

# The Corporation of the Township of Centre Wellington

## By-law 2021-31

### A By-law to Govern the Procedures of Council and Committee Meetings

Whereas section 238 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings, for public notice of meetings and for electronic participation in meetings;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

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## **1. GENERAL**

### **1.1 Application and Interpretation**

- (a) This By-law establishes the rules of order for meetings of Council and Committee.
- (b) A word in this By-law expressed in the singular has a corresponding meaning when used in the plural.
- (c) Any future amendment(s) to the *Municipal Act, 2001* or other legislation as noted in this By-law may alter the provisions of the legislation referenced but shall not affect the validity of this By-law or any part thereof.
- (d) In an event of conflict between this By-law and any superior legislation, the provisions of the superior legislation prevail.
- (e) A specific statement or rule in this By-law has greater authority than a general statement or rule.
- (f) Any reference to a provision of this By-law may be referred to as “Section” notwithstanding that it may be a section, subsection, clause or paragraph.
- (g) If there is a conflict between two or more rules in this By-law, or if there is no specific rule on a matter, the Chair will rule and, in making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices or refer to *Robert’s Rules of Order*.

## 1.2 Principles of this By-law

The principles of parliamentary law governing Meetings includes:

- (a) The Majority of Members have the right to decide.
- (b) The minority of Members have the right to be heard.
- (c) All Members have the right to information to help make decisions, unless otherwise prevented by law.
- (d) All Members have the right to an efficient Meeting.
- (e) All Members, Township staff and delegations have the right to be treated with respect and courtesy.
- (f) All Members have equal rights, privileges and obligations.

## 1.3 Suspension of Rules

Rules of order provided for in this By-law may be suspended by a Two-Thirds vote of Council or Committee, with the exception of the following circumstances:

- (i) where required by law;
- (ii) in any contract or agreement binding the Township;
- (iii) amending this By-law;
- (iv) requirements for Quorum.

## 1.4 Administrative Authority of Clerk

The Clerk is authorized to revise or correct by-laws, minutes and other records or documents relating to Council and Committee for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings and general housekeeping.

## 2. DEFINITIONS

### 2.1 Definitions in this By-law

- (a) **Act** means the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended or replaced from time to time.
- (b) **Acting Mayor** means the Councillor who is appointed in Ward order to serve two months each, to act in place of the Mayor as required.
- (c) **Advisory Committee** means a Committee created by Council with a defined set of responsibilities providing advice to Council through a Managing Director.
- (d) **By-law** means this By-law to Govern the Procedures of Council and Committee Meetings.
- (e) **CAO** means the Chief Administrative Officer of the Township.
- (f) **Chair** means the presiding officer at a Meeting.
- (g) **Clerk** means the Clerk of the Township, or their designate.
- (h) **Closed Meeting** means a Meeting or part of a Meeting that is closed to the public as permitted by the Act.
- (i) **Committee** means Committee of the Whole, Advisory Committee or other committee as established by Council.
- (j) **Committee of the Whole** means a committee comprised of all Members of Council.

- (k) **Council** means the Township's elected representatives, comprised of the Mayor and Councillors.
- (l) **Councillor** means any Member of Council, other than the Mayor.
- (m) **Delegation** means any person, group of persons, or organization, who is neither a Member of Committee or Council or an appointed official of the Township and who is speaking to Committee or Council.
- (n) **Deputy Mayor** means a Member of Council appointed from within to act in the absence of the Mayor.
- (o) **Electronic Meeting** means any open or Closed Meeting where Council or Committee, as a whole participates remotely or virtually via electronic means, and Members have the same rights and responsibilities as if they were in physical attendance including the right to vote, and shall count towards a Quorum.
- (p) **Friendly Amendment** means the Motion under debate is amended with the consent of the mover and seconder, is keeping with the general intent and without the requirement for an amending Motion to be made.
- (q) **Majority** means for the purpose of voting, unless otherwise specified, more than half the total number of the Members of Council or Committee present at the vote and not prohibited by statute from voting.
- (r) **Majority Vote** means more than one half of the votes cast by Members present.
- (s) **Managing Director** means the most senior staff of the Township as delegated by the CAO.
- (t) **Mayor** means the Mayor of the Township.
- (u) **Meeting** means a Meeting of Council or Committee where a Quorum is present and Members discuss or otherwise deal with any matter in a way that materially advances the business of Council or Committee.
- (v) **Member** means a Member of Council, including the Mayor, or a Member of Committee, including the Chair.
- (w) **Motion** means a proposal, moved by one Member and seconded by another Member to adopt, amend or otherwise deal with a matter before Council or Committee.
- (x) **Motion to Defer** means a Motion to delay consideration of a matter until later in the same Meeting or at a future Meeting of Council or Committee.
- (y) **Motion to Refer** means to direct a matter under discussion by Council and/or Committee of the Whole to staff or another committee for further consideration or review.
- (z) **Notice of Motion** means a written notice respecting a substantive matter not on the agenda, submitted to the Clerk, for inclusion on the agenda of a future Meeting.
- (aa) **Point of Order** means a question by a Member calling attention to a possible violation of the rules or customary procedures of this By-law.
- (bb) **Point of Privilege** means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member, Township staff or a delegation or who considers that his or her integrity or that of a Member or Township staff or delegation has been impugned or questioned by a Member.
- (cc) **Quorum** means a majority of the Members of Council or Committee.
- (dd) **Township** means the Corporation of the Township of Centre Wellington.
- (ee) **Two-Thirds** means two-thirds (2/3) of the Members of Council or Committee.

- (ff) **Workshop** means a meeting of Council where the purpose is for Council to discuss issues in an informal venue. With the exception of procedure matters, no Motions are passed, and no matter is discussed which advances the business of the Township.

### **3. DUTIES AND CONDUCT**

#### **3.1 Chair of Meeting**

- (a) The Chair of Council, Committee of the Whole or a Workshop is the Mayor and, in the absence of the Mayor, the Deputy Mayor is Chair.
- (b) The Chair and Vice Chair of any other Committees are appointed by a vote of the Members of the Committee.

#### **3.2 Appointments to Committees**

- (a) Appointment of a Member of Council to any Advisory Committee or to any other boards, committees, commission and organizations shall be recommended by the Mayor, after consultation with the Members and approved by Council.
- (b) Appointment of citizens to Advisory Committees shall be recommended by the Clerk in consultation with the Managing Director to Council and approved by Council.

#### **3.3 Duties of the Chair**

- (a) The Chair shall call a Meeting to order as soon as there is Quorum present following after the time set for the Meeting.
- (b) The Chair shall preside over the Meetings so business can be carried out efficiently and effectively, and shall:
  - (i) maintain order and preserve the decorum of the Meeting;
  - (ii) rule on all procedure matters;
  - (iii) receive and submit to a vote all Motions presented by the Members that do not contravene the rules of procedure;
  - (iv) decline to put any Motions to a vote which do not comply with the rules of procedure, or which are not within the jurisdiction of Council or Committee;
  - (v) announce the result of the vote on any Motions presented for a vote;
  - (vi) expel or exclude from any Meeting any person whom the Chair feels has exhibited improper conduct at the Meeting;
  - (vii) adjourn or suspend the Meeting if they consider it necessary because of grave disorder;
  - (viii) close the Meeting when business is concluded or recess the Meeting;
  - (ix) after one issued warning, shall call by name any Member persisting in breach of the rules of procedure, order him or her to leave the Meeting and if the Member refuses to leave the Meeting, the Chair may request the CAO to contact security or police for assistance to remove the Member;
  - (x) shall decide all matters not covered by this By-law and may call upon the Clerk to provide advice regarding procedure whereupon the Clerk shall provide advice, following which the Chair shall announce the ruling;
  - (xi) shall call a vote on the question of sustaining the ruling of the Chair in response to a Member disagreeing and appealing the ruling of the Chair and may provide further explanation of the ruling prior to calling the vote and announce the results of the vote;
  - (xii) if necessary, may call a recess for a brief, specified time to consult the Clerk or CAO, or any other person deemed appropriate;

- (xiii) if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, recess the Meeting for a specified time;
- (xiv) ensure all Members who wish to speak have had an opportunity to speak;
- (xv) ensure clarity, where required, by reading, or requesting the Clerk or other appropriate person to read Motions before voting;
- (xvi) vote on all matters unless disqualified from doing so by any statute;
- (xvii) adjourn the Meeting when all business is concluded;
- (xviii) authenticate, when necessary, by their signature, all by-laws and minutes; and
- (xix) recess the Meeting after two (2) hours has passed since the last recess, unless there is unanimous consent of the Members to continue.

### **3.4 Deputy Mayor & Acting Mayor**

- (a) At the earliest opportunity following a municipal election, in accordance with section 226 of the Act, Council shall appoint a Member as Deputy Mayor, with the consent of the Head of Council, to hold office for Council's term or until their successor is appointed.
- (b) When the Mayor is absent from a Meeting, the Deputy Mayor may exercise all the rights, powers and authority of the Mayor as head of Council.
- (c) In the event that both the Mayor and Deputy Mayor are absent from a Meeting, an alternate Acting Mayor is determined as follows:
  - (i) the alternate Acting Mayor is the following Member in ascending order as follows:
    - (A) Ward 1 – January & February,
    - (B) Ward 2 – March & April,
    - (C) Ward 3 – May & June,
    - (D) Ward 4 – July & August,
    - (E) Ward 5 – September & October,
    - (F) Ward 6 – November & December;
  - (ii) where a Member is not available to serve as alternate Acting Mayor under Section 3.4(c), the alternate Acting Mayor will be the next available Member in ascending order;
  - (iii) availability is to be provided in writing to the Clerk, and the Clerk's determination of an alternate Acting Mayor is final;
  - (iv) the Clerk provides, as required, notice by electronic mail to Members, CAO and Managing Directors when the Deputy Mayor and alternate Acting Mayor assume the duties of the Mayor; and
  - (v) the alternate Acting Mayor has all the rights, powers, and authority of the Mayor as head of Council.

### **3.5 Members**

All Members shall:

- (i) attend scheduled Meetings;
- (ii) carefully consider and make decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;

- (iii) vote on all Motions put to a vote unless disqualified from voting under any statute;
- (iv) respect the rules of order as set out in this By-law;
- (v) listen attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Privilege, as set out in this By-law;
- (vi) remain silent in their seats while Council or Committee votes until the Chair announces the result;
- (vii) refrain from using any offensive, disrespectful or unparliamentary language;
- (viii) respect and follow the decisions of Council or Committee;
- (ix) respect the confidentiality of matters discussed in Closed Meetings and not disclose the subject or substance of these discussions unless authorized to do so by Council or Committee;
- (x) address Members of Council, Committee and staff by their appropriate title; and
- (xi) comply with the ruling of the Chair and the decisions of Council and Committee.

### **3.6 Attendees**

- (a) The Chair may expel or exclude any person who disrupts a Meeting, and request security and/or police assistance in doing so.
- (b) No persons, other than Members and staff are permitted to approach the area where Council, Committee and staff are seated, unless they are invited by the Chair.
- (c) Attendees will submit all material for Council through the Clerk.
- (d) Attendees are responsible for:
  - (i) maintaining order and not heckling or engaging in conversation, displaying placards or props or any behaviour that may be considered disruptive;
  - (ii) speaking respectfully at all times;
  - (iii) ensuring all personal digital devices are turned off or set to silent mode during a Meeting; and
  - (iv) using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices.

### **3.7 Rules of Debate and Questions from Members**

- (a) The Chair will provide each Member an opportunity to speak.
- (b) Prior to accepting a Motion, Members shall be entitled to ask up to three (3) questions directly relating to the matter under consideration.
- (c) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding.
- (d) All Members and staff will address their questions and comments through the Chair.
- (e) The Chair is permitted to ask questions or comment in a general manner without leaving their position. The Chair who presides over any part of a Meeting may state relevant facts and the Chair's position on any matter before the Council or Committee without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a Motion or debate a question without first leaving the chair.

- (f) If during a Meeting of Council the Mayor desires to leave the chair to move a Motion or to take part in the debate, the Mayor shall call on the Deputy Mayor to preside until the Mayor resumes the chair.
- (g) Members are encouraged to provide questions to staff prior to the Meeting and address any answers received during the comments portion of the discussion.
- (h) When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Privilege.
- (i) Comments are to be relevant to the matter of business at the Meeting.
- (j) Members shall express themselves succinctly without repetition.

### **3.8 Point of Order**

- (a) A Member may raise a Point of Order when such Member feels there has been:
  - (i) a deviation or departure from the rules set out in this By-law; or
  - (ii) a deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.
- (b) Where a Member raises a Point of Order, the Chair shall:
  - (i) interrupt the matter under consideration;
  - (ii) ask the Member raising the Point of Order to state the substance of and the basis for the Point of Order; and
  - (iii) rule on the Point of Order immediately without debate by Council or Committee.
- (c) A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a Majority Vote of the Members present. If there is no appeal, the decision of the Chair is final.

### **3.9 Point of Privilege**

- (a) A Member may raise a Point of Privilege at any time if he or she considers their integrity, the integrity of Council or Committee as a Whole or Township staff or a delegation has been impugned.
- (b) Where a Member raises a Point of Privilege, the Chair shall:
  - (i) interrupt the matter under consideration;
  - (ii) ask the Member raising the Point of Privilege to state the substance of and the basis for the Point of Privilege; and
  - (iii) rule on the Point of Privilege immediately without debate by Council or Committee.
- (c) A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a Majority Vote of the Members present. If there is no appeal, the decision of the Chair is final.
- (d) Where the Chair considers the integrity of any Member or staff has been impugned or questioned, the Chair may permit that Member or staff to make a statement to Council or Committee.

## **4. MEETINGS**

### **4.1 Inaugural Council Meeting**

- (a) The first Meeting of Council following a regular election shall be held at a date and time set by the Clerk in accordance with the Act. The Meeting will be held in the

Council Chamber at the Township's office or at such alternate location as determined by the Clerk.

- (b) At the Inaugural Meeting of Council, each Member present shall make his or her declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this Meeting.

#### **4.2 Regular Meetings**

- (a) Regular Meetings shall be held in accordance with the schedule/calendar adopted by Council, except when otherwise directed by a resolution of Council or Committee.
- (b) Notwithstanding Section 4.2(a), Meetings may be cancelled or postponed in accordance with Section 4.7

#### **4.3 Location and Schedule of Meetings**

- (a) Meetings of Council and Committee of the Whole will take place at the Township's office or at another location within the municipality or as provided for in the Act, as amended when notice is given.
- (b) Council shall approve a schedule of regular Meetings of Council and Committee of the Whole for each calendar year, which may be amended. The schedule of Meetings shall be posted on the Township's website and available from the Township's office.
- (c) The Meeting schedule of all other Committees is determined by its Committee, in accordance with each Committee's terms of reference and/or prescribed mandate.

#### **4.4 Special Council or Committee Meetings**

A special Meeting may be called by the Mayor or Chair, or by the Mayor in consultation with the Clerk, at any time. A Special Meeting is limited to business included in the notice of Meeting.

#### **4.5 Emergency Council Meetings**

Notwithstanding any other provision in this By-law, the Mayor, at any time, may call or provide Notice of an Emergency Meeting of Council. An Emergency Meeting of Council is limited to business matters included in the Notice of the Meeting.

#### **4.6 Workshop**

The Mayor and/or CAO may convene a Workshop for Members of Council for the purpose of educating or training, for providing the Members with information and/or advice, or to solicit input from the Members. With the exception of procedural matters, no Motions are passed and no decisions are made at Workshops. Workshops are not generally livestreamed.

#### **4.7 Cancellation or Postponement of Meetings**

- (a) A regular, special or emergency Meeting of Council or Committee of the Whole or a workshop may be cancelled or postponed where Quorum cannot be achieved or where the Meeting is deemed no longer required by the Mayor in consultation with the Clerk.
- (b) The Clerk gives notice of the cancellation or postponement of a regular, special or emergency Meeting of Council or Committee of the Whole or a Workshop on the Township website. Where time is limited, a notice is posted on the main entrance of the Township's office.
- (c) Meetings of other Committees may be cancelled or postponed by the Clerk, Chair or other assigned person where Quorum cannot be achieved, in the event of an emergency or where the Meeting is deemed no longer required by the Chair in consultation with the Clerk.

#### **4.8 Notice of Meetings**

- (a) The Clerk gives Notice of a regular Meeting of Council or Committee of the Whole by:
  - (i) providing all Members with a regular agenda by each Wednesday preceding a Meeting day of Council or Committee of the Whole; and
  - (ii) publishing the agenda to the Township Website.
- (b) The Clerk gives notice of other Committees by:
  - (i) providing an agenda to Member of the Committee Members seven (7) days prior to the Meeting; and
  - (ii) publishing the agenda to the Township Website.
- (c) The Clerk gives notice of Special Meetings of Council by:
  - (i) providing all Members with an agenda in person, or by electronic mail at least 48 hours prior to the Meeting; and
  - (ii) publishing the agenda to the Township Website.
- (d) The Clerk gives notice of emergency Meetings of Council by:
  - (i) providing all members with an agenda in person, or by electronic mail at least 24 hours prior to the Meeting and the general nature of the matters to be discussed; and
  - (ii) publishing the agenda to the Township Website.
- (e) The Clerk gives notice of a Workshop by:
  - (i) providing Notice to Council in person or by electronic mail indicating the date and time of the Workshop and the general nature of the matters to be discussed; and
  - (ii) publishing the agenda to the Township Website.
- (f) The Clerk, in consultation with the Mayor or Chair, may cancel any Meeting prior to its scheduled commencement and shall provide appropriate notice of the cancellation.
- (g) The failure of any person outlined herein to receive notice of a Meeting shall not affect the validity of the Meeting, nor any decisions, recommendations, or actions resulting therefrom.

#### **4.9 Notice of Meeting Closed to the Public**

Where a matter may be considered by Council or Committee for discussion in closed session, whenever possible, written notice will include:

- (i) the fact the Meeting will be closed to the public as provided by the appropriate legislation; and
- (ii) the general nature of the matter to be considered at the Closed Meeting.

#### **4.10 Invalidation of the Notice of Meeting**

If notice of a Meeting is substantially given, but varies from the form and manner provided in this By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.

#### **4.11 Quorum**

- (a) Members will attempt to advise the Clerk at least three (3) business days in advance if they are unable to attend a Meeting.

- (b) If Quorum is not achieved within fifteen (15) minutes after the time appointed for a Meeting, the Clerk will record the names of the Members present and the Meeting is adjourned until the date of the next regular Meeting.

#### 4.12 Open & Closed Meetings

- (a) All Meetings shall be open to the public, except as provided for in section 239 of the Act. Council or Committee may convene in a closed session in order to discuss the following matters:
  - (i) the security of the property of the Township or local board;
  - (ii) personal matters about an identifiable individual, including municipal or local board employees;
  - (iii) a proposed or pending acquisition or disposition of land by the Township or local board;
  - (iv) labour relations or employee negotiations;
  - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the Township or local board;
  - (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (vii) a matter in respect of which Council or Committee may hold a Closed Meeting under another statute;
  - (viii) information explicitly supplied in confidence to the Township or local board by Canada, a province or territory or a Crown agency of any of them;
  - (ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Township or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - (x) a trade secret or scientific, technical, commercial or financial information that belongs to the Township or local board and has monetary value or potential monetary value;
  - (xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Township or local board; or
  - (xii) the Meeting is held for the purpose of educating or training the Members, providing 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.
- (b) Council or Committee shall convene into a Closed Meeting for the following purposes:
  - (i) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council or Committee is the head of an institution for the purposes of that statute; or
  - (ii) an ongoing investigation respecting the Township, a local board or a Township-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, a municipal Ombudsman referred to in subsection 223.13(1) of the Act, or a closed meeting investigator referred to in subsection 239.2(1).
- (c) The Mayor or Chair shall report at an open Meeting following the Closed Meeting and summarize actions taken. Any matters discussed in a Closed Meeting requiring a decision of Council or Committee will be brought forward to an open Meeting.

- (d) No Member shall disclose or discuss, through any means including written, electronic or verbal communication to any individual or third party, any information that has been or will be discussed at a Closed Meeting or any records or documents disclosed thereat until Council or Committee has agreed to the disclosure of such information, records or documents or if directed to do so by a court.

#### **4.13 Preparation of Agendas**

- (a) The Clerk provides administrative processes to support the approval, preparation, notice, publication and distribution of the agenda, in consultation with the CAO.
- (b) Agenda for Meetings of Council and Committee of the Whole are generally made available to the public by the Wednesday immediately preceding the Meeting.
- (c) The Clerk prepares and makes available to the public an agenda for Advisory Committees no later than three (3) business days preceding the meeting.

#### **4.14 Record of the Meeting**

- (a) The Clerk records the minutes of Council and Committee of the Whole Meetings without note or comment. The minutes shall include:
  - (i) the date, time and location of the Meeting;
  - (ii) the name of all Members in attendance;
  - (iii) the name of presenters and delegations at the Meeting;
  - (iv) all resolutions, decisions and other proceedings of the Meeting.
- (b) Minutes of each Meeting of Council are presented to a subsequent regular Meeting of Council for approval.
- (c) Minutes of Committee of the Whole Meetings are submitted at a subsequent scheduled Meeting of Committee of the Whole. The report from the Committee of the Whole, summarizing the recommendations is submitted to the next regular Meeting of Council for approval.
- (d) Minutes of Council and Committees will be posted on the Township's website following approval by Council.
- (e) Minutes of other Committees, as designated by Council, are submitted to the Committee of the Whole for information following approval by the Committee.

#### **4.15 Public Record**

All Communications the Clerk receives pertaining to a matter on the agenda of a public or open Meeting will form part of the public record. Personal information and opinion in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it, or where confirmed by the Clerk.

#### **4.16 Recording, Broadcasting and/or Streaming**

All Council and Committee Meetings may be audio and/or video recorded, broadcast and/or streamed publicly by the Township with the exception of proceedings closed to the public provided for by the Act or this By-law. Workshops are not generally live-streamed.

#### **4.17 Electronic Meetings**

- (a) Members may participate electronically in any meeting and be counted for the purpose of establishing Quorum.
- (b) A Member who joins a Meeting electronically partway through the Meeting shall advise the Chair and Clerk of their attendance at the Meeting.
- (c) A Member who participates electronically in a Meeting who, for any reason, will no longer be attending the Meeting prior to adjournment, shall advise the Chair and

Clerk of their absence from the Meeting prior to and when they will be leaving the Meeting.

- (d) Delegations may participate in an electronic Meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk.

## **5. ADVISORY AND AD HOC COMMITTEES**

### **5.1 Advisory Committees**

- (a) Advisory Committees are created by Council with no defined ending and serve to make recommendations and/or to provide key information and materials to Council.
- (b) Each Advisory Committee shall have a Terms of Reference that sets out its purpose, guidelines for membership and how it will operate.
- (c) Advisory Committees are appointed by Council at the beginning of each term or as required.
- (d) A minimum of one (1) Member of Council will be appointed to an Advisory Committee in accordance with Section 3.2.
- (e) The Chair and Vice-Chair of Advisory Committees are appointed by the Members and cannot be a Member of Council.

### **5.2 Ad Hoc Committees**

Council may appoint Ad Hoc Committees, with a defined ending, to consider a specific matter and report to Council through the CAO or a Managing Director.

## **6. ORDER OF BUSINESS**

### **6.1 Council**

The Clerk shall prepare an agenda for the use of the Members for Meetings of Council as follows:

- Call to Order (Roll Call if Electronic)
- Addendums and Corrections to the Agenda
- Disclosure of Pecuniary Interest
- Closed Session (if required)
- Reconvene in Open Session
- Matters Arising from Closed Session
- Public Meeting Under the Planning Act (if required)
- Approval and Adoption of the Minutes
- Presentations and Announcements
- Report from Committee of the Whole
- Delegations
- Consideration of Reports
- By-laws
- Notice of Motions
- Motions (where Notice has been given)
- Confirmatory By-law
- Adjournment

### **6.2 Committee of the Whole**

The Clerk shall prepare an agenda for the use of the Members for Meetings of Committee of the Whole as follows:

Call to Order  
Addendums and Corrections to the Agenda  
Disclosure of Pecuniary Interest  
Closed Session  
Reconvene in Open Session  
Matters Arising from Closed Session  
Approval and Adoption of the Minutes  
Presentations and Announcements  
Delegations  
Consideration of Reports  
Information Items  
Adjournment

### **6.3 Addendums and Corrections to the Agenda**

- (a) The Clerk shall provide a summary of the additional items and advise of any corrections to the agenda.
- (b) Any changes will require the consent of Council or Committee.

### **6.4 Public Presentations**

- (a) A request from an outside organization or individual to make a presentation to Council or Committee shall be limited to a maximum of ten (10) minutes. The consent of Council or Committee of the Whole is required to extend a presentation beyond ten (10) minutes.
- (b) Presentations by an outside organization or individual shall not be permitted for the sole purpose of generating publicity or promotion.
- (c) Outside organizations or individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda publication deadline.
- (d) Presentations by an outside organization or individuals shall not be added to an agenda as an addendum.
- (e) A maximum of two (2) public presentations will be permitted at a Meeting.

### **6.5 Other Presentations**

- (a) Presentations by staff or invited third parties shall be limited to a maximum of ten (10) minutes.
- (b) Presentations by staff providing information with no accompanying report shall be heard at the end of a Meeting of Council or Committee under Information Items.
- (c) Presentations recognizing achievements shall be heard at the beginning of a Meeting.
- (d) Where a staff or third party presentation accompanies an item on an agenda, the presentation will be heard at the time the matter is under consideration.

### **6.6 Delegations**

- (a) An individual may make a delegation at a Meeting of Council or Committee of the Whole related to an item of business on the agenda.
- (b) An individual who is under eighteen (18) years of age must provide to the Clerk written permission from the individual's parent or guardian.
- (c) Individuals who register as a delegation will have their name and the purpose of their delegation published on an agenda.

- (d) For the purpose of Council and Committee agendas, delegations have until 11:00 am on the day of the Meeting to notify the Clerk that they wish to register as a delegation or to submit written submissions on items on the agenda.
- (e) Delegations are limited to ten (10) minutes. Council or Committee may extend the ten (10) minute time period by a Majority Vote of the Members present by way of a Motion to be decided without debate.
- (f) No delegation shall be made to Council or Committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court.
- (g) No delegation shall speak on a matter that is not within the jurisdiction of the Council or Committee. The Mayor and Committee Chairs in consultation with the Clerk will determine if a matter is within the jurisdiction of the Council or Committee.
- (h) No delegation shall be made to a Notice of Motion on a Council or Committee agenda. Delegations will have an opportunity to speak at a subsequent Meeting when the item will be discussed.
- (i) No delegation shall be permitted to speak on a Notice of Motion to reconsider.
- (j) No delegation shall be permitted at Workshops.
- (k) Delegations shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- (l) A delegation shall only register themselves to speak and may not register other delegations.
- (m) If a delegation is unable to attend the Meeting for which they are registered, they may provide their written submission to the Clerk.
- (n) Members of Council or Committee of the Whole are permitted to ask individuals making a delegation questions only for clarification and to obtain additional relevant information.

#### **6.7 Staff Reports**

- (a) In accordance with established administrative protocols, reports to Council or Committee are prepared by staff, approved by the CAO, submitted in writing to the Clerk and distributed with the agenda for the applicable Meeting.
- (b) Reports prepared by staff contain information and recommendations prepared in context of their professional, technical and administrative expertise independent of any particular political, constituent or stakeholder interest.
- (c) An information report is prepared for the information of Council and usually presented at Committee of the Whole.

#### **6.8 Notice of Motion**

- (a) A Member of Council shall provide a proposed Motion to the Clerk, in writing, for inclusion on a regular agenda of Council, for the purpose of giving notice.
- (b) At a subsequent Meeting, the Member of Council who submitted the proposed Motion will introduce and subsequently move the Motion.
- (c) A Member of Council may request the notice provisions be waived which will require a Two-Thirds vote.
- (d) No staff report will be prepared unless the Motion is referred to staff for a further report.
- (e) It is the duty of the Member of Council to:
  - (i) prepare the proposed Motion in writing; and

- (ii) submit the proposed Motion to the Clerk prior to the publication deadline for the regular agenda of Council.

## **6.9 By-laws**

- (a) All by-laws shall be passed in a single Motion by Council by Majority Vote, unless otherwise required by legislation.
- (b) A Confirmatory By-law shall be enacted at the conclusion of each Meeting of Council.
- (c) The following types of by-laws may be presented directly to Council without the requirement for a staff report:
  - (i) those directed to be presented to Council by Committee of the Whole or Council;
  - (ii) appointment of staff authorized by the CAO; and
  - (iii) general by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution.

## **6.10 Majority Vote**

Unless this By-law states otherwise, a matter passes when a Majority of the Members present at the Meeting vote in the affirmative.

## **7. MOTIONS**

### **7.1 General**

- (a) After a Motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee. A Motion or amending Motion may be withdrawn with the consent of the Mover and Seconder at any time before amendment or decision.
- (b) Council or Committee shall not debate any Motion until it has been moved and seconded. Once a Motion has been seconded, it may upon request, be read or stated by the Chair or Clerk at any time during the debate.
- (c) A friendly amendment is an amendment to a Motion under debate that is perceived by all Members as an enhancement to the original Motion and often only as clarification of intent and without the requirement for an amending Motion to be made.
- (d) If the Chair is of the opinion that an amending Motion is contrary to the main Motion, the Chair shall apprise the Members immediately. A Member of Council or Committee may appeal the ruling of the Chair. If appealed, the Chair will take an immediate vote on the Motion without debate.
- (e) When a Motion is under consideration, no other Motion shall be received unless it is a Motion:
  - (i) to refer the Motion to Committee, Council, or staff. A Motion to Refer:
    - (A) is open to debate,
    - (B) is amendable, and
    - (C) shall preclude amendment or debate of the preceding Motion.
  - (ii) to amend the Motion. A Motion to Amend:
    - (A) is open to debate,
    - (B) shall not propose a direct negative to the main Motion,
    - (C) shall be relevant to the main Motion,

- (D) is subject to only one further amendment, and any amendment more than one must be to the main Motion, and
  - (E) if more than one, shall be put in the reverse order to that in which they were moved, and shall be decided or withdrawn before the main Motion is put to the vote.
- (iii) to defer the Motion to another time. A Motion to Defer:
- (A) is not open to debate,
  - (B) is not subject to amendment, and
  - (C) applies to the main Motion and any amendments thereto under debate at the time the Motion to Defer is put forth.
- (iv) to adjourn the Meeting. A Motion to Adjourn:
- (A) is not open to debate,
  - (B) is not subject to amendment, and
  - (C) shall always be in order.
- (v) to call a vote on the Motion. A Motion to Call a Vote on the Motion:
- (A) cannot be amended,
  - (B) cannot be proposed when there is an amendment under consideration,
  - (C) when resolved in the affirmative, shall be forwarded by voting on the Motion, without debate or amendment,
  - (D) when resolved in the negative, shall be followed by resumption of debate, and
  - (E) shall always be in order.
- (f) Once all Motions relating to the main Motion have been dealt with, and once the main Motion is put, there shall be no further discussion or debate and the Motion shall be immediately voted on.

## **7.2 Reconsideration of a Council Decision**

- (a) Council may reconsider an entire resolution that was decided during any term of Council. A reconsideration of a portion of a resolution shall not be permitted. Such reconsideration can either amend the previous decision or rescind it subject to the following rules:
  - (i) no resolution shall be reconsidered more than once during the term of Council, and
  - (ii) a Motion to reconsider shall not be reconsidered.
- (b) A Member who voted on the prevailing side of a decision may bring a Motion to reconsider at the same Meeting at which the question to be reconsidered was dealt with and shall require the support of a Majority of the Members present.
- (c) A Member who voted on the prevailing side or who was absent from the vote or was not a Member of Council at the time of the vote may bring a Notice of Motion to reconsider at a Meeting subsequent to that at which the question to be reconsidered was dealt with and shall require a Two-Thirds vote to be carried.
- (d) No delegations shall be permitted to speak on a Notice of Motion to reconsider.
- (e) A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution, resulting in legally binding commitments that are in place on the date the Motion to reconsider is considered by Council.

### 7.3 Motion Containing Two or More Matters

When a Motion under consideration concerns two or more matters, upon the request of any Member, they may be taken separately. Such a request may also be made by the Chair.

### 7.4 Voting

- (a) After a Motion is put to a vote by the Chair, no Member shall speak to it nor will any other Motion be made until after the vote is taken and the result has been declared.
- (b) All Members of Council or Committee will vote on all Motions. A failure by any Member to announce their vote openly and individually, including an "Abstention", is deemed to be a vote in the negative.
- (c) Each Member present and voting indicates his or her vote by show of hands or electronically, and no vote is taken by ballot or any other method of secret voting.
- (d) The following represents the required number of votes for a Majority Vote or Two-Thirds vote.

Number of Members Present	Majority Vote	Two-Thirds Vote
7	4	5
6	4	4
5	3	4
4	3	3
3	2	2

### 7.5 Tie Vote

Any Motion on which there is a tie vote is deemed to be lost.

### 7.6 Recorded Vote

- (a) Any Member may request a recorded vote immediately preceding or following the taking of a vote. All Members present at the Meeting shall vote unless they are disqualified from voting with respect to that item following which:
  - (i) the Clerk shall call on Members by name according to Ward number, starting with the Member who requested the recorded vote, the vote will always end with the Chair;
  - (ii) each Member present that is not disqualified from voting shall announce their vote openly, in the order set out above; and
  - (iii) the Clerk shall announce and record the result of the vote, and record how each Member voted.
- (b) Notwithstanding a recorded vote, a record or notation of a Member's opposition to an issue is not recorded in any minutes of the meeting.

### 7.7 Adjournment

- (a) All Meetings of Council shall automatically adjourn three (3) hours after commencement if still in session, unless otherwise decided by a Two-Thirds vote of the Members present.
- (b) A Meeting that is authorized to continue past three (3) hours, shall be automatically adjourned one (1) hour later, unless the Meeting is authorized to continue for further one-hour periods, with each period requiring the unanimous consent of all Members present.
- (c) All Meetings of the Committee of the Whole shall automatically adjourn four (4) hours after commencement if still in session, unless otherwise decided by a Two-Thirds vote of the Members present.
- (d) A Meeting of the Committee of the Whole, with the exception of Meetings related to the budget that are authorized to continue past four (4) hours, shall be automatically adjourned one (1) hour later, unless the Meeting is authorized to continue for further

one-hour periods, with each period requiring the unanimous consent of all Members present.

- (e) At a Meeting of Council, where a Meeting has adjourned automatically or by a Motion by any Member, prior to the adjournment being effective, the Members shall consider the by-laws and Confirmatory By-law if such items have not already been addressed.
- (f) A Motion to adjourn may be made by any Member who has been recognized by the Chair. The Motion must be moved and seconded. A Motion to adjourn shall not be made during a vote on any other Motion.

**8. PROCEDURE BY-LAWS FOR OTHER BOARDS, COMMITTEES OR COMMISSIONS**

**8.1 General**

Where a local board, committee, commission or body of the Township has not adopted a procedure by-law, such local board, committee, commission or body may adopt this By-law with necessary modifications including the requirement that all Meetings be open to the public, subject to the same exceptions applicable to Meetings as set out herein.

**9. SHORT TITLE**

**9.1 Procedure By-law**

This By-law, other than in this By-law itself, shall be referred to as the "Procedure By-law".

**10. REPEAL**

**10.1 Repeal of By-law 2002-91**

By-law 2002-91 and all previous by-laws relating to meeting procedures of Council and Committee are hereby repealed.

Read and passed this 28<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Mayor – Kelly Linton

  
\_\_\_\_\_  
Clerk – Kerri O'Kane