

**THE CORPORATION OF THE TOWN OF THESSALON
BY-LAW NO. 1902**

BEING A BY-LAW to regulate the proceedings of Council, Local Boards, Standing Committees and Committees for the Corporation of the Town of Thessalon

WHEREAS Section 238(2) of the Municipal Act, s.o. 2001, c. 25, states that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Municipal Council of The Corporation of the Town of Thessalon deems it advisable to enact a by-law to govern the proceedings of Council, Local Boards, Standing Committees and Committees, the conduct of their members and the calling of meetings;

NOW THEREFORE the Council of The Corporation of the Town of Thessalon enacts as follows:

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1. Short Title

The short title for this By-law shall be "The Procedural By-law" and may be cited as such.

2. Definitions

THAT in this By-law:

"CLERK" shall be the Clerk of The Corporation of the Town of Thessalon as defined in The Municipal Act from time to time.

"STANDING COMMITTEE" shall be any committee established by Council from time to time and comprised only of a Councillor(s).

"COMMITTEE" shall be any committee established by Council from time to time and comprised of members of Council, as appointed, and includes public representation.

"LOCAL BOARD" shall be as defined in The Municipal Act and/or any other Act, from time to time.

"COUNCIL" means the Council for The Corporation of the Town of Thessalon.

"HEAD OF COUNCIL" is the person elected as the Mayor or appointed as the Acting Head of Council for The Corporation of the Town of Thessalon; and is, an ex-officio member of all Standing Committees, and all Committees with the exception of any Committees for which the Head of Council has been appointed. In the capacity of ex-officio member of any Standing Committee, and any Committee for which the Head of Council has not been appointed, the Head of Council may participate in discussions and in Closed session, but shall not fulfill quorum requirements or have voting privileges.

"HOLIDAY" means:

- i) any holiday as defined as a public holiday in the Employment Standards Act, S.O. 2000, c. 41, as amended by S.O. 2001, c. 9, Sched. I, s.1.
- ii) Easter Monday, Civic Holiday, Remembrance Day and Family Day
- iii) any day proclaimed by the Head of Council as a Civic Holiday

"CLOSED SESSION" means a Council, Local Board, Standing Committee or Committee sitting in a session that is not open to the public.

"MEMBER" means a member of the Council, Local Board, Standing Committee or Committee and includes the Head of Council.

"MOTION" means an action to be considered by the Council, Local Board, Standing Committee or Committee which is moved, seconded, and is subject to debate. When a Motion is adopted, it becomes a Resolution.

"PRESIDING OFFICER" means

- i) in reference to Council Meetings, the Head of Council acting as Chair of the Meeting or such member chosen from a quorum of members present to preside over a Council meeting in the absence of the Head of Council;
- ii) in reference to Committee Meetings, the Chair of the Meeting.

"RECORDED VOTE" means a vote which notes the name and vote of every member of Council on any motion.

"RULES OF ORDER" are the rules set out in this By-law and in any case for which provision is not made herein the procedure to be followed shall be as outlined in Robert's Rules of Order, 10th Edition, or current edition.

"RULES OF PROCEDURE" are the rules set out in this by-law and in any case for which provision is not made herein the procedure to be followed shall be as outlined in Robert's Rules of Order, 10th Edition, or current edition.

"THE TOWN OF THESSALON" means the Corporation of the Town of Thessalon.

3. General

Subject to the provisions of the Municipal Act, 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 for the Council, Local Boards, Standing Committees and Committees.

Any rule established by this By-law, other than a quorum requirement, may be suspended at or for a particular meeting by Resolution, provided a majority of all members of Council present vote in favour thereof, and provided that the suspension of the rules does not result in a contravention of the Municipal Act.

All cell phones and other electronic devices shall be turned off or set to mute or otherwise set so as not to emit any audible sound during a meeting. Texting during a meeting is not permitted. In the event that an emergency call is received, the member can request to leave the meeting.

4. Meetings of Council

Inaugural Meeting of Council

The Inaugural meeting of Council shall take place in the W.J. Barrett Chambers in the Municipal Office at 6:30 p.m. on the third Monday of December and in the event the meeting must be cancelled, such meeting shall be held not later than the fourth Monday in December following a regular election. The Inaugural Meeting of Council will take the same format and agenda as stated in Section 8.

Regular Meetings of Council

- i) The Council of The Corporation of the Town of Thessalon shall hold its regular meetings at 6:30 p.m. on the third Monday of each month in the W. J. Barrett Chambers in the Municipal Office at 187 Main Street. This may be changed by resolution of Council. Any Closed Session item(s) will be dealt with in a Closed Session immediately after "General Business" on the regular meeting agenda.
- ii) When a holiday falls on a regular meeting day, an alternate meeting date shall be established by resolution at a regular Council meeting.
- iii) Where a regular meeting of Council is to be held at a time, day or place other than as set out in i) above, Council shall give notice by having the Clerk post it on the bulletin board at the Thessalon Municipal Office.
- iv) It shall be the responsibility of the Clerk to make available to the Council, when possible, all notices and agendas for regular Council meetings, a minimum of seventy-two (72) hours in advance of such meetings. It is the responsibility of the Council member to obtain and review material in a timely manner.

Special Meetings of Council

- i) The Head of Council at any time may summon a special meeting of Council on four hours notice to all the Councillors.

- ii) Upon receipt of the petition of the majority of the Councillors, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- iii) Four hours notice of all special meetings of Council shall be given to the Councillors through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
- iv) It shall be the responsibility of the Clerk to make available, when possible, all notices and agendas for special Council meetings to the Council.
- v) Notwithstanding the requirements set out above, in the event of a bona fide emergency, the special meeting may be held as soon as practical following receipt of the summons or petition as the case may be.

Notice of Council meetings of the Corporation of the Town of Thessalon shall be given by posting the Agenda on the bulletin board at the Thessalon Municipal Office and on the Town of Thessalon website.

Notice of the time and location of Local Board, Standing Committee and Committee meetings of the Corporation of the Town of Thessalon shall be given by posting notice on the bulletin board at the Thessalon Municipal Office and on the Town of Thessalon website.

Cancellation of Meetings

- i) Where it is necessary for Council for any reason to cancel any regular meeting of Council, it shall only do so upon approval by the majority of the members present at the meeting immediately preceding the meeting of Council and notice shall be posted on the bulletin board at the Thessalon Municipal Office and on the Town of Thessalon website.
- ii) Where a meeting is cancelled due to inclement weather or other emergencies, a notice must be posted on the bulletin board at the Thessalon Municipal Office, on the Town of Thessalon website, on the Lorne Street entrance door, and an attempt made to notify all Council members.

5. Adjournment

A motion to adjourn a meeting shall be in order except:

- when another Councillor is in possession of the floor;
- when it has been decided that the vote be now taken; or
- during the taking of a vote.

Where a person has been deemed guilty of improper conduct by the Presiding Officer and is expelled or excluded from the meeting by the Presiding Officer and such person refuses to so leave, the Presiding Officer may adjourn the meeting without any motion to do so until such time as the person has left the meeting room.

6. Time Limit of Meeting

Resolution must be made to proceed after 10:00 p.m.

7. Preparation of Agenda

It shall be the duty of the Clerk to prepare the Agendas of all Council Meetings in accordance with the provisions contained herein.

The Clerk shall:

- i) accept items for the agenda from Members of Council;
- ii) receive correspondence and petitions from the public and if, in the Clerk's opinion, the matter warrants the consideration of Council, place the correspondence or petition on the Agenda. The Clerk may consult with the Mayor regarding the placement of any correspondence or petitions on the agenda.

All items for any Agenda must be received in writing by the Clerk not later than 3:00 p.m. on the Thursday prior to the date of the meeting concerned.

An addendum to the Agenda will be made, in the case of an emergency or urgency, as the Clerk and Mayor may determine from time to time and shall include provision for declaration of conflict.

8. Agenda Format

The Clerk shall have prepared and printed for the use of the Council at the closed meetings, regular meetings and special meetings of Council, an agenda under the following headings;

Regular Meeting

- i) Opening of the Regular Meeting
- ii) Declaration of Pecuniary Interest and General Nature Thereof
- iii) Adoption of Minutes of Previous Meeting
- iv) Delegations
- v) Business Arising from Minutes of Previous Meeting
- vi) Letters and Communications for Action
- vii) Letters and Communications for Information
- viii) Committee and Staff Reports
- ix) General Business
- x) Closed Session
- xi) Passing of Confirmatory By-law
- xii) Adjournment

The items on the Agenda of each meeting shall be taken in the order in which they stand on the Agenda unless otherwise decided by consensus as noted in the minutes by a majority of the Council present.

All items on an Agenda not dealt with at a meeting shall be placed on the Agenda for the next regular meeting unless otherwise decided.

Wherever possible, all concerns/issues brought before Council shall be in writing and signed by the complainant.

9. Order of Proceedings of Council

As soon after the hour fixed for the meeting as there is a quorum present, the head of Council shall take the Chair and call the Councillors to order. A majority of the Councillors shall constitute a quorum.

- i) In the event the Head of Council does not attend within fifteen minutes after the time appointed, the Clerk shall call the members to order if a quorum is present. A Presiding Officer shall be chosen by a vote of the Councillors from the Councillors, who shall preside during the meeting until the arrival of the Head of Council.
- ii) The Presiding Officer shall have all the power of the Head of Council and shall be entitled to vote as a Councillor.

10. Quorum

If there is no quorum within fifteen minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the Councillors present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

The quorum required to commence and continue a meeting shall be more than 50 per cent (50%) of the Members.

11. Adoption of Minutes

During the adoption of the Minutes of a previous meeting of Council, no changes can be made in the action taken by Council at the previous meeting; only changes in the form of errors and omissions and recording of any action taken at the previous meeting may be made in adopting the Minutes.

12. Conduct of Proceedings at a Meeting of Council

It shall be the duty of the Presiding Officer:

- i) to preserve order and decorum, decide questions of order (subject to an appeal to the Council by any Councillor) and without unnecessary comment, cite the rule or authority (as commonly accepted under parliamentary procedures) applicable to the case if called upon to do so;
- ii) to open the meeting of Council by taking the Chair and calling the Councillors to order and to announce the business before the Council, in the order in which it is to be acted upon;
- iii) to receive and submit, in the proper manner, all motions presented by the Councillors;
- iv) to put to vote all motions which are properly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results;
- v) to decline to put to vote motions which infringe on the rules of procedure;
- vi) to restrain the Councillors, within the rules of order when engaged in debate.
- vii) to enforce on all occasions, the observance of order and decorum among the Councillors;
- viii) to call by name, any Councillor persisting in breach of the rules of order of the Council, thereby ordering them to vacate the Council Chamber.

- ix) to receive all messages and other communications and announce them to the Council.
- x) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of Council;
- xi) to represent and support the Council, declaring its decision in all things;
- xii) to ensure that the decisions of Council are in conformity with the laws and by-laws governing activities of the Council;
- xiii) to adjourn the meeting when the business is concluded, without question put in the case of grave disorder arising in the Council Chamber.

13. Decorum

No Councillor shall:

- i) disturb another, or the Council itself, by any disorderly deportment disconcerting to any Councillor speaking;
- ii) resist the rules of Council, or disobey the decisions of the Presiding Officer, or of Council on questions of order or practice, or upon the interpretations of the rules of Council;
- iii) be permitted to retake their seat at any meeting after being ordered by the Presiding Officer to vacate after committing a breach of any rule of order of the Council, without making apology and the consent of the Council expressed by a majority vote of the other Councillors present, determined without debate;
- iv) speak until they have addressed themselves to the Presiding Officer;
- v) walk across or out of the Chamber or make any noise or disturbance when the Presiding Officer is asking for a vote on a motion and shall occupy their seat while a vote is being taken and until the results thereof are declared;
- vi) have a disregard for a dress code for Council Meetings as agreed to by a majority of the Councillors.

14. Rules of Debate

Presiding Officer

In directing the course of debate, the Presiding Officer shall:

- i) designate the Councillor who has the floor when two or more members signify they wish to speak;
- ii) have all motions presented in writing read before permitting debate on the question, except when otherwise provided in this by-law;
- iii) preside over the conduct of the meeting including the preservation of good order and decorum, ruling of points of order, questions of a privilege, points of information and ruling on all questions relating to the procedure of the meeting;

Ruling

Subject to Appeal:

- i) any ruling made by the Presiding Officer is subject to an appeal, by any Councillor to the Councillors;
- ii) if an appeal is made by a Councillor for a ruling of the Presiding Officer, the Councillor appealing shall, after announcing the appeal, state the reasons

for such an appeal and the Presiding Officer may then indicate why the appeal should be rejected and the Presiding Officer's ruling upheld;

- iii) without debate on the appeal, the Councillors by roll call shall then vote on the appeal;
- iv) if the appeal is upheld, then the Presiding Officer shall change his ruling accordingly; if the appeal is rejected the Presiding Officer may close the debate.

Councillors

In addressing the Council, no member shall:

- i) use indecent, offensive or insulting language against the Council or any Councillor thereof;
- ii) speak on any subject other than the subject being debated;
- iii) criticize any decision of Council except for the purpose of moving that the motion be reconsidered;
- iv) disobey the rules of Council or a decision of the Presiding Officer on questions of order or practice, or upon the interpretation of the rules of the Council.

General

- i) Every Councillor when speaking to any motion shall respectfully address the Presiding Officer.
- ii) When a Councillor is speaking, no other Councillor shall pass between the speaker and the Presiding Officer, or interrupt the speaker except to raise a point of order
- iii) Any Councillor may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Councillor while speaking
- iv) A Councillor may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.
- v) All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.
- vi) Questions may be asked of
 - the previous Speaker
 - the Presiding Officer or
 - an Official of the Municipality

Motions and Order of Putting Questions in Council

- i) any motion may be introduced without notice if the Council, without debate, dispenses with the notice on the affirmative vote of a majority of the Councillors present and voting.
- ii) Motions
 - a) no motion shall be debated upon or put forth unless the same be written, moved and seconded.

- iii) Withdrawal of a Motion
 - b) after a motion has been received and read by the Presiding Officer it shall be deemed to be in the possession of the Council but it may with the majority consent of the Councillors present, be withdrawn by the mover prior to discussion or amendment or voting thereon.
- iv) A Motion to Amend
 - a) shall be presented;
 - b) shall be voted on prior to the vote being taken on the original motion or a previous amendment to the original motion;
 - c) shall not be further amended, however further amendments may be made to the original motion;
 - d) shall be relevant to the motion to be received and read;
 - e) shall not be received by the Presiding Officer if it proposes a direct negative to the original motion;
 - f) may propose to divide the original motion into separate and distinct motions.
 - g) a motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.
- v) every motion when duly moved and seconded, shall be received by the Presiding Officer, and shall then be open for discussion prior to the vote being taken.
- vi) no member shall speak more than once on the same motion, except;
 - a) when considering a report from a committee;
 - b) to explain a material part of their speech which may have been interpreted incorrectly;
 - c) with leave of the Council, after all other Councillors so desiring have spoken;
 - d) in reply if he/she is the Councillor who presented the motion to Council;
 - e) that Councillor (or Councillors) under whose name the motion is introduced, may if they so wish, notwithstanding any other provisions of the rules of procedure, speak last on the motion before the vote is taken;
 - f) to raise a point of order;
 - g) the Clerk shall state the action preceding the calling for the vote;
 - h) after a motion is finally put to a vote by the Presiding Officer, no Councillor shall speak to the motion nor shall any other motion be made until after the vote is taken and the result has been declared;
 - i) the manner of determining the decision of the Council on a motion shall be by a show of hands;

- j) 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 or her vote openly, and 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. 1982, c 24, s.3.

15. Point of Order - Violation of Rules of Procedure

When a Councillor desires to call attention to what the Councillor believes to be a violation of the Rules of Procedure, the Councillor shall, when once recognized by the Presiding Officer, rise on a Point of Order. On raising the Point of Order, a Councillor shall state the Point of Order with a concise explanation and the Presiding Officer shall rule upon the Point of Order.

Unless a Councillor immediately appeals the ruling of the Presiding Officer, the ruling on the Point of Order shall be final.

If the ruling is appealed, the appeal procedure set out in Section 14.1 shall be followed.

Once the Point of Order has been dealt with, the debate shall resume at the point it was before the Point of Order was raised unless the decision on the Point of Order has changed this procedure.

16. Minutes

The Minutes shall record;

- i) the place, date and time of meeting;
- ii) the names of the Presiding Officer or Officers and the Councillors in attendance;
- iii) the adoption of the minutes of the prior meetings;
- iv) all other proceedings of the meeting without note or comment;
- v) if a member arrives late, the time of arrival shall be noted in the minutes; if a member leaves early, the time of departure shall be noted in the minutes.

17. Deputations/Delegations

Persons desiring to present information verbally on a matter of fact or make a request of Council shall give notice to the Clerk, in writing, prior to the Council meeting and may be heard by leave of the Presiding Officer or Council. In the case of a regular Council Meeting, the written notice must be received not later than 12:00 noon on the Thursday prior to the regular Council meeting. In the case of a special Council meeting, the written notice must be received a minimum of four hours prior to the special Council meeting. Where the members of Council have been advised of the date and time for a special meeting, and where a written request for a delegation at the special meeting is received, the members of Council must be contacted and advised of the delegation. Delegations shall be limited in speaking to not more than ten (10) minutes. A delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than five (5) minutes. A delegation shall only be entertained once per year by Council on a particular issue.

18. Readings of By-laws and Proceedings Thereon

Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception that the date may not be inserted.

Every by-law shall have three readings prior to it being passed if required by legislation.

If the Council determines that the by-law is to be considered further, it shall be so considered prior to the third reading thereof.

If Council so determines, a by-law may be taken as read a first, second and third time and finally passed at the same meeting with a majority vote of all members.

The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.

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 and shall be deposited by the Clerk in his/her office for safekeeping.

This By-law shall take effect on January 1, 2013, at which time By-law Number 1781 and By-law Number 1815 are hereby rescinded.

READ A FIRST AND SECOND TIME THIS 19th DAY OF NOVEMBER, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS 19th DAY OF NOVEMBER, 2012.

Mayor

Seal

Clerk-Treasurer