

Township of South Algonquin

*COUNCIL PROCEDURAL
BY-LAW*

DRAFT

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DRAFT

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

BY-LAW No. 20-622

Being a by-law to establish rules governing the proceedings of Council, the calling of meetings and the conduct of Members.

SHORT TITLE – This By-Law may be cited as the “Procedural By-Law”.

WHEREAS a Municipality is a level of government and requires some formality and procedure in meetings so that clear, informed, written decisions, direction, resolutions and by-laws can be both adopted and implemented;

AND WHEREAS pursuant to Section 238 of the *Municipal Act, 2001*, is required to establish the procedures governing the meetings of Council and Committees, the conduct of its Members and the calling of meetings;

AND WHEREAS Council must adopt by By-law the procedures which address the rules of order which shall be observed in all proceedings of Council, Committees of Council and Local Boards unless specifically provided otherwise;

NOW THEREFORE the Council of the Corporation of the Township of South Algonquin hereby enacts as follows:

In addition to this By-Law, Members of Council are governed by the following documents and legislation:

Municipal Act, 2001

Municipal Conflict of Interest Act

Municipal Code of Conduct

Municipal Elections Act

Accessibility for Ontarians with Disabilities Act

Occupational Health and Safety Act

Staff Council Relations Policy

Municipal Freedom of Information and Protection of Privacy Act

Ontario Planning Act

Human Rights Code

Members of Council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.

1. DEFINITIONS:

- (a) **“Abstain”** to refrain from voting. Members who abstain for reasons other than a declared conflict of interest shall be deemed to vote in opposition of the question or matter;”
- (b) **“Act”** the *Municipal Act, 2001*, as amended from time to time.
- (c) **“Acting Head of Council”** another designate who shall act as presiding officer in the absence of the Mayor;
- (d) **“Ad Hoc Committee”** a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council;
- (e) **“Agenda”** a list of all items prepared by the CAO/Clerk-Treasurer or his/her designate to be considered by Council, Committee or at a local board meeting;
- (f) **“Calendar Year”** the period from January 1st of any one year up to and including December 31st of the same year;

- (g) **“Chair”** the Mayor or other person appointed by Council, Committee or local board to preside at the meeting;
- (h) **“Chief Administrative Officer”** the person appointed by the Township as Chief Administrative Officer (CAO) pursuant to Section 229 of the *Municipal Act*;
- (i) **“Clerk”** the person appointed by the Township of South Algonquin pursuant to Section 228 of the *Municipal Act*;
- (j) **“Closed Session (also known as in-camera meeting)”** a meeting or part of a meeting which is closed to the public when the subject matter being discussed pursuant Section 239 of the *Municipal Act*;
- (k) **“Committee”** any advisory or other committee, subcommittee or similar entity composed of members of the Township of South Algonquin Council alone or together with members of another Council or the public;
- (l) **“Committee of the Whole”** Council sitting as a committee as required where;
 - i. Council Members consider and debate matters recommended by their volunteer committees.
 - ii. Council Members consider and debate matters for recommendation and hear delegations to Committee of the Whole in an environment that is procedurally more relaxed than the formal Council meeting.
 - iii. Motions adopted are not deemed to represent the final decision of Council until confirmed by resolution or By-law of Council.
- (m) **“Conflict of Interest”** a pecuniary interest as defined in the Municipal Conflict of Interest Act;
- (n) **“Corporation”** the Corporation of the Township of South Algonquin;
- (o) **“Council”** the elected and sworn members of the Council of the Corporation of the Township of South Algonquin and includes the Mayor and Councillors;
- (p) **“Councillor”** a person acclaimed, elected or lawfully appointed to the seat of Councillor in the most recent municipal election;
- (q) **“Head of Council”** the Mayor;
- (r) **“Holiday”** means:
 - i. those holidays listed in the Legislation Act, 2006, with the exception of Sundays
 - ii. any day as set out in a resolution or by-law passed by Council;
- (s) **“Improper Conduct”** the open disregard of the rulings of the Chair and the rules and conduct outlined in this Procedural By-law;
- (t) **“Local Board”** any local board as defined in the *Municipal Act*, 2001; or any sub-committee approved and appointed by Council, excluding a Public Library Board, Police Services Board, School Board or a Conservation Authority;
- (u) **“Majority”** more than fifty percent (50%) of the members present at a meeting;
- (v) **“M.F.I.P.A.”** Municipal Freedom of Information and Protection of Privacy Act; R.S.O. 1990;
- (w) **“Meeting”** any regular, special or other meeting of Council, a Local Board or Committee where a quorum of Members is present, and Members discuss

or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee as stated in Section 238 of the *Municipal Act*;

- (x) **“Member”** a Member of Council, Local Board or Committee;
- (y) **“Motion”** a written request moved and seconded by two members, presented at a meeting read, subject to debate and a vote by council or committee. When a motion passes, it becomes and resolution or by-law;
- (z) **“Municipal Act”** the *Municipal Act*, 2001 as may be amended from time to time;
- (aa) **“Municipality”** the Corporation of the Township of South Algonquin;
- (bb) **“Notice of Motion”** advance written notice to Members, regarding a matter on which Council will be asked to take a position;
- (cc) **“Officer”** a person such as the CAO/Clerk Treasurer, Chief Building Official, Public Works Superintendent and Fire Chief who holds a position of responsibility with definite rights and duties prescribed by statute of By-law;
- (dd) **“Pecuniary Interest”** a direct or indirect pecuniary interest of a Member, as defined in the Municipal Conflict of Interest Act, R.S.O.;
- (ee) **“Point of Personal Privilege”** the raising of a question which concerns a member or the Council collectively, when a member believes that his/her rights or integrity, or the rights or integrity of Council as a whole, have been challenged;
- (a) **“Point of Order”** a statement made by a member during a meeting, drawing to the attention of the Chair, a breach of the rules or procedure;
- (b) **“Point of Procedure”** a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of Council relating to the business at hand, in order to assist a member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of a motion;
- (ff) **“Presentation”** a person or group (including a Member, staff or Public) who provides information to Council or Committee. May also be referred to as a Petition or Delegation;
- (gg) **“Quorum”** a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act the quorum may be less than half plus one of the whole number of members but shall not be less than two;
- (hh) **“Recorded Vote”** a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes;
- (ii) **“Resolution”** a Motion that has been approved by Council;
- (jj) **“Special Meeting”** a meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Regular Meetings;
- (kk) **“Unfinished Business”** matters listed in the Agenda which have not been dealt with in their entirety at a previous meeting.

2. GENERAL:

- 2.1 No meeting of Council or Committee of the Whole shall be held in the absence of the CAO/Clerk-Treasurer or his/her designate.
- 2.2 No amendment or repeal of special-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is provided.
- 2.3 No meeting shall be cancelled without the majority of council agreement.
- 2.4 Electronic devices must be silenced during a meeting and must not be used to disrupt a meeting.
- 2.5 In the event that members participating electronically lose connectivity during the meeting effort to assist them with re-connection will not interrupt the meeting, as such effort will be made during the next scheduled recess.
- 2.6 This By-Law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two-thirds of the Members of Council and may be suspended before, during or after a meeting.

3. NOTICE OF MEETINGS, TIMES AND LOCATIONS:

3.1 Notice:

- 3.1.1 Public notice of any meeting shall be posted on the bulletin board in the municipal office and on the municipal website.
- 3.1.2 The notice shall include the date, time and location of such meeting. Such notice shall be posted not less than seven (7) days prior to the said meeting, exclusive of non-business days.
- 3.1.3 Notwithstanding the foregoing, where such meeting is a special meeting called pursuant to this By-Law and it is not possible to provide the aforementioned notice, the Clerk shall make reasonable efforts to provide notice to those concerned and shall ensure that a notice be posted
- 3.1.4 Failure to give notice shall not invalidate the meeting or any decision taken at the meeting; but the failure to give proper notice shall be called to the attention of Council at its next regular meeting by the Clerk or any member of Council who becomes aware of such failure.

3.2 Inaugural Meeting:

- 3.2.1 The first or inaugural meeting of a newly elected Council after a regular election shall be held at the Township of South Algonquin Council Chamber on the first Wednesday in December at 9:00 a.m.
- 3.2.2 At the First Meeting, the CAO-Clerk shall administer the declarations of office for all Members. No business shall be conducted at the First Meeting until the declarations of office have been administered to all Members.
- 3.2.3 After a regular election and a new Council have been elected the order of seating at the Council table will be determined alphabetically (by surname) beginning at the left side of the Mayor and continuing clockwise for the term of office of such Council.
- 3.2.4 When a vacancy occurs in the Council, the person elected or appointed to fill such vacancy shall take the seat of the member replaced.

3.3 Establishment and Appointment of Committees

- 3.3.1 In the first year of a new term, the Mayor shall, at its first Meeting, or as soon thereafter as is practical, appoint the members of the Standing and/or Ad Hoc Committees of Council.
- 3.3.2 Should the Mayor, in consultation with Council, believe that there is a need to re-appoint members of the Standing Committees in subsequent years in the same term; these appointments shall be made so that the Standing Committees of Council are constituted and are able to hold Regular Meetings.
- 3.3.3 The Standing and/or Ad Hoc Committees of Council shall be determined by the Mayor.

3.4 Regular Meetings:

- 3.4.1 Regular meetings of Council shall be held in the Council Chambers at the Municipal Office, 7 Third Ave, Whitney, on the first Wednesday of the month at 9:00 a.m. Adjournment beyond 1:00 p.m. may be extended, should Council agree unanimously to do so.
- 3.4.2 Council may reschedule, alter the date, time and/or location of a regular meeting provided that a resolution is passed at the previous meeting and adequate public notice of the change is posted and published as per the requirements set out in this By-law.

3.5 Special Council Meetings:

- 3.5.1 Subject to the provisions of this By-Law, the Mayor, CAO/Clerk or the majority of the Members of Council may, at any time, call a Special Meeting.
- 3.5.2 Public notice of Special Meetings of Council, as determined, shall be by advertisement on the Municipal website, may be posted in the Municipal Office and may also include broadcast on a local radio station and, if time permits, in the local newspaper as determined by the CAO/Clerk and or designate.
- 3.5.3 A Special Meeting shall be held no sooner than 24 hours following the Mayor's calling the meeting, as the case may be, and the Clerk shall provide public notice and provide the Members with written or verbal notice of the Special Meeting as soon as is practicable after the meeting has been scheduled.
- 3.5.4 Notwithstanding the notice requirement set out above in the event of a bona fide emergency, the meeting may be held as soon as practicable and notice of Members may be given by telephone or personal contact as determined by the CAO/Clerk. The CAO/Clerk shall endeavor to provide public notice as much as possible in advance of the meeting.
- 3.5.5 Unless otherwise specified in the notice described above, a Special Meeting shall be held at 7 Third Ave. in the Council Chambers.
- 3.5.6 The notice of a Special Meeting shall specify the purpose of the meeting and the only business that shall be dealt with at a Special Meeting is that which is listed in the notice of the meeting.

3.6 Closed Meetings:

- 3.6.1 Except as provided in section 239 (2) and (3) of the Municipal Act, all meetings shall be open to the public.
- 3.6.2 Upon passage of a motion as above, all members of the media and the public shall be required to leave the room. The Recording Secretary and any members of staff or consultants required for the purpose of the deliberations may be requested to attend the closed session.
- 3.6.3 If all or part of a meeting is closed to the public, the CAO/Clerk-Treasurer or his/her designate will record the following in the minutes of the meeting:

- i. the time and the date;

- ii. the authority contained in the *Municipal Act* to justify the closed meeting; and
- iii. the matter considered.

- 3.6.4 Minutes of the closed meeting will be retained in confidence by the CAO/Clerk-Treasurer and such minutes will not be open to inspection by any member of the public with the exception of the Township's legal counsel.
- 3.6.5 No determination of any matter discussed in a closed meeting shall be final until the matter has been considered and approved at an open meeting of Council.
- 3.6.6 In the event the Clerk receives items for a closed meeting agenda, they shall be placed on the Closed Meeting Agenda and provided to Council in a separate confidential Council package.
- 3.6.7 No member of Council or municipal employee shall make any public statement concerning any matter, which to his/her knowledge has been discussed at a closed meeting until such matter has been considered at an open meeting of Council.
- 3.6.8 Members of Council, a committee or local board shall be physically present at a closed meeting to participate and shall not be permitted to participate electronically.
- 3.6.9 A meeting shall not be closed to the public during the taking of a vote except for as provided in the *Municipal Act* section 239 (6).

3.7 Quorum:

- 3.7.1 As soon after the time fixed for the holding of the meeting, as a quorum is present, the meeting shall be called to order.
- 3.7.2 Given that Council consists of seven (7) members, four (4) members of Council or Committee of the Whole present, is a simple majority and shall constitute a quorum,
- 3.7.3 If the number of members who, by reason of the Municipal Conflict of Interest Act are prohibited from participating in a meeting so that there is no quorum, despite any other Act, any number that is not less than one third of the total number of members of the Council, Committee or Local Board shall be deemed to constitute a quorum, but the number shall not be less than two.
- 3.7.4 When the remaining number of members under the paragraph above is two, the concurrent votes of both are necessary to carry any resolution, By-law or other measure.
- 3.7.5 Where a quorum is not present 15 minutes after the time fixed for the holding of the meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next Regular Meeting or until re-scheduled.
- 3.7.6 If during the course of a meeting a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other time and place as called by the Chair.
- 3.7.7 If, in the Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Chair will announce that the unfinished business will be considered at that time.

3.8 Recess:

- 3.8.1 A motion to recess shall specify the length of time of the recess.
- 3.8.2 A motion to recess shall not be debatable and shall only be amendable with respect to the length of the recess.

3.8.3 A motion to recess shall not have a motion to reconsider applied to it.

3.9 **Adjournment:**

3.9.1 The motion to adjourn a Council meeting shall include the time of adjournment.

3.10 **Chair:**

3.10.1 The Mayor shall preside at all Council meetings. In the absence of the Mayor, or if the office is vacant, the Council may appoint, a Chair from among the members present who, during the absence or vacancy, shall have all the powers of the Head of Council. Each member of Council shall be appointed in turn, meeting by meeting, on a rotating alphabetical schedule, to act in the place of Head of Council in the event of his/her absence or refusal to act.

3.10.2 The Appointed Chair will preside at Committee meetings. In the absence of the Chair, the Committee members will appoint a person from among those present, provided there is a quorum.

3.10.3 Notwithstanding the above, the members may appoint another chair from among themselves for the purpose of chairing a particular meeting.

3.10.4 In the scheduled and unexpected absence of the Mayor for two or more consecutive meetings, the Council may appoint by by-law or resolution, an Acting Mayor from among the members present who, for the duration of the absence or vacancy, shall have all the powers of the Head of Council.

3.11 **Duty of the Chair:**

3.11.1 open the meeting of Council or Committee by taking the Chair and calling the members to order at the time specified on the agenda;

3.11.2 announce the business before Council or Committee in the order in which it is to be acted upon;

3.11.3 receive and submit, in the proper manner, all motions presented by the Members of Council or the Committee;

3.11.4 put to a vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings, and to announce the results;

3.11.5 decline to put to a vote any motion that infringes on the Rules of Procedure;

3.11.6 restrain Members, within the Rules of Order, when engaged in debate;

3.11.7 enforce and maintain, on all occasions, the observance of order and decorum among Members and any and all persons present during the proceedings and rule on procedural questions;

3.11.8 call by name any Member persisting in breach of the Rules of Order of Council or the Committee, thereby ordering him/her to vacate the Council Chamber or meeting room;

3.11.9 receive all messages and other communications and announce them to Council or the Committee;

3.11.10 authenticate by his/her signature all By-laws, Resolutions and Minutes of Council or the Committee;

3.11.11 inform the Council or Committee when necessary or when referred to for the purpose, on a point of order or usage;

- 3.11.12 represent and support Council or Committee, declaring its will and implicitly obeying its decisions in all things;
- 3.11.13 ensure that the decisions or recommendations of Council or Committee are in conformity with the laws and By-laws governing activities of the municipal corporation;
- 3.11.14 adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room;
- 3.11.15 order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers or meeting room where such behaviour persists.

4. DELEGATIONS AND PRESENTATIONS:

4.1 Request for Delegation:

- 4.1.1 Except as provided by law, a person who is not a member of Council or Committee shall not be permitted to address the Council or Committee except upon the approval of the Council or Committee.
- 4.1.2 The Clerk or Mayor may decline to add items and/or reports to an agenda. Reasons to decline include, but are not limited to the following:
 - (a) More time is required to prepare Staff Reports for Council;
 - (b) The Delegation Request Form was not submitted by the deadline;
 - (c) The Delegation Request Form is incomplete;
 - (d) The subject matter of the Delegation is outside of the jurisdiction of Council;
 - (e) The subject matter is with respect to a matter that should be discussed in a Closed meeting;
 - (f) The meeting agenda is already too lengthy;
 - (g) The subject matter is set to be discussed on another agenda;
 - (h) The issue is frivolous or vexatious;
 - (i) The issue has been or is to be considered by the Committee of Adjustment;
 - (j) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue;
 - (k) Council previously indicated that it will not hear further from this Delegation;
 - or
 - (l) The issue should be referred to the Administrative Department for action.
- 4.1.3 Any person wishing to make a delegation shall submit a request in writing, on the prescribed delegation form attached at Schedule A, to the CAO/Clerk-Treasurer no later than 1:00 p.m. on the Wednesday prior to the meeting at which they wish to be heard. The Written request shall state the nature of the business to be discussed and the person(s) named to make the delegation. Persons addressing the Council or Committee shall confine their remarks to the stated business.
- 4.1.4 No delegation may be scheduled for an in-camera session, nor shall delegations be permitted regarding any specific personnel matter.
- 4.1.5 All delegations shall take place during Council or Committee of the Whole. A person wishing to address the Council or Committee may speak for up to fifteen (15) minutes, if a time extension is required it may be granted by the Mayor or his/her designate.
- 4.1.6 The CAO/Clerk-Treasurer shall be empowered to refer requests made of Council by deputation to appropriate Committees as deemed necessary.
- 4.1.7 A delegation of more than five (5) persons shall be limited to two (2) speakers, and each speaker limited to no more than ten (10) minutes each.

- 4.1.8 When a request to appear is submitted after the agenda has been set or when the agenda already includes a total of three (3) delegations or presentations, the CAO/Clerk-Treasurer may schedule the delegation for a future meeting. In the event that the matter is of a time sensitive nature, the CAO/Clerk-Treasurer shall refer the request to the Mayor and the delegation may be scheduled at the discretion of the Mayor and the CAO/Clerk-Treasurer.
- 4.1.9 A person wishing to address the Council or Committee concerning an item on the agenda may request a delegation through the CAO/Clerk-Treasurer before the meeting begins. The CAO/Clerk-Treasurer will advise the Mayor of the request and the Mayor will call for a vote of the Council to waive the rules for delegations to allow the person to speak and upon a majority vote in the affirmative, the person will be permitted to address Council.
- 4.1.10 Every communication, including a petition designed to be presented to the Council or Committee, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, including address and telephone number, and filed with the CAO/Clerk-Treasurer and will be appended to the minutes.

4.2 Previous Delegations:

- 4.2.1 Requests from delegates who have previously addressed Council or Committee at a regular or public meeting within the last six (6) months on a particular item shall not be granted unless there is new information to present, in addition to what they have previously presented. Such proof shall be submitted to the CAO/Clerk-Treasurer, in writing, not later than 1:00 p.m. on the Wednesday preceding the scheduled meeting. If, in the opinion of the CAO/Clerk-Treasurer, the written submission does not provide any new information, the request shall be denied.
- 4.2.2 The CAO/Clerk-Treasurer may, at their discretion, forward the request for a second delegation to the Mayor for review to determine whether the delegation may be allowed. If the Mayor does not believe the written submission provides new information, the submission shall be provided to the Council or Committee as an information item.

4.3 Presentations:

- 4.3.1 A person may appear before Council for the purpose of presenting or receiving a gift or recognition provided that the person or their representative submits a request in writing to the CAO/Clerk-Treasurer describing the nature and purpose of the presentation.
- 4.3.2 Notwithstanding the above paragraph, the Council may, for any reason deemed appropriate, refuse to permit a presentation.

4.4 Conduct During Delegations:

- 4.4.1 Members of the public attending a Meeting shall respect the formal and professional decorum of Council and its Committees.
- 4.4.2 No member of Council or Committee shall interrupt a delegate while they are addressing Council or Committee, except on a point of order, or if the Chair deems it necessary to advise them of the time limitation.
- 4.4.3 Members of Council or Committee may ask questions of the delegate(s) following the completion of the delegation but shall not enter into a debate with the delegate(s).
- 4.4.4 Upon completion of the deputation, Council or Committee shall consider any report for discussion pertaining to the matter and determine, by resolution, an appropriate course of action.

- 4.4.5 Individuals shall refrain from public outburst, shouting, applauding and any behaviour intended to disrupt the debate, discussion and general proceedings of Council or a Committee.
- 4.4.6 Individuals shall maintain order and shall not display signs, placards, or other items that may be considered disruptive to the formal nature of Council Meetings.
- 4.4.7 Any device used for transcribing or recording proceedings of Council or a Committee by auditory or visual means will not be permitted.
- 4.4.8 Unless authorized by the CAO/Clerk-Treasurer or Chair, no Member of the public may distribute any material to Council during a Meeting.
- 4.4.9 Any individual or group making delegations before Council, Committee or a Local Board shall conduct themselves with decorum at all times and shall refrain from using any slanderous or abusive statements or behaviour.
- 4.4.10 If the Chair determines that decorum has been breached, the delegation will be immediately stopped, and the offender provided one opportunity to retract their statements and apologize to Council or Committee.
- 4.4.11 If required, the Chair may call upon the Ontario Provincial Police or any other Peace Officer to assist in the expulsion of a person from the Chambers or meeting room.
- 4.4.12 The Chair may unilaterally suspend the Meeting until order is restored.

5. COMMITTEES:

5.1 Special Committees:

- 5.1.1 Council may from time to time by Resolution, establish Special Committees, with the membership determined by Council at the time of establishment. The Chair for each Special Committee shall be as designated by Council.
- 5.1.2 Council may, from time to time, establish by Resolution an Ad Hoc Committee to deal with a specific issue, within a specified time frame. The Resolution will include the names of the members assigned to the Ad Hoc Committee. An Ad Hoc Committee may make a written report to Council on their findings and may make recommendations.
- 5.1.3 Despite the above provisions, the Mayor may, at his/her discretion, assume the Chair at any meeting of a committee, for the purpose of conducting that particular meeting.

5.2 Committee of the Whole Council:

- 5.2.1 There shall be six (6) committees of Council that shall be called:

- (a) Asset Management (Transportation and Facilities)
- (b) Waste Management
- (c) Human Resources/Administration/Public Relations
- (d) Emergency Services
- (e) Social/Health Services
- (f) Economic Development

- 5.2.2 The Chairperson for each Committee shall be designated as the Committee Liaison between staff and Council.

5.3 Regulations for Conducting Business in Committees:

- 5.3.1 The business of Committees of Council shall be conducted under the laws governing procedure in Council and Committee as prescribed by this By-law.

- 5.3.2 All Committees shall report, in writing, to Council on all matters connected with their duties or referred to them by the Council and shall recommend such action as they deem necessary.
- 5.3.3 All Committees shall adhere to the rules prescribed by the By-laws of the Council.
- 5.3.4 Whenever, at the conclusion of the last meeting, there is any unresolved matter before the committee, the matter is to be forwarded, in writing, to the incoming Committee of the following year for consideration.
- 5.3.5 The Council may refer to any Committee any report in whole or in part or any question or matter for reconsideration.
- 5.3.6 A meeting of Council in respect to planning matters requiring a Public meeting shall be included within the Agenda of the regular Council meeting or by calling a special council meeting.
- 5.3.7 Planning matters delegated to the Committee of Adjustment shall follow the provisions set out in the Committee of Adjustment by-law.

5.4 Appointments and Organization of Committees, Boards and Special Purpose Bodies:

- 5.4.1 Before January 31 following an Election, the Mayor shall appoint members of Council to the various Committees of the Whole and Subcommittees, Boards and Special Purpose Bodies after consulting with the members.
- 5.4.2 Advertisements for members of the public to serve on various committees and boards shall take the form of a public notice to be advertised in one or more local newspaper, on the Township website, and posted at all Township facilities.
- 5.4.3 Application to sit on a subcommittee or advisory committee of Council shall be made on the form provided by the CAO/Clerk-Treasurer at various locations and on the Township website. Completed forms must be returned to the CAO/Clerk-Treasurer by the specified deadline in order to be considered for appointment and to ensure the equity and objectivity of each appointment.
- 5.4.4 The incoming Council will review the application forms at their orientation session and make recommendations and appointments accordingly.

6. RULES OF CONDUCT AND DEBATE:

6.1 Disclosure of Pecuniary Interest:

- 6.1.1 In accordance with the Municipal Conflict of Interest Act, any member who, either on his/her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, Committee or Local Board at which the matter is to be considered, the member:
 - (a) shall, prior to any consideration of the matter at the meeting, disclose that they have an interest and the general nature of the interest;
 - (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
 - (c) shall not attempt in any way before, during or after the matter, to influence the voting on such matter;
- 6.1.2 where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council, Committee or Local Board meeting

attended by the member.

- 6.1.3 Every disclosure of interest and the general nature thereof made at a meeting which is open to the public shall be written in the prescribed form included as Schedule B and placed in the registry and recorded in the minutes of the meeting by the CAO/Clerk-Treasurer or his/her designate. Every disclosure of interest, but not the general nature of that interest, made where the meeting is not open to the public shall be recorded by the CAO/Clerk-Treasurer or his/her designate in the minutes of the next meeting that is open to the public.

6.2 Conduct of Members of Council/Committees/Local Boards:

No Member shall:

- 6.2.1 Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada or the Province of Ontario;
- 6.2.2 Use offensive, insulting or indecent words or unparliamentary language in or against the Council or against any member of Council, staff or guest;
- 6.2.3 Speak or address the subject in debate without first requesting to speak and then being recognized by the Chair and given permission to speak;
- 6.2.4 Speak on any subject other than the subject in debate without the permission of the Chair;
- 6.2.5 Address another member of Council, a member of Township staff, or a delegate or member of the gallery directly without first being recognized by the Chair, then addressing that person through the Chair;
- 6.2.6 Speak more than once to the same question, except:
- (a) upon the consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined;
 - (b) in explanation of a material part of his/her speech which may have been interpreted incorrectly; or
 - (c) with the permission of Council after all other members so desiring have spoken; or
 - (d) with the permission of Council, a reply may be allowed to the member who presented the motion; in which case he/she shall speak for no longer than a five (5) minute period.
- 6.2.7 Ask a question except of the previous speaker and in relation to that speaker's remarks;
- 6.2.8 Interrupt the Member who has the floor except to raise a point of order;
- 6.2.9 Criticize any decision of the Council except for the purpose of moving in accordance with provisions wherein a question may be reconsidered;
- 6.2.10 Disobey the Rules of Council, or a decision of the Chair. After an initial warning may be removed from the meeting by the Chair, if the member offers an apology he/she may, by vote of the Council, be permitted to retake his/her seat;
- 6.2.11 Leave their seat or make any noise or disturbance while the Chair is putting a question, and shall occupy his/her seat while a vote is being taken and shall remain seated until the results of said vote are declared;
- 6.2.12 Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of Council;

6.2.13 Reveal publicly the substance of any matter dealt with in camera.

Any Member May:

6.2.14 Request the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking;

6.2.15 Appeal the decision of the Chair on a point of order to the Council, which shall decide the question without debate upon a majority vote of the Members present;

6.2.16 Restrict debate to each proposal in its turn when a question has been divided upon the permission of Council.

Sole Arbiter:

6.2.17 The Chair is the sole arbiter of all points of procedure, subject to an appeal to the complete Council or Committee.

6.3 Conduct of Attendees and Guests:

6.3.1 No person shall be permitted to approach the area occupied by the Council except a member of staff, unless by permission or by invitation of the Chair/Presiding.

6.3.2 Members of the public will not be recognized and permitted to speak during a debate. Members of the public may not be recognized unless consent is given by a majority of council and they are speaking to an item on the agenda.

6.3.3 At meetings of Council and Committee, the use of cameras, electric lighting equipment television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media and staff is permitted.

6.3.4 Members of the public must request permission to use cameras, flash bulbs, recording equipment, and any other device of a mechanical or similar nature used for transcribing or recording proceedings subject to the approval and/or direction of the Chair/and/or Council.

6.3.5 Any member of the public who repeatedly interrupts Council or Committee proceedings and/or interjects without being invited to do so, who breaches decorum, or refuses to apologize or retract statements found to be offensive shall be requested by the Chair to cease and desist. If the person(s) does not comply after being warned, the Chair shall recess the meeting until the individual(s) leaves the Chambers, or until a peace officer removes the offender from the Council Chambers or meeting room, after which time the meeting will be reconvened.

7. AGENDAS AND SUPPORTING MATERIALS:

7.1 The CAO/Clerk-Treasurer or designate shall prepare agendas of Council and Committee meetings as assigned.

7.2 Insofar as is practicable, Council agendas, written reports from members of staff along with supporting materials, shall be prepared and made available to members of Council at 3:00 p.m. on the Thursday prior to a regular meeting.

7.3 Printed reports from Committees shall, insofar as is practicable, be made available to staff by 1:00 p.m. on the Wednesday prior to a regular meeting.

7.4 Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be established without requiring amendments to this By-law:

- (a) Opening and calling to order of the meeting by the Chair
- (b) Additions/amendments to Agenda

- (c) Adoption of Agenda
- (d) Disclosure of Pecuniary Interest
- (e) Petitions, Delegations and/or Presentations
- (f) Minutes of Previous Meeting(s)
- (g) Committee and/or Staff Reports (with appropriate sub-headings)
- (h) Business Arising from the Minutes
- (i) Unfinished Business from Previous Meetings
- (j) Correspondence – Action Items
- (k) Correspondence – Information Items
- (l) New Business
- (m) Motions of Council
- (n) Payment of Accounts
- (o) By-laws
- (p) Resolution to move into a “Closed Session” if required
- (q) Adjournment

7.5 The business of the Council shall be carried out in the order as listed on the agenda unless otherwise decided by the Chair.

7.6 Any item which is not listed on the agenda as printed but has been determined by the CAO/Clerk-Treasurer to be of a nature which requires Council’s attention prior to the next scheduled meeting, may be added by addendum at the discretion of the CAO/Clerk-Treasurer.

7.7 Any items brought forward by other means shall require a majority vote of the members present to be added to the agenda.

8. MINUTES:

8.1 The Minutes of Council, Committee or a Local Board shall record:

- (a) The place, date and time of meeting;
- (b) The name of the Chair and record the attendance of the members and the staff and members of the public making a presentation to Council;
- (c) The correction and adoption of the minutes of prior meetings; and
- (d) All resolutions, by-laws, decisions, and other proceedings of the meeting without note or comment, whether it is closed to the public or not.

8.2 After the minutes have been adopted, they will be signed by the Chair and by the CAO/Clerk-Treasurer and recording secretary and shall be placed in the Minute Book in the office of the CAO/Clerk-Treasurer for his/her safekeeping.

9. UNFINISHED BUSINESS:

9.1 Any item which has not been dealt with in entirety at a prior meeting may be raised again at a subsequent regular meeting of the Council when “Unfinished Business” is called for under the order of procedure.

10. NEW BUSINESS:

10.1 The following items of business may be introduced when “New Business” is called for under the order of procedure:

- (a) notices of motion;
- (b) motions of which prior notice has been given;
- (c) motions for reconsideration;
- (d) motions of congratulation or of sympathy or other motions of a routine nature;
- (e) where any other matter is raised under “New Business” it shall not be discussed or voted upon under the order of procedure but shall be taken only as a notice of motion. Provided, however, that on motion passed by a majority vote of the whole Council, such matter may be referred to the Committee of the Whole for immediate consideration.

11. BY-LAWS:

- 11.1 Every By-law shall be introduced upon motion by a Member of the Council specifying the title of the By-law;
- 11.2 Every By-law, when introduced, should be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure, or to comply with provisions of any Act, and shall be complete with the exception of the number and date thereof;
- 11.3 Any proposed By-law may be referred to a Committee, staff or legal advisor for review and comment, including the solicitor for the Corporation;
- 11.4 Every By-law shall be given three readings prior to being passed;
- 11.5 The First and Second readings of a By-law shall be decided without amendment or debate. The opportunity for debate and amendment if necessary, will occur prior to and following the third reading.
- 11.6 By-laws may be given three readings on the same date except when requested otherwise by motion of the majority of the members present or otherwise provided in law;
- 11.7 The following statement shall be affixed to each by-law:
- “READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED on this (date) day of (month), (year).”**
- 11.8 Only the title of the By-Law shall be read,
- 11.9 By-Law shall not be enacted until it has received three readings, and
- 11.10 Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor or Presiding Officer and the CAO/Clerk-Treasurer and shall be placed in the By-law book in the office of the CAO/Clerk-Treasurer for his/her safekeeping.

12. MOTIONS:

- 12.1 A simple majority of the quorum is needed to pass any motion.
- 12.2 All motions must be moved and seconded before any discussion can take place and before the question can be put or a motion recorded in the minutes.
- 12.3 All motions may be supported or opposed by the mover and seconder.
- 12.4 After a motion has been received and/or read, it shall be deemed to be in the possession of the Council but may, with the majority consent of members present, be withdrawn by the mover prior to discussion or amendment or prior to voting.
- 12.5 No Member without leave of council of the committee shall speak to a matter or in reply for longer than 5 minutes.
- 12.6 If the original mover and seconder of the motion do not agree with the amendments, they may, without further discussion withdraw their support for the original motion as amended and a new mover and seconder would be required to move the motion as amended. If the amendments are carried, then the original motion as amended would be put to the vote.
- 12.7 **Amendments:**
- 12.7.1 A motion to amend shall:

- (a) be presented in writing, moved and seconded prior to debate;
- (b) be open for debate
- (c) be dealt with by Council before a previous amendment or the main motion;
- (d) not be further amended more than once provided that further amendment may be made to the main motion;
- (e) be relevant to the main motion;
- (f) not propose a direct negative to the main motion.

12.8 **Motions Introduced Verbally:**

12.8.1 The following matters and motions with respect thereto may be introduced verbally without written notice, except as otherwise provided by these Rules of Procedure:

- (a) a point of order or personal privilege;
- (b) presentations of petitions;
- (c) to lay on the table;
- (d) to postpone indefinitely or to a certain day;
- (e) to move the previous question.

12.9 **Withdrawal of Motion:**

12.9.1 A member may withdraw his/her notice of motion at any time prior to the subject matter being considered.

12.9.2 Once a motion is moved and seconded and read by the Chair, it cannot be withdrawn without the consent of the mover and seconder. If the motion is withdrawn, it shall be entered into the minutes and noted as being "WITHDRAWN".

12.10 **Notice of Motion:**

12.10.1 A motion to refer or defer shall be heard before any Motion or amendment except a Motion to adjourn.

12.11 Notice of motion by a Member will:

- (a) be in writing;
- (b) be tabled at a Council meeting preceding the date on which the matter will be introduced; or, will be received by the CAO/Clerk-Treasurer in sufficient time for it to be processed under (c) of this Section;
- (c) be printed in full under "New Business" in the agenda for that meeting;
- (d) when a Member's notice of motion has been called by the Mayor in two successive meetings and not proceeded with, it will be dropped from the agenda unless Council otherwise decides;
- (e) if at the third meeting, such notice of motion is called by the Mayor and not proceeded with, it will be deemed to have been withdrawn.

12.12 **Order of Consideration:**

12.12.1 A Member shall not speak more than once to the same question without the consent of the Chair except:

- (a) In explanation of a material part of their speech which may have been interpreted incorrectly, or
- (b) With leave of the Chair, after all other Members so desiring have spoken; or
- (c) To reply by leave of the Chair to the Member who presented the motion to Council or Committee.

12.13 **Motion Ruled Out of Order:**

12.13.1 Whenever the Chair is of the opinion that a motion is contrary to the rules of procedure, the Chair will rule the motion out of order.

12.14 **Voting on the Motion:**

12.14.1 Immediately prior to voting on a motion, the Chair shall state the question in the precise form in which it will be recorded in the minutes, including any amendments to the questions.

12.14.2 After a motion, including any amendment(s) is finally put by the Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

12.15 **Reconsideration:**

12.15.1 A resolution, by-law or any question or matter (except one of indefinite postponement) which has been adopted previously by Council may be reconsidered by Council subject to the following:

- (a) a notice of motion given in writing by a member, has been introduced according to the procedure of notice of motion;
- (b) debate on a motion to reconsider must be confined to reasons for or against;
- (c) such motion must be supported by a majority of the members present voting in favour of such reconsideration before the matter can be debated;
- (d) if a motion to consider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on;
- (e) a motion to reconsider an amendment may not be submitted until after the original motion to which the amendment was proposed has been considered and disposed of;
- (f) A vote to reconsider will not be considered more than once every two years.

12.15.2 These rules do not apply when a motion pertains to a decision of a previous Council.

13. VOTING:

13.1 Every member of Council, Committee or Local Board shall have one vote.

13.2 An affirmative vote by the majority of the members present is required to pass a motion.

13.3 When the Chair calls the vote, each member present will vote by raising their hand to indicate their agreement or disagreement with the motion on the table.

13.4 Except where disqualified to vote by reason of interest or otherwise, the Chair shall vote at the same time as the other members on all questions.

13.5 Upon completion of the vote the Chair shall declare whether the motion was carried or defeated.

13.6 When a question is tabled and a recorded vote taken, any member who does not vote shall be deemed as voting in the negative, except where he/she is prohibited by statute from voting.

13.7 **Recorded Vote:**

13.7.1 When a member present requests a recorded vote immediately prior to or immediately subsequent to the taking of the vote, all Members present at the Council or Committee meeting must vote. The member requesting the vote shall vote first followed by members sitting to the right followed by the Chair unless otherwise prohibited by statute. The names of those who voted for, and who voted against, shall be noted in the minutes. The CAO/Clerk-Treasurer shall announce the results.

13.8 **No Other Voting Methods:**

13.8.1 No vote shall be taken by ballot or by any other method of secret voting.

13.9 **Tie Votes:**

13.9.1 Any motion on which there is an equality of votes shall be deemed to be defeated.

13.10 **No Closed Vote:**

13.10.1 A meeting shall not be closed to the public during the taking of a vote except for the following:

- (a) the *Municipal Act* permits or requires 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 municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

THAT any other by-law inconsistent with or antedating this by-law is hereby repealed;

READ A FIRST AND SECOND TIME THIS 5th, day of February 2020.

Mayor, Jane A.E. Dumas

CAO/Clerk-Treasurer - Holly Hayes

READ A THIRD TIME AND FINALLY PASSED THIS 5th, day of February 2020.

Mayor, Jane A.E. Dumas

CAO/Clerk-Treasurer - Holly Hayes

DELEGATION REQUEST FORM

Schedule "A" Procedural By-law 20-622

Delegation Procedures

- **Council meetings are held the 1st Wednesday** of each month. The meetings begin at 9:00 a.m. The agenda items must be submitted the previous Tuesday with Thursday circulation. Delegations are among the first items on the agenda; therefore, delegations should arrive for the beginning of the meeting unless advised differently.

RULES OF ORDER FOR DELEGATIONS AT COUNCIL MEETINGS OF THE TOWNSHIP OF SOUTH ALGONQUIN

As per the Township of South Algonquin's Procedural By-Law #20-622 the following must be adhered to regarding any requests for delegations/presentations at Council meetings:

Request for Delegation:

Except as provided by law, a person who is not a member of Council or Committee shall not be permitted to address the Council or Committee except upon the approval of the Council or Committee.

The Clerk or Mayor may decline to add items and/or reports to an agenda. Reasons to decline include, but are not limited to the following:

- (m) More time is required to prepare Staff Reports for Council;
- (n) The Delegation Request Form was not submitted by the deadline;
- (o) The Delegation Request Form is incomplete;
- (p) The subject matter of the Delegation is outside of the jurisdiction of Council;
- (q) The subject matter is with respect to a matter that should be discussed in a Closed meeting;
- (r) The meeting agenda is already too lengthy;
- (s) The subject matter is set to be discussed on another agenda;
- (t) The issue is frivolous or vexatious;
- (u) The issue has been or is to be considered by the Committee of Adjustment;
- (v) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue;
- (w) Council previously indicated that it will not hear further from this Delegation; or
- (x) The issue should be referred to the Administrative Department for action.

Any person wishing to make a delegation shall submit a request in writing, on the prescribed delegation form attached at Schedule A, to the CAO/Clerk-Treasurer no later than 1:00 p.m. on the Wednesday prior to the meeting at which they wish to be heard. The Written request shall state the nature of the business to be discussed and the person(s) named to make the delegation. Persons addressing the Council or Committee shall confine their remarks to the stated business.

No delegation may be scheduled for an in-camera session, nor shall delegations be permitted regarding any specific personnel matter.

All delegations shall take place during Council or Committee of the Whole. A person wishing to address the Council or Committee may speak for up to fifteen (15) minutes, if a time extension is required it may be granted by the Mayor or his/her designate.

The CAO/Clerk-Treasurer shall be empowered to refer requests made of Council by deputation to appropriate Committees as deemed necessary.

A delegation of more than five (5) persons shall be limited to two (2) speakers, and each speaker limited to no more than ten (10) minutes each.

When a request to appear is submitted after the agenda has been set or when the agenda already includes a total of three (3) delegations or presentations, the CAO/Clerk-Treasurer may schedule the delegation for a future meeting. In the event that the matter is of a time sensitive nature, the CAO/Clerk-Treasurer shall refer the request to the Mayor and the delegation may be scheduled at the discretion of the Mayor and the CAO/Clerk-Treasurer.

A person wishing to address the Council or Committee concerning an item on the agenda may request a delegation through the CAO/Clerk-Treasurer before the meeting begins. The CAO/Clerk-Treasurer will advise the Mayor of the request and the Mayor will call for a vote of the Council to waive the rules for delegations to allow the person to speak and upon a majority vote in the affirmative, the person will be permitted to address Council.

Every communication, including a petition designed to be presented to the Council or Committee, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, including address and telephone number, and filed with the CAO/Clerk-Treasurer and will be appended to the minutes.

Previous Delegations:

Requests from delegates who have previously addressed Council or Committee at a regular or public meeting within the last six (6) months on a particular item shall not be granted unless there is new information to present, in addition to what they have previously presented. Such proof shall be submitted to the CAO/Clerk-Treasurer, in writing, not later than 1:00 p.m. on the Wednesday preceding the scheduled meeting. If, in the opinion of the CAO/Clerk-Treasurer, the written submission does not provide any new information, the request shall be denied.

The CAO/Clerk-Treasurer may, at their discretion, forward the request for a second delegation to The Mayor for review to determine whether the delegation may be allowed. If the Mayor does not believe the written submission provides new information, the submission shall be provided to the Council or Committee as an information item.

Contact Information

Tel 613-637-2650 ext. 200 Deputy Clerk

Fax 613-637-5368

Email deputy-clerk@southalgonquin.ca

Location and Mailing Address

7 Third Avenue

PO Box 217

Whitney ON K0J 2M0

Business Hours: 8:30 am to 4:00 pm, Monday to Friday (excluding statutory holidays)



TOWNSHIP OF
SOUTH ALGONQUIN

DISCLOSURE OF PECUNIARY INTEREST

Schedule "B" Procedural By-law 20-622

Municipal Conflict of Interest Act, R.S.O. 1190, Chapter M.50

s.5.1 – Written Statement re disclosure

Meeting Date: _____

Agenda Item: _____

I, _____, declare a potential
(deemed / direct / indirect) pecuniary interest on the Agenda Item
respecting _____

for the following reason(s):

Signature

DRAFT



Electronic Participation in Council Meetings

Schedule "C" Procedural By-law 20-622

1. Pursuant to Section 238 (3.3) of the Municipal Act, 2001 (as may be amended from time to time), Members of Council, Committees or Local Boards may participate in meetings electronically;
2. Electronic participation in meetings will be permitted and those attending electronically will count toward achieving quorum and are able to vote,
3. In the event that connectivity is lost resulting in loss of quorum the meeting will recess until quorum can be met, if re-connection cannot be made after 10 minutes the meeting will be re-scheduled,
4. Members participating electronically may participate in meetings that are closed to the public; Members are expected to ensure that the location from which they are joining from is secure and when in closed session does not compromise the information being shared,
5. The Head of Council or delegate may chair a meeting electronically;
6. The Clerk may clerk the meeting electronically;
7. Etiquette at meetings will remain professional and members will act in accordance with the procedural by-law as they would in the council chambers,