

OFFICE CONSOLIDATION

CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 7852-2004

**A BY-LAW TO REGULATE THE PROCEEDINGS
OF THE MUNICIPAL COUNCIL OF THE
CORPORATION OF THE TOWN OF SMITHS FALLS**

Enacted by By-Law No. 7852-2004

September 20, 2004

List of Amending By-laws: 7943-2006, 8095-2007, 8099-2007, 8145-2008

Updated: May, 2008

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THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY LAW NO. 7852-2004

A By-law to regulate the proceedings of the Municipal Council of the Corporation of the Town of Smiths Falls.

WHEREAS Section 238 of the Municipal Act, S.O. 2001, c.25 authorizes Municipal Council to pass by-laws for governing proceedings of the Council, the conduct of its members and the calling of meetings;

AND WHEREAS it is deemed necessary to establish the rules of procedure for the orderly conduct of Council business;

AND WHEREAS By-law 7717-02 that was passed on December 2nd, 2002, being a by-law to regulate the proceedings of the Municipal Council of the Corporation of the Town of Smiths Falls is hereby repealed;

AND WHEREAS notice was provided in accordance with the procedural by-law and the Town's notice by-law of the intent to repeal and replace By-law 7717-2002 to so that the correspondence handling policies could be clarified and that the policies regarding confidentiality at in camera meetings be added;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Smiths Falls enacts as follows:

DEFINITIONS

1. Appointed official shall include those employees of the Town of Smiths Falls appointed by by-law of the Corporation.

Directors shall mean the Director of Corporate Services, the Director of Utility/Environmental and the Director of Community Services of the Town of Smiths Falls as appointed by by-law.

Clerk shall mean the Municipal Clerk of the Town of Smiths Falls as appointed by by-law or their lawful alternative.

Council shall mean the Municipal Council of the Town of Smiths Falls and includes the Mayor and Councillors. AMembers of Council@ shall be read in a like manner.

Councillor shall mean a person elected or lawfully appointed to the seat of Councillor in the most recent municipal election.

Presiding Officer shall mean the Mayor or alternate. Alternate shall mean the Acting Mayor or Presiding Mayor, duly appointed and acting in accordance with the provisions of this by-law. The Presiding Officer shall have all the rights, powers and authority of the Mayor, while acting in the Mayor=s stead. The duties of the Presiding Officer shall be as detailed in Schedule AB@ hereto.

Quorum shall mean a majority of the total number of the Members of the Council.

Rules of Order shall mean the rules, established by this by-law to regulate conduct during a meeting of Council.

SCOPE

2. The rules and regulations contained in the by-law shall be observed in all proceedings of Council and shall be the rules of order for the dispatch of the business before Council provided that the rules of order contained herein may be temporarily suspended by written motion carried in the affirmative by a two-thirds vote of Council. In any case for which provision is not made herein, the Presiding Officer shall decide the procedure to be followed, subject to an appeal to Council on a point of order and shall be, as near as may be, that followed in Bourinot 's Rules of Order.

TYPES OF MEETINGS

- 3(a) The inaugural meeting of Council shall take place at 7:00 p.m. on the first Monday of December in every election year.
- 3(b) Members of Council shall swear the Oath of Elected Office at the Inaugural meeting of Council or if absent at the next possible subsequent meeting of Council.

REGULAR MEETINGS OF COUNCIL

- 4(a) That the next and each succeeding regular meeting of Council shall be held on the first and third Monday of each month at 5:00 p.m. in the Council Chamber, Municipal Complex, second floor, 77 Beckwith Street North, Smiths Falls unless Council by resolution directs otherwise, in which case a notice shall be posted in the municipal offices advising of the date, time and location.
- 4(b) When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour and place as stated in clause 4(a) on the next following day which is not a public or civic holiday and no notice as stated in clause 4(a) shall be required.

SPECIAL MEETING OF COUNCIL

- 5(a) Notwithstanding clause 4(a), the Mayor or Acting Mayor in his/her absence, may at any time summon a special meeting of Council. Upon receipt of the petition of the majority of Council, the Clerk shall summon a special meeting of Council for the purpose and at the time, date and place mentioned in the petition. Forty-eight (48) hours written notice of all special meetings of Council shall be given to Members of Council and the media through the Clerk=s Office. The only business to be dealt with at special meetings of Council shall be that stated in the Notice and Agenda of the meeting.
- 5(b) Notwithstanding clause 4(a), the Mayor or Acting Mayor in his/her absence, may in the event of an emergency, call an emergency meeting of Council without giving forty-eight (48) hours written notice of the meeting provided that the Clerk has diligently attempted to advise all Members of Council immediately upon being advised of the intention of the Mayor or Acting Mayor to hold an emergency meeting. The only business to be dealt with at an emergency meeting of Council shall be respecting that emergency.

GENERAL RULES OF MEETING

ATTENDANCE

6. Every Member of Council and every municipal employee, as directed by the Directors, shall attend each meeting of Council or shall advise the Clerk of his/her inability to attend.

OPEN/CLOSED MEETINGS

- 7 (a) Except as provided for below, all meetings of Council, including Committee of the Whole and all Committee or Task Force meetings shall be open to the public. The head or presiding officer may expel any person for improper conduct at a meeting. Notwithstanding, a meeting or part of a meeting may be closed to the public if the subject matter being considered is;

- (i) the security of the property of the municipality;
- (ii) personal matters about an identifiable individual, including municipal employees;
- (iii) a proposed or pending acquisition or disposition of land by the municipality;
- (iv) labour relations or employee negotiations;
- (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
- (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (viii) a matter which relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the council, board, commission or other body is the head of an institution for the purposes of that Act.

For the purposes of this section closed to the public shall mean closed to any person not appointed or elected to the body calling the meeting, but in no instance shall Members of Council be excluded from any portion of a meeting held by a Standing Committee of Council. In addition, the sitting body may invite any person deemed appropriate to the closed portion of the meeting. Nothing in this section diminishes the responsibilities of Members with respect to disclosure of interest.

- 7(b) Before holding a meeting or part of a meeting that is to be closed to the public the Council or Committee 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.
- 7(c) Subject to subsection 7(d), a meeting shall not be closed to the public during the taking of a vote.
- 7(d) A meeting may be closed to the public during a vote if,
- (i) subsection 7(a) 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 or persons retained by or under contract with the municipality.
- 7(e) Discussion during a closed meeting shall be limited to the issue stated in the resolution and nothing in this by-law confers the power of any Member or Members of Council to make any decision or take any action, unless administrative in nature, until such action is presented and decided upon at a duly called and constituted open meeting.

- 7(f) No recordings will be kept for any meeting of Council, Committee of the Whole or Standing Committee, or part of any meeting of Council, Committee of the Whole or Standing Committee, that is closed to the public, except as permitted by the Municipal Act, 2001 as amended.
Recordings shall include the taking of minutes or other recording of proceedings, taking notes, the making of basic calculations, etc., by staff, the Mayor, Members of Council or any other guests whom are allowed to remain in the meeting. Notwithstanding this, the following policies shall apply:
- (i) Councillors and staff members may do basic calculations on paper in the course of a closed meeting. Any such calculations shall be collected by the Clerk and destroyed prior to the closing of the meeting. Any recordings outside of basic calculations shall not be permitted, except as permitted by the Municipal Act, 2001 as amended.
 - (ii) Where, in accordance with of the Municipal Act, SO 2001, as amended, a vote is held 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 contract with the municipality or local board”, the appropriate staff member may record the direction for their use if necessary and approved by Committee.
- 7(g) (i) Members shall keep confidential any information:
- (a) disclosed or discussed at a meeting or part of a meeting that was closed to the public.
 - (b) that is circulated to members that is marked confidential.
Any documentation marked confidential shall be kept securely until no longer required in the course of business and shall at that time be destroyed by the member or returned to the office of the Clerk for destruction.
 - (c) that is received in confidence verbally in preparation of the in-camera meeting.
- (ii) The obligation to keep information confidential applies even if the member ceases to be a member.

PRESIDING OFFICER

8. The Mayor shall preside over all meetings of Council unless by reason of absence, due to illness or otherwise is unable or refuses to do so.
(M.A. sec. 57)

APPOINTMENT OF ACTING MAYOR

- 9(a) At the inaugural meeting, or as soon thereafter as is practicable, Council shall appoint, by by-law a Councillor as Acting Mayor for each month during the term of Council.
- 9(b) Such appointments shall be made in alphabetical order by the Councillor ' s surname, and shall commence in the month of December of the election year.
- 9(c) In the case of the absence of the Mayor due to illness or otherwise, refusal by the Mayor to act or vacancy in the Mayor ' s seat on Council, the Acting Mayor shall act in the place and stead of the Mayor and the Acting Mayor shall have all the rights, powers and authority of the Mayor while so acting.

ABSENCE OF MAYOR AND ACTING MAYOR

10. Where a quorum is present and the Mayor and Acting Mayor are unable to legally participate or do not attend within fifteen (15) minutes after the hour fixed for a meeting of Council, the Clerk shall call the Members of Council to order and a Presiding Mayor shall be appointed from among those Members present. The Presiding Mayor shall act in the place and stead of the Mayor until the arrival of the Mayor or until immediately after the adjournment of that meeting of Council whichever occurs sooner and while so acting the Presiding Mayor shall have all the rights, powers and authority of the Mayor.

CALL TO ORDER

- 10(a) As soon after the hour fixed for the holding of the meeting of Council as a quorum is present, the Mayor or Acting Mayor in his/her absence, shall take the Chair and call the meeting to order.
- 10(b) Upon being called to order, all Members of Council and appointed officials shall immediately take their seats and remain unless otherwise excused by the Presiding Officer.
- 10(c) The order of seating of the Councillors shall be determined each term by the drawing of lots by the Members prior to the inaugural meeting of Council.

NO QUORUM

11. If no quorum is present fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next meeting of Council, either regular, special or emergency.

VACANCY ON COUNCIL

12. If a vacancy occurs during the term of the current Council, such vacancy shall be filled in accordance with section 46 of the Municipal Act.

NOTICE OF MEETING AND AGENDA

PRODUCTION AND DISTRIBUTION

- 13(a) Any member of Council, or a Director, may submit a Notice of Motion to the Clerk for inclusion on the Agenda. Each Notice of Motion must be received by the Clerk before 4:00 p.m. on the Wednesday preceding the regular meeting of Council.
- 13(b) Final determination of inclusion of any item on the Agenda, not previously discussed by Committee, shall be the responsibility of the Mayor or Acting Mayor in his/her absence. The Clerk shall prepare and print a Notice and Agenda in the form attached hereto as Schedule AA@.
14. The Clerk shall cause to be printed and available a copy of the Notice of Meeting and Agenda. The Clerk=s summary of the subject matter of each item on the Agenda and any Notice of Motions drafted for presentation, including the name of the intended mover, shall be attached to each Notice of Meeting and Agenda for a regular meeting of Council.
15. The Clerk shall make copies of the Notice and Agenda available to members of the public upon request.

16. The business of Council shall in all cases be taken up in the order in which it stands upon the Agenda unless additions, deletions or changes to the order thereof have been approved by the verbal consent of Council. Requests for amendments to the Agenda shall be received by the Presiding Officer prior to the meeting of Council being called to order. Additions to the Agenda shall be placed at the end of the appropriate section of the Agenda.
17. All motions called pursuant to the Agenda and not disposed of shall be placed on the Agenda for the next meeting of Council unless otherwise directed by Council.

MAYOR ' S ANNOUNCEMENTS

18. The opening remarks of the Presiding Officer shall be at the sole discretion of the Presiding Officer and shall normally relate to items of special interest.

DISCLOSURE OF INTEREST

- 19(a) A Member of Council shall disclose any conflict of interest, as defined in the Municipal Conflict of Interest Act, with respect to an item on the Agenda. The Member shall declare the conflict of interest stating the Agenda item and the nature of the interest. A member declaring a conflict of interest shall refrain from discussion, either, before, during or after the meeting of Council and shall not vote on any motion or question put respecting the Agenda item stated. Any Member disclosing a conflict of interest on a matter to be discussed at an in camera meeting shall also remove himself from the room in which the meeting is being held. The Member=s return shall only be permitted upon the conclusion of discussion regarding the conflicting matter.
- 19(b) If the interest of a Member has not been disclosed by reason of his/her absence from a previous meeting or by reason of such interest having been acquired immediately subsequent to such meeting, he shall disclose such interest at the first possible subsequent meeting of Council.
- 19(c) The Clerk shall record in the minutes of the meeting every disclosure of interest.

DELEGATIONS

- 20(a) Persons wishing to address Council shall make application in writing to the Clerk prior to 4:00 p.m. on the Wednesday preceding the regular Council meeting. Such application shall contain the subject matter to be discussed and the name, address and telephone number of a spokesperson chosen by the delegation to make the presentation. Comments from members of the delegation, other than the spokesperson, shall be prohibited unless and until the Presiding Officer has authorized such additional speakers. The delegation shall be permitted a maximum of (10) minutes to make the presentation unless and until the Presiding Officer has extended such time allotment. Any person addressing Council as a delegation shall rise, state his/her name and make his/her presentation from the podium provided. Following the presentation, the Presiding Officer may ask for questions from Council which shall be addressed by the spokesperson to the best of his/her ability.
- 20(b) Delegations failing to meet the above application requirements may be heard upon the verbal consent of the majority of Council present.
- 20(c) The inclusion of a delegation on the Council Agenda shall be determined on a first come, first serve basis and regard shall be given to the length of the Agenda.

ADOPTION OF MINUTES

- 21(a) The minutes of a Council meeting shall record:
- (1) the date, place and time of the meeting;
 - (2) the name of the Presiding Officer and the attendance of the Members of Council and appointed officials;
 - (3) all resolutions, decisions and other proceedings of the Council without note or comment; and
 - (4) the time of adjournment.
- 21(b) The minutes of each meeting of Council shall be printed by the Clerk no later than the fourth day following the meeting of Council and shall be circulated by the Clerk not later than with the Notice and Agenda for the next regular meeting of Council.
- 21(c) A motion to adopt the minutes of each meeting of Council shall be put in the following form: AThat the minutes of the last meeting(s) of Council held (date of meeting(s)) be adopted as circulated.
- 21(d) Notwithstanding clause 21(c) if any Member of Council disagrees with any item printed in the minutes, that Member shall state his/her objection and the reason for his/her disagreement. The Presiding Officer shall determine the accuracy of the minutes and shall direct the Clerk to make all necessary amendments thereto. If amendments are required the motion to adopt the minutes as circulated shall be automatically amended and the question put by the Presiding Officer shall be in the following form: AThat the minutes of the last meeting(s) of Council held (date of meeting(s)) be adopted as amended.
- 21(e) When the minutes have been adopted they shall be signed by the Presiding Officer and the Clerk and the corporate seal shall be affixed thereto.
- 21(f) Minutes of In-camera Sessions will be recorded by the Clerk and will be adopted by resolution at the next regular meeting during the In-Camera session. Minutes will be printed on coloured paper, distributed to Council and reviewed and then adopted by resolution. Clerk will then gather all coloured paper (distributed minutes) back from Council and destroy. Clerk's copy to be signed by Acting Mayor and Clerk and filed in the vault.

CORRESPONDENCE

- 22(a) Every letter, petition, resolution, correspondence or other communication intended for presentation to Council or to any Committee or Task Force shall be legibly written or printed and shall be signed by/include the name of at least one person giving his/her address. Correspondence that does not meet this requirement will not be recognized by the municipality. Any such correspondence shall be considered public information and may be circulated, attached to agendas etc.. in its processing.
- 22 (b) Every letter, petition, resolution, communication or correspondence addressed to Council or any Committee or Task Force shall be dealt with as follows:
- (i) Communications regarding File/Operational Issues
If correspondence addressed to Council is File/Operational related, it will be referred to the appropriate Director by the receiving party.
The Director (or their designate) will apply normal operational practices in referring, filing, responding, etc..
Should the writer request a response, this will be provided by the Director or designate in a timely manner.

- (ii) Communications which are Policy Related
 If correspondence addressed to Council is Policy Related, it will be referred to the Clerk by the receiving party for placement as a correspondence item on the Committee of the Whole agenda for Committee consideration/direction.
 All correspondence placed onto the Committee Agenda will be responded to by the Clerk, as directed by Committee.
 If a matter is referred to staff or committee it will be placed onto an unfinished business list under correspondence items, and Committee updated with regards to its resolution under this list.
 - (iii) Correspondence of a routine, informative nature (e.g. unsolicited materials such as training programs, promotional events, newsletters, advertising, motions from other municipalities/bodies seeking support) may be referred to Council, Committee or Task Force or to file at the discretion of the appropriate Director or staff person deemed responsible for the subject matter contained therein.
- 22(c) Notwithstanding the above, any Member shall have the right to request any piece of correspondence be read in full at Council, Committee or Task Force Meeting. The voting members at that meeting shall then determine the action to be taken with respect to the correspondence.

REPORTS

- 23(a) Any Member of a Standing Committee, Committee to which a Councillor has been appointed or Task Force may make a verbal report regarding the status of any issue currently under debate by that body. The maximum time allotted to each Member for the presentation of each report shall be limited to five (5) minutes. No discussion or debate regarding the topic(s) of the report shall be permitted. During the Member=s report time allotment, the Member may request that a specific senior staff official expand upon the subject matter of the report or any part thereof.
- 23(b) Only major points of each report shall be recorded by the Clerk without note of comment.

BY-LAWS

- 24(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 by a Standing Committee or Task Force unless otherwise directed by the Mayor.
- 24(b) Every proposed by-law shall be in type-written form and shall be complete with the exception of the date thereof.
- 24(c) Every by-law shall be introduced by a Member of the Standing Committee or Task Force having jurisdiction over the subject matter thereof and seconded by any other Councillor.
- 24(d) Every by-law shall be considered and read at least three times prior to its passage. The reading of by-laws may be by title only.
- 24(e) A by-law in excess of three pages in length shall be circulated to Members of Council with the Notice of Agenda. By-laws less than three (3) pages in length, which contain significant detail, may also be copied and circulated with the Agenda. Notwithstanding the above, the Clerk shall summarize the subject matter of every by-law in the Clerk=s Report attached to the Agenda.

- 24(f) The motion for first reading of a by-law shall include that the by-law be taken as read a second time and shall be decided without amendment or debate and when passed a summary of the by-law's subject matter shall be read by the Clerk and the by-law shall immediately be open for debate and amendment before being presented for third reading.
- 24(g) When all motions for amendments have been disposed of, the by-law may be presented for third reading and final passage at the current meeting of Council or at such time as may be appointed by the Council.
- 24(h) The Clerk shall set out on all by-laws passed by Council the date of the several readings thereof.
- 24(i) Every by-law passed by Council shall be serially numbered and dated, signed by the Clerk and the Presiding Officer, sealed with the corporate seal and shall be deposited with the Clerk for safekeeping.
- 24(j) A by-law to confirm the proceedings of the Council at its meetings held in the previous month shall be presented at the first regular meeting of Council in each and every month. Such by-law shall confirm any motion, resolution and other actions passed or taken by Council at the meetings indicated therein except where the prior approval of the Ontario Municipal Board or any other regulatory body is required.

MISCELLANEOUS BUSINESS

- 25(a) Motions presented during the Miscellaneous Business shall generally be limited to statements of Council's intention with respect to a particular matter of a temporary nature, the expression of the corporate will of the Council at a particular occasion on a particular matter, matters administrative or operational in nature or matters concerning internal management.
- 25(b) All motions, unless herein stated otherwise, shall be reduced to writing and shall, whenever practicable, be moved by a Member of the Standing Committee or Task Force having jurisdiction over the issue and seconded by any other Councillor.

ENQUIRIES/ANNOUNCEMENTS

- 26(a) Each Member of Council shall be given the opportunity to make a maximum of three enquiries and/or announcements in respect of any matter. All such comments shall be directed to the Presiding Officer who shall, when necessary, determine the person who in his/her opinion is the best qualified to respond.
- 26(b) After all Members of Council, desiring to do so, have made their comments, each appointed official shall be given the opportunity to make a maximum of three announcements, in respect of any matter. All such comments shall be directed to the Presiding Officer who shall, when necessary, determine the person who in his/her opinion is the best qualified to respond.
- 26(c) After all appointed officials, desiring to do so, have made their comments, the members of the media shall be given the opportunity to present enquiries. The period of media comments shall be limited to a maximum of ten (10) minutes. All such comments shall be directed to the Presiding Officer who shall, when necessary, determine the person who in his/her opinion is the best qualified to respond.

ADJOURNMENT/CURFEW

- 27(a) No item of business may be dealt with at a meeting of Council after eleven p.m. (11:00 p.m.) Unless a verbal motion to continue to a stated time has received unanimous consent of Council. Failure to receive such motion and consent to continue shall, at or immediately before 11:00 p.m., cause the Presiding Officer to declare the meeting of Council adjourned and all unfinished business shall be added to the Agenda for the next regular or special meeting of Council.
- 27(b) No Councillor shall leave his/her seat, on adjournment, until the Presiding Officer has left the chair.

PRESENTATION AND DISPOSITION OF MOTIONS

MAIN MOTIONS

- 28(a) Notice of Motion shall be called in the order in which they appear on the Agenda and must be signed by a mover and a seconder.
- 28(b) When called by the Presiding Officer the mover of the motion shall state the names of the Members moving and seconding the motion and read, or if it is a permitted oral motion shall state, the motion. A motion so put shall be considered the main motion.
- 28(c) A motion in respect of a matter, the resolution of which is beyond the jurisdiction of the Council, shall not be in order.
- 28(d) After a motion has been duly moved, seconded and read it shall immediately be open to debate or amendment. The mover shall have the opportunity to make the introductory remarks thereon.
- 28(e) Any Member of Council may request that any motion under debate be repeated by the Clerk for the benefit of clarification but not so as to interrupt a Member while speaking.
- 28(f) After a motion has been read it shall be deemed to be in possession of the Council.

SECONDARY MOTIONS

- 29(a) When a main motion is under debate it shall be in order for any Member to present the following secondary motions:
- (i) **WITHDRAW**
A motion to withdraw
-need not be reduced to writing;
-shall be put and seconded by the mover and seconder of the main motion;
-shall receive disposition prior to any other secondary motion being presented;
-shall not be debatable.

(ii) REFER

A motion to refer a matter under debate

- shall be presented in writing;
- shall receive disposition of Council before the main question;
- shall state the Standing Committee, Task Force or appointed official to which the matter shall be referred;
- shall preclude all amendments of the main question until it is decided, and
- shall be debatable.

(iii) DEFER

A motion to defer

- shall be presented in writing
- shall receive disposition of Council before the main question;
- shall state the specific date upon which the motion shall again be put; and
- shall be debatable.

(iv) DIVIDE

A motion to divide

- shall be presented in writing;
- shall receive disposition of Council before the main motion;
- shall be in order only when the motion to be divided contains two or more separate and distinct proposals; and
- shall be debatable.

(v) AMEND

- shall be presented in writing;
- shall receive disposition of Council before the main 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 main motion received;
- shall not be received proposing a direct negative to the main motion;
- may propose a separate and distinct disposition of the main motion;
- shall be put in the reverse order to that in which it is moved; and
- shall be debatable.

29(b) Once debate had finished and all secondary motions have been received, the Presiding Officer shall put to vote all such secondary motions in the following order:

1. To withdraw
2. To refer
3. To defer
4. To divide
5. To amend

29(c) A motion to defer, to refer or to withdraw shall negate all other secondary motions;

29(d) All secondary motions shall be resolved prior to the disposition of the main motion. Once all secondary motions have been resolved, the main motion shall be immediately put by the Presiding Officer unless otherwise disposed of by deferral, referral or withdrawal.

SPECIAL MOTIONS

PUT THE MAIN MOTION

30. A motion to put the main motion
- need not be reduced to writing;
 - shall be in the following form: A Shall the main motion be now put?@
 - shall not be debatable or amended;
 - shall receive disposition prior to any other motion being moved;
 - if resolved in the affirmative, the main motion shall forthwith be put as a question by the Presiding Officer, and
 - if resolved in the negative, debate may continue on the main motion.

ADJOURN

31. A motion to adjourn the meeting
- shall not be in order when a Member is speaking;
 - shall not be in order during the verification of a vote;
 - shall not be in order immediately following the affirmative disposition of a motion for the previous question;
 - shall be reduced to writing;
 - shall be resolved prior to any other motion being moved;
 - if resolved in the affirmative, Council shall immediately rise and no further Council proceedings shall take place until the next meeting of Council. All unfinished business on the Agenda shall be included on the Agenda of the next regular or special meeting of Council.
 - if resolved in the negative, Council shall resume its debate at the point immediately prior to the point at which the motion to adjourn was moved.

RECONSIDERATION OF A MOTION

- 32(a) Once disposed of, Council shall not reconsider the same question or by-law, for a period of one year, unless and until a motion to reconsider the question or by-law has been disposed of by Council.
- 32(b) When a question or by-law has been presented and disposed of either in the affirmative or negative, it shall be in order for any Councillor to move for reconsideration. A seconder for a motion to reconsider is required and such motion to reconsider shall be reduced to writing.
- 32(c) A motion for reconsideration shall not be in order if Council is made aware the question or by-law has been implemented resulting in legally binding commitments as of the date the motion to reconsider is moved.
- 32(d) Debate on a motion to reconsider shall be confined to such matters as new information which has come forward, an error in documentation presented or incorrect statements made during the original debate. Debate on the subject matter of the question or by-law proposed for reconsideration shall be prohibited until the motion to reconsider has been disposed of.
- 32(e) The Presiding Officer shall cast a vote on all motions to reconsider and it shall not be necessary for the Presiding Officer to declare his/her intention to do so.
- 32(f) A motion to reconsider shall be considered lost unless two-thirds of the members present vote therefore and no more than one motion for reconsideration of any question or by-law shall be permitted.

- 32(g) If a motion to reconsider has been carried in the affirmative, no action shall be taken to carry into effect the question or by-law until that question or by-law has been presented to Council for reconsideration.
- 32(h) If a motion to reconsider is carried in the affirmative, it shall not be in order to reconsider the subject matter of the question or by-law until the next subsequent meeting of Council. The question or by-law being reconsidered shall be stated in the exact manner in which it was first presented and shall be subject to the rules of debate and amendment outlined herein.

POINT OF ORDER OR PRIVILEGE

- 33(a) It shall always be in order for a Member to raise a point of order or privilege except when a Member is speaking or during verification of a vote or immediately following the affirmative disposition of a motion for the previous question. It shall not be necessary to reduce a point of order motion or motion of privilege to writing. A point of order motion or motion of privilege shall not require a seconder.
- 33(b) The Presiding Officer shall preserve order and decide questions of order.
- 33(c) When a Member raises a point of order he/she shall ask leave of the Presiding Officer to raise the point of order and after leave is granted he/she shall state the point of order to the Presiding Officer and then remain seated quietly until the Presiding Officer has decided and stated the point of order by quoting the appropriate section of this by-law or in the absence of a specific reference, the reason for the decision.
- 33(d) Thereafter, a Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's decision to the Council.
- 33(e) If no Member appeals, the decision of the Presiding Officer shall be final. The Council, if appealed to, shall decide the question without debate and its decision shall be final. After a point of order has been raised and decided, Council shall resume the proceedings at the point immediately prior to the point at which the point of order motion was moved.
- 33(f) Where a Member considers that his/her integrity or the integrity of the Council as a whole has been violated, he may as a matter of personal privilege, at any time with the consent of the Presiding Officer, draw the attention of Council to the matter and such shall be dealt with in the same matter as a point of order.

VOTING ON QUESTIONS

- 34(a) Immediately proceeding the taking of a vote, the Presiding Officer shall state the question in the form to be recorded in the minutes.
- 34(b) After a question is put by the Presiding Officer no Member shall speak to the question or shall any other motion be made until after the vote is taken and the result has been declared. Each Member shall occupy his/her seat and shall remain in his/her place until the results of the vote has been announced by the Presiding Officer.
- 34(c) A separate vote shall be taken upon each proposal contained in a motion divided by resolution of Council.
- 34(d) A Member, not present at the time the question is put by the Presiding Officer, shall not be entitled to vote on that question.
- 34(e) The Presiding Officer is expected to vote on all questions and if it is his/her intention not to so vote he/she shall declare his/her intention immediately after the motion has been presented. The motion shall then be open for debate and/or amendment. The Presiding Officer may debate the motion, may close the debate with a final comment followed immediately by putting the question.
- 34(f) If the Presiding Officer declares his/her intention not to vote, this abstention from voting shall not be considered a negative vote and shall not be counted in the verification of the vote but rather the vote shall be determined using the number of other members present.
- 34(g) Each Councillor present, except a Councillor who is disqualified from voting by any Act, shall vote on each and every question put by the Presiding Officer.
- 34(h) Unless a recorded vote is requested, the manner of determining the decision of the Council on a question shall be by show of hands and only the totals of the votes for and against the question shall be recorded by the Clerk. Failure to so vote by a Councillor who is not otherwise disqualified shall be deemed to be a negative note.
- 34(i) Where a vote is taken for any purpose and a Member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each Member of Council present including the Presiding Officer, except a Member who is disqualified from voting by any Act, shall announce his/her vote verbally when called in alphabetical order by the Clerk and the Clerk shall record each Member=s name and vote.
- 34(j) Unless otherwise stipulated by statute herein, the question shall be deemed to be carried in the affirmative by a simple majority vote therefore of the Council Members present including the Presiding Officer if he has declared his/her intention to vote. A tie vote on any question shall be deemed to be lost. The Presiding Officer shall announce verbally the decision of Council and shall sign all resolutions carried in the affirmative.

**GENERAL RULES OF CONDUCT AND DEBATE
DURING COUNCIL MEETINGS**

- 35(a) No Member shall:
- wear inappropriate attire to any regular Council meeting. Appropriate attire for the male Members shall include suit jacket and tie, and for the female Members attire in keeping with the standard set for the males.
 - speak disrespectfully of any other person.
 - use offensive words or unparliamentary language.
 - speak on any subject other than the subject under debate or contained in his/her report, enquiry or announcement unless otherwise requested by the Presiding Officer to do so.
 - criticize any decision of the Council except for the purpose of moving that a question be reconsidered.
 - disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or privilege or upon the interpretation of the rules of the Council.
 - shall leave or make a disturbance when the Presiding Officer is putting a question.
- 35(b) If 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: That the named Member be ordered to leave his/her seat for the duration of the meeting of Council. Such question shall be decided immediately by vote of Council, without debate, amendment or adjournment.
- 35(c) Every elected or appointed official, excluding the Presiding Officer shall address his/her remarks to the Presiding Officer. When two or more persons wish to speak, the Presiding Officer shall designate the person who has the floor.
- 35(d) No elected or appointed official shall speak more than twice to the same question without leave of the Council.
- 35(e) Notwithstanding 35(d) an elected or appointed official may request the leave of the Presiding Officer to clarify a point of fact made by them which may have been misunderstood but in doing so that person shall not raise any new point.
- 35(f) No elected or appointed official, including the mover of a motion, shall speak to the same issue for longer than five (5) minutes total.
- 35(g) A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question shall be stated succinctly and asked only of the Presiding Officer or a named Councillor or an appointed official through the Presiding Officer. The response to such a question shall not interfere with the Members right to speak to a motion for a maximum of five (5) minutes total.
- 35(h) When the Presiding Officer calls for the vote on a question, every person present shall occupy his/her seat and shall remain seated until the result of the vote has been announced by the Presiding Officer and during such time no person shall create and disturbance.
- 35(i) When a person is speaking no other person shall pass between him and the Presiding Officer or interrupt that person except a Member raising a point of order or privilege.

COMMITTEES OF COUNCIL

GENERAL RULES FOR ALL COMMITTEES

- 36(a) For the purposes of this section a Committee shall be deemed to include any Task Force, Standing Committee or Committee of the Whole.
- 36(b) The authority of any Committee is limited to the making of recommendations to Council. No decision to take any action or do any thing, other than administrative in nature, shall be recognized as emanating from any Committee and all Committee recommendations shall be referred to Council before becoming effective.
- 36(c) The jurisdiction, term, membership and support staff assigned to any Committee shall be as stipulated in the appropriate by-law or resolution establishing that Committee.
- 36(d) Appointments to Committees, other than the Committee of the Whole shall be recommended by the Mayor and adopted by resolution of Council.
- 36(e) The Mayor shall be a full voting member at Committee of the Whole meetings and shall be considered an ex-officio member at all other Committee meetings including the right to vote on all matters.
- 36(f) A simple majority of the Members of a Committee present at the Committee meeting shall be sufficient to adopt a recommendation.
37. For the purpose of this section all references to the Presiding Officer, Clerk, Members of Council and Council contained herein shall be read as Chair, Secretary, Members of the Committee and Committee respectively. The rules governing the procedure of the Council and the conduct of Members of Council, unless otherwise specifically stated herein, shall be observed in a Committee meeting insofar as they are applicable, provided:
- (i) The inaugural meeting of a Committee, other than the Committee of the Whole, shall be held at the call of the Chair but in no case later than thirty (30) days subsequent to the appointment of members thereto. At the inaugural meeting, the Committee shall establish a regular meeting place and schedule therefore. The inaugural meeting of the Committee of the Whole shall be the same as that for Council.
 - (ii) In the absence of the Committee Chair, an Acting Chair shall be appointed from the Members of the Committee present.
 - (iii) A motion shall not be required to be seconded.
 - (iv) A motion shall not be required to be reduced to writing.
 - (v) A motion shall be considered a motion to recommend rather than a question to be decided on and implemented;
 - (vi) Despite 34, the Chair shall have a vote on all questions but need not declare his/her intention to vote.
 - (vii) Members need not rise to speak.

- (viii) The number of times or length of time a Member may speak on any question shall not be limited, however, no Member shall speak more than once to an issue except to clarify a statement made by them, until every other Member who desires has spoken.
- (ix) The Agenda need not be in the form of Schedule AA@, may be amended as directed by Chair and need not be pre-delivered to the Members nor pre-circulated to the media. The Chair may accept notices of motions, matters to be discussed, and a request to appear as a delegation, at any time.
- (x) The Secretary to the Committee shall print and make the Agenda available no later than twenty-four (24) hours prior to the time set for the meeting. Attachments, including the Clerk=s Report, list of correspondence, and draft motions need not be included.
- (xi) Prior to any action being taken by full Council and at the request of any Member of the Committee present, any item on the Agenda of the meeting may be reconsidered upon the consent of the majority of the Members present.
- (xii) The Chair, if present, shall vote on all motions but in no circumstances shall the Chair be permitted an additional vote to resolve a tie.

COMMITTEE OF THE WHOLE

- 38(a) Committee of the Whole shall meet on a regular basis on the second and fourth Mondays of each month at 5:00 p.m. in the Council Chamber, Municipal Complex. Special meetings of the Committee of the Whole may be held at any time at the call of the Mayor or Acting Mayor. The proceedings of the Committee of the Whole meeting shall be reported at the next subsequent meeting of Council.
- 38(b) If the Committee meeting is held during a meeting of Council a written motion shall be required to temporarily adjourn Council proceedings so that Council may move into a more informal Committee of the Whole meeting. A written motion to revert to open Council shall be required prior to resumption of the Council Meeting. The proceedings of a Committee of the Whole meeting, held during a meeting of Council, shall be reported immediately upon resumption of the Council meeting.
- 38(c) The Acting Mayor shall be the Chair at Committee of the Whole meetings.

STANDING COMMITTEES

- 39(a) Appointments to Standing Committees shall be by resolution of Council at the Inaugural meeting of Council or as soon thereafter as convenience will permit.
- 39(b) Members of a Standing Committee shall hold office for the term of Council, subject to an annual review by the Mayor.
- 39(c) The Standing Committee shall appoint a Member or an employee to be secretary of the Standing Committee and the secretary shall be responsible for recording the minutes of the meetings and distributing such minutes to the Council.
- 39(d) It shall be the Chair 's responsibility to act as spokesperson for the Committee at Council or other appropriate meetings notwithstanding that any Member of the Committee may comment on or speak to the issues before the Committee at Council.

TASK FORCES

- 40. The Mayor may recommend, at any time, the establishment of a Task Force to evaluate and make recommendation for the resolution of a specific matter or issue. A motion to establish a Task Force shall contain the general nature of the issue, the persons appointed to the Task Force, the term of the Task Force. A Task Force shall be automatically dissolved once its recommendations have been reported to and accepted by Council.

AMENDMENTS TO PROCEDURAL BY-LAW

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

SEVERABILITY

- 42. The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.
- 43. Where the terms of any by-law passed prior to this by-law conflict with this by-law, the terms of this by-law shall prevail.

EFFECTIVE DATE

- 44. That By-law 7717-02 is hereby repealed in its entirety
- 45. The provisions of this by-law shall come into force and take effect upon third reading.
- 46. That this By-law may be referred to as the “PROCEEDURAL BY-LAW” in short.

Read a first and second time this 20^h day of September, 2004

Read a third time and PASSED this 20th day of September, 2004

CERTIFIED TRUE COPY

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

Clerk

SCHEDULE "A" TO BY-LAW NO. 7852-2004

THE CORPORATION OF THE TOWN OF SMITHS FALLS

NOTICE AND AGENDA FOR MEETINGS OF COUNCIL

COUNCIL CHAMBER, TOWN HALL

DATE

7:00 P.M.

1. MAYOR=S ANNOUNCEMENTS
2. DISCLOSURE OF INTEREST
3. DELEGATIONS
4. ADOPTION OF MINUTES
5. REPORTS
6. BY-LAWS
7. MISCELLANEOUS MOTIONS
8. ENQUIRIES/ANNOUNCEMENTS
9. ADJOURNMENT

**DUTIES OF THE PRESIDING OFFICER
DURING COUNCIL MEETINGS**

It shall be the duty of the Presiding Officer to:

- (a) open the meeting of Council by taking the chair and calling the Members of Council to order;
- (b) receive and submit, in the proper manner, all motions presented by the Councillors;
- (c) put to vote all questions which are properly moved and seconded and to announce the result thereof;
- (d) decline to put to vote motions which are not within the jurisdiction of Council or which infringe on the rules of order;
- (e) refrain from entering debate on any motion except as to provide information or fact;
- (f) restrain the Members of Council, within the rules of order, when engaged in debate;
- (g) enforce on all occasions the observance of order and decorum among the Members of Council;
- (h) call by name any Councillor persisting in breach of the rules of order, thereby ordering them to vacate the Council Chamber;
- (i) receive all comments and refer those enquiries which, in his/her opinion, may best be addressed by a Councillor or appointed official;
- (j) authenticate, by signature thereon, by-laws, questions carried in the affirmative and minutes of the meeting of Council;
- (k) inform the Members of Council of a point of order, when necessary or requested to do so;
- (l) represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
- (m) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (n) adjourn the meeting when the business is concluded;
- (o) adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

QUICK REFERENCE

NOTE: This does not form part of the Procedural By-law. It has been prepared for convenient reference only.
Please refer to the appropriate section of the by-law for details respecting any of these matters.

MOTIONS (# indicates order for secondary to be disposed of)

Verbal Motions

Amend agenda
Extend curfew
Withdraw (1)*
Put the Main Motion
Point of Order/Privilege

Written Motions

Adjourn
Amend a motion (5)
Defer (3)
Divide (4)
General Motions
Reconsider
Refer (2)

Non-Debatable

Appeal Point of Order/Privilege
By-law - First & Second Reading Withdraw
Point of Order/Privilege
Put the Main Motion
Withdraw*

Presiding Officer MUST Vote

Motion to reconsider *p. 13*
Recorded vote *p.14*
NOTE: The officer is expected to vote on all motions unless they disclose intent not to. *p.14*

* Motions to withdraw must be made by the same mover and seconder

Motions where More than Majority Vote Required

Reconsider – requires 2/3 majority
Extend curfew – must be unanimous

TIME LIMITS

Curfew	11:00 p.m.
Debate	5 min. per Councillor (only speak twice)
Delegation	10 min.
Reports	5 min. per report
Reconsider Same Issue	No sooner than 1 year unless motion passed If motion passed, cannot consider until following meeting

NOTICE REQUIREMENTS

Amendment to by-law	Notice at prior meeting of Council (and in accordance with Notice by-law)
Notice of Motion or Delegation	4:00 p.m. Wed prior to Meeting