

**THE CORPORATION OF THE TOWNSHIP OF GALWAY-CAVENDISH AND HARVEY**

**BY-LAW NUMBER 2006 - 145**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, section 238 (2) states every Municipality and local board shall pass a procedure by-law for governing the proceedings of its council, and the calling and place of meetings;

**NOW THEREFORE** the Council of the Corporation of the Township of Galway-Cavendish and Harvey hereby enacts as follows:

1. In this By-law:
  - (a) "Corporation" means the Corporation of the Township of Galway-Cavendish and Harvey;
  - (b) "Council" means the Council of the Corporation of the Township of Galway-Cavendish and Harvey;
  - (c) "Chair" means the Reeve or in the absence of the Reeve the Deputy Reeve or other Chairperson as chosen by Council;
  - (d) "Clerk" means the Clerk, or his/her designate of the Corporation of the Township of Galway-Cavendish and Harvey;
  - (e) "Holiday" means:
    - (i) any holiday as defined in the Interpretation Act, R.S.O. 1990, Chapter I.11;
    - (ii) Boxing Day;
    - (iii) any day proclaimed by the head of Council as a Civic Holiday;
  - (f) "Member" means a member of the Council and includes the Head of Council;
  - (h) "Recorded Vote" means the recording of the name and vote of every member voting on any matter or question;
  - (i) "Committee of the Whole" means all the members present at a meeting sitting in committee;
  - (j) "Improper Conduct" means the open disregard of the rulings of the Chair and the rules and conduct outlined in this procedural By-law and Robert's Rules of Order;
  - (k) "Majority" means more than fifty percent (50%) of the members present at a meeting;
  - (l) "Meeting" means any regular, special, committee or other meeting of a council or local board;
  - (m) "Quorum" means a majority of the members of Council.

**GENERAL**

2. 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 despatch of Business in the Council and Committees of Council.

- (a) 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.  
**(In accordance with Section 239(1) and (2) of the Municipal Act 2001 for detail for Closed Sessions)**
- (b) 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 unless approved by Council.

### MEETINGS

- 4. The first meeting of a newly elected Council after a regular election shall be held on the first Monday in December commencing at 1:00 p.m.
- 5. Regular meetings of Council shall be held on the first and third Tuesday of each month at 1:00 p.m. unless otherwise specified by resolution of the Council except when Tuesday shall be a Public or Civic Holiday, in which case the Council shall meet at the same hours on the next day following said Public or Civic Holiday, which is not a Public or Civic Holiday unless provided by resolution of the Council.
- 6. Notice shall not be required to be given of regular meetings of the Council unless the day of the meeting is other than provided by Section 5 of **this by-law**, but the mailing out or delivery of the Agenda shall be considered as adequate notice of such regular meeting. Staff shall ensure that the agendas for regular meetings are available for council by 3:00 p.m. on the Friday, immediately preceding the meeting.
- 7. The **Chair** at any time may summon a special meeting of Council and it shall be his/her duty to summon a special meeting whenever so requested. Twenty-four (24) hours notice shall be necessary for all special meetings of Council.
  - (a) The date(s) for all special and committee of the whole meetings, as established by the **Chair**, with consent of a majority of the members of council, shall not be changed even if a member finds that it is not possible to attend, save and except for those situations when weather conditions dictate that the meeting be changed or other situations deemed appropriate by the **Chair**.
- 8. The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than stated in the notice shall be considered at such meeting, except with majority consent of all members present at such meeting.
- 9. It shall be the responsibility of the Clerk to forward all notices and agendas for regular and special Council meetings.

### CONDUCT OF MEMBERS OF COUNCIL

10. No member shall:
- (a) Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada, or the Province of Ontario;
  - (b) Use offensive words or unparliamentary language in or against the Council or against any member;
  - (c) Speak on any subject other than the subject in debate;
  - (d) Criticize any decision of Council except for the purpose of moving in accordance with the provisions of the Section regarding the question being reconsidered;
  - (e) Disobey the rules of Council or a decision of the **Chair** or of the Council on questions of order or practice or upon the interpretation of the rules of this Council; and in case a member persists in any such disobedience after having been called to order by the **Chair**, the **Chair** shall 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 Council", but if the member apologizes he/she may, by a **majority** vote of the Council, be permitted to retake his/her seat;

### IMPROPER CONDUCT

11. It shall be the duty of the Chair 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.
12. It shall be the duty of the Chair to inform the individual(s) that unless the order is restored, the following will occur:
- (a) The **Chair** or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting for the balance of the meeting.
  - (b) If the person guilty of improper conduct refuses to leave the meeting when requested to do so, force sufficient to remove him/her for the remainder of the Council meeting may be used and if he/she resists, he/she commits an assault and can be at once be arrested by a police officer(s).
  - (c) 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.
13. As soon after the hour fixed for the meeting, and a quorum present, the **Chair** shall take the Chair and call the members to order.

### ORDER OF PROCEEDINGS IN COUNCIL

14. (a) In case the Reeve does not attend within fifteen (15) minutes after the time appointed, the Deputy Reeve shall call the members to order and if a Quorum is present, shall preside during the meeting or until the arrival of the Reeve. In the absence of the Reeve and Deputy Reeve, the Clerk shall be present and if a Quorum is present, shall call the members to order. The Chairperson shall be chosen from the members who shall preside during the meeting until the arrival of the Reeve or Deputy Reeve.
- (b) While presiding, the Deputy Reeve and/or the Chairperson chosen by Council shall have all the powers of the Reeve and shall be entitled to vote as a member.
15. If there is no Quorum within thirty (30) minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.
16. The **Chair** shall preserve order and decorum, decide questions of order (subject to an appeal to the council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so.
17. The **Chair** (except where disqualified from voting by reason of interest or otherwise) shall vote with the members on all questions. Any questions on which there is an equality of voters shall be deemed to be **in the negative**.
18. The **Chair** may take part in any debate without leaving the Chair. If the **Chair** desires to introduce a motion or By-law, he/she shall leave the Chair for that purpose and shall call on another member of Council to fill his/her place until he/she resumes the Chair. Said member called to take the Chair shall accept the Chair unless said member has bona fide reason not to accept the Chair.
19. All meetings of Council shall be opened by reminding Council of the Municipal Conflict of Interest Act by the **Chair**.
20. Immediately after the **Chair** shall request the minutes of the preceding meeting (s) be adopted, any mistake therein may be corrected by the Council and the Chair shall forthwith, or after correction or change (if any), declare the minutes adopted and shall sign same.

### AGENDA IN COUNCIL

21. The Clerk shall have prepared for the use of members at the Regular meetings the "AGENDA" as follows:
  - (a) Prayer
  - (b) Disclosure of Pecuniary Interest
  - (c) Adoption of minutes
  - (d) Business arising out of previous minutes
  - (e) Delegations
  - (f) Staff Reports and Committee Minutes

(g) Correspondence

(h) Accounts

(i) By-laws

(j) Other Business

(k) Information Items

(l) New Business

(m) Caucus Issues

(n) Confirming By-law

(o) Adjournment

Any additional items of correspondence added to the agenda shall be brought to the council chambers and be passed to councillors during "New Business" accompanied by an explanation from the Clerk or other department head.

### MINUTES OF COUNCIL

22. The Clerk shall record in the minutes:
  - (a) The date, time, and place of meeting;
  - (b) The attendance of members;
  - (c) The adoption and correction of minutes if necessary of the minutes of prior meetings; and
  - (d) All other proceedings of the meeting without note or comment.
23. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all special council meetings, held prior to a regular meeting, are sent with the agenda.
24. (a) The Council minutes shall be adopted by the Council without being read **out loud at the meeting**.  
(b) Committee Reports shall be approved after being presented by the committee liaison member or the committee chair.
25. Any delegation that wishes to address Council for the purpose of making a verbal presentation shall be heard at the Council meeting, with those delegations having submitted their requests in writing to the Clerk by 12:00 noon on the Wednesday preceding the meeting of Council.
26. Delegation(s) must identify the reason(s) for requesting to address Council, and provide some background detail.
27. Where possible, written material to be distributed to Council should be submitted to the Clerk by 12:00 noon on the Wednesday prior to the Council Meeting.
28. Delegations shall be listed on the agenda in the order set by the Clerk.
29. All delegations shall have no more than two (2) persons to speak on behalf of the delegation.
30. Presentations to council shall not exceed ten (10) minutes except when answering questions posed by the Chair or Council for clarification and shall confine their remarks to the stated business.

31. (a) Presentations being made to Council shall be made from the speakers podium, unless directed otherwise by the Chair.
- (b) No placards, signs or paraphernalia of any type shall be allowed in Council Chambers without prior approval of Council.
32. Any other person(s) wishing to address Council, and are not on the Agenda, may be heard at the end of the delegation period of the meeting, time permitting, at the discretion of Council and shall not exceed five (5) minutes except when answering questions posed by the Chair or Council for clarification.
33. Delegations and those in attendance at a Council meeting are hereby bound by the rules and conduct set out in this procedural by-law.

### **CORRESPONDENCE**

34. Every correspondence 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 (1) person and filed with the Clerk.
35. Every correspondence shall be delivered to the Clerk not later than 12:00 noon of the Wednesday preceding the meeting of the Council.

### **MOTIONS**

36. Any motion may be introduced without notice.
37. All motions shall be seconded before being debated or put from the Chair. When a motion is seconded, and at the request of a council member, it may be read or stated by the Clerk before being voted upon.
38. Whenever the **Chair** is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
39. When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer, that the vote now be taken or to adjourn the meeting. A motion that the vote be now taken shall take precedence over any other motion except a motion to adjourn the meeting, and shall be put immediately without debate.
40. A motion to adjourn the Council shall be decided without debate and shall always be in order except;
  - (a) When a member is in possession of the floor;
  - (b) When a recorded vote has been called;
  - (c) When the members are voting;
  - (d) When it has been decided that the vote be now taken;
  - (e) When a member has indicated to the Reeve his/her desire to speak on the matter before the Council.
41. (a) Every amendment shall be stated clearly. The **Chair** shall then repeat the amendment before the Council.

- (b) Only one (1) amendment shall be allowed to an amendment and any further amendment must be to the main question.
  - (c) An amendment which is ruled by the **Chair** to be a substantive motion and not an amendment shall be out of order, unless the decision for ruling by the **Chair** is appealed in accordance with Section 78 of this by-law.
  - (d) An amendment which, in effect, is nothing more than a rejection of the motion is not in order.
42. When a vote is taken, the order of the vote shall be as follows:
- (a) To defer consideration of the motion;
  - (b) To refer the motion;
  - (c) Upon the amendments in reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
  - (d) Then, upon the motion or upon the motion as amended, if any amendments have been carried.
43. When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.
44. After a question is finally put by the **Chair**, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
45. A motion of Council shall be considered carried when it receives a majority of votes of the members present at the meeting.

### **WITHDRAWAL**

46. A request to withdraw a motion shall only be made by the mover of the motion.
47. A request to withdraw a motion may be made without the consent of the seconder of the motion.
48. A request to withdraw a motion shall be in order anytime during debate.
49. If a member objects to the withdrawal of the motion, a withdrawal motion may be entertained and becomes a main motion, is debatable, requires a seconder and a majority vote.
50. If no member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

### **SUSPENSION**

51. A motion to suspend the rules of procedure required by this By-law shall not be debatable or amendable, shall specify the reason for the suspension, and shall require a majority vote of the members present.

## BY-LAWS

52. Every By-law shall be introduced by the **Chair** specifying the title of the By-law and its purpose.
53. Every By-law when introduced shall be in typewritten form and shall comply with the provision of any relevant Act.
54. All By-laws shall be passed without receiving first, second and third readings, unless otherwise directed by legislation or Council.
55. A copy of the proposed By-law will be given to all council members prior to the meeting at which it is to be considered.
56. Every By-law passed by the Council shall be numbered and dated, and shall be sealed with the seal of the Municipal Corporation and signed by the **Chair** and the Clerk and shall be kept by the Clerk in his/her office or any other place appointed for that purpose.
57. A confirmation By-law, when introduced, shall be **passed without receiving first, second and third readings, unless otherwise directed by legislation or council** and shall be voted on without debate.

## ADJOURNMENT

58. A motion, which is non-debatable, non-amendable and if approved by the majority of members of Council present, the meeting shall adjourn.
59. No item of business shall be considered at a meeting, of the Council after 5:00 p.m. local time, unless otherwise decided by a majority of the members present. One (1) thirty (30) minute extension may be granted by a majority vote of Council.
60. If the Council is still in session at the hour of 5:30 p.m. local time, it shall adjourn.

## RECESS

61. A motion to recess when other business is before the meeting shall specify the length of time of the recess.
62. A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.
63. A motion to recess when other business is before the meeting shall not have a motion to reconsider applied to it.

## RULES OF DEBATE OF MEMBERS IN COUNCIL

64. Every member when speaking to any question or motion shall respectfully address the **Chair** or other presiding officer.
65. When two (2) or more members request to speak, the **Chair** shall designate the member who has the floor.
66. When a member is speaking, no other member shall interrupt him except to raise a point of order.
67. 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.

68. No member shall speak to the same question or in reply for **more than two (2) responses which shall be no longer than five (5) minutes each.**
69. (a) A member may ask a question only for obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.
- (b) All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.
- (c) Questions may be asked only:
- (i) of a previous speaker;
  - (ii) of the **Chair**; and;
  - (iii) of an official of the Township of Galway-Cavendish and Harvey or of the Chairperson of a committee.
- in all cases, questions may be asked only with leave from the chair.**

### VOTING ON QUESTIONS

70. When the **Chair** calls for the vote on a question, each member shall remain in their seat until the result of the vote has been declared by the **Chair**, during such time no member shall speak to any other member or make any noise or disturbance.
71. When a recorded vote is requested, such request must be made either, prior to the **Chair** calling for the vote on the question, **or immediately after the taking of the vote.** When such a request has been made, **the Clerk shall ask each member to indicate by voice their vote in the affirmative or negative to the motion.** The Clerk shall record the name and vote of every member and shall report the result of the vote to the **Chair.**
72. Every member present at a meeting of the Council when a question is put shall vote therein, except that if he/she has any pecuniary interest, direct or indirect, in the question, he/she shall before any consideration of the question comply with the provisions of the Municipal Conflict of Interest Act.
- Every member present who is required to vote on a question, but in fact does not vote therein, shall be deemed to be voting in the negative.
73. (a) Only one amendment at a time can be presented to the main motion, and only one amendment can be presented to an amendment, but when the amendment to the amendment has been disposed of, another may be introduced, and when an amendment has been decided, another may be introduced.
- (b) The amendment to the amendment, if any, shall be voted on first, then if no other amendment to the amendment is presented, the amendment shall be voted on next, then if no other amendment is introduced, the main motion; or if any amendment has carried, the main motion, as amended, shall be put to a vote.
74. If a member disagrees with the announcement by the Chair of the result of any vote except a recorded vote, he/she may object immediately to the Chair's declaration and require that the vote be retaken.

## POINTS OF ORDER IN COUNCIL

75. The **Chair** shall preserve order and decide questions of order.
76. (a) When a member rises to a point of order, he/she shall ask leave of the **Chair** to raise a point of order and after leave is granted, he/she shall state the point of order to the **Chair**. The **Chair** shall then make a decision on the point of order.
- (b) Thereafter, a member shall only address the Chair for the purpose of appealing to the Council from the **Chair's** Decision.
- (c) If no member appeals, the decision of the **Chair** shall be final.
- (d) The Council, if appealed to, shall decide the question without debate and its decision shall be final.
77. Where a member considers that his integrity or the integrity of the Council as a whole has been impugned, he may as a matter of personal privilege rise at any time, with the consent of the **Chair**, for the purposes of drawing the attention of the Council to the matter.

## RECONSIDERATION OF COUNCIL DECISIONS

78. (a) After any question has been decided, the following shall prevail:
- (i) Any member of Council, who voted therein with the majority, as indicated by a recorded vote, may give notice within one (1) calendar year after the question was decided, for a reconsideration of the question at any regular meeting of the Council. A majority vote shall be required to carry the motion.
- (ii) Any time after one (1) 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 been decided, subsection (i) shall again prevail and similarly if the motion for reconsideration is not carried, subsection (i) shall again prevail.
- (b) Notwithstanding subparagraph (i) 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 therein with the majority for the purpose of subparagraph 79(a)(i) hereof.
- (c) 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.

## PROCEEDINGS IN COMMITTEE OF THE WHOLE

79. The Clerk shall record the **general nature** for going into closed session, and shall note the time. When in closed session, no minutes shall be kept and no motions are to be made other than to:

- (a) come out of closed session;
- (b) provide direction on the matter under discussion in closed session;
- (c) resolve matters of procedure.

## **APPOINTMENT AND ORGANIZATION OF COMMITTEES**

### Nominating Committee

80. The Council shall advertise to secure the names of persons it may consider for appointment to the various committees, boards or bodies associated with municipal government.

### Standing Committees

81. There shall be four (4) standing committees of Council that shall be called;
- (a) Roads;
  - (b) Administration;
  - (c) Building and Planning;
  - (d) Fire.

The number of members on each standing committee of Council shall be all members of council. Council shall designate one of its members to be the Committee Liaison between staff and council.

82. (a) The Reeve shall be able to act as the Committee liaison for one (1) standing committee and is ex-officio member of all other standing committees, other than those to which he/ she has been appointed a member .
- (b) The Reeve shall also act as Chair of the standing committee meetings. Any difficulties or emergencies with any Standing Committee shall be reported to the Reeve and the Chief Administrative Officer. If the Reeve is absent, the Deputy Reeve shall assume these responsibilities.
83. A quorum of any Committee of Council shall be the majority of its members.
84. The term of standing, advisory and special committees shall be for one (1) calendar year, at which time Council shall review the various committees and decide upon their composition for the next calendar year.
85. If a position on any committee, board or body becomes vacant during the year, the Council shall put forward a replacement whose term shall expire that same calendar year.
86. A Special or Advisory Committee may be appointed by Council to consider a specific matter.

## **REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEES**

87. The business of Committees of Council shall be conducted under the laws governing procedure in Council and Committee of the Whole as prescribed by this By-law.
88. Standing, or Advisory, or Special Committees shall report, in writing, to Council on all matters connected with their duties or referred to them by the Council and shall recommend such action as they deem necessary.
89. The General Duties of all the Standing and Special Committees of the Council shall be as follows:
  - (a) To report in writing, to the Council, whenever desired by the Council, and as often as the interests of the Municipality may require, on all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary.
  - (b) To consider and report, in writing, on any and all matters referred to them by the Council or the Reeve and any such report shall be signed by the Chairperson.
  - (c) To adhere in the transaction of all business to the rules prescribed by the By-laws of the Council.
  - (d) Whenever, at the conclusion of the last meeting, there is any undisposed of matter before the committee, the matter is to be forwarded, in writing, to the incoming Committee of the following year for consideration.
  - (e) The Council may refer back to any Committee any report in whole or in part or any question or matter for reconsideration.
90. The Committee of Adjustment shall consist of five (5) members of Council.
91. The Galway-Cavendish and Harvey Library Board shall be one (1) member of Council plus eight (8) lay persons appointed by Council.
92. The Galway-Cavendish and Harvey Property Standards Committee shall consist of three members of Council.

## **OFFENCE**

93. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than FIVE THOUSAND DOLLARS (\$5,000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
94. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be invalid and shall remain in force.

95. By-law Number 2004-91 and any other by-law or part thereof which conflicts with this by-law be hereby repealed.

96. This By-law comes into force on the date of its passage.

ENACTED AND PASSED THIS \_\_\_\_\_ DAY OF October, 2006.

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**REEVE, Tom Flynn**

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**CLERK, Natalie Garnett**