

THE CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 2723 (2005)

Being a by-law to govern the proceedings of the Town of Pelham Council, its Committees, the conduct of its members and the calling of meetings.

WHEREAS pursuant to Section 238(2) of the Municipal Act, S.O. 2001, Chapter 25, as amended, every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary to set rules and regulations with regard to Council proceedings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

**INTERPRETATION AND DEFINITIONS:**

In this By-law:

- (a) "Chief Administrative Officer" means the Chief Administrative Officer of the Corporation of the Town of Pelham;
- (b) "Chair" means the person presiding at a meeting;
- (c) "Clerk" means the Clerk of The Corporation of the Town of Pelham;
- (d) "Closed Session" means a meeting of the Council, Committee of Council or the Committee of the Whole held under the provisions of the Municipal Act whereby such meeting is closed to the public and municipal staff, unless such staff have been authorized by the Council to attend;
- (e) "Committee" means any advisory or other committee, subcommittee or similar entity composed entirely of Members of Council;
- (f) "Committee of the Whole" means all the Members present at a meeting sitting in Committee;
- (g) "Council" means Council of The Corporation of the Town of Pelham;
- (h) "Delegation" means a person or group of persons who address Council for the purpose of making a presentation to Council;
- (i) "General Committee" and subsequent Divisions means the various Standing Committees of Council as set out in Section 27 of this By-law;
- (j) "In Camera" means a Council, Committee of Council or the Committee of the Whole sitting in closed session not open to the public in accordance with the Municipal Act;
- (k) "Mayor" means the Mayor of the Town of Pelham;
- (l) "Meeting" means any regular or special meeting of Council, Committee or other meeting of Council;

- (m) "Member" means a Member of Council and includes the Head of Council;
- (n) "Presentation(s)" is defined as Special Awards, Certificates or Recognitions being given by the Council to a particular person or group of persons;
- (o) "Presiding Officer" means the person presiding at a meeting;
- (p) "Quorum" means the majority of the Members of Council;
- (q) "Recorded Vote" means the recording of the name and vote of every Member on a motion during a Meeting;
- (r) "Town" means the Town of Pelham.

(1) **GENERAL**

In all proceedings of the Council and of Committees of the Council, the following rules and regulations shall apply and be observed and shall be the rules and regulations for the order and dispatch of the business in Council and in the Committees thereof.

(2) **SUSPEND THE RULES**

The rules contained herein may be suspended at such times and upon such conditions as may be deemed appropriate, by an affirmative unanimous vote of the members of Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings.

(3) **PARLIAMENTARY AUTHORITY**

(i) All matters, points of order or questions of procedure arising and unprovided for in the rules contained herein shall be in accordance with "MEETING PROCEDURES, Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century", James Lochrie, and in such cases the decision of the Head of Council shall be final and accepted without debate.

(ii) In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.

(iii) Following a regular or new municipal election, the Clerk shall provide each member of Council with a copy of this By-law, including amendments thereto.

(4) **AMENDMENT TO THIS BY-LAW:**

No amendment, alteration or addition to this by-law shall be made unless due notice thereof, in writing, setting forth the proposed amendment, alteration or addition, shall have been given at a previous meeting to that at which the same comes up for consideration and a majority of all members of the Council present vote therefor.

(5) **INAUGURAL MEETING OF COUNCIL:**

(a) The Inaugural Meeting of Council after a regular election, shall be held at 7:00 p.m. on the first Monday of December at a place to be decided by the Mayor-Elect and Town Clerk.

(b) The procedure at the Inaugural Meeting of Council shall be as follows:

- (i) The Clerk, in the role of Presiding Officer, shall on taking the Chair, call for and receive the declarations of office.
    - (ii) Roll Call
    - (iii) Invocation
  - (c) The Mayor shall then assume responsibility for the further conduct of the meeting.
  - (d) The agenda for the Inaugural Meeting shall provide for the following:
    - (i) Roll Call
    - (ii) Declaration of Office
    - (iii) Invocation and Singing of National Anthem
    - (iv) Mayor's Remarks
    - (v) Disclosure of Pecuniary Interest and the General Nature Thereof
    - (vi) Appointment of Standing Committees (by-law to follow)
    - (vii) Remarks by the Chair of each Committee
    - (viii) Appointment of other Committee Members & Members to Boards & Commissions
    - (ix) Introduction of appointees to the above Committees, Boards and Commissions
- Reception
- (x) Hearing of Delegations and/or Presentations
  - (xi) Adoption of Minutes
  - (xii) Correspondence
  - (xiii) Presentation and Consideration of Committee & Staff Reports
  - (xiv) Presentation and Consideration of By-laws
  - (xv) New Business
  - (xvi) Notices of Motion
  - (xvii) Matters for Committee of the Whole Council
  - (xviii) Matters Arising out of Committee of the Whole Council
  - (xix) Confirming By-law
  - (xx) Adjournment

(6)

**REGULAR MEETINGS OF COUNCIL:**

- (a) Regular meetings of Council shall be held in the Council Chambers at the Municipal Offices on the first and third Monday of each month at 7:00 p.m. unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Offices advising of the time and place.
- (b) When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.
- (c) The Mayor may at any time summon a special meeting of the Council on ninety-six (96) hours notice to the members of Council, or upon receipt of a petition of the majority of the members of Council, the Clerk shall summon a special

meeting for the purpose and at the time mentioned in the petition. Ninety-six (96) hours notice, in writing, of all special meetings of the Council shall be given to all the members through the Clerk's Office unless the members of Council waive the requirement of written notice.

(d) In the case of the absence of the Mayor through illness or for refusal to act or the office is vacant, a member of Council shall be appointed, by resolution, to act from time to time in the place of the Mayor and such member has and may exercise all the rights, powers, and authority of the Mayor while so acting.

(e) The Clerk shall prepare and mail, deliver or make available at the municipal offices, to each member of the Council an agenda, along with supporting material, at least 96 hours prior to the meeting at which the same is to be considered provided always, however, that this by-law may be suspended in special cases by an affirmative vote of the majority of the Council in attendance. The agenda, together with support material, exclusive of matters to be considered in Committee of the Whole, shall be made available to:

- (i) All Town Department Heads
- (ii) Recording Secretary
- (iii) Media Representatives
- (iv) Other persons so designated by the Council.

(f) Any member of the Council, at any time prior to 4:30 p.m. on the Wednesday preceding a regular Council meeting, may file, in writing, an item for inclusion on the agenda under New Business.

(g) The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda, unless otherwise directed by the Council.

(h) An item of business not listed on the Council agenda cannot be introduced at a Council meeting without the approval of the Council expressed by motion.

(7) **CALLING OF MEETING TO ORDER:**

As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Mayor shall take the Chair and call the meeting to order. A quorum shall be a majority of the members of the Council.

(8) **QUORUM AND REMEDY:**

A Quorum of this Council shall be a majority of the total members (7); that is four (4) members; unless a 2/3 majority or otherwise shall be required by Statute or By-law. If no quorum is present one half hour after the time appointed for a Council 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.

Remedy for Lack of Quorum - shall be as set out in the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, Section 7.

(9) **ABSENCE OF THE MAYOR:**

Subject to the provisions of the Municipal Act, and where no Presiding Officer has been appointed under Clause (6) of this by-law, in case the Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the Members to order and an acting Mayor shall be appointed from among the members present and shall preside until the arrival of the Mayor and while so presiding the acting Mayor shall have all the powers of the Mayor.

(10) **CURFEW:**

No item of business may be dealt with at a Council meeting after eleven (11:00) p.m. unless approved by a majority of members present. When the Council is adjourned at 11:00 p.m. before the agenda is completed, a time and date shall be established for a continued meeting for consideration of the balance of the agenda.

(11) **THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL:**

It shall be the duty of the Mayor or other presiding officer:

- (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 in 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 vote all questions which are regularly moved and seconded, or necessarily arise in the course of 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, within the rules of order, when engaged in debate,
- (g) 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/her to vacate the Council Chambers,
- (i) to receive all messages and other communications and announce them to the Council,
- (j) to authenticate, by signature when necessary, all by-laws, resolutions and 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 enforce all time limits set out in the Procedure By-law unless a time extension is approved by a majority of members present,
- (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 put, in the case of grave disorder arising in the Council Chambers.

(12)

**AGENDA:**

The Clerk shall have prepared and printed for the use of the members at the regular meetings of Council, an agenda under the following headings:

- (i) Call to Order
- (ii) Invocation
- (iii) Singing of National Anthem
- (iv) Approval of the Agenda
- (v) Disclosure of Pecuniary Interest & General Nature Thereof
- (vi) Hearing of Delegations and/or Presentations
- (vii) Adoption of Minutes
- (viii) Business Arising from the Minutes
- (ix) Consent Agenda Items to be Considered in Block
- (x) Correspondence Requiring Action
- (xi) Members of Council Reports
- (xii) Staff Reports Requiring Action
- (xiii) Report of Regional Councillor
- (xiv) Unfinished Business
- (xv) New Business
- (xvi) By-laws
- (xvii) Motions & Notice of Motion
- (xviii) Matters for Committee of the Whole
- (xix) Matters Arising out of Committee of the Whole
- (xx) Confirming By-law
- (xxi) Adjournment

(13)

**DELEGATIONS AND PRESENTATIONS:**

(a) (i) Delegations shall be encouraged to bring matters that would normally be considered by a Standing Committee before such Committee. However, this approach does not withdraw the right of any individual or group of citizens to appear directly before the whole Council as a delegation.

(ii) Delegations may only address Council at a Meeting with respect to matters that are on the agenda for that particular Meeting. Delegations wishing to address Council on a matter not on the agenda shall be directed by the Clerk to the appropriate Standing Committee of Council. On matters clearly beyond Council's jurisdiction delegations will be directed by the Clerk to the most appropriate authority. Section 13 (c) shall apply regarding notice of a request to appear.

(iii) In the event that the matter is urgent in nature and requires a decision prior to the next Council Meeting, Subsection 13(a)(ii) shall not apply and the

delegation may be heard at the conclusion of all items of business on the agenda, with leave of Council.

(iv) Delegations appearing before Council who have previously appeared on the same subject matter shall be limited to providing only new information in their second and subsequent presentations.

(v) The Clerk shall list on the Agenda, in the order in which they are received, a maximum of four (4) delegations. All other delegations received will be held over until the next regular meeting of Council.

(b) Before appearing before the Council or a Committee of Council, notice must be given before 4:30 p.m. of the preceding Wednesday, to the Mayor or the Clerk of the municipality, or where notice has not been given before the meeting, the Council or the Committee must give its consent by motion, after receiving from the delegation the requirements of clause (c).

(c) The notice shall be legibly printed or typewritten on paper and signed by at least one person, and shall provide the following information:

(i) The topic to be discussed

(ii) The identity of the spokesperson

(iii) A copy of any written material to be presented by the delegation.

If in the opinion of the Mayor and Clerk sufficient detail has not been provided in the request, the matter shall not be placed on the agenda until further written clarification has been provided, to the satisfaction of the Mayor and Clerk. Where more than one person wishes to speak, the consent of the presiding officer must be obtained.

(d) A presentation by delegations should normally be for a maximum of 10 minutes. Permission from the presiding officer shall be required to extend this time period.

(e) Questions directed towards Council in the form of a presentation or by a delegation shall be submitted in writing and any subsequent response by Council shall be in a time and manner as deemed appropriate by Council.

(f) A written response, to the spokesperson, shall be submitted by the Council or the Committee, as soon as possible after full consideration of the presentation.

(g) Persons addressing Council shall confine their remarks to the business stated in their written request to be heard, and such shall be presented in a respectful and temperate manner, and their conduct shall be governed by the provisions set out in Article (25)(a), (b) and (c) of this By-law.

(h) Except on matters of Order, members of Council shall not interrupt a delegation while he/she is addressing Council.

(i) Members of Council may ask delegations only questions of clarification and shall not express an opinion or enter into debate with the delegations.

(14)

**COMMITTEE OF THE WHOLE COUNCIL:**

- (a) The meetings of the Council and its Committee shall be open to the public except where the members present determine that certain matters on the agenda of a meeting of the Council or a Committee shall not be open to the public. No person shall be excluded from a public meeting except for improper conduct as determined by the presiding officer.
- (b) Only members of the Council, Municipal Officials and Others invited by the Council shall attend in-camera meetings or sessions.
- (c) The following matters shall be dealt with in closed session, in accordance with provisions of Section 239 of the Municipal Act:
  - (a) the security of the property of the municipality or local board;
  - (b) personal matters about an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act.
- (d) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information & Protection of Privacy Act* if the council, board, commission or other body is designated as head of the institution for the purposes of that Act.
- (e) Before holding a meeting or part of a meeting that is to be closed to the public, a council or local board shall state by resolution:
  - (i) the fact of the holding of the closed meeting; and,
  - (ii) the general nature of the matter to be considered at the closed meeting.
- (f) Subject to Subsection 14(g), a meeting shall not be closed to the public during the taking of a vote.
- (g) Despite Subsection 14(f), and in accordance with provisions of the Municipal Act, Subsection 239(6), a meeting may be closed to the public during a vote if,
  - (i) Subsection 14(c) and (d) permits or requires the 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 of them or persons retained by or under a contract with the municipality or local board.
- (h) The rules of the Council shall be observed in Committee of the Whole sitting in a closed or in camera session, except the rules respecting a recorded vote



and the limit on the number of times of speaking. No motion for the previous question, for an adjournment or to refer shall be received. No motion shall be required to be in writing or seconded.

(i) A member may at any time move that the Committee rise to report progress, or to obtain the ruling of the Presiding Officer, with leave to sit again. A motion to rise and report shall be decided without debate.

(15)

**MINUTES:**

(a) The minutes shall record:

(i) the place, date and time of the meeting

(ii) the names of the Presiding Officer and record of the attendance of the members

(iii) the reading, if requested, correction and adoption of the minutes of prior meetings

(iv) all other proceedings of the meeting without note or comment

(v) disclosure of pecuniary interest and the general nature thereof

(b) It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special and Standing Committee meetings held more than five (5) days prior to a regular meeting, together with the agenda prepared in accordance with Clause 12 are mailed, delivered or made available for pick up at the municipal offices to each member not less than ninety-six (96) hours before the hour appointed for the holding of such regular meeting.

(c) Such minutes as referred to in Clause 15 (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 shall be read prior to consideration of adoption.

(16)

**PETITIONS AND COMMUNICATIONS:**

(a) 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 person and filed with the Clerk.

(b) Every petition or communication shall be delivered to the Clerk before 4:30 p.m. of the Wednesday prior to the meeting of the Council.

(c) The Clerk shall read the substance thereof to the Council but any member may require the reading of part or all thereof.

(d) All petitions or communications on any subject within the cognizance of a Standing Committee shall be formally received by resolution without debate, unless otherwise disposed of by Council, forthwith and be referred to the appropriate Committee.

(17)

**COMMITTEE REPORTS:**

Committee reports shall not be received by the Council unless received by the members in accordance with Clause 15 (b) and may be recommitted to the same or a different committee.

(18)

**UNFINISHED BUSINESS:**

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

(19)

**READING OF BY-LAWS AND PROCEEDINGS THEREON:**

(a) No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

(b) Every by-law shall be introduced upon motion by a member of the Council, specifying the title of the by-law.

(c) 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 the provisions of any act and shall be complete with the exception of the number and date thereof.

(d) Every by-law shall have three readings prior to it being passed.

(e) The first reading of a by-law shall be decided without amendment or debate.

(f) 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.

(g) In proceedings in Committee of the Whole upon by-laws, each section shall be considered in its proper order, inclusive of the title and recitals.

(h) If Council so determines, a by-law may be taken as read.

(i) The Clerk shall set out on all by-laws enacted by Council, the date of the several readings thereof.

(j) All amendments made in Committee of the Whole shall be reported by the Chair to the Council which shall receive the same forthwith and after the report has been received a by-law shall be open to debate and amendment before it is ordered for the third reading.

(k) When a by-law is reported without amendment, it shall be forthwith ordered to be read the third time at such time as may be appointed by the Council.

(l) 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 Mayor and shall be deposited by the Clerk in the office for safekeeping.

(m) After the by-laws have been passed, the Clerk shall be responsible for their correctness should they be amended at the Council meeting.

(20)

#### MOTIONS:

- (a) Notices of Motion - Notice of all new motions except motions listed in Clauses 23 (m) and 23 (n) shall be given, in writing, delivered to the Clerk at least three (3) calendar days, excluding weekends and Statutory holidays, preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk, in writing, over the signature of the mover and seconder and shall be complete and correct.
- (b) When a member's notice of motion has been called from the Chair two successive meetings and not proceeded with, it shall be dropped from the agenda unless Council otherwise decides.
- (c) If at the third meeting such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.
- (d) Dispensing with Notice - Any motion may be introduced without notice if the Council, without debate, dispenses with notice, on the affirmative vote of a simple majority of the members present and voting.
- (e) Seconding - A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the minutes.
- (f) Presentation of Motion by the Presiding Officer - When a motion is presented to Council, in writing, it shall be read or, if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
- (g) Ultra Vires - A motion in respect of a matter which is beyond the jurisdiction of the Council shall not be in order.
- (h) Withdrawal - After a motion is read or stated by the Chair, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.
- (i) Priority of Disposition - A motion properly before the Council for decision must receive disposition before any other motion can be received except motions in respect of matters listed in Clauses 23 (l) or 23 (m).
- (j) Procedure Next Meeting - 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 its place upon the agenda of the routine of business of the next regular meeting of the Council.
- (k) Reference to a Committee - A motion to refer a matter under discussion by the Council to a Committee of the Council shall preclude all amendments of the main question until it is decided.
- (l) Amendments - A motion to amend:
- shall be presented in writing
  - shall receive disposition of Council before a previous amendment or the question
  - shall not be further amended more than once provided that further amendment may be made to the main question
  - shall be relevant to the question to be received

- shall not be received proposing a direct negative to the question
  - may propose a separate and distinct disposition of a question
  - shall be put in the reverse order to that in which it is moved
- (m) The Previous Question - A motion for the previous question:
- cannot be amended
  - cannot be proposed when there is an amendment under consideration
  - shall preclude all further amendments of the main question
  - when resolved in the affirmative, the question is to be put forthwith, without debate or amendment
  - can only be moved in the following words, "That the question be now put", and
  - may be voted against by the mover and seconder.
- (n) Motion to Adjourn - A motion to adjourn:
- shall always be in order except as provided by these rules;
  - when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council,
  - is not in order when a Member is speaking or during the verification of a vote,
  - is not in order immediately following the affirmative resolution of a motion for the previous question.
- (o) Privilege - A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.
- (p) Motion to Refer - A motion to refer back a question to 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.
- (q) Motion to Divide - When the question under consideration contains more than one distinct part, upon the request of any member of Council to divide, such request being made prior to the calling of the vote each part or combination of parts contained in the motion, shall be considered and voted on separately.

(21)

#### RECONSIDERATION:

- (a) Any substantive motion may be reconsidered if, upon the putting of the substantive motion, the minority vote comprised not less than one-third of the members present and voting.
- (b) After a substantive motion has been decided, any member who voted or is deemed to have voted thereon may at any time prior to adjournment of the meeting at which such substantive motion was decided give notice, in writing, that he/she will move at the first meeting held thereafter for a reconsideration thereof.
- (c) The Council may immediately, upon such notice having been given, vote as to whether or not such notice or reconsideration be entertained.

(d) After such notice has been given and accepted, no action shall be taken to carry into effect the main motion until after the motion to reconsider has been disposed of.

(e) If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next Order of Business, unless the motion for reconsideration calls for a future definite date. Debate on the motion to be reconsidered may proceed as though it had never previously been decided.

(f) A motion to reconsider may be introduced by a Notice of Motion. Neither the mover nor seconder is required to have voted with the majority of Council. This notice of motion shall appear on the agenda of a subsequent meeting or the meeting specified by the mover and seconder and shall be in writing under the signature of the mover and seconder.

(g) Every motion for reconsideration considered at a subsequent meeting shall be declared lost, unless the majority of the Council votes therefore.

(h) No discussion of the main question shall be allowed upon an accepted notice of reconsideration or upon the motion to reconsider unless and until the Council shall have voted to reconsider the same, but the member who gives the notice may have the privilege of stating the reasons for doing so.

(i) No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.

(j) The words "the first meeting held thereafter" in Clause 21 (b) shall mean the first regular meeting of the Council or a meeting called specially to consider the accepted motion of reconsideration of which notice has been given.

(22)

#### **VOTING ON MOTIONS:**

(a) Declaration of Pecuniary Interest – Every member present, when a question is put, shall vote therein unless he/she has any pecuniary interest, direct or indirect. When a member has such interest in the question under debate, he/she shall so advise the Council in accordance with the provisions of the Municipal Act and the Municipal Conflict of Interest Act. In instances where the Council is meeting in a closed or in-camera session, the member shall vacate his/her chair and the meeting until the question is decided and the Town Clerk shall duly record the circumstances in the minutes.

(b) Every Member present at a meeting of the Council shall vote when a question is put forth, unless prohibited by statute. Members of Council must clearly distinguish their vote when voting on any matter or question by placing their hand up in the air above their shoulder. If any member present persists in refusing to vote except for reasons disclosed pursuant to the Municipal Conflict of Interest Act, such member shall be deemed to have voted in the negative on the question before Council.

(c) 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/she shall state the question in the precise form in which it will be recorded in the minutes.

(d) 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.

(e) Division of Question -A separate vote shall be taken upon each proposal contained in a question divided in accordance with procedures contained in Subsection 20(q) of this By-law.

(f) Vote Not Allowed - A member not present before the result of the division on a question is declared, shall not be entitled to vote on that question.

(g) Unrecorded Vote - The manner of determining the decision on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

(h) Recorded Vote - Where a vote is taken for any purpose and a member requests, before or after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in an order determined by the Mayor or Presiding Officer, announce their 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. The Mayor or Presiding Officer, except where disqualified to vote, shall vote on all questions and when so doing, shall vote last. Except where expressly provided in statute, any question on which there is an equality of votes shall be deemed to be defeated.

(i) Secret Ballot -No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect, except as provided in Section 14(g) and the Municipal Act, Subsection 239(b)(i) and (ii).

(23)

#### **RULES OF DEBATE:**

(a) Every member prior to speaking to any question or motion shall address the Presiding Officer. When two or more members wish to speak, the Presiding Officer shall designate the member who may speak first. 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. Every member present at a meeting of the Council when a question is put, shall vote thereon unless prohibited by statute.

(b) When a recorded vote is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member on any matter or question.

(c) Any member at a meeting of the Council when a question is put and a recorded vote taken, does not vote, shall be deemed as voting in the negative except where prohibited from voting by statute.

(d) The Clerk shall record in the minutes the name of any member of council who is not present in the Chamber when such recorded vote is taken.

(e) 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 declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken.

(f) When the Presiding Officer calls for the vote on a question, each member shall occupy a 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 walk across the room to speak to any other member or make any noise or disturbance.

(g) When a member is speaking no other member shall pass between him/her and the Chair or interrupt, except to raise a point of order.

(h) 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.

(i) No member shall speak more than once to the same question without leave of the 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, but not by any member who has moved an amendment or a procedural motion.

(j) No member, without leave of the Council, shall speak to the same question, or in reply, for longer than five (5) minutes.

(k) A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated succinctly and asked only of the previous speaker.

(l) Notwithstanding Clause (j), 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.

(m) 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:

- (i) a point of order or personal privilege;
- (ii) presentation of petitions;
- (iii) to lay on the table (to defer temporarily);
- (iv) to postpone for a period not to exceed the end of the third month following the meeting date, or to a specific day;
- (v) to move the previous question (immediate vote on the main motion).

(n) The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:

- (i) to refer;
- (ii) to adjourn;
- (iii) to amend;
- (iv) to suspend the Rules of Procedure (*unanimous*).

(o) Except as provided by Clause (m) above, all motions shall be in writing and signed by the mover and seconder.

(p) In all unprovided 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.

(24)

**POINTS OF ORDER AND PRIVILEGE:**

(a) The Presiding Officer shall preserve order and decide questions of order.

(b) When a member speaks to a point of order he/she shall ask leave of the Presiding Officer to raise a point of order and after leave is granted, shall state the point of order to the Presiding Officer and shall wait until the Presiding Officer shall have stated and decided the point of order.

(c) Thereafter, a member shall only address the Chair for the purpose of appealing the Presiding Officer's decision to the Council.

(d) If no member appeals, the decision of the Presiding Officer shall be final.

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

(f) Where a member considers that his/her integrity or the integrity of the Council as a whole has been impugned, he/she may, as a matter of personal privilege, speak at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council to the matter.

(g) Where the Mayor or Presiding Officer considers that the integrity of any Town employee has been impugned or questioned, the Mayor or Presiding Officer may permit the Chief Administrative Officer or appropriate Department Head to make a statement to Council.

(25)

**CONDUCT OF MEMBERS OF COUNCIL AND PERSONS ADDRESSING COUNCIL:**

(a) No member or person addressing Council shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario, or any person administering the Government of Canada, Province of Ontario, Regional Municipality of Niagara or the Council of the Town of Pelham or any member thereof, or any member of the Municipality's staff.

(b) No member or person addressing Council shall:

(i) use offensive words or unparliamentary language in or against the council or against any member;

(ii) speak on any subject other than the subject in debate;

(iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;



(iv) disobey the rules of the Council or a 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 for the duration of the meeting of the Council" but if the member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.

(c) No person except members and officers of the Council shall be permitted to proceed beyond the area set aside for members of the public or press without permission of the Presiding Officer or the Council upon reference.

(d) When the Chair is putting the question no member shall leave or make a disturbance.

(e) Every member of Council shall keep confidential any information or documents received by reason of being such a member. All information, documentation or deliberations received, reviewed or taken in a closed meeting is confidential and shall be returned to the Clerk upon request, prior to meeting adjournment.

(f) No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.

(g) Any member who contravenes subsection (f) shall be deemed not to be acting in the interest of, on behalf of, or with the authority of Council of the Town of Pelham.

(h) Any member who contravenes subsection (f) is guilty of an offence and upon conviction, is liable to a fine or penalty as provided for in the Provincial Offences Act, as provided in Subsection 425(1) of the Municipal Act.

(i) Despite subsection (g), no member shall be convicted of a contravention of subsection (f) if the contravention was through inadvertence.

(j) No prosecution for a contravention of subsection (f) shall be commenced except on the direction of Council expressed in a resolution of Council.

(k) Any decision to prosecute a member of Council shall only be made after Council has met in closed session to consider the matter, at which time the member of Council proposed to be prosecuted may be present and shall have the option of attending with Legal Counsel.

(26) **PECUNIARY INTEREST:**

All Town of Pelham business shall be carried out by members of Council under the terms and extent of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, and any amendments made thereto.

(27) **COMMITTEES OF COUNCIL:**

(a) The Council may appoint such standing or special committees, as deemed necessary, by resolution and by-law.

- (b) The Mayor, in consultation, with the members of the Council, shall appoint members and designate the Chair and Vice Chair of each Committee Division. Committee membership shall normally be for the term of the Council.
- (c) A Committee shall meet in accordance with the schedule of meetings as adopted by the Council.
- (d) The Clerk or the appropriate department head shall give notice of all meetings of every committee together with the agenda and support materials of all matters, so far as known, that are to be brought before the Committee at such meeting, to every member of the committee so that the member will receive the same at least 96 hours prior to the meeting of such committee.
- (e) A majority of the members of a Committee shall be a quorum.
- (f) Unless there is a quorum present within 30 minutes after the time appointed for any committee meeting or when a committee adjourns for want of a quorum, the Chair of the committee or designate shall then record the names of the members present, the time of adjournment and the committee shall stand adjourned.
- (g) All recommendations of a standing or special committee shall be reported to the Council, in writing, and shall be subject to the approval of the Council.
- (h) A minority of any committee may have a minority report presented by the Chair of the committee in the same manner as the majority report was presented.

(28) **PRESS RELEASES**

No member of Council or municipal officer shall undertake to issue press releases or claim to speak on behalf of the municipal corporation without permission granted by motion in Council or municipal by-law.

(29) **TAPING AND/OR RECORDING OF MEETINGS**

- (a) Council or General Committee meetings, which are not held in closed session under the provisions of Section 14 of this By-law, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licensed telecommunications company, or by any freelance person provided that such taping, television or recording is carried out within the designated area and in such a manner as to not interfere with the proceedings of the meeting. The designated area means the area where the audience is seated or at the rear of the meeting place;
- (b) Freelance individuals and/or representatives of companies wishing to tape, televise or record a Council or General Committee meeting are to advise Council or Committee at the beginning of the meeting, if they have not so advised the Clerk prior to the meeting, of their intention to record. Any telecommunications company wishing to tape a Council or Committee meeting is requested to advise the Clerk of its intention at least four hours prior to the commencement of the meeting.
- (c) If, in the opinion of the Chair, the use of such equipment or device is deemed to be disruptive to the conduct of the meeting, or if prior notification was not provided in accordance with Section 29(b) of this By-law, the recording privileges will be withdrawn from any offending user. The ruling of the Chair shall be final

unless a Member appeals the ruling to Council which shall then decide upon the question without debate.

(30) **USE OF CELLPHONES, PAGERS, RADIOS**

All cell phones, pagers, radios, etc. shall be switched "off" or non-audible or muted upon entry to the Council Chamber.

(31) **SUMMER MEETING SCHEDULE**

During the months of July and August, Subsection 6(a) shall not apply and regular meetings shall be held in the Council Chambers at the Municipal Offices on the third Monday of each month at 7:00 p.m. unless Council, by resolution, directs otherwise, in which case a notice shall be posted in the Municipal Offices advising of the time and place.

(32) **STAFF DIRECTIONS**

Staff directions shall be through a Resolution of Council and shall be put in writing to the Clerk prior to the adjournment of the meeting at which the direction was made, and such resolution shall include a specific delineation of the staff/department responsible to undertake the direction and Council's expected date of receipt for a resolution report.

(33) **PUBLIC MEETINGS – PLANNING ACT**

Public Meetings held pursuant to the Planning Act shall be held, whenever practical and in accordance with Notice Requirements, on the fourth Monday of each month at 7:00 p.m., at a location to be determined by the Director of Planning Services and Clerk.

(34) **REPEAL**

THAT By-law #2370 (2002), as amended, be and the same is hereby repealed.

(35) **EFFECTIVE DATE**

THAT this by-law shall become effective upon the date of enactment.

READ A FIRST TIME BY COUNCIL  
THIS 5<sup>th</sup> DAY OF DECEMBER, 2005 A.D.

MAYOR

CLERK

READ A SECOND AND THIRD TIME AND  
FINALLY PASSED BY COUNCIL THIS  
5<sup>th</sup> DAY OF DECEMBER, 2005 A.D.

MAYOR

CLERK

CORPORATION OF THE  
TOWN OF PELHAM  
BY-LAW NO. 2723 (2005)

Being a by-law to govern the proceedings of the Town of Pelham Council,  
its Committees, the conduct of its members and the calling of meetings.

	- Interpretation and Definitions.....	1
Article 1	- General .....	2
Article 2	- Suspend the Rules .....	2
Article 3	- Parliamentary Authority.....	2
Article 4	- Amendments to this By-law .....	2
Article 5	- Inaugural Meeting of Council.....	2
Article 6	- Regular Meetings of Council .....	3
Article 7	- Calling of Meeting to Order.....	4
Article 8	- Quorum and Remedy .....	4
Article 9	- Absence of the Mayor.....	5
Article 10	- Curfew .....	5
Article 11	- Conduct of Proceedings at Meeting of Council.....	5
Article 12	- Agenda .....	6
Article 13	- Delegations and Presentations.....	6
Article 14	- Committee of the Whole Council/Closed Sessions .....	8
Article 15	- Minutes .....	9
Article 16	- Petitions and Communications.....	9
Article 17	- Committee Reports.....	10
Article 18	- Unfinished Business .....	10
Article 19	- Reading of By-laws and Proceedings Thereon.....	10
Article 20	- Motions .....	11
Article 21	- Reconsideration.....	12
Article 22	- Voting on Motions .....	13
Article 23	- Rules of Debate .....	14
Article 24	- Point of Order & Privilege .....	16
Article 25	- Conduct of Members of Council/Persons Addressing Council .....	16
Article 26	- Pecuniary Interest.....	17
Article 27	- Committees of Council.....	17
Article 28	- Press Releases.....	18
Article 29	- Taping and/or Recording Meetings .....	18
Article 30	- Use of Cell Phones, Pagers, Radios.....	19
Article 31	- Summer Meeting Schedule .....	19
Article 32	- Staff Directions.....	19
Article 33	- Public Meeting Under Planning Act.....	19
Article 34	- Repeal Previous By-law.....	19
Article 35	- Effective Date .....	19