

(Public Meeting August 20, 2012 at 6:30 p.m. at the Ardbeg Community Club in Ardbeg)

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

By-Law No. 40-2012

Being a By-Law to govern the proceedings of Council, its Committees and Boards of the Corporation of the Municipality of Whitestone

The Council of the Corporation of the Municipality of Whitestone enacts as follows:

1. Definitions: In this By-Law

- a) Municipality:** means The Corporation of the Municipality of Whitestone.
- b) Council:** refers to the elected members of Council.
- c) Councillor:** means a member of the Council of The Corporation of the Municipality of Whitestone.
- d) Mayor:** means the member elected to direct the meetings of the Council and to oversee the general function of the Council.
- e) Committee:** means members appointed by Council, to do specific tasks.
- f) Presiding Officer:** means the Head of Council, or Committee/Board, unless otherwise appointed in accordance with the provisions of this by-law.
- g) Secretary:** means that person appointed by the Municipality to fill such duties as may be assigned by the Municipality from time to time.
- h) Clerk:** means that person appointed by the Council of the Municipality to fulfill such duties as may be assigned by the Municipality from time to time.
- i) Recorded Vote:** means the recording of the name and vote of every member on any matter of question.
- j) Deputy-Mayor:** means a Member of Council appointed by Council to direct the meetings of Council and to oversee the general function of the Council in the absence of the Mayor.

2. Rules and Regulations:

The rules and regulations contained in this by-law shall be observed in all proceedings of the Municipality and shall be the rules for the order and dispatch of business at Council, Committee and Board meetings thereof, and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees. (Roberts Rules of Order can be used as a guideline only when deemed necessary)

3. Council Meetings:

- 3.1 An inaugural meeting of Council in an election year shall be held on the first business day in the month of December, or if that day is a statutory holiday, on the next business day following. This meeting shall be for the purpose of swearing in the new Council only; regular business will be conducted at the first regular meeting of the new Council.
- 3.2 Dates and locations of regular Council meetings shall be determined by resolution of Council annually.

4. Closed Meeting:

- 4.1 In accordance with 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 or local board;
 - b) personal matters about an identifiable individual, including municipal or local board employees;
 - c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

Other criteria

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. 2001, c. 25, s. 239 (3).

Educational or training sessions

A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- a) The meeting is held for the purpose of educating or training the members.
- b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

Resolution

Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

5. Calling of Meetings:

- a) the head of council may at any time call a special meeting (2001, c. 25, s. 240 (a)) giving a minimum of 24 hours notice to members;
- b) the head of council may call a meeting in case of an emergency; or
- c) upon receipt of a petition of 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. (2001, c. 25, s. 240 (b)).

The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

6. Presiding Officer:

The Mayor shall preside at all meetings of the Council and if the Mayor is absent for any reason, the Presiding Officer, as appointed by Council, shall act in his/her place and shall enjoy all the rights, powers and authority of the Mayor while so acting.

7. Call to Order:

As soon after the hour fixed for holding the meeting when quorum is present, the Mayor shall call the meeting to order.

8. Quorum:

A majority of the members of a municipal council is necessary to form a quorum. 2001, c. 25, s. 237(1)

9. Curfew:

No item of business may be dealt with at a Council meeting after three and a half (3.5) hours of the meeting unless authorized by a resolution supported by two-thirds of the members to an additional one-half (1/2) hour.

10. The Conduct of Proceedings at Council Meetings:

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

- a) to open Council meetings by calling the members to order,
- b) to announce the business before the Council in the order in which it is to be acted upon,
- c) to receive and submit all motions presented by the members,
- d) to put to vote all questions duly moved and seconded and to announce the result,
- e) to decline to put to vote motions which infringe the rules of procedure,
- f) to restrain the members with rules of order,
- g) to receive all communications and announce them to the Council,
- h) to authenticate, by his/her signature, all by-laws, resolutions and minutes of the Council,

- i) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- j) to ensure that the decisions of the Council are in conformity with the laws and by-laws governing the activities of the Council,
- k) to expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting,
- l) to adjourn the meeting when the business is concluded,
- m) to adjourn the meeting, without putting a question, in the case of serious disorder at Council meeting.

11. Agenda:

11.1 The Clerk may prepare an agenda for the use of the members at regular meetings under the following headings:

- a) Call to Order
- b) Disclosure of Pecuniary Interest and General Nature Thereof
- c) Adoption of Agenda
- d) Presentations and Delegations
- e) Adoption of Minutes
- f) Tenders
- g) Consent Items
- h) Reports/Minutes from Committees, Boards and Municipal Officers
- i) Correspondence
- j) By-Laws
- k) Unfinished Business
- l) New Business
- m) Question Period for the Public
- n) Announcements and Inquiries by Council Members
- o) Closed Session
- p) Adjournment

11.2 Any member may have an item placed on the agenda by submitting in writing this item to the Clerk no later than the Wednesday preceding the date of the meeting or at their discretion.

11.3 The Clerk shall prepare an agenda, in conjunction with the Mayor for Members of Council, along with copies of all correspondence, minutes or reports forming this agenda which shall be available to the members at any time after 12 noon two (2) business days preceding the meeting.

11.4 The business of the Council shall be disposed of in the order in which it appears on the agenda and no new items may be introduced unless authorized unanimously by the Council.

11.5 The agenda will be available to the public including staff generated reports, applications and/or other imperative information regarding topics to be discussed during the scheduled Council meeting at any time after 12 noon two (2) business days preceding the meeting.

12. Minutes:

It shall be the responsibility of the Clerk to maintain accurate minutes of the Council meetings and in these minutes shall record:

- a) the place, date and time of the meeting,
- b) the name of the Mayor and Council members present, # of visitors
- c) the correction, amendment and adoption of minutes,

- d) all other proceedings in sequence, without note or comment.

13. Committees and Boards:

All Committees and Boards will be appointed for the term of Council as soon after the formation of Council.

14. Deputations or Petitions:

- 14.1 Persons wishing to address the Council may do so by informing the Clerk by noon on day of the meeting and shall be limited to speaking not more than 10 minutes.
- 14.2 Delegations and/or Petitions of 2 or more persons will be permitted 2 speakers with 5 minutes each.
- 14.3 Every petition shall be legibly written and shall not contain any obscene or improper matter or language and shall be filed with the Clerk.

Petitions and Communications

Every item of correspondence, including a petition or deputation designed to be presented to Council, shall not contain any obscene or improper matter or language and shall be signed by at least one person, indicating their address and telephone number and filed with the Clerk.

Every petition, communication shall be delivered to the Clerk on or before 12:00 noon on day of the regularly scheduled Council meeting.

The Clerk shall read the substance thereof to the Council but any member may require the reading of part or all thereof.

All petitions, communications and deputations on any subject shall, unless otherwise disposed of by Council forthwith, be considered as referred to the appropriate committee as the case may be without any motion or debate unless otherwise ordered by Council.

Deputations

Scheduled Deputation, persons desiring to present information verbally on matters of fact or make a request of Council shall provide written notice and/or verbally as the nature of the deputation, to the Clerk on or before 12:00 noon on the day of the scheduled Council meeting.

Unscheduled deputations will be permitted from the gallery, without registration (scheduling) only during a public hearing portion of a meeting under provisions of the Planning Act or other Acts that have a call for public input.

Emergency deputation requests will be received by the Mayor and will be heard at the leave of a majority of Council.

15. By-Laws and Proceedings thereon:

- a) every by-law shall be introduced by a motion duly moved and seconded by members and specifying the title of the by-law,
- b) every by-law when introduced shall be type written and shall be completed except for the number and date thereof,
- c) every by-law shall have three readings prior to being passed,
- d) the first reading of a by-law shall be made without amendment or debate,

- e) if the Council so determines, a by-law may be taken as read,
- f) when a by-law is accepted without amendment, it shall be forthwith read a third time and passed,
- g) every by-law enacted by the Council shall be numbered and signed and returned to the Clerk for safekeeping.

16. Motions:

- 16.1 A motion must be presented in writing and properly seconded before the presiding officer can put the question or before a motion can be properly recorded in the minutes.
- 16.2 A motion in respect of a matter which is beyond the jurisdiction of the Council, (Ultra Vires) shall not be in order.
- 16.3 The persons moving and seconding must be present at the time the motion is read and voted upon.
- 16.4 The mover of a motion shall have the privilege of being the first speaker in the debate on the motion, and shall have the further privilege of speaking once more to conclude the debate.

Withdrawal:

- 16.5 After a motion is read or stated by the presiding officer, it shall be deemed to be in possession of the Council but may, with the permission of the majority of members, be withdrawn by motion, before decision or amendment.

Priority of Disposition:

- 16.6 A motion properly before the Council for decision must receive disposition before any other motion can be received except for exceptions as further noted.
- 16.7 A motion not decided upon by the Council shall be allowed to take precedence on the next regular agenda unless otherwise decided by the majority of members.

Refer to Committee:

- 16.8 A motion to refer a matter under discussion by the Council to a Committee of the Council shall preclude all amendments of the main question until it is decided.

Amendments: A motion to amend:

- 16.9
 - a) shall be presented in writing,
 - b) shall receive disposition of the Council immediately,
 - c) shall not be amended more than once,
 - d) shall be relevant to the question or matter in progress,
 - e) shall not be received negating the question,
 - f) may propose a separate and distinct disposition of a question.
- 16.10 A motion cannot be put forth on the previous question when an amendment is under consideration.

To adjourn: A motion to adjourn:

- 16.11 a) shall always be in order except as provided by these rules,
- b) is not in order when a member is speaking or during the verification of a vote.

Privilege:

- 16.12 A motion on a matter of privilege shall receive disposition immediately upon receipt by the Council, and when settled the question so interrupted shall be resumed from the point where it was suspended.

Reconsideration:

- 16.13 Any substantive motion may be reconsidered if, upon the putting of a substantive motion, the minority vote comprised of not less than one-third of the members present and voting.
- 16.14 After a substantive motion has been decided, any member who voted thereon may at any time prior to adjournment of the meeting at which such substantive motion was decided upon, give notice in writing that he/she will move at the next regular meeting for reconsideration thereof.
- 16.15 The Council may immediately, upon such notice having been given, vote as to whether or not such notice of reconsideration be entertained.
- 16.16 After such notice has been given and accepted, no action shall be taken to carry into effect the main motion until after the main motion to be reconsidered has been disposed of.
- 16.17 Every motion for reconsideration, considered at a subsequent meeting, shall be declared lost unless supported by a majority of the Council.
- 16.18 No discussion of the main question shall be allowed once a motion to reconsider same until the Council had dealt with the motion to reconsider. The member who gives the notice of reconsideration shall have the privilege of stating his reasons for doing so.
- 16.19 No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered unless new information is received in writing which would suggest otherwise.

17. Voting on Motions:

Question stated:

- 17.1 Immediately preceding the taking of the vote, the presiding officer shall state the question in the precise form in which it will be recorded in the minutes.

No interruptions:

- 17.2 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 results declared.

- 17.3 The presiding officer shall vote on any matter without having to vacate the room when a recorded vote is called for.

Vote not Allowed:

- 17.4 A member not present when a question is put forth shall not be allowed to vote on this question.

Unrecorded Vote:

- 17.5 The manner of determining the decision of the Council on a motion shall be a show of hands.

Recorded Vote:

- 17.6 When a member present requests a recorded vote, all members present at the Council must vote, by signature, unless otherwise prohibited by Statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before or immediately after an unrecorded vote is taken.

18. Rules of Debate:

- 18.1 Every member wishing to speak on any motion or question shall address the presiding officer for permission to speak. When two or more members request to speak at the same time, the presiding officer shall decide who has the floor. Every member present has the right to vote unless prohibited by Statute.
- 18.2 When a question is put and a recorded vote taken, a member who refuses to vote is deemed to have voted in the negative except where prohibited by Statute.
- 18.3 If a member disagrees with the announcement of the presiding officer that a question is carried or lost he/she may, but only immediately after the declaration by the presiding officer, appeal the declaration and request that a recorded vote be taken.
- 18.4 When the presiding officer calls for the vote on a question, each member shall occupy his/her seat and shall remain in place 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 disturbances.
- 18.5 When a member is speaking no other member shall pass between him/her and the Mayor interrupt him/her except to raise a point of order.
- 18.6 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- 18.7 No member shall speak more than once to the same question without leave of the Council, except that a reply shall be allowed to be made only by the member who has presented the motion, but not by any member who has moved an amendment or a procedural motion.
- 18.8 No member, at the discretion of the Chair, shall speak to same question, or in reply, for longer than five minutes or at the discretion

of the Chair.

- 18.9 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion.
- 18.10 The following matter of motions may be introduced orally without written notice and without leave:
- a) a point of order or personal privilege
 - b) presentation of petitions
 - c) to table the motion
 - d) to postpone to specific time or indefinitely
 - e) to move the previous question
- 18.11 The following motions may be introduced without notice and leave, but shall be in writing and signed:
- a) to refer
 - b) to adjourn
 - c) to amend
 - d) to suspend the rules of procedure
- 18.12 In all cases not provided for in the proceedings of the Council, the matter shall be decided by the presiding officer, subject to an appeal to the Council on a point of order.

19. Points of Order and Privilege:

- 19.1 It shall be the responsibility of the presiding officer to preserve order and decide on question of order.
- 19.2 When a member rises to appoint of order, he/she shall ask leave of the presiding officer to raise such point and after leave is granted, he/she shall state the point and remain seated until the presiding officer shall have stated and decided the point of order.
- 19.3 Thereafter, a member shall only address the presiding officer for the purpose of appealing the presiding officer's decision to the Council.
- 19.4 If no member appeals, the decision of the presiding officer shall be final.
- 19.5 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 19.6 Where a member considers that his/her integrity or that of the Council has been impugned, he/she may as a matter of personal privilege rise at any time, with the consent of the presiding officer, for the purpose of drawing attention of the Council to the matter.

20. Conduct of Members:

- 20.1 No member shall speak disrespectfully of the Queen, or any member of the Royal family, or of the Governor-General, the Lieutenant-Governor, any member of the Senate, the House of Commons or the Legislative Assembly of the Province of Ontario.
- 20.2 **No Member Shall:**
- a) use offensive words or unparliamentary language in or against the Council or against any member,
 - b) speak on any subject other than the one in debate,
 - c) show disrespect for the decision(s)of council
 - d) disobey the rules of the Council or a decision of the

presiding officer.

20.3 When the presiding officer is putting a question, no member shall leave or make disturbances.

21. Suspension of Rules:

21.1 A procedure required by this by-law may be suspended with consent of a majority of the members present.

22. Amendment:

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

23. Effective Date:

23.1 This by-law shall become effective upon the date of enactment.

23.1 And Further that By-Law No. 34-2004 and By-Law 77-2006 be repealed.

Read a First and Second time this 21st day of August, 2012.

Mayor Chris Armstrong

CAO-Clerk Liliane Nolan

Read a Third time and Passed, Signed and Sealed this 21st day of August, 2012.

Mayor Chris Armstrong

CAO-Clerk Liliane Nolan