

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER
By-law 48-2023

Being a By-law to govern the calling, place and proceeding of meetings of the Council, Committees and Joint Boards of the Corporation of the Village of South River.

WHEREAS the Municipal Act, 2001, Section 238 requires that each municipality pass a procedure for governing the callings, place and proceedings of meetings of the municipal council, committees and local boards;

AND WHEREAS the Council of the Village of South River deems it expedient to enact a by-law to govern the calling, place and proceedings of meetings of Council, Committees and Joint Boards;

NOW THEREFORE the Council of the Village of South River hereby enacts:

1. Definitions

In this by-law:

- a) 'Council' shall mean the Council of the Corporation of the Village of South River.
- b) 'Committee' shall mean a committee established by the Council of the Village of South River composed of Council members and which may contain members of the public.
- c) 'Joint Council' shall mean the Council of the Village of South River and the Council of the Township of Machar.
- d) 'Municipality' shall mean the Corporation of the Village of South River.
- e) 'Mayor' shall mean the Mayor for the Corporation of the Village of South River.
- f) 'Presiding Officer' shall mean the Mayor unless otherwise appointed or the duly appointed Chair of any Committee of the Village of South River.
- g) 'Quorum' shall mean a majority of the full Council or Committee membership present either in person or by continuous electronic means. Members attending electronically shall have the same rights and privileges as those attending in person.
- h) 'Clerk' shall mean the Clerk-Administrator of the Corporation of the Village of South River.
- i) 'Recording Secretary' shall mean the individual hired jointly by the Village of South River to record the proceedings of Committee Meetings
- j) 'Rules of Order' refers to Roberts Rules of Order

2. General Provisions

- a) The following rules and regulations shall govern the proceedings of Council and Committees where in excess of 50% of the membership is members of Council or an elected member of Council of another Municipality.
- b) Any rules or regulations contained herein may be suspended upon resolution by a majority of Council or Committee.
- c) Persons shall not be permitted to address Council, Committees or Joint Boards except with the permission of the Presiding Officer.

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- d) In the case of a delegation appearing before Council or Committees only appointed representatives shall address the Council or Committees with the permission of the Presiding Officer.

3. Convening of Council Meetings

- a) Meetings of Councils shall be held in the Council Chambers of the Municipality.
- b) The inaugural meeting of Council in an election year shall be held on the second or fourth Monday immediately following the beginning of the term of Council. The new Council shall be installed into office and the report prepared by the Mayor and/or Acting Mayor regarding the appointment of members of Council and the public to Committees or Joint Boards shall be received.
- c) Meetings of the Council shall begin at 2:00 p.m. local time on the second and fourth Tuesdays of each month except August and December shall only be the second Tuesday of the month.
- d) When the date of a meeting of Council is on a public or civic holiday, the Council shall meet at the same hour on the following day which is not a public or civic holiday.
- e) Council may have a resolution that would dispense with, alter the time of day or meeting place of any regular Council meeting.
- f) If no quorum is present fifteen minutes after the time appointed for the meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next regularly scheduled Council meeting.
- g) Where possible Council meetings will be lived streamed on an appropriate internet based platform that is generally available to members of the public. Failure to livestream will not affect the validity of the meeting.
- h) The link to access the live streaming of meetings will be published in the applicable meeting Agenda.

4. Convening of Committee Meetings

- a) The inaugural meeting of Committees shall be held in the month of January immediately following the regular four-year municipal election at a time and place established by the Clerk.
- b) The Clerk shall call to order the inaugural meeting of Committees and the first item of business shall be the election of the Chair and Vice-Chair of the Committee, after which, the elected Chair shall preside over the meeting.
- c) Meetings of the Committees shall be held at the time and place provided by resolution by the Committee.
- d) If no quorum is present fifteen minutes after the time appointed for the meeting of the Committee the Clerk or Recording Secretary shall record the names of the members present and the meeting shall stand adjourned until the next regularly scheduled Committee

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5. Joint Council Meeting

- a) The Joint Council meeting shall discuss matters of mutual concern as requested by either Mayor.
- b) The Mayor and the Head of Council for the hosting municipality shall be the Presiding Officers of meetings of Joint Council.
- c) All other provisions of this by-law, with necessary interpretations, shall apply at all meetings of Joint Council hosted by the Municipality.

6. Deputy Mayor

In the case of the absence of the Mayor from the Municipality or if the Mayor is absent through illness or refuses to act, or the office is vacant, the Councillor appointed by the Mayor at the beginning of the term shall be the Deputy Mayor.

7. Presiding Officer at meetings

- a) The Mayor shall be the Presiding Officer of all meetings of Council.
- b) In the case of the absence of the Mayor the Deputy Mayor shall be the Presiding Officer of a meeting of Council.
- c) In the case of the absence of the Mayor and the Deputy Mayor at a meeting of Council, the remaining members of Council shall appoint, by resolution, another Councillor as Acting Mayor for the meeting.
- d) The duly appointed Chair of a Committee shall be the Presiding Officer of all meetings of the respective Committee.

8. Ex-officio member

The Mayor shall be an ex-officio member of any Committee or Joint Board.

9. Curfew

The Presiding Officer shall declare any meeting of Council, Committees or Joint Boards to be adjourned at the hour of 6:00 p.m. unless the meeting is extended by a resolution of Council or Committee.

10. Special Meetings of Council

- a) The Mayor may at any time call a special meeting of Council.
- b) The Clerk shall call a special meeting of Council upon receipt of a petition of a majority of Council members for the purpose stated in the petition.
- c) In either circumstance, the Clerk shall give every member of Council at least 24 hours' notice of the special meeting. Notice shall either be verbal or written and shall include the purpose of the special meeting.

11. Special meetings of Committees

- a) The Chair may, at any time, call a special meeting of a Committee or a Joint Board.

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- b) The Clerk or Recording secretary shall call a special meeting of a Committee upon receipt of a petition of a majority of members of the Committee for the purpose stated in the petition.
- c) In either circumstance, the Clerk or Recording Secretary shall give every member of the Committee at least 24 hours' notice of the special meeting. Notice shall be either verbal or written and shall include the purpose of the special meeting.
- d) Council may for time to time appoint ad-hoc committees to deal with issues or special events. Council will set the terms of reference for each ad-hoc committee at the time of formation. Ad-hoc committees will be advisory in nature only unless pre-approved spending is included as part of the terms of reference.

12 Council Agenda

- a) The Clerk shall prepare an agenda for meetings of Council in the following format:
 - 1. Call to Order
 - 2. Declaration of Pecuniary Interest and General Nature Thereof
 - 3. Deputation
 - 4. Adoption of Minutes
 - 5. Accounts
 - 6. Reports from Committees and/or Municipal Staff
 - 6.1 South River Committees and/or Municipal Staff
 - 6.2 Joint South River – Machar Committees
 - 6.3 Other Boards and Committees
 - 7. By-laws
 - 8. Correspondence
 - 9. Information Update
 - 10. In-Camera
 - 11. Confirming By-law
 - 12. Adjournment
- b) The Clerk shall accept items for inclusion on the agenda from members of Council, delegations and/or individuals, and shall place on the agenda for consideration by Council. The items shall be specifically stated.
- c) Persons desiring to make a deputation to Council shall give notice in writing to the Clerk by Wednesday prior to the scheduled meeting of Council, and may be heard by the Mayor.
- d) The Clerk shall prepare and email the agenda package and make it available to members of Council and Staff on the Thursday immediately preceding the regularly scheduled meeting of Council.
- e) The Clerk shall list all correspondence and petitions on the agenda with a note as to its subject.
- f) Additional correspondence may be distributed to each member of Council at the meeting of Council and shall be recorded in the minutes. Correspondence of an issue previously brought to Council or subsequent support correspondence of previous issues will only be brought forward at the discretion of the Clerk-Administrator. An electronic copy of all correspondence will be kept.
- g) The agenda shall be made available to the public on the Friday immediately preceding the Council meeting.

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- h) The business of Council shall be conducted in the order listed on the agenda unless otherwise decided by a quorum of Council.

13. Committee Agendas

- a) The Clerk or Recording Secretary shall prepare an agenda for meetings of Committees in the following format:
 - 1. Call to Order
 - 2. Declaration of Pecuniary Interest and General Nature Thereof
 - 3. Deputation
 - 4. Adoption of the Minutes
 - 5. Financial report
 - 6. Reports from Committee Members or Staff
 - 7. Correspondence
 - 8. Information Update
 - 9. In-Camera
 - 10. Adjournment
- b) The Clerk or Recording secretary shall accept items for inclusion on the agenda from members of the Committee delegations and/or individuals, and shall place the same on the agenda for consideration by the Committee. The items shall be specifically stated.
- c) Persons desiring to make a deputation to a Committee shall give notice in writing to the Clerk or Recording secretary by the Wednesday prior to the scheduled meeting of Committee and may be heard by the Presiding Officer.
- d) The Clerk or Recording Secretary shall prepare and print the agenda and make it available to members of the Committee on the day immediately preceding the regularly scheduled meeting of the Committee.
- e) The Clerk or Recording Secretary shall list all correspondence and petitions on the agenda with a note as to its subject.
- f) Additional correspondence may be distributed to each member of the Committee at the meeting of the Committee or Joint Board and shall be recorded in the minutes.
- g) The agenda shall be made available to the public on the day of the Committee meeting.
- h) The business of the Committee shall be conducted in the order listed on the agenda unless otherwise decided by a quorum of the Committee.

14. Minutes

- a) The minutes of each meeting of Council or Committee shall record
 - 1. the place, date and time of the meeting
 - 2. the name of the presiding Officer and members present
 - 3. the adoption, correction and amending of minutes of the previous meeting
 - 4. to record, without note or comment, all resolutions, decisions and other proceedings of council.

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- b) The Clerk shall ensure that the minutes of any meeting are available to Council members in draft form no later than five (5) business days after the meeting.
- c) Minutes of previous meetings that have been circulated to members at least one business day before the regular meeting shall be considered for adoption without reading.
- d) Once adopted, Council Minutes from previous meetings may be placed on the Village's website.

15. Communications and/or Petitions

- a) Any written message, memorials and/or enquiries before Council for consideration may be referred to a Committee for response.
- b) Petitions shall be signed by the subscribers and presented to Council by an appointed representative who has knowledge of the information stated therein.
- c) Verbal deputations and presentations must not exceed fifteen minutes in length, and any extensions of this time allotment must be approved by all of Council. It will be the responsibility of the Clerk to measure the time of each presentation and to advise the Mayor when ten minutes has elapsed.
- d) No more than two deputations, unless approved in advance of the meeting by Council, may be presented to Council in one meeting.

16. Unfinished Business

- a) Unfinished business shall be listed on the agenda in the order in which it first came before Council for consideration and, if not dealt with at the meeting of Council at which it appeared on the agenda shall continue to be listed until finalized.

17. By-laws

- a) Every proposed by-law shall be introduced upon motion by a member of Council or upon a report from any Committee.
- b) Every by-law shall be given three readings.
- c) Every by-law read before Council shall be recorded by the Clerk and, upon third reading, shall be signed by the Mayor and the Clerk and the Corporate Seal shall be added as soon as possible.
- d) A by-law shall be passed only at a regular council meeting or a reconvened regular meeting that had been properly adjourned to a specific time or a special meeting that, when called, cites the consideration and passing of the by-law as one of its purposes.

18. Open Meetings

- a) Except as provided in this section, all meetings shall be open to the public.
- b) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - 1. the security of the property of the municipality or local board

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2. a proposed or pending acquisition or disposition of land by the municipal or local board purposes
 3. personal matter about an identifiable individual, including municipal or local board employees
 4. labour relations or employee negotiations
 5. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
 6. the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
 7. a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act
 8. the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act
 9. 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 meeting or part of a meeting that is to be closed to the public Council or the Committee shall state by resolution the fact of the holding of the closed meeting and the general nature of the matters to be considered at the closed meeting.
- d) Minutes are required for all meetings of Council and Committees, open or closed.

19. Conduct of Proceedings at Council and Committee Meetings

It shall be the duty of the Presiding Officer to:

- a) open the meeting of Council or Committee by taking the chair and calling the meeting to order
- b) announce the business before Council or Committee in the order in which it appears on the agenda
- c) receive and submit, in the proper manner, all resolutions presented by Council or Committee
- d) put to a vote all questions, which are regularly moved and seconded or arise in the course of the proceedings, and to announce the result
- e) decline to put to a vote any resolution that infringes on the Rules of Order
- f) restrain members when engaged in debate with the Rules of Order
- g) enforce, at all times, the observance of the Rules of Order
- h) call by name any member persists in a breach of the Rules of Order and, if such a breach continues, to order the member to vacate their seat

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- i) authenticate, by their signature, all by-laws, resolutions and minutes of Council or Committee
- j) inform Council, when necessary, or when referred to for the purpose, on a point of order or usage
- k) represent Council or Committee, declaring its will and obeying its decisions as indicated by resolution
- l) ensure that the decisions of Council or Committee are in conformity with current by-laws and laws governing the activities of Council or Committee
- m) adjourn the meeting at the time of curfew indicated herein, or before if order of business is finished, or as extended by quorum
- n) adjourn the meeting without question where a grave case of disorder or disagreement arises in the Council Chambers
- o) expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting

20. Decorum of Members

No member shall:

- a) disturb another, or Council in general, by disorderly deportment to any member speaking
- b) resist the rules of Council or Committee disobey the decisions of the Presiding Officer or Council on questions of order or upon the interpretation of the Rules of Order
- c) be permitted to retake their seat at any meeting after being ordered to vacate same due to a breach
- d) leave their chair after the Presiding Officer has called for a vote on a resolution before Council or Committee
- e) leave their chair or the Council Chambers without the consent of the Presiding Officer

21. Rules of Debate

- a) The Presiding Officer in directing the course of debate shall:
 - 1. designate the member who has the floor, when two or more members arise to speak
 - 2. preserve order and decide questions of order
 - 3. read all resolutions presented in writing
- b) No member in addressing the Council or Committee shall:
 - 1. speak disrespectfully or use indecent, offensive or insulting language in or against the Council or any member thereof
 - 2. speak on any matter except the question in debate
 - 3. reflect upon any prior decision of Council except to conclude remarks with a resolution to rescind such decision

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- 4. interrupt the member who has the floor except to raise a point of order
- c) The mover of a motion shall have the privilege of being the first speaker in the debate on the motion, and shall have the further privilege of speaking once more to conclude the debate.

22. Point of Order

- a) Any member may appeal to the Presiding Officer to make a decision on a point of order and, if the Presiding Officer declines to make such decision, a quorum of Council or Committee shall make such a decision.

23. Resolutions

- a) A resolution may be introduced without notice upon leave of a quorum of Council or Committee.
- b) Any resolution adopted by Council or Committee shall be in writing under the signature of the Presiding Officer.
- c) A resolution must be formally seconded, in writing, before the Presiding Officer may request a vote on the same or a motion be recorded in the minutes.
- d) After a resolution has been read or has been stated by the Presiding Officer, it shall be deemed to be in the possession of the Council, or Committee and can only be withdrawn before decision or amendment only with the leave of Council or Committee expressed by resolution.
- e) A resolution properly before Council or Committee for decision must receive disposition before any other resolution can be received except a resolution to amend, to adjourn, to extend the hour of adjournment or debate a point of order or privilege.
- f) All proposed amendments to resolutions shall be in writing and shall be dealt within the order presented to Council or Committee.
- g) A resolution shall not propose a question in direct opposition to the resolution before Council or Committee.
- h) A resolution to adjourn shall always be deemed to be in order, except when a member is speaking or there is a question on the floor and cannot be amended. If the resolution is decided negatively, the Council or Committee shall take alternative action as provided by this By-law to extend the curfew of the meeting in progress.
- i) A resolution dealing with any matter not within the Council or Committee's jurisdiction shall be deemed to be "ultra vires" (void) and shall not be dealt with by Council or Committee.
- j) A resolution on a point of order shall be dealt with immediately upon receipt by Council or Committee and when decided upon, Council or Committee shall return to the matter before Council or Committee when said point of order arose. A question of privilege relates to any matter affecting rights and immunities of the Council or Committee collectively, or to the position, reputation and conduct of members in their respective character.

24. Voting on Resolutions

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- a) The Presiding Officer shall state the question before Council or Committee, in the exact form in which the question is presented. When a resolution is to amend or reverse a decision of Council or Committee the Presiding Officer may re-state the previous resolution as it was presented and adopted.
- b) No member shall interrupt or speak to the question after the Presiding Officer has stated the question to Council or Committee or shall interrupt the voting on a resolution.
- c) Any member, who is not disqualified to vote by reason of a pecuniary interest or other reason under any Act, and who fails to signify their vote when called upon to do so by the Presiding Officer, or who abstains from voting, shall have their vote considered to be negative on the question.
- d) A member present at the time of the vote may request, immediately before or after the taking of a vote that the vote be recorded. Each member present, except a member who is disqualified from voting shall announce their vote openly and the Clerk or Recording Secretary shall record each vote.

25. Suspension of Rules

Any procedure required by this By-law may be suspended where a motion to this effect is supported by three (3) members of Council or Committee.

26. Amendment

- a) No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of Council and public notice has been given.
- b) Public notice shall include the placement of a notice as an insert in the water or tax bills on its own or part of a municipal newsletter (Ripples or similar), the Village's website and on the schedule of meetings posted in the Municipal Office.

27. Points Not Provided For

Any points of procedure not governed by this By-law shall be governed by the rules or parliamentary procedure of the Canadian House of Commons.

28. Effective Date

- 1) This By-law shall come into effect on the date it receives third reading by the Council of the Corporation of the Village of South River; and
- 2) That all other Procedural by-laws be repealed.

READ A FIRST, SECOND TIME THIS 9TH DAY OF JANUARY, 2023

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF JANUARY,
2023

Jim Coleman, Mayor

Don McArthur, Clerk - Administrator