



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2018-60

**A BY-LAW TO ESTABLISH RULES AND REGULATIONS TO GOVERN
THE PROCEDURE OF MEETINGS OF THE COUNCIL OF THE
TOWNSHIP OF KING AND ITS COMMITTEES AND LOCAL BOARDS**

WHEREAS section 238(2) of the *Municipal Act, 2001, 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, 2001, S.O. 2001, c. 25*, as amended requires that the Procedural By-law shall provide for public notice of meetings;

AND WHEREAS it is Council's desire to follow a process of municipal governance that reflects an open, transparent government;

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

1. **THAT this By-law shall be comprised of TEN (10) parts containing various sections, namely:**

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PART 1

TITLE AND DEFINITIONS

1. Title

1.1. This by-law shall be known as the "Procedural By-law".

2. Application

2.1. This Procedural By-law shall govern the proceedings of all Council, Committee and Local Board Meetings.

3. Definitions

3.1. In this Procedural By-law, the following terms shall have the following meanings:

- a) **"Act"** shall mean the *Municipal Act, 2001, Chapter 25, S.O. 2001*, as amended;
- b) **"Ad Hoc Committee"** shall mean a committee constituted by Council from time to time to act on a temporary or singular issue, and shall be discontinued by Council resolution when its recommendations upon the specified initiative or matter have been provided and further recommendations are no longer required.
- c) **"Advisory Committee"** shall mean a committee constituted by Council from time to time to act in an advisory capacity to Council on operational and strategic matters.
- d) **"Alternate Member"** shall mean a Member appointed by Council to temporarily serve on the Upper Tier Council.
- e) **"CAO"** shall mean the Chief Administrative Officer for the Corporation of the Township of King.
- f) **"Chair"** shall mean the person presiding at a Meeting in accordance with the provisions in this Procedural By-law governing that Meeting.
- g) **"Clerk"** shall mean the Clerk of the Corporation of the Township of King, or their delegate.
- h) **"Council"** shall mean the Council of the Corporation of the Township of King.
- i) **"Deputy Mayor"** shall mean a Member of Council appointed to act from time to time in the place of the Mayor.
- j) **"Electronic Participation"** shall mean a Member participating in a Meeting remotely using audio or video conferencing.
- k) **"Local Board"** shall mean a Local Board as defined in the *Act*.
- l) **"Meeting"** shall mean any regular, special or other Meeting of Council, a Local Board or a Committee of either of them, where: (*Municipal Act, s. 238(1)*)
 - i. A Quorum of Members is present; and
 - ii. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.
- m) **"Member"** shall mean any individual elected to Council or a person appointed by Council to a Committee or Local Board.
- n) **"Quorum"** shall mean a majority of the Members of Council, Committee or Local Board. (*Municipal Act, s. 237(1)*)

- o) **“Record”** shall mean written, audio, video or any combination thereof for the purpose of compiling minutes of a Meeting.
- p) **“Secretary”** shall mean the person appointed pursuant to this by-law to record the proceedings of any Meeting constituted pursuant to this Procedural By-law.
- q) **“Staff”** shall mean employees of the Corporation of the Township of King.
- r) **“Task Force”** shall mean a committee constituted by Council from time to time to act on a temporary or singular issue, and shall be discontinued by Council resolution when its recommendations upon the specified initiative or matter have been provided and further recommendations are no longer required.
- s) **“Township”** shall mean the Corporation of the Township of King.
- t) **“Upper Tier Council”** means the Council of the Regional Municipality of York.

PART 2

MEETINGS

4. Inaugural Meeting

- 4.1. Following a regular municipal election, the Inaugural Meeting shall be held no later than thirty-one (31) days after the new term of office commences, on such a date, at such time and place as determined by the Clerk, and approved by Council through the adoption of the annual meeting schedule. (*Municipal Elections Act, s. 6 and Municipal Act, s. 230*)

5. Regular Meetings

- 5.1. The next and each succeeding Meeting of Council shall be held in the Council Chambers in the Township Municipal Office in accordance with the annual meeting schedule as prepared by the Clerk, and approved by Council. (*Municipal Act, s. 236 (1)*)

6. Special Meetings

- 6.1. The Mayor may at any time call a Special Meeting of Council, and upon receipt of a petition signed by a majority of the Members of Council, the Clerk shall call a Special Meeting for the purpose and at the time mentioned in the petition. (*Municipal Act, s. 240*)

7. Joint Meetings

- 7.1. Despite section 5.1, a meeting of the Councils, Committees or Local Boards of two (2) or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them. (*Municipal Act, s. 236(2)*)

8. Closed Session Meetings

- 8.1. For rules regarding Closed Session Meetings refer to section 39 of this Procedural By-law.

9. Working Session Meetings

- 9.1. The Mayor and/or CAO may hold a Working Session for Members to discuss issues in an informal manner. With the exception of procedural matters, no motions are passed.
- 9.2. Notices for Working Sessions shall be in accordance with section 47 of this Procedural By-law.
- 9.3. Members of the public shall not be permitted to speak at Working Sessions.

10. Audit Committee Meetings

- 10.1. The Audit Committee shall be comprised of all Members of Council.
- 10.2. The Audit Committee shall meet at least once a year at a time and date as determined by the CAO.
- 10.3. Notices for Audit Committee shall be in accordance with section 47 of this Procedural By-law.

PART 3
COUNCIL
ORDER OF BUSINESS

11. Council - Order of Business

- 11.1. The Order of Business of Council at a Regular Council Meeting shall in all cases, be taken up in the following sequence, unless otherwise decided by the majority of the Members present:
- a) Call to Order
 - b) Introduction of Addendum Items
 - c) Approval of Agenda
 - d) Declarations of Pecuniary Interest
 - e) Mayor's Comments
 - f) Presentations Public Planning Meeting
 - g) Adoption of Council and Committee Minutes
 - h) Notice of Motion
 - i) Recess into Committee of the Whole
 - j) Reconvene Council Meeting
 - k) Adoption of Committee of the Whole Recommendations
 - l) Recess into Committee of the Whole Closed (if applicable)
 - m) Reconvene Council Meeting (if applicable)
 - n) Business Arising from Closed Session (if applicable)
 - o) By-laws
 - p) Confirmation of Proceedings By-law
 - q) Adjournment
- 11.2. Prior to each Regular Meeting, the CAO and the Clerk, with the assistance of senior staff, shall prepare an agenda of all the business to be brought before Council at such Meeting.
- 11.3. No matter shall be placed on the agenda unless it has been considered by the Committee of the Whole or is accepted for consideration unanimously by Council.
- 11.4. The Mayor shall declare all regular Meetings of Council adjourned at 11:00 p.m., unless the majority of Council determines otherwise.

12. Call to Order

- 12.1. As soon as there shall be a Quorum present, after the hour fixed for the Meeting, the Mayor shall take the Chair and call the Members to order.
- a) In the absence of the Mayor, the Deputy Mayor shall call the Members to order.
- 12.2. If no Quorum is present one half (1/2) hour after the time appointed for a Meeting of the Council, the Clerk shall call the roll and record the names of the Members present and the Meeting shall stand adjourned.

13. Introduction of Addendum Items

- 13.1. Late addendum items for the agenda are to be avoided wherever possible; however, where necessary, as determined by the Clerk and CAO, additional items will be included and circulated to Members by electronic mail, as well as posted on the Township website as soon as possible.

14. Approval of Agenda

- 14.1. A motion is presented for consideration for the approval of the agenda as presented, or as amended.

15. Declarations of Pecuniary Interest

- 15.1. For rules regarding declarations of pecuniary interest refer to section 50 of this Procedural By-law.

16. Mayor's Comments

- 16.1. The Mayor may provide public comment or notice about upcoming special events or community issues within the Township.

17. Presentations

- 17.1. Presentations may include civic recognition and awards, presentations by Township staff or other presentations as deemed appropriate by the Clerk.

18. Public Planning Meeting

- 18.1. Public Planning Meetings are statutory public meetings to consider development-related applications and other matters that have been submitted under the *Planning Act, R.S.O. 1990*, as amended.
- 18.2. Any member of the public wishing to speak on a public planning matter listed on the agenda may do so without prior notice. The deputant must state their name and address for the public record, and may submit any written documentation to the Clerk for the record.

19. Adoption of Council and Committee Minutes

- 19.1. Minutes of the last regular Meeting of Council and Committee of the Whole shall be included in the subsequent regular Meeting agenda for adoption by Council.
- 19.2. At a regular Meeting of Council, the Chair shall ask if there are any objections to the minutes, and shall immediately or after correction or change, declare the minutes adopted, or adopted as amended.
- 19.3. Minutes which have been adopted by Council shall be signed by the Mayor and Clerk, or their designate, and the record shall be retained in accordance with the Records Retention By-law, and under the control of the Clerk.

20. Notice of Motion

- 20.1. A Member wishing to introduce a subject for discussion shall, during the opportunity listed in the Notice of Motion section of the agenda, provide notice of the proposed motion in writing. The motion shall include the nature of the motion and must be seconded by another Member. This notice shall be received by the balance of the Members without debate.
 - a) Upon receipt of such motion, the Clerk shall include the motion in full in the agenda for a future Regular Meeting of Council.

21. Recess into Committee of the Whole

- 21.1. A motion shall be approved to recess into Committee of the Whole. For Order of Business regarding Committee of the Whole, refer to section 29 of this Procedural By-law.

22. Reconvene Council Meeting

- 22.1. A motion shall be approved to reconvene into Council.

23. Adoption of Committee of the Whole Recommendations

- 23.1. Council is presented with the opportunity to approve and adopt the Committee of the Whole Recommendations of the same day.

24. Recess into Committee of the Whole Closed (If Applicable)

- 24.1. Council shall approve a motion to recess into Committee of the Whole Closed Session. For rules regarding Committee of the Whole Closed Session, refer to section 39 of this Procedural By-law.

25. Business Arising from Closed Session (if applicable)

- 25.1. Council is presented with the opportunity to approve and adopt the Committee of the Whole Closed Session Recommendations of the same day.

26. By-laws

- 26.1. Every by-law shall receive first, second and third readings in a single motion, unless a Member wishes to discuss the contents of a by-law, at which time the subject by-law shall be removed from the motion and dealt with separately.
- 26.2. By-laws which have been passed by Council shall be signed by the Mayor and Clerk, or their designate, sealed with the seal of the Township and the record shall be retained in accordance with the Records Retention By-law, and under the control of the Clerk.

27. Confirmation of Proceedings

- 27.1. The Council shall enact and pass a by-law to confirm the proceedings of Council immediately prior to the motion to adjourn.

28. Adjournment

- 28.1. Council shall approve a motion to adjourn the Council Meeting.

PART 4

**COMMITTEE OF THE WHOLE
ORDER OF BUSINESS**

29. Order of Business

29.1. Committee of the Whole shall deal with matters in the order shown on the agenda which shall normally be as follows:

- a) Introduction of Addendum Reports
- b) Approval of Agenda
- c) Declarations of Pecuniary Interest
- d) Determination of Committee Items Requiring Separate Discussion
- e) Approval of Committee Items Not Requiring Separate Discussion
- f) Deputations
- g) Consideration of Committee Items Requiring Separate Discussion
- h) New Business
- i) Adjournment

29.2. The Clerk and CAO shall set the agenda of the Committee of the Whole.

30. Introduction of Addendum Reports

30.1. Late addendum reports for the agenda are to be avoided wherever possible; however, where necessary, as determined by the Clerk and CAO, additional reports will be included and circulated to Members by electronic mail, as well as posted on the Township website as soon as possible.

31. Approval of Agenda

31.1. A motion is presented for consideration for the approval of the agenda as presented or as amended.

32. Declarations of Pecuniary Interest

32.1. For rules regarding declarations of pecuniary interest, refer to section 50 of this Procedural By-law.

33. Determination of Committee Items Requiring Separate Discussion

33.1. Each Member shall be given an opportunity to request that individual committee items be pulled for separate discussion, debate and vote.

33.2. For rules regarding deputants speaking to committee items, refer to section 60 of this Procedural By-law.

34. Approval of Committee Items Not Requiring Separate Discussion

34.1. One motion is required to adopt, by consent, those committee items which were not requested to be separated.

35. Deputations

35.1. Persons wishing to appear as a deputation and present before Committee of the Whole on an item that is not listed on the committee agenda shall advise the Clerk by twelve noon (12:00 p.m.), twelve (12) days prior to the Regular Meeting.

35.2. Deputations at the meeting of the Committee of the Whole shall be limited to a maximum of ten (10) minutes per deputation, following which the Members may ask questions of the deputant(s).

- a) The time limit may be extended only by a unanimous vote of the Committee of the Whole, but under no circumstances shall any deputation exceed thirty (30) minutes. The deputation shall be permitted to put questions only to the Chair.

- 35.3. Deputations wishing to use electronic programs such as videos, slide shows or other media shall provide a copy of the program to the Clerk no later than the Wednesday preceding the Regular Meeting. The media will be loaded on to the Township equipment to ensure it will play properly.

36. Consideration of Committee Items Requiring Separate Discussion

- 36.1. Committee items that have been pulled by Members are given separate discussion, debate and vote by the Committee.
- 36.2. For rules regarding deputants speaking to committee items, refer to section 60 of this Procedural By-law.

37. New Business

- 37.1. This section of the agenda shall contain items which a Member may introduce which was not circulated with the agenda and which, due to its nature, cannot be properly presented at a subsequent meeting of Council or Committee of the Whole.
- 37.2. This section provides an opportunity for Members to announce upcoming events within their respective Wards, offer congratulations to members of their communities or to advise on newsworthy items.
- 37.3. Members may raise questions regarding matters that may be appropriate for staff comment in the form of immediate response or subsequent follow up. Any New Business that results in a direction to staff shall require a motion and formal vote of the Committee.
- 37.4. The New Business section shall not be used solely for the purpose of asking questions of staff that could be answered or clarified by staff in advance of the meeting.

38. Adjournment

- 38.1. Council shall approve a motion to adjourn the Committee Meeting.

PART 5

**CLOSED SESSION
MEETINGS**

39. Closed Session Meetings

- 39.1. All Meetings shall be open to the public, except where a matter to be considered relates to: (*Municipal Act, s. 239(2)*)
- a) the security of the property of the Township or local board; (*Municipal Act, s. 239(2)(a)*)
 - b) personal matters about an identifiable individual, including Township or local board employees; (*Municipal Act, s. 239(2)(b)*)
 - c) a proposed or pending acquisition or disposition of land by the Township or local board; (*Municipal Act, s. 239(2)(c)*)
 - d) labour relations or employee negotiations; (*Municipal Act, s. 239(2)(d)*)
 - e) litigation or potential litigation, including matters before administrative tribunals, affecting the Township or local board; (*Municipal Act, s. 239(2)(e)*)
 - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (*Municipal Act, s. 239(2)(f)*)
 - g) a matter in respect of which a Council, board or committee or other body may hold a closed meeting under another Act; (*Municipal Act, s. 239(2)(g)*)
 - h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; (*Municipal Act, s. 239(2)(h)*)
 - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organizations; (*Municipal Act, s. 239(2)(i)*)
 - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or (*Municipal Act, s. 239(2)(j)*)
 - k) a position, plan, procedure, criteria, instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. (*Municipal Act, s. 239(2)(k)*)
- 39.2. A Meeting or part of a Meeting shall be closed to the public if the subject matter being considered is:
- a) a request under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or (*Municipal Act, s. 239(3)(a)*)
 - b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act, R.S.O. 1990, c. O.6*, an Ombudsman referred to in subsection 223.13(1) of the Act, or the investigator referred to in subsection 239.2(1). (*Municipal Act, s. 239(3)(b)*)
- 39.3. A Meeting may be closed to the public if the following conditions are both satisfied: (*Municipal Act, s. 239*)

- a) The Meeting is held for the purpose of education or training the Members;
and
 - b) At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.
- 39.4. Before holding a Meeting or part of a Meeting that is to be closed to the public, the Council, Local Board or Committee shall state by resolution:
- a) the fact of the holding of the Closed Meeting;
 - b) the general nature of the matter to be considered at the Closed Meeting;
 - c) in the case of a Meeting under section 39.3 of this Procedural By-law, the fact of the holding of the Closed Meeting, the general nature of its subject matter and that it is to be closed under that section.
- 39.5. Subject to section 39.6 of this Procedural By-law, a Meeting shall not be closed to the public during the taking of a vote. (*Municipal Act, s. 239(5)*)
- 39.6. A Meeting may be closed to the public during a vote if:
- a) section 39.1 of this Procedural By-law permits or requires the 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 Township, local board or committee of either of them or persons retained by or under a contract with the Township or local board.
- 39.7. The Council, Local Board or Committee shall record without note or comment all resolutions, decisions, and other proceedings at a meeting of the body whether it is closed to the public or not. (*Municipal Act, s. 239(7)*)
- a) The record required by section 39.7 shall be made by:
 - i. The Clerk, in the case of a Meeting of Council;
 - ii. The Secretary, in the case of a Local Board or Committee.
- 39.8. All information, documentation or deliberations received, reviewed or provided in a closed session Meeting is confidential. Members shall not release, reproduce, copy or make public any information or material considered at a closed session Meeting or discuss the content of such a meeting with persons other than Members or relevant staff members.
- 39.9. All closed session materials shall be returned to the Clerk after each closed session to be destroyed.
- 39.10. Where a closed session Meeting is held prior to or during a Council Meeting, matters dealt with in Closed Session will be ratified in open Council, Local Board or Committee, under the Council Agenda Item "Business Arising from Closed Session".
- 39.11. Where a Special Committee of the Whole meeting is held in Closed Session, the matter will be ratified at the subsequent regular Council Meeting.
- 39.12. The agenda or any other support items for consideration by Council or its Committees in Closed Session shall not be released to the public in advance of the Closed Session Meeting, and release upon request from the public of such items after the Closed Session shall be subject to the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*.
- a) Subsection 6(1)(b) of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56* does not apply to a record of a Meeting closed under section 39.2 of this Procedural By-law.

- 39.13. Notwithstanding the provisions of this Procedural By-law, it shall be open to Council to consider a Closed Session matter at any point before, during or after a Meeting, upon a motion by a Member made pursuant to section 39.1 of this Procedural By-law.

PART 6

**COMMITTEES AND
LOCAL BOARDS**

40. Ad Hoc Committees / Task Forces

- 40.1. Council from time to time by resolution may establish such Ad Hoc Committees or Task Forces as it deems appropriate.
- 40.2. Ad Hoc Committees or Task Forces shall be discontinued by Council resolution when their recommendations upon the specified initiative or matter have been provided and further recommendations are no longer required.

41. Advisory Committees

- 41.1. Council from time to time by by-law may establish such Advisory Committees as it deems appropriate to act in an advisory capacity to Council on specified operational and strategic matters.
- 41.2. An Advisory Committee shall be discontinued by by-law when its recommendations upon the specified initiative or matter have been provided and further recommendations are no longer required.

42. Local Boards

- 42.1. Council from time to time by by-law establish such Local Boards as it deems appropriate to carry out those functions which Council may lawfully authorize such Local Boards to perform, pursuant to the statute authorizing the creation of the Local Board.
- 42.2. Local Boards shall only be discontinued by by-law, provided such Local Boards are not mandated by provincial legislation.

43. Adherence to Procedural By-law

- 43.1. Ad Hoc Committees, Advisory Committees and Local Boards shall adhere to this Procedural By-law for the purposes of governing all such Meetings.

PART 7

**AGENDA DISTRIBUTION,
NOTICE AND CANCELLATION
PROVISIONS OF MEETINGS**

44. Agendas

- 44.1. Meeting agendas shall be published on the Township website by the close of business on the Thursday preceding the Regular Meeting.
- 44.2. Members and Department Heads shall be notified by electronic mail as soon as the agenda is posted on the Township website.

45. Notice – Public Planning Meeting

- 45.1. Notice of Public Planning Meetings shall be provided in accordance with the *Planning Act, R.S.O. 1990, c. P.13*, as amended or any other statute or regulation that establishes requirements to provide public notice.
- 45.2. The Clerk shall give notice of a Public Planning Meeting by:
 - a) Publishing a notice on the Township website;
 - b) Publishing a notice in the local Township newspaper;

46. Notice – Regular Meetings

- 46.1. The Clerk shall give notice of a Regular Meeting of Council or a Committee of the Whole Meeting by:
 - a) Publishing an agenda on the Township website on the Thursday preceding the scheduled Regular Meeting;
 - b) Placing a hardcopy of the agenda on the counter of the Clerks Department in the Township Municipal Office;
 - c) Publishing the Meeting date, time and location in the local newspaper and on the Township's website calendar.

47. Notice – Special Meetings

- 47.1. The Clerk shall give notice of a Special Meeting as follows:
 - a) The Clerk shall give all Members notice of a Special Meeting of Council or Committee of the Whole at least 48 hours before the time appointed for such Meeting by electronic mail and publish an agenda as soon as possible.
 - i. This provision shall not apply if there is unanimous consent of the Members to hold a Special Meeting on less than forty eight (48) hours' notice.
 - b) Notice of the Special Meeting shall be provided to the public on the Township website as soon as possible, and a notice shall be posted at the main entrance of the Municipal Office.
 - c) All Special Meeting notices shall indicate the nature of the business to be considered at the Special Meeting, and the date, time and place of the Meeting.
 - d) No business other than that stated shall be considered at such Special Meeting without the consent of the majority of Council.

48. Notice – Closed Meetings

- 48.1. When it is known in advance that a Closed Session will form part of a Regular or Special Meeting, a notice advising of the Closed Session will be included in the Regular or Special Council Meeting agenda package, stating the time, date and location of the Closed Session Meeting and providing the general nature of the subject(s) of the Closed Session.

49. Cancellation of Meetings

- 49.1. A Regular or Special Meeting may be cancelled in any of the following circumstances:
- a) If the Clerk determines in advance that Quorum will not be achieved;
 - b) If the Meeting is cancelled by Council or Committee recommendation;
 - c) Where the Meeting is not required as determined by the CAO and Township Clerk due to a lack of forecasted agenda items.
- 49.2. The Clerk shall give notice of any Meeting cancellation on the Township website and through the Township's local newspaper, where possible. A notice of cancellation shall be posted at the main entrance of the Municipal Office.

PART 8

GENERAL RULES

50. Declarations of Pecuniary Interest

- 50.1. Members are required to make declarations of pecuniary interest in accordance with the requirements of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended and/or other relevant legislation. At a Meeting which a Member discloses a pecuniary interest, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the Committee or Local Board. (MCIA, s. 5.1)
- 50.2. A public registry of all declarations of pecuniary interest will be maintained and published by the Clerk in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*. (MCIA, s. 6.1)
- 50.3. Members shall not request the Clerk, the Township's solicitor, or any member of Township staff to provide advice or comment on whether a Member has a conflict of interest. [Added] [Current Practice]
- 50.4. The Member shall disclose the pecuniary interest including the general nature thereof, prior to any consideration of the matter and shall not take part in the discussion, or vote on any question in respect to the matter and shall not attempt to in any way, whether before or after the Meeting, to influence the voting on such a question. (MCIA, s. 5)
- 50.5. Where a Meeting is not open to the public, in addition to complying with the requirements set out in the Closed Session section of this Procedural By-law, the Member shall leave the Meeting or part of the Meeting during which the matter is under consideration. (MCIA, s. 5)
- 50.6. The Clerk shall record the particulars of any disclosure of pecuniary interest and general nature thereof made by a Member, and this record shall appear in the minutes of that Meeting. (MCIA, s. 6)

51. Appointment of Deputy Mayor

- 51.1. The Deputy Mayor shall be composed of all Ward Council Members with the appointments running concurrently on a monthly rotation basis with the committee Chair appointments. The Clerk shall provide a schedule for the rotation of the Deputy Mayor at the last meeting in December for the coming year, as follows:
 - a) The Deputy Mayor shall rotate in numerical order of wards from Ward One (1) to Ward Six (6).
 - b) In the month the Mayor is committee Chair, the Councillor from Ward Six (6) will be appointed Deputy Mayor for the first two (2) weeks of that month and the Councillor from Ward One (1) will be appointed Deputy Mayor for the latter two (2) weeks of that month.
 - c) In the absence of the Deputy Mayor, the Member from the next highest number Ward shall take the place of the absentee and be appointed Deputy Mayor for that Meeting.

52. Appointment of Committee of the Whole Chair

- 52.1. The Committee of the Whole shall be composed of all Members of Council with the Chair being rotated on a monthly basis. The Clerk shall provide a schedule for the rotation of the Chairs at the last meeting in December for the coming year, as follows:
 - a) The Mayor shall take the Chair of the Committee of the Whole at the beginning of each term of Council for the first month, and the Chairs shall rotate in numerical order of wards from Ward One (1) to Ward Six (6), then the Mayor, on a monthly basis;

- b) In the absence of the appointed Chair, the Member from the next highest number ward shall take the place of the absentee; and
- c) In the absence of the Mayor, the Member from Ward One (1) shall take the Chair.

53. Quorum

- 53.1. The majority of the Members of Council, Committee or Local Board shall form a quorum. (*Municipal Act, s. 237 (1)*)

54. Electronic Participation

- 54.1. A Council Member may Electronically Participate in a Meeting remotely via electronic means (i.e. audio or video conferencing), provided that the Meeting is a Special Meeting called on less than forty-eight (48) hours' notice.
- 54.2. Notwithstanding the above, a Member of the Township's Accessibility Advisory Committee may be permitted to participate remotely via electronic means when, and if necessary, in order to accommodate the accessibility needs of the Member.
- 54.3. Should a Council Member or Accessibility Advisory Committee Member participate in a Meeting remotely, the Member shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote, with the exception that they shall not count towards a Quorum of Members and shall not be permitted to participate in any portion of a Meeting which is closed to the public. (*Municipal Act, s. 238(3.1)*)

55. Absence of Members

- 55.1. Members are encouraged to notify the Clerk in advance of a Meeting when the Member is aware that they will be absent from any Meeting.
- 55.2. No Member shall be absent from the Meetings of Council or Committee for three (3) successive months without being authorized to do so by a resolution of the Council or Committee. (*Municipal Act, s. 270*)
 - a) Section 55.2 does not apply to a Member who is absent as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member. (*Municipal Act, s. 270 (1.8)*)
 - b) Section 55.2 does not apply to Advisory Committees, Ad Hoc Committees or Local Boards, as attendance rules are in accordance with their respective Terms of Reference.

56. Appointment of Alternate Member to Upper Tier

- 56.1. Council may appoint one of its Members as an Alternate Member of the Upper Tier Council to act in place of the Regional Councillor when they are unable to attend a meeting of the Upper Tier Council for any reason, subject to the following limitations: (*Municipal Act, s. 268*)
 - a) No more than one (1) Alternate Member may be appointed during the term of Council;
 - b) Notwithstanding a) if the seat of the appointed Alternate Member becomes vacant, Council may appoint another of its Members as an Alternate Member for the remainder of the term of Council;
 - c) Council may not appoint an alternate for the Alternate Member;

57. Proclamations & Resolutions

- 57.1. Proclamations from charitable or non-profit organizations shall be acknowledged by the Clerk (not issued by Council) with an electronic copy distributed to the Members of Council.

- 57.2. All requests for endorsement or resolutions from other municipalities and agencies received shall be circulated electronically to the Members of Council, the CAO, and associated staff by the Clerk, and any Member may request that such item be placed on the next regular Committee of the Whole agenda for discussion.

58. Recording, Broadcasting or Streaming of Meetings

- 58.1. Meetings which are not closed to the public may be electronically or digitally recorded by the Clerk or their designate, as a means of assisting in the preparation of the minutes of that Meeting.
- a) The recordings of the above Meetings will be kept in accordance with the Township's Records Retention By-law.

59. Public Record

- 59.1. All written communications about a matter on a public agenda that the Clerk receives shall form part of the public record.
- 59.2. Personal information and opinions in communications are part of the public record unless the author of the communication requests the removal of their personal information when submitting it.

60. Deputants at Committee of the Whole

- 60.1. Any person may speak on a matter at Committee without any prior notice provided that the deputant is speaking on a committee item that is contained in the agenda.
- 60.2. Any deputant wishing to speak on a committee item shall sign in prior to the commencement of the Committee of the Whole meeting with the Clerk or designate, and will be called upon to speak by the Chair.
- 60.3. Deputants shall state their name and municipal address to the Clerk to form part of the public record.
- 60.4. No person other than the deputant may speak on a matter and not for more than ten (10) minutes.
- a) The time limit may be extended only by a unanimous vote of the Committee of the Whole, but under no circumstances shall any deputant exceed thirty (30) minutes. The deputant shall be permitted to put questions only to the Chair.
- 60.5. Deputations shall be made in the order that the subject item appears in the agenda.

PART 9

**RULES OF DEBATE, MOTIONS,
VOTING AND CONDUCT**

61. Rules of Debate

- 61.1. Every Member desiring to speak shall address the Chair.
- 61.2. When two (2) or more Members desire to speak, the Chair shall designate the Member who has the floor.
- 61.3. If a question on procedure shall arise during the course of a Meeting which is not provided for in this Procedural By-law then it shall be determined by reference to Robert's Rules of Order.
- 61.4. No Member shall speak on any other subject than on the subject matter at that time being considered by Council or Committee.
- 61.5. Any Member may speak twice to the same question.
- 61.6. Any Member shall speak for a maximum of ten (10) minutes, with a five (5) minute extension permitted on the unanimous vote of Council. When a Member has concluded speaking, the Chair shall call for questions for clarification to that Member. When all debate is concluded, the mover of the question shall have the opportunity to reply by way of direct response to comments made in the debate or clarification of any points upon which they may have been misunderstood and shall be permitted to reply for a maximum of five (5) minutes.
- 61.7. At any Meeting, the majority of Meeting Members may call for a brief recess of the Meeting.

62. Points of Order and Privilege

- 62.1. The Chair shall preserve order and decide questions of order and points of privilege.
- 62.2. A Member may call attention to a violation of the Rules of Procedure by stating the point of order to the Chair, and the Chair shall then decide upon the point of order and advise the Members of their decision.
- 62.3. Thereafter, a Member shall only address the Chair for the purpose of appealing to the Council from the decision of the Chair. If no Member appeals, the decision of the Chair shall be final. The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 62.4. When a Member considers that their integrity or the integrity of the Council as a whole has been impugned, with the consent of the Chair, they may draw the attention of Council to the matter.
- 62.5. If the Chair determines that the matter is not a point of privilege, such determination shall be final and binding and shall not be subject to appeal to Council. If the Chair rules that the matter is a point of privilege, the Chair shall request the Member who made the offending remark to withdraw such remark. If the Member fails or refuses to withdraw the remark, the Chair may deal with such Member in accordance with section 69.1.f).
- 62.6. If the Chair rises on, or is the subject of a point of privilege, and the Deputy Mayor is absent or cannot take the Chair, the Chair shall call for a motion to appoint an Acting Chair to deal with the point of privilege involving the Chair.

63. Motions

- 63.1. All motions must be duly moved and seconded before the Chair can put the question or motion on the floor for consideration, and should be in writing to ensure that all Members are fully aware of the motion to be voted on.
- a) Notwithstanding the above, motions at Committee shall be in writing but need not be seconded and Members may speak twice on the same subject without time limit, or more than twice as determined by the Chair.
- 63.2. No motion, other than a motion to amend, shall be entertained, until the motion before the Meeting has been disposed of.

64. Motions to Amend

- 64.1. A motion to amend:
- a) shall be presented in writing;
 - b) shall receive disposition of Council before a previous amendment or the question;
 - c) only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main question;
 - d) shall be relevant to the question to be received;
 - e) shall not be received proposing a direct negative to the question;
 - f) a separate and distinct disposition of a question may be proposed by way of amendment;
 - g) shall be put in the reverse order to that in which it is moved.

65. Voting

- 65.1. Each Member present at a Meeting, when a question is put, shall vote by a show of hand upon the question openly and individually in the Meeting, unless the Member has declared a conflict in accordance with section 50 of this Procedural By-law.
- 65.2. No vote shall be taken in Council by ballot or by any other method of secret voting. (*Municipal Act, s 244*)
- 65.3. Any Member not in their seat or coming into the Council Meeting after a question has been put shall not be allowed to vote on that question.
- 65.4. After a question is finally put by the Chair, no member shall speak to the question nor shall any other motion be made until after the results of the vote have been declared. When a member holds the floor, such member, rather than speak to the question, may request the Chair to put the question for a vote by motion properly moved and seconded, upon which motion there shall be no debate permitted and the vote shall be taken.
- 65.5. In the event a Member present abstains from voting, that member shall be deemed to have voted in the negative. (*Municipal Act, 246 (2)*)
- a) Despite the above, if a Member abstains from voting in a disclosure of pecuniary interest situation, their abstention shall be deemed to be neither an affirmative nor a negative vote.
- 65.6. If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried or lost, the Member may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken in the manner prescribed in section 66.
- 65.7. When the question under consideration concerns two or more matters, then upon the request of any Member, the vote upon each matter shall be taken separately.

66. Recorded Vote

- 66.1. Any Member may request a recorded vote and the Clerk shall call for a combined show of hands from those in favour of the motion and for a combined show of hands from those opposed to the motion, and shall record the vote in the minutes.

67. Reconsideration

- 67.1. A substantive question once decided shall not be brought up again at the same Meeting.
- 67.2. Any substantive question may be reconsidered within a twelve (12) month period if:
- a) the motion to reconsider is moved by a Member who voted in the majority on the substantive question and is seconded, provided said Member explains the reasons for changing their mind; and
 - b) a majority of the whole Meeting Members vote in favour of the motion to reconsider.

68. Tied Vote

- 68.1. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided for in the *Act*. (*Municipal Act, s. 245*)

69. Conduct of Members in Meetings

- 69.1. No Member shall:
- a) Speak disrespectfully of the Reigning Sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
 - b) Use offensive words or un-parliamentary language in or against the Council or against any Member of Council;
 - c) Be disrespectful of any member of staff;
 - d) Speak on any subject other than the subject in debate;
 - e) Criticize any decision of the Meeting except for the purpose of moving in accordance with the provisions of section 67 that the question be reconsidered;
 - f) Disobey the rules of the Meeting or a decision of the Chair or of the Meeting Members on questions of order or practice or upon the interpretation of the rules of the Meeting; and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put the question, no amendment, adjournment or debate being allowed, that such Member be ordered to leave their seat and the Council Chamber for the duration of the meeting of Council, but if the member apologizes he or she may, by vote of Council, be permitted to retake his or her seat.

PART 10

**GENERAL
PROVISIONS**

70. General Provisions

- 70.1. The provisions of this Procedural By-law are intended to govern the conduct of the Meetings of Council, Committees and Local Boards, but any variation therefrom shall not vitiate or render void any action taken at a regularly constituted Meeting of Council or Committee.
- 70.2. Council or any Committee can waive any provision of this Procedural By-law by majority vote.

71. Severability

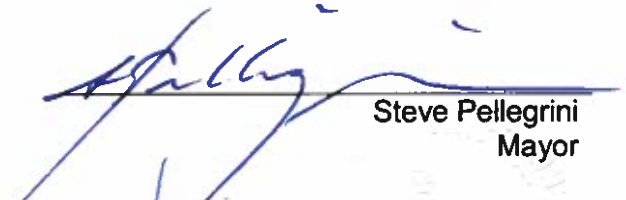
- 71.1. Should any provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this by-law as a whole or any other part thereof.

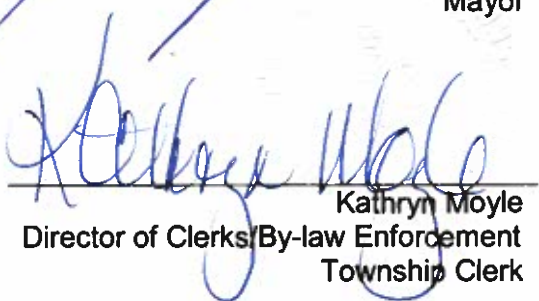
72. Repeal

- 72.1. By-law Number 2007-76, and amending By-laws 2010-28, and 2012-04, are repealed.

READ a FIRST and SECOND time this 25th day of June, 2018.

READ a THIRD time and **FINALLY PASSED** this 25th day of June, 2018.


Steve Pellegrini
Mayor


Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk