

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2008 - 69

A By-law to govern the proceedings of Council and its committees, the conduct of its members and the calling of meetings.

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

AND WHEREAS Section 238(2.1) of the Act requires the procedure by-law to provide for public notice of meetings;

AND WHEREAS it is deemed expedient to adopt, a by-law to provide for rules governing the order and procedure of the Council of The Corporation of the Town of Tecumseh and its Committees;

AND WHEREAS Tecumseh By-law No. 2003-06 establishes procedures for notices as required under the Act, and requires that notice of consideration to a procedure by-law be given at an open meeting and / or on the Town's website;

AND WHEREAS in accordance with By-law No. 2003-06 notice was given at the October 14, 2008 regular meeting of Council and on the Town's website;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH, HEREBY ENACTS AS FOLLOWS:

1. Definitions:

For the purpose of this by-law the following definitions are applicable:

- a) "CAO" shall mean the Chief Administrative Officer of the Town of Tecumseh;
- b) "Clerk" shall mean the Clerk of the Town of Tecumseh;
- c) "Committee" means any advisory or other committee, subcommittee or similar entity appointed by Council and which one or more members are also a member of Council and includes the Committee of Adjustment;
- d) "Corporation" means the Corporation of the Town of Tecumseh;
- e) "Council" shall mean the Council of the Town of Tecumseh;
- f) "Head of Council", as Chief Executive Officer, means the Mayor;
- g) "Local Board" does not include Police Service Board or public library board;
- h) "Meeting" means any regular, special or other meeting of a Council, Committee or Local Board;
- i) "Town" means the Corporation of the Town of Tecumseh;
- j) "Quorum" shall mean the majority of the whole number of the members of Council who are present in person. The quorum for the purpose of the Council of the Corporation of the Town of Tecumseh shall be 4 members of Council.

2. Scope

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council, Local Board and Committees and shall be the rules and regulations for the dispatch of the Order of Business by Council, Local Boards and its Committees.

3. Establishment - Committees - As Necessary

- a) Council may appoint such standing, special and community Committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Corporation and may establish generally or in detail the duties and responsibilities, composition, duration of a Committee established.
- b) The dates and times for meetings of Committees shall be established by resolution of Council.
- c) Notice of Committee meetings shall be posted on the Town's website and/or declared at a prior meeting of Council.

4. Meetings of Council

a) Inaugural Meetings

The inaugural meeting of a new Council, after a regular election, shall be held on the first Tuesday in December at 7:00 p.m. in the meeting chambers of the Tecumseh Town located at 917 Lesperance Road, following the election.

b) Regular Meetings

After its inaugural meeting, the Council shall meet on the second and fourth Tuesday of every month during the year, at 7:00 p.m. at the Tecumseh Town Hall, located at 917 Lesperance Road, unless such day shall be a legal, public or civic holiday, in which case, the Council shall meet at the same hour the next following day which is not a legal, public or civic holiday and at the same place, or unless altered in the manner hereinafter provided.

c) Altering of Regular Meetings

- 1) Any regular meeting of the Council may be altered to a day named in:
 - i) A notice by the Mayor or Acting Mayor of Council given through the Clerk's office and two (2) clear days in advance of the regular meeting, or
 - ii) A by-law or resolution of Council passed by a majority of the whole number of the members thereof providing therefore;
- 2) Notice of the alteration shall be posted on the Town's website and/or declared at a prior meeting of Council and/or in accordance with the relevant provisions of the Act, as amended from time to time and/or any by-law by the Town specifying requirements for the giving of notice.

d) Special Meetings

- 1) The Mayor may at any time summon a special meeting on one (1) clear day's notice specifying the purpose of such meeting which shall be the sole business transacted thereat.

- 2) Upon receipt of a petition by the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 3) Notice of the meeting to members of Council may be given by the Clerk through electronic communication, telephone or in person.
- 4) Notice to the public of the Special meeting shall be posted at the Town Hall and on the Town's website.

e) Adjourned Meetings

Unless otherwise determined by a resolution of Council, passed by a majority of the whole number of the members thereof, the Council shall adjourn at the hour of 11:00 p.m., if it is then in session, and shall reconvene at the hour, date and place determined in such resolution when the unfinished business of the preceding meeting shall be transacted, including any business that might have been transacted at such preceding meeting but was not for want of time or opportunity to do so.

f) Closed Meetings

- 1) All Council, Local Board and Committee meetings shall be open to the public;
- 2) Notwithstanding paragraph f(1) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - i) The security of the property of the Corporation or a 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 Corporation or Local Board;
 - iv) Labour relations or employee negotiations;
 - v) Litigation or potential litigation including matters before administrative tribunals, affecting the Corporation or Local Board;
 - vi) A matter in respect of which the Council, Local Board, Committee or other body has authorized a meeting to be closed under another Act;
 - vii) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - viii) The consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* while the Council, local board, commission, committee or other body is designated as the head of the institution for the purpose of that Act.

- 3) A meeting of a Council or Local Board or of a Committee or either of them may be closed to the public if the following conditions are both satisfied:
 - i) The meeting is held for the purpose of educating or training the members, and
 - ii) 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
- 4) Before all or part of a meeting is 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.
- 5) Subject to subsection 2(f)(2), a meeting shall not be closed to the public during the taking of a vote;
- 6) A meeting may be closed to the public during a vote if:
 - i) Subsection 2(f)(2) 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 Corporation, Local Board, Committee or persons retained by or under contract with the Corporation.
- 7) Meetings or sessions which are closed to the public may be referred to as 'in-camera' meetings or sessions.

5. Role of Council

It is 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 Corporation;
- c) to determine which services the Corporation 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 Corporation, including the activities of the senior management of the Corporation;
- f) to maintain the financial integrity of the Corporation; and
- g) to carry out the duties of Council under this or any other Act.

6. Role of Head of Council

It is the role of the Head of Council:

- a) to act as Chief Executive Officer of the Corporation;
- b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the Council;
- d) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in subsection 5 (d) and (e);
- e) to represent the municipality at official functions; and
- f) to carry out the duties of the Head of Council under this or any other Act.

7. Head of Council as Chief Executive Officer

As Chief Executive Officer of the Corporation, the Head of Council shall:

- a) uphold and promote the purposes of the Corporation;
- b) promote public involvement in the Corporation's activities;
- c) act as the representative of the Corporation both within and outside the Town, and promote the Corporation locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Corporation and its residents.

In the absence of the Head of Council the Deputy Mayor will act as the Head of Council and while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Head of Council.

8. Order of Proceedings at a Meeting of Council, Local Board or Committee

- a) When meeting is to be called to order

As soon after the hour fixed for a meeting as a Quorum is present, the meeting shall be called to order.

- b) When meeting is NOT to be called to order

Where a Quorum is not present within thirty (30) minutes after the hour fixed for a meeting, the Clerk shall record the names of the members of Council or Committee present and the meeting shall stand adjourned until the next meeting.

- c) Order of Business: - Council

The Order of Business for the ordinary meetings of Council shall be as follows:

- 1) Call to Order
- 2) Prayer
- 3) Roll Call & Disclosure of Pecuniary Interest
- 4) Minutes
- 5) Adoption of Supplementary Agenda
- 6) Delegations

- 7) Communications
- 8) Committee Minutes
- 9) Reports
- 10) By-laws
- 11) Unfinished Business
- 12) New Business
- 13) Motions
- 14) Notice of Motions
- 15) Next Meetings
- 16) Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Council.

d) Order of Business – Committees and Local Board

The Order of Business for Committee and Local Board meetings shall be as follows:

- 1) Call to Order
- 2) Roll Call
- 3) Pecuniary Interest
- 4) Delegations
- 5) Communications
- 6) Reports
- 7) Unfinished Business
- 8) New Business
- 9) Next Meeting
- 10) Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Committee or Local Board.

e) Delivery of Agendas

- 1) The Clerk shall prepare agendas for Council, Local Board and Committee meetings.
- 2) Insofar as practical, Council, Local Board and Committee agendas, along with supporting material, shall be prepared and made available to the members not less than forty-eight hours (48) before the hour appointed for holding the meeting.
- 3) Agendas shall be placed in the Council, Local Board or Committee member's mail slot or delivered to each member by electronic mail.

9. Conduct of Proceedings at a Meeting of Council or Committee

a) Presiding Officer

It shall be the duty of the Mayor or Acting Mayor or Chair or the Chair of the Committee or of a Local Board:

- 1) To open the meeting of Council, Local Board or the Committee by taking the chair and calling the members to order;

- 2) To announce the business before the Council or Committee or Local Board in the order of 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 vote all questions, which are regularly 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 the rules of procedure;
- 6) To restrain the members, when engaged in debate, within the Rules of Order;
- 7) To enforce on all occasions the observance of order and decorum among the members;
- 8) To call by name any members persisting in breach of the Rules of Order of the Council or Committee or Local Board, thereby ordering him to vacate the Council or Committee chambers;
- 9) To receive and announce all messages and other communications and announce them to the Council or Committee or Local Board;
- 10) To authenticate, by his signature, when necessary, all by-laws, resolutions and minutes of the Council or Committee or Local Board;
- 11) To inform the Council, Local Board or Committee, when necessary or when referred to for the purpose, in a point of order or usage;
- 12) To select members of Council who are to serve on Committees or Local Board, after written submissions by members, which are to be delivered prior to the first meeting in each year;
- 13) To represent and support the Council or Local Board or Committee, declaring its will, and implicitly obeying its decisions in all things;
- 14) To ensure that the decisions of Council, Local Board or Committee are in conformity with the laws and by-laws governing the activities of the Council, Local Board or Committee;
- 15) To adjourn the meeting when the business is concluded;
- 16) To expel any person for improper conduct at a meeting;
- 17) To adjourn the meeting without question put in the case of grave disorder arising in the Council or Committee or Local Board chamber.

10. Decorum

No member shall:

- a) Disturb one another, or the Council or Committee or Local Board itself, by any disorderly deportment disconcerting to any member speaking;

- b) Resist the Rules of Order or disobey the decision of the Presiding Officer or of the Council or questions of order or practice or upon the interpretations of the Rules of Order of the Council or Committee or Local Board;
- c) Be permitted to retake his seat at any meeting after being ordered by the presiding officer to vacate, after committing a breach of any Rule of Order of the Council or Committee or Local Board, without making apology and obtaining the consent of Council or Committee or Local Board expressed by a majority vote of the other members present, determined without debate;
- d) Leave his place on adjournment until the Presiding Officer leaves the chair;
- e) Speak until he has addressed himself to the Presiding Officer;
- f) Walk across or out of the chamber or make any noise or disturbance when the Presiding Officer is putting a question and shall occupy his seat while a vote is being taken and until the result thereof is declared.

11. Rules of Order

a) The Presiding Officer

In directing the course of debate, the Mayor, Acting Mayor or the Chair of the Committee shall:

- 1) Designate the member who has the floor, when two or more members wish to speak;
- 2) Preserve order and decide questions of order;
- 3) Read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

b) Members

In addressing the Council or Committee or Local Board, no member shall:

- 1) Speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
- 2) Use indecent, offensive or insulting language in or against the Council or Committee or Local Board or any member thereof;
- 3) Speak beside the question in debate;
- 4) Reflect upon any prior determination of the Council or Committee or Local Board, except to conclude such remarks with a motion to rescind such determination;
- 5) Speak more than once to the same question, except:
 - i) upon the consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined, or

- ii) in explanation of a material part of his speech which may have been interpreted incorrectly, or
 - iii) with leave of the Council or Committee or Local Board after all other members so desiring have spoken, or
 - iv) a reply may be allowed by leave of the Council or Committee or Local Board to the member who presented the motion to Council, in which case, he shall speak for no longer than a five (5) minute period without leave of Council or Committee or Local Board;
- (iii) Ask a question except of the previous speaker and in relation to that Speaker's remarks;
- 6) Interrupt the member who has the floor, except to raise a point of order.

c) General

- 1) 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.
- 2) Any member may appeal the decision of the Presiding Officer on a point of order to the Council or Committee, which shall decide the question without debate upon a majority vote of the members present.
- 3) Debate shall be restricted to each proposal in its turn when a question has been divided upon leave of Council or Committee or Local Board.

12. Motions

a) Notice

At least three (3) working day's notice shall be given to all new motions, except motions respecting:

- 1) matters of privilege,
- 2) the presentation of petitions,
- 3) to table a matter to a later date,
- 4) to move the previous question,
- 5) to refer a matter,
- 6) to adjourn,
- 7) to amend,
- 8) to suspend the Rules of Order, or
- 9) on the previous question,

b) "Notice of Motion" means a motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of the Council.

c) Must be Seconded

- 1) A motion must be formally seconded before the Presiding Officer can put the question or be recorded in the Minutes.
- 2) Motions which have not been seconded shall be recorded in the minutes and noted as defeated.

d) Withdrawal

After a motion is read or has been stated by the presiding officer, it shall be deemed to be in possession of the Council or Committee or Local Board and can be withdrawn before decision or amendment only with leave of the Council or Committee or Local Board, expressed by resolution.

e) Priority of Disposition

A motion properly before Council or Committee or Local Board for decision must receive disposition before any other motion can be received, except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit, or on a matter of privilege.

f) To Amend

A notice to amend:

- 1) May be presented in writing;
- 2) Shall receive disposition of Council or Committee or Local Board before a previous amendment or the question;
- 3) Only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main questions;
- 4) Shall be relevant to the question to be received;
- 5) Shall not be received proposing a direct negative to the question;
- 6) Two separate distinct proposals of a question may be made;
- 7) Shall be put in the reverse order to that in which it is moved.

g) Previous Question

A motion for the previous question:

- 1) Cannot be amended;
- 2) Cannot be proposed when there is an amendment under consideration;
- 3) Shall preclude all amendment of the main questions;
- 4) When resolved in the affirmative, the question is to be put forthwith without debate or amendment;
- 5) When resolved in the negative, the question shall not be put at the meeting, but placed on the Order [routine] of Business for the next ordinary meeting of Council or the Committee, or such later meeting as the Council or the Committee or Local Board may decide, but not later than the last ordinary meeting of the Council or the Committee or Local Board to be held in the year in which the original motion was made;
- 6) Cannot be received in any Committee of Council;
- 7) Can only be moved in the following words: "That the question be now put"; and

8) May be voted against by the mover and seconder.

h) To Adjourn

A motion to adjourn:

- 1) The meeting shall always be in order, except as provided in this paragraph and shall be put immediately without debate;
- 2) When resolved in the negative, cannot be made again until after some intermediate proceeding shall have been completed by Council or Committee or Local Board;
- 3) Is not in order when a member is speaking, nor during the verification of a vote;
- 4) Cannot be amended;
- 5) Is not in order immediately following the affirmative resolution of a motion for the previous question.

i) Repetition

A motion called in the order in which it stands upon the agenda of the order of business of a meeting and which is not decided by Council or Committee or Local Board, shall be allowed to stand, retaining its precedence upon the agenda of the order of business of the next ordinary meeting of Council or Committee or Local Board.

j) "Ultra Vires"

A motion on a matter beyond the jurisdiction of the Council or Committee or Local Board shall not be received by the Presiding Officer.

k) Privilege

A motion on a matter of privilege shall receive disposition of Council or Committee or Local Board forthwith upon receipt and, when settled, the question so interrupted shall be removed at the point where it was suspended.

l) Reconsideration:

A motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon. A motion to reconsider will be carried by a two-thirds (2/3) majority of the members present and voting. No such motion can be received which would require reconsideration of the same question more than once during the twelve (12) months following the date on which the question was decided.

m) To Commit

A motion to commit or recommit a question to a Committee, with or without instructions, may be amended but must receive disposition by Council before the question, or an amendment to the question; and when made prior thereto, before decision on a motion for the previous question or postponement.

n) Verbal Motions

Incidental motions in respect of a matter of special privilege, suspension of Rules of Order, adjournment, postponement, for the previous question, or commitment may be made verbally.

o) Divided Motion:

A motion containing distinct proposals may be divided with leave of Council or Committee or Local Board.

13. Voting on Motions

a) Question Stated

Immediately preceding the taking of the vote thereon, the Presiding Officer may state a 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 shall state the question in the precise form in which it will be recorded in the minutes.

b) No Interruption After Question Stated

After a question is finally put by the Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

c) Division of Question

A separate vote shall be taken upon each proposal contained in a question divided with leave of Council or Committee.

d) Vote of Presiding Officer

- 1) The Presiding Officer, except where disqualified to vote, may vote on all questions, and when so doing, shall vote last;
- 2) When the Presiding Officer determines to vote on a question, his vote shall be spoken, signified, polled and recorded after the votes of each member voting.

e) Vote Not Allowed

A member not present before the result of a division on a question is declared shall not be entitled to vote on that question.

f) Unrecorded Vote

The manner of determining the decision of Council or Committee or Local Board on a motion shall be at the discretion of the Presiding Officer, and may be by voice, show of hands, standing or otherwise.

g) Recorded Vote

Upon a request made before proceeding to another item of business, by a member who was present when the question was stated, a recount of the vote shall be taken and the previous decision of a vote determined in any other manner, and whether declared or not, shall not be binding upon the Council or Committee or Local Board.

14. General:

a) Order of Business

The Clerk shall have prepared an agenda for the routine of business in paragraph 8 (c) and (d) for the use of each member at a Council or Committee or Local Board meeting.

b) Minutes

1) The Minutes shall record:

- i) The place, date and time of the meeting;
- ii) The names of the Presiding Officer or officers and of the members present;
- iii) The reading, presentation, correction and the adoption of the minutes of prior meetings.

2) It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all subsequent special meetings held more than three (3) days prior to a regular meeting, are placed on the next following regular Council meeting agenda.

c) Communications

Letters or written communications requiring consideration and action will be listed on the agenda

d) Delegations

- 1) Persons desiring to verbally present information on matters of fact or make a request of council, shall give written notice to the Clerk seven (7) days in advance of the meeting at which they wish to appear.
- 2) The written notice of delegation shall state the topic to be discussed and any request to be made of the members.
- 3) Delegations shall be limited in speaking not more than ten minutes (10), except that a deputation consisting of more than five persons (5) shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes in total time.
- 4) May be heard upon approval of Council, by resolution stated at the meeting

e) Petitions

A petition in regard to a matter within the jurisdiction of Council or Committee or Local Board made over the signatures of the subscribers, shall be presented by a subscriber or agent who knows the contents thereof and vouches for the propriety of the petition may be received on leave of Council or Committee or Local Board, may be disposed forthwith, assigned some future time for consideration by Council or Committee or Local Board, or referred to a Committee.

f) Reports

- 1) Shall be received upon leave of Council or Committee or Local Board; or
- 2) May be accepted or approved upon resolution of Council or Committee or Local Board;
- 3) May be recommitted to Council or Committee or Local Board or a different Committee.

g) Unfinished Business

The items listed in the Order of Business of prior meetings which have not been disposed of by Council or Committee or Local Board and the date of their first appearance on the order of business shall be noted and repeated on each subsequent order of business until disposed of by Council or Committee or Local Board, unless removed from the order of business by leave of Council or Committee or Local Board.

h) By-laws

Every proposed by-law shall:

- 1) be introduced by the Clerk, specifying the title or upon the report of a committee;
- 2) receive three (3) separate readings;
- 3) be endorsed by the Clerk with the date of the several readings thereof;
- 4) be the responsibility of the Clerk for correctness when amended;
- 5) be finally passed by Council before signature by the Mayor or Acting Mayor of Council and the Clerk, and
- 6) be stamped with seal of the Corporation of the Town of Tecumseh;

Every proposed by-law may be referred to a Committee for report after second reading, and such reference may be made with or without debate on either or both the proposed by-law or the motion to so commit, as the Council may decide.

i) Suspension of Rules

Any procedure required by this by-law may be suspended with consent of not less than four – fifths (4/5) of the members present.

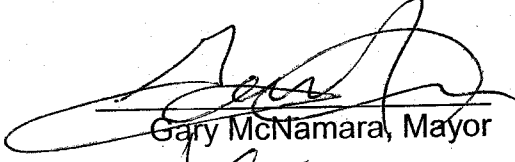
j) Former By-laws Repealed

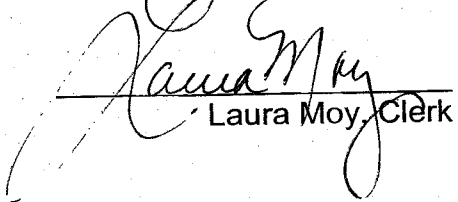
By-law No. 2002-28, as amended, by the Corporation, is hereby repealed.

k) Effective

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

READ a first, second and third time and finally passed this 28th day of October, 2008.


Gary McNamara, Mayor


Laura Moy, Clerk