

**CORPORATION OF THE
TOWNSHIP OF ARMSTRONG**

BY - LAW 2018 - 14

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

WHEREAS the Municipal Act 2001, c. 25, s. 238(2) provides that every municipality and local board shall pass a procedural by-law for governing the calling, place and proceedings of meetings; and

WHEREAS notice has been provided as stipulated under By-Law 03-01;


NOW THEREFORE the Council of the Corporation of the Township of Armstrong enacts the following:

THAT Schedule "A: attached hereto and forming part of this By-Law be and is hereby adopted as the rules of procedure to govern the proceedings of the Council of the Corporation of the Township of Armstrong, its Committees and the conduct of its members.

THAT any and all previous procedural by-laws to govern the proceedings of Council and Committees of the Corporation of the Township of Armstrong are hereby repealed.

THAT the Clerk of the Township of Armstrong is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

READ A FIRST, SECOND AND THIRD TIME in Open Council and finally passed under the hands of the Mayor, Clerk and Seal of the Corporation on this 13th day of March, 2018.



Mayor



Clerk Treasurer Administrator

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SCHEDULE 'A'

Interpretation

- 1.1 *Amendment* means a change in the form of a *motion*. An *amendment* is designed to alter or vary the term of the main *motion* without materially changing its meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every *amendment* must be strictly relevant to the question being considered.
- 1.2 *Chair* means the person presiding at a meeting.
- 1.3 *Clerk* means the Clerk of the Township of Armstrong
- 1.4 *Committee* means any *committee* established by *Council* from time-to-time but does not include an advisory panel.
- 1.5 *Committee of the Whole* means a committee comprised of all members of *Council*.
- 1.6 *Council* means the Council of the Township of Armstrong.
- 1.7 *Deputation/Delegation* shall mean a person making a verbal presentation to *Council*.
- 1.8 *Head of Council* means the Mayor of the Township of Armstrong.
- 1.9 *In-Camera* means a *Committee* sitting in closed session; that is not open to the public.
- 1.10 *Majority* means a simple majority of those present.
- 1.11 *Meeting* means a meeting of the *Council* or a *Committee* as the case may be and shall be open to the public unless authorized to be *in-camera* by this by-law or the Municipal Act.
- 1.12 *Member* means a member of *Council* or a *Committee*, as the case may be, and includes the *Head of Council*.
- 1.13 *Motion* means a question to be considered by the *Council* 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.
- 1.14 *Municipality* means the Township of Armstrong.

2. General

- 2.1 Role of Council (Municipal Act 2001, c.25, s.224)
- 2.1.1 To represent the public and to consider the well-being and interests of the municipality.
- 2.1.2 To develop and evaluate the policies and programs of the municipality.

- 2.1.3 To determine which services the municipality provides.
- 2.1.4 To ensure that administrative practices and procedures are in place to implement the decisions of council.
- 2.1.5 To maintain the financial integrity of the municipality.
- 2.1.6 To carry out the duties of council under the Municipal Act 2001 or any other Act.

2.2 Role of Head of Council (Municipal Act 2001, c. 25, s. 225)

- 2.2.1 To act as chief executive officer of the municipality.
 - 2.2.2 To preside over council meetings.
 - 2.2.3 To provide leadership to the council.
 - 2.2.4 To represent the municipality at official functions.
 - 2.2.5 To carry out the duties of the Head of Council under the Municipal Act 2001 or any other Act.
- 2.3 If the Head of Council is absent or refuses to act, or the office is vacant, the Council may by by-law or resolution appoint a *member* of the Council to act in the place of the Head of Council, and while so acting such *member* has all the powers and duties of the Head of Council. Municipal Act 2001, c. 25, s. 242.
- 2.4 Unless otherwise prohibited, whenever the Head of Council is appointed by Council as a *member* of a board commission or Committee, the Head of Council may, from time-to-time appoint in writing a *member* as a designate to attend a *meeting* of a board, commission or Committee, as the case may be, and the designate shall have all the powers of the Head of Council as a *member* on the board, commission or Committee.

3 Council Meetings

3.1 Time and Place

- 3.1.1 *Meetings* of the *Council* shall be held in the Council Chambers adopted and used by the *Council* from time-to-time for such purpose. The inaugural *meeting* of *Council* shall take place at 5:30 p.m. on the first Wednesday of December following the election.
- 3.1.2 The next and succeeding regular and special *meetings* of *Council* shall be held every 2nd Wednesday of month at 5:30 p.m. or on the date and time decided by Council.
- 3.1.3 When the day for a regular *meeting* of *Council* is a public or civic holiday, the *Council* shall, unless the *Council* decides otherwise, meet at the same hour on the next following day or following week which is not a public or civic holiday.
- 3.1.4 The Head of Council may at any time, with 24 hours' notice, call a special *meeting*. Municipal Act 2001, c. 25, s. 240(a).

3.1.5 Upon receipt of a petition of the *majority* of the *Members of Council*, the CAO shall call a special *meeting* for the purpose and at the time mentioned in the petition. Municipal Act 2001, c.25, s. 240(b).

3.1.6 Special *meeting* - location - open - *in-camera*

3.1.7 Subject to the provisions of the Municipal Act, the *members* may, by resolution, dispense with or alter the time, day place of any *meeting*.

3.1.8 Emergency *Meeting*

3.1.9 An emergency *meeting* may be held without notice, to deal with the emergency or extraordinary situation.

3.1.9.1 No business except the business dealing directly with the emergency or extraordinary situation shall be transacted at an emergency *meeting*.

3.2 Notice - by Clerk Treasurer - all *members*

3.2.1 Regular *Meetings*

3.2.1.1 The Clerk Treasurer shall give notice of each *meeting* in accordance with this Article to all *Council members*, to *Committee members* where required, Department Heads and to such other persons as the *Head of Council*, *Chair* or the Clerk Treasurer deem advisable.

3.2.1.2 The notice shall be in the form of an agenda, which shall first make mention of the day, time and place of the *meeting*.

3.2.1.3 The agenda shall be made available by the Clerk Treasurer to each *Council member*, every *Committee member* where required, and the Department Heads, which will be available not later than 48 hours preceding the regular *Council meeting*, except in circumstances over which the Clerk Treasurer has no control.

3.2.1.4 With respect to such other persons as the Clerk Treasurer deems advisable to receive the agenda, the agenda shall be available not later than 48 hours preceding the regular *Council meeting*, except in circumstances over which the Clerk Treasurer has no control.

3.2.2 Special *Meetings*

3.2.2.1 In the case of special *meetings* of *Council* or any *Committee meetings* where time does not permit personal delivery or sending by mail of the aforementioned agenda to meet the deadline referred to in Article 3.2.1.3 and 3.2.1.4, the Clerk Treasurer shall attempt to inform each *member*, and such other persons as the *Head of Council* or the Clerk Treasurer deem advisable of the date, time, place and purpose of the *meeting* by telephone, electronic mail or otherwise.

3.2.3 Notice not received - validity of *meeting* – upheld

3.2.3.1 Failure of any person to receive notice of the *meeting* to whom notice of the *meeting* was required to be given, shall not affect the validity of the holding of the *meeting* or any action taken thereafter.

3.2.4 Notice - requested - sent - by the Clerk Treasurer

3.2.4.1 The Clerk Treasurer shall by letter or electronic mail, or both notify any person who has requested to be notified in relation to a particular matter and the Clerk Treasurer shall ensure that the notice is received by the person at least two working days prior to the day of *meeting*.

3.3 Calling the *meeting* to order

3.3.1 As soon after the hour fixed for the holding of the *meeting* of the *Council* as a quorum is present, the *Head of Council* shall take the *Chair* and call the *meeting* to order.

3.3.2 If the *Head of Council* does not attend within fifteen minutes after the hour appointed, the Acting Mayor will take over the *meeting* and have the same authority as the absent *Head of Council* would have had if present.

3.4 No Quorum

3.4.1 If no quorum is present one half hour after the time appointed for a *meeting* of the *Council*, the Clerk Treasurer shall record the names of the *Members* present and the *meeting* shall stand adjourned until the date of the next regular *meeting*.

3.5 Curfew

3.5.1 No item of business may be dealt with at a *Council Meeting* after nine (9:00) p.m.

3.6 Conduct of Proceedings

3.6.1 Subject to the provisions of the Municipal Act, the rules established by this By-law shall be the rules governing the proceedings of the *Council* and *Committees* thereof and supersedes any former Procedural By-law.

3.6.2 Rules - suspended - by resolution – exception

3.6.2.1 Any rules established by this by-law, other than a quorum requirement, may be suspended at or for a particular *meeting*, by resolution, provided two-third of all *members* present vote in favor thereof and provided that the suspension of the rules does not result in a contravention of the Municipal Act.

3.6.3 Rules of Order - governing proceedings

3.6.3.1 Subject to the provision of the Municipal Act and any other Act and except as expressly provided in this By-law, the Rules of Order of the Parliament of Canada shall be the rules governing the proceedings of the *Council* and *Committee* and the conduct of the *members* of same.

3.6.4 Rules of Order - Robert's – Application

3.6.4.1 The most recent edition of Robert's Rules of Order in existence from time to time shall be referred to and abided by as far as applicable when questions arise respecting the interpretation of the rules contained in the By-law or respecting the Rules of Order of the Parliament of Canada.

3.6.5 Improper conduct

3.6.5.1 No person shall speak aloud at a *meeting* or address *members* without first receiving permission of the *Chair* to do so. All remarks shall be addressed to the *Chair*. Any person contravening this rule shall be guilty of improper conduct and may be subject to expulsion or exclusion from the meeting by the *Chair*.

3.6.5.2 The *Head of Council* or other presiding officer may expel any person for improper conduct at a *meeting*. Municipal Act 2001, c.25, s.241(2).

3.6.6 Pecuniary interest - declared - withdrawal - from *Chair*

3.6.6.1 If a *Chair* has declared a pecuniary interest on any item on an agenda, then the *Chair* shall withdraw from the *Chair* and withdraw from the *meeting* during the deliberation of that matter by *Council* or a *Committee*.

3.6.6.2 If a *member of Council* has declared a pecuniary interest on any item on the agenda, then that *member* shall withdraw from the *meeting* during the deliberation of that matter by *Council* or a *Committee*.

3.6.7 Meetings - open or closed

3.6.7.1 Except as provided in this section, all *meetings* shall be open to the public. Municipal Act 2001, c.25, s.239(1).

3.6.7.2 Pursuant to Section 239 (2) of the Municipal Act, a *meeting* or part of a *meeting* may be closed to the public if the subject matter being considered is:

- a) the security of the property of the municipality;
- b) personal matters about an identifiable individual, including a municipal employee;
- c) a proposed or pending acquisition or disposition of land by the municipality;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council may hold a closed meeting under another Act.

3.6.7.3 Pursuant to Section 239 (3) of the Municipal Act, a meeting shall be closed to the public if the subject matter being considered is

- a) a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator

referred to in subsection 239.2 (1).

3.6.7.4 Before all or part of a *meeting* is closed to the public, the *Council* or a *Committee* thereof, shall state by resolution the fact of the holding of the closed *meeting* and the general nature of the matter to be considered at the closed *meeting*.

3.6.7.5 No *member*, officer or employee shall disclose the subject matter or deliberation of an *in-camera meeting*, unless expressly authorized to do so by *Council* or the *Committee*.

3.6.7.6 Exception: If a *Member of Council* is not in attendance at an in-camera *meeting* for any reason other than a Declaration of a Conflict of Pecuniary Interest, he or she may request a copy of the information provided at such *in-camera meeting*. No *Member of Council* shall disclose information provided at an *in-camera meeting* to another *Member of Council* that is not in attendance due to a Conflict of Pecuniary Interest declared pursuant to the Municipal Conflict of Interest Act, 1990.

3.6.8 Voting

3.6.8.1 Except as otherwise provided, every *member* of a *Council* shall have one vote. Municipal Act 2001, c.25, s. 243.

3.6.8.2 Except as provided in section 233 of the Municipal Act 2001C.25, s. 244, no vote shall be taken by ballot or by any other method of secret voting.

3.6.8.3 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. Municipal Act 2001, c.25, s. 245.

3.6.8.4 If a *member* present at a *meeting* at the time of a vote requests immediately before or after 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 the Clerk Treasurer shall record each vote. Municipal Act 2001, c.25, s. 246(1).

3.6.8.5 A failure to vote under Article 3.6.8.4 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 negative vote. Municipal Act 2001, c.25, s. 246(2).

3.6.8.6 A *meeting* of *Council* or a *Committee* thereof shall not be closed to the public during the taking of a vote unless Section 244 (2) or (3) permits or requires the *meeting* to be closed to the public or if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, or *Committee* of them or persons retained by or under a contract with the municipality. Municipal Act 2001, c.25, s. 239(6).

3.6.8.7 All votes taken under Municipal Act 2001, c25, s. 239(6), shall be by show of hands only, no votes shall be recorded.

Agenda

Presentation

- 4.1.1 It shall be the duty of the Clerk Treasurer to prepare the agenda of all *meetings* in consultation with the *Head of Council*.
- 4.1.2 The Clerk Treasurer shall receive correspondence and petitions from the public and if, in the Clerk Treasurer 's opinion, the matter warrants the consideration of *Council* or a *Committee*, place the correspondence or petition on an agenda.
- 4.1.3 All items for any agenda must be received in writing by the Clerk Treasurer by end of business the Wednesday prior to the date of the Regular *Council meeting* concerned, provided that the Clerk Treasurer may extend the deadline for receipt of items subject to consultation with the *Head of Council*.

4.2 Format

4.2.1 All *Council* agendas shall be prepared by the Clerk Treasurer in writing and shall be in the following order:

- 1) Call to Order
- 2) Roll Call
- 3) Adoption of Agenda
- 4) Disclosure of Conflict of Interest
- 5) Minutes of Previous Meetings
- 6) Accounts
- 7) Petitions and Delegations
- 8) Staff Reports
- 9) By-Laws
- 10) Business Arising from the Minutes
- 11) New Business
- 12) Reports (with appropriate sub-headings)
- 13) Correspondence
- 14) Notice of Motion
- 15) In-camera (closed) session
- 16) Confirmatory By-Law
- 17) Adjournment

4.2.2 The agenda shall also include a recess at the Mayor's discretion

- 4.3 Agendas shall be formatted as detailed in Section 4.2.1 of this By-law, but modifications to the matters to be included or the order of business may be affected without requiring amendment to this by-law.
- 4.4 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.
- 4.5 Additional items may be added to an 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 Treasurer believes require the immediate consideration at the *meeting*.
- 4.6 Before additional items may be dealt with, a resolution must be passed by at least two-thirds of the *members* authorizing the *Council* to deal with all or any of the items added to the agenda.

4.7 In the event the Clerk Treasurer receives items for an "in camera" agenda, they will be placed on an agenda for an *in-camera meeting* of *Council* to be held during the *in-camera* session.

5. **Pecuniary interest**

5.1 *Members* are bound by the provisions of the Municipal Conflict of Interest Act and shall declare the pecuniary interest and its general nature.

6. ***Deputations/ Delegations***

6.1 A *deputation/delegation* may be heard at a *meeting* provided that the following requirements are complied with:

6.1.1 Notice has been given to the Clerk Treasurer at least 48 hours prior to the *meeting* by written submission (delegation form attached hereto as Appendix A).

6.1.2 An individual shall be limited in speaking to no more than ten (10) minutes. When a number of people are to appear representing one view point or interest group, it is expected that the group be presented by a spokesperson and/or written submissions.

6.1.3 An organization/citizen making a presentation may use visual aids as it deems advisable provided that where such visual aids require the use of municipal equipment, arrangements must be made by the organization/citizen with the Clerk Treasurer at least two business days prior to the *meeting*.

6.1.4 A *deputation/delegation* shall be listed on the agenda and heard in the order determined by the Clerk Treasurer.

6.1.5 Questions may be put to the organization/citizen upon completion of their presentation by *members of Council*.

6.1.6 Discussion topics, other than the subject matter of the written request will not be permitted. Further, subsequent *deputation/delegations* on the same topic, without significant new information, will not be permitted.

6.1.7 Persons addressing *Council* shall confine their remarks to the business stated in their written submission and shall be presented in a respectful and temperate manner.

6.1.8 No Delegations shall be permitted to address the following matters: proclamations; labour relations or employee negotiations; litigation that is either expected to process, that is currently proceeding or that has already been decided by a Trier of fact; tenders, RFPs or procurement matters; and/or any other matter that is properly the subject of the closed *meeting* provisions in the Municipal Act, 2001, as amended.

6.1.9 Persons or groups invited by *Council* to make a special presentation to *Council* on a specific subject shall not be constrained by the time limits prescribed in section.

6.1.2. They will be allowed sufficient time as required to present their information to *Council* and to answer questions from *Council*.

7. Rules of Debate

7.1 The *Chair* shall preside over the conduct of the *meeting* including the preservation of good order and decorum, ruling on points of order, question of a privilege, point of information and ruling on all questions relating to the procedure of the *meeting*.

7.1.1 Any ruling made by the *Chair* is subject to an appeal to the *members* by any *member*.

7.1.2 If an appeal is made by a *member* of a ruling by the *Chair* the *member* appealing shall, after announcing the appeal, state the reasons for such an appeal and the *Chair* may then indicate why the appeal should be rejected and the *Chair*'s ruling upheld.

7.1.2.1 The members by roll shall then vote on the appeal.

7.1.3 If the appeal is upheld, then the *Chair* shall change his or her ruling accordingly; if the appeal is rejected then the ruling stands.

8. Motions

8.1 Presentation

8.1.1 Notice of all new *motions* except *motions* in Article 8.2 or 8.3 shall be given in writing and delivered to the Clerk Treasurer before such time as the next month's agenda is written up.

8.1.2 *Motions* on:

- a) point of order or personal privilege
- b) presentations of petitions
- c) to lay on the table
- d) to postpone indefinitely or to a day certain
- e) to move the previous question

may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure

- a) *Motions* to Refer
- b) adjourn
- c) amend
- d) suspend the Rules of Procedure may be introduced without notice and without leave, but such *motions* shall be in writing and signed.

8.1.3 Any *motion* may be introduced without notice if the *Council*, without debate, dispenses with notice on the affirmative vote of at least a simple *majority* of the *members* present and voting.

8.1.4 A *motion* must be formally seconded before the *Chair* can put the question.

8.1.5 A *motion* presented in *Council* in writing, shall be read by the *Chair*, or if it is a *motion* which may be presented orally, it shall be stated by the *Chair* before debate.

8.1.6 A *motion* to amend:

- (a) shall be presented in writing,
- (b) shall receive disposition by *Council* before a previous amendment or question,
- (c) shall not be further amended more than once provided that further amendment may be made to the main question,
- (d) shall be relevant to the question received,
- (e) shall not be received proposing a direct negative to the question,
- (f) may propose a separate and distinct disposition of a question,
- (g) shall be put in the reverse order to that in which it is moved.

8.2 Debate

8.2.1 The *motion* shall be stated by the *Chair* before debate.

8.2.2 The *Chair* may speak on any matter before the commencement of debate on that matter.

8.2.3 Every *member* prior to speaking to any question shall indicate such to the *Chair*.

8.2.4 When two or more *members* simultaneously indicate their desire to speak, the *Chair* shall indicate who has the floor.

8.2.5 A *member* shall not speak more than once on a matter without leave of *Council* or *Committee*, as the case may be, except:

- (a) if questioned by another *member*; or
- (b) to explain comments which the *member* believes have been misunderstood; or
- (c) in the case of the mover of a main *motion*, in reply just before the *Chair* and after everyone else has spoken.

8.2.6 The *Chair* may speak to close the debate on any matter after everyone else wishing to speak has spoken.

8.3 Voting

8.3.1 Immediately preceding the taking of a vote, the *Chair* shall state the question in the form introduced and in the precise form in which it will be recorded in the minutes.

8.3.2 After a question is put by the *Chair*, no *member* shall speak to the question nor shall any other *motion* be made until after the vote is taken and the result has been declared.

8.3.3 The manner of determining the decision of the *Council* on an unrecorded vote shall be by a show of hands.

8.3.4 When determining the decision of the *Council* on a recorded vote each *member* present shall announce his or her vote openly.

9 By-Laws

9.1 No by-law except a by-law to confirm the proceedings of *Council* shall be presented to *Council* unless the subject matter has been considered and discussed by *Council*.