

THE CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW 2010-87

BEING A BY-LAW TO ADOPT PROCEDURES FOR GOVERNING
THE CALLING, PLACE, AND PROCEEDINGS OF MEETINGS.

WHEREAS the Municipal Act section 238 provides that every municipality shall pass a procedure by-law for the purpose of governing the calling, place and proceedings of meetings.

AND WHEREAS the Municipal Act section 239 sets out specific guidelines relating to the proceedings of Council and their appoint committees and boards.

AND WHEREAS the Municipal Act provides for such items as the calling of meetings, recording of votes, etc.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enacts as follows;

1.0 MEETINGS AND ADJOURNMENTS

- 1.1 The first meeting of the Council for the ensuing election term shall be on the first business day of December, at 7:00 PM, at which time each Council member will be sworn into office.
- 1.2 Council shall meet on the 1st and 3rd Tuesday of each month at the hour of 7:00 PM in the conference room at the Emergency Services Building located at 340 Herbert Street, or other identified location as published on the Council agenda. Special meetings shall be at the call of the Mayor, or by petition of a majority of members of Council to the Clerk.
- 1.3 Should an adjournment be necessary, for want of a quorum, the Chair, or in his or her absence, those members present shall name the time and date of the next meeting.
- 1.4 A quorum shall be the majority of the members.
- 1.5 Whenever an adjournment takes place, the members present, shall keep their seats until the Chair leaves his or her chair.
- 1.6 All Regular Council and committee meeting dates shall be posted for public inspection on the Town of Gananoque's official website. With the exception of emergency meetings all further special meetings of Council may be advertised in the local newspaper, and on the Town's web site as follows:
 - As required by Provincial Legislation - giving the required number of days notice.
 - Town operating and capital budget meetings – giving a minimum of seven calendar day notice.

- Water and sewer budget and/or rate setting meetings – giving a minimum of seven calendar day notice.

2.0 ORDER OF PROCEEDINGS

2.1 The order of proceedings shall be:

In-Camera (Closed) Agenda:

- a) Declaration of pecuniary interest(s)
- b) Legal
- c) Property
- d) Personal

Committee of the Whole Agenda

- a) Declaration of pecuniary interest(s)
- b) Delegations/Presentations
- c) Staff Reports
- d) Correspondence
- e) Matters Pending
- f) Notice of Motions / New Business
- g) Committee of the Whole Rises

Regular Agenda

- 1. Health, Safety, and Wellness
- 2. Declaration of pecuniary interest(s)
- 3. Public Meetings
- 4. Approval of Council Minutes
- 5. Minutes of Committees and Boards
- 6. Accounts
- 7. By-laws
- 8. Unfinished Business
- 9. New Business
- 10. Public Question Period
- 11. Reporters Question Period
- 12. Confirmation of Council Proceedings
- 13. Adjourn

2.2 Additions to the Agenda may be considered at the discretion of Council and may be added to the Agenda via a motion to add the item to the Agenda.

3.0 RULES OF ORDER

3.1 The Mayor shall preserve order and decorum, and speak on and decide questions of Order, subject to an appeal to the Council, which shall be heard and determined forthwith upon a request being made by any Councillor.

- 3.2 When the Mayor is called upon to decide a point of order, he or she shall state the rule or practice applicable to the case.
- 3.3 In the situation where this by-law is silent with respect to a question or point of parliamentary procedure, the Mayor will use Robert's Rules of Order as a reference when stating the rule or practice to be followed.
- 3.4 Every Councillor wishing to speak shall raise their hand, wait to be recognized by the Mayor, rise to speak, and respectfully address himself or herself through the Chair.
- 3.5 In speaking, every Councillor shall confine him or herself to the question under notice or discussion; shall avoid all personalization of issues and shall sit down as soon as he or she is through speaking.
- 3.6 When two or more members wish to address the Mayor at the same time, the Mayor shall name the Councillor who is to speak first.
- 3.7 Every member of Council who is present when the question is put forth shall vote thereon, unless a conflict of interest is declared. At any stage of the proceedings, if a Councillor does not vote and is present, his or her vote is deemed to be in the negative.
- 3.8 When the Mayor is putting a question, no Councillor shall walk out or across the room, nor interrupt another Councillor when speaking, nor hold disclosure which may interrupt him or her, nor pass between him or her and the chair.
- 3.9 When a Councillor is called to order, he or she shall immediately sit down, until the question of order is decided by the Mayor; and should the Council then be appealed to, they should decide on the case without debate.
- 3.10 Any Councillor may require the question or motion in discussion to be read for his or her information; but not so as to interrupt the Councillor speaking.
- 3.11 No Councillor shall speak more than twice to the same question except the mover, who shall have the right to reply when all others choosing to speak has done so, unless a Councillor wishes to explain a material part of his or her speech which may have been misunderstood, but then he or she is not to introduce any new matter.
- 3.12 When any Councillor violates any of the Rules of Order of the Council and the Council has determined that he or she has so transgressed, he or she shall not be allowed to speak unless by way of excuse for the same until he or she has made satisfaction.

4.0 MUNICIPAL STAFF

- 4.1 All Town Department Directors/Managers shall attend Council and Committee of the Whole meetings at the direction of the Chief Administrative Officer, and/or Council.
- 4.2 Any other staff submitting items for Council's deliberation shall attend the meeting at the direction of the Chief Administrative Officer, and/or Council.
- 4.3 In-Camera (closed) meetings shall be attended by the Council, Chief Administrative Officer, and the Clerk. Other Managers and/or Staff or invited public, shall attend at the direction of the Chief Administrative Officer, and/or Council.
- 4.4 Staff items for the agenda must be submitted to the Clerk's Department by 12:00 noon on the immediate Wednesday preceding the scheduled Council meeting.

5.0 MOTIONS AND QUESTIONS

- 5.1 No motion (except for adjournment and the adoption of reports) shall be put from the Chair unless reduced to writing, with the names of the mover and the seconder written thereon.
- 5.2 Any Councillor that has a conflict of interest in any matter, motion, question or by-law introduced for discussion or action shall immediately declare his or her conflict of interest and the nature of the interest and:
 - during an open Council meeting shall vacate their seat at the Council table.
 - during an in-camera (closed) meeting shall leave the Council chamber, andshall take no part in the discussion or vote on the matter, motion, question or by-law at any time.
For further details relating to pecuniary Interests please refer to section 17 of this bylaw.
- 5.3 After a motion is read by the Mayor, it shall be deemed to be in the possession of the Council, but may be changed or withdrawn at any time before decision, with the permission of Council.
- 5.4 A motion may be called for reconsideration by the prevailing vote. It request to reconsider may be made on the day the vote to be reconsidered was taken, or at the next succeeding Council meeting.
- 5.5 When a motion has been once made and carried it shall be in order for a reconsideration, but no vote shall be considered at the same or future meeting unless a "two thirds" majority of the whole Council votes in favor

of the reconsideration, nor shall more than one motion for reconsideration of any vote be permitted.

- 5.6 No question or motion shall be debated or put, unless the same is seconded; when a motion is seconded, it shall be stated by the Mayor before debate.
- 5.7 When a motion is under debate, no motion shall be received unless to amend, postpone, or adjourn.
- 5.8 The Mayor shall propose all questions in the order in which they are moved, except amendments.
- 5.9 A motion to adjourn shall be always in order, and shall be decided without debate.

6.0 COMMITTEE OF THE WHOLE

- 6.1 Prior to the commencement of each regularly schedule Council meeting Council a Committee of the whole shall be held for the purpose of reviewing reports, correspondence, and Notice of Motions. When all business has been dealt with the Committee shall rise, by way of a motion, and move into the regularly schedule Council meeting.
- 6.2 The Chair of the Committee of the Whole shall be shared by the Councillors excluding the Mayor, in alphabetical order, serving for two months at a time.
- 6.3 The Chair shall maintain order in Committee. The Chair may participate in debate. While in the Committee of the Whole, the Chair may permit any member of the public to address the Committee with reference to a specific report under consideration.
- 6.4 The Rules of Order of the Council shall be observed in Committee of the Whole, so far as they are applicable, except section 5.6, no Motion of adjournment shall be allowed.
- 6.5 When in Committee of the Whole all motions relating to the matter under consideration shall be put in the order in which they are proposed.
- 6.6 Motions presented in Committee of the Whole shall be governed by section 5 hereof.
- 6.7 Motions passed in the Committee of the Whole shall be ratified in the Confirming By-law passed at the next regular meeting of Council.
- 6.8 Questions of order arising in the Committee of the Whole shall be decided upon by the Chair.

7.0 SPECIAL COMMITTEES

- 7.1 Special committees may be formed as required to deal with particular issues following the Rules of Order for motions and questions.
- 7.2 Upon completion of the work by the committee, it shall be automatically disbanded after Council receives their final report.
- 7.3 A majority of the whole number of any Committee shall be a quorum competent to proceed to business.
- 7.4 Committees appointed to report upon any subject referred to them by Council, shall report a statement of facts and their opinion thereon in writing; and no report shall be received unless agreed to in committee actually assembled.
- 7.5 Every Councillor who shall introduce a by-law or petition or motion which shall result in the formation of a select or special committee shall be one of such committee.

8.0 BY-LAWS

- 8.1 Every by-law shall be introduced by a motion of leave specifying its title or, a motion to appoint a committee to prepare and bring it in or by an order from the Council on the report of a committee.
- 8.2 No by-law shall be committed or amended until it shall have been twice read.
- 8.3 When a by-law is adopted by the Council, the Mayor and Clerk shall sign it, and put the date and seal of the Corporation thereto.
- 8.4 By-laws of a private nature shall be introduced by petition to be presented by a Councillor.
- 8.5 A by-law may receive only first and second reading at one meeting and the third reading may be deferred to the next regular, or special, meeting of Council. Council reserves the right to perform all three readings at one meeting given the nature, and urgency, of the bylaw being considered.

9.0 PETITIONS

- 9.1 Petitions, memorials and other papers to the Council shall be presented by the Clerk in his or her place or through the Mayor, and if by a Councillor in his or her place through the Mayor, and if by a member he or she shall be answerable to the Council that any such petition or memorial does not contain improper or impertinent matter. The petition information will be verified and acted upon at the next regular meeting of Council.

- 9.2 Whenever any petition or by-law shall have been referred to a committee to examine the matter thereof and report upon the same, the Council shall not admit any person to be heard against such petition or by-law until the matter has first been reported to the Council by the committee to whom it was referred.

10.0 ORDER OF THE DAY

- 10.1 Any order of the day, which by reason of any adjournment, is not proceeded upon, shall be considered as postponed until the next meeting of Council, to be taken up in its proper place in the order of proceedings as laid down in section 2.1 hereof.
- 10.2 If when any item on the orders of the day shall be called, the Councillor who introduced the same shall not be prepared to proceed, the item shall be placed at the end of the said order of the day.

11.0 YEAS AND NAYS

- 11.1 Any Councillor may request a recorded vote at which time the Clerk shall record the vote of yea or nay for each Council member, on the affected motion.
- 11.2 In regular voting, the yeas shall signify by raising their right hand, and nays when called similarly shall signify by raising their right hand.
- 11.3 If a Council member does not vote it is considered to be a nay vote.

12.0 DEPUTY MAYOR

- 12.1 Rules applicable to the Mayor, shall in his or her absence, apply to the Deputy Mayor. The Deputy Mayor shall be appointed by a majority vote of Council.

13.0 SUSPENDING AND ALTERING RULES

- 13.1 No standing Rule of Order of the Town of Gananoque shall be suspended unless two-thirds of the Councillors present shall consent.
- 13.2 Any Rule of Order shall not be rescinded or amended unless notice shall have been given at the meeting next preceding the meeting at which the motion for rescinding or amending such Rule of Order shall be made.

14.0 UNPROVIDED CASES

- 14.1 In un-provided cases the Mayor shall decide, subject to an appeal to the Council. In the situation where this by-law is silent with respect to a question or point of parliamentary procedure, the Mayor will use Robert's Rules of Order as a reference when stating the rule or practice to be followed.

15.0 DELEGATIONS / PRESENTATIONS

- 15.1 All delegations/presentations wanting to be heard shall provide written notice to the Clerk's office by 12:00 PM on the Wednesday prior to a scheduled Council meeting. The request shall include the following:
- a) The subject matter of the delegate's address, and
 - b) The names and positions of the individual(s) who will address Council, and
- 15.2 A copy of the presentation, preferably in a PDF format, and/or hand out information shall be given to the Clerk at the time of making the delegation request.
- 15.3 No member shall question staff during delegations being made by a member of the public.
- 15.4 A maximum of three (3) delegations shall be allowed to address Council per Council meeting or per Committee of the Whole meeting.
- 15.5 Delegations/Presentations shall be limited to ten (10) minutes. Where a delegation consists of three or more persons, it may be permissible for two spokespersons to address the Council or Committee of the Whole, and in total the delegation shall not exceed then (10) minutes.
- 15.6 Council reserves the right to provide for additional time for presentations.
- 15.7 Delegations/Presentations shall be permitted to speak on a matter only once unless new information has come forward, an error was made in the documentation presented and/or incorrect statements were made during original debate.
- 15.8 Each member of Council may ask a maximum of two (2) questions of each delegation appearing before Council or the Committee of the Whole.
- 15.9 Signs, banners, emblems and flags are prohibited in the Chambers except by permission of the Chair.

15.10 Staff briefings shall be permitted at meetings of Council, the Committee of the Whole, and Standing Committees and may be scheduled prior to the issue being considered on the agenda, if so desired. Time limits shall be established at the discretion of the Chair.

15.11 Delegations will be requested not to repeat what previous delegates have stated.

16.0 CORRESPONDENCE

16.1 All correspondence to be dealt with at a regular meeting of Council or by the Committee of the Whole shall be filed with the Town Clerk no later than 12:00 PM on the preceding Wednesday to the scheduled Council meeting. Correspondence not so filed shall only be dealt with at the meeting by affirmation majority vote of the Council.

16.2 The Mayor, Committee of the Whole Chair, Chief Administrative Officer, and Clerk may meet prior to the agenda being developed to review proposed document content.

16.3 The Council and Committee of the Whole Agenda, and relevant backup material, shall be made available to Council and the general public by posting it on the Town's web site, on the Friday prior to the Council or the Committee of the Whole meeting.

17.0 PECUNIARY INTEREST

17.1 Where a member, either on his/her own behalf or while acting for, by, with, or through another, has any pecuniary interests – direct or indirect – in any matter, and is present at a meeting of the Council or local board at which the matter is the subject of consideration, the member shall:

17.1.1 prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

17.1.2 not take part in the discussion of, or vote on, any question in respect of the matter;

17.1.3 not attempt in any way, either before, during or after the meeting, to influence the voting of any such question;


17.1.4 when Council is sitting in a regular meeting, leave the Council table while the matter is being discussed; and

17.1.5 When Council is sitting in an in-camera (closed) meeting, leave the Council chambers while the matter is being discussed.

17.1.6 If during a meeting for which a Council member is absent they observe that they would have a pecuniary interest the member shall declare their pecuniary interest at the immediate next meeting for which they are in attendance.

18.0 That By-law 2007-01 is hereby repealed.

READ A FIRST, AND SECOND TIME this 07th day of December, 2010.




Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

READ A THIRD TIME, passed, signed, and sealed with the corporate seal this 21st day of December, 2010.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall