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**THE CORPORATION OF THE  
TOWN OF WASAGA BEACH**

**BY-LAW #2006-20**

**A BY-LAW TO GOVERN THE PROCEEDINGS OF  
COUNCIL AND ITS COMMITTEES**

**WHEREAS** pursuant to The Municipal Act, 2001, Section 238, every Municipality and local board shall pass a Procedural By-Law for governing the calling, place and proceedings of meetings.

**AND WHEREAS** Council did pass By-Law #2004-49 on June 22<sup>nd</sup>, 2004, being a By-Law to Govern the proceedings of Council and Committees, as amended.

**AND WHEREAS** this Council deems it necessary and expedient to update the Procedural By-Law to allow a streamlining of the process while keeping it in conformity with The Municipal Act, 2001.

**NOW THEREFORE** the Council of the Corporation of the Town of Wasaga Beach enacts as follows:-

**SECTION I:      DEFINITIONS**

1.    In this By-Law:
  - (a)    **“CAO”** means the Chief Administrative Officer of the Town of Wasaga Beach.
  - (b)    **“Clerk”** means the Clerk of the Town of Wasaga Beach.
  - (c)    **“Council”** means the Council of the Town of Wasaga Beach.
  - (d)    **“Head”** of Council means the Mayor.
  - (e)    **“Presiding Officer” or “Committee Chair”** means the person chairing a meeting.
  
2.    The rules and regulations contained in this By-Law shall be observed in all proceedings of Council and its Committees, and shall be the rules and regulations for the order and dispatch of business in Council and the Committees thereof, provided that the rules and regulations contained herein may be suspended by a resolution of Council.

## **SECTION II: COUNCIL AND COMMITTEE MEETINGS**

### **OPEN MEETINGS**

3. Except as provided below, all Meetings of Council and Committees of Council shall be open to the public.

### **CLOSED MEETINGS (In Camera)**

4.
  - (a) A Meeting or any part of a Meeting may be closed to the public if the subject matter being considered relates to:-
    - i) the security of the property of the Municipality or a local board thereof.
    - ii) personal matters about an 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) receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
    - vii) a matter which a Council, Board, Committee or other Board has authorized a meeting to be closed under another Act.
    - viii) consideration of a request under The Municipal Freedom of Information and Protection of Privacy Act, if the Council, Board, Commission or other body is designated as head of the institution for the purposes of that Act.
  - (b) Council or a Committee thereof, shall move to a “Closed” or “In-Camera” Meeting or Session by resolution, either written or verbal. The Presiding Officer (Chair) shall advise as to the general nature of the matter to be considered at the closed meeting and upon return to the Regular Meeting, the Presiding Officer (Chair) shall rise and report on the subject matter, and at that time, any direction or a vote on the subject, will proceed, if required.
  - (c) before holding a meeting or part of a meeting that is to be closed to the public, Council or a Committee of Council shall state:-
    - i) the fact of the holding of the closed meeting; and

- ii) the general nature of the matter to be considered at the closed meeting.
- (d) subject to subsection 4.(e), a meeting shall not be closed to the public during the taking of a vote.
- (e) despite subsection 36.(k)(i), a meeting may be closed to the public during a vote if,
  - i) subsection (a) permits or requires the 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 municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

**PLACE:**

- 5. (a) Meetings of Council shall be held in the Council Chambers designated and used by Council from time to time for such purposes; however, in the case of an emergency or special occasion as determined by the Clerk, Council may hold its meetings and keep its public offices at any convenient location within or outside the Municipality.
- (b) Despite subsection (a), a joint meeting with the Council of another Municipality for the consideration of matters of common interest may be held within either Municipality or in an adjacent Municipality.
- (c) Meetings of Committees of Council may be held in the Classroom or in an appointed Committee Room as may be determined by the Chair of such Committee.

**INAUGURAL MEETINGS**

- 6. a) The Inaugural Meeting of Council shall take place at 7:00 p.m. on the first Tuesday of December following the Election.
- b) In the event the day set should be a public holiday, such Inaugural Meeting shall be held on the next following day, not a public holiday, at the same hour.

- c) In the case of inclement weather, the Inaugural Meeting shall be held on the first suitable day following at the same hour.
- d) in any case, the Inaugural Meeting of Council shall not take place later than 31 days after its term commences.

### **REGULAR MEETINGS**

- 7. Regular Meetings of Council shall be held on the second and fourth Tuesday of each month, with the exception of July and August, when a Meeting shall be held only once per month, on a date established by Council.
- 8. The first Committee of the Whole Council Meeting shall be held within thirty (30) days of the Inaugural Meeting and thereafter each meeting of the Committee of the Whole shall be held as required and as called by the Presiding Officer.
- 9. Meetings of other Standing Committees of Council shall be as established by the Chair of that Committee, and shall attempt to hold those Meetings during the second or fourth weeks of the month to ensure business arising from the respective Reports come forward to the next Regular Meeting of Council.

### **TIME**

- 10. Regular Meetings of Council and Committee of the Whole shall commence at 7:00 p.m., local time.
- 11. Standing Committee Meetings shall be held at the time as established by the Committee Chair.

### **HOLIDAYS**

- 12. When the day for a Regular Meeting of Council or Committee of Council is a Public or Civic Holiday, the Council or the Committee shall, unless they decide otherwise, meet at the same hour on the following day which is not a Public or Civic Holiday.

### **POSTPONEMENT OF REGULAR MEETINGS**

- 13. Any Regular Meeting of Council may be postponed to a day named as follows:

- (a) in a notice given through the Clerk's Office by the Head of Council or person acting in the place of the Head of Council on forty-eight (48) hours notice in advance of the Regular Meeting, or
- (b) in a By-Law of Council passed by a quorum providing therefore.

The postponed meeting shall be held at the same time and at the same place as the meeting so postponed.

### **QUORUM**

- 14. A majority of the whole number of Members of Council is necessary to form a quorum for a Regular Meeting of Council.
- 15. A majority of the number of Members so appointed to a Standing Committee is necessary to form a quorum.

### **SPECIAL MEETINGS**

- 16. The Head of Council may at any time summon a Special Meeting of Council on forty-eight (48) hours notice to the Members of Council, or, upon receipt of a petition of the majority of the Members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition. Forty-eight (48) hours notice of all Special Meetings of Council shall be given to the Members through the Clerk's Office. The only business to be dealt with at a Special Meeting is that which is specified in the notice of the meeting.

### **PRESIDING OFFICER**

- 17. In the absence of the Head of Council from the Municipality, or due to illness, or refusal to act or the office is vacant, the Deputy-Mayor, and in the absence of both the Head of Council and the Deputy-Mayor, a Councillor shall be appointed to act as Presiding Officer from time to time in place and stead of the Head of Council; the Presiding Officer shall have all the rights, powers and authority of the Head of Council, while so doing. Hereafter the Head of Council and the Presiding Officer are called the "Presiding Officer".

### **CALLING OF MEETING TO ORDER**

- 18. As soon after the hour fixed for the holding of the Meeting of Council or Committee, as a quorum is present, the Presiding Officer shall take the Chair and call the Meeting to order.

## **ABSENCE OF THE PRESIDING OFFICER**

19. Subject to the provisions of The Municipal Act, and where no Presiding Officer (Chair) has been appointed under Section 17 of this By-Law, in the event that the Presiding Officer (Chair) does not attend within fifteen (15) minutes after the time appointed for a Meeting of Council or a Committee Meeting, the Clerk shall call the Members to order; an acting Presiding Officer (Chair) shall be appointed from among the Members present, and he/she shall preside until the arrival of the Presiding Officer (Chair) and while so presiding, the acting Presiding Officer (Chair) shall have all the powers of the Presiding Officer (Chair).

## **NO QUORUM**

20. If no quorum is present within fifteen (15) minutes after the time appointed for a Meeting of Council or a Committee thereof, the Clerk shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting or such earlier date as determined.

## **ADJOURNED MEETINGS**

21. Unless otherwise determined by a resolution of Council passed by a majority present, Council shall adjourn at the completion of the Agenda.

## **CONDUCT OF PROCEEDINGS AT MEETINGS OF COUNCIL OR ITS COMMITTEES**

22. It shall be the duty of the Presiding Officer:
  - (a) to open the meeting by taking the Chair and calling the Members to order.
  - (b) to announce the business before Council or the Committee, 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 vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result.
  - (e) to decline to put to vote motions which infringe upon the rules of procedure.
  - (f) to restrain 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 the rules of order, thereby ordering him or her to vacate the Council Chambers or Committee Room.
- (i) to receive all messages and other communications and announce them to Members present.
- (j) to authenticate, by his or her signature when necessary, all By-Laws, Resolutions and Minutes of Council.
- (k) to inform Members, when necessary or when referred to for the purpose, on a point of order or privilege.
- (l) to represent and support Council and/or Committee, declaring its will, and implicitly obeying its decisions in all things.
- (m) to ensure that the decisions of Council and/or Committee are in conformity with the Laws and By-Laws governing the activities of Council and Committee thereof.
- (n) to adjourn the Meeting when the business is concluded.
- (o) to adjourn the Meeting without question put in the case of grave disorder arising in the Council Chambers or Committee Room.

## **DECORUM**

23. No member shall:

- (a) disturb another, or Council itself or a Committee thereof, by any disorderly deportment disconcerting to any member speaking.
- (b) wear any head covering except in case of infirmity, religion or belief.
- (c) resist the rules of Council and Committee, or disobey the decision of the Presiding Officer or of Council or Committee on questions of order or practice or upon the interpretation of the rules of order.
- (d) be permitted to retake his or her seat at any Meeting after being ordered by the Presiding Officer to vacate after committing a breach of any rule or order, without making apology and having the consent of Council or Committee, expressed by a majority vote of the other Members present, determined without debate.
- (e) leave his or her place on adjournment until the Presiding Officer leaves his or her Chair.
- (f) speak until he or she has addressed himself or herself to the Presiding Officer of Council.
- (g) walk across or out of the Council Chambers or Committee Room, or make any noise or disturbance when the Presiding Officer is putting a question, and shall occupy his or her seat while a vote is being taken and until the result thereof is declared.

## **CURFEW**

24. No item of business may be dealt with at a Council or Committee Meeting after ten (10:00) p.m., unless the majority of Members present vote to suspend the Rules of Procedure, and continue.

## **ORDER OF BUSINESS – Council Meetings**

25. (a) The Clerk shall ensure there is prepared and printed, for the use of the Members at the Regular Meeting of Council, an Agenda under the following headings:
- (i) Call to Order
  - (ii) Disclosure of Pecuniary Interest
  - (iii) Adoption of Minutes
  - (iv) Deputations, Petitions and Public Meetings
  - (v) Correspondence
    - Received for Information
    - Requiring Action
    - Referred
  - (vi) Unfinished Business
  - (vii) Committee & Other Boards Reports
  - (viii) Notices of Motion
  - (ix) Motions - Where Notice Has Been Previously Given
  - (x) By-Laws and Confirmatory By-Law
  - (xi) Mayor and Councillors Reports
  - (xii) Calling of Committee Meetings
  - (xiii) Question Period
  - (xiv) Adjournment
- (b) All information to be included on Agendas shall be delivered to the Clerk's Office by Thursday Noon of the week preceding the said scheduled Meeting. Agendas shall be distributed to Council and Operating Departments on the Friday preceding the scheduled Meeting.
- (c) The business of Council, shall in all cases, be dealt with and be taken up in the order in which it stands upon the agenda unless otherwise decided by a majority of those Members present.

## **ORDER OF BUSINESS – Committee of the Whole Meetings**

- (d) Agendas for Committee of the Whole will be prepared and issued by the Clerk's Department, as follows:

- (i) Call To Order
- (ii) Disclosure of Pecuniary Interest
- (iii) Deputations/Presentations
- (iv) Unfinished Business
- (v) New Business
- (vi) Items for Future Meetings
- (vii) Adjournment

### **ORDER OF BUSINESS – Standing Committees of Council**

(e) Agendas for Standing Committees will be prepared and issued by the respective Department Heads under the following general headings, where applicable:

- (i) Call To Order
- (ii) Disclosure of Pecuniary Interest
- (iii) Deputations/Presentations
- (iv) Unfinished Business
- (v) Department Reports
- (vi) Other Agency Reports
- (vii) Date of Next Meeting
- (viii) Adjournment

(f) For Standing Committees of Council, the Agenda may include a section for “Introduction of New Business” and at that point the Clerk or Department Head responsible, may introduce any items of new business that have arrived, or items that have been brought to his attention by Members of Council, and he/she will ensure such items are placed on the next Agenda for Committee’s consideration.

### **CALL TO ORDER**

26. As soon after the hour fixed for the holding of the Meeting of Council or Committee, as a quorum is present, the Presiding Officer or Chair, shall call the Meeting to order.

### **DISCLOSURE OF PECUNIARY INTEREST**

27. Immediately after the call to order or prior to any consideration of the matter at the Meeting, any Member of Council shall disclose any pecuniary interest and the general nature thereof dealing either with any items on the agenda or with a matter discussed at a previous Meeting from which the Member was absent or a matter which was discussed at an immediately preceding Meeting which was held in camera. Every declaration of pecuniary interest and the general nature

thereof made under The Municipal Conflict of Interest Act, shall, where the Meeting is open to the Public, be recorded in the Minutes of the Meeting by the Clerk of the Municipality or Secretary of the Committee or Local Board, as the case may be. Every declaration of interest made, but not the general nature of that interest, where the Meeting is not open to the public, be recorded in the Minutes of the next Meeting that is open to the public.

### **MINUTES/REPORT OF THE PREVIOUS MEETING**

28. (a) Minutes/Report shall record:
- (i) the place, date and time of the meeting.
  - (ii) the names of the Presiding Officer or Officers and record the attendance of other Members.
  - (iii) the reading, if requested, correction and adoption of the Minutes/Report of prior Meetings.
  - (iv) all other proceedings of the Meeting without note or comment.
- (b) It shall be the duty of the Clerk to ensure that the Minutes of the last Regular Meeting of Council and all subsequent Special Meetings of Council, held more than three days prior to a Regular Meeting are made available to each Member not less than forty-eight (48) hours before the hour appointed for holding the following Regular Meeting.
- (c) The Minutes of Regular and Special Meetings of Council shall be considered and adopted by Council resolution.

### **DEPUTATIONS, PETITIONS & PUBLIC MEETINGS**

29. Persons desiring to present information orally on matters of fact or to make a request of Council shall give written notice of their intent to approach Council to the Clerk by noon of the Thursday preceding the Regular Meeting of Council. The Clerk shall be advised as to the topic to be discussed. The Clerk shall be empowered to refer requests made of Council for a delegation to the appropriate Committees of Council as he or she deems necessary. Persons making a delegation may be heard by leave of a majority of Council, but shall be limited in speaking to not more than ten (10) 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.
30. Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the

Clerk. Illegible, improper or unsigned communications may be withheld by the Clerk.

31. Items being brought forward under the Municipal Act and/or the Planning Act, will be dealt with by Council provided that all advertising and notices have been completed and the holding of the said Public Meeting will be in conformity with the said Act(s).

## **CORRESPONDENCE**

32. The agenda includes those pieces of correspondence addressed to Council, the Mayor, the Clerk or any other staff member that should be brought to the attention of the Council.

### **(a) Correspondence - Received for Information**

General Correspondence will be copied on the Agenda and will be received for information

### **(b) Correspondence - Requiring Action**

Correspondence requiring action will be copied on the Agenda but will come forward with a Recommendation from the appropriate Department Head.

### **(c) Correspondence – Referred**

Correspondence To Be Referred will be copied on the Agenda and the Clerk will ensure copies are referred to the appropriate Department for inclusion on their next available Agenda.

## **UNFINISHED BUSINESS**

33. The items which have not been disposed of by Council or Committee on the date of their first appearance, shall be noted, and repeated on each subsequent Agenda until disposed of by Council or Committee, unless removed by leave of Council.

## **COMMITTEE & OTHER BOARDS REPORTS**

34. a) Reports of Standing Committee Meetings and the recommendations contained therein, shall be copied and circulated on the Agenda for Council. The Reports shall come forward with a cover report from the

Committee Chair summarizing the Actions. Upon introduction of the motion to adopt the Report, the Committee Chair or Vice-Chair will have an opportunity to speak to the report. Upon adoption, all recommendations contained therein are adopted and are authorized, with the exception of those items requiring final disposition by Council. Those items shall appear as a Motion on the Regular Council Agenda.

- b) Reports from Other Boards and Committees shall be copied and circulated with the Council Agenda and be received and/or adopted at the pleasure of Council.

## **NOTICES OF MOTION**

### **35. (a) Notices of Motion**

Under the “Notices of Motion” section of the Council Agenda, Members of Council may give notice of their intent to introduce a motion at an upcoming Standing Committee Meeting or Meeting of Council. Upon giving that notice the Member of Council shall ensure a copy of such motion is provided to the appropriate office prior to preparation of the next Agenda.

## **MOTIONS WHERE NOTICE HAS BEEN GIVEN**

36. All Motions where notice has been given, shall be listed on the Agenda.

### **(a) Dispensing with Notice (Direct Motion Without Notice)**

Any motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds majority of the voting Members in attendance.

### **(b) Seconding**

A motion must be formally seconded before the Head of Council or Presiding Officer can put the question, or for the motion to be recorded in the minutes.

### **(c) Presentation of Motion by Chair**

When a motion is presented to Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.

(d) **Amendment**

A motion to amend:

- (i) shall be in writing provided however that a motion to amend may be presented orally by the original mover.
- (ii) shall receive disposition of Council before a previous amendment or the question.
- (iii) shall not be further amended more than once provided that further amendment may be made to the main question.
- (iv) shall be relevant to the question to be received.
- (v) shall not be received proposing a direct negative to the question.
- (vi) may propose a separate and distinct disposition of a question.
- (vii) shall be put in the reverse order to that in which it is moved.

(e) **Friendly Amendment**

A member may propose to change a motion in a manner that does not affect the overall meaning of the motion, such as a change in wording, punctuation, or word order. Provided the original mover and seconder consent to the proposed change, the original motion may be amended without necessity of a vote.

(f) **Withdrawal**

After a motion is read or has been stated by the Presiding Officer it shall be deemed to be in possession of Council and can be withdrawn before decision or amendment only with leave of Council.

(g) **Priority of Disposition**

A motion properly before Council for decision must receive disposition before any other motion can be received except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit or on a matter of privilege.

(h) **The Previous Question**

A motion for the previous question:

- (i) cannot be amended.

- (ii) cannot be proposed when there is an amendment under consideration.
- (iii) shall preclude all amendment of the main question.
- (iv) when resolved in the affirmative, is to be put forthwith without debate or amendment.
- (v) when resolved in the negative, shall not be put at the meeting but placed on the routine of business for the next ordinary meeting of Council or such later meeting as Council may decide, but not later than the last ordinary meeting of Council to be held in the year in which the original motion was made.
- (vi) cannot be received in any Committee of Council.
- (vii) can only be moved in the following words “That the question be now put”.
- (viii) may be voted against by the mover and seconder.

**(i) Voting on Motions**

**(i) Open Voting**

Except for the appointment of the Head of Council, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

**(ii) Tie Votes**

Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any statute.

**(iii) Questions Stated**

Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. The Presiding Officer shall state the question in the precise form in which it will be recorded in the minutes.

**(iv) No Interruption After Question**

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 by Members so appointed, and the result has been declared.

(v) **Unrecorded Vote**

The manner of determining the decision of Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

(vi) **Recorded Vote**

When 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, all Members present at the Council or Committee Meeting must vote in alphabetical order, 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.

(vii) **Failure to Vote**

A failure to vote under subsection (vi) by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

(j) **Rules of Debate**

(i) Every Member prior to speaking to any question or motion shall address the Presiding Officer. When two or more Members wish to speak, the Presiding Officer shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, rose first. Every Member present at a meeting when a question is put shall vote thereon unless prohibited by Statute.

(ii) When the Presiding Officer calls for the vote on a question, each Member shall occupy his or her seat and shall remain in his or her 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 or speak to any other Member or make any noise or disturbance.

(iii) 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.

- (iv) The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure.
  - (aa) a point of order or personal privilege.
  - (bb) presentation of petitions.
  - (cc) to lay on the table.
  - (dd) to postpone indefinitely or to a day certain.
  - (ee) to move the previous question.
  - (ff) to make a friendly amendment.
  - (gg) to adjourn the Meeting
  
- (v) The following motions may be introduced without notice and without leave, but such motions shall be in writing and properly moved and seconded.
  - (aa) to refer.
  - (bb) to amend.
  - (cc) to suspend the Rules of Procedure.
  
- (vi) Except as provided by Paragraph 36 (l) (iv), all motions shall be in writing and signed by the mover and seconder.
  
- (vii) In all unprovided cases in the proceedings of Council or a Committee thereof, the matter shall be decided by the Presiding Officer, subject to an appeal to Council upon a point of order.

## **BY-LAWS**

- 37. (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 recommended to move forward by the appropriate Standing Committee, Committee of the Whole or the C.A.O.
  
- (b) Every By-Law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception of the number and date.
  
- (c) Every By-Law shall be introduced by motion and the Chair of the appropriate Standing Committee may give a brief explanation of same.

- (d) The first, second, third and final reading of a By-Law shall be done by one motion.
- (e) If Council determines that the By-Law is to be considered in Committee of the Whole Council, it shall be so considered before the third reading thereof.
- (f) Any proposed By-Law after second reading may, upon direction of Council be advertised in the local papers.
- (g) The Clerk shall be responsible for the correctness of the By-Law when and as amended.
- (h) Every By-Law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and by the Head of Council or Presiding Officer at the Meeting at which the By-Law was passed and shall be deposited by the Clerk in the By-Law Book.
- (i) If by oversight the Seal of the Corporation was not affixed to a By-Law, it may be affixed at any time afterwards and when so affixed, the By-Law is as valid as if it had been originally sealed.
- (j)
  - (i) where by this or any other Act a By-Law may be passed by Council upon the application of a prescribed number of electors or inhabitants of the Municipality or geographic area, the By-Law shall not be finally passed until the Clerk has certified that the application was sufficiently signed.
  - (ii) for the purposes of inquiring into the sufficiency of the application, the Clerk has the powers of a commission under Part II of the *Public Inquiries Act*, which part applies to the inquire as if it were an inquiry under that Act.
  - (iii) the Certificate of the Clerk is conclusive that the application was sufficiently signed.
- (k) Notwithstanding the above, the motion for the Confirming By-Law shall be read a first, second, third and final time, without debate or question.

## **MAYOR'S AND COUNCILLORS REPORTS**

38. The Mayor may take this opportunity to advise Council Members or those in attendance of any past or upcoming events of interest, or any matters still pending decision or direction of Council.

Members of Council may then give a report or a statement of fact. Debate on issues raised is not permitted.

## **CALLING OF COMMITTEE MEETINGS**

39. The Chair of each Standing Committee will announce the date, time and place of any meeting to be held prior to the next Regular Meeting of Council.

## **QUESTION PERIOD**

40. A fifteen (15) minute session wherein persons in attendance at the Regular Meeting of Council has an opportunity to raise questions pertaining to items that were dealt with by Council on that evening's Agenda.

## **ADJOURNMENT**

41. The meeting will be adjourned by the Presiding Officer or Chair.

## **POINTS OF ORDER AND PRIVILEGES**

42. (a) The Presiding Officer shall preserve order and decide questions of order.
- (b) The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- (c) Any question of procedure at any meetings of Council or Committee, which has not been provided for in this Procedural By-Law, shall be determined by the Chair in accordance with Robert's Rules of Order.

## **SECTION III: RECORDS**

43. Subject to The *Municipal Freedom of Information and Protection of Privacy Act*, any person may, at all reasonable times, inspect any of the records under control of the Clerk, including,
- (a) By-Laws and Resolutions of the Municipality and of its local boards;

- (b) Minutes and proceedings of Regular, Special or Committee Meetings of the Council or local board, whether the Minutes or proceedings have been adopted or not;
  - (c) Records considered at a meeting, except those records considered during that part of a meeting that was closed to the public;
  - (d) The records of the Council;
  - (e) Statements of remuneration and expenses prepared under section 284 of the *Municipal Act*.
44. Upon request, the Clerk shall, within a reasonable time, provide a certified copy under Seal of the Municipality of any record referred to in Section 43 to any applicant who pays the established fee.
- 45.
- (a) Records of the Municipality and its local boards shall be retained and preserved in a secure and accessible manner.
  - (b) The requirement to preserve records in an accessible manner means that the records can be retrieved within a reasonable time and that the records are in a format that allows the content of the records to be readily ascertained by a person inspecting the records.
- 46.
- (a) A record of a Municipality or local board must be retained pursuant to the Records Retention Policy.
  - (b) A record of a Municipality or local board may only be destroyed if the retention period has expired or the record is a copy of the original record.
  - (c) Except as provided by any other statute, a record of a Municipality or local board may only be destroyed in accordance with this section.

#### **SECTION IV: COMMITTEES**

47. If Council is required by Law to hold a Hearing or give interested parties an opportunity to be heard before doing any act, passing a By-Law or making a decision, Council may delegate that responsibility to a Committee of Council.
48. The Committee shall provide its recommendations to Council after which Council may pass the By-Law or make the decision.

49. If the Committee of Council holds a Hearing or gives interested parties an opportunity to be heard, Council is not required to do so.
50. If the decision to be made by Council on a matter is a Statutory Power of decision within the meaning of the *Statutory Powers Procedure Act*, that Act, except sections 17., 17.1, 18 and 19 applies to the Committee and to the hearing conducted by it.
51. The rules of Council shall be observed in Committee, with the exception of those items specified herein.
- (a) Any Member of Council may attend any Standing Committee Meeting and may participate in the discussion. Should an appointed Member of Council to a Standing Committee be unable to attend a scheduled Meeting, he may request the attendance of any other Member of Council and that Member of Council, while in attendance at the said Meeting, shall have all the rights of the member so appointed.
- (b) The Mayor and Deputy-Mayor shall act as a Striking Committee and shall recommend to Council, on or before the Inaugural Meeting of Council, by Report, the appointment of four (4) Members of Council to each of the following Committees: -
- (i) **Community Services Committee**  
 \* responsible for: Fire Department  
 Recreation Department  
 Parks & Facilities  
 Special Events
- (Paramedic, Ministry of Natural Resources & Ontario Provincial Police representatives attend for information sharing purposes)
- (ii) **Development Committee**  
 \* responsible for: Planning & Building Matters
- (iii) **General Government Committee**  
 \* responsible for: Administration Department  
 Economic Development  
 By-Law  
 Business Licensing  
 General Administrative matters.

- (iv) **Public Works Committee**  
\* responsible for: Public Works Matters

- (c) The Mayor and Deputy-Mayor may act as a Striking Committee to recommend to Council, by Report, the alternating of the four (4) Members of Council on each of the four (4) Standing Committees during the term of Council.

## **SECTION V: CONDUCT OF MEMBERS OF COUNCIL**

- 52. No Member shall speak disrespectfully of the Reigning Sovereign, any Member of the Royal Family, the Governor-General, the Lieutenant-Governor of any Province, any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
- 53. No Member shall:
  - (a) use offensive words or unparliamentary language in or against Council as a whole or against any individual Member.
  - (b) speak on any subject other than the subject in debate.
  - (c) criticize any decision of Council except for the purpose of moving that the question be reconsidered.
  - (d) disobey the rules of Council or a decision of the Head of Council or Presiding Officer or of Council on questions of order or practice or upon the interpretation of the Rules of Council,
  - (e) and, 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 question, no amendment, 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”.
- 54. No person except Members and Officers of Council shall be allowed to approach Council during the sittings of Council without permission of the Presiding Officer or Council upon reference.
- 55. When the Chair is putting the question no Member shall leave or make a disturbance.

**SECTION VI:   SUSPENSION OF RULES**

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

**SECTION VII:   AMENDMENT**

57. No amendment or repeal of this By-Law or any part thereof shall be considered at any Meeting of Council unless notice of proposed amendment or repeal has been given at a previous Regular Meeting of Council and the waiving of this notice by Council is prohibited.

**SECTION VIII:   EFFECTIVE DATE**

58. This By-Law shall become effective upon the date of enactment.

59. Where any By-Law passed prior to this By-Law conflicts with this By-Law, the terms of this By-Law shall prevail.

60. That By-Law #2004-49 passed the 22<sup>nd</sup> day of June, 2005, and any amendments thereto, are hereby rescinded.

Read a first and second time this 28th

day of February, 2006.

Original Signed by C. Patterson  
MAYOR

Original Signed by A. Johnstone  
CLERK

Read a third time and finally passed this

28th day of February, 2006.

Original Signed by C. Patterson  
MAYOR

Original Signed by A. Johnstone  
CLERK