

THE CORPORATION OF THE
TOWNSHIP OF CHAPLEAU

BY-LAW 2011- 07

Being a By-Law to regulate the calling, place and proceedings
of meetings.

WHEREAS the Municipal Act R.S.O. 2001 C. 25, S. 238 provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings; And

WHEREAS the Council of the Township of Chapleau deems it necessary and expedient to pass a procedural by-law to govern the calling, place and proceeding of meetings:

NOW THEREFORE the Municipal Council of the Corporation of the Township of Chapleau ENACTS AS FOLLOWS:

DEFINITIONS

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards;

“local board” does not include police services boards or public library boards;

“meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them.

GENERAL

1. In all meetings as defined herein, had or taken in the Township of Chapleau the following rules and regulations shall be the rules and regulations of the said Council, of a local board or of a Committee of either of them, for the order and dispatch of business and all rules existing and inconsistent with this By-Law at the time of the passing thereof are hereby repealed.
2. A majority of the whole number (three 3) of members required to constitute the Council shall be necessary to form a quorum save and except those circumstances subject to the Conflict of Interest Act.
3. All depositions shall be heard by Council and where applicable Standing Committees and Special Purpose Bodies. Citizens wishing to make presentations to or communicate with Council, Standing Committees or Special Purpose Bodies at their regular meetings, are required to make written submissions to the C.A.O. or appropriate Committee department head prior to 4:00pm on the Wednesday immediately preceding a scheduled meeting of Council, Standing Committee or Special Purpose Body.
4. Any standing rule, order of Council or provision of this By-Law may be suspended by resolution of Council provided two-thirds of all the members of the Council vote in favor thereof.
5. Time, in this by-law, shall be governed by Eastern Standard Time, except that Eastern Daylight Time shall govern, when in effect.
6. All proceedings of the Council, or its committees, not specifically provided for in this By-Law, shall be dealt with in accordance with Parliamentary procedure, as determined by Robert’s Rules of Order, and in such cases the decision of the Mayor, presiding officer or Chairperson shall be final and accepted without debate, if in accord with the above rules. Call to Order by Herb & Susan Perry is approved as a procedural reference in support of Robert’s Rules of Order.

7. There shall be annually appointed or nominated, as may be required, at regular meetings of the Township Council, members to various Boards and Commissions in accordance with the requirements of the Ontario Statutes or Council By-Laws.

NOTICE OF MEETINGS OF COUNCIL

8. Following the adoption of the Annual Council meeting schedule by Council, the CAO shall immediately give notice by way of an advertisement in the local newspaper and by way of a posting on the Community Portal, where copies of the Annual Council meeting schedule may be viewed or obtained.
9. The Annual Council meeting schedule shall be posted on the Township office bulletin board and on the Community Portal.
10. The Annual Council meeting schedule shall also be included in the Public copies of the Council meeting agendas.
11. Copies of the Annual Council meeting schedule shall be provided to anyone, free of charge, during regular office hours.

CONVENING MEETINGS

12. a) The regular meetings of the Council shall be held at 7:30 pm in the Council Chambers on the first, second and third Mondays of each month throughout the year. The first meeting after a regular election shall be held in accordance with the requirements of the Municipal Act.
b) When holidays are observed on a Monday, the regular meeting of Council scheduled for that day shall be held on the following Monday.
13. Notice shall not be required to be given of regular meetings of the Council unless the day of meeting be other than that provided by this By-Law, but the mailing out or delivery of the Agenda shall be considered as adequate notice of such regular meetings.
- 14.a) As much notice as possible shall be given of all emergency meetings and shall be given by telephone communication by the CAO.
b) On urgent and extraordinary occasions, with the consent of two-thirds of the members of Council, an emergency meeting of the Council may be held at any time circumstances warrant in order to ratify, confirm and expedite business arising out of Committee resolutions which require the Mayor and CAO to sign and affix the seal of the Corporation to any agreement, deed, conveyance or other document supporting to bind the Corporation.

COMMENCEMENT OF MEETINGS

15. As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the chair and call the members present to order, and in the absence of the Mayor, a presiding officer shall be appointed by Council and he/she shall take the chair and call the meeting to order.
16. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding

officer from among themselves, and he has the same authority as the absent person would have had if present.

17. Unless a quorum is present within thirty minutes after the time appointed for the meeting, the meeting shall be deemed to be a nullity and the members then present may leave.

AGENDA

18. The CAO shall prepare for the use of the members "The Agenda" for each regular meeting of the Council, containing the following:

Agenda for Regular Meetings of Council

1. Attendance
 2. Disclosure of interests
 3. Additions and/or deletions to the agenda
 4. Reception of Delegations
 5. Business
 6. Accounts
 7. Resolutions
 8. Correspondence
 9. Other/meetings
 10. In camera
- 19.a) Every communication or petition intended for presentation to the Council must be legibly written, typed, or printed and signed by at least one person.
 - b) The CAO shall list in the agenda only those communications and petitions received prior to 4:00 p.m. on Wednesday preceding the regular Council meeting. All communications or petitions received after this time shall be referred to the next regular meeting of Council. Items brought before Council by members and/or the CAO under "additions and/or deletions to the agenda", may be considered with the consent of the majority of Council members present at the meeting.
 - c) Communications and petitions presented to Council may be brought into immediate discussion and disposed of forthwith, provided the communication or petition complains of some present personal grievance which requires an immediate reply.
20. The business shall in all cases be taken up in the order in which it stands upon the Agenda, unless otherwise determined upon a vote of two-thirds of the members present, and all questions relating to the priority of business shall be decided without debate.
 21. Enquiries may be made of the Mayor or presiding officer, or through him to any member of the Council or to a Department Head, relating to any matter connected with the business of the Township, but no argument or opinion is to be offered, or facts to be stated, except so far as may be necessary to explain the same, and in answering any such question a member is not to debate the matter to which the same refers.

RULES OF DEBATE AND CONDUCT

22. The Mayor or presiding officer shall preserve order and decorum, and decide questions of order, subject to an appeal to the Council.
23. Every member, previous to his/her speaking on any question or motion shall address him/herself to the Mayor or presiding officer.

24. When a motion is seconded, it shall, on request, be read by the Mayor or presiding officer, or the CAO before debate.
25. When two or more members speak at once, the Mayor or presiding officer shall name the member who first spoke.
26. Any member may require the question or motion under discussion to be read at any time during the debate, but may not interrupt a member while speaking.
27. All members may speak more than once save and except (and then not longer than ten minutes unless permitted by Council) to the same question except the mover, who shall have the right to reply when all members choosing to speak have spoken, unless a member wishes to explain a material part of his speech, and this may be done only with the permission of the Mayor or presiding officer, but then he shall not introduce any new matter.
28. No member shall speak disrespectfully or use abusive or unparliamentary words or expressions in Council. No member shall criticize any vote of the Council, except for the purpose of moving that such vote be reconsidered. No person shall disobey the rules of the Council, the decision of the Mayor, or the presiding officer or of the Council on questions of order or procedure. In case any member shall disobey, he/she may be ordered by the Mayor or presiding officer, to leave his/her seat for that meeting. In case of apology being made by the offender, he/she may be permitted by the Mayor or presiding officer, with the approval of Council, to resume his/her seat.
29. If any member desires to leave a meeting of Council prior to adjournment, and not return thereto, he/she shall so advise the Mayor or presiding officer, and his/her departure shall be recorded.

QUESTIONS OF PRIVILEGE AND POINTS OF ORDER

30. When the Mayor or presiding officer is called upon to decide a point of order or procedure, the point shall be stated without unnecessary comment, and the Mayor or presiding officer shall state the rule or authority applicable to the case. When the rules of order does not cover the point of order or procedure raised, "Roberts Rules of Parliamentary Procedure" shall be the authority and govern.
31. When a point of order is raised or when a member is called to order from the chair, the member shall immediately cease speaking until the Mayor or presiding officer shall have decided the point of order. The member may be permitted to explain. The decision of the Mayor or presiding officer shall be final, unless an appeal is made to the Council, in which case the question "shall the ruling of the Chair be sustained?" shall be determined without debate.
32. Whenever the Mayor or presiding officer is of the opinion that any motion offered to the Council is contrary to the rules of the Council, he/she shall advise the members thereof immediately and quote the rules or authorities applicable. Argument or comment shall not be permitted.

MOTIONS AND ORDER OF PUTTING QUESTIONS

33. All motions shall be moved and seconded before being debated or put to a vote.
34. After a motion is moved and seconded, it shall be deemed to be in possession of the

Council, but may be withdrawn at the joint request of the mover and seconder at any time before decision or amendment with the permission of the Council.

35. When a question is under debate, no motion shall be received except for the following purposes and according to the listed priorities, namely:
- (x) (1) To extend the hour of automatic adjournment.
 - (x) (2) To adjourn. (may not be introduced in *Camera*).
 - (3) To postpone to a definite date.
 - (x) (4) To lay on the table (indefinite postponement).
 - (5) To commit (refer to a Committee)
 - (6) To amend.
- (The items marked (x) are not debatable).

VOTING

36. Every member present, when a question is put, shall vote thereon unless he/she has any pecuniary interest. When a member has such interest in the question under debate, he/she shall so advise the Council in accordance with the provisions of the Municipal Conflict of Interest Act and the CAO shall duly record such interest in the minutes. If any member present persists in refusing to vote except for reasons of such interest, he/she shall be recorded as voting in the negative on the question before the Council.
37. Unless disqualified, the Mayor or presiding officer shall vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be lost.
38. In cases required by law, and when any member calls for the yeas and nays, the names of those who vote for and of those who vote against the question shall be entered upon the minutes of Council.
39. After any question is finally put by the Mayor or presiding officer, no member shall speak to the question nor shall any other motion be made until after the result is declared. The decision of the Mayor or presiding officer as to whether the question has been finally put shall be conclusive.

IN-CAMERA SESSIONS

40. Whenever it is moved and carried that the Council go in-camera, the Mayor or presiding officer shall maintain order in the in-camera session and report its proceedings.
41. The rules of the Council shall be observed in the in-camera session so far as they are applicable.
42. If any sudden disorder shall arise in the in-camera session, the Mayor or presiding officer shall immediately and without any question deem the Council meeting to have resumed.
43. On motion in the in-camera session to rise and report, the question shall be decided without debate.

SPECIAL MEETINGS OF COUNCIL

44. Special meetings of Council shall be held upon a majority vote of Council.
45. A majority of the whole number of members of the *Council* shall be necessary to constitute a quorum.
46. Items to be considered at a special meeting of Council shall be those agreed to by a majority of the whole number of members of the Council.
47. At special meetings of the Council, it shall not be within the jurisdiction of Council at that meeting to consider or decide upon any matter unless such matter has been fully explained.
48. The Council may by resolution provide that a special meeting may be held at a place other than in the Council Chambers at the Civic Centre.

BY-LAWS

49. All By-Laws, with their titles, shall be listed and attached to the Agenda for the meeting at which they are to be read a first time.
- 50.a) A By-Law may be considered read a second and third time at the same meeting at which it is read a first time. If any member shall object to the By-Law being considered read a second and third time, a two-thirds vote of all members of the Council shall be required in order to permit the By-Law to be considered read a second and third time.
 - b) By-Laws may be referred to a special meeting of Council for consideration and to receive second, third and final reading.
- 51.a) There shall be one original printed copy of every By-Law which has been adopted by the Council and which shall be signed by the Mayor or presiding officer and the CAO or Deputy Clerk, and sealed with the Seal of the Corporation.
 - b) The original signed copy of each By-Law shall be filed by the CAO in a secure place in the Township vault kept by the CAO for proper safe-keeping, and each By-Law shall be indexed.
 - c) At least one copy of each By-Law certified by the CAO shall be filed by the CAO in numerical order in a special file maintained by him for active By-Laws and indexed in numerical order giving the title of each By-Law.
 - d) The CAO shall be responsible for classifying and numbering all By-Laws after they have been finally passed.
52. The CAO shall enter on each By-Law the date on which the several readings were given.

ADJOURNMENT

53. The Council shall automatically adjourn at the hour of 10:30 p.m. unless otherwise determined by a vote of two-thirds of the members present.
54. A motion to adjourn the Council or adjourn the debate shall always be in order,

except (1) when a member is in possession of the floor; (2) when the yeas and nays have been called for; (3) when the members are voting; (4) in in-camera sessions. When a motion to adjourn is defeated, no second motion to the same effect may be made until there has been some proceeding.

55. Members of the Council shall not leave their places on adjournment until the Mayor or presiding officer, leaves the chair.
56. That By-Law 2008-23 be and is hereby repealed in it's entirety.
57. That this By-Law shall come into force and take effect on the 2nd day of May, 2011.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 2nd day of May 2011.

Mayor

CAO

