

RULES OF ORDER

—OF THE—

MUNICIPAL COUNCIL

—OF THE—

Town of Cobourg

**Passed the 10th day of August,
1903.**

COBOURG :
FLOYD AND MCGUIRE, PRINTERS,
1903.

By-Law No. 750.

A By-Law to provide Standing Rules of Order for Regulating the Proceedings of the Municipal Council of the Town of Cobourg.

Passed the 10th day of August, A. D., 1903.

BE IT ENACTED by the authority of the Town Council of the Town of Cobourg, and it is hereby enacted by the authority of the same, that the following Rules shall be and are hereby adopted as the Standing Rules of Order to regulate all proceedings of the said Town Council, that is to say :—

MEETINGS OF THE COUNCIL.

1. After its inaugural meeting, the Council shall meet on every alternate Monday during the year at 8 o'clock p. m., unless otherwise ordered by special motion or unless such Monday is a public or civic holiday in which case the Council shall meet at the same hour on the next day following which is not a holiday. The inaugural meeting of the new Council in each year shall be opened with prayer, the officiating clergyman to be chosen by the mayor elect.

2. The mayor may at any time summon a special meeting of the Council; and it shall be his duty to summon a special meeting whenever requested in writing so to do by a majority of the members of the Council.

(2) In case of the absence or death of the mayor, or head of the Council, a special meeting may be summoned at any time by the clerk upon a special requisition to him signed by a majority of the members of the Council. Also whoever calls a special meeting of the Council, they shall deliver to the Chief of

Police the summons. The Chief shall notify each member of the Council, if possible, forthwith and obtain their signature to each summons. He shall then deliver the summons to the town clerk.

ORDER OF PROCEEDINGS.

3. As soon after the hour of meeting as there shall be a quorum present, the mayor shall take the chair, and call the members to order.

4. In case the mayor does not attend within fifteen minutes after the time appointed, the clerk shall call the members to order, and if a quorum be present, a chairman shall be chosen, who shall preside during the meeting, or until the arrival of the mayor.

5. If there be no quorum present within half an hour after the time appointed for the meeting, the clerk shall call the roll and take down the names of the members then present, and the Council shall stand adjourned until the next day of meeting, subject to the provisions of section 2 of this By-law. A majority of the members of the Council shall be a quorum.

6. Immediately after the mayor shall have taken his seat, the minutes of the preceding meeting shall be read by the clerk, in order that any mistake therein may be corrected by the Council.

ORDER OF BUSINESS.

- I. Reading and confirming the minutes.
- II. Reading accounts.

III. Reading communications.

IV. Reports of Committees - Streets and Parks ; Fire, Water and Light ; Town Hall, Police and Printing ; License and Market ; Manufacturing ; By-Laws and Health ; Finance, Harbor and Abatement.

V. Unfinished business.

VI. New business.

7. The mayor shall preserve order and decorum, and decide questions of order, subject to an appeal to the Council, and in the absence of the mayor, the chairman shall have the same authority while presiding at the meeting as the mayor would have had if present.

8. When the mayor is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the mayor shall cite the rule or authority applicable to the case.

9. The mayor may vote with the other members on all questions ; and any question on which there is an equality of votes shall be deemed to be negatived.

10. If the mayor desires to leave the chair for the purpose of taking part in the debate or otherwise, he shall call on some other member of the Council to fill his place until he resumes the chair.

11. Every member, previous to speaking to any question or motion, shall rise from his seat, uncovered, and shall address himself to the mayor.

12. When two or more members rise to speak, the mayor shall name the member who, in his opinion, first rose from his seat ; but a motion may be made that any member who has risen " be now heard " or " do now speak."

13. Every member who is present in the Council chamber when a question is put, shall vote thereon, unless the Council shall excuse him, or unless he is personally interested in the question, provided such interest is resolvable into a personal pecuniary profit, or is peculiar to that member, and not one in common with the interests of the citizens at large, and in such cases he shall not vote.

14. When the mayor is putting the question no member shall walk across or out of the room, or make any noise or disturbance ; nor when a member is speaking shall any other member pass between him and the chair, or interrupt him, except to raise a point of order.

15. A member called to order from the chair shall immediately sit down, but may afterwards explain ; and the Council, if appealed to, shall decide the case, but without debate ; if there be no appeal the decision of the mayor shall be final.

16. No member shall speak disrespectfully of His Majesty the King, or of any of the Royal Family, or of the Governor-General, Lieutenant-Governor, or person administering the Government of the Dominion or of this Province ; nor shall he use offensive words in or against the Council or against any member thereof ; nor shall he speak beside the question in debate ; and no member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescind-

ed ; nor shall he resist the rules of the Council, or disobey the decision of the mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council ; and in case any member shall so resist or disobey, he may be ordered by the mayor to leave his seat for that meeting ; but in case of ample apology being made by the offender, he may, by vote of the Council, be permitted forthwith to take his seat.

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

18. No member shall speak more than once to the same question, 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 is not to introduce new matter. A reply is allowed to a member who has made a substantive motion, but not to any member who has moved an order of the day, an amendment, the previous question, or an instruction to a committee. No member, without leave of the Council, shall speak to the same question, or in reply, for longer than a quarter of an hour.

19. Whenever a division of the Council upon a By-law, resolution or for any other purpose, each member of the Council present voting shall announce his vote upon the question openly and individually in the Council and the clerk shall record the same.—(62 Victoria, Chap. 36, Sec. 19, S. S. 2.)

20. All inquiries shall be in writing, and shall be handed to the clerk of the Council at least two clear days before the day of the meeting at which such inquiry is to be made ; and the answer to such inquiry shall also be put in writing and handed

to the mayor or other presiding officer at least one hour before the meeting, and shall be read by him from the chair.

21. No person except members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without the permission of the mayor or an alderman.

22. The members of the Council shall not leave their places, on adjournment, until the mayor leaves the chair.

23. No standing rule or order of Council shall be suspended, except by vote of two-thirds of the members present.

24. In all unprovided cases in the proceedings of Council or in committee, the law of Parliament shall be followed.

25. One day's notice shall be given of all motions for introducing new matter other than matters of privilege and bringing up petitions, unless the Council dispense with such notice by a vote of two-thirds of the members present, without debate.

26. All motions shall be in writing and seconded before being debated or put from the chair, but motions to adjourn or go into committee of the whole may be made *viva voce*. When a motion is seconded, it shall be read, or if *viva voce*, stated by the mayor before debate.

27. 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.

28. A motion for commitment, until it is decided, shall preclude all amendment of the main question.

29. Every bill shall receive three several readings, and on different days previous to its being passed, except on urgent and extraordinary occasions, and upon a vote of two-thirds of the members present, when it may be read twice or thrice, or advanced two or more stages in one day.

30. A motion to adjourn the Council, or adjourn the debate, shall always be in order, but no second motion to the same effect shall be made until after some intermediate proceeding shall have been had.

31. When a question is under debate, no motion shall be received, unless (1) to commit it; (2) to amend it (3) to lay it on the table; (4) to postpone it indefinitely; (5) to postpone it to a certain time (6) to adjourn it; (7) to move the previous question, these several motions shall have precedence in the order in which they are named and the last five shall be neither amendable nor debatable.

32. The previous question, until it is decided, shall preclude all amendment of the main question, and shall be put, without debate, in the following words: "That this question be now put;" if this motion be resolved in the affirmative, the original question is to be put forthwith, without any amendment or debate; but if the previous question is resolved in the negative, the main question may then be debated and amended.

33. Amendments shall be put in the reverse order to that in which they are moved, except in filling up blanks, when the longest time and 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.

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

35. After a question is finally put by the mayor, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared; and the decision of the mayor, as to whether the question has been finally put, shall be conclusive.

36. When the mayor is of opinion that a motion is contrary to the rules and privileges of the Council, he shall apprise the members thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case, without argument or comment.

37. Whenever any matter of privilege arises, it shall be immediately taken into consideration.

38. Members, having been previously summoned, shall immediately take their places when any division is called for, and shall remain in their places until the mayor or chairman has declared the result of the division.

PROCEEDINGS IN COMMITTEE OF THE WHOLE.

39. Whenever it shall be moved and carried that the Council shall go into committee of the whole, the mayor shall leave the chair, but he shall first appoint a chairman of the committee of the whole, who shall maintain order in the committee, and shall report the proceedings thereof.

40. The rules of the Council shall be observed in committee of the whole, so far as may be applicable, except that no motion shall require to be seconded, nor shall a motion for a previous question, or for an adjournment be allowed; and in taking the yeas and nays the names of the members shall not be recorded, nor shall the number of times of speaking on any question be limited. Provided, however, that no member shall speak more than twice until every member who desires to do so shall have spoken.

41. Questions of order arising in committee of the whole shall be decided by the chairman, subject to an appeal by any member to the Council. If any disorder should arise in the committee the mayor shall resume the chair, without any question being put.

42. On motion in committee of the whole to rise and report, the question shall be decided without debate.

43. A motion in the committee of the whole to rise without reporting, or that the chairman leave the chair, shall always be in order, and shall have precedence of any other motion. On such motion debate shall be allowed, and, on an affirmative vote, the subject referred to the committee shall be considered as disposed of in the negative, and the mayor shall resume the chair, and proceed with the next order of business.

READING OF BILLS AND PROCEEDINGS THEREON.

44. Every bill shall be introduced upon motion for leave, specifying the title of the bill, or upon motion to appoint a committee to prepare and bring in the bill.

45. No bill shall be introduced either in blank, or in any imperfect shape.

46. The question, "That this bill be now read a first time," shall be decided without amendment or debate; and every bill shall be read a second time, and then considered in committee of the whole, and shall be read a third time before it is signed by the mayor.

47. The clerk shall indorse on all bills read in the Council the dates of the several readings thereof, and shall be responsible for the correctness of such bills should they be amended.

48. In proceedings in committee of the whole upon bills, each clause shall be considered in its proper order, then the preamble, and then the title.

49. All amendments made in committee of the whole shall be reported by the chairman of the Council, which shall receive the same forthwith. After the report has been received, the bill shall be open to debate and amendment before it is ordered for a third reading.

50. Every by-law which has passed the Council shall, immediately after being sealed with the seal of the corporation, and signed by the mayor, be deposited by the clerk for security in the safe connected with his office.

PETITIONS AND COMMUNICATIONS.

51. Every petition, remonstrance, or other written application intended to be presented to the Council must be fairly written or printed on paper or parchment, and signed by at least one person; and no letters, affidavits, or other documents shall

be attached to it.

COMMITTEES.

52. Every member who shall introduce a Bill, Petition, or Motion, upon any subject which may be referred to a Select Committee, shall be one of the Committee without being named by the Council, and shall, unless he otherwise determines, be the Chairman of such committee.

53. Should a chairman of any committee neglect or refuse to call a meeting of the committee at such times or with such frequency as the proper despatch of the business entrusted to them requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the committee may report such neglect, refusal, or action, to the Council, who may, if they deem it advisable, remove the said chairman from the committee and appoint another member in his place, and every such re-constructed committee shall have a right to appoint a chairman, who shall report such appointment to the Clerk of the Council, and it shall be the duty of the Clerk from time to time to notify the chairman of any business requiring attention.

54. A majority of the whole number of any committee shall be a quorum, competent to proceed to business, and in the absence of the chairman, may appoint a chairman pro tem.

55. No Standing Committee of the Council, shall consist of less than three members.

56. Members of the Council may attend the meetings of any of its Committees, but unless they are members of the Commit-

tee, they shall not be allowed to vote, nor shall they be allowed to take part in any discussion or debate, except by the permission of the majority of the committee.

57. Every committee appointed to report on any subject referred to it by the Council, shall report a statement of facts with its opinions thereon in writing, and no report shall be presented to the Council as the Report of any Committee unless agreed to by a majority of the members of the Committee present at a meeting for the transaction of business and signed by the chairman, provided that the minority of any committee may present a written report on the matter referred to it, but so that such report shall be specially designated a "Minority Report."

58. No meeting of any committee shall be called upon less than 24 hours' notice, except in cases of emergency.

59. The chairman and members of every committee shall, at all sittings thereof, adhere to the Standing Rules of Order of the Council whenever applicable, and also to the general By-laws of the town.

60. At the first meeting of the Council in each year, a committee to strike the Standing Committees for the year shall be named, and at the second meeting of the Council such Standing Committees shall be appointed.

61. The Standing Committees of the Council shall be, first, Finance, Harbor and Abatement; second, Streets and Parks; third, Fire, Water and Light; fourth, Town Hall, Printing and Police; fifth, By-laws and Health; sixth, Market and License; seventh, Court of Revision; eighth, Manufacturing.

SELECT COMMITTEES.

62. When a Select Committee shall be appointed for any purpose, it shall be the duty of the clerk to furnish the chairman of the committee with a copy of the resolution appointing the committee, and such member shall notify the other members of the time and place for such committee to meet, or such chairman may request the clerk to give the requisite notices which the said clerk shall thereupon do.

63. All accounts and claims against the Town, shall, unless otherwise specially provide for by By-law or resolution of the Council, be referred to and reported on by the Finance Committee and the report thereon adopted by the Council before being paid, and every such resolution or report shall be entered in the Minutes of the Council.

64. No committee, nor any member of this Council, nor any officer thereof, shall directly or indirectly enter into any contract with or authorize the purchase of, or purchase any article or any goods, wares or merchandize from any one or more of the members of this Council, or from any officer thereof.

65. No officer of the Corporation nor any member of the Council shall, on behalf of the Corporation, enter into any contract or incur any debt not exceeding \$10 without having obtained by By-law or resolution the previous authority and sanction of the Council in that behalf.

66. Any breach of the Regulation imposed by the preceding Section of this By-law, on the part of any officer of the Corporation, shall subject him to forfeiture of his office and immediate removal therefrom.

67. In all unprovided cases in the proceedings of the Council, the law of Parliament shall govern.

68. By-law Number 357 and all other By-laws of this Council, respecting the Standing Rules of Order of this Council, are hereby repealed.

D. H. MINAKER,
Clerk.

WILLIAM H. FLOYD,
Mayor.

Cobourg August 10th, 1903.