

VILLAGE OF HARVEY

Revised By-Laws of the Village of Harvey, 1980

By-Law 82-3

A BY-LAW RELATING TO THE MEETINGS OF THE COUNCIL

BE IT ENACTED by the Council of the Village of Harvey as follows:

1. Regular Meetings

- (1) The first meeting of a Council following a general municipal election shall be held on the fourth Monday in May following the election.
- (2) Thereafter the Council shall hold regular meetings on the second Wednesday of each month beginning at the hour of 7:00 p.m.
- (3) When such day falls on a civic, public, or statutory holiday, the Council shall meet on the following Wednesday at the same hour.
- (4) All regular meetings of the Council shall be held in the Village Office at the Village of Harvey.
- (5) All meetings of the Council shall be open to the public and no member of the public shall be excluded therefrom except for improper conduct. The Mayor or other presiding officer may expel from any meeting any person guilty of improper conduct at such meeting.

2. Special Meetings

- (1) The Mayor may at any time summon a special meeting.
- (2) Upon receiving a petition of two Councilors, the Clerk shall summon a meeting for the purpose and at the same time mentioned in the petition.
- (3) In case the office of the Mayor or Councilor becomes vacant, the Clerk shall summon a special meeting of the Council for the purpose of declaring such vacancy.

3. Notices of Special Meetings

The Clerk shall issue notices of all special meetings of the Council and shall specify the time of such meetings and the business to be transacted thereat. He shall cause such notices to be mailed or delivered to the residence or place of business of the Mayor and Councilors at least one day before the meeting.

4. Quorum

Two Councilors with the Mayor or other presiding officer shall constitute a quorum.

5. Call to Order

As soon after the hour of meeting as a quorum is present, the Mayor shall take the chair and call the members to order.

6. Chairman in Absence of Mayor

In case the Mayor and Deputy Mayor are both absent, the Clerk shall call the meeting to order, and on a chairman having been chosen and motion the Council shall proceed with the business of the meeting.

7. Quorum Not Present

Unless there is a quorum within thirty minutes after the time appointed for the meeting of the Council, the Council shall then stand adjourned until such day of meeting as the Clerk shall then desire.

8. General Order of Business

The following shall be the general order of business of each regular meeting:

Recording of attendance
Consideration of minutes of next preceding meeting
Correction and adoption of minutes
Tabling of documents
Reading of petitions and hearing delegations
Reading of communications
Confirmation of auditor's report, if any
Report of committees
Consideration of By-Laws
Motions
Notices of motion
Unfinished business and
New business.

9. Variations in Order of Business

- (1) The business before the Council at each meeting shall be taken up in regular order unless otherwise determined by the vote of the Councilors present, and all questions as to precedence or to the suspension of the general orders of the day shall be decided without debate.
- (2) The minutes of the next preceding meeting need not be read in open Council unless a Councilor present requires the reading.

10. Order of Business – Special Meetings

The business before the Council at each special meeting shall be taken up in the order in which the items appear on the notice of the meeting.

11. Relation of Public to Council

No person other than members of the Council and Village Officers having duties to perform shall be allowed within the bar of the Council Chamber while the Council is in session except upon special invitation of the Mayor or vote of Council; and no person other than a member of the Council shall address the Council without permission of the Council.

12. Preservation of Order

The Mayor shall preserve order and decorum and decide all questions of order, subject to an appeal to the Council, and in the absence of the Mayor and Deputy Mayor the chairman shall have the same authority.

13. Rulings in Order

When called upon to decide a point of order, procedure or practice the Mayor shall state the question without unnecessary comment and shall forthwith announce his decision citing any rule or authority he may deem necessary.

14. Mayor Entering Debate

If the Mayor desires to leave the chair for the purpose of taking part in the debate, or for any other purpose, he shall call on the Deputy Mayor, if present, or, if the Deputy Mayor is not present, a Councilor, to preside until he resumes the chair.

RULES OF DEBATE AND CONDUCT OF COUNCILORS

15. Who Shall Have Floor

When two or more Councilors wish to speak, the Mayor shall name the Councilor, who, in his opinion, first indicated his desire to speak.

16. Reading of Motion

Any Councilor may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Councilor who is speaking.

17. Limits of Debate

No Councilor shall speak more than once on the same questions without leave of the Council except in explanation of a material part of his speech which may have been misconceived, and in doing so he shall not introduce a new matter. A reply is allowed to a Councilor who has made a substantive motion to the Council, an amendment on the previous question. No Councilor without leave of the Council shall speak to the same question in reply for longer than a quarter of an hour.

18. Disrespectful Statements

No Councilor shall speak disrespectfully of Her Majesty the Queen, or any of the Royal Family, or of the Governor-General, the Lieutenant-Governor, or any person administering the Government of Canada, or of this Province, nor use offensive language concerning the Council or any member thereof, nor shall he speak beside the question in debate; nor reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded; nor resist the rules of the Council nor disobey the decision of the Mayor, or of the Council on a question of order or procedure, or upon the interpretation of a rule of Council and in case any Councilor shall so speak, resist, or disobey, the Mayor or other presiding officer may order such Councilor to vacate his seat for the rest of the meeting; but on his apologizing he may, by vote of the Council be permitted forthwith to retake his seat.

19. Interruptions

When a question is being put no Councilor shall walk across the room, leave his place, or make cause to be made any noise or disturbance; and when a Councilor is speaking no other member shall pass between him and the chair, or interrupt him except to rise to a point of order.

20. Appeal to Council

When a point of order is raised, or when a Councilor is called to order by the chair, he shall immediately sit down and remain seated until the Mayor shall have stated and decided the point of order raised, and the Council, if appealed to from the decision of the chair, shall decide the question without debate; if there be no appeal, the decision of the Mayor shall be final.

21. Motions to be Seconded before Debate

Every motion shall be seconded before being debated or put from the chair and shall be in writing except motions to go into Committee of the Whole or refer any matter to a committee, or to adjourn, which may be made viva voce. When a motion is seconded it shall be read or stated by the Mayor before debate.

22. Withdrawal of Motions

After a motion is read or stated by the Mayor it shall be deemed to be in possession of the Council but may, with permission of the Council, be withdrawn at any time before decision or amendment.

23. Motions to Adjourn

A motion to adjourn the Council or adjourn the debate shall be in order except:

- (a) When a councilor is in possession of the floor;
- (b) When the yeas and nays have been called for;
- (c) When the councilors are voting;
- (d) When it has been decided that the previous question shall be put forthwith;
- (e) In Committee of the Whole;

but a second motion to the same effect shall not be made until after some intermediate proceeding has taken place, provided, however, the council shall automatically adjourn at midnight, unless two-thirds of the members present shall consent to continuing the proceedings.

24. Questions Under Debate

When a question is under debate no motion shall be received unless to commit it, to amend it, to lay it on the table, to postpone it, to adjourn it, to move the previous question, to move that the vote be now taken, or to extend the hour therefore.

25. The Previous Question

The previous question, until it is decided, shall preclude all amendment of the main question and shall be put in the following words: **“Shall this question now be put?”** If this motion be resolved in the affirmative, the original motion is to be put forthwith without any amendment or further debate, but if the proposed question is resolved in the negative, the main question may then be debated and amended.

26. Motions to Vote

If a member moves that the vote be now taken, and it is seconded, the motion shall be put without debate and, if carried, the motion and amendments under discussion shall immediately be submitted to the Council without further discussion.

27. Order of Amendments

Amendment shall be put in the reverse order to that in which they are moved except in filling up the blanks when the longest time and the smallest sum shall be put first. Every amendment submitted shall be reduced to writing and shall be decided or withdrawn before the main question is put to the vote. Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main question.

28. Open Vote of "Yea" and "Nay"

Every question submitted to the Council shall be determined by open vote of "yea" and "nay" of the Councilors present.

29. Recording Vote

Upon a division of the Council, if any Councilor so requires, the names of those who vote for and those who vote against the question shall be entered upon the minutes.

30. Voting by Mayor

The Mayor shall vote only in case of any equal division, but every other Councilor, who shall be present in the Council Chamber when a question is put, shall vote thereon unless the Council shall excuse him, or he be personally interested in the question; and if any Councilor persists in refusing to vote for other than the reasons hereinbefore stated, he shall be recorded as voting in the affirmative on the question before the Council.

31. Reconsideration

After any question, except one on indefinite postponement, has been decided in the affirmative any Councilor who voted thereon in the affirmative may at any time thereafter move for a reconsideration thereof provided notice of motion has been given at a previous meeting; but no discussion of the main question shall be allowed unless reconsidered, and after such motion to reconsider no action shall be taken by the Council on the main motion until such reconsideration is disposed of. In respect to any question not more than one motion to reconsider shall be considered. Any question that has been decided in the negative may with the consent of the Council be reintroduced at any subsequent meeting.

32. Separate Vote on Distinct Propositions

When the question under consideration contains distinct propositions, upon the request of any Councilor, the vote upon each proposition shall be taken separately.

33. Declaration of Vote

After a question is finally put no Councilor shall speak to the question nor shall any other motion be made until after the result has been declared.

34. Privilege

When any matter of privilege arises it shall be immediately taken into consideration.

35. Councilors to Places on Division

Councilors shall immediately take their places when any division is called for and shall remain in their respective seats until the presiding officer has declared the result of the vote.

36. Appointment of Officials

When any office in the gift of the Council falls vacant, or a new office is created, the matter shall be referred to the Committee of the Whole for recommendation and report before the appointment is made.

37. Wearing of Hats and Applause

No Councilor, Village officer or other person, except a woman, shall wear a hat within the Council Chamber, while the Council or a committee of the Council is in session, and no applause shall be permitted other than by the Council.

38. Authority of Bourinet

In matters of procedure not herein provided "Bourinet, Parliamentary Procedure" shall govern.

39. Chairman of Committee of the Whole

The Mayor shall be chairman of the Committee of the Whole.

40. Rules of Council

The rules of Council shall be observed so far as they are applicable except that no motion for adjournment shall be allowed, the yeas and nays shall not be recorded, and Councilors shall not be limited in the number of times they may speak on any question.

41. Questions of Order

Questions of order arising in Committee of the Whole shall be decided by the chairman subject to an appeal to the committee. In case of disorder the Mayor shall immediately resume the chair without questions being put.

42. Motion to Rise and Report

On motion in Committee of the Whole to rise and report the question shall be decided without debate.

43. Order of Motions

All motions relating to the matter under consideration shall be put in the order in which they are proposed.

44. Motion to Rise Without Permission

A motion to rise without reporting, or that the chairman leaves the chair, shall always be in order and shall take precedence over any other motion and, if carried, the subject referred to the Committee of the Whole shall be considered as disposed of in the negative and the committee shall forthwith rise and the Council shall proceed with the next order of business.

45. Reporting Amendments

All amendments made in Committee of the Whole shall be reported by the chairman to the Council, which shall receive the same forthwith. After such report has been received it shall be open to debate and amendment, before being finally decided by the Council.

46. Exclusion of Public

The public shall not be entitled to attend when the Mayor and Council are meeting in Committee of the Whole.

COMMUNICATIONS

47. Where a petition, tender or other written communication is received concerning a subject with the cognizance of a standing committee the Village Clerk may refer it to such a committee which shall consider the matter and report to the Council.

48. When a petition or communication is received concerning a subject which is not within the cognizance of any standing committee, it shall be presented to the Council.

49. Three Readings

Every By-Law shall be given three distinct and separate readings before it is engrossed and passed, but not more than two readings at any one meeting of the Council except when by unanimous vote of the Councilors present an emergency is declared.

50. Signing and Sealing of By-Laws

Every By-Law shall be under the seal of the Village and shall be signed by the Mayor, or other person who presided at the meeting at which it passed, and by the Village Clerk.

51. Suspension of Rules

Notwithstanding any other rule or order no standing rule or order of the Council set out in this By-Law shall be suspended unless two-thirds of the Councilors present shall consent thereto, nor shall this By-Law be repealed or amended unless a week's notice in writing is given of the motion therefor, nor unless a majority of the whole Council shall concur therein.

STANDING AND SPECIAL MEETINGS

52. Appointments at Inaugural Meetings

The Council shall appoint the standing committees and design their chairman at its inaugural meeting each year.

53. Special Committees

Special committees may be appointed by the Council which shall report to the Council on any matter referred to it by the Council.

54. Quorum

A majority of the members of the committee shall be a quorum.

55. Meetings

No regular meeting of any committee shall be called on less than twenty-four hours notice except in the case of necessity, or emergency.

56. Attendance by Non-Members

A Councilor may attend any meeting of a standing committee of which he is not a member, but shall have no privilege of voting there but may address the committee with the consent of its members.

57. General Duties

The duties of standing and special committees shall be to report and to make recommendations to the Council from time to time on all matters under their jurisdiction or referred to them and to exercise general supervision over the work of any officer or department under their jurisdiction.

58. Substitution

The Council may appoint additional Councilors of any committee to act in place of any members thereof who, by reason of illness or absence from the Village, are unable to attend the meetings of the committee.

APPROPRIATIONS AND EXPENDITURES

59. Over Expenditure

No work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of the Council.

60. Purchase Orders

No purchase shall be made unless a purchase order therefore has been signed by an authorized official.

61. Checking Purchases

On receipt of goods purchased, the official receiving the same shall check the goods with the purchase order and invoice, and certify the fact on such invoice with the date of his so doing and forthwith file such invoice with the Village Treasurer.

62. Payment of Accounts

All accounts shall be paid on the day following the meeting of the Council at which payment is authorized or so soon thereafter as possible.

This By-Law is consolidated as of May 11, 1994.

This original By-Law being Chapter 5 is found at the Village Office under By-Laws in alphabetical order.