

# The Corporation of the Township of Huron-Kinloss



## **BY-LAW**

### **2018-139**

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Being a by-law to govern the proceedings of the Council the conduct of its members and the calling of the meetings of the Corporation of the Township of Huron-Kinloss and its Committees and Boards

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**WHEREAS** Section 238 (2) of the *Municipal Act*, 2001 S.O. 2001, as amended states that every municipality and local board shall pass a procedural by-law for governing the calling, place and the proceedings of meetings;

**WHEREAS** Section 239 (2.1) of the *Municipal Act* S.O. 2001, c 25, as amended requires that the procedural by-law provides for public notice of meetings;

**AND WHEREAS** The Council of the Corporation of the Township of Huron-Kinloss deems it advisable to enact a new By-law to govern the proceedings of Council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to repeal the previous by-law 2017-120;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

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## **Section 1      Definitions**

For the purposes of this By-Law, the following definitions shall apply and have the following meanings:

### **1.1 “Abstain”**

– shall mean a Member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter, and in such cases an abstention shall be deemed as a negative vote.

### **1.2 “Act”**

– shall mean the *Municipal Act, 2001*, as amended from time to time.

### **1.3 “Acting Chair”**

– shall mean the Member who is temporarily appointed to serve in the Chair’s place.

### **1.4 “Acting Mayor”**

– shall mean the Member of Council appointed by By-Law or Resolution under the Act, to act from time to time in the place and stead of the Mayor and Deputy Mayor.

### **1.5 “Ad Hoc Committee”**

– shall mean a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.

### **1.6 “Agenda”**

– shall mean the written Order of Business.

### **1.7 “By-Law”**

– shall mean a local law that has been enacted by Council in order to exercise a power provided in the Act.

### **1.8 “Chair” (Presiding Officer)**

– shall mean the member who presides at a Council or Committee meeting.

### **1.9 “Chief Administrative Officer”**

– shall mean the Administrator or designate duly appointed by the Township as prescribed in Section 229 of the *Municipal Act, 2001*, as amended, designated by By-Law.

**1.10 “Clerk”**

– shall mean the Municipal Clerk or Deputy Clerk or designate duly appointed by the Township as prescribed in Section 228 of the *Municipal Act, 2001*, as amended, designated by By-Law.

**1.11 “Closed Session Meeting”**

– shall mean a meeting, or portion thereof, closed to the public in accordance with Section 239 of the *Municipal Act, 2001*, as amended and Section 2.21 of this By-Law.

**1.12 “Committee”**

-shall mean persons appointed by Council to a Township Committee or Local Board to review and report on an area of ongoing interest to the Municipality and that continues to do so for the Term of Council or on an indefinite basis according to the Terms of Reference; all members will be appointed by By-Law.

**1.13 “Communication”**

– shall include correspondence but is not limited to; letters, memos, notices, emails, faxes, petitions, brochures, newspaper/magazine articles etc.

**1.14 “Committee of the Whole**

– shall mean all of the Members of Council sitting in committee and shall report to and make recommendations to Council.

**1.15 “Confirming By-Law”**

– shall mean a By-Law passed prior to adjournment of every Council meeting to confirm each report, Motion, resolution or other actions recorded by Council at its meetings.

**1.16 “Council”**

– shall mean the Council of the Corporation of the Township of Huron-Kinloss consisting of the Mayor, Deputy Mayor and five councillors.

**1.17 “Council Meetings”**

– shall include Regular, Special and Emergency Meetings of Council.

**1.18 “Councillor”**

– shall mean a person elected or lawfully appointed to the Council of the Township of Huron-Kinloss, but does not include the Mayor or Deputy Mayor.

**1.19 “Debate”**

– shall mean discussion on the merits of a question/Motion and whether the proposed action should or should not be taken.

**1.20 “Delegation”**

– shall mean a person or group of persons who are not Members of Council or Township staff who have requested and are permitted to address Council or Committee, individually or on behalf of a group.

**1.21 “Deputy Mayor”**

– shall mean the Member of Council elected by general vote as the Deputy Mayor.

**1.22 “Emergency”**

– shall mean a situation that poses, in the opinion of Council, an immediate threat to the municipality.

**1.23 “Ex-Officio”**

– shall mean the Mayor who by virtue of office, shall be a member of all Committees and shall have the same rights and privileges as other members of the respective Committee, who is entitled to vote but does not form part of the quorum.

**1.24 “External Committee/Board/Authority**

– shall mean Members appointed by Council by By-Law to sit on various external Boards, Authorities, or Committees with a municipal interest. Appointment shall be for the term of Council unless the By-Law specifies a shorter time and where a re-appointment shall be made.

**1.25 “Friendly Amendment”**

– means a proposal by a member to make an uncontroversial amendment to a Motion while not changing the general intent of the Motion.

**1.26 “Intranet”**

– shall mean a portion of the Township’s Official Website that serves Council and employees only, the intranet is not exposed to, or is accessed by, the general public.

**1.27 “Improper Conduct”**

– shall mean conduct that obstructs in any way the deliberations and/or proper action of Committee or Council.

**1.28 “Improper Language”**

– shall mean the use of profane, indecent or obscene language.

**1.29 “Inaugural Meeting”**

– shall mean the first meeting of a new Council after a regular election held in accordance with the Act and Procedural By-Law.

**1.30 “Local Board”**

– shall mean any board established by Council but does not include a school board, a conservation authority, public library board and police services board.

**1.31 “Majority Vote”**

– shall mean a vote where over half of the Members present, and eligible to vote, vote in the same manner.

**1.32 “Mayor”**

– shall mean the Member of Council elected by general vote as the Mayor and is Head of Council, the Ex-Officio and who normally presides at all Regular and Special Meetings of Council.

**1.33 “Meeting Schedule”**

– shall be deemed the Council and Committee of the Whole schedule containing the meeting dates of Council and the Committee of the Whole and will include other reserved dates as specified.

**1.34 “Member”**

– shall mean a Member of Council, and its Committees, including Committee of the Whole and any Standing Committee, Ad Hoc Committee, or Local Board.

**1.35 “Meeting”**

-shall mean any regular, special or other meeting of a Council, of a local board or of a committee of either of them, where,

(a) a quorum of members is present, and

(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

**1.36 “Minutes”**

– shall mean a record of the proceedings of a meeting, and shall be made by the Clerk without note or comment.

**1.37 “Motion”**

- shall mean a proposal or question considered by the Council or a Committee which is read, moved and seconded, and is subject to debate. When a Motion is passed it becomes a resolution.

**1.38 “Motion to defer”**

– shall mean a Motion to delay consideration of a matter until later in the same Meeting or to a future Meeting of Council or a Committee.



**1.39 “Motion to receive”**

– shall mean a Motion to acknowledge an item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken.

**1.40 “Motion to refer”**

– shall mean a Motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and, if deemed desirable, one or more reports from any Committee, body or official.

**1.41 “Motion to table”**

– shall mean a Motion to postpone without setting a definite date as to when the matter will be considered again.

**1.42 “Notice of Motion”**

- shall mean a written notice of a Motion respecting a substantive matter not on the Agenda for a Meeting of Council which is received by the Clerk, for inclusion on the Agenda for a future Meeting of Council, unless notice thereof is waived pursuant to Section 3.17 of this By-Law.

**1.43 “Official Website”**

–shall mean the Township of Huron-Kinloss public and intranet based domain.

**1.44 “Order of Business”**

– shall mean the sequence of business under consideration at a meeting.

**1.45 “Pecuniary Interest”**

– shall mean a direct or indirect pecuniary (monetary) interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended.

**1.46 “Point of Order”**

– shall mean any alleged breach of the rules or irregularity in the proceedings of a Meeting.

**1.47 “Point of Privilege or Personal Privilege”**

– shall mean a statement by a Member calling attention to a matter where the integrity of an individual (personal) or the entire Council or Committee is perceived to be in question.

**1.48 “Public Information Session/Open House”**

– shall be deemed a meeting held for the purpose of presenting proposals and issues, educating and informing and/or receiving input.

**1.49 “Public Meeting (Statutory)”**

– shall be deemed a meeting held for the purposes required under an Act or Regulation.

**1.50 “Quorum”**

- shall mean the number of Members required to be present in the meeting room, in order that business may be conducted.

**1.51 “Recorded Vote”**

– shall mean a written record of the name and vote of every Member on any matter or question conducted by the Clerk.

**1.52 “Recording/Electronic Device”**

– shall mean any device used for the purpose of recording or streaming whether it be analogue, digital or other means of recording, including but not limited to MP3 players, computers, cell phones, voice recorders, and cameras.

**1.53 “Regular Meeting”**

– shall mean a scheduled meeting held in accordance with Section 2.4 of this By-Law.

**1.54 “Reports”**

- shall mean a written document by a municipal employee, consultant, solicitor or other person for the purpose of providing advice, alternatives/recommendations on various matters.

**1.55 “Resolution”**

– shall mean a Motion that has been passed by Council.

**1.56 “Rules of Procedure”**

– shall mean the rules of procedure as set out in this By-Law.

**1.57 “Secretary”**

– shall mean the person appointed to record the proceedings of any Meeting constituted pursuant to this By-Law.

**1.58 “Special Meeting”**

– shall mean a meeting not scheduled in accordance with the approved Meeting Schedule for which notice has been given in accordance with this By-Law.

**1.59 “Staff”**

– shall mean employee(s) of the Township.

**1.60 “Substantive Motion”**

– shall mean any Motion except a Motion to:

- Table;
- Refer;
- Extend the meeting;
- Put the question;
- Rise and report;
- Change the order of business; or
- Adjourn.

### **1.61 “Township”**

– shall mean the Corporation of the Township of Huron-Kinloss.

### **1.62 “Written Statement of Disclosure”**

- shall mean the written statement of the member’s disclosure of pecuniary interest and its general nature from a member who declares a pecuniary interest at the meeting

## **Section 2 Calling of Meetings**

### **Application**

2.1 The rules of procedure set out in this By-Law shall govern all proceedings of Council and its Committees, including Committee of the Whole and all Ad Hoc Committees, and Local Boards and shall be the rules for the order and dispatch of business.

### **Inaugural Meeting**

2.2 The Inaugural Meeting of Council shall be held at 7:00 p.m. on the first Monday in December following a regular election.

2.3 The Mayor-elect and the Clerk shall be responsible for the content of the Agenda for the Inaugural Meeting and the arrangements for the Inaugural proceedings.

2.4 That prior to the commandment of the first meeting of the newly elected Council, the Clerk in consultation with the Mayor, shall establish the seating arrangement to be used for the Term of Council, or portion thereof.

### **Council and Committee of the Whole**

2.5 Each Regular Council Meeting and Committee of the Whole Meeting shall be held in the Council Chambers at the Municipal Office, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule of Council and the Committee of the Whole as prepared by the Clerk and adopted by resolution of Council.

Committee of the Whole shall take place on the first Monday of every month, Council Meetings shall take place on the second and third Monday of each month, unless a Meeting falls on a Statutory Holiday including the non-statutory holidays of Easter Monday, Family Day and

when Canada Day is observed on a Monday, in such case it will be on Wednesday. Except for the Statutory Holiday "Family Day" in which the Meeting will be held on the Tuesday following at 7:00 p.m. Committee of the Whole and Council meetings will be held at 7:00 p.m.

During the months of January and February ~~and March~~, Committee of the Whole Meetings will be begin at 9:30 a.m. and Council Meetings normally scheduled for the second Monday of each month shall occur at 1:00 p.m. on the same day as the Committee of the Whole Meeting.

- 2.6 In the event of a declared emergency by the Head of Council or any other Lead Agency as identified with the "Emergency Management Act" within the confines of a declared emergency, where the Municipal Office is not accessible, the Council shall be asked to meet at an identified location accessible by Members of Council.
- 2.7 Special Meetings of Council and Committee of the Whole shall be held in the Council Chambers at the Municipal Office or any other location otherwise designated from time to time for such purposes. The location shall be identified in the notice of the meeting and/or on the meeting Agenda.

### **Special Meetings**

- 2.8 (a) The Mayor may at any time call a Special Meeting; or
- (b) Upon receipt of a petition of the majority of the Members of Council, the Clerk shall call a Special Meeting for the purpose and the time mentioned in the petition.

### **Special Council Agenda**

- 2.9 The Clerk, when it is reasonably possible, shall cause an Agenda to be prepared, in the following order, for the use of Members at Special Meetings of Council:
  - (a) Call to Order
  - (b) Disclosure of Pecuniary Interest
  - (c) Delegations
  - (d) Consideration of business for which notice was given
  - (e) By-Laws
  - (f) Adjournment
- 2.10 No business may be transacted at a Special Meeting of Council or Committee of the Whole other than that specified in the notice of the meeting or Agenda.

### **Notice to Members**

- 2.11 The posting of the Agenda on the Official Website shall be considered as adequate notice of Regular Meetings of Council and Committee of the Whole, except for Special Meetings held on a day or at a time other than on the approved Meeting schedule.
- 2.12 The Clerk shall endeavor to ensure that the Agenda for each Regular Meeting of Council and Committee of the Whole will be made available no later than 4:00 p.m. on the Friday preceding a Regular Meeting.
- 2.13 The Clerk shall deliver notice of each Special Meeting of Council or Committee of the Whole to each member personally or leave notice at his residence or place of business by telephone, facsimile or electronic mail at least twenty-four (24) hours before the time set for such Special Meeting. The notice shall specify the business to be transacted. An Agenda constitutes such notice.
- 2.14 Notice for Public Meetings shall be as prescribed.
- 2.15 In the case of an electronic system failure, or power interruption that hinders the posting of the Agenda, the Clerk or Deputy Clerk shall post the Agenda as soon as possible prior to the Meeting and or provide a paper copy as soon as possible prior to the Meeting. Council Members will be notified of such.
- 2.16 Notwithstanding any other provision of this By-law, an Emergency Meeting may be held without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or his/her designate to notify the Council about the Meeting as soon as possible and in the most expedient manner available.

### **Notice to Media and Public**

- 2.17 The Clerk shall provide notice to the public and media of all Meetings by:
- (a) Posting the annual Meeting Schedule on the Township's Official Website and by distributing copies upon request;
  - (b) Notice of Special Meetings will be provided according to the Township's Notice By-Law.
  - (c) Posting the Agenda on the Township's Official Website by 4:00 p.m. on the Friday preceding a Regular Meeting.
  - (d) Notice shall also be provided to the public by placing two paper copies of the Agenda in binder format in the Council Chambers for every Meeting of Council or Committee of the Whole. Attachments may be provided upon request by the Clerk.

### **Cancellation/Postponement**

- 2.18 Any meeting may be cancelled or rescheduled to a day, time and place set out in a written notice from the Clerk, sent to each member as provided for in Section 2.13 at least twenty-four (24) hours before the scheduled date of the meeting and posted on the Official Website.
- 2.19 The Mayor may, in the case of severe inclement weather or like occurrence will prevent the Members from attending a meeting, postpone that meeting by advising the Clerk and as many Members as they are able to reach. Postponement shall not be for any longer than the next Regular Meeting of Council or Committee of the Whole.
- 2.20 The Clerk shall provide notice of cancellation to Council, Staff, the press and all other interested parties a minimum of three (3) hours in advance of any Meeting or Information Session in the case of severe inclement weather.

### **Failure to Meet Notice Provisions**

- 2.21 Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.

### **Meetings Open to the Public**

- 2.22 All Meetings shall be open to the public except as provided for in Section 2.23.

### **Closed Session Meetings**

- 2.23 According to Section 239. (1) of the *Municipal Act*;

*Except as provided in this section, all meetings shall be open to the public.*

#### 2.23. (1) Exceptions

- (a) The security of property of the Township or Local Board;
- (b) Personal matters about an identifiable individual, including a Township or Local Board employees;
- (c) A proposed or pending acquisition or disposition of land by the Township or Local Board;
- (d) Labour relations or employee negotiations;
- (e) Litigation or potential litigation including matters before administrative tribunals, affecting the Township or Local Board.
- (f) The receiving of 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 may hold a closed meeting under another Act.

- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality 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 or persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiation carried on or to be carried on by or on behalf of the municipality or local board.

2.23. (2) Other criteria in accordance with Section 239 (2)

A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b) an ongoing investigation respecting the municipality, a local board or a municipally- controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act*, or the investigator referred to in subsection 239.3(1) of the *Municipal Act*.

2.23 (3) Educational or training Sessions

A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

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

2.24 The Chair of every Closed Session Meeting shall be the Mayor. In the absence or unavailability of the Mayor, the Chair shall be the Deputy Mayor. In the absence or unavailability of the Mayor or Deputy Mayor, the Council Appointee shall be the Acting Chair.

2.25 The Clerk and/or Deputy-Clerk shall remain in the room for all Closed Session Meetings.

### **Closed Session Meeting Resolution**

2.26 Before holding a Meeting or part of a Meeting that is to be closed to the public, a municipality or Local Board or Committee of either of them shall state by public resolution:

- (a) the fact of holding the Closed Session;
- (b) the general nature of the matter to be considered;
- (c) the specific provision of the Act under which the Meeting in Closed Session is permitted; and
- (d) where the purpose is for education or training, that the Meeting is to be held in Closed Session pursuant to Section 239 (3.1) of the Act.

2.27 The Clerk shall advise the Chair if, in his/her opinion, the issue being discussed at a Closed Session is not procedurally appropriate in accordance with the terms of the Act and in accordance with Section 2.23 of this By-Law.

2.28 Subsection to the provisions of this section, Council may hear Delegations in Closed Session Meetings.

### **Media and Public must leave Closed Session Meetings**

2.29 Upon passage of a Motion under Section 2.26, all members of the media and public shall be required to leave the room. The Clerk or and/or Deputy Clerk shall remain, and any members of Staff or Township consultants who are required for the purpose of the deliberations, may be requested to remain.

### **Open Votes**

2.30 A Meeting shall not be closed to the public during the taking of a vote.

### **Closed Session Meeting Votes**

2.31 Despite Section 2.30, a Meeting may be closed to the public during a vote if the subject matter falls into a category where a Closed Session Meeting is allowed and:

- (a) Section 239(2) of the *Municipal Act* permits or requires a Meeting to be closed to the public; and
- (b) The vote is for a procedural matter or for giving directions or instruction to officials, Staff or agents of the Township, or local board or Committee or persons retained by or under contract with the Township.

### **Record of Closed Session Meeting**

2.32 The Clerk shall prepare a record of each Closed Session Meeting held in Council or Committee of the Whole indicating:



- (a) the matter(s) discussed;
- (b) the members in attendance;
- (c) the disposition of the matter(s);
- (d) the minutes are to be adopted at the next Closed Session Meeting.

2.33 Upon reconvening to open session, Council may confirm or report on matters from the Closed Session Meeting by way of a Motion.

2.34 Recording of a Meeting is not permitted unless authorized by the Clerk and shall not be conducted in a manner that interferes with proceedings of the Meeting.

### **Closed Session Meeting Items**

2.35 The Clerk shall be responsible for maintaining a confidential copy of all original documentation distributed, relating to Closed Session Meetings, and for keeping Confidential Minutes of all Closed Session Meetings.

2.36 The Clerk shall endeavor to ensure that the Agenda for each Closed Session Meeting of Council and Committee of the Whole will be made available no later than 4:00 p.m. on the Friday preceding a regular meeting to Council and will be provided on the intranet or in a paper format. The Closed Session Meeting Agenda and attachments will be removed from the intranet site by 9:00 a.m. the day immediately following the meeting. All items provided in hard copy shall be on blue paper and collected immediately following the meeting by the Administrator or Clerk.

2.37 Members shall ensure that confidential matters disclosed to them and all materials provided to them for Closed Session Meetings are kept confidential. Members are encouraged not to save, print or retain any confidential material and all paper copies should be returned to the Clerk or Administrator for destruction.

2.38 Closed Session Meetings will not be recorded, streamed or otherwise communicated using a Recording/Electronic Device. Members of Council or others in attendance at a Closed Session Meeting may be required to close all laptops and remove all Recording/Electronic Devices from the room, at the discretion of the Mayor.

Notwithstanding the foregoing, the Clerk may use a Recording/Electronic Device to record the minutes of the Closed Session Meeting proceedings using a computer or other such Recording Device as deemed appropriate for the corporate files.

2.39 Any violation of this Section may be dealt with according to the “Code of Conduct for Council”.

## **Public Meetings, Hearings or Information Sessions**

- Under the Planning Act, Development Charges Act and Other Applicable Legislation

- 2.40 Council from time to time may conduct Public Meetings, Hearings or other Information Sessions for any purpose giving such notice as may be deemed necessary or required by legislation or the Township's Notice By-Law currently in effect.
- 2.41 The Clerk shall endeavor to ensure that the Agenda for each public meeting will be made available no later than 4:00 p.m. on the Friday preceding a Regular Meeting on the Township's Official Website.
- 2.42 If Council is required by law to hold a hearing or give interested parties an opportunity to be heard before doing any act, passing a by-law or making a decision, the Council may delegate that responsibility to a Committee.
- 2.43 Council shall consider planning applications at Council Meetings that shall be held in the Council Chambers at the Municipal Office or as provided in the Public Notice, except as otherwise provided for in this By-Law, and shall be held in accordance with the Meeting Schedule as prepared by the Clerk. at 7:00 p.m. based on applications received unless it falls on a Statutory Holiday in such case it will be on a Wednesday.
- 2.45 If Council holds a hearing or gives interested parties an opportunity to be heard, Council is not required to hold a second hearing.
- 2.46 Despite paragraph 3.11(a), a Delegation may address Council on a Planning application without prior notice on issues designated as a public meeting under the *Planning Act*.2.47 Members of the public attending a public meeting pursuant to this Section, shall respect the decorum of Council and refrain from public outburst, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting. In addition signs, posters, etc. or any advertising devices shall not be permitted in the Council Chambers or any other location in which Council may conduct its business. The Mayor or Chair may request that a member or members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the meeting until order is restored in the Council Chambers.2.48 When the Council amends a proposed zoning By-Law after the holding of a Public Meeting as required by the *Planning Act*, the Council shall immediately vote on the question of whether or not any further notice is to be given in respect of the proposed By-Law, as amended.
- 2.49 The question of whether or not any further notice is to be given shall be amendable and debatable.

- 2.50 The proposed Zoning By-Law, as amended, shall not be introduced and enacted until the question of whether or not any further notice is required to be given has been resolved.

### **Education & Training Sessions**

- 2.51 An Education & Training Session shall not be subject to the rules and regulations applicable to meetings, contained in this By-Law.
- 2.52 The Council shall provide notice, at a Council or Committee of the Whole meeting open to the public on the Agenda, that an informal gathering of its Members, or the Members of a Committee, to receive and discuss information or advice of a general nature involving subject matters of interest to the Members, shall take place at a time and place designated at that time by the Council.
- 2.53 The Council, in deciding to convene an Education & Training Session, shall designate the general purpose or purposes for which the session is to be held.
- 2.54 An Education & Training Session may be held at any place designated by the Council at the time at which it makes its decision to convene the session, whether or not within the boundaries of the Township or any adjacent municipality.
- 2.55 All Members of Council or Committee respectively are entitled to attend the session, together with designated staff or consultants retained by the Township, but the Council, in deciding to convene the session, may decide to exclude the public therefrom.
- 2.56 No Motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, and recommendation or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education & Training Session.
- 2.57 The Clerk or designate shall take notes describing in general terms each subject matter dealt with at the Education & Training Session.
- 2.58 The notes taken pursuant to Section 2.57 shall, after the conclusion of the session, be maintained as a public record under the control of the Clerk.

## **Section 3 Order of Business Council & Committee of the Whole**

### **Council Meetings**

- 3.1 The Council shall deal with matters in the following order, unless otherwise decided by the majority of the Members present
- (a) Call to Order
  - (b) Disclosure of Pecuniary Interest
  - (c) Adoption of the Minutes

- (d) Delegations
- (e) Financial Reports
- (f) Staff Reports
- (g) Correspondence Requiring Direction
- (h) By-Laws & Agreements
- (i) Information
- (j) Township Committee Minutes Received
- (k) Other Agency Minutes & Reports Received
- (l) New Business/Council Reports
- (m) Closed Session
- (n) Return to Open Session
- (o) Business Arising from the Closed Session
- (p) Confirming By-Law
- (q) Adjourn

The above order shall be followed save and except for Council meetings held for planning matters which shall follow the following format:

- (a) Call to Order
- (b) Disclosure of Pecuniary Interest
- (c) Adoption of the Minutes
- (d) Delegations
- (e) Public Meetings Required Under the Planning Act
- (f) Staff Reports
- (g) Correspondence Requiring Direction
- (h) By-Laws & Agreements
- (i) Information
- (j) New Business/Council Reports
- (k) Closed Session
- (l) Return to Open Session
- (m) Business Arising from the Closed Session

- (n) Confirming By-Law
- (o) Adjournment

### **Committee of the Whole**

3.2 The Order of Business of the Committee of the Whole shall in all cases be taken up in the following sequence, unless otherwise decided by the majority of the Members present:

- (a) Call to Order
- (b) Disclosure of Pecuniary Interest
- (c) Delegations
- (d) Staff Reports
- (e) Correspondence Requiring Direction
- (f) Information
- (g) New Business/Council Reports
- (h) Closed Session
- (i) Return to Open Session
- (j) Business Arising from the Closed Session
- (k) Adjournment

### **Quorum**

3.3 The majority of the Members shall constitute a quorum. Four members must be present to form a quorum.

3.4 If there is no quorum present within fifteen (15) minutes after the time fixed for holding the Meeting, the Clerk shall record the names of the Members present and the meeting shall immediately stand adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-Law.

3.5 If during the course of a Council meeting, a Quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next Regular Meeting or other meeting called in accordance with the provisions of this By-Law.

3.6 If members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk in advance of the meeting.

3.7 To be considered as part of Quorum for a meeting the Council member must be physically present for the meeting.

### **Absenteeism or Leave of Absence**

- 3.8 No member shall be absent from any Regular Council Meeting or Committee of the Whole without endeavoring to provide substantive notice of such absence to the head of Council or the Clerk at least 24 hours prior to commencement of the meeting from which the member shall be absent when possible.
- 3.9 Where a member is absent from the Regular Meeting of Council or Committee of the Whole for three consecutive months without being authorized to do so by resolution of Council, that member seat shall be declare to be vacant in accordance with the provisions of Section 259 (1) and in accordance with Exceptions (1.1), (2), (3) and procedures as set out in Section 263 (1) on the Municipal Act, 2011 shall apply.

### **Revised Agenda or Addendum**

- 3.10 After the posting of the Council or Committee of the Whole Agenda, the Clerk may amend the Agenda by way of a revised Agenda or an Addendum by adding or deleting matters from the prepared Agenda in consultation with the Mayor and/or Administrator. In this case, the Clerk shall endeavor to forward additional Agenda material to the Members prior to the Meeting. The revised Agenda or Addendum will be posted prior to the meeting if possible and is not subject to the Notice requirements as set out in Sections 2.11 – 2.16 of this By-Law.

### **Delegations**

- 3.11 (a) Anyone wishing to appear before Council or the Committee of the Whole shall submit a request to the Clerk, on the prescribed form which is attached hereto as Schedule "B" no later than 1:00 p.m. in the afternoon on the Thursday prior to the meeting. The request to appear shall be in writing and shall state in detail the nature of the matter to be presented by the spokesperson. Staff are not required to submit such form for any person invited by staff to speak as a third party to any report or matter.
- (b) The Clerk shall give due consideration to the length of the Agenda and the number of Delegations and shall recommend to the requester the earliest possible date their Delegation may be accommodated on a first come first serve basis. A maximum of four (4) Delegations shall be allowed per meeting unless otherwise approved by the Mayor to deal with matters of an urgent nature.
- (c) No person other than the designated spokesperson may speak on the matter and not for more than ten (10) minutes, except that a Delegation consisting of three (3) or more persons who are present at the Meeting and wish to discuss the same issue may have more than one (1) speaker provided that the speaking time collectively does not exceed ten (10) minutes.

- (d) Notwithstanding Item (c), presentations such as consultants' reports or deputations, which are made at the request of Council (i.e. Engineers, Conservation Authorities) are not considered to be the same as Delegations and are not subject to the time limit.
- (e) The Clerk shall keep account of the time expended by Delegations and at the completion of the allotted time, the Mayor shall advise the individual to cease.
- (f) Delegations shall be advised of the time limitation in advance of their appearance.
- (g) All Delegations appearing before Committee of the Whole or Council shall be permitted to speak only once on an item. Once discussion in respect of a Motion or resolution has commenced, no further presentation shall be made by the delegate or by any other person other than a Member of Council.
- (h) Municipal audio visual equipment may be used to assist in Delegations, provided that permission has been obtained for use of such equipment from the Clerk, or designate, at the time the Delegation contacts the Clerk's Department to register for the Meeting. Delegate presentations must be provided to the Clerk's Department no later than 1:00 p.m. the Thursday preceding the Meeting. Presentations will not be installed once the meeting has begun.
- (i) Members of Council shall only ask questions for clarification from delegates and shall not engage in any debate with delegates.
- (j) Any person may speak on the matter at a meeting to which the public has been invited to make comment or has been given notice of the Meeting under the *Planning Act* or any other Act. The delegate shall not speak for more than five (5) minutes, but may have an opportunity speak more than once on the item.
- (k) Where there is no accompanying Staff report dealing with the specific subject of the Delegation, the Mayor will make it clear to the group presenting that Council is receiving information at this time and that Council will not attempt to establish a position at this time on the subject matter of the Delegation.  
  
but the matter may be referred to Staff to report at a future meeting prior to taking a position.
- (l) A Delegation appearing before Council or Committee shall not be placed on an Agenda to discuss the same matter within six (6) months of the last appearance by the same delegate, unless otherwise approved by the Mayor.

- (m) Refusal of a request to appear as a Delegation may be appealed to the Mayor and by way of a resolution of the majority of Council the Delegation may be permitted to speak.
- (n) Council may refuse to hear Delegations when in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the Municipality.
- (o) Delegations will not be scheduled whose subject matter relates to private matters not common to all Members of Council. The subject matter of a delegation must be relevant to conducting the business of the Township, promoting the work of partners of the Township, work or events being undertaken by individuals or groups which benefit the community or topics of community interest. Political satire and criticism will not be permitted.
- (p) Council may permit a Delegation not complying with section 13.11 (a) to 13.11 (l) at the meeting if Council considers such Delegation have an urgent or necessary matter to bring forward that cannot wait until a subsequent meeting. The Mayor will announce the Delegation and matter for consideration and seek the consent of the majority of Council through a show of hands in order for the Delegation to proceed.

## **Behavior**

### 3.12 No delegate shall:

- (a) speak disrespectfully of any person, Member or Staff;
- (b) use offensive words or unparliamentary language;
- (c) speak on any subject other than the subject for which he or she has received approval to address Council or the Committee of the Whole;
- (d) disobey the rules of procedure or a decision of the Chair or Council; or
- (e) shall not proceed beyond the speaker's podium during a Council or Committee of the Whole.

## **Curtailed of Time**

3.13 The Chair may curtail any Delegation, any questions of a delegate or debate during a Delegation for disorder or any other breach of this By-Law, if the Chair rules that the Delegation is concluded, the person or persons appearing shall withdraw.

## **Expulsion**

3.14 The Chair may cause to be expelled and exclude any member of the public, who creates any disturbance or acts improperly, during a meeting of Council or Committee of the Whole. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from the OPP.



## **Communications to Council and/or Committee of the Whole**

- 3.15 Every letter, petition and other communication addressed to the Council shall be received by the Administrator who shall deal with them according to the Correspondence Policy adopted by Council and as follows:
- (a) Resolutions from other Municipalities shall be provided to Committee of the Whole for consideration and based on Committee of the Whole recommendation shall be forwarded to Council for support.
  - (b) Every communication or petition intended for inclusion on the Agenda for Council must be legibly written, typed or printed and signed by at least one (1) person. The Clerk shall list within the Agenda only those communications and petitions received prior to one o'clock in the afternoon (1:00 p.m.) on the Thursday preceding the regular Council meeting unless deemed to be of an urgent nature. All communications or petitions received after one o'clock in the afternoon (1:00 p.m.) on the Thursday preceding the day of the Council meetings shall be held over for subsequent consideration by the Council or appropriate committee, board or commission.
  - (c) Correspondence unsigned or containing obscene or defamatory language or impertinent or improper matter shall not be presented to Council.
  - (d) Every communication, written or otherwise, addressed to Council and included on an Agenda for consideration in open session of Council or Committee thereof shall be deemed to be a communication in the public domain.
  - (e) Correspondence, including emails, intended for Council and/or Committee is generally received as public information subject to the *Municipal Freedom of Information and Protection to Privacy Act*. The Administrator and/or Clerk shall be advised of any confidential items, the general nature of the confidential item and will determine if the item meets identified criteria for confidential correspondence and whether it will be included within the public Agenda, circulated under separate cover or included on the Closed Session Meeting Agenda.
  - (f) In the absence of the Administrator the Clerk will distribute communications according to the provisions listed in Section 3.15.
  - (g) Proclamations shall be dealt with as per the Correspondence Policy.

## **By-Laws**

- 3.16 (a) Every By-law, when introduced, shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete

- (b) Every By-law shall be given three readings prior to passage. All three readings may be passed under one Motion.
- (c) The first and second reading of a By-law shall be decided without amendment or debate.
- (d) After the first and second reading of a by-law and prior to the third reading of the by-law any member of Council may ask to debate the by-law, and that the by-law shall be discussed separately at the current meeting.
- (e) By-laws may be given three (3) readings on the same day except when requested otherwise by Motion of the majority of members present or as otherwise provided in law.
- (f) Every By-Law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and Mayor and shall be filed and referenced by the Clerk.
- (g) Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the Solicitor for the Corporation.
- (h) All amendments to any By-Law approved by the Council shall be deemed to be incorporated into the By-Law and if the By-Law is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.

### **Confirmation By-Law**

- (i) There shall be enacted a by-law at the end of each Council Meeting to confirm each recommendation contained in a Report from the Committee of the Whole and every decision of Council and in respect of each motion, resolution and other actions passed and taken by Council at the Meeting, except where the prior approval of the Ontario Municipal Board or any other body or agency is required.

### **Notice of Motion**

- 3.17
- (a) A Member may introduce a notice of Motion at a Meeting regarding a matter that would not otherwise be considered by Council at such Meeting, by delivering a written copy of the Motion, signed by the mover and seconder, to the Clerk.
  - (b) The Clerk shall note the Notice of Motion on the Council Agenda for information only and it shall not be debated until the next regular Meeting of Council.
  - (c) The Motions received prior to 1:00 p.m. on the Thursday preceding the Meeting shall be included on the next Council Agenda for consideration and disposition.

- (d) A Notice of Motion shall not be considered or otherwise disposed of by the Council unless the mover of the Motion is in attendance at the Meeting.
- (e) A Notice of Motion can be considered in Closed Session if the subject matter meets the requirements of the Municipal Act and the Procedural By-law.
- (f) A Notice of Motion which contains unparliamentary, deprecating, abusive or inappropriate language will not be placed on the Agenda.

### **New Business/Council Reports**

3.18 This section shall contain items which a Member or staff person may introduce, which were not circulated with the Agenda and which, due to their nature cannot be properly presented at a subsequent Meeting of Council or Committee of the Whole. Members may raise questions regarding matters that may be appropriate for staff comment in the form of immediate response or subsequent follow-up. This section shall also be used to report on recent conferences or meetings to be recorded in the minutes.

### **Adjournment**

- 3.19 (a) No item of business shall be considered at a Meeting of Council after 11:00 p.m. local time, unless a majority of the Members present enact a resolution to extend the hour.
- (b) Unfinished business shall be adjourned to the next Regular Meeting.

### **Minutes of Council and Committee of the Whole**

3.20 The minutes of each Council and Committee of the Whole shall record:

- (a) the place, date and time of the Meeting;
- (b) the name of the Chair and the attendance of the Members Staff; and
- (c) each item considered by Council and the decision of the Meeting without note or comment.
- (d) The results of a recorded vote.
- (e) The correction and adoption of the Minutes of prior meetings.
- (f) It shall be the duty of the Clerk to ensure that the Minutes of each Regular and Special Council Meeting and Committee of the Whole Meeting are made available to each Member and senior Staff within a reasonable amount of time after the holding of such Meeting.

### **Administrative Authority of the Clerk**

- 3.21 The Clerk shall be authorized to make minor corrections to any By-Law, Minutes or other Council document to eliminate technical or typographical errors prior to the By-Law being signed.

### **Approval**

- 3.22 The Minutes of each Regular and Special Council Meeting and Committee of the Whole Meeting shall be presented to Council for adoption at the next Regular Meeting.
- 3.23 The Committee of the Whole shall report directly to Council.
- 3.24 All discussions and/or recommendations of the Committee of the Whole shall constitute an act of Council once adopted by the Confirming By-Law passed prior to adjournment of every Council meeting.

### **Signature**

- 3.25 After the Council and Committee of the Whole Minutes have been approved by Council, they shall be signed by the Mayor and Clerk.

## **Section 4 Conduct of Meetings**

- 4.1 The rules of procedure contained in this By-Law shall be observed in all proceedings of Council and Committee of the Whole and shall be the rules for the order and dispatch of business for the Township.

### **Duties of the Chair**

- 4.2 The Chair of every Council Meeting or Committee of the Whole Meeting shall be the Mayor. In the absence or unavailability of the Mayor, the Chair shall be the Deputy Mayor. In the absence or unavailability of the Mayor or Deputy Mayor the Council appointee shall be the Acting Chair.
- 4.3 As soon as there is a quorum after the time set for the Meeting, the Mayor shall take the Chair and call the Members to order.
- 4.4 The Chair shall:
- (a) Maintain order and preserve decorum of the Meeting;
  - (b) Rule on all procedural matters, without debate or comment;
  - (c) Receive and submit to a vote all Motions presented by the Members that do not contravene the rules of procedure;
  - (d) Decline to put to a vote Motions which do not comply with the rules of procedure, or which are not within the jurisdiction of Council;
  - (e) Announce the results of the vote on any Motions presented for a vote;

- (f) Expel or exclude from any Meeting any person or Member whom the Chair feels has exhibited improper conduct at the Meeting;
  - (g) Adjourn or suspend the Meeting if he or she considers it necessary because of grave disorder; and
  - (h) Close the meeting when business is concluded or recess the Meeting as may be required.
- 4.5 If a Member disagrees with the ruling of the Chair, he or she may appeal the ruling of the Chair immediately. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may provide further explanation of the ruling prior to calling the vote.
- 4.6 The Mayor shall wear the Chain of Office at all Council and Committee of the Whole Meetings.
- 4.7 The Chair shall vote on all Motions.
- 4.8 The Chair shall call a recess when required.
- 4.9 The Chair may answer questions and comment in a general way, but the Mayor may leave the chair for the purpose of taking part in a debate or otherwise. The Mayor may first appoint a member of Council, who has not spoken to the question, to take the chair until the Mayor resumes the chair, after the question has been decided.
- 4.10 The Chair shall authenticate by signature all By-Laws and Minutes of the Council.
- 4.11 The Chair shall ensure that all decisions of Council are in conformity with the laws and By-laws governing the activities of the Municipal Corporation.

### **Duty of Members**

- 4.12 It shall be the duty of Members to:
- (a) attend all Council and Committee of the Whole Meetings;
  - (b) prepare for Meetings, including reviewing Meeting Agendas and background information prior to the Meeting;
  - (c) speak only to the subject under debate;
  - (d) vote on all Motions before Council/Committee of the Whole unless prohibited from voting by law;
  - (e) observe the Rules at all Meetings;
  - (f) work through the Chair at all Meetings;
  - (g) support Council by accurately communicating the decision of Council even if they disagree with the majority decision;

- (h) attend all Meetings of Committees and local boards to which the Member has been appointed by Council;
- (i) carry out the duties set out in the *Municipal Act, 2001*, as amended and all other applicable statutes; and
- (j) act in accordance with the Oath of Allegiance and Oath of Elected Office.

4.13 Should any Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith, and in the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.

4.14 Members shall abide by the Council Code of Conduct in representing the Township.

### **Conduct of Members**

4.15 No member shall:

- (a) Use offensive words, inappropriate actions or unparliamentary language in or against Council or against any Member of Council or any Staff member or any member of the public.
- (b) Speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor, the Head of Government of Canada and the Province of Ontario, Council, any municipality, any Member or any official or employee of the Township;
- (c) Engage in private conversation while in the Council Meeting;
- (d) Leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (e) Speak on any subject other than the subject under debate;
- (f) Where a matter has been discussed in Closed Session, and where the matter remains confidential, disclose a confidential matter or the substance of deliberations at a Closed Session, except to the extent that Council has previously released or disclosed the matter in public;
- (g) Criticize any decision of Council except for the purpose of moving that the question be reconsidered.
- (h) Disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from

the Member tendered at that Meeting or any subsequent Meeting;

(i) Use a Recording/Electronic Device

- 4.16 The use of cellular phones, pagers and other electronic devices, with the exception of laptops or computers, or assistive devices required by persons with disabilities or emergency response pagers, by members of staff during Meetings is discouraged. With the exception of assistive devices required by persons with disabilities or emergency response pagers, electronic devices shall be turned off during the Meeting or otherwise set so as not to emit any audible sound and their use shall be limited so as not to distract in any way from the business of the Meeting. In the event that the Chair determines that the use of an electronic device does distract from the business of a Meeting, he/she may direct the Member in question to turn off or cease the use of such electronic device.
- 4.17 In the case where any Member should breach such rules as outlined in the Procedural By-law, the Member may be ordered by the Chair, to refrain from any further comment. In the event such Member continues to commit a breach of protocol, he/she will be asked to leave their seat for that Meeting. No Member shall be permitted to retake their seat at any Meeting after being ordered by the Chair to vacate for committing a breach of any rule or order of the Council, without making an apology and receiving the consent of Council, expressed by a majority of the Members present determined without debate. The Mayor may direct the Clerk to seek the appropriate assistance from the OPP where required for infractions under section 4.15 - 4.17.

### **Suspension of Procedural Requirements**

- 4.18 Any procedure required in this by-law may be suspended at any time with consent of a 2/3 majority of the member of Council present at a Meeting.

### **Rules of Order**

- 4.19 In all circumstances in the proceedings of Council or its Committees not provided for in this By-Law, resort shall be had to Robert's `Rules of Order as a rule for guidance on the question, and in such cases, the decision of the Chair shall be final and acquiesced to without debate.
- 4.20 In the event of conflict between the provisions of this Procedural By-Law and relevant legislation, the provision of the legislation shall prevail.

### **Disclosures of Pecuniary Interest and Nature Thereof**

- 4.21 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest and general nature thereof, direct or indirect, in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall, in accordance with the *Municipal Conflict of Interest Act*.

- (a) Prior to any consideration of the matter at the Meeting, disclose the Member's interest and the general nature thereof;
- (b) File a written statement of the Member's interest and its general nature at the meeting or as soon as possible after the meeting.
- (b) Not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) Not attempt in any way whether before, during or after the Meeting to influence the voting on the matter.

4.22 Where a Meeting is not open to the public, in addition to complying with the requirement set out in 4.21 above, the Member shall forthwith leave the Meeting or the part of the Meeting during which the matter is under consideration.

4.23 Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Member's interest and otherwise comply at the first Meeting of Council or Committee of the Whole, as the case may be, attended by the Member after the particular Meeting.

4.24 The Clerk shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a Member, and this record shall appear in the minutes of that Meeting.

4.25 The Clerk shall maintain a registry of written statements and declarations of the pecuniary interests of members and make it available for public inspection.

## **Section 5 Rules of Debate**

5.1 To address Council, a Member shall request to speak by raising their hand and when so recognized by the Chair shall speak.

5.2 When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

5.3 When a Motion is presented, it shall be read by the Mayor or the Clerk, before debating.

5.4 When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege.

5.5 Any Member may require a Motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.

5.6 No Member shall speak for longer than five (5) minutes on a question without Council's permission.



- 5.7 No Member shall speak more than twice to the same question without the Chair's permission, except that a reply shall be permitted only from a Member who has presented the main Motion.
- 5.8 When a Member wishes to raise a point of order, point of privilege, or point of personal privilege, the Member shall ask leave of the Chair to raise the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point.
- 5.9 Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point.
- 5.10 Any Member may challenge the ruling of the Chair immediately following the ruling.
- 5.11 The Chair's ruling is final unless it is challenged.
- 5.12 Council's decision is final if the Chair is challenged.

## **Section 6 Motions**

### **Must be Seconded**

- 6.1 A Motion shall be moved and seconded before the Chair shall put the question and the Motion is recorded in the Minutes of the Meeting.
- 6.2 A Friendly Amendment may be proposed by a member providing it is uncontroversial and does not change the proposed intent of the Motion and all members agree by a show of hands. A friendly amendment shall not be recorded in the minutes.

### **Mover and Secunder May Vote in Opposition**

- 6.3 A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may vote against the Motion.

### **Withdrawal of Motion**

- 6.4 After a Motion is moved and seconded at a Meeting, it may not be withdrawn without the consent of the mover and seconder.

### **Ultra Vires**

- 6.5 A Motion in respect of a matter which is ultra vires of the jurisdiction of the Council shall not be in order.

## **Section 7 Specific Motions**

### **Motion to Adjourn**

- 7.1 A Motion to adjourn a Meeting is not debatable and shall always be in order except when:
- (a) Another Member is in possession of the floor;

- (b) A vote has been called;
- (c) Members are voting; or
- (d) A Member has indicated to the Chair his or her desire to speak on the matter before the Meeting.

7.2 A Motion to adjourn shall take precedence over any other Motion and shall be put immediately without debate.

### **Motion to Table**

7.3 A Motion to Table shall not be amended or debated and shall apply to the Motion and any amendments under debate when the Motion to Table is made.

7.4 If the Motion to Table carries, in the absence of any direction from Council, the matter may not be discussed until the Clerk or a Member through a Motion of Motion, brings it forward to a subsequent Meeting.

7.5 A Motion to postpone indefinitely (to table) shall be debatable, shall not be amended, and may be reconsidered.

### **Motion to Defer**

7.6 A Motion to Defer or any amendment to it is debatable and shall include:

- (a) The time period within which consideration of the matter is to be deferred; and
- (b) Whatever explanation is necessary to demonstrate the purpose of the Motion to Defer.

### **Motion to Refer**

7.7 A Motion to Refer or any amendment to it is debatable and shall include:

- (a) The name of the Committee or official to whom the Motion or amendment is to be referred; and
- (b) The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.

### **Motion to Amend**

7.8 A Motion to amend:

- (a) Shall be open to debate and shall be relevant to the main Motion; and
- (b) Shall not propose a direct negative to the main Motion.
- (c) Only one Motion to amend to Motion shall be on the floor at any one time.

7.9 After the Motion to amend has been voted on, the main Motion (as amended) shall, if no other amendment is proposed, be put to a vote.

## **Section 8 Voting**

### **Order of Votes**

8.1 Motions relating to an item under consideration shall be voted on in the following order:

(a) Motion to waive or suspend the rules

of procedure;

(b) Motion to adjourn;

(c) Motion to receive an item;

(d) Motion to table an item;

(e) Motion to defer;

(f) Motion to refer;

(g) Motion to amend; and

(h) Main Motion.

### **Members Must Vote**

8.2 Every Member present at a Meeting where a question is put shall vote on the question, unless the Member has a pecuniary interest, direct or indirect, in which case the Clerk shall so record. The Chair may not move or second any Motion. The Chair shall vote on a Motion but shall not have a second or casting vote in the event of an equality of votes on any Motion.

### **Actions During Votes**

8.3 When the Chair calls for the vote on a question:

(a) Each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair; and

(b) During this time no Member shall walk across the room or make any other Motion or speak to the question or any other Member or may any noise or disturbance.

### **Split Votes**

8.4 Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

8.5 A vote on the main Motion, as amended, may be split for the purpose of complying with the *Municipal Conflict of Interest Act*.

### **Failure to Vote Deemed Negative**

8.6 If any Member present does not vote at a Meeting of the Council where a question is put and a recorded vote is taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.

### **Majority Vote**

8.7 All decisions of the Meeting shall require a majority vote except as otherwise set out in this By-Law or legislation.

### **Tie Vote**

8.8 Any Motion that receives a tie vote shall be deemed to have been decided in the negative.

### **Method of Voting**

8.9 A Member shall vote by raising a hand or otherwise indicating the Member's vote, except where a recorded vote is requested. The Chair shall announce the result of all votes taken.

### **Recorded Vote**

8.10 A request by a Member for a recorded vote shall be made prior to the commencement of the vote being taken or immediately thereafter.

8.11 Where a vote is to be taken for any purpose, a Member may request that the vote be recorded immediately before or after the taking of the vote, but prior to any consideration of another matter of Council, and each Member present, except a Member who is disqualified from voting by statute, shall announce their vote openly and any failure to vote by a Member who is not disqualified, shall be deemed to be a negative vote. Members shall vote at the call of the Clerk by surname, in alphabetical order. The Mayor shall always vote last. The Clerk shall record each member's vote as having voted "YES" or "NO" and each members surname shall be recorded in the minutes.

8.12 The Clerk shall announce the results of the recorded vote.

### **Reconsideration of a Matter**

8.13 After Council determines the final outcome of a matter, such matter shall not be reconsidered within six (6) months unless there is a Motion, which has been seconded, to reconsider the matter and it carries by a majority vote of the Members present.

## **Section 9 Committee of the Whole**

- 9.1 Council hereby establishes a Committee of the Whole which shall be comprised of all Members of Council.
- 9.2 The Chair of every Committee of the Whole Meeting shall be the Mayor. In the absence or unavailability of the Mayor, the Chair shall be the Deputy Mayor. In the absence or unavailability of the Mayor or Deputy Mayor the Council appointee shall be the Acting Chair.
- 9.3 The Mayor shall call the Meeting to order, preside during Presentations and Delegations, and Chair the Meeting according to the Agenda prepared.
- 9.4 The Committee of the Whole may consider Delegations, correspondence, staff reports and matters for discussion, more particularly set out in Schedule “A”, attached to and forming part of this By-Law.
- 9.5 The Committee of the Whole shall consider reports from Committees, Ad-Hoc Committees as may be established by Council.
- 9.6 Upon consideration of such matters as are provided for herein, the Committee of the Whole shall report to and make recommendations to Council.
- 9.7 Upon consideration of matters in Committee of the Whole a decision shall be made through Motions that have been duly moved and seconded.

## **Section 10 Ad-Hoc Committees**

- 10.1 Ad-Hoc Committees may be established by Council to consider a specific matter of municipal concern.
- 10.2 When an Ad-Hoc Committee is established by Council, the members need not be members of Council and shall be confirmed by resolution or By-Law of Council prior to final approval.
- 10.3 A Chair, Vice Chair and recording secretary shall be appointed from amongst the Committee members.
- 10.4 Reports of the Committee Meeting shall be circulated to Council on an ongoing basis, and once this task has been completed they will present a final report to Council.
- 10.5 When an Ad-Hoc Committee has made its report and completed its work, the Committee shall be deemed to be dissolved, unless otherwise determined by Council.

### **Duties of the Ad-Hoc Committee Chair**

- 10.6 The Chair shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meetings; subject to an appeal by any Member to the Committee or Council of any ruling of the Chair.
- 10.7 If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, they shall call on the Vice Chair, or in the absence of the Vice Chair on another Member, to fill their place until resuming the Chair.
- 10.8 When two or more Members wish to speak, the Chair shall name the Member who, in their opinion, should speak first.

### **Section 11 Appointments of Members to Huron-Kinloss Committees and Local Boards**

- 11.1 Council may from time to time, appoint certain Council Members, ratepayers, Staff or professionals etc. to serve on Committees to deal with the specific issues, and report to Council.
- 11.2 The Council Member appointed as a liaison for Committee is required to attend Meetings, take part in Committee and sub-committee Meetings, and report to Council.
- 11.3 At the start of every new Term of Council, The Mayor in consultation with elected Council Members, shall determine and appoint individual Council Members to sit on various Committees as a representative of Council. The appointments shall be endorsed by By-Law.
- 11.4 A by-Law establishing all Committees and outlining the duties, responsibility and mandate of the Committee shall be passed by Council.
- 11.5 Each Committee shall consist of not less than two (2) Members, except where otherwise provided in the Committee Terms of Reference.
- 11.6 The Mayor or designate shall be an ex-officio member of every Committee, in addition to the appointed Members, however the Mayor or designate does not count for quorum (is not counted in determining the number required for quorum or whether a quorum is present at the Meeting).
- 11.7 In the event of a Council vacancy occurring in the office of the Member of the Committee during the term of Council, Council shall appoint a substitute member to the Committee for the remainder of the term.
- 11.8 The Chairperson and Members of each Committee shall hold office until their successors are appointed.

- 11.9 It shall be the responsibility of the Staff person appointed to each Committee
- a) To advertise any vacant at large positions for a minimum of two weeks in the local newspapers and on the Township website. All names received will be presented to Council for consideration. Unless otherwise specified in the Terms of Reference passed by By-Law for the Committee.
  - b) To advise by correspondence associations or organizations to submit two representative names for Council's consideration. It is at Council's discretion to accept or reject any recommendation.
- 11.10 Citizen Appointments to Committees of Council shall be selected by Council and all appointments to Committees for at large positions, association or organizational representatives shall be enacted by By-Law unless otherwise stated in the Terms of Reference for the Committee
- 11.11 A quorum in any Committee is the majority of the voting members of the Committee.
- 11.12 A Committee of Council shall meet at the summons of its chairperson, or at such predetermined time as determined by the accepted practice of that Committee.
- 11.13 The chairperson of the Committee may, at their discretion, refer a matter of urgent nature to Council, or to the Committee of the Whole, which due to the time element, cannot be properly presented to the next regular Meeting of a Committee.
- 11.14 The Committee chairperson shall be entitled to vote at Meetings as a member of such Committee but shall not have a second or casting vote in the event of an equality of votes on any question.
- 11.15 The Committee chairperson or in their absence, the vice-chairperson, shall act as spokesperson for the Committee at Council and other appropriate meetings.
- 11.16 The Clerk shall be the Secretary of all the Committees of Council but those duties may be assigned to another Staff member or a member of the Committee as outlined in the Terms of Reference.
- 11.17 Members of Council may attend Meetings of any Committee of which they are not a member but shall not have the privilege of voting or addressing the Committee, without the consent of the Committee members.
- 11.18 A by-law called a Terms of Reference shall outline the duties, responsibilities and mandate of any Committee and shall be passed by Council.
- 11.19 All Committees, recognized as a Committee of Council through and approved Terms of Reference shall conduct their Meetings in accordance to the adopted Terms of Reference and this Procedural By-law governing Members of Council.

- 11.20 A Committee or Committee member, which refuses or neglects to give due consideration to any matter assigned to it or before it, may by resolution of Council be discharged of such responsibilities.
- 11.21 All Committees are subject to the control and direction of Council, and all Corporate Policies conditional on compliance with the provisions of other statutes or regulations of Ontario Canada.
- 11.22 A copy of all typewritten minutes of each Committee will be presented to Council at the Council Meeting following the Committee Meeting.

## **Section 12 Appointments of Members to External Committees, Boards, and Authorities**

- 12.1 Council may from time to time, appoint certain Council Members, ratepayers, Staff or professionals etc. to serve on External Committee/Board/Authority to deal with the specific issues, and report to Council.
- 12.2 In the event of a Council vacancy occurring in the office of the Member of the External Committee/Board/Authority during the term of Council, Council shall appoint a substitute member to the External Committee/Board/Authority for the remainder of the term.
- 12.3 The Chairperson and Members of each Committee/Board/Authority shall hold office until their successors are appointed.
- 12.4 Citizen Appointments to Committee/Board/Authority shall be selected by Council and all appointments to Committee/Board/Authority for at large positions, association or organizational representatives shall be enacted by By-Law unless otherwise stated in the Terms of Reference for the Committee/Board/Authority.
- 12.5 A Committee/Board/Authority shall meet at the summons of its chairperson, or at such predetermined time as determined by the accepted practice of that Committee/Board/Authority.
- 12.6 A copy of all typewritten minutes of each Committee/Board/Authority received will be presented to Council on the Council Agenda.

## **Section 13 Video Equipment and Recording Devices**

- 13.1 The use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media is permitted with advance notice and approval from the Clerk, Head of Council or Chair of the Committee as the case may be;
- 13.2 Should the recording interfere with the proceedings of the Council Meeting, the recording privileges may be withdrawn. The ruling of the Chair shall be final unless appealed to the Council which shall decide upon the question without debate.



13.3 At Meetings of Council and Committee of the Whole or Committees, the use of camera, electric lighting equipment, flash bulbs Recording/Electronic Devices and any other device of a mechanical, electronic or similar nature used for transcribing or recording the proceeding by auditory or visual means by any person other than approved media or the recording secretary of the Meeting, including but not limited to members of the public is prohibited unless authorized in advance by the Clerk, Head of Council or Chair of the Committee as the case may be

13.4 When exercising the discretion to authorize the use of equipment such as described above, regard shall be had as to whether the use will be a distraction to the Meeting whether the use is required for an accessibility reason and also as to whether there is a recording secretary present with the capability of providing a complete record of the meeting.

## **Section 14 Review of Council Code of Conduct**

14.1 Members of Council shall review and sign the Council Code of Conduct for Council within the first six (6) months of the first year of each term of Council.

## **Section 15 Severability**

15.1 Each and every one of the provisions of this By-Law is severable and if any provisions of this By-Law should, for any reason, be declared invalid by any Court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

## **Section 16 Conflict**

16.1 If there is any conflict between this By-Law and any statute, the provisions of the statute shall prevail.

## **Section 17 Effective Date**

17.1 This By-law shall come into full force and effect upon its final passage.

## **Section 18 Repeal**

18.1 By-Law 2017-120 passed by the Township of Huron-Kinloss on the 20<sup>th</sup> day of November, 2018 and all adhering amendments made thereto, be and the same are hereby repealed.

## **Section 19 Title**

19.1 This By-law may be cited as the "Township of Huron-Kinloss Procedural By-law".

**READ a FIRST and SECOND TIME** this 19th day of November, 2018.

**READ a THIRD TIME and FINALLY PASSED** this 19th day of November, 2018

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Mitch Twolan, Mayor

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Emily Dance, Clerk

**Schedule "A"**  
Township of Huron-Kinloss Procedural By-Law  
**2018-139**

**Terms of Reference**  
**Committee of the Whole**

1. To consider and report to Council on all matters brought before it by the Administrator and/or Clerk in respect of the administration and operations of the Township.
2. To consider reports on all matters brought before it by an individual member of Council as reviewed by the Administrator and/or Clerk in respect of the administration and operations of the Township.
3. To consider reports on all matters brought before it by a member of the public as a Delegation to Council.
4. In accordance with (1) above, to consider reports from staff, as reviewed by the Administrator, and recommend to Council in respect of the following:
  - All matters that are the responsibility of the Township's Public Works Department which include:
    - Transportation (roads and bridges)
    - By-laws relating to the Highway Traffic Act
    - Drinking water
    - Wastewater
    - Waste management
  - All Matters relating to the fire protection as provided by the Fire Departments of the Corporation including the administration and application of fire by-laws, fire prevention and the enforcement thereof.
  - All matters relating to emergency management services
    - Municipal emergency management
    - Police services
    - Land ambulance
  - All matters relating to by-law enforcement and small animal control including the administration, application and enforcement thereof
  - All matters relating to the Ontario Building Code including the administration and enforcement thereof
  - All matters relating to the financial management of the Township
  - All matters relating to the management of the Township's personnel
  - All matters that are the responsibility of the Township's Community Services Department which include:
    - Recreation programs and facilities
    - Parks, trails, playgrounds, and sport fields
    - Lakeshore
    - Municipal facilities
    - Cemetery
  - All matters relating to the Drainage Act and Tile Drainage Act including the administration and application thereof
  - Consider and recommend to Council programs to attract economic development and tourism to the Township
  - On the establishment, management, and maintenance of all corporate buildings

- On the establishment of cultural and recreational programs
- On all Collective and non-Collective Agreements and other personnel matters
- On matters respecting all internal and external Committees, Boards, and Authorities
- To consider and recommend the engagement of consultants, engineers or any other professionals
- All matters that are the responsibility of the building and planning department
- To consider and report on all by-laws and legal matters that have been referred by Council
- To report on any legislation that may affect the Township
- To report on any other matters that may affect the general administration and/or operations of the Township.



**Schedule "B" to By-Law 2018-139  
Delegation Request Form**

The Clerk of the Township of Huron-Kinloss reserves the right to refuse or defer any delegation at any time. Delegations appear strictly for information purposes only. Any discussion or decision will be at the discretion of Council. Material provided will be uploaded to the public agenda subject to rules of procedure.

**Request for Delegation**

- a)  on my own behalf; or
- b)  on behalf of a group / organization / association, if b), please state name of group/ organization / association below.

**Name(s) of Group/ Organization / Association** (please print)

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**Name(s) of Speaker(s) (Maximum 3)** (please print)

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**Subject / Title of Presentation** (please print)

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Please describe below, the subject matter of the delegation.

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**Equipment Required (projector, screen, laptop):**

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**Contact Information** (will not be posted publically): **Address:**

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**Telephone:**

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**Email:**

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**Signature**

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**Office Use:**  
**Delegation Date:** \_\_ **Time:** \_\_\_\_\_ **Duration:** \_\_\_\_\_

Completed and signed requests and all presentation documentation must be delivered to the Clerk by 1:00p.m. on the Thursday preceding the meeting of Council for which your delegation is scheduled. Delegations will be confirmed by the Clerk by email.



Schedule "C" to By-Law 2018-139

**DECLARATION OF INTEREST  
Municipal Conflict of Interest Act**

**Agenda**

\_\_\_\_ Committee of the Whole

\_\_\_\_ Council Meeting

\_\_\_\_ Other

**Details**

Subject Matter:

\_\_\_\_\_

—

Report Number:

\_\_\_\_\_

—

Date:

\_\_\_\_\_

Applicant signature/certification

I, member \_\_\_\_\_, declare a potential ( \_\_\_\_  
deemed \_\_\_\_direct \_\_\_\_indirect) pecuniary interest on Council/ Committee

Report No. \_\_\_\_\_

regarding the subject matter \_\_\_\_\_for the

following reason:

Member Name: \_\_\_\_\_

Member Signature \_\_\_\_\_

For an "indirect pecuniary interest" see Section 2 of the Municipal Conflict of Interest Act. For a "deemed" direct or indirect pecuniary interest see Section 3 of the Municipal Conflict of Interest Act