

**CORPORATION OF THE MUNICIPALITY OF TWEED**

**BY-LAW NO. 2019-45**

Being a By-law to Govern the Calling, Place and Proceedings of Meetings of the Council of the Corporation of the Municipality of Tweed, and to Repeal By-law No. 2017-18.

WHEREAS Section 238 (2) of the *Municipal Act, 2001*, as amended, provides that every municipality shall pass a procedure by-law governing the calling, place and proceedings of meetings;

AND WHEREAS Sections 239 to 246 of the *Municipal Act, 2001*, as amended, provide the requirements for meetings, the calling of meetings, the duties of Council, and voting;

AND WHEREAS Section 8 of the *Municipal Act, 2001*, as amended, provides that a Council may pass by-laws for governing their affairs as they consider appropriate;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed deems it expedient to pass a by-law for this purpose;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

1. **Title.**

This By-law shall be entitled the "Procedural By-law".

2. **Definitions.**

In this By-law the following definitions shall apply:

- i. 'Municipality' shall mean the Corporation of the Municipality of Tweed.
- ii. 'Council' shall mean the Council of the Corporation of the Municipality of Tweed.
- iii. 'Head of Council' shall mean the Mayor.
- iv. 'Presiding Officer' shall mean, in the case of the Council, the Mayor, or, in his/her absence, the Deputy Mayor, or, in the case of Committees or Local Boards, the person appointed as Chair.
- v. 'Chair' shall mean the Mayor in the case of the Council, or in the case of a Committee or Local Board, the Chair of such Committee or Local Board or such person appointed to act in their absence.
- vi. 'Member' shall mean a Council Member, a Committee Member or a Local Board Member as the context of the text of this By-law requires.
- vii. 'Committee of the Whole' shall mean all Council members sitting as a Committee where members consider and debate matters in an environment that procedurally is more relaxed than the formality of a Council Meeting and substantive motions adopted therein are not deemed to represent the final decision of the Council until confirmed at a Council Meeting.
- viii. 'Committee' shall mean any advisory or other Committee as determined and appointed by Council.
- ix. 'Local Board' shall mean a local board as defined in the *Municipal Act, 2001*, as amended, except library boards.
- x. 'Meeting' shall mean any regular, special or other meeting of the Council or a Committee or Local Board of the Council as organized by the municipality and in which Council is acting in its capacity as elected Councillors to carry out the business of the municipality.
- xi. 'Closed Meeting' shall mean a meeting or a portion of a meeting which is closed to the public.

- xii. 'Minutes' shall mean a record, without note or comment, of all resolutions, by-laws, decisions and other proceedings of the Council taken by the Clerk or his/her designate.
- xiii. 'Quorum' shall mean greater than 50% of the members of the Council or a Committee or Local Board of the Council.
- xiv. 'Recorded Vote' shall mean the recording of the name and vote of every member on a motion or resolution during a meeting.
- xv. 'Resolution' shall mean a written motion adopted by a majority of the Council.
- xvi. 'Clerk' shall mean the Clerk of the Corporation of the Municipality of Tweed.

3. **Application of By-law.**

The rules and regulations contained in this By-law shall be observed in all proceedings of Council and, with necessary modifications, the Committees and Local Boards of the Municipality and shall be the rules and regulations for the order and conduct of business therein, provided that the rules and regulations contained herein may be suspended by a majority vote of Members present, in accordance with Paragraph 15 of this By-law, and in any case for which provision is not made herein, the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

4. **Council Meetings.**

- i. The Inaugural Meeting of Council following a municipal election shall be held not later than 31 days after its term commences in accordance with Section 230 of the *Municipal Act, 2001*, as amended, and no business shall be proceeded with until after the declarations of office have been made by all of the members who present themselves for that purpose.
- ii. Regular Meetings of Council shall be held on the second Wednesday of each month and on the fourth Tuesday of each month. The exceptions to this schedule will be in the months of July and August during which only one regular meeting will be held on the fourth Tuesday of the month; and the months of February and December during which only one regular meeting will be held on the second Wednesday of the month.
- iii. Regular Meetings on the second Wednesday will commence at 9:00 a.m. and end no later than 1:00 p.m., unless extended by Council resolution. Regular Meetings on the fourth Tuesday will commence at 5:00 p.m. and end no later than 9:00 p.m., unless extended by Council resolution. Meetings will be held in the Council Chambers at 255 Metcalf Street, Tweed unless otherwise determined by Council.
- iv. The Mayor may at any time summon a special Meeting of Council, and it shall be the duty of the Mayor to summon a special Meeting whenever requested to do so, in writing, by the majority of the members of Council. A special Meeting, when so requested, shall not be held sooner than forty-eight hours following the summons or receipt of the request.
- v. Notwithstanding the provisions of Section 4. iv., in the event of a bona fide emergency a special Meeting may be held as soon as practicable following receipt of a request or the summons, and notice to Council members may be made by telephone, email or personal contact as determined by the Mayor.
- vi. Notice of a special Meeting shall specify the time, location and purpose of the Meeting.
- vii. Notice of Meetings and availability of Meeting agendas shall, whenever possible, be given in accordance with the Municipality's By-law for the giving of notice.
- viii. A majority of the members of Council shall constitute a quorum for each Meeting. If there is no quorum present within one half hour after the time appointed for the start of the Meeting, the Mayor shall record the names of the members of Council present and the Meeting shall stand adjourned until the next Meeting.
- ix. No Meeting shall be held without the Clerk or his/her designate in attendance.

**3. Duties of the Mayor.**

- i. The Mayor shall be the presiding officer at the Meetings of Council. In the absence of the Mayor the Meetings of Council shall be presided over by the Deputy Mayor, who shall have all of the same rights, responsibility and authority as the Mayor while performing his or her duties. If both the Mayor and Deputy Mayor are absent, providing there is a quorum, another member of Council shall be appointed to preside over the Meeting.
- ii. It shall be the duty of the Mayor to:
  - a) call the members to order;
  - b) announce the business before the Council in the order in which it is to be acted upon;
  - c) receive and submit, in the proper manner, all motions presented by the members;
  - d) put to a vote all questions which are moved and seconded, or which arise in the course of the proceedings, and to announce the result;
  - e) decline to put to a vote motions which infringe upon the rules of procedure;
  - f) ensure on all occasions the observance of order and decorum among the members;
  - g) authenticate by signature all by-laws, motions, resolutions and minutes of the Council;
  - h) inform the Council when necessary, or when requested, on a point of order or usage;
  - i) represent and support the Council and its decisions;
  - j) ensure that the decisions of the Council are in conformity with the laws and by-laws governing the activities of the Council;
  - k) on motion of the Council, allow any member of the Council to speak to an issue in debate before the Council votes;
  - l) order any individual or group in attendance at a 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 meeting room when such behaviour persists;
  - m) adjourn the meeting without question in the case of disorder arising from the meeting room.
- iii. The Mayor shall be appointed as an alternate for all Committee Meetings and shall have voting rights the same as the member for which the Mayor is acting as alternate.

**4. Conduct of Members of Council.**

No member of Council shall:

- i. use offensive words or unparliamentary language in or against the Council or against any member, staff or guest;
- ii. disturb Council, staff or guests by any disorderly conduct disconcerting to the speaker or the assembly;
- iii. speak on any subject other than the subject in debate;
- iv. resist the rules of the Council or disobey the decisions of the presiding officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;
- v. be permitted to retake his or her seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next Meeting and without first making an apology to the Council;
- vi. interrupt a member who has the floor except to raise a point of order.

**5. Closed Meetings.**

- i. All Council Meetings shall be open to the public, with the exception of a meeting or part of a meeting where the subject matters being considered are exempt in accordance with Section 239 (2), Section 239 (3) and/or Section 239 (3.1) of the *Municipal Act, 2001*, as amended.

In accordance with Section 239 (2) a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a Council, Board, Committee or other body may hold a Closed Meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

In accordance with Section 239 (3) a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- a) 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; or
- b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

In accordance with Section 239 (3.1) a meeting of a Council or Local Board or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:

- a) The meeting is held for the purpose of educating or training the members; and
  - b) 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.
- ii. Before holding a meeting or part of a meeting that is to be closed to the public, the Clerk shall prepare an Agenda for the Closed Meeting which shall include a list of items to be considered and shall circulate the Closed Meeting Agenda to all members of Council and applicable staff. Notice of a Closed Meeting being held in conjunction with a regular Meeting shall be included in the Agenda for the open Meeting and shall specify:
- 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.
- iii. A Meeting may be closed to the public during the taking of a vote if:
- a) Section 239 (2) or Section 239 (3) of the *Municipal Act, 2001*, as amended, permits or requires the 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 a contract with the municipality.
- iv. All information, documentation or deliberations received, reviewed or taken in a Closed Meeting shall be considered confidential and shall be dealt with in the following manner:
    - a) The Clerk shall distribute all confidential reports and materials for Closed Meetings in sealed envelopes.
    - b) The Agenda for the Council Meeting shall include a general outline of the item(s) being addressed in the Closed Meeting portion of the Meeting.
    - c) Council Members shall return all confidential reports and documents to the Clerk following the Closed Meeting portion of the Meeting.
  - v. Release of information and enquiries concerning matters dealt with during a Closed Meeting shall be dealt with in the following manner:
    - a) The release of any information about any matters dealt with by Council at a Closed Meeting shall be by the Mayor or his/her delegate only.
    - b) Notwithstanding the provisions of Section 5. v. a), the response of members of Council to inquiries about any matter dealt with by Council at a Closed Meeting, prior to it being reported publicly, shall be “no comment” or words to that effect. No member shall release or make public any information considered at a Closed Meeting or discuss the content of such a Meeting with persons other than members of Council or relevant staff members.
    - c) Any violation of the confidentiality of Closed Meetings may result in the exclusion of the offending member of Council from future closed meetings of Council, and that member no longer being provided with correspondence, materials or information proposed to be dealt with by Council at a Closed Meeting.

**6. Order of Business.**

- i. The order of business of Council at a regular Meeting shall be in the format below. Modifications to the matters to be included or the order of business may be made without requiring amendments to the by-law.
  - a) Call to Order and National Anthem
  - b) Approval of Agenda
  - c) Disclosure of Pecuniary Interest and the General Nature Thereof
  - d) Notification of Closed Meeting
  - e) Adoption of Minutes
  - f) Business Arising from the Minutes
  - g) Public Planning Meetings, if required
  - h) Delegations/Petitions and Presentations
  - i) Approval of Accounts/Statement of Revenue & Expenditures
  - j) Mayor’s Report
  - k) Staff Reports
  - l) Committee/Board Reports
  - m) By-laws
  - n) Items for Consideration
  - o) Correspondence from Other Municipalities
  - p) Correspondence - Information
  - q) Committee/Board Minutes
  - r) Notice of Motions
  - s) Confirmatory By-law
  - t) Adjournment
- ii. Closed Meetings may be held prior to the start of the regular Meeting when required and as determined by Council. Notification of the Closed Meeting will be provided on the Agenda for the regular Council Meeting and will be given in the regular order of business. In the event that more time is needed for the Closed Meeting it may be continued following the regular Meeting when required and as determined by Council so as not to interfere with the regular order of business.
- iii. Public Planning Meetings shall commence in the order indicated on the

- iv. Meeting Agenda, following which the regular order of business will continue. Delegations/Petitions and Presentations shall commence in the order indicated on the Meeting Agenda, following which the regular order of business will continue.
- v. Approval of Accounts applies to the regular Meeting held on the second Wednesday of each month.
- vii. Statement of Revenue & Expenditures applies to the regular Meeting held on the fourth Tuesday of each month.

**7. Delegations/Petitions and Presentations.**

- i. Any person, group or organization desiring to address Council shall notify the Clerk, in writing, during normal business hours. The notice shall specify clearly the business to be presented, who the spokesperson shall be, and the date of the Meeting at which the delegation wishes to be heard.
- ii. A notice of delegation must be received by the Clerk not later than the close of business on the Thursday immediately preceding the day of the Meeting. Verification of receipt of email submissions within the required time frame will be the responsibility of the sender.
- iii. Every delegation shall provide to the Clerk a detailed summary of the information they wish to share with Council. The detailed summary shall be provided not later than the close of business on the Thursday immediately preceding the day of the Meeting, and the Clerk shall include this information in the Agenda package.
- iv. A delegation shall address Council for a period not exceeding ten minutes during any Council Meeting. Additional time may be provided to any delegation at the discretion of the Chair. A delegation may address Council through one or more spokespersons; the total time for each delegation, whether one or more spokespersons, shall not exceed ten minutes, unless otherwise approved by the Chair.
- v. Petitions presented to Council shall be legibly written or printed and signed by at least one person and filed with the Clerk prior to the Council Meeting. The person or persons presenting the petition may speak on the matter before Council, in which case it shall be limited to a maximum of ten minutes.
- vi. Delegations may not be heard more than once on the same subject matter. Any new information on a topic may be provided to Council in writing through the Clerk. The Clerk shall determine whether the new information will be provided to Council in the written form or through an additional delegation.
- vii. Delegations shall not speak to Council members directly unless recognized by the Chair. The Chair may invite questions from a delegation to Council. All questions shall be addressed through the Chair.
- viii. An individual who has been included in an Agenda as a delegation, and who is unable to attend the Council Meeting, shall, whenever possible, so notify the Clerk before the end of the business day on the day of the Meeting.
- ix. Any person, group or organization addressing Council at the invitation of the Council for information, education or discussion purposes may be considered as a Presentation and may not be subject to the time constraints of Delegations/Petitions.

**8. Rules of Debate and Motions.**

- i. All members, staff and guests shall address Council through the presiding officer and only when recognized to do so, and when two or more members seek to address Council, the presiding officer shall designate the member who shall speak first.
- ii. Any member may require a question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- iii. Members shall not speak more than twice to the same question without the consent of the presiding officer.
- iv. Insofar as is practicable, a notice of motion shall be given in writing to the Clerk not later than the close of business on the Thursday immediately

preceding the Council Meeting, so that the matter can be included in the Agenda for the Meeting.

- v. Any motion may be introduced without notice if the Council, without debate, agrees on a majority vote to dispense with notice.
- vi. A motion must be formally seconded before the question can be put or a motion recorded in the minutes.
- vii. When a motion is presented to the Council in writing it shall be read, or if the motion is an oral motion it shall be stated by the presiding officer.
- viii. A motion to amend shall:
  - a) be dealt with by Council before a previous amendment or the main motion;
  - b) not be further amended more than once provided that further amendment may be made to the main motion;
  - c) be relevant to the main motion;
  - d) not propose a direct negative to the main motion.
- ix. Once read or stated by the presiding officer a motion may not be withdrawn without the consent of the majority of the members.
- x. Immediately prior to voting on a motion, the presiding officer shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the questions.
- xi. 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.
- xii. The following matters may be introduced orally without written notice and without leave, except as otherwise provided by these rules:
  - a) a point of order or personal privilege;
  - b) presentation of petitions;
  - c) to defer temporarily;
  - d) to postpone indefinitely or to a specific day;
  - e) to move the previous question (immediate vote on the main motion).
- xiii. The following motions may be introduced without notice and without leave:
  - a) to refer;
  - b) to adjourn;
  - c) to amend;
  - d) to suspend the rules of procedure.
- xiv. Except as provided in Section 8. xii. and Section 8. xiii., all motions shall be in writing and signed by the Mayor.
- xv. Council may from time to time employ a confirming motion or by-law immediately prior to adjournment for the purpose of validating decisions or directions given which are minor in nature and not set out in a specific by-law or motion.

**9. Points of Order and Privilege.**

- i. The presiding officer shall preserve order and decide questions on order.
- ii. Council, if appealed to, shall decide the question without debate and its decision is final.

**10. Voting.**

- i. No vote shall be taken by ballot or by any other method of secret voting, and any vote so taken shall be considered of no effect.
- ii. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- iii. Any question on which there is a majority of votes shall be deemed to be carried.
- iv. Any member of Council present at a Meeting at the time of a vote may request, immediately before or after the taking of the vote, that the vote be recorded. If a member requests that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record the vote.

- v. A failure to vote under Section 10. iv. by a member who is present at the Meeting at the time of the vote, and who is qualified to vote, shall be deemed to be a negative vote.
- vi. The presiding officer, except where disqualified to vote, may vote on all questions and when doing so, shall vote last.

**11. Videotaping and Recording of Meetings.**

Meetings of Council may be videotaped or recorded by a member of the public or the press only with the prior consent of Council.

**12. By-laws.**

- i. By-laws shall be prepared by the Clerk and no By-law shall be presented unless the subject matter has been previously considered and approved by Council.
- ii. By-laws shall be introduced upon motion by a member specifying the title of the By-law.
- iii. A majority of Council members may request the Clerk to prepare a draft By-law on a given subject to be considered at a subsequent Council Meeting.
- iv. The Clerk may prepare for consideration by Council, draft By-laws required to comply with Provincial or Federal legislation or for any administrative or procedural matter without a request from Council.
- v. Every By-law shall be given three readings prior to passage. The three readings may be given on the same day except when requested otherwise by motion of a majority of the members present or as otherwise provided by law.
- vi. By-laws may be debated or amended during the second reading only.
- vii. By-laws may be considered and read a first, second and third time and may be passed at the same Meeting or may be adjourned to a future Meeting for a third reading.
- viii. Upon final reading and passing of any By-law, the By-law shall be numbered, certified by the signatures of the Mayor and Clerk, sealed, and shall be deposited with the Clerk for safekeeping.

**13. Minutes.**

- i. The minutes shall record:
  - a) the place, date and time of the Meeting;
  - b) a record of attendance of the members of Council and staff;
  - c) the consideration, correction (if requested) and adoption of the minutes of the previous Meeting;
  - d) all other proceedings of the Council without note or comment.
- ii. It shall be the duty of the Clerk to ensure that the minutes of the last regular Meeting of Council and all special Meetings held more than five working days prior to a regular Meeting are circulated with the Agenda.

**14. Committees.**

- i. Council may, from time to time, establish Standing, Advisory, Special and other Committees consisting of such members as Council may determine, to carry out such duties and responsibilities as may be set out in terms of reference approved by Council.
- ii. Council may, from time to time, establish Ad Hoc or Task Force Committees consisting of such members as Council may determine, to take up a specific task or assignment, where the term of such Committee is limited to the time required to complete the specific task or assignment.
- iii. All Committees of Council shall comply with all applicable legislation and municipal by-laws and resolutions. Committees of Council shall be governed by this Procedural By-law.
- iv. Each Committee shall consist of such number of members of Council and such number of non-elected persons as Council shall specify at the time of establishing each Committee.
- v. All Committees of Council are subject to the control and direction of Council. A report from each Committee Meeting, including recommendations on all



matters connected with the Committee's duties, shall be prepared by the Committee Secretary or his or her delegate and shall be included in an upcoming Council Meeting Agenda. Minutes from all Committee Meetings shall be approved at a subsequent Committee Meeting and then included in an upcoming Council Meeting Agenda.

- vi. Committees shall be appointed by Council By-law.
- vii. Task forces may be appointed by Council Resolution.
- vii. Hamlet Committees shall be comprised of members of the public appointed by Council resolution or By-law and shall include the hamlets of Actinolite, Queensborough, Thomasburg and Marlbank.
- viii. All Committee Meetings shall be open to the public with the exception of Closed Meetings in accordance with Section 5. of this Procedural By-law.
- ix. The Chair of the Committee shall:
  - a) be a member of Council, unless otherwise determined by Council, with the exception of Hamlet Committees whose Chair shall be appointed at the Inaugural Meeting by the Hamlet Committee and appointed at the first Meeting in any year thereafter.
  - b) ensure the Committee gives clear direction to the Clerk by way of a motion to be recorded in the Committee minutes and such motions shall not be carried or become resolutions until approved by Council.
- x. Should any Committee neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such Committee and appoint another Committee in its place, or disband the Committee in its entirety.
- xi. Persons appointed to Committees are appointed for such term as defined by Council. Council may rescind any appointment at any time.
- xii. The Mayor shall be an ex officio voting member of all Committees of which he or she is not an appointed member, with the exception of the Committee of Adjustment, and shall have the same rights and privileges as any other Committee member but shall not constitute part of the quorum.
- xiii. The Committee Chair shall report to Council any Committee member who refuses or neglects to attend a Meeting. Council may remove that member from the Committee and appoint another member in his/her place.
- xiv. Council may discharge from responsibility any Committee or Committee member which/who refuses or neglects to give due consideration to any matter before it. Council may then allot such responsibility to another Committee or may appoint another Committee member.

**15. Suspension of Rules.**

- i. Any of the rules of procedure required by this By-law may be temporarily suspended, by motion of a majority of the Members present, save and except any rules that are required by statute, regulation or law.
- ii. A Member presenting a motion to temporarily suspend a rule or rules shall state the subject matter for which the suspension of the rule is requested.

**16. 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 entered on the Agenda of the next Meeting at which such amendment or repeal is to be considered.

**17. General.**

In all matters and under all circumstances the members shall be guided and shall have regard for the *Municipal Conflict of Interest Act, R.S.O. 1990*, as amended.

**18. Repeal of Previous By-law.**


By-law No. 2017-18 is hereby repealed.

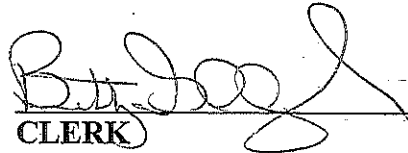
19. **Effective Date.**

This By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 11th day of September, 2019.

Read a third and final time, passed, signed and sealed in open Council this 11th day of September, 2019.

  
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MAYOR

  
\_\_\_\_\_  
CLERK