

THE CORPORATION OF THE TOWN OF PLYMPTON-WYOMING

BY-LAW NUMBER 46 OF 2007

**Being a Procedural By-law to govern the proceedings and the conduct of the meetings of the Council and Committees of the Town of Plympton-Wyoming.**

**WHEREAS** Section 238, Subsection 2 of the *Municipal Act, R.S.O. 2001*, as amended, states that every municipality and local board shall pass a Procedure By-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of the Corporation of the Town of Plympton-Wyoming deems it expedient to pass such a bylaw;

**NOW THEREFORE** the Council of the Corporation of the Town of Plympton-Wyoming enacts as follows:

1. **Definitions**

- 1.1 "Administrator-Clerk" shall mean the Administrator-Clerk of the Town of Plympton-Wyoming.
- 1.2 "Chairperson" shall mean the person presiding at a Committee meeting.
- 1.3 "Closed Meeting" or "In-camera Meeting" shall mean a closed session of Council, Committee or Committee of the Whole, not open to the public.
- 1.4 "Committee" shall mean a Committee established by the Council.
- 1.5 "Committee of the Whole" shall mean a Committee composed of all of the members of the Council.
- 1.6 "Council" shall mean the Council of the Corporation of the Town of Plympton-Wyoming.
- 1.7 "Head of Council" shall mean the Mayor of the Corporation of the Town of Plympton-Wyoming who shall preside at all meetings of the Council, and who is responsible for conducting the business of the meeting of Council. In the absence of the Mayor, the Deputy Mayor shall be the Head of Council.
- 1.8 "Meeting" means any regular, special or other meeting of a Council, of a local board or of a committee of either of them.
- 1.9 "Member" shall mean a member of the Council or, when referring to a Committee, a member of a Committee appointed by the Council.
- 1.10 "Presiding Officer" shall mean the Head of Council, or if in reference to a Committee, shall mean the Chair of the Committee.
- 1.11 "Recorded vote" shall mean the recording of the name and vote of every member on a motion made.

2. **Application of the Bylaw**

The procedures contained in this bylaw shall govern the proceedings of all the meetings, including Committee meetings, of the Town of Plympton-Wyoming. Any proceedings or requirements not specifically provided for in this by-law shall be governed in accordance with the Rules of Procedure as accepted by the Parliament of Canada. In such cases of procedure that require the arbitration of the Presiding Officer of the meeting, the decision of the Presiding Officer shall be final and accepted without debate, subject only to an appeal to the majority of Council or the Committee

**3. Council Meetings**

- 3.1 An evening meeting shall be held on the second Wednesday of each month, and a day meeting shall be held on the final Wednesday of each month. If the regularly scheduled meeting falls on a statutory or municipal holiday, the meeting will be held as scheduled otherwise by Council. Meetings shall be held at the Plympton-Wyoming Municipal Building, 546 Niagara Street, Wyoming, Ontario.
- 3.2 A majority of the voting members of the Council shall constitute a quorum.
- 3.3 As soon after the hour fixed for the meeting as there is a quorum present, the Presiding Officer shall call the members to order. In the absence of both the Mayor and the Deputy Mayor, the members present shall appoint by resolution an Acting Presiding Officer for the meeting, who shall exercise all the powers and duties of the Mayor or Deputy Mayor.
- 3.4 If there is no quorum present within one-half hour after the time fixed for the meeting, the Administrator-Clerk shall record the names of the members of the Council present, and the meeting shall stand adjourned until the next scheduled meeting day.
- 3.5 Evening meetings shall be from 5:00 p.m. to 8:30 p.m. Day meetings shall be from 9:15 a.m. to 1:00 p.m. Both shall stand adjourned at 8:30 p.m. and 1:00 p.m. respectively, whether or not the business is concluded, unless a majority of Council votes in favour of extending the hour to complete the business of the day.
- 3.6 The Mayor at any time may summon a special meeting of Council, subject only to 24 hours notice being provided to all members by the Administrator-Clerk. In the event of an emergency, the 24-hour notice requirement is waived.
- 3.7 The Administrator-Clerk shall summon a special meeting of Council upon receipt of a petition of the majority of the members of Council, for the purpose and at the time mentioned in the petition, provided that at least 24 hours notice of the meeting is given to all members by the Administrator-Clerk.

**4. Council Meeting Agenda**

- 4.1 Any member of Council, Committee appointed by the Council, municipal staff or any person may file with the Clerk prior to 12:00 noon on the Friday before the meeting of the Council, an item for inclusion on the agenda, subject to the requirements of Section 5.
- 4.2 The business of the Council shall be taken up in the following order:
  1. Call to Order
  2. Declaration of pecuniary interest or conflict of interest
  3. Approval of minutes from previous meeting or meetings
  4. Business arising from minutes of previous meetings
  5. Works Superintendent portion of Agenda - Public Works Department
  6. Zoning Administrator portion of the Agenda - Planning/Zoning Department
  7. Delegations (in accordance with Section 5)
  8. Accounts
  9. Staff reports
  10. Councillors' Reports
  11. Committee Meeting Minutes and Reports
  12. By-laws
  13. Correspondence - Action-Required Items
  14. Correspondence - Routine Approval & Information Items
  15. New Business - this may include business which was presented to Council or Staff after the cut-off deadline
  16. Adjournment

- 4.3 The order of business may be re-ordered on the agenda to facilitate the participation in the meeting of the members of the public where appropriate.
- 4.4 All motions called in pursuance of the agenda and not disposed of shall be placed on the agenda for the next meeting unless otherwise decided by the Council.
- 4.5 The agenda will be available to the members on the Friday prior to the scheduled meeting.
5. **Delegations**
  - 5.1 Persons or groups wanting to appear before the Council shall advise the Administrator-Clerk no later than 12:00 noon on the Friday prior to the meeting and shall provide a written submission detailing the nature of the request to Council for inclusion in the agenda package.
  - 5.2 Persons or groups making a presentation shall be limited in speaking to not more than fifteen minutes.
  - 5.3 A person may speak longer than fifteen minutes if granted leave by the Presiding Officer.
  - 5.4 All such persons desiring to make a presentation to Council shall, in writing, identify who they are, as well as which group or organization, if any, they claim to represent or be a member of, vis-a-vis the topic of their presentation.
  - 5.5 All references in this section to "persons" shall also include, where appropriate, references to "group" or "organization" so that where there is a number of persons who wish to speak who are all part of the same group or organization, the group or organization shall only be permitted one spokesperson, unless permission to speak by other members of the group or organization is otherwise granted by the Mayor or by motion of Council.
  - 5.6 Subject to 5.7 below, no person shall be permitted to speak to Council more than once on the same topic without the prior permission of the Mayor, such permission to be sought no later than 12:00 noon on the Friday immediately preceding the Council meeting or by motion of Council where special circumstances so warrant.
  - 5.7 No person shall be permitted to address Council regarding a position previously adopted by Council without a motion of reconsideration.
  - 5.8 Any person wishing to present correspondence directly to Council shall do so through the Administrator-Clerk's office no later than 12:00 noon on the Friday immediately preceding the Council meeting.
  - 5.9 No person shall be permitted as a delegate to Council if the purpose of the delegation is to speak regarding a tender or request for proposal which is either proposed, pending, or actually before Council or a Committee of Council for its consideration.
  - 5.10 No person shall be permitted as a delegate to Council if the purpose of the delegation is to speak regarding labour relations, insurance claims, or contract negotiations.
6. **Duties of the Presiding Officer**
  - 6.1 The Presiding Officer may speak to any question.
  - 6.2 When the Presiding Officer is called upon to decide a point of order or procedure, he/she shall state his/her ruling, and if an objection is made to his/her ruling, he/she shall submit it to a vote of the Council without debate in the following words, "Shall the ruling of the Presiding Officer be sustained?" and the decision of the Council shall be final.

- 6.3 When two or more members speak at once, the Presiding Officer shall name the member who is first to be heard and the other or others shall have the privilege of speaking thereafter in the order named by the Presiding Officer.
- 6.4 When the vote on the issue is tied, the Presiding Officer, except when disqualified to vote by reason of Pecuniary Interest or otherwise, shall vote.
- 6.5 The Presiding Officer shall receive and submit, in the proper manner, all motions presented by the members of the Council.
- 6.6 The Presiding Officer shall put to vote all questions which are moved and seconded in the course of the proceedings and announce the results of the vote.
- 6.7 The Presiding Officer shall decline to put to a vote motions which are contrary to the rules of procedure.
- 6.8 The Presiding Officer shall require the members to observe the rules of order.
- 6.9 The Presiding Officer shall ensure the decisions of the Council are in conformity with the laws governing the activities of the Council.
- 6.10 The Presiding Officer may expel any person present at a meeting who speaks or makes a noise or behaves in a riotous, disorderly or unseemly manner, or otherwise disturbs or interrupts the proceedings of the meeting.
- 6.11 The Presiding Officer may adjourn the meeting without question in the case of grave disorder arising in the Meeting Room.
7. **Duties and Privileges of Members**
  - 7.1 Members, prior to speaking to a question or motion, shall obtain recognition of the Presiding Officer.
  - 7.2 No member shall use indecent, offensive or insulting language in or against the Council or any member of the public or staff.
  - 7.3 No member shall speak except to the issue in debate.
  - 7.4 No member shall interrupt a member who has the floor except to raise a point of order or a matter of privilege.
  - 7.5 No member shall engage in conduct disturbing to another member of the Council itself or interfering with a member recognized to speak.
  - 7.6 No member shall be permitted to retake his/her seat at a meeting after being ordered by the Presiding Officer to vacate after committing a breach of any rule of order of the Council, without making an apology and without the consent of the Council expressed by a majority of the members present determined without debate.
  - 7.7 No member shall walk across or out of the meeting room or make any noise or disturbance when the Presiding Officer is putting the question and each member present shall occupy their seat while a vote is being taken and until the result thereof is declared.
  - 7.8 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.
  - 7.9 Any member may appeal the decision of the Presiding Officer on a point of order or a matter of privilege to the Council which shall by a majority vote decide the question without debate.

- 7.10 Every member present when a question is put should vote thereon unless the Council excuses them, or unless they had declared a Pecuniary Interest in the question as provided by The Municipal Conflict of Interest Act, R.S.O. 1990, and amendments thereto. For any member present that does not vote, unless excused or had declared a pecuniary interest, their vote shall be taken as a "No Vote".

**8. Motions and Amendments**

- 8.1 All motions shall be moved and seconded before the Presiding Officer will permit debate and put the question.
- 8.2 After the Presiding Officer reads a motion, it may be withdrawn at the request of the mover and seconder at any time before the decision and/or amendment with permission of the Council.
- 8.3 A motion to amend:
- a) shall not be further amended;
  - b) shall be relevant to the question;
  - c) shall not be received if it proposes a direct negative to the question; and
  - d) shall be put in reverse order to that in which it is moved.
- 8.4 A motion to amend shall be voted on first.
- 8.5 A motion to make a further amendment may be made to the main question.
- 8.6 A motion to "table" (or defer) a motion must be supported by the majority of the members present and is put to vote without debate or amendment.
- 8.7 A motion to "table" may reintroduce a tabled motion, in the same form as the original motion, as long as some other order of business has been dealt with since the motion was tabled. A motion to "lift from the table" must be supported by the majority of the members present and is put to vote without debate or amendment.

**9. Taking the Vote**

- 9.1 If a member moves that the vote be now taken and another member seconds it, the same shall be put without debate, and if carried, the motion or amendment under discussion shall be immediately submitted to the Council without further discussion.
- 9.2 When the question under consideration contains two or more propositions, the same shall be put separately at the request of any member of the Council.
- 9.3 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. The order of votes taken shall be determined by draw.

A failure to vote 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.

- 9.4 Any question on which there is a tie vote shall be deemed to be lost.

**10. Reconsideration**

- 10.1 Any motion except a motion to refer, to amend, to lay on the table to postpone indefinitely or to set a specific day or to adjourn may be reconsidered subject to the provisions contained in this section.

- 10.2 No discussion of the main question or the motion to reconsider the main question shall be allowed unless and until the Council has voted to reconsider the same, but the member who gives the notice may have the privilege of stating their reasons for doing so.
- 10.3 A motion to reconsider a decision of the Council shall be moved only by a member who voted with the majority of the Council on that decision, and before accepting a motion to reconsider, the Presiding Officer shall ask the member to confirm that he voted with the majority on the issue in question.
- 10.4 A motion for reconsideration will require a two-thirds (2/3) majority for approval, and a motion can only be reconsidered two times in one year.

**11. Minutes**

- 11.1 The minutes of the Council shall consist of a record of the place and time of the meeting, the name of the Presiding Officer, a record of all members present and the names of those absent, together with all resolutions, decisions, and other proceedings of the Council.
- 11.2 It shall be the duty of the Administrator-Clerk at the close of each meeting to transcribe the proceedings of such meeting in the minute book.
- 11.3 At the next regularly scheduled meeting of the Council, the minutes of the previous meeting shall be considered so that any errors may be corrected and accuracy of the record confirmed, and once approved, signed by the Mayor and Administrator-Clerk.
- 11.4 Minutes shall be given to Council and Staff only, before they are approved as printed and distributed.

**12. Accounts**

- 12.1 All accounts dealing with the operation of the Town of Plympton-Wyoming shall be submitted to the Council for approval.

**13. Open Meeting Provisions**

- 13.1 Except as provided in Section 13.2, all meetings shall be open to the public.
- 13.2 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) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- h) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).  
any other matter authorized under the Municipal Act, or any other Act.
  - 13.3 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
  - 13.4 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.
    - 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. 2006, c. 32, Sch. A, s. 103 (1).
  - 13.5 The Council may schedule a closed meeting to commence prior to the scheduled meeting of the Council. Notice of the closed meeting shall be included with the agenda.
  - 13.6 Before holding a meeting or part of meeting that is to be closed to the public, the council or local board or committee of either of them shall state by resolution,
    - a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
    - b) in the case of a meeting under Section 13.4, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that Section.
  - 13.7 Subject to Section 13.8, a meeting shall not be closed to the public during the taking of a vote.
  - 13.8 Despite Section 244 of the Municipal Act, a meeting may be closed to the public during a vote if,
    - a) Section 13.2 or 13.3 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, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
  - 13.9 The rules of the Council shall be observed in closed meetings so far as may be applicable.
  - 13.10 After consideration of a matter in the closed session, and the report from the closed session is in the possession of the Council, any resulting action of the Council by way of resolution or by-law of the Corporation shall be debated and voted upon in a public session, unless the subject matter under consideration must remain confidential as it pertains to issues noted in Section 13.1 and 13.2.
  - 13.11 No member or other person attending a closed session shall without the authorization of the Council, release confidential reports or information considered at a closed meeting, or discuss the content of such reports or information with persons other than members of the Council or appropriate municipal staff members and/or agents of the Council concerned with the reports or information.
- 14. Committees**
- 14.1 The Council shall appoint the members of Council and the citizens who shall serve on each Committee and Council shall determine the term of the appointment of each member.

- 14.2 The Council shall determine the "Terms of Reference" for each Committee established. The general duties of Committees shall be:
- a) to report to the Council from time to time, as often as the interest of the municipality may require, all matters connected with the duties imposed on them respectively, and to recommend such action by the Council in relation thereto as may be deemed necessary and expedient;
  - b) to examine all accounts connected with the performance of any works or the purchase of any materials or goods under their supervision;
  - c) to consider and report upon all matters referred to them by the Council or by the Mayor;
  - d) to adhere strictly in the transaction of all business to the rules prescribed by the by-laws of the Council.
- 14.3 The Council shall appoint the members of Council and the citizens who shall serve on each Committee, and Council shall determine the term of the appointment of each member.
- 14.4 The Presiding Officer of the Council shall be an ex officio member of all Committees.
- 14.5 Each Committee at its first meeting shall fix the day and hour for its regular meetings throughout the year. Council shall appoint a Committee Chair from amongst Committee members, and Council shall appoint a Secretary to record the minutes of Committee meetings.
- 14.6 A quorum for a Committee shall be the majority of those appointed to the Committee by the Council.
- 14.7 The rules governing the procedure for the Council shall be observed in all Committees insofar as applicable.
- 14.8 A Committee which refuses or neglects to give due consideration to any matter assigned to it or before it, may by Council resolution be discharged of such responsibility.
- 14.9 Each Committee is subject to the control and direction of the Council.
- 14.10 Each Committee shall submit minutes or reports with recommendation to the Council on all matters connected with their duties or matters referred to them by the Council.
- 15. Reading of By-laws and Proceeding Thereon**
- 15.1 Every by-law when introduced shall be in printed form and included in the agenda package, and shall contain no blanks except such as may be required to conform to accepted procedures or to comply with the provisions of any Act.
- 15.2 The first reading of a by-law shall be for introduction. The second reading shall be for debate and amendments before the vote. The third reading shall be for debate on the whole by-law with amendments and the final vote.
- 15.3 All amendments to a by-law shall be open to debate and amendment before the by-law is ordered for a third reading.
- 15.4 A by-law may be read three times at the same meeting, however, if any member objects, the Council may proceed if the majority of the members present overrule the objection.
- 15.5 Every by-law enacted by the Council shall be numbered and dated and shall be signed by the Presiding Officer and the Administrator-Clerk and shall be deposited for safekeeping.

- 15.6 All matters of substantial concern to the Council shall be presented and adopted by by-law. Matters may include:
- a) structure of governance and procedure;
  - b) municipal programs of service;
  - c) personnel; and
  - d) administration of the municipality.

Bylaw Number 5 of 2002 is hereby repealed.

16. This by-law shall come into force and take effect upon final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9<sup>TH</sup> DAY OF MAY, 2007.

  
MAYOR

  
ADMINISTRATOR-CLERK