

Bylaw bl-2002-0134

The Corporation of the Town of Georgina
In the
Region Municipality of York

By-law No. 2002-0134 (COU-2)

A By-law to govern the calling, place and proceedings of meetings for the Town of Georgina

WHEREAS the Municipal Act authorizes every municipal Council to enact by-laws to govern the proceedings of meetings, the calling and place of meetings;

AND WHEREAS, the Council of the Corporation of the Town of Georgina considers it desirable to enact a by-law in this regard;

NOW THEREFORE, the Council of the Corporation of the Town of Georgina enacts as follows:

1. DEFINITIONS:

In this by-law:

- (2) 'Committees' means the Committee of the Whole or any committee constituted by Council from time to time.
- (b) 'Deputy Mayor' means the Regional Councillor.
- (c) 'Member' means a Member of Council.
- (d) 'Presiding Officer' means the Member who has been appointed by by-law to act in the absence of the Mayor and Deputy Mayor, or in the absence of such Member, the Member who has been appointed by a majority vote of Council, to act in the absence of the Mayor and Deputy Mayor.
- (e) 'Quorum' means a majority of Members.

2. GENERAL PROVISIONS:

2.1 Inaugural Meeting

The inaugural meeting of Council after a regular election shall be held in the Council Chambers on the first Monday in December at 7:00 p.m.

2.2 Rules and Regulations

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

2.3 Suspend Rules 2/3 Consent Required

The rules and regulations contained herein may be temporarily waived (suspended) or altered for any single occasion with the consent of not less than two-thirds of the Members present.

2.4 No Quorum

If no quorum is present one half (2) hour after the time fixed for holding the meeting of Council or Committee of the Whole, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next meeting.

2.5 Mayor's Absence

If the Mayor does not attend within fifteen minutes after the hour fixed for the Council or the Committee of the Whole Meeting the Deputy Mayor or in his absence, the Presiding Officer shall call the meeting to order and shall preside until the Mayor arrives.

2.6 Reference - Robert's Rules of Order

When any matter arises relating to the proceedings in Council or the Committees which is not covered by a provision of this by-law, the procedure to be followed shall be decided with reference to Robert's Rules of Order.

2.7 DUTIES OF THE CHAIR

It shall be the duty of the Mayor as Chair:

(a) Mayor or Chair

To preside at all meetings of the Council and the Committee of the Whole;

(b) To Order a Stop to Disruptive Behaviour or Expel Persons

To order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Chambers, where such behaviour persists;

(c) Call Meeting to Order

To open the meeting by taking the chair and calling the Members to order;

(d) Announce Business

To announce the business before the Members in

the order in which it is to be acted upon;

- (e) To Receive All Motions
To receive and submit, in the proper manner, all motions presented by the Members;
- (f) To Put All Motions to a Vote
To put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the results;
- (g) To Decline Motions Which Infringe on Rules
To decline to put to a vote motions which infringe upon the rules of procedure;
- (h) To Enforce Rules
To enforce on all occasions the observance of order and decorum among the Members;
- (i) To Request Unruly Member to Leave
To call by name any Member persisting in a breach of the rules of procedure, thereby ordering the Member to vacate the Chambers in which the meeting is being held;
- (j) Signing Official
To authenticate by his or her signature when necessary, all by-laws, resolutions and minutes of the Council;
- (k) Decide on Questions of Order
To decide all questions of order at the meeting in respect to the business before the Council or the Committee of the Whole, subject to an appeal by any Member to the Members on any question of order;
- (l) Maintain Orderly Debate
To restrain the Members, within the rules of procedure when engaged in debate;
- (m) To Adjourn the Meeting
To adjourn the meeting without question in the case of grave disorder arising in the Chambers where the meeting is being held.

2.8 CONDUCT OF MEMBERS:

No Member shall:

- (a) No Offensive Language Permitted
Use offensive words or unparliamentary language against any Member, staff or guest;
- (b) No Disorderly Conduct
Disturb another Member, staff, or guest by any disorderly conduct disconcerting to the speaker or the assembly;

- (c) To Speak Only on Subject Under Debate
Speak on any subject other than the subject being debated;
- (d) No Disobeying the Rules
Resist the rules of procedure or disobey the decisions of the Mayor or Presiding Officer or the Members on questions of order, procedure, practice or upon the interpretation of the rules of procedure;
- (e) No Leaving the Meeting Without Permission
Leave a meeting without first obtaining permission from the Mayor or Presiding Officer;
- (f) Permission to Retake Seat
Be permitted to retake their seat after being ordered to vacate, having committed a breach of any of the rules of procedure, until the next meeting and without making an apology to the Members;
- (g) Not to Interrupt Other Member
Interrupt the Member who has the floor except to raise a point of order.

3. HOLDING OF MEETINGS:

- 3.1 Council/Committee Meetings Held on Mondays in the Council Chambers
The regular meetings of the Council and the Committee of the Whole shall be held in the Council Chambers of the Civic Centre. The Council meetings shall be held on the second and fourth Mondays of each month at 7:00 p.m. and the Committee of the Whole meetings shall be held on the first and third Mondays of each month commencing at 9:00 a.m.
- 3.2 Change Meeting Date & Time
Council may, by resolution, alter the date and or the time of a regular Council or Committee of the Whole meeting provided that adequate notice of the change is published in the local newspaper.
- 3.3 Vacation Period - No Meetings
Notwithstanding the provisions of this by-law, during the first two weeks of the months of March, during the months of July and August and during the last two weeks of December, there shall be no regular meetings of Council or Committee of the Whole, save and except that a Council meeting may be scheduled for one date in each of the months of July and August or unless otherwise specified by resolution of Council.
- 3.4 Meeting Dates on a Public Holiday
When a regular meeting of Council or Committee

of the Whole falls on a public holiday, the meeting shall be held at the same hour on the day immediately following that is not a Saturday, Sunday or public holiday.

3.5 SPECIAL MEETINGS:

3.5.1 Mayor May Summon a Special Meeting

The Mayor may, at any time, request the Clerk to summon a special meeting for the purpose and at the time, date and place specified by the Mayor.

3.5.2 Clerk to Advise Members

The Clerk shall summon a special meeting upon receipt of a petition of the majority of the Members for the purpose, and at the time, date and place specified in the petition.

3.5.3 48 Hours Notice Required

In either (A) or (B) above, the special meeting shall not be held sooner than 48 hours following the request by the Mayor or receipt of the petition, as the case may be, and the Clerk shall provide notice in writing or by electronic means of the special meeting immediately following receipt of the request or petition.

3.5.4 Notice by Telephone for an Emergency Meeting

Notwithstanding the notice requirement in section 3.5.3, in the event of a bona fide emergency the meeting may be held as soon as practical following receipt of the request or petition, as the case may be, and notice may be given by telephone, personal contact or by electronic means, as determined by the Chief Administrative Officer.

3.5.5 Special Meeting following the Committee of the Whole

Where it is deemed necessary to hold a meeting that is not a regularly scheduled meeting as evidenced by the consent of two-third of all the members present, a Special meeting of Council may be held in order to deal with a range of matters including, but not limited to, ratifying, confirming and expediting business arising out of the Committee of the Whole, matters which require urgent consideration or matters which require the Mayor and Clerk to sign and affix the seal of the Corporation to any agreement, deed, conveyance or other document purporting to bind the Corporation.

3.5.6 Special Meetings at the call of the Mayor or by petition from the Members

At Special meetings of the Council, it shall not be within the jurisdiction of Council at that meeting to consider or decide upon any matter

unless such matter had been specified in the notice calling the meeting. This provision may only be waived where all Members of Council present vote upon a motion to waive this clause.

3.6 IN-CAMERA MEETINGS:

3.6.1 All Meetings Open to the Public
All Council and Committee meetings shall be open to the public.

3.6.2 Closed Meetings
Notwithstanding section 3.6.1, a meeting of Council or Committees may be closed to the public if the subject matter being considered relates to:

The security of the property of the municipality or local board;

- (i) Personal matters about an identifiable individual including municipal or local board employees;
- (ii) A proposed or pending acquisition or (effective January 1, 2003, the disposition) of land by the municipality or local board;
- (iii) Employee negotiations or labour relations;
- (iv) Litigation or potential litigation including matters before administrative tribunals, affecting the municipality or a local board;
- (v) A matter in respect of which council, committees, boards or other body may hold a closed meeting under another Act;
- (vi) Advice that is subject to solicitor - client privilege, including communications necessary for that purpose.

3.6.4 Reason For In-Camera Meeting Stated in Minutes

Before all or part of a meeting is closed to the public, the Council or its Committees 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;

3.6.5 No Voting While In-Camera
Subject to section 3.6.6 a meeting shall not be

closed to the public during the taking of a vote.

3.6.6 Voting In-Camera Permitted
Notwithstanding section 3.6.5 a meeting may be closed to the public during a vote if,

- (i) Section 3.6.2 permits or requires a meeting to be closed to the public;
- (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.

3.7 Curfew

All regular or special meetings of Council or the Committee of the Whole shall be adjourned at the hour of 11:00 p.m., if in session at that hour, unless determined by the consent of not less than two-thirds of the Members present to continue, but no meeting shall continue past the hour of 12:00 midnight, without the unanimous consent of all the Members present.

4. PREPARATION OF AGENDAS:

4.1 Agenda Review

The matters to be placed on the Council and Committee of the Whole agendas shall be electronically distributed to the Mayor and Deputy Mayor for review.

4.2 Mayor Can Direct Matters to Staff

Every letter, petition, resolution from another municipality, or other communication addressed to the Council of a routine nature, or of a Federal or Provincial interest, may be referred by the Mayor directly to the staff member concerned, with a list of all such items circulated to the Members for information. Any Member may request the Clerk to have any of these matters placed on an agenda for consideration.

4.3 Clerk Prepares Agenda

The Clerk shall be responsible to prepare the agendas for the Council and Committee of the Whole meetings.

4.4 Consideration of Council Agenda Items

Matters shall be placed on council agendas that have been previously considered by Council, Committee of the Whole, special committee, or at a public hearing, or authorized by the Chief Administrative Officer.

4.5 Agenda Items to be Given to Clerk by 4:30 p.m. on Wednesday

All items for inclusion in the agenda for a regular Council or Committee of the Whole meeting, shall be in the hands of the Town Clerk not later than 4:30 p.m. on the Wednesday preceding the week of the meeting.

4.6 Motion to be Written Out For the Clerk

A motion to be presented at a meeting shall be typed or in writing or submitted electronically and given to the Clerk, with the mover and the seconder identified, not later than 4:30 p.m. on the Wednesday preceding the week of the meeting, for inclusion in the agenda.

4.7 Agendas Delivered to Members on Friday

Council and Committee of the Whole agendas, shall be delivered to the Members on the Thursday preceding the week of the regularly scheduled meeting.

5. DELEGATIONS:

5.1 Delegations to Appear Before Committee of the Whole

Delegations shall be encouraged to appear before the Committee of the Whole rather than before Council and to submit a written content of their delegation.

5.2 Delegations to Advise Clerk Before 11:00 a.m. on Wednesday

Anyone wishing to appear before Council or the Committee of the Whole shall advise the Town Clerk no later than 11:00 a.m. on the Wednesday preceding the week of the meeting. The request to appear before Council or Committee shall be in writing or by electronic means and shall clearly state the nature of the matter to be addressed by the spokesperson.

5.3 Delegations Limited to 5 Minutes; Group Presentation 10 Minutes

No person other than the designated spokesperson may speak on the matter and for not more than 5 minutes except that a delegation consisting of 3 or more persons who are present at the meeting and wish to discuss the same issue may have more than one speaker provided that the speaking time collectively does not exceed ten minutes.

5.4 No Staff Report Matter Referred

Where there is no accompanying staff report, the matter shall be referred to a future meeting of the Committee of the Whole and a report requested for that meeting.

5.5 No Notice Required For Public Hearings

A delegation may address Council or the

Committee of the Whole without any prior notice on issues designated as a public hearing and shall comply with section 5.3 of this by-law.

6. ORDER OF BUSINESS:

6.1 Agenda Indexes

Agendas shall be generally formatted as follows but modifications to the matters to be included in the order of business may be effected without requiring an amendment to this by-law.

- 1) Moment of Meditation
- 2) Roll Call
- 3) Community Service Announcements
- 4) Introduction of Addendum Items and Deputations
- 5) Approval of Agenda
- 6) Declaration of Pecuniary Interest
- 7) Adoption of the Minutes
- 8) Business Arising from the Minutes
- 9) Determination of Items Requiring Separate Discussion
- 10) Adoption of Items NOT Requiring Separate Discussion
- 11) Deputations
- 12) Consideration of Items Requiring Separate Discussion
- 13) Public Hearing
- 14) Communication
 - 14.1 Matters for Routine
 - 14.2 Matters for Disposition
- 15) Petitions
- 16) Committee Recommendations and Staff Reports
- 17) Unfinished Business
- 18) Regional Business
- 19) By-laws (council agenda only)
- 20) Motions
- 21) Notices of Motion
- 22) Other Business
- 23) Confirming By-law (council agenda only)
- 24) Adjournment

6.2 Mayor or Council Can Change Order of Business

The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Mayor, or by resolution of Council.

7. RULES OF DEBATE:

7.1 Permission From Mayor to Speak

No person shall be allowed to address Council or speak in debate without permission of the Mayor.

7.2 Persons to Speak Only Through Chair

Unless otherwise authorized by the Mayor, all Members, staff and guests shall address the Members through the chair and only when recognized to do so.

- 7.3 Mayor To Acknowledge Speaker
When two or more members seek to address the Members, the Mayor shall designate the Member who may speak first.
- 7.4 No Debate on Committee of the Whole Resolutions
No Member during a Council meeting shall be permitted to speak to the Committee of the Whole recommendations for the purpose of debate unless based upon the introduction of new information that was not discussed at the Committee of the Whole meeting:
- (A) a motion is presented to amend a recommendation;
 - (B) a motion is presented to table, refer or defer a recommendation.
- 7.5 No Member to Speak More Than Twice For Longer Than 10 Minutes
No Member shall speak more than twice or for longer than a total of ten minutes to the same question without leave of the Members, except that a reply shall be allowed to be made only by the Member who has presented the motion.
- 7.6 Motion Must be Seconded
Except as otherwise provided in this by-law, a motion shall be formally seconded before debate on a question and before the Chair can put the motion or a motion recorded in the minutes by the Clerk.
- 7.7 Mayor Vacates Chair to Move Or Second A Motion
The Mayor shall vacate the Chair to move or second any motion and shall not retake the Chair until the matter has been dealt with, and the Acting Mayor or in his absence, the Presiding Officer, shall preside over the meeting.
- 7.8 Motion Under Discussion to be Read
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 Motions Only Withdrawn With Permission of Council
Once a motion is read or stated by the Mayor it may not be withdrawn without the consent of the majority of the Members.
- 7.10 Motion to Amend
A motion to amend shall:
- (a) be presented in writing if so requested by the Mayor;
 - (b) be dealt with by the Members before a

previous amendment or the main question;

- (c) not be further amended more than once provided that further amendment may be made to the main question;
- (d) not be received proposing a direct negative to the main question;

7.11 Motion to Refer

A motion to refer a matter under consideration:

- (a) shall be debatable and may be amended; and
- (b) shall include the terms on which the motion is being referred and the time at which the matter is to be returned or that the issue of time has been left to the discretion of the Chief Administrative Officer; and
- (c) shall include the reason for the referral.

7.12 Motion to Defer

A motion to defer to a certain time or date;

- (a) shall be open to debate as to advisability of postponement; and
- (b) may be amended as to time and date to which the matter is deferred.

7.13 Motion to Table

A motion to table (to postpone without setting a definite date as to when the matter will be considered again) shall be debatable, shall not be amended and may be reconsidered.

7.14 Motions That Can be Introduced Without Notice

The following matters and motions may be introduced orally without notice and without leave:

- (a) a point of order or personal privilege;
- (b) presentation of petitions;
- (c) to divide;
- (d) to amend;
- (e) to refer;
- (f) to defer or to table.

7.15 Previous Question

A motion for the original question (to close debate),

- (a) shall not be debatable or amendable;
- (b) shall not be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;
- (c) when resolved in the affirmative, the original motion shall be put forward

without debate or amendment.

7.16 No Debate After Question Put

After a question is finally put to a vote, 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.

7.17 Manner of Voting is By Show of Hands

On an unrecorded vote, the manner of determining the decision on a motion shall be by a show of hands.

7.18 No Secret Voting

Subject to Section 3.6.6, no vote shall be taken by ballot or any other method of secret voting and every vote so taken is of no effect.

7.19 Recorded Vote

(a) Where a vote is taken for any purpose and a Member requests, immediately before or immediately after the vote, that the vote be recorded, each Member present, except a Member disqualified from voting by any Act, shall, announce their vote openly, and any failure to vote by a qualified Member shall be deemed to be a negative vote and the Clerk shall record each vote.

(b) A recorded vote shall be taken with the Regional Councillor voting first, ward councillors voting in alphabetical order as to surname and the Mayor voting last.

7.20 Mayor May Vote on All Questions

The Mayor, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.

7.21 Tie Votes the Question is Defeated

Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be lost.

7.22 Point of Order

(a) A point of order may be called by a Member to bring attention to:

- (i) Any breach of the Rules of Procedure of Council;
- (ii) Any defeat in the constitution of any meeting of Council;
- (iii) The use of improper, offensive or abusive language;
- (iv) Notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
- (vii) Any other informality or irregularity in the proceedings of Council

(b) When a Member wishes to raise a point of order, the

Member shall ask leave of the Chair to raise the point of order and after leave is granted the Member shall state the point of order to the Chair and no further business shall be conducted until the Chair has decided and stated the point of order;

- (c) Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council;
- (d) If no Member appeals, the decision of the Chair shall be final;
- (e) If a Member appeals the Chair's decision on a point of order to the Council, the Member shall have the right to state his/her case, the Chair shall have the right to reply and Council shall decide the question without further debate and its decision shall be final.

7.23 Appeal

A motion to appeal from the decision of the Chair:

- (a) May only be made with regard to a point of order at the time a ruling is made by the Chair on a point of order;
- (b) Shall not be debated, amended or reconsidered; and
- (c) Shall yield to a privileged motion.

7.24 Question of Privilege

- (a) Where a Member considers that his/her integrity or the integrity of the Council as a whole has been called into question, such Member may, as a matter of privilege, raise the matter at any time, with the consent of the Chair, no debate being allowed, for the purpose of drawing the attention of the Council to the question;
- (b) A motion resulting from a question of privilege shall be treated as a main motion and shall receive disposition by the Council forthwith and, following such disposition, the motion so interrupted shall be immediately considered at the point where it was suspended.

7.25 (c) Notice of Motion

- i) A Member desiring to introduce a subject for discussion shall, during the opportunity granted by the Chair, verbally provide notice of the proposed motion including the date when the motion will be brought forward and the nature of the motion. This notice shall be received by the balance of the Members without debate. The Member shall then deliver a

written copy of the proposed motion to the Clerk for inclusion in the agenda not later than 4:30 p.m. on the Wednesday preceding the regular meeting at which the proposed motion is to be discussed.

- ii) The Clerk, upon receipt of such a proposed motion in written form, shall print the proposed motion in full in the agenda for the next regular meeting of the Council and shall circulate to the Members any supporting data provided therewith;
- iii) A motion of this nature need not be considered or otherwise disposed of by the Council at the regular meeting at which it is first introduced but may be considered or otherwise disposed of at any subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting;
- iv) Any Member may agree to second the proposed motion when it is called for by the Chair.

7.26 Reconsideration.

- a) After a resolution/By-law that determines the final outcome of a main motion has been enacted, Council may not reconsider or rescind such resolution/By-law for a period of six months, except in accordance with these provisions.
- b) Any Member may give notice of a motion to reconsider or rescind a resolution/By-law.
- c) Such notice may only be given during the Other Business section of a meeting and may relate to a resolution/By-law enacted during that meeting or at a prior meeting.
- d) If the motion is seconded, Council may only enact such a motion by a two-thirds majority vote.
- e) Where it is determined that a resolution/By-law shall be reconsidered, no further action shall be taken to carry into effect the affected resolution/By-law until after the motion to reconsider has been disposed of, either at the next regular meeting or at a special meeting called to consider the motion to reconsider.
- f) No discussion of the affected resolution/By-law shall be allowed at a Council meeting where notice to reconsider is given, until Council has voted to reconsider the same,

but the Member giving such notice shall have the privilege of stating the reasons for doing so.

- g) When the affected resolution/By-law is reconsidered, either at the next regular meeting or at a special meeting, it shall be declared lost, unless passed by the majority of the Members present.
- h) Once a resolution/By-law has been the subject of a motion to reconsider duly seconded and voted on, such resolution/By-law may not again be reconsidered until six months after its original enactment and no resolution to reconsider may itself be the subject of a motion to reconsider.

7.27 Ultra Vires

A motion ultra vires the jurisdiction of the Council, shall not be in order.

7.28 All By-laws to Be Typed

Every by-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any relevant Act and shall be completed with the exceptions of the number and date thereof.

7.29 No By-laws to Council if Matter Not Approved.

No by-law shall be presented to Council unless the subject matter has been considered and approved by Council, except a by-law to confirm the proceedings of Council.

7.30 All By-laws Given Three Readings

Every by-law shall have three readings prior to it being passed.

8. COMMITTEES:

8.1 Appointment of Committees

The Mayor, or the Council by resolution, may appoint committees as deemed expedient, and the Mayor shall appoint the chairperson and the members who are to serve on such Committees.

8.2 Mayor Ex-officio Member of Committees

The Mayor shall be ex-officio, a member of any committee that may be established and shall be entitled to vote.

8.3 Dates and Times of Meetings

The dates and times of the meetings of a committee shall be established by the committee members, if not specified by Council resolution.

8.4 Calling Meetings

The Chairperson of a committee may at any time summon a meeting of the committee by giving at least twenty-four hours notice of the meeting to the members.

8.5 Rules Shall apply to Committees

The rules governing the procedure of the Council and the conduct of Members shall be observed in Committees so far as they are applicable.

8.6 No Recorded Votes

No recorded votes shall be taken but a member of a committee may request that his or her name be recorded as being opposed.

8.7 Committee Dissolved

When a committee has completed its work and makes its report the committee shall be deemed to be dissolved.

9. PROCEDURAL AMENDMENTS:

No amendments or repeal of this by-law or any part thereof shall be considered unless notice of the proposed amendment or repeal has been given in the form, and in the manner and at the time that the Council considers adequate, .

By-law No 90-155 (COU -2) and the amendments thereto are hereby repealed.

Read a first, second and third time and finally passed this 15th day of October, 2002.

Jeffrey Holec, Mayor

Roland Chenier, Town Clerk