

CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW NO. 2012- 15

Being a by-law to regulate the proceedings of the Council of the Township of Prince.

WHEREAS the Council of the Corporation of the Township of Prince enacted By-Law 2009-20 pursuant to sections 55 and 102 of the *Municipal Act*, R.S.O 1990, Chapter M.45 and its amendments thereto; and

WHEREAS Council deems it necessary to amend some of the provisions of By-Law 2009-20;

NOW THEREFORE the Council of the Corporation of the Township of Prince enacts as follows:

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1. In this By-Law:

- 1.1 "Agenda" means those items which are to be dealt with by Council at a meeting.
- 1.2 "Clerk" means the CAO/Administrator of the Township of Prince.
- 1.3 "Closed Session" means a closed session of a Council meeting that is not open to the public in accordance with the provisions of the *Municipal Act* R.S.O. 2001, as amended. Closed Session and In-Camera shall have the same meaning.
- 1.4 "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 Council.
- 1.5 "Council" means the Municipal Council for the Corporation of the Township of Prince, or Committee assembly, as the case may be.
- 1.6 "Meeting" means any regular, special, Committee or other meeting of Council.
- 1.7 "Member" means a member of Council of the Township of Prince.

- 1.8 "Motion" means a question to be considered by the Council or Committee which is moved, seconded, presented, read by the Presiding Officer or Clerk and is subject to debate. When a motion is adopted, it becomes a resolution.
- 1.9 "Municipality" means the Corporation of the Township of Prince.
- 1.10 "Presiding Officer" means the person presiding at the meeting.
- 1.11 "Quorum" means majority of the whole number of members required to constitute a Council. In this municipality, full Council is five members and a quorum is generally three members of the municipal Council.
- 1.12 "Resolution" means a motion that is carried, or defeated and therefore represents the vote and will of Council.

2. Convening Meetings of Council

- 2.1 Meetings of Council shall be held in the Council Chambers adopted and used by the Council from for such purposes. Where a larger audience is anticipated, the meetings may be held in the Community Hall.
- 2.2 Inaugural Meeting
 - 2.2.1 The Inaugural meeting of Council shall be held at 6:45 p.m. on the second Tuesday of December following an election.
- 2.3 Regular Meetings
 - 2.3.1 Regular meetings of Council shall be held at 6:45 p.m. on the second Tuesday of each month.
 - 2.3.2 When the day for a regular meeting of Council is a public or civic holiday, Council shall meet at the designated time on the next following day which is not a holiday or at another date and time set by resolution of Council.
 - 2.3.3 Council may, by resolution, dispense with or alter the date, time or place of a regular meeting, provided that adequate notice of the change is posted at the municipal office and/or published in the Township newsletter.
- 2.4 Special Meetings
 - 2.4.1 The Head of Council may at any time summon a special meeting of Council on 48 hours notice to the members of Council.
 - 2.4.2 Upon receipt of a petition from the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition, and shall provide public notice.
 - 2.4.3 Special meetings shall be held in the Council Chambers unless otherwise stated in the notice.
 - 2.4.4 No business except the business dealing directly with the purpose mentioned in the Agenda shall be transacted at any special meeting.
 - 2.4.5 Lack of receipt of a notice or of the agenda by the members shall not affect the validity of the meeting or any action taken thereof.

2.4.6 An emergency meeting of Council may be called without notice where the Head of Council is satisfied an extraordinary situation exists or a situation that poses an immediate danger to the health or safety of any person or property.

2.5 Closed Session

2.5.1 All meetings of Council or any Committee of Council shall be open to the public except as provided for in the *Municipal Act* R.S.O. 2001, as amended.

2.5.2 Closed Session agendas shall include reference to the appropriate section of the *Municipal Act* R.S.O. 2001, as amended. The agenda shall also include the general nature of the matter as it applies to the appropriate section.

2.5.3 A meeting of Council or any Committee of Council shall be closed to the public if the subject matter relates to the consideration of the request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council, commission or other body is the head of an institution for the purposes of the Act.

2.5.4 Where a matter has been discussed in-camera and where the matter remains confidential, no Member shall disclose the substance of deliberations on the closed session meeting.

2.5.4 Unless specifically requested to remain for a closed session, the public and all staff, with the exception of the Clerk, shall leave the meeting room.

2.5.5 Upon completion of the closed session, a motion to rise and reconvene to the Regular/Special meeting shall be passed, and Council shall report any results and any resolutions to the public, if so appropriate.

3. Duties of the Reeve (Presiding Officer)

3.1 It shall be the duty of the Reeve or other Presiding Officer:

3.1.1 To open the meeting by taking the chair and calling members to order.

3.1.2 To announce the business before Council in the order in which it is to be acted upon.

3.1.3 To receive and submit, in the proper manner, all motions presented by the members.

3.1.4 To put to vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result.

3.1.5 To decline to put to vote motions which infringe upon the rules of procedure.

3.1.6 To enforce on all occasions the observance of order and decorum among the members and guests.

3.1.7 To call by name any member persisting in breach of the rules of order of the Council thereby ordering the member to vacate the Council Chamber.

3.1.8 To authenticate by signature all by-laws and resolutions of the Council.

- 3.1.9 To inform the Council when necessary or when referred to for the purpose, on a point of order or usage.
- 3.1.10 To select the members of Council who are to serve on committees, and have such approved by resolution of Council, from time to time.
- 3.1.11 To represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- 3.1.12 To ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal corporation.
- 3.1.13 To order any person or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting.
- 3.1.14 To expel from a meeting any person or group who continues to disrupt the meeting after being so warned, and who engages in improper conduct.
- 3.1.15 To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

4. Conduct of Members of Council

- 4.1 No member at a meeting shall:
 - 4.1.1 Speak aloud at a meeting or address members without first receiving permission of the Presiding Officer to do so.
 - 4.1.2 Use profane or offensive words or insulting expressions against the Council or against any member, staff or guest.
 - 4.1.3 Resist the rules of Council or; disobey the decision of the Presiding Officer or of Council on questions of order or practice or, upon the interpretation of the rules of Council.
 - 4.1.4 Leave his or her seat or make any noise of disturbance while a matter is being considered or discussed by Council, while a vote is being taken or until the results are declared.
 - 4.1.5 Disturb another member of Council, staff or guest by any disorderly conduct disconcerting to the speaker or the assembly.
 - 4.1.6 Interrupt any member while speaking through speaking out, noise or disturbance, except a member of Council to raise a point of order.
 - 4.1.7 Speak on any subject other than the subject in debate.
 - 4.1.8 Enter the meeting while a vote is being taken.
 - 4.1.9 Leave a meeting without first obtaining permission from the Presiding Officer.
 - 4.1.10 Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of Council, until the next meeting and without making an apology to Council.

5. Agendas and Supporting Materials

- 5.1 The Clerk shall prepared agendas of Council and Committee meetings as applicable, and when expedient, may extend this responsibility to another member of the administrative staff.
- 5.2 The Clerk shall:
- 5.2.1 Accept items for any agenda from the Reeve/Presiding Officer and members of Council.
- 5.2.2 Receive correspondence and petitions from the public and if, in the opinion of the Clerk, the matter warrants the consideration of Council, place the correspondence or petition on an agenda.
- 5.3 Insofar as is practicable, Council agendas along with supporting material shall be prepared and made available to members of Council on the Friday afternoon prior to the regular meeting.
- 5.3.1 All supporting material included in the agenda packages for Council members, with the exception of Closed Session material, may be disclosed to the general public on the day prior to the Council meeting, unless protected from disclosure under any other Act.
- 5.3.2 All material for the closed session, including the agenda and minutes will be distributed to Council on coloured paper. None of this material shall be disclosed to the general public.
- 5.3.3 Agenda cover sheets (excluding the supporting material) will be made available to the public at the municipal office on the Friday afternoon prior to the regular meeting.
- 5.4 Agendas shall be 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:
- 5.4.1 Meeting called to order and roll call
- 5.4.2 Approval of the Agenda and the Addendum to the Agenda, if applicable.
- 5.4.3 Disclosure of Pecuniary Interest (and general nature thereof)
- 5.4.4 Minutes of Previous Meetings
- 5.4.5 Questions and information arising out of minutes and not otherwise on the agenda
- 5.4.6 Petitions and Delegations
- 5.4.7 Reports of Municipal Officers and Committees
- 5.4.7.1 Reports, including the financial reports, are to be made monthly.
- 5.4.7.2 Reports may be verbal or written. Where the report is written, the council may request the officer or a committee member to attend the meeting to address concerns.
- 5.4.7.3 Budget and Year to Date reports will be given on a quarterly basis in January, April, July and October.
- 5.4.8 Closed Session
- 5.4.9 By-Laws
- 5.4.11 Motions and Notices of Motion
- 5.4.11 Correspondence
- 5.4.12 Minutes of Boards and Committees
- 5.4.13 New Business

5.4.14 Confirmatory By-Law

5.4.15 Adjournment

6. Commencement of Meetings

- 6.1 As soon as there is a quorum after the hour fixed for the meeting, the Presiding Officer shall take the chair and call the meeting to order.
- 6.2 If the Reeve is not present at a meeting by the commencement of the meeting, the Deputy Reeve shall call the meeting to order. If both the Reeve and Deputy Reeve are not present at a meeting by commencement of the meeting, the Clerk shall call the meeting to order and the members shall, from amongst themselves, appoint a member by resolution to act as Presiding Officer in the place and stead of the Reeve until the Reeve or Deputy Reeve arrives.
- 6.3 Once the Presiding Officer has called the meeting to order, the Clerk shall record the names of the members present. If a member arrives at a meeting after the roll call has been made, the Clerk shall note the time of arrival in the minutes.
- 6.4 If no quorum is present within 30 minutes after the time appointed for the commencement of the meeting, the meeting shall automatically be deemed to stand adjourned until the date of the next regular meeting or until rescheduled.
- 6.5 If a quorum is lost during the course of the meeting, the meeting shall automatically be deemed to be adjourned until the date of the next regular meeting or until rescheduled.

7. Additions to the Agenda

- 7.1 There shall only be an addition to the agenda for a meeting when one or more items arise after the closing of the deadline for preparation of the agenda and prior to the meeting, which items the Clerk believes are of urgent nature and require the immediate consideration of Council at the meeting.
- 7.2 Before any of the additions to the agenda may be dealt with, a resolution must be passed authorizing the Council to deal with all or any of the items on the addition.

8. Disclosures of Pecuniary Interest

- 8.1 Any member who has a direct or indirect pecuniary interest with matters brought before Council is required by law to make a disclosure of his or her interest in the following manner:
 - 8.1.1 Disclose the interest and its general nature at the meeting, prior to any discussion on the matter taking place.
 - 8.1.2 Refrain from taking part in the discussion of the matter.
 - 8.1.3 Refrain from voting on the matter.
 - 8.1.4 Make no attempt to influence the voting at any time before, during or after the meeting.
- 8.2 If the matter in which the member has a pecuniary interest is discussed at a meeting closed to the public, the member must disclose his or her interest as outlined above, and also leave the meeting, or that portion of the meeting dealing with the matter.

9. Delegations

- 9.1 A delegation may be heard by Council at a meeting provided that the following requirements are complied with:
 - 9.1.1 A delegation shall submit to the Clerk a written request to be placed on the agenda, together with a written submission to be included in the agenda, detailing the matters that the delegation wishes to present to Council.
 - 9.1.2 Such requests must be submitted to the Clerk no later than 5 working days prior to the regular meeting. The Clerk may make a determination as to deferral of delegations or referral to the appropriate Committee or staff member.
 - 9.1.3 The Clerk shall reply to such requests in writing, indicating approval, refusal, deferral or referral of the delegation and the reasons thereof.
- 9.2 A delegation shall be listed on the agenda and heard in the order determined by the Clerk. Persons invited to address Council shall only speak on the subject in debate and shall not speak on any other subject.
- 9.3 Only one person shall be permitted to address Council for each delegation representing a group or organization.
- 9.4 A delegation shall have up to 10 minutes to make its presentation. Such time limit may be extended by such amount of time as Council deems advisable by consent of the members present.
- 9.5 There shall be no more than 3 delegations at any meeting.
- 9.6 No delegation will be permitted to address Council with respect to a specific issue dealt with during closed session, under the provision of the *Municipal Act* R.S.O. 2001, as amended.
- 9.7 Presentations by a delegation shall be followed by questions to the delegation from members of Council.

10. Minutes

- 10.1 It is the duty of the Clerk to truly record, without note or comment, all resolutions, decisions and other proceedings of the Council.
- 10.2 The minutes shall also record the place, date and time of the meeting, commencement and adjournment time, as well as the names of Council members in attendance or the absence of any member.
- 10.3 Council shall adopt at a public meeting all minutes of previous meetings submitted by the Clerk. During the adoption of the minutes of a previous meeting, no changes can be made in the action taken at the previous meeting by Council, except for changes in the form of errors. Omissions in the recording of any action taken at the previous meeting may be made in adopting the minutes.
- 10.4 Council shall adopt at a closed meeting all minutes of previous closed meetings submitted by the Clerk. During the adoption of the minutes of a previous closed meeting, no changes can be made in the action taken at the previous closed meeting by Council, except for changes in the form of errors. Omissions in the recording of any action taken at the previous closed meeting may be made in adopting the minutes.

11. Reports of Municipal Officers and Committees

- 11.1 Municipal staff and committee reports included on the agenda for consideration or action of Council shall be deemed to be dealt with whether or not there are questions or discussions at the meeting on such reports, or upon the passing of a resolution expressing Council's decision or action.
- 11.2 All correspondence identified "Confidential" which is received by members of Council shall be returned to the Clerk's Office for proper disposal, immediately following the meeting at which Council dealt with the matter.

12. Motions

- 12.1 Insofar as is practicable, notice of motions shall be given in writing to the Clerk not later than 4:30 p.m. on the Thursday prior to the regular meeting so that the matter may be included in the Council agenda package.
- 12.2 Motions shall be debated in the order of their presentation on the agenda.
 - 12.2.1 The member who moved the motion shall speak first to the motion. Each member will be given a chance to address the motion, as recognized by the Presiding Officer. If a member has something new to add to the debate, they may ask to be recognized by the Presiding Officer. The member who moved the motion will be allowed to speak last on the motion, without repeating his/her previous comments.
- 12.3 A motion relating to a matter outside of the jurisdiction of Council is not in order and shall not be entertained by the Presiding Officer.
- 12.4 Any motion for a new matter may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
- 12.5 Every motion, amendment to a main motion or amendment to an amendment must be formally moved and seconded in writing before the Presiding Officer can put the question to Council and prior to any discussion on the question.
- 12.6 Any member may require that a motion under discussion be read by the Presiding Officer at any time during the debate, but not so as to interrupt another member who is speaking.
- 12.7 A motion to refer shall require direction as to the body to which it is being referred to, and is not debatable.
- 12.8 A motion to defer must include a reason for the deferral and a time certain to which the matter is deferred.
- 12.9 Amendments are changes in the form of a Motion. An amendment is designed to alter or vary the main motion without materially changing its intent or meaning. It may propose certain words be omitted, replaced or added.
 - 12.9.1 An amendment modifying a motion may be made provided it is not contrary to the main intention of the motion. An amendment relating to a different subject is not in order.
 - 12.9.2 A motion to amend shall be made in writing and shall be relevant to the main motion.

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- 12.9.3 Only one amendment at a time can be presented to a main motion, and only one amendment to an amendment can be presented.
- 12.10 Once read or stated by the Clerk, a motion may not be withdrawn without the consent of the majority of the members.
- 12.11 Any member of the Council may give notice within a 12 month period in which the question was decided, for a reconsideration of the question at any regular meeting of the Council. A majority vote will be required to carry the motion for reconsideration. No discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once in a 12 month period.

13. By-Laws

- 13.1 No by-law, except the by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter has been considered and approved by Council.
- 13.2 Every by-law shall be presented in printed format and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.
- 13.3 A by-law shall be introduced by the Clerk reading the resolution which will state:
- 13.3.1 Who moved and who seconded the motion.
- 13.3.2 The date the by-law was read a first, second and third time enacted and passed.
- 13.3.3 A short description of its contents.
- 13.4 A summary of the contents of the by-law shall be contained in the agenda and incorporated into the by-law resolution. If a majority of Council members present wish the by-law be read in its entirety, the Clerk shall do so.
- 13.5 Every by-law shall have three readings prior to its being passed.
- 13.5.1 The first reading of a bylaw shall be made without amendment or debate
- 13.5.2 A by-law may be given three readings on the same day except when requested otherwise by resolution passed by the majority of members present or unless otherwise provided by law.
- 13.5.3 If the Council so determines, a bylaw may be taken as read.
- 13.5.4 When a bylaw is accepted without amendment, it shall be forthwith read a third time and passed.
- 13.6 Upon passage, a by-law shall be numbered and signed by the Reeve or Presiding Officer and the Clerk, shall be embossed with the seal of the Corporation and retained by the Clerk for safekeeping.

14. Adjournment and Curfew

- 14.1 Council meetings shall stand adjourned at 9:30 p.m. but business may be continued upon a resolution passed by unanimous vote.
- 14.2 Where business from the agenda is left unfinished at the adjournment of the meeting, the item(s) will be placed first, in their applicable section(s) of the next agenda.

15. Voting

- 15.1 Voting shall be by way of a "show of hands" in favour or against, except when a recorded vote is requested by any member.
- 15.2 After the Presiding Officer commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.
- 15.3 Each member present at a Council meeting shall vote, except otherwise prohibited by law to vote, when the vote is taken on a matter.
- 15.4 The Presiding Officer shall announce the results of the vote once the vote is completed.
- 15.5 Where a vote is taken for any purpose and a member requests immediately prior to or immediately following the taking of the vote, that the vote be recorded, each member present, except otherwise prohibited by law to vote, shall announce his or her vote openly and individually in favour of or against the question.
 - 15.5.1 The Clerk shall call by name the members present, in the order pre-printed on the resolution, beginning with the person who moved the motion, and the Clerk shall so record each member's vote, and such vote shall be recorded in the Minutes.
 - 15.5.2 A failure to vote during a recorded vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
 - 15.5.3 After completion of the recorded vote the Presiding Officer shall announce the results.
- 15.6 If there is no request for a recorded vote, a member may request the Clerk to record his or her vote only, either for or against the question, as the case may be.
- 15.7 Any question on which there is an equality of votes shall be deemed to be defeated, except where expressly provided in legislation.

16. Points of Order

- 16.1 The Presiding Officer shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meetings.
- 16.2 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 16.3 Subject to the provisions of the *Municipal Act* R.S.O. 2001, as amended, and except as expressly provided in this by-law, Robert's Rules of Order shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in this by-law, and on all points of order or procedure not provided for in this by-law.

17. General

- 17.1 When the Reeve is absent on a temporary basis, under no circumstances shall the Council make 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.
- 17.2 In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act* as amended.
 - 17.3 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.
 - 17.4 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.
 - 17.5 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.
 - 17.6 By-law 2009-20 is hereby repealed.
 - 17.7 This by-law shall come into force and take effect immediately upon the final passing thereof.

READ THREE TIMES AND PASSED in open Council this 24 day of April, 2012



Reeve



CAO/Administrator