



CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW 2021-57

**BEING A BY-LAW TO PROVIDE RULES FOR GOVERNING THE ORDER
AND PROCEDURES OF THE COUNCIL OF THE TOWNSHIP OF MCGARRY**

WHEREAS Subsection 238 (2) of the *Municipal Act, 2001, c.25* as amended, provides that Council shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

WHEREAS, it is desirable that there be rules governing the order and procedures of the Council;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of McGarry enacts as follows:

Table of Contents

SECTION 1: DEFINITIONS.....3

SECTION 2: INTERPRETATION AND APPLICATION.....6

SECTION 3: CONDUCT AT MEETINGS.....6

SECTION 4: ROLES AND RESPONSIBILITIES9

SECTION 5: COMMITTEES AND LOCAL BOARDS.....11

SECTION 6: TYPES OF MEETINGS12

SECTION 7: NOTICE OF MEETINGS14

SECTION 8: AGENDA AND ADDENDUM15

SECTION 9: QUORUM.....16

SECTION 10: DISCLOSURE OF PECUNIARY INTEREST17

SECTION 11: CLOSED SESSION.....18

SECTION 12: ORDER OF BUSINESS, RULES AND PROCEDURES19

SECTION 13: MOTIONS.....22

SECTION 14: RULES OF DEBATE.....25

SECTION 15: VOTING27

SECTION 16: BY-LAWS.....28

SECTION 17: ENACTMENT28

SECTION 1: DEFINITIONS

Definitions

1.1 In this By-Law,

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“Addendum” means a listing of the items to be added to or withdrawn from the published agenda.

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

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

“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.

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

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

“Committee” means a Committee, Advisory Committee or Legislated Committee established by Council, but does not include the Committee of the Whole.

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

“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, in accordance with the provisions of this By-Law, 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 is a Member of all Committees of Council, unless prohibited by law. The Mayor shall be ex-officio and shall have the same rights and privileges as any other Member of the Committee and shall constitute part of the Quorum.

“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*.

“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.

“Motion” means a proposal, moved by a Member and seconded by another Member, to adopt, amend or otherwise deal with a matter before Council, Committee, Local Board and Committee of the Whole.

“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 to members regarding a matter on which Council will be asked to take a position.

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

“Pecuniary” means relating to or consisting of money.

“Pecuniary Interest” means a direct or indirect pecuniary interest 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” means a matter that a Member considers to impugn their integrity or the integrity of Council, Committee of the Whole, a Committee, or Staff.

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

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

“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.

“Recorded Vote” means a vote in Council, Committee or Local Boards where the names of the Members and the position in favour or against a Motion are recorded on the Motion and in the minutes.

“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 that has been approved by Council.

“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.

“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

SECTION 2: INTERPRETATION AND APPLICATION

Purpose

- 2.1 The Township of McGarry hereby establishes its Procedure By-Law in accordance with the *Municipal Act, 2001, S.O. 2001, c.25*, as amended. The rules and procedures contained herein shall apply to all meetings of Council and Committees, unless otherwise stated. The rules shall also apply to Local Boards with necessary modifications where such Local Board has not adopted its own rules.
- 2.2 Members shall be aware of the rules and procedures, be timely, be impartial, be prepared for a meeting by reviewing all of the documentation given and shall not discuss with other Members information that may materially advance business or decision making of the Council prior to a meeting.

Basic Principles

- 2.3 The basic principles for the application of these rules are:
 - a. take up business one issue at a time;
 - b. promote courtesy, justice, impartially and equality;
 - c. promote openness and the efficient conduct of meeting processes and,
 - d. while the majority rules, the rights of the individual, minority and absent Members are protected.

Bourinot's Rules of Order

- 2.4 Those proceedings of Council or a Committee not specifically governed by the provisions of this By-Law shall be governed by the then-current edition of Bourinot's Rules of Order, where applicable.

Decision of the Clerk

- 2.5 Any decision of the Clerk made pursuant to this By-Law shall be considered final, unless overruled by Council or a Committee by majority vote.

Clerk – Administrative Corrections

- 2.6 The Clerk is authorized to make corrections for technical, typographical or other administrative errors or omissions to the minutes, resolutions and by-laws for the purpose of ensuring that Council and Committee records accurately reflect the proceedings.

Validity

- 2.7 In the event of a conflict between the provisions of this By-Law and the *Act*, or any other legislation, the provisions of the *Act* and legislation shall prevail, to the extent of the conflict.

SECTION 3: CONDUCT AT MEETINGS

Role of Chair

- 3.1 The role of the Chair is to preside over Meetings so that its business can be carried out efficiently and effectively and shall follow all the rules and procedures set out in this By-Law.

Addressing Members

- 3.2 All Members of Council, except the Mayor, shall be addressed as “Councillor {surname}”. The Mayor shall be addressed as “Mayor {surname}” or “Your Worship”.

Conduct of Members

- 3.3 All Members shall govern themselves according to the rules and procedures set out in this By-Law, the “Policy on Council-Staff Relations”, the “Code of Conduct Policy”, and the “Workplace Violence / Harassment Prevention Policy” as amended or replaced from time to time.

- 3.4 All Members shall cooperate with the Chair in preserving order and decorum. A Member shall not:

- a. by conversation or otherwise, disturb, delay or disrupt the conduct of business at the Meeting;
- b. interrupt another participant who is speaking, except to raise a Point of Order or Point of Privilege;
- c. leave their seat or make any noise or disturbance while a vote is being taken or until the result of the vote is declared;
- d. engage in conduct that obstructs the deliberations and/or proper actions of Council, Committee of the Whole or Committee or that negatively affects the observance of order and decorum among Members and the attending public;
- e. by words, tone, manner of speaking, or gesture, express any opinion or make any allegation that, directly or indirectly, reflects upon the character of any person or group of persons;
- f. speak on any subject other than the subject under debate;
- g. criticize any decision of Council or Committee except in the context of a Motion to Reconsider;
- h. speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any Member of the Federal or Provincial Governments, another Member, Staff or the public;
- i. engage in debate with Delegations or presenters;
- j. question the motives of another Member; or
- k. disobey the rules and procedures of Council or Committee or a decision of the Chair on questions of order or practice or the interpretation of the rules and procedures of this By-Law.

Exception

- 3.5 Subsection 3.4 of this By-Law shall not preclude a Member from expressing opinions on any policy related to the Government of Canada or the Province of Ontario.

Improper Conduct by Member

- 3.6 When a Member breaches a policy or rule set out in Subsections 3.3 or 3.4 above, the Chair shall call the Member to order and take one or more of the following actions:

- a. ask the Member to stop the behavior;
- b. ask the Member to withdraw what was said;
- c. ask the Member to apologize; and/or
- d. decide that there was no breach of the rules and procedures set out in this By-Law.

Identification of a Breach of Conduct Rules

- 3.7 A Member, or, in the case of Subsection 3.12 of this By-Law, the Clerk may ask the Chair to rule on an alleged breach of Subsection 3.3 or 3.4 of this By-Law.

Call to Order

- 3.8 A Member who has been called to order shall comply immediately. The Member may challenge the ruling of the Chair and ask Council or the Committee to decide on the matter in accordance with Subsection 3.10 of this By-Law.

If Call to Order Fails

- 3.9 If previous attempts by the Chair to call the Member to order have failed, the Member may be ordered to leave their seat for the balance of the Meeting. In the event that the Member fails to vacate their seat, the Chair may expel or exclude the Member from the Meeting. If the Member apologizes, the Member may, by vote of a Majority of the Members present, be permitted to retake their seat.

Member may Challenge Ruling

- 3.10 Any Member ruled against by the Chair in accordance with this By-Law may, on announcement of the ruling, challenge the ruling of the Chair. The Member shall be permitted up to one (1) minute to describe the reason for the challenge followed by a one (1) minute response by the Chair, if required. No further debate shall be permitted. A majority vote in favour by the Members present shall be required in order to overturn the ruling of the Chair.

Chair's Decision Final

- 3.11 Unless a Member challenges the Chair's ruling in accordance with Subsection 3.10 above, the ruling of the Chair is final.

Integrity of Staff Questioned

- 3.12 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.
- 3.13 If a Member questions Staff in an inappropriate manner, the Chair shall call the Member to order and take one or more actions described in Subsection 3.6 of this By-Law.

Absence of a Member

- 3.14 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.

Absence of a Committee Member

- 3.15 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.

Conduct of the Public at Meetings

- 3.16 The following rules of conduct shall apply to members of the public, including without limitation, Delegations, during a Meeting:
- a. members of the public shall maintain order, be quiet and shall not address Council or the Committee except with the permission of Council or the Committee;
 - b. no person shall display signs, banners, emblems, flags, placards or similar material, applaud participants in debate or engage in conversation or other behavior which may disrupt the proceedings of Council or the Committee;
 - c. when invited to address Council or a Committee, no person shall use indecent, offensive or insulting language, or speak disrespectfully of the Royal Family, the Governor General, the Lieutenant Governor of any Province, any Member of the Federal or Provincial Governments, any Member of Council or a Committee, any member of Staff, or any individuals;
 - d. no person, with the exception of Members and Staff, shall be allowed on the meeting floor (within the Council horseshoe) during a Meeting without the permission of the Chair; and
 - e. members of the public shall not bring into the Council Chamber or meeting room any food or drinks that, in the opinion of the Chair, are disruptive to the Meeting.
- 3.17 Any member of the public that breaches a rule of conduct set out in Subsection 3.16 above, or that otherwise disrupts a Meeting, will receive a warning from the Chair. If the conduct persists, the Chair may ask the member of the public to leave the Meeting. If the person does not leave the Meeting when requested by the Chair, the member of the public may be expelled or excluded from the Meeting.

SECTION 4: ROLES AND RESPONSIBILITIES

Role of Council

- 4.1 In exercising its powers, Council shall:
- a. represent the public and 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 are followed;
 - e. ensure practices and procedures are in place to implement the decisions of Council;
 - f. ensure the accountability and transparency of the operations of the Municipality and Staff;
 - g. maintain the financial integrity of the Municipality; and,
 - h. carry out duties of Council prescribed by the *Municipal Act*.
- 4.2 No Member has the authority to direct or interfere with the performance or any work being done for the Municipality by staff, a temporary worker, contractor, or a consultant.

Role of the Mayor

4.3 The Mayor, as the Head of Council, shall:

- 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 and shall:
 - i. maintain order and preserve the decorum of the meeting;
 - ii. rule on procedural matters, without debate or comment;
 - iii. receive, read and submit to a vote all motions presented by members that comply with the rules and procedures in this By-Law;
 - iv. decline to put to a vote a Motion that does not comply with the rules and procedures in the By-Law, or which are not within Council’s jurisdiction;
 - v. announce the results of the vote on motions;
 - vi. expel or exclude from the meetings any person that breaches the rules of conduct set out in this By-Law;
 - vii. adjourn, suspend or recess a meeting when it is not possible to maintain order;
 - viii. close the meeting when business is concluded or recess the meeting as required; and
 - ix. without limiting the foregoing, preside over the meeting fairly and objectively without becoming actively involved in debates.
- c. assign the seating arrangements in Council Chambers and Meeting Room 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.

4.4 The Mayor, as Chief Executive Officer (CEO) shall:

- a. uphold and promote the purposes of the Municipality;
- b. promote public involvement in the Municipality’s activities;
- c. act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
- d. participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and
- e. carry out duties of the Head of Council under the *Act* or any other application legislation.

Role of the Deputy Mayor

4.5 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 they 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 and stead 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.

Role of the Clerk-Treasurer

4.6 The Clerk-Treasurer shall be appointed by By-Law and shall:

- 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. performing such other duties as are assigned by the municipality. 2001, c.25, s.229.
- c. record, without note or comment, all resolutions, decisions and other proceedings of Council;
- d. if required by any Member present at a vote, record the name and vote of every member voting on any matter or question;
- e. keep the originals or copies of all By-Laws and of all Minutes of the proceedings of Council;
- f. carry out other duties of the Clerk required under the *Act* or any other Act or any other applicable legislation; and
- g. prepare and circulate council packages to all Members;
- h. perform any other duties as assigned by the Municipality;
- i. attend or assign a designate to attend all Meetings of Council, Committee of the Whole and Committees;
- j. distribute a copy of all decisions, resolutions, and directions of Council to appropriate member of Staff, the Public, and other Agencies, Boards, Committees and Governments as required;
- k. serve as the head of the Municipality for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. C. M.56, as amended or re-enacted from time to time.

4.7 The Clerk may delegate in writing to any other person, other than a member of Council, any of the clerk's powers and duties under this and any other Act. 2001, c.25, s.228 (4)

4.8 The Clerk may continue to exercise the delegated powers and duties, despite the delegation. 2001, c.25, s.228 (5).

Role of the Deputy Clerk

4.9 The Municipality may appoint a Deputy Clerk by By-Law to assist the Clerk in carrying out their duties and/or act in place of the Clerk when the Clerk is absent. While acting in place of the Clerk, the Deputy Clerk shall have all the powers and duties of the Clerk under this By-Law, the *Act* or any other applicable legislation.

SECTION 5: COMMITTEES AND LOCAL BOARDS

Application of this By-Law to Committees

5.1 The rules governing the procedures of Council and the conduct of Members as set out in this By-Law shall be observed in all Committees and Local Boards.

Suspension of Rules and Procedures by Committee

5.2 The rules and procedures contained in this By-Law may be suspended by a Majority vote of the Committee Members present and voting at a Meeting.

5.3 The suspension shall only apply to the rule or procedure which is stated within the Motion to suspend and only during the Meeting in which such Motion to suspend was introduced.

Mayor as Ex-Officio Member

- 5.4 The Mayor shall be ex-officio and is a Member of all Committees of Council and shall have the same rights and privileges as any other Member of the Committee and shall constitute part of the Quorum.

Council Appointments to Committees and Local Boards

- 5.5 The Mayor shall appoint Members of Council as Chair and Co-Chair to Committees and Representatives to Local Boards in the month of November. 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.

Member Appointments to Committees

- 5.6 Council shall appoint members of the public to sit as committee members in the month of November each year or as necessary. Applications shall be submitted to the Committees in writing and will be approved by the Committee Members. The Committee Chair will bring the appointment of the new member forward to Council at a Regular Council Meeting for final approval.

Committee Report to Council

- 5.7 Committees are accountable to Council. Any major undertaking requires a formal report be submitted to Council for approval. The Clerk should be consulted for information relating to the daily business activities, policies and procedures. The Committee shall submit their report to the Clerk for review seven (7) days prior to a Council Meeting. The Clerk will ensure the 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.

SECTION 6: TYPES OF MEETINGS

Inaugural Meeting of Council

- 6.1 The Inaugural Meeting shall be held on a date, time and location chosen by the Clerk.
- 6.2 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.

Regular Meetings of Council

- 6.3 Regular Meetings of Council shall be held on the second Tuesday of every month at 6:00 p.m. in the Meeting Room at the Community Centre. Council Meeting may be completely virtual or virtual in part where Council will meet in the Council Chambers at the Township Office and the public may participate online. Link to the virtual meeting will be found on the Agenda which is posted on the Website.

Summer and December Meetings

- 6.4 During the months of July, August and December, there shall no Regular Meeting of Council.

Special Meetings of Council

- 6.5 The Mayor may, at any time, call a Special Meeting of Council by instructing the Clerk to issue a notice of Special Meeting and giving at least 24-hour notice to the Members, except in emergency or extraordinary circumstances, in which the Mayor may call a Special Meeting without notice.
- 6.6 Upon receipt of a petition by a Majority of the Members, the Clerk shall call a Special Meeting of Council for the purpose and at the time noted in the petition. The Clerk shall give at least 24-hour notice of the Special Meeting to all Members identifying the date, time, place and business to be considered.
- 6.7 Only items disclosed on the Agenda for the Special Meeting shall be considered and decided upon by Council at the Special Meeting. Items may not be added to the Special Meeting Agenda.

Electronic Meetings

- 6.8 A Meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance.
- 6.9 A Regular Meeting or Special Meeting, including a Closed Session, may be conducted by Electronic Meeting.
- 6.10 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

Electronic Participation in a Meeting

- 6.11 Any Member of the Township of McGarry Council, Committee Members or Local Board Members may participate in any Open or Closed Council, Special Council or Committee Meetings electronically and may be counted for the purpose of establishing quorum and may have the right to vote.
- 6.12 A Member who joins the meeting via electronic participation partway through the meeting shall advise the Chair and Clerk of their attendance at the meeting.
 - A member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall advise the Chair and Clerk of their absence from the meeting.
 - Members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
 - Delegation may participate in an electronic meeting via telephone, videoconferencing and /or other technology methods deemed appropriate by the Clerk.
- 6.13 Members participating electronically may participate in meetings that are closed to the public.
- 6.14 The Head of Council, Chair or delegate may chair a meeting electronically;
- 6.15 The Clerk may clerk a meeting electronically;
- 6.16 Meetings may proceed even though any or all Members and or the Clerk are participating electronically.

Emergency Meetings

- 6.17 In case of the death, resignation or illness of the Mayor or other Members of Council, or in case of urgency, the Head of Council or the Clerk may summon an emergency meeting as directed for this purpose. Before an Emergency Meeting begins, it is necessary that a motion be recorded, by which the Members waive notice and agree to meet for a named purpose or purposes. This must be approved by two-thirds of the total Council.
- 6.18 If a Council vacancy occurs on or after the 1st of October in an election year, such vacancy shall not be filled.
- 6.19 If Council does not pass a By-Law to hold an election to fill a particular vacancy, then the Council must appoint a person who has consented to accept the office.
- 6.20 Where the office of the Mayor or Deputy Mayor is vacant, the Council shall appoint one of their Member as Acting Mayor who shall have the same authority as the Head of Council during the duration of the vacancy.
- 6.21 Where the office of Councillor is vacant the person appointed must have the necessary qualifications.
- 6.22 Where more than one person is nominated for appointment to fill a vacancy, a vote of the Members must be taken. In the case of a tie, the Clerk is to select the candidate by lot.

SECTION 7: NOTICE OF MEETINGS

Notice to Members

- 7.1 The Clerk shall give notice of each Meeting to the Members by delivery of an Agenda in their mailbox identifying the date, time, location and matters to be considered at the Meeting.
- 7.2 The notice shall be delivered to each Member no later than two (2) calendar days prior to the meeting.

Notice to Public

- 7.3 Notice of Meetings shall be given to the public by means of a notice posted on the Township's Website.

Non-Compliant Notices

- 7.4 Notice of a Meeting which is substantively given, but which is not otherwise in strict compliance with the provisions of this By-Law, shall not invalidate the holding of a Meeting or any actions taken at the Meeting, except as otherwise prescribed by legislation.

Cancellation of Meetings

- 7.5 The Clerk, in consultation with the Mayor or applicable Committee Chair, may cancel any meeting prior to its scheduled commencement and shall provide appropriate notice.

SECTION 8: AGENDA AND ADDENDUM

Preparation of Agenda

8.1 The Clerk shall prepare and deliver the Agenda for all Council and Committee Meetings with the order of business listed as follows:

1. Call to order
2. Roll Call
3. Adoption of the Agenda and Addendum
4. Disclosure of Pecuniary Interest
5. Minutes of Previous Meeting
6. Matters Arising from the Minutes
7. Deputations / Delegations
8. Correspondence / Information
9. Members Update Reports
10. New Business
11. Passing of Accounts
12. Passing of By-Laws
13. a) Submitted Questions
b) Audience Questions
14. Closed Meeting
15. Confirmation By-Law
16. Adjournment

8.2 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 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.

Preparation of Addendum

8.3 After delivery of the Agenda, no item shall be placed on the addendum unless the Clerk determines the matter is of an emergency nature and shall be dealt with immediately rather than be deferred to the next Regular Meeting of Council or the next Committee Meeting.

8.4 Approval of the Addendum, if any, requires an affirmative vote of at least two-thirds of the Members present and voting at the Meeting.

Deadline for Submission of Materials

8.5 The deadline for material to be included on the Agenda shall be 12:00 p.m. (noon) seven (7) days prior to the scheduled meeting. Where such date is a holiday, the deadline shall be the first business day thereafter at 9:00 a.m.

8.6 The deadline for receipt of added materials approved by the Clerk to be included on the Addendum shall be 9:00 a.m. one (1) business day prior to the scheduled Meeting.

8.7 Only submitted questions that have been approved and received by the Clerk before 12:00 p.m. (noon) seven (7) days prior to the meeting will be addressed.

SECTION 9: QUORUM

Quorum

- 9.1 A Majority of Members constitutes a Quorum, unless provided otherwise in the By-Law or by statute.
- 9.2 A Quorum of Council means greater than fifty percent (50%) of the total number of Members of Council, Committees, Local Boards or Committee of the Whole, unless provided otherwise by statute.
- 9.3 Members shall notify the Clerk in advance if they are unable to attend a Council or a Committee Meeting. A motion must be brought forward at the Meeting authorizing the leave of absence of the Member(s).

Lack of Quorum

- 9.4 If no Quorum is present fifteen (15) minutes after the scheduled commencement time, the Meeting shall stand adjourned until the next Regular Meeting, unless a Special Meeting is called sooner. The Clerk shall record the names of the Members present.

Commencement of a Meeting

- 9.5 As soon as there is Quorum after the scheduled commencement time the Chair shall call the Members to order.

Late Arrivals and Leaving a Meeting

- 9.6 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. 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 needs to leave before the end of the Meeting. If a Member arrives late for a Council Meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members who are present.

Loss of Quorum During Meeting

- 9.7 If Quorum is lost during a Meeting, the Chair shall request the Clerk to call a recess for a period of fifteen (15) minutes, or until Quorum is present, whichever is sooner.
- 9.8 If there is not Quorum after fifteen (15) minutes, the Meeting shall stand adjourned and the Clerk shall record the names of the Members present. All unfinished business shall be carried forward to the next Regular Meeting, unless a Special Meeting is called sooner.

Loss of Quorum due to Pecuniary Interest

- 9.9 Where the number of Members declaring a Pecuniary Interest results in a loss of Quorum, then, despite any other general or special act, the remaining Members shall be deemed to constitute a Quorum, provided that there are at least two (2) Members able to vote on the matter.

SECTION 10: DISCLOSURE OF PECUNIARY INTEREST

Member to Identify and Disclose

10.1 It shall be the responsibility of each Member to identify and disclose any Pecuniary Interest in any item or matter at a Meeting.

Actions Required – Generally

10.2 Where a Member, either on their behalf or while acting for, by, with or through another, has any Pecuniary Interest, in any matter and is present at a Meeting at which the matter is the subject of consideration, the Member shall, in accordance with the provisions of the *Municipal Conflict of Interest Act*:

- a. prior to any consideration of the matter at the Meeting, disclose the Member's Pecuniary Interest and the general nature thereof;
- b. not take part in the discussion, or vote on, any question in respect of the matter;
- c. not attempt in any way whether before, during or after the Meeting to influence voting on the matter; and
- d. at the Meeting, or as soon as possible afterwards, file a written statement of the Pecuniary Interest and its general nature with the Clerk or designate.

Actions Required – Closed Session

10.3 At the Closed Session Meeting, in addition to complying with the requirements of the *Municipal Conflict of Interest Act* and Subsection 10.2 of this By-Law, the Member shall immediately leave the Meeting or the part of the Meeting during which the matter is under consideration.

Absence – Disclosure at the Next Meeting

10.4 Where the Pecuniary Interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Pecuniary Interest, and otherwise comply with Subsection 10.2 of this By-Law at the next Meeting of the Council or Committee, as the case may be, which the Member attends.

Non-Compliance

10.5 The failure of one or more Members to comply with Subsection 10.2 of this By-Law shall not affect the validity of the Meeting in regard to the said matter.

Record of Disclosure

10.6 The Clerk shall record the particulars of any disclosure of Pecuniary Interest made by a Member, and this record shall appear in the minutes of the Meeting.

Pecuniary Interest Registry

10.7 Council and every Committee, as the case may be, shall establish and maintain a registry of each written statement of Pecuniary Interest filed in accordance with Subsections 10.2 and 10.4 of this By-Law.

SECTION 11: CLOSED SESSION

Closed Session – Meeting may be Closed

- 11.1 Subsection 239 (1) and (2) of the *Act* require that all Meetings of Council, Committee of the Whole and Committee shall be open to the public, except that a Meeting or part of a Meeting may be closed to the public if the subject matter considered is:
- a. the security of the property of the Township;
 - b. personal matters about an identifiable individual, including municipal or local board;
 - 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.

Location of Closed Session Meetings

- 11.2 All Closed Session Meetings shall commence in Open Session and shall be held in the Meeting Room, Council Chambers or Virtually and shall proceed in Closed Session as per Section 11.3 below.

Closed Session Requires Resolution

- 11.3 Prior to Council or a Committee resolving into Closed Session, they shall state by Resolution in an Open Meeting;
- a. that the Council or Committee will be holding a Closed Session;
 - b. the general nature of the subject matter(s) to be considered; and
 - c. the specific provision(s) under the *Act* which each item of business is permitted to be considered in Closed Session.

Closed Session Voting

- 11.4 Votes held in Closed Session shall be by a show of hands.

Record of Closed Session

- 11.5 The Clerk shall attend all Closed Session Meetings and record, without note or comment the proceedings. The record shall indicate:
- a. the matter(s) discussed;
 - b. the specific provision(s) under the *Act* permitting the Closed Session;
 - c. the Members and staff in attendance;
 - d. the disposition of the matter(s); and
 - e. the starting and concluding times for the Closed Session.

Closed Session Confidentiality

- 11.6 Every Member shall comply with the confidentiality provisions of the "Code of Conduct Policy", as amended or replaced from time to time, with respect to the content of any matter or the substance of deliberations.

SECTION 12: ORDER OF BUSINESS, RULES AND PROCEDURES

Call to Order

- 12.1 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 9.4 of this By-Law.

Roll Call

- 12.2 At the beginning of the Meeting, Members shall be recorded as being present by a show of hands.

Adoption of Agenda and Addendum

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

Disclosure of Pecuniary Interest

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

Minutes of Previous Meetings

- 12.5 The Clerk shall prepare minutes for the previous meeting for approval and submit to Council and Members prior to the meeting for review and amendment. If further amendments are necessary, they will inform the Clerk at the Meeting.
- 12.6 The minutes of the previous meeting/s will include:
- a. the place, date and time of the Meeting;
 - b. the names of the Chair, the Members and Staff in attendance;
 - c. any declarations of Pecuniary Interest;
 - d. if requested, correction and adoption of the minutes of the prior Meeting(s);
 - e. each item considered by Council and the decisions of the Meeting, with note or comment;
 - f. the results of any Recorded Vote(s).

Matters Arising from the Minutes

- 12.7 If further amendments to the minutes are necessary the Clerk shall be advised.
- 12.8 Once adopted by Council or Committee, the minutes shall be signed by the Chair and the Clerk.

Deputations / Delegations

- 12.9 A delegate may address Council or Committee for a period of time not exceeding ten (10) minutes. Council or Committee may extend the fix minute time period by a majority vote of members present. Such a motion shall be decided without debate.
- 12.10 For the purpose of Council and Committee meeting agendas, delegates have until 12:00 p.m. (noon) seven (7) days prior to the meeting to notify the Clerk that they wish to delegate or to submit written submissions on items on the agenda.
- 12.11 Designated representatives of senior levels of government shall have no limitations placed on their delegations.
- 12.12 Delegates shall only be permitted at Council budget meetings designated for the explicit purpose of receiving budget delegations.
- 12.13 No delegation shall be made to Council or Committee 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.
- 12.14 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.
- 12.15 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.
- 12.16 No delegations shall be permitted to speak on a notice of motion to reconsider.
- 12.17 No delegations shall be made at workshops.
- 12.18 A delegate may not address Council or Committee with respect to a By-Law on the agenda.
- 12.19 Delegates shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event.
- 12.20 No delegations shall be permitted to speak during a presentation at Council, Committee of the Whole or Committee Meetings.
- 12.21 A delegate shall only register themselves to speak and may not register other delegates.
- 12.22 No Delegations shall be permitted to speak on the following topics:
 - a. labour relations or staff negotiations;
 - b. tenders, requests for proposals or other procurement issues;
 - c. any matter that is the subject at Closed Session.
- 12.23 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.
- 12.24 Members shall not pose questions to Staff during a Delegation.
- 12.25 Delegations shall conduct themselves in accordance with the provisions of Subsection 3.16 of this By-Law.
- 12.26 Members may only address the Delegation to ask a maximum of three (3) questions.

- 12.27 If a delegate is unable to attend a meeting for which they are registered they may provide their written submission to the Clerk.
- 12.28 Delegates wishing to speak on a matter shall provide the Clerk in writing before 12:00 p.m. (noon) seven (7) days prior to the Meeting a request outlining the subject matter of the delegation and the action they would like Council to take.
- 12.29 The Clerk will advise the appropriate Chair of the request.
- 12.30 The Clerk will advise the delegate that the Chair has been made aware of the request.
- 12.31 The delegate will be advised of the actions taken or when the item is coming forward to Council or Committee.

Petitions

- 12.32 Individuals may submit written or electronic petitions to the Clerk before 12:00 p.m. (noon) seven (7) days prior to the meeting.
- 12.33 Petitions or questions shall not contain any obscene or improper matter or language.
- 12.34 The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address, and telephone contact information.
- 12.35 Personal information will be redacted from the information published in the agenda.
- 12.36 No written submissions shall be accepted with respect to a By-Law on the agenda.

Correspondence / Information

- 12.37 The Clerk shall list on the Agenda all Correspondence and Information.

Members Update Report

- 12.38 Update reports will be read by the Member reporting and submitted in writing to the Clerk to communicate information to other Members and to the public.

New Business

- 12.39 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.

Passing of Accounts

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

Passing of By-Laws

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

Submitted Questions

- 12.43 Subject to approval by the Mayor and the Clerk, questions submitted in writing will be added to the agenda if received before 12:00 p.m. (noon) seven (7) days prior to the meeting. The questions submitted shall be legibly written, typed, or printed and signed with their name and address. Anonymous communication will not be accepted.

Audience Questions

- 12.44 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; or
 - c. refuse to answer.

Closed Meeting

- 12.45 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*.

Confirmation By-Law

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

Adjournment

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

SECTION 13: MOTIONS

Motion on Floor has Priority

- 13.1 When a Motion is under consideration, no other Motion may be received except a Motion to:
- a. adjourn;
 - b. extend the meeting past 10:00 p.m.;
 - c. recess;
 - d. close debate;
 - e. defer; or
 - f. amend.

Requirement for Mover and Seconder

- 13.2 Council or a Committee shall not debate any Motion until it has been moved and seconded. A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may also vote against the Motion.

Motion by Chair

- 13.3 If the Chair wishes to propose a Motion, the Chair shall relinquish the chair until such time as the vote has been taken on the Motion.

Withdrawal of Motion

- 13.4 Once a Motion appears on the Agenda, the Motion is considered to be in the possession of Council or the Committee. The Motion may only be withdrawn before an amendment or a decision is made with the permission of Council or the Committee.

Motion to Adjourn

- 13.5 A Motion to Adjourn shall not be amended or debated and shall always be in order except when:
- a. another Member is speaking;
 - b. a vote has been called;
 - c. the Members are voting;
 - d. a Motion to Close Debate has just been passed; or
 - e. a Member has indicated to the Chair a desire to speak on the matter being considered.
- 13.6 A Motion to Adjourn shall take precedence over any other Motion.
- 13.7 If a Motion to Adjourn carries, the Meeting shall immediately come to a halt, regardless of the stage of proceedings.

Motion to Extend

- 13.8 A Motion passed by two-thirds of the Members present is required to continue a meeting past 10:00 p.m.
- 13.9 If a two-thirds vote is not achieved to extend the Meeting, Council shall consider any time sensitive items, and at 9:55 p.m., Council shall move directly to By-Laws.

Motion to Defer

- 13.10 A Motion to Defer:
- a. shall include the time, place, and brief statement with respect to the purpose of the deferral;
 - b. may only be debated with respect to the time, place or purpose of the deferral;
 - c. may direct the matter to a Committee, to Staff, or elsewhere;
 - d. may be made while the Main Motion or an amendment is on the floor, and take precedence; and
 - e. may be amended only to change the length of the deferral.
- 13.11 The Mover of the Motion to Defer may speak on the Motion before the vote is taken.
- 13.12 When a Motion to Defer is passed, the matter to which it applies shall be removed from the debate along with any amendments that have been moved.
- 13.13 The matter to which the Motion to Defer applies shall not be reintroduced at Council or Committee until the time specified in the Motion to Defer.

Motion to Amend

13.14 A Motion to Amend:

- a. may be debated;
- b. shall be made on a Main Motion or an amendment to a Main Motion;
- c. shall be relevant to the main question to be decided; and
- d. shall not be a direct negative to the main question.

13.15 If the Chair determines that a Motion to Amend is contrary to the Main Motion, the Chair shall advise the Members immediately. A Member may challenge the ruling of the Chair to Council or the Committee. If there is no challenge, the decision of the Chair shall be final. If there is a challenge, Council or the Committee shall vote on the Chair's ruling without debate and its decision shall be final.

13.16 Only one Motion to Amend shall be on the floor at any given time and debate shall be confined to the amendment. When that question is settled, another Motion to Amend may be made. Once all the amendments have been settled, a vote shall take place on the Main Motion, or if any amendments have carried, on the Main Motion as amended.

13.17 A Motion to Amend shall be submitted in writing to the Clerk.

Motion to Close Debate

13.18 A Motion to Close Debate shall not be amended or debated.

13.19 A Motion to Close Debate requires an affirmative vote by two-thirds of the Members present that are voting on the Motion.

13.20 If the Motion to Close Debate carries, then the vote is to be taken without further debate or comment.

Motion to Recess

13.21 A Member may move a Motion to recess at any time during a Meeting, but not so as to interrupt a speaker or during a vote.

13.22 A Motion to recess:

- a. is not debatable;
- b. shall specify the length of the recess; and
- c. may only be amended with respect to the length of the recess.

13.23 A Motion to recess requires an affirmative vote by a Majority of the Members present that are voting on the Motion.

13.24 The Chair shall call for a five (5) minute recess at an appropriate time in the Meeting, approximately two (2) hours after the commencement of the Meeting, for a wellness break. Should the Meeting extend beyond 10:00 p.m., the Chair shall call for a second five (5) minute recess at an appropriate time.

13.25 The Chair may recess or adjourn a disorderly meeting that cannot be brought to order without the need for a Motion to recess or a vote.

Motion to Reconsider

13.26 A Motion to Reconsider:

- a. is not debatable; however, the mover and seconder of a Motion to Reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration;
- b. is not amendable;
- c. may be made at the same Meeting at which the original Motion was decided, but shall require a Majority vote regardless of the vote necessary to adopt the Motion;
- d. made at a Meeting subsequent to the Meeting at which the original Motion was decided shall require an affirmative vote by two-thirds of the Members present and voting on the Motion;
- e. shall be submitted in writing to the Clerk and printed on the Agenda;
- f. shall not be in order if the action approved in the Motion to Reconsider cannot be reversed or if the original Motion has been implemented, resulting in a legally binding commitment that is in place on the date that a Motion to Reconsider is being debated;
- g. may be brought forward only once in the twelve (12) month period from the date the motion or matter was first decided;
- h. may only be made by a Member who voted on the prevailing side of the decision proposed for reconsideration;
- i. suspends action on the Motion to which it applies until the Motion to Reconsider has been decided.

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

13.28 If a Motion to Reconsider carries, reconsideration of the decided matter shall be the next order of business. Debate on the matter being reconsidered shall proceed as though it had never previously been considered.

SECTION 14: RULES OF DEBATE

Commencement of Debate

14.1 To begin debate, the Chair shall read the Motion aloud.

Motion may be Read at any Time

14.2 A Member may request that the question or Motion under discussion be read aloud at any time during the debate but not so as to interrupt a Member who is speaking.

Move speaks First and Last

14.3 The Mover of the Motion may speak first or at any time during the course of debate and may also reserve the right to speak last.

Recognition of Member

14.4 Every Member desiring to speak shall indicate so by raising their hand. Before a Member may speak to any matter, they shall first be recognized by the Chair.

Speaking Order

14.5 The Chair shall maintain a speaker's list of those Members who have signaled the Chair that they wish to speak, and shall recognize such Members in the order in which they appear.

Speaking Limitations

- 14.6 No Member shall speak more than once on an item of business, unless otherwise decided by a Majority vote of the Members present and voting. Members shall only speak on the subject in debate and shall be limited to five (5) minutes. A Member's speaking time shall not include any time required for staff to respond to that Member's question.

Exception for Committee of the Whole

- 14.7 When meeting as Committee of the Whole, a Member may speak more than once to an item of business. The Chair shall give each Member the chance to speak before allowing a Member to speak again.

Points of Order and Points of Privilege

- 14.8 A Member may raise a Point of Order or Point of Privilege at any time, whereupon the Chair shall:
- a. interrupt the matter under consideration;
 - b. ask the Member raising the Point of Order or Point of Privilege to state the substance of and basis of the Point of Order or Point Privilege; and
 - d. rule on the Point of Order or Point of Privilege immediately without debate.
- 14.9 To raise a Point of Order or Point of Privilege, a Member shall ask the Chair for permission to speak. Once recognized, the Member shall state the reason for raising a Point of Order or Point of Privilege, provided that the Member shall not enter into any argument or introduce any Motion related to the Point of Order or Point of Privilege. The Member shall have a maximum of one (1) minute in which to speak.
- 14.10 A Member may challenge the ruling of the Chair to Council or the Committee, which will then decide on the challenge, without debate, by way of Majority vote of the Members present and voting. If there is no challenge, the ruling of the Chair shall be final.

Ceding to Points of Order or Points of Privilege

- 14.11 When a Member raises a Point of Order or a Point of Privilege, any Member who has the floor shall stop speaking until the Chair has resolved the matter.

Chair Participation

- 14.12 During a debate, the Chair may ask or answer questions and comment in a general way without leaving the chair.
- 14.13 If the Chair wishes to make a Motion or to speak on a Motion taking a definite position, and endeavoring to persuade the Members to support that position, then the Chair shall first leave the chair and shall designate another Member to take their place until the Chair resumes the chair.

SECTION 15: VOTING

Requirement to Vote

- 15.1 Every Member present at a Meeting where a question is put to vote shall vote on the question, unless the Member declares a Pecuniary Interest, in which case the Member shall recuse themselves from the vote.

Failure to Vote – Deemed Negative

- 15.2 If any Member present does not vote when a question is put forward, they shall be deemed to have voted in the negative, except where the Member is recused from voting by reason of Pecuniary Interest.

Method of Voting

- 15.3 Members shall vote by raising their hand, except where a Member has requested a Recorded Vote, in which case voting shall occur in accordance with this By-Law.

No Secret Voting

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

Putting a Motion to A Vote

- 15.5 A Motion shall be put to a vote by the Chair immediately after all Members desiring to speak on the Motion have spoken.
- 15.6 After a Motion is put to a vote by the Chair, no Member shall speak on that Motion nor shall any other Motion be made until after the result of the vote is announced by the Chair.

Majority Vote Required

- 15.7 All decisions of Council of Committee shall require a Majority vote except as otherwise set out in this By-Law or by statute.

Tie Vote

- 15.8 Any question on which there is a tie vote shall be deemed to have been decided in the negative, except where otherwise provided by statute.

Results of Vote

- 15.9 The Chair shall announce the result of every vote.

Objections

- 15.10 If a Member disagrees with the number of votes for and against a matter as announced by the Chair, the Member may object immediately to the declared outcome and request that a Recorded Vote take place.

Recorded Vote

- 15.11 Should a Recorded Vote be requested by a Member pursuant to Subsection 15.10 of this By-Law, the Chair shall ask the Clerk to poll the Members as follows:
- a. voting shall begin with the Member who requested the Recorded Vote and shall continue alphabetically until the vote is completed;
 - b. each Member present, except a Member who is disqualified from voting in accordance with Subsection 15.1, shall announce their vote openly;
 - c. the Clerk shall announce the result of the Recorded Vote; and
 - d. the names of those Members who voted for and those who voted against the Motion shall be entered in the minutes.

SECTION 16: BY-LAWS

By-Law Requirements

- 16.1 Every By-Law passed by Council shall:
- a. be signed by the Mayor and the Clerk;
 - b. be sealed with the Township's seal; and
 - c. indicate the date of passage.
- 16.2 The Mayor and Clerk shall have the authority to sign and seal all By-Laws, agreements, applications or other documents related to matters which have been approved by Council.

Correctness of By-Laws

- 16.3 The Clerk shall be responsible for the correctness of all By-Laws as to form and content.

Record of By-Laws

- 16.4 All By-Laws adopted by Council are printed, paged and bound in a folder with an index for the year in which it was passed.

SECTION 17: ENACTMENT

Repeal of Existing Council Procedural By-Law

- 17.1 By-Law 2009-17, 2016-12, 2020-17 and 2020-43 and all amendments thereto, is hereby repealed in its entirety.

Short Title of the By-Law

- 17.2 This By-Law may be cited as the "Council Procedural By-Law".

Effective Date

17.3 This By-Law shall come into force and take effect on the date of its passing.

BY-LAW READ A FIRST AND SECOND TIME ON NOVEMBER 24, 2021.

BY-LAW READ A THIRD AND FINALLY PASSED ON NOVEMBER 24, 2021.

THE CORPORATION OF THE TOWNSHIP OF MCGARRY


MAYOR


CLERK-TREASURER