

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 4-19

A By-Law to Govern the Proceedings of Council & Committees of Council

WHEREAS pursuant to the *Municipal Act 2001*, as amended, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Corporation of the Municipality of North Grenville deems it advisable to adopt a procedure by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville enacts as follows:

1. 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 business in the Council and in the Committees thereof.

2. **SHORT TITLE**

This by-law may be referred to as the "Procedural By-Law".

3. **DEFINITIONS**

In this by-law

- a) "*C.A.O.*" shall mean the Chief Administrative Officer of the Municipality of North Grenville.
- b) "*Clerk*" shall mean the Clerk of the Municipality of North Grenville.
- c) "*Closed Session*" shall mean a closed meeting to allow Council to consider business which, in the public interest, must be kept confidential.
- d) "*Committee of the Whole*" shall mean a working committee made up of all members of Council where less formal procedures are followed.
- e) "*Council*" shall mean the Council of the Municipality of North Grenville.
- f) "*Emergency*" shall mean a sudden, generally unexpected occurrence demanding the immediate action of Council.
- g) "*Head of Council*" shall mean the Mayor.
- h) "*Meeting*" shall mean any regular, special or other meeting of Council where,
 - i. A quorum of members is present, and
 - ii. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council.
- i) "*Quorum*" shall mean a majority of the total number of the voting members of the Council or Committee in attendance in person at the meeting.
- j) "*Recorded Vote*" shall mean the recording of the name and vote of every member on any matter or question where any member requests that the vote be recorded.
- k) "*Rules of Order*" shall be the rules to regulate conduct during meetings.

4. MEETINGS

- a) The Swearing-In Ceremony following each Municipal Election for members of Council shall be held in the Council Chambers on the 15th day of November. Should the 15th day of November fall on a Saturday or Sunday, the Swearing-In Ceremony shall be held on the following Monday.
- b) Regular meetings of Council shall be held on the third Tuesday of each month at 6:30 p.m. in the Council Chambers at 285 County Road 44 and shall be held in accordance with the schedule of meetings of Council prepared by the Clerk and approved by resolution of Council. In the case of an emergency, Council may hold the regular meeting at an alternate location as determined by Council.
- c) If a regular Council meeting falls on a day identified as a public or civic holiday, the Council shall meet at the same hour on the next following day which is not a public or civic holiday.
- d) All meetings shall be open to the public except as provided in the *Municipal Act 2001*, as amended. (see Appendix 1)
- e) Prior to holding a meeting or part of a meeting which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and include the general nature of the matter to be considered at the closed meeting.
- f) A meeting shall not be closed to the public during the taking of a vote with the exception of the following:
 - i. the meeting is closed to the public in accordance with the *Municipal Act*, and
 - ii. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or committee of either of them or persons retained by or under a contract with the Municipality.
- g) No item of business may be dealt with at a Council or Committee meeting after 10:30 p.m. except by unanimous vote of all members present.
- h) The ring tone on all cell phones and electronic devices in the meeting room shall be turned off prior to the start of Council and Committee meetings.
- i) Special Meetings
 - i. A special meeting of Council may be called
 - by the Mayor; or
 - upon receipt of a petition or a clearly expressed opinion 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.
 - ii. At any time during the absence or unavailability of the Mayor, the Deputy Mayor may call a special meeting.
 - iii. Notice shall be given to Council members and the media by electronic mail or telephone at least 24 hours prior to the time set for the meeting. The notice shall indicate the nature of the business to be considered at the special meeting, and the date, time and place of the meeting.
 - iv. Section 4.k) iii. does not apply in the case of an emergency meeting. Electronic notification of emergency meetings of Council shall be followed up by a telephone call to ensure receipt of notification if the member fails to acknowledge receipt of the notification.
- j) Public Notice of Meetings
 - i. At the first regular Council meeting in December of each year, Council shall adopt an annual calendar for the following year setting the meeting dates for regular Council and Committee of the Whole meetings. These meeting dates shall be posted on the calendar on the Municipal website.
 - ii. Public notice of special meetings, including meetings closed to the public, shall be by means of posting on the Municipal website immediately upon the call of the

- meeting, contacting the local media by electronic mail and, if time permits, by advertising in a local newspaper at least once prior to the subject meeting.
- iii. Public notice of public meetings shall be in a similar manner as regularly scheduled meetings of Council and in accordance with any prescribed or legislated requirements.
- iv. Public notice of an emergency meeting shall be by means of posting on the Municipal website immediately upon the call of the meeting and contacting the local media by telephone or electronic mail.
- v. Public notice of all other Council or Committee meetings shall be by means of posting on the Municipal website, at least seven (7) days prior to the scheduled meeting.

5. QUORUM

- a) As soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the Chair and call the members to order. A majority of the members of the Council in attendance in person at the meeting shall constitute a quorum.
- b) In the event that there shall be no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Clerk shall take the names of those present and the meeting shall stand adjourned.
- c) In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Deputy Mayor shall take the Chair and shall preside until the arrival of the Mayor.
- d) In the absence of the Mayor and Deputy Mayor, and if a quorum is present, the Clerk shall call the members to order. A resolution shall be passed to select an Acting Mayor from among the members present who will preside over the meeting until the arrival of the Mayor or Deputy Mayor.

6. ABSENCE OF HEAD OF COUNCIL

- a) A Deputy Mayor shall be appointed from the members of Council by resolution during the term of Council. The resolution shall identify the Councillor's name(s) and duration of the appointment(s).
- b) The Deputy Mayor shall act in the place of the Mayor when the Mayor is absent or refuses to act or the office is vacant and while so acting such Member has all the powers and duties of the Mayor.
- c) If both the Mayor and Deputy Mayor are absent or refuse to act or the offices are vacant, the Clerk shall call the Members to order if a quorum is present and an Acting Mayor shall be appointed by resolution from among the Members present and he/she shall preside until the arrival of the Mayor or Deputy Mayor. While so acting, such Member has all the powers and duties of the Mayor.
- d) A member of Council shall be appointed, by resolution, as the alternate member of the United Counties of Leeds & Grenville Council and shall act in the place of the Mayor when he/she is unable to attend a meeting of that body.

7. CONDUCT OF PROCEEDINGS AT MEETINGS OF COUNCIL

- a) It shall be the duty of the Mayor or other Presiding Officer
 - i. to open the meeting of Council by taking the Chair and calling the members to order,
 - ii. to receive and submit, in the proper manner, all motions presented by the members of Council,
 - iii. to put to vote all questions which are properly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
 - iv. to decline to put to vote motions which infringe upon the rules of procedure,

- v. to restrain the members, within the Rules of Order, when engaged in debate,
 - vi. to enforce, on all occasions, the observance of order and decorum among the members,
 - vii. to call by name any Council member persisting in breach of the Rules of Order of the Council, and to order him/her to vacate the Council Chamber,
 - viii. to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council,
 - ix. to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
 - x. to represent and support the Council, declaring its will and implicitly obeying its decisions in all things,
 - xi. to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council,
 - xii. with respect to recorded votes, 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/her vote openly. 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. The order of the vote shall be the member of Council who requested the recorded vote, followed by the remainder of Council in alphabetical order by last name, followed by the Mayor,
 - xiii. to adjourn the meeting when the business is concluded,
 - xiv. to adjourn the meeting without a vote in the case of grave disorder arising in the Council Chamber.
- b) The Clerk shall have prepared for the use of the members at the regular meetings of Council, an agenda and the following shall be the General Order of Business at each Council Meeting:
- A. Call to Order
 - B. Review of Revisions or Deletions to Agenda
 - C. Approval of Agenda
 - D. Disclosure of Interest
 - E. Review & Adoption of Minutes of the Previous Meeting
 - F. Deputations
 - G. Petitions
 - H. Communications
 - I. Reports of Members of Council
 - J. Reports of Municipal Officers
 - K. New Business
 - L. Notice of Motions
 - M. Period For Questions From the Public & Media Relating to Agenda Items
 - N. Adjournment
- c) Any member of Council, at any time prior to the preparation of the agenda, may file in writing an item for inclusion in the agenda under its appropriate heading.
- d) 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 Council.
- e) An item of business not listed on the Council agenda may only be introduced at a Council meeting under Review of Revisions or Deletions to Agenda. An addition to the agenda shall require Council's consent expressed by a resolution.

8. MINUTES

- a) Minutes shall record:
- i. The place, date and time of meeting;
 - ii. The names of the Presiding Officer or Officers and record of attendance of the members; and,
 - iii. All resolutions, decisions and other proceedings of the council without note or comment.

- b) Minutes of Council meetings shall be prepared by the Clerk or their designate and shall be made available to the members of Council prior to the next regular Council meeting for consideration, revision and adoption at the next regular Council meeting. Following adoption, they shall be made available to the public save and except those minutes and reports recorded during a meeting or part thereof that has been closed to the public in accordance with the *Municipal Act 2001*, as amended.
- c) The Clerk shall circulate a Draft Agenda to the Mayor for their review prior to finalizing the agenda for the meeting. Amendments can be made under “B. Review of Revisions or Deletions to Agenda”.

9. PETITIONS & COMMUNICATIONS

- a) 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 at least one person and filed with the Clerk.
- b) Every petition or communication to be included at any meeting shall be delivered to the Clerk not later than 12:00 noon on the Tuesday preceding the regular Council Meeting.
- c) A petition or communication may be introduced at a Council meeting with the consent of Council expressed by motion.

10. DEPUTATIONS

- a) Any person or deputation desiring to be heard by the Council shall inform the Clerk, in writing or in person, not later than 12:00 noon on the Wednesday preceding the regular Council meeting, stating the nature of the business to be discussed. Persons addressing Council shall confine their remarks to the stated business and shall have a maximum of ten (10) minutes to address Council. There shall be a maximum of two spokesman for each delegation. No person shall be permitted to address Council without first receiving permission from the Council.
- b) Special permission to address Council without the prescribed notice may be granted by Council, providing that the proper motion when presented, has been supported by the majority of Council members present. The Clerk shall list on the agenda, in the order which they are received a maximum of three (3) deputations. All other deputations received will be held over until the next regular meeting of Council.
- c) Deputations will be restricted to speak to only those items on the Council agenda or on information items of public interest.
- d) The Clerk or designate may direct that a deputation be received by the Committee of the Whole on a particular matter rather than addressing Council directly.
- e) Deputations shall not use indecent, offensive or insulting words, profanity or unparliamentary language against the Council, staff, guests or individuals.

11. UNFINISHED BUSIENSS

- a) The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by direction of Council.

12. BY-LAWS

- a) All by-laws shall be adopted in a single motion.
- b) In the event a majority of members of Council wish to further review a proposed by-

law, the approval shall be deferred to a subsequent meeting.

- c) Any proposed by-law may be referred to a Committee, Director, other Officer of the Corporation or the solicitor for review and comment.
- d) Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer.

13. MOTIONS

- a) When a motion is passed it becomes a resolution.
- b) Every motion must be formally seconded.
- c) Where possible, motions should be prepared before the meeting and filed with the Clerk for presentation at the meeting.
- d) *Ultra Vires* – A motion with respect to a matter which is beyond the jurisdiction of the Council shall not be in order.
- e) *Withdrawal* – After a motion is read or stated by the Mayor, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.
- f) *Priority of Disposition* – A motion properly before the Council for decision, must receive disposition before any other motion can be received, except motions to amend the main motion or in respect of matters listed in clause 13.(j).
- g) *Procedure Next Meeting* – A motion called in the order in which it stands upon the agenda of a meeting, and which is not decided by Council shall be allowed to stand, retaining its precedence upon the agenda of the next regular meeting of the Council.
- h) *Reference to a Committee* – At any time during debate on a motion, or on an amendment to a motion, a motion may be made to refer the matter under discussion to staff for an additional information, to a Committee of Council including Committee of the Whole for further review. If this motion is passed, there will be no further action on the main motion or amendment, until the Committee concerned has made its recommendation to Council.
- i) The following matters and motions with respect thereto may be introduced orally and without written notice and without leave, except as otherwise provide by these Rules of Order:
 - i. a point of order or of personal privilege
 - ii. presentation of petitions
 - iii. to lay on the table or "defer"
 - iv. to postpone indefinitely or to a certain day
 - v. to move the previous question
 - vi. to refer to a Committee.

14. RECONSIDERATION

- a) A resolution may be reconsidered, if at any time prior to the adjournment of the meeting at which it was passed, any member who voted on the resolution, gives notice in writing that he/she will move at the first regular meeting held thereafter, a motion for a reconsideration thereof.
- b) The Council may immediately, when such notice has been given, vote as to whether or not such notice of reconsideration be entertained.
- c) If such notice is given and accepted, no action shall be taken to carry into effect the main motion, until after the motion to reconsider has been disposed of.
- d) No further discussion of the main motion or on the motion to reconsider shall be

allowed unless and until the Council shall have voted to reconsider the same, but the Member who gives the notice may have the privilege of stating his/her reasons for so doing.

- e) 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.
- f) After any question has been decided the following shall prevail:
 - i. Any member of Council who voted thereon may give notice, within one calendar year after the question was decided, for a reconsideration of the question at any regular meeting of the Council. A 3/5 vote shall be required to carry the motion.
 - ii. Any time more than one calendar year after the question has been decided, the subject matter of the question shall be a proper matter to be brought forward as though it were a new question, and once the question has been allowed to be brought forward and has then been decided, sub-paragraph a) shall again prevail and similarly if the motion for reconsideration is not carried, sub-paragraph a) shall again prevail.
 - iii. Notwithstanding sub-paragraph a) hereof, any member of Council who did not vote on the question by reason of not being a duly elected member of Council at the time the vote was taken, shall be deemed to be a member of Council who voted thereon with the majority for the purpose of sub-paragraph 14.(f)(i) hereof.
 - iv. No discussion of the main question shall be allowed until the motion for reconsideration is carried and no question shall be reconsidered more than once in a calendar year.

15. COMMITTEE OF THE WHOLE

- a) Regular meetings of Committee of the Whole shall be held on the first and third Tuesday of the month at 6:30 p.m. and may be re-scheduled or cancelled as business dictates.
- b) The Clerk or designate will act as secretary of the Committee.
- c) Rules of regular Council will govern procedure.
- d) Matters decided upon by the Committee must be reported back to Council if action is to be taken.
- e) Council may, at the start of each year, direct certain Committee of the Whole Meetings to be held at locations in North Grenville other than the North Grenville Municipal Centre.

16. RULES OF DEBATE

- a) When a recorded vote is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member on any matter or question.
- b) If any member does not vote at a meeting of the Council when a question is put, he/she shall be deemed as voting in the negative, except where he/she is prohibited from voting by statute or he/she has declared a conflict of interest.
- c) No member, without leave of the Council, shall speak on the same question, or in reply, for longer than five minutes.
- d) Where a member considers that his/her integrity or the integrity of the Council as a whole has been questioned, 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 the attention of the Council to the matter.

17. PUBLIC CONSULTATION

- a) Public consultation shall be addressed by the following:
 - i. scheduled public meetings;
 - ii. general question periods at Committee of the Whole meetings; and
 - iii. other “town hall” meetings within North Grenville as determined by Council.
- b) Question periods at Council meetings shall be for the purpose of questions relating to agenda items only.

18. CONDUCT OF MEMBERS OF COUNCIL

- a) 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 question be reconsidered; or
 - iv. disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council.
- b) 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/her seat for the duration of the meeting of the Council" but if the member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.
- c) When the Chair is putting any question, no member shall leave or make a disturbance.

19. CONDUCT OF COMMITTEES

- a) Generally speaking, the rules governing the procedure of the Council shall also govern the procedures of Committees, however:
 - i. A motion may be verbal at the discretion of the Committee, but shall be recorded in the minutes.
 - ii. A member may speak any number of times on a motion but he/she may not speak more than once until every Member who desires to speak has spoken.

20. AMENDMENTS

- a) This by-law shall be reviewed during each term of Council.
- b) No review, amendment or repeal of this by-law or any part thereof shall be considered at any meeting of Committee of the Whole unless notice of the review, proposed amendment(s) or repeal has been given at a previous regular meeting of the Council, and the waiving of this notice by the Council is prohibited.
- c) By-Law 2-18, as amended, is hereby repealed.
- d) This by-law comes into force on the date of passing.

21. AUTHORITY

- a) Roberts "Rules of Order" shall be the final authority for any rules governing business procedures not covered in this by-law.

- b) Any procedure required by this by-law may be temporarily suspended with the consent of a majority of the Council present.
- 22.** The Clerk of the Municipality of North Grenville is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
- 23.** This by-law shall come into force on February 1, 2019.

PASSED AND ENACTED
THIS 14th DAY OF JANUARY, 2019.

NANCY PECKFORD
Mayor

CAHL POMINVILLE
Clerk

Appendix 1

Municipal Act 2001, as amended

Meetings open to public

239 (1) Except as provided in this section, all meetings shall be open to the public.

Exceptions

- (2) 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;
 - (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Other criteria

- (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
- (a) a request under the *Municipal Freedom of Information & Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
 - (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this *Act*, or the investigator referred to in subsection 239.2 (1).

Educational or training sessions

- (3.1) 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:
- 1. The meeting is held for the purpose of educating or training the members.
 - 2. 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).