



**TOWNSHIP OF ADELAIDE METCALFE  
PROCEDURE BY-LAW  
BY-LAW XX OF 2024**

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**TOWNSHIP OF ADELAIDE METCALFE**

**BYLAW No XX of 2024**

**Being a By-Law to provide rules for governing the order and procedures of the Council of the Corporation of the Township of Adelaide Metcalfe**

**WHEREAS** Section 238 of the Municipal Act, 2001, c. 25 requires that every municipality shall pass a procedure By-Law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** Section 238 (2.1) of the Municipal Act, 2001, S.O. 2001, c. 25 requires that the procedure By-Law shall provide for public notice of meetings; and

**AND WHEREAS** it is deemed expedient to adopt by By-Law to govern the order and procedure of the Council of the Corporation of the Township of Adelaide Metcalfe;

**THEREFORE** the Council of the Corporation of the Township of Adelaide Metcalfe enacts as follows:

**SECTION 1: SHORT TITLE**

1.1 This By-Law shall be cited as the “Procedure By-Law”

**SECTION 2: DEFINITIONS**

2.1 “**CAO**” means the Chief Administrative Officer of the Township.

2.2 “**Chair**” means the person presiding at a meeting whether it be the Mayor, a member of Council, or an appointment member of a Committee.

2.3 “**Clerk**” means the Clerk of the Township of Adelaide Metcalfe, or an appointed designate.

2.4 “**Closed Meeting**” means a meeting, or part of a meeting of Council or Committee, which is closed to the public as permitted by the Municipal Act.

2.5 “**Committee**” means any advisory or other Committee or similar entity, appointed by Council.

2.6 “**Confirmatory By-Law**” means a By-Law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory By-Law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall

have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted By-Law.

- 2.7 **“Council”** means the Council of Township of Adelaide Metcalfe.
- 2.8 **“Councillor”** means a member of Council, other than the Mayor.
- 2.9 **“Delegation”** means any person, group of persons, firm or organization, who is neither a member of Council nor an appointed official of the Township and who is speaking to Committee or Council.
- 2.10 **“Deprecating”** means attacks of character, attacks of reputation, name calling, or comments that are injurious to reputation, derogatory, slanderous or libelous.
- 2.11 **“Electronic Meeting”** means a meeting called and held via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in-person attendance.
- 2.12 **“Electronic Participation”** means a member of Council who participates remotely in any open or closed Council or Committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance, including the right to vote, and shall count towards a quorum of members.
- 2.13 **“Emergency Meeting”** means a meeting of the Council called without notice to address circumstances of an emergency.
- 2.14 **“Head of Council”** means the Mayor of the Township of Adelaide Metcalfe or their designate.
- 2.15 **“Local Board”** means a Local Board of the Township of Adelaide Metcalfe as defined in the Municipal Act.
- 2.16 **“Majority”** means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or Committee present at the vote and not prohibited by statute from voting.
- 2.17 **“Mayor”** means the Mayor of the Township of Adelaide Metcalfe.
- 2.18 **“Meeting”** means any regular, special, closed, or other meeting of the Council or a Committee of Council or Local Board where a quorum of members is present and 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.
- 2.19 **“Member”** means a member, including the Mayor, of the Council or Committee of Council of the Township of Adelaide Metcalfe.

- 2.20 **“Motion”** means a question to be considered by the Council or a Committee of Council which is read, moved, seconded, and is subject to debate. When a motion is carried, it becomes a resolution.
- 2.21 **“Municipal Act”** means the Municipal Act, S.O. 2001, c.25 as amended or replaced from time to time.
- 2.22 **“Notice of Motion”** means an advance notice to members of Council of a matter on which Council will be asked to take a position.
- 2.23 **“Pecuniary Interest”** means a direct or indirect financial interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50, as amended.
- 2.24 **“Point of Order”** means a question raised by a Member who believes that the rules of procedure have been incorrectly applied or overlooked during the proceedings.
- 2.25 **“Point of Privilege”** means a question raised by a Member who believes their rights as members have been violated or a matter that a member considers to question their integrity and/or the integrity of the Council.
- 2.26 **“Recording Equipment”** means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not being limited to computers, cell phones, voice recorders, and cameras.
- 2.27 **“Recorded Vote”** means where a vote is taken for any purpose and a member of Council requests prior to a vote being taken or immediately after the vote is taken that the vote be recorded, each member present except a member who is disqualified from voting by any Act shall announce his/her vote openly and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.
- 2.28 **“Regular Meeting”** means a meeting of Council held at the times and dates specific in this By-Law and approved by Council and part of an annual calendar.
- 2.29 **“Rules of Procedure”** means the rules and procedures set out in this By-Law.
- 2.30 **“Special Meeting”** means a separate meeting of Council which is focused on one or more particular and specific items or subjects.

## SECTION 3: GENERAL

### 3.1 General Rules

- 3.1.1 The provisions contained in this By-Law shall govern the proceedings of Council and Committees, with necessary modifications, unless otherwise prescribed.
- 3.1.2 Where a Local Board or Committee of the Township has not adopted a Procedure By-Law, such Board or Committee shall be deemed to have adopted this procedure By-Law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council meetings as set out herein.
- 3.1.3 In any case for which provision is not made in these rules and regulations, the procedure to be followed shall be determined by the majority vote of Council or Committee.
- 3.1.4 Members shall comply with the Municipal Conflict of Interest Act, S.O. 1990.
- 3.1.5 The use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including the media, shall be permitted subject to approval and/or direction of the Mayor or Chair, and provided the recording is carried out in a manner that does not interfere with proceedings at the meeting.
- 3.1.6 Cell phones are required to be either turned off or placed on vibrate during Council or Committee meetings. Members of Council shall not communicate by electronic means during a meeting.
- 3.1.7 Despite Section 3.1, the rules and regulations contained in this By-Law may be suspended by a vote of two-thirds of the members present and voting.
- 3.1.8 The suspension noted in Section 3.1.7 shall only apply to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- 3.1.9 Along with other requirements, no meeting of Council shall be held in the absence of the Clerk or his/her designate. In the event that the Clerk cannot attend a meeting of Council and has not appointed a designate, Council may by resolution designate an individual to fulfill the Clerk's duties at the meeting.

## SECTION 4: MEETINGS

### 4.1 Inaugural Meeting

- 4.1.1 The Inaugural Meeting of the new Council, after a regular election, shall be held in accordance with the Municipal Act on the first Monday after the beginning of the term of office in the Council Chambers at the Adelaide Metcalfe Municipal Office or at such alternate location as determined by the Clerk. If such date is a public or civic holiday, the meeting shall be held on the next weekday following that is not a holiday.
- 4.1.2 No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Office have been made by the members of Council.

### 4.2 Regular Meetings

- 4.2.1 The rules and procedures contained in Sections 6, 7 and 8 shall apply with necessary changes.
- 4.2.2 Regular Council meetings shall be held at the Adelaide Metcalfe Municipal Office, or at such other place as specified in the meeting agenda. If a meeting is to be held in an alternate location from the Adelaide Metcalfe Municipal Office, notice shall be provided on the municipal website.
- 4.2.3 All meetings of Council and Committees are open to the public except as provided for in the Municipal Act.
- 4.2.4 The Clerk, in consultation with the Mayor and staff, shall have discretion to prepare for the use of members, an agenda containing the following:
- Call to Order
  - Disclosure of Pecuniary Interest
  - Additions to the Agenda
  - Adoption of the Minutes
  - Drainage Act - Meeting to Consider Report/Court of Revision
  - Committee of Adjustment
  - Planning Act Public Meetings
  - Delegations and Presentations
  - Consent Agenda
  - Correspondence
  - Staff Reports
  - Closed Session
  - Other Business
  - By-Laws
  - Adjournment

- 4.2.5 Members may participate electronically in Regular meetings in accordance with the Electronic Participation provisions contained in this By-Law.
- 4.2.6 Prior to the first meeting in each calendar year, Council shall establish a schedule of all regular Council meeting dates for the calendar year. Except as otherwise noted on the meeting agenda or the meeting calendar, meetings will generally be held twice monthly on the first and third Monday of the month at 7:00 pm. Exceptions to this schedule may be made to avoid conflicts and for the months of June, July, August and December.
- 4.2.7 When the day for a Regular Meeting of Council is a Holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a Holiday.

### **4.3 Public Meetings**

- 4.3.1 Where any statute confers a right to be heard by Council before the passing of a By-Law, or where Council is by statute required to hold a public meeting before the passing of a By-Law, the Clerk shall call a Public Meeting.
- 4.3.2 The Clerk may call a Public Meeting at any time where so directed by the Head of Council for the purpose of soliciting feedback from the public on issues of importance to Council.
- 4.3.3 Notice of a Public Meeting shall meet the notice requirements of the statute under which the Public Meeting is required. If the Public Meeting is not required by statute, notice shall be provided in accordance with Section 4.7 of this By-Law.
- 4.3.4 Delegations at a Public Meeting are not required to provide written submissions to the Clerk in advance of the meeting, unless otherwise prescribed by legislation. However, Delegations are encouraged to provide written submissions to the Clerk in order to facilitate the efficient conduct of the meeting.
- 4.3.5 Public Meetings can be held in conjunction with the scheduled Regular Meetings as required.
- 4.3.6 The procedures set out in this By-Law shall continue to apply to a Public Meeting held pursuant to this section, except that this section and the statute or By-Law under which the Public Meeting is required, shall prevail to the extent of any conflict.

### **4.4 Special Meetings and Emergency Meetings**

- 4.4.1 A Special Meeting may be called for by the Mayor at any time.



- 4.4.2 Upon receipt of a petition or a resolution of the majority of the Members of the Council, the Clerk shall call a Special Meeting for the purpose and at the time mentioned in the petition. A resolution of Council shall be deemed to be a petition.
- 4.4.3 The calling of a Special Meeting shall be in accordance with the Notice provisions of this By-Law. Council is permitted to conduct meetings electronically or in hybrid format provided this is specified in the meeting notice.
- 4.4.4 Notwithstanding any other provision of this By-Law, the Mayor may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without notice, provided that an attempt has been made by the Clerk to notify the members about the meeting in the most expedient manner available. An Emergency Meeting may only be called by the Mayor to deal with an emergency or extraordinary situation.
- 4.4.5 No business may be transacted at a Special or Emergency Meeting other than that specified in the notice of such meeting.
- 4.4.6 Members may participate electronically in a Special or an Emergency meeting of Council.
- 4.4.7 In-person public attendance for an Emergency meeting may be restricted when it has been deemed in the public interest to do so. Meetings will continue to be broadcast to the public using electronic means, where it is possible to do so.

#### **4.5 Electronic Meetings**

- 4.5.1 Notwithstanding any other provision of this By-Law, any meeting of Council or Committee may be conducted by Electronic Meeting where deemed appropriate by the Head of Council. This includes any meeting held under any *Act*, including the *Drainage Act, 1990* and the *Planning Act, 1990*.
- 4.5.2 Electronic meetings include meetings wherein participants may engage either electronically or in-person, with provisions made to facilitate seamless interaction and collaboration between both methods of participation
- 4.5.3 The procedures set out in this By-Law for an inaugural, regular, special or emergency meeting shall continue to apply to an Electronic Meeting, except that this section shall prevail to the extent of any conflict.
- 4.5.4 Where an Electronic Meeting is held, such meeting will be Chaired physically from a location within the Township or an adjacent Township as specified by the Head of Council, as is necessary in accordance with section 236(1) of the Municipal Act, 2001.

- 4.5.5 In the case of an Emergency, an Electronic Meeting may be held at any convenient location within or outside the Township.
- 4.5.6 An Electronic Meeting may be held without physical attendance by the public.
- 4.5.7 An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public.
- 4.5.8 The notice of Electronic Meeting shall include sufficient information to provide the public with a means to electronically access the open session of an Electronic Meeting.
- 4.5.9 Delegations may be received at an Electronic Meeting by electronic means.
- 4.5.10 Notwithstanding any other provision of this By-Law, a Public Meeting or Hearing may be conducted electronically where deemed appropriate by the Head of Council, including but not limited to during periods of Emergency.
- 4.5.11 The procedures set out in this By-Law shall continue to apply to a Public Meeting held pursuant to this section, with the exception that the applicable statute or By-Law, shall prevail to the extent of any conflict.

#### **4.6 Electronic Participation from Members**

- 4.6.1 Subject to the provisions of the *Municipal Act*, a member of Council may participate electronically in a Regular Meeting, Special Meeting or Emergency Meeting of Council which is either open or closed to the public. This includes any meeting held under any Act, including the *Drainage Act, 1990* and the *Planning Act, 1990*. In the case of a member participating electronically in a closed meeting, the member must attest to the fact that they recognize they will be in a Closed Session and are able to ensure confidentiality.
- 4.6.2 Members participating electronically will count towards quorum and have the ability for full participation including the ability to vote in both public and closed session (in-camera) meetings. Voting may take place by way of roll call, or via an alternate method authorized by the Chair.
- 4.6.3 Members shall advise the Chair and Clerk, as soon as practicable and at least 24 hours prior to the scheduled meeting, of their intent to participate electronically. Upon approval, staff will accommodate electronic participation on a best-effort basis and subject to available resources that may be required for the delivery of competing essential municipal services. All attempts will be made to ensure meetings are broadcasted and recorded.

- 4.6.4 The Chair may direct that the connection be terminated if the member cannot be clearly understood, or if a poor connection or background noise is deemed to be disruptive to the meeting.
- 4.6.5 Notwithstanding the above, in the event of a connection/service interruption with a member of Council participating in the meeting electronically, the Chair may recess the meeting for up to 15 minutes. After 15 minutes of not connecting or if the interruption persists, the meeting shall resume and no other efforts shall be taken to reconnect the member. The minutes shall reflect the time at which the member ceased to participate in the meeting by reason of the technical problem. If a quorum is lost, the meeting will be deemed to be adjourned.
- 4.6.6 In accordance with Section 8.1 and pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall turn off video and mute their microphone. The member shall not, at any time, take part in the discussion, or vote on, any question in respect to the matter.
- 4.6.7 The provisions for electronic participation may be applied to Committees and Local Boards at the discretion of the Chair.

#### **4.7 Notice of Meetings**

- 4.7.1 The Clerk shall give public notice of all regular open and closed Council and Committee meetings by including on the municipal website at least 72 hours prior to the meeting.
- 4.7.2 The Clerk shall give public notice of all special open and closed meetings of Council and Committee by inclusion on the municipal website as soon as possible after the meeting is called and no later than 24 hours prior to the meeting.
- 4.7.3 Section 4.7 shall not apply to emergency meetings. The Clerk shall give public notice for emergency meetings by inclusion on the municipal website as soon as possible after the meeting is called and shall notify all members.
- 4.7.4 Public notice shall include the following shall include the date, time, location of the meeting, and method of participation for Council, the public and staff (in-person, electronic or a combination of both).
- 4.7.5 The schedule of Council meetings shall be advertised on the municipal website. The Clerk, in consultation with the Mayor or Chair, has the authority to make adjustments to the meeting calendar.
- 4.7.6 Notwithstanding the above, the date, location, method of participation or time of Council meetings may periodically be altered if, in the opinion of the Clerk, the change of meeting date, location or time is appropriate to accommodate the

Council meeting. Notice for such changes shall be provided on the municipal website and on the agenda for the meeting.

- 4.7.7 Any regular meetings of the Council may be postponed to a day named in:
- A resolution of Council passed by the majority of Members; or,
  - A notice by the Clerk as deemed necessary by the CAO and Mayor, due to inclement weather or emergency. Notice shall be given by the Clerk on the website, posted at the location where the meeting was to be held, and sent directly to the Members.

#### **4.8 Quorum and Commencement**

- 4.8.1 The Mayor or Chair shall call the members of Council to order as soon after the hour fixed for holding of the meeting if a quorum is present.
- 4.8.2 In the absence of the Mayor or meeting Chair, the Clerk shall call the members to order and the Council shall choose a Chair from the members present and that person shall preside over the meeting or until the arrival of the Mayor or Chair.
- 4.8.3 A majority of all members of Council shall constitute a quorum and be necessary for the transaction of business. A majority of all members shall be determined as three (3) members of Council.
- 4.8.4 Where the number of members of Council who are unable to participate in a meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 4.8.5 If a quorum is not present fifteen (15) minutes after the time appointed for the commencement of the meeting, the Clerk shall indicate that no quorum is present and record the names of those members of Council in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- 4.8.6 If during the course of a Council meeting, a quorum is lost, the Mayor or Chair shall declare that the meeting shall stand recessed temporarily until a quorum of members is re-established or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-Law.

### **SECTION 5: CLOSED MEETINGS**

#### **5.1 Closed Meetings**

- 5.1.1 All meetings of Council and Committees shall be open to the public except as provided for in Section 239 of the Municipal Act, 2001.

5.1.2 Subsection 239 (2) (3) and (3.1) of the Municipal Act, 2001 sets out specific exceptions to the requirement to hold an open public meeting if the subject matter of the meeting or part of the meeting deals with:

- (a) the security of the property of the Township or Local Board;
- (b) personal matters about an identifiable individual, including municipal or Local Board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or Local Board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or Local Board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which 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
- (j) 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 of persons, or organization;
- (k) 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
- (l) 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 municipality or Local Board.

#### **Other Criteria**

- (3) 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 Township, 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 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

### **Educational or Training Sessions**

- (3.1) 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:
  - 1. The meeting is held for the purpose of educating or training the members.
  - 2. 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.
- 5.1.3 A meeting shall not be closed to the public during the taking of a vote except as provided for in subsection 239 (6) of the Municipal Act, 2001. In addition to subsection 239(6), direction or instruction may be given in a closed session.
- 5.1.4 Prior to any meeting being closed to the public, the Council or Committee shall state by public resolution:
  - (a) the fact of the holding of the closed meeting; and
  - (b) the general nature of the matter being considered at the closed meeting.
- 5.1.5 Following a closed meeting of Council or Committee, the Mayor or Chair shall disclose, in a general manner, how the agenda items were dealt with in the closed meeting.
- 5.1.6 The Clerk and/or their designate shall attend all closed meetings and record the proceedings, including procedure motions and direction given to staff, without note or comment.
- 5.1.7 As per section 239(6) of the Municipal Act, a vote may occur in closed session if the subject of the vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the Township, committee, Local Board or persons retained by or under a contract with the Township or Local Board.

- 5.1.8 Minutes during a Closed Session will be approved at the next Closed Session meeting of Council.
- 5.1.9 No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.
- 5.1.10 All materials, including but not limited to minutes, recordings, notes, and any other documentation, related to Closed Sessions of the Council, shall be securely destroyed by Members and permanently deleted upon the conclusion of the matter for which the meeting was held
- 5.1.11 Any Member who contravenes the confidentiality clause noted in Section 5.1.9, may be subject, by majority vote of the Council, to penalties in accordance to the adopted "Code of Conduct" policy.

## **SECTION 6: AGENDAS, MINUTES AND PROCEEDINGS**

### **6.1 Agenda Preparation and Posting**

- 6.1.1 Prior to each regular meeting of Council, the Clerk shall prepare an agenda of business to be brought before Council at such meeting.
- 6.1.2 Insofar as practicable, Council agendas, along with supporting material, shall be prepared and made available to Council on the Thursday prior to a regular meeting.
- 6.1.3 Insofar as practicable, Council agendas, along with supporting material shall be posted on the Township's website on the Thursday prior to a Regular Meeting.
- 6.1.4 Written materials received after the agenda has been prepared may be added to the agenda until 4:00 p.m. on the Friday preceding the meeting, at the discretion of the Chief Administrative Officer, unless otherwise provided herein. Items received after this time may only be added by a resolution passed by a majority of Council present as urgent matter(s) requiring immediate action or attention and may include time sensitive material.
- 6.1.5 If these deadlines cannot be met, the Clerk will post a notice on the municipal website with an approximate time of availability and a general reason for the delay.
- 6.1.6 Agendas shall be formatted as detailed in Section 4 of this By-Law, but modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-Law.

- 6.1.7 The business of Council shall generally be taken up in the order listed on the agenda, unless otherwise decided upon by the Mayor, meeting Chair, or a majority vote of Council.
- 6.1.8 Delegations are required to register for an agenda in accordance with Section 7 of this By-Law.
- 6.1.9 Should the Township be requested to provide a person with a disability a document or information, the Township will take into consideration the communication needs of the person with the disability and endeavour to provide the information to the person in a format that takes into account the person's disability.

## **6.2 Consent Agenda**

- 6.2.1 All items for the Consent Agenda shall be determined by the Clerk.
- 6.2.2 Consent Agenda items shall be preceded by an explanatory note which indicates that items listed under the Consent Agenda are considered routine and are enacted in one motion in order to expedite the meeting.
- 6.2.3 Items listed under the Consent Agenda include routine administrative matters and reports. Items are non-controversial in nature and can be efficiently approved without the need for individual discussion or debate.
- 6.2.4 Unless any member of Council requests otherwise, the Consent Agenda shall be considered by Council in a summary manner.
- 6.2.5 A member of Council may request that an item on the Consent Agenda be extracted, discussed and voted upon separately.

## **6.3 By-Laws**

- 6.3.1 The Clerk shall ensure that By-Laws are prepared and placed on the agenda.
- 6.3.2 By-Laws may be given first, second and third reading by way of one resolution.
- 6.3.3 By-Laws may be given all three readings at the same meeting, except when requested otherwise by a motion passed by the majority of the Members present or as otherwise provided in law.
- 6.3.4 By-Laws may be considered separately or jointly with other By-Laws in the sequence as determined by the Mayor or Chair.
- 6.3.5 Amendments to separate By-Laws may be proposed during the course of the debate.



- 6.3.6 A By-Law shall deem to have been read upon the title or heading or short description thereof being read or taken as read unless a member of Council requests the By-Law or any portion thereof to be read in full.
- 6.3.7 The Clerk may make minor corrections of errors and omissions in any By-Law before it is signed and sealed for the purpose of ensuring complete implementation of Council's decision.
- 6.3.8 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.
- 6.3.9 A confirming By-Law shall be passed prior to the adjournment of each Council meeting to confirm the actions and proceedings of Council.

#### **6.4 Minutes**

- 6.4.1 Minutes of the Council meeting, whether it is closed to the public or not, shall record:
- the date, time and place of the meeting;
  - the names of the Chair or officers and the record of the attendance of the members;
  - any disclosure of pecuniary interest; and
  - a summary of all the other proceedings of the meeting, including resolutions and decisions, without note or comment.
- 6.4.2 Proceedings, when taken in the form of minutes, shall not be recorded verbatim and shall be recorded in accordance with parliamentary best practices.
- 6.4.3 Presentations, delegations, petitions, and communications received by Council in the course of a meeting shall only be referred to in a brief and summary manner.
- 6.4.4 The Clerk shall ensure that the minutes of the regular and special meetings are circulated along with the agenda prepared in accordance with Section 6 of this By-Law, and that minutes of closed meetings are circulated with the next closed session agenda package. The minutes of regular and special meetings shall be posted on the municipal website once approved by Council.
- 6.4.5 Approved meeting minutes shall be signed by the Mayor and Clerk.

### **SECTION 7: DELEGATIONS & PUBLIC PRESENTATIONS**

#### **7.1 Delegations**

- 7.1.1 Any person may be placed on the agenda as a delegation to Council or the appropriate Committee provided that such person has registered with the Clerk by 12:00 pm on the Tuesday prior to the meeting.

- 7.1.2 Delegates shall provide the Clerk with a written submission detailing the purpose of the requested appearance before Council or Committee. Such written submission shall include any written information/supporting material that the person intends to present to Council or Committee and the mailing address and telephone number at which the individual, organization or group may be contacted during normal business hours.
- 7.1.3 The Clerk shall place the name of the individual, organization or group and the written material provided on the agenda, unless:
- the Clerk is of the opinion that the purpose of the delegation is not an appropriate subject matter for that meeting; or
  - the subject matter is beyond the jurisdiction of Council or a Committee.
  - the subject matter appears to be frivolous or would be better dealt with in another forum.
- 7.1.4 The Clerk, in consultation with the Mayor and Chief Administrative Officer, may decline to grant a request to appear before Council if it is apparent that the subject matter is not suitable for discussion at a Meeting or the content is outside the jurisdiction of Council.
- 7.1.5 A delegate may address Council for a period of time not exceeding ten (10) minutes. Council may extend the ten-minute time period by a majority vote of the members present. Such a motion shall be decided without debate.
- 7.1.6 A delegation consisting of five or more individuals who are present at the meeting may address Council as a group and shall be limited to two (2) speakers. A group delegation may address Council for a period of time not exceeding twenty (20) minutes in total.
- 7.1.7 Where a delegate has made a delegation to a Council or Committee, a further delegation request by the delegate or a related party shall not be listed or allowed on the Council or Committee agenda, unless the delegation is bringing forward new information.
- 7.1.8 Delegations related to a previous decision of Council or Committee shall not be considered by Council or a Committee within 12 months following the decision of Council unless a motion to reconsider or re-introduce the matter is presented to Council.
- 7.1.9 Delegations may only appear once on a matter within six (6) months, unless a recommendation pertaining to the matter is included on the agenda within the six (6) months.

7.1.10 Council may not necessarily make a decision on requests by delegations at the meeting the request is made but may instead refer the request to municipal staff for further information and/or recommendation.

## **7.2 Public Presentations**

7.2.1 Requests from an outside organization or group to make a presentation to Council or a Committee shall be submitted in writing to the Municipal Clerk for consideration.

7.2.2 Public presentations are for information only. Outside organizations, groups or individuals requesting that Council take action on a matter of municipal business, including items listed on a meeting agenda, shall register in accordance with the Delegations section of this By-Law.

7.2.3 Presentations by outside organizations or groups shall not be permitted for the sole purpose of generating publicity or promotion.

7.2.4 Public presentations at a meeting shall be limited to a maximum of ten (10) minutes.

7.2.5 Outside organizations shall provide the Clerk with written material for inclusion on the agenda by the agenda production deadline.

7.2.6 Organizations, groups or individuals wishing to speak to a matter of municipal business, including items listed on a meeting agenda, must register in accordance with the Delegations section of this By-Law.

## **SECTION 8: PROCEDURAL MATTERS**

### **8.1 Disclosure of Pecuniary Interest**

8.1.1 A Member must identify and disclose any pecuniary interest on any item or matter before Council, Committee or Local Board and the general nature thereof (pursuant to the Municipal Conflict of Interest Act), prior to the matter being discussed. This disclosure shall be made in writing on the form available from the Clerk and the Clerk shall keep track of a registry of the disclosures that will be available to the public.

8.1.2 Where a member of Council has a pecuniary interest in any matter is present at a meeting of Council at which the matter is the subject of consideration, the member:

- a. shall, prior to the consideration of the matter at the meeting, verbally disclose the pecuniary interest and its general nature, including why the member has a pecuniary interest;

- b. shall, not, at any time, take part in the discussion, or vote on, any question in respect of the matter;
  - c. shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting, influence the voting on any such question.
- 8.1.3 Notwithstanding the provisions of Section 4.8 of this By-Law, when a majority of the Members have disclosed a pecuniary interest, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

## **8.2 Motions and Voting**

- 8.2.1 A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.
- 8.2.2 Council or Committee shall not debate any motion until it has been moved or seconded. When a motion has been seconded, it may upon request, be read or stated by the Mayor, Chair or Clerk at any time during debate.
- 8.2.3 Motions may be presented verbally or in writing. When a motion has been moved and seconded, the Chair shall present the motion for the members, at which time each member of Council shall be permitted to speak once to the question, and not more than once except with permission of the Chair.
- 8.2.4 After a motion has been stated or read it shall be deemed to be in possession of Council but it may be withdrawn by consent of the majority of Council members present.
- 8.2.5 When a motion is under consideration no other motion shall be received unless it is a motion:
- 8.2.5.1 To refer the motion to Committee, Council, staff or any other person or body. Such a motion to refer:
    - a) is open to debate;
    - b) is amendable; and
    - c) shall preclude amendment or debate of the preceding motion.
  - 8.2.5.2 To amend the motion. Such 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 motion to amend is put forward, they 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.
- 8.2.5.3 To defer the motion to another time. Such 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 made.
- 8.2.5.4 To adjourn the meeting. Such a motion to adjourn:
- a) is not open to debate;
  - b) is not subject to amendment; and
  - c) shall always be in order.
- 8.2.5.5 To call a vote on the motion. Such 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 followed 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.
- 8.2.6 After a motion is put to a vote, no member of Council shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.
- 8.2.7 Except as otherwise provided, every member of Council shall have one vote.
- 8.2.8 Failure to vote by a qualified member of Council shall be deemed to be a negative vote.
- 8.2.9 Any motion on which there is a tie vote shall be deemed to be defeated, except where otherwise provided by any act.
- 8.2.10 An Elected Official may prior to a vote being taken or immediately after the vote is taken, request a recorded vote. When a recorded vote is requested by a member or is otherwise required the Clerk will ask all elected officials, including the Chair, in alphabetical order, to give their vote and record the vote accordingly in the minutes. Following the voting, the clerk shall declare that the motion is either carried or lost. Any abstention from voting, other than reason of pecuniary interest or absence, shall be recorded in the minutes as a negative vote.
- 8.2.11 When a motion is put forward, every member entitled to vote shall do by voice, electronic voting, show of hands, standing or otherwise, as determined by the Chair.

8.2.12 The Mayor or Chair shall declare the vote on all questions and should his/her declaration be stated by any member of Council to be in doubt, the Mayor or Chair shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

### **8.3 Notice of Motions**

8.3.1 A member of Council shall give notice of intent that they plan to introduce a motion at a subsequent meeting of Council to bring forward a new matter

8.3.2 The giving of notice requires no seconder and is not at that time debatable.

8.3.3 A Council member may introduce a motion at a meeting regarding a matter that would not otherwise be considered at the meeting or by submission to the Clerk to be included in the meeting Agenda.

### **8.4 Reconsideration**

8.4.1 After a motion has been decided, a member who voted in the majority may move for reconsideration thereof at any subsequent meeting. A motion for reconsideration may be seconded by any member who voted on the original motion either for or against.

8.4.2 Council may only reconsider a matter that has not been acted on by an officer, employee or agent of the Township.

8.4.3 No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.

8.4.4 Any member who was absent at the time the vote was taken on the Main Motion, shall be deemed to be a Member who voted with the majority for the purposes of Section 8.4.1 of this by-law.

8.5.5 If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

8.5.6 A motion to reconsider must be carried in the affirmative by a vote of two-thirds of the entire Council.

### **8.5 Rules of Debate**

8.5.1 Any member desiring to speak will signify their desire to speak by raising their hand and upon being recognized by the Chair will address their question or comments through the Chair.

- 8.5.2 When two or more members signify a desire to speak, the Chair will recognize the member who, in the opinion of the Chair, signified first by a show of hands and next recognize in order the other members.
- 8.5.3 The Chair shall preserve order and decide all questions of order without argument or comment.
- 8.5.4 When the Chair has determined a question of order, any member of Council may appeal to Council with the provisions of this by-law. The members of council, if appealed to, shall decide on the case by majority vote, but without debate
- 8.5.5 Any member of Council may require the question or motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member speaking.
- 8.5.6 Any member of Council may request a recess of the meeting. The Chair may allow a recess.
- 8.5.7 The Mayor or Chair may speak last on a motion.
- 8.5.8 The Mayor or Chair may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to make a motion or speak to a motion taking a definite position and endeavouring to persuade the Council to support that position, then they shall first leave the Chair.
- 8.5.9 The Mayor or Chair does not need to vacate the Chair to simply state support or opposition to a motion on the floor.
- 8.5.10 When a Member is speaking to a motion, they shall confine their remarks to the motion and shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the Members present.
- 8.5.11 A Member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the Members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.

## **8.6 Point of Order**

- 8.6.1 A member may raise a point of order at any time, whereupon the Mayor or Chair shall:
- a) Interrupt the matter under consideration;

- b) Ask the member raising the point of order to state the substance of and the basis for the point of order; and
- c) Rule on the point of order immediately without debate by Council or Committee.

8.6.2 A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or Chair shall be final.

## **8.7 Point of Privilege**

8.7.1 Member shall seek leave of the Mayor or meeting Chair to raise a point of privilege. After leave is granted, the Member shall state the point to the Mayor or Chair and then remain silent until the Mayor or Chair has ruled on the point. There is no debate on a point of privilege.

8.7.2 Where the Mayor or Chair considers that the integrity of any municipal employee has been impugned or questioned, the Mayor or Chair may permit staff to make a statement to Council or Committee.

## **8.8 Adjournment**

8.8.1 Meetings shall adjourn no later than 11:00 p.m., unless otherwise decided before the curfew hour of 11:00 p.m. by the majority of the members present.

8.8.2 Only one motion to extend the automatic adjournment beyond 11:00 pm shall be permitted per meeting, and the maximum allowable extension shall be to 11:59 pm.

## **SECTION 9: CONDUCT AND RESPONSIBILITIES**

### **9.1 Council and Committee Responsibilities**

9.1.1 Members of Council shall come prepared to every meeting by having read all the material supplied, including the agenda and staff reports, to facilitate discussion and the determination of action at the meeting. The members are encouraged to make inquiries of staff regarding the materials supplied with the agenda in advance of the meeting.

9.1.2 Requests for substantive reports shall be authorized by Council resolution and the resolution shall identify the appropriate department or department head and objectives of the report.

9.1.3 No member of Council shall have the authority to direct or interfere with the performance of any work for the Township.



9.1.4 Council affirms that the business of Council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the Mayor or Chair is expected to maintain decorum by all persons in attendance at its meetings in accordance with this by-law and the Municipal Act.

## **9.2 Role of Mayor**

9.2.1 It is the role of the Mayor as the Head of Council

- a) to Act as Chief Executive Officer of the Township;
- b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
- d) to represent the Township as official functions; and
- e) to carry out the duties of the Head of Council under any Act.

9.2.2 In the absence of the Mayor, Council shall appoint an Acting Mayor to act in the place of the Mayor and while acting shall have all rights, powers and authority of the Head of Council.

9.2.3 The appointment of Acting Mayor can be appointed for a period of time determined by Council.

9.2.4 As the Chief Executive Officer of the Township, the Head of Council shall:

- a) uphold and promote the purposes of the Township
- b) promote public involvement in the Township's activities
- c) act as the representative of the Township both within and outside the Township and promote the Township locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.

## **9.3 Role of Council**

9.3.1 It is the role of Council:

- a) to represent the public and consider the well-being and interests of the Township;

- b) to develop and evaluate the polices and programs of the Township;
- c) to determine which services the Township will provide;
- d) to ensure that administrative policies, practices and procedures and controller policies, practices and procedures are in place to implement the decision of Council;
- e) to ensure the accountability and transparency of the operations of the Township including the activities of the management of the Township;
- f) to maintain the financial integrity of the Township; and
- g) to carry out the duties of Council under any Act.

#### **9.4 Duties of the Chair**

##### 9.4.1 The Role of the Chair is to:

- a) open the meeting of Council and calling the Members to order;
- b) preside over Council meetings so that the business can be carried out efficiently and effectively;
- c) ensure that members of the public feel safe to participate in public debate; and
- d) ensure that decorum is maintained with Council Chamber;
- e) put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the result;
- f) require a recorded vote be taken on any question upon request of a Member if such request is made prior to the commencement of voting or immediately thereafter;
- g) decline to put to vote motions which infringe upon this By-Law; and
- h) authenticate by signature, when necessary, all By-Laws; minutes and documents authorized by Council.

#### **9.5 Conduct of Members**

##### 9.5.1 No member shall:

- a) use offensive words or language;

- b) engage in private conversation while in the Council meeting or use electronic devices including cellular phones, in a manner which disrupts the proceedings of Council or may influence a vote;
- c) leave their seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- d) disturb another Member, or the Council itself, by any disorderly conduct disconcerting to any Member speaking;
- e) resist the rules of Council, or disobey the decision of the Chair or of the Council on questions of order or practice or upon the interpretations of the rules of procedure;
- f) speak without first addressing the Chair; or
- g) where a matter has been discussed in closed session, and where the matter remains confidential, disclose the substance of deliberations of the closed meeting session meeting.

## **9.6 Decorum of Council Meetings**

- 9.6.1 To preserve and protect the decorum of Council Chamber or other meeting place of Council, no person participating in a meeting, including members of the audience, attending electronically or in-person, may undertake any of the following actions:
- a) make deprecating comments about, or speak disrespectfully of, or malign the integrity of any member or staff member, Council or the public;
  - b) use offensive words or an aggressive tone of attack;
  - c) disobey any rule or request of the Chair or any decision of Council on questions of order or practice;
  - d) enter in cross debate with the Chair, members of Council, other delegations or staff;
  - e) appear before Council for the sole purpose of generating publicity or personal attacks;
  - f) address Council without permission;
  - g) interrupt any speech or action of the members of Council or Committee or any other person addressing Council;

- h) display or have in their possession picket signs or placards in the Council Chamber or meeting rooms within any Township-owned building used for such purposes;
- i) applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council;
- j) carry on private conversations enough to disrupt the Council meeting.

9.6.2 Council affirms that the business of Council is an important function and that it will not tolerate incivility in its meetings on the part of any individual or group, and that the Head of Council is expected to maintain decorum by all persons in attendance at its meetings in accordance with this By-Law and the *Municipal Act*.

## **SECTION 10: COMMITTEES AND LOCAL BOARDS**

### **10.1 Committees**

10.1.1 Local Boards and Committees appointed by Council shall have the same terms of office and for such Local Boards and Committees shall be congruent with the term of Council unless otherwise determined by Council.

10.1.2 Council may by resolution establish ad hoc Committees, which shall advise the Council on matters assigned or referred to it.

10.1.3 The provisions of this By-Law, with necessary modifications, shall apply to the various Local Boards and Committees appointed by the Council unless specific terms of reference have been adopted by Council.

## **SECTION 11: SEVERABILITY/REPEAL/ENACTMENT**

### **11.1 Severability**

11.1.1 Should any section, sub-section, clause or paragraph or provision of this By-Law be declared by a Court to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof, other than provisions so declared to be invalid.

### **11.2 Repeal**

11.2.1 By-Law 83 of 2020 and any other By-Law inconsistent herewith, are hereby repealed upon the date this By-Law comes into force and effect.

### **11.3 Enactment**

11.3.1 This By-Law shall come into force and take effect on the date of its final passing.

Read a first, second and third time

IN OPEN COUNCIL

This XX day of XXXX, 2024

\_\_\_\_\_  
Sue Clarke, Mayor

\_\_\_\_\_  
Michael Barnier, Clerk

DRAFT