

**THE CORPORATION OF THE MUNICIPALITY
OF HASTINGS HIGHLANDS**

BY-LAW 6-2008

BEING a By-Law to govern the proceedings of Council.

WHEREAS the *Municipal Act*, S.O. 2001 c. 25 Section 238 (2) requires every municipality to pass a procedure by-law for the calling, place and proceedings of meetings;

NOW THEREFORE the Council of the Corporation of the Municipality of Hastings Highlands enacts as follows:

- 1.1 That the Rules and Regulations contained herein shall be observed in all proceedings of Council and its Committees.
- 1.2 Throughout these rules, unless the context requires otherwise, words imparting the singular number or the masculine gender shall include the plural number or the feminine gender.
- 1.3 Throughout these rules, all references to the Mayor, or in the absence of the Mayor, shall refer to the Deputy Mayor, or the person so named in accordance with the *Municipal Act*, S. O. 2001 c. 25.
- 1.4 **DEFINITIONS**
 - a) **Board** means a local board as defined in the *Municipal Act*, boards, agencies, corporations or other entities or classes of them established in relation to local, municipal or school purposes as may be prescribed in regulations.
 - b) **Clerk** means the position of Clerk of the Municipality of Hastings Highlands as defined in the *Municipal Act*, S.O. 2001, c. 25.
 - c) **Closed Session** means a meeting or portion of a meeting where the public is excluded from participation in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and also in accordance with the *Municipal Act*. "In-Camera Session" shall have a corresponding meaning.
 - d) **Commissioner** means the Commissioner appointed under the *Local Disclosure of Interest Act*.
 - e) **Committee** means any advisory, standing or other committee, subcommittee or similar entity composed of members of one or more of the boards or councils.
 - f) **Committee of Council** means a committee consisting of all or part of the members of the Council of the Municipality of Hastings Highlands.
 - g) **Council** means the Council of the Municipality of Hastings Highlands.
 - h) **Treasurer** means the Treasurer of the Municipality of Hastings Highlands as defined in the *Municipal Act*.
 - i) **Meeting** means any regular, special, committee, subcommittee, committee of the whole or similar entity composed of members of a local board or council.
 - j) **Member** means a member of council and includes the Head of Council.

- k) **Minister** means the Minister of Municipal Affairs and Housing.
- l) **Pecuniary Interest** means a direct or indirect financial interest.
- m) **Prescribed** means established by regulations made under the *Disclosure of Interest Act, 1994*, or any other Act applicable to municipal governments.
- n) **Spouse** means a spouse as defined in Part III of the *Family Law Act*.
- o) **Subcommittee** means an Ad Hoc Committee of Council or committee constitutes for the purpose, and member named, as expressed by resolution of Council or recommendation of Committee of Council.

Part II – Council

2.1 Mayor/Deputy Mayor

- a) The Head of Council shall be called a “Mayor”.
- b) The Deputy Mayor shall act in place and stead of the Mayor when the Mayor is absent.
- c) The Council may appoint, by resolution, an alternate to act as the Head of Council if both the Mayor and the Deputy Mayor are absent.
- d) The Council may appoint, by resolution, an alternate to represent the Municipality on County Council if the Mayor and Deputy Mayor are absent.
- e) The Deputy Mayor or alternate acting as Mayor under this section shall exercise all the rights and powers and authority of the Head of Council.

2.2 Head of Council

It shall be the duty of the Head of Council to:

- a) Open the meeting of Council by taking the chair and calling the members to order;
- b) Announce the agenda for the meeting and ask for adoption of the requested changes, additions, or deletions to the agenda;
- c) To receive and read, in the proper manner, all motions presented by the members;
- d) Put to a vote, all questions which are moved and seconded, or arise in the course of the proceedings and to announce the results;
- e) Enforce, on all occasions, the observances of order and decorum among the members;
- f) Call by name of member persisting in the breach of the rules of order of the Council, thereby ordering him to vacate the Council Chamber;
- g) Authenticate, by his signature, all by-laws and minutes of Council;
- h) Inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- i) Represent and support the Council, declaring its will, and implicitly obeying its decisions;
- j) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;

- k) Adjourn the meeting when the business is concluded;
- l) Adjourn the meeting without question in the case of grave disorder arising in the Council Chambers.

2.3 Council Meetings

- a) The Regular Meetings of Council shall, unless otherwise ordered, and except as provided in Subsection c), be held at the Municipal Building, 33011 Highway 62, Maynooth, Ontario, on the first and third Wednesdays of every month. The Regular Meeting of Municipal Council shall start at 8:30 am.
- b) In the event a Regular Meeting falls on a public holiday, the meeting shall be at the same hour on the next following day not being a public holiday, or on any other day as determined by Council.
- c) A Special Meeting required for special business shall be called by the Mayor or at the request of the majority of Council at such time and place as the Mayor or the Council determines.
- d) For Special Meetings of Council, a notice period of twenty-four hours shall be provided and the time and place of the meeting shall be posted on the municipal website and the notice posting at the Municipal Office.
- e) An Emergency Meeting required for special business shall be called by the Mayor or at the request of a majority of Council, at such time and place and the Mayor or Council determines.
- f) No matter beyond the issue identified for calling the meeting shall be considered or discussed at a Special Meeting or Emergency Meeting unless the matter is disclosed in the notice of calling the meeting.
- g) The Clerk or his designate shall be in attendance at all times in order to constitute a legal Council meeting in accordance with the *Municipal Act*.

2.4 Quorum

- a) A quorum shall consist of 50% plus one (1), or more of the members of Council or Committee.
- b) Immediately after the hour fixed for a Council or Committee meeting and a quorum is present, the Head of Council, or Chairperson of the Committee, shall take the chair and call the meeting to order.
- c) If within thirty (30) minutes of the time called for the meeting, there is no quorum present, the Clerk shall record the names of those members present and the meeting shall stand adjourned until the next Regular Meeting unless a Special Meeting is called before.

2.5 Chairperson

- a) The Head of Council shall be the Chairperson of the Council and the Closed Sessions of Council.
- b) Where the Mayor is not in attendance at a meeting of Council, the Deputy Mayor, or alternate as appointed, shall preside until the arrival of the Mayor.
- c) At meetings of Council, the Chairperson ensures the efficient conduct of the business before Council.

2.6 Order of Business

The Business of Council shall normally be taken up in the following order:

- A. Call to Order and Prayer
- B. Additions/Deletions
- C. Disclosures of Interest
- D. Adoption and Confirmation of Minutes
- E. Business arising from Minutes
- F. Deputations
- G. Mayor's Report from County Council AND Reports from Committees and Officials
- H. By-Laws
- I. Communications and Petitions
- J. General New Business
- K. Question Period
- L. Closed Session (if required)
- M. Confirmation of Proceedings
- N. Adjournment

2.7 Procedure at Council Meetings

- a) No business, other than the business referred to in Section 2.6, shall be considered at a meeting of Council unless Council, by a two-thirds majority vote of the members present at the meeting deems it in the best interest of the Municipality to deal with any additional business.
- b) Every motion or resolution may be made in writing and recorded by the Clerk.
- c) No member of Council other than the mover of a motion shall make introductory remarks on the motion.
- d) Except as provided in Subsection c), no member of Council shall have the right to speak on a motion or resolution until after the motion or resolution has been duly moved and seconded.
- e) Where a main motion or resolution is under debate it shall be in order for any member to present the following secondary motions:
 - i. Withdraw – shall be put and seconded by the mover and seconder of the main motion; shall receive disposition prior to any other secondary motion being presented; and shall not be debatable.
 - ii. Refer – shall receive disposition before the main question; shall state the Committee or Appointed Official to which the matter shall be referred; shall preclude all amendments of the main question until it is decided; and shall be debatable.
 - iii. Defer – shall receive disposition before the main question; shall state the specific date upon which the motion shall again be put forth; and shall not be debatable.
 - iv. Amend – shall receive disposition before the main question; shall be relevant to the main question; shall not be receiving or proposing a direct negative of the main motion; may propose a separate and distinct composition of the main motion; and shall be debatable.
- f) Once debate has finished and all secondary motions have been received, the Chair shall put to a vote all secondary motions in the following order:
 - i. to withdraw
 - ii. to refer
 - iii. to defer
 - iv. to amend
- g) All secondary motions shall be resolved prior to the disposition of the main motion.

- h) Once all secondary motions have been resolved, the main motion shall be immediately put by the Chair unless otherwise disposed of by referral, deferral or withdrawn.
- i) A motion to adjourn the Council shall always be in order and need not be in writing, nor shall it require a seconder.
- j) The motion to adjourn shall be decided upon without debate.
- k) Where a member proposes to speak on a matter the member shall:
 - i. Signify his intention to address Council by raising his hand to obtain recognition from the Chair; and,
 - ii. Address the Mayor or Chairperson; and,
 - iii. Confine comments or observations to the question or matter under discussion; and,
 - iv. Avoid any reference to personality or personal remarks.
- l) Where two or more members request to speak, the Mayor or Chairperson shall determine the order in which the members are entitled to speak
- m) The Mayor or the Chairperson shall expel any person for improper conduct at a meeting.
- n) When a question is put, no member of Council shall walk out or across the floor of the Council Chambers or any other place where a meeting of Municipal Council is being held, until the vote is decided.
- o) Unrecorded Vote – The manner of determining the decision of Council on a motion shall be by show of hands. Every member present shall have the right to vote unless otherwise prohibited by law (i.e. Conflict of Interest). If any member does not vote, he or she shall be deemed as voting in the negative.
- p) Recorded Vote – A recorded vote may be taken for certain important issues and where a by-law or regulations states that there must be a two-thirds majority for a motion to carry. Also a recorded vote may be requested for clarification of the votes cast in an unrecorded vote on a motion or at any time by specific request of a member of Council. All members present at the Council or Committee meeting must vote, unless prohibited by law (i.e. Conflict of Interest). Prior to the calling of the vote, the Mayor or Chairperson may speak to the question to establish his opinion. The clerk shall call upon each member in alphabetical order (by last name) for their vote either yea or nay and the Mayor or Chairperson shall vote last. The total YEAS and NAYS shall be recorded in the minute book.
- q) During a debate no person shall speak more than five (5) minutes on any motion or resolution unless granted a specific time extension by the Mayor or the Chairperson.
- r) No member of Council may interrupt any other member who has the floor.
- s) Any member of Council may, as a privilege, require the question, motion, or resolution under discussion to be read for the members' information at any time in a debate, but not so as to interrupt a member speaking.
- t) Every proposed By-Law must be introduced by a motion or by a report of a Committee, specifying the title of the By-Law, and the introduction by motion shall be decided without debate.
- u) Any member of Council initiating the establishment of a "Special Committee" or "Ad Hoc Committee" for any purpose should normally be a member of that Committee.
- v) Any amounts to be expended, other than those for which funding has been appropriated by Council through the adoption of the annual budget in accordance

with Council policies and procedures, shall be referred to the applicable Committee for recommendation to Council, prior to being acted upon.

- w) After any matter has been decided, any member may, at a subsequent meeting, move for reconsideration thereof, but no discussion of the matter shall be allowed unless the motion for reconsideration is approved by a two-thirds majority affirmative vote.
- x) Section w) shall not apply to any matter re-submitted by a Committee who submitted the question, or resolution, initially.
- y) Any one or more of these rules may be at any time temporarily suspended, with the consent of a two-thirds majority of the members present.
- z) Any points of order or procedure not provided by these rules of procedure shall be decided in accordance with Bourinot's *Rules of Order*.

2.8 Deputations

- a) Individuals or groups wishing to appear before Council at a Regular Meeting of Council shall advise the Clerk, or the Clerk's designate not later than 12:00 noon on the Tuesday preceding the meeting of Council and failing such notice may be heard by leave of the Mayor or Chairperson.
- b) Deputations shall be limited to not more than fifteen (15) minutes except that a deputation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to not more than ten (10) minutes each; Council or Committee may, by resolution, extend the period of time allowed to any deputation.
- c) Persons requesting to appear before the Council or Committee shall be advised of the time limits set out in Section b) in advance of their presentation.
- d) Notwithstanding the provisions of Section 2.8 a), Council or Committee may, at their discretion, entertain deputations with less notice as the circumstances may warrant.
- e) Council may establish and appoint members to a Subcommittee to deal with special or specific matters that come under the terms of reference of the pleasure of the Council and this Subcommittee shall be responsible to Council.

2.9 Points of Order and Privilege

- a) The Presiding Officer shall preserve order and decide questions of order.
- b) If appealed to, Council shall decide the question without debate and its decision shall be final.

3.0 Curfew

- a) Council and Committees shall stand adjourned after three (3) hours have passed from the commencement of the Meeting.
- b) Notwithstanding Section a), business may be continued upon a "motion to extend" if passed by a majority vote.

PART III – COMMITTEES

4.1 Committees

- a) Council may create committees as the need arises to address issues of municipal interest and/or to provide information to Council on areas of municipal interest.
- b) The composition of committees shall be determined when the committee is created and be confirmed by By-Law.

4.2 Conduct of Business in Committee

The business of Special Committees or Ad Hoc Committees shall be conducted as follows:

- a) The Chairperson shall preside and shall have a vote and have an opportunity to speak on all questions submitted.
- b) In the case of an equal division, the question shall be decided in the negative.
- c) In the absence of the designated Chairperson, another member shall be appointed Chair and shall discharge the duties of the Chairperson during the meeting.
- d) At Committee meetings, the Chairperson, while carrying out all of the usual function in conduction the proceedings, enjoys the same right as any other member to participate in discussion and vote on any issue. However, should the Chairperson wish to propose a motion, he should step down and request another member to assume the Chair, and should not resume the Chair until the motion has been decided.
- e) A quorum shall consist of a majority of members of the Committee.
- f) Special Committees and Ad Hoc Committees shall, as far as is practicable, observe the Rules of Order of Council.

4.3 General Duties of Committees

The general duties of the Special Committees, and Ad Hoc Committees shall be as follows:

- a) To report to Council all matters connected with the duties imposed upon them, and to recommend such action by Council thereto, as may be deemed necessary or expedient.
- b) To report only positive recommendations to Council except when otherwise required by statute or when expressly desired by the Committee to send a negative recommendation to Council.
- c) To recommend to Council the implementation of all projects and programs under its mandate for which monies have been provided in the current operating or capital budget as approved by Council.
- d) Every Committee of Council shall hear interested parties or afford them an opportunity to be heard in place and stead of Council, provided that a request to be heard is received by the Clerk, or Clerk's designate by 12:00 noon, three days before the date of the applicable meeting. The person or persons requesting to be heard shall state the subject upon which it is desired to make representations and the group or organization, if any, upon whose behalf the representations will be made. The notice period may be waived by a majority vote of the Committee.

5.1 Confidential Matters

- a) All Council and Committees shall be open to the public.
- b) Notwithstanding Section 5.1 a), above, a meeting of Council or Committee may be closed to the public if the subject matter being considered relates to:
 - i. the security of the property of the Municipality or Local Board;
 - ii. personal matters about an identifiable individual, including municipal or local board employees;
 - iii. a proposed or pending acquisition of land for municipal or local board purposes;
 - iv. labour relations or employee negotiations
 - v. litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board;
 - vi. the receiving of advise that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - vii. a matter in respect of which Council or Committee has authorized a meeting to be closed under authority of another act;
 - viii. the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, Committee or Board is designated as the head of the institution for the purpose of the Act.
- c) Prior to holding a meeting, or part of a meeting that is closed to the public, the Council or Committee shall disclose:
 - i. The fact of the holding of the closed meeting; and
 - ii. The general nature of the matter to be considered at the closed meeting.
- d) When a motion to go into Closed Session is carried, the Mayor or Committee Chairperson may, with the approval of Council or Committee, exclude or include any person or persons as is deemed appropriate from, or in the meeting room.
- e) When in Closed Session, no person shall leave and re-enter the meeting room without approval of the Mayor or Committee Chairperson.
- f) Subject to Subsection 5.1 g), a meeting shall not be closed to the public during the taking of a vote.
- g) Notwithstanding Subsection 5.1 f), a meeting may be closed to the public during a vote if:
 - i. Subsection 5.1 b) permits or requires a meeting to be closed to the public; and,
 - ii. The vote is for a procedural matter or for giving direction or instruction to officers, employees, or agents of the Municipality or persons retained by or under contract with the Municipality.
- h) A record of the proceedings of the Closed Session shall be taken by the Clerk or his designate and shall be retained in the possession of the Clerk or his designate.

Part V – MISCELLANEOUS

6.1 Conduct of Members and Guests

- a) No member or guest shall:
 - i. Use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;

- ii. Disturb another member of Council, staff or guest, by any disorderly conduct disconcerting to the speaker of the assembly;
- iii. Speak on any subject other than the subject in debate;
- iv. Resist the rules of Council or disobey the decisions of the Mayor, or presiding officer, or of Council, on questions of order or practice or upon the interpretation of the rules of Conduct;
- v. Be permitted to retake their seat at any meeting after being ordered to vacate after committing a breach of any rule of order of the Council, until the next meeting and before making an apology to Council;
- vi. Interrupt the member who has the floor, except to raise a point of order;
- vii. No person shall be allowed to address Council or speak in debate, without permission of the Mayor or presiding officer;
- viii. No member of Council or guest shall be permitted to remain at a meeting of Council or Committee with a concealed recording device.

PART IV – APPROVAL

7.1 Repeal of Former By-Law

- a) All former by-laws pertaining to this matter, in particular By-Law No. 2-2007 of the Municipality of Hastings Highlands are hereby repealed.
- b) Should any section, subsection, clause, paragraph, or provision of this by-law be declared invalid by a court, the same shall not affect the validity of this By-Law in whole, or in part, other than the provisions so declared to be invalid.

7.2 Suspension of Rules

Any procedure required by this By-Law may be suspended with consent of a two-thirds majority of the members of Council or Committee present.

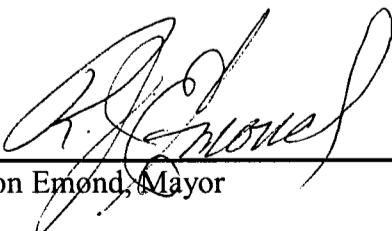
7.3 Short Title

This By-Law shall be referred to as "*The Procedural By-Law*".

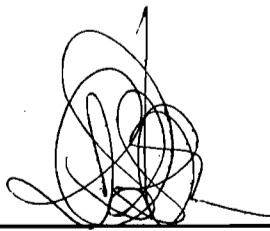
7.4 Approval

This By-Law shall become effective on the date of enactment.

READ a first, second and third time and finally passed this 23rd day of January, 2008



Ron Emond, Mayor



I. Craig Davidson, CAO/Clerk-Treasurer