

BYLAW A-1

A BYLAW OF THE MUNICIPALITY OF BATH RESPECTING THE PROCEDURE AND ORGANIZATION OF THE VILLAGE OF BATH

BE IT ENACTED BY THE COUNCIL OF THE VILLAGE OF BATH , AS
FOLLOWS:

1. In this Bylaw

- (a) “clerk” means the clerk of the municipality appointed under Section 75 of the Municipalities Act;
- (b) “corporation” means the municipality;
- (c) “council” means the Village Council of the municipality, consisting of the mayor and three councillors, all duly elected;
- (d) “councillor” means a member of the council other than the mayor
- (e) “member” means a person elected to the council, and
- (f) “municipality” means the Village of Bath
- (g) “quorum” means a majority of the full number of members of council.

SEAL

- 2. The corporate seal of the Village of Bath shall be a metal stamp and have inscribed thereon the words, “the Village of Bath” and include the date of incorporation and the imprint of the seal appearing on the margin of this bylaw is adopted as its corporate seal.
- 3. The corporate seal shall be at all times in the custody of the clerk and shall be used by him or her in matters as required under the Municipalities Act.

MEETINGS

- 4. (1) The council shall hold regular meetings on the second Monday of each month in the Council Chambers at 6:30 in the evening, unless otherwise prescribed by council.
- (2) When the day of the regular meetings fall on a day that is prescribed day of rest as defined under the Days of Rest Act, the council may meet at 6:30 in the evening of the next following day.

- (3) The mayor may, on two clear days written notice, given through the clerk's office, change any regular meeting of council to a day and time to be named in the notice, and that particular meeting shall be held at that time, place and date.
- (4) The clerk shall make available to each member, not later than the Thursday before the day fixed for each regular meeting, the agenda of the meeting.
- (5) Unless otherwise agreed to by Council, no matter shall be placed on the agenda for consideration at any council meeting unless the request for consideration of the matter is received by the clerk before five o'clock in the afternoon on the Thursday preceding the day on which the meeting is to be held.

SPECIAL MEETINGS

5. (1) Upon having received a written request to call a special council meeting signed by not less than two councilors or the Mayor, the clerk shall call a special meeting for the purpose and at the time specified in the petition.
 - (2) When a special meeting is called, the clerk shall inform each member of the time of the meeting and the business to be transacted thereat.
 - (3) At a special meeting, the council shall consider only the business set out in the written notice calling the meeting except where otherwise determined by the unanimous consent of all the members present.
 - (4) All special meetings shall be advertised by distributing a notice to be placed on the Village office doors, the time, date, place and the purpose of the meeting at least 24 hours prior to start of the meeting.

CALL TO ORDER

6. (1) Subject to subsection (2), as soon after 6:30 in the evening of the day for a regular council meeting and as soon after the hour of the meeting set by the calling of a special meeting as there is a quorum present, the mayor shall take the chair and call the council to order.
 - (2) When the mayor is not present within fifteen minutes of the time set for the meeting, or when the mayor has previously indicated that he will not be in attendance, the deputy mayor shall call the council to order and, shall preside during the meeting or until the arrival of the mayor.
 - (3) Upon a quorum of the members being present, the mayor shall take the chair and call the members to order. In the absence of the mayor and the deputy mayor, the council may, from among the members, present, appoint a chairman who, during the absence of the mayor and deputy mayor, shall have the powers of the mayor.
 - (4) When there is no quorum present within twenty minutes after 6:30 in the evening of the day for a regular council meeting, or within twenty minutes of the hour set in the calling of any special meeting, the clerk shall call the roll and take down the names of the members then present and shall

adjourn the meeting until the next regular meeting or until a special meeting is called.

ORDER OF PROCEEDINGS

7. (1) As soon as a regular council meeting is called to order by the mayor or chairperson, subject to subsection (2), the business of the meeting shall be dealt with in the following order;
 - (a) recording of attendance
 - (b) declaration of any conflict of interest
 - (c) motion approving or amending and approving the minutes;
 - (d) approval of agenda
 - (e) reading of petitions and hearing delegates
 - (f) correspondence
 - (g) presentation and consideration of reports of committees
Reports to include unfinished business and any new business
 - (h) other business
 - (i) payment of bills
 - (j) adjournment

unless otherwise determined by motion passed by the affirmative vote of at least two thirds of the members present at the meeting.

- (2) Minutes of the last preceding meeting shall not be read at the meeting unless a member so requests in which case, the clerk shall read the minutes before the council deals with the business before it in the order set out in subsection (1).

ORDER

8. (1) The mayor shall preserve order and decorum at the council meetings. He shall decide upon all questions of order, subject to an appeal to council which shall be put to the meeting immediately and decided forthwith.
(2)When, in the opinion of the mayor, a member of the public is guilty of improper conduct at a council meeting, the mayor may expel that person from the meeting forthwith.

RULINGS ON ORDER

9. Where, in the mayor's opinion, or where the mayor is called upon to decide a point of order or practice, he shall state the question without unnecessary comment and decide the issue in accordance with Robert's Rules of Order.

MAYOR ENTERING A DEBATE

10. Where the mayor wishes to participate in the debate at a council meeting, he shall leave the chair before the debate commences and call on the deputy mayor, if present or, if not present, a councillor to preside until he resumes the chair. The Mayor shall not return to the chair until the matter is dealt with. The member of council who assumes the chair cannot enter the debate and shall remain in the chair until the matter is dealt with.

CHAIRPERSON

11. A chairperson, whether appointed by the mayor or by council to act in the absence of the mayor, shall have the same authority, while presiding at a council meeting as the mayor, would have if present and occupying the chair and in the bylaw, where the context allows the “mayor” it shall be deemed to mean a chairperson.

MANNER OF SPEAKING

12. Every member or delegation upon to speaking to a question, motion or matter, shall address himself or herself to the mayor.

WHO SHALL HAVE THE FLOOR

13. When two or more members attempt to speak at the same time, the mayor shall recognize the member who first attract his attention.

VOTING

14. All councilors shall vote on all matters as per Section 10.1 of the Municipalities Act. In the event of a tie vote, the Mayor shall cast the deciding vote. The Mayor shall only vote in the event of a tie and no other times unless required to under the Provincial statutes.

INTERRUPTIONS

15. (1) When the mayor is putting a question or motion, no member shall leave his or her seat or make any disturbance.
(2)When the mayor, or a member is speaking, no person may pass between him or her and the chair or interrupt him or her except to raise a point of order.

DISRESPECTFUL STATEMENTS

16. (1) No member shall
 - (a) use offensive words against the council or any other member thereof,

- (b) refuse to obey the rules of council or,
 - (c) disobey the decision of the mayor on question of order.
- (2) Where a member refuses to obey the rules of council or disobeys the decision of the mayor on a question of order, the mayor shall order him to leave his seat for that meeting and he may be summarily ejected provided that, when the member apologizes, he may, on a majority vote of the council resume hi seat forthwith.

RECORDING OF A VOTE

17. (1) When required by law, or, whenever any member calls for the “yeas” and “nays” upon a division of council upon any question, motion or matter, the clerk shall enter in the minutes the names of the members who vote for ad those who vote against the question, motion, or matter.

QUESTIONS UNDER DEBATE

18. Subject to Section 25, when a motion is under debate, no other motion shall be received except a motion to amend it, to lay it on the table, to postpone it, to adjourn it, to refer it to a committee, to move the previous question, to move that the vote be now taken or, subject to Section 19, to extend the hour to consider it.
19. A motion to adjourn the debate or to adjourn the meeting or resolve the council into committee of the whole shall always be in order except
- (a) when a member is speaking
 - (b) when it has been decided that the previous question shall be put forthwith,
 - (c) when the yeas and nays have been called for, and
 - (d) when the members are voting and shall be put by the mayor forthwith, without debate, and the members shall not make a second motion to adjourn the debate or the meeting until after some intermediate proceeding has taken place provided, however, that council shall automatically adjourn at 11:00 o'clock in the evening unless two thirds of the members present consent to continuing the proceedings.

SEPARATE VOTE ON DISTINCT PROPOSITIONS

20. Whenever a motion under consideration consists of more than one distinct proposition, matter or question, upon the request of a member the vote upon each separate proposition, matter or question shall be taken separately.

MOTION TO TAKE VOTE

21. When a member moves that the vote be now taken and his motion is seconded, the mayor shall put the motion without further debate.

PRIVILEGE

22. When a question of privilege arises it shall be taken into consideration immediately.

GENERAL

23. No bylaw. Question, motion or matter that has been disposed of by a majority vote at a council meeting shall be introduced for consideration at a council meeting prior to the expiration of three months from the disposal without consent of a majority of all of the members of council.
24. Upon the enactment of this bylaw, all bylaws, rules and regulations heretofore passed, adopted and observed by council relating to proceedings in council and committees thereof and providing for the constitution of committees are hereby repealed.
25. In all matters, points of order or question or procedure arising and not provided for hereunder, proceedings in council and in committee shall be governed by Robert's Rules of Order.

MOTION RE: COMMITTEE OF WHOLE

26. A motion to resolve council into committee of the whole shall state the proposition, matter or question to be considered.

COMMITTEE OF THE WHOLE

27. When a motion to resolve into committee of the whole is decided in the affirmative the mayor shall appoint a chairperson of the committee of the whole from among the members present and shall immediately leave the chair.

DUTIES OF CHAIRPERSON

28. When council is resolved into committee of the whole, the appointed chairperson shall immediately take charge of the proceedings and, for the purpose of maintaining order in committee of the whole, shall have all the powers of the mayor.

ORDER OF PROCEEDINGS

29. (1) In Committee of the whole, rules of council shall be observed in as far as applicable except that
 - (a) no motion shall require a seconder
 - (b) no motion for adjournment shall be allowed
 - (c) the yeas and nays shall not be recorded, and

- (d) no minutes shall be recorded
- (2) In committee of the whole, no proposition, matter or question shall be considered except as provided in the motion resolving council into committee of the whole.

QUESTIONS OF ORDER

- 30. Subject to an appeal to the committee of the whole, questions of order arising in committee of the whole shall be decided by the chairperson.

PETITIONS AND COMMUNICATIONS

- 31. All petitions, applications or other written communications intended to be presented to council, shall be written legibly, typewritten or printed on paper and signed by at least one person and that all petitions, applications or other written communications intended to be presented to council shall have 48 hours notice prior to a regular or special meeting.
- 32. (1) Every petition, application, or other written communication on any subject, within the cognizance of any standing committee, shall be considered, on presentation, as referred to the proper committee without any motion, unless otherwise ordered.
 - (2) No member shall speak, nor shall a debate be allowed, upon the presentation of a petition, application or other written communication to council, but a member may move, referring a petition, application, tender or other written communication, that certain instructions be given by council or that the petition, application, or other written communication, be referred to a special committee.
 - (3) If the petition, application or other written communication complains of a present personal grievance requiring immediate remedy, upon the consent of a majority of the members present, the matter contained therein shall be brought into immediate discussion and disposed of forthwith.
- 33. When a petition, application or other written communication is received concerning a subject which is not within the cognizance of any standing committee, it shall be presented to council.

BYLAWS

- 34. Every bylaw or amendment to a bylaw shall be introduced by a notice of motion specifying the title of the bylaw, and the motion shall be decided without amendment or debate.
- 35. Every proposed bylaw or amendment to a bylaw shall receive three (3) separate readings, but not more than two (2) at any one (1) meeting, except in the case where all members present declare by resolution that an emergency exists.

36. The council may amend a proposed bylaw or amendment to a bylaw at any time prior to third reading by title.
37. The clerk shall endorse on all bylaws read in council, the dates of the several readings thereof and shall be responsible for the inclusion of any amendments.

APPOINTMENT AND ORGANIZATION OF COMMITTEES

38. At the inaugural meeting of council, the following standing committees shall be appointed.
 - (a) Finance & Administration Committee
 - (b) Public Works Committee
 - (c) Fire Committee
 - (d) Land Use Planning Committee
 - (e) Police Committee
 - (f) Recreation Committee
 - (g) Economic Development Committee
 - (h) And any other committee deemed necessary
39. If the inaugural meeting of council a chairperson for each committee shall be appointed by the Mayor.
40. The mayor may appoint a member of the Municipality, who is qualified to be a candidate in a municipal election as defined by the Schools Act.
41. The mayor shall be an ex officio member of all committees and shall have the right to vote on all questions before a committee.
42. A member who introduces a bylaw or motion upon any subject which is subsequently referred to a special committee or subcommittee shall be a member of the committee without being so named by council.
43. The standing committees may meet at any time as determined from time to time by each committee.
44. A member may attend the meeting of any committee but may vote or take part in any discussion or debate in the committee except with the permission of the majority of the committee members present.
45. A standing committee may add advisory members to its composition who need not be members of council and shall inform council of all advisory appointments.

OVER EXPENDITURE

46. Subject to Section 47, no work or expenditure, the cost of which will exceed the relevant appropriation, shall be undertaken without previous authorization of council.

EXPENDITURE BY MAYOR & COMMITTEE CHAIRPERSON

- 47. Discretionary spending by any member of Council, shall be limited to the amount authorized in the annual budget.

PAYMENT OF ACCOUNTS

- 48. All accounts may be paid as soon as payment is authorized by the appropriate member of council, or as soon thereafter as practicable.
- 49. Any, and all bylaws entitled “a bylaw of the municipality of the Village of Bath respecting the procedure and organization of the Council of the Village of Bath is hereby repealed, null and void on the date this bylaw comes into effect.

Bylaw No. 1, A Bylaw Respecting the Procedure and Organization of the Village of Bath passed on December 8, 1997 is hereby repealed.

Read 1st Time **June 8, 2009**

Read 2nd Time **June 8, 2009**

Read 3rd Time and Enacted **July 13, 2009**

Signed: _____
Mayor

Clerk