, may if they so wish, notwithstanding any other provisions of the rules of procedure, speak last on the motion before the vote is taken;
 - f) to raise a point of order;
- viii) the Presiding Officer shall state the question in the precise form in which it will be recorded in the minutes immediately preceding the calling for the vote
- ix) after a motion is finally put to a vote by the Presiding Officer, no Councillor shall speak to the motion nor shall any other motion be made until after the vote is taken and the result has been declared;
- x) the manner of determining the decision of the Council on a motion shall be by a show of hands;
- xi) Where 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 or 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.

15. Reconsideration

- 15.1 A motion may not be reconsidered unless notice of such reconsideration is given at the same meeting at which the main motion is voted upon. Council will not act upon the main motion until council votes upon the motion to reconsider it. A motion to reconsider must be voted upon at either the same meeting as the main motion or, no later than the following meeting.

15.2 No main motion may be reconsidered, and no further discussion of the main motion may take place, more than once in a 90-day period.

15.3 A motion for reconsideration shall be moved by a Councillor who voted with the prevailing side, and shall be seconded by either a member who voted on the prevailing side, or a member who was absent at the time the matter proposed for reconsideration was originally voted on by Council.

16. Point of Order – Violation of Rules of Procedure

16.1 When a Councillor desires to call attention to what the Councillor believes to be a violation of the Rule of Procedure, the Councillor shall, when once recognized by the Presiding Officer, rise on a Point of Order. On raising the Point of Order, a Councillor shall state the Point of Order with a concise explanation and the Presiding Officer shall rule upon the Point of Order.

16.2 Unless a Councillor immediately appeals the ruling of the Presiding Officer, the ruling on the Point of Order shall be final.

16.3 If the ruling is appealed, the appeal procedure set out in Section 14.1 shall be followed.

16.4 Once the Point of Order has been dealt with, the debate shall resume at the point it was before the Point of Order was raised unless the decision on the Point of Order has changed this procedure.

17. Minutes

The Minutes shall record;

- i) The place, date and time of meeting;
- ii) The names of the Presiding Officer or Officers and the Councillors in attendance
- iii) The adoption of the minutes of the prior meetings;
- iv) All other proceedings of the meeting without note or comment.
- v) If a member arrives late, the time of arrival shall be noted in the minutes.
- vi) If a member leaves early, the time of departure shall be noted in the minutes.

18. Delegations & Petitions

18.1 Persons desiring to present information verbally on matter of fact or make a request of Council shall give notice to the Clerk not later than Friday prior to the date of the meeting concerned and may be heard by leave of the Presiding Officer or Council, but shall be limited to speaking to not more than 10 minutes, except that a delegation consisting of more than five persons shall be limited to two speakers, each limited to speaking not more than ten (10) minutes.

18.2 Notwithstanding the provisions of Section 18.1, Mayor and Clerk or Council may, at their sole discretion, entertain deputations or delegations with less notice as the circumstances may warrant.

19. Readings of By-laws and Proceedings Thereon

19.1 Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception of the date thereof.

19.2 Every By-law shall have three readings prior to it being passed if required by legislation.

19.3 The first and second reading of the by-law shall be decided without amendment or debate.

19.4 If the Council determines that the By-law is to be considered in committee, it shall be so considered prior to the third reading thereof.

19.5 If Council so determines, a By-law may be taken as read.

19.6 The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.

19.7 Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.

20. Effective Date

This By-law shall take effect on the passing thereof.

21. Rescind

By-law #13-01 is hereby rescinded.

Read a first and second and third time and passed in open council this 14th day of December, 2016.

MAYOR – L. C. (Gil) Reeves

CLERK – Deborah Tonelli