

The Corporation of the Township of Pelee

By-law No. 1614

Being a by-law to provide for the rules of order of the Council
and its Committees of the Township of Pelee

WHEREAS pursuant to the Municipal Act, R.S.O. 2001, Part II, Sec. 9(1) every Council may pass such by-laws and make regulations for governing the conduct of its members as may be deemed expedient and are not contrary to law.

NOW THEREFORE the Council of the Township of Pelee **ENACT AS FOLLOWS:**

1. GENERAL

- a. The rules and regulations contained in this by-law shall be observed and shall be the rules and regulations for the order and dispatch of business of the Council and its Committees.
- b. Any standing rules, order of Council or provisions of this by-law may be suspended at a meeting by resolution provided the majority of all members present vote in favour thereof.
- c. Subject to the Municipal Act and subject to the provisions hereinafter provided, a person, not a member of Council, must follow the procedures established in item 4 in order to address Council and its Committees.
- d. Two-thirds majority of members present will determine whether any business not listed on the agenda will be dealt with at the meeting in progress or whether a recommendation be made to defer the business to a future meeting.
- e. All business of Council and its Committees should be taken up in the agenda order.
- f. The business of Council and its Committees shall not extend beyond 11:00 pm, without the consent, by resolution, of the majority of members present. If the business of Council and its Committees is not completed by 11:00 pm, the meeting shall be reconvened the following day or at such day and time as agreed upon by the majority of members present.

2. CONVENING OF MEETINGS

- a. The inaugural meeting of Council shall take place at 8:00 pm on the first Monday in December in an election year, or if that day is a holiday, then on the next day at 8:00 pm.
- b. The first Regular Meeting of Council each year shall be in accordance with the meeting schedule approved by Council from time to time.

c. Council shall meet in accordance with its yearly schedule as prepared and approved during the preceding year. Subject to paragraph 2 e. the Council Meetings and Committee Meetings shall be held in the Council Chambers at 8:00 pm.

d. When a public holiday falls on a regular meeting day, the Wednesday following shall be considered the regular meeting day.

e. 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.

3. NOTICE OF MEETING

a. The Clerk or designate shall provide an approved schedule of "Regular Meetings of Council annually to all members of Council and Department Heads.

b. Council Agendas, together with pertinent material so far as known, to be brought before such meetings, shall be available for the members on the Friday prior to the week of the meeting.

c. The Head of Council may, at any time, summon a Special Meeting.

d. The Clerk or designate shall summon a Special Meeting upon receipt of a petition of the majority of Council member, for the purpose and at the time mentioned in the petition.

e. Where possible, in either case, item 3 c. and 3 d., 48 hours written notice shall be given.

f. Special Meetings shall only be summoned when the subject matter is too complex and lengthy to be dealt with at a Regular Meeting or if the subject is of such an urgent nature, it must be dealt with immediately. The Special Meeting notice shall specify the purpose of the meeting.

g. Where possible, the press shall be notified of all meetings.

4. Members of the public wishing to speak at a Council meeting must notify the Clerk on the Thursday prior to the meeting before twelve (12) noon in order to be placed on the Agenda. The subject to be discussed must be stated.

5. DUTIES OF THE CLERK OR DESIGNATE

a. To prepare the agenda of Council Meetings.

b. To accept items for the agenda from the Reeve and Members of Council. Items should be accompanied by written correspondence or a prepared report.

c. To receive petitions and written communication from the public and to place same on the agenda of Council.

- d. To ensure all agenda items delivered in writing prior to 12:00 noon, on the Thursday prior to the meeting are included on the agenda provided no research is required.

6. FORMAT OF MEETING AGENDAS

- A. Council Meetings
 1. Call To Order
 2. Introduction of Matters to the Agenda and Adoption of Agenda
 3. Disclosures of Pecuniary Interest
 4. Delegations
 5. Minutes
 6. Reports
 7. Old Business
 8. New Business
 9. Correspondence
 10. Disbursements
 11. By-laws
 12. Notice of Motion
 13. Adjourn
- FYI - For Your Information Only

7. THE CONDUCT OF PROCEEDINGS AT A MEETING

The responsibility for conducting meetings lies with the Chairperson. In the case of Council Meetings, the Mayor or designate shall be the chairperson. The chairperson shall be responsible:

- a. To call the meeting to order at the appointed time.
- b. To announce the business as listed on the agenda.
- c. To assign the floor to members who desire to speak. Once a member has been recognized to speak, it is the duty of the chairperson to protect the speaker from disturbance or interference. The chairperson shall interrupt the speaker only when remarks are repetitious, directed at personalities, or do not pertain to the subject being discussed.
- d. To ensure all motions are submitted correctly and clearly, and to read all motions which have been correctly moved and seconded.
- e. To ensure, in the event of a defeated resolution, that a positive resolution is introduced.
- f. To ensure, when items are pulled from Committee Reports, that the Chairperson or designate, duly move and second a resolution accepting the item as printed and circulated.
- g. To make certain that members understand the motion which is being dealt with.
- h. To restrict discussion to the motion.
- i. To be responsible for answering all procedure inquiries and for deciding points of order and questions of privilege as soon as they arise.
- j. When discussion on a question has ceased or has been closed by motion to that effect, the chairperson is responsible for restating the exact question upon which the assembly is to vote and for putting the question to a vote.

k. When necessary, the chairperson decides whether the motion has two or more independent parts, and may require separate motions to vote on each part.

l. To adjourn the meeting, for a period of time determined by the Chairperson, when the decorum has deteriorated to a point where business can no longer be conducted.

8. QUORUM OF MEETINGS

a. The quorum for any meeting shall be three member of Council.

b. If there is not a quorum in attendance fifteen minutes after time appointed for the meeting, the recording officer shall record the names of the member present and the meeting shall stand adjourned.

9. DECORUM

No Member shall:

a. Disturb another, or the Council itself, by any disorderly deportment that interferes with any member who is speaking, or interrupts the conduct of business.

b. Resist or disregard the rules, or disobey the decisions of the chairperson on questions of order, or upon the interpretations of the rules of order;

c. Leave a meeting without first notifying the chairperson.

d. Leave their place on adjournment until the Chairperson leaves the chair;

e. Speak until the chairperson has been addressed and members have stood to speak except at Committee meetings where members are not required to stand;

f. Walk across or out of the Chamber or make any noise or disturbance when the chairperson is putting a question and shall occupy his seat while the vote is being taken and until the result thereof is declared.

10. RULES OF DEBATE

a. No debate shall be held on a topic until there is a motion on the floor; unless a general information discussion is requested by a member.

b. All main motions and amendments thereto shall be written and presented to the chairperson.

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 last to conclude the debate.

d. A member who wishes to speak on a motion must first be recognized by the Chair, and should begin by stating whether he supports or opposes the motion, or whether he is moving an amendment.

e. At Council meetings a member shall not speak more than once on a motion (except as provided in c) above) except in explanation of a material part of his speech. No debate shall be allowed upon the explanation.

f. After a motion or an amendment has been debated, the chairperson calls the question by asking those in favour of the motion to so indicate, followed by those opposed. He then declares the motion "carried" or "defeated". If a member refuses to cast a vote, the member is considered to have voted in the negative.

g. All duly moved and seconded motions, be they defeated or carried, shall be recorded in the written minutes of the meeting.

- h. A time limit may be set on debate if the assembly so decides.
- i. Members having a personal or pecuniary interest in any subject under discussion shall declare their interest pursuant to the Municipal Disclosure of Interest Act and shall refrain from any discussion and voting on the subject.
- j. Any member disclosing an interest pursuant to item i) shall leave the room during the discussion.
- k. A motion may be withdrawn at the request of the mover and seconder before being voted on.

11. AMENDMENTS

- a. An amendment must bear such close relationship to the motion that the basic intent of the motion is not changed.
- b. A motion may be amended by:
 - 1) Insertion or addition
 - 2) Deletion
 - 3) Substitution
- c. There may be an amendment to the amendment but not more than one such subamendment may be debated at any one time.
- d. The sequence of voting on an amended motion is as follows:
 - 1) The amendment to an amendment (subamendment)
 - 2) The amendment
 - 3) The main motion, as amended

12. INCIDENTAL REQUEST AND APPEALS

- a. Requests (may interrupt debate; no vote required)
 - i) Question or Privilege - relates to any matter affecting rights and immunities of the assembly collectively, or to the position, reputation and conduct of members in their respective character.
 - ii) Parliamentary Inquiry - question to chairperson relating to procedure or to the meaning or effect of the impending resolution-question to speaker or proposer of the motion about the pending motion.
 - iii) Point of Order - question to the chairperson regarding a possible breach of rules of order.
- b. Appeals (vote required)
 - i) Appeal from the decision of the Chair - the challenging member may state his reason for objection to the decision of the chairperson and the chairperson may reply; the vote is on "sustaining" or "overruling" the chair's decision; a simple majority is required.
 - ii) Appeal from the decision to withdraw a motion - if any member objects to the withdrawal of a motion once it is on the floor, the assembly must vote; simple majority to carry.

13. ORDER OF PRECEDENCE OF MOTIONS

The procedures with respect to motions shall apply as set forth in the accompanying table. A motion shall have precedence according to this table. Each motion on the list has precedence over those listed on the next page and is superseded by those above.

Diagram showing Order of Precedence and footnotes containing rules governing motions:

<u>Order of Precedence</u>	<u>Motion</u>	<u>Debatable</u>	<u>Amendable</u>	<u>Vote Required</u>
1	Adjourn	No	No	Majority
2	Recess	No	Yes	Majority
3	Table (postpone temporarily)	No	No	Majority
4	Take from Table (resume consideration)	No	No	Majority
5	Previous Question (vote Immediately)	No	No	2/3
6	Call the Question (2)	No	No	Majority
7	Limit or Extend Time of Debate	Yes	Yes	Majority
8	Postpone to Set Time	Yes	Yes	Majority
9	Refer (commit)	Yes	Yes	Majority
10	Amend (6)	Yes	Yes	Majority
11	Postpone Indefinitely	Yes	Yes	Majority
12	Main Motion	Yes	Yes	Majority
13	Reconsider (8)	Yes	Yes	Majority
14	Rescind (7)	Yes	Yes	Majority

FOOTNOTES

1. Length of recess only amendable. May interrupt speaker, requires no second.
2. Can be applied only to a debatable and amendable motion to which it is applied. If carried, vote on pending motion taken immediately; if defeated, debate on pending motion continues. Cannot be proposed a second time to the same motion. Recommended form: "I move that we vote immediately on the pending motion (or amendment)".
3. Debatable as to propriety of limiting or extending debate only.
4. Debatable as to propriety of postponing only.
5. Debatable as to propriety of referral only.

6. An amendment is not in order if it changes the intent of the motion to which it is applied.
7. Can be made only by a member who voted with the prevailing side. Action that cannot be reversed or suspended cannot be reconsidered. S4uspends all action on the motion to be reconsidered. May only be applied to motions made at the reconsidered. May only be applied to motions made at the same meeting. No motions may be reconsidered more than once.
8. Can be applied only to actions not already taken under the motion to be rescinded. Not in order when the subject can be reached by reconsideration.

14. RECORDED VOTE

- a. Any member prior to voting on a resolution of Council may request the vote to be recorded.
- b. All members, including the Mayor must vote on a recorded vote.

15. BY-LAWS

- a. Every by-law shall be passed by a quorum of Council on the date read;
- b. Each by-law shall be given a short title.

THAT By-law 1548 is hereby repealed;

AND THAT this by-law shall come into force and take effect on the 20th day of September, 2004 and its short title shall be Procedural By-law.

Passed this 20th day of September, 2004



Reeve



Clerk-Treasurer