

**BY-LAW NO. 09-2015**

**A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE  
TO REGULATE THE PROCEEDINGS OF THE MUNICIPAL COUNCIL OF  
THE SAID CORPORATION.**

**WHEREAS** Section 238(2) of the Municipal Act S.O. 2001 requires every Municipality to adopt a procedural By-law for their governing of the calling, place and proceedings of meetings;

**AND WHEREAS** it is deemed appropriate to update the existing procedural by-law of the Council of the Town of Carleton Place;

**NOW THEREFORE**, The Council of the Town of Carleton Place enacts as follows:

That all proceedings of the Council of the Town of Carleton Place shall be in compliance with the regulations contained with the Rules of Council of the Town of Carleton Place as revised and attached hereto as Schedule "A".

That By-law No. 23-2011 and amendments thereto are hereby repealed.

READ A FIRST TIME, SECOND TIME AND THIRD TIME AND FINALLY PASSED THIS 10<sup>th</sup>  
DAY OF MARCH 2015.

\_\_\_\_\_  
Louis Antonakos, Mayor

\_\_\_\_\_  
Duncan Rogers, Clerk

## SCHEDULE 'A' TO BY-LAW 09-2015

### RULES OF THE COUNCIL OF THE TOWN OF CARLETON PLACE

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## SECTION I - INTRODUCTION

### PART I - GENERAL

1. (a) These rules and regulations shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the council and in the committees, boards and commissions thereof, provided that the rules and regulations contained herein may be suspended by a vote of the council and in any case for which provision is not made therein. The procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees and shall be in accordance with *The Municipal Act, 2001* as amended.
- (b) Throughout these rules, unless the context requires otherwise, words importing the singular number or the masculine gender shall include the plural number of feminine gender.
- (c) Throughout these rules, all reference to the mayor shall, in the absence of the mayor, refer to the deputy-mayor or to the person so named in accordance with *The Municipal Act, 2001*.

## SECTION II - DEFINITIONS

1. In these rules:

“assessment corporation” means the Municipal Property Assessment Corporation;

“board” means.

(a) a local board as defined in *The Municipal Affairs Act*,

(b) boards, agencies, corporations or other entities or classes of them established in relation to local, municipal or school purposes as may be prescribed in the regulations;

“child” means a child under 18 years of age born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“clerk” means the Clerk of the Town of Carleton Place;

“commissioner” means the commissioner appointed under *The Local Government Disclosure of Interest Act, 1994*;

“committee” means any advisory or other committee, subcommittee or similar entity composed of members of one or more councils or local boards;

“committee meeting” means a formal meeting of a Committee of Council identified in the Striking Committee attended by a quorum of members of the Committee and the Secretary of the Committee;

“council” means the Council of the Town of Carleton Place;

“Council meeting” means a formal meeting of Council attended by a quorum of members of Council and the Clerk;

“county” means an upper-tier municipality that was a county on the day before the Municipal Act, 2001 came into force;

“economic development services” means, in respect of a municipality, the promotion of the municipality for any purpose by the collection and dissemination of information and the acquisition, development and disposal of sites by the municipality for industrial, commercial and institutional uses;

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

“land” includes buildings;

“local board” means a municipal service, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;

“local municipality” means a single-tier municipality or a lower-tier municipality;

“lower-tier municipality” means a municipality that forms part of an upper-tier municipality for municipal purposes;

“meeting” includes a Council meeting, a Committee meeting and other meetings;

“member” referring to a member of council includes the Head of Council;

“Minister” means the Minister of Municipal Affairs and Housing;

“municipality” means a geographic area whose inhabitants are incorporated;

“old Act” means the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, as it read immediately before its repeal under the Municipal Act, 2001;

“other meeting” means a special meeting to discuss specific topics attended by some or all members of Council for information. Any issue must be forwarded to an appropriate Committee meeting and Council meeting for consideration;

“pecuniary interest” includes a direct or indirect pecuniary interest of a member and a pecuniary interest deemed to be that of a member;

“person” includes a municipality unless the context otherwise requires;

“prescribed” means prescribed by regulations made under the Municipal Act, 2001;

“public utility” means,

(c) a system that is used to provide any of the following services or things for the public:

- i) water,
- ii) sewage,
- iii) fuel, including natural and artificial gas,
- iv) energy, excluding electricity
- v) heating and cooling, and
- vi) telephone, and

(d) the service or thing that is provided;

“rateable property” means land that is subject to municipal taxation;

“record” means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films;

“regular election” means the triennial regular election referred to in subsection 4 (1) of the *Municipal Elections Act, 1996*;

“single-tier municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes;

“spouse” means a spouse as defined in Part III of *The Family Law Act*;

**“standing committee” as defined in section 15 of the Annual Striking Committee Report to Council, Standing Committees consist of the following Committees:**

- a) Policy Review Committee**
- b) Planning and Protection Committee**
- c) Physical Environment Committee**
- d) Corporate Services Committee**
- e) Community Issues Committee**

“system” means one or more programs or facilities (including real and personal property) of a person used to provide services and things to the person or to any other person and includes administration related to the programs, facilities, services and things;

“upper-tier municipality” means a municipality of which two or more lower-tier municipalities form part for municipal purposes.

## SECTION III - COUNCIL MEETINGS, PRACTICES AND PROCEDURES

### PART I COUNCIL MEETINGS

1. Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purposes. On occasion due to seating capacity, the Council Meeting may be re-located to the auditorium of the Town Hall. Should the Council wish to meet elsewhere it shall be by resolution of Council. "Other Meetings" as defined may be held any place at the discretion of Council. The Inaugural Meeting of Council shall take place at 7:00 p.m. on the second Tuesday of December following the municipal election.

The next and each succeeding regular meeting of Council shall be held the second and fourth Tuesday of each month at 7:00 p.m. unless the Council, by resolution passed at a regular meeting directs otherwise.

**Notice of a regular meeting of Council or a regular Standing Committee of Council shall be published in a publication having general circulation in the municipality and/or digital medium such as the municipal website a minimum of four days prior to the meeting. Notice of a change of a regular Council meeting or a regular Standing Committee of Council shall be published in a publication and/or digital medium a minimum of four days prior to the meeting. Notice of the change of a regular Standing Committee of Council shall also be posted in the Carleton Place Library and in the Clerk's Office.**

2. When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour on the next following day which is not a public or civic holiday unless the Council, by resolution passed at a regular meeting, directs otherwise.
3. The Head of Council may at any time summon a special meeting of Council on 48 hours' notice in writing to the members of Council, upon receipt of the petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose, and at the time mentioned in the petition. Forty-eight hours' notice, in writing, of all special meetings of Council shall be given to the members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
4. **Notice of a Special Meeting of Council and/or a Special Standing Committee of Council shall be posted on the municipal website. Notice of a Special Meeting of Council and/or a Special Standing Committee shall also be posted in the Carleton Place Public Library and in the Clerk's Office.**

From time to time, members of Council will gather together, in an informal setting, for ceremonial events for educational purposes or to meet with community groups, businesses or government agencies. No notice for these informal gatherings will be provided as no decisions can be made by Council.

**The public may contact the Chair or Secretary of Boards, Internal or other Committees as defined by the Annual Striking Committee Report to determine dates and times of these meetings.**

Except as provided in Section III, Subsection 5, all meetings shall be open to the public.

5. a) Except as provided for below, all meetings shall be open to the public. Notwithstanding, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- i) the security of the property of the municipality;
  - ii) personal matters about an identifiable individual, including municipal employees;
  - iii) a proposed or pending acquisition or disposition of land by the municipality;
  - iv) labour relations or employee negotiations;
  - v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
  - vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - viii) A meeting of 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.

Also, 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 if the council, board, commission or other body is the head of an institution for the purposes of that Act.

For the purposes of this section “closed to the public” shall mean closed to any person not appointed or elected to the body calling the meeting, but in no instance shall Members of Council be excluded from any portion of a meeting held by a Standing Committee of Council. In addition, the sitting body may invite any person deemed appropriate to the closed portion of the meeting. Nothing in this section diminishes the responsibilities of Members with respect to disclosure of interest.

- b) Before holding a meeting or part of a meeting that is to be closed to the public the Council or Committee shall state by resolution:
- i) the fact of the holding of the closed meeting; and

- ii) the general nature of the matter to be considered at the closed meeting. A sample resolution is attached as Schedule A.
    - iii) in the case of a meeting under Section 5(a) (viii) 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 sub-section.
  - c) Subject to subsection 5(d), a meeting shall not be closed to the public during the taking of a vote.
  - d) A meeting may be closed to the public during a vote if,
    - i) subsection 5(a) permits or requires a meeting to be closed to the public; and
    - ii) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.
  - e) Discussion during a closed meeting shall be limited to the issue stated in the resolution and nothing in this by-law confers the power of any Member of Members of Council to make any decision or take any action, unless administrative in nature, until such action is presented and decided upon at a duly called and constituted open meeting.
  - f) Council or local board or a committee of either of them shall record without note or comment all resolution, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. The record shall be made by the Clerk in the case of a meeting of Council; or the appropriate officer in the case of a meeting of a local board or committee.
  - g)
    - i) Members shall keep confidential any information:
      - a) disclosed or discussed at a meeting or part of a meeting that was closed to the public;
      - b) that is circulated to members that is marked confidential. Any documentation marked confidential shall be kept securely until no longer required in the course of business and shall at that time be destroyed by the member or returned to the office of the Clerk for destruction.
      - c) that is received in confidence written or verbally in preparation of the in-camera meeting.
    - ii) The obligation to keep information confidential applies even if the member ceases to be a member.
6. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.



7. Subject to the provisions of *The Municipal Act*, and where no acting Head of Council has been appointed under Clause 6 of this By-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and an acting Head of Council shall be appointed from among the members present and (s)he shall preside until the arrival of the Head of Council and while so presiding, the acting Head of Council shall have all the powers of the Head of Council.
8. If no quorum is present one-half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.
9. No item of business may be dealt with at a Council meeting after 11 p.m. unless a resolution extending the time has been passed.
10. There shall be no smoking at Council meetings.

## **PART II PRACTICES AND PROCEDURES**

### **Municipal Organization and Administration Role of Council**

1. It is the role of council,
  - a) to represent the public and to consider the well-being and interests of the municipality;
  - b) to develop and evaluate the policies and programs of the municipality;
  - c) to determine which services the municipality provides;
  - d) to ensure that administrative practices and procedures are in place to implement the decisions of council;
  - e) to maintain the financial integrity of the municipality; and
  - f) to carry out the duties of council under this or any other Act.

### **Role of head of council**

2. It is the role of the head of council,
  - a) to act as chief executive officer of the municipality;
  - b) to preside over council meetings as follows:

- i) to open the meeting of council by taking the chair and calling the members to order;
  - ii) to recite with members of Council the Lord's Prayer;
  - iii) to receive and submit, in the proper manner, all motions presented by the members of Council;
  - iv) to put to vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the results;
  - v) to decline to put to vote motions which infringe the rules of procedure;
  - vi) to restrain members, within the rules of order, when engaged in debate;
  - vii) to enforce on all occasions the observance of order and decorum among the members;
  - viii) to call by name any member persisting in breach of the rules or order of the Council, thereby ordering him/her to vacate the Council Chamber;
  - ix) to receive all messages and other communications and announce them to the Council;
  - x) to authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes of the Council;
  - xi) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage;
  - xii) to represent and support the Council, declaring its will, and implicitly obeying its decision in all things;
  - xiii) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
  - xiv) prior to adjourning the meeting, to sing with members of Council, the National Anthem (O'Canada)
  - xv) to adjourn the meeting when the business is concluded;
  - xvi) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.
- c) to provide leadership to the council;
  - d) to represent the municipality at official functions; and
  - e) to carry out the duties of the head of council under *The Municipal Act* or any other Act.

## **Municipal administration**

3. It is the role of the officers and employees of the municipality,
  - a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
  - b) to undertake research and provide advice to council on the policies and programs of the municipality; and
  - c) to carry out other duties required under this or any Act and other duties assigned by the municipality.
  - d) to speak at meetings explaining background information, to provide recommendations and to advise Council of procedures.

## **Clerk**

4. A municipality shall appoint a clerk whose duty it is,
  - a) to record, without note or comment, all resolutions, decisions and other proceeding of the council;
  - b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
  - c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of council;
  - d) to perform the other duties required under this Act or under any other Act; and
  - e) to perform such other duties as are assigned by the municipality.

## **PART II - PRACTICES AND PROCEDURES**

### **Chief Administrative Officer**

5. A municipality may appoint a chief administrative officer who shall be responsible for,
  - a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
  - b) performing such other duties as are assigned by the municipality,

## **SECTION IV - DISCLOSURE OF INTEREST**

### **1) DISCLOSURE OF INTEREST - MEMBERS OF COUNCIL**

- 1) For the purposes of these rules, a member shall be deemed to have a pecuniary interest in a matter in which a council or board is concerned, if,
  - a) the member or his or her nominee,
    - i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
    - ii) has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public,
    - iii) is a partner or agent of a person,
    - iv) is a member of a body that has a pecuniary interest in the matter;
  - b) the member or the member's spouse or child is an employee of a person or body and the member knows that the person or body has a pecuniary interest in the matter;
  - c) the member knows that the member's spouse or child has a direct or indirect pecuniary interest in the matter; or
  - d) the member knows that the member's spouse or child,
    - i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
    - ii) has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public,
    - iii) is a partner or agent of a person,
    - iv) is a member of a body that has a pecuniary interest in the matter
- 2) In subsection 1), "controlling interest" means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 percent of the voting rights attached to all equity shares of the corporation for the time being outstanding.

- 3) Subsection 2) does not apply to a pecuniary interest in any matter that a member may have,
- a) as a user of any public utility service supplied to the member by the municipality or board under similar conditions as other users;
  - b) as a recipient of any service or commodity or any subsidy, loan or other benefit offered by the municipality or board on terms common to other persons;
  - c) as a purchaser or owner of a debenture of the municipality or board;
  - d) as a depositor with the municipality or board, if the whole or part of the deposit is or may be returnable to the member in like manner as a deposit is or may be returnable to other persons under similar conditions;
  - e) as a director or senior officer of a corporation incorporated by the municipality or to carry on business on behalf of the municipality or board or as a person nominated by the council as a director or officer of a corporation;
  - f) as a member or office holder of a council, board or other body when it is required by law to by virtue of office or results from an appointment by a council or board;
  - g) as a recipient of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration salary or benefit to which the member may be entitled as a member;
  - h) in common with persons generally within the area of jurisdiction or, if the matter under consideration affects only part of the area, in common with persons within that part;
  - i) as a member or volunteer for a charitable organization or a not-for-profit organization with objects substantially similar to those provided by section 118 of *The Corporations Act* if the member receives no remuneration or other financial benefit from the organization and the pecuniary interest is in common with other persons in the organization;
  - j) as a recipient of remuneration, consideration or an honorarium under section 256 of *The Municipal Act* or as a volunteer firefighter;
  - k) that is so remote or significant in its nature that it cannot reasonably be regarded as likely to influence the member.

- 4) **A**  
 If a member has a pecuniary interest in any matter and is or will be present at a meeting at which the matter is the subject of consideration, the member:
- a) shall, before any consideration of the matter at the meeting, orally disclose the interest and its general nature;
  - b) shall not, at any time, take part in the discussion of, or vote on, any question in respect of the matter;
  - c) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, to influence the voting on any such matter of influence employees of or persons interest in a contract with the council or board in respect of the matter; and
  - d) shall immediately leave the meeting and remain absent from it until the matter is no longer under consideration;
- 4) **B**  
 If a member is absent from a meeting in which he or she has a pecuniary interest in a matter being considered, clause A c) applies to that member and he or she shall,
- a) disclose the interest in the matter described in clause A a) at the next meeting of the council or board that the member attends; and
  - b) in the case of a committee meeting, disclose the interest in the manner described in clause A a) at the next meeting of the committee that the member attends; and
- 4) **C**  
 A disclosure under this section is not required to disclose that the member has a spouse or child or the name of the member's spouse or child
- 4) **D**  
 Where a disclosure omits reference to a member's spouse or child, the interest shall be stated as being that of the member.
- 4) **E**  
 The Clerk/Committee Secretary shall record the member's interest as follows:

*Councillor \_\_\_\_\_ declared a possible pecuniary interest regarding*

*\_\_\_\_\_ and did not speak nor vote on the said matter.*

*Councillor \_\_\_\_\_ also left the Council Chambers during the consideration and vote on the noted item and returned to the Council Chambers to take his seat after the vote."*

## **SECTION V - AGENDA**

1. 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:
  - I Prayer
  - II Disclosure of Interest
  - III Minutes of the Previous Meeting
  - IV Delegations
  - V Correspondence
  - VI Reports
  - VII By-laws
  - VIII Unfinished Business
  - IX New Business
  - X The National Anthem (O'Canada)
  - XI Adjournment

The Clerk shall deliver, or cause the agenda to be delivered, four (4) days prior to the regular meeting date.

2. 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.

## **SECTION VI - MINUTES**

1. Minutes shall record:
  - a) the place, date and time of the meeting;
  - b) the names of the presiding officer or officers and attendance record of the members and staff present;
  - c) disclosure of interest;
  - d) the reading, if requested, correction and adoption of the minutes of prior meetings;
  - e) all other proceedings of the meeting without note or comment

## **SECTION VII - PETITIONS AND COMMUNICATIONS**

1. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

## **SECTION VIII - DELEGATIONS**

1. Persons desiring to present information on matters of fact, or make a request of Council, shall give notice in writing to the Clerk not less than five (5) days before the commencement of the meeting of the Council and may be heard by leave of the presiding officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than five (5) minutes.
2. The notice shall be legibly written and shall include a brief summary of the matter or matters that is/are to be presented.

## **SECTION IX - READING OF BY-LAWS AND PROCEEDINGS THEREON**

1. By-laws for the consideration of Council shall be placed on the Agenda of Council for adoption.
2. By-laws placed on an Agenda of Council for adoption may be considered and approved by the adoption of a resolution at a meeting of Council.
3. Every By-law when introduced shall be in a type written form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provision of any act and shall be complete with the exception of the number and date thereof.
4. When a tabled by-law is presented to Council, it shall be removed from the table by resolution and will be open for discussion by Council. The by-law, if amended, shall be adopted as amended.
5. If the Council determines that the By-law is to be considered in the Committee of the Whole, it shall be considered prior to the introduction of the By-law to Council.
6. If Council so determines, a by-law may be considered as being read.
7. The Clerk shall set out on all by-laws enacted by Council, the date of the several readings thereof.
8. Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer, and shall be deposited by the Clerk in the main vault for safekeeping. A certified copy of the said by-law shall be available in the Clerk's office.



## SECTION X - MOTIONS

1. Motions shall be presented orally by the mover and then submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.
2. The Presiding Officer shall have the Clerk repeat or read the motion only if requested to do so by the member of Council.
3. Amendment – a motion to amend
  - a) shall be presented in writing,
  - b) shall receive disposition of Council before a previous amendment or the question,
  - c) shall not be further amended more than once provided that further amendment may be made to the main question,
  - 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 disposition of a question,
  - g) shall be put in the reverse order to that in which it is moved.

## SECTION XI - VOTING ON MOTIONS

1. **Questions Stated** – Immediately preceding the taking of the vote, the Presiding Officer shall state the question in the form introduced, except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
2. **No Interruption After Question** – After a question is finally put by the Presiding Officer, 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.
3. **Unrecorded Vote** – The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise. Every member present shall vote unless otherwise prohibited by law. If any member does not vote, he/she shall be deemed as voting in the negative.
4. **Recorded Vote** – When a member present requests a recorded vote, all members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. If any member does not vote, he/she shall be deemed as voting in the negative. A request for a recorded vote can only be made before an unrecorded vote is taken, except as set out in subsection 3.

5. **Exception** – If a member disagrees with the announcement of the Presiding Officer that a question is carried or lost, he/she may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken.
6. **Voting** - Except as otherwise provided, every member of a council shall have one vote.
7. **Open voting** - No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.
8. **Tie votes** - Any question on which there is a tie vote shall be deemed to be lost.

## **SECTION XII - RULES OF DEBATE**

1. Every member, prior to speaking to any question or motion, shall rise from his/her seat and address the Presiding Officer. When two or more members rise to speak, the Presiding Officer shall designate the member who has the floor who shall be the member who, in the opinion of the Presiding Officer, rose first.
2. When the Presiding Officer calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer, and during such time no member shall walk cross the room to speak to any other member or make any noise or disturbance.
3. When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.
4. 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.
5. The following matters and motions with respect thereto may be introduced orally except as otherwise provided by the Rules of Procedure:
  - i) point of order or person privilege;
  - ii) presentations of petitions;
  - iii) to lay on the table;
  - iv) to postpone indefinitely or to a day certain;
  - v) to move the previous question.

6. The following motions may be introduced at any time but such motions shall be in writing and signed:
  - i) to refer
  - ii) to adjourn
  - iii) to amend
  - iv) to suspend the Rules of Procedure
7. Except as provided by subsection 5, all motions shall be in writing and signed by the mover and seconder.
8. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

### **SECTION XIII - POINTS OF ORDER AND PRIVILEGES**

1. The Presiding Officer shall preserve order and decide questions of order.
2. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

### **SECTION XIV - CONDUCT OF MEMBERS OF COUNCIL**

1. No member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
2. No member shall:
  - i) use offensive words or unparliamentary language in or against the Council or against any member;
  - ii) speak on any subject other than the subject in debate;
  - iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
  - iv) disobey the Rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the Rules of Council;

and in case a member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of the Council" but if the member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.

3. No person except members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.
4. When the Chair is putting the question, no member shall leave or make a disturbance.
5. The Head or Presiding Officer may expel any person for improper conduct during a meeting.

## **SECTION XV - COMMITTEE OF THE WHOLE**

1. Committee shall meet regularly and operate as detailed in the Striking Committee Report. The Chair of the Committee may, at any time, summons a special meeting of the Committee by contacting the committee members and confirming that at least a majority of the members are available to attend the special meeting.
2. Other meetings shall be arranged at a time and location suitable to those attending. Only those invited to attend the meeting shall be notified.
3. Section III Part 1 Clause 5 Open/Closed meetings shall apply to all Committee Meetings or Other Meetings.

## **SECTION XVI - SPECIAL COMMITTEES**

1. Special Committees shall be constituted for the purpose, and members named, as expressed by resolution of Council. If no time limit is set for dissolution, the Committee shall be dissolved upon the acceptance of its report by Council.
2. Meetings shall be called as designated by Council, or as the Committee decides.
3. Meetings of Special Committees may be closed as in the opinion of the Committee, expressed by resolution, the public interest requires.
4. Committees appointed to report upon any subject referred to them by the Council shall report a statement of facts and their opinion thereof in writing. No report shall be received unless signed by a majority of such Committee.
5. Every Councillor who shall introduce any by-law, petition or motion upon any subject may be referred to a Committee, shall be one of the Committee without being specially named.

6. A majority of the whole number of the Special Committee shall be a quorum competent to proceed to business.
7. The Chairman of each Committee shall consult the members of his Committee upon matters pertaining to the Committee.

## **SECTION XVII - STANDING COMMITTEES**

1. Standing Committees shall meet on the first and third Tuesdays of each month beginning at 7:00 p.m.
2. Standing Committees shall consist of all members, and shall be appointed by adoption of the annual Striking Committee. The Mayor shall be a member ex officio of all Standing Committees.
3. It shall be the prerogative of each Committee Chairman to call a special meeting of his/her Committee if he/she feels that such special meeting is necessary in the conduct of the business of the municipality. Special meetings, unless otherwise indicated, shall be held at the hour of 7:00 p.m. in the Town Hall.
4. Persons wishing to be heard before Standing Committee shall notify the secretary by noon of the Thursday preceding the meeting so that proper time allocation can be made on Committee agenda.
5. A majority of the whole number of any Committee shall be a quorum competent to proceed to business.
6. The Chairman of each Committee shall consult the members of his/her Committee upon matters pertaining to the Committee.
7. Standing Committees shall not sit beyond 11:00 p.m unless a resolution has been passed to permit an extension of time.

## **SECTION XVIII - SUSPENSION OF RULES**

1. Any procedure required by this By-law may be suspended with consent of a majority of the members of the Council present except the provisions of Section 239 (2) of *The Municipal Act, 2001*.

## **SECTION XIX - AMENDMENTS**

1. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council, and the waiving of this notice by the Council is prohibited.

**SCHEDULE "A"**

**TOWN OF CARLETON PLACE**

**Motion No.**

**Communication:**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

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That in accordance with Section 239 of the Municipal Act, S.O. 2001, that the meeting be closed to the public for the following reason as checked below:

- \_\_\_\_\_ (a) the security of the property of the municipality or local board;
- \_\_\_\_\_ (b) personal matter 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) a matter in respect of which a council, board, committee other body may hold a closed meeting under another Act;
- \_\_\_\_\_ (h) 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 if the council, board, commission or other body is the head of an institution for the purposed of that Act, 2001, c.25.
- \_\_\_\_\_ (i) The meeting is held for the purpose of educating or training the members.
- \_\_\_\_\_ (j) 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.

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**Carried** \_\_\_\_\_

\_\_\_\_\_  
Louis Antonakos, Mayor