

CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW NO. 5-2012

BEING a By-law to govern the proceedings of the Council of the Corporation of the Township of Frontenac Islands, the conduct of its members and the calling of meetings.

WHEREAS pursuant to Section 238(2) of the Municipal Act S.O. 2001, as amended, the Council of a municipality shall adopt a procedure by-law for governing the calling, place and proceedings of meetings; and

WHEREAS pursuant to Section 11(2) of the Municipal Act .S.O. 2001, as amended, every Council may pass by-laws respecting the governance structure of the municipality and its local boards; now

THEREFORE the Council of the Corporation of the Township of Frontenac Islands hereby enacts the following:

1. a) That the rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the conduct of business by Council and its Committees and Local Boards.
- b) That where a matter or subject arises that is not specifically provided for in this by-law, the rules regulations, usages and customs of *Robert's Rules of Order* shall be applicable as a guideline for Council.

DEFINITIONS

2. a) In this by-law, unless context requires otherwise, the following definitions shall apply:
 - i) "CLERK" shall mean the Clerk/Chief Administrative Officer of the Corporation of the Township of Frontenac Islands.
 - ii) "COMMITTEE" shall mean any committee of Council or Local Board as defined by the Municipal Affairs Act.
 - iii) "COUNCIL CHAMBERS" shall mean the site of the meeting being in either the Wolfe Island Town Hall or the Howe Island Municipal Offices.
 - iv) "Head of Council" shall mean the Mayor of the Corporation of the Township of Frontenac Islands or where this office is vacant the Deputy Mayor of the Corporation of the Township of Frontenac Islands.
 - v) "Member" shall mean any member of the Council, Committee or Local Board of the Corporation of the Township of Frontenac Islands at a meeting of that Council, Committee or Local Board.
 - vi) "Motion" or "Resolution" shall be considered synonymous and will include an original motion or an amendment to a motion.
 - vii) "Municipality" shall mean the Corporation of the Township of Frontenac Islands.
 - viii) "Municipal Offices" shall mean the offices of the Corporation of the Township of Frontenac Islands located at 1191 Road 96 on Wolfe Island and at 50 Baseline Road on Howe Island.
 - ix) "Presiding Officer" shall mean the person having authority to chair the meeting.
 - x) "Mayor" shall mean the Mayor of the Corporation of Township of Frontenac Islands and Head of Council.
 - xi) "Township" shall mean the Corporation of the Township of Frontenac Islands.

CONVENING OF COUNCIL MEETINGS

3. The first meeting of Council after a regular election shall be on the second Monday in December at 6:30 p.m.
4. Regular meetings of Council shall be held on the second Monday in each month. In the months of January, March, May, July, September and November regular meetings shall be held in the Council Chambers on Wolfe Island and in the months of February, April, June, August, October and December regular meetings shall be held in the Council Chambers on Howe Island.
5. Regular meetings of Council shall be held at 6:30 p.m. However Council may by resolution change the starting time of a regular meeting or a series of regular meetings provided that adequate notice of the change of not less than 24 hours is posted in the Municipal Offices.
6. If a Monday designated for the holding of a regular meeting shall fall on a statutory or proclaimed holiday, Council shall meet at the designated hour on the first day following which is not a statutory or proclaimed holiday.
7. The Head of Council may, at any time, summon a special meeting of Council.
8. The Head of Council or the Clerk shall summon a special meeting upon receipt of a petition of the majority of the Council Members for the purpose and at the time, date and place noted in the petition.
9. Notices of special meetings shall be provided by the Clerk or his/her appointee to all members of Council by direct telephone contact or written notice delivered to the Member's residence a minimum of 24 hours prior to the time set for the special meeting.
10. Notwithstanding the notice requirements of section 9 emergency meetings, defined as meetings where the health or welfare of the community is at stake resulting from any natural or man made cause, shall be held as soon as practical following receipt of the summons or petition and notice may be given by any method of communication.
11. Unless otherwise noted in a petition or summons a special meeting shall be held in the Municipal Office in which the regular Council meeting for that month is scheduled.

PROCEEDINGS OF A COUNCIL MEETING

12. A quorum of Council shall be a majority of the total of five (5) members thereof, that is three (3) members, unless a two-thirds (2/3) majority is required by statute or by-law.

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13. A quorum of any committee appointed by Council shall be a majority of committee members.
14. The Head of Council shall be the presiding officer at all meetings of Council.
15. As soon after the appointed hour for the meeting as there shall be a quorum present the Head of Council shall take the chair and call the meeting to order.
16. In the event that the Head of Council does not attend within fifteen (15) minutes after the time appointed for the meeting the Clerk shall call the members to order, and if a quorum is present, the Deputy Mayor shall assume the chair as presiding officer for the meeting.
17. When the Mayor is absent or refuses to act and the Deputy Mayor is absent or refuses to act, and a quorum is present, the Clerk shall call the meeting to order and conduct the election of a presiding officer from among the Members.
18. If there is not a quorum present within one-half (½) hour after the time appointed for the meeting the Clerk shall call the roll and record the names of Members present and there shall be no meeting thereof until the next regularly scheduled meeting unless a special meeting be summoned.
19. The Presiding Officer shall preside over the conduct of the meeting including the preservation of good order and decorum, shall rule on points of order and decide all questions related to the orderly procedure of the meeting subject to the appeal to Council by any member.
20. All meetings of Council and Committees shall be open to the public.
21. Notwithstanding Section 20 above a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - a) The security of the property of the Township.
 - b) Personal matters about an identifiable individual including employees of the Township.
 - c) A proposed or pending acquisition or disposition of land by the Township
 - d) Employee negotiations or labour relations.
 - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the Township or a local board.
 - f) The receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.
 - g) A matter in respect of which Council or a Committee or Board has authorized a meeting to be closed under another Act.
 - h) If the subject matter of the meeting relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council is designated as head of the institution for the purposes of that Act.
22. Before all or part of a meeting is closed to the public Council shall state by resolution:
 - a) The fact of the holding of the closed meeting.
 - b) The general nature of the matter to be considered at the closed meeting.
23. Meetings or parts of meetings closed to the public may be referred to as In Camera Meetings.

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24. Subject to Section 25 a meeting shall not be closed to the public during the taking of a vote.
25. Notwithstanding Section 24 a meeting may be closed to the public during the taking of a vote if:
 - a) Section 21 permits or requires a meeting to be closed to the public.
 - b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township, a Board or Committee of the Township or persons retained by or under contract with the Township.

AGENDAS

26.
 - (a) The Clerk shall prepare an agenda for regular Council Meetings which, along with supporting materials, shall be made available to members on the Thursday prior to a regular meeting, and a copy of the agenda shall be posted in the Municipal Office no later than 12:00 o'clock noon on the Friday prior to a regular meeting.
 - (b) All requests to appear before Council shall be received in the Clerk's office not later than noon on the Wednesday preceding a council meeting and be accompanied by a written brief outlining the subject matter of the presentation and such presentations shall be limited to ten (10) minutes except that a delegation of consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than five (5) minutes each. In special circumstances the Presiding Officer, with the consensus of Council, may allow a presentation to continue an additional ten (10) minutes.
 - (c) No person or delegation shall be allowed to:
 - (i) address Council or speak in debate without permission of the Presiding Officer.
 - (ii) disturb the Council by any disorderly conduct
 - (iii) use profane or offensive language or insulting expressions **or** make personal attacks on individuals
 - (d) If time allows at the end of the meeting the chair may allow comments from the floor with 2 minutes maximum per person, however comments will not be subject to debate by Council at this meeting

CONDUCT OF COUNCIL MEMBERS

27. It shall be the Duty of the Presiding Officer to:
 - (a) receive and submit in the proper manner all motions presented by the members;
 - (b) put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
 - (c) decline to put to vote motions which infringe upon the rules of procedure;
 - (d) enforce on all occasions the observance of order and decorum among the members;
 - (e) call by name any member persisting in breach of the rules of order of the Council thereby ordering the member to vacate the meeting room;
 - (f) authenticate by signature all By-Laws, Resolutions and Minutes of the Council;
 - (g) ensure that the decisions of the Council are in conformity with the laws and By-Laws governing the activities of the Council;
 - (h) 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.

28. No Council Member shall
- (a) use offensive words or language or make a personal attack against the Council or against any member, staff or guest;
 - (b) disturb another member, staff or guest by any disorderly conduct;
 - (c) speak on any subject other than the subject in debate;
 - (d) resist the rules of the Council or disobey the decisions of the Presiding Officer on questions of order or practice or upon the interpretation of the rules of the Council;
 - (e) leave a meeting without first obtaining permission from the Presiding Officer;
 - (f) 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 making an apology to the Council
 - (g) interrupt a member who has the floor except to raise a point of order.

MOTIONS/RULES OF DEBATE

29. A motion must be formally seconded before the question can be put or the motion recorded in the minutes.
30. Except as provided in paragraph 43, all motions shall be in writing and when presented shall be read by the Presiding Officer.
31. Every member speaking to a question or motion shall obtain the permission of the Presiding Officer to speak.
32. When more than one member addresses the Chair at the same time, the Presiding Officer shall name the one entitled to speak first.
33. When a member is called to order he or she shall cease speaking unless allowed to explain, and the ruling of the Presiding Officer shall be obeyed, subject to appeal to the Council, but without debate.
34. Members shall speak no longer than ten (10) minutes to any question or motion nor speak more than once to the same question or motion without the consent of the Presiding Officer.
35. The Presiding Officer as a member may speak to any question or motion under the same rules and shall not be required to vacate the Chair for this purpose.
36. A motion to amend shall:
- (a) be presented in writing;
 - (b) be dealt with by Council before a previous amendment or the main motion;
 - (c) not be further amended more than once provided that further amendment may be made to the main motion;
 - (d) be relevant to the main motion;
 - (e) not propose a direct negative to the main motion.
37. Once read or stated by the Presiding Officer a motion may not be withdrawn without the consent of the majority of members.

38. When a question is under debate the only motions in order shall be:
 - (a) to extend the time of the meeting;
 - (b) to refer the matter to staff;
 - (c) to amend;
 - (d) to table a motion (a motion to defer is not debatable);
 - (e) to defer to a certain time and day (only the question of time and day is open to debate).
39. Whenever any matter of privilege arises it shall be taken into consideration immediately.
40. All amendments will be voted upon in the reverse order to which they were presented, if an amendment is carried then the main motion will be voted upon as amended, if an amendment is defeated then the main motion is voted upon as originally put.
41. After a motion is finally stated and a vote requested no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result announced.
42. 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.
43. Despite paragraph 29 the following matters and motions may be introduced orally:
 - (a) a point of order or personal privilege;
 - (b) presentation of petitions;
 - (c) to lay on the table (to defer temporarily);
 - (d) to postpone indefinitely or to a specific day;
 - (e) to move the previous question (immediate vote on the main motion)
44. No vote shall be taken by ballot or by any other method of secret voting, unless otherwise authorized by the *Municipal Act S.O., 2001*, and every vote so taken is of no effect.
45. If a member present at a meeting at the time of a vote requests immediately before or after he taking of the vote 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 each vote.
46. Any failure to vote by a qualified member, except by reason of a conflict of interest, shall be deemed to be a negative vote.
47. Every member of Council including the Presiding Officer shall have one vote unless disqualified from voting by any Act.
48. Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.

BY-LAWS

49. Every By-Law shall be given three (3) readings prior to passage. A By-Law shall be deemed to be read provided that a majority of members agree as to the deemed version.

50. By-Laws may be given three (3) readings on the same day unless requested otherwise by motion of a majority of the members present or as otherwise provided by law.
51. Upon final reading and passing of any By-Law the same shall be numbered and certified by the signatures of the Mayor or designate and the Clerk or designate, dated and sealed with the seal of the Corporation.

ADJOURNMENT

52. All meetings of Council shall adjourn not later than 3 hours after commencement of the meeting unless authorized to continue past this time by an approved resolution of Council.
53. A motion to adjourn:
 - (a) shall always be in order, except as provided in this section, is not amendable and shall be put to vote immediately without debate, unless the motion is to defer to a certain date and time in which case the date and time are debatable and amendable;
 - (b) When defeated can not be made again until after some intermediate proceedings have been completed by Council;
 - (c) Is not in order when a member is speaking nor during the verification of a vote;
 - (d) Is not in order immediately after an approved resolution to amend a previous resolution (immediate vote on the main motion).

EARLY DEPARTURE

54. A member who wishes to leave a Council meeting prior to the adjournment must so advise the Presiding Officer and the Clerk will note the member's time of departure in the minutes.

MINUTES

55. The Clerk or his/her delegate shall record the minutes of the meeting in accordance with Section 228 of the *Municipal Act S.O., 2001*. This will primarily consist of resolutions and directions given to staff on actions to be implemented, and a brief summary regarding presentations and debate to be included, however this is not to be a transcript.

GENERAL

56. Members shall at all times conduct themselves in accordance with the requirements of the *Municipal Conflict of Interest Act, R.S.O. 1990*, including any subsequent amendments, revisions and regulations thereto.
57. Any procedure under this By-Law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present
58. The proceedings at every regular and special meeting of Council shall be confirmed by by-law so that every decision of the Council at that meeting and every resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
59. Following an election or appointment to Council the Clerk shall provide each new member of Council with a copy of this by-law including any amendments thereto.

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60. All previous by-laws of the Township of Frontenac Islands, the former Township of Wolfe Island and the former Township of Howe Island are hereby repealed.
61. This by-law shall come into force and take effect on the date of its passing.

READ a first and second time this 13th day of February, 2012.

READ a third time and finally passed this 13th day of February, 2012.

Denis Doyle - Mayor

Carol Dwyre, Deputy Clerk

