

**CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE  
BY-LAW NO. 2015-58**

Being a By-law to Govern the Proceedings of  
Council and Committees

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**WHEREAS** pursuant to Section 238 of the *Municipal Act, 2001*, as amended every municipality and Local Board shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE** the Council of the Corporation of the Township of McNab/Braeside ENACTS AS FOLLOWS:

1. That the Procedural by-law as attached hereto as Appendix "A" be hereby established for the Municipal Council of the Corporation of the Township of McNab/Braeside.
2. BE IT FURTHER ENACTED, that all By-Laws, or parts thereof, and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.
3. This by-law shall come into force and be effective upon the passing thereof.

READ a first time this **19<sup>th</sup> day of May, 2015.**

READ a second time this **19<sup>th</sup> day of May, 2015.**

READ a third and final time and passed this **19<sup>th</sup> day of May, 2015.**

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MAYOR

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CAO/CLERK

**THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE  
SCHEDULE "A"  
BY-LAW # 2015-47  
PROCEDURAL BY-LAW**

TABLE OF CONTENTS

PART I - INTERPRETATION

1. General.....4  
2. Definitions .....4

PART II - DUTIES/PRIVILEGES/RESPONSIBILITIES

3. Presiding Officer.....6

PART III - COUNCIL

4. Vacancies.....6  
5. Inaugural Meeting.....7  
6. Regular Meetings.....7  
7. Planning Advisory Committee Meetings .....7  
8. Special Meetings .....7  
9. Workshops .....7  
10. Location of Meeting.....8  
11. Postponement of Regular Meetings .....8  
12. Meetings Open to the Public .....8  
13. Meetings Closed to the Public .....8  
14. Confidential Documentation.....9  
15. Adjourned Meetings .....9  
16. Commencement of Meeting.....9  
17. Attendance.....10  
18. No Quorum at Beginning of the Meeting .....10  
19. Unfinished Business - Quorum Lost.....10  
20. Notice and Agenda of Council and Committee Meeting .....10  
21. Council Chamber.....10

PART IV - INAUGURAL MEETING

22. Agenda .....10

PART V - ORDER OF PROCEEDINGS

23. Call to Order.....11  
24. Agenda .....11  
25. Delivery of Agenda to Members .....11  
26. Minutes .....12  
27. Communications and Petitions.....12  
28. Delegations .....12  
29. Presentations .....13  
30. Enquiries and Answers.....13

PART VI - RULES OF CONDUCT AND DEBATE

31. Address the Chair.....13  
32. Order of Speaking .....14  
33. Conduct of Members At Council Meetings.....14  
34. Point of Privilege .....14  
35. Points of Order.....14  
36. Appeal .....15  
37. Members Speaking .....15  
38. Seating Arrangements .....15  
39. Disclosure of Conflict of Interest .....15  
40. Question Read.....15

41.	Time Limited.....	16
42.	Question Put - No Further Debate .....	16
43.	Members Questions.....	16

## PART VII - VOTING DURING COUNCIL MEETINGS

44.	Secret Ballots .....	16
45.	All Members Vote .....	16
46.	Unrecorded Vote .....	16
47.	Severability of Question.....	16
48.	Recorded Vote .....	16
49.	Disagreement with the Result of the Vote .....	17
50.	Tie Vote .....	17
51.	Voting .....	17
52.	Pecuniary Interest.....	17

## PART VIII - RESOLUTIONS AND MOTIONS

53.	Reading .....	17
54.	Withdrawal .....	17
55.	No Debate until Read.....	17
56.	Motions Ruled out of Order.....	17
57.	Not Within the Jurisdiction of the Council.....	17
58.	Introduction of Motions.....	17
59.	Order of Consideration .....	18
60.	Amendment .....	18
61.	Motion to Put the Question.....	18
62.	Motion to Refer .....	19
63.	Motion to Lay on the Table .....	19
64.	Motion to Postpone or Defer.....	19
65.	Notice of Motion.....	19
66.	Reconsideration .....	19
67.	Motion to Adjourn .....	19

## PART IX - BY-LAWS

68.	Reading of By-laws and Related Proceedings.....	20
69.	Confirmatory By-Laws.....	20
70.	Permits and Licenses.....	20

## PART X - COMMITTEES OF COUNCIL

71.	Procedure.....	20
72.	Establishment/Appointment .....	20
73.	Terms of Reference.....	21
74.	General Role and Powers.....	21
75.	Responsibilities of the Committee Chair .....	21
76.	Quorum.....	21
77.	Meetings of Committees .....	21
78.	Duties of Committees .....	22
79.	Reports of Committees.....	22
80.	Agenda in Committees .....	22
81.	Information Reports.....	23
82.	Confidential Reports .....	23

## PART XI - GENERAL PROVISIONS

83.	Election .....	23
84.	Notice.....	23
85.	Severability.....	23

**PART I - INTERPRETATION****1. GENERAL**

- (1) The proceedings of the Council and of its Committees, the conduct of the Members and the calling of meetings will be governed by the rules and regulations contained in this By-law.
- (2) These rules of procedure shall be deemed to apply to Standing Committees, Ad Hoc Committees and Sub-Committees of Council.
- (3) Where the term "Committee" is used in this By-law, the provision applies only to Committee meetings and related Committee matters.
- (4) Notwithstanding subsection (1) hereof, the rules and regulations contained in this By-law may be suspended by a majority vote of Council.
- (5) The majority of Council shall decide on all points of order not provided for herein.
- (6) No meeting of Council or Committee shall be held in the absence of the Clerk or designate.
- (7) A confirmatory by-law shall be passed at the end of each regular meeting of Council to confirm the proceedings of the Council meeting, including the adoption of the minutes of the previous Council and Committee meetings as presented, including their contents, motions, and resolutions. No other business of Council shall be dealt with at a meeting following the passing of said by-law.
- (8) Question period shall be available for members of the public in attendance to ask questions of Council regarding any items relevant to the business discussed during the meeting.
- (9) No item of business may be dealt with at a meeting after 3 hours of deliberations without the approval of the majority of those present.
- (10) All documents including by-laws, reports and minutes shall be under the custody of the Clerk and copies may be obtained only with his/her consent and upon execution of a receipt.
- (11) Any person may, at all reasonable hours, inspect any of the records, books or documents, the minutes and proceedings of any committee of the Council, after the acts of the committee have been adopted, and other documents in the possession or under the control of the Clerk, and the Clerk shall, within a reasonable time, furnish copies of them, certified under the Clerk's hand and the seal of the Corporation of the municipality to any applicant on payment at such rate as the Council may establish.
- (12) 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 of the Council unless otherwise prescribed.
- (13) Any reference to a member of Council shall include the Mayor and Deputy Mayor.
- (14) The rules and regulations contained herein may be suspended by a majority vote of the members present and voting.
- (15) In any case of which provision is not made herein the procedure to be followed shall be, as near as may be, to Roberts Rules of Order.
- (16) Every Council meeting shall be chaired by:
  - (1) The Mayor, if present.
  - (2) The Deputy Mayor, if the Mayor is absent.
  - (3) If both are absent, Council shall select an Acting Chair.

**2. DEFINITIONS**

- (1) "**Act**" means the *Municipal Act, 2001, S.O. 2001, c.25*, as amended from time to time.
- (2) "**Ad Hoc Committee**" means a special purpose committee of limited duration, created by Council to inquire and report on a particular matter or concern and which dissolves automatically upon submitting its final report unless otherwise directed by Council.
- (3) "**Chair**" means the Presiding Officer at a Council and/or Committee meeting.
- (4) "**Clerk**" means the CAO/Clerk of the Corporation of the Township of McNab/Braeside or designate.
- (5) "**Closed (In Camera) Meeting**" shall mean a meeting closed to the public as defined in accordance to Section 239 of the Municipal Act, 2001.
- (6) "**Committee**" means a Committee of Council, and includes Standing Committees, Joint Committees, Ad-Hoc Committees, or Sub-Committees.
- (7) "**Committee Chair**" means the Chair of a Standing Committee, Joint Committee, Ad-Hoc Committee, or Sub-Committee of Council.
- (8) "**Council**" means the Council of the Corporation of the Township of McNab/Braeside.
- (9) "**Mayor**" means the Head of the Council.
- (10) "**Majority of Council**" shall mean three (3) Members of Council.
- (11) "**Member**" means a Member of Council and a Township Councillor shall have a corresponding meaning.

- (12) **“Meeting”** for the purpose of this by-law, a meeting is defined as an assembly of members of Council with quorum, either general or special, or of committee at which recommendations, resolutions or by-laws are proposed and or passed.
- (13) **“Motion to Receive and File”** means a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration, and of having the item, report or recommendation placed in the records of the Clerk for future reference, with no additional action being taken at that time.
- (14) **“Motion”** a self contained proposal not incidental to any proceeding and may be referred to as the main or principal motion. It is amendable and it is drafted in such a way so as to be capable of expressing a decision of Council. It excludes the following motions:
- (a) to extend the time of the meeting;
  - (b) to refer;
  - (c) to amend;
  - (d) to lay on the table;
  - (e) to postpone indefinitely or to a day certain;
  - (f) to move the previous question;
  - (g) to adjourn.
- (15) **“Motion (Subsidiary)”** means one which affects the disposition of a substantive or main motion, by bringing it to an immediate vote, by delaying or by deferring a decision thereon.
- (16) **“Notice of Meeting”** shall be deemed to be received as set out in Section 85 of this By-law.
- (17) **“Point of Privilege”** means the raising of a question which concerns a Member of Council, or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole have been challenged.
- (18) **“Point of Order”** means a statement made by a Member of Council during a meeting, drawing to the attention of the Chair a breach of the Rules of Procedure. Must deal with a matter that is currently on agenda.
- (a) Breaches of the rules of order of Council;
  - (b) Difficulty in continuation of the meeting;
  - (c) Improper, offensive or abusive language;
  - (d) Notice that the discussion is outside the scope of the motion or the notice of motion;
  - (e) Irregularities in the proceedings.
- (19) **“Point of Procedure”** means a question directed to the Mayor to obtain information on a matter of the rules of the Council bearing on the business at hand, in order to assist a Member to make an appropriate motion, raise a point of order, understand the situation or the effect of a motion.
- (20) **“Presiding Officer”**
- (a) Council Meetings - The Mayor shall preside at all meetings. In his/her absence the Deputy Mayor shall preside. If both the Mayor and Deputy Mayor are absent from the meeting then a Member of Council shall be appointed from among the Members in attendance to preside at the meeting. In this instance the Clerk shall open the meeting and call for nominations from among the Members of Council to select a Presiding Officer for the meeting or until the arrival of the Presiding Officer.
  - (b) Planning Advisory Committee Meetings - The Deputy-Mayor shall preside at all meetings. In his/her absence the Mayor shall preside. If both the Deputy Mayor and Mayor are absent from the meeting then a Member of Council shall be appointed from among the Members of Council in attendance to preside at the meeting. In this instance the Clerk shall open the meeting and call for nominations from among the Members in attendance to select a Presiding Officer for the meeting.
  - (c) Committees Meetings - The appointed Chairperson shall preside at all meetings. In the absence of the Chairperson then a Chair for the meeting shall be selected by the Membership by having the Staff Person present call for nominations from among the Members present.
- (21) **“Quorum”** subject to any other applicable statutory provisions, is:
- (a) in the case of Council, a majority of Council Members;
  - (b) in the case of a Committee, a majority of Committee Members.
- The Mayor if present, is a Member to be included in determining a quorum.
- (22) **“Recorded Vote”** means the recording of the name and vote of every Member voting on any matter or question.

- (23) **“Resolution”** means a formal determination made by the Council or a Committee on the basis of a motion, duly placed before a regularly constituted meeting of the Council or a Committee for debate and decision, and duly passed.
- (24) **“Rule or Rules of Procedure”** means the rules and regulations provided in this By-law.
- (25) **“Special Enquiry”** includes a request for detailed investigative, statistical or technical information or study.
- (26) **“Special Meeting”** means a meeting other than a regular scheduled meeting called pursuant to the Act or the provisions of this By-law.
- (27) **“Township”** means the Corporation of the Township of McNab/Braeside.
- (28) **“Two-thirds vote”** means the affirmative vote of at least two-thirds of the Members present and eligible to vote.
- (29) **“Workshop”** means a meeting of Council, intended for all members of Council, for the purpose of:
- (a) receiving a briefing on municipal business;
  - (b) discussing emerging priorities and issues, including strategic planning; and,
  - (c) training purposes; and which shall be conducted in accordance with Section 9 of this by-law.

## **PART II - DUTIES/PRIVILEGES/RESPONSIBILITIES**

### **3. PRESIDING OFFICER**

The Presiding Officer shall:

- (1) open the meeting of Council by taking the Chair and calling the Members to order;
- (2) make such remarks as is fitting for the information or assistance of the Council;
- (3) receive and submit, in the proper manner, all motions presented by the Members of Council;
- (4) put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings and announce the result;
- (5) decline to put to vote motions which infringe upon the Rules of Procedure;
- (6) enforce, on all occasions, the observance of order and decorum among the Members; to call by name any member persisting in breach of the rules or order of the Council or the board/committee thereby ordering the member to leave the meeting; to expel from a meeting anyone who engages in improper conduct; 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 leave the meeting where such behaviour persists;
- (7) authenticate, by his/her signature, when necessary all by-laws, resolutions, and minutes of the Council;
- (8) inform the Council, when necessary, or when referred to for the purpose of a point of order of usage;
- (9) represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- (10) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- (11) adjourn the meeting, when the business is concluded; to adjourn the meeting without question in the case of grave disorder arising at the meeting;

## **PART III - COUNCIL**

### **4. VACANCIES**

- (1) In accordance with Section 259 of the Municipal Act, 2001 the office of a member of municipal council becomes vacant if the member:
  - (a) becomes disqualified from holding the office of a member of Council under Section 256, 257 or 258 of the Municipal Act, 2001;
  - (b) fails to make the declaration of office before the deadline in Section 232;
  - (c) is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council;
  - (d) resigns from his or her office, and the resignation is effective under Section 260;
  - (e) is appointed or elected to fill any vacancy in any other office on the same Council;
  - (f) has his or her office declared vacant in any judicial proceedings;
  - (g) forfeits his or her office under this or any other Act, or;
  - (h) dies, whether before or after accepting office, and making the prescribed declarations.

- (2) A member of a Municipal Council may resign from office by providing notice in writing, to be filed with the Clerk. Exception to above, a resignation is not effective if it would reduce the number of members of the Council to less than a quorum, and if the member resigning from office is a member of the upper tier Council, the resignation is not effective if it would reduce the number of members of either Council to less than a quorum.

#### 5. **INAUGURAL MEETING**

- (1) The Inaugural meeting of the Council following a regular election shall be held on the first Monday in December at 7:00 p.m. in the Township Council Chambers or at such alternate location as may be named by Council.
- (2) At the inaugural meeting, all members present shall make their declaration of office, and no regular business shall be proceeded with at this meeting.

#### 6. **REGULAR MEETINGS**

Council shall meet on the first and third Tuesday of each month of the year at 7:00 p.m. in the Township Council Chambers unless by way of resolution the Council selects an alternate meeting date, time or another location.

#### 7. **PLANNING ADVISORY COMMITTEE MEETINGS**

Planning Advisory Committee shall meet on the second Tuesday of each month of the year at 7:00 p.m. in the Township Council Chambers unless by way of resolution the Committee selects an alternate meeting date, time or another location.

#### 8. **SPECIAL MEETINGS**

- (1) A special meeting of the Council will be convened:
  - (a) upon being summoned by the Mayor ; or
  - (b) upon receipt of the petition of the majority of the Members of Council.
- (2) Upon receipt of the petition, the Clerk shall summon a special meeting for the purpose(s) and at the time stated in the petition.
- (3) The Mayor may at any time summon a special meeting of the Council and it shall be his/her duty to summon a special meeting whenever so requested by a majority of the members of Council. Forty-eight (48) hours' notice shall be necessary for all special meetings of Council.
- (4) A special meeting of Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such a meeting.
- (5) It shall be the responsibility of the Clerk or his/her representative to forward all notices and agendas for the regular and special Council meetings.
- (6) Notwithstanding this section, on urgent and extraordinary occasions with the consent of the majority of all Members of Council, recorded in the minutes, an emergency special Council meeting may be called by the Mayor without notice to consider and deal with such urgent and extraordinary matters.

#### 9. **WORKSHOPS**

- (1) A workshop may include open session and closed session business in accordance with the rules of the Procedure By-Law, council policy and applicable legislation.
- (2) Upon confirmation that the workshop is to proceed, the Clerk shall give notice to all members of Council in accordance with this by-law regarding the subject, date, time and location of the workshop.
- (3) Preparation of an "agenda" will be dependent on the subject of the workshop. The Clerk shall keep a copy for the public record and public inspection.
- (4) Notice of the workshop subject, date, time and location will be made available to the public in accordance with Section 20 of this by-law and comply with any additional requirements set out in Council policy or by-law.
- (5) After notice of the workshop has been provided, no new matters will be added to the "agenda" since the appropriate notification will not have been given in accordance with this by-law.
- (6) Quorum of Council is not required for the workshop to proceed.
- (7) The Clerk will prepare a summary from the workshop, and any public session minutes will be made available to the public for review if a request is received.

- (8) Any member of the public who does attend, will be permitted to observe the workshop during public session.
- (9) No Council decisions shall be made at a workshop. Any matter requiring a decision shall be reported back to Committee of Council or Council for consideration and approval.

10. **LOCATION OF MEETING**

All the meetings of the Council will be held in the Council Chambers in the Township Administration Building, 2508 Russett Drive, R.R. #2, Arnprior Ontario or at such place as the Council may from time to time determine.

11. **POSTPONEMENT OF REGULAR MEETINGS**

- (1) A Regular meeting may be cancelled or postponed to a day named by the Presiding Officer, with notice given through the Clerk's office two clear days in advance of the regular meeting, excluding Sundays and holidays.
- (2) The postponed meeting shall be held at the hour and place provided in the notice.

12. **MEETINGS OPEN TO THE PUBLIC**

Subject to Section 239, the meetings of the Council and/or Committees shall be open to the public and no person shall be excluded therefrom, except for improper conduct. Subject to Section 241(2) the Mayor or Presiding Officer may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

13. **MEETINGS CLOSED TO THE PUBLIC**

- (1) Council, Committee or a Local Board may go into Closed Session, referred to as In Camera, by passing of a motion which shall state:
  - (a) the fact of holding the in camera session;
  - (b) the general nature of the matter to be considered during the Closed Session as provided in the *Municipal Act*.
- (2) Upon passage of a motion as above, all members of the media and the public shall be required to leave the room. The Clerk or his/her designate is required to attend all closed sessions. Any additional members of staff or consultants required for the purpose of the deliberations may be requested to attend the closed session.
- (3) If a member wishes to introduce new business at a closed meeting, it shall only be introduced in open session after the roll call while Council is still in the chambers. When the Council resolves into a closed session, the member shall expand further on the nature of the new business and the majority of Council shall determine, by vote, as to whether the matter shall be dealt with in camera that meeting. There shall be no debate on the issue until the motion to deal with the new business has been decided in the majority.
- (4) Subject to Section 239 (2) a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - (a) the security of the property of the municipality 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.
- (5) A meeting shall be closed to the public if the subject matter relates to the consideration of 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.
- (6) Subject to subsection 5, a meeting shall not be closed to the public during the taking of a vote.
- (7) Despite Section 244 of the *Municipal Act, 2001*, a meeting may be closed to the public during a vote if,
  - (a) subsection 1 or 2 permits or requires a meeting to be closed to the public; and

- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or local board or persons retained by or under contract with the municipality or local board. There shall be no recorded votes at a closed meeting.
- (8) Subject to the *Municipal Freedom of Information and Protection of Privacy Act* no member of the current Council or a former Council shall disclose any personal information or other information which reveals the substance of deliberations of Council in closed session. Any current or former member who discloses such information may be subject to the penalty under the Act.
- (9) Any recommendation or direction arising from the closed session shall be in the form of motions and shall come forward immediately upon rising. Each motion shall identify the general nature of discussion and instructions without revealing any confidential security, personal or legal matters.
- (10) Recordings will be kept of any meeting or part of any meeting of Council, or any Committee that is closed to the public. Recordings will be without note or comment.

#### 14. **CONFIDENTIAL DOCUMENTATION**

- (1) All information, documentation or deliberations reviewed or taken in a closed meeting is confidential.
- (2) The Clerk shall distribute and collect back all confidential reports and material for closed sessions. If a member determines that he or she has a potential Pecuniary or Conflict of Interest, he or she shall return the materials to the Clerk. The Clerk shall note in the minutes and destroy the documents.
- (3) The recommendations shall not be printed on the agenda; however the agenda shall include a general outline of the item being discussed.
- (4) The response of members to inquires about any matter dealt with at a closed session, prior to it being reported publicly, shall be "no comment" or words to that effect. No member shall release to the public any information considered at closed session or discuss the content of such a meeting with persons other than members of council or relevant staff members.
- (5) Any violation of this regulation may result in exclusion of the offending member from future closed sessions, and that member no longer being provided with correspondence, materials or information proposed to be dealt with by Council at a closed session.
- (6) The determination of whether or not a violation of the closed meeting provisions of this By-Law and the length of the exclusion from closed sessions, if so determined, shall be made by Council, and the issue shall be considered by Council prior to the affected member or members being excluded from any closed session. The results of Council's deliberations shall be reported out publicly.
- (7) If the purported violation of the closed session provisions of this by-law by more than one member is to be considered, a separate resolution of Council with respect to each affected member is to be adopted. The member affected shall not be permitted to vote on a motion respecting his or her purported violation of the closed session.
- (8) Any member who contravenes Section 14(4) of this By-law is guilty of an offence and upon conviction may be liable to a fine or penalty as provided for in the Provincial Offences Act.
- (9) Despite Section 14(8) of this By-law, no member shall be convicted for a contravention of Section 14 (5) of this By-law if the contravention was through inadvertence.
- (10) No prosecution for a contravention of Section 14 (4) of this By-law shall be commenced except on the direction of Council, expressed in a resolution of Council.
- (11) Any decision to prosecute a member of Council shall only be made after Council has met to consider the matter, at which time the member proposed to be prosecuted may be present and shall have the option of attending with legal counsel, it being understood that whether Council meets in closed session or in open session shall be determined by the Member under investigation.

#### 15. **ADJOURNED MEETINGS**

The Council shall adjourn at 10:00 p.m. if it is then in session, and shall reconvene at the hour, day and place determined in a resolution of Council passed by a majority of the whole of the members thereof, where the unfinished business of the preceding meeting shall be transacted.

#### 16. **COMMENCEMENT OF MEETING**

As soon as there is a quorum after the hour set for meeting, the Presiding Officer shall take the chair and call the Members present to order.

**17. ATTENDANCE**

Every member of Council and every municipal employee, as directed by the Clerk, shall attend each meeting of Council or shall advise the Clerk of his/her inability to attend.

**18. NO QUORUM AT BEGINNING OF THE MEETING**

- (1) If no quorum is present to enable a meeting to commence thirty minutes after the time fixed for a meeting of the Council, the Clerk shall call the roll and record the names of the Members present and the Members will stand discharged from waiting further.
- (2) If a meeting does not take place because of the lack of a quorum under subsection (1), the Council will meet at the next regularly scheduled meeting of the Council, or at such other time and place as the Presiding Officer shall announce.

**19. UNFINISHED BUSINESS - QUORUM LOST**

If during the course of a meeting a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the next regularly scheduled meeting of the Council, or at such other time and place as the Presiding Officer shall announce.

**20. NOTICE AND AGENDA OF COUNCIL AND COMMITTEE MEETING**

- (1) A notice of meeting(s) shall be prepared and distributed at least forty-eight hours prior to the planned meeting. A copy of such notice shall be posted in the lobby of the Township office. The notice of meeting(s) shall include an agenda for the meeting and related information and supporting material.

The notice and agenda will be distributed according to the following list:

- Mayor
  - All Council Members
  - Senior Administrative Staff (in attendance at meeting)
  - Those who have requested a copy or any other interested party as determined by the Clerk and/or Council.
- (2) The Clerk shall provide notice to the public and the media of all meetings of Council or Committee, workshops, agendas, cancellations and rescheduling by posting on the Township web site within 48 hours and by distributing copies upon request; and by posting a copy of meeting or workshop notices in the municipal office within 48 hours. 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. No business except the business dealing directly with the purpose mentioned in the Notice shall be transacted at any Special Meeting.
  - (3) Notwithstanding any other provision of this By-Law, an Emergency Meeting may be held without written Notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the Meeting as soon as possible and in the most expedient manner available. No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.
  - (4) Lack of receipt of a Notice or of the Agenda by the members shall not affect the validity of the Meeting or any action taken there at.

**21. COUNCIL CHAMBER**

No person except a Member of Council or an authorized employee of the Township shall, before or during a meeting of Council, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the CAO/Clerk.

**PART IV - INAUGURAL MEETING****22. AGENDA**

At the inaugural meeting of the Council, the agenda shall be as follows:

- (1) Call to Order & Roll Call
- (2) Disclosure of Pecuniary Interest
- (3) Members Oath of Office

- (4) Mayor's Address
- (5) Appointment of Committees
- (6) Matters Incidental to any of the above
- (7) Adjournment

## **PART V - ORDER OF PROCEEDINGS**

### **23. CALL TO ORDER**

Meetings shall be called to order as soon as a quorum is reached. Where a quorum is not present within thirty minutes after the hours fixed for a meeting, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the next meeting.

### **24. AGENDA**

- (1) The Clerk shall prepare a printed Agenda under the following headings for the use of the Members at the regular meetings of the Council:

- (1) Call to Order and Roll Call
- (2) Disclosure of Pecuniary Interest and the General Nature Thereof
- (3) Adoption of the Agenda
- (4) Delegations and Presentations
- (5) Matters Arising out of Delegations Heard
- (6) Adoption of Previous Council Minutes
- (7) Reports of Committee of Council and other Boards, Committees and Commissions
- (8) Information Items
- (9) Motions
- (10) Unfinished Business
- (11) New Business
- (12) Notice of Motions
- (13) Public Questions/Comments
- (14) Closed Meeting Session
- (15) By-Laws
- (16) Notice of Council Meeting Dates
- (17) Confirmatory By-Law

- (2) Conclusions of discussions held by committees (including motions presented by the members and voted upon) shall be summarized in resolutions or recommendations which will be presented to the Council at its next session.
- (3) The Council shall not consider any item that is not listed on the agenda at the meeting unless agreed to by a majority vote of the members present.
- (4) For special meetings, the agenda will be prepared by the Clerk as directed by the Mayor and if the meeting is called by a petition of the majority of the members, the agenda will be prepared by the Clerk for the purpose stated in the petition.
- (5) Any item which is not on the agenda as printed, but has been determined by the Clerk to be of a nature which requires Council's attention prior to the next scheduled meeting, may be added by amendment to the agenda at the discretion of the Clerk.
- (6) The business of Council shall be considered in the order set forth on the agenda. The Presiding Officer with the approval of Council, may vary the order in which the items are presented to better deal with matters before Council.

### **25. DELIVERY OF AGENDA TO MEMBERS**

- (1) Not less than forty-eight (48) hours in advance of each regular meeting of the Council, the Clerk shall cause the following to be delivered to each Member:
  - (a) agenda;
  - (b) copy of each Committee report to be considered; and
  - (c) copy of each motion from other bodies to be considered for support or endorsement.
- (2) Items received after the agenda package has been distributed may be introduced as an amendment to the agenda.

- (3) The agenda for a regular Council meeting shall be posted on the Township web site twenty-four hours in advance of the Council meeting.
- (4) Public and media agenda packages are prepared prior to a Council meeting exclusive of any confidential reports.

## 26. MINUTES

- (1) The Clerk shall record in the minutes, without note or comment all resolutions, decisions, and other proceedings of the Council. Minutes of preceding meetings of the Council or committees shall be made available at least forty-eight hours prior to the next meeting.  
The minutes shall record:
  - (a) the place, date and time of meeting;
  - (b) the names of the Presiding Officer, Members and Staff present, late arrivals and early departures of Members and Staff;
  - (c) errors omissions, corrections and the adoption of the minutes of prior meetings,
  - (d) any motions made whether they are carried or lost;
  - (e) any recommendations that are made to the Council;
  - (f) all other proceedings of the meeting without note or comment, including all resolutions and decisions.
- (2) The Council minutes shall be adopted by the Council without being read out loud at the meeting. When the minutes have been confirmed, they shall be signed by the Mayor and the Clerk.
- (3) It shall be the duty of the CAO/Clerk to ensure that the minutes of the last ordinary meeting and all subsequent special meetings are prepared and distributed to all of the members.
- (4) Committee minutes shall be forwarded to the Council. It shall not be necessary to have the minutes read where copies thereof have been provided to members of Council with the agenda.

## 27. COMMUNICATIONS AND PETITIONS

- (1) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain obscene or improper language and shall be signed by at least one person, including address and telephone number and filed with the Clerk.
- (2) All written communications on any subject within the jurisdiction of the Council shall, on presentation, be referred to the proper committee by the Mayor and any Member may move that the said communication be referred to a select committee.

## 28. DELEGATIONS

- (1) Any group, or agent representing a group, desiring to address the Council shall notify the Clerk in writing of such intention, five (5) days prior to the date of the meeting, shall specify the nature of the business to be discussed and name the delegate who will address the Council. Any delegation that intends to distribute any reports or supporting documentation shall provide same to the Clerk with the request in order that the material can be circulated with the agenda. Failure to comply with the above requirements may result in the request being refused. The Clerk shall advise of the approximate time the delegate will be heard.
- (2) Delegations not listed on the agenda may be heard provided a majority of the Members present vote to hear the delegation. Where a matter to which an individual or group wishes to speak is not on the Agenda, the matter may be placed on the Agenda of the next meeting.
- (3) Delegations shall be limited to a maximum of fifteen (15) minutes inclusive of questions and answers. The Delegation may be extended with the approval of the majority of Council or Committee Members.
- (4) Members of the public who constitute the audience in the Council Chamber during a Council meeting shall maintain order and quiet and may not:
  - (a) address the Council except upon request of the Chair with Council approval and with the restriction of 2 minutes;
  - (b) interrupt any speech or action of the Members of Council, or any other person addressing the Council;
  - (c) display or have in their possession, picket signs or placards in the Council Chamber or Meeting Rooms or Township property.
- (5) No Member shall question staff during delegations being made by a member of the public except to invite comment.

- (6) No Member shall interrupt a debutant while they are addressing, except on a point of order, or if the Mayor deems it necessary to advise them of the time limitations.
- (7) Members may ask questions following the completion of the delegation, but shall not enter into a debate with the delegate.
- (8) Delegations shall conduct themselves with decorum at all times and shall refrain from using any slanderous or abusive statements or behaviour. If the Mayor determines that decorum has been breached, the delegation will be immediately stopped and the offender provided an opportunity to retract their statement and apologize to Council or Committee. If the person(s) does not comply after being warned, the Mayor shall recess the meeting until the individual(s) leave the Chambers, or until a peace officer removes the offender from the Chambers, after which time the meeting will be reconvened.
- (9) No delegation may be scheduled for closed session, nor shall delegations be permitted regarding any specific personnel matters.
- (10) Requests from delegations who have previously addressed Council or Committee at a regular meeting within the last six (6) months on a particular item shall not be granted unless there is new information to present, in addition to what they have previously presented. Such proof shall be submitted to the Clerk in writing. If Council does not believe the written submission provides new information, the submission shall be deemed as an information item.
- (11) No person will be permitted to address Council with respect to a specific labour/management dispute, nor will a brief respecting such dispute be listed on a Council Agenda. A written brief by any person with respect to labour negotiations or labour/management disputes may be distributed for information purposes only.
- (12) No person will be permitted to address Council relating to any litigation matters with respect to the Township.
- (13) Members of the public who constitute the audience at a meeting, shall not:
  - (a) address Council or Committee without permission;
  - (b) bring food or beverages into the Council Chamber or meeting room unless so authorized;
  - (c) bring signs, placards or banners into such meetings; or
  - (d) engage in any activity or behaviour that would affect the Council or Committee deliberations.
- (14) The Chair may call upon the Clerk to seek the appropriate assistance from security or police to remove members of the public, if necessary.

## 29. PRESENTATIONS

A person may appear before Council for the purpose of presenting or receiving a gift or recognition provided that the person or their representative submits a request in writing to the Clerk describing the nature and purpose of the presentation. Notwithstanding paragraph above, the Council may for any reason deemed appropriate refuse to permit a presentation.

## 30. ENQUIRIES AND ANSWERS

- (1) Any special enquiry made at a meeting of the Council or of a Committee must be submitted in writing, signed and given to the CAO/Clerk.
- (2) The Clerk shall respond to the enquiry in accordance with the procedure found in the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
- (3) Should the request involve extraordinary staff research time and production costs, the Council or the Committee will be advised and the request will proceed subject to Council approval.
- (4) The response to the special enquiry will be distributed to all Members of Council or of the Committee at which the enquiry was made.

## PART VI - RULES OF CONDUCT AND DEBATE

### 31. ADDRESS THE CHAIR

Any Member desiring to speak, shall so signify their intent in such a manner as the Presiding Officer may direct, and, upon being recognized by the Presiding Officer will address the Chair.

**32. ORDER OF SPEAKING**

When two or more Members signify their desire to speak, the Presiding Officer will recognize the Member who, in his/her opinion, signified first and next recognize the other Member(s).

**33. CONDUCT OF MEMBERS AT COUNCIL MEETINGS**

No Member shall:

- (1) speak until he/she has been recognized by the Presiding Officer;
- (2) disturb another Member, or the Council itself, by any disorderly behavior disconcerting to any Member speaking;
- (3) use offensive, insulting or indecent words during the Council or Committee Meetings against the Council or staff or attend a meeting in a condition unfit to conduct business;
- (4) speak on any subject other than the subject in debate without the permission of the Mayor or Presiding Officer;
- (5)
  - (a) disobey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith order the Member to leave his/her seat for the duration of the meeting of Council;
  - (b) should an appeal of the Chair's decision be put, the Chair shall immediately put the question, no amendment, adjournment or debate being allowed, "that such Member be allowed to retain his/her seat for the duration of the meeting of Council". A majority vote of the Members of Council present and voting is required to overturn the Chair's Ruling that the Member be expelled;
  - (c) if the member apologizes, the Chair may permit him/her to resume his/her seat;
  - (d) in the event that a member persists in a breach of the rules after having been called to order by the Chair, the Chair may put the question "Shall the member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable. If the Council decides the question of removing a member in the affirmative, by a majority vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting;
  - (e) if the member apologizes, the Chair, with the approval of a simple majority of Council, may permit him/her to resume his/her seat;
  - (f) if a member does not leave his/her seat after being ordered to do so by the Chair in accordance with this by-law and if the member does not apologize in accordance with the above section, then the Chair shall seek the appropriate assistance;
- (6) leave his or her place on adjournment until the Presiding Officer leaves the Chair;
- (7) walk across or out of the chambers or make any noise or disturbance when the Presiding Officer is putting a question or while a vote is being taken and until the result is declared;
- (8) criticize or debate any prior decision of the Council except to conclude such remarks with a motion to reconsider the decision by way of a motion that may only be made once and only by a member who previously voted on the side of the majority;
- (9) reveal publicly the substance of any matter dealt in closed session;

**34. POINT OF PRIVILEGE**

Where a Member considers that his or her rights, immunities or integrity or the rights, immunities or integrity of the Council as a whole has been impugned, the Member may, as a matter of personal privilege, speak at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council to the matter. Members may not rise on a Point of Privilege to correct reports of their speeches or to comment on allegedly inaccurate statements in the news media, since they properly are personal complaints and not Points of Privilege.

**35. POINTS OF ORDER (must deal with a matter that is currently on the agenda)**

- (1) A Member who desires to address the Council upon a matter which concerns the rights or privileges of the Council collectively, or as an individual Member, shall be permitted to raise such matter of privilege. A breach of privilege is a wilful disregard by a Member or any other person of

the rights, integrity, dignity and lawful authority of the Council. A point of privilege shall take precedence over other matters. When a Member raises a point of privilege, the Chair or Presiding Officer shall rule on the point of privilege, and no one will be considered to be in possession of the floor.

- (2) A Member who desires to call attention to a violation of the Rules of Procedure shall ask the Chair to raise a point of order. When leave is granted, the Member shall state the point of order with a concise explanation and will follow the decision of the Chair. The speaker in possession of the floor when the point of privilege was raised will have the right to the floor when the debate resumes.
- (3) A Member called to order by the Chair shall immediately remain in his/her seat until the point of order is dealt with, and will not speak again without the permission of the Chair unless to appeal the ruling of the Chair.

### 36. **APPEAL**

- (1) The decision of the Chair is final, subject to an immediate appeal, requested and seconded, to the Members of Council.
- (2) If the decision is appealed, the Chair shall give concise reasons for a ruling, and the Council, if so appealed to, shall call a vote, without debate on the following question: Will the Chair be sustained?, Council's decision is final.

### 37. **MEMBERS SPEAKING**

- (1) When a Member is speaking, no other Member will pass between the Member and the Presiding Officer or interrupt the Member except to raise a point of order.
- (2) Speak more than once to the same question, except:
- (3)
  - (a) in explanation of a material part of his or her speech which may have been interpreted incorrectly; or
  - (b) with leave of Council, after all other members so desiring have spoken; or
  - (c) a reply may be allowed by leave of the Chair to the member who presented the motion in which case he or she shall speak for no longer than five minutes period without leave of Council;
  - (d) Any Member may speak more than once to the same question with leave of the Chair.

### 38. **SEATING ARRANGEMENTS**

The Deputy Mayor shall sit to the right of the Mayor and remaining seats shall be filled in order of votes polled.

### 39. **DISCLOSURE OF CONFLICT OF INTEREST**

In accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, any member who, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or local board at which the matter is to be considered, the member:

- (1) shall, prior to any consideration of the matter at the meeting, disclose that they have an interest and the general nature of the interest;
- (2) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (3) shall not attempt in any way before, during or after the meeting, to influence the voting on such matter.

Members of Council will state verbally their Disclosure of Pecuniary Interest and the General Nature Thereof. The Clerk will record the statement in the minutes of the meeting.

### 40. **QUESTION READ**

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.

**41. TIME LIMITED**

No Member, without leave of the Chair, shall speak to the same question, or in reply, for longer than five minutes.

**42. QUESTION PUT - NO FURTHER DEBATE**

After any question is put by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the result is declared, and the decision of the Chair as to whether the question has been put, is conclusive.

**43. MEMBERS QUESTIONS**

- (1) A Member may ask a question to the Chair for the purposes of obtaining information relating only to the matter under discussion and such question must be cited succinctly.
- (2) When questions are called for on the Agenda or a specific item is under discussion, enquiries may be made of the Chair, or through the Chair to any Member of Council, the Chief Administrative Officer, or any Department Head, concerning any matter connected with the business of the Township. However, no argument or opinion is to be offered, or facts stated, except as may be necessary to explain same. In answering or putting any such question, a Member is not to debate the matter to which the question refers.

**PART VII - VOTING DURING COUNCIL MEETINGS****44. SECRET BALLOTS**

No vote shall be taken during a meeting of the Council by secret ballot or other form of secret vote. Except a vote to elect the Mayor.

**45. ALL MEMBERS VOTE**

Every Member present at a meeting of the Council, when a question is put, shall vote thereon unless excused as provided for in Section 53 (Pecuniary Interest), in which case it shall be recorded. Any Member who refuses to vote shall be recorded as voting in the negative.

**46. UNRECORDED VOTE**

The manner of determining the decision of the Council on a motion is at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.

**47. SEVERABILITY OF QUESTION**

When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition shall be taken separately.

**48. RECORDED VOTE**

- (1) Any Member, prior to or immediately subsequent to the taking of the vote, may require that the vote be recorded.
- (2) When a recorded vote is requested by a Member on any matter or question, the Clerk shall call each Member by name and such Member shall announce his/her vote openly.
- (3) The Members shall be called by seating order counter clockwise starting with the individual Council Member that moved the motion.
- (4) When a vote is taken, and no dissent is declared, such vote is deemed to be unanimously in favour of the question approved.
- (5) If a vote is to be recorded as herein provided, the Clerk shall announce the decision, and record them in the minutes.

**49. DISAGREEMENT WITH THE RESULT OF THE VOTE**

If a Member disagrees with the announcement of the Chair that a question is carried or lost, the Member may, but only immediately after the declaration by the Chair, object to the Chair's decision and require a recorded vote to be taken.

**50. TIE VOTE**

A motion on which the voting results in a tie shall be declared lost.

**51. VOTING**

When the Chair calls for the vote on a question, each Member shall occupy their seat until the result of the vote has been declared by the Chair, and during such time, no Member shall walk across the room or speak to any other Member or make any noise or disturbance. A Member who is absent from his/her seat when the vote is called does not have the right to vote.

**52. PECUNIARY INTEREST**

- (1) Notwithstanding the provisions of Section 46, if a Member of Council present at a meeting desires to refrain from voting by reason of a pecuniary interest, he/she shall abide with the provisions of the applicable "Conflict Of Interest" legislation.
- (2) It shall be the duty of the Clerk and the Secretary of the Committee, as the case may be, to record in the minutes of the meeting, every oral declaration of interest.

**PART VIII - RESOLUTIONS AND MOTIONS****53. READING**

Every motion when seconded shall be received and read by the CAO/Clerk, except as provided for by the Rules of Procedure.

**54. WITHDRAWAL**

After a motion has been duly moved and seconded, it shall be deemed to be in the possession of the Council, and it may only be withdrawn before decision or amendment with the permission of the Council.

**55. NO DEBATE UNTIL READ**

No Member shall speak on any motion until it is first read, and the mover is entitled to speak first if the Member so elects. If debated, the question or motion shall be read again before being put.

**56. MOTIONS RULED OUT OF ORDER**

Whenever the Chair is of the opinion that a motion is contrary to the Rules of Procedure, the Chair shall rule the motion is out of order.

**57. NOT WITHIN THE JURISDICTION OF THE COUNCIL**

A motion or resolution which requires the exercise of a power or powers by the Council which are not within its jurisdiction, shall not be in order.

**58. INTRODUCTION OF MOTIONS**

- (1) The following matters and motions with respect thereto may be introduced orally without notice and without leave, except as otherwise provided by these Rules of Procedure:
  - (a) a point of order or a point of privilege;
  - (b) to move the adoption of a committee report;
  - (c) to move the question to be put;

- (d) to adjourn;
  - (e) to adjourn and resume to sit as a Committee or Closed Session.
- (2) The following motions may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:
- (a) to refer;
  - (b) to table, or to postpone, or defer to a day certain;
  - (c) to amend;
  - (d) to suspend the Rules of Procedure;
  - (e) any other procedural motion.
- (3) Except as provided for in subsection (1) hereof, all motions shall be in writing and signed by the mover and seconder.
- (4) All motions may be supported or opposed by the mover and seconder.
- (5) No motion made in open Council shall be debated or voted on unless the same is seconded.
- (6) There shall never be more than one motion before the Council at one time.
- (7) When the motion under consideration contains two or more proposals, the same shall, at the request of any Member of Council, be voted on separately.
- (8) The Clerk shall note the date on each motion, along with the results of the vote.
- (9) Any Member may require the motion under discussion to be read a second time for his/her information, at any time of debate, but not so as to interrupt a Member speaking.
- (10) No member shall introduce any item to the Council for its consideration unless:
- (a) the item relates to a matter on the Agenda for that meeting; or
  - (b) the matter is of an urgent nature and leave is granted on a majority vote.

#### 59. **ORDER OF CONSIDERATION**

- (1) When a motion is under consideration, no motion shall be received except a procedural motion or motion to amend.
- (2) Procedural motions shall be considered immediately upon receipt and shall have precedence and are subject to debate as follows:
- (a) to extend the time of the meeting (not debatable);
  - (b) to move the question be put (not debatable);
  - (c) to refer (debatable);
  - (d) to lay on the table (not debatable);
  - (e) to defer indefinitely or to a day certain (debatable);
  - (f) to adjourn (not debatable);
  - (g) any other procedural motion (debatable).

#### 60. **AMENDMENT**

- (1) A motion to amend:
- (a) shall be presented in writing;
  - (b) shall be relevant and not contrary to the principle of the report or motion under consideration;
  - (c) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the main issue which was the subject matter of the question;
  - (d) the amendment shall be voted on before the main motion.
- (2) Only one amendment shall be before the meeting at one time. An amendment to an amendment shall not be permitted.
- (3) Friendly amendments will be permitted orally with the approval of mover and seconder and subject to additional reading.

#### 61. **MOTION TO PUT THE QUESTION**

A motion to put the question (to close the debate):

- (a) must be seconded;
- (b) is not debatable;
- (c) cannot be amended;
- (d) cannot be moved when there is an amendment under consideration.

**62. MOTION TO REFER**

- (1) A motion to refer to a Committee, Board, Official or Commission until it is decided, shall preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table.
- (2) A motion to refer is debatable.

**63. MOTION TO LAY ON THE TABLE**

- (1) A motion simply to lay a matter on the table is undebatable and cannot be amended.
- (2) A motion to lay on the table with some condition, opinion, or qualification added to the motion to table shall be deemed to be a motion to postpone or defer.
- (3) The matter tabled shall not be considered again by the Council until a motion has been made to take up the tabled matter at the same or subsequent meeting of the Council or until such time as was identified in the motion to table.
- (4) A motion to take up a tabled matter is not subject to debate or amendment.
- (5) A motion that has been tabled at a previous meeting of the Council cannot be lifted off (withdrawn) the table unless notice is given.
- (6) A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn.

**64. MOTION TO POSTPONE OR DEFER**

- (1) A matter postponed or deferred to a definite date shall have precedence over all other business on such date.
- (2) A motion to postpone or defer indefinitely shall be treated as if it was a motion to lay on the table.

**65. NOTICE OF MOTION**

- (1) A Notice of Motion shall:
  - (a) be in writing;
  - (b) include the name of the mover and seconder;
  - (c) shall be made as an agenda item of Council.
- (2) When a Member's notice of motion has been called from the Chair and it has not proceeded with, it shall be dropped from the Agenda and it shall be deemed to have been withdrawn.

**66. RECONSIDERATION**

- (1) A substantive resolution, By-law or any question or matter that has previously been adopted by the Council may be reconsidered by the Council subject to the following:
  - (a) a notice of motion, moved by a Member who voted in the majority on the question, must be introduced according to the procedures for notices of motion;
  - (b) debate on the question must be confined to reasons for or against;
  - (c) such motion must be supported by a majority vote of the Members of Council before the matter to be reconsidered can be debated;
  - (d) a vote to reconsider shall not be considered more than once in any twelve month period.

**67. MOTION TO ADJOURN**

- (1) A Motion to Adjourn:
  - (a) shall always be in order except as provided by the Rules of Procedure;
  - (b) when resolved in the negative, cannot be made again until after some intermediate proceedings have been completed by the Council;
  - (c) is not in order when a Member is speaking or during the verification of a vote;
  - (d) may be verbal;
  - (e) is not debatable.
- (2) A Motion to Adjourn without qualification, if carried, brings a meeting of the Council to an end.

- (3) A Motion to Adjourn to a specific time, or to reconvene upon the happening of a specific event, if carried, suspends the meeting of the Council to continue at such time.
- (4) No member shall leave his/her seat, on adjournment, until the Presiding Officer has left the chair.

#### **PART IX - BY-LAWS**

##### **68. READING OF BY-LAWS AND RELATED PROCEEDINGS**

- (1) Except as otherwise provided, no By-law shall be presented unless the subject matter has been considered and approved by resolution of the Council.
- (2) Every By-law shall be in writing and be introduced upon the recommendation of a Committee or upon resolution of Council.
- (3) The Clerk shall endorse on all By-laws enacted by the Council, the dates of the readings and the date of passage by Council.
- (4) Every By-law which has been enacted by the Council shall be numbered, dated, signed by the Presiding Officer and the Clerk, sealed with the seal of the Corporation and deposited in the office of the Clerk for safekeeping.

##### **69. CONFIRMATORY BY-LAWS**

Council shall at the end of each meeting prior to adjournment, pass confirmatory by-law to adopt, ratify and confirm each recommendation contained in a report of a Committee of Council, and in respect to each motion, resolution and any other action taken by Council at that meeting. The confirmatory by-law as presented to Council for adoption shall not be subject to debate other than for reason of completeness of the text of the by-law.

##### **70. PERMITS AND LICENSES**

Any business undertaking or planning to do something which affects the rights of the public directly or indirectly, may be required by by-law to apply to Municipal authorities for a permit or license to do so.

#### **PART X - COMMITTEES OF COUNCIL**

##### **71. PROCEDURE**

Except as otherwise provided herein, a Committee will conform to the Rules of Procedure governing protocol and procedures of the Council.

##### **72. ESTABLISHMENT/APPOINTMENT**

- (1) At the first sitting of Council in each year, immediately after communications, petitions, etc., having been read by the Clerk, the Mayor may select and appoint the Standing Committees and Ad Hoc Committees for the current year to the Council.
- (2) A Standing Committee may recommend such sub-committees as are necessary to discharge its mandate subject to Council approval.
- (3) The Standing Committees may be composed of designated Members of Council. The names of members required to serve including the Chair and Vice-Chair if necessary on each Standing Committee may be determined by the Mayor and approved by Council.
- (4) Ad Hoc Committees may be established by Council at any time as is deemed appropriate for the consideration of matters within the jurisdiction of the Council.
- (5) The names of members to be appointed to any Board, Commission or other body to which Council is required or empowered to appoint persons will be determined by Council. In order to respond in a timely and coordinated manner to issues of significance to the Corporation, the Mayor may appoint members of Council to any Board, Commission or other body which will require ratification by Council at the next regular meeting.
- (6) Members shall be entitled to compensation as may be determined from time to time by Council for their participation in the various committees, sub-committees, boards, ad hoc committees, etc. provided that Council has confirmed the appointments.

**73. TERMS OF REFERENCE**

- (1) Subject to the provision of any general or special act, the Council, in establishing any Committee, shall set forth the Terms of Reference of the Committee and such other provisions as Council deems appropriate.
- (2) Council may consider any matter without referring it to a Standing Committee or may refer it to one or more Committees and may withdraw a matter from a Committee whether or not the Committee has entered into consideration.

**74. GENERAL ROLE AND POWERS**

- (1) The role of any Standing Committee includes the following:
  - (a) to guide staff, through the CAO/Clerk, on the direction and nature of the policy development, fact-finding, analysis, and generation of alternatives required;
  - (b) to receive public delegations and establish mechanisms to receive further public input on vital public policy matters;
  - (c) to provide guidance and direction to staff through the CAO/Clerk where policy interpretation or clarification is required during the administration or implementation of policy; and
  - (d) to provide staff, through the CAO/Clerk with direction and guidance on policy and level of service priorities wherein the programs within the Committee purview may be refined to meet established budget targets.

**75. RESPONSIBILITIES OF THE COMMITTEE CHAIR**

The Chair of a Committee shall:

- (1) ensure that the Committee deals with policy issues effectively;
- (2) ensure public dialogue and communication on policy matters are effective and coordinated;
- (3) ensure the needs of the Committee for administrative support, analysis and advice are provided through the Office of the CAO/Clerk;
- (4) ensure that all Committee members are fully informed on all matters within the jurisdiction of the Committee and for the duties and responsibilities of the Committee;
- (5) liaise with the Council and communicate any matter within the knowledge of the Chair that is required to be communicated to another Committee.

**76. QUORUM**

- (1) A quorum in any Committee is the majority of the voting Members of the Committee as appointed by the Council, and the Mayor, if present, is a member to be included in determining the quorum.
- (2) Members of Council who are not Members of a Committee may attend meetings of the Committee, may with the consent of the Chair take part in the discussion but shall not be allowed to vote, nor shall they be remunerated.

**77. MEETINGS OF COMMITTEES**

- (1) Committees will meet at such time and place as the Committee Chair or Committee determines, subject to the direction of Council.
- (2) A meeting of any Committee shall be called by the CAO/ Clerk, upon instruction of the Committee Chair and Mayor.
- (3) In the case of any emergency and in the absence of the Committee Chair and/or the Mayor, a Committee meeting may be called by the Clerk in such a way as he/she may deem best with regards to any length of notice to the members.
- (4) The Mayor is ex officio, a member of every Committee. The Mayor may vote and participate in the business of the Committee, without any restriction, on the same basis as any other Committee member.
- (5) In the absence of the Committee Chair and Vice-Chair for a period of fifteen (15) minutes after the time appointed for the holding of a meeting of the Committee, one of the other members of the Committee, if there be a quorum present, may be appointed and discharge the duties of the Committee Chair during the meeting or until the arrival of the Committee Chair or Vice-Chair.
- (6) The Chair of the Committee may vote on any question before the Committee, and, in the event of an equality of votes the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.

- (7) If there is no quorum present thirty (30) minutes after the time appointed for the meeting, the meeting will stand adjourned at the call of the Committee Chair.
- (8) The Committee Chair will preside or alternatively the Vice-chair upon request of the Chair; in the absence of the Committee Chair, the Vice-Chair will preside, or in the absence of both, such other member of the Committee as may be appointed by the concurring vote of a majority of the members of the Committee present.
- (9) Committee will consider and report on such matters only as have been referred to them by the Council or such matters as come within their continuing Terms of Reference and jurisdiction.
- (10) Meetings will be open to the public.
- (11) Members of Council who are not Members of a Committee may attend open and closed Committee meetings and may with the consent of the Chair take part in the discussion, but shall not be allowed to vote nor shall they be remunerated.

#### **78. DUTIES OF COMMITTEES**

- (1) It will be the duty of each Committee to adhere to the transaction of all business to the rules governing the procedure of Council as prescribed by this By-law.
- (2) When a point of order is raised or when a member is called to order in a Committee, the same procedure will be adopted as in Council, except that the question will be decided by the Committee Chair, subject to an appeal to the members of the Committee.
- (3) Should the Chair of any Committee neglect or refuse to call meetings of the Committee at such times or with such frequency as the proper dispatch of the Committee's business requires, or do the business of the Committee without the knowledge or consent of its members, or contrary to their wishes or sanction, the Committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.
- (4) Should any Committee neglect or refuse to give due attention to any matter before it, the Council may by resolution, discharge such Committee and appoint another in its place.
- (5) When an Ad Hoc Committee has completed its work and submitted its final report, it dissolves automatically, unless otherwise directed by Council.
- (6) The CAO/ Clerk of the Council or an employee of the Corporation designated by the CAO/ Clerk, will be the recording secretary of the Committee.
- (7) Except as may be provided in the Act and herein, no member will have precedence or seniority over any other member.
- (8) Should a Member of a Committee decease, resign or be otherwise disqualified, the Council shall, by resolution declare his/her seat vacant. The Mayor shall appoint another Member to fill the vacancy.

#### **79. REPORTS OF COMMITTEES**

- (1) All Committees including Ad Hoc Committees, shall submit written reports on any subject or matter referred to by the Council or dealt with between meetings of Council, by Committee.
- (2) When it is required that the Council authorize, approve, confirm and cause to be implemented that which a committee has recommended, the recommendation shall be noted separately on the committee report to Council
- (3) Notwithstanding subsection (2) hereof, when a report deals with more than one subject matter and the Council is not prepared to adopt all the report, a separate vote should be taken with respect to each subject matter and any matter which is not adopted may be referred back to the Committee for further consideration.
- (4) Any Member of Council can request that items be separated for the purpose of the votes, or that items within the report can be separated from discussion for the purpose of declaring potential pecuniary interest.

#### **80. AGENDA IN COMMITTEES**

- (1) The Chair/Recording Secretary/Staff Member shall have prepared and printed for the use of the Members at the regular meetings of Committee an Agenda setting forth the business to be considered at such meeting. The items of business arising to be included on the Agenda will be developed under the direction of the Committee Chair.
- (2) The business of the Committee shall be considered in the order set forth on the Agenda, provided however, that the Chair, with the approval of the Committee, may vary the order of business to better deal with matters before the Committee.

**81. INFORMATION REPORTS**

- (1) A report may be forwarded to a Committee for information.
- (2) Notwithstanding that a report has been forwarded for information, motion(s) may be made by Members of the Committee for action to be taken on matters that arise from or are discussed in the report.
- (3) Motions made under subsection (2) hereof may be made at any meeting where the report is presented to the Committee.

**82. CONFIDENTIAL REPORTS**

- (1) Confidential reports distributed with the Agenda or handed out at the meeting shall be returned to the CAO/Clerk or his/her designate on the day of the meeting for shredding, unless it is determined by the CAO/Clerk that the confidential report can remain in the possession of the members.
- (2) Members shall retain amongst themselves the confidential information until such time as the Committee by majority vote agrees to release the information or part thereof.

**PART XI - GENERAL PROVISIONS****83. ELECTION**

Election campaign materials such as signs, buttons, brochures, etc from Municipal, Provincial and Federal campaigns are not allowed in the Council Chambers or in any location where Council or Committee Meetings are held. Following a regular or by-election, the Clerk shall provide each member of Council with a copy of this By-Law including any amendments thereto.

**84. NOTICE**

All notices or other communications shall be given in writing by personal delivery, by fax, by first class mail, postage pre-paid, by courier or by e-mail. When notices or other communications have been given in writing, such notices or other communications shall be deemed to have been received on the same day when faxed, e-mailed or delivered by courier or, if mailed forty-eight hours after 12:01 a.m. on the day following the day of mailing thereof.

**85. SEVERABILITY**

If any term, provision, clause or sub-clause of this By-law or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this By-law, or the application of such term, provision, clause or sub-clause to persons or circumstances other than those to which this By-law is held invalid or unenforceable shall not be affected thereby and each term, provision, clause or sub-clause of this By-law shall be valid and enforced to the fullest extent permitted by law.