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**THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR**

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**BY-LAW # 42 - 2007**

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BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF ARMOUR  
TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES  
AND TO REPEAL ALL FORMER BY-LAWS RELATED THERETO

**WHEREAS** the Municipal Act, S.O. 2001, Chapter 25, Section 238 as amended, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**WHEREAS** Council deems it expedient to pass such a by-law.

**NOW THEREFORE** the Council of the Corporation of the Township of Armour hereby enacts as follows:

1. **DEFINITIONS**

1.1 For the purpose of this by-law the following words shall have the meaning given herein:

- a) "Clerk" shall mean the Clerk of the Corporation of the Township of Armour or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act
- b) "Closed Session" shall mean closed to the public as described in Subsection 2.5 of this By-law
- c) "Committee" means any advisory or other committee, sub-committee or similar entity composed of members of the Township of Armour council alone or together with members of another council or the public
- d) "Conflict of Interest" means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*
- e) "Council" means the elected and sworn members of the Council of the Township of Armour
- f) "Head of Council" means the Reeve or any member acting in the capacity of the Reeve
- g) "Holiday" means:
  - Any holiday as defined in the Interpretation Act, R.S.O. 1990, Chapter 1.11 except Remembrance Day;
  - Boxing Day;
  - Any other holiday proclaimed by the head of Council as a Civic Holiday
- h) "Local Board" means a local board as defined in the *Municipal Act, 2001*
- i) "Meeting" means any regular, special, committee or other meeting of Council or a Committee or local board

- j) "Member" means a member of the Council of the Township and includes the Head of Council
- k) "Quorum" shall mean a majority (more than half) of the whole number of members of Council or a Committee. Where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act* the quorum may be less than half plus one of the whole number of members but shall not be less than two
- l) "Recorded Vote" means the recording of the name and vote of every member on any matter of question
- m) "Township" means the Corporation of the Township of Armour.

## 2. **GENERAL**

- 2.1 The rules and regulations hereinafter provided shall govern the proceedings of the council and the committees thereof. Any part or parts of this by-law may be suspended if agreed upon by a majority of the members present unless the part or parts is prescribed by statute or law.
- 2.2 All points of order or procedure not provided for in these rules shall be decided in accordance with the rules of procedure commonly known as Robert's Rules of Procedure.
- 2.3 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.
- 2.4 If a quorum is not present within thirty (30) minutes after the time fixed for a regular or special meeting, the Clerk shall record the names of the members present and the Council shall stand adjourned until the next regular meeting, or at the call of the Reeve.
- 2.5 All meetings of Council, and all meetings of any Committees of the Council, shall be open to the public, except that they may be closed to the public if the subject matter being considered involves:
  - a) The security of the property of the Township or local board
  - b) Personal matters about an identifiable individual, including Township employees or local board employees
  - c) A proposed or pending acquisition of land for municipal or local board purposes
  - d) Labour relations or employee negotiations
  - e) Litigation or potential litigation, including matters before the administrative tribunals, affecting the municipality or local board
  - f) The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
  - g) A matter in respect of which Council or a Committee has authorized a meeting to be closed under another Act
  - h) related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if council or Committee or Board is the head of an institution for the purposes of that Act
  - i) the education or training of Council or a Committee or a Local Board and at the meeting, and no member discussed or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board.

- 2.6 Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:
- a) The fact of the holding of the closed meeting; and
  - b) The general nature of the matter to be considered at the closed meeting;
- 2.7 All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 2.5 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town, committee or Local Board or persons retained by or under contract with the town, Committee or local board or to rise from closed session.
- 2.8 Except as provided by law and Sections 14 and 15 herein, a person not a member of the Council shall not be allowed to address the Council or Committee except upon approval of the Council or Committee. Any person desiring to be heard shall provide notice as defined in Section 14 and 15 herein. The written request shall state the nature of the business including specific detailed information to allow Council, through Staff, to research the matter prior to the meeting at which the person wishes to be heard. Persons addressing the Council or Committee shall confine their remarks to the stated business. All requests shall be made pursuant to and in accordance with the provisions of this by-law.
- 2.9 No person shall use any type of recording device without prior approval of Council.
- 2.10 When at any session of the Council the hour of 11 o'clock in the afternoon shall be reached, the Reeve, or other presiding officer, shall declare the Council adjourned and leave the chair, unless the Council by unanimous consent and by resolution determines otherwise.
- 2.11 All resolutions pertaining to the payment of money must be included on the agenda for the meeting at which they will be voted on. If a financial resolution is introduced at a meeting that was not on the agenda, the resolution will be deferred to the next regular meeting to allow time for consideration and discussion.

### 3. **MEETINGS OF COUNCIL**

- 3.1 The Council shall hold its regular and special meetings at the Township offices, Council Chambers at 56 Ontario Street, Burk's Falls, or other designated locations, in compliance with the *Municipal Act, 2001*, as amended.
- 3.2 The Council shall hold its first meeting in the Council Chambers on the date and at the hour in compliance with the *Municipal Act, 2001*, as amended. Council meetings shall thereafter be held on the second and fourth Tuesdays of each month.
- 3.3 The Council shall hold its regular meetings on the second and fourth Tuesdays of each month commencing at 7:30 p.m. or on such other day as may be determined from time to time by resolution of Council and subject to the provisions of section 2.3 herein.
- 3.4 Notice of Council Meetings and Committee Meetings shall be given by publication of future meetings in previous Agendas, posting of Meeting Agendas

on the Township website prior to the meeting and by posted notice at the municipal office. In the case of Special Meetings notice shall be given by posting of the Agenda on the Township website as soon as is practicable after notice of the Special Meeting has been given and any other notification that is permitted within the time frame.

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- 3.5 Where a regular meeting of the Council is to be held at a time or day other than as set out in Section 3.3 above, the Council shall give notice at least seven (7) days in advance of such meeting by publication in a newspaper that is, in the Clerk's opinion, of sufficient general circulation in the area to give the public reasonable notice of the meeting.

#### 4. **MEETINGS OF COUNCIL - SPECIAL**

- 4.1 The Reeve may at any time call a special meeting of the Council and it shall be the Reeve's duty to call a special meeting whenever requested by a majority of the members of the Council. In addition, the Clerk shall, upon receipt of a written petition signed by the majority of the members of the Council, summon a special meeting for the purpose and at the time mentioned in the petition. Notice of such a special meeting shall be given by the clerks office contacting members.
- 4.2 The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting except with the unanimous consent of all members present at such meeting.

#### 5. **COUNCIL MINUTES**

- 5.1 The Minutes of Council as taken by the Clerk or designate shall consist of a record of all proceedings taken in the Council. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount without note or comment.
- 5.2 All Minutes and Committee Minutes and Reports following adoption by Council and all By-laws passed by the Council shall be kept in the Clerk's Office and shall be made available for viewing during normal office hours and shall be posted on the township website, save and except those minutes and report recorded during a meeting or part thereof that was closed to the public in accordance with Section 2.6 of the By-law and subject to the provisions of any applicable by-law, act or statute.

#### 6. **ROLE OF THE REEVE**

- 6.1 It is the role of the Reeve as the Head of Council:
- a) to Act as Chief Executive Officer of the municipality
  - b) to preside over Council meetings so that its business can be carried out efficiently and effectively
  - c) to provide leadership to Council
  - d) to represent the municipality at official functions
  - e) to carry out the duties of the Head of Council under any Act; and
  - f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response

Plan for the Township of Armour

6.2 As Chief Executive Officer of the Township, the Head of Council shall

- a) uphold and promote the purposes of the municipality
- b) promote public involvement in the Townships activities

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c) act as the representative of the Township both within and outside the municipality and

d) participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.

**7. DUTIES OF THE HEAD OF COUNCIL**

7. The Reeve, or the member acting as the Head of Council shall:

- a) Preserve order and decorum in the Council Chambers
- b) Open the meeting of the Council by taking the Chair and calling the members to order
- c) Announce the business before the Council in the order in which it is to be acted upon
- d) Receive and submit, in the proper manner, all motions presented by members of Council
- e) Decide questions of order
- f) Put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the results
- g) Decline to put to vote motions which infringe on the rules of procedure
- h) Restrain the members, within the rules of order when engaged in debate
- i) Enforce on all occasions the observance of order and decorum among the members
- j) Call by name any member persisting in breach of the rules of the order of the Council, thereby ordering that member to vacate the Council Chamber
- k) Receive all messages and other communications and announce them to the Council
- l) Authenticate, by signature when necessary, all by-laws, resolutions and minutes of the Council
- m) Represent and support the Council, declaring its decision in all things
- n) Ensure that the decisions of the Council are in conformity with the laws and by-laws governing activities of the Council
- o) Represent Council by communicating its decisions as indicated by resolution
- p) Expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting
- q) Adjourn the meeting when the business is concluded
- r) Adjourn the meeting without question in the case of grave disorder arising in the Council Chamber

**8. ROLE OF COUNCIL**

\_\_\_\_\_ It is the role of Council:

- a) to represent the public and consider the well-being and interests of the Township

- b) to develop and evaluate the policies and programs of the Township
- c) to determine which services the Township provides
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decision of council
- e) to ensure the accountability and transparency of the operations of the Township including the activities of the senior management of the Township

\_\_\_\_\_ f) to maintain the financial integrity of the Township and

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- g) to carry out the duties of Council under any Act.

## **9. CONDUCT OF MEMBERS OF COUNCIL**

No member shall:

- a) Use offensive words or unparliamentary language in or against the Council or any member thereof
- b) Speak on any subject other than the subject in debate
- c) Criticize any decision of the Council except for the purpose of moving that the question be reconsidered
- d) Disobey the rules of the Council or a decision of the Head of Council on questions of order or practice, or upon the interpretation of the rules of the Council
- e) Disturb another, or the Council itself, by any disorderly deportment disconcerting to any member speaking
- f) Be permitted to retake a Council seat at any meeting after being ordered by the Head of Council to vacate after committing a breach of any rule of order of the Council, without making an apology and receiving the consent of the Council expressed by a majority vote of the other members present, determined without debate
- g) Speak until after having addressed himself to the Head of Council.

## **10. RULES OF DEBATE IN COUNCIL**

- 10.1 Every member, when speaking to any question or motion, shall respectfully address the Head of Council.
- 10.2 The Head of Council shall designate the member who has the floor when two or more members rise to speak.
- 10.3 When a member is speaking, no other member shall pass between the member speaking and the Chair, or interrupt the member except to raise a point of order.
- 10.4 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.
- 10.5 No member shall speak more than once to a motion or to the same question or in reply for longer than five (5) minutes. With the leave of the Council, a supplementary question with a further three (3) minutes may be granted.
- 10.6 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.
- 10.7 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

## **11. VOTING ON QUESTIONS**

- 10.1 When the Head of Council calls for the vote on a question, each member shall

occupy their seat and shall remain there until the result of the vote has been declared, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.

- 11.2 If a member who has voted on a question disagrees with the declaration of the Head of Council that the question is carried or lost, the member may but only immediately after the declaration, object to the declaration and require a recorded vote to be taken in the manner prescribed in subsection 11.3 of this by-law.

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- 11.3 When a member requests a recorded vote, each member shall announce his respective vote openly and individually unless otherwise prohibited by statute. The Clerk shall announce each members name, request each members vote and immediately record each vote, commencing with the member who requested the vote, and continuing in alphabetical order by last name, followed by the Head of Council. The Head of Council shall always vote last. When all votes have been recorded, the Clerk shall announce the result of the vote.
- 11.4 Every member present at a meeting of the Council when a question is put shall vote thereon, except that if the member has any pecuniary interest, direct or indirect in the question, the member shall at the first opportunity disclose that interest and shall refrain from taking part in the discussion and from voting on the particular question. Every member present who is required to vote on a question, but in fact does not want to vote thereon, shall be deemed to be voting in the negative and shall be so recorded.
- 11.5 The Reeve (except where disqualified from voting by reason of interest or otherwise) may vote with the members on all questions. Any questions on which there is an equality of votes shall be deemed to be negative.

## 12. **AGENDA**

- 12.1 The Clerk shall have prepared and printed for the use of the members at the regular meetings of the Council, an agenda under the following headings;
- a) Opening of the meeting by the Reeve.
  - b) Confirmation of the minutes of the previous meeting.
  - c) List of proposed resolutions for the meeting.
  - d) Declaration of Pecuniary Interest.
  - e) Delegations.
  - f) Business Arising From a Previous Meeting.
  - g) Accounts For Approval.
  - h) By-laws.
  - i) Reports.
  - j) Correspondence.
  - k) Unfinished Business.
  - l) New Business.
  - m) Adjournment.
- 12.2 The business of Council shall be considered in order set forth on the agenda provided, however, the Head of Council, with approval of the members, may vary the order of business to better deal with matters before Council.
- 12.3 Except as otherwise decided by a majority vote of the members present and voting, Council shall not consider any report, or any matter, that has not been

included on the agenda.

12.4 Agendas are to be picked up by the members of Council after 4 p.m. on the Friday preceding the meeting of Council.

13. **MOTIONS AND ORDER OF PUTTING QUESTIONS TO COUNCIL**

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

1. A point of order or personal privilege
2. A motion to suspend a rule of procedure or in compliance with a rule of procedure
3. A motion that the vote now be taken.

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13.2 The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:

- a) To refer
- b) To amend
- c) To suspend the Rules of Procedure
- d) A motion that the Council resolve itself into a Committee of the Whole (not debatable) to be in writing
- e) A motion to adjourn (not debatable) to be in writing.

13.3 Except as provided in subsection 13.1 above, all other motions and notices thereof shall be in writing.

13.4 A motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

13.5 Any motion on any item included on the agenda, may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of a majority of the members present and voting.

13.6 All motions shall be seconded before being debated. When a motion is seconded, it shall be read or stated by the Chair before debate.

13.7 After a motion has been read or stated by the Chair, it shall be deemed to be in the possession of the Council but it may, with the majority consent, be withdrawn at any time before decision or amendment.

13.8 A motion to amend:

- a) Shall be presented in writing
- b) Shall receive disposition of the Council before a previous amendment or the question
- c) Shall not be further amended more than once provided that further amendments may be made to the main question
- d) Shall be relevant to the question
- e) Shall not propose a direct negative to the question
- f) May propose a separate and distinct disposition of a question
- g) Shall be put in the reverse order to that in which it is moved

13.9 When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer, that the vote now be taken or to adjourn the meeting. A motion that the vote now be taken shall take precedence over any other motion except a motion to adjourn the meeting, and subject to Section 10.10 shall be put immediately without debate.

- 13.10 Immediately preceding the taking of the vote, the Head of Council may state the question in the form introduced. If required by a member, except when a motion for the previous question has been resolved in the affirmative, the Head of Council shall state the question in the precise form in which it will be recorded in the minutes.
- 13.11 After a question is put by the Head of Council, no member shall speak to the question nor shall any other motion be made until after the results of the vote have been declared.
- 13.12 Any resolution shall require a majority of votes in order to be valid and binding on the Council.

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- 13.13 After any question has been decided the following shall prevail:
- a) Subject to subsections 13.13 (b) and 13.13 (c), no question after it has been decided, shall be reconsidered more than once in a calendar year
  - b) Any member of the Council may give notice within the calendar year in
  - c) which the question was decided, for a reconsideration of the question at any regular meeting of the Council. A majority vote will be required to carry the motion for reconsideration
  - d) No discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once in the calendar year.
- 13.14 Should the Head of Council desire to introduce a motion or by-law, another member shall be appointed to take the Chair until the Head of Council resumes the Chair.

14. **CLERK AS SECRETARY TO COUNCIL OR COMMITTEE**

- 14.1 The Clerk shall be the Secretary to all Committees and Council meetings and may assign the duties of Secretary to an employee of the Clerk's Department. It shall be the duty of the Secretary of every Council or Committee to cause notice of each regular and special meeting of Committee, together with the agenda and all matters so far as are known that are to be brought before Council or Committee at such meeting.

15. **PETITIONS AND COMMUNICATIONS**

- 15.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language, or language considered to be derogatory to other members of the public, Council or Township staff, and shall be signed and dated by at least one person, filed with the Clerk, and shall include an address and telephone number where return correspondence or contact is to be directed.
- 15.2 Every petition or communication shall be delivered to the Clerk's Office by 2:00 p.m. on the Thursday (Wednesday in the case of a holiday weekend) prior to the Council meeting.

16. **DEPUTATIONS**

- 16.1 All persons wishing to make a deputation/delegation to Council on a matter currently before Council may do so at a regular Council meeting. Persons desiring to make such presentations shall give notice to the Clerk's Office by 2:00 p.m. on the Thursday (Wednesday in the case of a holiday weekend) prior to the Council meeting, stating the purpose of the deputation and providing a general outline of the subject matter of the presentation.
- 16.2 The Clerk shall require that a prescribed form setting out the required information for the deputation be completed prior to adding the person as a deputation for the meeting.
- 16.3 If a written text is used at the deputation, copies of the submission shall be provided to members and the Clerk's Office at the time of the deputation.
- 16.4 Deputations are heard by leave of Council and shall be limited in speaking to not more than fifteen (15) minutes except a delegation consisting of more than two (2) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.
- 16.5 Council, by a vote of the majority of its members, may limit the total number of delegations heard at any Council meeting.

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- 16.6 Notwithstanding the provisions of Section 16.1 to 16.5, the Council may, at its sole discretion, entertain deputations with less notice as the circumstance may warrant.

## 17. **READING OF BY-LAWS AND PROCEEDINGS THEREON**

- 17.1 Every by-law shall be introduced upon motion by a member, specifying the number of the by-law.
- 17.2 Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be completed by the Clerk with the exception of the number and date thereof.
- 17.3 All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the by-law is enacted and passed by Council, the amendments shall be inserted therein by the Clerk.
- 17.4 Every by-law shall receive three separate readings but not more than two on the same day, unless with unanimous consent of the members present.
- 17.5 The Council may permit the presentation of a synopsis in place of the complete reading of the by-law.
- 17.6 The Clerk shall set out on all by-laws enacted by the Council the date of the several readings thereof.
- 17.7 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 Head of Council and shall be deposited by the Clerk in the office of the Clerk for safekeeping.

## 18 **INFORMATION LIST**

- 18.1 The Clerk shall produce and circulate an "Information List" to accompany the agenda for each meeting.

- 18.2 This Information List will contain information of a general nature which does not necessarily require any action or special resolution at the meeting including specific correspondence received for the information of or action by Council.
- 18.3 The recommendations for disposition are prepared by the Clerk. Only correspondence for Council's information or which requires action by Council shall be put before Council. Items personal to or directed solely at an individual Council member shall not form part of the Information List or Agenda but shall be passed directly to that member by the Clerk.
19. **ESTABLISH AD HOC OR SPECIAL COMMITTEES**
- 19.1 Council may from time to time, establish Ad Hoc or special Committees, and appoint certain Councillors, ratepayers, staff, professionals, etc. to serve on such committees to deal with specific issues and report to Council. This by-law shall apply, with necessary instructions, to those Committees.
20. **SUSPENSION OF RULES**
- 20.1 Any procedure under this by-law which is discretionary and not mandatory under statute may be suspended with unanimous consent of the members present and indicated in a motion.

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21. **SEVERABILITY**
- 21.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.
22. **WORD USAGE**
- 22.1 As used in the by-law, words used in the present tense include the future, words used in the masculine gender include the feminine and neuter, and the singular number included in the plural and the plural the singular.
- 22.2 The headings and subheadings used in this by-law shall be deemed to be inserted for convenience of reference.
23. **REPEALED BY-LAWS**
- 23.1 By-law No. 19-2002 and all other by-laws inconsistent with the provisions of this by-law are hereby repealed.

Read a first, second, and  
third time this 27<sup>th</sup> day  
of November, 2007

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REEVE

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CLERK