

THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE



BY-LAW NO. 2018-37

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS

WHEREAS pursuant to Section 238 (2) of the Municipal Act S.O. 2001, c. 25 as amended, every council and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE, the Council of the Corporation of the Township of Pickle Lake **ENACTS AS FOLLOWS:**

1. DEFINITIONS

- (1) “Clerk” means the Clerk of the Corporation of the Township of Pickle Lake.
- (2) “Committee” means any advisory or other committee, subcommittee or similar entity composed of members of one or more councils or local boards.
- (3) “Council” means the Council of the Corporation of the Township of Pickle Lake.
- (4) “Delegation” includes presentation by Council, presentation to Council, or a Public Hearing.
- (5) “Head of Council” means the Mayor of the Council of the Corporation of the Township of Pickle Lake.
- (6) “Local Board” means a local board as defined in the Municipal Act, except municipal police services boards, library boards and school boards.
- (7) “Meeting” means any regular, special, committee or other meeting of a Council or local board that has the authority to and furthers the business of a Council or local board.
- (8) “Member” means a member of Council, including the Mayor, or of a committee.
- (9) “Township” means the Township of Pickle Lake.

2. APPLICABILITY

- (1) The rules and regulations contained in this By-law shall be observed in all proceedings of the Council of the Corporation of the Township of Pickle Lake and, with necessary modifications, the committees of the council, and shall be the rules and regulations for the order and conduct of business therein.
- (2) Any procedure not specified in this By-law, or in any Act, shall have reference to the rules of order set out in “Roberts Rules of Order.”
- (3) This By-law shall apply to Council and its committees, with necessary changes, as set out in Section 17 of this By-law.

3. SCHEDULING/CALLING/NOTICE OF COUNCIL MEETINGS(1) Inaugural Meeting*Sec. 230 of M.A.*

The Inaugural Meeting of Council after a regular election shall be held not later than the second Tuesday in December, and the meeting shall be held at 5:30 p.m. as fixed by By-law No. 97-23.

(2) Regular Meetings

(A) Regular Meetings or Council shall be held in the Council Chambers at 7:30 p.m. on the second Tuesday of every month; and quarterly at the Community Hall 14 Koval Street.

(B) Council may, by motion, alter the date and/or time of a Regular Meeting provided that adequate notice of the change is posted.

(C) When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour on the next following day which is not a public or civic holiday unless the Council passes a resolution at the previous regular meeting which directs otherwise.

(3) Special Meetings*Sec. 240 (a) & (b) of M.A.*

(A) The Head of Council may, at any time, summon a Special Meeting;

(B) The Clerk shall summon a Special Meeting upon receipt of a petition of the majority of the Council members for the purpose mentioned in the petition;

(C) In either case of (1) or (2) above, the Special Meeting shall be held not sooner than 24 hours following the Mayor's summons or receipt of the petition, as the case may be, and the Clerk shall provide written or verbal notice of the Special Meeting immediately following receipt of the summons or petition;

(D) Notwithstanding the notice requirements set out above, in the event of a bona fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk;

(E) Unless otherwise specified in the notice described in (3) above, a Special Meeting shall be held in the Council Chambers; and

(F) The notice of a Special Meeting shall specify the purpose for the meeting and the only business to be dealt with at a Special Meeting is that which is listed in the notice of the meeting, unless otherwise approved by motion at the Special Meeting.

(4) Committee Meetings

Generally, the Recreation Committee shall meet the first Tuesday of every month, in the Council Chambers. The Economic Development Committee shall meet the third Tuesday of each month at 7:30 p.m., in the Council Chambers. However, the Committee meeting date is subject to change. Such change shall be posted in the Town Office as soon as possible after the date or time is changed.

(5) Notice of Meetings

Notice of meetings shall be posted in appropriate places and advertised if possible for notification to the public. Such notice shall be as thorough and accurate as possible subject to changes.

4. OPEN/CLOSED ("IN CAMERA") MEETINGS*Sec.239 (1) of M.A.*

- (1) Except as provided in this Section, all Council and Committee Meetings shall be open to the public.

- (2) A member of council, of a local board or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. 2017, c. 10, Sched. 1, s. 25 (2).

Sec.239 (2) of M.A.

- (3) A meeting or part of a meeting may be closed to the public if the subject matter being considered relates to:

- (A) The security of the property of the municipality;
- (B) Personal matters about an identifiable individual, including municipal or local board employees;
- (C) A proposed or pending acquisition of land for municipal purposes;
- (D) Labour relations or employee negotiations;
- (E) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (F) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (G) A matter in respect of which council has authorized a meeting to be closed under another Act; and
- (H) The consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the council is designated as head of the institution for the purposes of that Act.

Sec.239 4 (a) & (b) of M.A.

- (4) Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:

- (A) The fact of the holding of the closed meeting; and
- (B) The general nature of the matter(s) to be considered at the closed meeting.

Sec.239 6 (a) & (b) of M.A.

- (5) A meeting shall not be closed to the public during the taking of a vote, except as follows:

- (A) When Subsection 4(2) above permits or requires a meeting to be closed to the public; and
- (B) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.

- (6) Meetings or sessions which are closed to the public may be referred to as "in-camera" meetings or sessions.

- (7) No in-camera information or documentation shall be copied, photographed, electronically transmitted or verbally disseminated by individuals involved in the in-camera meeting. However, this does not prevent private verbal discussions between the parties who are privy to the in-camera meeting.

- (8) The Clerk-Treasurer may ensure that highly sensitive documentation provided for an in-camera meeting is returned, collected and destroyed,

except for the Clerk-Treasurer's original files.

5. CALL TO ORDER AND QUORUM

- (1) As soon after the time fixed for the holding of the meeting as a quorum is present, the meeting shall be called to order.
- (2) A majority of the whole number of members required to constitute a Council is necessary to form a quorum.
- (3) Where a quorum is not present 30 minutes after the time fixed for the holding of a meeting, the Clerk 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.

6. PRESIDING OFFICER

- (1) The Mayor shall preside at all Regular and Special Meetings of Council.
- (2) When the Mayor is absent or refuses to act, or the office is vacant, the members present may appoint a presiding officer from among themselves, and he or she has the same authority as the absent person would have had if present.
- (3) For duties of the Presiding Officer, see Section 10.

7. AGENDAS

- (1) Council Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be changed without requiring amendment to this By-law.
 - (A) Call Meeting to Order;
 - (B) Declarations of Interest
 - (C) Open;
 - (D) Delegations;
 - (E) Minutes;
 - (F) Reports;
 - (G) Correspondence;
 - (H) Petitions;
 - (I) Unfinished Business;
 - (J) Notice of Motions
 - (K) By-laws;
 - (L) Disbursements;
 - (M) New Business
 - (N) In-Camera Portion; and
 - (O) Adjourn.
- (2) The business of the Council shall be taken up in the order and as listed on the approved agenda unless changed as authorized by a motion of Council, such motion requiring unanimous consent of Council.

8. SUPPORTING MATERIAL

Sec.237 (1) of M.A.

Sec.241 (1) of M.A.

Sec.242 of M.A.

- (1) The Clerk shall be responsible for the preparation of agendas of Council and Committee meetings as assigned.
- (2) Insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to members on the Friday prior to the week of the meetings.
- (3) Written reports by staff for Council agenda shall be forwarded to the Clerk by 12:00 p.m. on the Thursday of the week prior to the week of the meetings.
- (4) Items of correspondence shall be dated by the Clerk upon receipt when not received within three days of the date of the correspondence. Correspondence will be numbered consecutively for presentation to Council.
- (5) 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 or her/his designate.

9. DELEGATIONS/PUBLIC HEARINGS

- (1) Individuals or groups wishing to appear before Council at a Regular Meeting shall advise the Clerk no later than 12:00 p.m. on the Thursday prior to the Meeting, notice to include a summary of the matter or matters that is/are to be presented. The Clerk may make a determination as to deferral of delegations to a subsequent meeting. Inclusion of requests received after the deadline will be subject to the Clerk's discretion.
- (2) Requests to appear before Council received at the Regular Meeting are subject to approval by Council.
- (3) Individuals or groups who are listed on an agenda or are otherwise approved to appear before Council shall be limited to not more than 10 minutes to make their presentation. A delegation consisting of more than five individuals shall be limited to two speakers, each limited to speaking not more than ten minutes. This limit may be extended subject to approval by Council.
- (4) The number of Delegations at a Regular Meeting shall generally be limited to three, but may be increased at the discretion of the Clerk, or by Council approval. The Mayor shall be consulted should circumstances warrant more than three Delegations at a meeting.
- (5) Notwithstanding Sections (1) - (4) above, Public Hearings shall be dealt with under the Delegations Portion of the Agenda, but shall be governed by their own procedures.

10. DUTIES OF THE PRESIDING OFFICER

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

- (1) To open the meeting by taking the Chair and calling the members to order.
- (2) To announce the business before Council in the order in which it is to be acted upon.
- (3) To receive and submit, in the proper manner, all motions presented by the members.
- (4) To put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result.

- (5) To decline to put to vote motions which infringe upon the rules of procedure.
- (6) To designate the member who has the floor when two or more members wish to speak at the same time.
- (7) To restrain the members within the rules of order when engaged in debate.
- (8) To enforce on all occasions the observance of order and decorum among the members.
- (9) To call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chambers.
- (10) To expel from a meeting anyone who engages in improper conduct.
- (11) To authenticate by signature all by-laws, resolutions and minutes of the Council.
- (12) To inform the Council when necessary or when referred to for the purpose, on a point of order or usage.
- (13) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- (14) To ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipal Corporation.
- (15) 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 Chambers where such behaviour persists.
- (16) To adjourn the meeting without question in the case of grave disorder arising in the Council Chambers.
- (17) To adjourn the meeting when the business is concluded.

11. CONDUCT OF MEMBERS OF COUNCIL

No member shall:

- (1) Speak disrespectfully of the Reigning Sovereign, the Royal Family, the Governor-General, and the Lieutenant-Governor of any province, any Member of the Senate, any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario.
- (2) Use indecent, offensive, or insulting words, profanity or unparliamentarily language in or against the Council or against any member, staff, guest or individual.
- (3) Disturb another, or the Council, staff, guest, or individual, by any disorderly conduct disconcerting to the speaker or the assembly.
- (4) Be allowed to address Council or speak in debate without permission of the Mayor or presiding officer, who may consult with Council regarding permission.
- (5) Resist the rules of Council or disobey the decision of the presiding officer or of Council on questions of order or practice or upon the interpretation of the rules of Council.
- (6) Leave a meeting without first obtaining permission from the Mayor or

presiding officer.

- (7) Leave their seat or make any noise or disturbance when the Mayor or presiding officer is reading a motion and shall remain in their seat while a vote is being taken and until the result of the vote is declared.
- (8) Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council and without making an apology to Council, and having the consent of Council expressed by a majority vote of the other members present, determined without debate.
- (9) Leave their seat at adjournment until the Mayor or presiding officer leaves the chair or grants permission.
- (10) Unless otherwise authorized by the Mayor or presiding officer, all members and staff shall address Council through the chair and only when recognized to do so.
- (11) In all matters and under all circumstances, the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.

12. CONDUCT OF GUESTS

No guest shall:

- (1) Speak disrespectfully of the Reigning Sovereign, the Royal Family, the Governor-General, the Lieutenant-Governor of any province, any Member of the Senate, any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario.
- (2) Use indecent, offensive, or insulting words, profanity or unparliamentary language in or against the Council or against any member, staff, guest or individual.
- (3) Disturb another, or the Council, staff, or individual, by any disorderly conduct disconcerting to the speaker or the assembly.
- (4) Be allowed to address Council or speak during a meeting without permission of the Mayor or presiding officer, who may consult with Council regarding permission.
- (5) Resist the rules of Council or disobey the decision of the presiding officer or of Council or questions or order or practice or upon the interpretation of the rules of Council.
- (6) Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of the Council and without making an apology to Council, and having the consent of Council expressed by a majority vote of the other members present, determined without debate.
- (7) Unless otherwise authorized by the Mayor or presiding officer, all guests shall address Council through the chair and only when recognized to do so.

13. MOTIONS, RULES OF DEBATE, VOTING ON MOTIONS

- (1) A motion must be formally moved and seconded before the question can be put or a motion recorded in the Minutes.
- (2) When a motion is presented to Council in writing, it shall be read by the Mayor or presiding officer.
- (4) A motion to amend may be made verbally and shall be agreed to by the mover and the seconder of the main motion.

- (4) Once read or stated by the Mayor or presiding officer, a motion may not be withdrawn without the consent of the mover and seconder. The Motion is to be entered into the Minutes and noted and being "WITHDRAWN."
- (5) Immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the Minutes, including any amendments to the question.
- (6) After a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.
- (7) Members shall not speak more than once to the same question without the consent of the Mayor or presiding officer except:
 - (A) In explanation of a material part of his speech which may have been interpreted incorrectly; or
 - (B) With leave of the Mayor or presiding officer, after all other members so desiring have spoken; or
 - (C) To reply by leave of the Mayor or presiding officer to the member who presented the motion to Council.
- (8) On an unrecorded vote, the manner of determining the decision of a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.
- (9) No member shall speak on any subject other than the subject under debate.
- (10) No member shall interrupt a member who has the floor except to raise a point of order.
- (11) No member shall reflect upon, review, discuss, recount, or criticize any decision of the Council except for the purpose of moving that the question be reconsidered.
- (12) Where a vote is taken for any purpose and a member requests, either immediately before or immediately 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. *A failure to vote by a member who is present at the meeting at the time of the votes and who is qualified to vote shall be deemed to be a negative vote.*
- (13) The Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
- (14) Any questions on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- (15) No vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.
- (16) Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- (17) The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:

Sec. 246 (1) & (2) of M.A.

Sec. 245 of M.A.

Sec. 244 of M.A.

- (A) A point of order or personal privilege;
 - (B) To defer;
 - (C) To postpone indefinitely or to a specific day;
 - (D) To move the previous question (immediate vote on the main motion);
 - (E) To refer; and
 - (F) To amend.
- (18) The following motions may be introduced without notice and without leave but shall be in writing and moved and seconded:
- (A) To adjourn; and
 - (B) To suspend the rules of procedure.
- (19) Council may, from time to time, employ a confirming resolution or by-law immediately prior to adjournment for the purpose of validating decisions or direction given which is minor in nature and not set out in a by-law or resolution.
- (20) A motion containing distinct proposals may be divided if approved by a majority of Council.

14. POINTS OF ORDER AND PRIVILEGE

- (1) The Mayor or presiding officer shall preserve order and decide questions of order.
- (2) Any member may appeal to Council on a decision of the Mayor or presiding officer on a point of order.
- (3) The Council, if appealed to, shall decide the question without debate and its decision shall be final. The question so interrupted shall be resumed at the point where it was suspended.

15. BY-LAWS

- (1) Every by-law shall be given three readings prior to passage.
- (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 date thereof.
- (3) The first reading of a by-law shall be decided without amendment or debate.
- (4) Any proposed by-law may be referred to a Committee, Department Head, other officer of the Corporation, or the solicitor for review and comment.
- (5) If Council so determines, a By-law may be considered as being read.
- (6) By-laws may be given three readings on the same day except when requested otherwise by motion passed with unanimous consent of the members present or as otherwise proved in law.
- (7) The Clerk shall include on all by-laws enacted by Council, the dates of its readings.

Sec. 249 (1) of M.A.

- (8) Upon passage, by-laws shall be numbered, signed by the Mayor or Presiding officer and the Clerk, and embossed with the seal of the Corporation.

16. ADJOURNMENT/CURFEW

Regular Meetings of Council shall adjourn by 10:30 p.m., unless extended before that hour. Such adjourned meeting shall stand adjourned until the date of the next Regular Meeting or until rescheduled, at such time the unfinished business of the adjourned meeting shall be transacted.

17. SUSPENSION OF RULES

Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with a majority consent of the members present.

18. MINUTES

Sec.253 (b) of M.A.

- (1) The Minutes shall record:
- (A) the place, date and time of the meeting;
 - (B) the names of the Presiding Officer and of the members, staff and guests present;
 - (C) The reading, presentation, correction and adoption of the Minutes of prior meetings; and
 - (D) All resolutions, decisions and other proceedings of the Council without note or comment.

19. COMMITTEES

Sec.271 of M.A.

- (1) This By-law shall apply to Council and its committees, with necessary changes, as follows:
- (A) Economic Development Committee;
 - (B) Recreation Committee;
 - (C) Cemetery Board;
 - (D) Ad hoc committees as created by Council from time to time.
- (2) The purpose of the above committees shall be as determined from time to time by Council and the members of the committees.
- (3) Members of the above committees shall be appointed by Council.
- (4) Meetings of the above committees shall be open to the public and held at the location and time as determined from time to time by Council or the members of the committees.
- (5) Procedures of the above committee shall be as determined from time to time by Council or the members of the committees.
- (6) The above committees shall appoint a secretary to record minutes of the meetings.
- (7) The above committees may discuss items noted in Section 4(2) in a closed session; such session must be closed as per procedures determined by the committee.

20. GENERAL

- (1) The Corporate Seal of the Corporation shall have inscribed thereon the words: "The Corporation of the Township of Pickle Lake" and the seal appearing on the margin of this By-Law is adopted as its corporate seal.
- (2) The Corporate Seal shall be at all times under the custody of the Clerk-Treasurer and shall be used by him/her in corporate matters as required.
- (3) All blank items of stationery, forms, and documents imprinted with the corporate name and/or logo remain under the custody of the Clerk and shall be used by him/her in corporate matters as required.
- (4) Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.

21. PREVIOUS BY-LAWS

By-law No. 2017-19 and all By-laws or parts of By-laws inconsistent with the provisions of this By-law are hereby repealed

22. AMENDMENT

No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by Council is prohibited.

23. EFFECTIVE DATE


This By-law shall come into force and take effect upon the final reading thereof.

BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

11th day of December, 2018.



Dwight Monck, Mayor



Jamie Hussey, Acting Clerk-Treasurer