

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**

**BY-LAW NO. 11-37**

Being a By-law to establish a policy to govern the calling, place and proceedings of the Council of The Corporation of the Township of Malahide and to provide public notice of Council meetings.

**WHEREAS** Section 238(2) of the *Municipal Act, S.O. 2001, c. 25* as amended, requires every municipality to pass a Procedural By-law for governing the calling, place and proceedings of meetings;

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

**AND WHEREAS** the Council of The Corporation of the Township of Malahide deems it expedient to enact a new By-law to govern the calling, place and proceedings of the Council and to provide for public notice of meetings in accordance with the Act.

**NOW THEREFORE** the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. **SHORT TITLE**

This By-law shall be cited as the "Council Procedural By-law".

2. **DEFINITIONS**

In this By-law:

2.1 "Act" means the Municipal Act, 2001, as amended from time to time.

2.2 "Ad Hoc Committee" means 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.

2.3 "Adjourn" means to end the meeting. This motion requires a second, is not debatable, is not amendable, requires a majority vote for adoption and cannot be reconsidered.

- 2.4 "Advisory Committee" means a Committee established by Council to advise on matters which Council has deemed appropriate for the Committee to consider.
- 2.5 "Chair" means the person presiding at a meeting whether it be the Mayor or any other member.
- 2.6 "Chief Administrative Officer" means the Chief Administrative Officer (CAO) of The Corporation of the Township of Malahide, designated by By-law.
- 2.7 "Clerk" means the Clerk or designate of The Corporation of the Township of Malahide.
- 2.8 "Closed Session" means a meeting, or portion thereof, closed to the public in accordance with Section 239 of the *Municipal Act, 2001* and Section 5.7 of this By-law.
- 2.9 "Committee" means Ad Hoc Committees and Advisory Committees which may be appointed by Council from time to time.
- 2.10 "Community Control Group" means the officials designated to control the emergency operations for the Township of Malahide when it becomes necessary to activate the Emergency Response Plan.
- 2.11 "Confirmatory By-law" means a By-law of Council that adopts all resolutions passed at a Council meeting.
- 2.12 "Corporation" means The Corporation of the Township of Malahide.
- 2.13 "Correspondence" includes, but is not limited to, the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, etc.
- 2.14 "Council" means the Council of The Corporation of the Township of Malahide.
- 2.15 "Councillor" means a person elected or appointed as a Member of Council.
- 2.16 "Defer" means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.
- 2.17 "Delegation" means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.

- 2.18 "Deputy Head of Council" means the Deputy Mayor who shall preside at all meetings of the Council in the absence of the Mayor.
- 2.19 "Deputy Mayor" means the Member of Council who has been elected by general vote as Deputy Mayor and who along with the Head of Council also represents the Township at County Council and, in the absence of the Head of Council, the Deputy Mayor shall Chair the Council meetings.
- 2.20 "Head of Council" means the Mayor and who shall preside at all meetings of the Council.
- 2.21 "Majority" means more than half of the votes cast by members entitled to vote.
- 2.22 "Mayor" means Member of Council who has been elected by a general vote as Mayor and in accordance with Section 225 of the Municipal Act, 2001 acts as the Chief Executive Officer of The Corporation of the Township of Malahide; and, who along with the Deputy Mayor, represents the Township at County Council.
- 2.23 "Meeting" means any regular, special or other meeting of the Council.
- 2.24 "Member" means a Member of Council as defined in this By-law.
- 2.25 "Minutes" mean a record of the proceedings of Council or Committee, that includes the place, date, time, name of Presiding Officer, list of members in attendance, evidence of quorum. Minutes will record the actions taken and decisions made by members at the meeting without note or comment in accordance with Section 239(7) of the Municipal Act.
- 2.26 "Township" means The Corporation of the Township of Malahide.
- 2.27 "Pecuniary Interest" includes a direct or indirect financial interest of a member and a financial interest deemed to be that of a member, in accordance with Sections 2 and 3 of the Municipal Conflict of Interest Act, 1990.
- 2.28 "Presiding Officer" means the person designated to Chair a Council or Committee meeting.
- 2.29 "Quorum" means the minimum number of required members (fifty percent plus one of the membership) to be in attendance to conduct the business of the meeting and vote on any matter or question to achieve a simple majority.
- 2.30 "Recess" means a short break taken during a meeting and is of a duration established by the Head of Council or Chair.

- 2.31 "Recorded Vote" means the recording of the name and vote of every Member of Council who is present when the vote is called on any matter of question.
- 2.32 "Refer" means to direct a matter under discussion by Council or Committee to a Staff Member for further examination.
- 2.33 "Regular Meeting" means a scheduled meeting held in accordance with Section 5.3 of this By-law.
- 2.34 "Reports" means written documents by municipal employees, committees, consultants, solicitors or other individuals appointed at the pleasure of Council for the purpose of providing advice, alternatives and/or recommendations on various matters.
- 2.35 "Resolution" means a formal state of opinion adopted by Council in accordance with these rules.
- 2.36 "Rules and Regulations" means the applicable regulations contained in this By-law.
- 2.37 "Special Meeting" means a meeting not scheduled in accordance with the approved schedule of meetings.

3. **AUTHORITY**

The *Municipal Act, 2001* provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council until such time as they are amended or new rules adopted.

4. **GENERAL RULES**

- 4.1 The Rules and Regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the Rules and Regulations for the order and dispatch of business in Council.
- 4.2 Any procedure under this By-law that is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present at the meeting.
- 4.3 In any case for which provision is not made in these Rules and Regulations, the procedure to be followed shall be as near as may be that followed in Roberts Rules of Order.

- 4.4 Where a member has any declaration of pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, at which the matter is the subject of consideration, the member shall act in accordance with the Municipal Conflict of Interest Act and declare a conflict of interest.

5, **MEETINGS**

5.1 **Location of Meetings**

All meetings of the Council shall take place in the Council Chambers at the Springfield & Area Community Service Building, 51221 Ron McNeil Line, Springfield. Notwithstanding the foregoing that meetings be held in the Council Chambers, the Council shall determine, at their discretion, other locations from time to time for meetings as deemed necessary.

5.2 **Inaugural Meeting**

The Inaugural Meeting of the new Council, in each term, will be held in December after a regular election in the Council Chambers of the Municipal Office at a date and time to be set by the Council.

5.3 **Regular Meeting**

- (a) Regular meetings shall be held on the first and third Thursday of each month, except for the months of July and August, wherein the regular meetings of the Council shall consist of one (1) meeting as determined by the Council. The meetings shall commence at the hour of 7:30 p.m. or at such other time as directed by the Council.
- (b) The Council may, by resolution, alter the date and/or time of a regular meeting provided that adequate notice of such change has been posted and/or published.
- (c) The Clerk, with the approval of the Head of Council, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so.
- (d) No meeting of Council is a properly constituted meeting unless the Clerk or his/her designate is present.

5.4 **Special Meetings**

- (a) The Head of Council may, at any time call a special meeting of Council or upon receipt of a petition of the majority of the Members

of Council, the Clerk shall call a special meeting of Council for the purpose and at the time mentioned in the petition.

- (b) No business may be transacted at a special meeting other than that specified in the Notice or Agenda.

#### 5.5 Emergency Meetings

- (a) In the event of a bona fide emergency as determined by the Head of Council or the Chief Administrative Officer, a meeting may be held as soon as practical following receipt of a summons. The summons may be given by a manner as determined by the Clerk.
- (b) The Head of Council or the Chair of the local Community Control Group may ask the Clerk or the Chief Administrative Officer to call a special meeting of the Council within twenty-four (24) hours of a declared emergency in order to brief the Council on the status of the emergency measures taken by the Community Control Group.

#### 5.6 Closed Sessions

All meetings of Council shall be open to the public except as provided for in Section 239 of the Municipal Act, S.O. 2001.

- (a) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
- The security of the property of the Township,
  - Personal matters about an identifiable individual, including municipal or local board employees;
  - A proposed or pending acquisition or disposal of land by the Township;
  - Employee negotiations or labour relations;
  - Litigation or potential litigation, including matters before administrative tribunals, affecting the Township;
  - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - A matter in respect of which a Council, board, Committee or other body may hold a closed meeting under another Act.
- (b) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council is designated as head of the institution for the purposes of that Act.

- (c) A meeting of the Council may be closed to the public if the following conditions are both satisfied:
  - The meeting is held for the purpose of educating or training the members.
  - 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.
- (d) For purposes of this section, a meeting not open to the Public shall be called a "Closed Session".
- (e) Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or in the case of a meeting that is an educational or training session, the fact of the holding of the closed meeting, the general nature of its subject matter and that it is to be closed as an educational or training session.
- (f) A meeting shall not be closed to the public during the taking of a vote except when the meeting is for a purpose as outlined in section 5(a) or 5(b) and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township.
- (g) When a Closed Session is necessary, it will be a requirement that the minutes shall be prepared but shall not require approval.
- (h) The Clerk shall be responsible for maintaining a confidential copy of all original documentation distributed, relating to closed sessions, and for keeping confidential minutes of all closed sessions.
- (i) Subject to the provisions of this Section, Council may hear delegations in Closed Session.
- (j) It shall be the responsibility of Council and Staff to respect the confidentiality of all matters disclosed to them and materials provided to them during Closed Sessions that are required to be kept confidential.

5.7 Education and Training Sessions

- (a) The Council may decide, at a meeting open to the public, to convene an informal gathering of its members to receive and discuss information or advice of a general nature involving subject matters of interest to the members, at a time and place designated at that time by the Council.
- (b) 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.
- (c) 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 it is within the boundaries of the Township or elsewhere.
- (d) All Members of Council 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.
- (e) No motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, recommendation, or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education & Training Session.
- (f) The Recording Secretary shall take notes describing in general terms each subject matter dealt with at the Education & Training Session.
- (g) The notes taken pursuant to 5.8 (f) shall, after the conclusion of the session, be maintained as a public record under the control of the Clerk.

5.8 Committees

- (a) Special or Ad Hoc Committees may be established from time to time by Council to consider a specific matter. The Committee shall report directly to Council. Minutes of the Committee meetings shall be circulated to Council on a regular basis, and once the Ad Hoc Committee has completed its work, the Committee shall be deemed to be dissolved, unless otherwise determined by Council.
- (b) Council may appoint representatives to serve on Local Boards, Advisory Committees, or any other body to which Council is required or empowered to appoint a representative. Appointments

to such Boards/Committees may be a Member of Council or may be a person appointed from amongst its ratepayers.

- (c) The meetings of Committees may be held at the principal location of the service that the Committee represents on a date and time determined by the Committee.
- (d) The Committee Chair can decide to hold a meeting at another location within the Township or within an adjacent Township. In case of an emergency, a Committee may hold its meetings at any convenient location within or outside the Township, as determined by the Committee Chair.
- (e) The Chair shall be appointed by the Committee at the commencement of the Committee's term, or from time to time as may be required, and shall act as the Presiding Officer at Committee meetings. If the Chair does not attend by the start of the time appointed for a meeting of the Committee, the Vice Chair, if one is appointed by the Committee, shall act in place of the Chair until the arrival of the Chair. Should both the Chair and Vice-Chair be absent, or there is no Vice-Chair appointed, the Committee Members present shall decide by consensus from amongst themselves a Chair to preside over the meeting until the arrival of the Chair.
- (f) The Committee Chair may at any time summon a special meeting of the Committee on forty-eight (48) hours notice, or reasonable notice in the case of an emergency, to the members of the Committee, or upon receipt of the petition of the majority of the Committee Members, the Committee Secretary, shall summon a special meeting for the purpose and at the time mentioned in the petition. Such reasonable notice of all Committee meetings shall be given to the members through the Committee Secretary. The only business to be dealt with at a special meeting is that which is listed on the agenda/notice of the meeting.
- (g) The Committee Secretary, with the approval of the Committee Chair, may cancel a meeting when there is sufficient cause to do so in their opinion.
- (h) All Committee meetings shall be open to the public except for those reasons outlined in Section 5.7 of this By-law.
- (i) The Committee Secretary shall distribute the agenda package for Regular and Special Committee meetings by a method as determined by the Committee.

- (j) No meeting of a Committee is a constituted meeting unless a quorum is present.
- (k) The rules and regulations contained in this By-law, with necessary modifications, shall be observed in all proceedings of the Committee for the order and conduct of business therein.

6. **NOTICE OF MEETINGS**

- 6.1 Prior to the first meeting in each calendar year, the Council shall establish a schedule of all regular Council meeting dates for such calendar year. The schedule shall include the date, time and location of the meetings and shall be posted on the municipal website at the beginning of each year. The meeting schedule is subject to change as necessary.
- 6.2 Notwithstanding the above, the published agenda shall be considered as adequate notice of Regular Meetings of Council, except for meetings held on a day or at a time other than as provided for in this By-law. The Agenda shall include the date, time and place of commencement of the meeting.
- 6.3 The Clerk shall ensure that a copy of the Agenda for each Regular Council Meeting is posted for public viewing on the municipal website no later than 4:30 p.m. on the Tuesday preceding the scheduled meeting.
- 6.4 The Clerk shall ensure that notice of each special meeting of Council is provided to each Member of Council at least forty-eight (48) hours in advance of the said meeting or as soon as practicable. The Clerk shall provide notice of such meeting by posting for public viewing on the municipal website a copy of the Agenda for the special meeting and/or updating the meeting schedule that is posted on the municipal website.
- 6.5 The forty-eight (48) hours notice required by Section 6.4 may be waived in the case of emergency as may be determined by the Head of Council (or alternate).
- 6.7 Lack of receipt of the notice by any member shall not affect the validity of holding the meeting nor any action taken at the meeting.
- 6.8 The business of such meeting shall be taken upon the order in which it stands in the Agenda, unless otherwise decided by Council.
- 6.9 The notice requirements set out in this By-law are minimum requirements only, and the Clerk may give notice in an extended manner if in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.

6.10 The Clerk shall provide notice of cancellation to Council, Staff, the local media and all other interested parties a minimum of three (3) hours in advance of any Council, Committee, Public Meeting, Hearing or Information Session in the case of severe inclement weather.

6.11 Postponement of Meetings

Any regular meetings of the Council may be postponed to a day named in:

- (a) A notice by the Head of Council or the Deputy Head of Council given through the Clerk's Office and twenty-four (24) hours in advance of the regular meeting; or
- (b) A resolution of Council passed by the majority of the members.

7. CALLING OF MEETINGS TO ORDER AND QUORUM

7.1 The Head of Council or Presiding Officer shall call the members to order as soon after the hour fixed for holding of the meeting a quorum is present.

7.2 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 four (4) Members of Council.

7.3 If a quorum is not present one-half (½) hour after the time appointed for the commencement of the meeting, the Clerk or his/her designate shall indicate that no quorum is present and record the names of those members in attendance and they shall adjourn to the appointed time for the next scheduled meeting.

7.4 Where the number of members 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 three (3).

7.5 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.

7.6 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.

8. **ROLE OF COUNCIL**

8.1 It is the role of Council, per Section 224 of the Municipal Act, 2001, as amended:

- (a) to represent the public and to consider the well-being and interests of the municipality;
- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of Council under this or any other Act.

8.2 Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Members shall make technical inquiries of staff regarding materials supplied in advance of the meeting.

8.3 Requests for substantive reports shall be by Council motion which shall identify the appropriate Department or Department Head and objectives of the report.

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

9. **ROLE OF HEAD OF COUNCIL**

9.1 It is the role of the Head of Council, per Section 225 of the Municipal Act, 2001, as amended:

- (a) to act as Chief Executive Officer of the municipality;
- (b) to preside over Council meetings so that business can be carried out efficiently and effectively;
- (c) to provide leadership to Council;
- (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council as described in Section 7.24 of this By-law and Section 224 of the Municipal Act, 2001, as amended;
- (d) to represent the municipality at official functions; and

- (e) to carry out the duties of the Head of Council under the Municipal Act or any other Act.

9.2 By virtue of their office, the Head of Council is appointed as an Ex-Officio Member of Advisory Committees and Local Boards and shall have the same rights and privileges as any of the other members, including the right to vote.

9.3 For the purposes of the Township of Malahide Emergency Plan if the Head of Council is unavailable, the Deputy Head of Council or the Council Appointee shall be the alternate.

## 10. HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER

10.1 It is the role of the Head of Council, per Section 226.1 of the Municipal Act, 2001, as amended:

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

## 11. PRESIDING OFFICER

11.1 The Head of Council, if present, shall preside as Chair at all meetings of Council. In the event that the Head of Council is absent; has a conflict under the Municipal Conflict of Interest Act; refuses to act; or the office becomes vacant, the Deputy Head of Council shall act in the place and stead of the Head of Council, and while so acting the Deputy Head of Council may exercise all the rights, powers and authority of the Chair.

11.2 In the absence of both the Head of Council and the Deputy Head of Council, and if a quorum is present, the Council shall elect a Chair from amongst its members present. While presiding, the member appointed by the Council shall have all the powers of the Head of Council for the purpose of conducting the meeting.

## 12. CONDUCT OF PROCEEDINGS

12.1 As soon after the hour of the meeting as there shall be a quorum present, the Head of Council or Presiding Officer shall take the Chair and the members shall be called to order.

- 12.2 The Head of Council or Presiding Officer shall announce the business before the Council in the order in which it is to be acted upon.
- 12.3 The Head of Council or Presiding Officer shall receive and submit, in the proper manner, all motions presented by the Members of Council.
- 12.4 The Head of Council or Presiding Officer shall preserve order and decorum and decide questions of order subject to an appeal to the Council and this decision may be overruled by a majority vote thereof.
- 12.5 The Head of Council or Presiding Officer shall put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and to announce the result.
- 12.6 The Head of Council or Presiding Officer shall authenticate by signature when necessary all By-laws, Minutes and documents authorized by Council.
- 12.7 The Head of Council or Presiding Officer shall represent and support the Council declaring its will and obeying its decision in all things.
- 12.8 The Head of Council or Presiding Officer shall ensure that the Decisions of Council are in conformity with the laws and By-laws governing the activities of Council.
- 12.9 The Head of Council or Presiding Officer shall adjourn the meeting when business is concluded.
- 12.10 The Head of Council or Presiding Officer shall adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.
- 12.11 The Head of Council or Presiding Officer shall ensure that the members of the public who constitute the audience in the Council Chamber or Meeting Rooms:
  - (a) maintain order and quiet;
  - (b) address Council only with the permission of the Chair;
  - (c) do not interrupt any speech or action of the Members of Council or any other person addressing Council; and
  - (d) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.

13. **AGENDAS**

13.1 **Regular Council Meeting Agendas**

- (a) The Clerk or his/her designate shall prepare the Agenda for all Regular Council Meetings consisting of the following "Order of Business":
  - (i) Call to Order
  - (ii) Disclosure of Pecuniary Interest
  - (iii) Approval of Previous Minutes
  - (iv) Presentations/Delegations/Petitions
  - (v) Reports of Departments
  - (vi) Reports of Committees/Outside Boards
  - (vii) Correspondence
  - (viii) New Business
  - (ix) By-laws
  - (x) Closed Session
  - (xi) Confirmatory By-law
  - (xii) Adjournment
- (b) The agenda shall be available to Members of Council at least forty-eight (48) hours preceding the meeting to which it pertains.
- (c) The business of Council shall be taken in the order in which it stands upon the agenda, unless otherwise decided by the majority of Council.
- (d) The Head of Council or any Member of Council may bring before the Council, any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda; however, may be brought before the Council under 'New Business'.

13.2 **Special Council Meeting Agendas**

- (a) The Clerk, where reasonably possible, shall cause an agenda to be prepared, in the following order, for the use of members at Special Meetings of Council:
  - Declaration of Pecuniary Interest
  - Consideration of Business for Which Notice is Given
  - Adjournment
- (b) The agenda for Special Council Meetings shall be available at least forty-eight (48) hours preceding the meeting to which it pertains, if possible and if necessary.

- (c) The minutes of a special meeting shall be ratified at the next regular meeting of the Council by the Confirming By-law.

#### 14. **MINUTES**

##### 14.1 **Minutes**

- (a) Minutes of the Council, whether it is closed to the public or not, shall record:
  - (i) the date, time and place of the meeting;
  - (ii) the record of attendance of the members;
  - (iii) the correction and adoption of the minutes of prior meeting(s);
  - (iv) all resolutions and decisions;
  - (v) all the other proceedings of the meeting without note or comment, whether it is closed to the public or not;
  - (vi) a list of other business items discussed.
- (b) After the minutes have been adopted they will be signed by the Head of Council and by the Clerk or designate.

14.2 The Clerk shall ensure that the Minutes of the preceding Regular Meeting and any Public Meetings or Special Meetings are circulated along with the agenda package prepared in accordance with section 13.1 of this By-law.

14.3 The onus shall be upon members attending after commencement of the meeting to inform the Clerk of their arrival in order that same may be recorded in the Minutes.

14.4 Unless a reading of the minutes of a Council meeting is requested by a Member of Council, such minutes shall be approved without reading if the Clerk previously furnished each member with a copy thereof and has previously posted same.

14.5 The minutes of regular and special meetings shall be posted on the municipal website for public inspection.

14.6 The minutes shall be filed once passed by the Council.

#### 15. **PRESENTATIONS/DELEGATIONS/PETITIONS**

15.1 Any person wishing to appear before the Council on Municipal business shall notify the Clerk in writing no later than 12:00 noon on the Monday preceding the Council Meeting, accompanied by a written brief outlining the subject matter of the presentation.

- 15.2 Any communication or correspondence that is to be presented to Council shall be legibly written, typed, or printed and shall not contain any obscene or defamatory language and shall be signed by at least one person and filed with the Clerk no later than 12:00 noon on the Monday preceding the regular Council meeting.
- 15.3 If a request to be heard is received after 12:00 noon on the Monday preceding the regular Council meeting, it must be approved by the Head of Council or Clerk before it will be added to the agenda.
- 15.4 Any communication or correspondence as referred to in Subsection 15.2 above includes electronic mail provided it contains the computer address and full name of the sender and is received by the Clerk no later than 12:00 noon on the Monday preceding the regular Council meeting.
- 15.5 The Clerk may, upon receipt, refer any communication or petition to a Department Head without the prior consideration of Council.
- 15.6 After a delegation has been heard at a Council meeting and it is felt that a further Hearing on the same topic is warranted, the Council may so recommend and shall determine the time and date of such further Hearing.
- 15.7 The Head of Council has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.
- 15.8 Any person desiring to address the Council by oral communication shall first secure the permission of the Head of Council or Presiding Officer, provided, however, that preference will be given to those persons who have notified the Clerk by 12:00 noon on the Monday immediately preceding the Council meeting of their desire to speak in order that their name may be placed on the agenda and they will be recognized by the Head of Council or Presiding Officer without further action.
- 15.9 Each person addressing the Council shall step up, shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to fifteen (15) minutes, including questions. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than Members of Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the Members of Council. No questions shall be asked to the Council Members, except through the Head of Council or Presiding Officer.
- 15.10 A delegation requesting to speak for more than 15 minutes will only be permitted by prior approval of the Head of Council, Clerk or Chief Administrative Officer.

15.11 Interested parties, or authorized representatives, may address the Council by written communication in regard to any matter concerning the Township's business or over which the Council has control at any time by direct mail or by addressing the Clerk and such written communication will be distributed to the Council Members.

16. **REPORTS OF COMMITTEES**

Reports of Committees shall be filed with the Clerk no later than 12:00 noon on the Monday that precedes the Council meeting. Reports of Committees will be provided to Council to be received and/or to concur with any recommendations of the Committees.

17. **REPORTS OF DEPARTMENTS**

Reports of Departments shall be received by the Clerk no later than 12:00 noon on the Monday that precedes the Council meeting.

18. **BY-LAWS**

18.1 Council shall be provided with a copy of all By-laws which are on the agenda for consideration. Every By-law shall be introduced by motion and shall receive three readings prior to it being passed. Nothing shall prevent Council from giving all three readings to a By-law at one sitting of Council.

18.2 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 Head of Council and shall be filed by the Clerk for safekeeping.

18.3 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 requires the By-law or any portion thereof to be read in full.

18.4 The proceedings at every regular meeting shall be confirmed by By-law so that every decision of the Council and every resolution passed 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 separate By-law duly enacted. The proceedings at every Special Meeting shall be confirmed by By-law at the next regular meeting of the Council.

19. **NOTICE OF MOTION**

19.1 Notice of motions, insofar as practicable, shall be given in writing to the Clerk no later than 12:00 noon on the Monday preceding the next regular Council Meeting so that the matter may be included in the Council agenda package.

19.2 The Clerk may introduce matters to be dealt with by motion subject to the notice provisions set out above.

20. **ADJOURNMENT**

The Council shall adjourn if still in session after a duration of three (3) hours, unless otherwise determined by a resolution of Council passed by the majority of the members.

21. **RESOLUTIONS/MOTIONS**

21.1 A motion must be formally seconded before the question can be put on a motion and recorded in the minutes.

21.2 When a motion is presented to the Council, in writing, it shall be read, or, if it is an oral motion, stated by the Head of Council or Presiding Officer.

21.3 After a motion is read or stated by the Head of Council or Presiding Officer, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

21.4 After a motion is finally put, no member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.

21.5 Every Member of Council shall have one vote.

21.6 The Head of Council or Presiding Officer may vote with the other Members of Council on all questions.

21.7 All votes shall be announced openly, as carried or defeated, by the Head of Council or Presiding Officer.

21.8 On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council or Presiding Officer and may be by voice or show of hands.

21.9 The Head of Council or Presiding Officer shall require a recorded vote to be taken on any question upon request of a member if such request is made prior to commencement of the voting or immediately thereafter. When a member present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute. The members shall respond YEA or NAY when called upon. The names of those who voted for and those voted against shall be noted in the minutes.

- 21.10 Failure to vote by a qualified member shall be deemed to be a negative vote.
- 21.11 Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
- 21.12 The Head of Council or Presiding Officer shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Head of Council or Presiding Officer shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
- 21.13 Members shall not speak to the same motion without the consent of the Head of Council or Presiding Officer and at the end of the debate a motion for closure may be made by the Head of Council or Presiding Officer.
- 21.14 Amendments shall be put in the reverse order to that in which they are moved. Only one amendment shall be allowed to an amendment.

22. **RECONSIDERATION**

Despite a previous decision, a member may ask that a previous motion be reconsidered. To bring the original motion back to the table for reconsideration, a majority of Council is required. A member who voted with the majority on the original motion must introduce a motion for reconsideration. In the event that the original motion was not decided by a recorded vote, the Head of Council or Presiding Officer shall determine that the motion to reconsider is being appropriately introduced.

23. **RULES OF DEBATE**

- 23.1 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
- (a) a point of order or personal privilege;
  - (b) presentation of petitions;
  - (c) to lay on the table (to defer temporarily);
  - (d) to postpone indefinitely or to a specific day; and
  - (e) to move the previous question (immediate vote on the main motion).
- 23.2 The following motions may be introduced without notice and without leave:
- (a) to refer;
  - (b) to adjourn;
  - (c) to amend; and
  - (d) to suspend the rules of procedure.

- 23.3 Every member prior to speaking to any question or motion shall raise his/her hand and obtain permission from the Presiding Officer to speak. When two or more members wish to speak, the Presiding Officer shall name the member who has the floor and shall be the member, who, in the opinion of the Presiding Officer raised his/her hand first.
- 23.4 When a member is called to order he/she shall cease speaking unless allowed to explain, and the ruling of the Presiding Officer shall be obeyed, subject to the appeal to the Council, but without debate.
- 23.5 No Council Member shall speak more than once to the same question without the leave of the Council or until all other Council Members have had the opportunity to speak to the question a first time, except in explanation of a material part of his speech which may have been misconstrued, and in doing so, he/she is not to introduce a new matter.
- 23.6 If the Head of Council desires to leave the Chair for the purpose of taking part in the debate or for any other reasons, the Deputy Head of Council shall assume the Chair in his/her place until he/she resumes the Chair.

The Head of Council or Presiding Officer 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 he/she shall first leave the Chair.

The Head of Council or Presiding Officer does not need to vacate the Chair to simply state support or opposition to a motion on the floor.

- 23.7 When the Head of Council or Presiding Officer calls for the vote on a question, each member shall occupy his/her seat until the result for the vote has been declared by the Head of Council or Presiding Officer, and during such time no member shall walk across the room to speak to any other member or make any noise or disturbance.
- 23.8 When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.
- 23.9 Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

24. **POINTS OF ORDER AND PRIVILEGES**

- 24.1 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect, in accordance with Section 244 of the Municipal Act, 2001.

- 24.2 Unless otherwise authorized by the Head of Council or Presiding Officer, all members, Staff and guests shall address Council through the Head of Council or Presiding Officer and only when recognized to do so.
- 24.3 When two or more members indicate simultaneously that they wish to speak, the Head of Council or Presiding Officer shall name the member who is to speak first.
- 24.4 The Head of Council or Presiding Officer shall preserve order and decide questions of order.
- 24.5 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 24.6 If the member who made the motion claims the floor and has not already spoken on the question, he/she is entitled to be recognized in preference to other members.

25. **PROCEDURAL APPEAL**

- 25.1 Any member may raise a point of order.
- 25.2 The Head of Council or Presiding Officer shall decide all questions of order and the decision of the Head of Council or Presiding Officer shall be final, subject to appeal, with the Head of Council or Presiding Officer retaining the option of putting any question or order to Council and in such instances the decision of Council shall be final. Upon appeal of any decision of the Head of Council or Presiding Officer the question of order shall be decided by Council and the decision shall be final.

26. **RULES OF ORDER**

"Roberts Rules of Order" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

27. **SUSPENSION AND AMENDMENT OF THESE RULES**

27.1 **Suspension of these Rules**

Any provision of these rules may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by YEAS and NAYS and entered upon the record.

27.2 **Amendment to these Rules**

These rules may be amended, or new rules adopted by a majority of vote of all Members of Council, provided that the proposed amendments or

new rules shall have been introduced into the record at a prior Council meeting.

28. **VALIDITY AND SEVERABILITY**

It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the By-law as a whole or part thereof and all other sections of the By-law shall be deemed to be separate and independent therefrom and enacted as such.

29. **EFFECTIVE DATE**

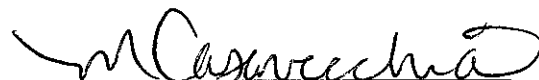
29.1 By-law No. 10-76, as adopted on December 2, 2010, be and the same is hereby repealed.

29.2 This By-law comes into force and takes effect on the final passing thereof.

**READ a FIRST and SECOND time this 19<sup>th</sup> day of May, 2011.**

**READ a THIRD time and FINALLY PASSED this 19<sup>th</sup> day of May 2011.**

  
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Mayor, D. Mennill

  
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Clerk, M. Casavecchia