

RECINDED RESOLUTION April 20, 2010

DRAFT

**THE CORPORATION OF THE TOWN OF
NORTHEASTERN MANITOULIN AND THE ISLANDS**

**BY-LAW NO. 99-36, as amended
December 4, 2007, February 16, 2010**

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

WHEREAS, pursuant to Section 55 of the Municipal Act, R.S.O. 1990, c. M.45, as amended by the Planning and Municipal Statute Law Amendment Act, 1994, every Council and Local Board shall adopt a procedural by-law to govern the calling, place and proceedings of meetings,

AND WHEREAS, pursuant to Section 102 of the Municipal Act, R.S.O. 1990, c. M.45, every Council may pass by-laws to govern the conduct of its members,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NORTHEASTERN MANITOULIN AND THE ISLANDS HEREBY ENACTS AS FOLLOWS:

1. 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

2. Regular meetings of Council shall be held in the Council Chambers on the first Tuesday and the third Tuesday, of each month, at 7:00 p.m.
3. The inaugural meeting of Council, after a regular election, shall be held on the first Tuesday in December at a time to be set by by-law.
4. Regular meetings of Committees shall be held at the Recreation Centre;
 - a) Administration and Finance Committee shall be held on the 1st Thursday of the month following the 1st regular Council meeting
 - b) Community Services/Public Works shall be held on the 3rd Thursday of the month.
5. Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted and published in local newspapers.
6.
 - (a) The Head of Council may, at any time, summon a special meeting;
 - (b) The Clerk shall summon a special meeting, upon receipt of a petition of the majority of the Council members, for the purpose and at the time and date mentioned in the petition;
 - (c) In either case of (a) or (b) above, the special meeting shall be held not sooner than 48 hours following the Head's summons or receipt of the petition, as the case may be, and the Clerk shall provide written notice of the special meeting immediately following receipt of the summons or petition;
 - (d) Notwithstanding, the notice requirement set out above, in the event of a boni fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk;

- (e) Unless otherwise specified in the notice described in paragraph 5(c) above, a special meeting shall be held in the Council Chambers;
 - (f) The notice of a special meeting shall specify the purpose for the meeting.
- 7.
- (a) The Mayor shall preside at all meetings of the Council;
 - (b) When the Mayor is absent or refuses to act, or the office is vacant, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting;
 - (c) the Mayor or presiding officer may expel, from a meeting, anyone who engages in improper conduct;
 - (d) No one shall record/video tape a meeting without first obtaining permission, by motion, of Council. Note: this was rescinded April 20/10*
- 8.
- (a) All Council and Committee meetings shall be open to the public;
 - (b) Notwithstanding, paragraph 7(a) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - i) the security of the property of the Town, 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 Town or a Local Board;
 - vi) 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 advise that is subject to solicitor-client privilege, including communications necessary for that purpose.
 - viii) the meeting is held for the purpose of educating or training the members and at such meeting no other business shall be conducted.
 - (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 subsection (e), a meeting shall not be closed to the public during the taking of a vote.

- (e) Despite subsection 27, a meeting may be closed to the public during a vote if,

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- i) subsection 7(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 Town or persons retained by or under contact with the Town.
- (f) Meetings or sessions which are closed to the public may be referred to as in camera meetings or sessions.

AGENDA AND SUPPORTING MATERIAL

9. (a) The Clerk shall prepare agenda of Council and Committee meetings as assigned;
- (b) Insofar as is practicable, Council agenda, along with supporting material, shall be prepared and made available to members on the Monday afternoon, prior to a regular meeting;
- (c) Individuals or groups wishing to appear at a regular meeting of Council or its Committees shall advise the Clerk, not later than 12:00 noon, on the day one week before the subject meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting;
- (d) Should an item of business arise after the agenda is prepared and circulated, an amended agenda shall be prepared by the Clerk and distributed provided that the item is not received within 24 hours of the meeting and provided that the Clerk has sufficient time and resources to distribute the amended agenda.
- (e) Agenda shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this By-law:
- i) Disclosure of Pecuniary Interest
 - ii) Minutes of previous meetings
 - iii) Business arising from the minutes
 - iv) Petitions and delegations
 - v) Accounts
 - vi) Reports/recommendations (with appropriate sub-headings)
 - vii) Correspondence
 - viii) Motions
 - ix) Notice of motions
 - x) Resolutions (to move to an in camera (closed) session)
 - xi) New business/by-laws
 - xii) Adjournment
- (f) The business of the Council shall be taken up in the order as listed on the agenda, unless otherwise decided by the Mayor or presiding officer.
- (g) Additions to the agenda may be considered at the time of meeting if the item is deemed to be time sensitive or urgent in nature and a majority of Council agrees.

NO QUORUM

10. If no quorum is present one half hour after the time appointed for a Council

meeting, the Clerk or Recording Secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

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11. Council and Committee meetings shall not exceed the duration of three (3) hours but business may be continued upon a resolution passed by majority vote.

DUTIES OF THE MAYOR

12. It shall be the duty of the Mayor or other presiding officer:

- (a) to open the meeting, by taking the chair and calling the members to order;
- (b) to announce the business, before 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;
- (d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- (e) to decline to put to vote motions which infringe upon the rules of procedure;
- (f) to enforce, on all occasions, the observance of order and decorum among the members;
- (g) to call, by name, any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chambers;
- (h) to authenticate, by signature, all by-laws, resolutions and minutes of the Council;
- (i) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- (j) to select the members of Council who are to serve on Committees;
- (k) to represent and support the Council, declaring its will and implicitly obeying its decision in all things;
- (l) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal corporation;
- (m) to adjourn the meeting, without question, in the case of grave disorder arising in the Council Chambers;
- (n) to order any individual or group, in attendance at the meeting, to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.

CONDUCT OF MEMBERS OF COUNCIL AND GUESTS

13. No member shall

- (a) use offensive words or unparliamentarily language in or against the Council or against any member, staff or guest;
- (b) disturb another, or the Council, staff or guest, by any disorderly conduct disconcerting to the speaker or the assembly;
- (c) speak on any subject other than the subject in debate;
- (d) 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 Council;
- (e) leave a meeting without first obtaining permission from the Mayor or presiding officer;
- (f) be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council;
- (g) interrupt the member who has the floor except to raise a point of order.

14. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.

MOTIONS/RULES OF DEBATE

15. Subject to paragraph 15 and insofar as is practicable, notice of motions, except those listed in paragraphs 30 & 31, shall be given in writing to the Clerk not later than 12:00 noon on Wednesday preceding the next regular meeting so that the matter may be included in the Council agenda package.

16. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.

17. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.

18. When a motion is presented in Council in writing, it shall be read, or if it is an oral motion, stated by the Mayor or presiding officer.

18. (a) A motion to amend shall
- i) be presented in writing;
 - ii) be dealt with, by Council, before a previous amendment or the main motion;
 - iii) not be further amended more than once provided that further amendment may be made to the main motion;
 - iv) be relevant to the main motion;

- v) not propose a direct negative to the main motion.

19. Once read or stated, by the Mayor or presiding officer, a motion may not be withdrawn without the consent of the majority of the members.
20. Immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
21. After the motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
22. On an unrecorded vote, the manner of determining the decision, on a motion, shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.
23. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, vote in alphabetical order and announce their vote openly and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
24. The Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing shall vote last.
25. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
26. Subject to subsection 7(e), no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
27. When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
28. 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.
29. The following matters and motions may be introduced orally, without written notice and without leave, except as otherwise provided by these rules:
 - (a) a point of order or personal privilege;
 - (b) presentation of petitions;
 - (c) to lay on the table (to defer temporarily);
 - (d) to postpone indefinitely or to a specific day;
 - (e) to move the previous question (immediate vote on the main motion).

30. The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
 - (a) to refer;
 - (b) to adjourn;
 - (c) to amend;
 - (d) to suspend the rules of procedure.
31. Except as provided in paragraph 30, all motions shall be in writing and signed by the mover and seconder.
32. The Clerk and other officers may introduce matters to be dealt with, by motion, subject to the notice provisions set out in paragraph 14.
33. Council may, from time to time, employ a confirming resolution immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a by-law or resolution.

POINTS OF ORDER AND PRIVILEGE

34. The Mayor or presiding officer shall preserve order and decide questions of order.
35. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

BY-LAWS

36. No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.
37. Every by-law shall be introduced upon motion, by a member, specifying the title of the by-law.
38. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
39. Every by-law shall be given three readings prior to passage.
40. By-laws may be given three readings on the same day, except when requested otherwise by motion of the majority of the members present to defer the third and final readings to a subsequent meeting or as otherwise provided by law.
41. Upon passage, by-laws shall be numbered, signed by the Mayor or presiding officer and embossed with the seal of the Corporation.
42. Any proposed by-law may be referred to a Committee, Department Head or other officer for review and comment, including the Solicitor for the Corporation.
43. When the Mayor of Council is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates

for that given year as approved by by-law or unless the expenditure is required as a result of an emergency.

44. In all matters and under all circumstances, the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act or its successor, Local Government Disclosure of Interest Act 1994, upon Proclamation.
45. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to paragraph 8(c), be limited to not more than fifteen (15) 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.
46. Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.
47. Any procedure under this By-law which is discretionary and not mandatory under Statute, may be suspended with the consent of a majority of the members present.
48. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Council and the waiving of notice is prohibited.

Read a first, second and third time and finally passed this 19th day of September 1999.

Amended this 4th day of December, 2007.

Amended this 16th day of February, 2010.

Jim Stringer Mayor

Janet Moore Clerk