

THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

BY-LAW NO. 2013-11

BEING A BY-LAW TO GOVERN AND REGULATE THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN.

WHEREAS, pursuant to Section 238, Subsection 2, of the Municipal Act, R.S.O. 2001, C. 25, every municipality and local board shall pass a procedure By-Law for governing the calling, place and proceedings of meetings;

AND WHEREAS, it is desirable that there be rules governing the order and procedures of the Council;

NOW THEREFORE, the Council of the Corporation of the Township of Matachewan hereby enacts as follows:

1. That By-Law 2005-06 and any other conflicting By-law are hereby repealed.
2. In this By-Law;
 - a) "Council" shall mean the Council of the Corporation of the Township of Matachewan.
 - b) "Corporation" shall mean the Corporation of the Township of Matachewan.
 - c) "Meeting" shall mean any regular, special, committee or other meeting of the Council.
 - d) "Municipality" shall mean the Corporation of the Township of Matachewan.
 - e) "Clerk" shall mean the Clerk of the Township of Matachewan.
 - f) "Member" shall mean Council member of the Corporation of the Township of Matachewan.
 - g) "Head of Council" shall mean the Reeve of the Municipality.
 - h) "Acting Reeve" shall mean the Head of Council unless otherwise appointed in accordance with the provisions of this By-Law.
 - i) "Quorum" shall mean a majority of the full Council membership.
3. The rules and regulations contained in this By-Law shall be observed in all proceedings of Council and shall be the rules and regulations for the dispatch of business by Council and its committees.
4. No standing rule or order shall be suspended except by a majority vote of the Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings.
5. The Corporation of the Township of Matachewan Official Seal
The Corporate Seal of the Corporation shall have inscribed thereon the words: "The Corporation of the Township of Matachewan" and is adapted as its corporate seal.
6. The Corporate Seal shall be at all times under the custody of the Clerk and shall be used exclusively for corporate matters as required.
6. Proceedings of Council Meetings
The inaugural meeting of Council after a regular election or after a by-election under section 266 of the Municipal Act 2001 and shall be held on a date and time set by the Reeve following the election but in any case not later than 31 days after its term commences.
8. Regular meetings of Council shall be held in the Town Hall or the Recreation Hall, located at 1 Moynear Avenue, on the third Monday of every month at 6:00 p.m.
9. Council may, by resolution, change the date, time and/or place of a regular meeting provided that a reasonable period of notice of the change is given to all members of Council and the public.
10. Council may, by resolution, change the time, date and/or place of any Council meeting.

11. (a) Subject to the Municipal Conflict of District Act a quorum of Council shall be three (3) members representing a majority of the total members five (5) thereof that is three (3) members, unless a two-third majority is required by statute or By-Law.
(b) If a quorum is not present within thirty minutes after the time fixed for a regular or special meeting, the Clerk shall record the names of the member present and the meeting shall be adjourned until the next regular meeting.
12. If a Monday designated for the holding of a Council meeting shall fall on a public holiday, Council shall meet at the designated hour and place on any day following which is not a public holiday.
13. (a) The Reeve or Acting Reeve may at any time summon a special council meeting.
(b) The Clerk shall summon a special meeting upon receipt of a petition of the majority of Council members for the purpose and at the time and date mentioned in the petition.
(c) In either case, of (a) or (b) where forty-eight (48) hours notice of all special meetings of Council shall be given to the members of Council and shall be in writing, or telephone or personal contact. Notice of special meetings of Council shall be given to the public by posting notices at different locations in the community. The aforementioned requirement for specific notice shall become null and void, subject to the passage of a Notice By-Law.
(d) Notwithstanding the notice requirement set out above, in the event of a bona 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.
(e) Unless otherwise specified in the notice described in Paragraph 13 (c) above, a special meeting shall be held at the Town Hall.
14. The meetings of Council shall always adjourn at the hour of 9:00 p.m., unless otherwise determined by a vote of the majority of the whole number of Council members present deems it necessary to continue the meeting beyond 9:00 p.m. the Council may do so upon a vote by the majority of the Council members.
15. (a) The Reeve shall preside at all meetings of Council.
(b) When the Reeve is absent or refuses to act, or the office is vacant, the Acting Reeve shall act in the place and stead of the head, and, while so acting, the Acting Reeve has all powers and duties of the Reeve.
(c) Notwithstanding Paragraph 15 (b) above, where the Acting Reeve is absent or refuses to act, the Council may appoint another member of Council as Acting Reeve for the meeting.
16. (a) All Council meetings shall be open to the public.
(b) Notwithstanding Paragraph 16 (a) above, a meeting may be closed to the public if the subject matter being considered is an in-camera matter contained in Section 239 (2), Municipal Act, 2001 as follows:
 - 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 or disposition of land by the municipality or local board;
 - iv) Labour relations or employee negotiations;
 - v) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - vi) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - vii) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

- (c) Section 239 (3), Municipal Act, 2001 states that a meeting shall be closed to the public if the subject matter relates to the consideration of 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.
- (d) Before all or part of a meeting is closed to the public, 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.
- (e) Subject to subsection (f) a meeting shall not be closed to the public during the taking of a vote.
- (f) Despite paragraph 38 a meeting may be closed to the public during a vote if:
 - i) Subsection 16 (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 Township or persons retained by or under a contract with the Township.
- (g) Every person to be in attendance at an in-camera meeting held pursuant to this section shall make an affirmation of confidentiality at the inaugural meeting of Council and execute a confidentiality agreement in the form attached as Schedule "A".
- (h) No person in attendance at an in-camera meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such in-camera meeting.
- (i) Any person who contravenes subsection (h) of this section shall be guilty of an offence punishable under the Municipality's Code of Conduct and upon conviction is liable to a fine under the *Provincial Offences Act*.

Order of Business

17. Prior to each regular council meeting the Clerk shall prepare an agenda to be known as "The Corporation of the Township of Matachewan Agenda" for all business to be brought before Council and shall be stated in the following order and the meeting shall be so conducted:
- (1) Opening of the Meeting
 - (2) Adoption of Agenda/Declarations of Interest
 - (3) Adoption of Minutes of Previous Meetings
 - (4) Matters arising out of the Minutes
 - (5) Correspondence, petitions, and reports
 - (6) Public Presentations/Delegations
 - (7) Unfinished business and considerations of business of which notice has been given at a previous meeting
 - (8) Adoption of Pay Vouchers
 - (9) By-Laws
 - (10) Resolution to go into a Closed Session
 - (11) Notice of Motions
 - (12) Adjournment

18. All requests to appear before Council shall be submitted to the Clerk at the Municipal Office not later than the Tuesday in the week preceding a Council meeting, accompanied by a written brief outlining the subject matter of the presentation and such presentation shall be limited to fifteen (15) minutes.
19. A written brief with respect to a matter that is deemed by the Clerk to be outside the jurisdiction of Council shall be distributed to the members of Council for information purposes prior to being listed on a Council agenda.
20. The Clerk and the Reeve shall prepare the agenda and make it available to Council members not less than two days before the commencement of the meeting of Council.
21. The Clerk shall note correspondence and petitions on the agenda and shall provide the originals to Council at its regular monthly meeting.
22. The agenda will be made available to the public at the beginning of meetings.
23. Council may refuse to hear a delegation when, in the opinion of Council, the subject of the presentation is ultra vires or beyond the jurisdiction of the Council.
24. No person will be permitted to address Council with respect to a specific labour negotiation or management dispute, nor will a brief respecting such disputes be listed on a Council agenda. Written briefs may be distributed to Council for information purposes.

Rules of Conduct

25. The Reeve 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 meeting, subject to an appeal to Council. Any person who contravenes this by-law may be guilty of an offence punishable under the Municipal Code of Conduct.

Duties of the Reeve

26. (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 call by name any member persisting in breach of the rules or order of Council thereby ordering the member to leave the meeting;
- (g) To authenticate by signature all By-Laws, resolutions and minutes of Council;
- (h) To inform Council when necessary on a point of order or usage;
- (i) To represent and support a quorum of Council, declaring its will and implicitly obeying its decisions in all things;
- (j) To ensure that the decisions of Council are in conformity with the laws and By-Laws governing the activities of the municipality;
- (k) To adjourn the meeting without question in the case of grave disorder arising at the location of the meeting;
- (l) To order any individual or group in attendance to cease and desist any behaviour disrupting the order and decorum of the meeting, and order the individual or group to vacate the area of the meeting where such behaviour persists;
- (m) To adjourn the meeting at the time of curfew indicated herein, or before if order of business is finished, or as extended by quorum of Council.

27. A member of Council or of the public shall not:
- (a) Use unparliamentary language against Council, any member, staff or guest;
 - (b) Disturb another member of 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 Reeve or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
 - (e) Be permitted to retake his seat after being ordered to vacate, having committed a breach of any rule of Council, until the next regular meeting and without making an apology to Council;
 - (f) Interrupt another member of Council or the public who has the floor except to raise a point of order;
 - (g) Leave his seat or make any noise or disturbance while a vote is being taken or until the result is declared;
 - (h) A member of Council or of the public shall speak no longer than fifteen (15) minutes to any question, not more than once, except in explanation or by permission of the Reeve or presiding officer, when no new matter shall be introduced;
 - (i) A member of Council shall not reflect upon any prior decision of Council to conclude remarks with a resolution to rescind such decision.

28. No person shall be allowed to address Council or speak in debate without permission of the Reeve or Acting Reeve.

Motions/Rules of Debate

29. A motion must be formally moved and seconded, in writing by two members of council, before the question can be put forward or a motion recorded in the minutes.
30. (a) A motion presented to Council shall be in writing and the Reeve or the Clerk shall read it.
(b) The Reeve or Acting Reeve shall state an oral motion.
31. A motion to amend shall:
(a) Be presented in writing;
(b) Be dealt with by Council before a previous amendment or the main motion;
(c) Not be further amended more than once provided that further amendment may be made to the main motion;
(d) Be relevant to the main motion;
(e) Not propose a direct negative to the main motion;
32. Once read or stated by the Reeve or Acting Reeve a motion may not be withdrawn without the consent of the majority of the members.
33. Immediately prior to voting on a motion, the Reeve or Acting Reeve shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the motion.
34. After a motion as amended is finally put, no member shall speak to it nor shall any other motion be made until after the vote is taken and the result is declared.
35. Members shall not speak more than once to the same motion without consent of the Reeve or presiding officer.

36. On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Reeve or Acting Reeve and may be either by voice or by show of hands.
37. 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 the alphabetical order of their family name in the order of A-Z. The Reeve or Acting Reeve shall vote last, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
38. The Reeve or Acting Reeve except where disqualified to vote may vote on all questions and when so doing shall vote last.
39. Except where expressly provided in a Statute, any motion on which there is an equality of votes shall be deemed to be defeated.
40. Subject to Subsection 16 (f), no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
41. To withdraw a motion once it is on the floor, it must be voted on by Council, requiring a simple majority to carry.
42. 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 defer temporarily;
 - (d) To postpone indefinitely or to a specific date;
 - (e) To move the previous motion (immediate vote on the main motion).
43. 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.
44. Except as provided in Paragraph 39, all motions shall be in writing and signed by the mover and seconder.
45. The Clerk and other officers may introduce matters to be dealt with by motion.
46. 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
47. The Reeve or Acting Reeve shall preserve order and decide questions of order.
48. The Council, if appealed to, shall decide the question without debate and its decision shall be final.
By-Laws
49. No By-Law shall be presented to Council unless the subject matter has been considered and approved by Council.
50. Every By-Law shall be introduced upon motion by a member specifying the title of the By-Law. The Clerk shall explain, in summary form, the purpose and content of the By-Law.

51. Every By-Law shall be given three readings prior to passage.
52. (a) The first reading of a By-Law shall be decided without amendment or debate.
(b) The second reading of a By-Law shall be decided without amendment or debate.
53. By-Laws may be given three readings on the same day except when directed otherwise by motion of the majority of the members present or as otherwise provided in statutes or regulations.
54. Upon passage, every By-Law shall be numbered, signed by the Reeve or Acting Reeve and the Clerk and embossed with the seal of the Corporation.
55. 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 prior to adoption by Council.
- General
56. When the Reeve is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provisions for the capital spending is included in the budget for that given year as approved by By-Law or unless the expenditure is required as a result of an emergency.
57. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, upon Proclamation.
58. Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall 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 unless Council, by motion approves a time extension to a specific presentation.
59. Following a regular or a by-election, the Clerk shall provide each member of Council with a copy of this By-Law, including any amendments thereto.
60. Any procedure under this By-Law, which is discretionary and not mandatory under statute, may be suspended by motion with the consent of a majority of the members present.
61. 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 public notice is given as provided for in the Municipal Act.
62. That all previous by-laws and/or motions, or parts thereof, in conflict with or contrary hereto or inconsistent herewith, be and the same are hereby repealed.
63. That this by-law shall come into full force and effect upon its final passing thereof and remain in force and effect until repealed.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL THIS 22ND DAY OF APRIL, 2013.



Beverley Hine
Reeve



Andrew Van Oosten
CAO-Clerk-Treasurer

SCHEDULE "A"

Affirmation of Confidentiality

I, _____, member of the Council of the Corporation of the Township of Matachewan, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the Township of Matachewan that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me by _____, at the Township of Matachewan, in the District of Timiskaming, this the _____ day of _____, 20__.

CAO-Clerk-Treasurer

Signature

Confidentiality Agreement

By signing this document, I agree that:

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of the Corporation of the Township of Matachewan in connection with any matter designated as confidential by the Procedural By-Law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at Matachewan, Ontario this _____ day of _____, 20__.

Print Name

Signature

CAO-Clerk-Treasurer

Signature