

**THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL
BY-LAW NO. 2012-19**

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS, THE CALLING OF MEETINGS AND GIVING NOTICE TO AND CONSULTING WITH THE PUBLIC.

THE purpose of this by-law, under the *Municipal Act, 2001*, is to ensure the manner in which the Township is accountable to the public for its actions and that its actions are transparent to the public.

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

AND WHEREAS Section 238(2.1) of the *Municipal Act, 2001* provides that the procedure by-law shall provide for public notice of meetings;

AND WHEREAS Section 223.2 of the *Municipal Act, 2001*, as amended, authorizes the municipality to establish codes of conduct for members of the council of the municipality and of local boards of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this By-law:

- (a) "Act" shall mean any Statute adopted by the Legislative Assembly of the Province of Ontario.
- (b) "Clerk" shall mean the Clerk of the Township of Tudor and Cashel or his/her designate who shall have all the powers and duties of the Clerk under this and every other Act.
- (c) "Council" shall mean the elected and sworn members of the Council of the Township of Tudor and Cashel.
- (d) "Head" of Council shall mean the Reeve of the Township of Tudor and Cashel.
- (e) "Acting Reeve" shall mean another designate who shall act as presiding officer in the absence of the Reeve.
- (f) "Meeting" means any regular, special, committee, or other meeting of Council, of a local board or of a committee of either of them.
- (g) "Closed Meeting" shall mean closed to the public as defined in Subsection 5.3 of this By-law.
- (h) "Committee of the Whole" shall mean a meeting of Council in Committee format for discussion purposes.
- (i) "Committee" means any advisory or other committee, subcommittee or similar entity

composed of members of the Township of Tudor and Cashel council alone or together with members of another council or the public.

- (j) "Committee Chair" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
- (k) "Pecuniary interest" includes a direct or indirect pecuniary (financial) interest of a member and a pecuniary interest deemed to be that of a member.
- (l) "Local Board" means a local board as defined in the Municipal Act, 2001.
- (m) "Quorum of Council" means the majority of Council, that is three (3) members present.
- (n) "Recorded Vote" shall mean the recording of the name and vote of every Member of Council voting on any matter or question.

1.2 Rules and Regulations

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in Council and in the Committees thereof, provided that the rules and regulations contained herein may be suspended by a majority vote of Members present and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

2.0 COUNCIL (AND COMMITTEE) MEETINGS AND NOTICES FOR THE SAME

2.1 Schedule of Meetings

The Inaugural Meeting of the Council shall be held on the first Tuesday in December, following the Municipal Elections, beginning at 1:00 P.M., or as otherwise directed.

All regular meetings of Council shall be held on the first Tuesday of each month beginning at 1:00 p.m., at the place designated by Council, or as otherwise directed.

The dates and times for meetings of Committees shall be posted for public view inside the municipal offices and on the municipal website.

2.2 Public Meetings/Notice

Adequate notice for such items as public meetings will be posted at the Township Municipal Office Building at 371 Weslemkoon Lake Road and on the Township's website.

If Council chooses to give notice in a local paper, commercial gazette or any other forum of public viewing, it shall first be authorized by resolution of council.

2.3 Special Meetings/Notice

The Reeve shall if requested in writing by any three members of Council call a special meeting of Council other than as described in Section 2.1 of this by-law.

The Reeve may call a special meeting other than as described in Section 2.1 of this by-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or

via voice recording or via e-mail message. Notice will be posted on the Township's website and in the Township Municipal Office Building at 371 Weslemkoon Lake Road, unless in the case of an emergency as deemed by a quorum of Council, then adequate notice may not be given as per above.

Special meetings require a minimum notice of twenty-four (24) hours unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.

At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

In the absence of, or death of the Reeve or the Presiding Officer, so appointed, or if his/her office is vacant, a special meeting may be summoned by the Clerk and shall be summoned upon a requisition, in writing, signed by a majority of the members of the Council, being received in his/her office stating the date, time and place of the requested meeting.

Council shall only consider the matter or matters that are specifically listed for consideration on the Notice of the Special Meeting, unless unanimous consent is given by Members of Council to consider other matters.

2.4 Statutory Holiday

When the day scheduled for a regular Council Meeting is a Statutory Holiday, Council shall meet on the TUESDAY following the holiday.

2.5 Presiding at Council Meeting

(a) As soon after the hour fixed for the meeting as there is a quorum present, the Reeve shall take the chair and call the members to order. A majority of the members of Council shall constitute a quorum.

(b) The Reeve is the Head of Council and he/she shall preside at the meetings of Council. In the case the Reeve does not attend within fifteen minutes after the time appointed, and if there is a quorum, the meetings of Council shall be presided over by the appointed member of Council to act in place or stead of the Reeve who shall have all rights, responsibility and authority as Head of Council while performing his/her duty during the meeting or until the arrival of the Reeve. If both the Reeve and said appointed Councillor is absent, providing there is a quorum, a Member of Council shall be chosen from the members present to preside during the meeting or until the arrival of the Reeve or member of Council appointed to act instead of the Reeve.

(c) While presiding, the Acting Reeve and/or the Chair chosen by Council shall have all the powers of the Reeve and shall be entitled to vote as a member, except where disqualified to vote by reason of interest or otherwise.

(d) The Reeve shall preserve order and decorum, decide questions of order (subject to an appeal to the Council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so.

(e) The Reeve (except where disqualified from voting by reason of interest or otherwise) may vote with the members on all questions. Any questions on which there is an equality of votes shall be deemed to be negative.

(f) The Reeve may take part in any debate without leaving the Chair. If the Reeve desires to introduce a motion or by-law, he/she shall leave the Chair for that purpose and shall call on another member of the Council to fill his/her place until he/she resumes the Chair.

2.6 Quorum

If there is no quorum within thirty (30) minutes after the time scheduled for a meeting of Council, the Clerk shall call the roll and record the names of the Members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

2.7 Curfew

No item of business may be dealt with at a Council meeting after 4:00 P.M. unless unanimous consent is given by the Members of Council to extend the closure time beyond 4:00 P.M..

3.0 AGENDAS AND SUPPORTING MATERIAL

3.1 Agendas

Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be affected without requiring amendment to this by-law.

- (a) Call to Order, Opening Remarks and One Minute of Silence.
- (b) Declaration of Conflict of Interest/Disclosure of Pecuniary Interest.
- (c) Approval of Minutes.
- (d) Business Arising from the Minutes.
- (e) Approval of Accounts.
- (f) Delegations.
- (g) Correspondence for Council Information and/or Decision.
- (h) Staff and Committee Reports.
- (i) Old Business.
- (j) By-laws.
- (k) New Business.
- (l) Closed Meeting, if Required
- (m) Adjournment.

The business of the Council shall be taken up in the order as listed on the agenda unless otherwise decided by the Reeve or Presiding Officer.

3.2 Circulation of Agenda

Insofar as is practicable, it shall be the duty of the Clerk to ensure that the Minutes of the last regular Council meeting and all Special and Committee meetings held more than seven (7) days prior to the regular meeting are circulated along with council agendas and supporting material, prepared in accordance with Clause 3.1; and

Insofar as is practicable, delivered to each Member no later than the Thursday/Friday prior to a regular meeting. Supplementary Agenda items being circulated to Members prior to Call to Order of meeting.

A copy of the agenda for each regular Council meeting shall be posted for public view inside the municipal offices and on the municipal web-site.

3.3 Minutes

Minutes shall record:

- (a) the place, date and time of meeting;
- (b) the name of the person presiding and a record of the attendance of Members;
- (c) proceedings of the meeting without note or comment;
- (d) all corrections or omissions noted prior to its adoption;
- (e) the signature of the Reeve/Presiding Members and Clerk.

3.4 Accounts

General or Special Accounts will be presented for Council approval at the first regular meeting in each month or at other meetings upon approval of Council.

4.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

4.1 Duties of Head of Council

It shall be the duty of the Head of Council or other Presiding Officer to:

- (a) to open the meeting of Council by taking the Chair and calling the meeting to order, and giving appropriate opening remarks;
- (b) to announce the order of business as it appears on the agenda so that an orderly sequence of business may be maintained;
- (c) to receive and put to vote all motions presented that are duly moved and seconded, or necessarily arise in the course of the proceedings and announce the results;
- (d) to decline to put to vote motions which infringe upon the rules of procedure;
- (e) to inform the Council, when necessary or when called upon to decide a point of order or usage, he/she shall state the rule or practice applicable to the case;
- (f) to ensure and enforce the observance of order and decorum among the Members;
- (g) to ensure and enforce the observance of order and decorum among the assembly;
- (h) to call by name any member(s) persisting in breach of the rules or order of the Council, thereby ordering the member to vacate the Council Chamber;
- (i) to order any individual or group in attendance at the meeting to cease and desist any behavior which disrupts the order or decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists;
- (j) to receive all communications and delegations and announce them to the Council;

(k) to authenticate, by his/her signature when necessary all By-laws, resolutions/motions and minutes of the Council;

(l) to select the members of Council who are to serve on Committees;

(m) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;

(n) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;

(o) to request a motion of Council to move in to Committee of the Whole/Closed Meeting;

(p) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;

(q) adjourn the meeting when the business is concluded.

4.2 Conduct of Members of Council

(a) If a Member of Council has any pecuniary or other interest, direct or indirect in a matter that is the subject of consideration by Council he/she shall as soon as practicable after the commencement of the meeting disclose his/her interest and shall not take part in the discussion nor vote on any question in respect to that matter.

(b) No Member shall:

(i) use offensive words or unparliamentary language in or against the Council or against any Member, staff or guest;

(ii) speak on any subject other than the subject under debate or question;

(iii) criticize any decision of Council except for the purpose of moving that the question be reconsidered;

(iv) disobey the rules of Council or disobey the decisions of the Reeve or Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and if the Member persists in disobedience, the Presiding Officer may forthwith put the question (without amendment, adjustment or debate) "that such Member be ordered to leave his/her seat for the duration of the meeting", but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his seat;

(v) attend a meeting in a condition unfit for conducting the business of Council;

(vi) interrupt or make a disturbance when the presiding officer is putting the question to a vote, and/or a member who has the floor except to raise a point of order;

(vii) leave a meeting without first obtaining permission from the Reeve or presiding officer.

4.3 No person shall be allowed to address Council or speak in debate without permission of the Reeve or presiding officer.

4.4 No person shall use offensive words or unparliamentary language in or against Council or against any Member, staff or guest.

4.5 No person shall make or cause to be made a disturbance of any nature.

5.0 MOTIONS/RULES OF DEBATE

5.1 Motions

(a) Any Member of Council may introduce a motion for discussion or debate. A motion must be formally seconded before it is subject to discussion or debate.

(b) When a motion is under debate, no motion shall be received unless related to a question under consideration and may be entertained only if it is:

(a) to refer to Committee of the Whole (debatable)

(b) to amend (debatable)

(c) to lay on the table deferring temporarily (not debatable)

(d) to postpone indefinitely or to a specific day (not debatable)

(e) to adjourn (not debatable)

These motions shall have precedence in the order in which they are named. A motion to adjourn shall always be in order, and shall be decided without debate.

(c) A motion that was duly made, discussed or debated shall be put to a vote and the motion and the result of the voting shall be recorded in the Minutes.

(d) A motion may be withdrawn by the mover with permission of the seconder prior to its being debated or put to a vote.

5.2 Voting on Motions

(a) Before a motion is put to a vote, the presiding officer shall state the question in the precise form it will be recorded in the Minutes. Members present must vote on the question unless prohibited by any Act.

(b) When a question is put to a vote, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared.

(c) Any question on which there is a "tie vote" or equality of votes, the vote shall be deemed to be lost.

(d) The manner of determining the decision of Council shall be by voice, and the Head of Council or the presiding officer may vote on any issue, except where disqualified to vote by reason of interest or otherwise.

(e) Any Member may request a recorded vote. The presiding officer on a recorded vote shall vote last because in the event of a "tie vote" the presiding officer must cast the deciding vote unless he or she is prohibited from voting by Conflict of Interest or any other Act. If such is the case on a "tie vote", the motion would be deemed to be lost. The presiding officer on a recorded vote shall be done alphabetically and on a rotation basis so the onus is not always on one person.

(f) The head of the council, or the presiding officer, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negative.

(g) 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 or her 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, and the names of those who voted for and those who voted against shall be recorded in the Minutes.

(h) On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the head of council, or the presiding officer and may be by voice, show of hands, standing or otherwise; and any failure to vote by a qualified member shall be deemed to be a negative vote.

(i) No vote by Council shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.

5.3 Committee of the Whole or Closed Meetings

(a) Pursuant to Section 239(1) of the Municipal Act, 2001 all Council and Committee meetings shall be open to the public.

(b) Pursuant to Section 239(2), notwithstanding Paragraph 5.3 (a) above, a meeting of Council or a Committee meeting may be closed in part or whole to the public if the subject matter being considered relates to:

(i) the security of the property of the municipality or local board. An example may be any matter involving the security of the property of the Township of Tudor and Cashel.

(ii) personal matters about an identifiable individual, including municipal or local board employees. An example may be personnel matters, where a named employee or prospective employee is involved, or where employee relations or reputations could be damaged.

(iii) a proposed or pending acquisition or disposition of land by the municipality or local board. An example may be property matters in which premature public disclosure could be prejudicial to the interests of a property owner of the Township, when acquisition or sale of property of/or for the Township of Tudor and Cashel is being investigated or negotiated.

(iv) labour relations or employee negotiations. An example may be matters affecting labour relations and contract negotiations with employees.

(v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. An example may be matters in which public discussion could prejudice the Township's legal position or be detrimental to the Township in proceedings before any court of administrative tribunal.

(vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. An example may be the receiving of advice from a solicitor pertaining to any particular issue that is considered confidential.

(vii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. An example would be consideration of awards or merit and appointments to Boards and Commissions. Another example would be Discussions in relation to the Municipal Boundary Negotiations Act, 1981.

(c) Pursuant to Section 239(3) 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.

(d) Pursuant to Section 239(3.1) a meeting of council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

(i) the meeting is held for the purpose of educating or training the members.

(ii) at the meeting, no member discussed or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

(e) Pursuant to Section 239(4) before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

(i) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

(ii) in the case of a meeting under Section 239(1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

(f) Pursuant to Section 239(6), despite Section 244, a meeting may be closed to the public during a vote if,

(i) Section 239(2) or 239(3) permits or requires the 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, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

Closed Meeting sessions shall be held:

(i) For the selection of vacant Council Seats, Committees and other appointments, and

(ii) When Committee or Council is discussing finance, personnel, litigation, property, personal information or any other matter where premature disclosure may prejudice the Township's position, or where the lack of parliamentary immunity may leave Council, or any of its members, or officers, open to suit.

Pursuant to Section 239 of the Municipal Act, when a motion to go into In Caucus/Committee of the Whole is carried, the Reeve or Presiding Officer or Committee Chair may, with the approval of Council or Committee, exclude or include such persons as is deemed appropriate from or in the meeting room.

When in Caucus, no one shall leave and re-enter the meeting room without the approval of the Reeve or Presiding Officer or Committee Chair.

Notwithstanding Paragraph (f) above, all recommendations approved during In Caucus sessions shall be reported and voted on publicly, immediately after the In Caucus session has been concluded.

5.4 Rules of Debate

(a) Any Member of Council who desires to speak may remain seated and address his/her remarks to the Reeve or presiding officer. The Member shall confine his/her remarks to the question and shall avoid personalities. No member shall speak to the same question or in reply for longer than five minutes.

(b) The presiding officer shall ensure that any Member who wishes to speak on a subject is given a fair opportunity to do so and without interruption from any other Member. When two or more members request to speak, the presiding officer shall designate the member who has the floor.

(c) The presiding officer may call a Member to order while speaking and the debate shall be suspended and the Member shall not speak until the point of order is determined. Any Member may appeal from the decision of the Chair to Council and the Council shall decide by a majority vote without debate and its decision shall be final.

(d) A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereon, but the question shall not be used as a means of making statements or assertions.

(e) When the presiding officer calls for a vote on a question each Member shall remain seated and refrain from communicating with other Members until the result of the vote has been declared by the presiding officer.

5.5 Points of Order and Privilege

(a) The presiding Officer shall preserve order and decide questions of order.

(b) A Member may rise and address the Chair to raise a point of order. After leave is granted, he/she shall state the point of order which shall be decided on by the presiding officer. If the decision of the presiding officer is appealed, Council shall decide the question by a majority vote and its decision shall be final.

(c) When two or more Councillors rise at the same time, the Reeve or Presiding Officer shall name who is first to speak.

(d) When a Member considers/believes that his/her integrity or the integrity of the Council as a whole has been impugned he/she may as a matter of privilege rise at any time and with the consent of the presiding officer draw the attention of Council to the matter.

5.6 Petitions and Delegations

(a) Petitions presented to Council shall be legibly written or printed and signed by at least one person and filed with the Clerk during or prior to the meeting. The person or persons presenting the petition may speak on the matter before Council, in which case it shall be limited to a maximum time of ten (10) minutes.

(b) Delegations wishing to address Council shall notify the Clerk at least five (5) regular working days before the day of the scheduled regular Council meeting. The purpose of the delegation shall be clearly stated and it shall be contained in the agenda delivered to Council Members prior to the meeting.

(c) Notwithstanding Subclause 5.6 (b) above and at Council's discretion, any delegations or deputations other than those listed may be heard on any item appearing on the agenda.

(d) Delegations wishing to address Council shall be limited to four (4) per meeting, maximum time of fifteen (15) minutes per delegation - exceptions given consideration.

(e) The Clerk shall record the name of every person who speaks as a member of a delegation to Council, a general outline of intent and outcome if any, of the delegation shall be recorded in the Minutes of the regular Council meeting.

6.0 BY-LAWS

- (a) Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the number and date thereof.
- (b) Every By-law shall have three readings prior to it being passed.
- (c) The Presiding Officer shall introduce the reading of By-laws.
- (d) The By-law may be debated or amended after the reading. If the Council determines that the By-law is to be considered in Committee of the Whole, it shall be deferred to the Committee for that purpose.
- (e) The By-law shall be passed, if council is agreeable and then the By-law shall be signed.
- (f) Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.

7.0 SUSPENSION OF RULES

7.1 Any procedure required by this By-law may be temporarily suspended with the consent of a majority of the Members present.

7.2 A Member presenting a resolution to temporarily suspend a rule or rules shall state the subject matter for which the suspension of the rule is requested.

8.0 GENERAL

8.1 When the Reeve of Council is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of any emergency.

8.2 In all matters and under all circumstances the members shall be guided by and shall have regard to the Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act 1994.

8.3 Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 5.6(b), be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.

Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.

8.4 Any procedure under this By-law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.

8.5 In all unprovided cases in the proceedings of Council or in the Committee of the whole, the matter shall be decided by the Reeve in accordance with Robert's Rules of Order.

8.6 No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council and entered on the agenda of the next meeting at which such amendment or repeal is to be considered.

9.0 RESCIND BY-LAW

9.1 That this By-law repeals all previous by-laws and/or Motions of Council pertaining to the same.

10.0 EFFECTIVE DATE

10.1 This By-law shall become effective upon the date of passing thereof.

10.2 Where any By-law passed prior to this conflicts with this By-law, the terms of this By-law shall prevail.

PASSED THIS 06TH DAY OF NOVEMBER, 2012.

WANDA DONALDSON, REEVE

SEAL

BERNICE CROCKER, CLERK

APPENDIX TO BY-LAW 2012-19

PARLIAMENTARY PROCEDURE

The chief purpose of parliamentary procedure is to protect the rights of the minority. The majority can usually take care of itself. In a government controlled by public opinion, which we call a democracy, accepted rules of parliamentary procedure are not only of the highest importance for legislatures, they are the foundation of freedom in every meeting, large or small, throughout the-nation. Properly used, parliamentary procedure provides the means whereby the affairs of an organization can be controlled by the general will within the whole membership. The 'general will', in this sense, does not always imply even near unanimity or 'consensus', but rather the right of the deliberate majority to decide. Complementary to this right is the right of the minority - at least a strong minority - to require the majority to be deliberate – that is, to act according to its considered judgement after a full and fair “working through” of the issues involved.

A **2/3** vote is required on motions to suppress or limit debate, or to prevent the consideration of a question, or without notice to rescind action previously taken (also whenever you take away the right of the minority).

Parliament, the model for all assemblies, should be, in the words of Winston Churchill, “a strong, easy, flexible instrument of free debate”. It attains this status by **the willing observance before it**, leading to an expression of collective will or opinion. Unanimity cannot always be reached, but procedures which have ensured, and have been seen to ensure, proper deliberation of an issue, will lead to acceptance and wider support of the outcome. The meticulous observance of agreed form is of primary importance in the group conduct of both private and public business, and it will, moreover, help to avoid misunderstandings and friction in the process.

It may not always be possible to reconcile pram with theory, but in effect good procedure is fair play and common sense built on a solid foundation of acknowledged principle. **Above all, the rules must not change in the middle of the game.**

Technical procedure should be discouraged in legislative bodies and to a greater degree in ordinary parliamentary groups. Rules should be applied and interpreted so as to permit a majority to accomplish its ultimate purpose within a reasonable period of time, but only after allowing the minority reasonable opportunity to express its views on the question at issue.

Good citizenship is a habit of dealing with one's fellow citizens. It is the habit of giving one's best thoughts and efforts for the general welfare but at the same time being willing to consider the thoughts and efforts of others, and if need be, compromising with or submitting to 'the thoughts and efforts of the majority of one's fellow citizens.

Parliamentary Law

Refers originally to the customs and rules for conducting business In the English Parliament; and thence to the usages of deliberative assemblies in general. In England these usages of Parliament form a part of the unwritten law of the land, and in the U.S. Legislative bodies they are of authority in all cases where they do not conflict with existing rules or precedents. (Congress and the House of Representatives.)

Fundamentally all law is based on custom. Like the common law, parliamentary law is largely based upon the customary practices regulating procedure in group action as developed throughout the centuries. While the fundamental rules are applicable to all group action, a wide difference in detail must necessarily exist

when the rules are applied to different groups.

Changes have been and are constantly being made in the written rules which legislative bodies have found best to adopt as each house adopts its rules, the result is that the two houses of the same Legislature do not always agree in their practices. Even in Congress the order of precedence of motions is not the same in both houses, and the *previous question* is admitted in the House of Representatives but not in the Senate.

As a consequence of this, the exact method of conducting business in any particular Legislative Body is to be obtained only from the Legislative manual of - that body - (Procedure By-law).

Parliamentary law should be used only to help, not to hinder business. One who is constantly raising points of order and insisting upon a strict observance of every rule in a peaceable assembly, in which most of the members are unfamiliar with these rules and customs, makes himself/herself a nuisance, hinders business, and prejudices people against parliamentary law. Such a person either does not understand its real purpose or else wilfully misuses his/her knowledge.

Principles of Parliamentary Law

Most of the laws of Parliamentary procedure flow naturally from and are a logical application of basic principles. Thus what appears at first glance to be a deadly routine of rule memorization is actually an example of applied reasoning.

Neither terminology nor rule are the critical elements of parliamentary law. A leader or member who understands the following principles and applies them thoughtfully will not go far wrong, even under pressure.

1. THINGS MUST BE HANDLED ONE AT A TIME

This principle means that any organization seeking to make decisions in accordance with parliamentary law will consider one and only one substantive issue at a time. It will not allow small groups to get off the subject and take digressions into other subjects of concern to the groups.

This principle also means that one and only one motion of any type is the immediately pending question. It must be disposed of in some way before anything else can be considered.

The presiding officer with assistance from the secretary and the parliamentarian is responsible for keeping matters straight.

2. ALL MEMBERS HAVE EQUAL RIGHTS, RESPONSIBILITIES, PRIVILEGES AND OBLIGATIONS

Notice that the principle is not that all members have equal abilities or equal influence, for all are unequal in physical ability, intellect, and experience. Some know a great deal of history; others have spectacular creative skills. Some members helped to form the organization and write its by-laws; others joined just last week and know little or nothing of its background.

In a chamber of commerce meeting the president of a large corporation will wield far more influence than the owner of a mom and pop operation. The mayor will usually have more influence on the direction in which a city will move than will a newly elected member of the council or commission. However, with a careful choice of the methods of voting, along with an effort to equalize opportunities for discussion, the Chair may reduce dominating influence and enhance equal rights of members.

3. THE WILL OF THE MAJORITY PREVAILS

Parliamentary law provides the machinery by which the organization finds out what most of the members want to do and makes their will the policy of the group, for the present.

The phrase, "the present," indicates that few policy decisions are permanent. Most organizations in our democratic society make their decision according to the will of the majority as expressed in a vote at a particular time and place with certain members present and voting. At a different time and place, with other members present and voting, the decision might well be different. It is also true that groups and organizations change their minds with the passing of time and after having experience in using a given policy.

When the majority of a group to which we belong makes, in our eyes, a wrong decision, we have two choices. (1) We may remain in the group, accept the majority decision of its members, and see if the matter works out as the majority hopes. Though no one compels us to support wholeheartedly a policy of which we disapprove, we have no right to attempt to sabotage the majority decision. We must live with the policy until we can persuade a majority of the members to change it. (2) On the other hand, a second choice may be to leave the group. People often resign from organizations over policies about which they feel strongly. There is nothing wrong with this choice of action. Ours is a highly organized society, and no one should be expected to belong to and support an organization of whose policies that member disapproves.

4. THE RIGHTS OF THE MINORITY MUST BE PROTECTED

During a debate on a proposed policy, the presiding officer may not be sure which side ultimately will win. A 'minority' may not yet have been defined, but even if the presiding officer knows what the result of 'the vote will be, and even if the decision is sure to be an overwhelming victory for one side, the rights of those who are to lose must be protected just as diligently as the rights of those who make up the majority.

One of those minority rights is the right to express dissent - to vote against the prevailing side in a counted vote and request that the vote be recorded in the minutes. Even if only one member dissents, that member may request that the dissent be included in the record. Considering that minority right, the presiding officer, even when seeing or hearing an overwhelming affirmative vote, should not fail to call for the negative vote.

Less well established in some organizations is the minority's right to be heard. That right is just as important as the right to register dissent through the vote. In the interest of fairness to all, the majority must be willing to listen. Members must be able to offer their reasons for given position even when that position clearly may be a minority position.

A presiding officer should refuse to recognize an early motion to cut off debate ('previous question,' 'close debate,' 'table'). 'How can we close debate where there hasn't been any?' is a legitimate query from the presiding officer, if someone seeks to close debate before listening to position arguments. Of course the majority may appeal the Chair's decision.

5. EVERY MEMBER HAS THE RIGHT TO KNOW WHAT MOTION IS BEFORE THE ASSEMBLY AND WHAT EFFECT THAT MOTION WOULD HAVE IF ADOPTED

No one should be asked to vote out of ignorance. If the members are not conversant with parliamentary language, the meaning of a given motion and its effect should be explained clearly by the chair. If the presiding officer

does not carry out this duty, members may intervene and demand help.

6. MEETING MUST BE CONDUCTED WITH FAIRNESS AND IN GOOD FAITH

Presiding officers may be highly partisan in their personal beliefs, but those beliefs should not be allowed to interfere with their behaviour before the group. The authority of the presiding officer rests as much on acceptance by the entire membership as on election by a faction thereof.

In political bodies complete realization of this principle is impossible. Members of all factions will appreciate the skills of a presiding officer who acts without fear or favour, who recognizes in debate both those who favour and those who oppose a point of view. The impartiality of the Chair is a well established principle of parliamentary law. Even the name 'The Chair' - identifies a function rather than a person. The presiding officer must leave the Chair in order to propose a motion or debate on a substantive Issue, not returning to the Chair until the issue has been decided.

The Object of Parliamentary Procedure

The underlying objective of parliamentary procedure is to establish and maintain conditions which will permit a free and fair interchange of viewpoint on issues regularly brought before the members. It is imperative that the rules be precise and equitable and that they be even-handedly applied under the authority of one whose impartiality and understanding of this intent is beyond dispute.

According to Robert's Rules of Order Revised "the object of rules of order is to assist an assembly to accomplish in the best possible manner the work for which it was designed. To do this it is necessary to restrain the individual somewhat, as the right of an individual, in any community, to do what he pleases, is incompatible with the interests of the whole."

According to Arthur Beauchesne, Former Clerk, House of Commons "the objective should be a well understood system sufficient for but not exceeding the needs of a particular set of circumstances".

Meetings

A meeting other than for social purposes, is a gathering of persons who meet officially under rules of conduct, all members having been notified and each member having equal rights to make motions, to debate and vote and to transact business face to face. Except at the meeting itself, no decisions can be made. A meeting may recess briefly, after which business continues from the point of interruption. No meeting is valid without the presence of a presiding officer and a secretary.

Purpose of the Meeting

The purpose of any meeting is to ascertain the opinion of the body, as a group, upon some matter. To understand the question and make an intelligent decision, discussion is necessary. To ensure due deliberation and orderly consideration, rules of order are followed.

Motions

A motion is a proposal made by one member, in accordance with certain established rules, that the meeting do something or order something be done, or express an opinion with regard to some matter or thing.

When a main motion is of such importance or length as to be in writing it is usually written in the form of a **resolution**; that is beginning with the words, 'Resolved,

That," the word "Resolved" being underscored (printed in italics) and followed by a comma, and the word 'That' beginning with a capital 'T. If the word 'Resolved' were replaced by the words 'I move,' the resolution would become a motion.

When a member wishes a resolution adopted, after having obtained the Floor, he says, "I move the adoption of the following resolution", or. "I offer the following resolution," which he reads and hands to the chair. If it is desired to give reasons for the resolution, they are usually stated in a preamble, each clause of which constitutes a paragraph beginning with "Whereas".

The Preamble is always amended last, as changes in the resolution may require changes in the preamble.

If it appears on the agenda or order paper for consideration in proper time, it is not yet a motion but just a notice and remains so until it is brought forward by a member and put to the meeting by the chairman.

Every matter is determined upon such a proposal, resolved either in the affirmative or negative.

No motion can be made in the negative form, for the very good reason that a meeting of a corporate body cannot decide not to do what it is not doing.

When it may be offered again

A motion or amendment which has been superseded, withdrawn or not seconded has not been submitted to the judgement of the meeting and may, therefore, be repeated, except, of course, if it has been ruled out on the ground that it was libelous or not drawn in the proper form.

May be divided into more than one motion

When two or more distinct propositions are embodied in a motion, the chairman calls the attention of the meeting to the circumstances and an order may be passed that the question be divided into separate propositions, restricting debate to each proposition in its turn. The meeting may find it more convenient to draw up the motion in a series of paragraphs like the various sections of a bill and to take up each paragraph separately; but this cannot be done if the motion is involved in a variety of proposals covering subjects so related and disjointed that they must be divided into separate motions.

When is the Question to be Moved?

When a member rises in order to make a motion he may speak in its favour before he/she actually proposes it, upon the understanding that he/she will conclude by proposing his/her motion formally. In the United Kingdom House of Commons, after a motion has been made or an amendment has been proposed, it must be seconded, but when a formal motion is made, the adoption of which is an order of the House and not a resolution, the formality of seconding is not generally observed but is taken to be tacitly complied with. Standing Orders of the Canadian House of Commons directs that all motions shall be in writing and seconded before being debated or put from the Chair.

Secunder Required In Special Committees

No seconder is required in Committee of the Whole but there should be one in a Special Committee where every question is determined in the same manner-as in the House to which it belongs. The Chairman must satisfy himself/herself that the motion or amendment has been formally seconded before he/she puts the question. If there is no seconder the motion is not put in possession of the meeting and need not be recorded in the minutes.

Motions that Require no Seconder

- 1) Questions of privilege
- 2) Questions of order
- 3) Objection to the Consideration of a Question
- 4) Call for Orders of the Day
- 5) Call for Division of the Question (under certain circumstances)
- 6) Call for Division of the Assembly (in voting)
- 7) Call up Motion to Reconsider
- 8) Filling Blanks
- 9) Nominations
- 10) Leave to Withdraw a Motion
- 11) Inquiries of any kind.

In the Congress of the United States motions are not required to be seconded.

When is a Question Before the Meeting?

When a motion has been moved, seconded and read from the Chair it is regularly before the meeting, and it may be debated, amended, superseded, negatived or withdrawn. A member cannot be forced to make a motion of which he/she has given notice, but once he/she has made it he/she cannot alter nor withdraw it without the unanimous consent of the meeting. Whenever the Chairman is of opinion that a motion is contrary to the articles, by-laws or special regulations, he/she must apprise the meeting thereof immediately before putting the question and quote the authorities applicable in the case.

If the question is debatable or amendable, the chair should immediately ask, "Are you ready for the question?" If no-one then rises he should put the question - Take the vote on the question. If the question cannot be debated or amended, he does not ask, "are you ready for the question?" but immediately puts the question after stating it.

When is it a Resolution?

When a motion is carried it becomes the resolution, or order of the meeting. The form of it must be so framed and its language so expressed that, if it meets the approbation of the meeting, it may at once be recognized as the resolution, vote or other which it purports to be.

One at a Time

Not more than one question should be before the meeting at the same time. When a motion has been made, it must receive a determination by a question or be laid aside by the general sense of the meeting before another be entertained. Motions which are not moved by the person who has given notice **or by some other member authorized by him** are dropped and cannot be revived without a new notice.

Amendments

Alteration Proposed

The object of an amendment may be to effect such an alteration in a question as will obtain the support of those who, without such alteration, must either vote against it or abstain from voting thereon, or to present an alternative proposition either partly or wholly opposed to the original question.

How to Amend

A motion may be amended:

- (a) by leaving out certain words;
- (b) by leaving out certain words in order to insert other words;
- (c) by inserting or adding certain words.

Cannot Move to Amend own Motion

No member may move to amend his/her own motion. If he/she is not satisfied with it, he/she may try to withdraw it, which requires unanimous consent, or he/she may move that the meeting proceed to another matter of which notice has been given. He/she may also give reasons why he/she has changed his/her mind and ask the meeting not to carry the motion in the form in which he/she Introduced It but either to amend or reject it.

Must be Relevant

It is an imperative rule that every amendment must be relevant to the question on which it is proposed, and it must be so framed that, if agreed to, the question as amended would be consistent with itself; in other words, it must be intelligible. The law on the relevancy of amendments is that if they @re on the same subject matter. An amendment which raises a new question can only be considered on a distinct motion after notice. It must not raise a question substantially identical with one on which a decision has been given in the same sitting or during the same session.

Limitation

After a decision has been given on an amendment to any part of a question, an earlier part cannot be amended. Where an amendment of any part of the question has been proposed from the Chair and not yet been voted on, an earlier part cannot be amended unless the amendment so proposed with withdrawn. **An amendment proposing to omit certain words in order to insert** other words is given precedence over an amendment proposing simply to omit the same words.

Direct Negative

An amendment proposing a direct negative, though it may be covered by verbiage, is out of order. An amendment objecting to the question on several grounds, without proposing any alteration In the main motion is an expanded negative and cannot be moved. On the motion to refer a contract to a committee, an amendment that the contract be cancelled is out of order because it destroys the effect of the motion and is an expanded negative; moreover it raises a question which can only be considered on a direct motion after due notice. An amendment to alter the main motion by substituting a proposition with the opposite but relevant conclusion is not an expanded negative and may be moved.

Suppose the following resolution is pending: “Resolved, That the Secretary be instructed to notify our representative in Ottawa that we do approve of his course in regard to the tariff.” A motion to amend by inserting not after the word “be” would be out of order, because an affirmative vote on “not instructing” is identical in effect with a negative vote on “instructing”. But the motion to insert the word “not” after “do” is in order, for an affirmative vote on disapproving of a certain course is not the same as a negative vote on a resolution of approval, as the latter may mean nothing but an unwillingness to express an opinion on the subject.

Amendment Amended

An amendment to an amendment, when proposed from the Chair, may be moved; but only two amendments can be proposed at the same time to a question. Some limit is necessary, and the usage has grown into a general rule that an amendment to an amendment is allowable but that no motion to amend further can be entertained until the amendment proposed in the second place is disposed of. There is no limit, however, to the number of amendments to a question provided

they come within this rule. An amendment to a proposed amendment cannot be moved if it proposes to leave out all the words of such proposed amendment; in such a case the first amendment must be negatived before the second can be offered.

The Scope of the Amendment

Since the purpose of a sub-amendment is to alter the amendment, it should not enlarge upon the scope of the amendment but it should deal with matters that are not covered by the amendment. If it is intended to bring up matters foreign to the amendment, the member should wait until the amendment is disposed of and move a new amendment which must be relevant to the main motion.

To Add or Insert words

When the meeting has agreed to add or insert words in a question, its decision may not be disturbed by amendments to those words; but here again other words may be added provided they are not to the same effect as those omitted by any amendment. An amendment is out of order if it is inconsistent with words in the motion which have already been approved, or with an amendment already approved, or if it is substantially the same as an amendment which has been negatived. Amendments to add words which are vague, trifling or tendered in a spirit of mockery, are now held to be out of order.

Several Amendments offered

When several amendments are offered, the Chairman **may** select which in his/her opinion ought to be moved. He/she must make the choice in such a way as to bring out the salient points of criticism, to prevent repetition and overlapping, and when several amendments deal with the same point, to choose the more effective and the better drafted. Understanding Order 28 of the United Kingdom House of Commons, the Speaker, or in committee, the Chairman of Ways and Means, and the Deputy Chairman, has power to select the new clauses or amendments to be proposed, and may, if he/she thinks fits, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it. The fact that the British House passed that Standing Order shows this power is not inherent to a presiding officer, but must be conferred on him by the body over which he/she presides. Our corporate bodies would do well to adopt a similar regulation.

Reconsideration of a Matter of Past Motion

It Is an Inherent Right

Reconsideration is accepted today as one of the inherent rights of private and public meetings. It is now so generally used that it may be considered as part of the law. When it is moved no discussion of the main question is allowed and no action shall be taken thereon until the motion for reconsideration is carried. -**It the general rule that a motion for** reconsideration shall not be allowed unless a majority of at least two-thirds of the meeting agree to it, and that no question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

The motion for reconsideration should be so worded as to indicate the advisability of the decision taken and not the merits of the resolution voted on, because once that resolution has been killed it cannot be reconsidered.

Limited scope

Since the motion to reconsider is permitted as part of the procedure at meetings, it must be treated in the same light as any other motion. it may be moved, in the absence of special rules on all decisions taken, even on incidental proceedings.

For this reason it is advisable that regulations and by-laws limiting its scope

be adopted and placed in a procedure by-law. It should not be allowed on the previous question, adjournment or any subsidiary motion. But this is a matter which corporate bodies, associations or clubs should decide for themselves.

Too Late for Reconsideration

Reconsideration should not be allowed after a resolution has been in force. The remedy in that case would be to amend the resolution, following thereby the practice of British parliament where statutes are sometimes amended in the session in which they were passed. There may be circumstances which would justify reconsideration at the meeting at which the resolution was passed, and there may be reasons for the resolution to be reconsidered at a subsequent meeting. In the latter case, proper notice must be given stating that the said reconsideration shall be taken up. There cannot be any objection to reconsidering a resolution at any time before action has been taken upon it.

Reconsideration

Decision

Though a resolution cannot be reconsidered in Parliament, the same object is obtained by rescinding the vote on which it was passed. Technically the motion to rescind is a new question and thus the same question which has been resolved in the affirmative is not again offered although its effect is annulled. A negative vote cannot be rescinded. If a member moved for such a rescision he would thereby ask the House to nullify a vote which had resulted in the rejection of a measure and consequently, that measure would thereby be automatically revived and debatable, which means that the same question would have to be offered again. The only means, therefore, by which a negative vote can be revoked is by proposing another question similar in its general purport to that which has been rejected but with sufficient variance to constitute a new question; and the House would determine whether it were substantially the same question or not.

A mere alteration of the words of a question without any substantial change in its object will not be sufficient to evade the rule that no question shall be offered which is substantially the same as one on which the judgement of the House has already been expressed in the current session. This procedure which shows the rigidity with which the decisions of the House of Commons in Great Britain is hardly suitable for other meetings than those of parliament and in fact is not followed in the procedure used; but a by-law or any other regulation may provide that rescision be used instead of reconsideration. There is a difference between rescision and reconsideration. The motion to rescind a resolution does not purport to command that the same resolution be again considered; its only implication is that the resolution be quashed and, if it is, the matter need not be further proceeded with; whilst a motion to reconsider means what it says, namely, that the resolution must be considered anew and debated again.

The Previous Question

Object of the Previous Question

In the United Kingdom Parliament, a member moves the previous question if he wishes the matter under debate to be shelved. In the United States Congress, it is moved when a member wishes that a question under debate be at once voted on. In the House of Commons of Canada, it is moved with a view to prevent an amendment and thus force a direct vote on the main motion in its original form.

Mover May Vote Against It

The members proposing and seconding the previous question generally vote in its favour, but there is no rule to prevent them voting against their own motion, if their intention is to supersede the question. It sometimes happens that the proposition

under consideration has great merit but is supposed by the majority to be embarrassing, inexpedient or premature; in such a case a good way to get rid of it without expressing an opinion one way or another is to eliminate such proposition from the order paper by moving the previous question and voting against it.

Voting on the Question

Voting, called “dividing” in parliamentary bodies, is the means by which the acceptance or rejection of motions is accomplished. The joint will of an assembly is effected in accordance with the principle that the will of the majority is deemed to be the will of the whole. The practice of submitting a formulated question to obtain a decision is very ancient for it was followed by the Greeks and Romans. The principle that the majority rules was conceded in the Magna Carta, is recognized at Common Law and it was sanctioned in Section 49 of the British North America Act. It is accepted today in all deliberative assemblies.

A Recorded Vote

When it is desired to take a recorded vote, the chairman makes the request that “Those in favour of the motion will please rise” and they rise separately starting from the front benches, the secretary calls out their names and records their votes on a list. When all the “yeas” have been voted, the chairman says “Those who are opposed to the motion (or amendment) will please rise”, and their votes are recorded. The secretary announces the results: “Yeas 25; Nays 20”. The chairman says: “The motion is carried”; if the nays are in the majority he says: “The motion is lost”.

The Committee of the Whole

Two Entities

A general meeting may sometimes find it convenient to resolve itself into Committee of the Whole, which means that the meeting, akin to the House of Commons, consists of two entities, each governed by a procedure of its own. The word “Committee” originally meant a person or a body of persons to whom a matter was “committed”, or referred for consideration and report. The illogical procedure whereby a body appoints itself to consider a matter and then reports its findings to itself, can trace its origin back to the distrust felt in former times towards the speaker who was then appointed by the King and was suspected of being a menace to the freedom of deliberation. Going into Committee was one means of disarming the speaker and allowing members to speak as often as they liked on the same question.