

**THE CORPORATION OF THE TOWNSHIP OF OPASATIKA
BY-LAW NO 2020-06**

BEING A BY-LAW TO REGULATE THE PROCEEDINGS OF COUNCIL
OF THE TOWNSHIP OF OPASATIKA.

WHEREAS, Section 238(2) of the Municipal Act, 2001, s.o 2001, c25 as amended, requires that the municipalities and local boards shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

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

AND WHEREAS, Section 239(1) of the Act provides that all meetings shall be open to the public with certain exceptions.

NOW THEREFORE Council of the Corporation of the Township of Opatatika enacts as follows:

1. Definitions:

1.1. “**Head of Council**” means the Mayor

1.2. “**Council**” means the Council of the Township of Opatatika

1.3. “**Clerk**” means the Clerk of the Township of Opatatika or a person other than a member of Council, to whom the Clerk has in writing, delegated the Clerk’s duties and powers.

1.4. “**Recorded vote**” means the recording of the name and vote of every member on any matter or question.

1.5. “**Holiday**” means:

1.5.1. *Any holiday as defined in the Employment Standards Act, 2000 s.o. 2000, Chapter 41 Part 1.1*

1.5.2. *New Years Day, Family Day, Good Friday, Victoria Day, Canada Day, Labor Day, Thanksgiving Day, Christmas Day and Boxing Day*

1.5.3. *Any day proclaimed by the Head of Council as a Civic Holiday: January 2nd, First Monday of August, Easter Monday and Remembrance Day*

1.6. **“Member”** means a member of Council and includes the Head of Council

1.7. **“Committee of the Whole”** means all members present at a meeting sitting in Committee.

1.8. **“Local Board”** means a public library board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any Act with respect to the affairs or purposes of one or more municipalities excluding a school board and a conservation authority.

1.9. **“He/She”** used in a general way for referring to any person whether they are male or female

1.10. **“Meeting”** means any regular, special, committee of Council or other local board or committee.

1.11. **“Closed Meeting”** Means a meeting closed to the public and as defined in Subsection 2.3.1 at 7 of this By-Law.

1.12. **“Notice”** means notice provided by the Clerk’s department of a meeting of Council in accordance with the requirements of the Procedural By-Law.

1.13. **“Quorum”** means a majority (more than half) of the whole number of members of Council or a Committee except where it is reduced by the Municipal Conflict of Interest Act

2. General

2.1. The rules and regulations contained in this by-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business for Council, Committees and local boards.

2.2. All meetings of Council and all meetings of any committee of Council shall be open to the public.

2.3. A meeting or part of a meeting may be closed to the public if the subject matter being considered is contained under the exemptions of Section 239(2) c.25 of 2001 Municipal Act.

2.3.1. *The security of the property of the municipality or local board.*

2.3.2. *Personal matters about an identifiable individual, including municipal or local board employee.*

2.3.3. *A proposed or pending acquisition or disposition of land by the municipality or local board.*

2.3.4. *A Labor relations or employee negotiation.*

2.3.5. *Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board.*

2.3.6. *Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

2.3.7. *A matter in respect or which a Council, board, committee or other body may hold in closed meeting under another Act.*

2.4. A meeting shall be close to the public if the subject matter related to consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, board, commission or other body is the head of an institution for the purposed of the Act.

2.5. Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:

2.5.1. *The fact of the holding of the closed meeting, and*

2.5.2. *The general nature of the matter to be considered at the closed meeting.*

2.6. A meeting shall not be closed to the public during the taking of a vote except if:

2.6.1. *Paragraphs 2.3 and 2.4 permits or requires the meeting to be closed to the public, and*

2.6.2. *The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.*

2.7. 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;

2.7.1. *The meeting is held for the purpose of education or training the members*

2.7.2. *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.*

3. Exception

3.1. Except as provided by law, a person not a member of Council shall not be allowed to address Council except upon approval of Council. Any person desiring to be heard should submit a request in writing to the Clerk not less than 8 hrs before the regular meeting. The written request shall state the nature of the business to be discussed. Persons addressing Council shall confine their remarks to the stated business.

4. Rules for closed meetings

4.1. Notwithstanding Paragraph 2.2 above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered is in accordance with the Municipal Act 2001, S.O. 2001, c.25 as amended.

4.2. All deliberations while in closed Meeting shall remain confidential.

5. Meeting

- 5.1. The inaugural meeting of Council shall take place at 7:00 p.m. on the first Monday of December following a regular election.

6. Regular meeting

- 6.1. The next and each succeeding regular meeting of Council shall be held every second Monday of each month at 7:00 p.m. or as per Council's decision at previous meeting, in which case a notice should be posted at the local post office. The complete schedule is included in the municipal Christmas Bulletin mailed in December of each year.
- 6.2. It shall be the responsibility of the Clerk to prepare an agenda for all regular and special meetings of Council.

7. Special meetings of Council

Subject to the provisions of this by-law:

- 7.1. The Head of Council may at any time call a special meeting
- 7.2. Upon receipt of a petition of the majority of the members of Council, the clerk shall call a special meeting for the purpose and at the time mentioned by the petition.
- 7.3. Council, at a special meeting, shall only deal with the specific matter for which the meeting was called.

8. Adjournment

- 8.1.** No item of business may be dealt with at a Council meeting after 10:00 p.m.
- 8.2.** Except with Council resolution to extend the meeting for a maximum of 30 minutes

9. Order of Proceedings

- 9.1.** The head of Council, except as otherwise provided, shall preside at all meetings of Council.
- 9.2.** As soon after the hour fixed for the meeting if there is a quorum present, the Head of Council shall call the meeting to order
- 9.3.** In the case of the absence of the Head of Council from the Municipality, or if he is absent through illness, or he refuses to act or his office is vacant, the Acting Mayor shall act from time to time in the place instead of the Head of Council and he shall have all the rights, powers and authority of the Head of Council, while so acting

10. Quorum

- 10.1.** Three (3) members of Council shall constitute a quorum.
- 10.2.** If there is no quorum within ten minutes after the time appointed for the meeting, the clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.
- 10.3** During an emergency declared in accordance with the (*Emergency Management and Civil Protection Act*) members of municipal council may participate electronically to meetings and may be counted in determining whether or not a quorum of members is present at any point in time.

11. Duties of Head of Council

- 11.1.** The Head of Council or other president officer shall preserve order and decorum and decide questions of order if called upon to do so
- 11.2.** To open the meeting of Council by taking the chair and calling the members to order.
- 11.3.** To announce the business before the Council in the order in which it is to be acted upon.
- 11.4.** To call for a mover and a seconder for all motions
- 11.5.** To receive and submit, in the proper manner, all motions presented by the members of Council.
- 11.6.** To put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results.
- 11.7.** To decline to put to vote motions which infringe on the rules of procedure.
- 11.8.** To restrain members of Council, within the rules of order when engaged in debate.
- 11.9.** To enforce on all occasions the observance of order and decorum among members of Council
- 11.10.** To call by name any member of Council persisting in breach of the rules of order, thereby ordering him/her to vacate the council chambers.
- 11.11.** To expel any person for improper conduct.
- 11.12.** To authenticate by his/her signature when necessary all by-laws, and minutes of Council.

- 11.13.** To receive all messages and other communications and announce them to Council.
- 11.14.** To represent and support Council, declaring its decision in all things.
- 11.15.** To ensure that the decisions of Council are in conformity with the laws and by-laws governing activities of Council.
- 11.16.** To adjourn the meeting when the business is concluded.
- 11.17.** To adjourn the meeting without question, in the case of grave disorder arising in Council chambers.
- 11.18.** To appoint members of Council to sit on various Municipal committees.
- 11.19.** The Head of Council, except where disqualified from voting by reason of interest or otherwise may vote with the members on all questions. Any questions on which there is an equality of votes shall be deemed to be negative.

12. Rules of Conduct

No member shall:

- 12.1.** Disturb another or the Council itself, by any disorderly department disconcerting to any member speaking
- 12.2.** Resist the rules of Council or disobey the decision of the Head of Council on questions of order or practice or upon the interpretations of the rules of order of the Council.

- 12.3. Be permitted to retake his/her seat at any meeting after being ordered by the Head of Council to vacate after committing a breach of any rule of order of the Council expressed by a majority vote of the other members present, determined without debate.
- 12.4. Leave his/her place on adjournment until the Head of Council leaves his/her chair.
- 12.5. Speak until he/she has addressed him/herself to Head of Council.
- 12.6. Walk across or out of the chambers or make any noise or disturbance when the Head of Council is putting a question and shall occupy his/her seat while a vote is being taken and until the result thereof is declared.

13. Rules of Debate- Head of Council:

In directing the course of debate the Head of Council shall:

- 13.1. Designate the member who has the floor when two or more members raise their hand to speak.
- 13.2. Preserve order and decide questions of order.
- 13.3. Shall state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.
- 13.4. If the Mayor wishes to take part in the debate, the Mayor must leave the Chair and call upon another member to act in his/her place

14. Rules of Debate – In Council

In addressing Council, no member shall:

- 14.1.** Every member when speaking to any question or motion shall respectfully address the Head of Council.
- 14.2.** Use indecent, offensive or insulting language in or against the Council or any member thereof.
- 14.3.** Speak beside the question in debate.
- 14.4.** Criticize any decision of Council except for the purpose of moving that the question be reconsidered.
- 14.5.** Disobey the rules of Council or a decision of the Head of Council on questions of order or practice, or upon the interpretation of the rules of the Council.
- 14.6.** When a member is speaking, no other member shall pass between him/her and the chair, or interrupt except to raise a point of order.
- 14.7.** A member may ask a question only for the purpose of obtaining facts relevant to the clear understanding thereof.
- 14.8.** Any member may require the question or motion under discussion to be read at anytime during the debate, but not so as to interrupt a member while speaking.
- 14.9.** No member shall speak to the same question for longer than (four) minutes, with the leave of Council a supplementary question with a further 2 (two) minutes, may be granted.
- 14.10.** All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

15. Voting on questions

- 15.1.** Except as otherwise provided, every member of Council shall have one vote.
- 15.2.** When the Head of Council calls for the vote on a question, each member shall occupy their seat and shall remain seated until the result of the vote has been declared.
- 15.3.** If a member who has voted on a question, disagrees with the declaration of the Head of Council that the question is carried or lost, they may, but only immediately after the declaration, object to the declaration and require a recorded vote to be taken in the manner prescribed in Section 16 of this by-law.

16. Recorded Vote

- 16.1.** If a member present at a meeting at the time of a vote requests immediately before or after the 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.
- 16.2.** Failure to vote under paragraph 16.1 above 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.

17. Introducing Motions

- 17.1.** Following matters may be introduced orally without written notice and without leave:
 - 17.1.1.** *a point of order or personal privilege*
 - 17.1.2.** *presentations of petitions*
 - 17.1.3.** *a motion to suspend a rule or in compliance with a rule of procedure*
 - 17.1.4.** *a motion to adjourn (not debatable)*
 - 17.1.5.** *a motion that the vote now be taken*
 - 17.1.6.** *a motion that the Council resolve itself into a Committee of the Whole (not debatable)*

18. Agenda

The Clerk shall have prepared and printed for the use of the members at the regular meetings of Council, an agenda under the following headings:

- a) Call to order
- b) Agenda amendments and adoption
- c) Disclosure of Pecuniary / conflict of interest
- d) Presentation
- e) Departments reports
- f) Adoption of previous minutes
- g) Municipal By Laws
- h) Accounts payable
- i) Resolutions
- j) Others/Correspondence
- k) Closed meeting
- l) Monthly Employees Report
- m) Mayor's Report
- n) Discussion/Councilors' Report
- o) Date and time of next meeting
- p) Adjournment

18.1. The full agenda with documentation shall be available for Council Members 48 hrs preceding the Council meeting.

18.2. The addition of items to the agenda after agendas have been distributed and posted will only be permitted in cases of emergency.

18.3. The agenda will be available to the public at the beginning of the meetings.

19. Motions

- 19.1.** Except as outlined in paragraph 17 of this by-law, no motions shall be debated upon unless the same be written, moved and seconded.
- 19.2.** When the motion under consideration concerns two or more matters, upon request of any member, the vote upon each matter shall be taken separately.

20. Withdrawal of a motion

- 20.1.** After a motion has been received and/or read by the Clerk, it shall be deemed to be in the possession of Council but it may with the majority of Council members present, be withdrawn by the mover prior to discussion or amendment or voting thereon.

21. A motion to amend

- 21.1.** Shall be presented in writing
- 21.2.** Shall receive disposition of Council before previous amendments or the question
- 21.3.** Shall not be further amended more than once provided that further amendments may be made to the main question.
- 21.4.** Shall be relevant to the question to be received.
- 21.5.** Shall not be received proposing a direct negative to the question.
- 21.6.** May propose a separate and distinct disposition of a question.
- 21.7.** Shall be put in the reverse order to that in which it is moved.

22. Motions, general

- 22.1.** A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.
- 22.2.** Every motion when duly moved and seconded, shall be received by the Head of Council and shall then be open for discussion prior to the vote being taken.
- 22.3.** No member shall speak to a motion more than once, without leave from the Head of Council. Each member shall confine remarks to a limit of four (4) minutes.
- 22.4.** Immediately preceding the taking of the vote, the Head of Council shall state the question in the precise form in which it will be recorded in the minutes, if required to do so by a member.
- 22.5.** After a question finally put by the Head of Council, 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.
- 22.6.** The manner of determining the decision of Council on a motion shall be by a show of hands.
- 22.7.** Any motion shall require three (3) affirmative votes in order to be valid and binding on Council. Where a quorum is present, a motion, in order to carry, must be affirmed by the majority of the quorum.

23. Reconsideration

- 23.1.** Any Member of Council may give notice at the next regular meeting of council for a reconsideration of the question at any regular meeting of Council. The majority vote will be required to carry the motion.
- 23.2.** No discussion except to obtain information that justifies the reconsideration shall be allowed until the motion for reconsideration is carried.

24. Committee of the Whole In Closed Meeting

- 24.1.** The rules governing the procedure of the Council and the conduct of the Members of Council shall be observed in Committee of the Whole so far as they are applicable.
- 24.2.** The majority of the Members of Council shall constitute a quorum of the Committee of the Whole.
- 24.3.** Whenever the Council resolves itself into Committee of the Whole, the Head of Council may appoint a Chairperson from amongst its members and vacate the chair.
- 24.4.** The Chairperson of the Committee of the Whole shall have all the powers and duties of the Head of Council.
- 24.5.** Unless otherwise decided by Council, no matter or report has been previously presented and place in the hands of the members.

25. Minutes

The minutes shall record the following:

- 25.1.** The place, date and time of meeting.
- 25.2.** The name of the Head of Council and record of attendance of the members.
- 25.3.** The reading, if required, correction and adoption of the minutes of prior meetings.
- 25.4.** All other proceedings of the meeting without notes or comments.

26. Petitions and Communications

- 26.1.** Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language, and shall be signed and dated by at least one person, filed with the Clerk, and shall include an address and telephone number where return correspondence or contact is to be directed.
- 26.2.** Every petition or communication shall be delivered to the Clerk not less than 16 hrs before the announcement of the regular meeting of Council.

27. Deputation/Presentation/Petition

- 27.1.** Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk not less than 16 hrs before announcement of the regular meeting of Council, in writing, stating the purpose of the deputation or presentation. All requests to be heard by Council shall be signed. Deputation/Presentation/Petition may be heard by leave of Council but shall be limited in speaking to not more than ten (10) minutes, except that delegation of consisting of more than 6 persons shall be limited to two (2) speakers, limited to speaking not more than eight (8) minutes each. Persons requesting to appear before Council shall be advised of the time limitation in advance of their presentation.
- 27.2.** Notwithstanding the provisions of paragraph 27.1 Council may, at their sole discretion, entertain deputations, presentation or petition with less notice as the circumstances may warrant.

28. Added subject(s)

- 28.1.** A subject may be added to the agenda of a regular meeting of Council verbally according to paragraph 18.2.
- 28.2.** Before a subject is added to the agenda of a regular meeting of Council, consent of all members of Council present must first be obtained.

29. Reading of By-laws

- 29.1.** Every by-law shall be introduced by a motion specifying the title of the by-law.
- 29.2.** Every by-law when introduced shall be in typewritten form and shall contain no blanks, except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the exception of the date of passing thereof.
- 29.3.** Every by-law shall be introduced and receive a reading by Council as follows:
 - 29.3.1.** *The first reading of a by-law shall be approved without debate.*
 - 29.3.2.** *The second reading of a by-law shall permit amendment and/or debate. At this reading the by-law may be referred by resolution to a committee of Council for further review and/or clarification, or deferred to a later meeting of Council, or tabled, or approved or defeated.*
 - 29.3.3.** *Council shall vote on the third reading of a by-law without debate.*
 - 29.3.4.** *By-laws may receive all three readings in one Council meeting.*
- 29.4.** Every by-law enacted by the Council shall be numbered, dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Mayor and recorded in the By-Law book.

30. Disclosure of interest

- 30.1.** A member of Council shall disclose any pecuniary interest with respect to any matter coming before Council or a committee of Council. The member shall state the nature of the interest, and refrain from discussion either before, during or after the meeting at which the matter is discussed and shall not vote on any motion or question put respecting the interest. Any member disclosing a pecuniary interest in a matter to be discussed at a closed meeting shall also remove him or herself from the room in which the meeting is being held. The member's return shall only be permitted upon the conclusion of discussion regarding the matter.
- 30.2.** If the interest of a member has not been disclosed by reason of his/her absence from a previous meeting or by reason of such meeting, he/she shall disclose such interest at the first possible subsequent meeting. The Clerk shall record in the Minutes of the meeting every disclosure of interest.
- 30.3.** Notwithstanding the above, in all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act.

31. Amendments to this by-law

- 31.1.** Any procedure required by this by-law may be suspended with consent of a majority of the Members of Council present.
- 31.2.** No amendment or repeal of the by-law or any parts thereof shall be considered at any meeting of Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of Council and the waiving of this notice by Council is prohibited.
- 31.3.** Should any section, subsection, clause, paragraph or provision of the by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the provision so declared to

be invalid. Any provincial Statutes imposed contrary to the by-law shall take precedence.

32. Disclosures of Pecuniary Interest

32.1. Any member who has a direct or indirect pecuniary interest on matters brought before Council or Committee is required to make a disclosure of his/her interest and general nature thereof and shall refrain from discussing or voting on the particular matter.

33. Effectiveness

READ A FIRST TIME THIS DAY OF 2020

Mayor: Denis Dorval

Clerk: Alain Tremblay

READ A SECOND TIME THIS DAY OF 2020

Mayor: Denis Dorval

Clerk: Alain Tremblay

READ A THIRD TIME AND PASSED THIS DAY OF 2020

Mayor: Denis Dorval

Clerk: Alain Tremblay

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