

**DRAFT PROCEDURE MANUAL
BY-LAW # _____**

**A Manual to Govern the Calling, Place and Proceedings of Meetings
of Council and Committees, and Notice for The Township of
Springwater.**

Contents

1.0 DEFINITIONS

1.0 Definitions

For the purpose of this Procedural By-law:

- 1.1 **"Agenda"** means a list of all items prepared by the Clerk or Recording Secretary to be considered, and such Agenda is published and made available to the public.
- 1.2 **"Assembly of Council"** means an informal gathering of a quorum of Members where there is no intent to exercise its decision making authority.
- 1.3 **"CAO"** means the Chief Administrative Officer in accordance with Sections 229 of the *Municipal Act, 2001*.
- 1.4 **"Chair"** means the Mayor, Deputy Mayor, Acting Mayor or other person appointed by a Committee, Local Board to preside at a Meeting.
- 1.5 **"Clerk"** means the Clerk, Deputy Clerk or Acting Clerk who may be appointed by Council from time to time or such person designated as Clerk under Section 228 of the *Municipal Act* to perform the duties of the Clerk.
- 1.6 **"Committee"** means any advisory or other committee, subcommittee or similar entity established where 50 per cent or more of the non-elected members are appointed by Council or at least 50 percent of the appointed members are also elected Members of Council, in accordance with Section 238 of the *Municipal Act*, but excludes a working group.
- 1.7 **"Consent Agenda"** means a list of items or category of items on the Agenda containing recommendations from the Clerk or Recording Secretary as to their disposition, all of which may be adopted by one motion of the Council, Committee or Local Board, but any of which may be removed for a separate vote upon the request of a Member.
- 1.8 **"Council"** means a quorum of elected Members to the Council of The Corporation of the Township of Springwater sitting to exercise its decision making authority.

1.9 **"Closed Session"** means a Meeting or part of a Meeting closed to the public when the subject matter being considered complies with Section 239 of the *Municipal Act*.

1.10 **"Delegation"** means a request by a member of the public, local organizations, consultants, or representatives of local agencies, and includes persons appearing or asking questions during Question Period.

1.11 **"Head of Council"** means the Mayor.

1.12 **"Majority"** means more than half of the Members of Council or appointed members of a Committee or Local Board.

1.13 **"Meeting"** means any duly constituted Regular, Special Meeting of Council, Committee or Local Board where an Agenda has been published, notice issued and a quorum of appointed Members are present with intent to exercise their decision making authority.

1.14 **"Member"** means a person who is either elected as a Member of Council or is non-elected and appointed by Council to a Committee or Local Board.

1.15 **"Motion"** means a staff recommendation or a resolution of Council, Committee or Local Board under consideration.

1.16 **"Municipal Act"** means the *Municipal Act, 2001, S.O. 2001* as may be amended from time to time.

1.17 **"Recording Secretary"** means the Clerk or other designated employee to record the proceeding of Council, Committee or Local Board, or their designate.

1.18 **"Township"** means The Corporation of the Township of Springwater.

1.19 **"Working Group"** means a gathering where the total number of elected officials appointed to the working group is less than quorum of Council.

1.20 **"Quasi-judicial Committee/Board"** means a body or committee whose actions are directly prescribed by an Act of the Legislature; may approve exemptions to by-laws; may have its decision appealed to the Ontario Municipal Board (OMB); who have power to establish a special charge to be collected by the municipality; and/or whose estimates of all sums required for the purposes of the board are appropriated by the Municipal Council.

1.21 **"Quorum"** means the number of Members required for the legal conduct of the business of Council or a Committee.

2.0 General

2.1 Suspension of Procedures

The procedures contained in the Procedure By-law may be temporarily suspended by a majority vote of Council, by resolution, except for procedure set out for Closed Session, Declaration of Pecuniary Interest and Notices of Motion.

2.2 Robert's Rules of Order

Where a procedure has not been established in this By-law, Council, Committee or Local Board shall refer to Robert's Rules of Order for guidance.

2.3 Committees and Local Boards to Follow Procedural By-law

Every Committee or Local Board shall follow the Procedure By-law, except where separate Terms of Reference have been adopted by Council.

3.0 Time, Place, Location and Calling of Council Meetings

3.1 Regular Council Meeting Location and Schedule

Regular Meetings of Council shall be held on the first and third Wednesday of each month commencing at (this item up for consideration separately) in the Council Chamber of the Township of Springwater Administration Centre, 2231 Nursery Road, Minesing, Ontario, or other set location or date at the call of the Chair and listed on the Agenda.

3.2 Emergency Council Meeting

In accordance with Section 236(1) of the *Municipal Act*, Meetings shall be held within the municipality or an adjacent municipality as listed on an Agenda and in the notice of the Meeting; however, in the case of an emergency, it may hold its Meetings at any such location within or outside the municipality.

For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the Emergency Response Plan.

3.3 Inaugural Meeting

The Clerk shall call the Inaugural Meeting of Council after a regular election at such time and place as may be appropriate, but not later than 31 days after the term commences, or unless the time and place has been determined by resolution of Council or an Act of the Province of Ontario.

3.4 Holidays

When the day for a Regular Council meeting is a public or civic holiday, the Council shall meet at the same hour and location on the next following day which is not a public or civic holiday, unless otherwise determined by resolution of Council.

3.5 Cancellation of Meetings

If the Clerk or Recording Secretary becomes aware of a circumstance that would hinder the calling of, or attendance at a Meeting, the Chair and Members shall be notified and notice to cancel and/or reschedule the Meeting to an alternate time, date and/or location shall be issued.

3.6 Special Meeting

The Chair and/or Clerk and his/her designates may at any time call a Special Meeting.

3.7 Special Meeting by Petition of a Majority

The Clerk or Recording Secretary shall call a Special Meeting upon receipt of a petition of the majority of the Members for the purpose and at the time mentioned in the petition.

3.8 Limitation on Special Meetings

Only business listed on the published Agenda shall be dealt with at a Special Meeting.

3.9 Notice of Meetings

When publication dates permit, notice of a Regular Council meeting including the date, time and location of the meeting shall be given by methods a, b, c, and d cited below. When publication dates do not permit the use of print media, notice of a Regular Meeting, including the date, time and location of the meeting shall be given by methods a, b and c cited below.

Notice of a Special Meeting including the date, time and location of the meeting shall be given by methods a and b, and when times permit a, b, c and d.

- a) Publishing of an Agenda to the Township website.
- b) Issuance of a media release or social media.
- c) A resolution passed at a meeting open to the public.
- d) Advertising in a newspaper having general circulation within the County of Simcoe.

Where circumstances prevent the use of technology or mass media, such as but not limited to loss of power, the following methods shall be used.

- e) Posting on public notice board at the Township Administration Centre or any other Township facility.
- f) Posting on community sign boards.

Failure to issue the prescribed notice does not invalidate proceedings, if every effort was taken to issue notice but was defeated by circumstances beyond the control of the Township.

3.10 No Notice Required for Emergency Meetings

No public notice is required for an Emergency Meeting.

For the purposes of this section, an Emergency Meeting refers to an emergency within the meaning of the Emergency Response Plan

3.11 Assembly of Council

Where an assembly of a quorum of Council has convened with no intention to exercise its statutory decision making authority, the assembly shall not be deemed to be a Regular or Special Council Meeting and shall not be subject to the formal rules applicable to Regular or Special Council Meetings contained in this By-law. Notwithstanding the foregoing, notice of an Assembly shall be given on the Township website.

4.0 Time, Place, Location and Calling of Committee or Local Board Meetings

4.1 Establishment of Meeting Schedule

A Regular Meeting schedule shall be established and such schedule or changes shall be published by the Clerk or Recording Secretary.

4.2 Summer or Holiday Meeting Schedule

A summer or holiday Meeting schedule may be established on dates, times and/or at locations by passing a motion to this effect at a Meeting preceding the commencement of such schedule and such schedule or changes shall be published by the Clerk or Recording Secretary.

4.3 Changes to the Meeting Schedule

Notwithstanding the foregoing, Council may by resolution, establish an amended Meeting schedule.

5.0 Roles and Duties

5.1 Role of Council

In accordance with the *Municipal Act, and the Municipal Freedom of Information and Protection of Privacy Act*, it is the duty of Council:

- a) To represent the public and to consider the wellbeing and interests of the municipality.
- b) To develop and evaluate the policies and programs of the municipality.
- c) To determine which services the municipality provides.
- d) To ensure that administrative policies, practices and procedures and controllership policies are in place to implement the decisions of Council.
- e) To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality.
- f) To maintain the financial integrity of the municipality.
- g) To carry out the duties of Council under the *Municipal Act*, S.O. 2001 as may be amended from time to time or any other Act; and
- h) Furnish such information used in support of a decision of Council or in support of delivering municipal services.

In addition to the forgoing, when a Councillor is not specifically appointed as a Member of a Committee, other Councillors may be included for the purposes of determining quorum of those committees or to determine a majority of Committee, and when such attendance is required to achieve quorum, shall have a vote on matters during the Committee Meeting.

5.2 Information by Staff for Members of Council

Unless restricted by the *Municipal Freedom of Information and Protection of Act* (MFIPPA), Council Members may request information from staff who have been assigned the responsibility of providing information.

5.3 Preparation by Members Before Council Meeting

Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the

determination of action at the meeting. Whenever possible, the Member(s) may make inquiries of staff regarding materials supplied in advance of the meeting.

5.4 Council/Staff Collaboration

Members of Council are encouraged to consult with staff in preparation of meetings, to seek information, advice and/or knowledge.

55 Interference

Other than by resolution of Council, no Member has the authority to direct or negatively interfere with the performance of any Township work; all inquiries that require significant action or expenditure of resources shall be directed through the Chief Administrative Officer (CAO).

5.6 Role of the Mayor

In accordance with the *Municipal Act*, it shall be the duty of the Mayor to:

- a) Act as Chief Executive Officer of the municipality and provide leadership to the corporation.
- b) Preside over Council Meetings as Chair so that its business can be carried out efficiently and effectively.
- c) Provide leadership to the Council.
- d) Provide information and recommendations to Council with respect to the role of Council, described in Section 5.1.
- e) Represent the municipality at official functions.
- f) Carry out the duties of the Head of Council under the *Municipal Act*, S.O. 2001, as may be amended from time to time, or any other Act.
- g) Represent and support Council, declaring its will, and implicitly obeying its decisions in all things.
- h) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipality.
- i) Be an Ex-officio Member of any committee or working group and have the right to attend and participate in deliberations of any Committee Meeting.

Notwithstanding the forgoing, when the Mayor is not specifically appointed as a Member of a Committee, the Mayor may be included for the purposes of determining quorum or to determine a majority of committee, and when such attendance is required to achieve quorum, shall have a vote on matters during the committee Meeting.

5.7 Mayor May Speak or Vote

The Mayor, while in Council may speak and/or vote on any question, but if they wish to make a motion they shall first leave the Chair by designating an Acting Chair.

5.8 Role of the Deputy Mayor

In addition to his/her normal role as a member of council under the *Municipal Act*, 2001, Section 224, the Deputy Mayor shall assist the Mayor in carrying out the Mayoral role under the *Municipal Act*, Section 225. At the request of the Mayor or when the Mayor is unable to fulfill his/her role, the Deputy Mayor shall assume the obligations of the Mayor in accordance with the *Municipal Act*, Section 225.

5.9 **Role of CEO**

As provided for in section 226.1 of the *Municipal Act*, the Chief Executive Officer (CEO) of the Township, the Mayor shall:

- a) Uphold and promote the purposes of the municipality.
- b) Promote public involvement in the municipality's activities.
- c) Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally.
- d) Participate and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

5.10 **Duties of the Clerk and Recording Secretary:**

As provided for in Section 228 (1) of the *Municipal Act*, It shall be the duty of the Clerk or Recording Secretary to:

- a) record, without note or comment, all resolutions, decisions and other proceedings.
- b) If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question before Council.
- c) To keep the original or copies of all by-laws and of all minutes of the proceedings of the Council, Committee or Local Board, under the sphere of jurisdiction of the Recording Secretary; retain and or obtain records in support of proceedings.
- d) To perform the other duties required under the *Municipal Act, 2001, S.O.2001*, as may be amended from time to time, or under any other Act.
- e) To perform such other duties as are assigned by the Township or Local Board, including but not limited to:
 - i. Preparation of the Agenda, including staff recommendations on any Consent Agenda.
 - ii. Preparation of the resolutions for Council, Committee or Local Board consideration.
 - iii. Recording of the names of the Members, staff, consultants in attendance at the Meeting.
- f) Provide procedural advice to Chair and members as may be required.

5.11 **Duties of the Chief Administrative Officer (CAO):**

In addition to those roles and duties assigned by Council and as specified in Sections 227 and 229 of the *Municipal Act*, the CAO shall have the following responsibilities:

- a) Review and guide all policy recommendations prior to submission to Council.
- b) Assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members in carrying out their duties.
- c) Attend Council Meetings with the right to speak, subject to the consent of the Chair, but not to vote.
- d) Working in conjunction with the Mayor and Council, exercise general control and management of the affairs of the municipality to ensure its efficient and effective operation.

6.0 Chair

6.1 **Chair to Preside**

Every Meeting shall be presided by a Chair. In the case of Council, the Mayor, or designate shall preside. In the case of a Committee or Local Board, a duly appointed Chair, or if unavailable, the Vice-chair shall preside.

6.2 Duties of Chair

The Chair shall:

- a) Announce the business in the order in which it is to be acted upon.
- b) Receive and submit, in the proper manner, all motions presented by the Members.
- c) Put to a vote all motions and questions which are moved and seconded, or necessarily arise in the course of proceedings, and to announce the result.
- d) Decline to put to vote motions which infringe the Rules of Procedure.
- e) Restrain the Members when engaged in debate in accordance with the Rules of Debate.
- f) Enforce on all occasions the observance of order and decorum among the Members and all persons in attendance.
- g) Call by name any Member persisting in breach of the rules or order, thereby ordering him/her to vacate the meeting room.
- h) Authenticate, by his/her signature, all resolutions, minutes and/or by-laws as applicable.
- i) Inform Members, when necessary, on a point of order or privilege as set out in this By-law.
- j) Adjourn or recess the Meeting in the case of grave disorder arising in the meeting room. And in accordance with the Act, the head of council or other presiding officer may expel any person or member for improper conduct at a meeting.
- k) If deemed appropriate, engage any person in the gallery to provide special insight into a matter under consideration.

6.3 Absence of Chair

In the case of the absence of the Chair for any reason, or in the event that the Chair is unable to act due to a pecuniary interest, or when the office of the Head of Council is vacant, the Deputy Mayor or Vice-Chair, as the case may be, shall act in the place and stead of the Chair and shall have all the rights, powers and authority of the Chair while so doing.

7.0 Quorum

7.1 Quorum is Majority in Attendance at a Duly Called Meeting

In accordance with Section 237 of the *Municipal Act*, a majority of the whole number of elected Members of Council, more than 50%, is necessary to form a quorum of Council to exercise its decision making authority. A majority of appointed Members of a Committee or Local Board is necessary to form a quorum of that Committee or Local Board.

7.2 Quorum Required to Call Meeting to Order

As soon after the hour fixed for the holding of the Meeting and a quorum is present, the Chair shall call the Meeting to order by motion.

7.3 No Quorum

If there is no quorum within thirty minutes after the time appointed for the meeting, 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

7.4 **Quorum During Conflict of Interest Declaration**

Where one or more Members of Council, Committee or Local Board have declared a Conflict of Interest, and the remaining number of Members do not constitute a quorum by their numbers, then, despite any other general or special Act, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

8.0 Proceedings

8.1 **Agenda**

The Clerk or Recording Secretary shall publish an agenda with such headings as may be required and listing all matters to be considered. The Mayor, or designate shall have the opportunity to review the draft agenda of Regular Meetings of Council prior to publishing of the agenda.

8.2 **Order of Business**

Items on an agenda may be taken out of order at the Meeting at the discretion of the Chair.

8.3 **Member to Comply with *Municipal Conflict of Interest Act***

Every Member of Council, Committee or Local Board as defined by the *Municipal Conflict of Interest Act* as may be amended from time to time, shall comply with the provisions of the *Municipal Conflict of Interest Act*.

8.4 **Declaration of Pecuniary Interest and General Nature Thereof**

Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of Council, Committee or Local Board defined under the *Act*, at which the matter is the subject of consideration, the member:

- a) Shall, at the beginning of each Meeting and/or prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof.
- b) Shall not take part in the discussion of, or vote on any question in respect of the matter.
- c) Shall not attempt in any way whether before, during or after the Meeting to influence the voting on any such question.

8.5 **Member May Leave Open Meeting**

Any member declaring a pecuniary interest may, at his/her discretion, leave the open Meeting until the matter has been dealt in relation to which the interest has been declared. If the Member leaves the open Meeting, the Clerk or Recording Secretary shall record in the minutes the name of the Member, their departure and return to the Meeting.

8.6 **Member Shall Leave Closed Meeting**

Notwithstanding Section 8.5, when the meeting is in Closed Session, a Member who previously declared a pecuniary interest shall forthwith leave the closed Meeting or part of the closed Meeting during which the matter in relation to which the interest has been declared is under consideration. The Clerk or Recording Secretary shall record in the Minutes the name of the Member, their departure and return to the closed Meeting.

8.7 Declaration by Member Absent from Prior Meeting

Where the interest of a Member has not been disclosed by reason of the Member's absence from a Meeting, the Member shall disclose the interest at the first Meeting upon their return, as the case may be, attended by the Member after the Meeting during which the matter was considered.

8.8 Recording in Minutes

Any declarations of pecuniary interest shall be recorded in the Minutes by the Clerk or Recording Secretary. In the event that a Member declares an interest during closed session, the Member shall affirm their declaration of pecuniary interest immediately after the motion to arise and the Clerk or Recording Secretary shall record the declaration in the Minutes.

8.9 Motion for Closed Session

A meeting may go into Closed Session by the passing of a motion which shall state:

- a) The fact of holding the Closed Session.
- b) The general nature of the matters to be considered during the Closed Session
- c) The listed allowance as provided in Section 239 of the *Municipal Act*.
- d) The time at which the meeting moved into Closed Session.

8.10 Media and Public shall Leave Closed Session

Upon passage of a motion under Section 8.9, all members of the media and the public shall be required to leave the meeting. The Clerk or Recording Secretary shall remain, and any members of staff, Township consultants or other such person(s) who are required for the purpose of the deliberations, may be requested to remain.

8.11 Limitation on Subject Matters

In accordance with Sections 239 of the *Municipal Act*, a meeting or part of a meeting may be closed to the public if the subject matter being considered has regard for:

- a) The security of the property of the municipality or local board.
- b) Personal matters about an identifiable individual, including municipal or local board employees.
- c) A proposed or pending acquisition or disposition of land by the municipality or local board.
- d) Labour relations or employee negotiations.
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- f) Advice that is subject to solicitor client privilege, including communications necessary for that purpose.
- g) A matter in respect of which council, board, committee or other body may hold a closed meeting under another Act.
- h) 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.
- i) A meeting shall be closed to the public if the subject matter relates to the consideration of an ongoing investigation respecting the municipality, local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1). 2014, c.13, Sched 9,s,22.

- j) The meeting is held for the purpose of educating or training the members.
- k) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

8.12 No Votes in Closed Session

Except as provided for in Section 239 of the Municipal Act, a meeting shall not be closed to the public during the taking of a vote. Any matters considered during Closed Session, shall be brought forward and voted upon when the Members rise from Closed Session.

8.13 Closed Session Motions

Each Closed Session motion shall identify the general nature of the matter and instructions for disposition without revealing deliberations, or any confidential matters that would disclose security, personal, personnel or legal matters.

8.14 Exceptions for Closed Session Votes

Notwithstanding Section 8.12, and as provided for under section 239(6) of the Municipal Act, a vote may be taken during Closed Session on a procedural matter and directions to officers, employees or agents.

8.15 Location of Closed Session

If the meeting location does not provide for a level of confidentiality to provide for Closed Session deliberations, the meeting may recess and reconvene in an alternate location.

8.16 Closed Session to Remain Confidential

Subject to the Municipal Act and the *Municipal Freedom of Information and Protection of Privacy Act*, no current or previous member of Council shall disclose any personal information or other such information and nature which is or was the substance of deliberations of Council or Committee in Closed Session.

As provided for in the Declaration of Office, no member may exercise the duties of their office in an improper manner; any current Member who discloses such information may be subject to provisions under the *Municipal Freedom of Information and Protection of Privacy Act*.

To the extent possible, and as provided for by the Declaration of Office, any current or previous Member who discloses such information in an improper manner may be subject to provisions under the *Municipal Freedom of Information and Protection of Privacy Act*. Breaches shall be referred to the Information and Privacy Commissioner for investigation and any action deemed appropriate.

8.17 Minutes of Meetings

The minutes of all meetings of Council, Committees and Local Boards whether it is open to the public or closed session shall record:

- a) The place, date and time of the meeting.
- b) The name of the Chair, Members and staff in attendance.
- c) Disclosure of pecuniary interest and the general nature thereof.
- d) All other proceedings of the meeting without note or comment, with the exception of Public Meetings held in accordance with the *Municipal Act, Development*

- Charges Act*, or any other Act.
- e) All motions considered by Council, Committee or Local Board and the disposition of same including the motion number, whether the motion was carried or lost as well as any amendments or other procedural matters.
 - f) In the case of a recorded vote, the names of the individual Members and their vote for and against the said motion.

8.18 Adoption of Minutes

The minutes of meeting(s) shall be placed on the next available agenda of the appropriate approval authority for adoption.

8.19 Correspondence

The Clerk shall not distribute to Council or publish any correspondence items deemed to be inappropriate by their nature or content. Where the sphere of jurisdiction resides with other levels of government, the Clerk may refer matters to the most appropriate agency for consideration.

8.20 Clerk's Recommendations for Correspondence

The Clerk shall provide a recommendation for the disposition of each item of correspondence. Several items may be dealt with by the adoption of one motion.

8.21 Resolutions for Endorsement

The Township of Springwater shall not consider proclamations or resolutions dealing with matters outside its sphere of jurisdiction.

Notwithstanding the foregoing, matters of significant interest and benefit to the residents of the Township may be considered for endorsement or proclamation.

Requests for proclamations or resolutions dealing with matters outside its sphere of jurisdiction shall be listed on a Council agenda as Correspondence and Information Items.

8.22 Committee of Council - Minutes

A motion by Council to receive minutes shall be all inclusive of any recommendations contained therein and shall be considered approved upon passing of the resolution to adopt.

8.23 Separate Vote for Committee Recommendation

In the event that a Committee recommendation is pulled for amendment or a separate vote, a motion based on the Committee's recommendation shall come forward immediately following the passage of the motion to adopt the remainder of the minutes.

The main motion in question may be debated, amended, referred or deferred.

8.24 Information Items

Reports for information and correspondence for information may be received under one motion.

8.25 Separate Votes for Information Items

In the event that an Information Item is pulled for a separate vote, a motion shall come forward immediately following the passage of the Information Items motion. This motion may be debated, amended, referred or deferred.

8.26 Reports for Discussion

Resolutions shall be based on the report together with any procedural requirements identified by the Clerk or Recording Secretary.

8.27 Requests for Delegation

Members of the public requesting to appear as a formal delegation shall provide written notice to the Clerk or Recording Secretary no later than seven (7) days preceding the meeting.

Such notice shall include a general description of the matter or issue, background details and proposed outcome, the name of the speaker(s), municipal address and the name of the group being represented, if applicable.

8.28 Schedule of Delegations

When a request to appear is received after the agenda has been set or when the agenda already includes a total of three delegations or presentations, the Clerk or Recording Secretary may schedule a delegation for a future meeting.

In the event that the matter is of a time sensitive nature, the Clerk or Recording Secretary shall refer the request to the Chair and a delegation may be scheduled or accommodated with the leave of the Chair.

8.29 Time Limit for Delegations

A maximum time of ten (10) minutes will be allowed for the main presentation of the delegation, and at the Chair's discretion, an additional ten (10) minutes may be provided for Council's deliberations on the subject. An additional five (5) minutes may be granted to the main presentation, at the Chair's discretion.

8.30 Planning Matters

When a request for a delegation pertains to a current application under the *Planning Act*, the requester will be advised of their right to make an oral or written submission at the Public Meeting, if one is scheduled.

8.31 New Information Required for Subsequent Delegations

Requests for delegations from individuals who have previously addressed Council on the same matter shall not be heard unless there is new information to present.

Such proof of new information shall be submitted to the Clerk or Recording Secretary in writing no later than seven (7) days preceding the scheduled meeting.

If, in the opinion of the Clerk or Recording Secretary, the submission does not provide any new information, the request shall be forwarded to the Chair for determination on whether a delegation may be scheduled.

8.32 Refusal of a Delegation

A request for a Delegation by an individual may be refused when, in the opinion of the Clerk or Recording Secretary or Chair, the subject of the delegation is beyond the jurisdiction of the municipality, or subject to 8.31, there is no new information.

Where a delegation has been refused, all members of Council shall be notified.

8.33 No Delegations or Questions on Personnel Matters

Delegations regarding personnel matters shall not be permitted.

8.34 No Delegations in Closed Session

No delegation by a member of the public may be scheduled in Closed Session.

8.35 Rules of Order/Decorum for Delegations

The Rules of Order/Decorum for delegations are as follows:

- a) Except on a point of order, Members shall not interrupt a delegation.
- b) Members may ask questions of a delegation following completion of the presentation, but shall not enter into debate with the delegation.
- c) All individuals or groups making delegations shall conduct themselves with decorum at all times and slanderous and/or abusive behaviour and/or statements shall not be permitted.
- d) If the Chair is of the opinion that decorum has been breached, he/she will immediately stop the delegation and ascertain by a vote of the Members if they are in agreement with his/her observation.
- e) If a delegation is found to be in breach of decorum, they will be provided with the opportunity to retract their statement(s) and apologize to the Members.
- f) If the delegation refuses to apologize for their breach of decorum and/or retract slanderous or abusive language, or in the case of a second breach of decorum, the subject individual shall be asked to leave the meeting, and the proceedings shall recess until said individual leaves the meeting location.
- g) Any member of the public who repeatedly interrupts proceedings and/or interjects without being invited by the Chair to do so, shall be requested by the Chair to cease and desist from the practice, and if said member of the public does not comply after being warned, the Chair shall temporarily recess the meeting until the said person(s) vacates the premises or are removed by a Peace Officer.

8.36 Presentations

Presentations of awards to Council, staff or members of the community may be scheduled on an Agenda. Proceedings may recess immediately following the presentation for a short reception, where deemed appropriate.

8.37 Question Period

At the point and time on a Council Agenda that the Chair introduces Question Period, no more than five persons in attendance may speak for more than 2 minutes each to ask a question of Council.

In support of openness and transparency:

- Questions that are intended or worded in such a way to solicit a decision/resolution of Council at the same meeting where the subject is **not** listed on the published agenda, will be at the discretion of the Chair. Such questions may be dealt with during Items for Future Consideration or a future agenda.
- Questions that are intended or worded in such a way to solicit a decision/resolution of Council at the same meeting where the subject matter **is** listed on the published agenda, may be permitted.

Questions introduced regarding Planning matters shall be dealt with as per Section 8.30.

The Clerk or Recording Secretary shall record the general nature of the question in the order in which they were presented. Questions received and unanswered at the meeting may be reported to at a future meeting of Council, as appropriate.

8.38 Questions Deemed Out of Order

The Chair may call any question out of order if the question is not within the sphere of jurisdiction of the municipality, or the nature of the question is contrary to the *Occupational Health and Safety Act*, in that the question does not ensure a supportive and respectful environment.

8.39 Items for Future Consideration

Members may verbally present their request for an item to be reported on at a future meeting of Council. The Clerk will record the general nature of the item(s) in the order in which they are presented. Such requests shall be authorized by resolution at the meeting to which they are presented. The Chair, in consultation with the CAO, may request that an item for future consideration be deferred to a subsequent meeting for further information, should the subject matter warrant further information before adoption of the request.

8.40 Question Period - Rules of Decorum Apply / Rules of Order for Delegations

Persons asking questions are subject to the Rules of Order/Decorum for delegations, as per Section 8.35.

8.41 Draft By-laws

Every by-law shall be circulated to Council in draft form on the agenda. A significant change in scope or intent to a draft by-law shall be noted by the Clerk prior to consideration. A change to a draft by-law to improve language, readability or correct a technical error that does not change the scope or intent may be made by the Clerk prior to execution.

8.42 Reading of By-laws

Every by-law shall be given the required number of readings prior to passage by Council. These readings may be given by way of one inclusive motion. At the request of a member of Council, any by-law included in the motion may be withdrawn for a separate vote.

8.43 Consideration of Draft By-laws in Closed Session

If the Clerk determines that a draft by-law is to be considered in Closed Session, Council may deliberate the draft by-law in Closed Session. Notwithstanding that a draft by-law may be discussed in Closed Session, all votes on the matter including the required number

of readings shall occur in Open Session.

8.44 By-laws to be Numbered, Dated and Sealed

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 Mayor, or their designates if they are not present, and shall be deposited in the Office of the Clerk for safe keeping.

8.45 Confirmatory By-law

A confirmatory by-law shall be passed at every meeting to confirm the decisions of Council or any decisions delegated to a Committee by Council. The confirmatory by-law confirms that the actions of Council in respect of each resolution and other action taken by the Council at the meeting are, except where the prior approval of the Ontario Municipal Board or other authority is by law required, thereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in a by-law.

A confirmatory by-law shall be listed separately on the agenda as the last item for Council consideration prior to Adjournment.

8.46 Notices of Motion

A notice of motion may be presented as follows:

- a) A Council Member may introduce a notice of motion by filing with the Clerk a written copy of the notice no later than seven (7) days preceding a Regular Meeting of Council for publishing on the agenda; or
- b) A Council Member may introduce a notice of motion directly at a Regular Meeting of Council, following which a written copy shall be filed with the Clerk and the motion shall form part of the next Regular Meeting of Council agenda. Following such notice, there shall be no debate or discussion on the motion until it is contained in an agenda.

8.47 Suspension of Procedures regarding Notice of Motion

A motion to suspend or waive the procedures to consider a notice of motion presented directly at a Council meeting, in accordance with Section 8.46 (b), shall not be in order and will be called out of order, if presented.

8.48 Deferral if Mover Not in Attendance

A Notice of Motion presented as in Section 8.46 shall not be considered or otherwise discussed by Council unless the Mover of the motion is in attendance at the meeting to which the notice of motion is listed on the agenda.

8.49 Secunder Not Required for Introduction Only The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate. If no seconder is received when the motion comes before debate, the motion will not be considered.

8.50 Removal from Agenda

A Notice of Motion that has appeared on the agenda for two (2) Regular Meetings of Council and has not proceeded shall be removed from the agenda unless otherwise directed by the Council.

8.51 Limitations on Notice of Motion – Infringement on Legislative Framework

Where the introduction of a Notice of Motion infringes on land use policies, an official plan or prescribed Provincial and/or Federal legislative framework, such motion shall be ruled out of order.

A Notice of Motion ruled out of order under this section may be introduced as an Item for Future Consideration (IFC)

8.52 Curfew

All meetings shall be subject to mandatory adjournment by not later than 10:00 p.m. Items not dealt with by curfew shall be listed on the next regular agenda.

See also section 8.52 and 8.53.

8.53 Motion to Extend

Notwithstanding Section 8.51, as soon as practicable, a motion to extend a meeting shall state a proposed time for adjournment, but no later than 11:00 p.m. and shall be passed by a majority. If a motion to extend the meeting does not receive the consent of a majority, the meeting shall adjourn at 10:00 p.m.

8.54 Motion to Adjourn

A motion to adjourn shall include the time of adjournment and the date, time and location of the next Regular Meeting and need only a mover.

Subject to the curfew, a motion to adjourn may not be moved until all matters listed on the agenda have been acted upon, and a motion to adjourn may not be debated.9.0

Recording of Deliberations

9.1 Audio or Visual Recording

Meetings may be recorded by the Clerk or Recording Secretary.

9.2 Audio or Visual Recording by the Public

Any person wishing to make an audio or visual recording of any deliberation shall inform the Clerk or the Recording Secretary so as to ensure the proceedings are not interfered

with.

9.3 **Interference by Audio or Visual Recording**

An audio or visual recording of any deliberation shall not be permitted, if in the opinion of the Clerk or Recording Secretary, would interfere with the ongoing proceedings.

10. Hearings

10.1 **Holding of Hearings by Committee**

If Council is required by law to hold a hearing or give interested parties an opportunity to be heard before taking any action, passing a by-law or making a decision:

- a) Council may delegate that responsibility to a Committee of Council or may refer the matter to a Special Meeting.
- b) Upon holding a hearing, the Committee shall provide a recommendation to Council. In the event that the hearing is held at a Special Meeting, Council shall render its decision at the Special Meeting, whenever possible.
- c) If the Committee of Council holds a hearing or gives interested parties an opportunity to be heard, a subsequent Council meeting is not required to also hear the interested parties a second time.
- d) If the decision to be made by Council on a matter is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act*, that Act applies to the Standing Committee and to the hearing conducted by it.

10.2 **Matters Not to be Delegated by Council**

The following matters may not be delegated by Council to any person, Committee or Local Board:

- a) Passing of by-laws.
- b) Hiring, dismissal or suspension of statutory officers.
- c) Approval of the annual budget.
- d) Establishment or waiving of policies, unless specified otherwise in the appointment, policy and/or by-law.
- e) Entering into agreements on behalf of the corporation, unless provided for by by-law.
- f) Transfer of reserve and reserve funds.

11.0 Committees

11.1 **Establishment of Committees or Local Board**

Council may establish Committees, Working Groups or Local Boards from time to time to advise Council on specific matters.

11.2 **Term of Committee / Local Board**

The term of a Committee or Local Board shall coincide with the Council term, unless otherwise determined in the Terms of Reference.

11.3 **Purpose of Committee**

The purpose of a Committee, Working Group or Local Board is to be outlined in a Terms of Reference.

11.4 Limitation on Delegated Powers of Committees

Committees, Working Groups or Local Boards shall not have the power to waive Township policy, expend any funds not approved in the budget, establish any fees or bind Council or the Corporation, unless a recommendation made by such Committees, Working Groups or Local Board is approved by Council, or such authority has been delegated by Council.

12.0 Appointments to Committees

12.1 Appointment of Council Members by Mayor

At a meeting soon after the Inaugural Meeting of Council, the Mayor through Council Resolution may appoint the members of Council to the various Committees, Working Groups and Local Boards.

12.2 Review by Incoming Council

Except for quasi-judicial appointments, prior to announcing public appointments to a Committee or Local Board, the Mayor shall consult with the members of Council. The Clerk shall bring forward the necessary appointment resolution or by-laws for adoption.

12.3 Advertisement for Public Members

Prior to the end of the Council term, the Clerk shall advertise notice for members of the public to serve on the Committees and Local Boards.

12.4 Termination of Appointment Due to Absence

In the event that a non-elected member of a Committee, Working Group or Local Board is absent from the meetings for three consecutive meetings without being temporarily excused and such permission recorded in the minutes, Council may terminate the appointment and may by motion appoint a new person to fill the vacancy.

12.5 Amending Appointments

In the event that the composition of a Committee, Working Group or Local Board appointed by Council changes during the Council term, the Clerk shall bring forward the necessary resolution or by-law to amend the appointment composition.

Council may amend or rescind appointments to Committees or Local Boards as it deems appropriate.

12.6 Citizen Appointments to Quasi-judicial Bodies or Committees

Citizen appointments to quasi-judicial bodies or Committees may occur at a Regular or Special meeting in closed session where the Mayor shall consult with the members of Council on proposed appointments. For greater certainty, appointments will not be considered at the inaugural meeting of Council.

Reference to quasi-judicial bodies/committees in this section means, but not limited to Committee of Adjustment, Library Board, and Business Improvement Area (BIA).

12.7 Advertisement for Public Members

Prior to the end of the Council term, the Clerk shall advertise notice for members of the public to serve on the Committees and Local Boards.

13.0 Motions

13.1 Motions in Writing

Except for procedural motions and as guided by the Clerk or Recording Secretary, all motions presented to a meeting shall be in writing.

13.2 Mover and Seconder

All motions must be moved and seconded, except a motion to adjourn which does not require a seconder.

13.3 Motions Not Required to be Signed at Committees or Working Group Meetings

Notwithstanding the forgoing, where Council establishes a Committee or Working Group, motions from the Committee or Working Group need only be supported by a majority of members in attendance, recorded in minutes and forwarded to Council for adoption.

13.4 Speaking to Motion

Each member in attendance at a meeting may have the opportunity to address the subject matter of a motion. 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 any other member while speaking.

The Chief Administrative Officer, Clerk or any other appropriate member of staff may address Council, Committee or Local Board to clarify the issues pertaining to the subject matter of the motion or to provide additional information pertaining thereto.

13.5 Friendly Amendment

A motion duly moved and seconded may be altered by friendly amendment with the approval of the mover and seconder, and without the requirement for an amending motion. Friendly amendments may only be entertained when the change is minor in nature, shall be directly relevant and shall not propose a direct negative to the motion.

13.6 Withdrawal of Motion

A motion may be withdrawn by the mover prior to the motion in question being put to a vote.

13.7 Motion to Amend

A motion to amend:

- a) May be presented in writing or orally;
- b) Shall be dealt with before the main motion is dealt with;
- c) Shall be directly relevant to the main motion;
- d) Shall not be received proposing a direct negative to the main motion.

13.8 Motion to Refer or Defer

A motion to refer/defer a matter under discussion by the Council to a Committee or Local Board shall preclude all amendments of the main motion until the referral/deferral is decided.

13.9 Possession of a Motion

A motion moved, seconded and understood by all members must receive disposition

before any other motion can be dealt with, except a motion to recess, amend, defer or refer.

After a motion is read or stated by the Chair, the motion shall be deemed to be in possession of members.

Notwithstanding the above, where a member calls a point of order on the grounds of not understanding the motion, the motion is not deemed to be in possession of members and the member may seek greater understanding of the motion, but may not debate the motion, nor unduly delay a vote on a motion.

13.10 Motion to Defer (Tabled)

In the event that the members determine they have inadequate information to be able to vote on a particular issue, and with a majority of members in support, the Chair may mark the motion "Deferred" and the said motion shall appear on a future Agenda for consideration.

13.11 Motion to Reconsider

A motion to reconsider a previously approved main motion may be introduced by any member and must be duly seconded. A motion to reconsider is subject to the following:

- a) A motion to reconsider suspends any action on the motion to which it applies until it has been decided.
- b) If the action approved in the main motion has been acted upon, such as but not limited to monetary expenditure or executed agreements and cannot be reversed, the motion cannot be reconsidered.
- c) The following motions cannot be reconsidered:
 - i. Motion to adjourn.
 - ii. Motion to recess.
 - iii. Motion to suspend the Rules.
 - iv. Motion to reconsider.
 - v. Motion to postpone indefinitely which has been lost.
- d) A motion to reconsider requires a majority vote in the affirmative to reconsider.
- e) The original motion cannot be brought forward for reconsideration more than once unless the substance of the motion has been materially changed.
- f) A motion to reconsider is not subject to debate, amendment or reconsideration.
- g) A motion to reconsider cannot be deferred or referred.
- h) Where a member has been named in any legal action related to a matter for reconsideration, no vote for reconsideration shall be taken until the legal action has been resolved.
- i) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided, after which the subject matter may become a matter to be brought forward as though it were a new question.

13.12 Matter of Privilege

A motion on a matter of privilege shall receive disposition of the Chair upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.

13.13 Division of Motion

A motion containing distinct proposals may be divided and voted upon in its parts.

13.14 Call the Question

After each member has spoken to a motion, any Member of Council may ask the Chair to “call the question”, and when so asked, subject to other provisions of this by-law, the Chair shall put the question to the members for a vote.

13.15 Oral Motions

The following matters and motions with respect thereto may be introduced orally without written notice, except as otherwise provided by these Rules of Procedure:

- a) a point of order or personal privilege.
- b) presentation of petitions.
- c) to postpone indefinitely or to a particular day.
- d) to move the previous question.
- e) Items for Future Consideration.

13.16 Decision of Chair

All procedural matters not dealt with in this by-law shall be decided by the Chair, subject to an appeal by the members through a point of order, or through a challenge of the Chair’s decision.

14.0 Voting

14.1 Majority Required to Pass a Motion

A vote by the majority of the members is required to pass a motion.

14.2 Calling of Vote

The Chair shall first ask for those in favour of a motion and then ask for those opposed. Each Member shall raise his/her hand to indicate his/her vote for or against the motion except where a recorded vote has been requested.

14.3 Chair to Vote

The Chair, except where disqualified to vote by reason of interest or otherwise, shall vote at the same time as the other members on all questions.

14.4 Abstention Not Permitted

A refusal to vote shall be taken as a vote in the negative.

14.5 Method of Vote

Unless otherwise determined by the Chair, the method of voting shall be by a show of hands.

Other methods may be used at the discretion of the Chair such as by voice, standing or otherwise, but may not in any circumstance be in the form of a secret ballot.

14.6 Declaration of Outcome of Vote

Upon the completion of the vote, the Chair shall declare whether the motion was carried

or defeated. In the event that all members vote in a similar manner, the Chair may, at his/her discretion, record the vote as being unanimous.

14.7 Equal – Tie - Vote Defeated

Any motion on which there is an equality (tie) of votes shall be deemed to be defeated.

14.8 Voting During a Declared Conflict of Interest

In accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, where the number of members who, by reasons of the provisions of said Act are unable to participate in a Meeting and the remaining members are not of sufficient number to constitute a quorum, then despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

15.0 Recorded Votes

15.1 Request for Recorded Vote

A recorded vote may be requested by a member prior to or immediately after the taking of a vote and before any other item of business is brought forward.

15.2 Clerk or Recording Secretary's responsibilities

In the event that a recorded vote is requested, the Clerk or Recording Secretary shall:

- a) State the name of the member asking for the recorded vote and read out the motion.
- b) Call the name of each member, and the Chair may vote last. As called, each member will signify either "yea" or "nea".
- c) Note the response beside the member's name on the motion and in the minutes of the meeting.
- d) At the conclusion of the vote, verbally signify the outcome and the Chair shall mark the motion accordingly.

15.3 No recorded votes at Committee

The recorded vote provisions of this Section shall not apply to any Committee Working Group.

16.0 Rules of Debate

16.1 Role of Chair

The Chair shall, in directing the course of the debate:

- a) Designate the member who has the floor when two or more members wish to speak.
- b) Preserve order and decide questions of order.
- c) Receive all motions presented in writing before permitting debate on the question except when otherwise provided.

16.2 Rules of Order - Members

In addressing the Council, Committee or Local Board, no member shall:

- a) Speak other than to the question in debate.
- b) Reflect upon any prior determination of the Council, Committee or Local Board

- c) except to conclude such remarks with a motion to rescind such determination.
- c) Speak more than once to the same question except in the explanation of a material part of his/her speech which may have been interpreted incorrectly; or with leave of the Chair after all other members desiring have spoken.
- d) Ask a question except in relation to a previous speaker's remarks or to request additional information.
- e) Interrupt the speaker who has the floor except to raise a point of order.
- f) Speak to the same question, or in reply, for longer than ten (10) minutes, without leave of the Council.

17.0 Decorum/Conduct

17.1 Decorum/Conduct by Members

All members shall:

- a) Not speak until he/she has been recognized by the Chair.
- b) Refrain from speaking while another member is speaking.
- c) Follow the Rules of Order.
- d) Obey all decisions of the Chair on questions of order or practice or upon interpretations of the rules of order.
- e) Behave in an acceptable manner. A member shall not use profanity, make derogatory statements, innuendo, inference or utterances suggesting wrong doing or other such offence at risk of being expelled from the Chamber or meeting room at the discretion of the Chair for such improper decorum/conduct.

17.2 Expel Any Person for Improper Conduct/Decorum by Any Person

In accordance with Section 241(2) of the *Municipal Act*, the Chair may expel any person, including a Member, staff or the public for improper conduct/decorum, at the meeting to which the improper conduct/decorum occurred.

17.3 Assistance of Peace Officer

If required, the Chair may call upon the Ontario Provincial Police or any other Peace Officer to assist in the expulsion of a person.

17.4 Apology and Majority Vote Required to Return After Expulsion

After being expelled by the Chair as a result of improper conduct/decorum committing a breach of any rule of order, a Member will only be permitted to resume their seat at the table or in the gallery after making an apology to Council or Committee and with the consent of Council or Committee expressed by a majority vote of the other members present determined without debate.

18.0 Interpretation

18.1 Municipal Act

Any references to the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or sections thereof shall be interpreted in accordance with the Act, and any amendments thereto.

18.2 Conflict Between By-law and Act

In the event of any conflict between any provisions of this By-law, the *Municipal Act, 2001, S.O. 2001, c.25* as amended shall prevail.

18.3 Number and Gender

Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender, also include female as well as male.

18.4 Severability

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law, it shall be severed and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

18.5 Repeal

By-law 2009-043, 2009-088, 2010-077, 2011-57, 2014-025 and any by-law providing for meeting procedures in force on the day this by-law is adopted are hereby repealed.

18.6 Force and Effect

That this By-law shall come into force and take effect upon final passing hereof.

Read a First, Second and Third Time and Finally Passed this TBA day of TBA.

Bill French, Mayor

Renée Chaperon, Clerk