

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES**

**BY-LAW NUMBER 3130-20**

**PROCEDURAL BY-LAW**

BEING A BY-LAW to govern the proceedings  
of Council / Committee Meetings and to  
repeal By-law Number 2880-17.

**WHEREAS** Section 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

**AND WHEREAS** Section 11 (2) of the *Municipal Act, 2001*, S.O. 2001, C.25 provides that upper and lower tier municipalities may pass by-laws respecting accountability and transparency of the municipality and its operations and of its local boards and their operations;

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

**AND WHEREAS** Council, in the interest of good governance recognizes that a Procedural By-law as a hallmark of accountability, openness and transparency.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:**

1. Approve "Schedule 1" to this By-law as the Rules and Procedures governing the proceedings of Council / Committee Meetings;
2. The short title of this By-law is the "Procedural By-law";
3. The repeal of By-law 2880-17;
4. This By-law shall come into force and effect on March 1, 2020.

READ a first and second time this 27<sup>th</sup> day of January 2020.

READ a third time and passed this 27<sup>th</sup> day of January 2020.

  
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Sue Foxton, Mayor

  
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Ashley Sage, Clerk

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## 1. DEFINITIONS

(1.1) In this Procedural By-law:

- 1) "**Act**" means *the Municipal Act, 2001, c.25* as amended or replaced from time to time.
- 2) "**Addendum**" means any addition to a completed written agenda or addition to an item on the agenda. Changes in motions or resolutions following discussion on an agenda item are not considered an Addendum.
- 3) "**Advisory Committee**" means a committee established by Council, made up of members of the public and at least one member of Council that will deal with municipal matters (refer to Appendix 'A' for rules and procedures).
- 4) "**By-law**" means an enactment, in a form approved by Council, passed for the purpose of giving effect to a decision or proceedings of Council.
- 5) "**CAO**" means the Chief Administrative Officer of the Township of North Dumfries.
- 6) "**Chair**" means the Presiding Officer of Council.
- 7) "**Clerk**" means the Clerk of the Township or his/her designate.
- 8) "**Closed Meeting**" or "**In-Camera**" refers to a Meeting, or part of a Meeting of Council, that is not open to the public, pursuant to Section 239 of the Act.
- 9) "**Confirmatory By-law**" means a by-law passed for the purpose of giving general effect to previous decisions or proceedings of Council.
- 10) "**Consent Agenda**" means a listing of items being presented to Council for its consideration and approved in a single motion as presented.
- 11) "**Council**" means the Council of The Corporation of the Township of North Dumfries, comprised of the Mayor and Councillors.
- 12) "**Delegation**" means a person or group who has made a written request to address Council on a subject which is not on the published Agenda.
- 13) "**Deputy Mayor**" means a Member of Council appointed by By-law as set out in Section 3.2 who shall assume the duties, rights, powers and authority of the Mayor in the circumstances set out in Section 242 of the *Act*.
- 14) "**Emergency Meeting**" means a meeting that is called to deal with an emergency or extraordinary situation.
- 15) "**Ex-officio**" means by virtue of office or position and carries with it the right to participate fully in the committee meeting and to vote unless prohibited by law.
- 16) "**Live streaming**" is a method of providing audio or video over the internet in real time to anyone who has high-speed internet access. The audio or video stream can be saved and archived allowing those with internet connection the ability to access recordings at their convenience.
- 17) "**Local Media**" refers to a variety of communication channels, as determined by the Township Clerk, that provides local news, advertising and promotional messages to the Township.
- 18) "**Majority**" means for the purpose of voting, unless otherwise specified, more than half of the Members of Council present at the vote and not prohibited by statute from voting, determined as follows:
  - a) Majority of 5 Members equals 3;
  - b) Majority of 4 Members equals 3;
  - c) Majority of 3 Members equals 2.

- 19) "**Majority Vote**" means an affirmative vote by the Majority of Members present and voting at a Meeting.
- 20) "**Mayor**" means the head of Council, or his/her designate.
- 21) "**Mayor and Councillor Report**" means a written submission made by a Member to be circulated as part of the agenda for Council's information and/or action.
- 22) "**Meeting**" means any regular, special or other meetings of council, or of certain local boards or committees, where a quorum is present and where members discuss or otherwise deal with matters in a way that materially advances the business or decision making of the relevant body.
- 23) "**Member**" means a Member of Council, and includes the Mayor.
- 24) "**Motion**" means a proposal, moved by a Member and seconded by another Member, for the consideration of Council.
- 25) "**Municipal Offices**" means the Township's administrative office at 2958 Greenfield Road, Ayr.
- 26) "**Notice**" means a written, published, or printed notification.
- 27) "**Notice of Motion**" means the process followed by an individual Member to put forward a motion as provided for in Section 8.10 of this By-law.
- 28) "**Open Meeting**" means a Meeting which is open to the public and local media.
- 29) "**Presentation**" means an address to Council at the request of Council or the Chief Administrative Officer, by a person, a level of government or agency, or other body on a specific matter. Presentations may include recognition of a Member of Council or staff.
- 30) "**Pecuniary Interest**" means a direct or indirect pecuniary interest of a member of Council as defined in the *Municipal Conflict of Interest Act*, R.S.O. 1990, as amended.
- 31) "**Petition**" means a formal written request that appeals to Council with respect to a particular issue as set out in Section 7.12 of this By-law.
- 32) "**Point of Order**" means the raising of a question by a Member of Council for the purpose of calling attention to a deviation or departure from the Rules of Procedure.
- 33) "**Point of Privilege**" means the raising of a question by a Member or the Chief Administrative Officer, where he/she feels that his/her integrity, the integrity of the Council, or the integrity of staff has been impugned by another Member, a Delegate, a Presenter or a Speaker.
- 34) "**Point of Procedure**" means the raising of a factual inquiry regarding business matters or procedural inquiry regarding the rules of order.
- 35) "**Public Holiday**" refers to New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Christmas Day, Boxing Day, and any other day proclaimed by Council as a civic holiday.
- 36) "**Public Planning Meeting**" means a Meeting held pursuant to the *Planning Act*, R.S.O. 1990, c. P.13 or other statute.
- 37) "**Quorum**" means the majority of Members required for the legal conduct of the business of Council.
  - a) Quorum of 5 Members equals 3;

- b) Quorum of 4 Members equals 3;
  - c) Quorum of 3 Members equals 3.
- 37) "**Recognitions**" means a special recognition of staff or the public, including award, significant achievement and/or special service to the community.
- 38) "**Recorded Vote**" means a written record of the name and vote of each Member on a motion or question conducted by the Clerk.
- 39) "**Recording Device**" means any device used for the purpose of recording whether it be analogue, digital or other means of recording, including but not limited to computers, cellular telephones, smartphones, tablets, voice recorders and cameras or any other similar device.
- 40) "**Resolution**" means a motion that has been carried.
- 41) "**Robert's Rules of Order**" means the most current edition of Robert's Rules of Order, new revised.
- 42) "**Rules of Procedures**" means the rules and regulations as set out in this By-law.
- 43) "**Speaker**" means a member of the public who wishes to speak or submit comments to Council on an item included in the Council Agenda.
- 44) "**Special Meeting**" means a meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Meetings.
- 45) "**Staff**" means the employees of The Corporation of the Township of North Dumfries.
- 46) "**Standing Committees**" means a Committee established by Council and consisting solely all Members of Council.
- 47) "**Staff Presentation**" means an address to Council by Staff on a report supported by a formal presentation method.
- 48) "**Task Force**" means a committee struck by Council that can include Members of Council and/or members of the public.
- 49) "**To Adjourn**" means to end a Meeting.
- 50) "**To Amend**" means to alter a motion in a germane manner.
- 51) "**To Call the vote**" means to stop debate and immediately proceed to vote on the motion.
- 52) "**To Defer**" means to postpone all discussion on a matter until a future date or time, which is established as part of the motion.
- 53) "**To Receive**" means to acknowledge the receipt of a matter before Council, with no expectation of any future action being taken.
- 54) "**To Recess**" means to take a short break or suspend a Meeting for a specified length of time.
- 55) "**To Refer**" means to direct a matter under discussion by Council to staff or Advisory Committee or Standing Committee of Council for further examination or review.
- 56) "**To Table**" means to postpone a matter without setting a definite date for future discussion of a matter.
- 57) "**Township**" means The Corporation of the Township of North Dumfries.

- 58) "**Township Website**" means the Township of North Dumfries website at [www.northdumfries.ca](http://www.northdumfries.ca).
- 59) "**Two Thirds Majority Vote**" means an affirmative vote of at least two-thirds of the Members present at the vote and not prohibited by statute from voting, determined as follows:
- a) Two-thirds of 5 Members equals 4;
  - b) Two-thirds of 4 Members equals 3;
  - c) Two-thirds of 3 Members equals 2.
- 60) "**Vice Deputy Mayor**" means a Member of Council appointed by By-law asset out in Section 3.3 who shall assume the duties, rights, powers and authority of the Mayor when both the Mayor and Deputy Mayor are unable to fulfill the Chair duties, in the circumstances set out in Section 242 of the *Act*.

## 2. GENERAL PROVISIONS

### 2.1 Purpose

This By-law (referred to as the "Procedural By-law") establishes the rules of order for Council, Committee of the Whole and Advisory Committee meetings.

### 2.2 Principles

- a) This By-law sets out processes that are open, transparent and accountable to the public. In the context of Council proceedings, these principles are accomplished by:
  - i) Ensuring the decision-making process is understood by the public and other stakeholders;
  - ii) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this By-law and other statutory requirements; and
  - iii) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedural By-law and other statutory requirements.
- b) The principles of parliamentary law governing Council and Committee of the Whole Meetings include:
  - i) The majority of Members have the right to decide;
  - ii) The minority of Members have the right to be heard;
  - iii) All Members have the right to information to help make decisions, unless otherwise prevented by law;
  - iv) All Members have a right to an efficient Meeting;
  - v) All Members have the right to be treated with respect and courtesy; and
  - vi) All Members have equal rights, privileges and obligations.

### 2.3 Interpretations

- a) In the event of conflict between the provisions of this By-law and the Act or any other legislation, the provisions of the legislation shall prevail.
- b) If there is a conflict between two or more rules in this Procedural By-law, or if there is no specific rule on a matter, the Chair will 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.

### 2.4 Application

- a) The rules of order contained in this Procedural By-law govern the proceedings for the dispatch of business in Council and Committee of the Whole Meetings.



- b) All Meetings of Council shall be open to the public unless the subject matter to be discussed relates to the Closed Meeting topics as set out in Section 5.6.

## 2.5 Suspension of Rules

- a) Rules and regulations contained in this By-law may be suspended by a two-third majority vote of the Members present at the Meeting, with the exception of the following:
  - i) Statutory requirements;
  - ii) Contractual agreements binding the Township;
  - iii) Amending this Procedural By-law; or
  - iv) Quorum requirements.

## 2.6 Majority Vote

Unless this Procedural By-law states otherwise, a matter passes when the Majority of Members present vote in the affirmative.

## 2.7 No Quorum

- a) If no Quorum is present fifteen (15) minutes after the time determined for a Meeting, the Clerk shall record the names of the Members present at the Meeting and the Meeting shall not commence or proceed. Members present shall remain until thirty (30) minutes after the time determined for a Meeting and if no Quorum is present at that time, the Meeting shall be deemed to be cancelled due to lack of Quorum.
- b) In a Meeting where there is only the minimum requirement for a Quorum and a Member discloses a matter of pecuniary interest, the remaining Members of Council are deemed to constitute a Quorum, provided that this number is not fewer than two (2).
- c) If during the course of a Meeting, if the Quorum is lost, the Meeting shall stand recessed and shall reconvene when a Quorum is regained. In the event that the Quorum is not regained within thirty (30) minutes, the Clerk shall record in the Minutes the time when Quorum was lost and the names of those Members present, and the Meeting shall end without formal adjournment.
- d) If a Meeting ends because a Quorum is lost:
  - i) The items on the agenda that were dealt with by Council including any recommendations therefrom, will be included in the Minutes of the Meeting;
  - ii) The items on the agenda that were not dealt with or finally disposed of by Council shall be placed on the agenda for the next Regular Meeting or Special Meeting.
- e) Each Member of Council is encouraged to notify the Clerk when the Member is aware that he/she will be absent from any Meeting.

## 2.8 Absence of the Chair

If the Chair does not attend within fifteen (15) minutes after the hour fixed for the Meeting, the Deputy Mayor shall call the Meeting to order and shall preside until the Chair arrives. If the Deputy Mayor is unable to call the meeting to order, then the Vice Deputy Mayor shall call the meeting to order and shall preside until the Mayor, or Deputy Mayor arrive.

## 2.9 Late Arrival

If a Member arrives late to a Meeting that has already commenced, any prior discussion shall not be reviewed without Two-Thirds Majority Vote of all Members present.

## 2.10 Disclosure of Pecuniary Interest

- a) All Members shall govern themselves at any Meetings in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, respecting any disclosure of pecuniary interest. It is the responsibility of the Member to identify and disclose any pecuniary interest. Members shall not request the Clerk or any other municipal officer, including the Township's Solicitor, to provide advice or comment on whether a Member has a pecuniary interest.
- b) Where a Member, either on his or her own behalf or while acting for, by, with or through another, has a pecuniary interest, direct or indirect, in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall:
  - i) Verbally disclose the interest and its general nature, prior to any consideration of the matter at the Meeting;
  - ii) Leave the Council Chamber or Meeting room immediately prior to any consideration or discussion of the matter;
  - iii) Refrain from, at all times, attempting to influence in any way the disposition of any other Members;
  - iv) File a written statement with the Clerk that outlines the disclosed interest and its general nature.
- c) Where a Member has declared a pecuniary interest on an item appearing on an agenda, that item shall be removed from the consent agenda (if necessary) and dealt with on its own.

## 2.11 Points of Order/Privilege

- a) A Member may interrupt the person who has the floor to raise a Point of Order when such Member feels that there has been a deviation or departure from the rules of order. The ruling of the Chair shall be final unless a Member appeals the ruling to Council pursuant to Section 2.11(d) of this By-law.
- b) A Member may request at any time a Point of Privilege where such Member feels that their integrity, the integrity of the Council, or the integrity of staff has been impugned by another Member, presenter, delegate or Speaker. The ruling of the Chair shall be final unless a Member appeals the ruling to Council pursuant to Section 2.11(d) of this By-law.
- c) Where the Chair recognizes that a breach of Privilege has taken place, the Chair shall demand that the offending Member, presenter, delegate or Speaker apologize, and failing such apology shall require the offending person to vacate the Council Chambers for the duration of the Meeting.
- d) Any Member may appeal the decision of the Chair to the Council, which shall decide the question, "THAT Council sustain the decision of the Chair" and shall vote upon the question without debate, deferral or adjournment, upon a Majority Vote of Members present. The Clerk shall call upon the vote and announce the results.
- e) When the Chief Administrative Officer considers that the integrity of a member of Township staff has been impugned or questioned, the Chief Administrative Officer may seek leave from the Chair to make a statement to Council.

# 3. ROLES AND RESPONSIBILITIES

## 3.1 Chair of Meeting

The Chair of a Meeting of Council is the Mayor. In the absence of the Mayor, the Deputy Mayor is Chair, as provided for in Section 3.2 of this Procedural By-law.

## 3.2 Deputy Mayor

- a) The Deputy Mayor shall act in the absence of the Mayor in the following circumstances:

- i) When the Office of Mayor is vacant;
  - ii) When the Mayor is absent due to illness or scheduling conflict;
  - iii) When the Mayor is absent from the Township;
  - iv) When the Mayor refuses to act; or
  - v) When the Mayor declares a matter of pecuniary interest.
- b) The Deputy Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council in the Mayor's absence, as defined in sections 241 and 242 of the *Act*.
- c) In the event that both the Mayor and Deputy Mayor are absent through illness or absent from the Township or other items as listed in provision 3.2 a) i) to v), a Vice-Deputy Mayor shall be appointed, who has all the rights, powers, and authority of the Mayor as Head of Council.
- d) At the beginning of each term of Council, Council shall determine a schedule and appoint Deputy Mayor(s) for all or part of the term of Council by a By-law.
- e) Members of Council shall only assume the role of the Head of Council under the circumstances in Section 3.2(a) of this By-law.

### 3.3 Vice Deputy Mayor

- a) The Vice Deputy Mayor shall act in the absence of the Mayor and Deputy Mayor in the following circumstances:
  - i) When the Office of Mayor and Deputy Mayor is vacant;
  - ii) When the Mayor and Deputy Mayor is absent due to illness or scheduling conflict;
  - iii) When the Mayor and Deputy Mayor is absent from the Township;
  - iv) When the Mayor and Deputy Mayor refuses to act; or
  - v) When the Mayor and Deputy Mayor declares a matter of pecuniary interest.
- b) The Vice Deputy Mayor has, and may exercise all the rights, powers, and authority of the Mayor as Head of Council in the Mayor's and Deputy Mayor's absence, as defined in sections 241 and 242 of the *Act*.
- c) Council will appoint a Vice Deputy Mayor when and if the need for one arises.

### 3.4 Clerk

- a) The Clerk or his / her designate shall be present at all Meetings of Council.
- b) The Clerk shall be responsible for the management and coordination of Meeting agendas and related resolutions, by-laws, correspondence and records, and allow for public access to the same in accordance with the *Act*, the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 c. M. 56* and other pertinent legislation.

### 3.5 Duties of the Chair

- a) As soon as a quorum is present, after the hour fixed for the holding of a Council Meeting, the Mayor shall take the Chair and call the Meeting to Order.
- b) The Chair is responsible for, where applicable:
  - i) Presiding at all Meetings of Council;
  - ii) Putting to a vote on all motions which are duly moved and seconded, and to announce the result of the vote;
  - iii) Declining to put to a vote any motion which contravenes this Procedural By-law;
  - iv) Enforcing the rules of order in this Procedural By-law and decorum among the Members and attendees/audience members of the public;

- v) Enforcing the Code of Conduct;
- vi) Enforcing order and good behavior of all Members in accordance with the Rules of Procedures when engaged in debate;
- vii) When a Member persists, following several reminders, in breaching the Rules of Procedure and disrupting the business of Council, order the Member to vacate the Council Chambers for the duration of the Meeting;
- viii) Ensuring that all Members who wish to speak on a Motion have spoken;
- ix) Ensuring clarity, where required, by reading, or requesting the Clerk, to read motions before voting;
- x) Voting on all matters unless prohibited by law;
- xi) Deciding all questions of order at the Meeting, subject to an appeal by any Member to Council on any question of order in respect to business before the Council;
- xii) Maintaining, throughout the duration of a Meeting, a list containing the names of the Members and public attendees who wish to speak to an item of the Agenda;
- xiii) Adjourning the Meeting when the business of the Meeting has concluded;
- xiv) Executing, by his/her signature when necessary, all By-laws, resolutions and minutes of a Meeting and other required documents;
- xv) Representing and supporting Council, declaring its will, and implicitly obeying its decisions in all matters; and,
- xvi) Respecting the confidentiality of matters discussed in Closed Meetings and not disclosing the subject or substance of these discussions unless authorized to do so.

### 3.6 Members

- a) Members are responsible for, where applicable:
  - i) Attending scheduled Meetings;
  - ii) Carefully considering and making decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
  - iii) Respecting and following the rules of order, the Chair's final ruling, and Council's decision;
  - iv) Participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Privilege, as set out in Section 2.11 of this By-law;
  - v) Voting on all matters unless prohibited by law;
  - vi) Advising the Chair or Clerk of any absences; and
  - vii) Respecting the confidentiality of matters discussed in Closed Meetings and not disclosing the subject or substance of these discussions unless authorized to do so.

## 4. CONDUCT AT MEETINGS

### 4.1 Conduct of Members of Council

- a) The Chair shall preserve order and rule on Points of Order and Privilege.
- b) Every Member desiring to speak shall indicate so in order to be recognized by the Chair.
- c) When two or more Members wish to speak, the Chair shall recognize the Member who, in the opinion of the Chair, first signified their intention to speak.
- d) Every Member, on being recognized, shall remain seated in his or her place, and address themselves to the Chair.
- e) Once a Member has spoken to a question, that Member cannot speak to that question again until all Members who wish to speak to that question have spoken.
- f) No Member, without leave of Council, will speak to the same question, or in reply, for longer than five (5) minutes. Each Member shall not ask any more than three

(3) questions. Once all Members have asked their question(s), then each Member may ask no more than a maximum of three (3) additional questions and so on.

- g) A Member may ask a question for the purpose of obtaining information relating to the matter under discussion and such question shall be stated concisely and asked only through the Chair.
- h) A Member called to order by the Chair shall immediately cease further comment and may appeal the call to order to Council. Council, if appealed to, shall decide on the case without debate and by way of a majority vote of the Members present. If there is no appeal, the decision of the Chair shall be final.
- i) No Member shall:
  - i) Use any offensive, disrespectful or unparliamentary language about any Member, staff, Meeting attendees, the public and Council;
  - ii) Speak on any subject other than the subject under debate;
  - iii) Speak in contempt of any decision of Council;
  - iv) Leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared; or
  - v) Disobey the Rules of Procedure or a decision of the Chair on points of order or privilege, or upon the interpretation of this By-law.

#### **4.2 Conduct of Attendees**

- a) Members of the public who constitute the attendees at a Meeting, are responsible for:
  - i) Addressing Council when permitted and speaking respectfully at all times; and
  - ii) Maintaining order and not heckling, or engaging in conversations, displaying placards or props or any behaviour that may be considered disruptive.
- b) The Chair may request security or Staff to expel or exclude any person who disrupts a Meeting.
- c) Attendees wishing to submit materials to Council must do so through the Clerk.
- d) No persons, other than Council Members and Township staff, are permitted to approach the area where Council and staff are seated, without the permission of Council.

#### **4.3 Electronic Devices**

- a) All cell phones and electronic devices shall be turned off or set to silent mode during any Meeting, with the exception of assistive devices for people with disabilities, or authorized devices which facilitate the official duties of Members of Council and staff related to the agenda of the current meeting.
- b) The use of audio and video recording equipment in the Council Chambers by the public or the media will be permitted provided that it is not disruptive to the Meeting and streaming of the Meeting.

### **5. COUNCIL MEETINGS**

#### **5.1 Inaugural Meeting**

- a) The first Meeting of a newly elected Council after a regular election shall be held at a date after November 15, as determined by the Clerk after the Members of Council take office.
- b) The inaugural Meeting must occur no later than thirty-one (31) days after

Council's term commences pursuant to the *Municipal Elections Act, 1996*, as amended.

- c) Rotation for Deputy Mayor may be established at the inaugural meeting.

## 5.2 Committee of the Whole

- a) Committee of the whole will be its own standing committee, that organizes reports by function. The following functions will be included on the Committee of the Whole agenda:
  - 1) Finance
  - 2) Development Services
  - 3) Community Services
  - 4) Governance & Protective Services
- b) The Mayor shall Chair Committee of the Whole.
- c) In the absence of the Mayor, the Deputy Mayor shall Chair Committee of the Whole
- d) Committee of the Whole shall meet on the second Monday each month, except in January, where Committee of the Whole shall meet on the fourth Monday of the month, commencing at 6:00 p.m. and Regular Council shall follow. One agenda titled "Council Agenda" that includes both Committee of the Whole and Regular Council (and Public Planning Meeting if applicable) will be distributed.
- e) Where the second Monday of the month is a statutory holiday, Committee of the Whole shall be scheduled on the next day (being the Tuesday).

## 5.3 Regular Meeting

- a) Regular Council shall meet on the fourth Monday of the month, commencing at 7:00 p.m.
- b) Council approves a schedule of all Meetings of Council (Committee of the Whole, Regular Council, Training Sessions/Educational Workshops, Town Hall Meetings, budget meetings) prepared by the Clerk for each calendar year, which may be amended. The schedule of Meetings is made available to the public on the Township's website and from the Municipal Office.
- c) No later than December of each year, Council shall set the schedule of Meetings for the following year. Consideration shall be given to the following:
  - i) No Meetings during the last two weeks of the month of December, and, the first week of January;
  - ii) Only one Meeting on the Second Monday of the month during the months of July and August and;
  - iii) When only one meeting is scheduled in a month, Committee of the Whole will commence at 6 p.m., immediately followed by Regular Council.
- d) For meetings where Committee of the Whole, Regular Council and/or Public Planning Meetings are all scheduled on one night, one agenda titled "Council Agenda" that includes Committee of the Whole, Regular Council and Public Planning Meeting (if applicable) will be circulated.

## 5.4 Public Planning Meeting

- a) Public Planning Meetings shall consider matters where a Public Planning Meeting is required to hear applications under the *Planning Act, R.S.O. 1990, c. P.13*.
- b) Planning Public Meetings shall be held on the fourth Tuesday of each month,

commencing at 7:00 p.m.

- c) Dates of Public Planning Meetings held pursuant to the *Planning Act, R.S.O. 1990, c. P.13*, where required, as identified by staff where there are files requiring the convening of a public meeting.
- d) Meetings may not be held between June 30<sup>th</sup> and September 1<sup>st</sup> of any year or between December 16<sup>th</sup> of any year and January 2<sup>nd</sup> of the subsequent year unless deemed to be of an urgent nature by the Chief Administrative Officer.

### 5.5 Special Meeting

- a) The Mayor may, at any time, summon a Special Meeting of Council on 48 hours' Notice to the Members, or when so requested in writing by a majority of the Members.
- b) When the Clerk receives a petition signed by a majority of Members of Council, a Special Meeting is called for the purpose and date and time identified in the Petition. The Petition shall include:
  - i) Original signatures of the Members requesting the Meeting.
  - ii) A clear statement of the purpose of the Special Meeting.
- c) A Special Meeting of Council is limited to business matters included in the Notice of Meeting.

### 5.6 Emergency Meeting

- a) Notwithstanding any other provision of this By-law, an Emergency Meeting of Council may be called by the Mayor or Deputy Mayor without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the meeting as soon as possible and in the most expedient manner available.
- b) The only business to be dealt with at an Emergency Meeting shall be business dealing directly with the emergency or extraordinary situation.
- c) The lack of receipt of a notice of, or an agenda for, an Emergency Meeting by any Member shall not affect the validity of the Emergency Meeting or any action taken thereat.

### 5.7 Closed Meeting

- a) All Meetings of Council are open to the public. As provided for in the Act, Council may resolve into a session closed to the public in order to discuss matters related to one or more of the following:
  - i) The security of the property of the municipality or local board;
  - ii) Personal matters about an identifiable individual, including municipal or local board employees;
  - iii) A proposed or pending acquisition or disposition of land for municipal or local board purposes;
  - iv) Labour relations or employee negotiations;
  - v) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
  - vi) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - vii) A matter in respect of which a Council, board, committee or other body has authorized a Meeting to be closed under another Act;
  - viii) 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;
  - ix) 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 organization;
- x) 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;
  - xi) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
  - xii) A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council is the head of an institution for the purposes of that *Act*; or
  - xiii) An ongoing Ombudsman investigation respecting the municipality, a local board or a municipally-controlled corporation under the *Ombudsman Act*.
- b) Council may also resolve into a Meeting closed to the public for the following purpose:
    - i) Educating or training Members, provided that no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council.
  - c) The Clerk shall advise the Chair, if in his/her opinion, the issue (or portion thereof) being discussed at a Closed Meeting is not appropriate in accordance with the terms of the *Act* and in accordance with the provisions of this by-law.
  - d) Before all or part of a Meeting is closed to the public, the Council shall state by Resolution:
    - i) That the Meeting is closed to the public; and,
    - ii) The general nature of the matter to be considered in the Closed Meeting under Section 5.6(a).
  - e) Voting shall not be permitted in a Closed Meeting except when the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained under contract with the municipality. Recorded votes shall not be taken at a Closed Meeting.
  - f) Where appropriate and where it does not conflict with the best interests of the Township, Council shall report any decisions made in the Closed Meeting immediately upon reconvening in Open Session.
  - g) Members shall ensure that confidential matters disclosed to them and materials provided to them during a Closed Meeting are strictly kept confidential and are not to be discussed with or disclosed to any individual. The Clerk will collect all confidential material after the Meeting.
  - h) A person may request that an investigation be undertaken to determine whether Council complied with the requirements of the *Act* and this Procedural By-law in respect of a Meeting or part of a Meeting closed to the public.

### 5.8 Location of Meetings

Meetings of Council and Committee of the Whole shall take place at the Municipal Office, or at another location authorized by the Mayor or by Council, or as provided for in the *Act* when the Notice is given.

### 5.9 Duration of Meetings

Meetings of the Council and the Committee of the Whole shall be of not more than four hours' duration, unless Two Thirds Majority of the Members present agree to extend the Meeting. The question is to be put within fifteen (15) minutes of the expiration of the four-hour limit.

### 5.10 Notice of Meetings

- a) Regular, Committee of the Whole and Public Planning Meetings.

The Clerk shall give public notice of all Regular Meetings, Committee of the Whole Meetings and Public Planning Meetings by:

- i) Posting the annual regular schedule of Meetings, once adopted by Council, on



- the Township's website and distributing copies upon request;
- ii) Posting any changes to the Regular Meeting schedule on the Township's website at least five (5) days prior to the Meeting;
- iii) Publishing a notice on the Township website, which shall include the date, time and location of Meeting; and,
- iv) Providing the agenda to Members of Council and the public, as set out in Section 6.1 of this By-law.
- v) In addition, the above subsections (i) to (iv), Staff shall give statutory notice of items on the agenda of Public Planning Meetings, in accordance with the applicable legislation.

b) Special Meetings

The Clerk shall give Notice of Special Meetings of Council by:

- i) Providing Council with an agenda in person, by telephone, by mail, or electronic mail at least 48 hours prior to the Meeting;
- ii) Posting a Notice on the Township's website as soon as possible after the Meeting is called and no later than 48 hours prior to the Meeting; and
- iii) Sending Notice to local media, if time permits. Notice will indicate the date, time and location of the Meeting, and the general nature of the matter(s) to be discussed.

c) Emergency Meetings

The Clerk shall give Notice of Emergency Meetings of Council by:

- i) Providing Notice to Council in person, by telephone, by electronic mail, or in the form of an agenda that indicates the date, time and location of the Meeting and general nature of the matters to be discussed; and Posting a Notice at the main entrance to the Municipal Office that indicates the date, time and location of the Meeting and general nature of the matters to be discussed.
- ii) Posting a Notice on the Township's website as soon as possible after the Meeting is called
- iii) Sending Notice to local media, if time permits. Notice will indicate the date, time and location of the Meeting, and the general nature of the matter(s) to be discussed.

### 5.11 Cancellation or Postponement of Meetings

- a) Any Meeting of Council, Committee of the Whole or Public Planning Council may be cancelled or postponed where Quorum cannot be achieved, by Council / Committee resolution, in the event of an emergency, bad weather, or where the Meeting is no longer required, as deemed by the Mayor, Chief Administrative Officer and/or Clerk. The Clerk shall contact as many members as he/she is able to reach.
- b) The Clerk shall give Notice on the Township's website.
- c) A Notice is to be posted at the main entrance to the Municipal Office.

### 5.12 Irregularity of Notice of Meeting

If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedural By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated, and such Meeting shall proceed, provided that the Notice does not offend any other Act such as the *Planning Act*.

### 5.13 Recording and Live Streaming of Meetings

- a) Meetings may be audio and/or visually recorded, broadcasted and/or live streamed publicly by the Township, with the exception of proceedings closed to the public provided for in Section 5.6 of this By-law.
- b) Attendees using their own recording, broadcasting and/or streaming devices are encouraged to inform the Clerk to ensure attendees at the Meeting are notified through the Chair.

## 6. AGENDAS AND MINUTES

### 6.1 Agendas

- a) Prior to each Meeting, the Clerk, with the assistance of the Department Heads and approval by the Chief Administrative Officer, shall prepare an agenda of all the businesses to be brought before such Meeting.
- b) In the case of a Regular Meeting, Committee of the Whole Meeting or a Public Planning Meeting, the agenda shall be distributed to Members of Council at least five (5) days before the day of the Meeting and made available to the public at least four (4) days before the day of the Meeting.
- c) In the case of a Special Council Meeting, the agenda shall be distributed to Members of Council and local media at least forty-eight (48) hours before the Meeting.

### 6.2 Minutes

- a) It shall be the duty of the Clerk to record, or cause to be recorded, the proceedings of Council in the form of minutes that shall contain the following:
  - i) The date, time and location of the Meeting;
  - ii) A record of the attendance at the Meeting;
  - iii) Disclosures of pecuniary interest;
  - iv) The name and nature of delegations and presentations;
  - v) All resolutions, decisions and other proceedings of the Meeting; and
  - vi) Administrative references, including by-law, report, motion and policy indexes.
- b) The Minutes shall record all proceedings of the Meeting without note or comment
- c) Minutes of a Meeting shall be reviewed and/or amended and approved at the next Regular Meeting of Council.

### 6.3 Administrative Authority of Clerk

The Clerk shall be authorized to make minor corrections to any By-law, minutes, or other Council document to eliminate technical or typographical errors, or to clarify the intent of Council prior to such documentation being signed.

### 6.4 Adoption of Minutes

As soon as a Regular Meeting is called to order and the agenda has been approved, the Chair shall ask if there are any objections to the minutes of previous Meetings as referred to in Section 6.2 of this By-law and, shall after any correction or change, declare the minutes adopted and sign them.

## 7. ORDER OF BUSINESS

### 7.1 Regular Meeting

The order of business for a Regular Meeting is set out in the agenda as follows:

1. Call To Order
2. Approval of the Agenda
3. Disclosure of Pecuniary Interest & General Nature Thereof
4. Presentations
5. Delegations / Petitions
6. Consent Agenda
  - a. Committee of the Whole Report
  - b. Minutes
7. Items for Discussion
8. Notice of Motion
9. Information Items
  - a. Communications / Correspondence
  - b. Township Advisory Committee
  - c. External Public Agencies
    - a. Region of Waterloo

- b. Grand River Conservation Authority (GRCA)
- c. Energy+ Inc.
- d. Grand River Accessibility Advisory Committee (GRAAC)
- e. Library Board
- 10. Other Business
- 11. Mayor & Councillor Report
- 12. By - L a w s
- 13. Closed Session
- 14. Reconvene into Open Session
- 15. Business Arising from Closed Session
- 16. Confirmatory By-Law
- 17. Adjournment
- 18. Comments From Members Of Council
- 19. Questions from the Media

## 7.2 Public Meetings

The order of business for a Public Meeting, as required under the *Planning Act, R.S.O. 1990, c. P.13*, is set out in the agenda as follows:

- 1. Call To Order
- 2. Approval of the Agenda
- 3. Disclosure of Pecuniary Interest & General Nature Thereof
- 4. Adoption of Minutes
- 5. Committee of Adjustment Applications
  - a. Staff Reports
- 6. Public Meeting
  - a. Staff Reports
- 7. Confirmatory By-Law
- 8. Adjournment

## 7.3 Committee of the Whole – Standing Committee Meeting

The order of business for a Committee of the Whole - Standing Committee Meeting is set out in the agenda as follows:

- 1. Call to Order
- 2. Approval of the Agenda
- 3. Disclosure of Pecuniary Interest & General Nature Thereof
- 4. Finance
  - i) Staff Reports
- 5. Development Services
  - i) Staff Reports
- 6. Community Services
  - i) Staff Reports
- 7. Governance & Protective Services
  - i) Staff Reports
- 8. Closed Session
- 9. Reconvene into Open Session
- 10. Business Arising from Closed Session
- 11. Confirmatory By-law
- 12. Adjournment

## 7.4 Special Meeting and/or Emergency Meeting

The order of business for a Special and Emergency Meeting is set out in the agenda as follows:

- 1. Call To Order
- 2. Approval of Agenda
- 3. Disclosure of Pecuniary Interest & General Nature Thereof
- 4. Items for Consideration
- 5. Confirmatory By-Law
- 6. Adjournment

## 7.5 Closed Meeting

The order of business for a Closed Meeting is set out in the agenda as follows:

1. Call To Order
2. Approval of the Agenda
3. Disclosure of Pecuniary Interest & General Nature Thereof
4. Adoption of Minutes
5. Items for Consideration
6. Adjournment

#### **7.6 Council Agenda (to be used for meetings where Committee of the Whole is combined with Regular Council).**

1. Call To Order
2. Approval of the Agenda
3. Disclosure of Pecuniary Interest & General Nature Thereof
4. Public Meetings
5. Committee of Adjustment
6. Presentations
7. Delegations
8. Committee of the Whole
  - a) Finance
    - i) Staff Reports
  - b) Development Services
    - i) Staff Reports
  - c) Community Services
    - i) Staff Reports
  - d) Governance & Protective Services
    - i) Staff Reports
9. Consent Agenda
  - 9.1. Adoption of Committee Of the Whole Resolutions
  - 9.2. Adoption of Minutes
10. Items for Discussion
11. Notice of Motion
12. Information Items
  - 12.1 Communication/ Correspondence
  - 12.2 Township Advisory Committee
  - 12.3 External Public Agencies
    - a. Region of Waterloo
    - b. Grand River Conservation Authority (GRCA)
    - c. Energy+ Inc.
    - d. Grand River Accessibility Advisory Committee (GRAAC)
    - e. Library Board
13. Other Business
14. Mayor & Councillor Report
15. By-laws
16. Closed Session
17. Reconvene into Open Session
18. Business Arising from Closed Session
19. Confirmatory By-Law
20. Adjournment
21. Comments From Members Of Council
22. Questions from the Media

#### **7.6 Changes in Order of Business**

All business shall be considered in the order in which it appears on the agenda unless otherwise decided by a Majority Vote of Members present.

#### **7.7 Addendum Items**

- a) Addendum items will only be permitted on the agenda pertaining to matters of the utmost importance and urgent nature, determined by the Clerk, with final approval from the CAO.
- b) Approval of addendums presented at Council are at the discretion of Council with a majority vote.

- c) Addendum items will be introduced by the Clerk at the beginning of the Meeting. The Clerk shall endeavour to circulate Addendum items to Members prior to the Meeting and post on the Township website as soon as possible.

### **7.8 Public Participation at Council Meetings**

- a) The public shall be given the opportunity to participate in Council Meetings by making a request to appear as a Delegation or Speaker.
- b) Individuals wishing to appear before Council may be encouraged by a Member or a Staff to consider resolving an issue or concern with Staff in lieu of, or prior to, submitting a request to address Council.
- c) All applicable request forms and any supporting material must be provided to the Clerk by 4:30 p.m., on the Tuesday prior to the Meeting, to be included in the Meeting agenda for circulation. Any submissions provided after the deadline may be included as an addendum item if the matter is of an urgent nature pursuant to Section 7.7 of this By-law.
- d) When addressing Council, the Delegate, or Speaker shall:
  - i) Be respectful of any person;
  - ii) Only speak on the subject for which they received approval to address Council;
  - iii) Obey the Chair's decision and ruling;
  - iv) Refrain from entering into cross debate with other delegates or presenters, Township staff, Members or the Chair.
- e) All registered Delegates and Speakers shall be heard before Council enters into discussion or debate.
- f) Members shall be permitted to ask questions to obtain additional information or seek clarification from the Delegation and Speaker but shall not make statements to or enter into debate with the Delegation and Speaker.

### **7.9 Delegations**

- a) Any individual may request to make a Delegation before Council to address any matter relating to community interest or Township business that is NOT on the agenda.
- b) A Delegation shall only be permitted when the Clerk is in receipt of a completed Delegation Request Form, available on the Township website and at the Municipal Office, by the timeline set out in Section 7.8 (c) of this By-law. In accordance with accountability and transparency, no Delegation shall be permitted to address Council, except those individuals who have submitted a request form within the prescribed time and are listed on the agenda, unless with the consent of a Two Thirds Majority vote of the Members present.
- c) The Clerk shall give due consideration to the length of the agenda and, at his/her discretion, may schedule typically no more than three (3) delegations to address Council per Meeting.
- d) Delegates shall be permitted to speak only on the matter indicated on the delegation form and be limited to speak for no more than ten (10) minutes. Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present.
- e) After hearing the Delegation, Council shall resolve to either:

- i) Receive the Delegation for information only;
  - ii) Refer the matter to staff and request that a report be brought forward to a future Meeting; or
  - iii) Adopt by resolution giving preferred outcome.
- f) No Delegation shall be permitted to speak to matters relating to:
- i) Litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals, under the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22;
  - ii) Zoning by-law amendment, official plan amendment or any other matter requiring a public Meeting under the *Planning Act*, R.S.O. 1990, c. P.13, or any other legislation or regulation prior to the date of the scheduled statutory public Meeting;
  - iii) A matter that has been the subject of a statutory Public Meeting and where Council has not yet decided the matter; and
  - iv) A matter not within the jurisdiction of the Council.

#### **7.10 Speakers Regarding an Item on the Agenda – Committee of the Whole**

- a) A member of the public wishing to speak in respect to a Staff Report under one of the function areas may complete a "Request to Speak Form" (available at the Meeting) prior to the commencement of the Meeting. The Chair will also invite the Public at the commencement of each function area the opportunity for a member of the Public to identify themselves.
- b) At the request of the Speaker, the Chair will extract the Staff Report from the Consent Agenda to be dealt with for Separate Discussion. The Speaker shall be called upon by the Chair and be heard at the time the report is considered by Council, and will not be listed as a separate Delegation on the agenda.
- c) Speakers are permitted to speak once on any matter for up to five (5) minutes. If there is a group of Speakers taking the same position on a report, they are encouraged to select a spokesperson to express their views.
- d) Speakers may utilize a multi-media presentation as a portion of their address to Council, and are encouraged to submit any supporting material to the Clerk prior to the Meeting;
- e) Speakers shall be permitted to speak to Staff Reports only for Committee of the Whole.

#### **7.11 Outside Presentations**

- a) Outside Presentations invited by Council or Township staff are generally for information purposes. The time limit for a presentation shall generally be no longer than 15 minutes in duration.
- b) All outside presentations shall be heard at the beginning of the Meeting as it appears in the order of business on the agenda.
- c) Council may refer the matter to a future Meeting of Council or request a staff report for that future Meeting.

## 7.12 Staff Presentation

- a) Staff presentations, if related to a report on the agenda shall occur at the time the report is discussed. Presentations by staff at Meetings shall endeavour to be a maximum of ten (10) minutes.
- b) Where a staff or a third-party presentation involves an item on an agenda, the Clerk shall make note of any presentations where the report has been listed and shall be heard at the appropriate time in the agenda with the report brought forward for consideration immediately after the presentation has been made.

## 7.13 Communications

- a) Correspondence or Petitions from the Public
  - i) Every written correspondence or petition, addressed to Council shall be delivered to the Clerk no later than noon on the Monday the week prior to the Meeting.
  - ii) Written correspondence must be legible, including a clear statement of purpose and at least one person's contact information.
  - iii) Anonymous correspondence will not be acknowledged, circulated, or placed on an agenda. If in the opinion of the Clerk it contains any obscene or improper matter or language, the Clerk shall decide whether it should be included in the agenda for the Meeting.
  - iv) Notwithstanding Section 7.13(a)(ii) of this Bylaw, each Petition shall be signed by a minimum of two (2) persons. Each person supporting the petition is required to sign the petition, print their names legibly, and include their address and phone number.
  - v) Written submissions pertaining to matters on the agenda will be referenced and/or attached to the item in the agenda. If the submission is received following the release of the agenda, it will be circulated to Members, CAO, and appropriate Department Heads. The submission will be added as additional correspondence received, adopted with approval of the agenda and will form part of the agenda.
- b) Outside Resolution or Request for Endorsement
  - i) Correspondence received from municipalities within the Region of Waterloo, other levels of government, community groups and charitable organizations with relations to the Township will be placed on the Agenda under communication/correspondence.
  - ii) Resolutions initiated by the Township in response to a request for endorsement shall not be circulated to other municipalities outside of the Region of Waterloo, but shall instead be directed to the Clerk of the Legislature and/or to the relevant municipal association.
  - iii) Any Correspondence may be placed on the Agenda at the request of a Member of Council or the Chief Administrative Officer.
  - iv) Council's receipt of any correspondence does not constitute endorsement of the correspondence by the Township of any recommendations it may contain or actions it may advocate.

## 7.14 Consent Agenda

- a) Consent Agenda will include the following items that do not have Presentations or Speakers:

- i) Staff Reports; and
- ii) Communications addressed to Council, pursuant to Section 7.13 of this By-law.
- iii) Township Council and Advisory Committee Minutes
- iv) External Public Agencies
  - a. Region of Waterloo
  - b. Grand River Conservation Authority (GRCA)
  - c. Energy+ Inc.
  - d. Grand River Accessibility Advisory Committee (GRAAC)
  - e. Library Board
- b) At the request of the Chair, Members of Council and the public shall identify any items contained on the Consent Agenda which they wish to speak to and the matter shall be extracted from the Consent Agenda to be dealt with separately
- c) Notwithstanding Section 7.14(b), members of the public shall only speak to Staff Reports on the Consent Agenda.
- d) In the event that a Member of Council declares a Pecuniary Interest on an item that is included on the Consent Agenda, that item shall be dealt with separately.
- e) The balance of items on the Consent Agenda and the recommendations contained therein, which have not been extracted, shall be adopted in one motion. The motion shall list those items being approved as presented.

### 7.15 By-laws

- a) By-laws are considered by Council and approved by a first and second reading, then a third reading, 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 in a separate single motion.
- b) All amendments to any by-law approved by Council shall be deemed to be incorporated into the original by-law and the Clerk shall be responsible for correctness of any by-laws should they be amended at a Council Meeting.
- c) A Confirmatory By-law is enacted at the end of each Meeting of Council.
- d) Every by-law adopted by Council is done so under the seal of The Corporation of the Township of North Dumfries and signed by the Mayor and the Clerk.
- e) The following types of by-laws shall be presented directly to Council, without the requirement for a staff report:
  - i) Appointment of staff authorized by the Chief Administrative Officer;
  - ii) Consolidation of by-laws or housekeeping amendments;
  - iii) General by-laws where the purpose and intent of the by-law has been authorized by a previous resolution of Council;
  - iv) Street numbering by-laws;
  - v) Street naming by-laws;
  - vi) Part lot control by-laws;
  - vii) Public highway dedication by-laws;
  - viii) By-laws authorizing encroachment agreements or deferral of demolition agreements;
  - ix) Minor amendments resulting from changes to Provincial enabling legislation; and



- x) Other administrative by-laws deemed appropriate by the Chief Administrative Officer.

## **8. MOTIONS**

### **8.1 General Rules**

- a) No business or matter shall be debated or voted upon, unless a motion in respect thereof has been moved and seconded.
- b) Every motion, when duly moved and seconded, shall be open for discussion. The seconding of a motion does not imply that the Seconder supports the motion put forward.
- c) After a motion has been moved and seconded, it shall be deemed to be in the possession of Council. Council may consent to the withdrawal of the motion at any time before amendment or decision.
- d) The Chair may not move or second any motion while presiding in order to maintain impartiality. The Chair shall vote on all questions at the same time with all Members.
- e) Any motion which amends a main motion shall be submitted to the Clerk in writing with the names of the Mover and Seconder duly noted.
- f) One or more items on an agenda may be adopted in a single motion, provided they have not been identified as items requiring separate discussion.
- g) Any Member may require the division of any motion when, in the opinion of the Chair it is reasonable to do so.
- h) Any member may request the Chair to put the motion to a vote.

### **8.2 Motion under Debate**

- a) When a motion is under debate, no motion shall be received except the following, which motions shall have precedence in the order below:
  - i) To extend the hour of Meeting;
  - ii) To recess;
  - iii) To adjourn;
  - iv) To table;
  - v) To defer to a specific time in the future;
  - vi) To refer the matter to Staff for a report; and,
  - vii) To amend
- b) Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

### **8.3 Motion to Extend the Meeting**

Pursuant to Section 5.8 of this By-law, a motion to extend the Meeting after four (4) hours is required with a Two-Third majority vote and is not debatable.

### **8.4 Motion to Recess**

- a) A motion to recess when other business is before the Meeting:

- i) Shall specify the length of time of the recess; and
- ii) Is not debatable and is only amendable with respect to the length of the recess.

### **8.5 Motion to Adjourn**

- a) A motion to adjourn:
  - i) Is not amendable or debatable; and
  - ii) Shall not be entertained while a Member is speaking or while a vote is in progress.

### **8.6 Motion to Table**

- a) A motion to table a matter:
  - i) Shall not be amended or debated; and
  - ii) Applies to the motion and any amendments thereto under debate at the time when the motion to table was made.
- b) A tabled motion that has not been decided by Council either in the affirmative or in the negative during the term of the Council in which the motion was introduced shall be deemed to have been withdrawn.
- c) It is the responsibility of Members of Council to reintroduce any tabled motions at a Meeting.

### **8.7 Motion to Defer**

- a) A motion to defer a matter to a certain time or date:
  - i) Shall be open to debate as to the advisability of its deferral; and
  - ii) May be amended as to the time or date to which the matter is deferred.

### **8.8 Motion to Refer to Staff**

- a) A motion to refer a matter under consideration to staff:
  - i) Shall be open to debate and may be amended;
  - ii) Shall include the terms on which the matter is being referred and the time at which it is to be returned;
  - iii) Shall include the reasons for the referral.
- b) A motion to refer, until it is decided, shall preclude all amendments of the main motion.

### **8.9 Motion to Amend**

- a) A motion to amend:
  - i) Shall be relevant to the main motion;
  - ii) Shall not be directly contrary to or propose a direct negative to the main motion;
  - iii) Shall be debatable; and
  - iv) Shall not itself be amended more than once.
- b) An amendment may propose the following actions to the main motion:
  - i) To add certain words;
  - ii) To delete certain words; or
  - iii) To substitute certain words.
- c) All amendments to a motion shall be put to vote before the motion and in the reverse order in which they were moved.
- d) Notwithstanding the foregoing, a motion to amend shall not be required where

the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment and no Member of Council objects.

- e) There is no limit on the number of times which a main motion may be amended before it is put to a vote. Only one amendment to a Motion to Amend is permitted.
- f) After the Motion to Amend has been voted on, the main motion (as amended) shall, if no other amendment or subsidiary motion is proposed, be put to a vote.
- g) If the original mover and seconder of the main motion do not agree with the amendments, they may, without further discussion, withdraw the main motion.

### **8.10 Notices of Motion**

- a) A Member of Council may provide notice of his/her intention to introduce a motion at the next Regular Meeting. The notice of motion shall be submitted in writing, to the Clerk prior to the Regular Meeting agenda deadline, prior to 12 Noon on the Monday prior to the Meeting, for inclusion on the Agenda.
- b) No seconder is required, and the motion is not debatable at that time of introduction.
- c) The Notice of Motion shall be dealt with at the next regularly scheduled Council Meeting.
- d) The Chief Administrative Officer or staff may be requested to comment on the motion raised in this Section, but no staff report will be prepared unless the motion is referred to staff for a further report.
- e) No Delegations shall be permitted to speak on a notice of motion.
- f) It is the duty of the Member of Council to:
  - i) Prepare the proposed motion in writing;
  - ii) Submit the proposed motion to the Clerk prior to the publication deadline for the Regular Meeting agenda of Council; and
  - iii) Ensure the content of the proposed motion allows for it to be published on a public agenda.

### **8.11 Resolution from Council**

- a) Any motion which does not affect policies, practices, or procedures of the Township may be introduced without Notice of Motion as a Resolution from Members of Council.
- b) Any Resolution from Members of Council shall be submitted to all Members of Council in writing at least 48 hours prior to the Meeting, for information.
- c) The Chief Administrative Officer will advise on the appropriate means of disposition for matters that make an impact on administration.
- d) Every Resolution from Members of Council shall be submitted to the Clerk in writing with the names of the Mover and the Secunder duly noted.
- e) Council is not required to pass a motion that makes an impact on corporate resources where a matter:
  - i) Has already been approved by Council;
  - ii) Is considered by the Chief Administrative Officer to be minor in nature; and/or,
  - iii) Falls within existing service levels or delegated authority of staff.

## 8.12 Reconsideration of a Council Decision

- a) After a final main motion has been adopted, Council may not reconsider, amend or rescind the previous decision for a period of six (6) months, except in accordance with these provisions.
- b) Council may reconsider an entire resolution that was decided during any term of Council by Two-Thirds majority vote of the Members present. A reconsideration of a portion of a resolution shall not be permitted. No question shall be reconsidered more than once during the term of Council.
- c) A motion to reconsider shall be introduced by way of a Notice of Motion to Council and considered either at the next Regular Meeting or at a Special Meeting called to reconsider the Motion.
- d) Such notice may only be given during the Notice of Motion section of a Meeting and may relate to a resolution/by-law enacted during that Meeting or at a prior Meeting.
- e) Where it is determined that a resolution/by-law shall be reconsidered, no further action shall be taken to carry into effect the affected resolution/bylaw until after the Motion to Reconsider has been disposed of, either at the next Regular Meeting or at a Special Meeting called to consider the motion to reconsider.
- f) No discussion of the affected resolution/by-law shall be allowed at a Council Meeting where notice to reconsider is given, until Council has voted to reconsider the same, but the Member giving such notice shall have the privilege of stating the reasons for doing so.
- g) A Motion to Reconsider shall not be reconsidered.
- h) No Delegations shall be permitted to speak on a notice of Motion to Reconsider.
- i) If a Motion to Reconsider is decided in the affirmative, reconsideration of the original motion shall become the next order of business unless the motion specifies a future definite date.

## 8.13 Suspension or Waving of Rules

A motion to suspend the rules of procedure required by this by-law shall not be debatable or amendable and shall require a Two-Third Majority vote of the members present at the Council Meeting. Council does not have the authority to suspend or waive rules pertaining to matters referenced in Section 2.5 of the By-law.

## 9. VOTING

### 9.1 Voting on Motions

- a) After a motion is finally put to vote by the Chair, no member shall speak to the motion nor shall any other motion be made until after the vote is taken and the result declared.
- b) Each member present and voting shall announce or indicate his/her vote upon the motion openly and individually. No vote shall be taken by ballot or any other method of secret voting.

### 9.2 All Members Must Vote

- a) Except as otherwise provided, every member of Council or Committee shall have one vote. Every Member, including the Chair, shall vote at the same time when the motion is put to vote.
- b) A 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, except when the Member's reason for abstaining is due to his/her declaration of a pecuniary interest.

### **9.3 Member Disagrees with Announcement of Vote**

If a Member who has voted on a motion 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 the Chair to call for another vote on the matter.

### **9.4 Tie Vote**

Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any legislation.

### **9.5 Recorded Vote**

- a) Recorded votes shall only be permitted at open Council Meetings.
- b) A Member shall request a recorded vote immediately prior to the taking of the vote of a motion.
- c) After the request is made, the Clerk shall call all Members present at the Meeting in random order to vote, with the exception of Members who have declared a pecuniary interest. The name of each Member who voted and the manner in which he/she voted shall be noted in the minutes.
- d) The Clerk shall announce the total number of votes for and against, and announce the results.

### **9.6 Recorded Vote Two-thirds Majority Vote**

The following decisions of Council require a Two-Thirds Majority Vote of Members present:

- a) Extension of the four-hour Meeting limit;
- b) Holding a Public Planning Meeting between June 30<sup>th</sup> and September 1st or December 16<sup>th</sup> and January 2<sup>nd</sup>;
- c) Review of a matter already dealt with by Council due to a Member's late arrival;
- d) Hearing a Delegation that is not on an agenda;
- e) Reconsideration of a matter; and
- f) Suspension of Rules.

## **10. TASK FORCE AND ADVISORY COMMITTEE**

Governs practices as outlined in Appendix 'A'.

## **11. ADMINISTRATION**

- 1) Procedural By-law number 2880-17 is hereby repealed.
- 2) This By-law is administered by the Clerk.

## Appendix 'A' – Advisory Committees

### Rules and Procedures governing the proceedings of Task Forces and Advisory Committees of Council

#### 1. DEFINITIONS

- a) **“Act”** means the *Municipal Act, 2001*, S.O. 2001, c.25 and any amendments and regulation thereto.
- b) **“Advisory Committee”** means a committee established by Council, made up of members of the public and at least one member of Council that will deal with municipal matters.
- c) **“Council”** means the Council of The Corporation of the Township of North Dumfries, comprised of the Mayor and Councillors.
- d) **“Task Force”** means a committee struck by Council that can include Members of Council and/or members of the public.

#### 2. ESTABLISHMENT, AUTHORITY AND PURPOSE

- a) The Council of the Township of North Dumfries can establish Task Forces and Advisory Committees under the authority of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.
- b) The Task Force or Advisory Committee shall provide recommendations to the appropriate Standing Committee of Council on the development of policies and programs in accordance with their approved mandate.

#### 3. MANDATE

- a) All Task Forces and Advisory Committees shall have a mandate that has been approved by Council.
- b) The mandate shall be presented to Council within the first six (6) months of the establishment of the Task Force, or Advisory Committee for approval.
- c) Each Task Force and Standing Committee mandate shall be reviewed every four (4) years, within the first year of the term of the succeeding Council, or more frequently as required. Council can initiate the review of any Task Force or Advisory Committee mandate at their discretion.

#### 4. COMMITTEE COMPOSITION

- a) The composition of all the Task Forces and Advisory Committees shall be as described in sections 4.2 and 4.3.
- b) Voting members shall consist of a minimum of:
  - Five (5) citizen members;
  - One (1) member of Council.
- c) Non-voting members may consist of:
  - Township of North Dumfries staff member(s), or designate;
  - Recording Secretary
- d) Appointment Process. The citizen appointments will occur within the first six (6) months of the commencement of Council's new Term of Office.
- e) Key Qualifications & Eligibility Requirements of Citizen Members include:
  - Must be eligible to vote in the Township of North Dumfries municipal election;

- Citizen members should represent a following skill sets and/or interest areas: youth, seniors, persons with disabilities, natural heritage protection, environmental protection, arts, culture, sports, active living, public health representatives, school board representatives, demonstrated leadership (mandatory for Chair), good communication skills, demonstrated initiative and positive attitude.

## 5. MEETING PROCEDURES

- a) Each Task Force and Advisory Committee shall elect a Chair and Vice Chair from amongst its members and appoint a secretary or have a secretary appointed to them, who may or may not be a member of the Task Force or Advisory Committee, all of whom shall hold office at the pleasure of the Task Force or Advisory Committee or for such a period as prescribed.
- b) The term of office of a member of the Task Force or Advisory Committee shall not exceed the term of Council (four years maximum). Members may be eligible for reappointment.
- c) Despite Section 5.2, the term of office of a member continues until his or her successor is appointed.
- d) Meetings of the Task Force or Advisory Committees shall generally be held monthly, or at the call of the Chair, with the provision that at least four meetings shall be held per year. The Committee shall generally establish a regular meeting schedule that may be reviewed from time to time.
- e) At all meetings every question shall be decided by a majority of votes cast. In the case of an equality of votes, the Chair of the meeting shall not be entitled to a second or tie-breaking vote.

## 6. QUORUM

- a) A quorum shall consist of a simple majority of the voting members of the Task Force or Advisory Committee.
- b) Non-voting members are not considered when establishing quorum.

## 7. ATTENDANCE

- a) Members that are unable to attend shall notify the recording secretary and/or staff liaison to report their absence, prior to the meeting date and/or time.
- b) If a member is absent for three (3) consecutive regular meetings the Task Force or Advisory Committee may recommend to Council to have the member removed. Council shall have the final decision.
- c) If a member of the Task Force or Advisory Committee resigns, the Chair shall report the resignation to the Clerk as soon as practical to initiate the recruitment process to fill the vacancy.

## 8. REMUNERATION

- a) No remuneration shall be made to members of the Task Force or Advisory Committee for their participation, unless otherwise directed by Council.

## 9. REPORTING

- a) The Task Force or Advisory Committee shall report directly to the appropriate Standing Committee through recommendations contained in their official minutes, or as a deputation if deemed appropriate, or at the request of Council.
- b) All approved Minutes of all Task Force and Advisory Committee meetings shall be forwarded to the Clerk's Office for inclusion on the next Regular Council Meeting within

two (2) weeks of the meeting.

- c) All Task Forces and Advisory Committees will work closely with staff, but will not have supervisory authority over any staff.
- d) Direction from Council to any Task Forces or Advisory Committees shall be communicated back to the Committee through the Clerk's Department.

## **10. ESTABLISHED MUNICIPAL POLICIES, RULES AND PROCEDURES**

- a) All Task Forces and Advisory Committees shall abide by all municipal rules, policies, or procedures unless otherwise authorized.
- b) The *Municipal Act 2001* and the *Municipal Conflict of Interest Act* shall bind all Committee members as it relates to disclosure of any direct, indirect or deemed pecuniary interest, closed meetings procedures, and any other requirements under the Acts, which pertain to the conduct of the member.
- c) All records, documents, correspondence pertaining to the activity of the Task Force or Advisory Committee are considered to be records of the institution, and are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
- d) The records of the Task Force and Advisory Committee shall be retained and preserved in accordance with the provisions of the Township of North Dumfries Records Retention By-law.

## **11. CONFIDENTIALITY**

- a) Committee members will be required to sign a confidentiality declaration at the beginning of their term.
- b) Committee members may cease to be a member of the Committee if they breach confidentiality. The Committee will make a recommendation to Council to remove the member. Items that are to be considered confidential will be so noted.
- c) Members of the Committee are further governed by the *Municipal Freedom of Information and Protection of Privacy Act*.