



ENGLEHART - ONTARIO

The Corporation of the Town of Englehart
By-Law 2020-07

Being a by-law to govern and regulate the proceedings of Council and Committees of the Corporation of the Town of Englehart.

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 238(2), as amended, gives authority for municipal councils to enact such by-laws and regulations as they deem to be necessary to govern and regulate the proceedings of Council and Committees;

AND WHEREAS the municipal council of the Corporation of the Town of Englehart deems it expedient to enact a by-law to govern and regulate the proceedings of Council and Committee;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Englehart hereby enacts as follows:

Definitions

In this by-law:

- a. "Municipality" shall mean the Corporation of the Town of Englehart.
- b. "Head of Council" shall mean the Mayor of the Municipality.
- c. "Council" shall mean the Council of the Corporation of the Town of Englehart.
- d. "Clerk" shall mean the Clerk-Treasurer and Collector of the municipality.
- e. "Presiding Officer" shall mean the Head of Council unless otherwise appointed in accordance with the provisions of this by-law.
- f. "Quorum" shall mean a majority of all in person members.
- g. "Emergency" means any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.
- h. Meeting means any regular, special or other meeting of a Council, or a local board or of a committee of either of them, where
 1. A quorum of members is present; and

2. 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

A. General Provisions

- a. The following rules and regulations shall govern the proceedings of Council and its Committees and any rules or regulations in existence to the contrary are hereby repealed.
- b. Any rules or regulations contained herein may be suspended upon resolution by a quorum of Council or Committee members.
- c. Where an emergency has been declared the Mayor or Deputy Mayor has the authority to waive provisions within this Procedural By-law.
- d. Persons shall not be permitted to address Council except with the permission of the Presiding Officer. In the case of a delegation appearing before Council, only an appointed representative shall address Council with permission of the Presiding Officer.

Convening of Council Meetings

- a. An inaugural meeting of Council in an election year shall be held on the 2nd Wednesday in December and will include the swearing in of the new Council.
- b. All regular meetings of Council shall be held in the Council Chambers of the Town of Englehart beginning at 6:30 p.m. local time. Regular meetings of Council shall be held on the 4th Wednesday of each month beginning at 6:30 p.m. local time.
- c. When the day for a regular meeting of Council is a public or civic holiday, the meeting shall be cancelled, unless Council passes a motion to reschedule the meeting.
- d. Except as otherwise provided in the Municipal Act, the Council may by resolution, dispense with, or alter the time of day or place of any regular Council meeting.
- e. In the case of the absence of the Head of Council from the municipality, or if he/she is absent through illness, or he/she refuses to act, or his/her office is vacant, the Deputy Mayor or in absence of the Deputy Mayor a Councilor shall be appointed to act from time to time in the place and stead of the Head of Council and he/she shall have all the rights, powers, and authority of the Head of Council while so doing.

- f. In order to constitute a quorum, four (4) members of Council must be present. The concurrent votes of at least four (4) members of Council are needed in order to carry any resolution or other measure.
- g. If no quorum is present one-half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next regular Council meeting.
- h. where an emergency has been declared a member of a council, of a local board or of a committee can participate electronically in a meeting that is closed to the public.
- i. where an emergency has been declared a member of a council, of a local board or of a committee who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time.

Electronic Participation

Council members may participate in meetings electronically, however a member who participates cannot be counted towards a quorum.

Electronic participation is permitted in meetings open to the public, participation in closed meetings is limited to those councilors or members of a local board who are participating in-person.

D. Curfew

- a. The Presiding Officer shall declare any meeting of Council to be adjourned at the hour of 9:30 p.m. (at the latest) unless said meeting is extended by a resolution of Council.

E. Notice of Meeting

- a. The Head of Council may, at any time, call a special meeting of Council.
- b. The Clerk shall summon a special meeting of Council upon receipt of a petition of a majority of Council members for the purpose stated in the said petition.
- c. In either circumstance, the Clerk shall give every member of Council at least 24 hours notice of said meeting. Notice shall be either verbal or written. Such notice shall include the purpose of the special meeting.
- d. In the event of an emergency the 24-hour notice policy may be waived.

F. Agenda

- a. The Clerk/Mayor shall prepare an agenda for all meetings of Council and Committees in the following format:
 1. Adoption of agenda
 2. Disclosure of pecuniary Interest
 3. Adoption of minutes of previous meetings
 4. Delegation
 5. Business Arising from minutes & Action Items
 6. Correspondence & Correspondence Log
 7. Finance Report
 8. By-laws before Council
 9. Committee Reports
 10. New Business
 11. In-Camera
 12. Adjournment
- b. The Clerk/Mayor shall prepare an agenda for all In Camera Meetings of Council in the following format:
 1. Adoption of agenda
 2. Disclosure of pecuniary Interest
 3. Adoption of minutes of previous meetings
 4. Delegation
 5. Business Arising from minutes & Action Items
 6. Items for Discussion
 7. Adjournment
- c. The Clerk shall accept items for inclusion on the agenda from members of Council, delegations and/or individuals, and shall place same on the agenda for consideration by Council. The items shall be specifically stated.
- d. Persons desiring to present information at Council or to make a request of Council shall give notice in writing to the Clerk not less than five business days before the commencement of the meeting of Council. Items presented with less than five days notice may be heard with leave of the Presiding Officer.
- e. Committee of Council reports should be given to staff not less than five business days before the commencement of the meeting of council to be included in the council packages.

- f. The Clerk and the Mayor shall prepare the agenda and make it available to Council members not less than two business days before the commencement of the meeting of Council.
- g. The Clerk shall list all correspondence and petitions on the agenda with a note as to their subject and shall provide copies of same for all members of Council not less than two business days before the commencement of the meeting of Council.
- h. Important correspondence will be appended to the agenda by the Clerk and copies will be distributed to each member of Council.
- i. The business of Council shall be conducted in the order listed on the agenda unless otherwise decided by a quorum of Council.
- j. The agenda will be made available to the public on the municipal web site and copies available to those attending the public at the beginning of the meetings.

G. Minutes

- a. The minutes of each meeting of Council/Committee shall record:
 - 1. The place, date, and time of the meeting.
 - 2. The name of the Presiding Officer and members present.
 - 3. The adoption, correction, and amending of minutes of the previous meetings.
- b. The Clerk shall ensure that the minutes of any proceeding meetings are available no later than five (5) days after each meeting.
- c. Minutes of previous meetings that have been circulated to members at least 24 hours prior to the regular meeting shall be considered for adoption without reading. In all other cases, the minutes shall be read by the Clerk at the meeting.

H. Communications and/or Petitions

- a. Any written messages, memoranda, and/or inquiries before Council for consideration may be, at the discretion of Council, referred to a Committee of Council for response thereto.
- b. Petitions shall be signed by the subscribers and presented to Council by an appointed representative who has knowledge of the information stated therein.

- c. Verbal delegations and/or presentations must not exceed 10 minutes in length, and any extensions of this time allotment must be approved by all of Council. It will be the responsibility of the Clerk to measure the time of each presentation and to advise the Presiding Officer when 10 minutes has elapsed.

I. Business Arising from Minutes

- a. Business Arising from the minutes shall be listed on the agenda in the order in which it first came before Council for consideration and if not dealt with at the meeting of Council at which it appeared on the agenda, it shall continue to be listed until finalized.

J. By-Laws

- a. Every proposed by-law is to be introduced upon motion by a member of Council or upon report from any Committee of Council.
- b. Every by-law shall be given three readings.
- c. Every by-law read before Council shall be recorded by the Clerk and upon third reading shall be signed by the Presiding Officer and the Clerk and the Corporate Seal shall be added as soon as possible thereafter.
- d. A by-law shall be passed only at a regular council meeting (or a reconvened regular meeting that had been properly adjourned to a specific time) or a special meeting that, when called, cites the consideration and passing of the by-law as one of its purposes.
- e. A copy of the by-law will be included in the Council meeting package.

Conduct of Proceedings at Council Meetings

- a. It shall be the duty of the Presiding Officer to:
 - 1. open the meeting of Council/Committee by taking the chair and calling the members to order;
 - 2. announce the business before Council/Committee in the order in which it appears on the agenda;
 - 3. receive and submit, in the proper manner, all resolutions presented by Council/Committee;
 - 4. put to a vote all questions, which are regularly moved and seconded or arise in the course of the proceedings, and to announce the result;
 - 5. decline to put a vote any resolution that infringes on the Rules of Order;
 - 6. restrain members when engaged in debate with the Rules of Order;

7. enforce, at all times, the observance of the Rules of Order;
 8. call by name any member who persists in a breach of the Rules of Order and if such breach continues, to order the member to vacate his seat;
 9. authenticate, by his signature, all by-laws, resolutions and minutes of Council/Committee;
 10. inform Council, when necessary, or when referred to for the purpose, on a point of order or usage;
 11. represent Council/Committee, declaring its will and obeying its decisions as indicated by resolution;
 12. ensure that the decisions of Council/Committee are in conformity with current by-laws governing the activities of Council/Committee;
 13. adjourn the meeting at the time of curfew indicated herein, or before if order of business is finished, or as extended by quorum of Council;
 14. adjourn the meeting without question where a grave case of disorder or disagreement arises in the Council Chambers;
 15. expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting;
- b. The Council may adjourn to a Committee of the Whole for an in-camera discussion, but no business may be considered in said meeting except for matters as set out in accordance with Section 239 (2) of the Municipal Act. The procedure for going into Committee of the Whole requires a quorum of Council to pass a motion to do so, setting meeting time, and when the meeting is over, a motion to come back to an open meeting, showing the time. The regular meeting then shall proceed.

K. Decorum of Members

- a. No member shall:
 1. disturb another, or Council in general, by disorderly deportment to any member speaking;
 2. resist the rules of Council/Committee or disobey the decisions of the Presiding Officer or Council on questions of order or upon the interpretation of the Rules of Order;
 3. be permitted to retake his seat at any meeting after being ordered to vacate same due to a breach;
 4. leave his chair after the Presiding Officer has called for a vote on a resolution before Council/Committee;

5. leave his chair or the Council Chambers without the consent of the Presiding Officer;
- b. To withdraw a motion once it is on the floor, it must be voted on by Council, requiring a simple majority to carry.
- c. When any member has declared a conflict as per the Municipal Conflict of Interest Act R.S.O. 1190 chapter M.50 they will be required to leave the building during discussion that relates to this conflict. Upon completion of the discussion on said matter the Mayor or presiding officer will recall the member back to the meeting.

L. Rules of Debate

- a. The Presiding Officer, in directing the course of debate, shall:
 1. designate the member who has the floor, when two or more members arise to speak;
 2. preserve order and decide questions of order;
 3. read all resolutions presented in writing;
- b. Members
In addressing the Council/Committee, no member shall:
 1. speak disrespectfully or use indecent, offensive, or insulting language in or against the Council or any member thereof;
 2. speak to any matter except the question in debate;
 3. reflect upon any prior decision of Council except to conclude remarks with a resolution to rescind such decision;
 4. interrupt the member who has the floor except to raise a point of order;
- c. The mover of a motion shall have the privilege of being the first speaker in the debate on the motion, and shall have the further privilege of speaking once more to conclude the debate;

M. Point of Order

- a. Any member may appeal to the Presiding Officer to make a decision on a point of order and if the Presiding Officer declines to make such decision, a quorum of Council/Committee shall make such decision.

N. Resolution

- a. Form of Resolution

Any resolution adopted by Council/Committee shall be in writing under the signature of the mover and seconder and over the signature of the Presiding Officer.

b. A resolution must be formally seconded, in writing, before the Presiding Officer may request a vote on the same or a motion is to be recorded in the minutes.

c. Withdrawal of Resolution

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

d. Priority of Disposition

A resolution properly before Council/Committee for decision must receive disposition before any other resolution can be received except a resolution to amend, to adjourn, to extend the hour of adjournment, or to decide a point of order or privilege.

e. All proposed amendments to resolutions shall be in writing and shall be dealt with in the order presented to Council/Committee and shall not propose a question in direct opposition to the resolution before Council/Committee.

f. Resolution of Adjournment

A resolution to adjourn shall always be deemed to be in order, except when a member is speaking or there is a question on the floor and cannot be amended. If the resolution is decided negatively, the Council/Committee shall take alternate action as provided by this by-law to extend the curfew of the meeting in progress.

g. Repetition

A resolution presented in the order in which it stands on the agenda and which is not decided by Council/Committee shall remain on the agenda under "Unfinished Business" until said resolution is voted upon by Council/Committee.

h. Ultra Vires

A resolution dealing with any matter not within the Council/Committee jurisdiction shall be deemed to be "ultra vires" and shall not be dealt with by Council/Committee.

i. Privilege

A resolution on a point of order shall be dealt with immediately upon receipt by Council/Committee. A question of privilege relates to any

matter affecting rights and immunities of the Council/Committee collectively, or to the position, reputation, and conduct of members in their respective character.

O. Voting on resolutions

a. Question stated

The Presiding Officer shall state the question before Council/Committee in the exact form in which the question is presented to Council/Committee. When a resolution is to amend or reverse a decision of Council/Committee, the Presiding Officer may re-state the previous resolution as it was presented and adopted by Council/Committee.

b. No Interruption After Question Stated

No member shall interrupt or speak to the question after the Presiding Officer has stated the question to Council/Committee or shall interrupt the voting on a resolution before Council/Committee.

c. Abstention or Failure to Signify Vote

Any member, who is not disqualified to vote by reason of a conflict of interest or other reason under current legislation and who fails to signify his vote when called upon to do so by the Presiding Officer, or who abstains from voting, shall have his vote considered to be negative on the question before Council/Committee, and the same shall be recorded by the Clerk. (The Municipal Act, S.O. 2001, Chapter 25, Section 246(2))

d. Recorded Vote

A member may request immediately prior to, or immediately after, the taking of a vote on a resolution that the votes of the members be recorded by the Clerk. Every member shall signify his vote orally in such manner as enables the Clerk to record same in the minutes.

P. Suspension of Rules

- a. Any procedure required by this by-law may be suspended where a motion to this effect is supported by four (4) members of Council Committee.

Amendment

- a. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of Council/Committee.

Points not provided for

- a. Any points of procedure not governed by this by-law shall be governed by the rules of parliamentary procedure of the Canadian House of Commons.

Committee of the Whole

Presiding at Committee of the Whole meetings

- (a) The mayor, if present, must preside at COTW meetings.
- (b) In the absence of the mayor, the acting mayor must preside.
- (c) The presiding member has the same powers and duties as the mayor in relation to the applicable matter.

Schedule for Committee of the Whole meetings

- (a) Regular meetings of COTW must
 - (1) begin at 6:30 pm and
 - (2) adjourn by 9:30 p.m., unless a motion for continuation is approved by 2/3 of the members present.
 - (3) A motion for continuation under subsection (a)(2) must establish a specific time for the adjournment of the COTW meeting.

Order of proceedings and business at Committee of the Whole meetings

The order of business at a regular COTW meeting is as follows:

- (a) Approval of agenda;
- (b) Disclosure of Pecuniary Interest and General Nature Thereof;
- (c) Approval of previous minutes;
- (d) Delegations and Presentations;
- (e) Correspondence;
- (f) Committee Reports;
- (g) Other Business;
- (h) Closed meeting; if required

(i) Adjournment.

Effective Date

- a. This by-law shall come into effect on the date it receives third reading by the Council of the Corporation of the Town of Englehart.

This by-law be given first and second reading on this 1st day of April, 2020.

That this by-law be given third and final reading, signed and sealed on this 1st day of April 2020.

Mayor

Clerk