

## **The Corporation of The Township of Adjala-Tosorontio**

### **By-Law No. 2023-85**

#### **A By-Law to Govern the Calling, Place and Proceedings of Meetings of Council and Committees and to repeal By-Law 19-23**

**WHEREAS** Section 238(2) of the Municipal Act, 2001, S.O. 2001 c.25, as amended, provides that every municipal Council shall pass a By-law for governing the calling, place and proceedings of meetings and that the By-law shall provide for public notice of meetings;

**AND WHEREAS** the principles of openness, transparency and accountability to the public guide the Council decision-making process providing access to information and opportunities for input by the public and other stakeholders while exercising and respecting individual and collective roles and responsibilities of Council;

**AND WHEREAS** the Council of the Corporation of the Township of Adjala-Tosorontio deems it expedient to repeal and replace By-law 19-23, as amended, so that Council may reflect the current practices, procedures and statutory requirements of Council and Committees of Council;

**NOW THEREFORE** the Council of Township of Adjala-Tosorontio hereby **ENACTS AS FOLLOWS:**

#### **SHORT TITLE**

This By-law shall be known as the Procedure By-law.

1. THAT the proceedings of Council and its Committees and the calling of meetings shall be governed by the provisions and regulation contained in Schedule "A" attached hereto and form an integral part of this By-law.
2. THAT should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the provision so declared to be invalid. Any provincial Statutes imposed contrary to this By-law shall take precedence.
3. THAT no amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given in accordance with the Township's Public Notice Policy and the waiving of this notice by the Council is prohibited.
4. THAT By-law 19-23, 20-16, 20-34 and 20-75 are hereby repealed.

**ENACTMENT**

**THAT** the provisions of this By-law shall come into force and take effect on October 12, 2023.

**THAT** notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 11th day of October, 2023.



**Scott W. Anderson, Mayor**



**Robin Reid, Clerk**

TOWNSHIP OF ADJALA-TOSORONTIO  
PROCEDURE BY-LAW

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## 1. DEFINITIONS

For the purpose of this By-law, the following definitions shall apply:

**Act** means the *Municipal Act, S.O. 2001, S.O. 2001, c. 25*, as amended or re-enacted from time to time;

**Agenda** means a list of all items to be considered by the Council or Committee at the meeting for which the agenda was published;

**Chair** means the Presiding Officer of any Meeting of Council or Committee; shall mean the Head of Council or the Presiding Officer at a Council meeting;

**Chief Administrative Officer** means the Chief Administrative Officer (CAO) of the Corporation of the Township of Adjala-Tosorontio;

**Clerk** means the Clerk of the Corporation of the Township of Adjala-Tosorontio;

**Closed Session** means a meeting, or part of a meeting of Council or a Committee, which is closed to the public in accordance with the *Municipal Act, 2001*, as amended;

**Committee** means all Committees established by resolution or By-law of Council, including Standing Committee(s), Special/Ad Hoc Committee(s), Advisory Committee(s);

**Consent Agenda** means a list of items on the agenda, all of which may be adopted by a single motion, but any of which may be removed from the motion and dealt with as a separate item upon the request of a Member.

**Council** means the Council of the Corporation of the Township of Adjala-Tosorontio;

**Delegate** means any person, group of persons, firm or organization, who is neither a Member of a Council or Committee or an appointed Official of the Township, wishing to address Council or Committee on a specific matter upon request to the Clerk;

**Electronic Participation** means a Member of Council, or of a committee or either of them, who can participate electronically in a meeting, as permitted by the *Municipal Act*;

**Emergency** means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise;

**Ex Officio** means by virtue of office or position, the Mayor being *ex officio* of each Committee, Board or other body established by Council unless prohibited by law. The Mayor may participate, unless prohibited by law, in the business of the Committee, Board or other body, however the Mayor as *ex officio* is not entitled to vote.

**Mayor** means the Head of Council and the Chief Executive Officer of the Corporation of the Township of Adjala-Tosorontio;

**Meeting** means any regular, special or other meeting of Council, or committee when a quorum is present as defined in the *Municipal Act*, and includes meetings where some or all Members are attending via electronic participation.

**Member** means a Member of Council or Committee, as the case may be;

**Pecuniary Interest** has the same meaning as the term has in the *Municipal Conflict of Interest Act, R.S.O. 1990, C. M. 50 (MCIA)*, as amended or replaced from time to time;

**Public Meeting** means a meeting for the sole purpose of giving the public an opportunity to make representations in respect to an item being brought forward under the *Municipal Act, Planning Act* or any other Act provided that all advertising and notices have been completed and the holding of said Public Meeting is in conformity with the said Act(s);

**Staff** means any person employed by the Township;

**Township** means the Corporation of the Township of Adjala-Tosorontio.

## 2. GENERAL PROVISIONS

- 2.1 The Rules of Procedure contained in this By-law shall be observed in all proceedings of Council and Committees in the dispatch of business provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3rds) majority vote of Members in any case for which provision is not made herein and shall not be debatable or amendable and shall not require notice.
- 2.2 In all cases not provided for in this By-law, the question shall be decided by the Chair and in making a ruling, shall base the decision of interpretation on "Roberts Rules of Order".
- 2.3 The Clerk is authorized to make administrative corrections to official records of Council business, including agendas, minutes and By-laws, and in such cases the Clerk shall document all corrections made to ensure their conformity with the direction by Council and any relevant governing legislation, as the case may be.

**3. CALLING, TIME AND PLACE OF COUNCIL MEETINGS**

**3.1. Inaugural Meeting of Council**

- 3.1.1. The inaugural meeting of Council shall be scheduled as determined by the Clerk in consultation with the Mayor-elect following a Regular Municipal Election no later than twenty (20) days from the start of the Term of Office.
- 3.1.2. The Mayor-elect and the Clerk shall be responsible for the date, location, content and format of the agenda for the Inaugural Meeting and all arrangements for the Inaugural proceedings. Council shall not proceed with any regular business at this meeting.

**3.2. Regular Meeting**

- 3.2.1. Regular Meetings of Council shall be held on the second Wednesday of each month commencing at 5:30 p.m. in Closed Session, if required, and the open portion of the meeting commencing at 6:30 p.m.

**3.3. Special Meeting**

- 3.3.1. A Special Meeting may be established by:
  - i) the call of the Mayor;
  - ii) the Clerk upon receipt of a petition of the majority of the Members, for the purpose and at the date and time mentioned in the petition; and
  - iii) a Motion of Council at a meeting.
- 3.3.2. No business other than that indicated in the notice shall be considered at a Special Meeting of Council.
- 3.3.3. Special Meetings shall be called in accordance with the provision of section 3.5 Notice of Meetings contained within this by-law.

**3.4. Emergency Meeting**

- 3.4.1. Notwithstanding any other provision of this By-law, an Emergency Meeting of Council may be summoned by the Mayor without written notice, to deal with an extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. Notice shall be provided for on the Township website as soon as possible.

3.4.2. No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the Emergency Meeting.

### **3.5. Notice Of Meetings**

3.5.1. Notice of all meetings, in the form of the Agenda, shall be delivered by the Clerk to Members through electronic mail and published to the Township website as follows:

- i) For Regular Council Meetings no later than 4:30 p.m. local time on the Thursday preceding the scheduled Wednesday Regular Council meeting;
- ii) For Special Council Meetings twenty-four (24) hours prior to the date and time of the meeting; and
- iii) For Emergency Council Meetings as soon as practicable, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available.

3.5.2. Late/separate circulations and addendum agendas are to be avoided wherever possible. However, where necessary, addendum items will be circulated to Members by electronic mail and published on the Township website as soon as possible.

3.5.3. Lack of receipt of notice or Agenda for a meeting by any person shall not affect the validity of the meeting or any action lawfully taken at the meeting.

### **3.6. Statutory Notice Requirements**

3.6.1. Notice of Public Meetings shall be provided in accordance with the Township Public Notice Policy and the requirements of the *Municipal Act*, *Planning Act*, or any other statute that establishes requirements to provide public notice of a meeting or an item to be considered.

### **3.7. Location**

3.7.1. All meetings of Council and Committees shall be held within the Council Chambers located at the Municipal Centre, 7855 Sideroad 30, Alliston, Ontario.

3.7.2. In the event the Council Chambers may not be suitable for a meeting, Council or Committee may relocate the meeting to another convenient location within or outside of the Township as determined by the Mayor and

Clerk. If a change in venue is required, public notice shall be given as soon as practicable.

### **3.8. Cancellation and Postponed Provisions**

3.8.1. Any Regular or Special Meeting of Council may be cancelled or postponed as follows:

- i) In a notice given through the Clerk's Office by the Mayor or person acting in place of the Mayor with forty-eight (48) hours notice for a Regular Meeting or as soon as possible in advance of a Special Meeting.
- ii) In a resolution previously passed by Council.

3.8.2. Notwithstanding, a Regular Meeting may be postponed without a minimum notice required in the case of inclement weather, an emergency or death which may prevent the Members from attending a meeting.

3.8.3. In all cases of a cancelled or postponed meeting, the Clerk shall inform the Members and post notice on the Township website as soon as practicable.

## **4. LIVESTREAMING AND RECORDING**

4.1. In accordance with the *Municipal Act*, minutes of the meetings are to be recorded without note or comment by the Clerk or designate. The approved written minutes shall be the official record of all meetings.

4.2. Council and Committee meetings will be livestreamed, recorded, and published to the Township website as a service to the public.

4.3. Notwithstanding subsection 4.2, the Township shall not be responsible should technical difficulties prevent the livestreaming or recording of any meeting, or a portion thereof.

4.4. Recordings published to the Township website are part of the public realm and as such are subject to alteration by individuals that access such recordings with no municipal control over such alterations. The Township assumes no liability associated with any alterations that are made to published recordings.

## **5. ELECTRONIC PARTICIPATION**

5.1. Electronic participation will be permitted at all meetings unless specified by the Clerk or Chair.



- 5.2. Every effort shall be made by Members to attend meetings physically in person, notwithstanding in the following circumstances, Members may participate electronically in a meeting to the extent and in the manner set out in this By-law:
- i) It is not safe or possible to attend an in person meeting due to a natural weather event;
  - ii) Health and safety restrictions as determined by the CAO in consultation with the Mayor or Emergency Management Committee;
  - iii) Restrictions or guidelines set out by the Simcoe Muskoka District Health Unit, the Ontario Provincial Police or the Province of Ontario;
  - iv) At the discretion of the Mayor and Clerk.
- 5.3. Notwithstanding the above, should the subject matter of a Closed Session be highly sensitive in the opinion of the Mayor in consultation with the Clerk, the meeting shall not be permitted to be held electronically.
- 5.4. Members participating electronically in Closed Session must ensure that they are participating from a location that ensures privacy and confidentiality of the Closed Session.
- 5.5. Members participating in a meeting electronically shall have the same rights and responsibilities as if the Member were in physical attendance, including the right to vote; and will count towards quorum.
- 5.6. Members participating electronically shall keep their camera on during all meetings, or will be deemed to have left the meeting, unless otherwise turned off by the Clerk due to technical issues.
- 5.7. Members, Staff and/or Consultants and delegates who wish to participate electronically, in accordance with this section, will make arrangements with the Clerk, no less than 24 hours in advance of the meeting, or as soon as possible in the event of inclement weather.
- 5.8. In the event of a technical failure during the meeting, there will be a recess of not more than fifteen (15) minutes to allow Staff to reinstate the electronic participation through the video-conferencing platform. If the connection cannot be reinstated, and quorum is lost, the Meeting shall stand adjourned and any items of business shall be carried forward to a future meeting.

## **6. QUORUM**

- 6.1. A majority of the Members of Council shall constitute a quorum.
- 6.2. If a quorum is not present 30 minutes after the time fixed for a meeting of the Council or if it has been confirmed that no quorum will be present, the Clerk

shall call the roll and record the names of the Members present and the meeting shall stand adjourned until the next meeting or at the call of the Mayor.

- 6.3. If during the course of a meeting, quorum is lost, the meeting shall be adjourned.

## **7. AGENDA**

- 7.1. The business of the Council shall in all cases be taken up in the following order unless otherwise decided by the Chair or the majority of the Members present:

1. Call to Order
2. Closed Session (5:30 p.m., if required)
3. Additions
4. Adoption of the Agenda
5. Disclosure of Pecuniary Interest
6. Adoption of the Minutes
7. Presentations
8. Deputations
9. Public Meetings
10. Public Comment
11. Upcoming Events and Announcements
12. Consent Agenda
13. Staff Reports
14. Correspondence
15. By-laws
16. Notices of Motion
17. New Business
18. Confirmation By-law
19. Adjournment

For a Special Meeting of Council, the Clerk may dispense with any one or more agenda items including 2, 3 and 6 through 17 inclusive for publication of the Agenda. Whenever applicable agenda item 10. Public Comment shall be included on the Agenda.

### **7.2. Call to Order**

- 7.2.1. As soon after the hour fixed for holding the Meeting of Council and provided a quorum is present, the Mayor shall call the Members to order.
- 7.2.2. In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the Meeting of Council, and provided a quorum is

present, the Deputy Mayor shall call the Members to order and shall preside until the arrival of the Mayor.

### 7.3. Closed Session

7.3.1. In accordance with the *Municipal Act*, during a meeting, Council may resolve itself into Closed Session closing part of a meeting to the public or may hold a Closed Meeting specifically called for that purpose, if the subject matter being considered relates to:

- i) The security of the property of the Township;
- ii) Personal matters about an identifiable individual, including Township or local board employees;
- iii) A proposed or pending acquisition or disposition of land by the Township;
- iv) Labour relations or employee negotiations;
- v) Litigation or potential litigation, including matters before administrative tribunals, affecting the Township;
- vi) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- vii) A matter in respect of which Council, a board, committee or other body may hold a closed Meeting under another Act;
- viii) Information explicitly supplied in confidence to the Township by Canada, a Province or Territory or a Crown agency of any of them;
- ix) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Township, 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;
- x) A trade secret or scientific, technical, commercial or financial information that belongs to the Township and has monetary value or potential monetary value;
- xi) 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 Township;
- xii) The educating or training of 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 Council or the Committee;
- xiii) A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council is the head of an institution for the purposes of that Act;

- xiv) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.
- 7.3.2. Prior to proceeding in-camera, Council or Committee shall state by resolution the fact of the holding of the Closed Session, the general nature of the matter to be considered and the specific provision under the Act which permits the closing of the meeting.
- 7.3.3. All minutes of Closed Sessions of Council shall be without note or comment on all resolutions, decisions and other proceedings and remain confidential.
- 7.3.4. Only votes relating to procedural matters or direction/instruction to officers, employees or agents of the Township or persons retained by or under contract with the Township may be taken during a Closed Session.
- 7.3.5. Upon coming out of a Closed Session, the Chair may verbally report the progress made and Council may pass a resolution with respect to an item from Closed Session.
- 7.3.6. It is the obligation of each Member to keep information confidential and this obligation continues after the Member ceases to be a Member.

#### **7.4. Additions**

- 7.4.1. Additions may only be permitted to the agenda of a Regular Meeting of Council so long as the matter is time-sensitive and no Statutory Notice or Notice as provided for in the Township Public Notice Policy is required;
- 7.4.2. In all cases, additions shall require a 2/3rds majority vote of Members.
- 7.4.3. Additions shall be considered under New Business.

#### **7.5. Disclosure of Pecuniary Interest**

- 7.5.1. It is the responsibility of each Member to identify and declare any pecuniary interest and as defined in *the Municipal Conflict of Interest Act, R.S.O. 1990, c. M. 50 (MCIA)* as amended, in open session.
- 7.5.2. Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the Member shall:

- i) Prior to any consideration of the matter disclose the pecuniary interest and the general nature thereof;
- ii) Not take part in the discussion of or vote on any question with respect to the matter; and
- iii) Not attempt in any way whether before, during or after the meeting to influence the voting on the matter.

7.5.3. If the matter is being considered or discussed at a Closed Session, the Member declaring a pecuniary interest shall leave the meeting for the portion in which that matter is discussed, debated or voted on.

7.5.4. If the matter under consideration at a meeting or part of a meeting is to consider whether to suspend the remuneration paid to the Member, the Member may take part in the discussion of the matter, including making submissions to Council, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting, in accordance with MCIA, However, the Member is not permitted to vote on any question in respect of the matter. In the case of a meeting that is not open to the public, the Member may attend the meeting or part of the meeting during which the matter is under consideration.

7.5.5. A Member who declares a pecuniary interest shall file a written statement of the interest and its general nature with the Clerk in accordance with the MCIA.

## **7.6. Deputations**

7.6.1. Persons desiring to present information where it requires potential action by Council shall complete a Request to Appear as a Deputation Form outlining the subject matter of the deputation to the Clerk.

7.6.2. A request to appear as a deputation shall be made to the Clerk by no later than 12:00 noon local time on the Wednesday prior to the Regular Meeting along with written or typed deputation materials. Such material shall clearly specify the business to be presented.

7.6.3. Persons appearing as a deputation may only appear once on the same matter within a twelve (12) month period during a term of Council.

7.6.4. Persons appearing as a deputation shall be limited to a maximum of ten (10) minutes speaking time with a limit of two (2) speakers, but the Chair

may, without an objection, grant permission to any deputation to speak for longer than the time allotted.

- 7.6.5. Upon consideration of a deputation, Council may immediately adopt a motion to:
- i) Receive the deputation and file as information;
  - ii) Refer the deputation to a Committee or Staff for a report; or
  - iii) Consider a substantive motion with respect to same.
- 7.6.6. A deputation may be refused, when, in the opinion of Council or the Clerk that the subject of the deputation is beyond the jurisdiction of the Township. No person will be permitted to address Council concerning management disputes, nor will correspondence respecting such disputes be listed on a Council agenda.
- 7.6.7. Where an application has been made under the *Planning Act* or any other Act which provides a process for public input, a direct presentation and/or deputation outside that process shall not be permitted to Council.
- 7.6.8. No person shall make detrimental comments, or speak ill of, or malign the integrity of Staff, the public or Council.
- 7.6.9. Delegates shall not be permitted to appear before Council for the sole purpose of generating publicity for an event.
- 7.6.10. Members may only address a delegate upon recognition by the Chair and may only ask questions and not express opinions or enter into debate or discussion.
- 7.6.11. Whenever a delegate offers comments or statements that are deemed to be inaccurate and unsubstantiated, any Member may be recognized by the Chair on Point of Order and once recognized by the Chair, may bring necessary corrections or clarifications to the comments or statements.
- 7.6.12. The Chair shall not interrupt a delegate while they are addressing Council. Notwithstanding, the Chair may curtail any deputation, questions and/or debate, disorder or any other breach of this By-law and, if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

## **7.7. Presentations**

- 7.7.1. A request for presentation may be made to Council by an individual, group or organization for matters that fall under municipal interest and shall be heard for the purpose of information only, no substantive motions may be passed regarding presentations.
- 7.7.2. A request to appear as a presentation shall be made to the Clerk by no later than 12:00 noon local time on the Wednesday prior to the Regular Meeting along with written or typed material and a copy of any presentation. Such material shall clearly specify the business to be presented.
- 7.7.3. Time limits for presentations shall be at the discretion of the Clerk in consultation with the Mayor.
- 7.7.4. Notwithstanding the above, items 7.6.6 to 7.6.12 for deputations shall also apply to presentations.

## **7.8. Public Meetings**

- 7.8.1. Where Council is required by law to hold a Public Meeting, or otherwise has resolved to hold a Public Meeting, such a meeting may be conducted as part of a Regular Meeting of Council or at a Special Meeting of Council. The Clerk shall ensure that Public Meetings are incorporated in the meeting agenda as appropriate to address any requirements of law as may apply.
- 7.8.2. The purpose of a Public Meeting will be to formally hear and receive public and agency comments on an item being brought forward under the *Municipal Act, Planning Act*, any other Act or Township Policy.
- 7.8.3. During a Public Meeting, any person wishing to address Council may come forward when prompted by the Chair, and such person shall address Council providing their name and address for the public record.
- 7.8.4. Verbal and written comments received will be incorporated into a recommendation report that will be brought forward to a future Council Meeting for Council's consideration.

## **7.9. Public Comment**

- 7.9.1. An opportunity will be provided for any member of the public to make a comment pertaining to any matter appearing on the Council meeting agenda listed under Correspondence, Reports and By-laws. In the interest of expediency, there will be a three (3) minute time limit per person, with a total maximum time limit of thirty (30) minutes for Public Comment.
- 7.9.2. During Public Comment, any person wishing to address Council may come forward when prompted by the Chair, and such person shall address Council providing their name and address for the public record.
- 7.9.3. Members of the public may submit to the Clerk written public comments, providing their name and address for the public record, pertaining to any matter appearing on a Council agenda listed under Correspondence, Reports and By-laws. Written comments will be read aloud by the Clerk at the meeting for no more than three (3) minutes per person.
- 7.9.4. Written public comments shall be submitted to the Clerk in accordance with the following timelines:
  - i) For a Regular Council Meeting by 12:00 noon on the date of the meeting;
  - ii) For a Special Council Meeting a minimum of two (2) hours prior to the scheduled start time of the meeting.
- 7.9.5. The Clerk may refuse to read a written comment when, in the opinion of the Clerk, the written comment is detrimental, speaks ill of, or maligns the integrity of Staff, the public or Council.
- 7.9.6. Public Comment shall not be permitted if it pertains to an application made under the Planning Act or any other Act which provides a process for public comment.

## **7.10. Announcements**

- 7.10.1. A period will be allowed for Members to bring matters of public interest or community interest before Council for information. Each Member shall be limited to five (5) minutes, and statements shall not be intentionally controversial in nature.



### **7.11. Consent Agenda**

- 7.11.1. The Clerk shall prepare a Consent Agenda, where items placed on the Consent Agenda may be adopted by one motion.
- 7.11.2. If a Member wishes to discuss or debate an item listed on the Consent Agenda, the Member shall request that the item be removed from the Consent Agenda and dealt with as a separate item under Staff Reports or Correspondence, as applicable.
- 7.11.3. If a Member declares a conflict of interest regarding an item that is listed on the Consent Agenda, that item shall be removed from the Consent Agenda and dealt with as a separate item.

### **7.12. Staff Reports**

- 7.12.1. Every Staff Report to be presented to Council shall be prepared in accordance with administrative procedures, with an identifiable recommendation and shall be approved by the CAO or designate.
- 7.12.2. Every Staff Report to be included on the Regular Council agenda shall be delivered to the Clerk no later than 4:30 p.m. local time on the Wednesday two weeks prior to the meeting.
- 7.12.3. The Clerk shall determine which Staff Reports are to be listed on the Consent Agenda and which shall be listed under Staff Reports.
- 7.12.4. If a Members wishes to discuss or debate a Staff Report listed on the Consent Agenda, the Members shall request that the item be removed from the Consent Agenda and dealt with as a separate item under Staff Reports.

### **7.13. Correspondence**

- 7.13.1. Correspondence intended to be presented to Council on the Regular Meeting agenda, shall be received by the Clerk no later than 12:00 noon local time on the Wednesday preceding the Regular Council Meeting.
- 7.13.2. The Clerk shall prepare a list of all correspondence for inclusion on the Consent Agenda with identifiable recommendations, in accordance with the Correspondence Policy. Council shall approve correspondence items by consent unless a Member wishes to discuss or debate an item of correspondence.

7.13.3. If a Member wishes to discuss or debate an item of correspondence, the Member shall request that the item be removed from the Consent Agenda and dealt with as a separate item under Correspondence.

7.13.4. Upon consideration of any item of correspondence, Council may adopt a motion to:

- i) Receive the item of correspondence and file as information;
- ii) Refer the item of correspondence to a Committee or Staff for a report;
- iii) Consider a substantive motion with respect to same.

#### **7.14. By-Laws**

7.14.1. The Clerk shall place on the agenda each By-law proposed for adoption, including the By-law number and title.

7.14.2. All By-laws coming before Council shall be adopted upon a single reading being first, second, third and final reading unless:

- i) Council or other statute determines that a By-law requires further consideration at a future meeting, it shall be considered before the third reading thereof.

7.14.3. By-laws which have been passed by Council shall be numbered, dated and sealed with the seal of the Township and signed by the Mayor and Clerk or their designates, and shall be retained under the control of the Clerk.

#### **7.15. Notice of Motion**

7.15.1. Motions introducing a matter shall be given in writing and:

- i) Delivered to the Clerk no later than 12:00 noon local time the Wednesday prior to the date of the Regular Council Meeting to be added on the agenda for immediate debate; or
- ii) At a Regular Meeting of Council but shall not be debated until the next Regular Meeting of Council.

7.15.2. The Clerk and/or CAO in consultation with the Mayor shall determine any notice of motion that is not permitted to be published on the agenda, including an item deemed to be inappropriate, an item detailing a matter

of litigation, an item under the *Planning Act* or an item requiring Statutory Notice or Notice under the Township Public Notice Policy.

#### **7.16. New Business**

7.16.1. Under New Business, Council shall consider items added by resolution under Additions.

#### **7.17. Adjournment**

7.17.1. A motion to adjourn is not required. Adjournment of the meeting shall be announced by the Chair when all business is concluded.

7.17.2. No meeting shall carry on past the hour of 10:00 p.m. local time except to complete an item already under consideration and shall at that time, by operation of this rule, be adjourned, unless otherwise decided by a majority vote of the Members present.

### **8. MINUTES**

8.1. The Clerk shall cause minutes to be taken of each Meeting of Council, which shall include:

- i) The date, time and place of a meeting;
- ii) The names of Members present and absent, Staff and Consultants. Should a Member enter after the commencement of a meeting or leave prior to adjournment, the time shall be noted;
- iii) The names and addresses of members of the public who spoke or presented at a statutory public meeting as required by any Act and the names of members of the public who spoke or appeared as Deputation or in Public Comment if applicable;
- iv) All other proceedings of the meeting without note or comment.

8.2. It shall be the duty of the Clerk to ensure that the minutes of the last Regular Meeting and all Special, Closed and Standing Committee Meetings held prior to a Regular Meeting are included in the next Regular Council Meeting agenda.

8.3. Should a Special Meeting be held during or after final preparations of an agenda for an upcoming Regular Meeting, the minutes of those Special Meeting(s) shall be considered at the next Regular Meeting.

8.4. When the minutes have been adopted, they shall be signed by the Mayor and the Clerk.

## **9. COMMITTEES**

- 9.1. Council may at any time appoint a committee, standing committee, special committee or ad hoc committee to enquire into and report on any matter or carry out such duties and responsibilities as may be set out in a terms of reference approved by Council.
- 9.2. The names of Members required to serve on committees shall be determined by resolution or by-law of Council.
- 9.3. Committees shall conduct business in accordance with the meeting procedures outlined within this by-law. The rules of debate are relaxed for such committees but due regard shall be held for conduct of members, to maintain decorum.
- 9.4. The business of the committee shall be taken up in the order listed on the agenda at the discretion of the Clerk.
- 9.5. Notice of all committee meetings shall be provided to the public on the Township website forty-eight (48) hours before the time appointed for such meeting.
- 9.6. Minutes of every committee shall be submitted to council and listed under correspondence on the Regular Meeting agenda. All recommendations from a committee which requires action of Council shall be submitted in a Staff Report approved by the CAO or designate and listed under Staff Reports.
- 9.7. The Mayor being ex-officio may participate fully in any committee meeting, without affecting quorum, and shall not be entitled to vote.

## **10. CLOSED MEETING INVESTIGATOR**

- 10.1. If the Township receives a report from the Meeting Investigator reporting that in their opinion, and the reasons for it, a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary the *Municipal Act* or to this By-law, Council shall pass a resolution stating how it intends to address the report.

## **11. MAYOR / CHAIR / PRESIDING OFFICER**

- 11.1. Except as otherwise provided for in this By-law, the Mayor shall preside as Chair at all Council meetings.
- 11.2. In the case of absence of the Mayor, or if the Mayor is absent through illness, or refuses to act or their office is vacant or declares a conflict of interest, the Deputy Mayor shall act in the place and stead of the Mayor.

Should the Mayor and Deputy Mayor be absent, then a Chair shall be appointed by resolution.

- 11.3. The Deputy Mayor or any Member acting in the place and stead of the Mayor shall have all the rights, powers and privileges of the Chair.
- 11.4. The Chair shall call the Meeting to order and shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the Meeting, subject to an appeal of Council, as the case may be.
- 11.5. The Chair shall recognize any person who wishes to speak and determines the order of the speakers.
- 11.6. The Chair shall receive and submit in the proper manner, all motions presented by the Members and to put to vote all questions, which have been duly moved and seconded, and to announce the result. The Chair may speak and vote on any question. If the Mayor wishes to make a motion, the Mayor shall first designate their position of Chair to the Deputy Mayor, and if the Deputy Mayor is absent, shall designate another Member to act in their stead until the Mayor resumes their position of Chair.
- 11.7. The Chair shall enforce, as necessary, the observance of order and decorum among Members, delegates, Staff, and the public, and shall have the right to expel any person for improper conduct or disruption of the meeting.
- 11.8. The Chair, in the instance of a grave disorder arising during a meeting, may adjourn or recess the meeting for a time to be named by the Chair.

## **12. CONDUCT OF MEMBERS IN COUNCIL**

- 12.1. All Members should come prepared to every meeting by having read all the agenda materials supplied, to facilitate discussion and the determination of action at the meeting.
- 12.2. No Member shall:
  - i) Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, of the Governor General, or the Lieutenant Governor of any Province;
  - ii) Use offensive words, gestures or speak with un-parliamentary language in or against Council as a whole, Member, Staff, Agent, or Committee;

- iii) Speak on any subject other than the subject in debate;
- iv) Criticize any decision of Council except for the purpose of moving that the question be reconsidered;
- v) Disobey the rules of procedure or a decision of the Chair or of Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council. In the case where a Member persists in any such disobedience after having been called to order by the Chair, the Chair may order that such Member leave their seat for the duration of the Council meeting, but if the Member apologizes, they shall be permitted to retake their seat.

12.3. Every Member shall:

- i) Vote on all motions put to a vote, unless disqualified;
- ii) Respect the Rules of Procedure in this By-law and comply with the Chair's rulings;
- iii) Comply with the Township of Adjala-Tosorontio Council Code of Conduct;
- iv) Respect the confidentiality of matters discussed in Closed Session and not disclose the subject or substance of these discussions unless authorized to do so.

### **13. DRESS CODE**

13.1. All Members and Staff shall wear proper business professional attire.

13.2. During Special Meetings, Members and Staff may wear business casual attire, which, shall mean clothing that is less formal but respectable.

### **14. CHIEF ADMINISTRATIVE OFFICER (CAO)**

14.1. The CAO shall assist Council in discharging its responsibilities and, in an objective manner, aid Members in such a way that they are able to carry out their duties.

### **15. CLERK**

15.1. The Clerk or designate shall be present at all meetings of Council, including Closed Session, Special and Emergency Meetings of Council. This provision of the By-law shall not be suspended.

15.2. The Clerk shall attend or cause a designate to attend all meetings of Council to take minutes and/or keep a record of all proceedings.

15.3. The Clerk shall be responsible for the management and coordination of

meeting agendas and related resolutions, By-laws, correspondence, and records, and allow for public access to the same in accordance with the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act* and other pertinent legislation.

15.4. The Clerk shall provide advice on matters of procedure, when required.

## **16. DECORUM OF THE PUBLIC**

16.1. Members of the public present during Council proceedings shall maintain order and shall not address Council except with the permission of the Chair.

16.2. Members of the public who display signs, placards, posters, clothing, or other advertising devices, whether political or otherwise, that demonstrate a lack of respect for the formal nature of Council meetings may be requested by the Chair to leave or remove these items.

16.3. 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 Council or Committee and Township Staff.

16.4. No member of the public shall applaud participants in debate or engage in conversations or other behaviour which is disruptive to the proceedings of Council.

16.5. Attendees may use cameras and/or recording, broadcasting, or streaming devices respectfully during any Council meeting that is open to the public but shall cease to use the device if directed to do so by the Chair.

16.6. No member of the public shall bring into the Council Chambers, any cellular telephones or other electronic devices which emit a sound, which is disruptive to the proceedings of Council, unless such device is turned off.

16.7. No person, except Members of Council and appointed Staff shall be permitted to come within or behind the horseshoe during a Meeting of Council without the permission of the Chair.

16.8. Any person, who is not a Member of Council, who contravenes any provision of this section, may be expelled from the meeting by the Chair or in accordance with the direction of Council.

## **17. RULES OF DEBATE**

17.1. The Chair shall preserve order and decorum and decide questions of order subject to an appeal to Council by any Member.

- 17.2. Every Member, prior to speaking to any question or motion, shall indicate their desire to speak by the raised hand and shall not speak until recognized by the Chair.
- 17.3. The Chair shall recognize the Members in the order they indicate their desire to speak, be acknowledged by the Chair and shall address the Chair.
- 17.4. When the Chair calls for the vote on a motion, each Member shall occupy their seat and shall remain there until the result of the vote has been declared by the Chair and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
- 17.5. When a Member is speaking, no Member shall pass between the speaker and the Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Chair or raise a point of order.
- 17.6. Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
- 17.7. Each Member may speak to a question when recognized by the Chair, however the duration of the speech shall be controlled by the Chair.
- 17.8. A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.
- 17.9. A Member, while asking questions through the Chair, shall at no time put into question Staff's personal or professional integrity.

## **18. MOTIONS**

- 18.1. All motions shall be moved and seconded before being debated or put to a vote. When a motion has been seconded, it may upon request be read or stated by the Chair at any time during debate, but not so as to interrupt a speaker.
- 18.2. After a motion has been moved and seconded, it shall be deemed to be in the possession of Council or Committee but may be withdrawn by the mover at any time before an amendment or decision.
- 18.3. Notwithstanding the provisions of the Reconsideration Section, when a motion to "refuse" or "not approve" is lost, a subsequent motion to approve the item shall be in order.
- 18.4. A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.



18.5. In all cases unless specifically noted otherwise in this By-law, all motions shall be debatable, amendable and shall be put in writing at the request of the Chair.

18.6. The following motions may be introduced when a main motion is pending and shall be voted on in the following order:

- i) a motion to adjourn
- ii) a motion to recess
- iii) a motion to table the question
- iv) a motion to call the question
- v) a motion to defer (postpone)
- vi) a motion to refer
- vii) a motion to amend

18.6.1. A motion to adjourn is used to bring the proceedings to a close and takes precedence over any other motion:

- i) requires a seconder;
- ii) is not amendable; and
- iii) is not debatable.

18.6.2. A motion to recess is to provide an intermission in a meeting which does not close the meeting:

- i) requires a seconder;
- ii) is not debatable;
- iii) is amendable with respect to length of the recess; and
- iv) a motion to recess at a future time shall have no privilege and shall be treated as a main motion.

18.6.3. A motion to table the question is to interrupt the pending business as to permit consideration of another item immediately:

- i) requires a seconder;
- ii) is not debatable; and
- iii) is not amendable.

18.6.4. To Call the Question (Close Debate) is to immediately close the debate on an item:

- i) does not require a seconder;

- ii) is not debatable;
- iii) is not amendable;
- iv) requires a 2/3rd vote; and
- v) when decided in the affirmative, the original motion shall be put forward without debate or further amendment.

18.6.5. To defer (postpone) is to delay within limits a vote or decision on a pending motion to another time:

- i) requires a seconder;
- ii) is debatable; and
- iii) is amendable.

18.6.6. To refer is to send a pending motion to committee or Staff, as named in the motion for consideration or further information and to report back to Council:

- i) requires a seconder
- ii) is debatable;
- iii) is amendable; and
- iv) shall preclude amendment or debate of the main motion.

18.6.7. To amend the motion is to alter the wording of the main motion by striking out and/or inserting words;

- i) requires a seconder;
- ii) is debatable;
- iii) is amendable;
- iv) must be relevant to the main motion;
- v) shall not be amended more than once, provided that further amendment may be made to the main motion; and
- vi) shall receive the disposition of Council before a previous amendment or the main motion.

## **19. POINTS OF ORDER**

19.1. The Chair shall preserve order and decide on questions of order. Only a member of Council, Clerk or CAO can rise on a point of order when they consider that:

- i) there has been a breach of the rules of order of Council;
- ii) a meeting is not properly constituted;
- iii) improper, offensive or abusive language has been used;

- iv) the matter under discussion is not within the scope of the motion; or
- v) there has been any other informality or irregularity in the proceedings of Council.

19.2. When a Member rises on a point of order, the Member shall ask leave of the Chair to raise the point of order, and after leave is granted, the Member shall state the point of order succinctly to the Chair and remain silent until the Chair has decided the point of order. No further business shall be conducted until the Chair has decided by indicating either 'the point of order is well taken' or 'is not well taken' and stated the point of order.

19.3. Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to Council. If no Member appeals, the decision of the Chair shall be final.

19.4. If a Member appeals to Council, the Member shall have the right to state a case. A seconder is requested, the Chair shall have the right to reply and place the question before Council who shall decide the question without debate, and its decision shall be final.

## **20. POINT OF PRIVILEGE OR PERSONAL PRIVILEGE**

20.1. Where a member considers that the integrity of a member or council as a whole has been called into question, the member may, as a matter of privilege, rise at any time, with the consent of the chair, no debate being allowed, for the purpose of drawing the attention of the Council to the matter.

20.2. A motion resulting from a point of privilege shall receive disposition by Council forthwith, and following such disposition, the motion so interrupted shall be immediately considered at the point where it was suspended.

## **21. RECONSIDERATION**

21.1. Any matter decided upon by Council, shall not be reconsidered more than once at the same meeting and shall require a 2/3rds majority vote of Council for reconsideration;

21.1.1. A motion to reconsider a previous decision of Council made earlier in a meeting:

- i) May be presented at any time prior to the meetings' adjournment by any Member who voted in the majority when the decision was made; and
- ii) May not be applied to a decision of indefinite postponement.

- 21.1.2. A motion to reconsider a previous decision of Council at a subsequent meeting:
- i) May only be introduced by a Member who voted in the majority when the decision was made or who was not present at the meeting when the decision was made;
  - ii) Shall be introduced as a notice of motion in accordance with section 7.15 for consideration;
- 21.2. Debate on a motion for reconsideration shall be confined to the reasons for or against reconsideration.
- 21.3. Discussion of the previous decision shall not be in order until the motion to reconsider has been adopted.
- 21.4. The main motion originally voted on is once again pending, procedurally it is considered a newly made main motion;
- 21.5. Any matter reconsidered more than once in a term of Council shall not be reconsidered in the same term;
- 21.6. Where a decision of the Ontario Land Tribunal (OLT) results in a planning and development matter being referred back to Council for reconsideration, the matter shall be placed as soon as practicable on the Council meeting agenda following the referral from OLT and the matter shall not be deemed a reconsideration for the purpose of this section;
- 21.7. Where a matter of litigation or potential litigation requires a change in direction or consideration of such a change, the matter shall not be deemed a reconsideration for the purpose of this section.

## **22. VOTING**

- 22.1. Every Member present at a meeting when a question is put shall vote thereon unless disqualified to vote on the question.
- 22.2. The vote required to pass a motion shall be a simple majority except as otherwise provided for in this By-law.
- 22.3. In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in the negative and defeated for want of a majority.
- 22.4. The vote on a motion may only be called after each Member who wished to speak has spoken once.
- 22.5. Failure to vote by a Member who is not disqualified shall be deemed to be a

negative vote.

- 22.6. The manner of determining the decision of the Council on a motion shall be by show of hands with the exception of a recorded vote.
- 22.7. At the request of a Member, a motion containing distinct proposals, that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.
- 22.8. A Member not in their seat when the question is called by the Chair is not entitled to vote on that question and in the case of a recorded vote, shall be recorded as absent.
- 22.9. If a Member disagrees with the announcement of the Chair that a question is carried or lost, the Member, but only immediately after the declaration by the Chair, may object to the Chair's declaration and request the vote be retaken.
- 22.10. When a 2/3 vote is required, the following table sets out the number of votes required to the 2/3 requirement.

# Members Present	# Votes Required for 2/3 vote
7	5
6	4
5	4
4	3

### 23. RECORDED VOTE

- 23.1. A recorded vote may only be called after each Member who wished to speak has spoken once.
- 23.2. A request for a recorded vote may be made as soon as the question has been put, or after the vote has been taken and the vote announced, but before another motion is presented.
- 23.3. When a member requests a recorded vote on a motion, all members present shall vote, unless disqualified, when polled by the Clerk by verbally indicating "in favour" or "against", and the Clerk shall record the results of the vote in the minutes. The Chair shall confirm the vote and announce the result.
- 23.4. The Clerk shall conduct the recording of votes of all Members alphabetically, with the requestor of the recorded vote to be polled first and the Mayor to be polled last.