



POLICY

TITLE: Procedural Policy to govern and regulate the proceedings of Council
NUMBER: COU-001
CATEGORY: Council
DATE: March 22, 2018
REFERENCES: Municipal Act, 2001, S.O. 2001, c. 25, section 238
By-Law 2018-37

1.0 POLICY STATEMENT

- 1.1 The rules and regulations hereinafter provided shall govern the proceedings of Council and the Committees thereof. Any part or parts of this Policy may be suspended if agreed unanimously by the Members present unless the part or parts are prescribed by statute or law.
- 1.2 All Points of Order of Procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Head of Council shall submit the ruling without debate.

2.0 DEFINITIONS:

- 2.1 "ACTING HEAD OF COUNCIL" shall first mean the Deputy Mayor and secondly another designate who shall act as presiding officer in the absence of the Mayor and Deputy Mayor.
- 2.2. "CHAIR" means the member of Council or Committee who is responsible to preside over or act as the Chairperson of a meeting.
- 2.3 "CLERK" shall mean the Clerk of the Corporation of the Municipality of Centre Hastings or his/her designate.
- 2.4 "CLOSED SESSION" shall mean closed to the public as defined in Subsection 7.1 of this Policy
- 2.5 "COMMITTEE" means any advisory or other committee, subcommittee or similar entity composed of Members of Municipality of Centre Hastings Council alone or together with Members of another Council or the public.
- 2.6 "COMMITTEE CHAIR" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member

- 2.7 “COMMITTEE OF THE WHOLE” shall mean a meeting of Council in Committee format for discussion purposes
- 2.8 “CONFLICT OF INTEREST” means a pecuniary interest as defined in the ***Municipal Conflict of Interest Act***.
- 2.9 “COUNCIL” mean the elected and sworn Members of the Council of the Municipality of Centre Hastings
- 2.10 “HEAD OF COUNCIL” means the Mayor
- 2.11 “LOCAL BOARD” means a local board as defined in the ***Municipal Act, 2001***
- 2.12 “MEETING” shall mean any regular, special or other meeting of a council or a local board or of a committee of either of them, where,
- a) A quorum of members is present, and
 - b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 2.13 “QUORUM” shall mean a majority (more than half) of the whole number of Members of Council or a Committee except where a Member has or Members have declared a pecuniary interest pursuant to the ***Municipal Conflict of Interest Act*** the quorum may be less than half plus one of the whole number of Members but shall not be less than two.

3.0 ROLES

3.1 Council

Council shall comply with the statutory roles as prescribed in ***section 224*** of the ***Municipal Act, 2001***.

3.2 Head of Council

The Head of Council shall comply with the statutory roles as prescribed in ***sections 225 and 241*** of the ***Municipal Act, 2001***.

3.3 Order and Decorum by Head of Council

The Head of Council shall preserve order and decorum at Council Meetings and decide matters of order subject to an appeal to the Council.

3.4 Head of Council as Chief Executive Officer

In addition to the duties prescribed in section 3.2 hereof, the Head of Council, when acting as chief executive officer of the municipality, shall comply with ***226.1*** of the ***Municipal Act, 2001***.

3.5 Designation of a Presiding Officer

The Head of Council may consent to the designation of a Member of Council, to preside at meetings of Council, as authorized by ***section 238(4)*** of the ***Municipal Act, 2001***.

3.6 Duties of a Clerk

The Clerk shall comply with the provisions of **section 228(1)** of the ***Municipal Act, 2001***.

3.7 Appointing Person to Record Council Proceedings

The Clerk may appoint a person in accordance with **section 228(4)** of the ***Municipal Act, 2001***, who shall have charge of recording the proceedings of Council or Committees. Such appointee or secretary to Committee shall comply with **section 228(1)** of the ***Municipal Act, 2001***, as practical as possible, in the same manner as the Clerk.

3.8 Municipal Administration

Officers and Employees of the Municipality shall comply with **section 227** of the ***Municipal Act, 2001***.

3.9 Chief Administrative Officer

In accordance with **section 229** of the ***Municipal Act, 2001***, the Municipality may appoint a CAO who shall comply with said section.

4.0 INAUGURAL MEETING

- 4.1. The First or Inaugural Meeting of the Council after a regular election shall be held on the first Monday in December, at 11:00 a.m. in the forenoon, in the Municipality of Centre Hastings Council Chambers.

5.0 REGULAR MEETINGS OF COUNCIL

- 5.1. Council shall have regular Council Meetings in the Council Chambers on the second Wednesday and the last Wednesday of each month for the months January through June and September through November, save and except statutory holidays when Council shall meet on the following Wednesday. Council shall hold one regular meeting in July and August on the last Wednesday of the month and in December at the Huntingdon Veterans Community Hall on the second Wednesday of the month.
- 5.2. Notice of Council Meetings and of Committee Meetings, along with the agenda shall be posted on the Municipal website at least 48 hours prior to the meeting.
- 5.3. At the hour appointed, when a quorum is present, the Head of Council shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled.

6.0 SPECIAL MEETINGS OF COUNCIL

- 6.1. The Head of Council may call a special meeting to deal with a matter that is deemed to require immediate action, or if petitioned in writing by any three members of Council.
- 6.2. Special meetings require minimum notice of 48 hours prior to the time of the meeting unless otherwise agreed to by a majority of Members to the satisfaction of the Clerk. Notice of such a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message.

- 6.3. The only business to be dealt with at a special meeting is that which is specified in the notice of such meeting.

7.0 CLOSED MEETINGS

- 7.1. All regular meetings and special meetings of Council shall be open to the public, but a meeting or any part thereof 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 for municipal or local board purposes.
 - d) Labour relations or employee negotiations;
 - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or 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 a Council, Board, Committee or other body has authorized a meeting to be closed 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. **2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.**

Other criteria

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), 2014, c. 13, Sched. 9, s. 22.***

Educational or training sessions

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:

1. The meeting is held for the purpose of educating or training the members.
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.
2006, c. 32, Sched. A, s. 103 (1).

All votes of Council shall be open to the public except those votes taken during a session that is closed in accordance with Section 7.1 of this Policy. Any votes taken during a closed session must be for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee, or persons retained by or under a contract with the municipality or local board.

- 7.2. In order to be accountable and transparent, and inform all present of matters dealt with in closed session, Council and its Committees shall open all meetings in session and pass a motion to move into closed session. Once matters in the Closed Meeting have been dealt with, Council/Committee shall reconvene in open session to disclose, in a general matter, how the agenda items were dealt with in the Closed Meeting.

8.0. CONFLICT OF INTEREST DECLARATIONS AND REGISTRY

- 8.1. At a meeting at which a member discloses an interest as defined under Section 2.9 the member shall file a declaration of interest statement of the interest and general nature with the Clerk of the Municipality or the secretary of the committee or local board.
 - a) A copy of each declaration will be filed and recorded with the minutes of the meeting it pertains to.
 - b) A registry will be established and available for public inspection on our municipal civic web portal.

9.0 CONDUCT OF MEMBERS

- 9.1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.
- 9.2. Should more than one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.
- 9.3. No person other than the one proposing a question (who shall have leave to

reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks that have been misunderstood, and then the member shall not introduce any new matter.

- 9.4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.
- 9.5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

10.0 AGENDA

- 10.1. The Clerk shall have prepared and distributed for the use of the Members at the regular meetings of Council an agenda and the following shall be the General Order of Business at each Council Meeting.
 1. Call to Order
 2. Approval of Agenda
 3. Disclosure of Pecuniary Interest and general nature thereof.
 4. Approval of Council Meeting Minutes
 5. Delegations - as referred to in Section 13 of this By-law
 6. Staff Reports
 7. Voucher Reports
 8. New and Unfinished Business
 9. Correspondence
 10. By-Laws
 11. Minutes from meetings of various Boards and Committees
 12. Closed Session
 13. Confirming By-law
 14. Adjournment.
- 10.2 All information/correspondence must be received in writing, by the Clerk prior to 10:00 a.m. on the Thursday preceding the next regular meeting.

11.0 ORDER OF BUSINESS

- 11.1 The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.
- 11.2 The Chair or designate of each Committee submitting a report shall field questions regarding same during discussions of that report as may be required.
- 11.3 When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

11.4 Every meeting of Council shall be deemed to be adjourned 4 hours after the call to order, save and except with the unanimous consent of Council.

12.0 COUNCIL MINUTES

12.1 The Minutes of Council as taken by the Clerk or designate shall consist of a record of all proceedings taken in the Council. Pursuant to **the Municipal Act, 2001**, the Minutes shall be a factual recount without note or comment.

12.2. All Minutes and Committee Minutes and Reports following adoption by Council and all By-laws passed by the Council shall be kept in the Clerk's Office and shall be made available for viewing during normal office hours and shall be posted on the Municipality website, save and except those Minutes and Reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 7 of this Policy and subject to the provisions of any applicable by-law, act or statute.

12.3 The Clerk shall record minutes of Closed Session meetings, in accordance with Section 239(7) of the Municipal Act 2001, and will present the minutes to Council at an ensuing Closed Session meeting for confirmation.

13.0 DELEGATIONS

13.1 Any person desiring to present information orally on matters of fact or to make a request of Council shall make such request in writing by completing the Request to Address Council form, not later than 10:00 a.m. on the Thursday preceding the regular Council Meeting, stating the nature of the business to be discussed.

13.2. Each delegate shall be limited in speaking to not more than ten minutes. Extensions to these limits will be at the discretion of the majority of Council.

13.3. Delegates will be restricted to speak to only those items indicated on the Delegation Form.

13.4. The number of Delegations to be included on the Agenda is to be limited to a maximum of (3) three.

14.0 BY-LAWS AND AGREEMENTS

14.1. Every By-law and / or Agreement, other than Agreements for which signing authority has been delegated by By-law, shall be circulated to Members of Council.

14.2. Every By-law and / or Agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.

14.3. By the one Motion, By-laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.

14.4. Every By-law once passed and / or Agreement once authorized shall be dated

and duly signed and sealed by the Head of Council or presiding officer at the meeting and Clerk or designate.

15.0 MOTIONS / RESOLUTIONS

- 15.1. After a Motion has been Moved and Seconded, and placed under the direction of the Head of Council or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and Secunder and the support of a majority of Council.
- 15.2. Every Motion as herein provided when duly Moved and Seconded shall be read by the Clerk or designate in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration.
- 15.3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat and shall vote unless they have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act.
- 15.4. A motion to amend when duly moved and seconded:
- a) May be presented verbally or in writing;
 - b) Shall receive disposition of Council before the original question;
 - c) Shall not be amended more than twice before voting;
 - d) Shall be relevant to the question to be received;
 - e) Shall not be received proposing a direct negative to the question;
 - f) May propose a separate and distinct disposition of a question;
 - g) May propose to separate two or more components contained in the original question.
- 15.5. After a question is deemed to be finally put by the Head of Council or Chair 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.
- 15.6. The decision of the Head of Council as to whether the question has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
- 15.7. Any member may require any question to be repeated from the Head of Council or Chair prior to the voting on such question.
- 15.8. When 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, that member would vote first and the remaining members will vote in alphabetical order, except a member who is disqualified from voting by an Act, shall announce his or her vote openly and the Clerk shall record each vote.
(Municipal Act S.246 (1))
- The names of those who voted for and those who voted against shall be noted in the minutes. The Clerk shall announce the results.
- 15.9. A failure to vote under Clause 15.8, 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.

(Municipal Act S. 246(2)).

- 15.10. The Head of Council shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Head of Council may require the vote to be retaken in an alternative manner and the results of this vote shall be final.
- 15.11. A tie vote shall be declared to be a lost vote.

16.0 NOTICE OF MOTION

- 16.1. Motions introducing new matters must be in the hands of the Clerk by 10:00am the Thursday preceding the next regular Council, Committee of the Whole, or committee meeting for inclusion on the agenda.
- 16.2. Every motion must be submitted in writing to the Clerk for inclusion in the agenda.

17.0 RULES OF DEBATE

- 17.1. Every member prior to speaking to any question or motion must first be recognized by the Chair.
- 17.2. 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.

18.0 RECONSIDERATION

- 18.1 Subject to this section, no matter after being decided by majority of Council shall be reconsidered for six months following the date of the decision of Council without first passing a motion to reconsider.
- 18.2 A Motion to reconsider may not be made at the same meeting that the decision proposed for reconsideration was made.
- 18.3 No discussion of the main question shall be allowed until the Motion for reconsideration is carried.
- 18.4 A motion to reconsider may not be introduced, without notice, unless the Council, without debate, dispenses with the notice.
- 18.5 Once the matter is reopened, it is reopened in its entirety unless the Motion to reconsider specifies otherwise.
- 18.6 If the question is reopened, all previous decisions of Council remain in force unless Council decides otherwise.

19.0 PROCEDURAL APPEALS

- 19.1. Any member may appeal a procedural decision of the Chair to the Council.

19.2. The Chair shall decide all questions of order and the decision of the Chair shall be final, subject to appeal, with the Chair retaining the option of putting any question of order to Council and in such instances the decision of Council shall be final.

20.0 COMMITTEES

20.1 “Committee of the Whole” is basically a procedure where more informal discussion may be held. The Clerk or designate will act as secretary of the Committee. Matters decided upon by the Committee must be reported back to Council if action is to be taken.

20.2. Standing, Advisory and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All Members of such Committees shall be qualified electors within the municipality.

20.3. There shall be established annually at the first meeting of Council, or as soon thereafter as is convenient, as many Committees of Council as Council deems necessary, and Council shall also make, at such meeting, any necessary appointments to such boards, Committees, or any special purpose body as is required by statute or otherwise.

20.4. The Rules of Procedure for Committee operations shall be those contained in this policy where applicable unless otherwise prescribed by statute or law.

20.5. The Head of Council shall be an ex-officio member of all Municipality Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda.