

The Corporation of the Township of Guelph/Eramosa

By-law Number 5/2018

(Consolidated Version Enacted as 044-2020)

Last consolidated on August 24, 2020. The Township of Guelph-Eramosa by-laws are provided on-line for public reference. By-laws are consolidated on an ongoing basis, but recent amendments may not be reflected in the latest consolidated version. Check the [Amendment History](#) to get a complete listing of all pertinent regulations. For further information contact the Township's Clerk office

A By-law to provide rules governing the order and proceedings of Council and the Committees of Council of the Corporation of the Township of Guelph/Eramosa and the repeal and replace By-law 42/2013

WHEREAS pursuant to s. 238 (2) of the *Municipal Act, S.O., 2001, c. 25, as amended*, every Council and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

AND WHEREAS it is necessary and expedient that there should be rules governing the order and proceedings of the Council and its Committees of Council;

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

1. Definitions

- 1.1 "Acting Mayor" means a Member of Council appointed to fulfil the duties of the Mayor in his or her absence, only as they relate to the role of presiding at meetings.
- 1.2 "Addendum" means an added item or items of business that have arisen since the publication of the agenda for Council or Committee of Council, which are of an urgent nature and must be addressed prior to the following Meeting of Council or Committee of Council.
- 1.3 "Agenda" means the specific items of business to be dealt with at a Meeting of Council or Committee of Council, placed in sequence and defined by the order of business.
- 1.4 "Chair" means the Presiding Officer.
- 1.5 "Clerk" means the Clerk of the Corporation of the Township of Guelph/Eramosa or his or her designate.
- 1.6 "Closed Session Meeting" means a Meeting or part of a Meeting of Council or Committee of Council that may be or shall be closed to the public in accordance with the *Municipal Act, S.O., 2001, c. 25, as amended*.
- 1.7 "Committee" or "Committee of Council" means an advisory or other Committee, sub-Committee or similar entity of which at least fifty percent (50%) of the Members are also Members of Council.

- 1.8 “Council” means the Council of the Corporation of the Township of Guelph/Eramosa.
- 1.9 “Councillor” means a Member of Council of the Corporation of the Township of Guelph/Eramosa.
- 1.10 “Delegation” means a person or persons who address Council or a Committee of Council in the manner described within the provisions of this by-law.
- 1.11 “Defer” “Deferred” or “Deferral” means, when used in connection with a matter or item before the Council or Committee of Council, that the said matter or item is to be dealt with at the next or specified meeting of the same body.
- 1.12 “Emergency” means a situation or the possibility of an impending situation which by its nature and magnitude requires a timely, coordinated and controlled response.
- 1.13 “Head of Council” means the Mayor of the Corporation of the Township of Guelph/Eramosa.
- 1.14 “Majority” means a number greater than half of the total.
- 1.15 “Mayor” means the Head of Council of the Corporation of the Township of Guelph/Eramosa.
- 1.16 “Meeting” means any Regular, Special or Other Meeting of Council or Committee of Council where a quorum is present and the Members discuss or deal with any matter that materially advances the business or decision making of the Council, local board or Committee.
- 1.17 “Member” means a Member of the Council or Committee of Council of the Township of Guelph/Eramosa.
- 1.18 “Motion” means a formal proposal introducing a substantive question as a new subject.
- 1.19 “Notice of Motion” means an advance notice to Members of a matter on which the Council or Committee of Council will be asked to take a position.
- 1.20 “Open Meeting” means all Meetings, excluding Closed Session Meetings.
- 1.21 “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.
- 1.22 “Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council or a Committee of Council.
- 1.23 “Point of Privilege” means a matter that a Member considers to question their integrity or the integrity of Council or a Committee of Council.
- 1.24 “Quorum” means a Majority of the whole number of Members required to constitute a Council or Committee of Council.
- 1.25 “Recommendation” means a recommended course of action. A Committee of Council may pass a recommendation to be later ratified by Council.

- 1.26 “Recorded Vote” means documenting within the minutes of a Meeting the name of each Member and their vote on a matter or question, in favour, opposed, abstained or absent.
- 1.27 “Refer” or “Referral” when used in connection with a matter before Council or Committee of Council means that the same matter or item is referred to the body or person named in the Motion specified to report back to Council or the Committee of Council.
- 1.28 “Regular Meeting” means a scheduled Meeting held in accordance with the approved calendar or schedule of Meetings.
- 1.29 “Resolution” means a motion or question that has been resolved by Council or Committee of Council.
- 1.30 “Special Meeting” means a Meeting not scheduled in accordance with the approved calendar or schedule of Meetings.
- 1.31 “Electronic Meeting” means a Meeting where any Member is not physically present but participates via electronic means of communication. [Amended by subsection 3 of [By-law 44-2020](#) on August 10, 2020.]
- 1.32 “Electronic Participation” means participation by any Member who is not physically present but participates via electronic means of communication [Amended by subsection 3 of [By-law 44-2020](#) on August 10, 2020.]

2. General - Rules of Order

- 2.1 The rules and regulations contained within this by-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and the dispatch of business of the Council and, wherever possible and with the necessary modifications, for all Committees of Council, unless otherwise prescribed.
- 2.2 Any reference to a Member of Council shall include the Mayor and any reference to the Mayor shall be deemed to include, where context requires, the Acting Mayor, the Presiding Officer and the Chair.
- 2.3 The Clerk shall be present at all meetings. Should the Clerk or designate have to leave during a Meeting, the Clerk shall appoint a designate to assume the Clerk’s duties and shall advise the Chair accordingly prior to leaving the Council Chambers.

3. Inaugural Meeting

- 3.1 The first Meeting of Council in a new term of Council shall be held no later than the second Monday in December in each election year. If this day is a public holiday, the council shall meet the following day.
- 3.2 The location of the Inaugural Meeting shall be in the Council Chambers of the Township of Guelph/Eramosa Municipal Office.
- 3.3 The Inaugural Agenda shall include, but is not limited to include:
- Filing of Certificates and Declaration of Office and Oath of Allegiance in accordance with the provisions of the *Act, S.O., 2001, c. 25, as amended*.
 - Address by the Mayor
 - Passage of the Confirmatory By-law.
- 3.4 The Inaugural Meeting of a Committee of Council shall follow the Inaugural Meeting of Council, at a date to be determined.

4. Meetings

- 4.1 Unless there is a Quorum present within fifteen (15) minutes after the time appointed for the Meeting, the Council or Committee of Council shall stand adjourned until the next Meeting date, and the Clerk shall record the names of the Members present at the expiration of fifteen (15) minutes.
- 4.2 As soon after the hour of Meeting as there is a Quorum present, the Mayor shall assume the Chair and call the Members to order. In the absence of the Mayor or Acting Mayor, the Clerk shall call the Members to order. A Chair shall be chosen from the Members present and that person shall preside during the Meeting or until the arrival of the Mayor or Acting Mayor.

Location of Meetings

- 4.3 All Meetings of Council and Committees of Council shall be held in Council Chambers at the Township Municipal Office, located at 8348 Wellington Road 124. Notwithstanding the foregoing that meetings be held in Council Chambers, other Meeting locations may be deemed necessary from time to time, for room and seating capacity requirements.
- 4.4 Despite Sections 4.1 and 4.2, a Meeting of Council or Committee of Council and that of another or more municipalities for the consideration of matters of common interest may be held within any one of those municipalities or in a municipality adjacent to any of them.
- 4.5 In the case of Emergency, a Meeting of Council or Committee of Council may be held at another location within or outside of the boundaries of the Township, at the call of the Mayor in accordance with the provisions of this by-law.
- 4.5.1 Electronic Participation During a Declared Emergency

During any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- a) That despite subsection 238(3.1) of the Municipal Act, a member of Council who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time; and
- b) That despite subsection 238(3.2) of the Municipal Act, a member of Council can participate electronically in a meeting that is closed to the public.

[Amended by subsection 2 of [By-law 16-2020](#) on April 8, 2020.]

Date of Time of Regular Meetings of Council

- 4.6 Council Meetings shall be held on the first and third Monday of each month of the year, with the following exceptions:
- a) In July and August each year, Council Meeting shall take place on the second Monday of the month.
 - b) In the event that the Monday designated for holding a Regular Meeting of Council falls on a public or statutory holiday, Council shall meet at the designated hour on the first day the Township re-opens for business.
- 4.7 The first Regular Meeting of Council scheduled each month shall commence at seven o'clock p.m. (7:00 p.m.). The second Regular Meeting of Council scheduled each month shall commence at one thirty p.m. (1:30 p.m.) Regular Meetings of Council scheduled during the months of July and

August shall commence at seven o'clock p.m. (7:00 p.m.). [Amended by subsection 1 of [By-law 77-2018](#) on December 17, 2018.]

- 4.8 The Clerk shall, before the first meeting in December of each year, present to Council the schedule of Regular Council Meeting dates for the following calendar year.

Date and Time of Regular Meetings of Committees of Council

- 4.9 The date and time of Regular Meetings for Committees of Council shall be determined by Council at the beginning of each term of Council.

Public Notice of Meetings

- 4.10 The schedule of Regular Council and Committee of Council Meetings shall be posted on the Township's website once it has been approved by Council.
- 4.11 The Clerk shall provide notice of a Special Meeting of Council or Committee of Council or a re-scheduled Meeting not less than twenty-four (24) hours of the appointed time of the Meeting on the Township's website.
- 4.12 The agenda summary for all Meetings of Council and Committees of Council will be placed on the Township's website.

Videotaping

- 4.13 Subject to the provisions of this by-law, all Meetings may be recorded on videotape or similar recording equipment.

Electronic Participation

- 4.14 Scope of Participation – Members of Council

Any Member who is not physically present in the location where a Meeting takes place is permitted to participate electronically in both Open and Closed Sessions and shall have the same rights to speak and vote as if the Member was physically present. [Amended by subsection 2 of [By-law 16-2020](#) on April 8, 2020.]

- 4.15 A member of Council, local board or committee may participate fully in a meeting by electronic means (via teleconference or video conference). This applies to regular, special, emergency and closed sessions of council and meetings of local boards and committees. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]
- 4.16 Electronic participation shall count towards quorum in accordance with section 238(3.3) of the Municipal Act, 2001, as amended. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]
- 4.17 Votes cast by members of Council, Local Boards and Committees electronically shall be counted towards the overall decision. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]
- 4.18 In the event of technical failure during the meeting, Council, the local board or committee may take a recess to allow staff to reinstate the electronic participation. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]
- 4.19 If a member can no longer participate by video conference or other electronic means, it will not affect the validity of the meeting or decisions made. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]

- 4.20 A member cannot participate electronically for more than 3 consecutive meetings, unless in extraordinary circumstances as determined by the Mayor and Clerk. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]
- 4.21 If a member chooses electronic participation, they must continue with electronic participation for the duration of the meeting. [Amended by subsection 5 of [By-law 44-2020](#) on August 10, 2020.]
- 4.22 Electronic Participation – Clerk
- The Clerk or designate shall be present electronically during any meeting in which all or some Members are participating electronically. [Amended by subsection 2 of [By-law 16-2020](#) on April 8, 2020.]
- 4.23 Electronic participation – Notice to Clerk
- Members are encouraged to notify the Clerk twenty-four (24) hours in advance of any Meeting at which they intend to participate electronically. [Amended by subsection 2 of [By-law 16-2020](#) on April 8, 2020.]
- 4.24 Electronic participation – Motions in Writing
- The provision requiring that all motions be made in writing in Section 15.1 shall not apply to meetings with electronic participation. [Amended by subsection 2 of [By-law 16-2020](#) on April 8, 2020.]
- 4.25 Electronic participation - Delegations
- Delegates shall not be permitted to participate electronically. Any person wishing to delegate on an item shall submit a written submission to the Clerk no later than 48 hours prior to the start of the meeting, which will be distributed to members and will form part of the public record. [Amended by subsection 2 of [By-law 16-2020](#) on April 8, 2020.]
- 4.26 Notwithstanding section 4.3, all council, board and committee meetings may be held electronically provided adequate notice is given. This applies to all regular, special, emergency and closed sessions of council, local board and committee meetings. [Amended by subsection 4 of [By-law 44-2020](#) on August 10, 2020.]

5. Special Meetings of Council and Committees of Council

- 5.1 The Mayor may, at any time, call a Special Meeting of Council or Committee of Council within forty-eight (48) hours' notice to the Clerk and Members of Council or Committee of Council.
- 5.2 The notice for calling a Special Meeting of Council or Committee of Council shall state the business to be considered at the Special Meeting and no business other than that stated in the notice shall be considered at such Meeting.
- 5.3 A Majority of the Members may at any time petition the Clerk to call a Special Meeting by providing a written petition to the Clerk. The Clerk shall summon the Special Meeting for the purpose requested within the petition and at the time stated within the petition, not less than forty-eight (48) hours from the date of the submission of the petition.
- 5.4 Notwithstanding any other provision of this by-law, a Special Meeting may be held without notice to deal with an Emergency, provided that attempts have been made to reach all Members and notice has been placed on the Township's website.

6. Duties of the Presiding Officer or Chair

- 6.1 The Mayor shall be the Presiding Officer at all Council and Committees of Council Meetings, unless unavailable, in which case the Acting Mayor shall assume the duties of the Presiding Officer.
- 6.2 The Presiding Officer shall be a Member of Council and Committees of Council and, as such, is entitled to full membership participation, including the right to vote except when disqualified by reason of pecuniary interest.
- 6.3 It shall be the duty of the Presiding Officer to:
- a) Open the Meeting;
 - b) Announce the business before the Council or Committee of Council and the order in which it is to be acted upon;
 - c) Ensure the Meeting Agenda is followed and that the Meeting progresses with due efficiency;
 - d) Receive and submit, in the proper manner, all Motions presented by the Members;
 - e) Put to vote all Motions which are moved and seconded or necessarily arise in the course of the proceedings and to announce the results;
 - f) Decline to put to vote Motions which infringe upon the rules of order or are beyond the jurisdiction of Council or Committee of Council;
 - g) Restrain the Members, when engaged in debate, within the rules of order;
 - h) Enforce the observance of order and decorum among the Members;
 - i) Do all matters to permit the Meetings to proceed in an orderly and efficient manner;
 - j) Expel or exclude from any Meeting any person who is guilty of improper conduct at the Meeting;
 - k) Call on the Acting Mayor, Vice Chair or other Members to assume the role of Presiding Officer if desiring to take part in debate or otherwise;
 - l) Ensure that decisions of Council or Committee of Council are in conformity with the laws governing the activities of Council or Committee of Council;
 - m) Adjourn the Meeting when business is concluded; and
 - n) Sign all by-laws, resolutions and minutes of Council or Committees of Council.
- 6.4 The Presiding Officer may adjourn the Meeting without question or suspend the Meeting for a time to be named by him or her, if he or she considers it necessary, because of grave disorder.

7. Agenda

- 7.1 The Clerk shall prepare and print, for the use of Members at Regular Meetings of Council, an Agenda with the following headings:

1. Call to Order
 2. Approval of the Agenda
 3. Announcements/Presentations
 4. Declaration of Pecuniary Interest
 5. Adoption of Minutes
 6. Public Meetings pursuant to other Acts
 7. Delegations
 8. Regular Business
 9. Addendum Items
 10. By-laws
 11. Notices of Motion
 12. Closed Session
 13. Adjournment
- 7.2 An Agenda, with the necessary modifications and applicable sections, will be prepared for Special Council Meetings and all Committees of Council Meetings.
 - 7.3 The order of business shall be considered in the order set forth on the Agenda, unless otherwise decided by Council or Committee of Council.
 - 7.4 At the time of approval of the Agenda, a change in the order of the items listed on the Agenda may be permitted by a Majority vote of the Members present and heard under the appropriate section in the Agenda.
 - 7.5 Addendum items may be added to the Agenda and heard under the appropriate section of the Agenda, if permitted by a Majority vote of Members.
 - 7.6 The items on the Agenda not dealt with by Council or Committee of Council before the Meeting is adjourned, shall be noted and deferred to the next Agenda. This includes items of business not tabled due to lack of time.

8. Announcements/Presentations

- 8.1 The Announcements/Presentations section on the Agenda is the presentation of civic or staff recognitions and/or awards or announcements of upcoming meetings or events pertaining to the Township.

9. Disclosure of Pecuniary Interest

- 9.1 It is the responsibility of each Member to identify and disclose any Pecuniary Interest in any item or manner before the Council or Committee of Council.
- 9.2 Where a Member, either on his/her own behalf or while acting, by, with or through another, has any Pecuniary Interest, direct or indirect, in any manner and is present at a Meeting of Council or Committee of Council at which the matter is the subject of consideration, the Member shall:

1. Prior to any consideration of the matter at the Meeting, file a written statement if pecuniary interest and disclose the general nature thereof with the Clerk;
 2. Leave the room and not take part in the discussion of, or vote on any question in respect of the matter;
 3. Not attempt in any way, whether before, during or after the Meeting, to influence of the voting on any such question.
- 9.3 Such disclosure shall be announced publicly and shall be recorded within the minutes by the Clerk or his/her designate.
- 9.4 The Clerk or designate shall document each declaration in the registry of declared pecuniary interest.
- 9.5 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular Meeting, the Member shall disclose the interest at the next Meeting of Council or Committee of Council, as the case may be, attended by the Member.
- 9.6 If the matter under consideration at the meeting or part of a meeting is to consider whether to suspend the remuneration paid to a member, the member may:
1. Take part in discussion of the matter, including making submissions to Council
 2. Attempt to influence the voting on any question in respect of the matter; and
 3. Attend the meeting or part of the meeting in respect to the matter.

10. Minutes

- 10.1 The Clerk or his/her designate shall prepare the minutes for all Council and Committee of Council Meetings.
- 10.2 The minutes of a meeting shall be recorded, without note or comment, and shall include:
1. The place, date and time of the Meeting.
 2. The name of the Presiding Officer and the names of the Members in attendance at the Meeting.
 3. The reading, if required, correction and adoption of the minutes of prior Meetings;
 4. All proceedings of the Meeting.
- 10.3 The minutes of the previous Meetings not yet adopted, shall be presented by the Clerk for adoption. It shall not be necessary to have the minutes read where copies thereof have been provided to Members of Council or Committee of Council with the Agenda.
- 10.4 When the minutes have been adopted, they shall be signed by the Mayor and Clerk or his/her designate.
- 10.5 Minutes of Closed Session Meetings shall be prepared and published for adoption by Council or Committee of Council as follows:
1. The Closed Session Meeting minutes shall be printed as a confidential document and distributed to Members and the Clerk or his or her designate only, separate from the other Agenda items;

2. The Closed Session Meeting minutes shall be listed on the Agenda for adoption by Council.

11. Public Meeting Pursuant to Legislation

- 11.1 Notwithstanding the provisions of this By-law, the time limitation for Delegations, as set out in this By-law, shall not apply to a Public Meeting pursuant to legislation, held within a Council or Committee of Council Meeting, including but not limited to matters under the Planning Act.
- 11.2 Electronic participation – Statutory Public Meeting

Members of the public shall be permitted to participate electronically in statutory public meetings. Any members of the public wishing to speak shall be able to join and speak at the meeting by electronic means as determined by the Clerk. [Amended by subsection 1 of [By-law 44-2020](#) on August 10, 2020.]

12. Delegations

- 12.1 The purpose of a delegation is to provide new information to Council or Committee of Council to advance the business of the Township.
- 12.2 Any person may, by written notice to the Clerk or his/her designate, make application to address Council or Committee of Council on a matter which requires specific action of Council or Committee of Council, which is a matter that falls within the jurisdiction of the Township.
- 12.3 Requests to be a Delegation shall be submitted to the Clerk not later than noon on the Wednesday immediately preceding the Regular Council Meeting as follows:
 - a. Requests to be a Delegation shall be in writing and shall include the person's complete name and contact information. The written request shall also include an outline summarizing the presentation and outline specifically what action is being requested by Council or Committee of Council.
 - b. In the case of a group of individuals wishing to address Council or a Committee of Council, the Clerk will encourage the group to appoint one or two persons to address Council or the Committee of Council on behalf of the group. The group is limited to ten (10) minutes for its Delegation.
- 12.4 The Clerk shall evaluate the request for Delegation and decide whether the request complies with the criteria set out within this By-law.
- 12.5 In the event that a request for a Delegation wishing to address an item already on the Agenda is received after the Agenda has been published and distributed, the Clerk shall make note of the request and advise the Presiding Officer of this request at the time of Approval of the Agenda.
- 12.6 A person wishing to appear as a Delegation may address the Council or Committee of Council for a period of time not exceeding five (5) minutes. The five (5) minute period may be extended by Council or Committee of Council by a Majority vote of the Members present.
- 12.7 Delegations shall stand or sit, as may be appropriate, at a place usually reserved for that purpose or as may be directed by the Presiding Officer. No person, except the Members and appointed officials of the Township of Guelph/Eramosa, shall be allowed to come within the horseshoe during the

Meetings of Council or Committees of Council without permission of Council or Committee of Council.

- 12.8 Delegations will be permitted from the gallery without prior registration only during the appropriate time at a Public Meeting pursuant to other Acts.
- 12.9 Delegations shall not be permitted to appear before Council or Committee of Council for the sole purpose of generating publicity or personal attacks.
- 12.10 Delegations that have previously appeared before Council or Committee of Council on a subject matter shall provide new information only in any subsequent presentations relating to that matter.
- 12.11 A person who is unable to attend a Council or Committee of Council Meeting but who has registered with the Clerk as a delegation, may arrange for another person to appear as a Delegation on such person's behalf and to read aloud a prepared statement, adhering to the time allotment and the provisions of this By-law.
- 12.12 Except on matters of order, Members of Council or Committee of Council shall not interrupt a Delegation while he or she is addressing Council or a Committee of Council.
- 12.13 Members of Council or Committee of Council may only ask questions of Delegations and shall not express an opinion or enter into debate with Delegations.
- 12.14 All Delegations on an issue shall be heard before questions are asked of staff or discussion among Members.
- 12.15 Matters raised by Delegations shall be considered by Council or Committee of Council immediately following the presentation.
- 12.16 If a staff report is required to provide further information, the matter shall be referred to the appropriate staff to report back to Council or Committee of Council.
- 12.17 No person shall be permitted to address Council or Committee of Council on a matter of litigation or potential litigation, including matters which are before any court or tribunal or relates to a recommendation of any tribunal or court that has conducted a hearing under the *Statutory Powers Procedure Act*.
- 12.18 Delegations shall not:
 1. Speak disrespectfully of any person;
 2. Use offensive words;
 3. Speak on any subject other than the subject that they have received approval to address Council or Committee of Council;
 4. Disobey a decision of the Presiding Officer or Council or Committee of Council;
 5. Enter into cross debate with other Delegations, staff, Members or the Presiding Officer.
- 12.19 Audio/visual equipment may be used to assist in presentation to Council or Committee of Council, provided permission has been obtained for use of such equipment from the Clerk at the time the Delegation is registered with the Clerk.

12.20 The Presiding Officer may curtail any Delegation, any question of a Delegation or debate during a Delegation for disorder or any other breach of this By-law and, if the Presiding Officer rules that the Delegation is concluded, the person appearing as a Delegation shall withdraw from the Delegation table and the decision of the Presiding Officer shall not be subject to any challenge.

12.21 Upon the completion of a Delegation to Council or Committee of Council, any discourse between Members and the Delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members shall not enter into debate with the Delegation. Once a Motion has been moved and seconded, no further presentation or questions of the Delegation shall be permitted.

12.22 Delegations – Electronic Participation

When possible, delegates shall be permitted to participate electronically at the discretion of the Mayor and Clerk.

a) All requests to delegate must include a written submission of the delegate's intended remarks, as a back-up to electronic participation. The written delegation submission will be circulated to all members of Council.

b) All other rules in the Procedure By-law with respect to delegations shall apply to delegations

[Amended by subsection 2 of [By-law 44-2020](#) on August 10, 2020.]

13. Regular Business

13.1 The following items, including but not limited to, will be included within the Regular Business section of the Agenda: staff reports, recommendations, correspondence, minutes and reports of Committees of Council. The aforementioned shall be submitted and placed on the agenda at the discretion of the Clerk.

13.2 Correspondence for the direction of Council or Committee of Council shall include:

1. Correspondence for which a policy decision or approval of Council or Committee of Council is required;
2. Correspondence accompanied by a recommendation from the Clerk;
3. Correspondence where a Member has requested to be placed on the Agenda.

13.3 All reports from Committees of Council shall be presented by the Clerk or the Chair of the Committee, or a Member of the Committee.

14. By-laws

14.1 Motions for amendment need not be written unless the effect of such amendment would be to substantially change the intent of the by-law.

14.2 Every by-law proposed for adoption shall be introduced upon Motion, and shall be read three times before it is finally passed.

14.3 After the by-laws have been passed, the Clerk shall be responsible for their accuracy, should they be amended at the Meeting.

14.4 Every by-law passed by Council shall:

1. Be signed by the Mayor;
2. Be signed by the Clerk;
3. Be sealed with the seal of the Corporation;
4. Indicate the date of passage;
5. Be numbered and filed by the Clerk for safe keeping.

15. Notices of Motion

- 15.1 Notices of all new Motions shall be given in writing and shall be delivered to the Clerk by noon on the Wednesday preceding the date of the Council or Committee of Council Meeting. The Clerk shall include such Notice of Motion in full on the Agenda.
- 15.2 The Notice of Motion shall be introduced at the Meeting of Council or Committee of Council but shall not be discussed or debated until the next Regular Meeting. The Member introducing the Notice of Motion shall move the Motion, to be considered at the next Regular Meeting.
- 15.3 At the Regular Meeting following the introduction, the Motion previously introduced through a Notice of Motion shall be included in full on the Agenda within the Regular Business section. The motion shall be seconded by a Member before being debated.
- 15.4 Notwithstanding the foregoing, any motion or other business may be introduced for consideration of Council or Committee of Council, provided that it is not impractical or not in the best interests for the Township to delay such motion or other business for the consideration, upon an affirmative vote of two-thirds of the Members present.

16. Closed Session

- 16.1 A Meeting or part of a Meeting may be closed, provided that, before holding the Closed Session, a Resolution shall be passed stating the fact of the holding of the Closed Session and the general nature of the matter to be considered at the Closed Session.
- 16.2 Notice of a Closed Session shall be published in the Agenda or may be announced during a Meeting, if necessary, to conduct the business of Council or Committee of Council.
- 16.3 All matters are to be discussed in an Open Meeting with the exception of the following:
 1. A matter addressing security of the property of a municipality or local board;
 2. Personal matters about an identifiable individual, including municipal or local board employees;
 3. A proposed or pending acquisition or disposition of land for municipal purposes;
 4. Labour relations or employee negotiations;
 5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

6. The receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose;
 7. A matter in respect of which a Council, board or committee or other body may hold a Closed Session Meeting under another Act;
 8. 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
 9. Education or training of Council Members.
 10. An on-going investigation respecting the municipality by the Ombudsman under the Ombudsman Act, a municipal ombudsman or a municipal closed meeting investigation.
 11. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 12. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 13. 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
 14. 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.
- 16.4 A Meeting shall not be closed during the taking of a vote unless the subject matter of the Meeting consists of one (1) of the exceptions cited in the subsection 16.3 above, where Meetings are permitted to be closed, and the vote is for a procedural matter or for giving directions or instructions.

17. Adjournment

- 17.1 The Council or Committee of Council shall always adjourn at 11:00 p.m. if in session at that hour, unless otherwise decided before that hour by a Majority of the Members present. When the Council or Committee of Council is adjourned at 11:00 p.m., before the Agenda is completed, the items on the Agenda not dealt with shall be noted and deferred to the next Regular Meeting, unless a resolution of the Council or Committee of Council is adopted by a Majority vote to reconvene at a date and time prior to the next Regular Meeting.
- 17.2 In the event the business before the Council or Committee of Council has not been completed at the hour of 11:00 p.m., then the Council or Committee, by a unanimous vote of all Members present, may approve an extension of the Meeting to the hour of 12:00 a.m. midnight. At 12:00 a.m. midnight, the unfinished business shall be noted and deferred to the next Regular Meeting, unless a resolution of the Council or Committee of Council is adopted by a Majority vote to reconvene at a date and time prior to the next Regular Meeting.
- 17.3 A Motion to adjourn may be made by a Member who has the floor. A Motion to adjourn does not require a Secunder and need not be in writing. A Motion to adjourn shall not be made during the taking of a vote or any other Motion.

- 17.4 A Council Meeting shall not be adjourned until a by-law confirming the proceedings of the Meeting at the time of adjournment has been presented and adopted by Council.

18. Point or Order or Privilege

- 18.1 A Point of Order may be raised at any time by a Member who considers that there is a breach of the Rules of Order pursuant to this By-law.
- 18.2 When a Member rises on Point of Order, a Member shall state the Point of Order to the Presiding Officer. The Presiding Officer shall immediately rule on the Point of Order and there shall be no debate by the Members.
- 18.3 Thereafter, the Member raising the Point of Order shall only address the Council or Committee of Council for the purpose of appealing the decision of the Presiding Officer. If there is no appeal, the decision of the Presiding Officer is final.
- 18.4 The Council or Committee of Council, if appealed to, shall decide on the question without debate and its decision is final.
- 18.5 The procedure for decision on matters of personal privilege by Council or Committee of Council shall be the same as for Point of Order.
- 18.6 Where a Member considers that their integrity or the integrity of Council or Committee of Council as a whole has been impugned, the Member may as a matter of personal privilege rise at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council or Committee of Council to this matter.
- 18.7 Where the Presiding Officer considers that the integrity of any Township employee has been impugned or questioned, the Presiding Officer may permit the Township's Chief Administrative Officer, Department Head or any other Township employee to make a statement to Council or Committee of Council.

19. Conduct of Members in Council and Committees of Council

- 19.1 The Presiding Officer shall preserve order and decide questions of order and privilege.
- 19.2 Every Member desiring to speak shall raise his or her hand, so as to be recognized by the Presiding Officer.
- 19.3 Members will not speak among themselves, debate or hold side meetings while the business of the Council or Committee of Council is being conducted or in session.
- 19.4 No Member shall:
1. Without leave of the Council or Committee of Council Meeting, speak to the same issue more than once or in reply for longer than five (5) minutes.
 2. Use indecent or offensive words, insulting expressions or speak disrespectfully at any time towards other Members, municipal employees, delegations or members of the public.
 3. Speak in a manner that is discriminatory in nature based upon an individual's race, ancestry, place of origin, ethnic origin, creed, gender, sexual orientation, age, colour, marital status or disability.

4. Speak on any subject other than the subject under debate.
5. Speak in contempt of any decision.
6. Leave his or her seat or make any noise or disturbance while a vote is being taken or until the result is declared.
7. Disobey the rules or decisions of the Council or Committee of Council or a decision of the Presiding Officer on questions or order or practice or upon the interpretation of the rules of order.

20. Procedures Governing Motions

- 20.1 The Presiding Officer may not move or second any Motion nor enter into debate on any question while in possession of the Chair. However, if the Presiding Officer wishes to propose a Motion or enter into debate, he or she must step down and shall not resume the Chair until the vote is taken.
- 20.2 All Motions shall be read aloud and duly moved and seconded before being debated. Upon request, the Motion may be read or stated by the Presiding Officer or Clerk at any time during the debate.
- 20.3 Whenever the Presiding Officer is of the opinion that a Motion is contrary to the rules and privileges of the Council or Committee of Council, the Presiding Officer shall cite the rule or authority applicable to the case without argument or comment.
- 20.4 A Motion in respect of a matter which is not within the jurisdiction of the Council or Committee of Council shall not be in order.
- 20.5 After a Motion is moved and seconded, it shall be deemed in the possession of the Council or Committee of Council but may, with the consent of the Council or Committee of Council be withdrawn at any time before decision or amendment.
- 20.6 When a Motion is under consideration, no other Motion shall be received unless:
 1. To refer the Motion to a Committee of Council, administrative staff or any person or body, and such motion:
 - a. Is open to debate;
 - b. Is amendable; and
 - c. Shall preclude amendment or debate of the preceding Motion unless resolved in the negative.
 2. To amend the Motion and such Motion to amend:
 - a. Is open to debate;
 - b. Shall not propose a direct negative to the main Motion;
 - c. Shall be relevant to the main Motion;
 - d. Is subject to only one amendment at a one time, any subsequent amendment must be to the main Motion; and

- e. Shall be put in the reverse order to that in which they are moved, and shall be decided or withdrawn before the main Motion is put to vote.
3. To defer the Motion to another time and such Motion to defer:
 - a. Is open to debate;
 - b. Is not subject to amendment; and
 - c. Applies to the main Motion and any amendments thereto under debate at the time the Motion to Defer is made.
 4. To adjourn the Meeting and such Motion to adjourn:
 - a. Is not open to debate;
 - b. Is not subject to amendment; and
 - c. Shall always be in order, but no other such Motion shall be made unless some intermediate preceding has taken place.
 5. To move the previous question and such Motion:
 - a. Cannot be amended;
 - b. Cannot be proposed when there is an amendment under consideration;
 - c. Shall preclude all amendments of the main question;
 - d. When resolved in the affirmative, the question is to be put forthwith, without debate or amendment;
 - e. When resolved in the negative, the debate shall continue;
 - f. Cannot be received in any Committee of Council; and
 - g. May be voted against by the mover and seconder.

21. Voting

- 21.1 Every Member present at a Meeting when a question is put to vote shall vote. If a Member is prohibited by statute or otherwise disqualified to vote, the Clerk shall record the name of the Member and the reason he or she is prohibited from voting. If the Member is absent, the Clerk shall also record his or her absence.
- 21.2 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 the vote is taken, he or she will have been deemed to have voted in the negative.
- 21.3 When a vote is taken and a tie results, it is deemed to be lost.
- 21.4 When one or more of the Motions set out in Section 20 above has been made, the order of the vote shall be as follows:
 - a. To defer consideration of the Motion;
 - b. To refer the Motion;

- c. Upon amendments in the reverse order of the presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
 - d. Then, upon the main Motion or upon the main Motion as amended, if any amendments have been carried.
- 21.5 When the question under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately.
- 21.6 After a question is finally put by the Presiding Officer, no Member shall speak to the question nor shall any other Motion be made until the result of the vote has been declared.
- 21.7 The Clerk shall, if requested by any Member present, record the name and vote of every Member voting on a matter or question under consideration. The Presiding Officer shall announce the results.
- 21.8 The Clerk shall record in the minutes the name of the Member who is not present when the recorded vote is taken.

22. Reconsideration of a Council or Committee Decision

- 22.1 After any question has been decided by Council or Committee of Council, any Member who voted within the Majority in respect of such question may move a Motion for reconsideration. The Motion shall only be seconded by a Member who voted with the Majority
- 22.2 No discussion on the Main Motion shall be allowed unless the Motion for reconsideration is carried in the affirmative by a vote of two-thirds (2/3) of the Members.
- 22.3 If a Motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the Motion for reconsideration calls for debate at a future date. The Main question to be reconsidered shall proceed as though it had never previously been voted upon.
- 22.4 Any Member who was absent at the time of the vote was taken on the Main Motion, shall be deemed to be a Member who voted with the Majority for the purposes of subsection 22.1 of this By-law.
- 22.5 A Motion to reconsider may also be introduced by Notice of Motion by a Member at any meeting following the meeting when the question was considered. Pursuant to Section 15 of this By-law, such Notice of Motion will appear on the Agenda of the following Regular Meeting. The mover of the Motion shall have voted with the Majority on the Main question for the Motion to be reconsidered, or absent at the time the original vote was taken. Not discussion on the main question shall be allowed unless the motion for reconsideration is carried in the affirmative by a vote of two-thirds (2/3) of the Members.
- 22.6 No question shall be reconsidered more than once during the term of Council or Committee of Council, nor shall a motion to reconsider be reconsidered.

23. Suspension of Rules

- 23.1 No provision of this By-law shall be suspended except by an affirmative vote of two-thirds (2/3) of the entire Council or Committee of Council.

24. Unprovided Rules

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

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

25. By-law 42/2013 is hereby repealed.

26. This By-law shall come into force and effect on the date of its passing.

READ three times and finally passed
this **15th** day of **January, 2018**.

Chris White, Mayor

Meaghen Reid, Clerk

AMENDMENT HISTORY

PROCEDURAL BY-LAW

DATE (YYYY/MM/DD)	BY-LAW	AUTHORITY	CONSOLIDATED
2020/08/10	44-2020	2020.08.10 - Item 9.1 - Report 20-17, Item 12.1 - Regular Meeting of Council Teleconference	✓
2020/04/08	16-2020	2020.04.08 - Item 6.1 – Report 20-13, Item 7.1 – Regular Meeting of Council Teleconference	✓
2018/01/15	05-2018	2018.01.15 – Item 6.1 – Report 18-01; Item 10.4 – Regular Meeting of Council	✓
2018/12/17	77-2018	2018.12.17 - Item 10.2 – Regular Meeting of Council	✓
2013/07/08	42-2013	2013.07.08 – Item 10.2 – Regular Meeting of Council	