

**MUNICIPALITY OF CENTRAL MANITOULIN
BY-LAW NO. 2011-08**

**BEING A BY-LAW TO REGULATE THE PROCEDURES
OF THE COUNCIL OF THE MUNICIPALITY OF CENTRAL MANITOULIN**

The Council of the Municipality of Central Manitoulin ENACTS AS FOLLOWS:

GENERAL

1. In all proceedings at or taken in this Council, the following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business in the Council, and in the committees thereof, and all rules existing and inconsistent with this by-law at the time of passing thereof are hereby repealed.
2. Any standing rule, order of Council or provision of this by-law may be suspended for a single meeting by resolution of Council provided a majority of all the members of the Council vote in favour thereof.
3. Subject to the Municipal Act, 2011, as amended and subject to provisions hereinafter provided, a person not a member of Council shall not be allowed to address Council.

CONVENING MEETINGS OF COUNCIL

4. The first Annual Meeting of Council shall take place the 2nd Thursday in January each year or if that day is a public holiday, then on the Thursday, next following, at the hour of 7:30 p.m., notwithstanding that the inaugural meeting of Council in an election year shall be held in the Council Chambers on the 2nd Thursday in December at 7:30 p.m.
5. The regular meetings shall be held in the Council Chambers at the hour of 7:30 o'clock in the evening, standard time and daylight savings time when applicable, on the second and fourth Thursday of each month.
6. The presiding officer shall declare any Council meeting adjourned at the hour of 10:30 p.m. unless Council by resolution determines otherwise.
7. Council may by resolution extend any session of Council for one hour provided a majority of all the members of Council vote in favour thereof.
8. When a public holiday falls on a regular meeting day, the same day of the following week shall be considered the regular meeting day.
9. Except as otherwise provided by the Municipal Act or other statutes, Council may, by resolution, dispense with, alter the time, day or place of any meeting.

NOTICE OF MEETING

10. (a) The Clerk shall give notice of special meetings of Council and of each Special Committee meeting to the members of Council.
- (b) The Notice shall be accompanied by the Agenda and any matter, so far as known, to be brought before such meeting.
- (c) The Notice shall be placed in each tray for individual Council members provided at the municipal office for each member so as to be received not later than two days previous to the day of the meeting and by email to each individual Council member and is deemed to be delivered by this method.
- (d) Failure to receive the notice shall not affect the validity of holding meeting or any action taken thereat.
11. (a) The Head of the Council may, at any time, summon a special meeting.
- (b) The Clerk shall summon a special meeting upon receipt of the petition of the majority of the Council members, for the purpose and at the time mentioned in the petition.
- (c) In either case, notice must be given to all members of Council by the Clerk, in writing, but if time does not allow, it may be by telephone but must be confirmed in writing.
12. It shall be the duty of the Clerk:
 - (a) To prepare the agenda of Council, and Committees.
 - (b) The Clerk shall accept items for the agenda from the Reeve and members of Council.
 - (c) All recommendations to Council from the committees of Council shall be placed on the next Council agenda.
 - (d) The Clerk may also receive petitions and communications from the public and if in his/her opinion shall place the petition or communication on the agenda of the Council.
 - (e) Copies of all correspondence and petitions or a short statement of its contents, as well as any required report, will be placed in Council members trays at least two days prior to the meeting, and emailed to each individual Council member.
 - (f) All items for the agendas from the public shall be delivered in writing to the Clerk not less than three days prior to Council and Committee meetings.

13. The Clerk shall have prepared for the use of the members at regular meetings the agenda as follows:
- (1) Approval of agenda
 - (2) Declaration of pecuniary interest.
 - (3) Minutes of previous meetings
 - (4) Delegations and petitions
 - (5) Committee and Other Reports
 - (6) Unfinished Business (business arising from the minutes)
 - (7) Communication
 - (8) New Business
 - (9) Financial Business
 - (10) Committee of the Whole
 - (11) In Camera
 - (12) Adjournment

and all business shall be taken up on the order of routine in which it stands unless otherwise decided by Council.

THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

14. It shall be the duty of the Presiding Officer (CEO)
- (a) to open the meeting of Council by taking the chair and calling the members to order;
 - (b) to announce the business before the Council in the order of which it is to be acted upon;
 - (c) to receive and submit, in the proper manner, all motions presented by the members of Council;
 - (d) to put to a vote all questions, which are regularly 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 the rules of procedure;
 - (f) to restrain the members, when engaged in debate, within the rules of order;

- (g) to enforce on all occasions the observance of order and decorum among the members;
- (h) to call by name any members persisting in breach of the rules or order of the Council, thereby ordering him to vacate the Council Chambers;
- (I) to receive all messages and other communications and announce them to the Council;
- (j) to authenticate, by his/her signature, when necessary, all by-laws, resolutions, minutes of the Council;
- (k) to inform the Council, when necessary or when referred to for the purpose, in a point of order or usage;
- (l) to 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/her general duty by a rule of procedure;
- (m) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (n) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (o) to adjourn the meeting when the business is concluded;
- (p) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

DECORUM

15. No member shall:

- (a) disturb another, or the Council itself, by any disorderly deportment disconcerting to any member speaking;
- (b) wear any head covering except in case of infirmity/or religion;
- (c) resist the rules of Council or disobey the decisions of the Presiding Officer or of the Council on questions of order or practice or upon the interpretations of the rules or order of the Council;
- (d) be permitted to retake his/her 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 Council expressed by majority vote of the other members present, determined without debate;
- (e) leave his/her place on adjournment until the Presiding Officer leave the chair;
- (f) speak until he has addressed himself to the Presiding Officer;

- (g) walk across or out of the Chamber or make any noise or disturbance when the Presiding Officer is putting a question and shall occupy his/her seat while a vote is being taken and until the result thereof is declared.

RULES OF DEBATE

16. The Presiding Officer

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

- (a) designate the member who has the floor when two or more members rise to speak;
- (b) preserve order and decide questions of order;
- (c) read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

17. Members

In addressing the Council no member shall:

- (a) speak disrespectfully of Her Majesty the Queen or any of the Royal Family member or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
- (b) use indecent, offensive or insulting language in or against the Council or any member thereof;
- (c) speak beside the question in debate;
- (d) reflect upon any prior determination of the Council except to conclude remarks with a motion to rescind such determination;
- (e) speak more than once to the same question, except -
 - i) upon the consideration of a report from a committee to which it was referred by Council after being properly introduced and debated but not determined, or;
 - ii) in explanation of a material part of his/her speech which may have been interpreted incorrectly, or;
 - iii) with leave of the Council, after all other members so desiring have spoken, or
 - iv) a reply may be allowed by leave of the Council to the member who presented the motion to Council, in which case he shall speak for no longer than a 5 minute period without leave of Council;
- (f) as a question except of the previous speaker and in relation to that speaker's remarks;

- (g) interrupt the member who has the floor except to raise a point in order.

18. General

- (a) 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.
- (b) Any member may appeal the decision of the Presiding Officer on a point of order to the council which shall decide the question without debate upon a majority vote of the members present.
- (c) Debate shall be restricted to each proposal in its turn when a question has been divided upon leave of Council.

MOTIONS

19. Introductions Without Notice

A motion may be introduced without notice upon leave of Council resolved by a majority of members present without debate in which case it shall be set out in full in the minutes of the meeting of Council at which it is considered.

20. Notice

At least one day's notice shall be given to all new motions except matters of privilege or the presentation of petitions, notices of motion received by the Clerk at any time the Council is in session, and such notices shall be set out in full in the agenda of the routine of business of the meeting at which they are to be considered.

21. Form

Subject to paragraph 28, a motion, which when adopted either becomes an act or expresses the sense of the Council, shall be submitted in writing over the signature of the mover or the signatures of the mover and seconder and shall be complete and correct; and further Council shall accept recommendations from Committees of Council.

22. Must be Seconded

A motion must be formally seconded before the Presiding Officer can put the question or be recorded in the minutes.

23. Withdrawal

After a motion is read or has been stated by the Presiding Officer, it shall be deemed to be in possession of the Council and can be withdrawn before decision or amendment only with leave of the council expressed by resolution.

24. Priority of Disposition

A motion properly before Council for decision must receive disposition before any other motion can be received except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit or on a matter of privilege.

25. To Amend

A notice to amend:

- (a) shall be presented in writing;
- (b) shall receive disposition of Council before a previous amendment or the question;
- (c) only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main question;
- (d) shall be relevant to the question to be received;
- (e) shall not be received proposing a direct negative to the question;
- (f) two separate distinct proposals of a question may be made;
- (g) shall be put in the reverse order to that in which it is moved.

26. The Previous Question

A motion for the previous question:

- (a) cannot be amended;
- (b) cannot be proposed when there is an amendment under consideration;
- (c) shall preclude all amendment of the main question;
- (d) when resolved in the affirmative, the question is to be put forthwith without debate or amendment;
- (e) when resolved in the negative, the question shall not be put at the meeting but placed on the routine of business for the next ordinary meeting of Council or such later meeting as the Council may decide but not later than the last ordinary meeting of the council to be held in the year in which the original motion was made;
- (f) cannot be received in any Committee of Council;
- (g) can only be moved in the following words "That the question be not put", and
- (h) may be voted against by the mover and seconder.

27. To Adjourn

A motion to adjourn;

- (a) the meeting shall always be in order except as provided in this paragraph and shall be put immediately without debate;
- (b) when resolved in the negative, cannot be made again until after some Intermediate proceeding shall have been completed by Council;
- (c) is not in order when a member is speaking, nor during the verification of a vote;
- (d) cannot be amended;
- (e) is not in order immediately following the affirmative resolution of a motion for the previous question.

28. Repetition

A motion called in the order in which it stands upon the agenda of the routine of business of a meeting and which is not decided by Council, shall be allowed to stand retaining their precedence upon the agenda of the routine of business of the next ordinary meeting of Council.

29. Ultra Vires

A motion on a matter beyond the jurisdiction of the Council shall not be received by the Presiding Officer.

30. Privileges

A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and when settled the question so interrupted shall be removed at the point where it was suspended.

31. Reconsideration

A motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon with the majority and until decided by Council no further discussion of the question shall be allowed, but no such motion can be received which would require reconsideration of the same question more than once.

32. To Commit

A motion to commit or recommit a question to a committee or committee with or without instructions may be amended but must receive disposition by Council before the question or an amendment to the question, and when made prior thereto, before decision on a motion for the previous question or postponement.

33. Verbal Motions

Incidental motions in respect of a matter of special privilege, suspension of rules or procedure, adjournment, postponement, for the previous question, or commitment may be made verbally.

34. Divided Motion

A motion containing distinct proposals may be divided with leave of Council.

35. Question Stated

Immediately preceding a taking of a vote thereon, the Presiding Officer may state a question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative he shall state the question in the precise form in which it will be recorded in the minutes.

36. No Interruption After Question Stated

After a question is finally put by the Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

37. Division of Question

A separate vote shall be taken upon each proposal contained in a question divided with leave of Council.

38. Vote of Presiding Officer

When the Presiding Officer determines to vote on a question, his/her vote shall be spoken, signified, polled and recorded after the votes of each member voting.

39. Abstention Recorded Negative

In accordance with the provisions of Section 246(2) of The Municipal Act each member shall announce his/her vote and where any member abstains or refuses to vote on a motion before Council, the Presiding Officer shall ask the member to announce his/her vote and where the member continues to abstain, refuses to vote or remains silent, that member's vote shall be counted or recorded, as the case may be, as a negative vote.

40. Vote Not Allowed

A member not present before the result of a division on a question is declared, shall not be entitled to vote on that question.

41. Unrecorded Vote

The manner of determining the decision of Council on a motion shall be at the

discretion of the Presiding Officer, and may be by voice, show of hands, standing or otherwise.

42. Recorded Vote

In accordance with the provisions of Section 246(1) of the Municipal Act. If a member present at a meeting at the time of a vote requests immediately before or after 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 the clerk shall record each vote.

GENERAL

43. Order of Business

The Clerk shall have prepared a list of the items in order of the topics set out as the routine of business in paragraph 13 for the use of each member at an ordinary meeting.

44. Minutes

(a) The minutes shall record -

- I) the place, date and time of meeting.
- ii) the names of the Presiding Officer, or Officers and the members present;
- iii) the reading, presentation, correction and adoption of the minutes of prior meetings.

(b) It shall be the duty of the Clerk to ensure that the minutes of the last ordinary meeting and all subsequent special meetings held more than three days prior to an ordinary meeting are mailed or delivered to each member not less than forty-eight hours before the hour for holding such ordinary meeting.

(c) Such minutes as referred to in paragraph 44 (b) may be adopted by Council without having been read at the meeting considering the question of their adoption, and in other cases the minutes must be read prior to consideration of adoption.

45. Communications

All written or electronic messages, memorials and enquiries over the signature of the sender for the information of Council on matters of fact or which contain a request, for action on the part of the Council in respect of matters within the jurisdiction of the Council and the replies thereto may be referred to a Committee or disposed forthwith.

46. Delegations

Persons desiring to verbally present information on matters of fact or make a

request of Council may be heard on leave of Council but shall be limited in speaking not more than 10 minutes except that a deputation consisting of more than five persons shall be limited to 2 speakers each limited to speaking not more than 10 minutes.

47. Petitions

A petition in regard to a matter within the jurisdiction of Council made over the signatures of the subscribers shall be presented by a member who knows the contents thereof and vouches for the propriety of the petition, and may be received on leave of Council, may be disposed forthwith, assigned some future time for consideration by Council or referred to a committee.

48. Committee Reports

- (a) shall be received upon leave of Council;
- (b) may be recommitted to the same or a different Committee.

49. Unfinished Business (Business Arising from the Minutes)

The items listed in the order of the topics set out as the routine of business of prior meetings which have not been disposed of by Council and the date of their first appearance on the Order of Business shall be noted, and repeated on each subsequent Order of Business until disposed of by Council unless removed from the Order of Business by leave of Council.

50. By-Laws

- (a) Every proposed by-law shall -
 - I) be introduced by a member upon motion for leave specifying the title and decided without debate, or upon the report of a committee;
 - ii) receive three separate readings;
 - iii) receive not more than two readings on the same day except with the consent of a majority of the members present, and not otherwise provided in law;
 - iv) be endorsed by the Clerk with the date of the several readings thereof;
 - v) be the responsibility of the Clerk for correctness when amended;
 - vi) upon second reading shall be embossed with the seal;
 - vii) be finally passed by Council before signature by the Head or Acting Head of Council and the Clerk.
- (b) Every proposed by-law may be referred to a committee.

51. Suspension of Rules

Any procedure required by this by-law may be suspended with the consent of the majority of the members present.

52. Points Not Provided For

All points of order or procedure not provided for in these rules shall be decided in accordance with the rules of parliamentary procedure of the Canadian House of Commons.

53. Former By-Laws Repealed

All by-laws and parts of by-laws inconsistent with or repugnant to the provisions of this by-law shall be and the same are hereby repealed.

54. This by-law shall come into force on the date of the final passing thereof.

Date of 1st Reading: October 27, 2011

Date of 2nd Reading: October 27, 2011

Date of 3rd Reading: October 27, 2011

Reeve – Gerry Strong

Clerk – Ruth Frawley

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify, that the foregoing is a true copy of a by-law passed by Central Manitoulin Municipal Council at its regular meeting held on October 27th, 2011.

Clerk