

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 1998-16

Being a By-law to govern the proceedings of Council, the conduct of its members and the calling of meetings.

WHEREAS, pursuant to Section 55 of the Municipal Act, R.S.O. 1990 Chapter M.45, as amended by the Planning and Municipal Statute Law Amendment Act, 1994 every Council and local board shall adopt a procedure By-law to govern the calling, place and proceedings of meetings;

AND WHEREAS, pursuant to Section 102 of the Municipal Act R.S.O. 1990 Chapter M.45, every Council may pass By-laws to govern the conduct of its members;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

COUNCIL MEETINGS

1. Subject to the provisions of the Municipal Act the first (inaugural) meeting of Council following a regular election shall be held on the first Monday in December at 11 o'clock in the forenoon and the first regular meeting of Council shall be held at 7 o'clock in the afternoon of the same day, unless such first Monday should be a Public or Civic Holiday, in which case the first (inaugural) meeting shall be held at the same hour on the next following business day.
2. Regular meetings of Council will be held on the second and fourth Mondays of each month at 7:00 p.m. unless such day shall be a legal, public or civic holiday in which case the Council shall meet at the same hour the next following day which is not a holiday, or unless postponement is made in the manner hereinafter provided.
3. Any regular meeting of the Council may be postponed to a day named in a Notice by the Head or acting Head of Council given through the Clerk's office at least two clear days in advance of the regular meeting.
4.
 - (a) The Head of Council may, at any time, summon a special meeting.
 - (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 either 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 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.
 - (e) Unless otherwise specified in the notice described in Paragraph 4(c) above, a special meeting shall be held in the Council Chamber.
 - (f) The notice of a special meeting shall specify the purpose for the meeting.

5. (a) The Mayor shall preside at all meetings of the Council.
- (b) When the Mayor is absent or refuses to act, or the office is vacant, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting, and while so acting, the residing officer may exercise all the rights, powers and authority of the Mayor.
- (c) The Mayor or presiding officer may expel from a meeting anyone who engages in improper conduct.
6. (a) All Council and Committee meetings shall be open to the public.
- (b) Notwithstanding Paragraph 6 (a) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - i) the security of the property of the Town or local board;
 - ii) personal matters about an identifiable individual including municipal or local board employees;
 - iii) a proposed or pending acquisition of real property for municipal or local board purposes;
 - iv) employee negotiations or labour relations;
 - v) litigation or potential litigation including matters before administrative tribunals, affecting the Town or a local board;
 - vi) a matter in respect of which Council, a Committee of Council or a local board has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament;
 - vii) the receiving of advice that is subject to solicitor - client privilege, including communications necessary for that purpose.
- (c) Before all or part of a meeting is closed to the public, the Council 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.
- (d) Subject to subsection (e) a meeting shall not be closed to the public during the taking of a vote.
- (e) Despite subsection (d) a meeting may be closed to the public during a vote if:
 - i) Subsection 6(b) permits or requires a meeting to be closed to the public; and,
 - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town.
- (f) Meetings or sessions which are closed to the public may be referred to as in-camera meetings or sessions.

7. a) As soon after the hour fixed for a meeting a quorum is present, the meeting shall be called to order. The quorum of any meeting of Council shall be four members thereof.
- b) If no quorum is present one half hour 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.
8. Council and Committee meetings shall stand adjourned at 10:30 p.m. but business may be continued upon a Resolution passed by unanimous vote before that hour.

AGENDAS AND SUPPORTING MATERIALS

9. 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 on the Friday prior to a regular meeting.
- c) Individuals or groups wishing to appear before Council at a regular meeting shall advise the Clerk not later than 4:00 p.m. on the Wednesday prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- d) Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be effected without requiring amendment to this By-law:
1. Prayer
 2. Disclosure of Pecuniary Interest
 3. Minutes of previous meeting
 4. Approval of Accounts
 5. Petitions & Deputations
 6. Special Reports
 7. Correspondence
 8. Business Licences
 9. Reports of Special Committees
 10. Reports of Committees
 11. Reports of Municipal Officers
 12. Unfinished Business
 13. New Business
 14. By-laws
 15. Notice of Motions
 16. Adjournment
- e) 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.
- f) Every communication/correspondence 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 dated and signed by at least one person and filed with the Clerk by 4:00 p.m. Wednesday prior to the regular meeting.

MINUTES OF MEETINGS

10. The minutes of Council and Committee meetings shall record:
- a) The place, date and time of meeting;
 - b) The names of the Presiding Officer or officers and record of the attendance of the Members;
 - c) The adoption of the minutes of prior meetings; and
 - d) All other proceedings of the meeting without note or comment.

DUTIES OF THE MAYOR

11. It shall be the duty of the Mayor or other presiding officer:
- a) to open the meeting by taking the chair and calling the members 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 the members;
 - 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 decline to put to vote 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 authenticate by signature all By-laws, Resolutions and minutes of the Council;
 - h) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
 - i) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
 - j) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the municipal Corporation;
 - k) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
 - l) 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 Chamber where such behaviour persists.
12. No member shall:
- a) use offensive words or unparliamentary language in 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) interrupt the member who has the floor except to raise a point of order;
 - g) leave a meeting or make a disturbance when the Mayor or presiding officer is putting the question.
13. When a Member persists in any such disobedience after having been called to order by the Mayor or Presiding Officer, the Mayor or Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his seat for the duration of the meeting of the Council", but if the Member apologizes he may, by majority vote of the Council, be permitted to retake his seat.
 14. No person except Members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Mayor or Presiding Officer or the Council upon reference.
 15. No person shall be allowed to address Council or speak in debate without permission of the Mayor or presiding officer, and such privilege shall be limited to time allotted to "Petitions and Deputations" on the agenda.
 16. Persons may be heard by permission of the Mayor or presiding Officer, but shall be limited in speaking to not more than ten (10) minutes, except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.

MOTIONS/RULES OF DEBATE

17. Subject to Paragraph 18, and insofar as is practicable, notice of motions, except those listed in Paragraphs 34 & 35, shall be given in writing to the Clerk not later than 4:00 p.m. on the Wednesday preceding the next regular meeting so that the matter may be included in the Council agenda package.
18. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
19. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
20. When a motion is presented in Council in writing it shall be read, or, if it is an oral motion, stated by the Mayor or presiding officer.
 - a) A motion to amend shall:
 - i) be presented in writing;
 - ii) be dealt with by Council before a previous amendment or the main motion;
 - iii) not be further amended more than once provided that further amendment may be made to the main motion;

- iv) be relevant to the main motion;
 - v) not propose a direct negative to the main motion;
 - vi) may propose a separate and distinct disposition of the motion;
 - vii) shall be put in the reverse order to that in which it is moved.
21. 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.
 22. 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.
 23. On a unrecorded 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. A Member not voting shall be counted as being opposed to the motion.
 24. Where a vote is taken for any purpose and a member requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before an unrecorded vote is taken. A Member not voting shall be counted as being opposed to the motion.
 25. Every Member present at a meeting of the Council or Committee when a question is put shall vote thereon unless prohibited by Statute.
 26. The Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
 27. Except where expressly provided in Statute, any question on which there is an equality of vote shall be deemed to be defeated.
 28. When the Mayor or Presiding Officer calls for the vote on a question, each of the Members shall occupy their seat and shall remain in their place until the result of the vote has been declared by the Mayor or Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
 29. Subject to Subsection 6(e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
 30. (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.

31. 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.
32. No member shall speak for more than five minutes on the same question, without the permission of the Mayor or Presiding Officer.
33. No member shall speak more than once on the same question or motion without permission of the Mayor or Presiding Officer, except in explanation of a material part of their previous remarks, which may have been misunderstood, and without the introduction of new matter. The mover of a motion, however, may reply to discussion before the vote is taken.
34. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
 - (i) a point of order or personal privilege;
 - (ii) presentation of petitions;
 - (iii) to lay on the table;
 - (iv) to postpone indefinitely or to a specific day;
 - (v) 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:
 - a) to refer;
 - b) to adjourn;
 - c) to amend;
 - d) to suspend the rules of procedure.

POINTS OF ORDER AND PRIVILEGE

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

BY-LAWS

38. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
39. Every By-law shall be introduced upon motion by a member specifying the title of the By-law.
40. 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 provisions of any Act.
41. Every By-law shall be given three readings prior to passage.
42. The first reading of a by-law shall be decided without amendment or debate.

43. If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
44. If Council so determines, a by-law may be taken as read.
45. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
46. 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 office for safekeeping.

STANDING COMMITTEES AND STRIKING COMMITTEE

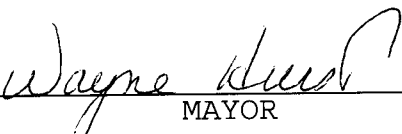
47. There shall be the following Standing Committees of Council:
 - a) General Government/Planning & Development Committee;
 - b) Public Services/Recreation & Community Services Committee
48. The Mayor and all members of Council shall be members of all Standing Committees and be entitled to vote at all meetings thereof.
49. The Chairperson of a Standing Committee or Striking Committee (subject to the Municipal Conflict of Interest Act) may take part in, debate, move, or second resolutions, and vote on all questions.
50. Meetings of Standing Committees shall be called by the Clerk on the request of the Chairperson or a majority of the Committee in writing, or in the absence of the Chairperson, on request of the Mayor.
51. Following each Municipal Election, and prior to the Inaugural Meeting of Council, a Striking Committee shall be formed consisting of the Mayor and all members of Council. The Striking Committee will nominate for presentation at the Inaugural Meeting, the Standing Committees of Council and the members of various Boards and Committees.

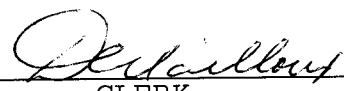
GENERAL

52. In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act 1994, upon Proclamation.
53. 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.
54. 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.
55. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Council and the waiving of notice is prohibited.
56. By-law 2360 of the Town of Amherstburg, By-law 2992 of the Township of Anderdon, and By-law 1893 of the Township of Malden are hereby repealed.

57. This By-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 26th day of January, 1998.


MAYOR


CLERK

1st Reading: January 26, 1998

2nd Reading: January 26, 1998

3rd Reading: January 26, 1998