



The Corporation of the Township of Joly

By Law No. 2013-02

Procedural By-Law

Being a By-Law to govern the proceedings of Council and Committees

The Corporation of the Township of Joly

By-Law 2013-01

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The Corporation of the Township of Joly

By-Law 2013-02

WHEREAS Section 238 of the Municipal Act, 2001, S.O. c. 25, as amended, provides that every Council shall adopt a procedure for governing the calling, place and proceedings of meetings;

BE IT ENACTED AS A BY-LAW FOR THE CORPORATION OF THE TOWNSHIP OF JOLY AS FOLLOWS;

Part 1: Short Title

This By-law shall be known as "The Procedural By-law" for the Corporation of the Township of Joly.

PART 2: Definitions

- (A) "Clerk" means the Clerk/Administrator Treasurer of the Corporation of the Township of Joly.
- (B) "CAO" means the CAO of the Corporation of the Township of Joly.
- (C) "Council" means the Council of the Corporation of the Township of Joly.
- (D) "Committee of the Whole" - shall mean a quorum of members of Council sitting as a Committee of the Whole, being an open Council Meeting, to deal with business matters;
- (E) "Head" of Council means the Mayor.
- (F) "Meeting" - shall mean any Regular, Special, Committee, Committee of the Whole or other meeting of Council and its Committees;
- (G) "Member" - shall mean a Member of the Council and shall include the Mayor;
- (H) "Motion" - shall mean a Resolution of Council or a Recommendation of a Committee that is under debate by Council or a Committee;
- (I) "Quorum" - shall mean a majority of the whole number of Members
- (J) "In Camera" - shall mean a meeting or part of a meeting of Council, not open to the public in accordance with the Municipal Act, 2001 S.O. c. 25, as amended;
- (K) "Recorded Vote" - shall mean the recording of the name and vote of every member voting on any matter or question during a Council meeting;
- (L) "Rules of Procedure" - shall mean the rules and regulations provided in this By-law.
- (M) "Committee" - shall mean a Committee established by the Council;
- (N) "Substantive Motion" means any motion except the following:
 - (1) To extend the time of the meeting;
 - (2) To refer;
 - (3) To amend;
 - (4) To lay on the table or defer;
 - (5) To postpone indefinitely or to set a specific day;

(6) To adjourn.

PART 3: GENERAL RULES

Applications

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.

Exceptions

The rules and regulations contained herein may be suspended by a vote of the Council or by prescribed legislation.

Deputy Mayor (Provisional)

In the absence of the Mayor or Head of Council from the Municipality, or if he/she is absent through illness or refuses to act, or if the Office is vacant, the provisional Deputy Mayor for the purposes of this By-law shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.

Appointment of Deputy Mayor (Provisional)

At the first meeting in January of each calendar year, or soon thereafter as can be addressed, Council shall appoint a Councilor to act in the place and instead of the Mayor in his/her absence for that term of council.

Area of Council

No person shall be allowed to enter the area of Council during meetings without the leave of the Mayor, except members and employees of the Corporation.

Council Meetings Open/Closed

All meetings of Council shall be open to the public, save and except those meetings or parts thereof that are dealing with a subject matter listed in the Municipal Act, that are permitted to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, Council shall, by resolution, state the fact that the meeting is closed and the general nature of the matter to be considered at the closed meeting.

Recording Devices

Tape recorders, camcorders, and any other like means of audio or visual recording of proceedings at meetings of Council and Committees of Council shall not be permitted except with the express consent of Council.

PART 4: COUNCIL MEETINGS

Location

Meetings of Council shall be held at the Township of Joly Municipal Office at 871 Forest Lake Road, Sundridge, Ontario, unless otherwise decided by Resolution of Council.

Inaugural Meeting

The first meeting of a newly elected Council, after a regular election, shall be held on the 2nd Tuesday of the month immediately following the election, commencing at 5:30 p.m., unless otherwise provided by resolution of the Council.

Regular Meetings

Regular meetings of Council shall be held on the second (2nd) Tuesday of every month commencing at 5:30 p.m., unless otherwise provided by resolution of Council and unless it is a public holiday. When the day for a regular meeting of Council is a public or Civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.

Public Meetings

All Public Meetings of Council shall be set at 5:30 p.m. for meetings commencing at 5:30 p.m. and shall be held in the Council Chambers. The public meeting shall be chaired by the Mayor, or by the Member of Council responsible for the appropriate Standing Committee.

Special Meetings

The Head of Council may at any time summon a special meeting of Council on twenty-four hours notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Twenty four 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 listed in the agenda of the meeting.

Postponement of Meetings

Any regular meetings of the Council may be postponed to a day named in:

A notice by the Mayor or the Deputy Mayor given through the Clerk's Office and two clear days in advance of the regular meeting; or a resolution of Council passed by the majority of Members.

Adjournment

Council shall adjourn no later than 9:30 p.m. when the meeting starts at 5:30 p.m. All other meetings of Council shall adjourn no later than four (4) hours after commencement, unless otherwise determined by a resolution of Council passed by the majority of the members.

Alter Time, Day or Place

Council may, by Resolution, alter the time, day or place of any Council and/or Committee meeting.

No Quorum

If no quorum is present fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

PART 5: DUTIES OF THE CHAIRPERSON

It shall be the duty of the Head of Council or other Presiding Officer,

- (a) to open the meeting of Council by taking the chair and calling the Members to order,
- (b) to announce the business before the Council in the order in which it is to be acted upon,
- (c) to receive and submit, in the proper manner, all motions presented by the Members of Council,
- (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 the rules of procedure,
- (f) To restrain the Members, within the rules of order, when engaged in debate,

- (g) To enforce on all occasions the observance of order and decorum among the Members.
- (h) To call by name any Member persisting in breach of the rules or order of the Council, thereby ordering him/her to vacate the Council Chambers,
- (i) To receive all messages and other communications and announce them to the Council.
- (j) To authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes of the Council,
- (k) To inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
- (l) To represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (m) To ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
- (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 Chamber.

Part 6: PUBLIC NOTICE OF "AGENDAS" FOR MEETINGS

Notice by Agenda

The published Agenda shall be considered as adequate notice of Regular Meetings of Council and its Committees, except for meetings held on a day or at a time other than as provided for by this By-law.

Agenda Availability

The Agenda for Regular Meetings shall be available to the Members not later than two (2) business days preceding the scheduled meeting.

Special Meetings

Notice and Agendas of Special meetings shall be delivered to each Member, by email, telephone, personally, or left at, or mailed to his residence or place of business, at least twenty-four hours before the hour set for such meeting.

Business restricted to Notice

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

Emergency Meetings

Notwithstanding any other provision of this By-law, an Emergency Meeting may be held without written Notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the Meeting as soon as possible and in the most expedient manner available.

Emergency Meetings/Restrictions

No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

Notice Not Received

Lack of receipt of a Notice or of the Agenda by the Members shall not affect the validity of the Meeting or any action taken thereat.

Agenda Information

A complete copy of the published Agenda shall be available for members of the news media and the public by 1:00pm on the day of the scheduled meeting.

Agenda Template

The Clerk shall have prepared and distributed for the use of Members at the regular meetings of Council an agenda under the following headings, but which may be altered as the Clerk sees fit:

- (a) Declaration of Pecuniary Interest
- (b) Minutes of the previous meeting
- (c) Accounts Payable
- (d) Committee Reports
- (e) Clerk/Administrator Treasurer reports
- (f) Petitions-Deputations
- (g) Unfinished Business
- (h) New Business
- (i) By-Laws
- (j) In Camera
- (k) Miscellaneous
- (l) Adjournment

New Agenda Items

An item of business not listed on the Council agenda cannot be introduced at a Council meeting without the approval of Council expressed by resolution.

Motions

All motions called in pursuance of the agenda and not disposed of shall be placed at the foot of the list of motions unless otherwise decided by Council.

PART 7: IN CAMERA

When it appears that any matter pertaining to the Municipal Act 2001, Section 239, may be more conveniently considered in camera, Council may on motion resolve into an in camera session and the proceedings taken in camera when adopted by Council shall be deemed to be proceedings of Council. The Head of Council may preside or may designate another member to preside in camera session.

PART 8: PETITION REQUIREMENTS

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

Filing Deadline

The deadline for receipt of communications or petitions by the Clerk for inclusion on the Agenda shall be three and a half (2) business days prior to the Regular Meeting of Council. Also, any member of Council, may file in writing an item for inclusion in the agenda under new business before the deadline.

Order of Business

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.

Information Package

Communications and petitions addressed to the Mayor and Council shall either be listed on the

Agenda or included in a Council Information Package.

Municipal Resolutions

All Resolutions received from other municipalities shall be discussed, for information purposes, to the members of Council.

Agenda Adjustments

Any member of Council may move a Resolution to remove any items from the Agenda and have it transferred to a future meeting of Council.

Improper Language

Communications or petitions containing obscene or defamatory language shall not be listed on the Agenda or directed to Council members.

Agenda Preparations

The Municipal Clerk shall determine whether items of correspondence addressed to Council received prior to the preparation of the Agenda will be included on the agenda as either an item requiring a decision, item for information, or item to be referred to a Committee/Board.

PART 9: DEPUTATIONS

Notice Required

Any person desiring to appear before Council, to provide information or make a request, shall complete "A Request for Placement on Agenda" form and give to the Clerk at least three (3) business days prior to the Regular Meeting of Council.

Outline of Subject

A written brief outlining the subject matter of the presentation shall be provided to the Clerk at the time of the request to appear and shall clearly state the nature of the business to be discussed.

Limitation – 15 Minutes

Deputations shall be limited in speaking to not more than fifteen (15) minutes in total per person, per group or per organization.

Two (2) Deputations

Any person/organization shall be limited to two (2) deputations in a calendar year on the same subject matter, unless agreed upon by Council.

Procedure

Council may not respond to a deputation during the meeting at which it occurs. Members may seek clarification from the speaker, but will not enter into a debate or discussion on the subject matter of the deputation.

Removal/Carry of Agenda Items

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 leave of the Council.

Exception

Professional deputations appearing before Council at Public Meetings are not limited to time constraints.

Unscheduled Delegations

Council may by Resolution, approve to hear an unscheduled Delegate.

Refusal by Council

Council may refuse to hear Deputations when, in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the Municipality.

PART 10: ACCESS TO MEETINGS

Open to the Public

Except as provided in this Section, all meetings shall be open to the public.

Expelling a Person

The Mayor or presiding Officer may expel/eject any person for improper conduct at a meeting.

In Camera Meetings of Council

A meeting or a part of a meeting may be closed to the public if the subject matter being considered is:

- a) Security – The security of the properties of the municipality;
- b) Personal Matters – Personal matters about an identifiable individual including municipal or local board employees;
- c) Real Property – A proposed or pending acquisition or disposal of real property for municipal or local board purposes
- d) Employee Negotiations – Employee negotiations or labour relations;
- e) Litigation – Litigation or potential litigation including matters before administrative tribunals, affecting the municipalities or local boards;
- f) Solicitor's Client Privilege – The receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose;
- g) Permitted at Meetings – A matter in respect of which the Council or Sub Committee has authorized a meeting to be closed under another Act;
- h) Education and Training – The meeting is held for the purpose of educating or training the members (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 or Committee)

PART 11: PROCEDURE FOR CLOSED MEETING

Before holding a Meeting or part of a Meeting that is to be in camera, Council shall state by Resolution:

- a) The fact of the holding of the Closed Meeting;
- b) The general nature of the matter to be considered at the Closed Meeting;
- c) The time of going into an in camera session and the time of coming out of an in camera session.

Voting

A meeting shall not be in camera during the taking of a vote except where:

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 or persons retained by or under contract with the Municipality or Local Board.

Confidentiality

All deliberations while in camera shall remain confidential unless otherwise approved by Council in Open Session.

PART 12: MINUTES

Minutes of the Council or Committee, whether it is closed to the public or not, shall record:

- a) The date of the meeting;
- b) The record of the attendance of the members;
- c) The reading, if requested, correction and adoption of the minutes of prior public meeting(s);
- d) All resolutions and decisions;
- e) All the other proceedings of the meeting without note or comment;
- f) A list of other business items discussed.

If the minutes have been delivered to the members, then the minutes will not be read. The Mayor after receiving any errors or omissions reported by members will declare the Council minutes adopted.

After the Minutes have been adopted they will be signed by the Mayor and by the Clerk.

PART 13: MEETINGS

Commencement of Meetings

- a) A quorum for Council shall be a majority of the members constituting the Council.
A quorum for a Committee shall be a majority of the appointed members.
- b) As soon after the hour fixed for a Meeting as a Quorum is present, the Meeting shall be called to order by the Mayor/Chairman.
- c) If no quorum is present, fifteen (15) minutes after the time appointed for a meeting of the Council or Committee, the Clerk, or recording secretary shall record the names of Members present and the scheduled meeting shall not take place.
- d) The Mayor, if present, shall preside at all meetings.
- e) In the absence of the Mayor, the provisional Deputy Mayor shall preside during the Meeting or until the arrival of the Mayor.
- f) In the absence of the Mayor and the Provisional Deputy Mayor, the Clerk shall call the Meeting to order fifteen minutes after the hour appointed for the Meeting, and the members shall elect a Member to preside during the Meeting or until the arrival of the Mayor or the Deputy Mayor.

Order of a Meeting

At each duly constituted Regular Meeting of Council, the Minutes of the preceding Regular Meeting, Public Meeting and any Special Meeting shall, unless otherwise decided by the Council, be submitted for adoption, and after they have been received by the majority of the members present, shall be signed by the Mayor and Clerk.

PART 14: ROLE OF THE MAYOR (S. 225 Municipal Act S.O. 2001)

It is the role of the Mayor as The Head of Council:

- a) Chief Executive – To Act as Chief Executive Officer of the Municipality;
- b) To Preside – To preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) Leadership – To provide leadership to Council;
- d) Official Functions – To represent the Municipality at official functions;
- e) Duties –To carry out the duties of the Head of Council under any Act;
- f) Promotion – Uphold and promote the purposes of the Municipality;
- g) Public Involvement – Promote public involvement in the Municipality's activities;
- h) Municipal Representative –Act as the representative of the Municipality both within and outside the municipality and promote the Municipality locally, nationally and internationally;
and
- i) Municipal Wellbeing – Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents.

PART 15: ROLE OF COUNCIL (S. 224 Municipal Act S.O. 2001)

It is the role of Council:

- a) Representation – To represent the public and consider the well-being and interests of the municipality;
- b) Policies/Programs – To develop and evaluate the policies and programs of the Municipality;
- c) Services – To determine which services the Municipality provides;
- d) Administrative Policies –To ensure that administrative policies, practices and procedures and
- e) controllership policies, practices and procedures are in place to implement the decisions of council;
- f) Accountability and Transparency – To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the municipality;
- g) Financial Integrity – To maintain the financial integrity of the Municipality; and
- h) Legislative Requirements – To carry out the duties of Council under any Act

PART 16: RULES OF CONDUCT

No member shall:

- a) Disrespect –
Speak disrespectfully of the Reigning Queen or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any province, or any Member of the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- b) Language –
Use offensive words or unparliamentarily language in or against the Council or against any member;
- c) The Subject –

Speak on any subject other than the subject in debate

d) Disorderly Conduct –
Disturb the Council by any disorderly conduct.

e) Obey The Rules –
A Member shall not disobey the rules of the Council or a decision of the points of order or on the interpretation of the rules of procedure of the Council.

f) Remain in His/Her Seat –
A Member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the vote is calculated.

g) No Interruption –
A Member shall not interrupt a Member who is speaking, except to raise a point of order or a question of privilege.

h) Expel/Ejection –
In the event that a Member persists in a breach of the Rules of this By-law, after having been called to order by the Mayor, the Mayor may order the Member to leave his/her seat for the duration of the meeting. Such decision is not debatable.

i) Police Assistance –
If the person guilty of improper conduct refuses to leave the meeting when requested to do so, the police will be contacted for assistance.

j) Trespass –
If the individual(s) re-enter the Council Chambers, the Municipal Building, or any other meeting location following the above steps being followed, the individual (s) will then be found to have breached the Municipal Procedural By-Law as well as having committed the offence of trespass, and the police will be contacted for assistance.

k) Apology –
If the Member apologizes, the Mayor, with the approval of the Council, may permit the Member to resume his/her seat.

l) Disorder –
It shall be the duty of the Mayor to adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named, if considered necessary because of grave disorder arising in the meeting.

PART 17: RULES OF DEBATE

Presiding Officer

The Mayor shall preside over the conduct of the Meeting including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal to the Council. The Mayor may answer questions and comments in a general way without leaving the chair.

Motion by the Mayor

If the Mayor wishes to make a Motion or to speak on a Motion taking a definite position, and endeavoring to persuade Council to support that position, then he/she shall first leave the chair.

Recognized by the Chair

Before a Member may speak to any matter, he/she shall first be recognized by the Mayor.

Priority

When two or more members indicate simultaneously that they wish to speak, the Mayor shall name the Member who is to speak first.

On Topic, 5 Minutes

When a Member is speaking to a Motion, he/she shall confine his/her remarks to the Motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the members present.

Speaking to a Motion

A Member shall not speak more than twice to any Motion unless otherwise decided by a majority vote of the members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.

Questions

When a Motion is under debate, a Member may ask a concisely worded question of another Member or a Staff member through the Mayor prior to the Motion being put to a vote by the Mayor.

Reading of Motion

A Member may require the Motion under debate to be read at any time during the debate, but not so as to interrupt a member who is speaking

Mayor Participating in Debate

If the Mayor desires to leave the chair for the purpose of taking part in the debate or for any other reasons, the Provisional Deputy Mayor will sit in his/her place until he/she resumes the chair.

Voting

When the Presiding Officer calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.

PART 18: QUESTIONS OF PRIVILEGE AND ORDER

If a Member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Mayor to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any Motion related to the question of privilege.

When a Member desires to call attention to a violation of the Rules of Procedure, he/she shall ask leave of the Mayor to raise a point of order and after leave is granted, he/she shall state the point of order to the Mayor succinctly and the Mayor shall then decide upon the point of order and advise the members of his/her decision.

Unless a Member immediately appeals the Mayor's decision to the Council, the decision of the Mayor shall be final.

If the decision of the Mayor is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.

When the Mayor calls a Member to order, that Member shall cease speaking until the point of order is dealt with and that Member shall not speak again to the matter under discussion without the permission of the Mayor unless to appeal the ruling of the Mayor.

PART 19: MOTIONS

Notices of Motion

Notice of new motions shall be given in writing delivered to the Clerk at least six (6) calendar days, excluding Saturdays and statutory holidays, preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.

When a Member's notice of motion has been called from the Chair two successive meetings and not proceeded with, it shall be dropped from the agenda unless Council otherwise decides.

If at the third meeting such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

Dispensing with Notice

Any Motion may be introduced without notice if the Council without debate, dispenses with notice on the affirmative vote of at least two thirds of the members present and voting.

Seconding

Motions shall be seconded before being debated, put to a vote, or recorded in the minutes.

Presentation of Motion by Chairman

When a motion is presented in 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.

Ultra Vires

A motion in respect of a matter which is beyond the jurisdiction of the Council shall not be in order.

Withdrawal

After a motion is read or stated by the Chairman 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.

Vote

Every Member of Council present at a Council Meeting when a question is put shall vote thereon, except where he/she is disqualified to vote by reason of a pecuniary interest or is absent from the Council Chamber when the question is put.

Every Member of Council who is not disqualified from voting by reasons of a declared pecuniary interest shall be deemed to be voting against the Motion if he/she declines or abstains from voting.

When there is a tie vote on any Motion, it shall be deemed to have been decided in the negative.

When a Recorded Vote is taken, the names of those who voted for and those who voted against the Motion shall be entered in the Minutes.

When the Mayor calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Mayor;

In any vote required of the Whole Council, the number of members constituting the Council

shall be determined by excluding:

- a) the number of members who are present at the Meeting but who are excluded by voting by reasons of The Municipal Conflict of Interest Act;
- b) the number of seats that are vacant on the Council by reasons of Section 259 of The Municipal Act R.S.O. 2001, as amended (vacant seat).

Without Notice and Without Leave

The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:

1. to refer;
2. to adjourn;
3. to amend;
4. to suspend the Rules of Procedure
5. to deal with agenda business

Clause 1: 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:

1. a point of order or personal privilege;
2. presentations of petitions;
3. to lay on the table;
4. to postpone indefinitely or to a day certain;
5. to move the previous question.

Except as provided by Clause 1, all motions shall be in writing and signed by the mover and seconder.

Amendment

A motion to amend

- shall be presented in writing,
- shall receive disposition of Council before a previous amendment or the question,
- shall not be further amended more than once provided that further amendment may be made to the main question,
- shall be relevant to the question to be received,
- shall not be received proposing a direct negative to the question,
- may propose a separate and distinct disposition of a question,
- shall be put in the reverse order to that in which it is moved.

Motion to Divide

A motion containing distinct proposals may be divided by leave of Council.

Reconsideration

Any substantive motion may be reconsidered if, upon the putting of the substantive motion, the minority vote comprised not less than one-third of the Members present and voting.

After a substantive motion has been decided, any Member who voted or is deemed to have voted thereon may at any time prior to adjournment of the meeting at which such substantive motion was decided give notice in writing that he will move at the first meeting held thereafter for a reconsideration thereof.

The Council may immediately, upon such notice having been given, vote as to whether or not

such notice or reconsideration be entertained.

After such notice has been 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.

Every motion for reconsideration considered at a subsequent meeting shall be declared lost, unless the majority of the Council vote thereof.

No discussion of the main question shall be allowed upon an accepted notice of reconsideration or upon the motion to reconsider 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 or her reasons for doing so.

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.

The words "the first meeting held thereafter" in Clause 42 shall mean the first regular meeting of the Council or a meeting called specially to consider the accepted motion of reconsideration of which notice has been given.

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. He or she shall state the question in the precise form in which it will be recorded in the minutes.

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 and the result has been declared.

Unrecorded Vote

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

Recorded Vote

When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those voted for and other who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before an unrecorded vote is taken.

PART 20: ENACTMENT OF BY-LAWS

1. Every by-law shall have three readings previous to it being passed.
2. Unless otherwise provided by law, every By-Law may receive all three readings at the same Meeting.
3. Every by-law shall be introduced by motion specifying the title of the by-law and its purpose.
4. Every by-law when introduced shall be in typewritten form and shall comply with the provision of any relevant Act.
5. The first and second reading of a by-law shall be decided without amendment or debate. If the Council determines that the bylaw is to be considered in camera, it shall be so considered previous to the third reading.
6. The Clerk shall endorse on all by-laws enacted by Council the date of the several readings thereof.

7. When a by-law is reported without amendment it shall be forthwith ordered to be read the third time at such time as may be appointed by the Council.
8. Every by-law which has been enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor and the Clerk and shall be deposited by the Clerk in the Clerk's Office for safekeeping.

PART 21: CLOSED SESSION

Closed Meetings

Whenever a majority of the members present decide that the Council should resolve into a Closed Session, which is authorized under Section 239 of the Municipal Act 2001, as amended, the Mayor as Chair, shall see that a record of the meeting is kept by a person other than a Councilor, shall maintain order during the Meeting and shall report the proceedings thereof to the Council.

Procedure

The rules governing the procedure of the Council and the conduct of its members shall be observed in the Closed Session with necessary modifications except that;

- a) Directions do not require a Secunder;
- b) The number of times of speaking on any question
- c) Shall not be limited;
- d) No Vote shall be permitted;
- e) A Motion for directions is permitted;
- e) A Motion to adjourn is permitted.

Action Taken

Any actions taken at a Closed Meeting of Council shall be reported by the Mayor as soon as the Regular Council Meeting reconvenes into Open Session.

Closed Session Records

Closed session Record and background reports shall be circulated to the members during the appropriate meeting, and prepared on coloured paper. The Record and any reports shall be collected prior to returning to open session. 20.5 Record Keeping Closed session Records are taken by the Clerk or Recording Secretary. In the event the Clerk or Recording Secretary is excused from the closed session portion of the meeting, the Mayor shall appoint some person, other than a Councilor, to document the proceedings.

Records – Closed Meeting

All closed session Records and background reports shall be held by the Clerk in a secure location.

Confidential Background

In the event that Councilors wish to view the contents of confidential background reports they may do so by requesting access from the Clerk.

PART 22: COMMITTEES

Procedure

Except as otherwise provided in this Part, a committee will conform to the rules governing protocol and procedure of this By-law.

Establishment Appointment

Council establishes various Boards and Committees to help support their work. Generally, Boards and Committees are ongoing or a task force. Some are discretionary and others are mandatory as required by legislation. The process for the establishment, review and recruitment shall be in accordance with the Policy for Boards & Committees of Council. The names of members required to serve on the Committees, Boards, Commissions or other bodies, will be determined by the Mayor in consultation with Council.

Mayor Ex-Officio

The Mayor is art ex-officio of every Committee. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided under this Section. The Mayor may vote and otherwise participate without any restriction in the business of the committee on the same basis as any other committee member, this provision shall not apply to all Committees.

Terms of Reference

Subject to the provision of any General or Special Act, the Council, in establishing any committee, will set forth terms of reference and such other provisions as the Council deems proper. Council may consider any matter without referring it to a Committee or may refer it to one or more committees or refer it to the Committee of the Whole Council and may withdraw a matter from a committee whether or not the committee has entered into consideration.

Quorum

A quorum is as defined under Section 10.1. The Mayor is a member to be included in determining the quorum.

Committee Chair

Annually, each committee at its first meeting will appoint a Committee Chair and Committee Vice-Chair from among its members. Each committee will have the authority to alter the time of its meetings and to hold special meetings so that where possible it will not conflict with meetings of Council.

Minutes

The Minutes of all Committees, including draft minutes, shall be forwarded to Council in a timely manner, to be received as information

PART 23: DISCLOSURES OF PECUNIARY INTEREST

If a Member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at a Meeting at which the matter is the subject of consideration, he/she shall disclose his/her interest and the general nature thereof.

The Member shall not take part in the consideration of the matter, and if it is an open meeting, the Member shall move to the public area and if it is a closed meeting, the Member shall leave the room.

If a Member is not present and has a pecuniary interest he/she shall disclose his/her interest at the next meeting in attendance.

Notwithstanding the quorum requirements of this By-law, when a majority of the members has disclosed an interest in accordance with Section 23.1 of this By-Law and the Municipal Conflict of Interest Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Points of Order and Privilege

The Presiding Officer shall preserve order and decide questions of order.

When a Member rises to a point of order he or she shall ask leave of the Presiding Officer to raise a point of order and after leave is granted he or she shall state the point of order to the Presiding Officer and sit down and remain seated until the Presiding Officer has stated and decided the point of order.

Thereafter, a Member shall only address the Chair for the purpose of appealing the Presiding Officer's decision to the Council.

If no Member appeals, the decision of the Presiding Officer shall be final.

The council, if appealed to, shall decide the question without debate and its decision shall be final.

No member shall

- a) use offensive words or un-parliamentary language in or against the Council or against any Member;
- b) speak on any subject other than the subject in debate;
- c) when the Chair is putting the question no Member shall leave or make a disturbance;
- d) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- e) 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;
- f) 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 a question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his or her seat for the duration of the meeting of the Council" but if the Member apologizes he or she may, by vote of the Council, be permitted to retake his or her seat.

PART 24: CONFIRMING BY-LAW

The proceedings at every Regular and Special Meeting shall be confirmed by By-Law on a quarterly basis so that every decision of the Council taken in the last quarter, and every Resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-Law duly enacted.

PART 25: SUSPENSION OF RULES

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

PART 26: 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.

PART 27: REVOCATION

By-law 85-14 for The Corporation of the Township of Joly is hereby revoked.

PART 28: ENACTMENT

The effective date of this By-law shall be the date of final passage thereof.

Read a first, second, and third time this 12th day of February, 2013.

Mario Campese, Mayor

Joanne Griffiths, Clerk/Administrator Treasurer