

# The Corporation of the Municipality of Highlands East

## BY-LAW NO. 2017-09

BEING A BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS FOR MEETINGS FOR THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST AND RELATED COMMITTEES.

**WHEREAS** section 238 (2) of the *Municipal Act 2001 S.O. 2001 Chapter 25 as amended*, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

**AND WHEREAS** the *Municipal Act, 2001, as amended*, c. 25, Section 238(2.1), requires that the procedure by-law shall provide for public notice of meetings;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Highlands East **ENACTS AS FOLLOWS**;

### 1. DEFINITIONS

In this By-law

- a) **“REEVE”** shall mean the person elected to Council to serve as the head of Council and the Chief Executive Officer of the Corporation.
- b) **“DEPUTY REEVE”** shall mean the person appointed from within the elected Council members and shall preside in the absence of the REEVE.
- c) **“CLERK”** shall mean the Clerk of the Corporation of the Municipality of Highlands East
- d) **“CONFLICT OF INTEREST”** means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.
- e) **“CLOSED SESSION”** means closed to the public as defined in Subsection 8 of this By-law.
- f) **“DESIGNATE”** means a member of Council, in attendance who may be requested to act on behalf of the REEVE during his/her absence.
- g) **“COMMITTEE”** means a Committee of Council, or a committee appointed by Council.
- h) **“COMMITTEE CHAIRMAN”** means the person presiding at the meetings of any committee of Council.
- i) **“COUNCIL”** means the Council of the Corporation of the Municipality of Highlands East.

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- j) **“DELEGATION”/“DEPUTATION”** means a group or individual (lobby groups) that have either pertinent information, request for funds, or an update on committee activities for members of Council.
- k) **“MEETING”** means a meeting of Council as a whole or of a committee.
- l) **“MEMBER”** means a member of Council or Committee.
- m) **“COUNTY”** means the Corporation of the County of Haliburton.
- n) **“QUORUM”** is a majority of council members. For greater clarity, a majority shall be defined as being greater than one-half of members of Council or committee.
- o) The reference to **“MASCULINE”** shall be considered also as reference to **“FEMININE”** where appropriate.

## 2. **GENERAL**

- 2.1 In all the proceedings at or taken in this Council the following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business in the Council, and the Committee thereof.
- 2.2 Except as herein provided, the rules of order of the Parliament of Canada shall be followed for Governing the Proceedings of Council and Conduct of its Members.
- 2.3 The head of council, except where otherwise provided, shall preside at all meetings of the council.
- 2.4 The head of council or other presiding officer shall enforce on all occasions, the observance of order and decorum and may expel any person for any improper conduct at a meeting.
- 2.5 With the consent of the head of council, a member of council, other than the head of council may be designated to preside at a meeting of council.
- 2.6 Council may by by-law or resolution appoint a member of the council to act in the place of the head of council or other member of council designated to preside at meetings, when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has

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all the powers and duties of the head of council or designated member, as the case may be.

### 3. **ORDER OF PROCEEDINGS IN COUNCIL**

The Clerk shall prepare an Agenda for the meetings of Council and the business of Council shall be taken up in which it appears under the following headings, and as in such headings as in the opinion of the Clerk may seem appropriate.

#### 3.1.1 **ORDER OF BUSINESS – COUNCIL** –The standard order of business for regular meetings of Council shall be as follows;

##### **ORDER OF BUSINESS-COUNCIL–**

1. Call to order by the Reeve
2. Open Meeting
3. Disclosure of Pecuniary Interest
4. Adoption of Agenda – Additions/deletions
5. Minutes for Adoption
6. Business arising from the minutes
7. Correspondence
8. Delegations/Deputations
9. Public Meeting(s) – re: Planning Act
10. Department Reports/Committee and Advisory Committee Reports
11. Business
12. By-laws
13. Notice of Motions
14. Closed Session (if necessary)
15. Confirming By-law
16. Adjournment

All reports shall be in a standard format and presented by the Department Head if necessary. Resolutions should accompany report if needed.

3.2 The business of Council shall be taken up in the order in which it stands upon the agenda unless otherwise agreed to by Council.

3.3 Lunch Break will be at 12:00 noon.

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### 4. DELEGATIONS/DEPUTATIONS

- 4.1 A person not a member of Council shall not be allowed to address the Council on behalf of himself/herself or a deputation except upon invitation of the REEVE or his designate.
- 4.2 Persons desiring to address Council or Committee in person, on his/her behalf, or by his/her agent, or on behalf of a group, shall notify the Clerk in writing of such intention not less than five (5) working days prior to the commencement of the meeting. Those persons addressing Council that require Council decision, support or financial support shall specify in writing the nature of the business to be discussed, provide background material and name the delegate who will address Council or Committee. Failure to comply with the above requirements may result in the request being refused.
- 4.3 Persons desiring to address Council or Committee that do not require Council decision, support, participation or resolution, shall notify the Clerk in writing of such intention not less than five (5) working days prior to the commencement of the meeting. It shall be deemed that those persons shall not be required to provide background material.
- 4.4 All delegations shall be limited in speaking to not more than 15 minutes and delegations consisting of more than one person shall be limited to two (2) speakers, limited to the allocated 15 minutes.
- 4.5 Delegations not scheduled on the agenda may request to be heard by leave of Council.
- 4.6 Deputations shall be limited to 4 delegations per meeting, 15 minutes per delegation.
  - a) At no time shall placards, signs or paraphernalia of any type be allowed in Council Chambers without prior approval of Council.
- 4.7 The Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- 4.8 Delegations not scheduled on the agenda may request to be heard by permission of Council.

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4.9 Delegations and those in attendance at a Council meeting are hereby bound by the rules and conduct set out in this procedural by-law.

### 5. MEDIA

5.1 The use of audio or video recording of public meetings of Municipal Council shall be prohibited.

5.2 Notwithstanding 5.1, the Media may be granted permission by Council to use audio or video recording of public meetings.

### 6. MEETINGS, LOCATION, TIME, AND NOTICE

6.1 The first meeting of a new Council of the Municipality after a regular election held under Section 266 of the Municipal Act, 2001 S.O. 2001, c. 25, as amended shall be held on either the first Wednesday in December following a regular election and shall commence at 9:00 o'clock in the morning. The first meeting of a new Council after a by-election held under section 65 of the *Municipal Elections Act, S.O. 1996, Chapter 32, as amended*, shall be held no later than 30 days after its term commences and shall commence at 9:00 o'clock in the morning.

6.2 Regular meetings of Council shall be held the first Wednesday of each month unless changed by a resolution of Council and if necessary the third Wednesday of each month.

6.3 Regular meetings shall commence at 9:00 a.m. in the morning in the Council Chambers, **Wilberforce, Ontario**.

6.4 All meetings shall be open to the public.

6.5 Except as otherwise provided by the Municipal Act or other statutes, Council may, by resolution, dispense with, alter the time, day or place of any meeting provided that notice of the change is posted at the Municipal Office located at 2249 Loop Road, Wilberforce.

6.6 Public notice of all meetings shall be posted on the municipal web-site and at the main office and sub-offices.

6.7 Such meeting time or place shall be subject to:

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- Extension of time as may be so required to complete the business of Council.
- Substitution of time or day or place as directed by the Reeve when deemed expedient, subject to prior notification to all members and the media.

### **7. NOTICE OF AGENDA – COUNCIL MEETINGS**

7.1 The agenda for the council meetings shall be posted a minimum of 48 hours prior to the meeting on the municipal web-site and at the main office and sub-offices.

### **8. AMENDMENTS TO AGENDA**

8.1 Late items may be added to the agenda by amending the agenda subject to the following stipulations:

- a. Amendments to the agenda shall only be permitted if the subject matter is of an urgent nature;
- b. Amendments to the agenda may be permitted by Council subject to a unanimous resolution passed by Council.

### **9. SPECIAL MEETINGS/EMERGENCY MEETINGS**

9.1 Special and/or emergency meetings may be called at the discretion of the Reeve, or the majority of Council members subject to prior notification of forty-eight (48) hours to all members of Council, the Clerk and the media.

9.2 The notification mentioned in 9.1 may be given by verbal communication to the Clerk with a record of the time and date of the communication being kept.

9.3 The only business to be dealt with at a special and/or emergency meeting is that which is specified in the notice of such meeting.

9.4 In the case of a bona fide emergency the Head of Council or in his/her absence, the Deputy Reeve or designate may call a meeting. The meeting may be held as soon as practical and in a suitable location following the notification of all members of Council as determined by the Clerk.

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### 10. CLOSED MEETINGS

10.1 Notwithstanding Section 6.4, Council, on motion, may resolve into Closed Meeting to consider subject matter which properly falls under 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 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 which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).
- (h) 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; or
- (i) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.
- (j) 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.
- (k) where a matter has been discussed in camera and voted upon by Council, except a motion to keep the matter confidential.

10.2 Before holding a meeting or part of a meeting that is to be closed to the public, council shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or in the case of a meeting held under subsection 10.1 (i) the fact of the holding of the closed meeting, the general nature of its subject matter and that it is closed under that subsection.

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10.3 In addition, the Reeve may designate another member to preside as Chairman of the closed meeting.

### 11. **RECORD OF MEETING**

- 11.1 The minutes shall record:
- a. the place, date and time of the meeting;
  - b. the names of the Presiding Officer or Officers and record attendance of the Members
  - c. disclosures of conflict of interest, if any, but not the general nature thereof;
  - d. the readings, if requested, corrections and adoption of the minutes of prior meeting(s)
  - e. all other proceedings of the meeting without note or comment

### 12. **CLOSED MINUTES**

- 12.1 The minutes shall record:
- a) the time and place of the meeting;
  - b) those in attendance and the presiding officer;
  - c) disclosures of conflict of interest, if any, but not the general nature thereof;
  - d) decisions on requests under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), if any;
  - e) votes taken for a procedural matter or for giving directions or instructions to staff , if any
- 12.2 “Closed” minutes deemed to contain confidential or sensitive issues not yet concluded shall not be released, but adopted “in Closed” during the next meeting.

### 13. **RULES OF PROCEDURE IN COUNCIL**

- 13.1 If the REEVE is male, members shall address him as “MR. REEVE”.
- 13.2 If the REEVE is female, members shall address her as “MADAM REEVE”.
- 13.3 Members shall refer to other members formally as Councillor. For example, “Councillor Smith”.
- 13.4 Every person desiring to speak shall raise his/her hand and when recognized by the Reeve, or his/her designate, shall rise in his/her place.



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- 13.5 The REEVE shall call on members in order as they raise their hands, and the members should at all times address themselves to the Chair.
  - 13.6 When two or more members raise their hands to speak, the Reeve shall designate the member who, in his/her opinion first raised his/her hand.
  - 13.7 Members shall not carry on conversations during the reading of a resolution, by-law and correspondence or during a presentation.
  - 13.8 When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.
  - 13.9 Members of Council or Committees unable to attend a meeting should notify the Clerk in advance.
  - 13.10 Members in attendance at a meeting should notify the Clerk with appropriate reasons if necessary to leave a meeting prior to adjournment.
  - 13.11 Members who are absent from three consecutive meetings of Council will be removed from Council unless said absence is due to health reasons. A request for a leave of absence, accompanied by a Doctor's certificate, must be filed with the Clerk before the third consecutive meeting missed, with said leave being approved by a resolution of Council.
14. **CONDUCT OF MEMBERS**
- 14.1 Members should:
    - a) fully participate in council meetings and other public forums while demonstrating civility,
    - b) show decorum, respect and courtesy to others;
    - c) prepare in advance of council meetings and be familiar with issues on the agenda;
    - d) be respectful of other people's time, stay focused and act efficiently during public meetings;
    - e) serve as a model of leadership and civility in the community;

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- f) inspire public confidence in the municipal government;
- g) demonstrate honesty and integrity in every action and statement;
- h) honour the role of the chair in maintaining order;
- i) demonstrate effective problem-solving approaches;
- j) abide by the provisions in the Code of Conduct Policy for Council.
- k) where a matter has been discussed in camera, and, where the matter remains confidential, should not disclose the substance of deliberations of the in camera meeting.

14.2 No member shall:

- a) Use offensive words, unparliamentary language or personal comments in, or against Council or against any Member;
- b) Speak on any subject other than the subject in debate;
- c) Criticize any decision of the Council, except for the purpose of moving that the question be reconsidered or rescinded.
- d) Ask a question, except for the purposes of obtaining the facts relating to the matter under the discussion and which is necessary for clear understanding of the matter under discussion;
- e) When asking a question, all questions shall be stated succinctly and questions shall not be used as a means of making a statement or assertions;
- f) Disobey the rules of the Council or a decision of the Presiding Officer, or the Council in questions of order or practice or upon the interpretation of the rules of the Council;
- g) And in the case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate allowed, "that such Member be ordered to leave the Council Chambers for the duration of the

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meeting of Council”, but if the Member apologizes the Member may, by vote of the Council be permitted to return to the Council Chambers.

### 15. **CONDUCT OF MEMBERS OF THE PUBLIC**

15.1 Members of the public who constitute the audience in the Council Chambers during a Council or Committee meeting are expected to maintain order and quiet and shall not:

- a) address the Council or Committee without consensus of the Members;
- b) interrupt any speech or action of the Members of Council or Committee, or any other person addressing the Council or Committee;
- c) display or have in their possession, pickets signs or placards in the Council Chambers or meeting rooms.

### 16. **DUTIES OF THE REEVE**

16.1 It shall be the duty of the Reeve, or substitute presiding Officer:

- a) To act as chief executive officer of the municipality;
- b) To preside over council meetings so that its business can be carried out efficiently and effectively;
- c) To provide leadership to the council
- d) Without limiting Subsection 14.1 c), to provide information and recommendations to the council with respect to the role of council
- e) To represent the municipality at official functions;
- f) To open the meeting of Council by taking the Chair and calling the members to order.
- g) To announce the business before Council in the order in which it is to be acted upon.
- h) To receive and submit, in the proper manner, all motions presented by the members of Council

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- i) To put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the results. The Reeve shall have the same rights as any other member to take part in debate, move or second a motion and to vote on any question subject to the Municipal Conflict of Interest Act.
- j) To decline to put to vote motions which infringe upon the rules of procedure.
- k) To authenticate by signature, when necessary, all By-laws, Resolutions, and Minutes of Council.
- l) To receive all messages and other communications and announce them to Council.
- m) To inform the Council on any point of order as seems necessary.
- n) To restrain the members, when engaged in debate, within the rules of order.
- o) To enforce on all occasions the observance of order and decorum among the members.
- p) To call by name any member persisting in breach of the Rules of Order of the Council, thereby ordering that member to vacate the Council Chambers.
- q) If considered necessary because of grave disorder, adjourn the sitting for a specified time.
- r) To select members who are to serve on Committees when directed to do so by a resolution of the Council as a rule of procedure.
- s) To represent and support the Council, declaring its will and implicitly obeying its decisions in all things.
- t) To adjourn the meeting when the business is concluded.
- u) An ex-officio member of all Committees of Council with full voting privileges.

### 17. **CORRESPONDANCE**

17.1 Every correspondence designed to be presented to Council shall be legibly

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written or printed and shall not contain any impertinent or improper matter or language and shall be signed by a least one (1) person and filed with the Clerk.

17.2 Every correspondence shall be delivered to the Clerk no later than 12:00 noon of the Thursday preceding the meeting of the Council.

17.3 If in the opinion of the Clerk and Reeve any communication contains impertinent or improper matter or language, the Clerk and Reeve shall decide whether it shall be included with the material circulated to Council.

### **18 MOTIONS, DEBATE AND VOTING**

18.1 All motions shall be in writing and delivered to the Clerk, who shall read such motions on the call of the Reeve, in the order in which they are received, unless otherwise requested by the Reeve.

18.2 Following reading of the resolution the Reeve will then invite any discussion or debate on said motion, with the mover, followed by the seconder, having first opportunity to speak to the motion.

18.3 Debate must at all times be strictly relevant to the question under consideration.

18.4 No member, without leave of the Council, shall speak to the same question, or in reply, for longer than five (5) minutes.

18.5 Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

18.6 A motion to refer the question to a Committee shall take precedence over any motion to amend the question.

18.7 Following adequate discussion when a motion is presented “**That the vote be now taken**” such motion shall be put to a vote without further debate.

18.8 A motion relating to a matter not within the jurisdiction of the Council shall not be in order;

- a) Only one amendment can be presented to the main motion at one time.
- b) Only one amendment can be presented to an amendment at one time.

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- c) The sub-amendment, if any, shall be voted first.
  - d) The amendment shall be voted next.
  - e) The motion as amended shall be put to a vote.
- 18.9 When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.
- 18.10 After the Reeve puts a question to a vote, no member shall speak to the question, nor shall any other motion be made.
- 18.11 Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote. The Reeve shall vote last.
- 18.12 When the Reeve calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Reeve, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.
- 18.13 When a **Recorded Vote** is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member on any matter or question. All members present at the Council or Committee meeting must vote according to their ward location, Ward 1 – Ward 4, unless prohibited by statute, with the Chair voting last.
- 18.14 After any question, except one of indefinite postponement, has been decided, any member who voted hereon (with the majority) may at the same meeting move for a reconsideration, or at any other regular meeting thereafter during the same year any member may give notice of a motion for a reconsideration, but no discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once, unless a request is made in writing, signed by a majority of the members of Council.

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### **19 BY-LAW PROCEDURE**

- 19.1 By-law, except a By-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- 19.2 Every By-law shall have three readings prior to its being passed.
- 19.3 If Council so determines, a By-law may be considered read a first, second and third time prior to presentation of the motion and voting thereon.

### **20 COMMITTEE PROCEDURE**

- 20.1 All appointments to Committees are for the period of **term of Council**, unless otherwise specified by an Act.
- 20.2 Council may commence a recruitment of committee members the year of a regular municipal election.
- 20.3 Committee shall appoint a chair that shall report regularly to Council on Committee activities and shall present Committee recommendations for due consideration and voting at Council when appropriate.
- 20.4 Ward Councillors on various external boards and or committees shall report to Council regularly, and shall present recommendations which may require the approval or support of Council.
- 20.5 A written copy of all reports shall be provided to the Clerk after presentation to Council.

### **21 INQUIRIES**

- 21.1 Inquiries as to facts concerning any part of the Administration shall be in writing and delivered to Council through the Clerk at least one full working day before the day of the meeting at which such inquiry is to be made, and the answer, when available, shall be in writing and documented.

### **22 SUSPENSION OF RULES:**

- 22.1 Any procedure required by this By-law may be suspended with the

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consent of two thirds affirmative vote of the Members of Council present.

**23 AMENDMENT**

23.1 No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of Council unless notice of proposed amendment or repeal has been given at a previous meeting of Council and waiving of this notice by Council is prohibited.

23.2.1 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of Council, unless notice of the proposed amendment or repeal has been provided for Council's consideration. This by-law shall not be amended, replaced, or repeal, except by 2/3 vote of the members of Council

23.3 THAT By-law No. 2015-06 and By-law No. 2016-07 be repealed in its entirety.

**24 SEVERABILITY**

24.1 If a court of competent jurisdiction declares any provisions, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with the terms to the extent possible according to law.

**25 EFFECTIVE DATE**

25.1 THAT this By-law shall become effective on March 6, 2017.

**READ A FIRST AND SECOND TIME THIS 23<sup>rd</sup> DAY OF JANUARY, 2017.**

**READ A THIRD TIME AND PASSED THIS 23<sup>rd</sup> DAY OF JANUARY, 2017.**

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**Reeve**

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**Clerk**