

P R O C E D U R E B Y - L A W

THE CORPORATION OF THE

TOWN OF PELHAM

BY-LAW NUMBER 5

A by-law for governing the proceedings of Council, the conduct of its members and the calling of meetings.

WHEREAS under Section 243 of the Municipal Act, Chapter 249, RSO 1960, Council may pass by-laws for governing the proceedings of the Council, the conduct of its members and the calling of meetings; and

WHEREAS it is necessary and expedient to make and establish rules and regulations for governing the proceedings of the Council, the conduct of its members and the calling of meetings.

THEREFORE, the Council of the Corporation of the Town of Pelham enacts as follows:

GENERAL

- 1) Proceedings in the Council and in all committees thereof shall be governed and conducted in accordance with the provisions of the Municipal Act and with these rules and regulations.
- 2) Points of order and procedure not provided for in the Municipal Act or in these rules shall be decided in accordance with the rules of parliamentary procedure of the Canadian House of Commons.
- 3) All points of order and procedure not provided for herein shall be decided by a majority of the Council and the decision on any such point, shall be a rule of conduct for similar cases in the future.

FIRST MEETING OF COUNCIL

- 4) Pursuant to Section 184 of the Municipal Act, the Council shall hold its first meeting (Inaugural) on the first Monday in January at 11 o'clock in the forenoon in the Council Chambers, unless the day shall be a holiday in which case the first meeting shall be held on the following day at the same hour.

REGULAR MEETINGS OF COUNCIL

- 5) Subsequent to the first meeting, the Council shall meet on the day and time fixed by resolution of Council; such resolution shall be passed at the first meeting of Council.
- 6) If a quorum is not present within thirty minutes after the time fixed for a regular or special meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned until the next regular meeting. A majority of the whole numbers of members required to constitute a Council is necessary to form a quorum. (Sec. 191 (1) MA)
- 7) a) When the day fixed for a regular meeting of the Council falls upon a legal holiday, the meeting shall be held upon the next following day which is not a legal holiday.

b) The Mayor may at anytime on two days written notice given through the Clerk's office, postpone any regular meeting of the Council to a day to be named in such notice, and the time and place of such a postponed meeting shall be held, shall be given in the written notice previously mentioned.
- 8) When at any session of Council the hour of Eleven (11) o'clock in the afternoon shall be reached, the Mayor or other presiding officer shall declare the Council adjourned and leave the chair, unless the Council by resolution determines otherwise.

SPECIAL MEETINGS

9) a) The Mayor may at any time summon a special meeting of Council; and it shall be his duty to do so when requested in writing by a majority of the members. In the absence of the Mayor or if his office is vacant, a special meeting may be summoned by the Clerk upon a requisition signed by a majority of the members.

b) The Clerk shall give to all members of the Council written notice of each special meeting of the Council and its committees, and such notice shall be delivered to each member personally, or left at his residence or place of Business at least twenty-four hours before the time set for such meeting.

c) No business may be transacted at a special meeting of the Council other than specified in the notice of such meetings.

RULES OF REGULAR AND SPECIAL MEETINGS

10) a) Upon a quorum of the members being present within the time limit provided in paragraph 6, the Mayor shall take the chair and call the members to order.

b) If the Mayor does not attend within 15 minutes of the time appointed, or if his office is vacant, or if he refuses to act, the Clerk may call the meeting to order and the Council shall appoint one of its members to preside in the place of the Mayor until the arrival of the Mayor.

c) The presiding officer shall have all the powers of the head of the Council.

THE MAYOR

11) The Mayor or other chairman shall preserve order, decide all questions of order and without argument or comment shall state the rule applicable, to any point of practice or order if called upon so to do.

12) When two or more members rise at once, the Mayor shall decide who is to speak; subject to appeal to the Council.

13) If he considers it necessary because of grave disorder, the Mayor may adjourn a meeting without question, put, or suspend a meeting for a time to be named by him.

CLERK

14) a) It shall be the duty of the Clerk to have the minutes of the last regular meeting and all subsequent meetings held more than three days before a regular meeting typewritten or printed and a copy mailed or delivered to each member of Council not less than 24 hours before the holding of the regular meeting.

b) Copies of an agenda containing such minutes, communications, by-laws or reports shall be prepared and delivered to the Council at least 24 hours before any regular meeting of Council and no portion thereof shall be read unless any member of Council so requests.

CONDUCT OF MEMBERS

15) No member shall speak disrespectfully of the reigning Sovereign or any other member of the Royal Family, the Governor-General or person administering the government of the Dominion of Canada, or the Lieutenant-Governor or person administering the government of any Province.

16) No member shall use offensive words against the Council or any member thereof, nor reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded.

17) The members of the Council shall sit uncovered and when any member desires to speak, he shall rise at his own seat and address his remarks to the Mayor, confine himself to the question, avoid personality, and shall not use unseemly language.

18) No member shall refuse to obey the rules of the Council or disobey the decision of the Mayor on questions of order or practice, and in either case if he should do so he shall be ordered by the Mayor to leave his seat for that meeting and may on his refusal be summarily ejected but, if ample apology is made by the offender, he may be permitted by a majority of vote of Council forthwith to resume his seat.

19) No member, other than the one proposing a question or motion, shall speak more than once on the same without the leave of the Council, except in explanation of a mutual part of his remarks, which may have been misunderstood, but then he shall not be permitted to introduce a new matter. A reply shall be allowed to a member who has made a substantive motion, but not to any member who has moved an amendment, the previous question or an instruction to a committee.

20) The Mayor or any other member may call a member to order while speaking and the debate shall then be suspended and the member be seated and shall not speak until the point of order is determined. Any member may appeal from the decision of the chair to the Council. All appeals shall be decided by a majority vote and without debate.

21) When the Mayor is putting a question, no member shall walk out of or across the chambers and when a member is speaking, no other member shall hold discourse which may interrupt him, nor pass between him and the chair.

PROCEDURE AT MEETINGS

22) As soon as the members of the Council are called to order at any regular meeting, the Mayor shall ask Council if there are any objections to the minutes so mailed or delivered, or any motion to correct, and shall forthwith or after correction or change accordingly (if any) declare the minutes adopted and shall sign them.

23) a) Prior to each regular meeting, the Clerk shall prepare and mail (see paragraph 14B) an agenda or statement to be known as "The Order of Business" of all business to be brought before the Council at such meeting.

b) To enable the Clerk to do so, all documents intended to be submitted to the Council shall be placed in his hands not later than 5:00 p.m., Thursday of the week preceding this regular meeting.

c) The business of Council shall be proceeded with according to its place in the aforementioned orders.

24) a) The business of the Council intended to be taken up shall be stated in "The Order of Business" in the following order:

- (i) Adoption of the minutes in accordance with paragraph 23 here of
- (ii) Business arising from minutes
- (iii) Hearing of Delegations
- (iv) Presentation and reading (if requested) of the correspondence, petitions and memorials addressed to Council.
- (v) Unfinished business
- (vi) Presentation and consideration of reports from standing Committees and special Committees.
- (vii) The third reading of by-laws
- (viii) Consideration of business of which notice has been given at a previous meeting.
- (ix) The first and second readings of by-laws and their consideration in Committee of the whole.

- (x) Third reading of by-law to be introduced and passed at the same meeting if such third reading is consented to by two-thirds of the members present.
- (xi) Notices of motion and new business
- (xii) Adjournment

24) b) This sequence may at any time be temporarily changed or altered by the Mayor.

25) Notice of motion shall be given of all proposed by-laws and motions and may be given at any regular meeting of Council and new business of which such notice has not been given may be introduced only by a motion for leave carried by the majority of the members present. No business or motion shall be determined until it has been reported upon by the appropriate committee, unless it may appear that the committee has neglected to fulfil its duty.

26) Every motion or resolution shall be in writing and be stated as read by the mover (who alone may make introductory remarks thereon) and when duly moved and seconded and stated by the Mayor or presiding officer, shall be open for consideration.

27) After a resolution has been stated or read, it shall be deemed to be in possession of the Council, but it may be withdrawn by unanimous consent of the Council members present.

28) When any resolution is under consideration, no motion shall be received unless a) to adjourn b) to lay on the table c) to put previous question d) to definitely postpone e) to refer or f) to amend which shall have the following order:

a) A motion for reference until it is decided shall preclude all amendments of the main question.

b) The previous question until it is decided shall preclude all amendments to the main question, and shall be put without debate in the following words - "That the question is now put". If this motion be resolved in the affirmative by a vote of two-thirds of the members of the Council present, the main question and any amendments properly made shall be put forth-with without debate. If the previous question be resolved in the negative, the main question and any amendments properly made may then be further debated and, if proper amended.

c) A motion to adjourn the Council or to adjourn the debate shall always be in order and need not be in writing and shall be decided without debate; no second motion to the same effect shall be made until some intermediate proceedings shall have been had.

VOTING ON QUESTIONS

29) Every member present when a question is put shall vote thereon, unless the Council shall excuse him, or unless he is personally interested in the question in which case he shall not be obliged to vote. A member who refuses to vote shall be deemed to vote in the affirmative.

30) Upon a division the yeas and nays shall not be recorded unless demanded by a member.

31) Whenever a division of the Council is taken for any purpose, each member of the Council present and voting shall announce his vote upon the question openly and individually in the Council, and no vote shall be taken on Council by Ballot or by any other method of secret voting.

32) The head of Council or the presiding officer except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and except where otherwise provided by this by-law or the Municipal Act; any question on which there is an equality of votes shall be deemed to be negatived.

BY-LAWS

33) Every by-law shall be introduced in the form of a motion for leave, specifying the title of the proposed by-law, or by a report of a committee, which motion shall be decided without debate.

34) a) Every proposed by-law shall receive three separate readings but not more than two on the same day, unless with the consent of a majority of the members present; and it shall be read twice before it is committed and engrossed and the third time before it is signed by the Mayor and Clerk. The Clerk shall endorse upon every by-law, the dates of the several readings thereof.

b) The Council may dispense with the second or third readings if approved by the majority present.

AMENDMENTS

35) Amendments to a motion shall be put in the reverse order to that in which they are moved, except that in voting on a motion and amendments thereto providing for an expenditure of money, the vote shall first be taken on the motion or the amendment providing for the largest expenditure of money.

36) Every amendment presented shall be in writing and shall be decided or withdrawn before the main motion is put to a vote and only one amendment shall be allowed to amendment.

DEBATE ON MOTION ALREADY VOTED ON

37) a) No motion or question, the subject matter of which has been decided upon by Council shall be made again or debated for a period of at least 21 days from the date of the decision.

b) Only a member who voted in the majority may after the period in paragraph 38 (a) has passed, move for a reconsideration or recession thereof, provided due notice has been given in the agenda of such intention, but no discussion of the main question shall be allowed unless reconsidered; nor shall any question be reconsidered more than once.

COMMITTEES - GENERAL

38) At the first regular meeting, the Council shall appoint such standing Committees as Council deems necessary by (resolution or by-law).

39) a) The Mayor shall be a member of all standing Committees and shall be entitled to vote at all meetings thereof.

b) All members of Council may attend meetings of a standing committee and may with the consent of the committee, take part in the discussion, but shall not be entitled to vote.

DUTIES OF COMMITTEES

40) The general duties of the standing and special committees shall be

a) To report to the council from time to time, as often as the interest of the municipality may require, all matters connected with the duties imposed on them respectively, and to recommend such action to the council in relation thereto as may be deemed necessary and expedient.

b) To consider and report upon all matters referred to them by the Council or by the Mayor.

c) To adhere strictly, in the transaction of all business to the rules prescribed by the by-laws of the Council.

MEETINGS OF COMMITTEES

41) Each committee shall at its first meeting fix the day and hour for its regular meeting during the year.

42) Special meetings of committees shall be called by the Clerk or appropriate person on request of the Chairman or a majority of the Committee in writing, or in the absence of the Chairman, on request of the Mayor.

43) In a Committee of the Whole Council, or a standing committee or special committee:

- a) The Chairman shall maintain order and subject to an appeal to the members present, decide questions of order.
- b) The number of times a member may speak on a question shall not be limited.
- c) All remarks shall be strictly relevant to the question.
- d) No committee shall incur any liability without the prior direction of council.

COMMITTEE OF THE WHOLE

44) The Rules of the Council shall be observed in Committee of the Whole; as far as may be applicable.

45) In forming the Committee of the Whole, the Mayor shall be the chairman.

46) On a division in a committee of the whole Council, the yeas and nays shall not be recorded.

SELECT COMMITTEES

47) Select standing committees and select special committees may be appointed at any time for any particular purpose.

48) Committees may be appointed on a motion approved by a majority of the Council.

49) Committees appointed to report on any subject referred to them by the Council, shall report a statement of the facts, and also their opinion thereon in writing; and no report shall be received unless the same be signed by a majority of the Committee.

DELEGATIONS

50) All persons, whether an individual or in a group, appearing before Council will be considered a delegation.

51) a) All delegations must submit, in writing, a letter setting out the points to be discussed with Council and the reasons for the hearing before Council, as well as the name of the spokesman for the delegation.

b) All letters referred in paragraph 52 (a) hereof shall be submitted to the Clerk by 5:00 p.m. Thursday of the week before the holding of the regular meeting of Council.

52) No delegations will be received by Council without the necessary notice being given as required under paragraphs 52 (a) and (b) unless consented to by two-thirds of the members present.

53) Each delegation shall appoint a spokesman to present the points outlined in the notice to Council and only the points listed in the notice will be dealt with and debated.

54) Council may refer any item to a committee for study and report before a decision is reached.

55) When the Mayor is putting a question, no member of the delegation shall walk out of or across the chambers and when a member of Council is speaking, no member of the delegation shall hold discourse which may interrupt him.


OTHER

56) Petitions, memorials and other papers addressed to the Council may be presented by a member, in his place, who shall be answerable to the Council that they do not contain improper or impertinent matter.

57) All by-laws and parts of by-laws of the former Village of Fonthill or Township of Pelham inconsistent with or repugnant to the provisions of this by-law shall be and the same are hereby repealed.

58) This by-law shall come into force on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 5th DAY OF JANUARY, 1970.



(CLERK)



(MAYOR)