

THE CORPORATION OF THE TOWNSHIP OF FRONT OF YONGE BY-LAW # 01-19

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL
AND ITS COMMITTEES, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS

WHEREAS pursuant to Section 238(2) of the Municipal Act, 2001, as amended every municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of the meetings;

NOW THEREFORE, the Council of the Corporation of the Township of Front of Yonge enacts as follows:

Interpretation

1. The rules and regulations contained in this By-law shall be observed in all proceedings of Council and shall be the rules and regulations for the dispatch of business by Council and its committees.

Short Title

2. This By-law may be referred to as the **PROCEDURAL BY-LAW**.

Definitions

3.
 - a) "Clerk" means the Clerk of the Corporation of the Township of Front of Yonge or his/her lawful designate.
 - b) "Closed Meeting" means a meeting closed to the public as defined by the *Municipal Act*.
 - c) "Committee" means a Committee of Council and includes Standing Committees, Sub-Committees and Ad-Hoc Committees.
 - d) "Committee Chair" means the Chair of a Committee.
 - e) "Council" means the Council of the Corporation of the Township of Front of Yonge.
 - f) "Emergency" means a sudden, generally unexpected or time sensitive occurrence demanding immediate action by Council.
 - g) "Ex officio" means the Mayor is an ex officio member of all Committees and he/she is entitled to receive all notices and relevant information and may participate in the discussion but shall not vote and is not considered part of a quorum.
 - h) "Mayor" means the Head of Council.
 - i) "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.
 - j) "Member" means a Member of Council, including the Mayor and, in the case of a Committee, a member of the Committee.
 - k) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time.
 - l) "Quorum" subject to any other applicable statutory provisions, means:
 - a) In the case of Council, a majority of Council Members, including the Mayor;

- b) In the case of a Committee, a majority of appointed Committee Members with the understanding that the Mayor in his/her ex officio capacity, is not included in the quorum calculation.
- m) “Special Meeting” means a meeting, other than a regularly scheduled meeting, called pursuant to the *Municipal Act* or the provisions of this by-law.
- n) “Township” means the Corporation of the Township of Front of Yonge.

Meeting Dates & Special Meetings

- 4. Regular meetings of Council shall be held in the Council Chamber on the first and third Monday of each month at 7:00 p.m. or in the event that Monday is a legal holiday, on the following day at the same time and place. During July and August, one meeting a month will be held on a Monday to be determined by Council.
- 5. Committee meetings shall be regularly held as determined by the Committee and may be subject to change with Committee consensus.
- 6. The inaugural meeting of Council after a regular election shall take place at 7:00 p.m. on the first Monday of December following the election.
- 7. Council may, by Resolution, alter the date and/or time of a regular meeting provided that notice of the alteration of the date and or time is posted and published in local newspapers at least five working days prior to the rescheduled meeting.
- 8.
 - a) The Head of Council may summon a special meeting at any time.
 - b) The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose and at the time and date mentioned in the petition.
 - c) In the case of (a) or (b) above, the special meeting shall be held not sooner than 48 hours following the Head’s summons or receipt of the petition, as the case may be and the Clerk shall provide written notice specifying the purpose of the special meeting immediately following receipt of the summons or petition.
 - d) Notwithstanding the notice requirement set out 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.

Meetings

- 9.
 - a) Subject to Section 239 of the *Municipal Act*, all meetings shall be open to the public, and no person shall be excluded except of improper conduct.
 - b) The Mayor shall preside at/chair all meetings of Council.
 - c) When the Mayor is absent, or refuses to act, or the office is vacant, the Acting Mayor shall act in the place and stead of the head, and while so acting, the Acting Mayor has and may exercise all the rights, powers and authority of the Mayor.
 - d) Notwithstanding Paragraph 9(b) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting, in place of the Acting Mayor.
 - e) The Mayor or presiding officer may expel from a meeting anyone who engages in disruptive behaviour.

10. A ten minute recess may be called by the Mayor at a convenient time during the meeting with approval.
11. The regular meeting shall be adjourned with all the business not transacted being tabled to the next regular meeting.

Electronic Participation by Members of Council at Meetings

12. a) Electronic participation (Facetime application on an iPad or Skype on a laptop) by a member of council may take place for any meeting which is open to the public if:
 - i) notice was provided by requesting member no later than at the last regular meeting;
 - ii) only one member of council is permitted to participate electronically per meeting;
 - iii) electronic participation is limited to two meetings annually, per member of Council;
 - iv) electronic participation is not permitted during closed meetings;
 - v) the member of council participating electronically is not entitled to vote on a motion that is the result of a discussion that took place in a closed meeting.

Closed Meetings

13. a) Council may, by resolution, close a meeting or part of a meeting to members of the public if the subject matter to be considered is permitted under Section 239 (2), (3) and (3.1) of the Municipal Act, 2001 (S.O. 2001, c.25), as amended.
- b) Before all or part of a meeting is closed to the public, Council or Committee shall state by resolution:
 - i) the fact of the holding of the closed meeting;
 - ii) the general nature of the matter considered at the closed meeting.
- c) Subject to Subsection (d) a meeting shall not be closed to the public during the taking of a vote.
- d) Despite Subsection 9 (a), a meeting may be closed to the public during a vote if,
 - i) Subsection 12 (a) permits or requires a meeting to be closed to the public; and,
 - ii) The vote is for a procedural matter or for giving direction or instruction to officers, employees or agents of the Township or persons retained or under contract with the Township.
- e) Meetings or sessions, or parts thereof, which are closed to the public may be referred to as in-camera meetings or sessions.
- f) In-camera sessions shall be announced at least forty-eight (48) hours in advance of the council meeting to be included in the council packages with appropriate correspondence available for preparation. Only in emergency situations will an "in-camera" session be called at a meeting without the forty-eight (48) hours notice.
- g) Any documentation marked confidential or on blue paper, shall be kept securely by the Member until no longer required in the course of business and shall at that time be destroyed by the Member or returned to the office of the Clerk for destruction.
- h) Minutes of closed meeting will be considered for adoption by Council at the next scheduled closed meeting.
- i) The obligation to keep information confidential applies to a Member after he/she

ceases to be a Member of Council.

- j) The response of Members to enquiries about any matter dealt with by Council or Committee at a closed meeting shall be “no comment” as the matter was dealt with in a closed session or words to that effect. No Member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than Members or relevant staff members.
- k) Any intentional or inadvertent violation of the provisions of Section 12 of this by-law shall be subject to consequences as set out in the Code of Conduct for Council.
- l) The Complaint Protocol, as set out in the Code of Conduct for Council shall be followed where a violation of confidentiality is alleged.
- m) If there is a purported violation of the provisions of Section 12 of this by-law by more than one member, Council shall make a separate decision in accordance with subsection 12 (k) with respect to each member.
- n) The release of any information about any matters dealt with by Council at a closed meeting shall be by the Mayor or his/her designate and only with the approval of Council.
- o) Subject to Section 239 of the *Municipal Act*, items for consideration at a closed meeting by Council or a Committee shall not be released to the public save and except for disclosure of the general nature thereof.
- p) Section 239.1 of the *Municipal Act* permits a person to request an investigation of whether Council has complied with the requirements of the *Municipal Act* or this Procedural By-law governing a meeting or part of a meeting that was closed to the public.
- q) Upon receipt of a request the Clerk shall refer the matter to the Investigator for an investigation and report to Council in accordance with Section 239.2 of the *Municipal Act*.

Agendas and Supporting Material

- 14. a) The Clerk shall prepare agendas of Council and Committee meetings as assigned.
- b) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members no later than the Friday prior to a regular meeting (for regular meetings held on Mondays).
- c) Agendas shall be generally formatted as follows but modification to the matters to be included or the order of business may be effected without requiring amendment to this by-law.

Call to Order
Approval of Agenda
Declaration of Pecuniary Interest
Approval of Minutes
Approval of Accounts
Delegates
Staff Reports
Committee Reports
Unfinished Business (Business arising from the Minutes)
New Business
Communications
Resolutions

Correspondence

Notice of Motion
Questions from the Public Related to Agenda Items
"In Camera" Meeting
Adjournment

- d) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor or presiding officer.
- e) Additions to the agenda shall be restricted to emergency matters requiring a decision before the next Council meeting. Additions to the agenda must be communicated to the Mayor or other presiding officer prior to the Adoption of the Agenda and shall be added to the agenda only with the approval of Council.

No Quorum

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

Curfew

16. Council and Committee meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a Resolution passed by a unanimous vote.

Duties of the Mayor/Chair

17. It shall be the duty of the Mayor or other presiding officer:
- a) to open the meeting by taking the chair and calling the meeting to order;
 - b) to announce the business before 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 Members of Council;
 - d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
 - e) to rule out of order any motions which infringe upon the rules of procedure;
 - f) to enforce on all occasions the observance of order and decorum among the members;
 - g) to call by name any Member persisting in breach of the rules of order of the Council thereby ordering the member to vacate the council chambers;
 - h) to inform Council, when necessary or when referred to for the purpose, in a point of order;
 - i) to authenticate by signature all By-laws, Resolutions, and minutes of the Council;
 - j) to select, in consultation with the members of Council, the members of Council who are to serve on Committees;
 - k) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
 - l) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
 - m) to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;

- n) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.

Conduct of Members of Council and Guests

18. No member shall:
 - a) use offensive words or unparliamentarily language to or against the Council or against any member, staff or guest;
 - b) disturb another, or the Council, staff, or guest by any disorderly conduct disconcerting to the speaker or the assembly;
 - c) speak on any subject other than the subject in debate;
 - d) resist the rules of Council or disobey the decisions of the Mayor or presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council;
 - e) leave a meeting without first obtaining permission from the Mayor or presiding officer;
 - f) 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;
 - g) interrupt the member who has the floor except to raise a point of order.
19. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer.
20. Insofar as is practicable, notices of motions, except those listed in paragraphs 33 and 34, shall be given in writing to the Clerk not later than 12 o'clock noon on the third working day preceding the next regular meeting so that the matter can be included in the Council agenda package.
21. Any motion may be introduced without notice if Council, without debate, agrees on majority vote to dispense with notice.
22. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
23. When a motion is presented in writing it shall be read, or, if it is an oral motion, stated by the Mayor or presiding officer.
24. Once read or stated by the Mayor or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
25. Immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.
26. After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.

27. Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer.
28. On a recorded vote, the manner of determining the decision on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.
29. Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or presiding officer, and announce their vote openly, and any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
30. The Mayor or presiding officer, except where disqualified from voting by any Act, may vote on all questions and when so doing shall vote last.
31. A motion on which the voting results in a tie shall be declared lost.
32. No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
33.
 - a) Unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the Chair and only when recognized to do so.
 - b) When two or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
34. The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
 - a) a point of order or personal privilege;
 - b) presentation of petitions;
 - c) to lay on the table (to defer temporarily)
 - d) to postpone indefinitely or to a specific day
 - e) to move the previous question (immediate vote on the main motion)
35. The following motions may be introduced without notice and without leave but such motions shall be in writing and signed:
 - i) to refer;
 - ii) to adjourn;
 - iii) to amend
 - iv) to suspend the rules of procedure.
36. Except as provided in Paragraph 31 all motions shall be in writing and signed by the mover and seconder.
37. 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.
38. The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 20.
39. Council may, from time to time, employ a confirming resolution immediately prior to adjournment for the purposes of validating decisions or direction given which is minor in nature and not set out in a By-law or resolution.

Points of Order and Privilege

40. The Mayor or presiding officer shall preserve order and decide questions of order.
41. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

By-laws

42. No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.
43. Every by-law shall be introduced upon motion by a member specifying the title of the By-law.
44. Every by-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provision of any act.
45. Every By-law shall be given three readings prior to passage.
46. The first and second readings of a By-law shall be decided without amendment or debate.
47. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
48. Upon passage By-laws shall be numbered, signed by the Mayor or presiding officer and embossed with the seal of the Corporation.
49. Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.
50. If Council so determines, a By-law may be taken as read.

Petition and Communications

51. Every communication, including a petition designed to be presented to 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 by 4 o'clock pm on the second working day preceding the next regular meeting.

Delegations

52. Any person or deputation desiring to be heard by Council shall inform the Clerk not later than 4:00 o'clock pm on the Thursday preceding the regular Council meeting in writing, stating the nature of the business to be discussed. The written submission shall not contain any obscene or improper matter or language and shall be signed by at least one person. The Clerk shall list on the Agenda, in the order in which they are received, a maximum of four (4) delegations. All other delegations received will be held over until the next regular meeting of Council.
53. There shall be a maximum of two spokespersons for each delegation who may address Council only when recognized to do so by the Mayor or presiding officer. Persons addressing Council shall confine their remarks to the stated business.
54. Individuals or groups that are listed on an agenda or are otherwise approved to appear before Council, shall be limited to not more than ten (10) minutes.

Question Period

55. The Public Question Period referred to in Section 13 (c) will be limited to ten minutes and all questions will be relative to listed agenda items. The Mayor may terminate the question period at any time if he/she deems it necessary and each person will be limited to two questions.

General

56. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.

57. 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.

58. Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.

59. Any amendment or repeal of this By-law or any part thereof shall be considered at any meeting of Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of Council and the waiving of notice is prohibited.

60. That By-law Number 13-15 is hereby repealed in its entirety.

61. That this by-law shall come into force and effect upon Third and Final reading thereof.

READ a first and second time this 7th day of January, 2019.

READ a third and final time this 7th day of January, 2019.

Signature on file

Mayor, Roger Haley

Signature on file

Clerk, Jennifer Ault