

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

PROCEDURAL MANUAL

FOR

**THE TOWNSHIP OF SPRINGWATER
COUNCIL, COMMITTEES & LOCAL BOARDS**

Schedule "A" of By-law No. 2008-087
as Amended with By-law 2009-043
as Amended with By-law 2009-088

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER PROCEDURES MANUAL FOR COUNCIL & COMMITTEES

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SECTION 1 Definitions

For the purpose of this Procedures Manual:

- 1.1 **"Acting Mayor"** shall mean the Deputy Mayor or in his/her absence, such other member of Council who may be appointed by a majority of the other Council members to act as Mayor during the absence of the Mayor and Deputy Mayor.
- 1.2 **"Agenda"** means a list of all items prepared by the Clerk or Recording Secretary to be considered by Council, Committee or Local Board meeting.
- 1.3 **"Chair"** shall mean the Mayor, Acting Mayor or other person appointed by a Committee or Local Board to preside at the meeting.
- 1.4 **"Clerk"** shall mean the Clerk, Deputy Clerk or Acting Clerk who may be appointed by Council from time to time or such person designated by the Clerk under Section 228(4) of the *Municipal Act* to perform the duties of the Clerk.
- 1.5 **"Committee"**
means any advisory or other committee, subcommittee or similar entity appointed by Council and includes any committee of which at least 50 percent of the members are also members of one or more councils or local boards in accordance with Section 238 of the *Municipal Act*.
- 1.6 **"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.
- 1.7 **"Council"** means the Council of The Corporation of the Township of Springwater.
- 1.8 **"Closed Session"** shall mean a meeting or part of a meeting closed to the public when the subject matter being considered compiles with Section 239 of the *Municipal Act*.
- 1.9 **"Deputation"** shall mean a request by a member of the public, local organizations, consultants, representatives of local agencies, or other parties to address Council, Committee or a Local Board.
- 1.10 **"Head" or "Head of Council"** means the Mayor.
- 1.11 **"Local Board"** means a municipal service board, transportation commission, board of health, planning board or any other board, commission, committee body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one of more municipalities, excluding a public library board, police services board, school board and a conservation authority as defined under Section 238 of the *Municipal Act*.
- 1.12 **"Meeting"** means any regular, special or other meeting of Council, Committee or Local Board.

- 1.13 **"Member"** shall mean a person who is either elected as a member of Council or appointed by Council to act on a Committee or Local Board.
- 1.14 **"Motion"** shall mean a staff recommendation or a resolution of Council, Committee or Local Board.
- 1.15 **"Municipal Act"** shall mean the *Municipal Act S.O. 2001* as may be amended from time to time.
- 1.16 **"Recording or Filming"** shall mean the video or audio taping or recording by any individual, or an accredited journalist, videographer or camera operator, the result of which will be a permanent audio or visual record of deliberations.
- 1.17 **"Recording Secretary"** shall mean the Clerk or in the case of a Committee or Local Board, such person who may be designated from time to time to prepare the agendas, resolutions and minutes.
- 1.18 **"Township"** means The Corporation of the Township of Springwater.

SECTION 2 General

2.1 Suspension of Procedures

The procedures contained in this Manual may be suspended by a majority vote of Council, Committee or Local Board with the exception of the procedures set out in this Manual for Closed Session, Declaration of Pecuniary Interest, or any other provisions governed by the *Municipal Act*.

2.2 Robert's Rules of Order

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

2.3 Application

Except where prohibited under the *Municipal Act, 2001*, as amended, this Procedure Manual shall apply to any regular, special or other meeting of a Council, Local Board or a Committee of either of them.

SECTION 3 Time, Place, Location and Calling of Council Meetings

3.1 Location for Council Meetings

3.1.1 Until Monday, July 27, 2009, Meetings of Council shall be held at the Council Chambers in the Kenzie Knox Building, Elmvale, or the Springwater Committee Room in The Township of Springwater Offices, Simcoe County Administration Centre, Midhurst, or other such location which may be designated by Council from time to time.

3.1.2 After Monday, July 27, 2009, Meetings of Council shall be held in the Council Chambers at The Township of Springwater Administration Centre, 2231 Nursery Road, Minesing, Ontario, or other such location which may be designated by Council from time to time.

3.1.3 In accordance with Section 236(1) of the Municipal Act, no Council meeting shall be held outside of the municipality or an adjacent municipality, except in the event of an Emergency.

3.2 Inaugural Meeting

The Inaugural Meeting of Council shall take place at 7:00 p.m. on the first Monday in December in the *Township Council Chambers*.

3.3 First Regular Council Meeting

The first Regular Meeting of the new Council shall be held on the third Monday of December and thereafter the Regular Meetings of Council shall be held on the first and the third Monday of each month commencing at 5:30 p.m.

3.4 Holidays

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

3.5 Changes in Meeting Schedule

3.5.1 Reschedule Meetings

Any regular meeting of Council may be rescheduled by a motion passed at a previous meeting.

3.5.2 Summer or Holiday schedule

Council may establish by resolution a summer or holiday meeting schedule on dates, times and/or at locations other than the regular meeting schedule by passing a motion to this effect at a meeting preceding the commencement of such schedule.

3.6 Cancellation of Meetings

3.6.1 Cancellation by Motion

A regularly scheduled meeting may be cancelled by passing a motion at a prior meeting.

3.6.2 Cancellation due to Lack of Quorum

If the Clerk becomes aware that a quorum of the members will not be available for a scheduled meeting, the Clerk shall notify the Mayor and make arrangements to cancel and/or reschedule the meeting to an alternate time, date and/or location.

3.6.3 Cancellation due to Weather or Emergency

The Mayor may cancel any meeting if he/she is of the opinion that weather conditions and/or an emergency situation warrants such cancellation for public safety or other similar reasons.

3.6.4 Notification of Emergency Cancellation

When the Mayor has cancelled a meeting, the Clerk shall inform all members prior to the scheduled time of the cancelled meeting and the alternate date, time and/or location if the meeting has been re-scheduled.

3.7 Special Meetings

3.7.1 Special Meeting of Council on Second Monday

A Special Meeting of Council shall be scheduled for the Second Monday of each month on an as needed basis. Special Meetings may be used for budget deliberations or other matters which require time for special delegations, presentations or reports. In the event that a Special Council Meeting is not required on the second Monday, Planning Committee may schedule a special meeting and/or public meetings on this day.

3.7.2 Special Meeting at Call of Mayor

In accordance with Section 240 (a) of the *Municipal Act*, the Mayor may at any time call a Special Meeting of Council. The Special Meeting shall be held on the date, time and location as designated for this purpose by the Mayor.

3.7.3 Special Meeting by Petition of Majority

In accordance with Section 240 (b) of the *Municipal Act*, the Clerk shall call a Special Meeting upon receipt of a petition of the majority of the members of Council for the purpose and at the time mentioned in the petition. If the petition does not specify the location of the Special Meeting, the meeting shall be held in the Springwater Committee Room, Springwater Township Offices, Simcoe County Administration Centre.

3.7.4 Notice of Special Meetings

The Clerk shall give Notice of all Special Meetings of Council including the date, time and location of the meeting to the Members a minimum of than 48 hours prior to the scheduled time for the Special Meeting. Said notice may take the form of the Agenda.

3.7.5 Limitation on Special Meetings

The only business to be dealt with at a Special Meeting of Council is that which is listed in the Agenda.

3.8 Emergency Meetings

In accordance with *Section 236 of the Municipal Act*, an Emergency Meeting of Council may be called by the Mayor at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the Township of Springwater Emergency Response Plan or any other similar unforeseen circumstance.

3.9 Public Notice of Council Meetings

3.9.1 Notice of Council Meeting Schedule

Public Notice of the Council meeting schedule, including the date, time and location of the meetings shall be given in at least one of the following ways as deemed appropriate by the Clerk:

- a) a resolution passed at a meeting open to the public, or
- b) advertising in a newspaper having general circulation within the Township, or other media release, or
- c) posting on the Township website, or
- d) posting on Public Notice Boards at the Township Offices or other Township facilities, or
- e) posting on Community Sign Boards,
- f) posting of meeting agenda on the Township website 48 hours before the scheduled meeting.

3.9.2 Notice of Changes

Public Notice of changes in the meeting schedule, including the revised date, time and location shall be given at least a minimum of 24 hours prior to the regularly scheduled meeting in at least one of the following ways as deemed appropriate by the Clerk:

- a) a resolution passed at a meeting open to the public, or
- b) advertising in a newspaper having general circulation within the Township, or other media release, or
- c) posting on the Township website, or
- d) posting on Public Notice Boards at the Township Offices or other Township facilities, or
- e) posting on Community Sign Boards, or
- f) posting at the meeting location,
- g) posting of the meeting agenda on the Township website as soon as practical

3.9.3 Notice of Special Meetings

Public Notice of a Special Meeting, including the date, time, location and in general terms the topic of the meeting shall be given a minimum of 24 hours prior to the Special Meeting in at least one of the following ways as deemed appropriate by the Clerk:

- a) advertising in a newspaper having general circulation within the Township, or other media release, or
- b) posting on the Township website, or
- c) posting on Public Notice Boards at the Township Offices or other Township facilities, or
- d) posting on Community Sign Boards,

- e) posting of the meeting agenda on the Township website as soon as practical

3.9.4 Notice of Cancelled Meetings

Public Notice of a Cancelled Meeting shall be given including the date, time and location of the cancelled meeting and, if applicable, the date, time and location of the re-scheduled meeting prior to the regularly scheduled time of the meeting in at least one of the following ways as deemed appropriate by the Clerk:

- a) a resolution passed at a meeting open to the public, or
- b) advertising in a newspaper having general circulation within the Township, or other media release, or
- c) posting on the Township website, or
- d) posting on Public Notice Boards at the Township Offices or other Township facilities, or
- e) posting on Community Sign Boards, or
- f) posting at the meeting location.

3.9.5 No Notice required for Emergency Meetings

No Public Notice is required for an Emergency Meeting.

SECTION 4 Time, Place, Location & Calling of Committee or Local Board Meetings

4.1 Regular Meeting Schedule

4.1.1 Establishment of Schedule

Every Committee or Local Board shall establish a regular meeting schedule.

4.1.2 Notification to Clerk

Every Committee or Local Board shall provide its meeting schedule to the Clerk.

4.2 Special Meetings

4.2.1 Special Meeting at Call of Chair

Every Committee or Local Board may hold a Special Meeting at the call of Chair of such Committee or Local Board upon not less than 48 hours notice to its members.

4.2.2 Notice of Special Meetings

The Recording Secretary shall give Notice of all Special Meetings including the date, time and location of the meeting to the Members and the Clerk no later than 48 hours prior to scheduled time for the Special Meeting. Said notice may take the form of the Agenda.

4.2.3 Limitation on Special Meetings

The only business to be dealt with at a Special Meeting is that which is listed in the Agenda.

4.3 Changes in Meeting Schedule

4.3.1 Reschedule Meetings

Any regular meeting of a Committee or Local Board may be rescheduled by a motion passed at a previous meeting.

4.3.2 Summer or Holiday Schedule

A Committee or Local Board may establish by resolution a summer or holiday meeting schedule on dates, times and/or at locations other than the regular meeting schedule by passing a motion to this effect at a meeting preceding the commencement of such schedule.

4.4 Cancellation of Meetings

4.4.1 Cancellation by Motion

A regularly scheduled meeting may be cancelled by passing a motion at a meeting prior to the cancelled meeting.

4.4.2 Cancellation due to Lack of Quorum

If the Recording Secretary becomes aware that a quorum of the members will not be available for a scheduled meeting, the Recording Secretary shall notify the Chairperson and the Chairperson may cancel and/or reschedule the meeting to

an alternate time, date and/or location.

4.4.3 Cancellation due to Weather or Emergency

The Chairperson may cancel any meeting if he/she is of the opinion that weather conditions and/or an emergency situation warrants such cancellation for public safety or other similar reasons.

4.4.4 Notification of Cancellation

When the Chairperson has cancelled a meeting, the Recording Secretary shall inform the Clerk and all members prior to the scheduled time of the cancelled meeting and the alternate date, time and/or location if the meeting has been re-scheduled.

4.5 Public Notice of Meetings

Public Notice of the Committee or Local Board meeting schedule, including all Regular, Changed, Special, Cancelled or Rescheduled meeting dates, times and locations shall be given in at least one of the following ways as deemed appropriate by the Recording Secretary:

- a) a resolution passed at a meeting open to the public, or
- b) notification to the Clerk for posting on the Township website, or
- c) such other manner as deemed appropriate by the Recording Secretary.

SECTION 5 Duties & Responsibilities

5.1 Duties of Council

In accordance with the *Municipal Act*, it is the duty of Council:

- a) to represent the public and to consider the well being 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, practices and procedures 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; and
- 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.

5.2 Duties of 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;
- b) preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) provide leadership to the Council;
- d) without limiting clause (b), to provide information and recommendations to Council with respect to the role of Council described in clause (d) and (e);
- 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 appointed by Resolution or By-law and have the right to attend and participate in any Committee meeting. Notwithstanding the forgoing, when the Mayor is not specifically appointed to a Committee, the Mayor shall not be included for the purposes of quorum or to determine a majority of Committee, and shall not have the right to vote on matters before the Committee.

5.2.1 As Chief Executive Officer 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; and
- d) participate and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

5.3 Duties of the Recording Secretary:

It shall be the duty of the Recording Secretary to:

- a) to record, without note or comment, all resolutions, decisions and other proceedings of Council, Committee or Local Board;
- 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 as provided in this Manual;
- c) to keep the originals or copies of all By-laws and of all minutes of the proceedings of the Council, Committee or Local Board;
- d) to perform the other duties required under the *Municipal Act*, S.O.2001, as may be amended from time to time, or under any other Act; and
- 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 and the public in attendance at the meeting.

SECTION 6 Chair

6.1 Mayor to preside at Council

In accordance with Section 241(1) of the *Municipal Act 2001, as amended*, the Mayor shall preside at all meetings of Council.

6.2 Absence of Mayor

6.2.1 Deputy Mayor to act during Absence or Vacancy

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

6.2.2 Deputy Mayor to act during Temporary Absence

If the Mayor does not attend within fifteen (15) minutes after the time appointed for a Meeting of Council, the Deputy Mayor shall call the members to order and shall preside until the arrival of the Mayor and while so presiding, the Deputy Mayor shall have all the powers of the Mayor. Upon the arrival of the Mayor, the Deputy Mayor may continue as the Chair, at the request of the Mayor.

6.3 Committee Chair

The Mayor, Deputy Mayor, or such other person as may be appointed by the Committee as Chair, shall preside at a meeting of a Committee. In the event that the Chair is appointed on a rotational basis, the Committee shall, as part of the adjournment motion, appoint the member to preside at the subsequent meeting(s). In the event that the person appointed to chair is unable to perform these duties at a Committee of Council meeting, the Mayor shall chair the meeting.

6.4 Absence of Chair

In the case of the absence of the Chair for any reason, the Recording Secretary shall call the meeting to order and Committee or Local Board shall appoint a member to have all the rights, powers and authority of the Chair.

6.5 Duties of Chair

The Chair shall:

- a) Announce the business before the Council, Committee or Local Board 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 questions which are regularly 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" forming part of this Manual;
- 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 the member, when necessary, on a point of order or privilege as set out in this Manual;
- j) Adjourn or recess the meeting in the case of grave disorder arising in the meeting room;
- k) Allow persons to stand and address Council, Committee or Local Board if in the Chairperson's opinion it is deemed appropriate.

SECTION 7 Quorum

7.1 Quorum is Majority

In accordance with Section 237 of the *Municipal Act*, a majority of the whole number of the members of Council, Committee or Local Board is necessary to form a quorum.

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 Chairperson shall call the meeting to order by motion.

7.3 No Quorum

If no quorum is present 15 minutes after the time appointed for a 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, subject to the calling of a Special Meeting under the provisions of this Manual.

7.4 Quorum During Conflict of Interest Declaration

Where one or more members of the Council or 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.

SECTION 8 PROCEEDINGS OF COUNCIL

8.1 Council Agenda

The Agenda for the Regular Meetings of Council shall be as follows:

CALL TO ORDER
MOMENT OF REFLECTION
DISCLOSURE OF PECUNIARY INTEREST
DEPUTATIONS/PRESENTATIONS
PREVIOUS MINUTES
STAFF REPORTS
BOARD & COMMITTEE MINUTES
CORRESPONDENCE / ACTION ITEMS
INFORMATION ITEMS
NOTICES OF MOTION
CLOSED SESSION
BY-LAWS
ADJOURNMENT

8.2 Declaration of Pecuniary Interest

8.2.1 Member to comply with Municipal Conflict of Interest Act

Every member of Council, 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* including the declaration of any pecuniary interest as prescribed by the Act.

8.2.2 Declaration of Pecuniary Interest & 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 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; and
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

8.2.3 Member may leave Open Meeting

Any member declaring a pecuniary interest may, at his or her discretion, leave the meeting until Council, Committee or Local Board has dealt with the matter in relation to which the interest has been declared.

8.2.4 Member shall leave Closed Meeting

Notwithstanding Section 8.2.3, when the meeting is in Closed Session, a member shall forthwith leave the meeting or part of the meeting during which the matter in relation to which the interest has been declared is under consideration by Council, Committee or Local Board. The Clerk shall record in the Minutes the time the member left and returned to closed session.

8.2.5 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 the meeting, the member shall disclose the interest at the first meeting of the Council, Committee or Local Board as the case may be, attended by the member after the meeting during which the matter was considered.

8.2.6 Recording in Minutes

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

8.3 Order of Business

The order of business as stated above may be taken out of order at the discretion of the Clerk when preparing the Council Agenda. Items on the Council Agenda may be taken out of order at the meeting at the discretion of the Mayor.

8.4 Closed Session

8.4.1 Motion for Closed Session

Council, Committee or Local Board may go into Closed Session by the passing of a motion which shall state:

- a) the fact of holding the closed session, and
- b) the general nature of the matters to be considered during the Closed Session as provided in the *Municipal Act*, and
- c) the time at which Council constituted themselves in Closed Session.

8.4.2 Media and Public must leave Closed Session

Upon passage of a motion under Section 8.4, all members of the media and the public shall be required to leave the room. The Clerk or Recording Secretary shall remain, and any members of staff or Township consultants who are required for the purpose of the deliberations, may be requested to remain.

8.4.3 Limitation on Subject Matters

In accordance with Section 239(2) of the *Municipal Act*, a meeting or part of a meeting may be closed to the public if the subject matter being considered relates to:

- a) the security of the property of the Township or Local Board;
- b) personal matters about an identifiable individual including Township or Local Board employees;
- c) a proposed or pending acquisition or disposition of land for Township or Local Board purposes;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals affecting the Township 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 a Council, Board, Committee or other body has authorized the meeting to be closed under an act of the Legislature or

- an act of Parliament.
- h) the meeting is held for the purpose of educating or training the members;
- i) 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 or Committee.
- j) 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 the Act.
- k) For the purpose of educating or training the members.

8.4.4 No Votes in Closed Session

A meeting shall not be closed to the public during the taking of a vote. Any matters considered during Closed Session, including directions to officers, employees or agents shall be brought forward and voted upon when Council arises.

8.4.5 Exceptions for Closed Session Votes

Council may take a vote during Closed Session, if such a vote complies with Section 239(6) of the *Municipal Act* and Council deems that it is in the best interests of the Township to do so.

8.4.6 Closed Session to remain Confidential

Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, no member of Council shall disclose any personal information or other information which is or was the substance of deliberations of Council in Closed Session. Any member who discloses such information may be subject to the penalty provisions under the Act.

8.4.7 Motion to Rise

The motion to rise from Closed Session shall include the time that Council rose.

8.4.8 Reports from Closed Session

Reports from Closed Session shall be in the form of motions for each item discussed in Closed Session and shall come forward immediately upon arising. Each motion shall identify the general topic of discussion and instructions for disposition without revealing any confidential security, personal, personnel or legal matters.

8.4.9 Closed Meeting Investigator

In accordance with Section 239.2 of the *Municipal Act*, the Township of Springwater has appointed an independent investigator to investigate any complaint as to whether the Municipality has complied with the Act or a Municipal procedural by-law in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. The application form and process outline for this procedure is available on the Township website.

8.5 Minutes

8.5.1 Minuting of Meetings

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

- a) The place, date and time of the meeting;
- b) The name of the Mayor or Chair, the record of attendance of the members of Council, Committees or Local Boards, staff and consultants as well as any members of the public who signed the attendance sheet;
- c) The adoption of the minutes of prior meetings and general nature of corrections or amendments, if any;
- d) Disclosure of pecuniary interest and the general nature thereof;
- e) 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;
- f) 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;
- g) In the case of a recorded vote, the names of the individual Council members and their vote for and against the said motion.

8.5.2 Adoption of Minutes

The Minutes of any previous Council meeting(s) shall be placed on the appropriate agenda for adoption.

8.5.3 Signing of Minutes

Upon approval, the Minutes shall be signed by the Mayor or Chair and the Clerk or Recording Secretary and maintained in the vault or such other safe location as may be determined by the Recording Secretary.

8.5.4 Public Inspection of Minutes

The Minutes as approved shall be available for public inspection in the Clerk's Office during regular business hours and posted on the Township Website. Minutes of Closed Session are not available for public inspection under Section 253(1)c of the Act.

8.6 Correspondence

8.6.1 Determination by Clerk

The Clerk shall determine whether items of correspondence addressed to Council and received prior to the preparation of the Agenda will be included on the agenda under Information Items, to be received and available for extraction by any member of Council, or listed as Correspondence/Action Items, requiring a decision of Council. Any items deemed to be inappropriate by the Clerk shall not be distributed on the Agenda.

8.6.2 Clerk's Recommendations

The Clerk shall provide a recommendation for the disposition of each item of correspondence, or authorize such action as recommended by staff.

8.6.3 Changes to Recommendations upon Consensus

Upon the presentation of the motion and prior to its approval, any item of Correspondence may be the subject of limited discussion. If any member of Council disagrees with the Clerk's recommendation, Council may briefly discuss the matter and if a consensus is reached, may amend the recommendation. If a consensus of Council does not agree to amend the recommendation, an individual member may request that the Correspondence motion be amended and a separate vote may be held.

8.6.4 Resolutions for Endorsement

Prior to Council consideration, resolutions for endorsement shall be referred to the appropriate senior staff member who shall determine whether the matter warrants a report and recommendation to Council. Resolutions from municipalities within Simcoe County shall be listed under Information Items and may be extracted for deliberation by any member of Council. It shall be a policy of the Township of Springwater not to consider proclamations dealing with matters outside its jurisdiction.

8.7 Board & Committee Minutes

8.7.1 Board & Committee Minutes for information

The Minutes of the meetings of any Standing committee, Subcommittee, Advisory Committee, Board, the Library Board, Municipal Service Boards or Special Purpose Committees shall be placed on the agenda under Board & Committee Minutes, with the exception of Committee of Adjustment minutes which shall be received by the Planning Committee. The Minutes of any Committee, Local Board or other body shall be adopted at the next Committee or Board meeting, as applicable.

8.7.2 Clerk's Recommendations

The Clerk's recommendation to receive the Board & Committee Minutes shall be all inclusive of any recommendations contained therein with the exception of those identified for further staff attention, and shall be considered approved by Council upon passing of the resolution to adopt. The Clerk's recommendations for the disposition of the Minutes and/or recommendations shall be received and approved under one motion.

8.7.3 Changes to Clerk's Recommendation upon Consensus

Upon presentation of the motion to approve, and prior to its approval, any recommendations contained in the Planning, Recreation Advisory or Heritage Committee minutes may be the subject of limited discussion. If any member of Council disagrees with the Clerk's recommendation, Council may briefly discuss the matter and if a consensus is reached may amend the recommendation. If a consensus of Council does not agree to amend the recommendation, an individual member may request that the Board & Committee Minutes motion be brought forward "save and exception item # ____" in order that a separate vote may be held.

8.7.4 Separate Vote for Committee Recommendation

In the event that a Standing or Subcommittee recommendation is pulled for a separate vote, a motion based on the Committee's recommendation shall come

forward immediately following the passage of the motion to adopt the minutes. This motion may be debated, amended, referred or deferred in accordance with the provisions set out for motions and votes in the Procedure in this Manual.

8.8 Information Items

8.8.1 Determination by Clerk

The Clerk shall place all monthly departmental reports, public notices, conferences and seminars, endorsement of resolutions, press releases, media advisories, newsletters, and other administrative matters under the Information Items portion of the Agenda. .

8.8.2 Clerk's Recommendation

The Clerk's recommendation for the disposition of the Information Reports shall be received and approved under one motion. If any member of Council disagrees with the Clerk's recommendation, Council may briefly discuss the matter and if a consensus is reached may amend the recommendation. If a consensus of Council does not agree to amend the recommendation, an individual member may request that the Information Items motion be brought forward "*save and exception item # ____*" in order that a separate vote may be held.

8.8.3 Separate Votes

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 in accordance with the procedures set out for motions and votes in this manual.

8.9 Staff Reports for Discussion

8.9.1 Determination by Clerk

The Clerk shall place Staff Reports requiring direction from Council on the Reports for Discussion portion of the Regular Agenda. All Staff Reports shall contain a recommendation and/or options for Council consideration and shall identify any budgetary implications. The draft resolution for each Staff Report shall be based on the recommendation contained in the report together with any procedural requirements identified by the Clerk.

8.9.2 Reports subject of Deputation

In the event that a Staff Report is also the subject of a deputation, the item may be placed brought forward for discussion directly following the deputation in order that Council may receive the Deputation, then discuss the staff report, whenever possible. Upon completion of the deputation, Council shall consider any draft Resolution or Staff Report pertaining to the matter and determine, by Resolution, an appropriate course of action. In the event that a Staff Report is not available, the matter may be referred to staff for review and report at a subsequent meeting.

8.10 Deputations/Presentations

8.10.1 Requests

Members of the public wishing to appear as a deputation before Council shall provide written notice to the Clerk no later than 12:00 noon on the Wednesday preceding the Council meeting. Such notice shall include the matter or issue to be brought before Council, the name of the speaker and the group being represented, if applicable, and such written submission will be circulated with the Council agenda. When a request to appear is received after the agenda has been set or when the agenda already includes a total of three deputations or presentations, the Clerk may schedule the deputation for a future meeting. In the event that the matter is of a time sensitive nature, the Clerk shall refer the request to the Mayor and a delegation may be scheduled at a Special Meeting with the leave of the Mayor.

8.10.2 Time Limit

A maximum time of 10 minutes will be allowed for main presentation of the delegation, and allowing an additional 10 minutes for Council discussion.

8.10.3 Planning Matters

When a request for a deputation 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. In the event that the request for a delegation is received after the Public Meeting, the request shall be referred to Planning Committee. In the event that the request pertains to an application that has been recommended to Council for approval, the deputation shall be scheduled for the Council meeting where the Planning Committee recommendation will be presented, subject to the limitations of Sections 8.10.1 and Section 8.10.2 above.

8.10.4 Leave of Mayor for Comments or Questions

No member of the public shall be permitted to address Council on any subject unless they have provided a written request to make a deputation in accordance with Section 8.10.1, or unless they are directly invited by the Mayor to provide comments or ask questions on a particular matter which is before Council. The exception would be Public Meetings held in accordance with the *Municipal Act*, the *Planning Act*, or other similar legislation.

8.10.5 New Information required for Subsequent Deputations

Requests from Deputants who have previously addressed Council on the same matter at a Regular or Public Meeting shall not be granted unless there is new information to present. Such proof shall be submitted to the Clerk in writing no later than 12:00 noon on the Wednesday preceding the scheduled meeting. If, in the opinion of the Clerk, the written submission does not provide any new information, the request shall be forwarded to the Mayor for determination on whether a deputation may be scheduled. If, in the opinion of the Mayor, the written submission does not appear to provide any new information, the submission may be provided to Council as Correspondence.

8.10.6 Refusal of Deputation

A Deputation may be refused when, in the opinion of the Clerk and/or Mayor, the subject of the delegation is beyond the jurisdiction of the municipality.

8.10.7 No Deputations on Personnel Matters

Deputations by any member of the public relating to specific personnel matters shall not be permitted at a meeting open to the public.

8.10.8 No Deputations in Closed Session

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

8.10.9 Notice if Request denied

In the event that a request for a deputation is not granted, the applicant shall be notified in writing of the decision and the reason for the denial, and a copy provided to Council for information.

8.10.10 Rules of Order for Deputations

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

8.10.11 Presentations

Presentations of awards to Council, Township staff or a members of the Community may be scheduled under this portion of the Regular Agenda. Council may recess immediately following the presentation for a short reception, when deemed appropriate.

8.11 By-laws

8.11.1 Planning By-laws

Upon recommendation of Planning Committee or the Director of Planning, the Clerk shall place By-laws to amend the Springwater Official Plan, Zoning By-law 5000 or other Planning related by-laws on the By-laws portion of the agenda.

8.11.2 Short Titles

The short title of every By-law shall be listed on the Agenda, including the municipal address and Owner for any site specific by-laws, when appropriate.

8.11.3 Draft By-laws to be circulated

Every By-law shall be circulated to Council in written draft form in the agenda package or on desk. Any change to the draft by-law shall be noted by the Clerk prior to passage.

8.11.4 Changes to Draft By-laws after Council Circulation

When a change to the draft by-law is required to correct an error in the circulated copy, Council may proceed to pass the By-law and direct the Clerk to note any such correction in the minutes and to make such correction on the final by-law before signatures. In addition, the Clerk may, without the express permission of Council, make any corrections prior to execution.

8.11.5 Reading of By-laws

Every By-law shall be given three readings prior to passage by Council. These readings may be given by way of one inclusive motion and the Clerk is not required to read the by-law before Council. At the request of a member of Council, any by-law included in the motion may be withdrawn for a separate vote.

8.11.6 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 three readings shall occur in Open Session.

8.11.7 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.

8.11.8 By-laws available for Public Inspection

Enacted By-laws *shall* be available for public inspection in the Clerk's Office during regular business hours. The Clerk's Office may provide public access to the By-laws in digital format, including posting on the Township website or such other method as may be determined by the Clerk for this purpose. *Draft by-laws shall not be available prior to public release of the agenda.*

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

8.12 Notice of Motion

8.12.1 Notices of Motion to Clerk or at Regular Council meeting

A Council Member may introduce a motion regarding a matter that would not otherwise be considered by Council by delivering a written copy of a draft resolution signed by the Mover and Secunder to the Clerk no later than 12:00 noon of the Wednesday preceding a Regular Council meeting, or by presenting the draft resolution to the Clerk at a Regular Council meeting under the Notice of Motion section.

8.12.2 Referral of Notice of Motion to next Meeting

Upon receipt of a Notice of Motion, the Clerk shall print the draft resolution in full in the agenda for the next regular meeting of Council.

8.12.3 Deferral if Mover not in attendance

A Notice of Motion presented as in Sec. 8.12.2 shall not be considered or otherwise discussed by Council unless the Mover of the motion is in attendance at the next Regular Council meeting.

8.12.4 Substitute if Secunder not present

Any Member may agree to second a Notice of Motion if the seconder is absent from the meeting when the Notice of Motion is called for by the Mayor.

8.12.5 Removal from Agenda

A Notice of Motion that 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.

8.13 Adjournment

8.13.1 Curfew

All meetings of Council, Committee or Local Board shall be subject to mandatory adjournment by not later than 9:30 p.m.

8.13.2 Motion to Extend

Notwithstanding Section 8.13.1, Council may pass a motion to extend the meeting prior to the time for adjournment. Such a motion shall state the proposed time for adjournment no later than 10:30 p.m. and shall be passed by two-thirds majority. If a motion to extend the meeting does not receive the consent of a two-thirds majority, the meeting shall adjourn at 9:30 p.m.

8.13.3 Motion to Adjourn

A motion to adjourn shall include the time of adjournment and the date, time and location of the next Meeting.

8.14 PUBLIC FORUM

8.14.1 Public Forum after Adjournment

After a Regular Council meeting has adjourned and if such meeting has ended prior to the curfew of 9:30 p.m., the Mayor may open the floor to informal questions from any members of the public in attendance.

8.14.2 Referral of Items

Any concerns raised with respect to municipal operations may be directed to the

C.A.O. for appropriate action or inclusion on a future agenda.

8.14.3 Rules of Order for Public Forum

During the Public Forum, the Mayor shall:

- a) maintain decorum
- b) reserve the right to limit the number of questions from any individual or the time made available for this purpose.
- c) not entertain any questions in relation to Closed Session matters.

8.15 RECORDING OF DELIBERATIONS

8.15.1 Audio or Visual Recording

No person shall, without the consensus of Council or the Local Board or Committee, make or record any audio or visual recording of any deliberations.

8.15.2 Request in Advance

Any person wishing to make an audio or visual recording of any deliberation shall make such request in writing in advance, if possible, to the Clerk or the Recording Secretary, so that the request may be placed on an agenda for consideration.

8.15.3 Request Approved

Any person who, having their request to record approved, shall provide a copy of such audio or visual recording to the Township upon request.

8.15.4 Request Denied

Any person who, having made a request to record deliberations and having it denied, shall cease or abstain from any recording.

8.15.5 Removal

Any person who is found to be making an audio or visual recording of deliberations of Council or any Committee or Local Board, without having requested, or who has not received the consent of the Council, Committee of Local Board, shall be asked to leave the meeting and deliberations shall cease until such individual has removed themselves or been removed.

SECTION 9 PROCEEDINGS OF COMMITTEES OR LOCAL BOARDS

9.1 Committees & Board to follow Procedures of Council

Every Committee of Council, Advisory Committee or Local Board shall, as far as it is practical, follow the procedures set out in Section 8 of this Schedule, subject to the following:

9.1.1 Only Council may pass By-laws

The provisions of Section 8.11 with respect to By-laws shall not apply to Standing, Advisory or Subcommittees.

9.1.2 Procedure By-laws for Boards

In the event that Council or a Local Board enacts a Procedure By-law for the proceedings of the Local Board, the Procedure By-law of the Local Board shall prevail. In the event that any matter is not addressed in the Procedure By-law of the Local Board, the Board shall look to the provisions of this Schedule for guidance.

SECTION 10 COMMITTEES OF COUNCIL

10.1 Standing Committees of Council

The following Standing Committee of Council is hereby established:

- a) Planning Committee shall be responsible for planning matters under the Planning Act.

10.2 Delegation of Duties

10.2.1 Planning Committee

Council hereby delegates to Planning Committee the authority to approve the following matters:

- a) planning matters under the *Planning Act* including the authorization of the signing of planning related Agreements by the Mayor and Clerk subject to ratification by By-law.
- b) setting or changing the Planning Committee meeting schedule;
- c) setting and holding of public meetings under the Planning Act;
- d) designating members of Council to attend planning related conventions, meetings and seminars in accordance with approved Township policy and subject to the approved Council budget.

10.2.2 Delegated powers deemed Council approval

Any motions concerning matters within the delegated powers under this Section shall be deemed to be the proceedings of Council and shall take force and effect upon approval of the Standing Committee.

10.2.3 Recommendations to Council

Any motions concerning matters not within the delegated powers shall take the form of a recommendation to Council and shall not take force and effect until approval by Council.

10.3 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 Standing Committee of Council or may refer the matter to a Special Meeting.
- b) Upon holding a hearing, the Standing Committee shall provide a recommendation to Council. In the event that the hearing is held at a Special Council Meeting, Council shall render its decision at the Special Meeting, whenever possible.
- c) If the Standing Committee of Council holds a hearing or gives interested parties an opportunity to be heard, Council is not required to do so.
- 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.

10.4 Matters not to be delegated by Council

The following matters may not be delegated by Council to any Committee or Local Board unless specified otherwise in the appointment and/or procedure by-law of the 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 and Procedures
- e) Entering into Agreements on behalf of the Corporation
- f) Transfer of Reserve and Reserve Funds
- g) Approval of the Accounts Payable

10.5 Council to retain Delegated Powers

Notwithstanding the foregoing, Council may continue to exercise the delegated powers and duties despite the delegation, if it so chooses.

SECTION 11 ADVISORY COMMITTEES

11.1 Establishment of Advisory Committees

Council may establish Advisory Committees under the *Municipal Act* or any other Act from time to time to advise Council on the specific matters set out in its appointment by-law. Such Committee will be established and members appointed by By-law.

11.2 Appointment By-law

The appointment by-law shall include the names of the member(s) of Council and any members of the public appointed to the Advisory Committee.

11.3 Term of Advisory Committee

The term of the Advisory Committee shall coincide with the Council term.

11.4 Purpose of Advisory Committee

The purpose of an Advisory Committee is to advise Council on the specific matters for which it has been appointed as set out in the appointment by-law, and to make recommendations to Council for this purpose.

11.5 Delegated Powers

An Advisory Committee may oversee Township operations or projects within an approved budget and/or Township Policy, when specifically delegated by Council.

11.6 Limitation on Delegated Powers

Advisory Committees 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.

SECTION 12 AD HOC COMMITTEES

12.1 Establishment of Ad Hoc Committees

Council may establish Ad Hoc Committees by resolution or by-law under a specific section of the *Municipal Act* or any other Act from time to time, to deal with the specific issues set out in the resolution or by-law.

12.2 Appointment Resolution or By-law

The appointment resolution or by-law shall include the names of the member(s) of Council, Township staff, consultants or any members of the public assigned to the Ad Hoc Committee, and the length of time the Committee should require to complete its task.

12.3 Staff Liaison

Ad Hoc Committees shall meet at the call of the staff liaison and the staff liaison shall prepare an agenda for the meeting including the date, time and location of the meeting as well as a listing of the items to be discussed.

12.4 Report in lieu of Minutes

Ad Hoc Committees may choose to submit a written report and recommendations to Council in lieu of minutes, but shall provide written documentation of their proceedings.

12.5 Procedures apply where Majority of Council on Ad Hoc Committee

Where an Ad Hoc Committee is comprised of 50% of the members of Council, the procedures set out in this Manual for Committees of Council shall apply.

SECTION 13 APPOINTMENTS

13.1 Appointment of Council members by Mayor

At the Inaugural Meeting, the Mayor shall appoint the members of Council to the various Advisory Committees, Boards and other Special Purpose Bodies. Prior to announcing these appointments, the Mayor shall consult with the members.

13.2 Advertisement for Public members

Prior to the end of the Council term the Clerk shall advertise for members of the public to serve on the Committees and Boards appointed by Council. Said advertisement shall take the form of a notice including the name of the Committee/Board and the number of members of the public to be appointed. This notice shall be advertised in at least one of the following ways:

- a) advertising in a newspaper having general circulation within the Township, or other media release, or
- b) posting on the Township website, or
- c) posting on Public Notice Boards at the Township Offices or other Township facilities, or
- d) any other means deemed by the Clerk to be appropriate.

13.3 Review by Incoming Council

At the orientation session for the incoming Council, the Clerk shall bring forward the applications to the various Committees and Boards for consideration, including the attendance records of any members seeking reappointment, and shall prepare the necessary appointment by-laws for passage at the Inaugural Meeting as directed.

13.4 Termination of Appointment due to Absence

In the event that a member of an Advisory Committee, Ad Hoc Committee or Local Board is absent from the meetings for three consecutive months, Council may terminate the appointment and may by motion appoint a new person to fill the vacancy.

13.5 Amending Appointments

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

SECTION 14 MOTIONS

14.1 Motions in Writing

All motions presented to Council, a Standing Committee or an Advisory Committee must be in writing.

14.2 Mover and Secunder

All motions must be moved and seconded with the exception of a motion to adjourn which does not require a seconder. A motion must be formally seconded before Council, Committee or Local Board may deliberate on the matter and the Recording Secretary may record a motion in the Minutes.

14.3 Reading of Motion

A motion must be read out by the mover and then passed to the Chair who may read the motion if requested, before any discussion on the matter takes place. The Chair shall then call for discussion on the motion.

14.4 Speaking to Motion

Each member of Council, Committee or Local Board may have the opportunity to address the subject matter of the 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. Only members may speak during the time between the call for discussion by the Chair and the conclusion of the vote on the motion. 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.

14.5 Friendly Amendment

After discussion, a motion on the floor may be altered by friendly amendment with the approval of the mover and seconder and the agreement of a majority of Council, Committee or Local Board. If a majority do not indicate their support of a friendly amendment, a formal motion to amend may be brought forward.

14.6 Withdrawal of Motion

A motion may be withdrawn by the mover with the agreement of the seconder. After a motion is read or stated by the Mayor or Chair, it shall be deemed to be in possession of Council, Committee or Local Board but may, with the permission of the mover and seconder be withdrawn at any time before decision or amendment.

14.7 Motion to Amend

A motion to amend:

- a) Shall be presented in writing;
- b) Shall receive disposition of Council, Committee or Local Board before a previous amendment on the question;
- c) Shall be directly relevant to the question to be received;
- d) Shall not be received proposing a direct negative to the question.

14.8 Motion to Refer

A motion to refer a matter under discussion by the Council to a Standing Advisory Committee or Local Board shall preclude all amendments of the main question until it is

decided.

14.9 Disposition of Motion

A motion properly before Council, Committee or Local Board for decision must receive disposition before any other motion can be received, except a motion to amend, defer or refer.

14.10 Motion to Defer (Table)

In the event that the majority of Council, Committee or Local Board determine they have inadequate information to be able to vote on a particular issue, the Chair may mark the motion "Deferred" and the said motion shall appear as an item of business on the Agenda for the next and each subsequent regular meeting until a decision thereon has been reached.

14.11 Motion to Reconsider

A motion to reconsider a previously approved motion may be introduced by any member and must be duly seconded. A motion to reconsider is not debatable and 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 cannot be reversed, the motion cannot be reconsidered.
- c) The following motions cannot be reconsidered:
 - i. a motion to adjourn
 - ii. a motion to recess
 - iii. a motion to suspend the Rules
 - iv. a motion to reconsider
 - v. a motion to postpone indefinitely which has been lost
- d) If a motion to reconsider is brought forward at the same meeting when the original motion was considered, a two-thirds majority of the members are required to pass the motion to reconsider.
- e) If a motion to reconsider is brought forward at a subsequent Council or Committee meeting, a majority of the members is required to pass the motion to reconsider.
- f) The original motion cannot be brought forward for reconsideration more than once unless the substance of the motion has been materially changed.
- g) A motion to reconsider is not subject to debate, amendment or reconsideration. A motion to reconsider cannot be deferred or referred.
- h) Where a member of Council, Committee or Local Board has been named in any legal action related to a matter for reconsideration, no vote for reconsideration shall be taken until the 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 shall become a matter to be brought forward as though it were a new question.

14.12 Matter of Privilege

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

14.13 Division of Motion

A motion containing distinct proposals may be divided by leave of Council.

14.14 Call of the Question

After the question is finally called by the Mayor or Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and a result has been declared.

14.15 Adjournment Motion

A motion to adjourn may not be debated.

SECTION 15 VOTING

15.1 Majority of Council required to pass a motion

Regardless of the number in attendance, an affirmative vote by the majority of the members of Council is required to pass a motion.

15.2 Majority of Committee/ Board required to pass a motion

Based on the number in attendance, an affirmative vote by the majority of the members of Committee or Local Board is required to pass a motion.

15.3 Calling of Vote

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

15.4 Mayor or Chair to vote

The Mayor or 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.

15.5 Abstention not permitted

A refusal to vote shall be taken as a vote in the negative. Abstentions are not permitted.

15.6 Method of Vote

Unless otherwise determined by the Mayor or Chair, the method of voting shall be by a show of hands. Other methods which may be used at the discretion of the Mayor or Chair may be by voice, standing or otherwise, but may not in any circumstance be in the form of a secret ballot.

15.7 Declaration of outcome of Vote

Upon the completion of the vote, the Mayor or Chair shall declare whether the motion was carried or defeated. In the event that all members vote in a similar manner, the Mayor or Chair may, at his/her discretion, record the vote as being unanimous.

15.8 Equal vote defeated

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

15.9 Motion to be signed by Mayor or Chair

The result of the vote on each motion shall be marked on the motion by the Chair who then signs the motion.

15.10 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 disabled from participating in a meeting is such that, at that meeting, 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.

SECTION 16 RECORDED VOTES

16.1 Request for Recorded Vote

A recorded vote may be requested by a member of Council prior to a vote being taken or immediately thereafter and before any other item of business is brought forward.

16.2 Clerk's responsibilities

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

- a) record the name of each member on the reverse side of the motion, such names to appear in alphabetical order with the exception of the Mayor's name which shall appear last;
- b) state the mover and seconder of the motion and read out the terms of the same;
- c) call the name of each member as listed on the reverse side of the motion. As called, each member will signify either "yes" or "no";
- d) note the response beside the member's name on the motion and in the minutes of the meeting;
- e) at the conclusion of the vote, declare whether the motion was carried or lost and the Mayor shall mark the motion accordingly.

16.3 No recorded votes at Committee, except Planning Committee

The recorded vote provisions of this Section shall not apply to any committee of Council with the exception of Planning Committee which shall have the right to hold recorded votes in accordance with the procedures set out in this Manual.

SECTION 17 RULES OF DEBATE

17.1 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 for in this Manual.

17.2 Rules for 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 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.

17.3 Appeal of Point of Order

Any member may appeal the decision of the Chair on a point of order to the Council, Committee or Local Board which shall decide the question without debate upon a majority vote of the members present.

17.4 Request for Re-reading of 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 a Member while speaking.

17.5 Oral Motions

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

- a) a point of order or personal privilege
- b) presentation of petitions
- c) to lay on the table
- d) to postpone indefinitely or to a particular day
- e) to move the previous question.

17.6 Motion to suspend the Rules

A motion suspend the Rules of Procedure may be introduced without notice and without leave, but such motions shall be in writing and signed by a mover and seconder.

17.7 Decision of Chair

In all unprovided cases in the proceedings, the matter shall be decided by the Chair, subject to an appeal by the members upon a point of order.

SECTION 18 DECORUM

18.1 Decorum by Members

All members shall:

18.1.1 Speak through Chair

Not speak until he/she has *been recognized* by the Chair.

18.1.2 Only one speaker

Refrain from speaking while another member is speaking.

18.1.3 Follow Rules of Order

Follow the Rules of Order.

18.1.4 Obey Chairperson

Obey all decisions of the Chair on questions of order or practice or upon interpretations of the rules of order.

18.1.5 Acceptable Behaviour

Behave in an acceptable manner. A member shall not use profanity, make derogatory statements or other such offence at risk of being expelled from the Chambers or meeting room at the discretion of the Chair.

18.2 Improper Conduct by any person

The Chair may expel any person, including a member of Council, staff or the public for improper conduct at a meeting.

18.3 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 from the Chambers or meeting room.

18.4 Apology and majority vote required to return after expulsion

After being expelled by the Chair as a result of 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.

SECTION 19 INTERPRETATION

19.1 Municipal Act

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

19.2 Conflict between Manual and Act

In the event of any conflict between the *Municipal Act, S.O. 2001*, as amended from time to time, and the provisions of this Manual, the Municipal Act shall prevail.

19.3 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.

19.4 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.