

The Corporation of the Township of McKellar

Procedural By-Law 2023-08





The Corporation of the Township of McKellar

By-Law No 2023-08

Being a By-law to establish rules governing the proceedings of Council, the calling of Meetings and the conduct of Members, Staff and the Public

SHORT TITLE – This By-law may be cited as the “Procedural By-law” or the “Rules of Procedure”.

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

WHEREAS Council deems it expedient to establish rules and procedures to facilitate the efficient and effective transaction of the business and to protect the rights and privileges of its members;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Corporation of the Township of McKellar hereby enacts as follows:

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1. DEFINITIONS

1.1 Ad-Hoc Committee

“Ad-Hoc Committee” means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference, set out in a Resolution or By-law, that includes language indicating that the Committee exists at the discretion of Council and that it may be dissolved once Council determines that its mandate has been fulfilled.

1.2 Agenda

“Agenda” means the list of business to be conducted at a Meeting.

1.3 Chair

“Chair” means the person presiding at a Meeting.

1.4 Clerk

“Clerk” means the person appointed by the Municipality pursuant to Section 228 of the *Municipal Act*, and shall also mean the Clerk Administrator of the Municipality.

1.5 Committee

“Committee” means any advisory or other committee, sub-committee, ad-hoc committee, or similar entity composed of members of Council alone or together with members of another Council or the public, but does not include the Committee of the Whole nor a Committee of Council.

1.6 Committee of Council

“Committee of Council” means a committee, board or other body established by Council with terms of reference and appointments approved by Council such as the Township of McKellar Historical Committee and the Township of McKellar Recreation Committee.

1.7 Committee of the Whole

“Committee of the Whole” means a committee whose members are all the members of Council and exists as a forum designed to informally discuss chosen items outlined on an Agenda prepared for that purpose with Recommendation(s) to Council authority.

1.8 Consent Agenda

“Consent Agenda” means a list of items of a routine nature that do not require substantial discussion or debate at a Council meeting. Items of the Consent Agenda may be considered in a single Resolution.

1.9 Council

“Council” means the elected Members of the Municipal Council of the Township of McKellar.

1.10 Council Package

“Council Package” means a copy of the Agenda, Closed Session Agenda, Reports and all other information that Members require and/or request prior to a meeting.

1.11 Closed Meeting

“Closed Meeting” means a Meeting of Council or Committee that is not open to the public pursuant to Section 239 of the *Municipal Act* or other legislation.

1.12 Declared Emergency

“Declared Emergency” means during any period where an emergency has been declared to exist in all or in part of the Municipality under Section 4 or 7.0.1 of the *Emergency*



Management and Civil Protection Act. [Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 \(ontario.ca\)](#)

- 1.13 Delegation/Deputation**
“Delegation” or “Deputation” means an address to the Committee of the Whole or to Council by one or more persons who are not members of Council or Township Staff and who are speaking to action items on the Council Agenda and shall be limited to ten (10) minutes.
- 1.14 Deputy Mayor**
“Deputy Mayor” means a Member of Council appointed, in accordance with the Municipality’s policies, to act in place of the Mayor when the Mayor is absent, is unable to act or refuses to act.
- 1.15 Electronic Means**
“Electronic Means” means telephone, video or audio conferencing or other interactive method whereby Members, Staff and the Public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, Staff and the Public.
- 1.16 Electronic Meeting**
“Electronic Meeting” means a Meeting where any Member is not physically present but participates via electronic means of communication. The Member participating electronically can vote in open session but not in closed session.
- 1.17 Emergency Meeting**
“Emergency Meeting” means a Meeting, held without written Notice where there is insufficient time to provide Notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.
- 1.18 Head of Council**
“Head of Council” means the Mayor or, in the absence of the Mayor, the Deputy Mayor of the Municipality.
- 1.19 In Camera**
“In Camera” means a closed session of Council or a Committee of Council not open to the public.
- 1.20 Local Board**
“Local Board” means a Local Board as defined in the *Municipal Act*, and shall include the Public Utilities Commission, Police Services Board, Health Services Board and Public Library Board.
- 1.21 Meeting**
“Meeting” means any regular, special or other Meeting of Council, a Local Board or a Committee where a Quorum of Members is present, and 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 as stated in Section 238 of the *Municipal Act*. A meeting of a Committee of Council is also defined as such.
- 1.22 Member**
“Member” means a Member of Council, Local Board or Committee or Committee of Council.
- 1.23 Motion**
“Motion” means a written question verbally moved and seconded by two members, presented at a Meeting, read by the Chair or Clerk/Secretary subject to debate and



voting by Council or a Committee or a Committee of Council. When a Motion is voted upon, it becomes a Resolution.

1.24 Motion to Amend

“Motion to Amend” means a Motion to vary the main Motion before Council or a Committee or a Committee of Council.

1.25 Municipal Act

“Municipal Act” means the Municipal Act, 2001, S.O. c.25, as amended.
[Municipal Act, 2001, S.O. 2001, c. 25 \(ontario.ca\)](https://www.ontario.ca/laws/statutes/2001/m25_01.htm)

1.26 Municipality

“Municipality” means the Municipal Corporation of the Township of McKellar.

1.27 Notice of Motion

“Notice of Motion” means an advance Notice to Members regarding a matter on which Council will be asked to take a position.

1.28 Officers

“Officers” means a person, such as the Clerk, Treasurer, Chief Building Official, Fire Chief, and Integrity Commissioner, who holds a position of responsibility with definite rights and duties prescribed by statute or By-law.

1.29 Order of Business

“Order of Business” means the sequence of business to be introduced and considered at a Meeting.

1.30 Point of Procedure

“Point of Procedure” means a verbal statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-law.

1.31 Point of Privilege

“Point of Privilege” means a concern about the honour, dignity, character, rights or professionalism of the Mayor, other Members of Council or members of Staff.

1.32 Presentation

“Presentation” means a person or group (including a Member, Staff, or Public) who provided information to Council or Committee.

1.33 Presiding Officer

“Presiding Officer” means the Head of Council unless otherwise appointed in accordance with the provisions of this By-law or the Chair at a Committee meeting.

1.34 Quorum

“Quorum” means a majority of the total number of Members of Council or Committee or Committee of Council.

1.34 Recess

“Recess” means an intermission or break within a meeting that does not end the Meeting, and after which proceedings are immediately resumed at the point where they were interrupted.

1.35 Recorded Vote

“Recorded Vote” means a vote in Council or Committee or Committee of Council where the names of the Members and the position of each in favour or against a Motion are recorded in the Minutes.



- 1.36 Regular Meeting**
“Regular Meeting” means a scheduled Meeting held at regular intervals in accordance with an approved schedule of Meetings.
- 1.37 Report – Staff/Committee/Council**
“Report” means a written or other Report from the Clerk-Administrator, Department Heads, Staff, Member of Council or Committee which is approved to be placed on the Agenda by the Clerk-Administrator. The Report must deal with subject matter that is relevant for Council discussion and will exclude comments on general and recurring events throughout the Township.
- 1.38 Resolution**
“Resolution” means a Motion that has been resolved by Council or Committee or Committee of Council.
- 1.39 Special Meeting**
“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 Regular Meetings.
- 1.40 Substantive Motion**
“Substantive Motion” means a self-contained proposal not incidental to any proceeding and may be referred to as the “main motion” or the “principal motion.” It is amendable and it is drafted in such a way so as to be capable of expressing a decision of Council. It excludes the following motions:
- (i) to extend time of the meeting
 - (ii) to move the previous question
 - (iii) to refer
 - (iv) to amend
 - (v) to lay on the table
 - (vi) to postpone indefinitely or to a specific day
 - (vii) to adjourn
- 1.41 Unfinished Business** “Unfinished Business” means matters listed in the Agenda which have not been dealt with in their entirety at a previous Meeting.
- 1.42 Urgent** “Urgent” means, for the purpose of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:
- (i) immediate danger to life, health or safety of individuals;
 - (ii) immediate damage to property;
 - (iii) immediate interruption of the essential services provided by the Municipality;
 - (iv) immediate and significant loss of revenue by the Municipality;
 - (v) immediate legal issue and/or
 - (vi) immediate prejudice to the Municipality.

2 GENERAL MEETING RULES

2.1 Rules – to be observed at all times

The rules contained in this By-law shall be observed in all Meetings of Council and with relevant adjustments in every Committee Meeting and Committee of Council Meeting. Any Municipal rules or regulations in existence to the contrary are hereby repealed.



2.2 Suspending Procedural By-law

This By-law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least a quorum of the Members of Council or Committee and may be suspended before, during or after a Meeting.

2.3 Mayor

The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his authority to Chair any Meeting.

2.4 Absence of Mayor

In the absence of the Mayor or if the Mayor is unable to act or if the Mayor refuses to act or if the office is vacant, the Deputy Mayor shall carry out the Mayor's duties and shall have all the rights, powers and authority of the Head of the Council.

2.5 Absence of Deputy Mayor

If both the Mayor and the Deputy Mayor are unable to act or refuse to act as Chair for a Meeting, Council shall appoint an Acting Mayor from amongst its membership who shall have all the rights, powers and authority of the Chair for the purposes of that Meeting. The Clerk shall call the Meeting to Order.

2.6 Meeting Location

Unless otherwise authorized by a majority vote of Council, all Meetings of Council shall be held in the Municipal Complex located at 701 Highway 124, McKellar, Ontario.

2.7 Clerk

A Clerk or Deputy Clerk must be present at all Council Meetings or other Meetings where there is a quorum of Council and business is conducted.

2.8 Quorum

Quorum must be present at all Meetings.

If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting.

The Clerk shall record the names of the Members present at the fifteen (15) minutes time limit, will include those names in the Minutes for the adjourned Meeting and will include those Minutes in the Agenda for the next Meeting.

If at any time during a Meeting there is not Quorum, the Meeting shall automatically be recessed until there is Quorum.

Quorum is required for every Meeting and shall be a majority of the whole Members, except when a majority of Members have disclosed a conflict of interest to a matter in accordance with the *Municipal Conflict of Interest Act* [Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 \(ontario.ca\)](#) wherein the remaining number of Members present shall be deemed to constitute a Quorum, provided that such number is not fewer than two (2).

2.9 Electronic Meetings – (applies only if Electronic Meetings are permitted by a majority Resolution of Council and if equipment is functioning properly)

A. Members may participate in Meetings by Electronic Means subject to the following:

- (a) To participate in a Meeting by Electronic Means, the Member shall notify the Clerk at least twenty-four (24) hours before the Meeting, if possible;



- (b) Council may set by Resolution for a specific period of time and providing rationale, terms of Electronic Participation in Meetings of Council, Local Boards or Committees of either of them, or Committee of Council permitting:
 - (i) electronic participation counting towards Quorum;
 - (ii) electronic participant voting; and
 - (iii) electronic participant in a meeting closed to the public.
 - (c) Council may hold a Special Meeting for the purpose of passing a Resolution as described in Section 2.9(b); any Member participating electronically in such a Special Meeting may be counted in determining whether or not a Quorum of Members is present at any time during the meeting, and is permitted to vote.
- B.** The following practices will be followed when a Member(s) participates in a Meeting by Electronic Means:
- (a) Each Member participating in a meeting by Electronic Means shall be available at least fifteen (15) minutes before the beginning of the Meeting to assist Staff in establishing the electronic connection.
 - (b) Each Member participating by Electronic Means will mute the electronic device when not speaking;
 - (c) The Chair will canvas Members participating by Electronic Means about their intention to speak to a matter on the floor and will notify each Member when it is time for the Member to speak;
 - (d) After putting a Motion to vote, each Member participating by Electronic Means will be required to identify how the Member wishes to vote;
 - (e) Each Member participating by Electronic Means shall inform the Chair about the Member's intentions to leave the Meeting whether on a temporary or permanent basis;
 - (f) Members participating by Electronic Means will be deemed to have left the Meeting when they are no longer electronically connected to the Meeting;
 - (g) Where a loss of connection, or any connection issues impede the ability of a Member to participate in the Meeting in real time, the Meeting will continue, as long as Quorum is maintained;
 - (h) Where connection is lost and Quorum cannot be maintained, the Chair may recess the Meeting for up to fifteen (15) minutes to regain Quorum. If Quorum is not achieved after fifteen (15) minutes, the Meeting is adjourned.
 - (i) Where connection is lost and no public participation is possible, including in-person attendance, the Meeting shall be recessed until connection is restored. If no connection is restored within fifteen (15) minutes, the Meeting shall be adjourned immediately with any Agenda items not yet discussed added to the Agenda for the next regularly scheduled Council Meeting.

2.10 Minutes

Minutes of all Meetings will be recorded without note or comment and shall include only those Resolutions which are moved and seconded.

Minutes of all Meetings of Council or Local Board or Committee of either of them or Committee of Council shall record:

- (i) the place, date and time of the meeting;
- (ii) the name of the Presiding Officer, Members present, and Staff present;
- (iii) the adoption, correction and amending of Minutes of the previous Meeting(s);
- (iv) the names of visitors appearing before Council;
- (v) the time the Members arrive late and leave early;
- (vi) the Resolutions and By-laws passed, defeated, or deferred by Council;
- (vii) any Recorded Votes;
- (viii) any declared Conflict of Interest



The Clerk shall ensure that the Minutes of any preceding Meetings are available no later than five (5) business days after each Meeting. Minutes shall be posted on the Municipal website [Welcome to the Township of McKellar - Township Of McKellar](#) and will also be available in hard copy at the Municipal Office.

A copy of the Minutes will be sent to all residents who request such and who provide an e-mail address once the Minutes have been posted to the website.

Minutes of previous Meetings that have been circulated to Members at least twenty-four (24) hours before the Regular Meeting shall be considered for adoption without reading; in all other cases, the Members shall read the Minutes at the Meeting, prior to commencement of the Meeting.

2.11 Audio Recording

The Council may make or provide for the audio recording of Council Meetings, except those meetings or part of Meetings identified as a Closed Meeting pursuant to the *Municipal Act* [Municipal Act, 2001, S.O. 2001, c. 25 \(ontario.ca\)](#) whether such sessions are in Council Chambers or another location, at whatever level and type of recording is available and as Council determines to be appropriate.

Where Council has made or provided for the audio recording of proceedings of Council, the Clerk or designate shall make such audio recording available to the public as an audio link on the Municipal website.

The Clerk or designate shall post the audio recordings on the Municipal website within five (5) business days after the Council Meeting, and after the Minutes have been posted.

The official record of the proceedings of Council are the text-based Minutes as approved by Council. Audio recordings of Council proceedings are recorded as a convenience and courtesy only and do not constitute an official record.

Signage shall be posted in the Council Chambers advising Council Members, Staff, deputations, presenters and the Public that the Council Meeting proceedings are being recorded and will be made available on the Municipal website. The Township assumes no liability for the recorded comments of the Public which may be construed as false, defamatory or slanderous in nature.

The audio recordings of Council proceedings by anyone other than the Municipality are prohibited, with the exception of Metroland Media (Parry Sound North Star). Audio or video interviews of a Member can be conducted after the Meeting has been adjourned, if so permitted.

2.12 Arriving Late/Leaving Early/Absence During Meeting

If a Member arrives after a Meeting has started or leaves before the end of the Meeting, the Clerk will record in the Minutes the time of arrival/departure. If a Member leaves for a period of time during a meeting, depending upon the length of the absence, regular Council business may continue or it may be paused for a brief period depending upon a majority vote of the Council who remain. If business is paused, the Clerk will record in the Minutes the time of departure/arrival. If a Member needs to leave before the end of a Meeting, that Member must inform the Chair and be excused. The best practice is to advise the Chair at the beginning of the Meeting that the Member needs to leave before the end of the Meeting.

2.13 Staff Attendance

Staff have a statutory duty to provide advice to Council. As such, particularly Officers and Department Heads, they are expected to attend Council Meetings and to provide advice on a regular basis. Staff and Officers shall attend Meetings of Council when required by the Clerk/Administrator and/or a majority resolution of Council.



2.14 Declarations of Conflicts of Interest

When a Member has a pecuniary and/or personal interest and disclosed that interest in accordance with Section 5 of the Municipal Conflict of Interest Act, [Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 \(ontario.ca\)](#) the Member will:

- (a) leave the Council Meeting while the issue is considered; and
- (b) take no steps to influence the decision in any way, either prior to, during or after the Meeting, even if the Member did not attend the Meeting where the matter was discussed.
- (c) declare the conflict at the next regularly scheduled Council Meeting if the Member was absent for the Meeting at which the issue was discussed.

Members will, at all times, comply with their statutory obligations pursuant to the *Municipal Conflict of Interest Act*. [Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 \(ontario.ca\)](#)

2.15 Motions

2.15.1 Motions and Debate

- (a) A Motion shall not be considered or recognized as a Resolution to be recorded in the Minutes unless it is seconded.
- (b) Any Member may require the Motion under debate to be read at any time during the debate, but not so as to interrupt a Member while speaking.
- (c) When a Motion is under debate, no other Motion may be made, except a Motion to:
 - (i) amend a Motion;
 - (ii) refer Motion to a Council Committee or administration for a Report back to Council;
 - (iii) postpone a Motion to a fixed date;
 - (iv) request that a Motion be put to a Vote;
 - (v) extend the time for a Council Meeting; or
 - (vi) adjourn the Meeting.
- (d) Notwithstanding any other provisions of this By-law, the Member who moved a Motion after a Motion is under debate, may, with the majority consent of Council:
 - (i) on the Member's own initiative while the Member is speaking on the same; or
 - (ii) when requested by another Member speaking on the Motion; change the wording of the Motion, or agree to a change proposed by another Member, if the alteration does not change the intention of the Motion.
- (e) Any Motions allowed under subsection 2.2.1 shall be considered in the order in which they were moved.

All proposed Amendments to Resolutions shall be in writing and shall be dealt with in the order presented to Council/Committee/Committee of Council and shall not propose a question in direct opposition to the Resolution before Council/Committee/Committee of Council.

No Amendments shall be made to the following Motions:

- (i) a Motion to adjourn; and
- (ii) a Motion to defer to a fixed date, except as to the date; and
- (iii) a Motion requesting that a Motion be put to a Vote.

2.15.2 Dividing Arising

- (a) When a particular matter is before Council, a Motion arising on the same matter is permitted provided:
 - (i) the proposed Motion is related to and rises from the item which has just been considered.



- (ii) the proposed Motion does not alter in a significant way the principle embodied in the original Motion; and
- (iii) the proposed Motion is made before the consideration of any other item of business at the Meeting.

2.15.3 Request that Motion be put to Vote

- (a) If a Motion requesting that a Motion be put to a Vote is passed by Council, the original Motion shall immediately be put to a Vote of Council without any amendment or debate.
- (b) If a Motion requesting that a Motion be put to a Vote is not passed by Council, the original question may be amended or debated.

2.15.4 Motion to Adjourn

- (a) A Member may move a Motion to Adjourn a Meeting at any time, except when:
 - (i) another Member is in possession of the floor;
 - (ii) a call for a Recorded Vote has been made;
 - (iii) the Members are voting;
 - (iv) Council is considering a Motion requesting that a Motion be put to a Vote; or
 - (v) A previous Motion to Adjourn has been defeated and no other intermediate proceeding has taken place.
- (b) A Motion to Adjourn shall be decided without debate.

2.15.5 Consent Agenda

- (a) The Consent Agenda portion of a Meeting is moved, seconded and voted upon without debate as one item regardless of the number of reports included.
- (b) If a Member wishes to debate an item included in the Consent Agenda, a request to remove the item from the Consent Agenda must be made before the Chair calls the question, and the item shall be removed from the Consent Agenda without further debate or vote.
- (c) Any items so removed shall be addressed immediately following the approval of the Consent Agenda.

2.15.6 Motion to Move to a Closed Meeting

- (a) The Motion to move to a Closed Meeting must:
 - (i) be in accordance with Section 239 of the *Municipal Act*, 2001;
 - (ii) include titles or subject of the item(s) to be discussed; and
 - (iii) include the reason for the Council Meeting to be held in a Closed Meeting.
- (b) No By-law or Resolution shall be passed during a Closed Meeting.

2.15.7 Withdrawal of Motions

- (a) The Mover and Seconder of a Motion may withdraw the Motion at any time prior to a Vote being taken or prior to the Motion being Amended.

2.15.8 Motion to Reconsider

- (a) A Motion to Reconsider shall apply to Resolutions only, and shall not apply to By-laws passed by Council.
- (b) A Motion to Reconsider is in order whether the original Motion was passed or defeated.
- (c) A Motion to Reconsider must be moved by a Member who voted with the prevailing side of the original Motion.
- (d) When a Motion is defeated on a tied vote, the prevailing side is those who voted against the Motion.
- (e) A Motion to Reconsider may be seconded by any Member regardless of how the Member voted on the original Motion.



- (f) A Motion to Reconsider is debateable only if the Motion being considered is debateable.
- (g) A Motion to Reconsider cannot be amended.
- (h) A Motion to Reconsider shall require a majority vote of the Members.
- (i) If a Motion to Reconsider is adopted, the original Motion is immediately placed before Council to be reconsidered.
- (j) Once a Vote on a Motion to be Reconsidered has been taken, there shall be no further Motion to Reconsider the Resolution.

2.15.9 Motion to Rescind

- (a) A Motion to Rescind shall apply to Resolutions only, and shall not apply to By-laws passed by Council.
- (b) A Motion to Rescind is in order only when the original Motion passed. No Motion to rescind is necessary when the original Motion was defeated.
- (c) A Motion to Rescind may be made at any time following the Council Meeting at which the original Motion was voted on regardless of the time that has elapsed since the original Vote was taken.
- (d) A Motion to Rescind may be moved and seconded by any Council Member regardless of how they voted on the original Motion.
- (e) A Motion to Rescind is debateable.
- (f) A Motion to Rescind shall, in all cases, require a majority vote of all Council Members to pass.
- (g) A Motion cannot be rescinded:
 - (i) when the making or calling up of a Motion to Reconsider is in order;
 - (ii) when action on the Motion has been carried out in a way that cannot be undone; or
 - (iii) when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.

2.15.10 Motion to Defer (Postpone)

- (a) Where a majority of all Members decide to defer a Motion to a fixed date, the Motion cannot be considered by Council until the fixed date.
- (b) Notwithstanding subsection 2.15.10(a), Council may consider a Deferred Motion before the fixed date if a majority of all Members agree that the Motion may be considered before that date.
- (c) The only Amendment allowed to a Motion to Defer to a fixed date is to change the date.

2.15.11 Motion to Refer

- (a) A Motion to refer a matter shall not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review.
- (b) A Member making a referral Motion generally should include in the Motion:
 - (i) the terms on which the Motion is being referred; and
 - (ii) the time when the matter is to be returned.

2.16 Conduct

Members are required to follow the Municipality's Code of Conduct during all Meetings. [By-law-2019-06-Code-of-Conduct-Policy.pdf \(mckellar.ca\)](#)

No Member shall:

- (a) Speak disrespectfully to the Mayor, Deputy Mayor, a Member, any Staff, or any Member of the Public;
- (b) Engage in private conversation while in the Council Chambers in such a manner as to interrupt the proceedings of Council;
- (c) Speak on any subject other than the subject in debate;
- (d) Speak in open Council about matters discussed in a Closed Meeting until authorized by Council;



- (e) Interrupt a Member who is speaking by speaking out, or making noise or disturbance, except to raise a procedural question; nor
- (f) Disobey the procedural rules.

At a Meeting, no person shall:

- (a) Speak disrespectfully to the Mayor, Deputy Mayor, a Member, any Staff, or any Member of the Public;
- (b) Use offensive words;
- (c) Disobey the procedural rules;
- (d) Leave a seat while a Vote is being taken and until the results of the Vote are declared;
- (e) Make any disruptive noise or disturbance;
- (f) Enter the Meeting while a Vote is being taken;
- (g) Walk between a Member and the Chair while they are speaking to each other; nor
- (h) Display signs or placards, applaud, nor engage in conversation or any other behaviour, which may disrupt debate.

Electronic Devices must be silenced during a Meeting and must not be used to disrupt a Meeting.

No person shall speak aloud at a Meeting or address Members without first receiving permission from the Chair or a majority vote of Council Members.

All remarks shall be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during debate. Members of the Public may not be recognized unless:

- (a) Consent is given by the majority of Council; and
- (b) The Member(s) of the Public are speaking to an item on the Agenda.

Any Person who contravenes any of the rules in this By-law is guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair or a majority vote of Council Members.

2.17 Questions During Debate

A Member may, through the Chair, ask a question arising out of or request an explanation of the previous speaker's remarks.

A Member may, through the Chair, ask questions during the discussion on any item on the Agenda and ask questions on the item to any Staff of the Municipality in attendance at the Meeting.

Any Member may, at any time during the debate, request that a Motion under discussion be read by the Chair. A Member may not interrupt another Member while that Member is speaking.

2.18 Points of Procedure

When a Member believes there is a violation of this By-law, the Member shall state that the Member wishes to raise a Point of Procedure. Once recognized by the Chair, the Member shall raise the Point of Procedure. A Point of Procedure can be raised only during the Meeting.

Upon raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure.

Once the Point of Procedure has been dealt with immediately, the debate shall resume, unless the ruling has changed this procedure.



Any Member may appeal a ruling of the Chair by announcing the Member's appeal to the Members of Council. An appeal must be made immediately following the Chair's ruling. If the appeal is not made immediately, the Chair's ruling shall be final.

Upon appeal, the Member shall state the reasons for the appeal. The Chair may then indicate why the appeal should be rejected.

Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, shall vote on the appeal.

If the appeal is upheld by the majority of the voting Members, the Chair shall change the earlier ruling accordingly; if the appeal is rejected, then the ruling stands.

No Member shall disobey the rules of Council or a decision of the Mayor, Chair or Council on questions of Order of Procedure or an interpretation of the rules of Council.

Where a person (including a Member) has been warned about misconduct and has continued the conduct, the Chair, or the Chair's designate if the Chair is the person warned about misconduct, may expel the person from the Meeting. If such person refuses to leave, the Chair may recess or adjourn the Meeting without any Motion to do so until such time as the person has left the Meeting room.

If the person engaging in misconduct is a Member and the Member apologizes, the Member, by vote of the majority of Council, may be permitted to retake a seat at the table.

2.19 Voting – General

Once the Vote is called by the Chair, no Member shall speak to any issue, ask any question or present any other Motion until the Vote has been taken.

Voting shall be by way of a "show of hands" in favour or against, except when a Recorded Vote is requested. A Recorded Vote is also required if any or all Members are attending electronically.

A Member may request a Recorded Vote on any Motion. Such request may be made before, during or after the Vote. When a Recorded Vote is requested, the Clerk shall call each Member's name in alphabetical order and request and record their Vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall Vote last in a Recorded Vote. After the completion of a Recorded Vote, the Clerk shall announce the result. If a Member present at a Meeting fails to or refuses to vote, that Member's vote will be counted as a Vote against the Motion.

If a Member abstains from a Vote, this will be recorded as an abstention and the Vote will not be recorded as a vote against the Motion.

The Chair shall announce the results of the Vote once the Vote is completed.

If, during a non-recorded Vote, a Member disagrees with the Chair's statement of results of the Vote, the Member may object immediately to the Chair's declaration and require a Recorded Vote be taken.

If there is a tie Vote, the Motion is defeated.

Except as otherwise provided, every Member of Council/Committee/Committee of Council shall have one open Vote. The Presiding Officer may not move or second any Motion, but must Vote on a Motion.



2.20 Corrections

A Motion containing a minor or typographical error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Motion and initialed by the mover and seconder.

2.21 Amendments

The following rules shall apply to Amendments to Motions:

- (a) A “Motion Amendment” is a change to the statement(s) in the Motion;
- (b) An “Amendment to an Amendment” is a change to the proposed Motion Amendment;
- (c) Only one amendment (whether a Motion Amendment or an Amendment to an Amendment) can be presented at one time;
- (d) The order of Voting shall be:
 - (i) An Amendment to an Amendment shall be voted upon;
 - (ii) A Motion Amendment shall be voted upon next; and
 - (iii) the Motion, if and as amended, shall finally be voted upon.

An Amendment which is simply a rejection of the Motion will not be permitted.

2.22 Voting – Reconsideration

When a Motion has been decided, any Member who voted with the majority may move for the Motion to be reconsidered. The reconsidering of the Motion shall be called the “Motion to Reconsider”. Members who were not in the majority cannot move for a Motion to Reconsider.

Before a Motion to Reconsider is heard, the Motion to Reconsider must be added to the Agenda. The Motion to Reconsider shall be added to the Agenda only upon Council’s approval.

The process whereby a Motion to Reconsider is added to the Agenda is set out as below:

- (a) A Member who voted in the majority shall move for the Motion to Reconsider to be added to the Agenda.
- (b) The Chair shall ask the Member to affirm that the Member voted with the majority.
- (c) The Chair shall hold a Vote whereby the Members shall vote on whether to allow the Motion to Reconsider to be added to the Agenda.
- (d) When the Member is moving to have the Motion to Reconsider added to the Agenda of the same Meeting as that at which the Motion was originally voted on, the majority of Members must agree to add the Motion to Reconsider to the Agenda.
- (e) Where the Member is moving to have the Motion to Reconsider added to the Agenda of a Meeting other than that at which the Motion was originally voted on, a majority of Members must agree to add the Motion to Reconsider to the Agenda.
- (f) Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
- (g) A Motion to Reconsider of any decided matter shall not operate to stop an action that has been initiated on the decided matter.
- (h) Debate on a Motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion.
- (i) No Committee/Committee of Council shall reconsider any question decided by Council during the current term nor consider any other matter which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council.



2.23 Voting – By-laws

Every proposed By-law shall be introduced upon Motion by a Member of Council.

Every By-law shall be given three (3) readings prior to being passed by Council. A By-law may be read three (3) times at the same meeting unless otherwise provided by Statute or by Council. If any Member objects to the third reading being given, a majority vote of all Members is necessary to proceed with the reading.

Every By-law read before Council shall be recorded by the Clerk and upon third reading shall be signed by the Presiding Officer and the Clerk and the Corporate Seal shall be added as soon as possible thereafter.

A By-law shall be passed only at a Regular Council Meeting (or a reconvened Regular Meeting that had been properly adjourned to a specific time) or a Special Meeting that, when called, cites the consideration and passing of the By-law as one of its purposes.

2.24 Voting – Electronic Meetings (applies only if Electronic Meetings are permitted by a majority Resolution of Council and if equipment is functioning properly)

- (a) All Votes will be Recorded Votes in the event of any Council Member participating in an open session electronic meeting by teleconference only.
- (b) A ‘show of hands’ vote may be used, at the Clerk’s discretion, if all Council Members are participating by audio and video and can be seen by each other.

3 ROLES AND RESPONSIBILITIES

3.1 Head of Council (*Municipal Act, sec. 225*)

It is the role of the Head of Council to:

- (a) Act as Chief Executive Officer of the Municipality;
- (b) Preside over Council Meetings so its business can be carried out efficiently and effectively;
- (c) Provide leadership to Council;
- (d) Provide information and recommendations to Council with respect to the role of Council, described in clauses 224(d) and (d.1) of the *Municipal Act*;
- (e) Represent the Municipality at official functions;
- (f) Uphold and promote the purposes of the Municipality;
- (g) Promote Public involvement in the Municipality’s activities;
- (h) Act as the representative of the Municipality both within and outside the Municipality, and promote the Municipality locally, nationally and internationally;
- (i) Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and
- (j) Carry out the duties of the Head of Council under the *Municipal Act* or any other Act.

Note: The Head of Council shall not act unilaterally but shall represent Council/Committee, declaring its will and obeying its decisions as indicated by Resolution of Council even if the Head of Council does not necessarily concur with its decisions.

3.2 Chair

It is the role of the Chair to:

- (a) Open all Meetings by calling the Meetings to order;
- (b) Address the business listed on the Agenda;
- (c) Receive and have read to Council all Motions presented by Members;
- (d) Put to a Vote all Motions which are moved and seconded, and announce the result of the vote including the number in favour of and the number against;
- (e) Decline to put Motions to a Vote which breach the Procedural By-law or other legislation;



- (f) Enforce, by setting an example, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- (g) Provide information to Members on any significant matters relating to the business of the Municipality;
- (h) Authenticate by signature all By-laws, Resolutions and Minutes;
- (i) Rule on any Points of Procedure raised by Members;
- (j) Maintain order, and, where it is not possible to maintain order, adjourn Meetings to a time to be named by the Head of Council or a majority Vote of Council without any Motion being put forward; and
- (k) Call for Adjournment of the Meeting when business is concluded.

3.3 Deputy Head of Council (*Municipal Act, sec. 242*)

In the event that the Head of Council is absent from the Municipality or refuses to act or if the Office is vacant, the Deputy Head of Council shall act in the Head of Council's absence and shall have all the rights, powers and authority as the Head of Council with respect to the role of presiding at Meetings.

If the Deputy Head of Council is unable to act in the place and stead of the Head of Council and Quorum is present at a Meeting, the Clerk shall call the Meeting to order and another Councillor shall be appointed by a majority vote of Council to act as the presiding official with all the rights, powers and authority as the Head of Council with respect to the role of presiding at Meetings and shall preside over the Meeting.

3.4 Council (*Municipal Act, sec. 224*)

It is the role of Council to:

- (a) Represent the Public and to consider the well-being and interests of the Municipality;
- (b) Develop and evaluate policies and programs of the Municipality;
- (c) Determine which services the Municipality provides;
- (d) Ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- (e) Ensure the accountability and transparency of the operations of the Municipality, including the activities of the Senior Management of the Municipality;
- (f) Maintain the financial integrity of the Municipality; and
- (g) Carry out the duties of Council under the *Municipal Act* or under any other Act.

3.5 Clerk (*Municipal Act, sec. 228*)

It is the duty of the Clerk to:

- (a) Record, without note or comment, all Resolutions, Decisions and other proceedings of Council;
- (b) If required by any Member present at a Vote, record the name and vote of every Member voting on any matter or question;
- (c) Keep the originals or copies of all By-laws and of all Minutes of the proceedings of Council;
- (d) Perform the duties required under the *Municipal Act* or under any other Act;
- (e) Prepare and circulate Council Packages to all Members in a timely manner; and
- (f) Perform such other duties as are assigned by the Municipality.

The Clerk, where appropriate, may delegate, in writing, the duties of the Clerk to another person, other than a Member of Council, in accordance with Section 228(4) of the *Municipal Act*.

3.6 Deputy-Clerk (*Municipal Act, sec. 228(2)*)

The Municipality may appoint Deputy-Clerks who have all the powers and duties of the Clerk under this and any other Act.

A Clerk or Deputy-Clerk is not required to be an employee of the Municipality. (*Municipal Act, sec. 228(3)*).



3.7 Staff (*Municipal Act*, sec. 227)

It is the role of the Officers and Employees of the Municipality to:

- (a) Implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions;
- (b) Undertake research and provide advice to Council on the policies and programs of the Municipality; and
- (c) Carry out other duties required under the *Municipal Act* or any Act and other duties assigned by the Municipality.

3.8 Members of the Public

It is the role of Members of the Public to:

- (a) Attend Meetings which are open to the Public;
- (b) Follow the rules of order, polite conduct and decorum;
- (c) Provide input and information to Council only at Meetings or portions of Meetings specifically designed for public engagement and in a manner dictated by Council (e.g. in writing, in person, electronically, etc.)

4 MEETINGS

4.1 First Meeting

At the first Meeting, the Clerk shall administer the Declarations of Office and oaths of allegiance, and distribute a copy of the Code of Conduct and the Procedural By-law to all Members of Council.

No business shall be conducted at the first Meeting until the Declarations of Office and oaths of allegiance have been administered to all Members and a copy of the Code of Conduct and the Procedural By-law have been distributed to each Member.

4.2 Regular Meetings

4.2.1 Time

Regular Meetings shall be held on the first and third Tuesday of each calendar month at 6:30 p.m. local time, except for January when Regular Meetings shall be held on the second and fourth Tuesday. Notice of Regular Meetings of Council shall be posted on the Township website.

4.2.2 Election Year

Following a regular election, Council shall meet only as is deemed necessary by the Head of Council and the Clerk, or a majority vote of Council, until the new term of Council takes effect.

4.3 Special Meetings

4.3.1 Special Meetings

A Special Meeting is a Meeting that is called for a specific time and for a specific purpose to deal with an important matter that must be dealt with before the next Regular Meeting.

The only business to be dealt with at a Special Meeting is that which is listed in the Notice of Meeting.

4.3.2 Calling of Special Meetings

The Head of Council may, at any time, summon a Special Meeting by providing Notice of the Meeting to Members at least twenty-four (24) hours before the Meeting.

Upon receipt of a petition from the majority of Council, the Clerk shall summon a Special Meeting providing a Notice of Meeting to Members at least twenty-four (24) hours before the Special Meeting.



4.3.3 Nature of Special Meetings

Special Meetings may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act*.

4.4 Public Meetings

4.4.1 Public Meetings will be held on a matter where directed by Council, Municipal By-law or statute. Statutory Public Meetings shall be undertaken in accordance with the governing statute or as otherwise directed by law.

4.4.2 The purpose of a Public Meeting is to hear input from the Public on a particular matter. Accordingly, Members shall not enter into debate or discussion of the matter during the Public Meeting.

4.4.3 One spokesperson is allowed per organization.

4.4.4 Each person/organization is limited to five (5) minutes to speak. Additional consideration can be given a person(s)/organization(s) at the discretion of the Chair or a majority Vote of Council.

4.4.5 Each person/organization is entitled to ask one (1) question or provide one (1) comment and one (1) subsequent question or comment.

4.4.6 All persons speaking at a Public Meeting will be asked to provide their names and organizations (if applicable) prior to providing comments. All such persons will also be invited to provide their names, addresses and email addresses in writing in order that future notice of the matter may be provided.

4.4.7 Where the Public Meeting is held as part of a Council Meeting, the Minutes of the Council Meeting shall include the Minutes of the Public Meeting.

4.5 Emergency Meetings

4.5.1 An Emergency Meeting may be called by the Head of Council and/or the Clerk, without written Notice, to deal with an Urgent Matter.

4.5.2 The Clerk will attempt to notify all Members and the appropriate Staff about the Emergency Meeting in the most expedient manner available and as soon as possible. The Clerk shall advertise the Emergency Meeting to the public.

4.5.3 Only business dealing directly with the Urgent Matter shall be dealt with at the Emergency Meeting.

4.5.4 Quorum is still required at an Emergency Meeting.

4.5.5 These provisions shall apply with necessary modifications, to Local Boards and Committees and Committees of Council.

4.6 Closed Meetings/Sessions

4.6.1 A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.

4.6.2 No Member, Officer or employee shall disclose the subject matter or deliberation of a Closed Meeting unless expressly authorized to do so by Council, Local Board, Committee or Committee of Council.

4.6.3 Prior to moving to the Closed Meeting/Session for one or more of the reasons listed in Section 239 of the *Municipal Act*, the Council, Local Board,



Committee or Committee of Council shall pass a Resolution in Open Session stating:

- (a) The fact that Council, Local Board, Committee or Committee of Council is convening into a Closed Meeting/Session;
- (b) The fact of the holding of the Closed Meeting/Session, the general nature of its subject matter and the subsection under which it is to be closed; and
- (c) If closed under Section 239(3.1), the Resolution must also note that it is closed under the subsection.

4.6.4 Permissive Closed Meetings

A Meeting may be closed where the matter to be discussed is, as contemplated in Section 239(2) of the *Municipal Act*, as follows:

- (a) The security of the property of the Municipality or Local Board;
- (b) Personal matters about an identifiable individual, including Municipal or Local Board employees;
- (c) A proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- (d) Labour relations or employee negotiations;
- (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board;
- (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) A matter in respect of which a Council, Local Board, Committee or other body may hold a Closed Meeting under another Act;
- (h) Information explicitly supplied in confidence to the Municipality or Local Board by Canada, a province or territory or a Crown Agency or any of them;
- (i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Municipality or Local Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organizations;
- (j) A trade secret or scientific, technical, commercial or financial information that belongs to the Municipality or Local Board and has monetary value or potential monetary value; or
- (k) 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.

A Meeting may be closed if the Meeting is held for the purpose of educating or training the Members and at the Meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

4.6.5 Mandatory Closed Meetings

A Meeting must be closed if the subject matter being considered is, as detailed in Section 239(3) of the *Municipal Act*, as follows:

- (a) A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, Local Board, Committee or other body is the head of an institution for the purposes of the *Act*;
[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 \(ontario.ca\)](#)



- (b) An ongoing investigation respecting a Municipality, a Local Board or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, [Ombudsman Act, R.S.O. 1990, c. O.6 \(ontario.ca\)](#)

and Ombudsman referred to in Subsection 223.13(1) of the *Municipal Act*, or the Investigator referred to in Subsection 239.2(1) of the *Municipal Act*.
[Municipal Act, 2001, S.O. 2001, c. 25 \(ontario.ca\)](#)

A Meeting must be closed if the subject matter being considered is a harassment complaint or investigation, pursuant to the *Occupational Health and Safety Act*.

4.7 Cancelled Meetings

- 4.7.1 A Meeting shall be cancelled by the Head of Council, in consultation with the Clerk, in the following instances:

- (a) Quorum cannot be achieved;
- (b) Council Resolution;
- (c) In the event of an unforeseen, significant event; or
- (d) The meeting is no longer required.

- 4.7.2 For the purposes of Section 4.7.1(c); an unforeseen, significant event includes but is not limited to the following:

- (a) Safety concern for participants in the Meeting, including Members and Members of the Public (e.g. snow storm, closing of highways);
- (b) Loss of heat/electricity or water;
- (c) Clerk/Deputy Clerk's inability to attend;
- (d) A state of emergency;
- (e) Electronic connection is lost when no in-person attendance is permitted;
- (f) The inability of a required participant to attend; and/or
- (g) The Meeting becomes redundant.

- 4.7.3 The Clerk will attempt to notify all Members and the appropriate Staff about the cancelled Meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise to the Public that the Meeting has been cancelled.

4.8 Electronic Meetings During a Declared Emergency (applies only if Electronic Meetings are permitted by a majority Resolution of Council and if equipment is functioning properly)

- 4.8.1 A Regular Meeting, Special Meeting or Closed Meeting of Council or Committee may be conducted by an Electronic Meeting during a Declared Emergency, in accordance with this Section and any Emergency Electronic Meeting Protocol, as developed and amended as necessary by the Clerk.

- 4.8.2 Members participating in an Electronic Meeting shall be counted for the purposes of Quorum at the commencement and at any point in time during the Meeting, and shall be entitled to Vote through a Vote recorded by the Clerk, as if they were attending the Meeting in person.

- 4.8.3 Council may set by Resolution for a specific period of time and providing rationale, terms of electronic participation in Meetings of Council, Local Boards or Committees of either of them permitting:

- (i) electronic participation counting towards Quorum;
- (ii) electronic participant voting; and
- (iii) electronic participant in a Meeting closed to the Public.



- 4.8.4 Council may hold a Special Meeting for the purpose of passing a Resolution as described in section 4.8.3; any Member participating electronically in such a Special Meeting may be counted in determining whether or not Quorum of Members is present at any time during the Meeting, and be permitted to Vote.

5 NOTICE OF MEETINGS

5.1 Annual Schedule of Meetings

- 5.1.1 The Clerk shall, by November 30th of each calendar year, submit a schedule of the upcoming Regular Council Meetings for consideration and adoption by Council. Upon approval by Council, the schedule will be posted to the Municipal website.
- 5.1.2 The Clerk shall post on the Municipal website Notice of all Meetings. The posting will constitute Notice to the Public of the Meeting.
- 5.1.3 The Clerk may amend the schedule from time to time with the direction of Council to reflect scheduling conflicts and holidays. The Clerk's amendments shall be circulated to all Members and will be posted on the Municipal website as soon as possible after the amendments are made.
- 5.1.4 The Clerk shall give at minimum twenty-four (24) hours' notice to the Public of all Special Council Meetings and Committee Meetings.
- 5.1.5 Where a statute or the Notice By-law requires, Notice will be published in accordance with the statute/By-law. The Notice will be posted on the Municipal website.
- 5.1.6 Nothing in this Procedural By-law prevents the Clerk from using more comprehensive methods of Notice or providing for a longer Notice period.
- 5.1.7 Lack of receipt of Notice or failure to comply with the provisions of this Procedural By-law shall not invalidate the Meeting or any decision of Council or the Local Board or the Committee made at the Meeting.

6 AGENDA

6.1 Agenda

- 6.1.1 It shall be the duty of the Clerk to prepare the Agenda of all Meetings. Where there is a dispute about including or excluding an item from the Agenda, the Clerk's decision shall be final.
- 6.1.2 All Council Agendas shall be prepared by the Clerk in writing and shall be in accordance with the attached Schedule "B".
- 6.1.3 The Council Meeting shall consider the items to be dealt with in accordance with the order that is set out in the Agenda unless otherwise decided by Resolution of the majority of the Members present at the Meeting.
- 6.1.4 Items on the Agenda, but not dealt with at the Meeting, will be placed on the next Regular Meeting Agenda under "Unfinished Business" unless sent to a subsequent Meeting by Resolution of the majority of Members present.
- 6.1.5 If a Member wishes to add an item that is not otherwise on the Agenda, when Council is considering the Meeting Agenda, the Member shall advise Council of the item and the Member shall require a majority Vote to have the item considered.



- 6.1.6 All items to be included on the Agenda will be provided to the Clerk by Members, Staff and the Public no later than 1:00 p.m. on the Tuesday of the week prior to the Meeting.
- 6.1.7 Reports to Council shall be in the standard form set out in Schedule "C", as amended.
- 6.1.8 Members wishing to have a matter placed on the Agenda will provide the Clerk with a completed form provided hereto as Schedule "D", as amended.
- 6.1.9 Individuals or Bodies wishing to have a matter placed on the Agenda, as a presentation or delegation, will provide the Clerk with a completed form as shown in Schedule "E", as amended from time to time, no later than 1:00 p.m. on the Tuesday of the week prior to the Meeting at which they wish to be heard.

Deputations

- 6.1.9.(a) Deputations will be limited to ten (10) minutes in length per speaker and to avoid repetition, any deputation on behalf of any group, shall be made by no more than two (2) representatives. Notwithstanding this, Council may extend the time of the deputation upon a majority vote in the affirmative.

Emergency Deputation requests will be received by the Head of Council and may be heard at the leave of a majority of Council.

At any given Council Meeting, a maximum of three (3) ten (10) minute deputations will be scheduled unless determined otherwise by a majority vote of Council.

Upon completion of comments to Council by a deputation, any discourse between Members of Council and the deputation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the person respecting the deputation.

The Head of Council and/or the majority of Council Members may curtail a deputation for disorder or any other breach of this By-law. Once the ruling is made that the deputation is concluded, the person or persons appearing shall withdraw. Failure to withdraw or to engage in behaviour that is inappropriate can result in the Council requesting the person(s) to vacate the Municipal building. Failure to vacate the building when requested may result in the Head of Council and/or the majority of Council suspending the Meeting until order is restored. If necessary, a majority vote of Council may direct the Clerk to seek appropriate assistance from police for this purpose.

Subsequent deputations on the same topic by the same person, or groups, may be accepted providing there is time and will be limited to the submission of new information only.

No deputation may be scheduled for a Closed Session, nor shall a deputation be permitted regarding any specific personnel matter where an individual may be identified.

Members of the Public attending a Council, Local Board, Committee or Committee of Council Meeting shall respect the decorum of Council and refrain from public outburst; shouting or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council. The Chair and/or a majority



of Members of Council may request that a member of the Public vacate the Municipal building if that person's behaviour is deemed to be disruptive to the business at hand. The Chair and/or a majority of Members of Council may suspend the Meeting until order is restored.

Notice to Deputations and to the Public:

Deputations and the Public are advised that Council, Local Board, Committee and Committee of Council Meetings are open to the Public and that there is no legal protection or other privilege in relation to any statement that is made in this forum. This means that anything said might be subject to the normal laws of defamation. Any behaviour or conduct that is disruptive to the Public Meeting can result in other charges being brought against said persons. Consequently, care should be taken in how addresses are made.

Any person who reads from a prepared statement during a deputation to Council may provide a copy of said document to the Clerk at the conclusion of the deputation for the Municipality's records.

Any written messages, memorials and/or enquiries before Council for consideration may be referred, at the discretion of the majority of Council, to a Committee of Council and/or Staff for response thereto. All responses will be approved by the majority of Council before dissemination.

Petitions shall be signed by the subscribers and presented to Council by any appointed representative who has knowledge of the information stated therein.

Every petition, communication and deputation shall be delivered to the Clerk on or before 1:00 p.m. on the Tuesday of the week prior to the regularly scheduled Council Meeting the following week.

6.1.10 The Clerk may decline to add items and/or Reports to an Agenda. Reasons to decline include, but are not limited to the following:

- (a) More time is required to prepare Staff Reports for Council;
- (b) The Delegation Request Form was not submitted by the deadline;
- (c) The Delegation Request Form is incomplete;
- (d) The subject matter of the Delegation is outside the jurisdiction of Council;
- (e) The subject matter is with respect to a matter that should be discussed in Closed Meeting;
- (f) The Meeting Agenda is already too lengthy;
- (g) The subject matter is set to be discussed on another Agenda;
- (h) The issue has been or is to be considered by the Committee of Adjustment;
- (i) Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue;
- (j) Council previously indicated that it will not hear further from this Delegation; or,
- (k) The issue should be referred to the appropriate Department for action.

6.1.11 Correspondence

All correspondence requiring the direction of Council or Committee shall:

- (a) be legibly written or printed;
- (b) include contact information for at least one person; and
- (c) be field with the Clerk for inclusion on a Meeting Agenda.

Personal information, other than contact information, disclosed in correspondence will become part of the Public Record, including the name of the author.



Correspondence may be withheld from an Agenda if it is considered to be inappropriate or offensive in nature.

6.1.12 Consent Agenda

A portion of the Agenda, titled "Consent Agenda," may consist of items that do not require separate discussion, including, but not limited to:

- (a) Routine Staff reports;
- (b) Minutes for receipt; and
- (c) Generic correspondence sent to numerous Municipalities.

All of the items listed on the Consent Agenda shall be subject of one Motion, unless a Member requests that any item(s) in the Consent Motion be discussed and voted upon separately.

6.1.13 Council Packages

Council Packages will be provided to Members no later than 4:30 p.m. on the Thursday prior to the Meeting.

6.1.14 Agenda Availability

The Agenda will be made available to the Public, no later than 1:00 p.m. on the Friday prior to the Meeting. The Clerk shall post the Agenda on the Municipal website no later than 1:00 p.m. on the Friday prior to the Meeting.

- 6.1.15** The Agenda will be sent to all residents who provide an email address no later than the Friday prior to the Meeting.

6.2 Other Meeting Agenda

- 6.2.1** The Clerk shall prepare an Agenda, with supporting material, for meetings other than Regular Meetings in accordance with the business to be addressed.

6.3 Question/Comment Period

- 6.3.1**
- (a) The Question/Comment Period will take place during Regular Meetings and Special Meetings as determined by Council and be limited to a maximum of fifteen (15) minutes, at the discretion of a majority vote of Council, and all questions from the Public will be related to Agenda listed items with each questioner limited to five (5) minutes.
 - (b) When called upon by the Chair, the questioner will self identify by name and the organization represented, if applicable, and address the question to the Chair.
 - (c) One spokesperson is allowed per organization or group.
 - (d) Each person/organization asking a question is entitled to one (1) question and one (1) supplementary question or comment.
 - (e) Questions/Comments will be answered with a brief response from the Chair and/or Member of Council. The Chair and Council reserve the right to defer any question if they are not able to answer it at the Meeting.
 - (f) Questions/Comments shall be made in respect of matters within Council's purview and jurisdiction only, while everyone maintains decorum in keeping with the following four (4) principles:
 - (i) Treatment of every person with dignity, understanding and respect;
 - (ii) Behaviour that is not discriminatory;
 - (iii) Actions free of slander, harassment or bullying; and
 - (iv) Protection of privacy.
 - (g) The Chair may terminate the Question/Comment Period at any time the Chair deems it necessary, subject to a majority vote of Council.



6.4 Closed Meeting Agenda

6.4.1 In the event the Clerk receives items for a Closed Meeting Agenda, they shall be placed on the Closed Meeting Agenda and the Council Package shall be provided to Members at least three (3) business days prior to the scheduled Closed Meeting.

6.5 Adjournment

6.5.1 A Motion to Adjourn will be considered at any time except the following:

- (a) When another Member has been recognized by the Chair and is speaking on a matter; or
- (b) During the taking of a vote.

6.5.2 If a Motion to Adjourn is defeated, the moving Member may not bring another Motion to Adjourn until the Agenda is completed or until a majority of Council by Resolution agrees to adjourn the Meeting.

6.6 Curfew

Meetings shall be adjourned automatically at 11:00 p.m. local time, unless otherwise determined by Resolution passed by a majority of the Members of Council.

6.7 Amendment

6.7.1 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

6.8 Mandatory Review

6.8.1 This By-law shall have a mandatory review in two (2) years following the date of approval.

6.9 Points Not Provided For

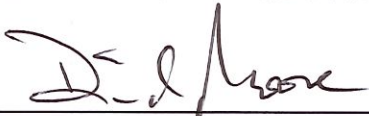
6.9.1 Any points of procedure not governed by this By-law shall be governed by the rules of parliamentary procedure of the Canadian House of Commons and/or Robert’s Rules of Order, latest edition.

6.10 Repeal – Enactment

6.10.1 That By-law No. 2021-28, as amended, is hereby repealed.

6.10.2 This By-law comes into force and takes effect on the date of enactment.

READ a FIRST and SECOND time this 10th day of January, 2023



Mayor, David Moore



Deputy Clerk, Karlee Britton

READ a THIRD time and PASSED in OPEN COUNCIL this 24th day of January, 2023



Mayor, David Moore



Deputy Clerk, Karlee Britton



SCHEDULES TO BY-LAW 2023-08

Schedule "A" - Conflict of Interest Declaration

Schedule "B" - Agenda

Schedule "C" - Reports Form

Schedule "D" - Member Request for Item to be Added to the Agenda

Schedule "E" - Request for Delegation



SCHEDULE "A"

**McKellar Township Council Member's
Conflict of Interest Declaration**

Pursuant to Subsection 5.1, of the *Municipal Conflict of Interest Act*, R.S.O. 1990 [Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 \(ontario.ca\)](#) Council Members must complete this form. At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

Declaration:

I, _____, declare a conflict of interest in item
(Print Full Name)

_____ on the _____ Council Agenda.
(Agenda Item #) (Date of Council Meeting)

I am making this declaration because (General Nature of the Conflict of Interest):

I confirm that I will not vote on the matter, I will not take part in discussion on any question in respect of the matter, and I will not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Signature Date

Clerk's Acknowledgement:

Received on _____ by _____
(Date) (Print Name)

Signature of Clerk or Designate



SCHEDULE "B"

Township of McKellar AGENDA

1. Call to Order
2. Roll Call
3. Declarations of Pecuniary and/or Personal Interest and General Nature Thereof
4. Adoption of Agenda
5. Closed Session
6. Call to Order – open session
7. Acknowledgement
8. Roll Call
9. Declarations of Pecuniary and/or Personal Interest and General Nature Thereof
10. Public Meeting
11. Delegations and Presentations
12. Committee of the Whole
13. Motion to Review a Previous Motion
14. Adoption of Minutes of Previous Meeting(s)
15. Planning Matters
16. Committee/Board Minutes with recommendations for approval
17. Staff Reports with recommendations for approval
18. Mayor's Report
19. Correspondence for consideration
20. Motion and Notice of Motion
21. By-laws
22. Unfinished Business
23. New Business
24. Public Notices, Announcements, Inquiries and Reports by Council Members
25. Consent Agenda - Correspondence
26. Question/Comment Period (related to items on Agenda)
27. Confirming By-law
28. Adjournment



SCHEDULE "C"

**Township of McKellar
Report to Council**

Prepared for:

Department:

Agenda Date:

Report No.:

Subject:

Recommendation:

Background:

Financial Analysis/Discussion:

Policies Affecting Proposal:

Conclusion:

Respectfully submitted by:

Attachments:



SCHEDULE "D"

**Township of McKellar
Council Member's Request for Item to be
Added to the Agenda**

Member's Name: _____

Meeting Date: _____

Subject Matter: _____

Draft Resolution Attached: _____ Yes _____ No

Attachments: _____

Signature

Date

Clerk's Acknowledgement

Received on _____ by _____
(Date) (Print Name)

Signature of Clerk or Designate



SCHEDULE "E"

**Township of McKellar
Request for Delegation/Deputation before Council**

Pursuant to By-law No. 2023-08, any person wishing to make a deputation before Council shall submit a request in writing to the Clerk no later than 1:00 p.m. on the Tuesday prior to the meeting the following week at which they wish to be heard. The written request shall be a detailed written submission that clearly outlines the matter that the deputation wishes to present to Council including the nature of the business to be discussed and the person(s) named to make the deputation. The detailed written submission, together with this form, shall be circulated with the Council Agenda. Please note that Deputations are limited to ten (10) minutes in length.

PLEASE PRINT

Name of Person to Appear:
Address:
Phone: _____ Home _____ Cell _____ Business
Name of person requesting appearance: (if different from the person preparing the request)
Phone: _____ Home _____ Cell _____ Business
Name of Group or Person(s) being represented (if applicable)
Meeting Date requested to appear before Council
Subject Matter of Deputation: _____ _____
Detailed written submission must be attached or submitted to the Clerk (by 1:00 p.m. the Tuesday of the week prior to the Council Meeting). _____
Signature: _____ Date: _____



SCHEDULE "E" continued

Reminder: A signed detailed written submission must be provided to the Clerk's Office by 1:00 p.m. on the Tuesday of the week prior to the meeting the following week. Failure to provide a signed detailed written submission by the Tuesday of the week prior to the Council Meeting will result in the deputation not being placed on Council's Agenda.

Decorum dictates respect for all opinions and individuals are reminded there is zero tolerance for coarse language and inappropriate behaviour. By submitting this Form, you have indicated agreement with this requirement.

Signage shall be posted in the Council Chambers advising deputations, presenters and the Public that the Meeting proceedings are being audio recorded and will be made available on the municipal website. The Township assumes no liability for the recorded comments of the public that may be construed as false, defamatory or slanderous in nature.

Personal Information on this form is collected under the legal authority of the Municipal Act, S.O. 2001, c25, as amended. The information is collected and maintained for the purpose of creating a record that is available to the general public pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act. [Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 \(ontario.ca\)](#)

Correspondence to Council:

Be advised that Council and Committee meeting agendas, Minutes and correspondence are public documents and are published on the Township of McKellar website. When corresponding with the Township of McKellar, please be aware that personal correspondence or delegation materials (together with names, addresses, email addresses and phone numbers) may be included on the Council or Committee or Committee of Council meeting agenda and subsequently appear on the corporate website.

If you feel there is a compelling reason that your correspondence to Council should not be included on the agenda and released to the public, please notify the Clerk's office.