

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 16 -2015

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES AND TO REPEAL BY-LAW NO. 8-2009, 15-2009, 3-2010, 21-2010, 11-2012, 15-2013 and 58-2014

WHEREAS *the Municipal Act* provides that a Council shall adopt a procedural by-law for governing the calling, place and proceedings of meetings, provide for public notice of meetings and to govern the conduct of its members.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-Law:

- 1.1 "Act" means *The Municipal Act*, 2001, S.O. 2001, c.25, as amended.
- 1.2 "Chair" means the person presiding at the Meeting.
- 1.3 "Clerk" means the Township Clerk or Deputy Clerk of the Township.
- 1.4 "Closed Meeting or Session" refers to a Meeting or portion thereof which is closed to the public in accordance with the applicable legislation.
- 1.5 "Committee" means the Committee of the Whole, a Standing Committee, or Special Committee of the Council.
- 1.6 "Committee of the Whole" means all of the Members sitting in Committee.
- 1.7 "Committee Chair" means the Chair of the Committee.
- 1.8 "Council" means the Council of the Corporation of the Township of Melancthon.
- 1.9 "Deputation" means an address to Council or Committee at the request of a person wishing to speak.
- 1.10 "Majority Vote" in Council or Committee means an affirmative vote of more than one-half of the votes cast by those present.
- 1.11 "Meeting" means a meeting of the Council or a Committee.
- 1.12 "Member" means a "Member of Council or Committee."
- 1.13 "Members of the Gallery" means a person in attendance at the meeting.
- 1.14 "Motion to lay on the table" means a particular matter removes the subject from consideration until the Council votes to take it from the table.
- 1.15 "Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers.
- 1.16 "Notice of Motion" means a written motion received by the Clerk at a meeting of Council, moved by a member, for inclusion on an agenda of a subsequent meeting of Council.
- 1.17 "Notice" means a written or printed communication publicly displayed.
- 1.18 "Point of Order" means a question by a member with the view to calling attention to any issue relating to the Procedural By-Law or the conduct of Council's business or in order to assist the member in understanding

Council's procedures, making an appropriate motion or understanding the effect of a motion.

- 1.19 "Point of Privilege or Personal Privilege" means a question by a member who believes that another member has spoken disrespectfully towards that member or another member or who considers that his or her integrity or that of a member or Township official has been impugned or questioned by a member.
 - 1.20 "Posted" means posted on the Township of Melancthon web site in a section under the heading "PUBLIC NOTICES".
 - 1.21 "Published" means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.
 - 1.22 "Public Question Period" means the time set aside at Council meetings for a member of the public to ask a question of Council.
 - 1.23 "Quorum" means the minimum number of members required to be present at a meeting to carry on business.
 - 1.24 "Question" means a sentence worded or expressed so as to seek information.
 - 1.25 "Recorded Vote" means a written record of the name and vote of every member voting on any matter or question.
 - 1.26 "Resolution" means the decision of Council on any motion.
2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees. Provided the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

COUNCIL AND COUNCIL MEETINGS

- 3. Meetings of the Council shall be held in the Council Chambers or at any other place provided for by Resolution of Council. Council will make every effort to give at least two (2) weeks' notice of any change of venue.
- 4. The inaugural meeting of Council shall take place at 9:00 A.M. on the first Thursday of December following the election. The regular meeting of Council shall be held on the first Thursday of each month at 5:00 P.M., and on the third Thursday of the month, starting at 5:00 P.M., Roberts Rules of Order shall prevail where applicable in all matters not covered by this By-law.
- 5. During the regular Council meeting in January, Council will review and confirm the next year's tentative meeting dates.
- 6. The Mayor may at any time summon a special meeting of Council on 24 hours' notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Twenty-four hours' notice of all special meetings of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed. The Mayor at his/her discretion may call an emergency meeting.
- 7. In the case of the absence of the Mayor from the Municipality or if he/she is absent through illness, or he/she refuses to act or his/her office is vacant, another member of Council shall be appointed to act from time to time in the place and stead of the Mayor and he/she shall have all the rights, powers, and authority of the Head of Council, while so doing.

8. 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.

ACCOUNTABILITY AND TRANSPARENCY

9. (a) All Council and Committee meetings shall be open to the public.
- (b) Notwithstanding Paragraph 9 (a) above, a meeting of Council or Committee may be closed to the public if the subject matter being considered relates to:
- i) the security of the property of the municipality or local board;
 - ii) personal matters about an identifiable individual, including municipal or local board employees;
 - iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - iv) labour relations or employee negotiations;
 - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - vi) advice that is subject to solicitor-client privilege, including communications necessary for that purposes;
 - vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
 - viii) the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
 - ix) a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1) the meeting is held for the purpose of educating or training the members;
 - 2) at the meeting, no member 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 or either of them shall state by resolution,
- i) the fact of the holding of the closed meeting, time entered and the general nature of the matter to be considered at the closed meeting; or
 - ii) in the case of a meeting under 9 b ix), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- (d) Subject to subsection 9 b), a meeting shall not be closed to the public during the taking of a vote.
- (e) A meeting may be closed to the public during a vote if,

- i) subsection 9 (b) 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 of them or persons retained by or under a contract with the municipality or local board.
- (f) Meeting or sessions which are closed to the public may be referred to as closed meetings or closed sessions.
- (g) Confidentiality – Members shall ensure that confidential matters disclosed to them and materials provided to them during closed meetings or sessions are provided to them in advance of the meeting or session are kept confidential. The obligation to keep information confidential applies even if the member ceases to be a member of Council.

ABSENCE OF HEAD OF COUNCIL

10. 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 Head of Council 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 Head of Council shall be appointed from among the Members present and he/she shall preside until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

NO QUORUM

11. If no quorum is present one half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

CURFEW

12. No item of business may be dealt with at a Council meeting after Ten (10) P.M., unless agreed to by the majority of Council present.

INCLEMENT WEATHER

13. For all Council and Committee meetings, should the Mayor, or his/her designate or Chair deem the weather to be severe or an emergency, the meeting shall be cancelled and rescheduled for another time.

THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL OR COMMITTEES

14. 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 duly 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 Chamber,
 - (i) to receive all messages and other communications and announce them to the Council,
 - (j) to authenticate, by his/her 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, on a point of order or usage,
 - (l) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
 - (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
 - (n) to adjourn the meeting when the business is concluded,
 - (o) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room,
 - (p) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber or meeting room where such behaviour persists.
15. It shall be the role of Council,
- (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;
 - (e) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (f) to maintain the financial integrity of the municipality; and
 - (g) to carry out the duties of Council under this or any other Act.

AGENDAS

16. The Clerk at his/her discretion, and who may consult with the Mayor, shall have prepared, from all petitions, communications, correspondence and delegation requests, which are received no later than 12 Noon on the Thursday prior to the regular meeting, an agenda under the following headings:
- (a) Call to Order
 - (b) Announcements
 - (c) Additions/Deletions/Approval of Agenda
 - (d) Declaration of Pecuniary Interest and the General Nature Thereof
 - (e) Approval of Draft Minutes
 - (f) Business Arising from Minutes
 - (g) Point of Privilege or Personal Privilege
 - (h) Public Question Period
 - (i) Committee/Outside Board Reports
 - (j) County Council Update
 - (k) Road Business
 - (l) Correspondence
 - (m) General Business
 - (n) New/Other Business/Additions to Agenda
 - (o) Unfinished Business
 - (p) Delegations
 - (q) Closed Session
 - (r) Notice of Motion
 - (s) Onsites
 - (t) Correspondence on File at the Clerk's Office
 - (u) Confirmation By-law

(v) Adjournment

17. Agendas shall be generally formatted as above, but modifications to the matter to be included may be affected without requiring amendments of this By-law.

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

19. Any item which is not on the agenda as printed, but has been determined by the Clerk to be of a nature which requires Council's attention prior to the next scheduled meeting, may be added by addendum at the discretion of the Clerk.

20. Any items brought forward as a time sensitive issue by other means shall require a majority vote of the members present to be added to the agenda.

21. Council shall take breaks at the discretion of the Mayor and Council.

22. Agenda Packages shall be posted on the Township's Website (under Agendas and Minutes) by the close of business on the Monday prior to the regular Council meeting or by the close of business on the Tuesday if the Monday falls on a Statutory Holiday. Items that will not be included in the package will consist of the draft minutes, draft by-laws (unless authorized by Council or at the discretion of the Clerk), Closed Session materials, documents directly available from other sources i.e. Government Agencies, Conservation Authorities, etc. and links will be provided. The materials included in the package in advance of the meeting are at the discretion of the CAO or designate. Correspondence received after the before mentioned deadline may or may not be included with the posted agenda. Paper copies of the complete agenda packages or specified agenda items will be available upon request within two business days of the request and shall be accompanied by payment as per the Township's fee schedule. The posted Agenda for a Council/Committee meeting shall constitute notice of a meeting under this By-law

23. Any submission made to Council and listed on the Agenda may be withdrawn by the submitting person or agency at any point preceding that submission being reviewed by Council at the meeting for which the Agenda applied.

PUBLIC QUESTION PERIOD

24. Public Question Period will fall on the Agenda after Point of Privilege or Personal Privilege on the regular Council Agenda.

25. Council requests that questions be submitted ahead of the meeting by 12 Noon on the Thursday prior to the regular Council meeting. Each person will be allowed to ask one question, either written or oral, during this time, and one question for clarification purposes only after the answer is given on the original question.

26. A question arising from the posted material on the website may be asked at the meeting and does not necessarily have to be received in writing. Council reserves the right to defer any question if they are not able to answer it at the meeting.

27. The time allotted for Public Question Period will be 20 minutes. If less time is required and there are no further questions, the Mayor/Chair will declare Public Question Period to be closed and carry on with the regular business of the meeting, or if time permits, individuals will be allowed to ask an additional question. Also, with time permitting, anyone wishing to make a comment may do so and Council may choose to respond to the comment if felt to be in the Public interest.

AUDIO RECORDING AND VIDEOTAPING COUNCIL MEETINGS

28. Videotaping of Council Meetings will not be permitted. Video interviews of a Member of Council or Staff can be conducted after the meeting in the office.
29. Audio recording will be permitted under the following conditions:
- (a) the request must be made to the CAO before the meeting starts.
 - (b) only accredited Reporters/Journalists will be allowed to record.
 - (c) the request must be approved by Motion of Council stating the Name and Affiliation to the Media Outlet of the Requester and the general reason for wanting to record.
 - (d) Should a request by an accredited Journalist to record all or part of a meeting be approved, all parties should be aware that the Council for the Township of Melancthon will also be recording the same meeting or part thereof.
30. For clarification purposes, this applies to Council meetings. For Public Meetings held under the Planning Act for a Zoning By-law Amendment or Official Plan amendment, these meetings could be videotaped or tape recorded provided approval of the CAO has been received and that it has been posted that the meeting is being recorded.

MINUTES

31. Minutes shall record:
- (a) The place, date and time of the meeting and the time of adjournment;
 - (b) The names of Council/Committee members and staff present;
 - (c) The reading, if requested, correction and adoption of the minutes of prior meetings;
 - (d) All other proceedings, which will include motions, resolutions, decisions and directions of the meeting without note or comment. Council decisions and directions to Staff will be clearly stated by the Mayor/Chair to the Clerk for recording;
 - (e) The public may ask questions or address Council during public question period, which is not recorded. Council and or staff may respond at their discretion or they may or may not defer the item to a future agenda.
 - (f) The draft minutes of each Council/Committee meeting shall be presented to Council for approval at the next regular Council/Committee meeting. The minutes shall be made available to the Public after Council approval by motion of Council.
 - (g) After the Council minutes have been approved by Council, they shall be signed by the Mayor and Clerk.

VERBAL SUB-COMMITTEE/COMMITTEE/OUTSIDE BOARD REPORTS

32. Verbal Reports of each Council Member's Sub-Committee/Committee/Outside Board meeting will be given at the first regular Council meeting of the month.
33. It will be the responsibility of the Council member giving the verbal report to have it type-written and submitted to the CAO/Clerk to be kept on file in the Clerk's Office.

COMMITTEES

34. (a) Council shall, determine the appropriate number of Committees, mandates and their membership. The Committees shall sit for the term of

Council, or as determined by Council.

- (b) All Committees will forward their recommendations to Council in the form of a Report.
- (c) The Committee minutes will be forwarded to Council in approved form.
- (d) Council members who are not members of a specific committee may attend meetings of that committee and may, with consent of the Chair of that committee, take part in the discussion, but shall not be counted in the quorum or entitled to make motions or to vote but their attendance shall be noted in the minutes at these meetings.
- (e) Council may at its discretion, appoint Board/Committee members by By-law or resolution or dismiss members of any Board/Committee by resolution of Council.

COMMITTEE OF THE WHOLE

- 35. (a) When it appears that any matter may be more conveniently considered in Committee of the Whole, and the proceedings taken in Committee when adopted by Council shall be deemed to be proceedings of Council.
- (b) The Mayor shall preside as Chair of the Committee of Whole. In the event that Council wishes to designate another Member of Council, other than the Mayor, to act as Chair for the Committee of the Whole, this may be done by resolution of Council.
- (c) In the event the Mayor is absent, the Deputy Mayor will preside as Chair of the Committee of the Whole. If Council has designated another Member to Chair the Committee of the Whole and that Member is absent, the Committee of the Whole shall select another Chair from the Members present.
- (d) The Chair of the Committee of the Whole shall maintain order in Committee and report the proceedings to Council.
- (e) The rules governing the procedure of Council and the conduct of Members shall be observed in Committee of the Whole so far as they are applicable, provided that no vote shall be recorded.

DISCLOSURES OF PECUNIARY INTEREST

- 36. Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or local board at which the matter is the subject of consideration, the Member, in accordance with the *Municipal Conflict of Interest Act*:
 - (a) shall determine whether they may have a pecuniary interest and to disclose the nature thereof.
 - (b) shall prior to any consideration of the matter at the meeting, disclose the Member's interest verbally at the meeting and then in writing, in a form provided, to the Clerk, the general nature thereof; and
 - (c) shall not take part in the discussion of, or vote on any question in respect of the matter;
 - (d) shall not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

- (e) where a meeting is open to the public, the Member shall, in addition to complying with the requirements of *the Municipal Conflict of Interest Act*, shall forthwith leave the meeting or part of the meeting during which the matter is under consideration.
- (f) where a meeting is not open to the public, the Member shall, in accordance with the *Municipal Conflict of Interest Act*, forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- (g) where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the Member after the particular meeting.
- (h) every declaration of interest and the general nature thereof made shall where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk of the Municipality or secretary of the committee or local board, as the case may be.
- (i) every declaration of interest made, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.
- (j) where the number of members who, by reason of the Provisions of *The Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

PETITIONS AND COMMUNICATIONS

37. 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.

DEPUTATIONS/DELEGATIONS

38. (a) All deputants/delegations shall be received for inclusion on the Agenda at the discretion of the CAO/Clerk or designee and the request shall be put in writing regarding the nature of the deputation/delegation on the "Delegation Request Form" provided by the Township Office. The request must be received by 12 noon on the Thursday prior to the requested meeting. All deputants at Council, not listed on the agenda, shall only be heard upon the consent of Council.
- (b) All deputants shall address the Mayor/Chair and shall state their name and whom they represent.
- (c) Each delegation shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than a combined total of fifteen (15) minutes. A maximum of two (2) deputations/delegations per meeting shall be permitted. Delegations for the purposes of Council Training shall be permitted a longer period of speaking time at the discretion of the CAO/Clerk.
- 2) Each issue and/or deputation/delegation will be allowed one meeting presentation to the Council and/or committee with a period of 6 months lapsing before the issue can be raised again. An exception may be granted if substantially new and/or substantially significant information is

provided to the Clerk or Committee Secretary.

- (d) No deputant shall;
 - 1) speak disrespectfully of any person;
 - 2) use offensive words;
 - 3) speak on any subject other than the subject for which he or she has received approval to address Council or Committee;
 - 4) disobey the rules of procedure or a decision of the Chair or Council.
- (e) The Mayor/Chair may shorten the time of any deputation, any questions of a deputant or debate during a deputation for disorder or any other breach of this by-law.
- (f) No person, except Members and authorized staff shall be allowed to come within the area of Council during a Council meeting without permission of the Mayor/Chair or Council.
- (g) In the event that a previously scheduled delegation does not appear at the prescribed time, with or without notice, the Council will continue on with the business of the day and may or may not at the discretion of Council, receive the delegation on their arrival and that delegation may be rescheduled to a later date.
- (h) Members of the public who constitute the audience at a meeting, shall not:
 - 1) address Council or Committee address without permission;
 - 2) bring signage, placards or banners into such meetings and refrain from any activity or behaviour that would affect the Council or Committee deliberations.
 - 3) enter the meeting room without first removing any non-religious or non-medical head gear.
 - 4) shall put on silence all electronic devices.
- (i) The Chair may cause to be expelled and excluded any member of the public, who creates any disturbance or acts improperly, during a meeting of Council or Committee. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from police officers.

READING OF BY-LAWS AND PROCEEDINGS THEREON

- 39. 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.
 - 1. Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the By-Law.
 - 2. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.
- 40. Every by-law shall have three readings prior to it being passed and 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 by law.

41. The first and second reading of a by-law shall be decided without amendment or debate.
42. If Council so determines, a by-law may be taken as read.
43. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
44. 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 his/her office for safekeeping.

MOTIONS

45. **Notices of Motion** - Notice of all new motions except motions listed in Clauses 57 and 58 shall be given in writing, delivered to the Clerk by 12 Noon on the Thursday prior to the regular Council 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 shall be complete and correct.
46. **Motion to Reconsider** - A motion to reconsider shall not be made during the same meeting of Council at which the original determination was taken. If a decision has not been substantially acted upon, a member who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision.
47. **Seconding** – All motions shall be seconded before being debated or being put to a question and recorded in the minutes of the meeting.
48. **Presentation of Motion by Mayor** - When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally (Section 57), it shall be stated by the Mayor before debate.
49. **Amendment** - 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
 - may propose a separate and distinct disposition of a question,
 - shall be put in the reverse order to that in which it is moved.
50. **Questions Stated** - Immediately preceding the taking of the vote, the Mayor or 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.
51. **No Interruption After Question** - After a question is finally put by the Mayor 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.
52. **Unrecorded Vote** - The manner of determining the decision of the Council on a motion shall be at the discretion of the Mayor and may be by voice, show of hands, standing or otherwise.

53. **Recorded Vote** – If a member present at a meeting at the time of a vote requests immediately before or immediately 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 the Clerk shall record each vote starting with the Member who requested the vote and proceeding to the right of that Member and ending with the Mayor who will have the last vote, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk to announce the results.
54. **Tie Votes** – Any questions on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
55. **Failure to Vote** – A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
56. (a) **Withdrawing a Motion** – A motion can be withdrawn by the mover and seconder at any time before the motion is called to a vote.
- (b) **Rescinding a Motion** – A motion to rescind a motion previously passed can be made by anyone but only if no action has been taken on the motion to be rescinded. It requires a two-thirds vote for adoption.
- (c) **Tabling a Motion** - A motion to “table” (or defer) a motion must be supported by the majority of the members present and is put to vote without debate or amendment.
57. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
- (a) a point of order or personal privilege;
 - (b) presentations of petitions,
 - (c) to lay on the table,
 - (d) to postpone indefinitely or to a day certain;
 - (e) to move the previous question
58. 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
59. Except as provided by Clause 57 above, all motions shall be in writing and signed by the Mayor.

RULES OF DEBATE

60. To address Council, a Member shall raise their hand requesting to speak, be recognized by the Chair, stand and direct all comments through the Chair.
61. When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.
62. When a Member is speaking, no other Member shall interrupt the

- Member speaking except to raise a point of order, privilege or personal privilege.
63. Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
 64. No Member shall speak for longer than five (5) minutes on a question without Council's permission.
 65. No Member shall speak more than twice to the same question provided that no member shall speak more than once until each Member who has indicated a desire to speak on the issue and has not been heard, has spoken on the question, except that a reply shall be permitted only from a Member who has presented the main motion.
 66. A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated succinctly and asked only of the Mayor/Chair, the previous speaker, the CAO/Clerk or Department Heads and their designates.
 67. When a Member rises on a point of order, point of privilege or point of personal privilege, the Member shall ask leave of the Mayor/Chair to raise the point. After leave is granted, the Member shall state the point to the Mayor/Chair and then remain silent until the Mayor/Chair has ruled upon the point.
 68. Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Mayor/Chair shall rule on the point.
 69. Any Member may challenge the ruling of the Mayor/Chair immediately following the ruling.
 70. The Mayor/Chair's ruling is final unless it is challenged.
 71. Council's decision is final if the Mayor/Chair is challenged.
72. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Mayor or, subject to an appeal to the Council upon a point of order.

POINTS OF ORDER AND PRIVILEGES

73. The Mayor shall preserve order and decide questions of order/privilege when brought forward by any member of Council.
74. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

CONDUCT OF MEMBERS OF COUNCIL

75. No Member in an open or closed meeting, shall speak disrespectfully of the Reigning Sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, of any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
76. No Member shall,

- (a) in an open or closed meeting, use offensive words or un-parliamentary language in or against the Council or against any Member, staff or guest;
 - (b) speak on any subject other than the subject in debate;
 - (c) criticize any decision of the Council except for the purpose of moving that the questions be reconsidered;
 - (d) disobey the rules of the Council or a decision of the Mayor 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 Mayor, the Mayor may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat 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.
 - (e) knowingly be absent or leave a meeting without notifying the Clerk, preferably in writing
 - (f) text, email or make phone calls during the Council meeting
77. No person except Members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Mayor or the Council upon reference.
78. When the Mayor is putting the question, no Member shall leave or make a disturbance.

SUSPENSION OF RULES

79. Any procedure required by this by-law may be suspended with consent of a majority of the Members of the Council present.

AMENDMENT

80. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council. The waiving of this notice by the Council is prohibited.
81. In all matters and under all circumstances the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*.
82. 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.

CONFLICT

83. If there is any conflict between this By-Law and any statute, the provisions of the statute prevail.

NOTICE OF INTENTION TO PASS BY-LAW – NOTICE OF PUBLIC MEETING

84.

Manner of Notice

- (a) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be posted on the Township's Website. Council or the Clerk may provide additional notice by direct mail and/or publishing a notice in a newspaper at their discretion.

Time of Notice

- (b) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the *Act* or its regulations, and if not so prescribed, notice shall be given at least once, not less than 48 hours or more than thirty days prior to the proposed notice of intention to pass a by-law or notice of a public meeting being taken.
- (c) If the proposed by-law is not passed at the Council meeting specified in a notice in Section 84 (a), but consideration of the matter is deferred, no further notice is required under Section 84 (a), if a public statement is made at the meeting that the matter has been deferred and that the municipality now intends to adopt or amend the by-law at a later Council meeting specified in the public statement. This section applies to any further deferrals of the matter.

Form of Notice

- (d) Unless otherwise prescribed in the *Act* or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - a. A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - b. The date, time and location of the meeting;
 - c. Where the purpose of the meeting or proposed by-law is related to specific lands with the Township, a key map showing the affected lands;
 - d. The name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.

Financial

Adoption of Annual Budget

- (e) The notice provisions set out in Sections 84 a), 84 b) & 84 c) shall apply to the discussion, consideration and adoption of the annual budget in total.

Operating Costs Incurred Prior to Budget Approval

- (f) Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

Improvements to Service

- (g) Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by the Township and its local boards; and barriers identified by the Township and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be posted at the same time as prescribed in the *Act* for the publication of Performance Measures.

General

- (h) Where separate by-laws have been enacted in accordance with provisions contained in the *Act*, the notice provisions set out in such by-laws shall prevail.

- (i) No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.
- (j) Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

Emergency Provision

- (k) If a matter arises, which in the opinion of the Clerk, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Melancthon, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make his/her best efforts to provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

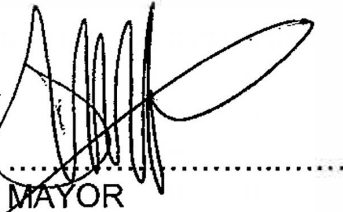
EFFECTIVE DATE

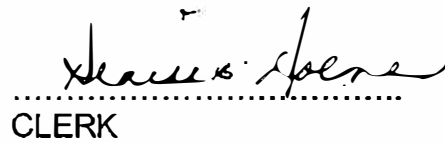
85. This By-Law shall become effective upon the date of the enactment.

86. By-Laws 8-2009, 15-2009, 3-2010, 21-2010, 11-2012, 15-2013 and 58-2014 are hereby repealed.

Read a first and second time this 16th day of April, 2015.

Read a third time, and finally passed this 16th day April, 2015.


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MAYOR


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CLERK