

**THE CORPORATION OF THE
TOWNSHIP OF BONNECHERE VALLEY
BY-LAW #2004- 12**

BEING, a by-law to govern the proceedings, conduct of members and calling of meetings of Council and Committees.

WHEREAS, Section 238(2) of the Municipal Act 2001 and amendments thereto states “ Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings”

AND WHEREAS, the Council of the Corporation of the Township of Bonnechere Valley deem it necessary to set rules and regulations with regards to Council Proceedings:

THEREFORE, the Council of the Corporation of the Township of Bonnechere Valley ENACTS AS FOLLOWS:

1. **DEFINITION: - IN THIS BY LAW THE:**
 - (a) **ACTING CHAIR** -shall mean a Council member appointed by Council to act in the place and stead of the Reeve when such chair is absent from a meeting of Council for any cause, and who shall exercise all the rights, powers and authority of the chair.
 - (b) **CHIEF ADMINISTRATIVE OFFICER**- shall mean the Chief Administrative Officer of the Township of Bonnechere Valley.
 - (c) **CLERK** - shall mean the Chief Administrative Officer of the Township of Bonnechere Valley.
 - (d) **CORRESPONDENCE** - letter, written communications, e-mail and fax.
 - (i) **CORRESPONDENCE "A"** - letters or written communications considered by the Clerk Treasurer to be for information purposes only with dialogue upon request.
 - (ii) **CORRESPONDENCE "B"** - letters or written communications requiring consideration and action.
 - (iii) **CORRESPONDENCE "C"** - letters or written communications which have been tabled at a previous meeting.
 - (e) **COUNCIL** - shall mean the Council of the Corporation of the Township of Bonnechere Valley.
 - (f) **HEAD OF COUNCIL** - shall mean the Reeve.
 - (g) **MEETING** -
 - (i) **REGULAR COUNCIL MEETING** shall mean meetings set out in this by-law to be held on a regular basis, namely the second and fourth Mondays (optional) of each month. Minutes prescribed by legislation required.
 - (ii) **SPECIAL MEETING** shall mean meetings summoned under Section 3A(c), having the same privileges as a Regular Council Meeting. Minutes prescribed by legislation required.
 - (iii) **COMMITTEE MEETING** shall mean a meeting held for the purpose of preparing information for presentation to Council and shall not involve enactment of legislation. Minutes prepared as a Report to Council.
 - (iv) **INFORMATION MEETING** shall mean a gathering of Council for the purpose of collecting information. A quorum is not required. A statement of proceedings shall be prepared, indicating the subject of text discussed.
 - (v) **CLOSED MEETING (Committee of Whole)** shall mean a meeting or portion thereof which is closed to the public. Minutes may be taken if required but are not available to the public.
 - (h) **REASONABLE PUBLIC NOTICE** shall be in accordance with the provisions of the municipal public notice By-Law.

- (i) **RECORDED VOTE** shall mean the recording of the name and vote of every member on any matter of question.

2. RULES AND REGULATIONS:

The RULES and REGULATIONS contained in the by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof, provided that the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provisions are not made herein, the procedures to be followed shall be those contained in Bourinot's Rules of Order being a manual of rules, practices and procedures for public assemblies and other gatherings as established by British and Canadian usage and written by Sir John George Bourinot.

3 (A) COUNCIL MEETINGS:

- (a) *Meetings of Council shall be held at the Council Chambers. The Inaugural Meeting of Council shall take place at 7:00 p.m. on the second Monday in December following the election. Subsequent Regular Meetings shall be held on the second and fourth Monday (optional) of each month at 7:00 p.m.*
- (b) *When the day for a Regular Meeting of Council is a Public or Civic holiday, the Council shall, unless decided otherwise meet at the same hour on the next day following said regular day which is not a Public or Civic Holiday.*
- (c) *The Head of Council may at any time summon a Special Meeting of Council on 24 hours notice to the Members of Council, provided that the notice is direct, hand delivered or verbal, through the Clerk's Office or upon receipt of a petition of the majority of the Members of Council, the CAO shall summon a special meeting for the purpose noted and at the time mentioned in the petition, with the same notice requirement listed above in Section 1(h).*
- (d) *In the event that it is not possible to summon a meeting with the notice requirements noted in Section 3A(c) then, forty-eight hours notice of all Special Meetings of Council shall be given to the Members of Council through the Clerk's Office by regular mail or by placing a hand written notice in each Council Members Office file, or by confirmed fax or by confirmed e-mail. Business to be dealt with at a Special Meeting shall be that, for which the meeting was summoned.*
- (e) *In the absence of the Head of Council from the Municipality or through illness or if he or she refuses to act, or if the Office is vacant, the Acting Chair shall be appointed to act from time to time in the place and stead of the Head of Council and he or she shall have all the rights, powers and authority of the Head of Council while so doing.*
- (f) *In the absence of the Reeve and Acting Chair, a new acting chair of Council shall be appointed from the quorum present pursuant to Section 226 of the Municipal Act.*
- (g) *Said, Head of Council along with the CAO shall have the authority to sign agreements and legal documents on behalf of the Corporation of the Municipality of Bonnechere Valley upon the granting of permission by resolution of Council.*

3 (B) CLOSED MEETINGS

- (a) *All meetings as defined in Section 1(g) shall be open to the general public but any meeting may be closed in part or in it's entirety to the general public under Section 239(2) of the Municipal Act, (discretionary) if the subject matter relates to:*
- (i) *the security of the property of the municipality or local board;*
 - (ii) *personal matters about on 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 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 and (mandatory).*
 - (viii) *relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act;*
- (b) *Before all or part of a meeting is declared closed to the general public, the Council shall state by resolution:*
- (i) *the fact of the holding of the closed meeting; and*
 - (ii) *the general nature of the matter considered at the closed meeting;*
- (c) *A meeting shall not be closed to the general public during the taking of a vote, except;*
- (i) *the vote is for a procedural matter*
 - (ii) *for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.*
- (d) (i) *such closed meetings of Council as are required from time to time shall usually commence immediately after the regular meetings.*
- (ii) *if a general resolution of Council authorizing itself to meet in closed session has not previously been adopted, Council may meet briefly, in public, immediately prior to the closed meeting to do so.*
- (e) *Prior to a meeting being declared a closed meeting of Council, the Reeve or Acting Chairperson shall:*
- (i) *ask whether any Member wishes to make a motion to move any closed meeting agenda items to a public meeting and;*
 - (ii) *ask whether any Member has any other eligible item to be discussed at the closed meeting;*
- notwithstanding Subsection 3(e) above, a Member wishing to add an item to the closed meeting agenda, should demonstrate that the item is a matter of some urgency which requires discussion at the closed meeting.*
- (f) *Upon completion of closed meetings of the Council, the decision of the Council with respect to any of the above enumerated items, and directions of Township administration in accordance therewith, shall then be reported publicly by Council to the extent that the public interest permits;*
- (g) (i) *the response of Members to enquiries about any matter dealt with by Council at a closed meeting, prior to it being reported publicly, shall be "no comment", or words to that effect;*
- (ii) *any violation of this regulation will result in exclusion of the offending Member from future closed meetings of Council and that Member no longer being provided with correspondence materials or information proposed to be dealt with by Council at a closed meeting;*
- (iii) *the determination of whether or not a violation of the closed meeting provisions of this by-law and the length of the exclusion from closed meetings, if so determined, shall be made by Council at a closed meeting, and the issue shall be considered by Council prior to the affected Member being excluded from any closed meeting. The results of Council's deliberations shall be reported out publicly;*
- (iv) *if the purported violation of the closed meeting provisions of this by-law by more than one Member is to be considered, a separate resolution of Council with respect of each affected Member is to be adopted.*
- (v) *notwithstanding paragraph 3B(g)(iii), the Member affected shall not be permitted to vote on a motion respecting his/her purported violation of the closed meeting provision of the procedure by-law, his/her exclusion from closed meetings, or the length of any such exclusion.*
- (h) *the release of any information about these matters dealt with by Council at a*

- closed meeting shall be by the Reeve or his/her delegate only;*
- (i) *notwithstanding Subsection (i) of this section, unless Council by vote determines otherwise, upon the public reporting of any closed meeting agenda item, any individual member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of the Bonnechere Valley Staff;*
 - (j) *agendas or any items thereon for consideration by Council at a closed meeting shall not be released to the public in advance of the closed meeting.*
 - (k) *All information, documentation or deliberations received, reviewed or taken in a closed meeting is confidential.*
 - (l) *No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.*
 - (m) *Any member who contravenes subsection (l) shall be deemed not to be acting in the interest of, on behalf of, or with the authority of Council of the Municipality of Bonnechere Valley.*
 - (n) *Any member who contravenes subsection (l) is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.*
 - (o) *Despite subsection (m), no member shall be convicted of a contravention of subsection (l) if the contravention was through inadvertence.*
 - (p) *No prosecution for a contravention of subsection (l) shall be commenced except on the direction of Council, expressed in a resolution of Council.*
 - (q) *Any decision to prosecute a member of Council shall only be made after Council has met in closed session to consider the matter, at which time the member of Council proposed to be prosecuted may be present and shall have the option of attending with Legal Counsel.*

4. CALLING OF MEETINGS TO ORDER & QUORUM

- (a) *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.*
- (b) *A quorum shall consist of not less than three members of Council.*
- (c) *In the absence of a quorum, one half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.*

5. ABSENCE OF HEAD OF COUNCIL

In the case that the Head of Council does not attend within (15) minutes after the time appointed for a meeting of Council, the Clerk shall call the Members to order and Section 3(A)(e) and if necessary Section 3A(f) shall be implemented until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

6. CURFEW

No item of business shall be dealt with after the hour of 10:30 P.M.

7. CONDUCT AND PROCEEDINGS AT A MEETING OF COUNCIL: HEAD OF COUNCIL

It shall be the duty of the Head of Council or the Acting Chair to:

- (a) *to open the meeting of "Council" 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 members of "Council".*

- (d) *to put to vote all motions which are regularly moved and seconded, or necessarily arise on the course of proceedings and to announce the result.*
- (e) *to decline to put to vote motions which infringe the rules of procedure.*
- (f) *to restrain the members, within the rules of order, when engaged in debate.*
- (g) *to enforce on all occasions the observance of order and decorum among the members.*
- (h) *to call by name any member persisting in breach of rules by order of "Council", thereby ordering him to vacate the Council Chamber.*
- (i) *to receive all messages and other communications and announce them to Council.*
- (j) *to authenticate, by his signature when necessary, all By-Laws, resolutions and minutes of "Council".*
- (k) *to inform "Council" on a point of order or usage.*
- (l) *to represent and support "Council", declaring its will, and implicitly obeying its decisions in all matters arising from Council business or Council decisions.*
- (m) *to ensure that the decisions of "Council" are in conformity with the laws and by-laws governing the activities of Council.*
- (n) *to adjourn the meeting after a motion to adjourn has been carried.*
- (o) *to adjourn the meeting without motion in the case of disorder arising in the Council Chambers.*
- (p) *to expel or exclude from any meeting, any person who has been guilty of improper conduct at the meeting.*

ACTING CHAIR

It shall be the duty of the "Acting Chair":

- (a) *to preside at meetings of Council in the absence of, or refusal of, the "Head of Council" to act.*
- (b) *in the absence of the Head of Council, or by written request of the Head of Council, he shall perform all duties performed by the Head of Council.*

MEMBERS OF COUNCIL

- (a) *A Councillor who desires to speak on any motion before "Council", shall upon recognition, respectfully address the Chair. Discussions shall be confined to the subject in issue and shall avoid all offensive personalities. A Councillor, on failing to receive recognition after due rotation of discussion, may rise on point of order and address the Chair directly.*
- (b) *No member shall:*
 - (i) *use offensive words or unparliamentary language in or against the Council or against any member.*
 - (ii) *speak on any subject other than the subject in debate.*
 - (iii) *criticize any decision of the Council except for the purpose of moving that the motion be reconsidered.*
 - (iv) *disobey the rules of the Council or a decision of the presiding officer or of the Council on motions of order or practise or upon the interpretation of the rules of "Council".*
 - (v) *speak disrespectfully of the Reigning Sovereign, the Royal Family, Governor General, any Lieutenant-Governor, and member of the Senate, House of Commons of Canada or the Legislative Assembly of the Province of Ontario.*
- (c) *In case a member persists in any such disobedience after having been called to order by the presiding officer, the presiding officer may forthwith put the motion, on amendment, or adjournment or debate being allowed, "that such member be ordered to leave his seat for the duration of the meeting of Council", but if the member apologizes he may, by vote*

- of Council, be permitted to retake his seat.*
- (d) *No person except members and officers of Council shall be allowed to approach the Council table without permission of the presiding officer or the Council upon reference.*
 - (e) *When the Chair is putting the motion, no member shall leave or make a disturbance.*

ROLE OF CLERK AT/FOR COUNCIL MEETINGS:

- (a) *to truly record, without note or comment, all resolutions, decisions and other proceedings of the Council . (statutory)*
- (b) *to record the name and vote of every member voting on any matter motion, if required by any member. (statutory)*
- (c) *to sign every By-Law. (statutory)*
- (d) *to call the meeting to order and preside until the election of a temporary presiding officer in the absence of the "Head of Council"*
- (e) *to be familiar with the municipality's procedural By-Law and to advise the presiding officer (if requested) on procedures.*
- (f) *to advise in matters of policy*
- (g) *to bring any background information or files relating to any or all matters shown on the agenda.*
- (h) *to prepare and circulate the agenda, minutes, proposed by-law, reports from Committees, correspondence, etc., before Council meetings.*
- (i) *to respond to inquiries from citizens, if requested by Council.*
- (j) *to provide communications and correspondence received to the appropriate standing committee. Any correspondence received after Council meetings will be included in the agenda for the following Council meeting.*

8. COMMITTEE OF THE WHOLE

- (a) *Whenever the Council resolves itself into a Committee of the Whole the Presiding Officer may appoint a Chair of the Committee of the Whole and vacate the Chair. The Chair of the Committee of the Whole may appoint another Member of the Committee to act as the Chair of the Committee while speaking to a question or while temporarily absent from the meeting.*
- (b) *In Committee of the Whole, no motion shall require a seconder.*
- (c) *In Committee of the Whole, no recorded vote shall be taken.*
- (d) *In Committee of the Whole, a motion to adjourn the Council meeting shall not be allowed.*
- (e) *An appeal from the ruling of the Chair of the Committee of the Whole shall be reported to the Council and the Chair of the Committee shall forthwith put the question, "That the decision of the Chair of the Committee of the whole be sustained", which shall be voted on forthwith without amendment, except that the Presiding Officer shall state the applicable rule prior to such question being put.*

9. COMMITTEES

- (a) *The Council may at the first meeting thereof appoint, such standing or special committees on the recommendation of the "Head of Council", in consultation with members of Council for standing committees of Council*
- (b) *Council shall appoint committee chairs of all standing committees from within its members.*
- (c) *Other committees must include at least one member of Council.*
- (d) *All committee chair persons must report to Council once a month unless otherwise directed by motion in Council.*
- (e) *No motion shall require a seconder.*

- (f) *No vote shall be recorded, with the exception of a ballot vote, which shall be recorded, at the request of any Council member.*
- (g) *The number of times of speaking on a question shall not be limited.*
- (h) *The hours for adjournment shall not apply.*

10. AGENDA

- (a) *The CAO shall prepare and make available to Council by 12:00 noon on the Thursday preceding any regular meeting, an Agenda under the headings listed below along with copies of Correspondence "B". Additional Correspondence "B" received prior to the meeting shall be placed in Council files by 4:00 p.m. on the day of the meeting:*
 - (a) *Call To Order;*
 - (b) *Opening Remarks;*
 - (c) *Confirmation of Agenda;*
 - (d) *Declaration of Pecuniary Interest;*
 - (e) *Approval of Minutes;*
 - (f) *Delegations;*
 - (g) *Committee /Department Reports;*
 - (h) *Correspondence;*
 - (i) *By-Laws;*
 - (j) *New /Unfinished Business;*
 - (k) *Accounts Resolution;*
 - (l) *Confirmation By-Law;*
 - (m) *Questions from floor;*
 - (n) *Closed Session; and*
 - (o) *Adjournment*
- (b) *The business of the Council shall be taken up in the order of which it appears on the agenda unless otherwise decided by Council.*
- (c) *An item of business not listed in the Council agenda cannot be introduced at a Council meeting without the approval of Council expressed by motion.*

11. MINUTES

The minute shall record as follows:

- (i) *The place, date and time of meeting.*
- (ii) *The name of the presiding officer and the Members in attendance.*
- (iii) *The presenting, reading if requested, correction and adoption of the minutes of prior meetings.*
- (iv) *All other proceedings of the meetings without note or comment.*
- (v) *Attachments of petitions, agenda confirmed and written reports.*
- (vi) *Posting approved minutes at the municipal office, web site, library and at an agreed upon prominent location in each ward.*

12. PETITIONS & COMMUNICATIONS:

Every communication, including petitions designed to be presented to Council shall be legibly written, typed or printed and shall not contain any obscene matter or language and shall be signed by at least one person and filed with the CAO.

13. DEPUTATIONS:

Persons desiring to present information verbally on matters of fact or make a request of Council, shall give written notice to the CAO by 4:00 p.m. on the Wednesday preceding the regular meetings specified in Section 3A(a) and said written notice shall state the topic to be discussed along with brief explanation of the intended test and may be heard but shall be limited in speaking to not more

than ten (10) minutes except that a delegation which, consists of more than five (5) persons, then shall be limited to two (2) speakers, each permitted to speak not more than ten (10) minutes.

14. READING OF BY-LAWS AND PROCEEDINGS THEREON:

- (a) No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- (b) Every by-law shall be introduced in typewritten form and shall contain no blanks except such that may be required to conform to accepted procedure to comply with provisions of any act and shall be complete with the exception of the number and date thereof.
- (c) Every by-law shall be introduced upon a motion by a member of the Council specifying the title of the by-law.
- (d) Every by-law shall have three readings before it becomes official.
- (e) The first reading of a by-law shall be decided without amendment or debate.
- (f) If Council determines that the by-law is to be considered in "Committee as a Whole", it shall be so considered prior to the third reading thereof.
- (g) If Council so desires, a by-law may be taken as read.
- (h) The CAO shall set out in all by-laws enacted by Council, the date of the readings thereof.
- (i) Every by-law enacted by Council shall be numbered, dated and sealed with the seal of the corporation and signed by the CAO and the Presiding Officer and shall be deposited by the CAO in his or her office for safekeeping.

15. MOTIONS

- (a) Notice of Motion:
 - (i) Notice of all new motions except motions listed in 16(g) and 16(h) shall be given in writing.
 - (ii) Motions noted in 15(a)(i) above shall be submitted to the Clerk Treasurer in writing over the signature of the mover and seconder and shall be complete and correct.
- (b) Voting Procedure:
 - (i) Immediately preceding the taking of the vote, the Presiding Officer shall state the question in the form introduced.
 - (ii) After a question is finally put by the Presiding Officer, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared.
 - (iii) The manner of voting shall be determined by the Presiding Officer and may be by voice, show of hand, standing or otherwise.
 - (iv) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to 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, in alphabetical order, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the clerk shall record each vote.

16. RULES OF DEBATE:

- (a) Every member in speaking shall address the Presiding Officer.
- (b) The Presiding Officer shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, addressed the Chair first.
- (c) Every Member present at a meeting of the Council shall vote when a

- question is put forth, unless prohibited by statute.*
- (d) *When a vote is called by the Presiding Officer on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.*
 - (e) *When a Member is speaking, no other Member shall pass between him/her and the Chair or interrupt him/her, except to raise a point of order.*
 - (f) *Any Member may require a question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.*
 - (g) *The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these proceedings:*
 - (i) *A point of order or personal privilege.*
 - (ii) *Presentation of petitions.*
 - (iii) *To lay on the table.*
 - (iv) *To table to a later date.*
 - (v) *To move the previous question.*
 - (h) *The following questions may be introduced without notice and without leave but such motions shall be in writing and signed:*
 - (i) *to refer*
 - (ii) *to adjourn*
 - (iii) *to amend*
 - (iv) *to suspend the Rules of Procedure.*
 - (i) *Except as provided by 15(h) above, all motions shall be in writing and signed by the mover and seconder.*
 - (j) *In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.*

17. POINTS, ORDER & PRIVILEGES:

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

18. PRESS RELEASES

No member of Council or municipal officer shall undertake to issue press releases or claim to speak on behalf of the municipal corporation without permission granted by motion in Council or municipal by-law.

19. SUSPENSION OF RULES:

Any procedure required by this by-law may be suspended with consent of a majority of the Members of the Council present.

20. AMENDMENT:

No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

21. EFFECTIVE DATE:

- (a) *This by-law repeals all previous Procedural by-laws.*
- (b) *Where any by-law passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.*
- (c) *This by-law shall be deemed to take effect February 16th, 2004 and shall remain in force until repealed by Council.*

Read a first time and second time this 16th day of February, 2004.

Read a third time and finally passed this the 16th day of February, 2004.

Reeve (Chair)

Bryan Martin CAO