



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2007-106

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEE MEETINGS.

WHEREAS Section 238(2) of the *Municipal Act, 2001* provides that every Municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Council of the Town of Newmarket considers it necessary to enact a by-law in this regard and to repeal Procedure By-law #2004-167;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. Definitions

In this by-law:

- a) **"CAO"** means the Chief Administrative Officer or his/her designate;
- b) **"Chair"** means the Chairperson of the Committee or Council;
- c) **"Clerk"** means the Town Clerk or his/her designate;
- d) **"Committee"** means Committee of the Whole, Committee of the Whole (Closed) session, all Council appointed Committees, Boards and Task Forces with the exception of the Newmarket Public Library Board, Property Standards Committee and Committee of Adjustment;
- e) **"Committee of the Whole"** is a committee comprised of all Members of Council;
- f) **"Council"** means the Council of the Town of Newmarket;
- g) **"Mayor"** means the Mayor or Acting Mayor or in the absence of them both, the Member appointed under section 54 b);
- h) **"Member"** means a Member of the Council or Committee;
- i) **"Notice"** means a notice in writing unless otherwise stated;
- j) **"To adjourn"** means to end the meeting;
- k) **"To defer"** means to postpone all discussion on the matter until a future date or time which is established as part of the motion;
- l) **"To recess"** means to recess the meeting for a specified length of time;
- m) **"To refer"** means to direct a matter under discussion by Council or Committee to staff or another Committee for further examination or review;
- n) **"To table"** means to postpone a matter without setting a definite date as to when the matter will be re-discussed;
- o) **"Town"** means the Corporation of the Town of Newmarket; and

- p) **“Workshop”** means an informal gathering of Members of Council for the purpose of educating or training or to receive and discuss information or advice of a general nature involving subject matters of interest to the members.

2. Application

The rules and regulations contained in this Procedure By-law shall be the rules and regulations for the order and dispatch of business in Council and Committee meetings provided that the rules and regulations contained herein may be suspended by a two-thirds majority vote of the Members present at the meeting. Council and Committee are prohibited from suspending any statutory requirement with respect to their proceedings.

3. Location and Schedule of Meetings

- a) Meetings of Council and Committee of the Whole shall take place at the Town of Newmarket Municipal Office. Notwithstanding this, Council and Committee of the Whole meetings may from time to time, take place at another meeting location provided that such location is within the municipality and public notice is given. Meetings of the Joint Council Committee (Central York Fire Services) shall be held on a rotating basis, at the Town of Aurora Municipal Office and the Town of Newmarket Municipal Office. Meetings of other Committees shall take place in the municipality.
- b) The inaugural meeting of a newly elected Council after a regular election shall be held on the first Monday in December.
- c) Council shall by motion approve a schedule of Council and Committee of the Whole meetings for each calendar year.
- d) Council meetings shall be regularly held on the second and fourth Mondays of each month at 7:00 pm with subject amendments to accommodate statutory holidays, special events or summer and Christmas recesses.
- e) Committee of the Whole meetings shall be regularly held on the first and third Monday of each month at 1:30 pm with subject amendments to accommodate statutory holidays, special events or summer and Christmas recesses. On the third Monday of the month, a Committee of the Whole meeting shall be scheduled at 7:00 pm for the purpose of considering matters that require a public hearing and/or public input. On the first Monday of the month, an optional Committee of the Whole meeting shall be scheduled at 7:00 pm for public hearing matters and/or a matter that requires public input or consultation. Both evening meetings are subject to amendments to accommodate statutory holidays, special events or summer and Christmas recesses.
- f) The meeting schedule of all other Committees shall be determined by its Members.
- g) Members of Committees shall advise the Recording Secretary at least two days in advance of a meeting if they are unable to attend. If quorum cannot be met, the meeting shall be cancelled and all Members advised by the Recording Secretary.

4. Special Meetings

- a) A special meeting of Council or Committee of the Whole may be called by the Mayor and, time permitting a notice of the meeting shall be issued by the Clerk in the form of an agenda at least 24 hours prior to the meeting and in accordance with the notice provisions of this by-law.
- b) Upon the receipt of a petition signed by a majority of the Members of Council, a Special Meeting of Council or Committee of the Whole shall be called by the Clerk for the purpose and time mentioned in the petition.

- c) No business other than that indicated in the notice of a Special Meeting shall be considered at the special meeting.

5. Emergency Meetings

The Mayor may, at any time, call or provide notice of an emergency meeting. Time permitting the Clerk shall give notice of any such meeting in person, by telephone or in the form of an agenda.

6. Workshop

- a) When deemed necessary, the Mayor and/or CAO may convene a workshop meeting for Members of Council to discuss issues in an informal venue. All workshops (with the exception of a meeting as described in 6 b) shall be open to the public and no motions shall be passed. A record describing in general terms the proceedings and the subject matter discussed shall be made at all workshops.

- b) A workshop meeting may be closed to the public if both of the following conditions are satisfied:

The meeting is held for the purpose of educating or training the members; and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of the council, local board or committee.

- c) Before holding a workshop meeting that is to be closed pursuant to this clause, Council or Committee shall state by resolution the fact of holding the closed meeting, the general nature of its subject matter and that it is to be closed under Section 239, subsection 3.1 of the *Municipal Act, 2001*.

7. Cancellation of Meetings

A meeting of Council or Committee of the Whole may be cancelled upon approval of a motion of Council. Notwithstanding which, the Mayor may cancel a meeting in an emergency.

8. Notice of Council and Committee of the Whole Meetings

Notice of a regular meeting of Council or Committee of the Whole shall be given by the Clerk in the following manner:

- a) Notice shall be given to Members of Council in the form of an agenda delivered to the Members by 4:30 pm on the Thursday preceding the Council meeting or on the Thursday ten days prior to a Committee of the Whole meeting.
- b) Notice shall be posted on the Town's Web site and given to the public on the Town's regular advertising page in the local press when the publication schedule permits.
- c) Notice of Emergency or Special Meetings shall be posted on the main entrance to the Municipal Office.

9. Notice of Committee Meetings

Notice of meetings of all other Committees shall be given to its Members in the form of an agenda delivered to the Members prior to the meeting. Time permitting such meetings shall be included on the Schedule of Meetings calendar which is posted to the Town's Web site and available from the Clerk's Office.

10. Notice of Meetings held pursuant to the *Municipal Act, 2001*

In accordance with By-law 2002-168 as may be amended or updated from time to time, where notice of a public meeting is required to be given pursuant to the *Municipal Act, 2001* such notice shall be provided in the time frame prescribed in the *Act* or its regulations and if not so prescribed, notice shall be given once and at least fourteen days prior to the proposed action being taken except in the months of July, August and December in which months notice shall be given once and at least twenty-one days preceding the date of the proposed action being taken.

11. Quorum

- a) A quorum of Council or Committee shall comprise a majority of its Members.
- b) If no quorum is present within 15 minutes after the time appointed for the meeting, the Clerk or Recording Secretary shall record the names of the Members present and the meeting shall stand adjourned until the date of its next regular meeting.

12. Open and Closed Meetings

All meetings of Council and Committee shall be open to the public unless the matters to be discussed relate to one or more of the following:

- a) the security of the property of the municipality or local board;
- b) personal matters about an identifiable individual including municipal employees or local board employees;
- c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation including matters before administrative tribunals affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege including communications necessary for that purpose;
- g) a matter in respect of a council, board, committee or other body may hold a closed meeting under another Act;

Before holding a meeting or part of a meeting that is to be closed to the public, the Council or Committee shall approve a motion stating the following:

- i) the fact that the meeting will be closed to the public;
- ii) the general nature of the matter to be considered at the closed meeting.

Meetings which are closed to the public may be referred to as Committee of the Whole (Closed) sessions.

13. Voting during Closed Meetings

No vote shall be taken at a meeting as described in Section 12 which is closed to the public unless:

- a) the subject matter relates to an issue as described in Section 12;
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or Committee or persons retained by or under contract with the municipality or Committee.

14. Confidentiality

Members shall ensure that confidential matters disclosed to them during "closed" meetings are kept confidential.

15. Chair of Meeting

- a) The Chair of a meeting of Council or Committee of the Whole shall be the Mayor. In the absence of the Mayor, the Regional Councillor shall be the Chair of the meeting. In the absence of both the Mayor and the Regional Councillor, the Council or Committee of the Whole shall appoint another of its Members to act as Chair of the meeting.
- b) The Chair of all other Committees shall be appointed by its Members. In the absence of the Chair and a previously appointed Vice Chair, the Committee shall appoint another of its Members to act as a Chair of the meeting.

16. Duties of the Chair

It shall be the duty of the Chair:

- a) to announce the business before the meeting in the order in which it is to be acted upon;
- b) to receive all messages and communications relative to the meeting and to announce them to the Members;
- c) to put to a vote all motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
- d) to adhere to the rules of procedure;
- e) to decline to put to a vote motions which infringe upon the rules of procedure;
- f) to restrain the Members, within the rules of the Procedure By-law, when engaged in debate;
- g) to enforce on all occasions the observance of order and decorum among the Members;
- h) to call by name any Member persisting in a breach of the procedure of the Council or Committee;
- i) to decide all questions of order at the meeting, subject to an appeal by any Member to the Council or Committee on any question of order in respect to business before the Council or Committee;
- j) to authenticate, by his/her signature, when necessary all by-laws, resolutions, and minutes;
- k) to declare the meeting adjourned upon a vote thereon by the Members.

17. Conduct of Members

- a) No Member shall:
 - i) use offensive words or unparliamentary language in or against the Council or Committee or against any Member;
 - ii) be disrespectful of any individual;
 - iii) speak on any subject other than the subject in debate;
 - iv) speak longer than three (3) minutes during the Announcements – Community Events portion of a Council meeting;
 - v) interrupt a Member who has the floor, except to raise a point of order or privilege;

- vi) walk across or out of the room or make any noise or disturbance when the Chair is putting a question and he/she shall occupy his/her seat while a vote is being taken and until the result thereof is declared;
 - vii) disobey the rules contained within the Procedure By-law or a decision of the Chair of the Council or Committee on a question of order or practice or upon the interpretation of the rules of the Procedure By-law; and where a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith, without the requirement for a motion from the floor, put the motion with no amendment, request for adjournment or debate being allowed, "That such Member be ordered to leave his/her seat and vacate the meeting room for the duration of the meeting", notwithstanding which, if the Member apologizes, he/she, upon a majority vote in the affirmative, shall be permitted to retake his/her seat. The decision of the majority of the Members of the Council or Committee present shall be final.
- b) Members are encouraged where possible to keep their comments on any matter to five minutes.
 - c) Any Member may require the question or motion under discussion to be read at any time during its consideration, but is not permitted to interrupt a Member while speaking.
 - d) Any Code of Conduct or Ethics applicable to Members of Council and Committees as adopted by Council shall apply during a meeting held pursuant to this by-law.

18. Conduct of Chair

- a) The Chair shall conduct themselves in accordance with Section 17;
- b) Should the Chair contravene the rules of procedure, or be the subject of a point of personal privilege or point of order, it shall be brought to the Chair's attention by a Member. If the conduct persists, a Member shall put forth a motion "That the Chair be called to order" and upon the motion being seconded, the Town Clerk or Recording Secretary shall conduct the vote without further debate except that the Chair may address the Committee or Council for the purpose of providing an apology or explanation. The decision of the majority of the Members of the Council or Committee present shall be final. Where the Chair persists in any such disobedience after having been called to order by the Council or Committee, a Member shall forthwith, without the requirement for a motion from the floor, request the Clerk or the Recording Secretary to put forth the motion, "That the Chair be ordered to leave his/her seat and vacate the meeting room for the duration of the meeting" with no amendment, request for adjournment or debate being allowed. The decision of the majority of the Members of the Council or Committee present shall be final. Should the Chair apologize, he/she may be permitted to retake his/her seat if a Member, without the requirement for a motion from the floor, requests the Clerk or the Recording Secretary to put forth the motion, "That the Chair be permitted to retake his/her seat" with no amendment, request for adjournment or debate being allowed. The decision of the majority of the Members of the Council or Committee present shall be final.

19. Council and Committee of the Whole Agendas

- a) The Clerk shall prepare an agenda for each meeting of Council and Committee of the Whole. Council agendas will, in most cases, be available for the public and the media on the Friday immediately prior to the meeting. Committee of the Whole agendas will in most cases, be available to the public and the media on the Friday ten days prior to the meeting. Agendas for meetings of all other Committees shall be distributed in accordance with the practices approved by the Committee.

b) The order of the Council agenda shall be as follows:

- i) public notice (if any)
- ii) additions to the agenda
- iii) declarations
- iv) presentations
- v) deputations
- vi) announcements – community events
- vii) approval of minutes
- viii) correspondence
- ix) reports by regional representatives
- x) reports of committees and staff
- xi) resolutions
- xii) by-laws
- xiii) notice of motion
- xiv) unfinished business
- xv) new business
- xvi) confirmatory by-law
- xvii) adjournment

c) The order of the Committee of the Whole agenda shall be as follows:

- i) additions to the agenda
- ii) declarations
- iii) determination of items requiring separate discussion
- iv) adoption of items not requiring separate discussion
- v) presentations
- vi) deputations
- vii) consideration of items requiring separate discussion
- viii) action items
- ix) reports by regional representatives
- x) new business
- xi) public hearing matters
- xii) adjournment

20. Open Forum

Immediately prior to a regularly scheduled Council meeting, Council shall conduct an open forum for a period of 15 minutes, which shall be an opportunity for any interested person in attendance, as time permits and up to a maximum of three, to make inquiries or to comment on matters of municipal business. Deputations at Open Forum are limited to five minutes.

21. Additions/Addendums to the Agenda

Upon a motion supported by two thirds of the Members of Council in attendance at a meeting, addendum items of business may be added to the agenda for consideration. There shall be accompanying each addendum item an explanation of the reasons for the urgency and, where an addendum agenda is issued to a regularly scheduled Council or Committee of the Whole meeting, a briefing, confirmed through and conducted by the CAO, shall take place as necessary, 15 minutes immediately prior to a Committee of the Whole meeting and 20 minutes prior to a Council meeting. Generally, such briefing shall take place in the Council Chambers.

Wherever possible and notwithstanding the above clause, any item of additional information pertaining to an item listed on a Council or Committee of the Whole agenda shall be circulated by the Clerk to Members on an addendum agenda and such information shall be considered with the item.

22. Declarations

Members shall be required to make declarations of pecuniary interests in accordance with the requirements of the applicable provincial legislation.

23. Presentations

Presentations of awards, certificates or grants to the municipality or by the municipality shall be received or presented by the Chair. Staff related or other government agency presentations to Council or Committee of the Whole on municipal matters of general interest shall be listed on the agenda under Presentations. Such presentations are not subject to the five-minute deputation limit.

24. Deputations

- a) Deputations may address Council by requesting in writing, by noon on the Wednesday immediately prior to the meeting, that the Clerk place their name as a deputation on the agenda for the particular meeting and such request shall state the nature of the matter to be presented by the spokesperson. Deputation requests received later than the above mentioned deadline must relate to an item on the agenda. In all other instances of late requests, the Clerk shall direct deputations to the Public Forum portion of a regularly scheduled Council meeting, provided that the maximum number of deputations for Public Forum has not previously been met.
- b) Deputations may address Committee of the Whole on any item listed on the agenda without prior notice.
- c) Deputations may address Committee of the Whole on an item not listed on the agenda by requesting in writing, by noon the Wednesday 12 days prior to the meeting, that the Clerk place their name as a deputation on the agenda for the particular meeting and such request shall state the nature of the matter to be presented by the spokesperson.
- d) All deputation requests shall be accompanied by a detailed written submission outlining the matter that the deputation wishes to present to Council or Committee;
- e) Depending on the issue in question, delegations shall be encouraged by the Chief Administrative Officer, the appropriate Commissioner or the Clerk to first resolve the issue with staff in which case they shall be referred to the appropriate staff for response;
- f) Deputations will be limited to five minutes in length per speaker and to avoid repetition, any deputation on behalf of an organization, including any corporation, association or on behalf of any group, shall be made by a single representative. Notwithstanding this, Council or Committee may extend the time of the deputation upon a majority vote in the affirmative.
- g) No deputation shall speak disrespectfully of any person; use offensive words or unparliamentarily language; or speak on any subject other than the subject for which they have received approval to address Council or Committee;
- h) Upon conclusion of the deputation, Members are permitted to ask the deputation questions for clarification and obtaining additional relevant information only.

25. Minutes

- a) It shall be the duty of the Clerk to record, without note or comment, the minutes of meetings of Council and Committee of the Whole. The minutes shall record:
 - i) the date, time and location of the meeting;
 - ii) the name of the Chair and a record of the attendance at the meeting; and
 - iii) all resolutions, decisions and other proceedings of the meeting.

- b) Minutes of each Council meeting shall be presented to the subsequent Council meeting for approval.

Minutes of Committee of the Whole:

- i) shall be submitted to the next regular meeting of Council, time permitting, for consideration of the recommendations therein;
- ii) shall be distributed with the agenda for the Council meeting at which the recommendations contained therein shall be considered.

- c) Minutes of other Committees shall be presented to Committee of the Whole where Council consideration is required; notwithstanding that Council may determine from time to time that minutes of certain Committees shall in all cases be presented for information and/or consideration.

26. Correspondence

The following correspondence shall be placed on the agenda for regular meetings of Council or Committee of the Whole for consideration:

- a) correspondence requiring Council approval of any matter;
- b) correspondence which an individual Member of Council requests be placed on the agenda;
- c) correspondence forwarded to the Committee of the Whole by the Mayor.

27. Reports by Regional Representatives

During each regular meeting of Council, the representatives of the Town on Regional Council shall report to Council on the matters of interest to the municipality.

28. Reports

Reports of Staff shall be submitted in writing and distributed with the agenda for the Council or Committee of the Whole meeting at which they are to be considered.

29. Resolutions

Any resolution for which notice appears on the Council Agenda shall be considered at the meeting of Council. Resolutions shall be submitted in writing, distributed with the agenda for regular meetings of Council and shall be read at the meeting by the Clerk.

30. Notice of Motion

- a) Any Member of Council intending to introduce a motion at a meeting of Council or Committee of the Whole shall give notice of their intention at the preceding Council or Committee of the Whole meeting and in doing so shall state the general purpose of the proposed resolution to be introduced. The Member shall file a copy of the motion with the Clerk and the motion shall form part of the next Council or Committee of the Whole agenda for discussion.
- b) A motion which is not on the agenda for the Council or Committee of the Whole meeting and for which no notice has been given in accordance with this section, must be submitted in writing to the Clerk and may be introduced upon consent of a majority of Members of Council present at the meeting. Upon consent, the Member shall read the motion so as to make all present at the meeting aware of its contents.

31. Motions

- a) Every motion in any meeting of Council or Committee, except as provided for in the Procedure By-law, shall require a mover and a seconder.
- b) Every motion, other than a motion to adjourn, recess, table or suspend the rules of the Procedure By-law, when duly moved and seconded, shall be open for discussion.
- c) Debate shall not be allowed on any motion or amendment until it has been properly seconded.
- d) A motion or amendment thereto may not be withdrawn without the consent of the mover and seconder.
- e) The Chair of a meeting of Council or Committee shall not move or second a motion.
- f) All Members of Council or Committee shall vote on all motions except in the instance where the Member refrains from voting on an issue due to the declaration of a pecuniary interest in the matter by the Member. If any Member does not vote, he or she shall be deemed as voting in the negative (except where prohibited from voting by statute).
- g) Where a motion to adjourn, recess, table or suspend the rules of the Procedure By-law has been made, until such motion has been decided upon, there shall be no discussion on the matter proposed to be adjourned recessed, tabled or suspended.

32. Motion Under Debate

When a motion is under debate, no motion shall be received except for the following purposes and according to the listed priorities, namely:

- a) to recess;
- b) to adjourn;
- c) to defer the motion under consideration to a definite date;
- d) to defer the motion under consideration indefinitely;
- e) to table a motion;
- f) to refer the motion under consideration to a sub-committee for a report;
- g) to amend the motion under consideration.

33. Motion to Recess

A motion to recess when other business is before the meeting:

- a) shall specify the length of time of the recess;
- b) shall not be debatable and shall only be amendable with respect to the length of the recess.

34. Motion to Adjourn

A motion to adjourn:

- a) is not amendable;
- b) shall not be debatable.

35. 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 the time or date to which the matter is to be deferred.

36. Motion to Table

- a) A motion to table:
 - i) shall not be amended or debated;
 - ii) shall apply to the motion and any amendments thereto under debate at the time when the motion to table was made.
- b) A tabled motion that has not been decided by the Council or Committee either in the affirmative or the negative during the term of the Council or Committee in which the motion was introduced shall be deemed to have been withdrawn.

37. Motion to Refer

A motion to refer a matter under consideration to a Committee or to staff:

- i) shall be open to debate and may be amended;
- ii) shall include the terms on which the motion is being referred and the time at which the matter is to be returned; and
- iii) shall include the reasons for the referral.

38. Motion to Amend

- a) A motion to amend:
 - i) shall be open to debate;
 - ii) shall be relevant to the main motion;
- b) A motion to amend may be a "friendly amendment" whereby the mover and seconder agree to re-word their motion to accommodate an amendment; or
- c) If it is not considered a "friendly amendment", then the motion to amend:
 - i) if more than one, shall be put to a vote in the reverse order to that in which they are moved;
 - ii) shall be decided upon or withdrawn before the main motion is put to the vote;
 - iii) shall not be amended more than once, provided that further amendments may be made to the main motion;
 - iv) shall not be directly contrary to the main motion.

39. Motion to "Put the Question to a Vote"

Any Member may request the Chair to put the question to a vote by presenting a motion that the question "now be put to a vote". A motion to put the question to a vote must be seconded, is not open to debate, and if supported by a majority of the Members present, the original question shall be immediately put to a vote without debate. Notwithstanding which, the vote shall not occur until each of the Members have been provided an opportunity to speak on the subject matter.

40. Motion Containing Two or More Matters

When the motion under consideration concerns two or more matters, the Chair, upon the request of any Member, shall direct that the vote upon each matter be taken separately. Such request may also be made by the Chair.

41. Motion to Suspend Rules

A motion to suspend the rules of procedure required by this by-law shall not be debatable or amendable and shall require a two-thirds majority vote of the Members present at the meeting of Council or Committee. Council and Committee are prohibited from suspending any statutory requirement with respect to their proceedings.

42. Withdrawal of Motion

A request to withdraw a motion:

- a) shall only be made by the mover of the motion;
- b) shall have the consent of the seconder of the motion; and
- c) shall be in order any time during the debate.

43. Adoption in a Single Motion

One or more items on an agenda may be adopted in a single motion. At a Council or Committee meeting any Member present at the meeting may request that an item be discussed and that item shall not be included in the motion to adopt items not requiring separate discussion.

44. By-laws

- a) By-laws shall be enacted upon a vote in the affirmative of a majority of the Members present at a meeting of Council.
- b) With the exception of a confirmatory by-law, by-laws before Council at any meeting may be considered and enacted severally upon a vote in the affirmative of a majority of the Members present provided that upon the request of any Member present, a by-law or by-laws will be considered and voted upon individually.
- c) A confirmatory by-law, in the form and content as may be adopted by Council, shall be enacted at the conclusion of a Council meeting.
- d) Every by-law adopted by Council, shall be under the seal of the corporation and shall be signed by the Clerk and the Mayor or Acting Mayor and in the absence of them both, the presiding officer at the meeting at which the by-law was passed.

45. New Business

Any Member of Council or Committee at any meeting may present and introduce any matter of new business during the New Business portion of the meeting.

46. Unfinished Business

Any matter which has not been disposed of by Council or Committee shall be listed on the following agenda for consideration until disposed of unless removed from the agenda by consent of the Council or Committee.

47. Voting

- a) After a motion is finally put to a vote by the Chair, no Member shall speak to it nor shall any other motion be made until after the vote is taken and the result has been declared.
- b) All Members of Council or Committee shall vote on all motions and failure by any Member to announce their vote openly and individually shall be deemed to be a vote in the negative.

- c) Each Member present and voting shall announce or indicate his/her vote upon the motion openly and individually and no vote shall be taken by ballot, or any other method of secret voting. In the event a Member present abstains from voting as a result of a declaration of a pecuniary interest, his/her abstention shall be deemed to be neither an affirmative nor a negative vote.

48. Tie Vote

Any motion on which there is a tie vote shall be deemed to be lost.

49. Recorded Vote

- a) At any meeting of Council, upon a request made by any Member immediately before or after the taking of a vote on any matter, a recorded vote shall be conducted by the Clerk. Each Member present, except a Member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote. A failure to vote under this section by a Member present at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. The votes shall be called in an order based upon the seating of the Members, moving clockwise around the Council Chambers beginning with the mover of the motion. Notwithstanding this, the vote in every case shall end with the Mayor.
- b) Recorded votes shall not be taken during any meeting of a Committee.
- c) Notwithstanding recorded votes, a record or notation of a Member's opposition to an issue shall not be recorded in any meeting minutes.

50. Reconsideration of a Matter

If a matter has been previously considered by Council or Committee, it shall not be reconsidered by that Council or Committee before 90 days after the matter's original disposition except upon a vote in the affirmative of two-thirds of the Members present.

51. Point of Order

- a) A Member may interrupt the person who has the floor to raise a point of order when such Member feels that there has been:
 - i) a deviation or departure from the Procedure By-law, or
 - ii) a deviation from the matter under consideration and the current discussion is not within the scope of the proposed motion.
- b) Upon hearing such point of order, the Chair shall decide and state his/her ruling on the matter.
- c) Upon hearing the point of order ruling, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council or Committee.
- d) If no Member appeals, the decision of the Chair shall be final.
- e) If a Member appeals the Chair's ruling to the Council or Committee, the Member shall have the right to state his/her case, the Chair shall have the right to reply and the Council or Committee shall decide the question "That the decision of the Chair be sustained" without further debate. The decision of the majority of the Members of the Council or Committee present shall be final.

52. Point of Personal Privilege

- a) A Member may rise at any time on a point of personal privilege where such Member feels that his/her integrity, the integrity of the Council or Committee or the integrity of anyone present at the meeting has been called into question by another Member or by anyone present at the meeting.
- b) Upon hearing such point of personal privilege, the Chair shall decide and state his/her ruling on the matter.
- c) Where the Chair rules that a breach of privilege has taken place, he/she shall demand that the offending Member or individual apologize and failing such apology shall require said Member or individual to vacate the meeting room for the duration of the meeting.
- d) With the exception of providing an apology, the Member shall only address the Chair for the purpose of appealing the Chair's ruling of a breach of privilege to the Council or Committee.
- e) If no Member appeals, the decision of the Chair shall be final.
- f) If a Member appeals the Chair's ruling to the Council or Committee, the Member shall have the right to state his/her case, the Chair shall have the right to reply and the Council or Committee shall decide the question "That the decision of the Chair be sustained" without further debate. The decision of a majority of the Members present at the Council or Committee meeting shall be final.

53. Expulsion for Improper Conduct

- a) The Mayor may expel any person for improper conduct at a meeting.
- b) The Chair of a Committee meeting may rule to expel from a meeting any person who in the opinion of the Chair has behaved improperly at the meeting.
- c) Improper conduct shall be deemed to exist where any person interrupts the proceedings of the Council or Committee, such that the continuation of the meeting is rendered difficult or impossible.
- d) A Member shall only address the Chair for the purpose of appealing the Chair's ruling to the Committee.
- e) If no Member appeals, the decision of the Chair shall be final.
- f) If a Member appeals the Chair's ruling to the Committee, the Member shall have the right to state his/her case, the Chair shall have the right to reply and the Committee shall decide the question "That the decision of the Chair be sustained" without further debate. The decision of a majority of the Members present at the Committee meeting shall be final.

54. Absence of the Mayor

- a) When the Mayor is absent through illness or absent from the municipality, the Regional Councillor for the Town shall serve as Acting Mayor.
- b) In the event that both the Mayor and Regional Councillor are absent through illness or absent from the municipality, Council shall enact a by-law appointing an Acting Mayor to act during such absence, from among the Members of Council, and while so acting, such Member has and may exercise all the rights, powers and authority of the Mayor as Head of Council.

55. Public Record

All communications about a matter on a public or open meeting agenda that the Clerk receives shall form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of his or her personal information when submitting it.

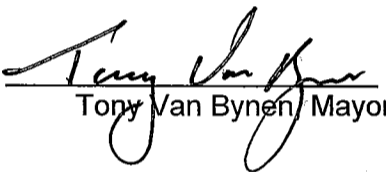
56. Conflict

If there is any conflict between this By-law and any statute, the provisions of the statute prevail.

AND THAT By-law #2004-167 be hereby repealed;

AND THAT this By-law shall come into force on the date of its enactment.

ENACTED THIS 24TH DAY OF SEPTEMBER, 2007.


Tony van Bynen, Mayor


Anita Moore, Town Clerk