

CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NUMBER # 57-2014

**A BY-LAW TO GOVERN THE PROCEEDINGS OF
COUNCIL, ITS COMMITTEES AND BOARDS AND TO
REPEAL BY-LAW 31-2011**

WHEREAS the Municipal Act provides that a Council shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Council deems it expedient to pass a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Shelburne hereby enacts as follows;

1. INTERPRETATION

Definitions

In this By-Law:

“Acting Chair” is the Member that acts from time to time in the place and stead of the Mayor;

“Chair” means the person presiding at a meeting;

“Chief Administrative Officer” means the Chief Administrative Officer of the Town of Shelburne;

"Chief Executive Officer" means the person elected to hold the position of Mayor and who is a signing officer of the corporation and who interfaces between council, staff, community groups and other levels of government in accordance with the shared purposes of council;

“Clerk” means the Town Clerk of the Town of Shelburne;

“Closed Session” means a meeting that is closed to the public in accordance with the *Municipal Act*;

“Committee” Standing Committee, or a Committee appointed by the Council which includes a member of Council;

“Committee Chair” means the Chair of a Committee;

“Confirmatory By-law” means a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council;

“Council” means the Council of the Corporation of the Town of Shelburne.

“deputation” means an address to Council or Committee at the request of a person wishing to speak;

“majority vote” in Council means an affirmative vote of more than one-half of the votes cast by those present, as determined pursuant to Section 4 (1) of the Town of Shelburne Act, S.O. 1994, C.Pr13;

“majority vote” in Committee means an affirmative vote of more than one-half of the votes cast by those members present;

“meeting” means a meeting of the Council or a Committee;

“member” means a Member of Council or Committee;

"member who voted on the prevailing side" means:

1. Where the vote was not recorded, any member of Council;
2. Where a recorded vote was taken, a member of Council who voted on the side with the most votes

“motion to defer” means a motion to delay consideration of a matter until later in the same meeting or to a future meeting of Council or a Committee;

“motion to receive” means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;

"motion to reconsider" means to review a previous decision and vote on it again;

“motion to refer” means that the said matter or item is referred to the body or person named in the motion specified to report back to the Council or Committee;

“motion to table” means a motion to postpone without setting a definite date as to when the matter will be considered again;

“Municipal Act” means the Municipal Act 2001, S.O. 2001, c 25 as amended;

“newspaper” means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest;

“Notice of Motion” means a written motion received by the Clerk at a meeting of Council, moved by a Member, and seconded by another Member, for inclusion on an agenda of a subsequent meeting of Council;

“point of order” means a question by a Member with the view to calling attention to any issue relating to the Procedural By-law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of a motion;

“point of privilege or personal privilege” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or Town Official has been impugned or questioned by a Member;

“presentation” means an address to Council or Committee at the request of Council, a Committee or staff;

“Public Question Period” means the time set aside at Council meetings for a member of the public to ask a question of Council;

“Published” means published in a newspaper that, in the opinion of the Clerk has such circulation within the municipality as to provide reasonable notice to those affected thereby and includes posting on the Town website. “Publication” has a corresponding meaning;

“Quorum” means the minimum number of members required to be present at a meeting to carry on business;

“Recorded Vote” means a written record of the name and vote of every Member voting on any matter or question;

“Resolution” means the decision of Council on any motion;

“Mayor” means the Head of Town Council.

2. Rules of Procedure

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| General | <p>2.1 The proceedings of Council, its Committees and Local Boards, the conduct of its members and the calling of meetings shall be governed by the provisions of the Municipal Act, 2001, the Municipal Conflict of Interest Act, and the rules and regulations contained in this by-law.</p> |
| Matters not Covered in this By-law | <p>2.2 Except as provided in this by-law, the rules of procedure as contained in Robert’s Rules of Order shall be followed for governing the proceedings of Council and its committees and its local boards, and the conduct of its members.</p> <p>2.3 This by-law shall not apply to boards and statutory committees that have adopted their own procedural by-law.</p> |

3. INAUGURAL MEETING OF COUNCIL

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| Date of Inaugural Meeting following regular election | <p>3.1 The inaugural meeting of Council after a regular election, shall be held on the first Monday in December following the election.</p> |
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4. MEETINGS OF COUNCIL

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| Regular Meetings | <p>4.1 The regular meetings of Council shall be held at 7:00 p.m. on the second and fourth Monday of each month in the Council Chambers at Town Hall, 203 Main Street in the Town of Shelburne, or in such location within the Town as may be determined by Council through a resolution under special circumstances. On occasion, Council will hold public meetings as associated with the Council agendas in the Grace Tipling Hall or any other designated facility approved by Council, based on the anticipated attendance from the general public.</p> |
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- Special Meeting [4.2](#) A special meeting may be called:
- a) by the Mayor at any time by providing direction to the Clerk to issue a Notice of Special Meeting; or
 - b) upon the receipt of a petition of the majority of Members, the Mayor or his designate shall call a Special Meeting with 48 hours notice for the purpose and at the time noted in the petition.
- Absence of the Mayor [4.3](#) The Clerk shall summon an Emergency or Special Meeting of Council, in the absence of the Mayor upon receipt of a request from the majority of the Members of Council for the purpose(s) set out in the request. Such meeting shall take place not less than twenty four (24) hours after receipt of the request and not more than forty eight (48) hours after receipt of the request. Such meeting shall only deal with those matters or that item as outlined in the request.
- Emergency Meeting [4.4](#) The Mayor may call an emergency meeting to deal with a matter which is deemed to require immediate action.
- Notice of Special Meetings [4.5](#) Notice of Special Meetings of Council shall be given by the Clerk or his/her designate in writing within the times specified in this bylaw to all Members of Council by delivering same to their place of residence or business or other location within the Town of which the Clerk is informed. Notice shall not be required to be given if the special meeting is arranged by council in session, except to council members who were not present when the meeting was arranged. If the majority members of Council can be contacted and a majority can attend, then the meeting may proceed at the agreed upon time.
- Notice of Emergency Meetings [4.6](#) Notice of Emergency Meetings of Council shall be given by the Mayor or his/her designate in writing within the times specified in this bylaw to all Members of Council by delivering same through the Clerk's office to their place of residence or business or other location within the Town. Notice shall not be required to be given if the emergency meeting is arranged by council in session, except to council members who were not present when the meeting was arranged. If the majority of Council can be contacted and a majority can attend a meeting to be called immediately, then the meeting may proceed at the agreed upon time.
- Adjournment of Meetings [4.7](#) No meeting of Council shall go beyond 10:00 p.m. A verbal motion with the majority vote is required to extend the meeting past 10:00 p.m.
- Cancellation of a Council or Committee Meeting [4.8](#) Notwithstanding Section 4.1, Council may cancel a regular meeting by motion of Council. The Mayor may cancel a meeting if it is in his/her opinion appropriate due to weather or an emergency.

5. COUNCIL AGENDAS

Agenda	5.1	<p>The Clerk shall prepare for distribution a Council Agenda with the routine order of business for regular meetings of Council to be as follows:</p> <ul style="list-style-type: none">• Call to Order• Approval of Agenda• Disclosure of Pecuniary Interest• Approval Minutes of the Previous Council Meeting• Business Arising from Previous Minutes• Question Period• Delegations• Reports Correspondence and New Business• Approval of Bills and Accounts• New Business• Closed Session (if required)• Matters Arising from Closed Session (if required)• By-laws• Adjournment
Agenda for Special or Emergency Meeting	5.2	<p>The agenda for Special or Emergency Meeting shall contain only the business for which the meeting was called. With unanimous consent of the members present, Council may consider other matters.</p>
Item Re-opened	5.3	<p>At the request of any member present, any item on the agenda may be re-opened upon a majority vote of the members present.</p>
Delivery of Agenda	5.4	<p>The Clerk shall cause to be delivered an Agenda with supporting documents to each Member of Council on the Friday preceding the regular meeting of Council. Meeting agendas will be available at the Municipal Office for public viewing at least forty eight (48) hours in advance of the meeting or at the time when it becomes available to Council members of Committee members, which ever occurs first. Media sources will be emailed or faxed a copy of the agenda. Town website will post agendas for public viewing under the timelines addressed above.</p>
Addendums	5.5	<p>After delivery of the Council Agenda, the Clerk may for time-sensitive material, prepare an Addendum to the Agenda. This material will be available at the Council table and copies available for public and media sources</p>
Order of Business	5.6	<p>The business of Council shall, as a general rule, be taken up in the order in which it appears on the Agenda, unless otherwise decided by Council.</p>
Member of Council May Include Item on Agenda	5.7	<p>Any member of Council, at any time up to 12:00 noon on the Thursday in the week prior to the Regular Council meeting, may file in writing with the Clerk an item for inclusion in the agenda.</p>
Adoption of multiple items in one motion	5.8	<p>All or several items on the agenda for Council meetings may be adopted to receive in a single motion. Any specific items of business may provide individual deliberation and debate upon the request of any Member.</p>
Equality of Votes	5.9	<p>Should there be an equality of votes on any motion, the motion will be deemed lost.</p>

6. QUORUM

- Quorum Council [6.1](#) A quorum of Council is any four members of Council being present.
- No Quorum at Beginning 6.2 If a quorum is not present at a scheduled meeting of Council, fifteen (15) minutes after the scheduled commencement time, the meeting may stand adjourned until the date of the next regular meeting and the Clerk shall record the names of the Members present. If the Members who are present at the time decide to remain until a quorum is present, then the meeting shall proceed.

7. DUTIES OF THE MAYOR

- Call Meeting to Order [7.1](#) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the Members to order.
- Mayor Absent 7.2 If the Mayor does not attend with five (5) minutes after the time appointed for the meeting, the Deputy Mayor shall call the meeting to order if a quorum is present. If the both the Mayor and Deputy Mayor are absent, then the Clerk shall call the Members of Council to order and ask the members to choose a Chair among its members.
- Duties of the Head of Council 7.3 The Mayor shall be the Chair of the meeting and preserve order and decorum, and decide on questions of order, subject to an appeal of the Council. When the Mayor is called to decide upon a point of order, the rule or authority applicable shall be cited. If a Mayor refuses to act or leaves his/her Chair, then the members will choose a Chair among the remaining members present.
- Mayor advise absence to of [7.4](#) The Mayor shall formally advise Council of any intention to be absent from the office for a period longer than two consecutive weeks.
- Mayor to advise of absence [7.5](#) When the Mayor is absent from the Town or is absent through illness or otherwise, or when the Mayor is absent from the office in the course of his or her duties, or on vacation or an approved leave, the Deputy Mayor has and may exercise all the rights, powers and authority of the Mayor.
- Voting on Motions 7.6 a) Subject to subsection (b), a meeting shall not be closed to the public during the taking of a vote.
b) Despite subsection 61 (2) of The Municipal Act, a meeting may be closed to the public during a vote if,
i) Section 3.20 or Section 3.21 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 local board or persons retained by or under contract with the municipality or local board
c) The Mayor must vote on all Motions and in every case shall vote last
- Addressing Council 7.7 All Members of Council and any person addressing Council shall address themselves to the Chair.
- Order of Speaking 7.8 Any Member of Council wishing to address Council shall indicate so by raising his/her hand. When two or more Members of Council raise their hand to speak, the Mayor shall name the Member who in his opinion raised his/her hand first.

All Members Required to Vote	7.9	Every Member who is present in the Council Chambers when a Motion is put to vote shall vote on the matter unless Council excuses that Member or unless that Member declares a Pecuniary interest under The Municipal Conflict of Interest Act. The Mayor or Chair shall vote last.
Declaration of Pecuniary Interest	7.10	Every Member of Council shall declare any pecuniary interest with respect to an item of business in accordance with the Municipal Conflict of Interest Act and shall not vote upon or discuss such business in accordance with the Act.
Refusal to Vote	7.11	Subject to Section 3.11 any Member of Council refusing to vote on any item of business shall be deemed to have cast a negative vote.
Interrupting Proceedings	7.12	No one shall interrupt the proceedings of a meeting during a vote of Council or when another Member of Council is speaking except a Member of Council to raise a point of order. No one in the audience shall interrupt or interfere with the proceedings of Council or a Committee. The Chair shall keep order and may dismiss from the building anyone who will not refrain from such behaviour. The Chair may move the meeting to another venue.
Limit on Debate	7.13	No Member of Council shall speak to any item of business for a period of more than ten (10) minutes at a time or twenty (20) minutes when delivering a report to Council.
Member Called to Order	7.14	A Member called to order by the Chair shall immediately relinquish the floor, but may appeal the Order to Council. Council shall decide the point of order without debate. If there is no appeal the decision of the Chair shall be final.
Disobeyance and Dismissal of a Member of Council	7.15	No Member of Council shall speak disrespectfully or use offensive words against the Council, nor shall he/she speak except on the Motion in debate, nor reflect on any decision of Council except for the purpose of moving to reconsider the decision, nor resist or disobey the decision of the Chair and Council. In any such case, a Member may be ordered by the Chair to leave his/her seat for that Meeting, and may be removed by a constable for contempt of Council. The Council may restore a member to his/her seat forthwith in the case of ample apology.
Reading of the Motion	7.16	Any Member of Council may require the question or Motion in discussion to be read at any time during the debate, but not so to interrupt a Member while speaking.
Recorded Votes	7.17	Upon the request of any Member of Council prior to or after the voting on a motion, the names of those who vote in favour and those who vote against any Motion shall be recorded in the Minutes.
Meetings to be Open	7.18	All Meetings of Council and committees appointed by council shall be open to the public. Committees appointed by Council shall abide by the same procedural rules as Council unless a revised procedural set of rules are established by the Clerk, in accordance with the Municipal Act R.S.O. 2001 as amended and presented to the Committee for approval.
In-Camera Session	7.19	A meeting may be conducted in closed session if the subject matter being considered relates to: a) the security of municipal property;

- b) personal matters about an identifiable individual, including a Town employee;
- c) a proposed or pending acquisition or disposition of land for Town purposes;
- d) labour relations or employee negotiations
- e) litigation or potential litigation including matters before administrative tribunals, affecting the Town;
- f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- g) a matter in respect of which Council has authorized a meeting to be in private session under specific legislation.
- (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 purposes of that Act.

and Educational or Training Sessions

- (i) A meeting of a council or local board or a committee of either of them may be closed to the public if the following conditions are satisfied:
 1. The meeting is held for the purpose of educating or training the members.
 2. At the meeting, no member discusses or otherwise deal with a matter in a way that materially advances the business or decision-making of the Council, local board or committee.

In- Camera Agenda	7.20	The nature of In-Camera items shall be listed on the agenda and included in the motion to move into or rise from the in camera session.
Resolution	7.21	Before holding a meeting or part of a meeting that is to be closed to the public, a council or local board shall state by resolution, <ul style="list-style-type: none"> 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
Delegations to Council	7.22	No person with the exception of the Members of Council and the officers of Council shall address Council without the permission of Council
Suspension of Proceedings	7.23	No procedural rule of the Council shall be suspended except through a unanimous vote.
Unprovided Rules	7.24	In all unprovided cases in the proceedings of Council, the Municipal Act and the Standing Orders of the Ontario Legislature shall be followed.

8. DUTIES OF MEMBERS

Duties
Members

of [8.1](#)

No Member shall at a meeting:

- a) speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, the Council, any member municipality, any Member or any official or employee of the Town;
- b) use offensive words or unparliamentary language;
- c) engage in private conversation while in the Council meeting or use electronic devices (including cellular phones, pagers and lap-top computers) in a manner which interrupts the proceedings of the Council;
- d) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- e) speak on any subject other than the subject under debate;
- f) where a matter has been discussed in a closed session, and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed meeting;
- g) criticize any decision of the Council except for the purpose of moving that the question be reconsidered; or
- h) disobey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

9. DISCLOSURES OF PECUNIARY INTEREST

Method of
Disclosure

[9.1](#)

Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with *the Municipal Conflict of Interest Act*:

- a) prior to any consideration of the matter at the meeting, disclose the Member's interest verbally and the general nature thereof; and
- b) not take part in the discussion of, or vote on any question in respect of the matter;
- c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

Open Meetings
Leave during
discussion

[9.2](#)

Where a meeting is open to the public, the Member shall, in addition to complying with the requirements of the Municipal Conflict of Interest Act, forthwith leave the meeting or part of the meeting during which the matter is under consideration.

Closed
Meetings
Leave during
discussion

[9.3](#)

Where a meeting is not open to the public, the Member shall, in accordance with the *Municipal Conflict of Interest Act*, forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

Absence Disclosure at Next Meeting

[9.4](#)

Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council, as the case may be, attended by the Member after the particular meeting.

Record of Disclosure

[9.5](#)

The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes of that meeting.

10. ACCOUNTABILITY & TRANSPARENCY

Meetings Open To the Public

[10.1](#)

All meetings shall be open to the public except as provided for in this section and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this by-law.

Closed Meetings Conditions

[10.2](#)

A meeting may be conducted in closed session if the subject matter being considered relates to:

- h) the security of Town property;
- i) personal matters about an identifiable individual, including a Town employee;
- j) a proposed or pending acquisition or disposition of land for Town purposes;
- k) labour relations or employee negotiations
- l) litigation or potential litigation including matters before administrative tribunals, affecting the Town;
- m) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
- n) a matter in respect of which Council has authorized a meeting to be in private session under specific legislation.

- (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 purposes of that Act.

Educational or Training Sessions

- (i) A meeting of a council or local board or a committee of either of them may be closed to the public if the following conditions are 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 an matter in a way that materially advances the business or decision-making of the council, local board or committee.

Prior Resolution

[10.3](#)

Prior to Council resolving into Closed Session for one of the reasons noted in Section 10.2, Council shall state by resolution

- a) the fact of holding the closed session;
- b) the general nature of the matter to be considered.

Open Votes	<u>10.4</u>	A meeting shall not be closed to the public during the taking of a vote.
Closed Votes	<u>10.5</u>	<p>Despite section 10.4, a meeting may be closed to the public during a vote if:</p> <ul style="list-style-type: none"> a) the Municipal Act Section 239 (2) or (3) permits or requires a meeting to be closed to the public; and b) the vote is for a procedural matter or for giving directions or instructions to its officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality of local board.
Investigation	<u>10.6</u>	A person may request that an investigation of whether a municipality or local board has complied with Section 239 of the Municipal Act or a procedural by-law under subsection 238(2) in respect of a meeting that was closed to the public be undertaken by the investigator referred to in subsection 239.2.

11. DEPUTATIONS AND MEMBERS OF THE PUBLIC

Deputations before Council	<u>11.1</u>	Deputations shall be directed by the Clerk to the appropriate Council meeting considering the urgent nature of the request and the timelines that need to be directed. Two (2) delegations per meeting will be permitted unless otherwise approved by a resolution of Council.
Written Request	<u>11.2</u>	All deputations wishing to address Council shall advise the Clerk in writing providing an outline of the nature of the deputation no later than 12:00 noon on the Wednesday in the week prior to the regular Council meeting. All deputations at Council, not listed on the agenda, shall only be heard upon the consent of Council.
Address Chair	<u>11.3</u>	All deputations shall address the Chair and shall state their name and whom they represent.
Time	<u>11.4</u>	Deputations shall be limited to fifteen (15) minutes for speaking at Council. If there is a group of people wishing to address Council or Committee with respect to a particular position on a particular issue, then Council may determine that the group shall be represented by one person or that the time limit shall be other than as stated above.
Question Period Council Meetings	<u>11.5</u>	Despite the aforementioned, a person on his or her own behalf, may ask questions of council during the public question period. The Public Question Period will be limited to fifteen minutes and no one person shall address Council for more than five minutes.
Behaviour	<u>11.6</u>	<p>No deputation shall;</p> <ul style="list-style-type: none"> a) speak disrespectfully of any person; b) use offensive words ; c) speak on any subject other than the subject for which he or she has received approval to address Council ; d) disobey the rules of procedure or a decision of the Chair or Council.
Shorten Time	<u>11.7</u>	The Chair may shorten the time of any deputation, any questions of a deputation or debate during a deputation for disorder or any other breach of this by-law

Location	<u>11.8</u>	No person, except Members and authorized staff shall be allowed to come within the area of Council during a Council Meeting without permission of the Chair or Council.
Conduct	<u>11.9</u>	Members of the public who constitute the audience at a meeting, shall not: <ul style="list-style-type: none"> a) address Council or Committee without permission; b) bring food or beverages into the Council Chamber or meeting room unless so authorized; and c) bring signage, placards or banners into such meetings and refrain from any activity or behaviour that would affect the Council or Committee deliberations.
Expulsion	<u>11.10</u>	The Chair may cause to be expelled and excluded any member of the public, who creates any disturbance or acts improperly, during a meeting of Council or Committee. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from security or police officers.

12. RULES OF DEBATE

Recognition of Member	<u>12.1</u>	To address Council, a Member shall raise their hand requesting to speak, be recognized by the Chair and direct all comments through the Chair.
Order of Speakers	<u>12.2</u>	When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.
Interruptions	<u>12.3</u>	When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege.
Read Motion	<u>12.4</u>	Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
Ten (10) Minute Debate Limit	<u>12.5</u>	No Member shall speak for longer than ten (10) minutes on a question under debate without Council's permission.
Questions	<u>12.6</u>	A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated and asked only of the Chair, the previous speaker, the Chief Administrative Officer or Department Heads and their designates.
Points of Order, Privilege	<u>12.7</u>	When a Member rises on a point of order, point of privilege or point of personal privilege, the Member shall ask leave of the Chair to raise the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point.
Chair to Rule on Point	<u>12.8</u>	Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point.
Challenge	12.9	Any Member may challenge the ruling of the Chair immediately following the ruling.

- Decision Final [12.10](#) The Chair’s ruling is final unless it is challenged.
- Idem [12.11](#) Council’s decision is final if the Chair is challenged.

13. APPEAL/CHALLENGING A RULING OF THE CHAIR

- Appeal Procedure [13.1](#) The following procedures apply when making an appeal:
- a) A member addresses the Chair directly, using a form of words such as: “I wish to appeal for”;
 - b) An appeal does not require a seconder under an order to vacate;
 - c) When an appeal is made, the current business before the meeting is immediately suspended, while the Chair considers the matter
 - d) The appeal is not open to debate, but the Chair shall ask for a brief explanation from the member making the appeal before making a ruling, and
 - e) If the Chair grants the appeal the requested action is taken and the agenda is then resumed at the point at which it was interrupted.

- Challenging a Ruling of the Chair [13.2](#) The following procedures apply when challenging a ruling of the Chair:
- a) The ruling of the Chair may be challenged by making the following appeal: “I wish to appeal the ruling of the Chair.”
 - b) The challenge is not open to debate, but the Chair shall ask for a brief explanation from the Member making the appeal before making a ruling;
 - c) The Chair gives a brief rationale for the ruling and then Members are asked, “Is the ruling of the Chair upheld?”
 - d) A positive majority of votes indicates support for the ruling of the Chair, while a majority of negative votes indicates that it is overturned, and
 - e) If the vote is tied, the ruling is sustained.

14 MOTIONS AND NOTICES OF MOTIONS

- Adoption of multiple items in one motion [14.1](#) All or several items on the agenda for Council or Committee meetings containing recommendations or several items of the agenda may be adopted in a single motion. Any specific items of business will be provided individual deliberation and debate upon the request of any Member.
- Jurisdiction [14.2](#) A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the Council, shall not be in order and shall not be considered by the Council.
- Additional Items [14.3](#) No Member shall introduce any item to the Council for its consideration unless:
- a) the item relates to a matter on the Agenda for that meeting;
 - or
 - b) the matter is of an urgent nature and leave is granted on a majority.
- Must be Seconded [14.4](#) A motion shall be moved and seconded before the Chair shall put the question and the motion is recorded in the minutes of the meeting.

Mover and Seconders May Vote in Opposition	14.5	A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.
Withdrawal	14.6	After a motion is moved at the Council meeting or placed on the Council Agenda as a Notice of Motion, it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote.
Notice of Motion	14.7	A Notice of Motion shall be in writing, include the name of the mover and seconder and be presented at a Council meeting for consideration at a subsequent Council meeting
Notice of Motion on next council agenda	14.8	Any Notice of Motion shall take the form of a motion and be automatically placed on the agenda of the next regularly scheduled Council meeting.
Future Agendas	14.9	All Notices of Motions on the Agenda and not disposed of shall be placed on the Agenda for the next regular meeting of the Council.
Not Proceeded With	14.9 (1)	When a Notice of Motion has been on the Agenda for two consecutive meetings after notice has been given, and not proceeded with, it shall be dropped from the Agenda and deemed withdrawn unless the Council decides otherwise.
Reconsideration	14.9 (2)	No motion, once voted on, may be reconsidered at a subsequent meeting of Council within six (6) months of the date voted on, except in accordance with this section. A motion made to reconsider a motion at a subsequent meeting within six (6) months from the date of decision of Council shall be in the form of a notice of motion given pursuant to subsection 14.7. The motion to reconsider must have two-thirds (2/3) majority vote of the members of Council. Council may, by two-thirds (2/3) majority vote, verbally waive the requirement for a notice of motion.

15. SPECIFIC MOTIONS

Recess	15.1	A motion to recess is not debatable or amendable, shall specify the length of the recess, and is only amendable with respect to the length of the recess.
Adjourn	15.2(1)	A motion to adjourn the Council meeting is not debatable or amendable and shall always be in order except: <ul style="list-style-type: none"> a) when another Member is in possession of the floor; b) when a vote has been called; c) when the Members are voting; or d) when a Member has indicated to the Chair his or her desire to speak on the matter before Council.
	15.2(2)	A motion to adjourn shall take precedence over any other motion and shall be put immediately without debate.
Call the Question	15.3(1)	A motion to call the question is not debatable.
	15.3(2)	A Member who moved a motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative.

	<u>15.3(3)</u>	A motion to call the question shall be put immediately without debate.
Motion Table	to <u>15.4(1)</u>	A motion to table is not amendable or debatable and shall apply to the motion and any amendments under debate when the motion to table is made.
	<u>15.4(2)</u>	If the motion to table carries, in the absence of any direction from Council, the matter may not be discussed until the Chief Administrative Officer/Clerk or a Member through a Notice of Motion, brings it forward to a subsequent meeting.
Refer	<u>15.5</u>	A motion to refer and any amendment to it is debatable and shall include: <ul style="list-style-type: none"> a) the name of the Committee or official to whom the motion or amendment is to be referred; b) the terms upon which it is to be referred and the time or period, if any.
Defer	<u>15.6</u>	A motion to defer and any amendment to it is debatable and shall include: <ul style="list-style-type: none"> 1. the time to or period within which, consideration of the matter is to be deferred; and 2. whatever explanation is necessary to demonstrate the purpose of the motion to defer.
Consider Matter Previously Deferred	<u>15.7</u>	A motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if the Council so decides.
Amendment	<u>15.8</u>	A motion to amend is debatable.
	<u>15.8(1)</u>	Only one motion to amend a main motion shall be on the floor at any one time.
Receive	<u>15.9</u>	A motion to receive is amendable and debatable.
Substantive Motion	<u>15.10</u>	An amendment shall be out of order if it is ruled by the Chair to be a substantive motion and not an amendment.
Cannot be Contrary	<u>15.11</u>	An amendment which, in effect, is nothing more than a rejection of the main motion is not in order.

16. VOTING

Order of Motions	<u>16.1</u>	Motions relating to an item under consideration shall be voted on in the following order: <ul style="list-style-type: none"> a) a motion to waive or suspend the rules of procedure; b) a motion to recess; c) a motion to adjourn; d) a motion to call the question e) a motion to receive an item; f) a motion to table an item; g) a motion to refer; h) a motion to defer; i) a motion to amend the amendment; j) a motion to amend, in reverse order of its being placed; and k) the main motion
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Members Must Vote	<u>16.2</u>	Every member present at a meeting where a question is put shall vote on the question, unless prohibited by statute or by-law in which case the Clerk shall so record.
Method of Voting	<u>16.3</u>	A Member shall vote by raising a hand, except where a recorded vote is requested.
Request for Further Vote	<u>16.4</u>	If a Member doubts the results of a vote by a show of hands as announced by the Mayor or Chair, the Member may immediately call for the vote to be taken again and the Mayor or Chair may request that the Members shall vote again.
Abstained Vote Deemed Negative	<u>16.5</u>	If any Member present does not vote at a meeting of the Council where a question is put and a recorded vote taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.
Actions During Vote	<u>16.6</u>	When the Mayor or Chair calls for the vote on a question, <ul style="list-style-type: none"> a) each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair, and b) during this time no Member shall walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.
Separate the Question	<u>16.7</u>	Upon the request of any Member, and when the Mayor or Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.
Majority Vote	<u>16.8</u>	All decisions of Council shall require a majority vote except as otherwise set out in this By-law.
Tie Vote	<u>16.9</u>	Any motion that results in a tie vote shall be deemed to have been lost.
Recorded Vote	<u>16.10</u>	A request by a Member for a recorded vote shall be made prior to the commencement of the vote being taken or immediately thereafter.
Order of Voting for Recorded Votes	<u>16.11</u>	In the case of a recorded vote, the Clerk shall call and Members shall announce their vote in alphabetical order of their surnames, beginning with the Member who requested the recorded vote.
Clerk to Announce Results of Vote	<u>16.12</u>	The Clerk shall announce the result of the vote.

17. BY-LAWS

One Motion	<u>17.1</u>	The adoption of every by-law presented to Council may be the subject of one motion.
Separate Vote	<u>17.2</u>	By request of any Member, any by-law(s) may be discussed or voted on individually.
Confirmatory By-law	<u>17.4</u>	The proceedings at every meeting of Council shall be confirmed by by-law so that every decision of Council at that meeting of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a

separate by-law duly enacted.

Amendments to By-laws [17.5](#) All amendments to any by-laws approved by Council shall be deemed to be incorporated into the by-law and if the by-law is enacted by Council, the amendments shall be inserted by the Clerk.

Authentication of By-laws [17.6](#) Every by-law enacted by Council shall be signed by the Mayor and Clerk. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and filed in the Office of the Clerk.

18. MINUTES OF COUNCIL & COMMITTEES

Record of Meeting Requirements [18.1](#) The Clerk shall record council minutes without note or comment which includes all resolutions, decisions and other proceedings at a meeting of the body whether it is closed to the public or not.

In the case of a local board or committee, the appropriate officer shall record the minutes without note or comment.

Approval [18.2](#) The Minutes of each Council meeting and each Committee meeting shall be presented to Council for approval at the next regular meeting, but will be made available in draft to the public as soon as possible after the meeting and prior to adoption by Council.

Signature Council Minutes [18.3](#) After the Council Minutes have been approved by Council, they shall be signed by the Mayor and Clerk.

Signature Committee Minutes [18.4](#) After the Committee Minutes have been approved by Council, they shall be signed by the appropriate Committee Chair.

19. NOTICE PROVISIONS

Notice for by-laws and meetings [19.1](#) The form, manner and times when notice will be provided to the public regarding specific by-laws and the holding of certain meetings is outlined in Schedule “A” to this by-law.

20. AMENDMENTS TO BY-LAW

Notices of amendment or repeal to by-law [20.1](#) No amendment or repeal of this By-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous meeting of the Council. Council may not waive this notice requirement.

21. CONFLICT

Conflict with Statute [21.1](#) If there is any conflict between this By-law and any statute, the provisions of the statute prevail.

22. REPEAL AND ENACTMENT

Repeal	22.1	By-law number 8-1995, as amended by by-laws 27-1997, 03-1999, 24-2000 and 31-2011 are hereby repealed.
Effective Date	22.2	This by-law shall come into full force and effect on the date of its enactment.

THIS BY-LAW READ A FIRST AND SECOND TIME THIS THE 8th day of December, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS THE 8th day of December 2014.

K. Bennington, Mayor

John Telfer, CAO/Clerk

SCHEDULE “A” TO THE PROCEDURAL BY-LAW

NOTICE PROVISIONS – TOWN OF SHELBURNE (Section number in parentheses refer to the Municipal Act, 2001)	
Council meetings	Agendas published on the Town Website on the Friday prior to a Council meeting
Special Council meetings	By telephone, e-mail or fax 48 hours notice to members of Council and the press where possible – Agendas published on the Town Website as soon as possible
Emergency Council meetings	By telephone, e-mail or fax provide as much notice as possible to Members of Council and the media; the only matters to be dealt with shall relate directly to the emergency situation
Permanent Closure of a Highway	Signage posted and Notice in Newspaper at least 30 days prior to the enactment of the by-law
Temporary Closure of Public Highway for Construction	Guidelines as established in the MTO Ontario Traffic Manual Book 7.
Sign By-law Amendment	Notice provided in the newspaper and the Town website two weeks prior to enactment of the by-law
Procedural By-law Amendment	Notice provided in the newspaper and the Town website two weeks prior to enactment of the by-law
Sale of Land	Notice required in newspaper & website two weeks prior to the by-law being enacted
Adoption of Budget	Notice required in newspaper & website prior to the expected date of adoption of the budget
Financial Statements (Section 295)	The Municipal Act requires publication of audited financial statements in newspaper within 60 days of receipt of audited financial statements for previous year
Agreements for Municipal Capital Facilities – Notice of Tax Exemption By-law (Section 110)	The Municipal Act requires that notice be given to the assessment corporation, the Clerk of the any other municipality that would, but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law and the secretary of any school board if the area of jurisdiction of the board includes the land exempt by the by-law.