

CORPORATION OF THE  
TOWNSHIP OF BILLINGS

AGENDA

August 31<sup>st</sup>, 2021 7:00 p.m.

Electronic Meeting

1. OPEN
2. APPROVAL OF AGENDA
3. DISCLOSURE OF PECUNIARY INTEREST
4. ADOPTION OF MINUTES
5. DELEGATIONS
6. COMMITTEE REPORTS
7. OLD BUSINESS
8. NEW BUSINESS
  - a. Procedural By Law Review
9. CORRESPONDENCE
10. INFORMATION
11. ACCOUNTS FOR PAYMENT
12. CLOSED SESSION
13. CONFIRMING BY-LAW
14. ADJOURNMENT

The Corporation of the  
Township of Billings

By-Law 2021-40

Being a By-Law to Regulate the Proceedings of the Council of the  
Corporation of the Township of Billings

The Council of the Township of Billings enacts as follows

**INDEX**

- 1.0 Definitions
- 2.0 General
- 3.0 Roles and Responsibilities
- 4.0 Convening Meeting of Council
- 5.0 Notice of Meetings
- 6.0 Preparation of Agendas
- 7.0 Agenda Format
- 8.0 Referred and Deferred Items
- 9.0 Delegations/Presentations
- 10.0 Quorum
- 11.0 Adoption of Minutes
- 12.0 "Closed" Meetings
- 13.0 By-Laws
- 14.0 Adjournment
- 15.0 Rules of Debate
- 16.0 Conduct of Members of Council
- 17.0 Conduct of the Public
- 18.0 Motions
- .0 Points of Order
- 19.0 Voting – General
- 20.0 Voting – Reconsideration
- 21.0 Voting – Amendments
- 22.0 Parliamentary Procedure
- 23.0 Appointments to Boards, Committees and Citizens Committees
- 24.0 Committee of the Whole
- 25.0 Ad Hoc Committees
- 26.0 Rules in Committee
- 27.0 Staff Attendance at Council Meetings
- 28.0 Amendment of By-Law

## 1. DEFINITIONS:

“**Adjournment**” shall mean the temporary discontinuation of a meeting or portion of a meeting with the intent to return to finish the subject matter on the agenda;

“**Ad Hoc Committee**” means a committee established by Council for the purpose of dealing with a special project with a clear mandate and a start and finish date;

“**Agenda**” and “**Order of the Day**” shall be considered synonymous and means a list or outline of matters to be considered during a Council or Committee Meeting;

“**Chair**” means the person presiding at a Meeting;

“**Clerk**” means the CAO/Clerk of the Municipality, or their designate;

“**Closed meeting**” and “**in camera**” shall be considered synonymous and mean a Meeting of Council that is closed to the public to discuss certain items and subject matters as set up in the Municipal Act, 2001, as amended.

“**Committee**” means any advisory or ad hoc committee established by Council but does not include the Committee of the Whole;

“**Committee of the Whole**” means a Committee comprised of all members of Council;

“**Council**” means the Municipal Council of the Corporation of the Township of Billings and the Municipality of Billings;

“**Deputy Mayor**” means the Council Member appointed by Council who shall act in the absence of the Head of Council as defined in the *Municipal Act, 2001*, as amended;

“**Electronic Device**” means computers, cellular telephones, smartphones, smartwatches, personal digital assistants, tablets, voice recorders, cameras or any other similar device;

“**Head of Council**” and “**Mayor**” shall mean the Mayor of the Township of Billings and Municipality of Billings, or Deputy Mayor in the absence or refusal of the Mayor;

“**Head of Department**” means the CAO/Clerk, the Public Works Superintendent or the Fire Chief;

“**in camera**” shall refer to a Meeting of Council that is closed to the public to discuss certain items and subject matters as set out in the *Municipal Act, 2001*, as amended;

“**Meeting**” means any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them where,

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

“**Member**” means a member of Council or a Committee, (whichever the context may be);

“**Motion**” and “**Resolution**” shall be synonymous and means a question to be considered by the Council or Committee which is moved, seconded, presented read by the Mayor, or Clerk, and is subject to debate. When a motion is adopted, it becomes a resolution;

“**Municipal Office**” means 15 Old Mill Road, Kagawong ON P0P 1J0;

“**Municipality**” and “**Township**” mean the Corporation of the Township of Billings and the Municipality of Billings;

“**Point of Order**” shall be an appeal by a Member of the Council made to the Chair when the member notices or objects to the proceedings of the meeting. Such objection must be due to the fact that the proceedings are in variance with the governing by-law, the approved procedures of the meeting or on a procedure to deal with a previous decision. The point of order halts proceedings while the Chair rules whether or not it is valid;

“**Point of Privilege**” shall be an appeal by a Member of Council made to the Chair with respect to a situation that affects the comfort, convenience, integrity, rights or privileges of a meeting or of an individual member (*i.e.*, noise, inadequate ventilation, introduction of a confidential subject in the presence of guests, *etc.*) The member of Council may raise a point of privilege which permits him/her to interrupt pending business to make any urgent statement, request or motion. However, if a motion is made, it must be seconded. The motion may also concern the reputation of a member, group of members, or members as a whole. If the matter is complex and cannot be taken care of informally, the Chair rules as to whether it requires consideration before the pending business is resumed;

“**Quorum**” means three members of the Township Council or for committees, a majority of its members;

“**Secretary**” means recording secretary for a Meeting;

“**Standing Committee**” means a Committee of members of Council appointed by Council to consider policy matters;

“**Sub-Committee**” means a committee established by a standing committee with a clear mandate that has a beginning and ending and reports directly to the creating standing committee;

“**Two-Thirds Vote**” means the affirmative vote of two-thirds (2/3) of the members present at a Meeting.

## **2. GENERAL**

Subject to the provisions of the *Municipal Act, 2001*, as amended, the rules established by this procedural by-law shall be the rules governing the proceedings of the Council and Committees thereof.

All the rules inconsistent with this by-law at the time of the passing hereof, be and the same are hereby repealed.

Any rule established by this by-law, other than a quorum requirement, may be suspended at or for a particular Meeting by resolution or by the Chair provided that two-thirds of all members present agree in favour thereof, and further provided that the suspension of the rules does not result in a contravention of the *Municipal Act, 2001*, as amended.

Subject to the provisions of the *Municipal Act, 2001*, as amended, and subject to the provisions hereinafter provided, a person not a member of council shall not be allowed to address council.

## **3. ROLES AND RESPONSIBILITIES**

### **Role of Mayor**

It is the role of the Mayor:

- a) to act as chief executive officer of the Township;
- b) to preside over Meetings of Council so that its business can be carried out efficiently and effectively;
- c) to provide leadership to Council;
- d) without limiting clause (c) above, to provide information and recommendations to the Council with respect to the role of Council description below;
- e) to represent the Township at official functions;
- f) to act as Council's representative when dealing with other levels of government, their agencies and the private sector, unless otherwise delegated; and,
- g) to carry out the duties of the head of council under the *Municipal Act, 2001* or any other Act, including but not limiting to:
  - i. uphold and promote the purposes of the Township;
  - ii. promote public involvement in the Township's activities;
  - iii. act as the representative of the Township both within and outside the municipality, and promote the Township locally, nationally and internationally; and,
  - iv. participate in and foster activities that enhance the economic, social, and environmental well-being of the Township and its residents.

### **Role of Council**

It is the role of Council:

- a) to represent the public and to consider the well-being and interests of the Township;
- b) to develop and evaluate the policies and programs of the Township;
- c) to determine which services the township provides in accordance with applicable legislation;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) to ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- f) to maintain the financial integrity of the Township; and,
- g) to carry out the duties of Council under the *Municipal Act, 2001* or any other Act.

### **Duty of the Chair**

The Mayor shall chair Meetings of Council, unless the Mayor is unavailable, in which case the Deputy Mayor will chair the Meeting or, in the absence of the Deputy Mayor, the Member shall chair the Meeting in accordance with Section 2.5.

The Chair shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal of any ruling of the Chair by any Member of Council or Committee.

If the Mayor/Chair desires to leave the Chair during a Meeting for the purposes of taking part in the debate or otherwise, he/she shall call on the Deputy Mayor/Vice Chair, or in the absence of the Deputy Mayor, on another Member, to fill his/her place until resuming the Chair.

When two or more Members wish to speak, the Chair shall name the Members who, in his/her opinion, should speak and in which order.

### **Duty of Members**

It is the duty of the Members to attend all Meetings, and:

- a) to prepare for Meetings, including reviewing the Agenda and background information prior to the Meeting;
- b) to speak only to the subject matter under debate;
- c) to vote on all motions before the Council unless prohibited from voting by law;
- d) to observe proper procedure and decorum at all Meetings;
- e) to state questions to be asked through the Chair;
- f) to attend all Meetings of advisory committees, sub-committees, and ad-hoc committees to which the Member has been appointed by Council;
- g) to carry out the duties of Members under the *Municipal Act, 2001* or any other Act; and,
- h) to act in accordance with their declarations to office and oaths of allegiance, and Code of Conduct.

**Duty of the CAO/Clerk as CAO**

It is the duty of the CAO to attend all Meetings of Council, and:

- a) to review all staff recommendations and reports prior to their submission to Council or any advisory committees and, when deemed necessary, to submit his/her comments on the said reports;
- b) to ensure that all resolutions and by-laws submitted to Council accurately reflect the goals and objectives of the Township;
- c) to assist the Council to discharge its responsibilities and, in a non-partisan manner, to aid Council Members to carry out their duties;
- d) to attend all Council Meetings with the right, with the consent of the Chair, to speak but not to vote; and to attend Meetings of the Committees when invited or when the CAO deems it advisable to do so, with the right, with the consent of the Chair to speak but not to vote;
- e) to exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township; and,
- f) without limiting the generality of the foregoing, to perform such other duties as may be necessary to fulfill the intent of the CAO Appointment By-law and to exercise the powers which, from time to time, may lawfully be assigned by Council.

**Duty of the CAO/Clerk as Clerk**

It is the duty of the Clerk to attend all Council Meetings, and:

- a) to attend or cause a designate to attend all Meetings of the Council, or Committee and other Meetings as deemed necessary;
- b) to record, without note or comment, all resolutions, decisions, and other proceedings of such Meetings as indicated above;
- c) to forward a copy of all resolutions, enactments and orders of the Council and Committees to those concerned in order to provide notice;
- d) if required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- e) to keep the official records of the Township, including the minutes of the proceedings of Council;
- f) to keep in his/her office or in the place appointed for that purpose, the originals of copies of all by-laws and of all minutes of the proceedings of Council;
- g) to make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- h) where a video or audio recording of regular/special Council Meeting is made, to retain such recording in accordance with the Records Retention By-law;

- i) to forward, by way of delegated authority, housekeeping or consolidation, by-law(s) directly to Council for consideration;
- j) to present annually a Meeting calendar outlining the regular Standing Committee and Council Meeting schedule for the next year, which may be amended from time to time;
- k) to provide to each Member of Council a copy of this By-law when the Member of Council makes a declaration of office and is sworn into office and upon request thereafter;
- l) to perform such other duties as are prescribed by law or by direction of Council;
- m) to act as the head pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

#### **4. CONVENING MEETINGS OF COUNCIL**

The inaugural Meeting in each new term of Council shall be held on the first Tuesday in December at 7:30 p.m.

Within thirty (30) days of the inaugural Meeting, Council shall appoint a Deputy Mayor to act in the absence of the Mayor and appoint a member of Council to committees.

Regular Council Meetings shall be held on the first Tuesday and third Monday of each month at 7:30 p.m. at the Park Centre. When a public holiday falls on a regular meeting day, the following day shall be considered the regular meeting day.

Except as otherwise provided by the *Municipal Act, 2001*, as amended or other statutes, Council may, by resolution, dispense with, alter the time, day or place of any Meeting.

The Mayor may, at any time, summon a special Council Meeting to be held on such day at such time and in such a location as is chosen by the Mayor.

The Mayor may cancel any Meeting if notice has been given that a quorum will not be available to conduct a Meeting.

A Regular Council Meeting, Special Meeting of Council, local board or committee may be conducted by Electronic Meeting provided adequate notice is given and so long as permitted under Section 238 of the *Municipal Act, 2001*. This applies to all regular, special, emergency and closed sessions of council, local board and committee meetings.

#### **5. NOTICE OF MEETINGS**

The Clerk shall give notice of each regular and special Meeting of Council and of each Committee to members of Council, Committee members, where required, to the Heads of Departments concerned with such a Meeting.

The notice shall be in the form of an Agenda which shall first make mention of the day, time and place for the Meeting and any matter, so far as known, to be brought before such Meeting.

The Agenda shall be emailed to each Council member on Friday noon, prior to the Meeting. The information box is located at the Municipal Office.

Notice of Meetings shall be placed on the Township website and through the availability of this by-law.

In the case of special Meetings of Council, or any Committee Meetings where time does not permit personal delivery or sending by mail of the aforementioned agenda to meet the deadline, the Clerk shall attempt to inform each Member, Heads of Departments and such other persons as the Chair or Clerk deem advisable of the date, time, place and purpose of the Meeting by telephone or otherwise. Advertising of these Meetings shall be posted on the Township website, at the Kagawong Post Office and at the Municipal Office.

Failure of any person to receive notice of the Meeting to whom notice of the Meeting was required to be given, shall not affect the validity of the holding of the Meeting or any action taken thereafter.

## **6. PREPARATION OF AGENDAS**

It shall be the duty of the Clerk to prepare the Agendas for all Meetings in accordance with the provisions contained herein.

The Clerk shall accept items for any Agenda from the Mayor, Members of Council and Heads of Departments. The Clerk may also receive petitions and communications from the public and, at his or her discretion, shall place the petition or communication on a Council Meeting Agenda. All items for the agenda shall be delivered to the Clerk prior to the normal close of business on the Wednesday preceding the Meetings of Council or Committees. Late items may be added by majority 2/3 vote of Council or Committee.

When, in the opinion of the Clerk, in light of a report or reports of the Heads of Departments or otherwise, the Clerk does not consider that the matter warrants the consideration of Council or a Committee thereof, the Clerk in consultation with the Mayor or Deputy Mayor, may refuse to forward same to Council or a Committee thereof, as the case may be. The Clerk shall advise the correspondents or the petitioners of such refusal and indicate that they may request Council to reconsider such refusal. If the correspondents or the petitioners so request that Council consider the Clerk's refusal, and so advise the Clerk in writing, the Clerk shall place such request on the next Council Meeting Agenda and Council may, by resolution passed by two-thirds of the Members present, set aside the Clerk's refusal and either deal with the matter at that time or at a later date determined by Council or refer the matter to an appropriate Committee. At the appeal, copies of all correspondence or petitions as well as any requested department report received by the Clerk shall be attached by the Clerk to the appropriate Agenda and noted there on and forwarded to all Members.

## **7. AGENDA FORMAT**

All Council Meeting Agendas shall be prepared by the Clerk in writing and shall be in the following order:

1. Opening of Meeting
2. Approval of Agenda
3. Disclosure of Pecuniary Interest
4. Adoption of Minutes
5. Delegations
6. Committee Reports
7. Financial Report (presented at the 2nd meeting of each month)
8. Old Business
9. New Business
10. Correspondence
11. Information
12. Accounts for Payment
13. Notices of Motion
14. Closed Session
15. Confirm Proceedings By-Law
16. Adjournment

All Agendas prepared by the Clerk for Committee Meetings shall be in the same format as Council Agendas provided, however, that the Clerk and Chair of the Committee may include only those headings relevant to the particular Committee Meeting.

The items on the Agenda of each Meeting shall be taken in the order in which they stand on the Agenda unless otherwise decided by a majority of the Members present.



If a Member discloses a pecuniary interest for an item on the agenda, the Member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the Committee or Board, as the case may be, as soon as possible following the Meeting. The Clerk shall record such disclosures of pecuniary interest in the official minutes of the Meeting at which the interest was declared and maintain a registry in which shall be kept a copy of each written statement of pecuniary interest filed by Members.

## **8. REFERRED AND DEFERRED ITEMS**

Any item which is deferred by Council shall be included on the Agenda for the next regular Meeting if not deferred to a subsequent Meeting.

Items deferred or referred to a Meeting of Council shall be included on the Agenda under "Old Business."

## **9. DELEGATIONS/PRESENTATIONS**

### Delegations

Any person desiring to present information orally on matters of fact or to make a request of Council may be heard at a Meeting provided that the following requirements are complied with:

A delegation shall only be heard respecting an item on the Agenda. A delegation may also appear before Council or a Committee if a Member requests in writing to the Clerk that the delegation be placed on the Agenda prior to the normal close of business on Wednesday and provided that the provisions of Section 5.0, and 8.0 are complied with.

Prior to the normal close of business on Wednesday prior to the Meeting, the delegation shall submit its request in writing, together with a written submission detailing the matters that the delegation wishes to present to Council, or a Committee thereof.

A person/delegation granted permission to address Council shall be limited to speaking not more than ten minutes except that a deputation consisting of more than one person shall be limited to two speakers each limited to not more than five minutes. The time limit may be extended by Council or the Committee, as the case may be, by such amount of time as Council or the Committee deems advisable by resolution passed by a majority of the Members present.

The Clerk shall advise the delegation when there are two minutes remaining and once the time allotted to a delegation has been expired the Chair shall so inform the delegation and the delegation shall immediately cease its presentation.

Presentations by a delegation shall be followed by questions to the delegation by Members of Council.

Upon completion of the presentation and the questions by Members of Council, any issues introduced during delegations that require a decision of Council should be deferred until the next regularly scheduled Meeting of Council, unless they are of an urgent nature.

The Clerk may, with the permission of the Mayor direct that a delegation be received by a Committee prior to being received by Council.

No more than two delegations will be scheduled per Meeting except at the Clerk's discretion.

Delegates will not be permitted to make multiple delegations on the same matter unless the delegate has new information related to the matter for Council or Committee

consideration. If a delegate has new information related to a matter, any additional delegation(s) shall be limited to the new information only.

### Presentations

In addition to the above-noted requirements for delegations, presentations shall be limited to the following:

- (a) Civic recognition/awards;
- (b) Presentations from other government organizations;
- (c) Presentations from Township Staff or consultants.

## **10. QUORUM**

The Quorum required to commence and continue a Meeting of Council shall be more than fifty percent (50%) of the members.

The Quorum required to commence and continue the Meeting of a Committee shall be at least one and not more than fifty percent (50%) of Council Members plus more than fifty percent (50%) of the non-Council Members on the Committee.

Unless a Quorum is present within thirty minutes after the time appointed for the commencement of the Meeting, the Meeting shall automatically be deemed to stand adjourned until the next regular Meeting or until a special Meeting is called to deal with the matters intended to be dealt with at the adjourned Meeting. The Secretary of the Meeting concerned shall record the names of the Members present at the expiration of the thirty-minute time limit and such records shall be appended to the Agenda for the next Meeting.

If at any time during the Meeting there is not a Quorum, the Meeting shall automatically be deemed to stand recessed until there is a Quorum again in attendance or, should a lack of a Quorum continue for fifteen minutes from the time of its occurrence, then the Meeting shall automatically be adjourned either until the next regular Meeting day or until a special Meeting is called to deal with the matters at the adjourned Meeting.

As soon as there is a Quorum after the hour affixed for the commencement of the Meeting, the Chair shall take the chair and call the Meeting to order.

The Mayor may cancel a Meeting if notice has been given that a Quorum is not available.

## **11. ADOPTION OF MINUTES**

The Minutes shall record:

- (a) the place, date and time of the meeting;
- (b) the names of the Presiding Officer or Officers and record of attendance of the Members;
- (c) the reading, if requested, corrections and adoption of the minutes of prior meeting(s);
- (d) all other proceedings of the meeting without note or comment.

During the adoption of the minutes of a previous Meeting of Council no changes can be made in the action taken by Council at the previous Meeting, only changes in the form of errors or omissions and recording of any action taken at the previous Meeting may be made in adopting the minutes.

During the adoption of the minutes of a Committee any Member may discuss any items mentioned in the Committee minutes and Council may, by Resolution, change any action taken or not taken by the Committee and changes in the form of errors or omissions in the recording of any action taken at the Committee Meeting, may be made in adopting the minutes.

## **12. “CLOSED MEETINGS”**

A Meeting or part of a Meeting may be closed to the public if the subject matter being considered is a matter permitted to be considered *closed* in accordance with Section 239 of the *Municipal Act, 2001*, as amended.

Prior to holding A closed Meeting, Council or Committee shall state by Resolution the fact of the holding of the *closed* Meeting and the general nature of the matter to be considered. Discussing additional matters not contained within the motion to move *in camera* is not permitted.

Minutes of the *closed* Meeting shall be recorded by the Secretary without note or comment. Minutes of a *closed* Meeting are adopted at the next in person *closed* Meeting.

In general, Council or Committees shall not take any votes during an *closed* Meeting unless the vote is in accordance with section 239(6) of the *Municipal Act, 2001*, as amended. Any other Motions shall be brought forward and voted upon when the open session resumes.

Upon completion of the *closed* session, Council or the Committee shall immediately reconvene in public session and the Chair of the *closed* session shall report the results and any Resolutions carried therein to the public session.

Unless specifically requested to leave by the Chair, Heads of Departments may remain for any *closed* session but all other Township Staff and the public shall leave the meeting room unless required by Council or the Committee.

All attendees shall keep confidential all information obtained during their attendance at the *closed* Meeting unless by the concurrence of Council, the information, or parts of the information, may be disclosed in public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

## **13. BY-LAWS**

Every by-law shall be proposed and seconded by a written Motion. Every by-law shall be introduced by reading the Resolution which will state who is the proposer and who is the seconder and whether the by-law be read a first time only, or a first and second time only, or a first, second and third time and passed, and a short description of its contents.

The Chair shall then inquire if there are any members who wish to debate the by-law set forth in the resolution. Any member who wishes to may debate or move to amend the by-law set forth in the Resolution. If, at the conclusion of the debate, amendments have been proposed to any of the by-laws, the Chair shall report all such amendments to Council. Each amendment shall then be voted on separately without further amendment or debate following which the by-law then will receive third reading.

A by-law which has been defeated at any stage of the order of procedure shall be subject to a Motion to reconsider. The foregoing rules shall apply except when a Motion to reconsider a by-law is carried by majority vote, in which case the next order of business shall be a Motion that leave be given to introduce the by-law. If such a Motion is carried, the by-law shall be dealt with in accordance with the usual procedure.

## **14. ADJOURNMENT**

Council Meetings will adjourn at 10:00 p.m. unless a Motion to continue is passed. Such Motions shall include an alternate time limit for adjournment (*e.g.*, “for one hour”, “at 11:00 p.m.”, *etc.*).

A Motion to adjourn a Meeting shall be in order except:

- when a member is in possession of the floor;
- when it has been decided that the vote be now taken; or,
- during the taking of a vote.

No subsequent Motions to adjourn shall be made until after intermediate proceedings shall have taken place in each case.

The members shall not leave their places on adjournment until the Motion to adjourn is carried.

When a person has been deemed guilty of improper conduct by the Chair and is expelled or excluded from the meeting by the Chair and such person refuses to so leave, the Chair may adjourn the Meeting without any Motion to do so until such time as the person has left the meeting room.

## **15. RULES OF DEBATE**

The Chair shall preside over the conduct of the Meeting including the preservation of good order and decorum, ruling of points of order, questions of privilege, points of information and ruling on all questions relating to the procedure of the Meeting.

Any ruling made by the Chair is subject to an appeal to the Members by a Member. If an appeal is made by a Member for a ruling of the Chair, the Member appealing shall, after announcing the appeal, state the reasons for such an appeal and the Chair may then indicate why the appeal should be rejected and the Chair's ruling upheld. Without debate on the appeal, the Members by roll call shall then vote on the appeal. If the appeal is upheld, then the Chair shall change his ruling accordingly; if the appeal is rejected then the ruling stands.

The Chair may speak on any matter before the commencement of debate on that matter. The Chair may speak to close the debate on any matter after everyone else wishing to speak has spoken.

If the Chair wishes to take part in the debate, the Chair must leave the chair and call on the Deputy Mayor to act in the Chair's place and stead until the debate is closed and in such case the Chair waives his privilege to close the debate and the member acting in the Chair's place may close the debate.

A Member shall not speak more than once on a matter without leave of Council except in explanation of a material part of the speech which may have been misunderstood, or in reply after everyone else wishing to speak has spoken, provided that Member has presented the Motion to Council, but not if the Member has moved an amendment to the Motion under discussion.

Any person who contravenes any of the rules set out in this procedure by-law at a Meeting shall be guilty of improper conduct and may be subject to expulsion or exclusion there from by the Chair. If a member desires to leave a Meeting prior to adjournment and not return thereto, the Member shall so advise the Chair and the fact and time of the Member's early departure shall be recorded in the minutes. Any Member who persists in a breach of the by-law, after having been called to order by the Chair, may at the discretion of the Chair be ordered to leave their seat for the duration of the Meeting. At the discretion of the Chair, the Member may resume his seat following an apology.

## **16. CONDUCT OF MEMBERS IN COUNCIL**

In accordance with section 259 of the *Municipal Act, 2001*, as amended, any Member who is absent from Council Meetings for three consecutive months without being authorized to do so through a resolution of Council shall have their seat declared vacant.

A Member shall not:

- Speak disrespectfully of the Reigning Sovereign, any member of the Royal Family, the Governor General or a Lieutenant-Governor;
- Use offensive words or unparliamentarily language in a Meeting;

- Disobey the rules of the Council or decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- Leave their seat or make any noise or disturbance while a vote is being taken and the result being declared;
- Enter the council chamber while a vote is being taken;
- Interrupt a Member while speaking, except to raise a point of order;
- Pass between a Member who is speaking and the Chair;
- Use an Electronic Device during any Meeting for any purpose other than accessing materials pertinent to the item under discussion;
- Use an Electronic Device as a recording device or to broadcast or otherwise publish or post audio, video or photographs of any Meeting;
- Communicate with other Members using an Electronic Device during any Meeting.

All Electronic Devices not required for conducting the Meeting shall be turned off or turned to silent mode.

A Member who persists in a breach of the foregoing section, after having been called to order by the Chair, may at the discretion of the Chair be ordered to leave their seat for the duration of the Meeting. At the discretion of the Chair, the Member may resume their seat following an apology.

## **17. CONDUCT OF MEMBERS OF THE PUBLIC**

- Members of the public present during a Council or Committee meeting shall maintain order and quiet
- No person shall display signs or placards, applaud participants in a debate or engage in conversation or other behaviour which may disrupt the proceedings of Council or the Committee
- No person shall bring into the Council Chamber or Committee meeting food or drinks that are considered by the Mayor or Chair of the Committee to be disruptive to the meeting.
- No person shall bring into the Council Chamber or Committee meeting room cellular telephones, pagers or other electronic devices which emit a sound unless such devices are turned off or silenced
- When invited to address Council or a Committee, no person shall use indecent, offensive or insulting language or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any province, any member of the Federal or Provincial Governments, any Member of Council, any employee of the township, or of any individual;
- No person shall enter the Council Floor without the expressed permission of the Chair.
- Any person, not being a member of Council, who contravenes any provision of this section shall be expelled from the Meeting by the Chair. In the case of an electronic meeting the staff member hosting the meeting shall remove any person who contravenes any provision of this section.

## **18. MOTIONS**

All Motions shall be read by the Chair or Clerk and then presented to the Chair for the commencement of debate. A Member who moves a main Motion has the first right of speaking on that Motion. Motions shall be debated in the order of presentation to the Chair. Any Member may require the Motion under discussion to be read at any time during the debate, except when a Member is speaking.

A Member shall not speak more than once on a matter without the leave of Council or Committee, as the case may be, except:

- if questioned by another Member;
- to explain comments which the Member believes have been misunderstood; or,

- in the case of the mover of the main Motion, in reply just before the Chair and after everyone else has spoken.

The mover and seconder of a Motion or amendment must both be present at the time a vote is taken for the vote to be valid.

When the Chair determines the vote on a question, their vote shall be spoken, signified, polled and recorded after the votes of each Member voting.

Failure to vote by a Member who is present at the Meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. If a Member present at a Meeting at the time of a vote requests immediately before or after taking of the vote that the vote be recorded, each Member present, except a Member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.

Notices of Motion shall be filed in writing with the Clerk and shall be added to the next Agenda for a regular Meeting of Council under as a Notice of Motion. Notwithstanding the written inclusion of a Notice of Motion on an Agenda, any Member may verbally provide a Notice of Motion during a Meeting and provide a written copy following the Meeting to the Clerk.

## **19. POINTS OF ORDER**

When a Member desires to address Council upon a matter which concerns the rights of privileges of the Council collectively or of themselves as a Member thereof, the Member shall be permitted to raise such matter of privilege. A matter of privilege shall take precedence over other matters. While the Chair is ruling on a point of privilege, no one shall be considered to be in possession of the floor.

A Member who desires to call attention to what the Member believes to be a violation of the rules of procedure shall ask leave of the Chair to raise a point of order. When the leave is granted, the Member shall state the point of order with a concise explanation and shall attend the decision of the Chair upon the point of order. (The Speaker in possession of the floor when the point of order or privilege was raised shall have the right to the floor when the debate resumes.)

A Member called to order by the Chair shall immediately vacate the floor until the point of order is dealt with and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair.

When a Member desires to call attention to what the Member believes to be a violation of the rules of procedure, the Member shall, once recognized by the Chair, rise on a point of order. On raising the point of order, a Member shall state the point of order with a concise explanation and the Chair shall rule upon the point of order.

Unless a member immediately appeals the ruling of the Chair, the ruling of the Chair on the point of order shall be final. If the ruling is appealed, the appeal procedure set out in section 15 shall be followed.

## **20. VOTING – GENERAL**

When a Motion that the vote now be taken (question) is presented, it shall be put to a vote without debate and if carried by a two-thirds majority of the Members present, the Motion and any amendments thereto shall be submitted to a vote immediately, without further debate.

After the Chair commences to take a vote on a question, no Member shall speak to such question or present any other Motion until a vote has been taken on the question. Voting shall be by way of a “show of hands” in favour or against, except when a recorded vote is requested by any Member.

Every person who is present at a Meeting when a vote by way of “show of hands” is taken on a question, shall vote thereon unless prohibited by statute, or if any Member present other than the Chair refuses or fails to vote, the Member shall be deemed as voting against the question.

When a recorded vote is requested, the Clerk shall call the names of Members present in alphabetical order except for the Chair whose name shall be called last and the Clerk shall record each Member’s vote and each Member’s vote shall be recorded in the minutes.

Any question on which there is an equality of votes shall be deemed to be lost except where otherwise expressly provided by statute.

If a Member disagrees with the announcement by the Chair regarding the results of any vote, the Member may object immediately to the Chair’s declaration and require the vote to be retaken by a recorded vote by the Clerk. A Member’s opposition to any question shall not be recorded in the minutes unless a recorded vote was taken.

When the question under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately.

With respect to Committees, any Member, including the Chair, may propose or second a Motion and all Members including the Chair shall vote all Motions except when disqualified by reasons of interest or otherwise; a tie vote shall be considered lost.

## **21. VOTING – RECONSIDERATION**

Once a Motion has been made and carried or lost, it shall be in order for any Member who voted with the prevailing side to move for reconsideration, and if such Motion is seconded, it shall be open to debate and be disposed of by the Meeting.

When a Motion of reconsideration is made at the same Meeting at which the question to be reconsidered was previously dealt with, the majority of Members present may pass such Motion of reconsideration.

When a Motion of reconsideration is made by a Member who voted with the prevailing side at a Meeting subsequent to that at which the question to be reconsidered was previously dealt with, the question shall not then be reconsidered unless a majority of the Members present pass a Motion of reconsideration to do so. If a Member wishes to propose a Motion for reconsideration at a subsequent Meeting to which the question to be reconsidered was previously dealt with, it must be preceded by a Notice of Motion of reconsideration given pursuant to section 17 hereof.

No more than two Motions for reconsideration of any question shall be permitted in the same calendar year. When Council has decided either for or against a certain question, a Committee shall not reconsider the same question during the same calendar year until a Motion for reconsideration has been adopted by Council.

If a Motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the Motion of reconsideration calls for a future definite date for the reconsideration, and debate on the question to be reconsidered shall proceed as though it has never previously been voted on.

Debate on a Motion for consideration must be confined to reasons for or against reconsideration.

After a Motion has been voted upon, and at the same meeting, any Member who voted with the prevailing side may, in writing, move for reconsideration. If such Motion to reconsider receives a seconder, it shall be open to debate, voted upon and shall require the votes of a majority of Members present to pass.

## **22. VOTING – AMENDMENTS**

Only one amendment at a time can be presented to the main Motion and only one amendment can be presented to an amendment. When an amendment has been decided on, another amendment to an amendment may be introduced and when an amendment to a main Motion has been decided on, another may be introduced. In the case of an amendment to an amendment, an amendment to the main Motion cannot be withdrawn until the amendment to the amendment has been withdrawn or defeated.

An amendment to a main Motion or to an amendment must be similar to the question which it is proposed to amend but with sufficient variance to constitute a different question.

The amendment to the amendment, if any, shall be voted on first; then if no other amendment to the amendment is presented, the amendment to the main Motion shall be voted on next; then if no other amendment to the main Motion is introduced the main Motion shall be voted on next; or if any amendment to an amendment or any amendment to a main Motion has carried, the main Motion, so as amended shall be put to a vote.

Nothing in this section shall prevent other proposed amendments which have not yet been read to the Meeting but which have been presented to the Chair from being read informally to the Meeting if requested by any Member so as to inform the Members of the various amendments presented to the Chair respecting the Motion concerned.

When the question under consideration contains distinct proposition the vote upon each proposition shall, at the request of any Member be taken separately.

## **23. INTERPRETING THE PROCEDURE BY-LAW**

In the event of conflict between this Procedure Bylaw and legislation, the provisions of the legislation prevail;

A specific statement or rule in this Procedure Bylaw has greater authority than a general one; and

If there is a conflict between two or more rules in this Procedure Bylaw, or if there is no specific rule on a matter, the chair shall rule. In making a ruling, the chair may consult the clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order, Edition 11.

## **24. APPOINTMENTS TO BOARDS, COMMITTEES, CITIZENS COMMITTEES AND AD HOC COMMITTEES**

The Mayor or Deputy Mayor shall be *ex-officio* Members of all Committees of Council and shall have the same rights and privileges as any other Member of the Committee but shall not constitute part of the quorum.

Appointments to the Library Board Committees and Citizens Committees of the Corporation shall be made by Council. In making such appointments, the following procedure shall apply:

All applications for appointment must be in writing and received by the Clerk by the date specified in the advertisement. All applicants must meet the same qualifications as electors in the Municipality and the Clerk shall determine the qualifications of each applicant. Copies of all applications received for each position from qualified applicants shall be included with the Agenda material for the Council Meeting concerned. Where there is only the exact number of qualified applicants as required for any position or positions, a Motion to appoint the applicants to the position or positions concerned shall be presented and voted upon.

If there are more qualified applicants than positions available, Council shall select



from the qualified applicants the ones to fill the position or positions concerned. The selection process to be followed by Council shall be as follows:

A recorded vote of the Council shall be taken with respect to the qualified applicants for each position available. If upon the first recorded vote no applicant received the votes of the majority of the Members present, the name of the applicant receiving the least number of votes shall be dropped and the Members shall proceed to vote anew and so continue until either an applicant receives the votes of the majority of Members present at which time such applicant shall be declared appointed; or, it becomes apparent by reason of an equality of votes that no applicant can be appointed by the voting process.

In the case where no applicant receives the majority required for appointment by recorded vote, and where two or more applicants are tied with the least number of votes, a special recorded vote shall be taken to decide which of the tied applicants with the least number of votes shall be dropped from the list of names to be voted on in the next recorded vote.

Where by reason of equality of votes it becomes apparent that no applicant can be appointed by the voting process, then the vacancy shall be filled by the applicant selected by lot by the Clerk.

These procedures shall also apply in any appointment made during the term of Council.

## **25. COMMITTEE OF THE WHOLE**

The Committee of the Whole shall deal with items which require prolonged discussions and are too time consuming for a Council agenda.

## **26. AD HOC COMMITTEES**

Ad Hoc Committees containing less than 50% of the Council Members may be appointed by Council from time to time to consider specific matters.

A by-law appointing a Committee shall include:

- a. the name of the Committee
- b. the members of the Committee
- c. the purposes and objectives of the Committee
- d. the date by which the Committee shall report to Council
- e. the term of the Committee

Unless otherwise stated in the by-law creating the Ad Hoc Committee, the term of the Ad Hoc Committee will not extend beyond the term of the Council by which it was created. Ad Hoc Committee meetings shall be arranged in accordance with the policy of Council as determined from time to time.

Each Ad Hoc Committee, at its first Meeting, shall elect a Committee Chair from among its Members and shall arrange its own schedule of Meetings.

An Ad Hoc Committee Chair may be removed by a vote of a majority of the Ad Hoc Committee but no such Motion shall be in order unless preceded by a Notice of Motion.

If the Chair of an Ad Hoc Committee is not present within fifteen minutes from the time of the opening of the Committee meeting, the Members present shall, by Resolution, elect another Member of the Ad Hoc Committee to preside and the Member shall discharge the duties of the Chair for that Meeting, or until the arrival of the Ad Hoc Committee Chairperson.

## **27. RULES IN COMMITTEE**

Rules of Committees containing less than a majority of Council members shall follow procedures set out by Council for such Committees.

Any public appointee of any Committee that misses two (2) consecutive Meetings, without notifications to the Chair with the reason of absence (just cause), may be considered to have resigned. Council may appoint another Member in their place.

A Committee which refuses or neglects to give due consideration to any matter before it, may, by Council resolution, be discharged from such responsibility to another Committee.

Each Committee, in the exercise of its several functions, when same is not described by Statute or by by-law, is subject to the control and direction of Council. Each Committee shall report in writing to Council on all matters connected with their duties or referred to them by Council.

## **28. STAFF ATTENDANCE AT COUNCIL MEETINGS**

The Heads of Departments or their designates shall render assistance to Council or Committees and may attend Meetings of Council. The Department Heads or their designates shall be present at all Council Meetings when any item on the agenda is related to their area of responsibility.

All Electronic Devices not required for conducting the Meeting shall be turned off or turned to silent mode. Staff shall be discouraged from communicating by electronic means during a Meeting. No staff member or member of the public shall use an Electronic Device as a recording device or to broadcast or otherwise publish or post audio, video or photographs of any Meeting.

## **29. AMENDMENT OF BY- LAW**

Any provision contained in this by-law may be repealed, amended or varied and additions may be made to this by-law by a majority vote, provided that no Motion for that purpose may be considered unless notice thereof has been given at a preceding regular Council Meeting and such notice may not be waived.

By-Law 2018-24 and 2020-12 is hereby repealed.

This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Ian Anderson, Mayor

\_\_\_\_\_  
Kathy McDonald, CAO/Clerk