

# **The Corporation of the Township of Guelph/Eramosa**

## **By-law Number 78/2008**

### **A By-law to Govern the Rules of Procedure For Advisory Committees Appointed by Council**

**WHEREAS** Section 270(1) of the *Act* states that a municipality shall establish policies to ensure it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

**WHEREAS** in accordance with Section 238 of the *Municipal Act*, 2001, S.O. 2001. c.25 (the "*Act*") the Council for the Township of Guelph/Eramosa has adopted a procedural by-law governing the calling, place and proceedings of all Council meetings; and

**WHEREAS** Council has established committees of Council to hold regularly scheduled meetings and to provide recommendations to Council on various matters under the committee's mandate; and

**WHEREAS** Council deems it necessary and appropriate to establish similar rules of procedure to govern the meetings of its advisory committees, in keeping with the *Municipal Act* and open and accountable local government;

**NOW THEREFORE**, the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

#### **1.0 DEFINITIONS**

The following terms shall have the meanings indicated:

- 1.1 "Acting Chair" means the Advisory Committee Member appointed by the Advisory Committee to assume the duties of the Chair in his or her absence.
- 1.2 "Advisory Committee" means a body or group of people appointed by Council, less than fifty percent (50%) of which is comprised of Council Members, whose purpose is to act as an advisory body to Council in accordance with its Terms of Reference.
- 1.3 "Council Sub-committee" means a body or group of people appointed by Council, greater than fifty percent (50%) of which is comprised of Council Members, whose purpose is to act as an advisory body to Council in accordance with its Terms of Reference.
- 1.4 "Agenda" means the printed list of specific items of business to be dealt with at an Advisory Committee meeting.
- 1.5 "Chair" means a Member of the Advisory Committee designated to preside over a meeting, in accordance with this procedure By-law.
- 1.6 "Clerk" means the Clerk of the Corporation of the Township of Guelph/Eramosa.
- 1.7 "Closed Session Meeting" means a meeting or part of a meeting of an Advisory Committee that is closed to the public in accordance with Section 239 of *The Municipal Act, 2001, S.O. 2001 c25* and the rules of procedure set out in Section 4.0 of this By-law.
- 1.8 "Committee Secretary" means the Clerk of the Township of Guelph/Eramosa, or her/his designate, who shall record the minutes of Meetings and provide administrative support and procedural guidance to Advisory Committees.

- 1.9 “Council” means Council for the Corporation of the Township of Guelph/Eramosa.
- 1.10 “Defer” “Deferred” or Deferral” when used in connection with a matter or item of business before an Advisory Committee means that the matter or item is to be dealt with at the next or specified Meeting of the same Committee.
- 1.11 “Delegation” means a person who addresses an Advisory Committee in the manner provided in section 12 of this By-law.
- 1.12 “Dysfunctional” has the meaning provided in section 6.3.1 of this By-law.
- 1.13 “Exceptional Circumstances” means unexpected situations.
- 1.14 “Majority” means a number greater than half of the total Members.
- 1.15 “Mayor” means the head of Council for the Township of Guelph/Eramosa.
- 1.16 “Meeting” means any regular or other meeting of an Advisory Committee, called in accordance with the rules of procedure set out in this By-law and the notice requirements of the *Municipal Act*, 2001, S.O. 2001 c.25.
- 1.17 “Member” means a member of an Advisory Committee appointed by Council.
- 1.18 “Municipality” means the Corporation of the Township of Guelph/Eramosa.
- 1.19 “Open Meeting” means all Meetings excluding a “Closed Session Meeting”.
- 1.20 “Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, chapter M.50, as amended, and which would disqualify the Member under said Act.
- 1.21 “Presiding Officer” means a Member of an Advisory Committee appointed to Chair a Meeting.
- 1.22 “Proceeding” means the business conducted at a Meeting.
- 1.23 “Quorum” means a Majority of the whole number of Members required to constitute an Advisory Committee Meeting.
- 1.24 “Recommendation” means a motion put forward recommending a course of action to Council.
- 1.25 “Terms of Reference” means the document adopted by Council authorizing the establishment of an Advisory Committee, its mandate, purpose, membership, Meetings and reporting requirements.
- 1.26 “Township” means the Corporation of the Township of Guelph/Eramosa.

## **2.0 GENERAL**

### Rules of Order

- 2.1 The rules contained in this By-law shall be observed during all Meetings and shall be the rules of procedure for the order and dispatch of its business.
- 2.2 An Advisory Committee shall not pass a motion to suspend the rules of procedure established under this By-law.

- 2.3 The Clerk shall be responsible to interpret the rules of procedure contained in this By-law.
- 2.4 The Committee Secretary shall be present at all times during the Proceedings of an Advisory Committee Meeting.
- 2.5 In all of its Proceedings the Advisory Committee shall have regard for its Terms of Reference adopted by Council.
- 2.6 The composition and number of Members of an Advisory Committee shall be established by Council within the Advisory Committee's Terms of Reference.
- 2.7 The maximum tenure of a citizen Member shall be eight (8) consecutive years on the same Advisory Committee, unless Council deems exceptional circumstances.
- 2.8 Advisory Committees and Members shall adhere to the policies and procedures of the Township including, but not limited to, the by-laws and policies adopted by the Township in respect of:
  - (a) The sale and disposition of land;
  - (b) The hiring of employees; and
  - (c) The procurement of goods and services.

### **3.0 MEETINGS**

#### **3.1 Open Meetings**

Except as provided in this By-law, all Meetings shall be open to the public unless permitted as set out in the *Municipal Act* 2001, S.O. 2001 c. 25.

#### **3.2 Date and Time of Meeting**

Advisory Committee Members shall, before each new year establish a schedule of regular Meetings dates and times for the following calendar year. Meetings shall be limited to two and half (2.5) hours unless a motion is adopted to extend the Meeting for a further one (1) hour.

#### **3.3 Location of Meetings**

All Advisory Committee Meetings shall be held at the Municipal Administration Building at 8348 Wellington Road 124, Rockwood, Ontario.

#### **3.4 Public Notice of Meetings**

The schedule of Advisory Committee Meetings for the year shall be posted on the Township's website prior to the start of the calendar year.

The Clerk shall provide notice of a re-scheduled Meeting not less than twenty-four (24) hours of the appointed time of the Meeting on the Township's website.

The Agenda summary will be placed on the Township's website once it has been distributed to Advisory Committee Members.

### **4.0 CLOSED SESSION MEETINGS**

- 4.1 If necessary to hold a Closed Session Meeting, notice of the Closed Session Meeting shall be printed in the Agenda.
- 4.2 In Exceptional Circumstances, where notice of a Closed Session Meeting has not been printed in the Agenda, a Meeting or part of a Meeting may be closed, in order to conduct the business of the Advisory Committee, in accordance with Section 239 of the *Act*, and this procedure By-law, but shall be otherwise avoided.

- 4.3 All matters shall be discussed in an Open Meeting with the exception of the following:
- (a) A matter addressing 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 for municipal purposes;
  - (d) Labour relations or employee negotiations;
  - (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) The receiving of 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 Session Meeting under another Act;
  - (h) A matter in which the subject relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, or
  - (i) Education or training of Council Members.
- 4.4 Before holding the Closed Session Meeting, a Motion shall be passed stating the fact of the holding of the Closed Session Meeting, stating one or more of the reasons for the Closed Session Meeting sited in 4.3 above.
- 4.5 A Meeting shall not be closed during the taking of a vote unless the subject matter of the Closed Session Meeting consists of one (1) or more of the exceptions cited in subsection 4.3 above and the vote is for a procedural matter or for giving directions or instructions.
- 4.6 All matters discussed in Closed Session shall remain confidential until a resolution, announcement or decision from Council is made public; and shall not be discussed between Members or others before or following the Closed Session Meeting.

## **5.0 QUORUM**

- 5.1 Unless there is a Quorum present within fifteen (15) minutes after the time appointed for the Meeting the Advisory Committee shall stand adjourned until the next scheduled Meeting date, and the Committee Secretary shall take down the names of the Members present at the expiration of such fifteen (15) minutes.
- 5.2 As soon after the hour of Meeting as there shall be a Quorum present, the Presiding Officer shall take the Chair and call the Members to order. In the absence of the Chair, the Committee Secretary shall call the Members to order. An Acting Chair shall be chosen from the Members present and that person shall preside during the Meeting or until the arrival of the Chair.
- 5.3 The Mayor shall be an ex-officio Member of all Advisory Committees and as such is entitled to full Member participation, including the right to vote, except when disqualified by reason of Pecuniary Interest. The Mayor may be considered as a Member for the purpose of determining the Quorum.

## **6.0 ABSENCE OF MEMBERS**

### **6.1 Regrets**

If a Member is unable to attend a scheduled Meeting of the Advisory Committee, he/she shall make every effort to notify the Clerk no later than forty-eight (48) hours in advance of the scheduled Meeting.

### **6.2 Vacancy**

If a Member misses three (3) consecutive Meetings, unless such absences are due to:

- (a) attendance at a convention, conference, workshop or meeting pre-approved by Council; or
- (b) attendance to give evidence at a judicial hearing of any legislation body or Township business; or
- (c) personal illness;

the Committee may move to deem the absent Member's seat vacant, without debate, and the Clerk shall prepare a report to the next regular meeting of Council with a Recommendation to Council to declare the Member's seat vacant.

### 6.3 Lack of Quorum

6.3.1 An Advisory Committee shall be considered to be Dysfunctional if:

- (a) it does not hold a Meeting for three (3) consecutive months in a calendar year; or
- (b) the Advisory Committee holds less than one half of its regularly scheduled Meetings in a calendar year.

6.3.2 If an Advisory Committee becomes Dysfunctional, the Clerk shall prepare a report to the next regular meeting of Council for direction.

## 7.0 AGENDA

7.1 The Clerk shall have prepared an Agenda for the use of the Members at all Advisory Committee Meetings. The Agenda shall include the following Proceedings:

- a) Call to Order
- b) Approval of Agenda
- c) Declaration of Pecuniary Interest
- d) Announcements/Presentations
- e) Approval of the Minutes
- f) Delegations
- g) Regular Business
- h) Closed Session
- i) Next Meeting
- j) Adjournment

7.2 All requests to have an item placed on an Advisory Committee Agenda shall be submitted to the Clerk at least seven (7) days before the scheduled Meeting date. Agenda items must be in keeping with the mandate and authority of the Advisory Committee as set out in its Terms of Reference.

7.3 The Clerk shall forward the prepared Agenda to the Chair of the Advisory Committee at least five (5) days before the scheduled Meeting date for approval.

7.4 Once approved, the complete Agenda package will be delivered by hand or e-mailed to Advisory Committee Members three (3) days prior to the next scheduled Meeting date.

7.5 The order of business shall be considered in the order set forth on the Agenda, unless otherwise decided by Majority approval of the Advisory Committee.

7.6 Items on the Agenda not dealt with by Advisory Committee before the Meeting is adjourned shall be noted and Deferred to the next regular or specified Meeting of the Advisory Committee.

- 7.7 Minutes of any previous Advisory Committee Meeting shall be approved by the Advisory Committee prior to being placed on the Township's website.
- 7.8 An Advisory Committee Recommendation shall be placed on the next regular Council Agenda by the Clerk for Council's consideration.

#### **8.0 DISCLOSURE OF PECUNIARY INTEREST**

- 8.1 It is the responsibility of each Member to identify and disclose any Pecuniary Interest in any item or matter before the Advisory Committee.
- 8.2 Where a Member, either on his or her own behalf, or while acting by, with, or through another, has any Pecuniary Interest in any matter and is present at a Advisory Committee Meeting at which the matter is the subject of consideration, the Member shall:
- a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
  - b) leave the room and not take part in the discussion of, or vote on any question in respect of the matter;
  - c) not attempt in any way whether before, during or after the Meeting to influence the voting on any such question.
- 8.3 Such declaration of Pecuniary Interest and the action taken shall be recorded in the Minutes.
- 8.4 Where the interest of a Member has not been disclosed by reason of his/her absence from the particular Meeting, the Member shall disclose the interest at the next Advisory Committee Meeting attended by the Member.

#### **9.0 ANNOUNCEMENTS/PRESENTATIONS**

This section on the Agenda is for the presentation of civic or staff recognitions and/or awards and announcements of upcoming events/meetings pertaining to the Township.

#### **10.0 MINUTES**

The Clerk shall record and prepare the minutes of Meetings.

- 10.1 The minutes of a Meeting shall be recorded, without note or comment and include:
- a) the place, date and time of Meeting;
  - b) the name of the Presiding Officer and record the attendance of the Members;
  - c) the reading and, if required, correction, and adoption of the minutes of prior Meetings; and
  - d) all the Proceedings of the Meeting.
- 10.2 The minutes of the previous Meetings not yet adopted, shall be listed on the next Committee Agenda for adoption.

#### **11.0 DUTIES AND /RESPONSIBILITIES OF THE CHAIR/ACTING CHAIR**

- 11.1 At its first Meeting in each calendar year, each Advisory Committee shall designate, by Majority vote, one of its Members to serve as Chair for a one-year term.
- 11.2 At a Meeting where the Chair is absent or is unable to assume his/her duties as Presiding Officer, Members shall, by Majority vote, select an Acting Chair to assume the duties and responsibilities of the Presiding Officer until the Chair arrives or is able to resume his/her duties.
- 11.3 It shall be the duty of the Chair to:

- a) preside over Meetings so that its business can be carried out efficiently and effectively;
- b) open the Meeting by taking the Chair and calling the Members to order;
- c) ensure that a Quorum is established and is maintained throughout the Meeting;
- d) preside over the conduct of the Meeting, including the preservation of good order and decorum;
- e) provide guidance and leadership to the Advisory Committee in the completion of its mandate;
- f) direct discussion in such a manner that all questions and comments shall be presented through the Chair;
- g) address each item of business as appears on the Agenda;
- h) receive all motions presented/moved by a Member for consideration of the Advisory Committee;
- i) put to vote all motions that are moved or arise in the course of the Proceedings and announce the result of each vote;
- j) when two or more Members wish to speak, the Chair shall name the Member who is to speak first;
- k) adjourn the Meeting when business is concluded.

11.4 The Chair, with the consensus of the other Advisory Committee Members, may expel or exclude from a Meeting a person who disrupts the Meeting or is verbally abusive to Members or Staff.

## **12.0 DELEGATIONS**

12.1 Requests to be a Delegation shall be submitted to the Clerk at least seven (7) days before the scheduled Meeting date to be listed on the Agenda. The Clerk shall evaluate the request for Delegation and decide if the request complies with the mandate of the Advisory Committee and criteria set out in this By-law.

12.2 Requests to be a Delegation shall be in writing and shall include the person's complete name, address, telephone number and/or e-mail address. The written request shall also include an outline summarizing the presentation and specifically what action is requested, if any.

## **13.0 VOTING**

13.1 Every Member present at a Meeting when a question is put shall vote unless prohibited by statute or otherwise disqualified, in which case the Committee Secretary shall record the name of the Member and the reason that he or she is prohibited from voting and if a Member is absent, the Committee Secretary shall also record his/her absence.

13.2 All motions before the Advisory Committee shall be determined by a Majority vote of the Members present and qualified to vote.

13.3 The Chair shall call the vote immediately after all Members desiring to speak to the motion have spoken. No further speakers shall be permitted after the Chair has called the vote.

13.4 The manner of voting, where no recorded vote is required, shall be by a show of hands. If any Member present and qualified to vote does not vote when a vote is taken, he or she shall be deemed to have voted in the negative.

13.5 The Committee Secretary shall, if requested by any Member present, record the name and vote of every Member voting on any matter or question under consideration. The Chair shall announce the results.

13.6 The Committee Secretary shall record in the minutes the name of any Member who is not present when such recorded vote is taken.

13.7 When a vote is taken and a tie results, it is deemed to be lost.

#### **14.0 CONDUCT OF MEMBERS**

- 14.1 The rules of procedure at Council meetings shall apply to conduct and debate by Members of an Advisory Committee.
- 14.2 Members shall not speak among themselves, debate or hold side meetings while the business of the Advisory Committee is being conducted.
- 14.3 Every Member desiring to speak shall raise his or her hand so as to be recognized by the Presiding Officer.
- 14.4 No Member shall:
- a) without leave of the Chair, speak to the same issue more than once or in reply for longer than 5 (five) minutes;
  - b) speak on any subject other than the subject under debate;
  - c) speak in contempt of any decision;
  - d) leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared;
  - e) disobey the rules or decision of the assembly or a decision of the Presiding Officer on questions of order or practice or upon the interpretation of the rules of order;
  - f) disobey the rules of procedure.

#### **15.0 ADJOURNMENT**

- 15.1 The Chair shall adjourn the Meeting when:
- a) all matters on the Agenda have been dealt with; or
  - b) at the discretion of the Chair.
- 15.2 A Meeting shall not be adjourned:
- a) when a Member is speaking; or
  - b) during the taking of a vote.
- 15.3 In the event the business listed on the Agenda has not been completed at the hour of adjournment, the items on the Agenda not dealt with shall be noted and deferred to the next scheduled Advisory Committee Agenda.

#### **16.0 UNPROVIDED RULES**

All procedure for which rules have not been provided in this By-law shall be decided by the Chair in accordance, as far as it is reasonably practical, with Council's procedure By-law or the rules of parliamentary law as contained in Bourninot's Rules of Order (the Canadian Parliamentary Authority).

- 17.0 Unless a contrary intention appears in this By-law, words in the singular include the plural and words importing masculine gender include the feminine.

READ three times and finally passed  
this **5th day** of **January, 2009**.

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Chris White, Mayor

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Anne Burns-Bensch, Clerk