

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW NUMBER 2015-033

Being a by-law to provide rules governing the proceedings of the Council and Committees of the Township of Mapleton and to repeal By-law 2008-023

WHEREAS Section 238 of the *Municipal Act, S.O. 2001* Chapter 25 as amended, requires that every council shall adopt a procedure by-law to govern the calling, place and proceedings of meetings for council and council committees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MAPLETON ENACTS AS FOLLOWS:

GENERAL:

Definitions

1.0 In this by-law

- (a) "clerk" means the clerk of the Corporation;
- (b) "council" means the council of the Corporation;
- (c) "head of council" means the mayor of the Corporation;
- (d) See Page 10 of this document
- (e) "committee" means any advisory or other committee, subcommittee or similar entity composed of members of council;
- (g) "presiding officer" means the head of council or other member of council appointed under *Section 242 of the Municipal Act*, or the chair of a committee;
- (h) "point of order" means bringing attention to any breach of this by-law, or any defect in the constitution of any meeting of the council, or the use of improper, offensive or abusive language, or notice of the fact that the matter under discussion is not within the scope of the proposed motion, or any other informality or irregularity in the proceedings of council;
- (i) "point of personal privilege" means and relates to all matters affecting the rights and immunities of the council collectively, or the position, rights and conduct of members in their representative capacities;
- (j) "member" means a member of the council or a committee.
- (j) "written submission" may be submitted to the Clerk by way of written letter, facsimile or E-mail".

Operative Provisions

2.0 The rules and regulations contained in this by-law shall be observed in all proceedings of Council and Committees of Council and shall be the rules and regulations for the order and dispatch of business in Council and in the Committees thereof. Provided that the rules and regulations contained herein may be suspended by a vote of two thirds of the whole Council.

2.1 Following a regular or new election, the clerk shall provide each member of council with a copy of this by-law, including any amendments thereto.

Absence of Head of Council

3.1 When the head of Council is absent or refuses to act for any reason, or if the office is vacant, the council shall by bylaw name one of its members to act in the place of the head of council and while so acting, the member has and may exercise all the rights, powers and authority of the head of Council. In the event, the named individual is not present, the council shall by resolution appoint a councillor on an alphabetical surname rotation basis.

Quorum

- 4.0 A majority of all members of Council shall constitute a quorum.
- 4.1 In the event a quorum is not present in fifteen minutes after the time appointed for the meeting of Council, the Council shall stand adjourned until the next scheduled day of a Council meeting, and the Clerk shall take down the names of the members present at the expiration of such fifteen minutes.

Improper Conduct

- 5.0 The head of council or other presiding officer may expel any person for improper conduct at a meeting.

Meetings of Council

- 6.0 The inaugural meeting of the Council following the election shall be held on the first Monday in December at 7:00 p.m., in the Council Chambers of the Municipal Administration Office.
- 6.1 After the inaugural meeting, the Council shall meet on the second Tuesday of each month in the year at 7:00 o'clock in the evening and on the fourth Tuesday of each month in the year at 1:00 o'clock in the afternoon in the Council Chambers of the Municipal Building, except as provided below:
- a) unless another time is ordered;
 - b) unless another location is ordered;
 - c) during June, July, August and December there will be one regular meeting a month, on the second Tuesday at 7:00 o'clock in the evening (effective January 1, 2019), with consideration given to conferences and seasonal holidays.
 - d) See Page 10 of this document
- 6.2 All council and committee meetings shall be open to the public unless otherwise provided in the *Municipal Act*.
- 6.3 In the event Council is to hold a meeting that is not open to the public, prior to the holding of the meeting, Council shall in formal public session state by resolution the general nature of the matter to be considered at the closed meeting under one of the headings as approved under Section 239(2) of the *Municipal Act*.
- 6.4 See Page 10 of this document

Agenda

- 7.0. The Clerk shall prepare and agenda for use of the members of Council. The agenda shall be generally formatted as follows, however modifications to the matters included or the order of business may be effected without requiring amendment to this by-law:
- CALL TO ORDER
 - O CANADA
 - DECLARATION OF PECUNIARY INTEREST
 - CONFIRMATION OF MINUTES
 - MATTERS ARISING FROM MINUTES
 - MATTERS UNDER THE *PLANNING ACT*
 - MATTERS ARISING FROM *PLANNING ACT*
 - DELEGATIONS
 - MATTERS ARISING FROM DELEGATIONS
 - MINUTES FROM COMMITTEES
 - REPORTS AND UPDATES FROM STAFF

 - APPROVAL OF BY-LAWS
 - CORRESPONDENCE FOR COUNCIL'S DIRECTION
 - CORRESPONDENCE FOR COUNCIL'S INFORMATION
 - NOTICES OF MOTION

- NOTICE PROVISION
- OTHER BUSINESS
- COUNCIL TRACKING SHEET
- CONFIRMATORY BY-LAW
- CLOSED SESSION
- ADJOURNMENT

- 7.1 The business of the Council shall be conducted in the order as listed in the agenda unless otherwise decided by the Mayor or presiding officer.
- 7.2 Any member of Council, may file in writing an item for inclusion in the agenda under new business. This written item must be submitted to the Clerk by no later than 5:00 p.m. on the Tuesday before the Council meeting in order that the item may be listed on the agenda and the subject identified.
- 7.3 An item of business or matter not listed on the agenda cannot be introduced at a council meeting without the approval of council expressed by motion.

Change of Date or Time

- 8.0 Council may, by resolution, alter the date and/or time of a regular meeting in accordance with the Notice Provision By-law.

Special Council Meetings

- 9.0 (a) The head of Council may at any time summon a special meeting of Council on 24 hours' notice to the members of council and to the public, or upon receipt of a petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time and place mentioned in the petition. Twenty-four hours' notice of all special meetings of Council shall be given 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.
- (b) Notwithstanding the requirement for notice set out in subsection (a) above, in the event of a bona fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.

Declaration of Pecuniary Interest

- 10.0 (a) In all matters and circumstances every member of Council and every member of a Committee of Council shall be guided by and have due regard to the Municipal Conflict of Interest Act
- (b) When a member of Council participates in any matter despite a conflict of interest, Council should consider deferring the matter for sufficient time to assess any impact such participation may have had on the decision making process.
- (c) See Page 10 of this document

Confirmation of Minutes

- 11.0 The minutes of the previous meeting not yet adopted shall be presented by the Clerk for confirmation.
- 11.1 It shall not be necessary to have the minutes read where copies have been provided to members of Council prior to the meeting.
- 11.2 When the minutes have been confirmed they shall be signed by the Mayor and the Clerk.

11.3 All minutes shall be bound in suitable volumes, and stored in the vault room.

Matters Arising from Minutes

12.0 Items under this heading shall be business from the previous meetings requiring additional consideration by Council, whether a policy decision is required or not. Items under this heading may also include follow-up information provided by staff or consultants.

Matters under the Planning Act

13.0 When appropriate Council shall conduct a public meeting for the purpose of informing the public of matters under Sections 17 and 34 of *The Planning Act, R.S.O.*, as amended. Any person wishing to address Council on such matters will be permitted to do so in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990.

Matters Arising from Planning Act

14.0 When the subject matter is such that direction from Council is required, appropriate resolutions shall be presented for consideration after the Planning Act matter has been heard.

Delegations

15.0 No person, except members and officers of Council shall be allowed to come within the bar during sittings of the Council or Committees of Council without the permission of the Presiding Officer.

15.1 Delegations wishing to address Council must notify and provide the Clerk with a written copy of the submission by 5:00 p.m. on the Tuesday before the Council meeting in order that the delegations may be listed on the agenda and the subject of the delegation be identified.

15.2 No person shall be permitted to address Council on a subject not on the agenda unless by permission of Council by a two-thirds majority vote.

15.3 Delegations addressing Council shall be limited to a maximum of 10 minutes, unless at the discretion of the Mayor such limitation is not sufficient to inform Council members or the delegations. No one group or delegation may appoint more than 2 persons to speak on their behalf.

15.4 Members of Council only may ask questions of the deputations. All questions of deputations shall be addressed through the head of Council. No member of Council shall express an opinion or enter into debate with the deputations.

Matters Arising from Delegations

16.0 When the subject matter is such that direction from Council is required, appropriate resolutions shall be presented for consideration after the delegations have been heard.

Minutes from Committees

17.0 Minutes from Advisory Committee meetings shall be included with the agenda for information. Council will then consider any recommendations contained in the minutes.

Reports From Staff

18.0 All reports from staff shall be in writing and shall be included with the agenda.

Approval of By-laws

- 20.0 Council shall be informed by a listing of all by-laws being introduced and copies shall be included with the agenda.
- 20.1 All by-laws being placed before Council for consideration shall be introduced by means of a motion prior to discussion or debate.
- 20.2 Unless otherwise requested or separated, all By-laws proposed for adoption shall be passed in one single motion.
- 20.3 Every By-law passed by Council shall:
- a) Be signed by the Mayor or presiding officer and the Clerk;
 - b) Be sealed with the Corporate Seal of the Municipality; and
 - c) Indicate the date of passage.

Correspondence for Council's Direction

- 21.0 Correspondence under this heading shall be correspondence for which a policy decision of Council is required.
- 21.1 Council may request a report, recommendations or information from the appropriate Department Head, CAO, or Committee on correspondence of this nature.
- 21.2 Council may only endorse proclamations when a representative of the requesting agency, group or association appears before Council. Otherwise the request will be circulated for Council members' information only.

Correspondence for Council's Information

- 22.0 Correspondence under this heading shall be correspondence for which no action of Council is required by Council at the time of meeting.
- 22.1 Such correspondence may be provided to council in the form of a list describing the information. Any correspondence for which a report or additional information are to be received by Council shall be so noted.

Notices of Motion

- 24.0 Notice shall be given verbally or in writing at a previous meeting of Council:
- a) to amend, repeal, or alter this by-law;
 - b) to introduce any measure or change in the Council's established policy;
 - c) any verbal notice of motion must be followed up with written notice to the Clerk no later than 5:00 p.m. on the Tuesday prior to the next meeting, and may include any supporting information the member feels is appropriate for Council's information.

Notice Provision

25.0 The Clerk shall provide the required notice, in accordance with Section 270 of *The Municipal Act, 2001* in any or all of the following ways: web site, fax, phone, email, council agenda, regular mail, newspaper, publication, radio or television. Details of how the notice requirements will be satisfied will be contained in a Council by-law delegating authority for giving notice to the Clerk.

Other Business

26.0 Questions may be put to the head of Council or through him/her to any member of council or staff, relating to any by-law, motion, or other matter connected with the business of Council, or the affairs of the municipality.

26.1 Any member of Council may inform the Council of any matter, which he or she feels would be of interest to the Council, or the municipality.

26.2 In the event that an item is brought before Council for consideration after the preparation of the agenda, at the discretion of the head of Council or on a motion of the majority of the members of council present, the matter may be considered by Council at the current meeting.

Confirmatory By-law

27.0 Prior to adjournment of each meeting of Council a by-law confirming the actions of council during the meeting shall be passed

Matters Before Court

28.0 No person or member of Council shall be permitted to address the Council or any Committee of Council in public meetings on any matter that is before any Court, Administrative Tribunal, or any Boards or Commissions for decision, unless said matter is referred to Council by said Court, Tribunal, Board or Commission.

PROCEDURES FOR COUNCIL MEETINGS:

Points of Order and Privilege

29.0 (a) The presiding officer shall preserve order and decide points of order and personal privilege, but an appeal lies to Council.

(b) The Council if appealed to, shall decide the point without debate and its decision shall be final.

Duties of Presiding Officer

30.0 The presiding officer shall:

- a) open the meeting by calling all members to order;
- b) make such remarks as is fitting for the information or assistance of the Council;
- c) receive and submit, in the proper manner, all motions presented by the members of Council;
- d) put to vote all questions which are regularly moved or seconded, or necessarily arise in the course of the proceedings and announce the result;
- e) decline to put to vote motions which infringe on the rules of order;
- f) enforce on all occasions the observance of order and decorum among the members and guests and if necessary order the individual or group to vacate the Council Chamber should the disruptive behaviour persist;
- g) authenticate by his signature, when necessary, all by-laws, resolutions and minutes of Council;
- h) inform the Council, when necessary, or when referred to for the purpose, in a point of order or usage;

- i) select the members who are to serve on Committees, when directed to do so, in a particular case, or when it is made a part of his general duty by rule of procedure;
- j) represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- k) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- l) adjourn the meeting when business is concluded;
- m) adjourn the meeting, without question, in the case of grave disorder arising in the Council Chamber;

30.1 The Head of Council or the Presiding Officer except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negative.

30.2 If the Head of Council or Presiding Officer desires to leave the chair for the purpose of taking part in the debate or otherwise he shall call upon one of the Councillors to fill his place until he resumes the chair.

Petitions and Communications

31.0 Every communication, including a petition designed to be presented to the council shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the clerk to be placed on the agenda for consideration. Submissions must be received by the clerk not later than 5:00 p.m. on the Tuesday preceding the council meeting.

Rules of Conduct & Debate

32.0 Every member desiring to speak shall be recognized by the Presiding Officer.

32.1 Every member upon being recognized to speak shall address the Presiding Officer.

32.2 The number of times a member speaks on any question shall not be limited unless the Presiding Officer determines that this exception shall no longer apply.

32.3 Despite paragraph 32.2 above, no member shall speak more than once except to make an explanation until every member who desires to speak has spoken.

32.4 No member may disturb another, or the Council, staff or guest by any disorderly conduct disconcerting to the speaker or the assembly.

32.5 Any member called to order by the Presiding Officer shall immediately cease and desist, but then may rise, explain and appeal to the Council. The Council, if appealed to, shall without debate decide on the case. If there is no appeal the decision of the Presiding Officer shall be final.

32.6 No member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded. Any member may ask that a vote be recounted and a vote will be recounted once only.

32.7 No member shall resist the rules of Council, or disobey the decision of the Presiding Officer, or of the Council on questions of order or practice or upon the interpretation of the rules of Council.

32.8 No member shall leave a meeting without first obtaining permission from the Presiding Officer.

32.9 No member shall be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council.

32.10 No member shall interrupt the member who has the floor except to raise a point of order.

Motions & Rules of Debate

33.0 Any motion may be introduced without notice to Council if Council, without debate, agrees on a majority vote to dispense with notice.

33.1 All motions shall be formally seconded before the question can be put from the Presiding Officer or recorded in the minutes.

33.2 A motion presented in Council shall be presented either in writing or orally, and shall be read or stated by the Presiding Officer prior to debate.

33.3 Rules for motions under consideration are attached hereto as Schedule "A".

33.4 A motion, once read or stated by the Presiding Officer, shall not be withdrawn without the consent of the majority of members present.

Voting on Motions

34.0 If a motion under consideration contains distinct propositions, at the request of any member, the vote upon each proposition shall be taken separately.

34.1 No member shall speak to the question once finally put by the Presiding Officer nor shall any other motion be introduced until after the vote is taken and the result declared.

34.2 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.

34.3 When a vote is taken and a member present abstains from voting the member present is deemed to have voted in the negative.

Recorded Votes

35.0 The Clerk shall, if required by any member present, record the name and vote of every member voting on any matter or question.

35.1 The Clerk shall record in the minutes the name of any councillor who is not present in the Chamber when such recorded vote is taken.

35.2 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 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.

Reconsideration

36.0 a) After a motion is passed, or Report adopted, no motion for a reconsideration thereof shall be introduced unless it is moved and seconded by two members from among those who voted with the majority that carried the main motion, or Report, and that such motion is passed by two-thirds vote of the entire Council,

OR

b) After a Notice to introduce such motion, given by a member at a previous meeting, and such Notice of Motion appears on the Agenda of the meeting, at which it is to be considered, such motion to be passed by a majority vote of the entire Council.

36.1 No motion shall be reconsidered more than once nor shall a vote to reconsider be considered more than once.

Suspension of Rules of Council

37.0 No Standing Rules or Order of Council shall be suspended except by affirmative vote of two-thirds of the entire Council.

Unprovided Rules

38.0 In all unprovided cases in the proceedings of Council, Bourinots Rules of Order, firstly, and Robert's Rules of Order, secondly, shall be used to provide guidance to Council and the Presiding Officer.

CONDUCT OF MEMBERS AND OTHERS:

Maintaining Good Order

39.0 Unless otherwise authorized by the presiding officer, all members, staff and guests shall address the meeting through the chair and only when recognized to do so.

39.1 No member, deputation or delegation shall be permitted to address council on any matter that is before any court for decision.

39.2 A member, deputation or delegation shall not:

(a) use offensive words or unparliamentary language in or against the council or against any member, officer, staff or guest;

(b) speak on any subject other than the subject in debate;

(c) disturb another, or the council, staff or guest by any disorderly conduct;

(d) interrupt the speaker who has the floor except to raise a point of order;

(e) disobey the rules of council or a decision of the presiding officer or of the council itself on questions of order or practice or upon the interpretation of the rules of the council; 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 question without amendment, adjournment or debate – "that such member be ordered to leave his or her seat for the duration of the meeting of the council"; provided that if the member apologizes, he or she may, by vote of council, be permitted to retake his or her seat.

(f) leave the Council Chambers without the permission of the Chair or Presiding Officer.

39.0 In all matters and under all circumstances members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act, R.S.O. 1990* as amended or re-enacted for time to time.

Confidential Information

40.0 All information, documentation or deliberations received, reviewed or taken in a closed meeting must remain confidential.

40.1 No member shall release or make public any information considered at a closed meeting, or discuss the content of such meeting with persons other than members of council or relevant staff members without the authorization of council.

40.2 Any member who contravenes section 40 of this by-law shall be deemed not to be acting in the interest of, on behalf of, or within the authority of the council of the Corporation.

Repeal of By-law

41.0 By-law 2008-023 is hereby repealed.

READ a first and second time this 14th day of April, 2015.

READ a third time and passed this 14th day of April, 2015.



Mayor Neil Driscoll



CAO Clerk Patty Sinnamon

1.0 (d)

"meeting" means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

(a) a quorum of members is present, and

(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. ("réunion")

6.1 (d)

if all business before Council is not concluded by the hour of 12:00 o'clock in the morning Council shall stand adjourned until the next day at the same hour at 7:00 p.m. or on such other day as may be determined by the Mayor;

6.4

If Council or local board receives a report from a closed meeting investigator, and if the report determined that a meeting was held contrary to Section 6.3, Council or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

10.0 (c)

The municipality shall establish and maintain a registry to keep each 'disclosure of pecuniary interest' filed at or following a meeting. See Appendix A affixed. The Conflict of Interest Registry will be available to the public for viewing at the Township of Mapleton Admin Office and on the Township website.

SCHEDULE "A" TO BY-LAW NUMBER 2015-033

Rules For Motions Under Consideration:

1. When a motion is under consideration, no subsequent motion shall be received unless:
 - a) It is a motion to amend the motion under consideration, and a motion to amend:
 - i) is open to debate; and
 - ii) is to be dealt with by Council before a previous amendment or the main motion; and
 - iii) is subject to only one amendment at a time and must only be to the main question; and
 - v) is not a direct negative to the main motion.
 - b) It is a motion to refer the matter under consideration, and until decided;
 - i) is open to debate; and
 - ii) is amendable; and
 - iii) shall preclude amendment or debate of the preceding motion unless resolved in the negative.
 - c) It is a motion to defer the matter under consideration by, and a motion to defer;
 - i) is not open to debate; and
 - ii) is not subject to amendment; and
 - iii) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
 - d) It is a motion to defer to a specific time the matter under consideration by; and a motion to defer to a specific time;
 - i) is not open to debate; and
 - ii) is not subject to amendment; and
 - iii) applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
 - e) It is a motion to adjourn, and a motion to adjourn:
 - i) is not open to debate; and
 - ii) is not subject to amendment; and
 - iii) shall always be in order, no other such motion shall be made unless some intermediate proceeding has taken place.
 - f) It is a motion to move the previous question, and a motion to move the previous question:
 - i) cannot be amended;
 - ii) cannot be proposed when there is an amendment under consideration;
 - iii) shall preclude all amendments to the main question;
 - iv) when resolved in the affirmative, the question is to be put immediately without debate or amendment;
 - v) when resolved in the negative debate shall continue;
 - vi) cannot be received in any committee of Council;
 - vii) can only be moved using the following words "that the question be now put" and the question shall be put immediately;
 - viii) may be voted against by the mover and seconder.

DECLARATION OF INTEREST

Municipal Conflict of Interest Act

Re: Township of Mapleton Council/Committee Agenda Date: _____

Item: _____ **Item Title:** _____

**I, Councillor _____, declare a potential
(deemed/direct/indirect) pecuniary interest on above named agenda for the
following reason(s):**

Councillor's Signature

Councillor's Name

For an 'indirect pecuniary interest' see Section 2 of the Municipal Conflict of Interest Act.

For a 'deemed' direct or indirect pecuniary interest see Section 3 of the Municipal Conflict of Interest Act.