

**THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO**

**BY-LAW NUMBER 42-2007**

**BEING A BY-LAW TO AMEND BY-LAW NO. 10-2004 AND BY-LAW NO. 22-2004, FOR GOVERNING THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF THE MUNICIPAL COUNCIL FOR THE TOWNSHIP OF CARLOW/MAYO**

**WHEREAS**, the *Municipal Act, 2001, S.O. 2001, c. 25*, section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** Council deems it expedient to pass such a by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Carlow/Mayo hereby enacts as follows:

**1.0 DEFINITIONS:**

1. **“COUNCIL”** means the elected and sworn members of the Council of the Township of Carlow/Mayo.
2. **“HEAD OF COUNCIL”** means the Reeve.
3. **“ACTING HEAD OF COUNCIL”** shall first mean the ex-officio and secondly another designate who shall act as presiding officer in the absence of the Reeve or ex-officio.
4. **“CLERK”** shall mean the Clerk of the Corporation of the Township of Carlow/Mayo or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act.
5. **“CLOSED SESSION”** shall mean closed to the public as defined in Section 4, Subsection 4 (b) of this By-Law.
6. **“COMMITTEE OF THE WHOLE”** shall mean a meeting of Council in Committee format for discussion purpose.
7. **“COMMITTEE”** means any advisory or other committee, subcommittee or similar entity composed of members of Township of Carlow/Mayo council alone or together with members of another council or the public.
8. **“COMMITTEE CHAIR”** means the Chairperson of any committee and the Committee Chair shall have the same powers as Head of Council during Council Meetings whether or not the Chair is a voting member.
9. **“CONFLICT OF INTEREST”** means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.
10. **“LOCAL BOARD”** means a local board as defined in the *Municipal Act, 2001*.
11. **“MEETING”** shall mean any regular, special, committee or other meeting of Council, or of a local board or of a committee of either of them.
12. **“QUORUM”** shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act* the quorum may be less than half plus one of the whole number of members but shall not be less than two.
13. **“PUBLICATION”** shall mean publication of a notice in one of the weekly newspapers, “The Bancroft Times” or “This Week” and if more than one publication is specified these publications shall be made in successive issues of

the newspaper and in cases where publications is required, the last required public notice shall be published not less than ten days before the meeting of Council at which the matter is to be considered.

14. **“NOTICE IN WRITING”** shall mean notice either served personally or sent by prepaid registered post directed to the addressee at his/her last known address and to the addressee’s address as shown on the Tax Rolls of this Municipality, if the addressee is a taxpayer, and such notice shall be mailed at least ten days prior to the meeting of Council at which the matter is to be considered or shall be served personally at least seven days prior to such meeting.

## **2.0 INTENT OF BY-LAW**

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-Law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.
2. All Points of Order or procedure not provided for in these Rules shall be decided in accordance with Robert’s Rules of Order and the Reeve shall submit the ruling without debate.

## **3.0 LOCATIONS, MEETING TIMES AND NOTICE**

1. The First or Inaugural Meeting of Council after a regular election shall be held on the first Tuesday in December, at 9:00 a.m. in the forenoon, in the Township of Carlow/Mayo Council Chamber located in the Municipal Office at 3987 Boulter Road.
2. Regular meeting of Council shall be held on the first Tuesday of the month at 9:00 a.m. in the Township of Carlow/Mayo Council Chamber located in the Municipal Office at 3987 Boulter Road.
- 3(a) Notice of council meetings shall be given by publication of future meetings in previous agendas and posting of meeting agendas on the township website prior to the meeting.
- (b) Written notice shall be posted at the following locations at the beginning of each year:
  - Municipal Office Bulletin Board: 3987 Boulter Road
  - Ward One Waste Disposal Site: 7 Pincrest Road
  - Ward Two Waste Disposal Site: 35844 Highway 28
  - Boulter General Store: 3960 Boulter Road
  - Cunningham’s Country Store: 35513 Highway 28
  - Township Website: [www.carlowmayo.ca](http://www.carlowmayo.ca)
- (c) In the case of special meetings notice shall be given by posting of the agenda on the township website and posting written notice at the locations listed in 3(b) above if timeframe permits as soon as it is practicable after notice of the special meeting has been given.
- (d) Before adopting or amending all or part of the annual budget, the municipality shall give notice of its intention to adopt or amend the budget at a council meeting specified in the notice posted on the township website.
- (e) Notice of Recreation Committee meetings shall be posted on the township website.

## **4.0 COUNCIL AND COMMITTEE MEETINGS**

1. Council may, by Resolution, alter the date and/or time of a regular meeting provided that adequate notice of the change is posted and published as per the requirements set out in Section 3.0 subsection 3 of this By-Law.
- 2(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 in 2 (c) 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 2(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.

3(a) The Reeve shall preside at all meetings of the Council.

- (b) When the Reeve is absent or refuses to act, or the office is vacant, the ex-officio shall act in the place and stead of the head, and while so acting, the ex-officio has and may exercise all the rights, powers and authority of the Reeve.
- (c) Notwithstanding 3(b) above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- (d) The Reeve or presiding officer may expel from a meeting anyone who engages in improper conduct.

4(a) All Council and Committee meetings shall be open to the public.

- (b) Notwithstanding 4(a) above, a meeting or part of a meeting of Council or a Committee may be closed to the public if the subject matter being considered is:
  1. the security of the property of the municipality or local board;
  2. personal matters about an identifiable individual, including municipal or local board employees;
  3. a proposed or pending acquisition or disposition of land by the municipality or local board;
  4. labour relations or employee negotiations;
  5. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or a local board;
  6. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  7. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
  8. if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act.
  9. the educating or training of council or a committee or local board and at the meeting, no members discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

- (c) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:
  1. the fact of the holding of the closed meeting;

2. the general nature of the matter to be considered at the closed meeting.
- (d) Subject to subsection (e) below a meeting shall not be closed to the public during the taking of a vote.
- (e) Despite section 244 of the municipal act a meeting may be closed to the public during a vote if,
  - i) Subsection 4 (b) above 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 municipality, local board or committee of either them or persons retained by or under contract with the municipality or local board.
- (f) Meetings or sessions, which are closed to the public, may be referred to as in-camera meetings or sessions.
- (g) During closed/in-camera meetings/sessions only the item stated on the resolution for the purpose of a closed meeting/session may be discussed.
- (h) Confidential minutes will be taken during all closed/in-camera meetings/sessions.

## **5.0 CLOSED MEETING INVESTIGATION**

1. A person may request that an investigation of whether a municipality or local board has complied in respect of a meeting or part of a meeting that was closed to the public be undertaken by the appointed Municipal Closed Meeting Investigator. Policy and complaint procedures have been established and adopted by by-law. A copy of this policy and a complaint form are available to the members of the public at the municipal office and on the municipal website [www.carlowmayo.ca](http://www.carlowmayo.ca).
2. The Municipal Closed Meeting Investigator has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied in respect of a meeting or part of a meeting that was closed to the public and to report on the investigation.

## **6.0 AGENDAS AND SUPPORTING MATERIALS**

1. (a) The Clerk shall prepare agendas of Council and Committee meetings as assigned excluding Recreation Committees agendas.
- (b) Insofar as is practicable, Council agendas, along with supporting materials, shall be prepared and made available to members on the Thursday prior to a regular council meeting.
- (c) Individuals or groups wishing to appear before Council at a regular council meeting shall advise the Clerk not later than 12:00 noon on the Thursday prior to a regular meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- (d) Written reports of officers shall, insofar as is practicable, be made available to Council by 4:00 p.m. on the Thursday immediately preceding regular meetings.
- (e) Individuals wishing to appear before Council at a regular council meeting without delegation status may attend the public forum portion of the meeting which is held between 9:15 to 9:30 a.m. Each individual is limited to five minutes each.
- (f) 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) Review of Agenda and Adoption of Agenda
- 2) Disclosure of Pecuniary Interest
- 3) Adoption of the Previous Meetings Minutes (Errors and Omissions)
- 4) Business Arising from the Minutes
- 5) Public Forum (maximum of 15 minutes-limit of five minutes per person)
- 6) Petitions, Delegations and Public Meetings (i.e. Zoning Amendments)
- 7) Accounts (Roads, Recreation Committees, General)
- 8) Reports of Committees (with appropriate sub-headings)
- 9) Other Business
- 10) Correspondence
- 11) By-laws
- 12) Motions and Notice of Motions (Resolutions)
- 13) New Business
- 14) Resolution: to move to an in-camera (closed) session (inserted where appropriate)
- 15) Adjournment

(g) The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or presiding officer.

## **7.0 NO QUORUM**

1. A majority of the members of a municipal council is necessary to form a quorum.
2. 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.

## **8.0 CURFEW**

1. Council and Committee meetings shall stand adjourned at 11:00 p.m. but business may be continued upon a Resolution passed by unanimous vote.

## **9.0 ROLE OF HEAD OF COUNCIL**

1. (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c) above, to provide information and recommendations to the council with respect to the role of members of council as described in 1 (d) and 1 (d.1) below;
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the Head of Council under the Municipal Act or any other Act.

## **10.0 ROLE OF HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER**

1. (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

**11.0 ROLE OF MEMBERS OF COUNCIL**

1. (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of Council under the Municipal Act or any other Act.

**12.0 DUTIES OF THE HEAD OF COUNCIL**

1. It shall be the duty of the Head of Council 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 call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chamber;
  - (h) to authenticate by signature all By-laws, Resolutions and minutes of the Council;
  - (i) to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
  - (j) the Head of Council and the members of Council will jointly select the members of Council who are to serve on Committees.
  - (k) to represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
  - (l) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the municipal Corporation;
  - (m) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
  - (n) to order any individual or group in attendance at the meeting to cease and desist any behavior, which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where

such behavior persists.

**13.0 CONDUCT OF MEMBERS OF COUNCIL AND GUESTS**

1. 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 Head of Council 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 Head of Council or presiding officer;
  - (f) be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council;
  - (g) interrupt the member who has the floor except to raise a point of order.
2. No person shall be allowed to address Council or speak in debate without permission of the Head of Council or presiding officer.

**14.0 MOTIONS/RULES OF DEBATE**

1. Subject to Paragraph 2 below and insofar as is practicable, notice of motions, except those listed in Paragraph 17 and 18 below, shall be given in writing to the Clerk not later than 12:00 noon on the Thursday preceding the next regular meeting so that the matter may be included in the Council agenda package.
2. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.
3. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
4. When a motion is presented in Council in writing it shall be read, or, if it is an oral motion stated by the Head of Council or presiding officer.
5. 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.
6. Once read or stated by the Head of Council or presiding officer a motion may not be withdrawn without the consent of the majority of the members.
7. Immediately prior to voting on a motion, the Head of Council 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.

8. 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.
9. Members shall not speak more than twice to the same question without the consent of the Head of Council or presiding officer.
10. On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council or presiding officer and may be by voice, show of hands, standing or otherwise.
11. 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 any failure to vote by a qualified member shall be deemed to be a negative vote and the Clerk shall record each vote.
12. Every member of Council shall have one vote. The Head of Council or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
13. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
14. Subject to Section 4.0 Subsection 4 (e) no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
15. (a) Unless otherwise authorized by the Head of Council 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 Head of Council or presiding officer shall designate the member who may speak first.
16. 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. The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
  - (a) a point of order or personal privilege;
  - (b) presentation of petitions;
  - (c) to lay on the table (to defer temporarily)
  - (d) to postpone indefinitely or to a specific day;
  - (e) to move the previous question ( immediate vote on the main motion);
18. 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.
19. Except as provided in Paragraph 17 above all motions shall be in writing and signed by mover and seconder.

20. The Clerk and other officers may introduce matters to be dealt with by motion subject to the notice provisions set out in Paragraph 1 above.
21. Council may, from time to time, employ a confirming resolution immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a By-law or Resolution.

### **15.0 PRIVILEGES**

1. Personal Privilege – questions of privilege are of two types:
  - (1) those relating to the privileges of the assembly as a whole; and
  - (2) questions of personal privilege.  
If the two come into competition, the former takes precedence over the latter.

Questions of privileges of the assembly may relate to its organization or existence; to the comfort of its members with respect to heating, ventilation, lighting, and noise or other disturbance; to the conduct of its officers and employees, or of visitors; to the punishment of its members; or to the accuracy of published reports of its proceedings; etc.

Questions of personal privilege which seldom arise in ordinary societies and even more rarely justify interruption of pending business – may relate, for example, to an incorrect record of a member's participation in a meeting contained in minutes approved in his absence, or to charges circulated against a member's character.

Whenever any matter of privilege arises, it shall be immediately taken into consideration.

### **16.0 POINTS OF ORDER**

1. Point of Order means any member who thinks that the rules of the Council are being violated, may make a Point of Order (or “raises a question of order”), thereby calling upon the Chair for a ruling and an enforcement of the regular rules.

The Head of Council shall preserve order and decide questions of order.

- (1) When a member rises to point of order he shall ask leave of the Head of Council to raise a point of order and after leave is granted he shall state the point of order to the Head of Council and sit down and remain seated until the Head of Council has decided the point of order.
- (2) If no member appeals, the decision of the Head of Council shall be final.
- (3) The Council, if appealed to, shall decide the question without debate and its decision shall be final. This vote to overturn a decision of the Head of Council requires a two-thirds majority.

### **17.0 BY-LAWS**

1. No By-law shall be presented to Council unless the subject matter has been considered and approved by Council.
2. Every by-law shall be introduced upon motion by a member specifying the title of the By-law.
3. 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.
4. Every By-law shall be given three readings prior to passage.
5. The first and second readings of a By-law shall be decided without amendment or debate.

6. By-laws may be given three readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
7. Upon passage By-laws shall be numbered, signed by the Head of Council or presiding officer, Clerk-Administrator and embossed with the seal of the Corporation.
8. Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation.

**18.0 GENERAL**

1. When the Head of Council is absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.
2. In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act, R.S.O. 1990*.
3. Individuals or groups which are listed on the agenda or are otherwise approved to appear before Council shall, subject to Section 6 Paragraph 1 (c), be limited to not more than fifteen (15) minutes except where a delegation consists of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes each.
4. 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.
5. 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.
6. 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.
7. That all By-Laws or parts of By-Laws heretofore passed inconsistent with the provisions hereof and respecting the calling, place and proceedings of meetings of the Municipal Council for the Township of Carlow/Mayo are hereby repealed.
8. That this By-Law shall come into force and take effect upon the enactment thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
4<sup>TH</sup> DAY OF DECEMBER 2007.**

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**David A. Panabaker**  
Reeve

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**Arlene Cox**  
Clerk-Administrator