



**CORPORATION OF THE TOWNSHIP OF ASSIGINACK**

**BY-LAW #15-30**

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**PROCEDURAL BY-LAW**

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# THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

## BY-LAW #15-30

### BEING A BY-LAW to Govern the Proceedings of Council and Committees and Boards of Council

**WHEREAS** subsection 238(2) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, requires that every municipal council and local board pass a procedural by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** it is deemed expedient to adopt by by-law, rules governing the order and procedure for the Council of the Corporation of the Township of Assiginack, and to repeal By-law No. 02-02 as amended;

**NOW THEREFORE** the Council of the Corporation of the Township of Assiginack hereby enacts as follows:

#### 1. DEFINITIONS

In this By-law:

“**Agenda**” means an agenda for a Council or Committee Meeting.

“**By-law**” means this procedural by-law.

“**Chair**” means the person presiding at a meeting.

“**Chief Administrative Officer**” or “**CAO**” means the Chief Administrative Officer of the Township.

“**Clerk**” means the Municipal Clerk and Deputy Clerk of the Township and/or designate.

“**Code of Conduct**” means the “Code of Conduct Policy for Council Members and local boards.”

“**Committees and Boards**” means a Committee established by Council to advise on matters which Council has deemed appropriate for the Committee to provide recommendations for Council’s review, or as established as a municipal services board or local board.

“**Council**” means the Council of the Corporation of the Township of Assiginack.

“**Defer**” means to postpone a decision on a matter until later in the same meeting or to a future meeting of Council or Committee.

“**Deputy Mayor**” means a Member of Council appointed to the Office of Deputy Mayor and to act in the place of the Mayor, in his/her absence, as elected to represent the Township.

“**Emergency Meeting**” means a meeting of Council held to consider any business of the Council which is determined by the Chair to be for an emergency.

“**Local Board**” means a board, commission, committee, body or local authority of the Township established or exercising authority under any general or special Act for municipal purposes.

“**Majority Vote**” means more than half of the votes cast by members entitled to vote at a Meeting.

“**Meeting**” means any regular, special, or other Meeting of a Council, of a Local Board or of a Committee of either of them.

“**Member of Council**” or “**Member**” means any person duly elected or appointed to serve on the Council or Committee of the Township.

“**New Information**” means information that has not been previously presented or considered during the original debate and vote on a decided matter. The

information must be new; credible; otherwise not known or available at the time of the original presentation, debate or decision. What constitutes New Information shall be determined by the CAO, whose decision is final and binding.

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

**“Point of Personal Privilege”** means a matter that a member considers to question his/her integrity and/or the integrity of Council or Committee.

**“Publication”** has a corresponding meaning.

**“Quorum”** means 50% + one (1) Member of Council or Committee.

**“Mayor”** means the Head of Council as defined in the *Municipal Act, 2001*.

**“Regular Meeting”** means a scheduled meeting held in accordance with this By-law.

**“Rules of Procedure”** means the rules and regulations governing the proceedings of Council and its Committees.

**“Special Meeting”** means a meeting not scheduled in accordance with this By-law that is required to deal with a specific matter.

**“Standing Committee”** means a Committee of Council as established by the procedure set out in Section 6.1.

**“Striking Committee”** means the Mayor, Deputy Mayor and Councillor voted in with the highest number of votes. The Striking Committee shall be responsible for the review and recommended appointments of members of Council to the various boards and committees, for Council’s consideration.

**“Township”** means the municipality of the Corporation of the Township of Assiginack.

## **2. GENERAL PROVISIONS**

### **2.1 Rules and Regulations**

The rules and regulations contained in this By-law shall be the Rules of Procedure for the order and dispatch of business in the Council and the Committees and shall be observed at all times. The Rules of Procedure contained herein may be suspended by a two-thirds vote of the Members of Council or Committee present at the Meeting, unless prohibited by law or provided otherwise.

### **2.2 Alternative Interpretation**

In the event of a conflict in the interpretation of any provision of this By-law, reference shall be made to *Bourinot’s Rules of Order* for clarification.

### **2.3 Preparation of the Agenda**

Prior to each Regular Meeting of Council or Committee, the Clerk shall prepare an Agenda of all the business to be brought before such Meeting.

### **2.4 Addendum Items**

Items of an urgent nature may only be added to an Agenda and shall require a two-thirds vote of the Members. Reports that are presented as an addendum shall include an explanation as to their urgency.

### **2.5 Absence of Mayor**

In the absence of the Mayor or if he/she is absent through illness or if he/she refuses to act as Chair or if the office is vacant, the Deputy Mayor shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the Mayor. In the absence of the Mayor, the Member who received the highest votes will act in the place of the Mayor and shall be the appointed Deputy Mayor for the term of Council. In the absence of the Deputy Mayor, the Member who received the highest votes will act in the place of the Deputy Mayor in the absence of the Mayor, and so on.

## **2.6 Record of Proceedings – Minutes**

The Clerk shall be the secretary of all Meetings of Council and Committee. It is the duty of the Clerk to record the proceedings of Council in the form of minutes in accordance with the *Municipal Act, 2001*. The minutes of a Meeting shall be approved at the next Regular Meeting.

## **2.7 Recording Equipment**

Regular Meetings of Council may be recorded and made available through the internet. The use of audio and video recording equipment in the Council Chambers by the public or the media will be permitted if it is not disruptive to the Meeting. The location of recording equipment will be at the discretion of the Chair.

## **2.8 Signing Authority**

The Mayor or, in his/her absence, the Deputy Mayor and the Clerk are hereby authorized to sign and seal all agreements and other municipal documents that have been approved by Council, unless otherwise provided.

## **2.9 Requests for Clarification**

Members are encouraged to contact the appropriate staff member or supervisor prior to a Meeting to raise questions or clarify issues relevant to a matter on the Agenda. Members shall not give direction to staff except through Majority Vote.

## **2.10 Requests for Staff Reports**

Requests for preparation of a staff report for any given issue must be by Majority Vote and does not require prior notice.

# **3. ROLES AND RESPONSIBILITIES**

## **3.1 Role of Mayor**

It is the role of the Mayor:

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

The Mayor may designate one (1) Member of Council to act in the place of the head of council for the purposes of the Township of Assiginack Emergency Plan. If the Mayor does not so designate any Member, the Deputy Mayor shall assume the role pursuant to Section 2.5.

## **3.2 Mayor – Ex officio**

The Mayor is *ex officio* Member of each Committee, sub-committee, ad-hoc committee, board and commission or other body established by Council unless prohibited by law. Where a Committee is established by reference to a particular number of Members without specifically providing for the membership of the

Mayor, such number is automatically increased by one. The Mayor may otherwise participate, unless prohibited by law, in the business of the Committee on the same basis as any other Member of the Committee. However, the Mayor as an *ex officio* Member is not entitled to vote unless legally permitted otherwise.

### **3.3 Role of Council**

It is the role of Council:

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

No Member has the authority to direct or interfere with the performance of any work being carried out by an employee, agent or contractor of the Township. Each employee is responsible only to his or her superior officer and CAO as established in the formal organization structure of the Township.

### **3.4 Duty of the Chair**

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

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

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

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

### **3.5 Duty of Members**

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

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

### **3.6 Duty of the Chief Administrative Officer**

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

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

### **3.7 Duty of the Clerk**

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

- a) to attend or cause a designate to attend all Meetings of the Council, or Committee and other Meetings as deemed necessary;
- b) to record, without note or comment, all resolutions, decisions, and other proceedings of such Meetings as indicated above;
- c) to forward a copy of all resolutions, enactments and orders of the Council and Committees to those concerned in order to provide notice;
- d) if required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- e) to keep the official records of the Township, including the minutes of the proceedings of Council;
- f) to keep in his/her office or in the place appointed for that purpose, the originals of copies of all by-laws and of all minutes of the proceedings of Council;
- g) to make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- h) where a video or audio recording of regular/special Council Meeting is made, to retain such recording in accordance with the Records Retention By-law;
- i) to forward, by way of delegated authority, housekeeping or consolidation, by-law(s) directly to Council for consideration;
- j) to present annually a Meeting calendar outlining the regular Standing Committee and Council Meeting schedule for the next year, which may be amended from time to time;
- k) to provide to each Member of Council a copy of this By-law when the Member of Council makes a declaration of office and is sworn into office and upon request thereafter;
- l) to perform such other duties as are prescribed by law or by direction of Council;
- m) to act as the head pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

## **4. COUNCIL MEETINGS**

The Agenda shall be considered notice of Meetings. Items of an urgent matter may be placed on an addendum/addenda to an Agenda if the items are received by the Clerk after the Agenda has been prepared. The addendum/addenda shall

be added to the Council Agenda for agenda approval at the Meeting pursuant to Section 2.4. The motion to approve the Agenda and addendum/addenda shall be one motion unless a request is made by a Member of Council to separate the approval of the addendum/addenda.

#### **4.1 Inaugural Meeting**

The first Meeting of a newly-elected Council after a regular election should be held on the first Tuesday in December at 7:00 p.m. at a location chosen by the Clerk.

The Clerk shall administer the declarations of office and oaths of allegiance, and Code of Conduct for all Members of Council.

The Clerk shall have prepared for the Members of Council at the inaugural Meeting an "Order of Business" as follows, to also include other ceremonial proceedings as deemed necessary and/or desirable:

- a) Call to Order
- b) Charge to Council
- c) Filing of Certificates and Declarations of Office and Oaths of Allegiance, and Code of Conduct in accordance with the provisions of the Municipal Act, 2001
- d) Statements by Members
- e) Matters incidental to the above or of an urgent nature, if necessary
- f) Adjournment

No business shall be conducted at the inaugural Meeting of Council until the declarations of office and oaths of allegiance, and Code of Conduct have been made by the Members of Council.

#### **4.2 Regular Meeting Times**

Regular Meetings of Council shall be held at the hours of 7:00 p.m. (local time) on the first Tuesday of each month and 5:00 p.m. (local time) on the third Tuesday of each month, unless otherwise provided by a resolution of Council. In the event of a holiday, the Meeting will occur on the Wednesday following the holiday. In the event there is no business to discuss, or matters that are not of an urgent nature, the Mayor and Clerk shall have the authority to cancel the Meeting.

The regular schedule may be amended for the months of July, August, and December at the discretion of the Clerk and CAO to reflect scheduling conflicts and holidays.

When deemed necessary, Council may change the date, time, and location of a Meeting by Majority Vote.

In an election year, immediately following the election, Council shall only meet as deemed necessary until the new term of Council takes effect.

#### **4.3 Special Meetings of Council**

The Mayor may, at any time, summon a Special Meeting of Council on twenty-four (24) hours written notice to the Members. Upon receipt of a written petition, hard-copy or digitally, from a majority of the Members, the Clerk shall summon a Special Meeting on twenty-four (24) hours written notice to all members and the media for the purpose and at the time mentioned in the petition. The only business to be dealt with at a Special Meeting is that which is listed in the notice of the Meeting. Special Meetings may be open or closed as provided in the *Municipal Act, 2001*.



#### **4.4 Emergency Meeting**

Notwithstanding any other provision of this By-law, an Emergency Meeting may be held without notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify Members about the Meeting as soon as possible and in the most expedient manner available.

No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

#### **4.5 Agenda Packages**

The Clerk shall ensure that the Agenda and respective package for each Regular Meeting of Council, Special and in-camera Meetings shall be delivered to each member of the Council, in print format, at the designated mailbox established and provided by the Township, for delivery of such notice, not less than seventy-two (72) hours before the hour appointed for the holding of such Meeting. An Agenda constitutes such notice. At the same time, the Clerk shall also ensure that the Agenda is provided to the CAO, and to the heads of all Township departments. All Meetings will be open to the public and no person will be excluded except where Council or Committee agrees to meet in-camera for confidential discussion in accordance with this By-law.

#### **4.6 Location of Meetings**

All Meetings of Council shall be held in the Council Chambers or at any other place in the Township or in an adjacent municipality as authorized by the Mayor.

#### **4.7 Calling a Meeting to Order**

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.

#### **4.8 Absence of the Mayor**

In the absence of the Mayor, the Deputy Mayor shall take the Chair. In the absence of both of them, the Member elected with the highest vote (to lowest) shall Chair for the Meeting.

#### **4.9 Quorum**

If a Quorum is not present twenty (20) minutes after the time appointed for a Meeting, the Clerk shall record the names of the Members who are present and the Meeting shall not commence or proceed, unless the Clerk is previously notified that attendance will be delayed due to extenuating circumstances. If all those Members who are present remain until a Quorum is present, then the Meeting shall proceed.

#### **4.10 Late Arrival**

If a Member arrives late for a Council Meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members who are present.

#### **4.11 Duties of the Chair**

It is the duty of the Mayor to preside at all Meetings of Council, and;

- a) to open the Meeting of Council by taking the Chair and calling the Meeting to order;
- b) to put to a vote all motions and to announce the result;
- c) decline to put motions to a vote which infringe upon the Rules of Procedure;
- d) to inform the Members of the proper procedure to be followed and to enforce the Rules of Procedure;
- e) to enforce on all occasions, the observance of order and decorum among the Members;
- f) to call by name any Member persisting in a breach of the Rules of Procedure and order the member to vacate the Council Chambers;
- g) to permit questions to be asked through the Mayor of any staff or Council of the Township present for information to assist in any debate when the Mayor deems it proper;

- h) to provide information to Members on any matter relating to the business of the Township and when possible, to be discussed with the Clerk and CAO prior to calling the Meeting to order;
- i) to authenticate by signature all by-laws and minutes of Council;
- j) to rule on any points of order raised by Members;
- k) to maintain order and, where it is not possible to maintain order, the Mayor may, without any motion being put, adjourn the Meeting to a time to be named by the Mayor;
- l) to carry out the duties of the head of Council under the Municipal Act, 2001 or any other Act; and
- m) to act in accordance with his/her oath of allegiance, oath of elected office and Code of Conduct.

#### **4.12 Speaking Order**

No Member shall speak more than once on an item except to give an explanation, until every Member who wishes to speak on that item has spoken. The Mayor may limit discussion in the interest of the decision-making process. This decision may be appealed by Members of Council.

#### **4.13 Orders of Business**

Having reviewed the draft Agenda with the Mayor, the Clerk shall prepare for the Members of Council, the "Order of Business" as follows:

Call to Order:

- 1) Opening – Adoption of Agenda & Declarations of Conflict or Pecuniary Interest
- 2) Announcements
- 3) Adoption of Minutes
- 4) Delegations
- 5) Reports
- 6) Action Required Items
- 7) Information Items
- 8) By-laws
- 9) Closed Session
- 10) Adjournment

The deadline for receipt of material by the Clerk to be included on the Agenda for Meetings shall be noon on the Thursday prior to the Meeting.

#### **4.14 Delegations**

Anyone wishing to appear before Council shall advise the Clerk by 4:00 p.m. on the Wednesday prior to the publication of the Agenda. The request to appear before Council shall be in writing and shall state the nature of the matter to be presented.

No person other than the delegate may speak on the matter and for not more than a total of fifteen (15) minutes. A delegate not on the Agenda and not appearing in respect to a matter on the Agenda shall not be heard without the consent of at least two-thirds of the Members who are present.

The priority in which delegates shall be heard by Council or Committee shall be as follows:

- a) delegates listed on the Agenda; and
- b) delegates who, subsequent to the preparation of the Agenda and prior to the commencement of a Meeting, apply to the Clerk to be heard on a matter listed on the Agenda.

Unless there is a staff presentation, all delegates appearing before Council and Committee shall be heard during the Delegations portion of the Regular Meeting or just prior to the beginning of the specific item, and shall be permitted to speak only once on an item. Once deliberations on a specific item have commenced, no further presentations relative to the item shall be made by the delegate or by

any person other than a Member of Council. The matter may be referred to a future Meeting if there is not an accompanying report.

Delegates shall respond to questions from the Members of Council only through the Chair. Delegates are cautioned that their remarks are not subject to Parliamentary Privilege. Accordingly, derogatory remarks about any persons or organizations may be actionable at law.

#### **4.15 Decorum**

Attendees at a Meeting shall maintain order and shall not display signs of placards, heckle or engage in telephone or other conversation or any behaviour that may be considered disruptive. All cell phones and electronic devices shall be turned off and/or set to silent mode during a Meeting.

The Chair may request a person to be expelled or excluded from any Meeting who disrupts the Meeting.

Members of the public who wish to submit materials for Council must do so through the Clerk, and are not to be placed at the Council table.

#### **4.16 Motions**

Every motion shall be read aloud, and when duly moved and seconded, shall be open for discussion. A motion or amendments thereto, may not be withdrawn without the consent of the mover and seconder.

Where a motion to Defer is moved, the Chair shall request that the motion not be seconded until the speaker's list has been exhausted.

Where a motion to adjourn or a motion to Defer has been duly moved and seconded, until such motion has been decided, there shall be no discussion on the subject matter.

#### **4.17 Amendment to a Motion**

Only one motion to amend the original motion shall be on the floor at any one time.

#### **4.18 Two or More Matters**

When the motion under consideration contains two or more matters, upon the request of any Member, each matter shall be voted on separately.

#### **4.19 Under Debate**

When a question is under debate, no motion shall be received except for the following purposes and according to the following order, namely:

- a) to extend the hour of automatic adjournment;
- b) to recess;
- c) to adjourn;
- d) to Defer to a definite date;
- e) to Defer indefinitely; or
- f) to amend the main motion.

#### **4.20 Adoption in a Single Motion**

One or more report items on Committee or Council Agenda may be adopted in a single motion. At a Council Meeting, any Member may request that an item be discussed separately and that item shall not be included in the motion to adopt.

#### **4.21 Points of Order of Privilege**

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 Procedure. The ruling of the Chair shall be final unless a Member appeals the ruling to Council which shall then decide upon the question without debate.

A Member may rise at any time on a Point of Personal Privilege where such Members feels that his/her integrity or the integrity of the Council has been impugned by another Member or delegate. Upon hearing such point, the ruling of the Chair shall be final unless the Member appeals the ruling to Council which shall then decide upon the question without debate.

Where the Chair recognizes that a breach of personal privilege has taken place, the Chair shall demand that the offending Member apologize, and failing such apology shall require such Member to vacate the Council Chamber for the duration of the Meeting.

Any Member may appeal the decision of the Chair to the Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a Majority Vote of the Members who are present.

#### **4.22 Notice of Motion**

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

#### **4.23 Voting on Motions**

Each Member present and voting shall announce or indicate his/her vote upon a motion openly and individually and no vote shall be taken by ballot, or any other method of secret voting. In the event a Member present abstains from voting, he/she will be deemed to have voted in the negative unless the Member's reason for abstaining is due to his/her disclosure of pecuniary interest. When a Member abstains from voting by virtue of a disclosure of pecuniary interest situation, his/her abstention shall not be deemed to be either affirmative or a negative vote.

#### **4.24 Recorded Vote**

When a Member requests a recorded vote, all Members who are present at the Meeting shall vote when called by the Clerk unless he/she has disclosed a pecuniary interest. The name of each Member who voted, and the manner in which he/she voted, shall be noted in the minutes. If a Member at a Meeting of Council, where a motion is put to a vote and a recorded vote taken, does not vote, he/she shall be deemed to have voted in the negative unless the Member's reason for abstaining is due to a disclosure of pecuniary interest in which case his/her abstention shall not be deemed to be either a negative or an affirmative vote. The Clerk shall announce the results.

#### **4.25 Tie Votes**

Any motion of which there is a tie vote shall be deemed to be decided in the negative.

#### **4.26 Reconsideration of a Matter**

A motion to reconsider:

- a) is not debatable;
- b) is not amendable;
- c) cannot be considered if the action approved in the motion cannot be reversed;
- d) suspends action on the motion to which it applies until it has been decided.

Each Member of Council shall be responsible for making a determination on how the Member voted on a specific matter. The Clerk shall not record or note in the minutes how a Member votes unless a request for a recorded vote has been made.

No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was originally decided unless New Information is brought forward that might have reasonably affected the

debate or the decision, or a mistake in procedure can be shown to have occurred.

No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.

If a motion to reconsider is decided in the affirmative at a Meeting, then consideration of the original matter shall become the next order of business.

When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

#### **4.27 By-laws**

All by-laws shall be enacted in a single motion.

Every by-law which is passed by Council shall be sealed with the seal of the corporation, signed by the Mayor or the Chair of the Meeting at which the by-law was passed and by the Clerk and shall be deposited with the Clerk for custody.

#### **4.28 Adjournment**

It shall be the duty of the Chair to declare a Meeting adjourned following six (6) consecutive hours. The Meetings may be extended by a vote of two-thirds of the Members who are present.

### **5. IN-CAMERA MEETINGS**

#### **5.1 Council, Committee(s) and Board(s) – In-Camera**

Meetings of Council, Committees and Local Boards or portions thereof, may be held in-camera in accordance with the *Municipal Act, 2001*. The Clerk, in conjunction with the CAO or Chair will place the in-camera, if required, prior to, during, or following the Meeting. The only matters to be considered in-camera are 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 municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; and
- h) a matter in respect of the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council is designated as the head for the purpose of that Act.

#### **5.2 Procedure – Moving into In-Camera**

Prior to moving in-camera for one or more of the reasons listed in Section 5.1, the Council, Committee or Local Board shall pass a resolution in open session stating:

- a) the fact that the Council, Committee or Local Board is convening into in-camera session; and
- b) the general nature of the matter(s) to be considered.

#### **5.3 Voting Prohibited In-Camera – Exception**

Subject to Section 5.1, a Meeting shall not be closed to the public during the taking of a vote. Despite section 244 of the *Municipal Act, 2001*, a Meeting may be closed to the public during a vote if:

- a) subsections 239(2) or (3) of the *Municipal Act, 2001* permit or require the Meeting to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or Local Board of either of them or persons retained by or under a contract with the Township or Local Board.

Upon request from any Member of Council the vote may be recorded.

#### **5.4 Meeting – In-Camera (Closed) – Attendance**

The Clerk shall prepare an in-camera Agenda to be circulated to Members of Council which shall include any delegation to Council as recommended by the Mayor and CAO during the closed session. Once the presentation has been made the delegation shall be requested to leave the in-camera or closed session while Council deliberates. The Agenda may include names of staff members required to be present during the in-camera Meeting in addition to the Clerk.

#### **5.5 Meetings – In-Camera – Record**

The Clerk shall record all vote(s)/direction(s) provided during in-camera (closed) sessions which relate only to the direction provided by Council pursuant to clause 239(6)(b) of the *Municipal Act, 2001*. Copies of these records containing only the vote/direction provided by Council will be distributed to Council only. The record of vote(s)/direction(s) kept during in-camera (closed) sessions will be subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. Confidential information may be sequentially and distinctly numbered to each recipient and shall be copied on pink paper where possible.

### **6. COMMITTEES AND BOARDS**

#### **6.1 Procedure**

All Committees and Boards shall follow the procedures set out in this By-law, except for municipal services boards as authorized by the Township who may adopt their own procedures, otherwise must act in accordance with the provisions of this By-law or as legislated by another Act unless otherwise determined.

The rules governing the procedure of the Council and the conduct of its Members shall be observed in Committee and Board Meetings, with the necessary modifications, except that:

- a) motions do not require a seconder;
- b) a Member need not rise to speak;
- c) a motion to hear from the public is not needed, provided that the person wishing to speak is speaking to an issue on the Agenda of the sub-committee or with the consent of the Chair;
- d) a Member shall not speak more than once to a motion until every Member who desires to speak has spoken once.

#### **6.2 Reports/Minutes**

Reports/Minutes shall be listed in the section on the Agenda designated for Reports/Minutes of Committees/Boards and shall be received and recommendations considered (if any) during the next Meeting. Recommendations contained in Reports/Minutes that require direction from Council will also be identified on the respective Agenda.

Draft minutes may be distributed personally, electronically, or by fax for official approval following each Other Committees and Boards Meeting. The minutes will be deemed “approved” by the Chair if a majority of the Members who are present at the respective Meeting submit their written approval of the draft minutes to the appropriate secretary. If a majority in the affirmative is not received or if the Other Committees and Boards cannot establish a consensus with respect to the draft minutes, the minutes will proceed to the next meeting of the Other Committees and Boards for approval. All approved minutes shall be

forwarded to Council. All minutes of the proceedings, recommendations and decisions of Committees and Boards shall be kept by the Clerk.

**6.3 Meetings – Regular Holiday Exception**

Other Committees and Boards shall establish a schedule of Regular Meetings, however, they may meet more frequently if deemed necessary or, at the call of the Chair. If a Regular Meeting falls on a civic or public holiday, the Meeting may be held on another day and time as approved by the Chair.

**6.4 Staggered Committee/Board Appointment**

If not otherwise provided for by this By-law, public appointments to Committees and Boards shall be for staggered terms with all appointments being for two (2) year terms. Depending on the composition of Other Committees or Boards, the Members will be staggered as equally as possible.

A public member shall not be appointed for more than two (2) consecutive terms. If no qualified public expressions of interest are received as a result of the advertisement to fill the vacancies, Council may, at their sole discretion, waive the “sunset clause” by resolution of Council and appoint a public member whose term had expired immediately preceding the vacancy. A public member may not apply to the same Committee until one year after their term has expired.

**7. LEGAL ACTIONS & PROCEEDINGS**

**7.1 Township’s Solicitor**

The Township’s Solicitor is authorized to commence or to defend any proceeding appeal, or other form of action in a court before an administrative tribunal to meet statutory or regulatory time limits and seek costs where appropriate in accordance with the rules of the court of administrative tribunal.

**7.2 Report to Council**

The Township’s Solicitor shall report to Council at the first available opportunity on such any action taken, and Council shall determine whether the matter should be continued or discontinued.

**8. INTERPRETATION OF BY-LAW**

This By-law shall be interpreted in accordance with the following:

- a) the part numbers and headings, subheadings and section, subsection, clause and paragraph numbers are inserted for convenience of reference only and shall not affect the construction or interpretation of this By-law;
- b) this By-law shall be construed with all changes in number and gender as may be required by the context;
- c) references in this By-law to any legislation or any provision thereof include such legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

The Clerk shall be responsible to interpret and administer the Rules of Procedure of this By-law.

**9. REPEAL – ENACTMENT**

By-law No. 02-02 and any amendments thereto, are repealed upon this By-law coming into effect.

This By-law shall come into full force and effect on the date of final passage hereof at which time all by-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

Read for a First and Second time this 3<sup>rd</sup> day of November, 2015.

Read for a Third and Final time and Enacted in Open Council this 17<sup>th</sup> day of November, 2015

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Mayor – P. Moffatt

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Clerk – J. Rody

Seal