



**THE CORPORATION OF THE  
TOWNSHIP OF MCGARRY**

**BY-LAW NO. 2025-14**

**BEING A B-LAW TO ESTABLISH RULES GOVERNING  
THE PROCEEDINGS OF COUNCIL, THE CALLING OF MEETINGS  
AND THE CONDUCT OF MEMBERS, STAFF AND THE PUBLIC**

**SHORT TITLE – THIS BY-LAW MAY BE CITED AS THE  
“PROCEDURAL BY-LAW.”**

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

**AND WHEREAS** Council, 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 McGarry enacts as follows:

1. **THAT** the Procedural Policy and Procedures for the Township of McGarry be hereby adopted as Schedule “A” attached and forming part of this By-Law.
2. **THAT** this By-Law comes into force and effect on the day of passing thereof.
3. **THAT** all other By-Laws and resolutions, or parts thereto, contrary hereto or inconsistent herewith, be and the same are hereby repealed. More specifically By-Law 2021-57 and amendments thereto be and are hereby repealed.

**READ THIS FIRST AND SECOND TIME THIS 19<sup>th</sup> DAY OF MARCH 2025**

**READ THIS THIRD TIME AND FINALLY PASSED THIS 19<sup>th</sup> DAY OF MARCH 2025.**

  
**MAYOR**

  
**CLERK-TREASURER**

## **Preamble**

A Council Meeting is intended to be a meeting of Council Members to discuss a variety of items and ultimately to make decisions. Council and Local Board Meetings must generally be open to the Public and it is good practice to conduct business in a transparent and accountable way. Central parts of Council decision making – including deliberation and voting – take place there. It is important that Council Meetings be properly called and organized, and that proper procedures are followed.

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
- Municipal Freedom of Information and Protection of Privacy Act
- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Workplace Harassment/Workplace Violence Policy – As per Employee Policy Manual
- Council Staff Relations Policy
- Code of Conduct
- Planning Act

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.

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## 1. DEFINITIONS

### *In this By-Law:*

**“Abstain”** means a Member who declines to vote on a Motion, in which case the abstention counts as not in favour, unless the abstention is due to a previously declared Pecuniary Conflict of Interest or disqualification from voting under any Act in which case the vote is neither counted in favour nor not in favour of a motion

**“Act”** means the *Municipal Act, 2001, c.25* as amended or replaced from time to time.

**“Addendum”** means a listing of the items to be added to or withdrawn from the published agenda.

**“Ad Hoc Committee”** means a Committee comprised only of Members of Council as appointed by Council and established for a specific purpose and which is disbanded once the purpose for which it was established is no longer required.

**“Advisory Committee”** means a Committee comprising Members of the Public appointed by Council under specified Terms of Reference to advise and make recommendations on matters in accordance with its mandate/purpose.

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

**“Agenda Package”** means the compilation of the agenda, reports and other materials for the purpose of conducting Township business by Council or Committee at a Meeting.

**“Amendment”** means a change in the wording of a Motion that alters or varies the Motion. It may propose that certain words or phrases be added/inserted, omitted or replaced by other words/phrases.

**“By-Law”** means an enactment, in the form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.

**“Call the Question”** means a Member has moved for Council/Committee to vote immediately, without further debate, on a Motion that has been moved and seconded and stated by the Mayor/Chair.

**“CAO”** shall mean the Clerk-Treasurer of the Township of McGarry.

**“Chair”** means the person presiding at a Meeting, and includes the Mayor, the Deputy Mayor, the Committee Chair or Co-Chair while they preside at a Meeting, or such other person as may be authorized to preside in their absence.

**“Clerk”** means the Township of McGarry Clerk-Treasurer, or his/her designate.

**“Clerk-Treasurer”** means Clerk-Treasurer/Administrator or CAO.

**“Code of Conduct”** means a set of principles and standards of behaviour expected of Members of Council or a Committee when carrying out their roles, responsibilities and obligations as elected or appointed representatives for the Township.

**“Confirmation By-Law”** means a by-law passed at the conclusion of each Council Meeting confirming the actions of Council taken at that Meeting.

**“Consent Items Motion”** means a Motion, which allows a grouping of items on an Agenda, which do not require discussion or debate, and to be dealt with under one Motion of Council.

**“Committee of the Whole”** means a committee consisting of all Members of Council sitting as a Committee of the Whole.

**“Committee”** means a Committee of Council, Advisory Committee or Legislated Committee including but not limited to Ad Hoc, Advisory, Quasi-/Judicial or Special Purpose Committees as established by Council but does not include the Committee of the Whole.

**“Code of Conduct”** means the Code of Conduct Policy for Council Members, Local Boards and Committee Members.

**“Council”** means the elected Members of the Municipal Council of the Township of McGarry.

**“Councillor”** means a Member of Council, other than the Mayor.

**“Council Package”** means a copy of the Agenda, Closed Meeting Agenda, Reports, and all other information that Members require prior to a Meeting.

**“Closed Meeting”** means a Meeting, or part of a Meeting of Council or a Committee, which is closed to the Public as permitted by the *Municipal Act*.

**“Deputy Mayor”** means a Member of Council appointed, yearly in the month of January through Resolution to assist the Mayor in carrying out their duties and/or act in place of the Mayor when the Mayor is unable or refuses to act, or the office is vacant.

**“Delegate”** means any person, group of persons, firm or organization, who is neither a Member of the Committee of the Whole, Council or an appointed official of the Township of McGarry, and who is speaking to a Committee or to Council.

**“Delegation”** means one or more persons, who are not Members or Staff, who address a Meeting in relation to a matter appearing on the Agenda or Addendum.

**“Electronic Device”** means computers, cell phones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar device.

**“Electronic Participation”** means a Member of Council, Committee, Local Board or Staff of the Township of McGarry who participates remotely in any Open or Closed Council or Committee Meeting via electronic means.

**“Emergency Meeting”** means a Meeting, held without written notice where there is insufficient time to provide notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.

**“Ex-Officio”** means that the Mayor (does not extend to Deputy Mayor) is a Member of all Committees of Council established by Council, unless prohibited by law. The Mayor, as an Ex-Officio Member, is not entitled to vote unless legally specified otherwise. As Ex-Officio, the Mayor does not count for Quorum, therefore if a Committee has two Council Members, the Mayor’s attendance does not turn it into a Council Meeting.

**“Head of Council”** means the Mayor or, in the absence of the Mayor, the Deputy Mayor.

**“Holiday” means:**

- a) any holiday as defined in the Interpretation Act, R.S.O. 1990, Chapter I.11;
- b) Boxing Day - January 2, National Day of Truth and Reconciliation - September 30 and Remembrance Day - November 11;
- c) any day proclaimed by the Head of the Council as a Civic Holiday.

**“Impugn”** means to assail by words or arguments, oppose or attack as false or lacking integrity.

**“Inaugural Meeting”** means the first Meeting of a new Council after a regular election, as set out in the *Act*.

**“Integrity Commissioner”** means the person appointed by By-law as the Integrity Commissioner of the Township and whose duties are therein prescribed in Section 223.3 of the Municipal Act, 2001.

**“Local Board”** means a Local Board as defined in the *Municipal Act*, and shall include the Police Services Board, Health Service Board and Public Library Board.

**“Majority”** means, for the purpose of voting, more than fifty percent (50%) of the Members present and voting, unless otherwise specified in the By-Law or by statute.

**“Mayor”** means, the Head of Council and includes the Deputy Mayor when acting in place of the Mayor.

**“Meeting”** means any Regular, Special, or other Meetings of Council, a Local Board or a Committee where a Quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

**“Member”** means a Member of Council including the Mayor, or a Member of Local Board or Committee including the Chair.

**“Minutes”** means a record, without note or comment, of all Resolutions, decisions and other proceedings at a Meeting whether it is closed to the Public or not.

**“Motion”** means a Question to be considered by Members through the process of being moved, seconded, and stated by the Mayor/Chair, subject to debate, and finally put to the Members for a vote.

**“Motion to Amend”** means a Motion to alter or vary the terms of the Main Motion without materially changing the purpose.

**“Motion to Close Debate”** means a Motion to end debate and put the matter before Council, Committee, Local Board or Committee of the Whole for a vote by its Members.

**“Motion to Defer”** means a Motion to delay consideration of a matter until later in the same Meeting or to a future Meeting of Council, Committee of the Whole or a Committee in order to seek further consideration of the matter by a Committee, Staff or another body.

**“Municipality”** means the Corporation of the Township of McGarry.

**“Notice of Motion”** means an advance notice, including the name of the mover, advising Council that the Motion described therein will be brought to the next regular Meeting, unless otherwise stated by the mover.

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

**“Pecuniary Interest”** means a direct or indirect pecuniary interest that a Member has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to a Member within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended or re-enacted from time to time.

**“Point of Order”** is a verbal statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-Law.

**“Point of Privilege”** or **“Personal Privilege”** means the raising of a question which concerns an individual Member, Council/Committee as a whole, Staff or the Public, when a Member believes that their individual rights or integrity, those of Council/Committee as a whole, Staff, or the Public, have been impugned.

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

**“Petitions”** means the presentation of a formal request, in writing to Council, a Committee or a Local Board.

**“Proclamation”** means an official public announcement and symbolic gesture of endorsement.

**“Public”** means the people of the municipality, which the Township serves.

**“Question”** means a question to be considered by Members at a Meeting.

**“Quorum”** means greater than fifty percent (50%) of the total number of Members of Council, Committee, Local Boards or Committee of the Whole, unless provided otherwise by statute.

**“Recess”** means a short intermission in a Meeting’s proceedings which does not adjourn the Meeting, and after which business will immediately resume at the point where it stopped at the point when the recess was called.

**“Recorded Vote”** means the recording in the Minutes of the names of each Member of Council present and the manner of their vote on a Motion/Question. Recorded Votes will be taken upon request by any Member of Council. In the case of a Member of Council who has a declared conflict or pecuniary interest for the Motion/Question, the Minutes will reflect the Member of Council who declared the conflict and did not take part in the discussion and subsequent voting thereof.

**“Refer”** means to send a matter currently under consideration by the Members to an individual, a Township Department or a Committee for their consideration.

**“Regular Meeting”** means a scheduled Meeting held at regular intervals.

**“Report”** means a written or other report from the Clerk-Treasurer, Department Heads, Staff or Committee Chair’s which is approved by the Clerk-Treasurer.

**“Resolution”** means a Motion/Question that has been placed before the Members in a Meeting for debate and voted on in the affirmative and adopted by the Members (i.e., carried).

**“Staff”** means people employed by the Township of McGarry.

**“Special Meeting”** means a meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Regular Meetings.

**“Tie Vote”** means an equality of votes for and against a Motion. Motions subject to a tie vote are considered “defeated” (i.e., not approved/not carried).

**“Township of McGarry or Township”** means the Corporation of the Township of McGarry.

**“Urgent”** means, for the purposes of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:

- Danger to the life, health or safety of individuals;
- Damage to property;
- An interruption of the essential services provided by the Municipality;
- Immediate and significant loss of revenue by the Municipality;
- Legal Issue and/or
- Prejudice to the Municipality

**“Virtual”** means that Members and/or Delegations are participating in the Meeting through an online or telecommunications medium that allows for audio and/or video interactions during a Meeting including voting in the case of Members.



**“Waive Notice”** means the ability for Members to consider a Motion during a Meeting without prior notice being given. Notice may be waived with two-thirds of the Members voting in favour of waiving notice. Notice must be waived before considering the Motion for which Notice is being waived.

**“Website”** means the Township of McGarry website ([www.mcgarry.ca](http://www.mcgarry.ca)).

## **2. RULES TO BE OBSERVED**

### **2.1 Rules - to Be Observed at all Times**

The rules contained in this By-Law shall be observed in all meetings of Council and with necessary modifications, in every Committee Meeting.

### **2.2 Suspending Procedural By-Law**

This By-Law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two-thirds of the Members of Council and may be suspended before, during or after a meeting.

### **2.3 Electronic Participation in Meetings**

**2.3.1** In order to help reduce barriers to participation in Council Meetings, Council, Staff, Delegates or subject matter experts may participate in an open session of a meeting via electronic means if available. A Member who participates electronically has the right to vote. The Member is counted for quorum purposes.

**2.3.2** A Member may participate electronically in a Closed Meeting of Council. Staff reports presented in closed will be provided to all Members who are not in attendance electronically with a clear watermark confidential notice.

**2.3.3** Staff, Delegates or subject matter experts may be invited to participate in a Closed Session of a Public Meeting via electronic means if available.

### **2.4 Virtual Links and Phone Attendance**

The Public may join by phone or virtual links if they are available. There is no guarantee that the virtual links will be available due to unstable internet connection. For these reasons it is encouraged to attend the meetings in person.

### **2.5 Allowing for Recording and Posting of Meetings**

Meetings may be recorded by the Clerk only. The purpose of audio recording is to assist in the preparation of minutes for Council Meetings and Public Hearings, and to ensure the accuracy of minutes until these records (minutes) are formally adopted as a true and accurate record. Retention of the recordings will be retained for a period of (4) years, unless technical difficulties prevent staff from recording meetings.

### **2.6 Mayor**

The Mayor shall act as the Chair for all Council Meetings.

### **2.7 Absence of Mayor**

In the absence of the Mayor, the Deputy Mayor shall carry out the Mayor's duties.

### **2.8 Absence of the Deputy Mayor**

If both the Mayor and the Deputy Mayor are unable to act as Head of Council for a Meeting, Council shall appoint another Chair for the purposes of that meeting. The Clerk shall call the meeting to order.

### **2.9 Absence of any Member of Council or Committee Member**

**2.9.1** Any Member of Council who will not be present at a Meeting must advise the Clerk via email or text message that they will be absent and give appropriate notice.

**2.9.2** The office of a Member of Council shall become vacant if the Member is absent from the Meetings of Council for three (3) consecutive months, unless the leave of absence is authorized by a Resolution of Council.

**2.9.3** The seat of a Member of a Committee shall become vacant if the Member is absent from the Meetings of the Committee for three (3) consecutive months, unless the leave of absence is authorized by a Resolution of the Committee.

## **2.10 Meeting Location**

Unless otherwise authorized by Council, all Meetings of Council shall be held in the Meeting Room, at the Community Centre, located at 1-27<sup>th</sup> Street, Virginiatown, Ontario. Council Meetings may also be held in the Council Chambers located at 27 Webster Street, Virginiatown, Ontario.

## **2.11 Clerk**

**2.11.1** A Clerk must be present at all Council Meetings or other Meetings where there is a quorum of Council.

**2.11.2** The Clerk may attend by electronic means.

## **2.12 Quorum**

**2.12.1** Quorum must be present at all Meetings.

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

**2.12.3** The Clerk shall record the names of the Members present at the fifteen (15) minutes time limit and will include those names on the Minutes for the adjourned Meeting and will include those minutes on the agenda for the next meeting.

**2.12.4** If at any time during a Meeting there is not quorum, the meeting shall automatically be recessed until there is quorum again or until the Chair adjourns the Meeting.

## **2.13 Minutes**

**2.13.1** Minutes of all Meetings will be recorded without note or comment.

**2.13.2** After approval, Minutes of all Meetings, except Closed Meetings, will be posted on the website.

## **2.14 Arriving Late/Leaving Early**

**2.14.1** If a Member arrives after a meeting has started or leaves before the end of the meeting, the Clerk will record in the minutes the time of arrival/departure.

**2.14.2** If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused. The best practice is to advise the Chair at the beginning of the meeting that the Member will need to leave before the end of the meeting.

## **2.15 Staff Attendance**

Staff has a statutory duty to provide advice to Council. If requested by the Mayor or Clerk-Treasurer, Staff may be required to attend Meetings of Council.

## **2.16 Declaration of Conflicts of Interest**

**2.16.1** Where a Member has a pecuniary interest and discloses that interest in accordance with Section 5 of the *Municipal Conflict of Interest Act*, the Member will:

- a) Provide a written statement of interest and its general nature to the Clerk in accordance with **Appendix A**;
- b) Read their declaration exactly as written at the proper time in the agenda or when you find yourself facing a potential or perceived conflict of interest;
- c) Will leave the Council Meeting table while the issue is considered in open session; or
- d) Leave the Council Meeting Room while the issue is considered in Closed Session; and,
- e) Will take no steps to intimidate or influence the decision in any way, either prior to, during or after the meeting, even if the Member did not attend the meeting where the matter was discussed.

**2.16.2** If the Member is not at a Meeting where a matter in which they have a conflict of interest was discussed, they must declare the conflict at the next meeting and complete the written statement. Alternatively, if the Member knows they will not be at the Meeting where they have a conflict of interest in an item Council will consider, they can advise the Clerk and complete the declaration prior to the meeting.

**2.16.3** Members will, at all times, comply with their statutory obligations pursuant to the *Municipal Conflict of Interest Act*.

## **2.17 Rules of Debate**

- a) The Chair shall preside over the Meeting, ensure good order and decorum, and rule on procedural questions.
- b) A Motion/Question will first be read by the Chair, the Chair will then request a mover and a seconder and once the Motion is moved and seconded a debate may commence.
- c) Each Motion requires a moving member and a seconding member. If no member agrees to move or second the Motion, the item will be struck from the agenda and will not be read or subject to debate.
- d) Moving and seconding a Motion by members does not constitute agreement or being "in favour" with the Motion/Question or any part thereof and does not bind the mover and seconder to vote in the affirmative for that Motion.
- e) The Chair will read the Motion or Question and request a mover and a seconder.
- f) The Chair may explain the Motion on the table but will refrain from voicing their opinion on the subject matter until all Members have spoken first.
- g) The mover has the first right to speak on that Motion.
- h) The seconder has the next right of speaking on the Motion.
- i) After the mover and the seconder have spoken, the Chair will canvas each remaining Member for their opinion on the Motion.
- j) After being recognized by the Chair, every Member shall respectfully acknowledge the Chair before speaking on any matter. (e.g. Through you, your worship or through you, Mr. or Madam Chair).
- k) The Chair may express an opinion on Motions under debate; however, should the Chair wish to take an active part in any matter under debate, he/she shall leave the Chair and appoint the Deputy Mayor, or other Member, to assume the Chair.
- l) A Member shall not speak a second time on a matter until all Members have had a chance to speak, except:
  - i. with permission of the Chair;
  - ii. if questioned by another Member; or to explain comments which the Member believes have been misunderstood.
- m) No Member, without the permission of the Chair, shall speak about a matter or reply for longer than five (5) minutes.
- n) Motions and Amendments to a Motion must be moved and seconded by way of show of hand. The Chair will check off the mover and seconder on the Motion.
- o) A Motion may be withdrawn at any time prior to the vote thereon with the consent of the majority of Members present.

- p) When a matter is being debated, no other motion shall be entertained other than a Motion:
  - i. To refer the matter to a certain body;
  - ii. to defer the motion;
  - iii. to amend the motion;
  - iv. that the vote be taken;
  - v. to adjourn the meeting.
  
- q) A Motion to refer or defer shall be heard before any motion or amendment, except a motion to adjourn. A Motion to refer shall require direction as to the body to which it is being referred and a date the body is to report to Council or Committee. A Motion to refer is not debatable.
  
- r) A Motion to amend shall apply the following rules:
  - i. A member wishing to amend a motion that was moved and seconded will put forward a Motion to amend;
  - ii. The Motion to amend will be voted on and must have the approval of two thirds of Members present at the Meeting;
  - iii. The amended Motion will be moved and seconded;
  - iv. Should a member wish to amend the amendment, the process will restart at step "i";
  - v. The Motion, as amended, shall be voted upon.
  
- s) An amendment which is simply a rejection of the Motion will not be permitted.
  
- t) A Motion to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable.
  
- u) A Motion that the vote be taken shall not be entertained by the Chair until each of the Members has had an equal opportunity to speak. Once a Motion that the vote be taken is passed, the original motion and any amendments shall be voted upon without further debate.
  
- v) Notices of Motion
  - i. A Notice of Motion is a statement of intention to introduce a motion at a future meeting. A Notice of Motion is not debatable.
  - ii. A Notice of Motion may be given by any member during the appropriate part of a meeting of Council. The item will be added to the agenda of the next regularly scheduled Council meeting.
  - iii. Where it is deemed necessary to not delay the consideration, a notice of motion may be considered by Council immediately upon its introduction by a successful two-thirds vote of the members present.
  - iv. After having provided a Notice of Motion, the Member shall prepare and submit a memorandum including information on the item and the proposed motion to the Clerk seven days prior to the next Council meeting so that it can be included on the agenda.
  - v. Memorandums submitted to the Clerk by the prescribed time will be permitted on the agenda even if notice was not provided at the previous meeting. The memorandum will act as notice and the item will be discussed at the Regular Meeting of Council.

## **2.18 Conduct**

**2.18.1** Members are required to follow the Municipality's Code of Conduct during all meetings.

**2.18.2** No member shall:

- i. Speak disrespectfully of the Mayor, Member, Staff, or any Member of the Public;
- ii. Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of Council;
- iii. Speak on any subject other than the subject in debate;
- iv. Speak in open Council about matters discussed in a Closed Meeting until authorized by Council through resolution;
- v. Interrupt a Member who is speaking; by speaking out, or making noise or disturbance, except to raise a procedural question;
- vi. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee.

**2.18.3** At a Meeting, no person shall:

- i. Speak disrespectfully of the Mayor, a Member, any Staff Person, or any Member of the Public;
- ii. Use offensive words;
- iii. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- iv. Leave his or her seat while a vote is being taken and until the results of the vote are declared;
- v. Make any disruptive noise or disturbance;
- vi. Walk between a Member who is speaking and the Chair.

**2.18.4** When the Chair considers that the personal integrity of any Member of Staff has been impugned or questioned by a Member, the Chair may permit the Clerk to make a statement to Council.

**2.18.5** No person shall display signs or placards, applaud, engage in conversation or any other behavior which may disrupt debate.

**2.18.6** Electronic devices must be silenced during a Meeting and must not be used to disrupt a meeting.

**2.18.7** No person, except Members and the Clerk may approach Members without permission from the Chair.

**2.18.8** No person shall speak aloud at a Meeting or address Members without first receiving permission from the Chair.

**2.18.9** All remarks shall be addressed to the Chair. Members of the Public will not be recognized or permitted to speak during a debate. Should a Member of the Public wish to speak, the delegation process is to be followed.

**2.18.10** Any person(s) who contravenes any of the rules in this By-Law, including a Member, is guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair. If such person refuses to leave, the Chair may recess or adjourn the Meeting without any Motion to do so until such time as the person has left the meeting room.

**2.18.11** If the person engaging in misconduct is a Member and the Member apologizes, he or she may, by vote of the majority of Council, be permitted to retake his or her seat.

**2.18.12** Staff, Delegations, Members of the Public and media who have been called to order by the Mayor/Chair will be immediately removed from the Meeting for failure to comply with the decision of the Chair. The Chair needs not put the removal to the Members for a vote.

**2.18.13** All Code of Conduct inquiries and formal requests for investigations will be referred to the Township's Integrity Commissioner in accordance with the Code of Conduct.

### **3. QUESTIONS DURING DEBATES**

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

**3.2** A Member may, through the Chair, ask questions during the discussion on any item on the agenda and ask questions on the item to any Staff of the Municipality in attendance at the meeting.

**3.3** Any Member may, at any time during the debate, request that a Motion under discussion be re-read. A Member may only make such a request once and may not interrupt another Member while they are speaking.

#### **3.4 Points of Procedure**

When a Member believes there is a violation of this By-Law, the Member shall state that they wish to raise a Point of Procedure. Once recognized by the Chair, the Member shall raise the Point of Procedure. A Point of Procedure can only be raised during the meeting:

- a) Upon raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure.
- b) Once the Point of Procedure has been dealt with, the debate shall resume, unless the ruling has changed this procedure.
- c) Any Member may appeal a ruling of the Chair by announcing their appeal to the Members. An appeal must be made immediately following the Chair's ruling. If the appeal is not made immediately, the Chair's ruling shall be final.
- d) Upon appeal, the Member shall state the reasons for the appeal. The Chair may then indicate why the appeal should be rejected.
- e) Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, shall vote on the appeal.
- f) If the appeal is upheld by the majority of voting Members, the Chair shall change his or her ruling accordingly; if the appeal is rejected then the ruling stands.

#### **3.5 Voting – General**

- a) Once the vote is called by the Chair, no Member shall speak about any issue, ask any question or present any other Motion until the vote has been taken.
- b) Voting shall be by way of a "show of hands" in favor or against, except when a Recorded Vote is requested.
- c) A Member may request a Recorded Vote on any Motion. Such request may be made before, during or after the vote. When a Recorded Vote is requested, the Clerk shall call each Member's name in alphabetical order to request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a Recorded Vote. After completion of a Recorded Vote, the Clerk shall announce the result. If a Member present at a Meeting fails to or refuses to vote, their vote will be counted as a vote against the Motion.
- d) The Chair shall announce the results of the vote once the vote is completed.
- e) If during a non-recorded vote, a Member disagrees with the Chair's results of the vote, the Member may object immediately to the Chair's declaration and require a Recorded Vote be taken.
- f) If there is a tie vote, the Motion will be defeated.
- g) When the question under consideration contains multiple options/issues, the Motion shall be split without requiring a separate Motion and each option/issue will be voted on separately. The Motion shall be split without debate.

#### **4. CORRECTIONS**

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

#### **5. VOTING – RECONSIDERATION**

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

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

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

- a) A Member or Staff receives new information on a matter previously decided;
- b) The Clerk and Chair will determine which type of Council Meeting is required to deal with the matter;
- c) Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other motions;
- d) No Motion shall be reconsidered more than twice in the same calendar year;
- e) A Motion to Reconsider of any decided matter shall not operate to stop or delay an action on the decided matter.

#### **6. DECISIONS OF COUNCIL**

Decisions are made by way of Resolution or By-laws. By-laws are to be passed after required readings.

#### **7. ROLES AND RESPONSIBILITIES**

##### **7.1 Head of Council**

*It is the role of the Head of Council to:*

- a) Act as Chief Executive Officer (“CEO”) of the Municipality;
- b) Preside over Council Meetings so that its business can be carried out efficiently and effectively;
- c) Assign the seating arrangements in Council Chambers for all Members prior to the First Meeting of Council;
- d) Provide leadership to Council;
- e) Provide information and recommendations to Council with respect to the role of Council;
- f) Represent the Municipality at official functions;
- g) Uphold and promote the purposes of the Municipality;
- h) Promote public involvement in the Municipality’s activities;
- i) Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
- j) Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents;
- k) Carry out duties prescribed by the *Municipal Act*.

The Mayor as **Ex-Officio** (does not extend to Deputy Mayor) is a Member of all Committees of Council established by Council, unless prohibited by law. The Mayor, as an Ex-Officio Member, is not entitled to vote unless legally specified otherwise. As Ex-Officio, the Mayor does not count for Quorum, therefore if a Committee has two Council Members, the Mayor’s attendance does not turn it into a Council meeting.



## 7.2 Deputy Mayor

The Deputy Mayor shall act in the absence of the Mayor in the following circumstances:

- a) the Office of the Mayor is vacant;
- b) the Mayor gives notice to the Clerk that he/she will be absent;
- c) the Mayor is absent through illness or scheduling conflict;
- d) the Mayor refuses to act.

In the event the Head of Council is absent from the Municipality, the Deputy Mayor of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council.

If the Deputy Mayor of Council is unable to act in the place instead of the Head of Council and Quorum is present at the meeting, the Clerk shall call the Meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the Meeting.

## 7.3 Chair

*It is the role of the Chair to:*

- a) Open Meetings by calling the Meeting to order;
- b) Address the business listed on the Agenda;
- c) Receive and have read to Council all Motions presented by Members;
- d) Put to a vote all Motions which are moved and seconded, and announce the result of a vote;
- e) Decline to put Motions to a vote which breaches the Procedural By-Law or other Legislation;
- f) Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
- g) When, in the Chair's opinion, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
- h) Provide information to Members on any matter relating to the business of the Municipality;
- i) Authenticate by signature all By-Laws, Resolutions and Minutes;
- j) Rule on any points of order raised by Members;
- k) Maintain order, and, where it is not possible to maintain order, adjourn Meetings to a time to be named by the Head of Council without any Motion being put forward;
- l) Call for the adjournment of the Meeting when business is concluded.

## 7.4 Council (Municipal Act, s. 224)

**7.4.1** *It is the role of Council to:*

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

**7.4.2** *It is the responsibility of every Member of Council to come prepared to every meeting:*

- a) By having read all the material supplied, including Agendas and Staff Reports;
- b) To facilitate discussion and determination of action at the meeting;
- c) Wherever possible, the Member(s) shall make inquiries from Staff regarding materials supplied in advance of the Meeting.

- d) Members of Council shall respect and adhere to the policies set by the Council and under no circumstances take it upon themselves individually to circumvent or established Policies.

**7.4.3** No Member shall direct Staff to perform certain duties or interfere with the performance or any work being done for the Municipality by Staff, temporary worker, contractor, or a consultant.

**7.4.4** Individual Authority – not provided – No individual Council Member may direct any Member of the Administration and/or Staff, to perform such duties that have not been authorized by Resolution of the Council.

**7.4.5** Questions or issues surrounding operational concerns or complaints, excluding basic issues, shall be directed to the Clerk-Treasurer, who will then direct the questions or issues to the appropriate Staff Member.

**7.5 Clerk (Municipal Act, s. 228)**

**7.5.1** *It is the duty of the Clerk to:*

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

**7.5.2** The Clerk-Treasurer, where appropriate, may delegate, in writing, the duties of the Clerk to another person in accordance with Section 228(4) of the *Municipal Act*.

**7.6 Staff (Municipal Act, s. 227)**

*It is the duty of Staff to:*

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

**7.7 Chief Administrative Officer / Clerk-Treasurer/Administrator (Municipal Act, s. 229)**

*It is the duty of the Chief Administrative Officer / Clerk-Treasurer to:*

- a) Exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality; and,
- b) Perform such other duties as are assigned by the Municipality.

**7.8 Members of the Public.**

*It is the role of Members of the Public to:*

- a) Attend Meetings which are open to the public;
- b) Refrain from making noise or engage in conversation between one another;
- c) Listen to the person who is speaking and shall not interrupt;
- d) Follow the rules of order, polite conduct and decorum;
- e) Provide input and information to Council only at meetings, or portions of meetings specifically designed for public engagement and in a manner dictated by Council (e.g. writing, in person, electronic, etc.).

Any Member of the Public found to be disrespecting the code of conduct during a meeting shall be removed from the ongoing meeting.

## **7.9 Members of the Committees of Council and Local Boards**

- 7.9.1** The Mayor shall appoint the Members of Council as Chair and Co-Chair to Committees and Representatives to Local Boards in the month of January following an election year.
- 7.9.2** The Mayor shall consider rotating the Chair and Co-Chair of Committees and Representatives of Local Boards every year or as necessary, taking into consideration the workload balance, individual interests, and Councillor's development.
- 7.9.3** Council shall appoint Members of the Public to sit as Committee Members following an election year. Applications will be submitted to the Clerk in writing and Council will review the applications in a close session and appoint the Members to the desired Committees.
- 7.9.4** If a Committee Member resigns, the Committee will accept the resignation and bring the resignation forward for Council's approval. New applications shall be submitted to the Clerk in writing and forwarded to the appropriate Committee for appointment. The Committee Chair will bring the appointment of the new Member forward to Council at a Regular Council Meeting for final approval.
- 7.9.5** Committees are accountable to Council. Any major undertaking or recommendations from any Committee requires a formal written report. A Staff/Committee report and recommendation to Council must be submitted to the Clerk seven (7) days prior to a Council Meeting. The Clerk should be consulted to ensure completeness of the Report, and that all relevant information has been included. The Clerk will notify the Chair of the Committee with any inclusion or if the report is incomplete.

## **8. MEETINGS AND NOTICES**

### **8.1 Inaugural Meeting**

- 8.1.1** The Inaugural Meeting shall be held on a date, time and location chosen by the Clerk no later than thirty (30) days after the election.
- 8.1.2** At the Inaugural Meeting, each Member present shall make his or her Declaration of Office and sign the Council Code of Conduct. The Clerk may provide additional policies and procedures to Council as deemed appropriate. No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Office, Oaths of Allegiance and Code of Conduct have been made by the Members of Council.

### **8.2 Meeting Schedule for Regular Meeting and Committee Meetings**

- 8.2.1** Regular Council Meeting shall be held on the second Tuesday of every month at 6:00 p.m.
- 8.2.2** Notice of Regular Council Meeting and Committee Meetings shall be given to the Public by means of a notice posted on the Township's Website ([www.mcgarry.ca](http://www.mcgarry.ca)) 48 hours prior to the meeting.
- 8.2.3** Committee meetings shall be held at 6:00 p.m.
- Recreation Committee on the first Tuesday of the month;
  - Tourist Committee on the third Tuesday of the month;
  - Community Policing Committee on the third Thursday of the month;
  - Strategic Planning Committee on the fourth Tuesday of the month.

- 8.2.4** There shall be no Meeting of Council or Committees in the month of August.

### **8.3 Special Meetings**

- 8.3.1** The Head of Council may, at any time, summon a Special Meeting by providing

a Notice of the Meeting through the Clerk to Members twenty-four (24) hours before the Meeting.

**8.3.2** Upon receipt of a petition from the majority of Council, the Clerk may summon a Special Meeting by providing a Notice of Meeting to Members twenty-four (24) hours before the Special Meeting.

**8.3.3** The Clerk-Treasurer may at any time request a Special Meeting of Council when required, and to deal with items specifically outlined on the agenda. Special Meetings may be called for the purposes of training, workshops, items which may need immediate attention or items which are required for the purposes of the continuity of municipal business.

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

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

**8.3.6** The Clerk shall give at least twenty-four (24) hours' notice to the public of all Special Meetings by means of a notice posted on the Township's Website.

#### **8.4 Emergency Meetings**

**8.4.1** An Emergency Meeting may be called by the Head of Council and/or the Clerk, without written notice, to deal with an urgent matter.

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

**8.4.3** Only business dealing directly with the emergency / urgent matter shall be dealt with at the Emergency Meeting.

**8.4.4** Quorum is still required at an Emergency Meeting.

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

**8.4.6** Notice, the Clerk shall make a reasonable effort to advertise the Emergency Meeting to the Public.

#### **8.5 Closed Meetings / Portion of a Meeting (Closed Session)**

**8.5.1** A Closed Meeting is a meeting, or a Portion of a Meeting, which is not open to the Public. Decision to go into closed or to hold a Closed Meeting must be done via resolution.

**8.5.2** No member shall disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a Closed Session Meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the Head or Designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or if directed to do so by a Court.

**8.5.3** No electronic devices may be used during Closed Session other than the recording Clerk.

**8.5.4** Closed Minutes, Reports and Agenda items will be distributed in the Closed Session of the Public Meeting and collected for the closed file.

**8.5.5** After the Closed Meeting is adjourned, the Chair shall report to the Public:

- a) That the meeting has resumed open session; and,
- b) The general nature of the matters dealt with in the Closed Meeting.

**8.5.6** Permissive Closed Meetings:

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

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

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

**8.5.8** Mandatory Closed Meeting

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

- a) A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act;
- b) An ongoing investigation respecting a Municipality, a Local Board or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in Subsection 223.13(1) of the *Municipal Act*, or the Investigator referred to in Subsection 239.2(1) of the *Municipal Act*.

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

**8.6** Canceled Meetings

**8.6.1** A Meeting may be cancelled by the Head of Council, in consultation with the Clerk-Treasurer, in the following instances:

- a) Quorum cannot be achieved;
- b) By Council Resolution;
- c) In the event of an unforeseen, significant event.

- 8.6.2** The Meeting is no longer required. For the purposes of section 4.6, an unforeseen, significant event includes, but is not limited to, the following:
- a) A safety concern for participants in the Meeting, including Members and Members of the Public (ex. snowstorm, closing of the highway);
  - b) Loss of heat/electricity or water;
  - c) Clerk's inability to attend;
  - d) A state of emergency;
  - e) The inability of a required participant to attend; and/or
  - f) The Meeting becomes redundant;
  - g) Inclement weather or anticipated significant weather event.
- 8.6.3** The Clerk will attempt to notify all Members, and the appropriate Staff, about the cancelled meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise to the Public that the meeting has been cancelled.

## **9. ADDITIONAL NOTICES OF MEETINGS**

### **9.1 Notice**

- 9.1.0** Where a Statute or the Notice By-Law requires, Notice will be published in accordance with the Statute/By-Law. The notice will also be posted on the municipal website.
- 9.1.1** Nothing in this Procedural By-Law prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
- 9.1.2** Lack of receipt of Notice or failure to comply with the notice provisions of this Procedural By-Law shall not invalidate the Meeting or any decision of Council or the Committee made at the Meeting.

## **10. AGENDA**

### **10.1 Agenda**

- 10.1.1** It shall be the duty of the Clerk to prepare the Agenda of all Meetings.
- 10.1.2** All Council Agendas shall be prepared by the Clerk in writing and shall be in accordance with the attached **Appendix B**. The order of business may differ without requiring amendment to this By-Law at the discretion of the Clerk, in consultation with the Chair.
- 10.1.3** Items on the Agenda, but not dealt with at the Meeting, will be placed on the next Regular Meeting Agenda or on a Special Council Meeting Agenda.
- 10.1.4** If a Member wishes to add an item that is not otherwise on the Agenda, they must put forth a Notice of Motion.
- 10.1.5** All items to be included on the Agenda will be provided to the Clerk by Members, Staff or the Public no later than seven (7) calendar days before the Meeting.
- 10.1.6** Reports for a Meeting will be finalized and filed with the Clerk no later than seven (7) calendar days before the Meeting.
- 10.1.7** Complete Council Packages for Regular Council Meetings will be provided to Council no later than 3:00 p.m., five (5) calendar days before the Meeting by email.
- 10.1.8** If an item is not posted by the time frame set out it may be deferred to the next Regular Council Meeting.

**10.1.9** Reports to Council shall be in the standard form set out in **Appendix C**. Only reports that have been discussed in the open portion of a Council Meeting will be posted to the Public.

**10.1.10** Individuals or Bodies wishing to have a matter placed on the Agenda will provide the Clerk with a completed Delegation Request Form as shown in **Appendix D** to this By-Law.

**10.1.11** The Clerk and or Mayor may defer adding items and/or reports to an Agenda. Reasons to defer 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 decided 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.

## **10.2 Closed Meeting Agenda**

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.

## **10.3 Adjournment**

**10.3.1** A Motion to adjourn does not need a seconding Member.

**10.3.2** A Motion to adjourn a meeting will be considered at any time except the following:

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

**10.3.3** If a Motion to adjourn is defeated, the moving Member may not bring another Motion to adjourn until the Agenda is completed.

**10.3.4** Meetings shall be automatically adjourned at 9:00 p.m. unless otherwise determined by Resolution passed by a majority of the Members present.

# **11. ORDER OF BUSINESS, RULES AND PROCEDURES**

## **11.1 Call to Order**

The Chair shall call the Meeting to order as soon as quorum is established following the meeting scheduled start time. If quorum is not present, Members are to comply with Subsection 2.12 of this By-Law.

## **11.2 Roll Call**

At the beginning of the Meeting, Members shall be recorded as being present by a show of hands. If a Member is absent and has given the Clerk or Chair appropriate notice a Resolution will be presented to Council to accept their absence.

## **11.3 Adoption of Agenda and Addendum**

The consent of Council shall be required for the approval of the Agenda and for any additions or deletions of items on the agenda.

#### **11.4 Disclosure of Pecuniary Interest**

All Members shall declare any Pecuniary Interest in accordance with this By-Law.

#### **11.5 Minutes of Previous Meetings / Matters Arising from the Minutes**

The Clerk shall prepare minutes from the previous meetings for approval and submit them to Council and Members prior to the meeting for review.

- a) If further amendments to the Minutes are necessary, the Clerk shall be advised and be noted in the minutes.
- b) Once adopted by Council or Committee, the Minutes shall be signed by the Chair and the Clerk.

#### **11.6 Delegations / Presentations / Petitions**

- a) Individuals or Bodies wishing to have a matter placed on the Agenda will provide the Clerk with a completed Delegation Request Form as shown in **Appendix D** to this By-Law.
- b) A Delegate may address Council or a Committee for a period not exceeding ten (10) minutes. Council or Committees may extend the fixed minute time period by a majority vote of Members present. Such a Motion shall be decided without debate.
- c) For the purpose of Council and Committee Meeting Agendas, Delegates have until 12:00 p.m. (noon) fourteen (14) days prior to the meeting to notify the Clerk that they wish to delegate or to submit written submissions on items on the agenda.
- d) Designated Representatives of senior levels of Government shall have no limitations placed on their delegations.
- e) No delegation shall be made to Council or Committees on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said Administrative Tribunal or Court.
- f) No Delegate shall speak on a matter that is not within the jurisdiction of the Council or Committee. The Mayor and Committee Chairs in consultation with the Clerk will determine if a matter is within jurisdiction of the Council or Committee.
- g) No delegations shall be made to Notices of Motion on a Council or Committee Agenda. Delegates will have an opportunity to speak at a subsequent Council or Committee Meeting when that item will be discussed.
- h) No delegations shall be permitted to speak on a Notice of Motion to reconsider.
- i) No delegations shall be made at workshops.
- j) A Delegate may not address Council or Committee with respect to a By-Law on the agenda.
- k) Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- l) No delegations shall be permitted to speak during a presentation at Council, Committee of the Whole or Committee Meetings.
- m) A Delegate shall only register themselves to speak and may not register other delegates.
- n) No Delegations shall be permitted to speak on the following topics:
  - i. Labour relations or staff negotiations;
  - ii. Tenders, requests for proposals or other procurement issues;
  - iii. Any matter that is the subject at Closed Session



- o) Delegations are not permitted to address Council on a policy matter upon which Council has already made a decision within the previous twelve (12) months, unless Council has decided to reconsider the matter.
- p) Members shall not pose questions to Staff during a Delegation.
- q) Delegations shall conduct themselves in accordance with the provisions of Subsection 2.18 of this By-Law.
- r) Members may only address the Delegation to ask a maximum of two (2) questions.
- s) If a Delegate is unable to attend a meeting for which they are registered they may provide their written submission to the Clerk.
- t) Delegates wishing to speak on a matter shall provide the Clerk in writing before 12:00 p.m. (noon) fourteen (14) days prior to the Meeting a request outlining the subject matter of the delegation and the action they would like Council to take.
- u) The Clerk will advise the appropriate Chair of the request.
- v) The Clerk will advise the Delegate that the Chair has been made aware of the request.
- w) The Delegate will be advised of the actions taken or when the item is coming forward to Council or Committee.

#### **11.7 Presentations**

- a) A request from an outside organization or individual to make a presentation to Council or Committee shall be submitted in writing and will only appear on an Agenda upon approval of the Mayor/Chair and Clerk-Treasurer.
- b) Public presentations are for information only.
- c) Public presentations at a meeting shall be limited to a maximum of 10 minutes.
- d) Presentations by outside organizations or individuals shall not be permitted for the sole purpose of generating publicity or promotion.
- e) Outside organizations or individuals shall provide the Clerk with written material for inclusion on the Agenda fourteen (14) days prior to the meeting.

#### **11.8 Petitions**

- a) Individuals may submit written or electronic petitions to the Clerk before 12:00 p.m. (noon) fourteen (14) days prior to the meeting.
- b) Petitions or questions shall not contain any obscene or improper matter or language.
- c) The individual or group initiating the petition, or submitting the petition to the Clerk, will provide a key contact name, mailing address, and telephone contact information.
- d) Personal information will be redacted from the information published on the agenda.
- e) No written submissions shall be accepted with respect to a By-Law on the Agenda.

#### **11.9 Correspondence / Information**

The Clerk shall list on the Agenda all Correspondence and Information. A Consent Items Motion may be allowed in grouping all of the items on the Agenda, which do not require discussion or debate, and to be dealt with under one Motion of Council.

#### **11.10 Report of Municipal Officers/ Members Verbal Update**

Verbal update can be made by the Member to communicate information to other Members and to the Public.

#### **11.11 New Business**

All items of New Business must be submitted to the Clerk for approval prior to the Meeting and shall be listed on the Agenda or Addendum. New Business brought forth that is not of an urgent matter will be deferred to the next Regular Meeting.

#### **11.12 Passing of Accounts**

All accounts from the previous month shall be listed for approval.

#### **11.13 Passing of By-Laws**

- a) The Clerk shall include on the Agenda a listing of all By-Laws proposed for the adoption.
  
- a) Every By-Law shall have three readings and shall be passed before it is signed by the Mayor and the Clerk.

#### **11.14 Audience Questions**

Questions must be related to the items on the Agenda. If they are not related to the items on the Agenda they will not be answered. The Head of Council may reject any questions if it is frivolous, vexatious or offensive. When a Member of the audience asks a question during question period, Members and Staff have the option to:

- a) Answer immediately;
- b) Provide an answer at a later time;
- c) Refuse to answer.

#### **11.15 Closed Meeting**

Prior to holding a Closed Meeting, Council or the Committee shall state by Resolution in an Open Meeting that Council or the Committee will be holding a Closed Meeting, with the subject matter and permitted Closed Meeting exemption under the *Municipal Act*.

#### **11.16 Confirmation By-Law**

The proceedings of every Meeting of Council shall be confirmed through the Confirmation By-Law.

#### **11.17 Adjournment**

All Meetings shall stand adjourned when a Motion to Adjourn is carried.

### **12. REVIEW**

This By-Law shall have a mandatory review every term of Council.

### **13. CONFIRMING BY-LAW**

The proceedings at every Council Meeting shall be confirmed by By-Law so that every decision of the Council at the Meeting, and every Resolution passed thereat, shall have the same force and effect as if each and every one of them had been the subject matter of a specific matter of a separate By-Law duly enacted.

### **14. APPENDIX**

Appendix A – Conflict of Interest

Appendix B – Agenda

Appendix C – Reports

Appendix D – Process for Individuals or Bodies to Put Matters on the Agenda

Appendix E – List of Committees

Appendix F – Electronic Meeting Participation



## **“APPENDIX A”- CONFLICT OF INTEREST**

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**  
27 Webster Street, Virginiatown, Ontario  
Phone: 705-643-2145 Fax: 705-643-2700

### **Declaration of Interest – Municipal Conflict of Interest Act**

RE: Township of McGarry Regular / Special Council Meeting agenda.

Date of agenda: \_\_\_\_\_

Item #: \_\_\_\_\_

Item title: \_\_\_\_\_

I, \_\_\_\_\_, declare a potential pecuniary interest (deemed / direct / indirect) on the agenda as per above for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

\_\_\_\_\_

For an indirect pecuniary interest see Section 2 of the Municipal Conflict of Interest Act.

For a deemed direct or indirect pecuniary interest see Section 3 of the Municipal Conflict of Interest Act.



## **“APPENDIX B”- AGENDA**

### **THE CORPORATION OF THE TOWNSHIP OF MCGARRY**

**27 Webster Street, Virginiatown, Ontario**

**Phone: 705-643-2145 Fax: 705-643-2700**

- 1. Call to order**
- 2. Roll Call**
- 3. Adoption of the Agenda and Addendum**
  - 3.1. Motion to adopt the agenda.
- 4. Declaration of Pecuniary Interest**

(As the meeting progresses should you find yourself facing a potential or perceived conflict of interest, please interrupt the meeting, state your need to "declare a pecuniary interest". We will stop the meeting to have your statement recorded and provide you with the opportunity to step away.)
- 5. Adoption of the Previous Minutes / Matters Arising from the Minutes**
  - 5.1. Motion to adopt minutes of Regular Council Minutes and the Special Council Minutes.
- 6. Delegations / Petitions/ Presentations**
- 7. Correspondence / Information**
- 8. New Business**
- 9. Passing of Accounts**
- 10. Passing of By-Laws**
- 11. Reports of Municipal Officers and Members Verbal Update**
- 12. Question Period**
- 13. Closed session of Council**

(We are now entering into a closed portion of our agenda. I wish to remind Council that the items to be discussed have been identified within the parameters of the Municipal Act to be of a confidential nature. Therefore, information presented, comments, questions, answers are to remain in this room and with this Council.)

  - 13.1. Motion to go into closed session
  - 13.2. Closed meeting
  - 13.3. Motion to return to open session

(We are now leaving the closed portion of the agenda. I wish to remind Council that the items discussed have been identified within the parameters of the Municipal Act to be of a confidential nature. Therefore, information presented, comments, questions, answers are to remain in this room and with this Council. Information leaving this closed portion of the meeting will ONLY be done by resolution to do so.)
- 14. Confirmation By-law**
  - 14.1. Motion to confirm the proceedings of Council
- 15. Adjournment**
  - 15.1. Motion to adjourn

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The order of business may differ without requiring amendment to this By-Law at the discretion of the Clerk, in consultation with the Chair, and all business shall be dealt with in the order on which it appears on the Agenda unless otherwise decided by Council or Committee Members on a majority vote during approval of the Agenda.



## “APPENDIX C”- REPORTS

### Staff/ Committee Report to Municipal Council The Corporation of the Township of McGarry

<b>Meeting Date:</b>	<b>Report Date:</b>
<input type="checkbox"/> Decision Requested <input type="checkbox"/> Input required <input type="checkbox"/> Information Only	<b>Type of Meeting:</b> Regular Council Meeting

**Report Title:**

**Background:**

**Discussion:**

**Financial Consideration:**

**Conclusion / Recommendation / Motion:**

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**Staff Name / Committee Chair, Position**



## **“APPENDIX D”- PROCESS FOR INDIVIDUALS OR BODIES TO PUT MATTERS ON THE AGENDA**

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY**  
27 Webster Street, Virginiatown, ON  
Phone: 705-643-2145 Fax: 705-643-2700

This brochure explains the procedure for making a presentation at the Township of McGarry Council and Committee Meetings. We encourage Delegates to make their requests to speak in writing to the Clerk’s Office and to address issues at the Committee Level first.

### **Delegation Request Form**

To speak at a meeting of Council or Committee, please complete this form and submit it to the Clerk. All items to be included on the Agenda must be provided to the Clerk, no later than fourteen (14) calendar days before the meeting. Regular meetings are normally scheduled for every second Tuesday of each month at 6:00 p.m.

I wish to address Council / Committee     I request future notification of meeting.

Name: \_\_\_\_\_ Firm / Organization: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Subject / Application:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please attached all related or background information for circulation to Council.



### **How to Make a Delegation:**

- Please submit this completed form to the Clerk.
- Please state your name and address prior to speaking, and
- Please provide a copy of materials used in your presentation, if any, to the Clerk for the official record of the Township. Material provided prior to the meeting will be circulated to Council for their review before the meeting.
- Decorum dictates respect for all opinions and individuals are reminded there is zero tolerance for coarse language and inappropriate behavior. By submitting this form, you have indicated agreement with this requirement.

### **How can I speak at a Council or Committee meeting?**

If you wish to make a presentation to Council or Committee at a regularly scheduled meeting, please complete the Delegation Form and return it to the Town Clerk.

**Please note: We encourage delegates to make their presentation at the Committee level, where possible.**

Council routinely refers matters to an appropriate Committee for detailed review and recommendation back to Council and contact first with a Committee would expedite any process requiring a decision to be made by Council. You may discuss with the Clerk at which level your deputation should be directed.

### **How long may I speak?**

The Township's Procedural By-law allots deputations up to ten (10) minutes to address the Members.

### **What is the procedure?**

All comments are directed to and through the Meeting Chair. Members of Council or Committee may, through the Chair, direct a response or question where appropriate. No more than one person shall speak at one time and at all times, proper language, speech and decorum shall be maintained. The Chair may direct that any person in violation of proper decorum be expelled from the meeting location.

### **What happens after I speak?**

After you have spoken and answered any questions, please return to your seat. Your information may be taken into consideration as a future agenda item. Mayor and Members of Council encourage the Public to present their opinions, necessary decorum dictates that all opinions must be respected and outburst from the gallery cannot and will not be tolerated.

### **When does Council meet?**

Council meetings are generally held on the second Tuesday of each month. The meetings start at 6:00 p.m. and are currently held in the Meeting Room at the Community Centre, 1-27<sup>th</sup> Street, Virginiatown, Ontario, P0K 1X0, unless otherwise indicated. Deputations are scheduled at the beginning of the meeting.

### **Where can I get a copy of the meeting agenda?**

Copies of Council agendas are available from the Township's Office on the Friday afternoon preceding the Council meeting after 3:00 p.m., on the Township's website, or at the meeting.

Personal information on this form is being collected pursuant to the Freedom of Information and Protection of Privacy Act and may form part of the public record which may be released to the Public in hard copy and / or electronically. Questions about this collection should be directed to the Township Clerk of McGarry.



## **“APPENDIX E”- LIST OF COMMITTEES/BOARDS/APPOINTMENTS**

- Finance Committee
- Fire Committee
- Policing Committee
- Public Works Committee
- Recreation Committee
- Library Committee
- Tourist Committee
- Strategic Planning Committee
- Communications Committee
- Appeals Committee
- Adjustment Committee
- McGarry Public Library Board Committee
- Emergency Management Planning Committee
- District of Timiskaming Social Services Administration Board (DTSSAB)
- Northeastern Public Health
- Temiskaming Municipal Association
- Temiskaming Municipal Service Association
- Kirkland and District Community Development Corporation
- Kirkland Lake Health Centre





## **“APPENDIX F” - ELECTRONIC MEETING PARTICIPATION**

1. Any Member who participates through electronic means shall be counted on determining whether or not a quorum of Members is present.
2. Any Member may participate through electronic means when the meeting is closed to the Public, upon declaring to the Clerk that the Member is alone, and no other person(s) can hear or view the meeting.
3. Electronic Participation is permitted for meetings of local boards provided the Board passes a resolution to permit the participation, which details the reason for the electronic participation and the participation is consistent with the rules of this By-Law.
4. A Member participating electronically may act as Chair of the meeting.
5. A Member participating electronically may vote, provided they were present (electronically) for the entirety of the discussion surrounding the resolution on the table. The Chair shall request the Member's vote disposition verbally.
6. The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.
7. Any Member wishing to participate electronically in a meeting that has otherwise been called as an “in person” meeting shall send notice to the Clerk as far in advance as possible to provide staff an opportunity to make necessary arrangements for the technological needs of electric participation.
8. The Township may use telephone conference calling, or other technology to facilitate electronic participation. Video conferencing shall be the preferred method of electronic participation. The Meeting shall be made available to the Public on the Municipal Website [www.mcgarry.ca](http://www.mcgarry.ca).
9. In the event of technical failure during the meeting, Council may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If one (1) to two (2) Member(s) can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made. If quorum is no longer achieved due to technical difficulties, the meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.
10. Delegations made by Members of the Public will be considered at all Electronic Meetings.
11. Meetings held by way of Electronic Attendance shall be held in the Community Centre at 1- 27<sup>th</sup> Street or at the Township Office in the Council Chambers at 27 Webster Street, Virginiatown. Location of meetings may be subject to change in unforeseen circumstances.