

THE CORPORATION OF THE TOWNSHIP OF ESSA CONSOLIDATED VERSION OF BY-LAW 2017-77, AS AMENDED

Township of Essa
AMENDING BY-LAWS

2019-09, 2020-21, 2020-34, 2021-49, 2024-12

Disclaimer: The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The Township of Essa does not warrant the accuracy of this electronic version.

This consolidation cannot be distributed or used for commercial purposes. It may be used for other purposes, only if this disclaimer is repeated as well as the notice of copyright.

Official versions of all By-laws can be obtained by contacting the Clerk's Department at 705-424-9770.

**THE CORPORATION OF THE TOWNSHIP OF ESSA
SCHEDULE "A" TO
BY-LAW 2017 – 77
PROCEDURAL BY-LAW**

The Council of the Corporation of the Township of Essa enacts as follows:

1 DEFINITIONS

- 1.1 "Act" means the Municipal Act, 2001, as amended from time to time.
- 1.2 "Ad Hoc Committee" means a special purpose Committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to the Council, unless otherwise directed by the Council.
- 1.3 "Agenda" means a list of all items prepared by the Clerk or Recording Secretary to be considered by Council, Committee or at a local board meeting.
- 1.4 "Adjourn" means to end the meeting. This motion requires a second, is not debatable, is not amendable, requires a majority vote for adoption and cannot be reconsidered.
- 1.5 "Advisory Committee" means a committee established by Council to advise on matters which Council has deemed appropriate for the Committee to consider.
- 1.6 "CAO" refers to the Chief Administrative Officer of the Township of Essa.
- 1.7 "Chair" shall mean the Mayor, Acting/Deputy Mayor, or other person appointed by a Committee or local board to preside over the meetings.
- 1.8 "Clerk" means the Clerk or Deputy Clerk of the Township of Essa or such person designated by the Clerk under Section 228(4) of the *Municipal Act*, or a person appointed by Council to perform the duties of the Clerk.
- 1.9 "Closed Session" shall mean a meeting or part of a meeting which is closed to the public when the subject matter being discussed complies with Section 239 of the *Municipal Act*, 2001.
- 1.10 "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.
- 1.11 "Confirmatory By-law" means a By-law of the Council that adopts all resolutions passed at a Council meeting.
- 1.12 "Consent Agenda" means a list of items or category of items on the Agenda containing recommendations from the Clerk or Recording Secretary as to their disposition, all of which may be adopted by one motion of the Council, committee or board, but any of which may be removed for a separate vote upon the request of a member.

-
- 1.13 “Council” means the Council of the Corporation of The Township of Essa.
- 1.14 “Councillor” means a person elected or appointed as a Member of Council of the Corporation of the Township of Essa.
- 1.15 “Defer” means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.
- 1.16 “Delegation” means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- 1.17 “Deputy Mayor” means the member of Council who has been elected by general vote as Deputy Mayor, and who, along with the Head of Council, also represents the Township of Essa at Simcoe County Council, and in the absence of the Head of Council, the Deputy Mayor shall Chair the Council meetings.
- 1.18 “Emergency” means situations or the threat of impending situations caused by forces of nature, accidents or an intentional act that constitutes a danger of major proportions to life and property that affect public safety; meaning health, welfare and property, as well as, the environment and economic health of the Township of Essa, as defined in the municipality’s Emergency Response Plan.
- 1.19 “Head of Council” refers to the Mayor, whose role is to act as the Chief Executive Officer of the municipality, and to preside over council meetings.
- 1.20 “Local Board” means any local board as defined in the Municipal Act, 2001, as amended; or any subcommittee approved and appointed by Council, but does not include a Public Library Board or Police Services Board.
- 1.21 “Materially Advance” means to measurably or identifiably advance a matter.
- 1.22 “Mayor” means a member of Council who has been elected by a general vote as Mayor and in accordance with Section 225 of the Municipal Act, 2001 acts as Head of Council and the Chief Executive Officer of the Township of Essa; and, who, along with the Deputy Mayor, represents the Township of Essa at Simcoe County Council.
- 1.23 “Meeting” means any regular, special or other meeting of a council, local board, or of a committee of either of them, 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.
- 1.24 “Member” shall mean a person who is either elected as a member of Council or appointed by Council to act on a Committee or Local Board.
- 1.25 “Minutes” mean a record of the proceedings of Council or Committee that includes the place, date, time, name of Presiding Officer, list of members in attendance, evidence of quorum. Minutes will record the actions taken and decisions made by members of Council at the meeting, and shall be recorded without note or comment, in accordance with Section 239(7) of the *Municipal Act*, 2001.

- 1.26 "Motion" shall mean a resolution of Council, Committee or a Local Board.
- 1.27 "Municipal Act" shall mean the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.
- 1.28 "Pecuniary Interest" includes a direct or indirect financial interest of a member, and the financial interest deemed to be that of a member, in accordance with the *Municipal Conflict of Interest Act*, 1990.
- 1.29 "Presiding Officer" means the person designated to Chair a Council or Committee meeting.
- 1.30 "Quorum" means the minimum number of required members required for the legal conduct of the business of Council or a Committee. In the case of Meetings of Council and Committee of the Whole, quorum is three (3) members physically being present.
- 1.31 "Recorded Vote" means the recording of the name and vote of every member on any matter or question, as requested by a voting member of Council or a Committee.
- 1.32 "Resolution" means a formal state of opinion adopted by the Council in accordance with these rules.
- 1.33 "Secretary" shall refer to the Clerk or Recording Secretary of any Committee other than Council and Committee of the Whole who is designated to prepare the agendas, resolutions and minutes.
- 1.34 "Special Meeting" means a meeting not scheduled in accordance with the approved schedule of meetings.
- 1.35 "Standing Committee" refers to the Finance and Administration, Planning and Development and Public Works Committees of Council which shall sit as Committee of the Whole.
- 1.36 "Subcommittee" means any advisory or other committee, subcommittee or similar entity of which at least 50 percent of the members are also members of one or more Councils, and who are appointed by Council.
- 1.37 "Township" means the Corporation of The Township of Essa.

2. TOWNSHIP RULES AND REGULATIONS

- 2.1 The rules and regulations contained herein shall be observed in all proceedings of Council and Committee of the Whole, and shall be the rules and regulations for the order and dispatch of business by Council, Committee of the Whole, its subcommittees and its local boards, with the exception of the Essa Public Library Board, the Nottawasaga Police Services Board, local school boards and the Nottawasaga Valley Conservation Authority.

- 2.2 Any procedures contained in this by-law that are discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present at the meeting, with the exception of the procedures set out for Closed Session, Conflict of Interest, or any other provision governed by the Municipal Act
- 2.3 No meeting of Council or Committee of the Whole shall be held in the absence of the Clerk or designate.
- 2.4 Except as provided in Sec. 18 herein, all meetings shall be open to the public.
- 2.5 Procedures contained in this by-law may be suspended by a majority vote of Council, Committee or a local board with the exception of the procedures set out for Closed session, Conflict of Interest, or any other provision governed by the *Municipal Act*.
- 2.6 Where a member has any declaration of pecuniary interest, direct or indirect in any matter, and is present at a meeting of Council at which the matter is the subject of consideration, the member shall act in accordance with the *Municipal Conflict of Interest Act*, 1990, and shall declare a conflict of interest. The member declaring the conflict shall comply with Section 9 of this By-law.
- 2.5 A Confirmation By-law shall be passed at the end of each regular meeting of Council to confirm the proceedings of the Council meeting, including the adoption of the minutes of the previous Council and Committee of the Whole meetings as presented, including their contents, motions and resolutions; and any reports approved by Committee of the Whole of the same date.
- 2.6 No other business of Council shall be dealt with at a meeting after the Confirmation By-law has been passed.
- 2.7 Where a procedure has not been established in this By-law, Council or a Committee or a Local Board shall refer to Roberts Rules of Order for guidance.
- 2.8 There shall be no electronic participation permitted in Council or Committee meetings.

Meetings During a Declared Emergency

- 2.8.1 While every effort shall be made by members of Council, Committees and local boards to attend meetings physically in person, in the event that an emergency has been declared to exist in all or part of the Township of Essa, or in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, a member of Council or a Committee or a local board may participate fully in a meeting by electronic means (via teleconference or video conference). This applies to members of Council, Committees and Local Boards and to their participation.
 - 2.8.1.1 Electronic participation shall mean participation by teleconference or video conference.

- 2.8.1.2 Any member of Council participating by electronic means shall notify the Clerk at a minimum four (4) hours in advance of the meeting.
 - 2.8.1.3 Where a State of Emergency has been declared as outlined in Section 2.8.1 above, electronic participation shall count towards quorum in accordance with section 238(3.3) of the Municipal Act, 2001, as amended by Bill 187.
 - 2.8.1.4 Votes cast by members electronically shall be counted towards the overall decision of Council.
 - 2.8.1.5 In the event of technical failure during the meeting, Council/Committee may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made.
- 2.9 Where a request has been made to provide a document or information to a person with a disability, the Township will take into consideration the communication needs of the person making the request, and shall endeavor to provide the information to the person in a format that takes into account the person's disability.

3. NOTIFICATION, TIME, LOCATION AND CALLING OF MEETINGS

3.1 Public Notice of Meetings

- 3.1.1 Prior to the first meeting in each calendar year, Council shall establish a schedule of all regular Council meeting dates for such calendar year. The schedule shall include the date, time and location of the meetings, and shall be posted on the Township of Essa's website (www.essatownship.on.ca) at the beginning of each year. The meeting schedule is subject to change as necessary.
- 3.1.2 Notice of the Council meeting schedule, including the date, time and location of the meetings may be given in one or more of the following ways as deemed appropriate by the Clerk:
 - i. a resolution passed at a meeting open to the public (ie: Staff Report);
or
 - ii. posting on the Township website (www.essatownship.on.ca); or,
 - iii. such other manner as deemed appropriate by the Recording Secretary.
- 3.1.3 Notice of changes to the meeting schedule, including the revised date, time and location shall be given at least 24 hours prior to the regularly scheduled meeting in at least one of the methods outlined in Sec. 3.1.2, as deemed appropriate by the Clerk.
- 3.1.4 Notice of a Special Meeting, including the date, time, location and in general terms the topic of the meeting shall be given at least 48 hours prior to the Special Meeting in at least one of the methods in Sec. 3.1.2, as deemed appropriate by the Clerk.

3.1.5 Notice of a Cancelled Meeting shall be given including the date, time and location of the cancelled meeting and, if applicable, the date, time and location of the re-scheduled meeting prior to the regularly scheduled time of the meeting in at least one of the methods listed in sec. 3.1.2, as deemed appropriate by the Clerk.

3.1.6 No Public Notice is required for an Emergency Meeting.

3.2 Time and Date

3.2.1 Regular meetings of Council shall be held on the first and third Wednesday of each month following Committee of the Whole, which shall begin at 6:00 p.m. unless otherwise specified by Resolution of Council; and except when Wednesday is a statutory holiday, in which case the Council shall meet at the call of the Chair on a date which is not a public or civic holiday.

3.2.2 Every Committee of Council shall attempt to set a schedule of meetings in advance in order to allow and encourage public participation.

3.3 Location

3.3.1 All meetings of Council and Committee of the Whole shall be held in Council Chambers at the Essa Administration Centre located at 5786 County Road 21, or other location which may, from time to time, be agreed upon in advance by the majority of Council.

3.3.2 Any regular meeting of Council may be rescheduled by a motion passed at a previous meeting.

3.3.3 Council may establish a summer or holiday meeting schedule outlining dates and/or times other than the regular meeting schedule by passing a motion to this effect at a meeting preceding the commencement of such schedule.

3.4 Call to Order

3.4.1 The Mayor or Presiding Officer shall take the Chair and call the members to order within fifteen (15) minutes after the designated starting time of the meeting, provided that a quorum is present.

3.4.2 Subject to the provisions of the *Municipal Act*, 2001 where no presiding officer has been appointed under paragraph 4.4 of this By-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk or Recording Secretary shall call the members to order and an acting Head of Council or Chair shall be appointed from among the members present and he or she shall preside until the arrival of the Head of Council or Chair and, while so presiding, the acting Head of Council or Chair shall have all the powers of the Head of Council or Chair.

3.5 Quorum

- 3.5.1 Three members of Council or Committee of the Whole being present, that is a simple majority of five, shall constitute a quorum.
- 3.5.2 A simple majority of the quorum is needed to pass any motion.
- 3.5.3 If the number of members who, by reason of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Ch. M.50, are prohibited from participating in a meeting so that there is no quorum, despite any other Act, any number that is not less than one third of the total number of members of the Council or Board shall be deemed to constitute a quorum, but the number shall not be less than two.
- 3.5.6 When the remaining number of members under the paragraph above is two, the concurrent votes of both are necessary to carry any resolution, By-law or other measure.
- 3.5.7 If a quorum is not present within thirty (30) minutes after the time fixed for a regular meeting or special meeting, the Clerk or Secretary shall record the names of the Members present, and the Council or Committee shall stand adjourned until the next regular meeting, or special meeting, as the case may be.
- 3.5.8 If the Clerk becomes aware that a quorum of the members will not be available for a scheduled meeting, the Clerk shall notify the Mayor and make arrangements to cancel and/or reschedule the meeting to an alternate time, date and/or location.
- 3.5.9 The Mayor may cancel any meeting if s/he is of the opinion that weather conditions and/or an emergency situation warrants such cancellation for public safety or other similar reasons.

3.6 Inaugural Meeting

- 3.6.1 The Inaugural meeting of a newly elected Council shall take place no earlier than the first Wednesday following November 15th, but not later than 31 days after the new term commences.
- 3.6.2 The Mayor-elect and the Clerk shall decide on the date time and location, and shall be responsible for the content of the Agenda and the arrangements for the Inaugural Proceedings.
- 3.6.2 The first meeting of a newly elected Council after a regular election shall be held on the first Wednesday in December at 6:00 p.m.

3.7 Special Council Meetings

- 3.7.1 The Mayor may, at any time, summon a special meeting of the Council and it shall be the Mayor's duty to summon a special meeting whenever so requested in writing by a majority of the members of Council.

- 3.7.2 Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 3.7.3 Notwithstanding the fact that every effort is made to provide a full account of matters to be discussed at a meeting and circulated in advance, the consideration of a matter not set out in the Notice of Special Meeting may be considered by a weighted vote of two-thirds of the whole Council in order to consider a matter of which notice has not been given.
- 3.7.4 Except in the case of a disaster or emergency, forty-eight (48) hours notice shall be given for all special meetings of Council. The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting.
- 3.7.5 It shall be the responsibility of the Clerk or designate to forward all notices and agendas for Council, Standing and Committee meetings and to post such Notice on the Township website.
- 3.7.6 Notwithstanding the above, if either the Mayor or the Clerk is satisfied that circumstances will not enable meetings of the Standing Committee to be duly held at the dates and times determined pursuant to the appropriate section of this By-law, either the Mayor or the Clerk may summon a special meeting of the Council, for which at least forty-eight hours' notice shall be given and which notice shall:
- i. state that the special meeting is being called to enable Council, in Committee of the Whole, to consider and report on current matters which would otherwise have come before the Standing Committee; and
 - ii. have attached details of such matters in substantially the same form and content as normally presented to the Standing Committee.

3.8 Adjournment

- a. The motion to adjourn a Council meeting shall include the time of adjournment along with the date and time of the next scheduled meeting.
- b. The hour for adjournment for a day meeting shall be no later than 5:00 p.m., and the hour of adjournment for evening meetings shall be no later than 11:00 p.m. The Council or Committee shall always be adjourned at these hours unless this rule is temporarily suspended by Resolution of the members present.
- c. A Resolution of Council is required to suspend these rules extending a meeting beyond 11:00 p.m.

4. **ROLES AND RESPONSIBILITIES**

4.1 Role of Council

In accordance with Section 224 of the Municipal Act, 2001, as amended, it is the

role of Council to:

- a. Represent the public and to consider the wellbeing and interests of the municipality;
- b. Develop and evaluate the policies and programs of the municipality;
- c. Determine which services the municipality provides;
- d. Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e. Maintain the financial integrity of the municipality; and
- f. Carry out the duties of Council under the *Municipal Act*, S.O. 2001 as may be amended from time to time or any other Act.

4.2 Role of Head of Council

4.2.1 In accordance with Section 225 of the *Municipal Act*, 2001, as amended, it is the role of the Head of Council to:

- a. Act as Chief Executive Officer of the municipality;
- b. Preside over Council meetings so that its business can be carried out efficiently and effectively;
- c. Provide leadership to Council;
- d. Without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council as described in Section 4.1 of this By-law, and Section 224 of the *Municipal Act*, 2001, as amended.
- e. Represent the municipality at official functions;
- f. Carry out the duties of the Head of Council under the *Municipal Act* or any other Act.

4.2.2 Head of Council as Chief Executive Officer

In accordance with Section 226.1 of the *Municipal Act*, 2001, as amended, it is the role of the Head of Council as the Chief Executive Officer to:

- 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 Township, and promote the municipality locally, nationally and internationally; and
- d. Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

4.2.3 Duties of the Head of Council or Committee Chair

- a. To open the meeting of Council or Committee by taking the Chair and calling the members to order at the time specified on the agenda
- b. To announce the business before Council or Committee in the order in which it is to be acted upon.
- c. To receive and submit, in the proper manner, all motions presented by the Members of Council or the Committee.

- d. To put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and to announce the results.
- e. To decline to put to vote any motion which infringes on the Rules of Procedure.
- f. To restrain Members, within the Rules of Order, when engaged in debate..
- g. To enforce, on all occasions, the observance of order and decorum among Members.
- h. To call by name any Member persisting in breach of the Rules of Order of Council or the Committee, thereby ordering him/her to vacate the Council Chamber or meeting room.
- i. To maintain order and decorum by any and all persons present during the proceedings.
- j. To receive all messages and other communications and announce them to Council or the Committee.
- k. To authenticate by his/her signature all By-laws, Resolutions and Minutes of Council or the Committee.
- l. To represent and support Council or Committee, declaring its decisions in all things.
- m. To ensure that the decisions or recommendations of Council or Committee are in conformity with the laws and By-laws governing activities of Council or Committee.
- n. To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room.
- o. The Head of Council or other presiding officer may expel any person for improper conduct at a meeting.
- p. To wear the Chain of Office, at the Mayor's discretion.

4.3 Duties of the Clerk or Recording Secretary

- 4.3.1 In accordance with Section 228(1) of the *Municipal Act*, 2001, as amended, a municipality shall appoint a Clerk whose duty it is to:
 - a. Record, without note or comment, all resolutions, decisions and other proceedings of Council, Committee or Local Board;
 - b. if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
 - c. to keep the originals or copies of all By-laws and of all minutes of the proceedings of the Council, Committee or Local Board;
 - d. to perform the other duties required under the *Municipal Act*, S.O.2001, as may be amended from time to time, or under any other Act; and
 - e. to perform other duties as are assigned by the Township or Local Board, including but not limited to:
 - i. preparation of the agenda, including recommendations on any Consent agenda
 - ii. preparation of Resolutions for Council, Committee or Local Board consideration
 - iii. recording of the names of the members, staff, consultants and the public in attendance at the meeting.

4.4 Presiding Officer

- 4.4.1 In accordance with Section 241 (1) of the *Municipal Act*, the Mayor shall preside at all meetings of Council.
- 4.4.2 In the absence of the Mayor, or if the office is vacant, the Deputy Mayor shall take the Chair and preside during the absence or vacancy. In the absence of the Deputy Mayor, or if the office is vacant, the Council may appoint a Chair from among the members present who, during the absence or vacancy, shall have all the powers of the Head of Council.
- 4.4.3 The Chair will preside at Committee meetings and the Acting or Deputy Chair in his or her absence. In the absence of the Acting Chair, the Committee members will appoint a person from among those present, provided there is a quorum.

4.5 Council Vacancies

- 4.5.1 In accordance with Section 259 of the *Municipal Act*, the office of a member of municipal council becomes vacant if the member:
- a. becomes disqualified from holding the office of a member of Council under Section 256, 257 or 258 of the *Municipal Act*, 2001
 - b. fails to make the declaration of office before the deadline in Section 232
 - c. is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council
 - d. resigns from his or her office, and the resignation is effective under Section 260
 - e. is appointed or elected to fill any vacancy in any other office on the same Council
 - f. has his or her office declared vacant in any judicial proceedings
 - g. forfeits his or her office under this or any other Act, or
 - h. dies, whether before or after accepting office and making the prescribed declarations.
- 4.5.2 In accordance with Section 259(1.1) of the *Municipal Act*, clause 4.5.1 (c) above does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.
- 4.5.3 In accordance with Section 260 of the *Municipal Act*, a member of municipal council may resign from office by providing notice in writing, to be filed with the Clerk of the municipality, however, a resignation is not effective if it would reduce the number of members of the council to less than a quorum, and if the member resigning from office is a member of the upper tier council, the resignation is not effective if it would reduce the number of members of either council to less than quorum.

5 DELEGATIONS AND PRESENTATIONS

5.1 Request for Delegation

- a. Delegations and Presentations shall be made in Committee of the Whole, unless otherwise approved by the Head of Council. Except as provided by law, a person who is not a member of Council shall be permitted to make a delegation to Committee of the Whole in accordance with this By-law.
- b. Any person requesting a delegation or presentation shall submit the request in writing to the Clerk no later than 4:00 p.m. on the Wednesday prior to the meeting at which they wish to be heard. The written request shall state the nature of the business to be discussed and the person(s) named to make the delegation. Persons addressing Committee shall confine their remarks to the stated business. The letter of request for delegation shall be circulated with the Committee of the Whole agenda.
- c. No member of the public shall be permitted to address Committee on any subject without the prior approval of the Clerk through the process of a written request, or unless they are directly invited to do so by the Mayor.
- d. No delegation may be scheduled for a closed session, nor shall delegations be permitted regarding any specific personnel matters where an individual may be identified.
- e. All delegations shall take place during Committee of the Whole. Only a delegation which is in opposition to a Committee recommendation shall be permitted in Council. A person wishing to address Committee may speak, with the leave of Committee, for up to ten (10) minutes, and successive extensions of ten minutes may be granted by the Mayor or designate.
- f. The Clerk shall be empowered to refer requests made of Council by deputation to appropriate Committees as deemed necessary.
- g. A delegation of more than five persons shall be limited to two speakers, and each speaker limited to no more than ten minutes each.
- h. When a request to appear is received after the agenda has been printed and distributed, or when the agenda already includes a total of three delegations or presentations, or when a previously scheduled delegation or presentation will take an inordinate amount of time, the Clerk may schedule the delegation for a future meeting. In the event that the matter is of a time sensitive nature, the Clerk shall refer the request to the Mayor and a delegation may be scheduled at a Special Meeting at the discretion of the Mayor.
- i. In the case of an emergency, a person wishing to address Council concerning an item on the agenda may request a delegation through the Clerk before the Council meeting begins. The Clerk will advise the Mayor of the request and the Mayor will call for a vote of the Council to waive the rules for delegations to allow the person to speak and upon a majority vote in the affirmative, the person will be permitted to address Council.

- j. Delegations by any member of the public relating to specific personnel matters shall not be permitted at a meeting open to the public.
- k. No delegation by a member of the public may be scheduled during a closed session.

5.2 Previous Delegations

- a. Requests from persons who have previously addressed Council or Committee at a regular or public meeting within the last six months on a particular item shall not be granted unless there is new information to present, in addition to what they have previously presented. Such proof shall be submitted to the Clerk, in writing, no later than 4:00 pm on the Wednesday preceding the scheduled meeting. If, in the opinion of the Clerk, the written submission does not provide any new information, the request shall be denied.
- b. The Clerk may, at their discretion, forward the request for a second delegation to the Mayor for review to determine whether the delegation may be allowed. If the Mayor does not believe the written submission provides new information, the submission shall be provided to Council as an information item.

5.3 Planning Issues

When a request for delegation pertains to an application under the *Planning Act* that has been or will be recommended to Committee through a staff report, the delegation shall be scheduled for the meeting where Committee will receive the recommendation of the Planner, subject to the limitations indicated above.

5.4 Presentations

- a. A person may appear before Council for the purpose of presenting or receiving a gift or recognition provided that the person or their representative submits a request in writing to the Clerk describing the nature and purpose of the presentation.
- b. Notwithstanding item 5.4 (a) above, Council may, at its discretion, refuse to permit a presentation.

5.5 Request to Local Boards

Any person wishing to appear as a delegation before a subcommittee or local board must give notice in writing, including the subject matter of the delegation, to the Secretary not later than 12 noon, one week (7 days) prior to the regular local board meeting so that notice of such delegation can be shown on the agenda.

5.6 Conduct during Delegations

- a. No member of Council shall interrupt the person making a delegation while they are addressing Committee, except on a point of order, or if the Mayor deems it necessary to advise them of the time limitation.

- b. Members of Council may ask questions of the person(s) making the delegation following completion of the delegation, but shall not enter into debate with the person(s).
- c. Upon completion of the delegation, Committee shall consider any report for discussion pertaining to the matter and determine, by resolution, an appropriate course of action.
- d. Any individual or group making delegations before Committee or a local board shall conduct themselves with decorum at all times and shall refrain from using any slanderous or abusive statements or behaviour.
- e. If the Mayor determines that decorum has been breached, the delegation will be immediately stopped and the offender provided an opportunity to retract their statements and apologize to Committee.
- f. Any member of the public who repeatedly interrupts Committee or Council proceedings and/or interjects without being invited to do so, who breaches decorum, or refuses to apologize or retract statements found to be offensive, shall be requested by the Mayor to cease and desist. If the person(s) does not comply after being warned, the Mayor shall recess the meeting until the individual(s) leaves the Chambers, or until a peace officer removes the offender from the Council Chambers, after which time the meeting may be reconvened.

6. COMMITTEE OF THE WHOLE

- 6.1 Council hereby delegates the duties and responsibilities of the Standing Committees to Committee of the Whole, to be comprised of all the members of Council and Chaired by the Mayor. Committee of the Whole encompasses the duties and responsibilities of the Planning, Finance and Administration, and Public Works Committees.
- 6.2 In delegating the duties of the Planning Committee to Committee of the Whole, Council delegates the authority to approve matters dealt with under the *Planning Act*.
- 6.3 Notwithstanding the above statement, Council may continue to exercise the delegated powers and duties despite the delegation.
- 6.4 Any motions concerning matters within the delegated powers under this section shall be deemed to be the proceedings of Council and shall take force and effect upon their approval.
- 6.5 Any motions concerning matters not within the delegated powers shall take the form of a recommendation to Council and shall not take force and effect until approved by Council.
- 6.6 Council is not authorized to delegate any of the following powers and duties to any Committee or Local Board, or to any individual or group:
 - a. To appoint or remove statutory officers of the municipality from office;
 - b. To pass a by-law and deal with issues regarding taxes;
 - c. To incorporate corporations;
 - d. To adopt an official plan or an amendment to an official plan under the *Planning Act*;
 - e. To pass a zoning by-law under the *Planning Act*;

- f. To pass a by-law related to small business counseling and municipal capital facilities;
- g. To adopt a community improvement plan;
- h. To adopt or amend the municipal budget;
- i. Any other power that may be prescribed.

The Province restricts the right to revoke any delegated powers at any time.

- 6.7 When it appears that any matter may be more conveniently considered in Committee of the Whole, Council may, by Resolution, dissolve into Committee of the Whole. The proceedings taken in Committee, when adopted by Council, shall be deemed to be proceedings of Council.
- 6.8 The Head of Council shall preside over Committee of the Whole or may designate another member to preside.
- 6.9 All resolutions and decisions approved as presented by Committee of the Whole shall be ratified by the passing of the Confirmation By-law at the end of each Council meeting.
- 6.10 Standing Committees

The Standing Committees of Finance, Planning and Development and Public Works are hereby established and all members of Council shall be members of the committee. Standing Committees shall meet as Committee of the Whole.

6.11 Advisory Committees

- 6.11.1 Council may, from time to time, establish by by-law an Advisory or Ad Hoc Committee under the *Municipal Act* or any other Act. The Advisory Committee shall advise Council on the specific matters set out in the appointment by-law and to make recommendations to Council for this purpose.
- 6.11.2 The appointment by-law shall include the names of the members of Council and any members of the public appointed to the Advisory Committee.
- 6.11.3 The term of the Advisory Committee shall coincide with, and shall not exceed, the term of Council.
- 6.11.4 The Chair for each Special Committee shall be as designated by Council. An Ad Hoc Committee may make a written report to Council on their findings, and may make recommendations for Council's approval.
- 6.11.5 Despite the above provisions, the Mayor may, at their discretion, assume the Chair at any meeting of an advisory committee, for the purpose of conducting that particular meeting.
- 6.11.6 When specifically delegated by Council, an Advisory Committee may oversee Township operations or projects within an approved budget and/or Township policy.

6.11.7 Advisory Committees shall not have the power to waive Township policy, expend any funds not approved in the budget, establish any fees, or bind Council or the Corporation.

7. APPOINTMENTS

- 7.1 Before December 31 of an election year, the Mayor shall appoint members of Council to the various Standing and Subcommittees, Boards and Special Purpose Bodies after consulting with the members.
- 7.2 The Clerk shall advertise for members of the public to serve on the Committees and Boards appointed by Council. Said advertisement shall take the form of a notice including the name of the Committee or Board, and the number of members of the public to be appointed. This notice shall be advertised in one or more local newspapers, on the Township website, and posted at all Township facilities, or any other means deemed appropriate by the Clerk.
- 7.3 Application to sit on a subcommittee or advisory committee of Council shall be made on the form provided by the Clerk at various locations and on the Township website. Completed forms must be returned to the Clerk by the specified deadline in order to be considered for appointment and to ensure the equity and objectivity of each appointment.
- 7.4 The incoming Council will review the application forms at their first regular meeting and make recommendations and appointments accordingly.

8. RULES OF CONDUCT AND DEBATE

8.1 Role of the Chair

The Chair of a Committee of Board shall, in directing the course of the debate:

- a. Designate the member who has the floor when two or more members wish to speak;
- b. Preserve order and decide questions of order;
- c. Receive all motions presented in writing before permitting debate on the question except when otherwise provided for in this By-law.

8.2 Conduct

Members of Council, Committees or a Local Board shall adhere to the Council Code of Conduct, and shall not:

- a. Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada or the Province of Ontario;
- b. Use offensive, insulting or indecent words or unparliamentary language in or against the Council or Committee or against any member;
- c. Speak or address the subject in debate without first requesting to speak and then being recognized by the Mayor or Chair and given permission to speak;

- d. Speak on any subject other than the subject in debate without the permission of the Mayor or Chair;
- e. Address another member of Council, a member of Township staff, or a person making a delegation or member of the gallery directly without first being recognized by the Mayor, then addressing that person through the Mayor;
- f. Speak more than once to the same question, except:
 - i. upon consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined;
 - ii in explanation of a material part of his or her speech which may have been interpreted incorrectly; or
 - iii with leave of Council, after all other members so desiring have spoken; or
 - iv a reply may be allowed by leave of the Council to the member who presented the motion; in which case s/he shall speak for no longer than a five minutes period without leave of Council;
- g. Ask a question except of the previous speaker and in relation to that speaker's remarks;
- h. Interrupt the Member who has the floor except to raise a point of order
- i. Criticize any decision of the Council except for the purpose of moving in accordance with provisions wherein a question may be reconsidered;
- j. Disobey the Rules of Council, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in the case where a member persists in any such disobedience after having been called to order by the Mayor, the Mayor shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologized he/she may, by vote of the Council, be permitted to retake his/her seat.
- k. Leave their seat or make any noise or disturbance while the presiding officer is putting a question, and shall occupy his/her seat while a vote is being taken and shall remain seated until the results of said vote are declared.
- l. Reveal publicly the substance of any matter dealt with in closed session.

8.3 Any Member of Council:

- a. May request the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking;
- b. May appeal the decision of the Presiding Officer on a point of order to the Council, which shall decide the question without debate upon a majority vote of the Members present;
- c. Shall restrict debate to each proposal in its turn when a question has been divided upon leave of Council.

8.4 Oral Motions

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

- a. a point of order or personal privilege
- b. presentation of petitions

- c. to lay on the table
- d. to postpone indefinitely or to a particular day
- e. to move the previous question.

8.5 Motion to Suspend the Rules

A motion to suspend the Rules of Procedure may be introduced without notice and without leave, but such motions shall be in writing and signed by a mover and seconder.

8.6 Sole Arbiter

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

9. **DISCLOSURE OF PECUNIARY INTEREST**

9.1 Compliance with the *Municipal Conflict of Interest Act*

Every member of Council, Committee or a Local Board as defined by the *Municipal Conflict of Interest Act*, as may be amended from time to time, shall comply with the provisions of the *Municipal Conflict of Interest Act* including the declaration of any pecuniary interest as prescribed by the Act.

9.2 Declaration of Pecuniary Interest & General Nature thereof

Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council, Committee or a Local Board at which the matter is the subject of consideration, the member shall:

- a. at the beginning of each meeting and prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b. not take part in the discussion of, or vote on any question in respect of the matter; and
- c. not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

9.3 Member may leave Open Meeting

Any member declaring a pecuniary interest may, at his or her discretion, leave the meeting until Council, Committee or the Local Board has dealt with the matter in relation to which the interest has been declared.

9.4 Member required to leave Closed Meeting

Notwithstanding Section 9.3 above, when the meeting is in Closed Session, a member who has declared a Conflict of Interest shall forthwith leave the meeting or part of the meeting during which the matter in relation to which the interest has been declared is under consideration by Council, Committee or the Local Board. The Clerk shall record in the Minutes the time the member left and returned to closed session.

9.5 Declaration by Member absent from Prior Meeting

Where the interest of a member has not been disclosed by reason of the member's absence from the meeting, the member shall disclose the interest at the first meeting of the Council, Committee or the Local Board as the case may be, attended by the member after the meeting at which the matter was considered.

9.6 Recording

In accordance with Section 6 of the *Conflict of Interest Act*, any declarations of pecuniary interest including the general nature thereof, shall be recorded in the minutes by the Clerk or Recording Secretary. In the event that a member declares an interest during closed session, the member shall affirm their declaration of interest immediately after the motion to arise and the Clerk or Recording Secretary shall record the declaration in the minutes.

10. CONDUCT OF ATTENDEES AND GUESTS

10.1 No person shall be permitted within the enclosure occupied by the Council except a member of the Council or staff, unless by permission or by invitation of the Mayor.

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

10.3 Upon the approval of the Head of Council, members of the public may be permitted to use cameras, flash bulbs, recording equipment, cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings. Use of such equipment without the express consent of the Head of Council may result in a suspension of the proceedings, or a request for removal from the Chambers.

11. AGENDAS

11.1 The Clerk shall prepare and print for the use of members of Committee of the Whole an agenda under the following headings:

1. Opening of the Meeting by the Mayor / Chair
2. Declaration of Pecuniary Interest
3. Delegations / Presentations / Public Meetings - specifying the time of each
Staff Reports shall follow in the following sequence:
4. Planning and Development / Building Department
5. Parks and Recreation / Community Services
6. Fire and Emergency Services
7. Finance
8. Public Works
9. Clerks / By-law Enforcement / IT

10. Chief Administrative Officer
11. Other Business
12. Adjournment

11.2 In the event that any agenda item is also the subject of a delegation or presentation, the item may be brought forward to the beginning of the agenda in order that Committee may receive the delegation and discuss the matter immediately following the delegation or presentation, at the discretion of the Chair.

11.3 The Clerk shall have prepared and printed for the use of the Members at Regular Council meetings an agenda under the following headings:

1. Opening of the Meeting by the Mayor
2. Disclosure of Pecuniary Interest
3. Adoption of Minutes of Previous Meeting
4. Consent Agenda
5. Committee Reports
6. Petitions
7. Motions and Notices of Motion
8. Unfinished Business
9. By-laws
10. Questions
11. Closed Session
12. Confirmation By-law
13. Adjournment

11.4 Addendum

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

11.4.2 Any addendum shall be posted on the Township website at the earliest opportunity prior to the meeting in order to provide public notification of items to be discussed.

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

11.5 Order of Business

The order of business as stated above may be taken out of order at the discretion of the Clerk when preparing the Council agenda. Items on the Council agenda may be taken out of order at the meeting at the discretion of the Mayor.

12. CORRESPONDENCE CONSENT AGENDA

12.1 The Clerk shall determine whether items of correspondence addressed to Council received prior to the preparation of the agenda will be included as Information Items or Correspondence on the Agenda.

- 12.2 The Clerk shall provide a recommendation for the disposition of all correspondence or authorize such action as recommended by staff in the draft response. The Clerk's recommendations for the disposition of the correspondence and/or response shall be received and approved under one motion.
- 12.3 Upon the presentation of the motion and prior to its approval, any item of correspondence may be the subject of limited discussion. If any member of Council disagrees with the Clerk's recommendation, Council may briefly discuss the matter and if a consensus is reached, may revise the wording of the recommendation. If a consensus of Council does not agree to revise the recommendation, an individual member may request that the correspondence motion be brought forward with the exception of that item in order that a separate vote may be held.
- 12.4. In the event that a correspondence item is pulled for a separate vote, a motion based on the clerk's recommendation shall come forward immediately following the passage of the correspondence motion. The separate motion may be debated, amended, referred, deferred or recorded in accordance with the provisions set out herein.
- 12.5 Prior to Council consideration, resolutions for endorsement shall be referred to in the appropriate senior staff member who shall determine whether the matter warrants a report and recommendation to Council. It shall be a policy of the Township not to consider proclamations or resolutions dealing with matters outside the municipal jurisdiction.

13 MINUTES

- 13.1 The Minutes of Council, Committee or a Local Board shall record:
- a. The place, date and time of meeting;
 - b. The name of the Presiding Officer or officers, and record the attendance of the members and the staff and any invited guests present;
 - c. The reading, if requested, correction and adoption of the minutes of prior meetings; and
 - d. All other proceedings of the meeting without note or comment.

14 PETITIONS AND COMMUNICATIONS

- 14.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, including address and telephone number, and filed with the Clerk.
- 14.2 Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice in writing to the Clerk no later than the Wednesday preceding the commencement of the regular meetings of Council/Committee of the Whole, and may be heard by leave of the Presiding Officer of Council or Committee, but shall be limited in speaking to not more than ten (10) minutes; except that a delegation consisting of more than five (5) persons shall be limited to two speakers, each limited to speaking not more than ten (10) minutes each. The Clerk shall be advised in writing as to the topic to be

discussed. The Clerk shall be empowered to refer requests made of Council by delegation to appropriate committees as deemed necessary.

15 BY-LAWS

- 15.1 By-laws for the Township of Essa shall be presented in draft form until they have been adopted by Council.
- 15.2 The adoption of multiple By-laws presented to Council, with the exception of the Confirmatory By-law, may be the subject of one motion, the resolution reading as:
- BE IT RESOLVED THAT By-law Nos . x,xx,xxx,xxx be read a first, and taken as read a second and third time and finally passed.**
- 15.3 At the request of any member, prior to the vote for adoption, By-laws may be discussed or voted on individually.
- 15.4 No By-law may be defeated on the floor of Council without reconsideration of the original matter/motion which gave rise to consideration of the By-law.
- 15.5 The proceedings at every meeting of Council shall be confirmed by By-law so that every decision of Council at that meeting, and every resolution thereof, shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.
- 15.6 The Clerk is authorized to make such minor deletions, additions or other grammatical and clerical errors or changes in form to any By-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the By-law.
- 15.7 Amendments to By-laws approved by Council shall be deemed to be incorporated into the By-law upon passage of the amending By-law, of which the amendments shall be inserted by the Clerk.
- 15.8 Every By-law enacted by Council shall be signed by the Mayor or the member who presided as Chair at the meeting, and the Clerk or his/her designate. The Corporate Seal shall be affixed to the By-law, and the By-law shall be numbered, dated and retained in the Clerk's Office.
- 15.9 A Confirmation By-law shall be passed at each meeting to confirm the decisions of Council or any decisions of a Committee delegated by Council. A confirmation by-law shall be listed on the Regular Council Agenda as the last item for Council consideration prior to Adjournment.

16. MOTIONS AND RESOLUTIONS

- 16.1 A member may introduce a motion regarding a matter that would not otherwise be considered by Council by delivering a written copy of the draft resolution signed by the Mover and Seconder to the clerk no later than 12:00 noon on the Wednesday preceding a Regular Council meeting, or by presenting the draft Resolution to the Clerk at a Regular Council meeting under the Notice of Motion section.

-
- 16.2 Upon receipt of a Notice of Motion, the Clerk shall print the draft Resolution in full on the agenda for the next Regular Council meeting.
- 16.3 No motion shall be debated upon or put forward unless it has been written, moved and seconded.
- 16.4 After a resolution has been received and/or read by the Mayor or Presiding Officer, it shall be deemed to be in the possession of the Council but may, with the majority consent of members present, be withdrawn by the mover prior to discussion or amendment or prior to voting.
- 16.5 A motion to amend:
- a) Shall be presented in writing;
 - b) shall receive disposition of Council before a previous amendment or the question;
 - c) shall be relevant to the question to be received;
 - d) may propose a separate and distinct disposition of a question;
 - e) shall be put in the reverse order to that in which it is moved.
- 16.6 All motions must be moved and seconded with the exception of a motion to adjourn, which does not require a seconder.
- 16.7 Each member of Council or a committee may address the subject matter of the motion. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt any other member while speaking. Only members may speak during the time between the call for discussion by the Chair, and the conclusion of the vote on the motion. The clerk, CAO or other staff member may address Council or a committee to clarify the issues pertaining to the subject matter of the motion, or to provide additional information pertaining thereto.
- 16.8 After discussion, a motion on the floor may be altered by a Friendly Amendment with the approval of the mover and seconder, and with the agreement of the majority of members. If a majority do not indicate their support of a friendly amendment, a formal motion to amend may be brought forward.
- 16.9 A motion may be withdrawn by the mover with the agreement of the seconder. After a motion is read or stated by the Mayor or Chair, it shall be deemed to be in possession of Council or the committee but may, with the permission of the mover and seconder, be withdrawn at any time before decision or amendment.
- 16.10 In the event that the majority of Council or a committee determine they have inadequate information to be able to vote on a particular issue, the Chair may mark the motion "Tabled" and the said motion shall appear as an item of business on the agenda for the next and each subsequent regular meeting until a decision has been reached.
- 16.11 A motion to Reconsider may be introduced by any member and must duly seconded. A motion to Reconsider is not debatable and is subject to the following:

- a. If a motion to reconsider is brought forward at the same meeting when the original motion was considered, a two-thirds majority of the members is required to pass the motion to reconsider.
 - b. If a motion to reconsider is brought forward at a subsequent Council or Committee meeting, a majority of the members is required to pass the motion to reconsider.
 - c. The original motion cannot be brought forward for reconsideration more than once unless the substance of the motion has been materially changed.
 - d. A motion to reconsider is not subject to debate, amendment or reconsideration and cannot be tabled or referred.
 - e. Where a member of Council or a Committee has been named in any legal action related to a matter for reconsideration, no vote for reconsideration shall be taken until the action has been resolved.
 - f. No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided.
 - g. A motion to reconsider suspends action on the motion to which it applies until it has been decided.
 - h. If the action approved in the main motion cannot be reversed, the motion cannot be reconsidered.
 - i. The following motions cannot be reconsidered:
 - i. a motion to adjourn
 - ii. a motion to recess
 - iii. a motion to suspend the Rules
 - iv. a motion to reconsider
 - v. a motion to postpone indefinitely which has been lost
- 16.12 Immediately preceding the taking of the vote, the Mayor or Presiding Officer may state the question in the form introduced and shall do so if required by a member, except when a motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.
- 16.13 After a question is finally put by the Mayor or Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 16.14 The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing, or otherwise.

17. VOTING

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

-
- 17.2 When the Chair calls the vote, each member present will vote by raising their hand to indicate their agreement or disagreement with the motion on the table.
- 17.3 Except where disqualified to vote by reason of interest or otherwise, the Chair shall vote at the same time as the other members on all questions.
- 17.4 Upon completion of the vote the Chair shall declare whether the motion was carried or defeated.
- 17.5 A refusal to vote shall be taken as a vote in the negative. Abstentions are not permitted.
- 17.6 Any motion on which there is an equality of votes shall be deemed to be defeated.
- 17.7 Recorded Vote
- 17.7.1 When a member present requests a recorded vote immediately prior to or immediately subsequent to the taking of the vote, all Members present at the Council or Committee meeting must vote in alphabetical order followed by the Deputy Mayor and Mayor unless otherwise prohibited by statute. The names of those who voted for, and who voted against, shall be noted in the minutes. The Clerk shall announce the results.
- 17.7.2 When a question is tabled and a recorded vote taken, any member who does not vote shall be deemed as voting in the negative, except where s/he is prohibited by statute from voting.
- 17.8 No Other Voting Methods
- No vote shall be taken by ballot or by any other method of secret voting.
- 17.9 Motions introduced verbally
- a. The following matters and motions with respect thereto may be introduced verbally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
- i a point of order or personal privilege;
 - ii presentations or petitions;
 - iii to lay on the table;
 - iv to postpone indefinitely or to a day certain;
 - v to move the previous question.
- 17.10 Motions introduced in Writing
- a. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- i motion to refer
 - ii to adjourn

- iii to amend
- iv to suspend the Rules of Procedure

- b. Except as provided in Item 4 above, all motions shall be in writing and signed by the mover and seconder.

18. CLOSED SESSION

- 18.1 Except as provided in this section, all meetings shall be open to the public.
- 18.2 Council, Committee or a Local Board may go into Closed Session, referred to as In Camera, by the passing of a motion which shall state:
 - a. the fact of holding the in camera session
 - b. the general nature of the matters to be considered during the Closed Session as provided in the *Municipal Act*.
- 18.3 Upon passage of a motion as above, all members of the media and the public shall be required to leave the room. The Recording Secretary and any members of staff or consultants required for the purpose of the deliberations may be requested to attend the closed session.
- 18.4 Reasons for Closed Session
 - 18.4.1 In accordance with Section 239(2) of the Municipal Act, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - a. The security of the property of the Township or Local Board;
 - b. Personal matters about an identifiable individual including Township or Local Board employees;
 - c. A proposed or pending acquisition or disposition of land for Township or Local Board purposes;
 - d. Labour relations or employee negotiations;
 - e. Litigation or potential litigation, including matters before administrative tribunals affecting the municipality of 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

18.4.2 Other Criteria

In accordance with Section 239(3) of the Municipal Act, a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- a. a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b. an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) or the investigator referred to in subsection 239.2 (1) of the Municipal Act 2001, as amended.

In the event that an investigation has determined that a meeting or part of a meeting that was the subject matter of an investigation appears to have been closed to the public contrary to Section 239 of the Municipal Act, 2001, as amended, or to a Procedure By-law under subsection 238 (2) of the Act, the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

18.4.3 Educational or Training Sessions

A meeting of Council, Local Board or Committee or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:

- a. The meeting is held for the purpose of education or training the members; and
- b. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

18.5 Recording

No minutes shall be recorded in Closed Session.

18.6 No Closed Vote

18.6.1 A meeting shall not be closed to the public during the taking of a vote.

18.6.2 Despite paragraph 15.6.1, no vote shall be taken in the closed session with the exception of a motion to extend the hour of adjournment, and any such motion passed In Camera shall be recorded in the minutes. Any matters considered during the in camera session, including directions to officer, employees or agents shall be brought forward and voted upon when Council rises from the closed session.

18.6.3 Notwithstanding 15.6.2, Council may vote during the closed session if

such a vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, or persons retained by or under a contract with the municipality or local board, in accordance with Sec. 239(6) of the *Municipal Act*, 2001.

18.6.4 Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, no member of the current Council, or a former Council, shall disclose any personal information or other information which reveals the substance of deliberations of Council in closed session. Any current or former member who discloses such information may be subject to the penalty provisions under the Act.

18.6.5 Any recommendation or direction arising from the closed session shall be in the form of motions and shall come forward immediately upon rising. Each motion shall identify the general nature of discussion and instructions without revealing any confidential security, personal, personnel or legal matters.

19. ADMINISTRATIVE AUTHORITY OF THE CLERK

19.1 The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of the proceedings. This shall only be done where the intent of the By-law, minutes, and other Council and Committee documentation is not altered by the amendment, and the Clerk shall submit a report to Council to outline the housekeeping amendment.

20. INTERPRETATION

20.1 Words used in the singular shall have corresponding meanings when used in the plural.

20.2 "May" shall be construed as permissive.

20.3 "Shall" shall be construed as imperative.

20.4 Unless the contrary intention appears in this by-law, words importing the masculine gender only shall include females as well as males and the converse.

20.5 Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the regional area for any period of the year such time shall be the time referred to during such period in any reference to time in this by-law.

20.6 This By-law shall be cited as the "Procedural By-law".

21. REPEALS

21.1 THAT this By-law shall take force effective January 1, 2018.

21.2 THAT By-law No. 2007-80 be and is hereby repealed effective January 1, 2018.