



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 22 OF 2012

A BY-LAW TO ESTABLISH PROCEDURES FOR COUNCIL AND ITS COMMITTEES

Pursuant to Section 238 of the Municipal Act, the Council enacts as follows:

Definitions - in this by-law:

- a) "Mayor" means the Head of Council of the Corporation of the Town of Goderich.
- b) "Chair" means the Mayor or member presiding.
- c) "Clerk" means the Clerk of the Corporation of the Town of Goderich.
- d) "Council" shall be composed of a Mayor, Deputy Mayor and five Councillors all elected by general vote.
- e) "Member" means a Councillor of the Corporation of the Town of Goderich.
- f) "Committee of the Whole" means Council sitting as a Committee.
- g) "Closed Committee of the Whole" means meetings closed to the public, pursuant to Section 239 (2) of the Municipal Act, as amended.
- h) "A Quorum", as it relates to Council and Committees, shall consist of not less than 50% of the applicable membership.
- i) "Meeting" means any regular, special, or other meeting of a Council, of a Local Board or of a committee of either of them, where:
 - ❖ a quorum is present, and
 - ❖ members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

Throughout this By-law, "he" and "his" shall, where appropriate, be deemed to read "she" and "her".

1. COUNCIL MEETINGS

Shall be in the Town Council Chambers or at such a location as may be determined by Council by motion.

2. INAUGURAL MEETINGS

Shall be at 4:30 PM on the first Monday of December. If that be a public holiday or if the weather be inclement, then on the first suitable day at 4:30 PM.

3. REGULAR MEETINGS

Council shall by motion on or before their last meeting scheduled in December, determine meeting dates for the following year and shall advertise accordingly. Regular meetings shall be at 4:30 PM.

4. SPECIAL MEETINGS

Shall be at the Call of the Mayor, or Clerk upon written instruction from the majority of Council. Members shall be given one clear days notice in writing where practicable. Matters

shall be discussed at the special session only with unanimous consent of those present.

5. EMERGENCY MEETINGS

Notwithstanding the notice requirement set out above, in the event of a bona fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition.

6. QUORUM

A majority of members of council constitutes a quorum.

7. IF MAYOR IS ABSENT

Upon a quorum of members being present, the Mayor shall take the chair and call the meeting to order; but in the absence of the Mayor or if his office is vacant or if he refuses to act, the Deputy Mayor shall have the powers of the Mayor. In the absence of the Deputy Mayor or if his office is vacant or if he refuses to act, Council may from among its members appoint another member of Council. Any individual appointed to act in place of the Mayor/Head at Council meetings has all of the powers and duties of the head only as they relate to the role of presiding at meetings.

8. IF NO QUORUM PRESENT

Where a quorum is not present within 20 minutes after the hour fixed for a meeting, the Clerk shall record the names of Members of Council present and the meeting shall stand adjourned until the next meeting.

9. CLOSED COMMITTEE OF THE WHOLE

Attendance at Closed Committee of the Whole shall be limited to the Council/Board/Commission, Clerk/Secretary and any other person the Council/Board/Commission deems necessary. Conduct of the meeting shall be in accordance with Section 239 of the Municipal Act.

10. ADJOURNMENT

Council may by Motion or Resolution passed by the majority, fix the time for adjournment of any session.

PART 10 - TO ADJOURN

A motion for adjournment shall always be in order except:

1. When a member is in possession of the floor;
2. When the yeas and nays are being called;
3. When members are voting; or
4. When the adjournment was the last preceding motion.

COMMITTEES, BOARDS AND LIAISON REPRESENTATIVES

1. Council shall make the appointments to all Committees and Boards and Liaison positions including:
 - ❖ Administration & Finance Liaison
 - ❖ Public Works Liaison
 - ❖ Parks & Waterfront Liaison

CONDUCT OF BUSINESS

1. All business referred to Committees, Boards and Liaison representatives shall be discussed

openly in Council meetings.

2. All recommendations from the Boards and Committees shall be dealt with at a regular Council meeting. Authority to carry out Council's decisions shall be given as Council states.

CONDUCT OF PROCEEDINGS

The presiding officer shall:

1. Open the meeting by taking the Chair and calling members to order;
2. Announce the business before Council in the order it is to be called;
3. Receive and submit all motions presented by Members of Council;
4. Put to a vote all issues, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
5. Decline to put to a vote motions which infringe Council's Rules of Procedure as defined by this By-Law;
6. As may be appropriate, restrain members engaged in debate;
7. Preserve order and decorum and decide matters of order subject to appeal to Council which with 5 or more votes may amend or reverse the Mayor's decision. Council, if appealed to, shall decide the issue without debate and its decision shall be final;
8. Call by name any member persisting in breach of this By-law, thereby ordering the member to vacate the Council Chamber;
9. When the Chair is called upon to decide a point of order or practice, the Chair shall state the rule or authority applicable, without comment;
10. The Chair has one vote, Any question on which there is an equality of votes shall be declared in the negative;
11. If the Chair takes part in a debate, he/she shall call a Member of Council to take the chair for that portion of the meeting.

DECORUM

1. Every member when speaking shall address the Chair unless otherwise directed by the Chair. No member shall speak longer than ten (10) minutes on any one issue.
2. No member shall speak more than once on an issue without leave of the Chair, subject to appeal to Council. The mover and seconder may each speak a second time in response. Leave of the Chair may be expressed or implied.
3. When two or more members seek to speak, the Chair shall name the member to speak first.
4. When a division of Council is called, each member shall announce his/her vote by yea or nay and the Clerk shall record same. Any member of Council may require that the vote be recorded. When a recorded vote is called, any member may require the motion to be in writing and read aloud before the vote is taken.
5. No vote shall be taken by ballot or other method of secret voting.
6. No member shall use unmannerly or indecent language or interrupt the proceedings of Council or any member speaking.
7. All motions shall, where practicable, be in writing except those disposing of reports or

communications, and shall be seconded before being debated or put to a vote.

8. After a motion has been read by the Clerk, it shall be deemed in possession of Council, but may be withdrawn upon agreement by a majority of members present.
9. When a motion to table is presented, the issue may be called at a subsequent meeting by a motion as Unfinished Business. Any motion to table shall take priority over the motion and shall be voted on forthwith without discussion or debate.
10. Amendments shall be put to a vote in the reverse order in which they are moved. Every amendment shall be written and be decided upon or withdrawn before the main question is put to a vote.
11. After any question is finally put no member shall speak to that issue, nor shall any other motion be made until the result is declared. The decision of the Chair as to whether a question has been finally put and whether it has been carried or lost shall be conclusive, subject to appeal to Council.

DEPUTATIONS

1. Each delegation's presentation will not exceed ten minutes unless a specific interval is arranged in advance through the Clerk.
2. PowerPoint presentations will be acceptable provided printed copies of the material are filed in advance in accordance with Council's procedure.
3. No restriction is imposed upon the extent of the written material to be filed.

GENERAL

1. The Corporate Seal shall be in the custody of the Clerk, and shall be used only when authorized by Council or By-law.
2. Subject to the Municipal Act, any provisions of this by-law, may be suspended by a vote of a majority of members present.
3. All individuals or delegations requiring a hearing before Council, on a matter pertaining to business, shall endeavour to make previous arrangements with the Clerk, in order that the regular procedure may not be unnecessarily interrupted.
4. Insofar as is practicable, Council agendas with supporting material, shall be available to members on the Thursday prior to a regular meeting.
5. Persons wishing to appear before Council at a regular meeting shall advise the Clerk not later than 12:00 noon on the Thursday prior to the meeting. The Clerk may make a decision as to deferral of applications received after that time.
6. 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 speaking.
7. Every By-law shall be introduced upon motion of a member duly seconded.
8. Every By-law when introduced shall be typewritten and shall contain no blanks except as required to conform to accepted procedure or with provisions of any Act.
9. Every By-law shall be given three readings prior to passage.
10. The third reading of a By-law may be presented and debated on the same day as prior readings except when requested otherwise by motion of the majority of the members present.
11. Upon passage, By-laws shall be signed by the Mayor and Clerk and sealed with the seal of the

Corporation.

12. Any proposed by-law may be referred to a Committee, Department Head, Solicitor or others for review and comment.
13. By-laws inconsistent with the provisions hereof are hereby repealed, being By-Law 75 of 2003, By-Law 7 of 2004, By-Law 37 of 2006 and By-Law 2 of 2008.

MEETINGS (CLOSED OR OPEN TO THE PUBLIC)

All Council meetings shall be open to the public and Council may go into Closed Committee of the Whole only to deal with a specific matter as authorized by the Municipal Act including the following:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual, including municipal or local board;
- 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 or other body may hold a closed meeting under another Act;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has a monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Before holding a session closed to the public, Council or Committee shall state by Motion or Resolution:

- ❖ the holding of the closed session is about to occur; and
- ❖ the general nature of the matter to be considered.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 5th DAY OF MARCH, 2012.

MAYOR, Deb Shewfelt

CLERK, Larry McCabe

**TOWN OF GODERICH
BY-LAW NO. 22 OF 2012
CONSOLIDATION**

This document is a consolidation of the Town of Goderich By-Law No. 22 of 2012 and subsequent amendments made thereto. This compilation is for convenience for administrative purposes and does not represent true copies of the by-laws it contains. Any legal interpretation of this document should be verified with the Town Clerk.

This Consolidated By-Law No. 22 of 2012 contains:

By-Law No. 22 of 2012

and the following amendments thereto:

By-Law No. 89 of 2012 – August 12, 2012
By-Law No. 14 of 2015 – January 19, 2015
Modernizing Ontario’s Municipal Legislation Act
(Bill 68) – Royal Assent on May 30, 2017

Consolidated as of January, 2019