

TRI COUNTY WATER BOARD

BY-LAW NO. 2014-01

BEING A BY-LAW TO ADOPT A PROCEDURAL BY-LAW TO GOVERN THE CALLING, PLACE AND PROCEEDINGS OF MEETINGS.

WHEREAS pursuant to Section 238 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE THE TRI COUNTY WATER BOARD ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- (a) "Act" means the Municipal Act, 2001, S.O. 2001,c.25
- (b) "Chair" means the person presiding over a meeting and who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceedings. The Chair, except where disqualified, may vote on all questions;
- (c) "Emergency meeting" means a meeting of the Board held to consider any business of the Board which is deemed by the Chair or Vice-Chair to be of an emergency or extraordinary situation;
- (d) "Meeting" means any regular, special, or other meeting of the board.
- (e) "Members" means Members of the Tri County Water Board duly appointed by the Parties.
- (f) "Party" means the Municipality of West Elgin, or Municipality of Southwest Middlesex, or Municipality of Dutton Dunwich, or Municipality of Chatham-Kent, or the Village of Newbury.
- (g) "Special Meeting" means a meeting not scheduled or held at a regularly scheduled date and time.
- (h) "System" means the water recovery, water treatment system and related watermains.
- (i) "Board" means Tri County Water Board

MEMBERSHIP

2. Each party may appoint one (1) Member to the Board. On an annual basis on or before January 1st of each year each Party may appoint one (1) additional Member to the Board for every ten (10) percent of the total water consumption of the System consumed by that Party in the three (3) full previous years. Each party may appoint one of their Members who is not an elected official. For clarity, if a Party has only one (1) representative, that representative is not required to be an elected official. Apart from the one (1) Member appointed by a Party who is not an elected official, all other Members representing that Party must be elected officials. The Parties shall appoint its Member of the Board at the beginning of the term of Council.
3. The term of office of the Board Member cannot exceed the balance of the term of Council. As a general rule, the appointment shall be for the balance of their term of the municipal council, subject to each Party's right to revoke any appointment. Despite this restriction, Members may be re-appointed and the term of each Board Member continues until his or her successor has been appointed.
4. Each Party will appoint Board Members as often as necessary to ensure that vacancies are minimized and that the functions of the Board will be facilitated
5. A Party may revoke the appointment of any Board Member appointed by it for such reasons as it considers advisable, but may not leave any such position vacant for more than fifteen (15) days.
6. An alternate member appointed by a Party may attend a meeting in place of any Board Member appointed by that Party

CHAIR AND VICE CHAIR

7. The Chair and Vice-Chair of the Board will be elected from among the Members to serve for a one (1) year term.
8. The Chair and Vice-Chair shall not be from the same municipality.
9. Elections for the Chair and Vice-Chair will be conducted during the January meeting annually.
10. In the absence of the Chair, the Vice-Chair will act as Chair of the Board.

MEETINGS

11. The Board shall meet quarterly, or more often as requested by a majority of the Members, or at the call of the Chair or Vice-Chair
12. The first meeting of each calendar year shall be held in January.
13. At the January meeting of each calendar year, the Board shall establish a schedule of all regular Board meeting dates for that calendar year.

14. The Board may, by resolution, alter the date and/or time of a regular meeting or the calling of a meeting.

SPECIAL MEETINGS

15. The Parties have the right to call a Special Meeting of the Board by providing written notice of the meeting to each of the other Parties.
16. The Parties shall provide five (5) working days' notice of the Special Meeting, unless the Meeting has been called on an emergency basis.
17. Notice of the Special Meeting shall include a summary of the business to be transacted at the meeting. The summary of the business that will be addressed at the meeting shall be sufficient for all Parties to determine the business that will be addressed at the meeting, failing which the business transacted at the Special Meeting shall be null and void unless otherwise agreed by the Parties.

OPEN MEETINGS

18. All regular meetings, special and emergency meeting of the Board shall be open to the public, but a meeting or any part thereof may be closed to the public, subject to the provisions of Section 239 of the *Municipal Act, 2001*, as amended.

CLOSED SESSION

19. Before holding a meeting or part of a meeting that is closed to the public, the Board shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting as per the provisions of Section 239 of the *Municipal Act, 2001*.

AGENDAS AND SUPPORTING MATERIAL

20. The Recording Secretary shall prepare agendas of Board meetings.
21. 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.

Disclosure of Pecuniary Interest

Minutes of Previous Meetings

Reports

 Operations

 Primary System

 Administration

Correspondence

Other Business

**Closed Session
Adjournment**

22. The business of the Board shall be taken up in the order as listed on the agenda unless otherwise decided by the Chair.

NOTICE OF MEETING

23. The Agendas shall be considered a notice of regular meetings. Notice of next meeting will be given in each agenda.
24. Insofar as is practicable, Board agendas, along with supporting material, shall be delivered by email to each Board Member five (5) working days prior to the meeting.
25. Lack of receipt of a Notice or an Agenda by members of the Board shall not affect the validity of holding a meeting nor any action taken at a meeting.

NO QUORUM

26. The quorum for any meeting shall be more than fifty (50%) of the members. An alternate member shall be included when determining quorum for any meeting.
27. If no quorum is present one half hour after the time appointed for a Board meeting, the recording secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

CURFEW

28. Meetings convened at 7:00 p.m. shall adjourn for 9:00 p.m. Such meetings can be otherwise extended past the aforesaid time by resolution of the Board.

DUTIES OF THE CHAIR

29. Notwithstanding Section 7 above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
30. It shall be the duty of the Chair or other presiding officer:
 - (a) to open the meeting by taking the chair and calling the members to order;
 - (b) to announce the business before the Board in the order in which it is to be acted upon;

- (c) to receive and submit, in the proper manner, all motions presented by the members;
- (d) to put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- (e) to decline to put to vote motions which infringe upon the rules of procedure;
- (f) to enforce on all occasions the observance of order and decorum among the members;
- (g) to call by name any member persisting in breach of the rules of order of the Board thereby ordering the member to vacate the Council Chamber;
- (h) to order any individual or group in attendance at the meeting to cease and desist any behaviour, which disrupts the order and decorum of the meeting, and to order the individual or group to vacate the Council Chamber where such behaviour persists.

CONDUCT OF BOARD MEMBERS AND GUESTS

31. No Member shall:

- (a) use offensive words or unparliamentarily language in or against any Member, staff or guest;
- (b) speak on any subject other than the subject in debate;
- (c) interrupt the member who has the floor except to raise a question of order.

32. Unless otherwise authorized by the Chair or presiding officer, all members, staff and guests shall address the Board through the Chair or presiding officer and only when recognized to do so.

MOTIONS

33. Each Member, or Alternate Member, in attendance will have one (1) vote.

34. The Board will make decisions by a simple majority vote, except where otherwise stated in the Agreement.

35. All motions shall be verbally moved and seconded by a Member of the Board.

36. A Member may request, prior to the taking of any vote or immediately afterward, that the vote be recorded when called upon by the Recording Secretary. All Members present at the Board meeting shall vote in alphabetical order, starting with the person who called for the recorded vote. If two or more persons call for a recorded vote at the same time, the Chair

will determine who called first and that person will vote first. Members shall vote orally, with those in favour of the motion saying "YES" and those opposed to the motion saying "NO". The Recording Secretary shall call for and record each vote on the motion and announce the results of the recorded vote.

37. Any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote.
38. A tie vote shall be declared to be a lost vote.
39. If a Member who has voted on a motion disagrees with the declaration of the Chair that the question is carried or lost, the Member may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require the Chair to call for another vote on the matter.

BY-LAWS

40. No By-law shall be presented to Board unless the subject matter has been considered and approved by the Board.
41. Every By-law shall be introduced upon motion by a member specifying the title of the By-law.
42. Every By-law shall be given three readings prior to passage.
43. Upon passage By-laws shall be numbered, dated, signed by the Chair.

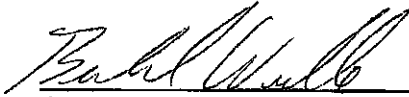
MINUTES

44. Minutes of all Meetings shall be circulated, in timely manner to Members and Parties, without any of the Parties reviewing the content of the Minutes prior to distribution. Any objections to the content of the Minutes shall be noted by the Objecting Party at the following meeting.

GENERAL

45. Members shall comply with the *Municipal Conflict of Interest Act*.
46. The Members acknowledge that the provisions of the *Municipal Act* relating to in camera and open meetings in Section 239 to 246 inclusive shall apply to the meetings of the Board.
47. Meetings of the Board shall be conducted in accordance with Roberts Rules of Order, except as set out in the Agreement or as required by law.
48. This by-law shall come into effect and take effect upon the enactment thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 16TH DAY OF DECEMBER,
2014.



CHAIR



RECORDING SECRETARY