

OFFICE CONSOLIDATION VERSION
PROCEDURAL BY-LAW

**CORPORATION OF THE TOWNSHIP OF GILLIES
BY-LAW NO. 650**

Being a by-law to govern the proceedings of Council, the conduct of its Members and the calling of Meetings, and to repeal By-law #516.

WHEREAS section 238 (2) of the *Municipal Act, 2001* provides that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings; and

WHEREAS section 238 (2.1) of the *Municipal Act, 2001* provides that the procedure by-law shall provide for public notice of Meetings.

NOW THEREFORE the Council of The Corporation of the Township of Gillies hereby enacts the following:

1. Short Title

This By-law may be cited as the "The Procedural By-law".

2. Definitions

In this by-law, the words set out in the subsections of this section are intended to be interpreted using the meanings ascribed to them in this section. (per By-law 2013-729)

- 2.1 "Act" has the meaning set out in the first recital to this by-law. (per By-law 2013-729)
- 2.2 "Clerk" means the person who has been appointed by the Council to fulfil the duties of a municipal clerk (as set out in the Act) for the Municipality. (per By-law 2013-729)
- 2.3 "Committee" means any advisory or other committee, subcommittee or similar entity composed of Members of one or more Councils.
- 2.4 "Council" means the Council of the Municipality. (per By-law 2013-729)

2.4.1 An "Information Session" is an informal meeting of the Council or a Committee where no business is or can be conducted and no votes taken. At an Information Session, Members in attendance may receive instruction or information on a particular topic. (per By-law 2013-729)

2.5 "Meeting", when applied to a meeting of the Council, means a duly called and constituted regular or special meeting of the Council, established in accordance with the rules set out in this by-law. "Meeting" when applied to a meeting of a Committee, means a duly called and constituted regular or special meeting of that Committee, established in accordance with the rules set out in this by-law, or with the rules set out in a by-law establishing the committee in question, whichever is applicable. The mere presence of a quorum of Members of Council or a Committee in a single place at a single time does not constitute a Meeting of the Council or the Committee. (per By-law 2013-729)

2.6 "Member" means a member of Council, including the Reeve, or a member of a Committee, as applicable. (per By-law 2013-729)

2.7 "Municipality" means The Corporation of the Township of Gillies.

3. Application

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of the business of the Council. The rules and regulations contained in this by-law may be suspended by a vote of the Council. In any case for which provision is not made in this by-law, the applicable procedural rules will be those found in the most current edition of "Robert's Rules of Order.

(per By-law 2013-729)

4. Holding of Council Meetings

Regular Meetings of Council shall be held in the Council Chambers at 7:00 PM,

- on the second Monday of each month; and
- on the fourth Monday of each month except during the months of July, August, and December; and
- where a regular Council Meeting falls on a Statutory or Civic Holiday on the Monday, the Meeting shall take place on the second or fourth Tuesday, as the case may be.
(per By-law 2012-706)

4.1 Notice of Regular Council Meetings

- (a) Notice of all regular Meetings shall be posted on the Township website and published in each issue of Gillies Community News.
- (b) Council may, by resolution alter the date and/or time of a regular Meeting provided that 48 hours notice of the change is posted in the Municipal Office, at the Green Acres Variety, and on the Municipal Website.
(per By-law 2012-706)
- (c) Council may, by resolution at a prior Meeting, or by request of the Reeve and consensus of Members, cancel the date of a subsequent regular Meeting due to the lack of an agenda, provided that 48 hours' notice of the cancellation is posted in the Municipal Office, at the Green Acres Variety, and on the Municipal Website.
(per By-law 2012-706)

4.2 Notice of Special Council Meetings

- (a) The Reeve may at any time summon a special Meeting of Council to be held in the Council Chambers.
- (b) The Clerk shall summon a special Meeting upon receipt of a petition of the majority of the Council Members for the purpose of and at the time and date mentioned in the petition.
- (c) In either case of (a) or (b) above, the special Meeting shall be held no sooner than 24 hours following the Reeve's

summons or receipt of the petition, as the case may be, and the Clerk shall provide notice of the special Meeting immediately, insofar as is practical, following receipt of the summons or petition.

- (d) Notice of special Meetings of Council shall be given to the public by a notice being posted on the public bulletin boards at the Municipal Office and at the Green Acres Variety Store, and also posted on the Municipal Website.
(per By-law 2013-729)
- (e) The only business to be dealt with at a special Meeting is that listed in the notice of the Meeting.

4.3 Prohibition

No Council or Committee business may be undertaken except at a Meeting as defined in this by-law.
(per By-law 2013-729)

4.4 Information Sessions

- (a) Information Sessions may be arranged for Members at any time, upon request of any Member, subject to budgetary compliance.
- (b) Information Sessions do not require quorum.
- (c) No public notice of an Information Session is required.
(per By-law 2013-729)

5. Chair of Meetings

- (a) The Reeve shall preside at all Meetings of the Council.
- (b) A by-law appointing an Acting Reeve for each year of the term of Council, shall be enacted and passed at the first Meeting of Council following an election. 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 Reeve, and while so acting, the Acting Reeve has and may exercise all the rights, powers and authority of the Reeve. *(per By-law 2010-676)*

6. Open and Closed Meetings

- (a) All Council Meetings shall be open to the public.
- (b) Notwithstanding 6(a) above, a Meeting may be closed to the public in accordance with the Act.
- (c) Meetings or sessions which are closed to the public may be referred to as in-camera Meetings, closed Meetings, or closed sessions.
- (d) Minutes of a closed session shall be kept in accordance with section 11 of this by-law, and shall be adopted during a subsequent closed Meeting.

7. Calling of Meeting to Order and Quorum

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

7.1 Quorum Requirements

- (a) If the number of Members who, by reason of any legislation are disabled from participating in a Meeting, is such that there is no quorum, despite any other legislation, any number that is not less than one-third of the total number of Members of the Council shall be deemed to constitute a quorum, but the number shall not be less than two unless an order is made under (c) authorizing it.
- (b) When the remaining number of Members under (a) is two, the concurrent votes of both are necessary to carry any resolution, by-law or other measure.
- (c) If the remaining number of Members who are not disabled from participating in the Meeting is less than one-third of the total number of Members or less than two, as the case may be, the Council may apply to a judge without notice for an order authorizing the Council to give consideration to, to discuss, and to vote on the matter out of which the pecuniary interests arise, as prescribed under Section 7 of the *Municipal Conflict of Interest Act*.

7.2 No Quorum

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

8. Curfew

No new item of business may be dealt with at a Meeting after 10:30 PM, unless a resolution to extend the time has been passed.

9. The Conduct of Proceedings at a Meeting of Council

9.1 Duties of the Reeve

It shall be the duty of the Reeve,

- (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 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 the rules of procedure;
- (f) to enforce on all occasions the observance of order and decorum among the Members;
- (g) to call by name any Member persisting in breach of the rules or order of the Council, thereby ordering the Member to vacate the Council chambers;

- (h) to receive all messages and other communications and announce them to the Council;
- (i) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council;
- (j) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
- (k) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
- (l) to ensure that the decisions of Council conform to the laws and by-laws governing the activities of the Council;
- (m) to adjourn the Meeting when the business is concluded;
- (n) to adjourn the Meeting without question put, in the case of grave disorder arising in the Council chamber;
- (o) to expel from a Meeting anyone who engages in improper conduct, as listed in subsection 9.2 of this by-law.

9.2 Conduct of Members of Council and Guests

No person shall:

- (a) use offensive words or gestures or unparliamentary language in or against the Council or against any Member, staff or guest;
- (b) speak on any subject other than the subject in debate;
- (c) disturb another, or the Council, staff or guest by any disorderly conduct disconcerting to the presiding Member or the assembly;
- (d) resist the rules of Council or disobey the decisions of the Reeve or presiding Member on questions of order or practice or upon the interpretation of the rules of Council;
- (e) leave a Meeting without first obtaining permission from the presiding Member;

- (f) be permitted to retake his or her seat after being ordered to vacate having committed a breach of any rule of the Council, until the next Meeting and without making an apology to Council;
- (g) interrupt the Member who has the floor except to raise a point of order; or
- (h) be allowed to address Council or speak in debate without the permission of the presiding Member.

9.3 Manner of Speaking

Unless otherwise authorized by the presiding Member, all Members, staff and guests shall address Council through the chair and only when recognized to do so.

9.4 Order of Speaking

When two or more Members seek to address Council, the Reeve shall designate the Member who may speak first.

10. Agenda

- (a) The Clerk shall prepare agendas of Council Meetings as assigned.
- (b) Insofar as is practicable, Council agendas along with supporting material, shall be prepared and made available to Members after 3 PM on the Thursday preceding a regular Meeting.
- ~~(c) Written reports of Members/staff shall, insofar as is practicable, be included in the agenda packages distributed in accordance with Subsection 10(b).~~
(per By-law 2013-729)
- ~~(d) Agendas shall be generally formatted, and contain the information, as follows, but modifications to the matters to be included or the order of business may be effected without requiring amendment to this by-law:~~

- i. Under the first heading "Confirmation of Agenda", no material is provided, however, at this point in the Meeting, the assembly may pass a resolution to add to or subtract from the agenda, or to re-arrange the order of business to be presented. Any items added to the agenda will be included under the heading "New Business" (ix below).
- ii. Under the second heading "Disclosures of Interest", no material is provided, however, at this point in the Meeting, Members may declare pecuniary interests as provided for in the *Municipal Conflict of Interest Act* (R.S.O. 1990, c. M.50, as amended) or they may declare ethical or other interests in accordance with conscience.
- iii. Under the third heading, "Adoption of Minutes of Previous Meetings", the agenda will include draft minutes of the prior Meeting, together with the Minutes of any Meetings that occurred between the date of the current Meeting and the previous one.
- iv. Under the fourth heading "Visitors and Deputations", the agenda will list those persons who were scheduled to appear before the assembly in accordance with Subsection 13(a) of this by-law or by other invitation or arrangement. The agenda material will include any letter or other print information provided by the deputant or visitor.
- v. Under the fifth heading "Finances and Accounts", the payroll and account reports will be presented for adoption by Council, and any administrative reports of a financial nature, including budget presentations or variance reports, will be listed. The agenda material will include the administrative reports relating to the subject at hand.
- vi. Under the sixth heading "Reports", the agenda will include the reports of municipal staff, Committees, Members and volunteers. The agenda material will include the printed reports to be presented.

- vii. Under the seventh heading "Correspondence", the agenda will include any correspondence received by email, webmail, courier, delivery or regular letter post, which requires or seeks action by the Council. Any correspondence so received that does not require a decision of Council will be made available for Council (or Committee, as applicable) Members to review, but will not be included as part of the agenda.
- viii. Under the eighth heading "Unfinished Business", the agenda will include reports or follow-up memoranda relating to matters of business that are ongoing before the Council (or Committee, as applicable). This is also the section of the agenda where the Clerk will include any motions to reconsider prior decisions under Subsection 15A(d) of this by-law.
- ix. Under the ninth heading "New Business", Council will consider matters added when the agenda was confirmed. Members will also be given an opportunity to make requests of municipal staff or Committees for reports on matters of interest. Members may also bring notices of motion in accordance with Subsection 15(a) of this by-law. The agenda will not contain any listed items. Reports will be presented on the new business item only if a resolution of Council is passed to request it, and will appear in the "Reports" section of a future agenda.
- x. Under the tenth heading "Upcoming Matters", the agenda will list any items scheduled for future Meetings of Council (or Committee, as applicable). Members may consider adjustments to the proposed timing of those matters. In addition, Members will be given an opportunity to announce any upcoming matters of interest to the assembly.
- xi. Under the eleventh heading "Closed Session", Council (or Committee as applicable) will resolve into closed session to consider matters it is entitled to consider in accordance with Section 239 of the Act.

The agenda will list the reports or memoranda presented, which are considered to be confidential. The agenda package will include these reports, clearly identified as confidential.

- xii. Under the twelfth heading "Matters Arising from Closed Session", Council (or Committee, as applicable) will consider in public any resolutions arising from matters considered when the Meeting was closed to the public.
 - xiii. Under the thirteenth heading "By-laws", Council will consider by-laws presented as previously directed. The full text of by-laws for passage will be included in the agenda package either under this section, or as an attachment to a report considered under the "Reports" section described in vi above.
 - xiv. Under the fourteenth heading "Adjournment", the Council will consider a motion to adjourn the Meeting. The agenda package will not contain information under this section.
(per By-law 2013-729)
- (e) The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the consensus of Council.
- (f) A copy of the agenda shall be posted at the Municipal Office and at Green Acres Variety, and shall be posted on the Municipal website, by five (5) p.m. on the Thursday preceding a regular Meeting of Council, and as soon as possible prior to the commencement of a special Meeting of Council.
(per By-law 2013-729)

11. Minutes

Minutes of open and closed Meetings shall record:

- (a) The place, date and time of Meeting;
- (b) The name of the Chair, and the attendance of the Members and staff;

- (c) Disclosure of interest;
- (d) The names of guests or deputations;
- (e) The reading, if requested, correction and adoption of the minutes of prior Meetings;
- (f) All other proceedings of the Meeting without note or comment, unless the individual making the comment requests the comments to be recorded;
- (g) The time of adjournment.

12. Petitions and Communications

Every communication, including a petition designed to be presented to the Council shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by a least one person and filed with the Clerk.

13. Deputations

- (a) Persons desiring to present information verbally on matters of facts or make a request of Council shall give notice in writing to the Clerk by 4:30 PM of the Wednesday prior to the Monday regular Council Meeting and may be heard by leave of the Reeve, 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.
- (b) The notice shall be legibly written and shall include a brief summary of the matter or matters that is/are to be presented.
- (c) Persons desiring to make a request of Council who have not given notice to the Clerk may be heard if all Members of Council agree to hear the request.

14. Reading of By-Laws and Proceedings Therein

- (a) A by-law may be introduced in draft form for Council information and input for consideration of enactment at a subsequent Meeting and this does not constitute as a reading of the by-law.
- (b) No by-law shall be presented to Council for enactment unless the subject matter has been considered and approved by Council, or unless it is a by-law that must be enacted annually under any legislation.
- (c) Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the by-law and general nature thereof.
- (d) Every by-law when introduced shall be in typewritten format and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any legislation and shall be complete with the exception of the number and date thereof.
- (e) Every by-law shall require only one reading prior to it being enacted and passed, unless requested otherwise by motion of the majority of the Members present or as otherwise provided in law to have more than one reading.
- (f) If it has been determined by motion or law that a by-law is to have three readings, the first and second reading of a by-law shall be received without amendment or debate.
- (g) If Council so determines, a by-law may be considered as being read. Also, Council may permit the presentation of a synopsis in place of a complete reading of a by-law.
- (h) Any proposed or draft by-law may be referred to a Committee, department head, or officer for review and comment, including the solicitor for the Municipality.
- (i) Upon passage, by-laws shall be numbered, signed by the Reeve and the Clerk, embossed with the seal of the Municipality, embedded in the by-law book and deposited

by the Clerk in the Municipal office for safekeeping.

- (j) The Clerk shall set out on all by-laws enacted by Council the date of passing and if applicable, the dates of the several readings.

15. Motions/Rules of Debate

- (a) Notice of motions, except those listed in Sections 15 (p) and (q) of this by-law, or raised at a previous Council Meeting under 'Upcoming Matters', shall be given in writing to the Clerk not later than 4:30 PM on the Wednesday preceding the next regular Meeting so that the matter may be included in the Council agenda package.
- (b) *(deleted by By-law 2013-729)*
- (c) When a notice of motion has appeared on two successive agendas and has not been proceeded with, it shall be dropped from the agenda unless Council otherwise decides.
- (d) A motion must be formally seconded before the question can be put or a motion be recorded in the minutes.
- (e) When a motion is presented to Council in writing, it shall be read, or, if it is an oral motion, it shall be stated, by the presiding Member before debate.
- (f) A motion to amend a motion that is on the floor shall:
 - (i) be presented in writing;
 - (ii) be dealt with by Council before a previous amendment or the main motion;
 - (iii) not be further amended more than once provided that further amendment may be made to the main motion;
 - (iv) be relevant to the main motion; and
 - (v) not propose a direct negative to the main motion.

- (g) Once read or stated by the presiding Member, a motion may not be withdrawn without the consent of the majority of the Members.
- (h) Immediately prior to voting on a motion, the presiding Member shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question. Where the motion appears as text in a report, a précis of the question may be read. (per By-law 2013-729)
- (i) After a motion as amended is finally put, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
- (j) On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Reeve and may be by voice, show of hands, standing or otherwise. Every Member present, except a Member who is disqualified from voting by any legislation, shall vote openly. If any Member does not vote, he or she shall be deemed to have voted in the negative.
- (k) If a Member present at a Meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any legislation, shall, announce his or her vote openly, and the Clerk shall record each vote.
- (l) The Reeve, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
- (m) Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any legislation.
- (n) No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
- (o) 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.

- (p) The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided by these rules of procedure:
 - (i) a point of order or personal privilege;
 - (ii) presentations of petitions;
 - (iii) to lay on the table; (to defer temporarily)
 - (iv) to postpone indefinitely or to a specific day; or
 - (v) to move the previous question (immediate vote on the main motion).

- (q) The following motions 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.

- (r) Except as otherwise permitted in this by-law, motions shall be introduced in writing. Where a motion arises out of a report, the report fulfils the writing requirement. (per By-law 2013-729)

15A. Revisiting Prior Decisions of Council

- (a) Revote: Any Member of an assembly may request that Members undertake a re-vote on any decision made at the same Meeting. Each matter of business may be subject to a re-vote only once during each Meeting. A request for a re-vote does not require a seconder.

- (b) Rescission upon Request: Any Member of an assembly may request that a resolution passed at a prior Meeting be rescinded, provided the minutes of that Meeting have not as yet been approved. The Member requesting the rescission shall do so at the time the minutes are presented for approval. No seconder is required for a rescission motion under this subsection. Each resolution may be subject to a rescission motion only once during each Meeting. Any Member of may request a new report relating to a resolution that has been rescinded, however, that report will not be produced unless a resolution of Council (or Committee, as applicable) approves. Without a resolution of Council (or Committee, as applicable), the assembly shall not, during its current term of office, re-consider a matter for which a resolution has been rescinded.
- (c) Amendment upon Request: Any Member of the assembly may request that a resolution passed at a prior Meeting be amended, provided the minutes of that Meeting have not as yet been approved. The Member requesting the amendment shall do so at the time the minutes are presented for approval. No seconder is required for an amendment motion under this subsection. Each resolution may be subject to a rescission motion only once during each Meeting. Any Member of the assembly may request a new report relating to a resolution that has been rescinded, however, that report will not be produced unless a resolution of Council (or Committee, as applicable) approves.
- (d) Rescission or Amendment by Motion: Any Member of the assembly may request that a resolution already passed and approved be rescinded or amended, however, such a request requires a mover and seconder, and must be included in the agenda for the Meeting at which the motion is to be considered. The mover and seconder shall provide notice to the Clerk that they will bring the motion at the next regular Meeting of Council on or before 4:30 p.m. on the Wednesday prior to that Meeting, in order to enable the Clerk to include it in the agenda for that Meeting.

- (e) By-laws: Decisions undertaken by By-law may only be reconsidered through formal amendments to the by-law, which require a report from Administration. A Member of Council wishing to have Council amend a by-law may bring a motion (with a seconder) requesting a report relating to the request.

(per By-law 2013-729)

16. Points of Order and Privileges

- (a) The presiding Member 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) In all matters and under all circumstances the Members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.

17. Advisory Committee Meetings

- (a) Meetings of advisory Committees shall be held as may be determined from time to time by the appointed Chair of each advisory Committee, at a public location acceptable to the Members. The Chair shall give oral or written notification of the date, time and location of the Meeting to the Clerk, who shall post notice of the Meeting on the Municipal Website at least 24 hours prior to the holding of the meeting.
- (b) Upon oral or written notification given to the Clerk by the Chair, a called Meeting may be cancelled as long as notice of the cancellation can be posted on the Municipal Website by the Clerk at least 4 hours prior to the intended start time of the cancelled Meeting.
- (c) All Meetings shall be open to the public.
- (d) The Chair, or an alternate Council Member who is a Member of the Committee, shall preside at all Meetings.

- (e) At least one Council Member and one non-Council Member must be present for quorum. If there is no quorum present within 15 minutes of the start time of the Meeting, the Meeting shall stand adjourned until rescheduled by the Chair, within the notice provisions of subsection 17 (a) of this by-law.
- (f) The rules set out in this by-law apply to Meetings of all Committees, as applicable. (per By-law 2013-729)

18. 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.

19. That By-law #516 is hereby repealed.

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

Hereby enacted and passed this 14th day of September 2009.
(Amended by 2010-676; 2012-706 and 2013-729)