



## THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

### BY-LAW NUMBER 2839

#### A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

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**WHEREAS** pursuant to Section 238 of the Municipal Act, 2001, as amended, every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of The Corporation of the Township of Augusta deems it advisable to adopt a procedural by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Augusta enacts as follows:

#### 1. DEFINITIONS

- 1.01 "Clerk" shall mean the Clerk of The Corporation of the Township of Augusta.
- 1.02 "Council" shall mean the Council of The Corporation of the Township of Augusta.
- 1.03 "Head" of Council shall mean the Reeve of The Corporation of the Township of Augusta.
- 1.04 "Recorded Vote" shall mean the recording of the name and vote of every member of Council or Committee.
- 1.05 "Substantive Motion" shall mean any motion except the following:
- (a) to extend the time of the meeting;
  - (b) to refer;
  - (c) to amend;
  - (d) to lay on the table or defer;
  - (e) to postpone indefinitely or set a specific day;
  - (f) to adjourn;

#### 2. APPLICATION OF THE BY-LAW

- 2.01 The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof, provided that the rules and regulations contained herein may be suspended by a vote of Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

#### 3. COUNCIL MEETINGS

- 3.01 The Swearing-In Ceremony following each municipal election for Members of Council shall be held in the Council Chambers at 2:00 p.m. on the first day of December. Should the first or second day of December fall on a Saturday or Sunday, the Swearing-In Ceremony shall be held on the following Monday. Regular meetings of Council shall take place on the following schedule:
- 2<sup>nd</sup> Monday of each month at 6:30 p.m. – Regular Meeting
  - 4<sup>th</sup> Monday of each month at 6:30 p.m. – Committee of the Whole/Regular Meeting

There shall be one meeting of Council in the months of July, August and December and this meeting shall be held on the second Monday of each month.

If additional meetings are required they will be advertised as per the policy and will be held as follows:

- 1<sup>st</sup> Monday of each month at 1:30 p.m. – Committee of the Whole/Regular Meeting
- 3<sup>rd</sup> Monday of each month at 1:30 p.m. – Committee of the Whole/Regular Meeting

This schedule will be followed each month unless, by resolution, Council directs otherwise, in which case the local print media will be advised and notices shall be placed on the municipal website advising of the time and date as well as on the municipal digital sign located at the municipal office. All regular meetings of Council and Committee of the Whole meetings shall be open to the public as per section 239 (1) of the *Municipal Act*, 2001 unless the subject matter being considered would fall within section 239 (2) of the *Municipal Act*, 2001.

- 3.02 When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour on the day following that is not a public or civic holiday.
- 3.03 The Head of Council may at any time summon a special meeting of Council on 24 hours notice to the members of Council, or, upon receipt of the petition of the majority of the members of Council, the Clerk shall summon a special meeting for the purpose and at the time specified in the petition. Twenty-four hours notice of all special meetings of Council shall be given to the members through the Clerk's office. The only business to be dealt with at a special meeting shall be that which is listed in the notice of the meeting, or given orally to the members unless decided otherwise by consent of the entire Council. Special meetings shall be either open or closed as decided by Council.
- 3.04 Notwithstanding Section 3.03 the Reeve may, in the event of an emergency, call a special meeting of Council without giving the mandatory twenty-four hours notice, provided that the Clerk has diligently tried to advise all members of Council immediately on being advised by the Reeve of his intention to hold such an emergency meeting.
- 3.05 At any time during the absence or unavailability of the Reeve, the Deputy Reeve may call a special meeting. If the Deputy Reeve is unavailable, Council shall appoint a presiding Member.

#### **4. CALLING OF MEETING TO ORDER AND QUORUM**

- 4.01 As soon after the hour fixed for the holding of the Council as a quorum is present, the Head of Council shall take the chair and call the meeting to order.
- 4.02 A quorum is a simple majority of the elected Council.
- 4.03 If no quorum is present 15 minutes after the time appointed for the Meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until a new meeting date is set by the Reeve, subject to Sections 3.03 and 3.04.
- 4.04 If the Head of Council does not attend within fifteen minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and an acting Head of council shall be appointed from among the members present and he/she shall preside until the arrival of the Head of Council, and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

#### **5. CURFEW**

- 5.01 No meeting shall exceed 3 hours unless unanimous consent is given by the members of Council.

#### **6. THE CONDUCT OF PROCEEDINGS AT A COUNCIL MEETING**

- 6.01 It shall be the duty of the Head of Council or other Presiding Officer;

- (a) to open the meeting of Council by taking the chair and calling the meeting to order;
- (b) to announce the business before the Council in the order in which it is acted upon;
- (c) to receive and submit, in the proper manner, all motions presented by the members of Council.
- (d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings and to announce the results;
- (e) to decline to put to vote motions which infringe the rules of procedure; to restrain the members, within the rules of order, when engaged in debate; to enforce on all occasions the observance of order and decorum among the members;
- (h) to call by name any member persisting in breach of the rules of order of the Council, thereby ordering him to vacate the Council Chambers;
- (i) to receive all messages and other communications and announce them to Council;
- (j) to authenticate, by his/her signature when necessary, all by-laws, resolutions and minutes of the Council;
- (k) to inform council, when necessary or when referred to for the purpose, on a point of order or usage;
- (l) to represent and support the Council, declaring its will, and implicitly obeying its decision in all things;
- (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (n) to adjourn the meeting when the business is concluded;
- (o) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

7.01 At regular meetings of Council the agenda shall be as follows:

- (a) call to order;
- (b) Reeve's opening remarks;
- (c) approval of agenda;
- (d) approval of minutes of the previous meetings;
- (e) disclosure of interest and nature thereof;
- (f) business arising from minutes;
- (g) delegations, petitions;
- (h) correspondence;
- (i) committee reports;
- (j) new and unfinished business;
- (k) resolutions/motions;
- (l) by-laws;
- (m) announcements;
- (n) question period for the public;
- (o) question period for the press;
- (p) closed meeting as per Section 239 of the Municipal Act, RSO 2001;
- (q) by-law to confirm proceeding of Council;
- (r) adjournment;

7.02 The business of the Council shall in all cases, be taken up in the order in which it stands on upon the agenda unless otherwise decided by Council.

7.03 When it appears that any matter may be more conveniently considered in Committee of the Whole, Council may on motion resolve into a committee of the whole, and the

proceedings taken in Committee when adopted by Council shall be deemed to be proceedings of Council.

## **8. MINUTES**

8.01 Minutes 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 reading, correction, if necessary, and adoption of the minutes of prior meetings;
- (d) all other proceedings of the meeting without note or comment.

8.02 It shall be the duty of the Clerk to ensure that the minutes of the last regular meetings, and all Special meetings held more than five (5) days, excluding Saturdays and Sundays, prior to a regular meeting be circulated to all Members of Council.

8.03 It shall be the duty of the Clerk to ensure that the minutes of Committees of Council are prepared and distributed to all Committee and Council Members within one week of the meeting date.

## **9. DELEGATIONS**

9.01 Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk in writing not later than 4:30 p.m. on the last Wednesday preceding the commencement of the meeting of the Council. There will be one spokesperson per delegation.

The individual or group shall provide to the Clerk his/her name or name of the group, the nature of the business to be discuss and if representing any organization, the name of the agency or other such body. A delegation intending to distribute any reports or supporting documentation shall provide it to the Clerk in order that the material can be circulated with the agenda.

- (a) The inclusion of a delegation on the agenda shall be determined on a first come first served basis and regard shall be given to the length of the agenda. No more than three (3) delegations will be heard at any meeting.
- (b) Delegations shall be limited to ten (10) minutes for presentation time with an additional ten (10) minutes for questions and answers unless and until the presiding officer has extended or reduced such time allotment.
- (c) Members of the public who constitute the audience in the Council Chamber during a Council meeting shall maintain order and may not address Council except upon request of the presiding officer and in such an event the presentation shall be limited to five (5) minutes and the two (2) questions allowed must pertain directly to items listed on the agenda.

9.02 Notwithstanding Section 9.01 delegations not listed with the Clerk prior to the meeting may be heard upon unanimous consent of Council but decision may be deferred on the matter in question until further study.

## **10. PETITIONS AND COMMUNICATIONS**

10.01 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 (1) person and filed with the Clerk.

10.02 Every petition or communication shall be delivered to the Clerk not later than 4:30 p.m. on the last Wednesday preceding the date of the regular meeting of Council.

10.03 Notwithstanding Section 10.02, petitions or communications not listed with the Clerk prior to the meeting may be heard upon unanimous consent of Council but decision may be deferred on the matter in question until further study.

## **11. COUNCIL COMMITTEES AND MUNICIPAL OFFICIALS REPORTING**

11.01 Reports from either Council Committees or Municipal Officials shall deal with matters previously delegated to them or that fall within their jurisdiction.

## **12. ACCOUNTS**

12.01 General or Special Accounts will be presented for Council approval at each meeting.

12.02 Invoices must be submitted to the office for payment no later than noon on the last Wednesday preceding the Regular Meeting of Council.

## **13. NEW BUSINESS**

13.01 This item is described as being any business arising from unfinished business or new business as brought forth by any member of Council. These items must be presented on the agenda on the Wednesday prior to the Council Meeting, or deferred to the next scheduled meeting unless a unanimous decision of Council brings it forward.

## **14. READING OF BY-LAWS AND PROCEEDINGS THEREON**

14.01 Every By-Law shall be introduced upon motion by a member of the Council, specifying the title of the By-Law.

14.02 Every By-Law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.

14.03 Every By-Law shall have three readings; first and second will be read jointly. The third reading, if approved by Council, may be delayed to a time designated by Council.

14.04 After the first / second reading of the By-Law it may be amended and or debated.

14.05 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.

14.06 If Council so determines, a By-Law may be taken as read.

14.07 The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.

14.08 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/her office for safe keeping.

## **15. MOTIONS**

15.01 Introducing Motions - Any motion may be introduced without notice.

15.02 Seconding – A motion must be formally seconded before the Presiding Officer can put the question or a Motion be recorded in the minutes

15.03 Presentation of Motion By Chairman – When a Motion is presented in Council in writing, it shall be stated by the Presiding Officer before debate

15.04 Amendment – A motion to amend

- (a) shall be presented in writing prepared by the Clerk and must add to or delete from the original motion;
- (b) shall receive disposition of Council before a previous amendment or the question;
- (c) shall not be further amended more than once provided that further amendment may be made 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) may propose a separate and distinct disposition of a question;
- (g) shall be put in the reverse order to that in which it is moved.

15.05 Motion For Reconsideration -

- (a) A Motion for Reconsideration is to reconsider a matter decided by Council within the immediately preceding 12 months of its term, subject to the following:
  - (i) a Motion for Reconsideration shall be ruled out of order if any change to the previous decision would interfere with legally binding commitments of the Township of Augusta existing as of the date the motion to reconsider is moved;
  - (ii) such motion must be moved by a member who voted on the prevailing side;
  - (iii) such motion must be supported by a majority vote of the Members of Council before the matter to be reconsidered can be debated;
  - (iv) debate on the question must be confined to such matters as new information that has come forward, an error in documentation presented or incorrect statements made during the original debate.
- (b) If a Motion for Reconsideration is approved
  - (i) no action shall be taken in respect of the matter under reconsideration until it has again been presented to council for a decision at the next regular Council Meeting unless it has been deemed to be an emergency.
  - (ii) the matter shall be presented to Council in the exact manner in which it was first presented to Council.

15.06 Motion to Rescind - The purpose of a Motion to Rescind is to annul some action taken previously by council when it was too late to reconsider. If it is considered necessary to rescind a motion, a notice of motion to rescind must be introduced and voted on at a subsequent designated meeting. There is no time limit.

15.07 Notice of Motion

- (a) Must state intent and timing to be discussed;
- (b) Does not require seconder;
- (c) If not proceeded with at the noted meeting, will be considered to be withdrawn.

**16. VOTING ON MOTIONS**

16.01 Questions Stated - Immediately preceding the taking of the vote, the Presiding Officer may state the 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.

16.02 No Interruption After Question - 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.

- 16.03 Unrecorded Vote - The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
- 16.04 Recorded Vote - When a member present 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. A request for a recorded vote can be made immediately prior or immediately subsequent to the taking of the vote.
- 16.05 Conflict of Interest - A member who has a pecuniary or any interest in a question shall declare such interest and the general nature thereof and shall refrain from speaking on the question, and shall also refrain from voting and his disclosure of interest shall be recorded in the minutes of the meeting.
- 16.06 Where a meeting referred to in 16.06 is not open to the public, the member in question shall forthwith leave the meeting or that part of the meeting that deals with the subject matter

## **17. RULES OF DEBATE**

- 17.01 Every member prior to speaking to any question of Motion shall be recognized by the Presiding Officer. When two or more, Members rise to speak, the Presiding Officer shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, rose first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by a statute.
- 17.02 If any Member at a meeting of the Council when a question is put and recorded vote taken does not vote, he/she shall be deemed as voting in the negative except where he/she is prohibited from voting by statute.
- 17.03 If a member disagrees with the announcement of the Presiding Officer that a question is carried or lost he/she may, but only immediately after the said declaration is made, appeal the declaration and request that a recorded vote be taken.
- 17.04 When the Presiding Officer calls for the vote on a question, each Member shall occupy their seat and shall remain in place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.
- 17.05 When a Member is speaking no other Member shall interrupt except on a point of order, and during such time no other Member shall speak to any other Member or make any noise or disturbance.
- 17.06 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.
- 17.07 No Member shall speak more than once to the same question without the leave of Council, except that a reply shall be allowed to be made only by a Member of the Council who has presented the motion to the Council.
- 17.08 No Member, without leave of the Council, shall speak to the same question, or in reply, for longer than ten (10) minutes.
- 17.09 When a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Presiding Officer or an official of the Municipality on the matter under discussion, but only for the purpose of obtaining information, following which the Member shall speak.
- 17.10 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:

- (a) a point of order or personal privilege;
- (b) presentations and petitions should be presented in writing;

- (c) to lay on the table;
- (d) to postpone indefinitely or to a day certain;
- (e) to move the previous question;

17.11 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;

17.12 Except as provided in clause 17.10 all motions shall be in writing and signed by the mover and the seconder.

17.13 In all un-provided cases in the proceedings of the Council or in the Committee of the whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

## **18. POINTS OF ORDER AND PRIVILEGES**

18.01 The Presiding Officer shall preserve order and decide questions of order.

18.02 The Council, if appealed to, shall decide the question without debate and its decision shall be final.

## **19. CONDUCT OF MEMBERS OF COUNCIL**

19.01 No Member shall:

- (a) use offensive words or un-parliamentary language in or against the Council or against any Member;
- (b) speak on any subject other than the subject in debate;
- (c) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- (d) disobey the rules of the Council or decision of the Presiding Officer or of the Council 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, 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/she may, by vote of Council, be permitted to retake his/her seat.

19.02 No person except Members and Officers of the Council shall be allowed to come to the Council table during the sittings of the Council without permission of the Presiding Officer or the Council to do so.

19.03 When the chair is putting the question no Member shall leave or make a disturbance.

## **20. COMMITTEE OF THE WHOLE**

20.01 Motions must be passed to go into Committee of The Whole and return there from to regular Council.

20.02 The Head of Council may act as Presiding Officer or Council may appoint another Member to so act.

20.03 The Presiding Officer shall maintain order in the Committee and report the proceedings to Council.

20.04 The rules governing the procedure of the Council and the conduct of Members in the Council shall be observed in the Committee

20.05 The number of times of speaking on any question shall not be limited unless a Member requests that the vote be now taken.

**21. OTHER COMMITTEES**

21.01 Members on the Committee of Adjustments, Library Board, Police Services Board, as well as township officers (Livestock Evaluators, Fence Viewers, and By-law Enforcement Officer) will be appointed by By-Law for the term of Council, unless the position is filled with a written contract. If any member does not complete their term, a replacement will be appointed.

21.02 The Council may, by By-Law or resolution, appoint any of its members or non Council members to standing or special committees of Council. The Head of Council will be deemed an ex officio member on all committees.

21.03 The main purpose of the Standing Committees is to oversee the operations of one or more municipal departments as well as to make recommendations to Council on policy matters referred to them.

**22. SUSPENSION OF RULES**

22.01 Any procedure required by this By-Law may be suspended with consent of the majority of the Members of the Council present.

**23. AMENDMENT**

23.01 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 the Council and the waiving of this notice by the Council is prohibited.

**24. EFFECTIVE DATE**

24.01 This By-Law shall become effective upon the date of enactment.

24.02 By-law 2821 is hereby repealed.

**READ** a first time and second time this 12<sup>th</sup> day of July 2010.

**READ** a third time and passed this 12<sup>th</sup> day of July 2010.

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REEVE

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CLERK