

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

## **By-law No. 19- 23**

**Being a by-law to provide rules for governing the order and procedures of the Council of the Township of Adjala-Tosorontio**

**Whereas** Section 238 of the Municipal Act, 2001, provides that a Council shall pass a procedure by-law governing the calling, place and proceedings of meetings;

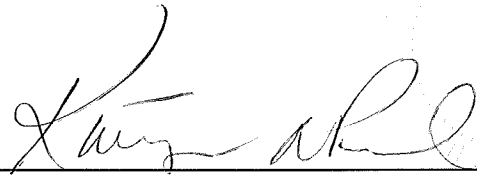
**Now Therefore** the Council of The Corporation of The Township of Adjala-Tosorontio hereby enacts as follows:

1. That 'Appendix A' to this By-law be approved as the rules and procedures governing the proceedings of Council and Committees.
2. The short title of this By-law is the 'Procedural By-law'.
3. By-law 16-19, as amended, is hereby repealed.
4. This by-law shall come into force and effect at the passing thereof.

**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 18th day of April, 2019.



**Floyd Pinto, Mayor**



**Kathryn A. Pearl, Clerk**

Procedure By-law

1.	Definitions .....	1
2.	Application/Suspending the Rules.....	4
3.	Principles of the Procedural By-law.....	4
4.	Duties .....	5
	Council .....	5
	Mayor .....	5
	Chief Administrative Officer (CAO).....	6
	Clerk.....	6
	Meeting Attendees .....	6
5.	General Rules .....	7
	Quorum .....	7
	Appointment of Alternate Member to Upper Tier Council .....	7
	Closed Meetings .....	7
	Closed Meeting Investigator.....	9
	Closed Meetings – Procedure .....	9
	Declarations of Pecuniary Interest .....	9
	Deputations .....	10
	Presentations .....	11
	Public Meetings.....	12
	Adjournment.....	12
	Administrative Corrections to Official Records .....	12
6.	Council.....	12
	Conduct of Members of Council.....	12
	Inaugural Meeting .....	13
	Regular Meetings of Council .....	13
	Order of Business .....	14
	Call of the Roll.....	14
	Call to Order.....	14
	Minutes.....	15
	Deputations/Presentations .....	15
	Correspondence.....	15
	Staff Reports .....	16
	New and Unfinished Business.....	16
	By-laws.....	16
	Notice of Motion .....	17
	Question Period (Public Input) .....	17
	Announcements .....	17
	Special Meetings of Council .....	17

Emergency Meetings.....	18
7. Agenda Distribution, Notice and Cancellation Provisions.....	19
Statutory Notice Requirements .....	19
Notice – Regular Meetings .....	19
Notice – Special Meetings.....	19
Notice – Emergency Meetings .....	20
8. Rules of Debate .....	20
Points of Order .....	21
Question of Privilege .....	21
9. Motions .....	21
Motions Without Notice .....	25
10. Voting.....	25
Recorded Vote .....	26
Voting at Closed Meetings .....	26

**1. Definitions**

**1.1** In this By-law,

- (a) **Act** means the Municipal Act, S.O. 2001, c. 25, as amended or re-enacted from time to time;
- (b) **Acting Mayor** means the Deputy Mayor or in the absence of the Deputy Mayor or a Member of Council who has been appointed from time to time by resolution;
- (c) **Advisory Committee** means a Committee created by Council, with no definitive end, to on a specific subject;
- (d) **Alternate Member** means a Member appointed by Council to temporarily serve on the Upper Tier Council, as deemed necessary;
- (e) **By-law** means an enactment, in a form approved by Council, passed for the purpose of giving effect to a decision or proceedings of Council;
- (f) **Chief Administrative Officer** means the Chief Administrative Officer (CAO) of the Township of Adjala-Tosorontio;
- (g) **Chair** means the Presiding Officer of any Meeting of Council or Committee;
- (h) **Clerk** means the Clerk of the Corporation of the Township of Adjala-Tosorontio;
- (i) **Closed Meeting (In-Camera)** means a meeting, or part of a Meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act;
- (j) **Committee** means all Committees and Local Boards established by resolution or by-law of Council;
- (k) **Confirming by-law** means a by-law passed for the purpose of giving general effect to a previous decision or proceeding of Council;
- (l) **Consent Agenda** means a listing of Consent Items being presented to Council for its consideration and vote;
- (m) **Council** means the Council of the Township of Adjala-Tosorontio;

- (n) **Debate** means deliberation on a motion which is before Council;
- (o) **Delegate** means any person, group of persons, firm or organization, who is neither a member of a Committee or Council or an appointed Official of the Township, wishing to address Committee or Council on a specific matter upon request to the Clerk;
- (p) **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;
- (q) **Friendly Amendment** means the motion under debate is amended with the consent of the mover and seconder, and without the requirement for an amending motion to be made;
- (r) **Integrity Commissioner** means the individual appointed by the municipality who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the Codes of Conduct, the Municipal Conflict of Interest Act, and the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards;
- (s) **Local Board** means any board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of the Corporation of the Township of Adjala-Tosorontio, excluding a school board, a conservation authority, a police services board and a public library board;
- (t) **Majority** means for the purpose of voting, unless otherwise specified, more than half the total number of the Members of Council or Committee present at the vote and not prohibited by statute from voting;
- (u) **Majority Vote** means more than one half of the votes cast by members present;
- v) **Mayor** means the Mayor of the Corporation of the Township of Adjala-Tosorontio;
- (w) **Meeting** means any regular, special or other meeting of Council, local board or committee where a quorum of members is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, Committee or Local Board;

- (x) **Member** means a member of Council and includes the Mayor;
- (y) **Motion** means a proposal moved by a Member and seconded by another Member, for the consideration of Council and a proposal moved by a Member for the consideration of a Committee;
- (z) **Pecuniary Interest** has the same meaning as the term has in the Municipal Conflict of Interest Act (MCIA), as amended or replaced from time to time;
- (aa) **Point of Order** means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council;
- (bb) **Public Meeting** means a meeting for the 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);
- (cc) **Question of Privilege** means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the Council or any of its Members to be brought up for possible immediate consideration because of its urgency;
- (dd) **Quorum** means a majority of the Members of Council present at the meeting;
- (ee) **Recorded Vote** means the making of a written record of the name and the vote of each Member who votes on a question;
- (ff) **Rules of Procedure** means the rules and regulations governing the calling, place and proceedings of meetings as provided in this by-law;
- (gg) **Staff** means any person employed by the Township, and includes persons employed on a full-time, part-time, temporary and seasonal or contract basis and in addition for the purposes of the By-law, volunteer firefighters acting under the authority of the Fire Chief;
- (hh) **Special/Ad Hoc Committee** means a Committee created by Council, with a defined ending, to report and recommend directly to Council/Committee on a specific matter;
- (ii) **Standing Committee** means a Committee established by Council where all the Members are members of Council;

- (jj) **Township** means the Corporation of the Township of Adjala-Tosorontio;
- (kk) **Two-Thirds of the Members Present** calculation shall be rounded upwards to the next highest decimal (5 being 2/3rds of 7);
- (ll) **Upper Tier Council** means the Council of the County of Simcoe.

## **2. Application/Suspending the Rules**

- 2.1 The Rules of Procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3rds) 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.

## **3. Principles of the Procedural By-law**

- 3.1 The principles of openness, transparency and accountability to the public guide the Township's decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
  - (a) Ensuring the decision-making process is understood by the public and other stakeholders;
  - (b) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements; and
  - (c) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.
- 3.2 The following principles govern Council and Committee meetings:
  - (a) The majority of Members have the right to decide;
  - (b) The minority of Members have the right to be heard;
  - (c) All Members have the right to information to help make decisions, unless otherwise prevented by law;
  - (d) All Members have the right to an efficient meeting;
  - (e) All Members have the right to be treated with respect and courtesy; and
  - (f) All Members have equal rights, privileges and obligations.



#### **4. Duties**

##### **Council**

- 4.1 All members should come prepared to every meeting by having read all the material supplied, including agendas and Staff reports, to facilitate discussion and the determination of action at the meeting.
- 4.2 Members shall:
- (a) Vote on all motions put to a vote;
  - (b) Respect the Rules of Procedure in this by-law and comply with the Chair's rulings;
  - (c) Comply with the Township of Adjala-Tosorontio Council Code of Conduct; and
  - (d) Respect the confidentiality of matters discussed in Closed Session meetings and not disclose the subject or substance of these discussions unless authorized to do so.

##### **Mayor**

- 4.3 Except as otherwise provided for in this By-law, the Mayor shall preside as Chair at all Council meetings.
- 4.4 In the case of absence of the Mayor, or if he/she is absent through illness, or refuses to act or his/her office is vacant or declares a conflict of interest (any of the foregoing hereinafter referred to as 'absent'), 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.
- 4.5 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.
- 4.6 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.
- 4.7 The Chair shall recognize any person who wishes to speak and determines the order of the speakers.
- 4.8 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.

- 4.9 The Chair may speak and/or vote on any question. If he/she wishes to make a motion, he/she shall first designate their position of Chair to the Deputy Mayor, and if the Deputy Mayor is absent, he/she shall designate another Member to act in their stead until he/she resumes their position of Chair.
- 4.10 The Chair shall enforce, as necessary, the observance of order and decorum among Members, delegates and visitors, and shall have the right to expel any person for improper conduct or disruption of the meeting.

#### **Chief Administrative Officer (CAO)**

- 4.11 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.

#### **Clerk**

- 4.12 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.
- 4.13 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 Act, the Municipal Freedom of Information and Protection of Privacy Act and other pertinent legislation.
- 4.14 The Clerk shall provide advice on matters of procedure, when required.

#### **Meeting Attendees**

- 4.15 Members of the public present during Council proceedings shall maintain order and shall not address Council except with the permission of the Chair.
- 4.16 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.
- 4.17 No person shall use indecent, offensive or insulting language or speak disrespectfully of Council as a whole, Member, Staff, Committee or Local Board members.
- 4.18 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.
- 4.19 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.

- 4.20 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 Mayor.

## **5. General Rules**

### **Quorum**

- 5.1 A majority of the Members of Council shall constitute a quorum.
- 5.2 If a quorum is not present 30 minutes after the time appointed 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 Chair.

### **Appointment of Alternate Member to Upper Tier Council**

- 5.3 Council will appoint an alternate member to the County of Simcoe if at any time it is deemed necessary. Any appointment made will be in accordance with the procedures established by the County of Simcoe.

### **Closed Meetings**

- 5.4 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;
  - (b) personal matters about an identifiable individual, including Township or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the Township;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the Township;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which Council, a board, Committee or other body may hold a closed Meeting under another Act;
  - (h) information explicitly supplied in confidence to the Township 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 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;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the Township 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 Township.

5.5 A meeting may be closed to the public if the following conditions are both satisfied:

- (a) The meeting is held for the purpose of educating or training 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 Council or the Committee.

5.6 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 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.

5.7 Prior to holding a Closed Meeting, Council or Committee shall state by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered.

5.8 All minutes of Closed meetings of Council shall be without note or comment on all resolutions, decisions and other proceedings.

5.9 It is the obligation of each Member to keep information confidential and this obligation continues after the Member ceases to be a Member.

### **Closed Meeting Investigator**

- 5.10 If the Township receives a report from a meeting investigator reporting that in his or her 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 to section 239 of the Municipal Act or to this By-law, Council shall pass a resolution stating how it intends to address the report.

### **Closed Meetings – Procedure**

- 5.11 A motion to close a meeting or part of a meeting to the public will state:
- (a) Council's intention to close the meeting to the public;
  - (b) the general nature of the matter to be considered; and
  - (c) the grounds for closing the meeting as set out in the Act.
- 5.12 Only votes relating to procedural matters or direction to officers, employees or agents of the Township or persons retained by or under contract with the Township may be taken during a Closed Meeting.

### **Declarations of Pecuniary Interest**

- 5.13 When a Member present at a meeting has a pecuniary interest as defined in the Municipal Conflict of Interest Act (MCIA), as amended from time to time, the Member shall, prior to any consideration or discussion of the matter, disclose the pecuniary interest and the general nature thereof and refrain from discussing, debating or voting on the matter.
- 5.14 Every disclosure of pecuniary interest made by a member shall be recorded in the minutes of the meeting by the Clerk in accordance with the provisions of the Municipal Conflict of Interest Act. Any Member shall also declare the pecuniary interest outside the Closed Meeting.
- 5.15 If the matter is being considered or discussed at a Closed Meeting, the Member declaring a pecuniary interest shall leave the meeting for the portion in which that matter is discussed, debated or voted on.
- 5.16 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 or the local board, as the case may be, 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 Section 5.2(2) of the MCIA, as may be amended from time to time. However, the Member is not permitted to vote on any question in respect of the matter.

- 5.17 Despite section 5.13, 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.
- 5.18 At a meeting in which a member discloses an interest, the member shall file a written statement of the interest and its general nature with the Clerk in accordance with section 5.1 and 5.2(1) of the MCIA, as may be amended from time to time.
- 5.19 The Clerk shall establish and maintain a registry of which shall be kept a copy of each statement/declaration filed and the registry shall be available for public inspection during normal business hours.

### **Deputations**

- 5.20 Persons desiring to present information where it requires potential action by Council shall complete a request to appear as a Deputation outlining the subject matter of presentation to the Clerk by no later than 12:00 noon on the Wednesday prior to the meeting. In the case of a Special Meeting of Council, the material shall be submitted as soon as possible after the meeting has been summoned. This does not apply to delegations for a meeting that is a public meeting pursuant to legislation. For matters that are subject to a public meeting, no formal delegation request is required.
- 5.21 Deputations shall acknowledge and follow the Township of Adjala-Tosorontio Deputations Protocol, as amended.
- 5.22 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, by resolution, grant permission to any Deputation to speak for longer than the time allotted.
- 5.23 Council may refuse to hear a Deputation, when, in the opinion of Council the subject of the presentation 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.
- 5.24 No person, except Members of Council and appointed officials of the Township of Adjala-Tosorontio shall be permitted to come within or behind the horseshoe during a Meeting of the Council without the permission of the Chair.
- 5.25 No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or Council.
- 5.26 Delegates shall not be permitted to appear before Council for the sole purpose of generating publicity for an event.

- 5.27 Except on matters of order, the Chair shall not interrupt a delegate while he or she is addressing Council or Committee.
- 5.28 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.
- 5.29 Whenever a Deputation in its presentation, 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 statement said by the Deputation.
- 5.30 Upon consideration of any item of a Deputation, Council may adopt a motion to:
- i. To receive for information; or
  - ii. To refer to another item listed on the meeting agenda that pertains to the Deputation; or
  - iii. To refer the item to a Committee, Local Board or Staff for a report; or
  - iv. To refer the item to New Business for consideration; or
  - v. To refer the item to a future meeting.

### **Presentations**

- 5.31 A request for presentation may be made to Council by an individual, group or organization or to Council by individuals, groups or organizations for matters that fall under Council's mandate. Should the request for a presentation be made where it requires that potential action be taken by Council, the request shall be made under Deputations.
- 5.32 Council shall hear any presentation for information purposes only and time limits for presentations shall be set by the Clerk in consultation with the Mayor.
- 5.33 Written or typed material and a copy of the presentation shall be submitted to the Clerk no later than 12:00 noon on the Wednesday preceding the date of the Regular Council meeting. Such material shall specify clearly the business to be presented, who the spokesperson shall be and the date at which the presenter wishes to appear before Council. In the case of a Special Meeting of Council, the material shall be submitted as soon as possible after the meeting has been summoned.

### **Public Meetings**

- 5.34 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.
- 5.35 The Clerk shall ensure that Public Meetings are incorporated in the meeting agenda as appropriate to address any requirements of law as may apply.
- 5.36 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.

### **Adjournment**

- 5.37 A motion to adjourn is not required. Adjournment of the meeting shall be announced by the Chair.
- 5.38 No item of business shall be considered at a meeting of the Council after 10:00 pm unless otherwise decided by a majority vote of the members present.

### **Administrative Corrections to Official Records**

- 5.40 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.

## **6. Council**

### **Conduct of Members of Council**

- 6.1 No member shall,
- (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;
  - (b) use offensive words, gestures or speak with un-parliamentary language in or against the Council as a whole, Member, Staff, Committee or Local Board member;
  - (c) speak on any subject other than the subject in debate;



- (d) criticize any decision except for the purpose of moving that the question be reconsidered; and
- (e) 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 and 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.

### **Inaugural Meeting**

- 6.2 Following a regular municipal election, the Inaugural Meeting shall be held no later than 31 days after the new term of office commences, on such a date, at such a time and place as chosen by the Mayor-elect in consultation with the Clerk.
- 6.3 The Mayor-elect and the Clerk shall be responsible for the content of the agenda of the Inaugural Meeting and the arrangements for the Inaugural proceedings.
- 6.4 At the Inaugural Meeting, each member present shall make his or her declaration of office and Council shall not proceed with any regular business at this Meeting.

### **Regular Meetings of Council**

- 6.5 Regular Meetings of Council shall be held on the second Wednesday of each month commencing at 6:00 pm and shall be held in accordance with the schedule of meetings of Council prepared by the Clerk.
- 6.6 If a public or civic holiday fall on a date scheduled for a Regular Meeting of Council, Council shall meet at the same hour on the day following the holiday, unless otherwise provided by resolution of Council.
- 6.7 Regular Meetings of Council will be held within the Council Chambers located at the Municipal Centre, 7855 Sideroad 30, Alliston, unless a change in venue is necessitated. If a change in venue is required, public notice shall be given as soon as practicable. In the event of an Emergency declared by the Mayor and or any other Lead Agency as identified with the Emergency Management Act within the confines of a declared emergency, where the Municipal Centre is not accessible, Council shall meet at an identified location accessible by Members.

## **Order of Business**

6.8 The business of the Council shall in all cases be taken up in the following order unless otherwise decided by the majority of the members present:

- (a) Call to Order
- (b) Deletions and Amendments
- (c) Adoption of the Agenda
- (d) Disclosure of Pecuniary Interest
- (e) Adoption of the Minutes
- (f) Presentations/Deputations
- (g) Public Meetings
- (h) Public Input
- (i) Upcoming Events and Announcements
- (j) Reports and Correspondence
- (k) By-laws
- (l) Notices of Motion
- (m) New and Unfinished Business
- (n) Closed Session
- (o) Confirmation By-law
- (p) Adjournment

## **Call to Order**

6.9 As soon after the hour fixed for holding the Meeting of the Council and provided a quorum is present, the Mayor shall call the members to order.

6.10 In the case of the Mayor not attending within 15 minutes after the hour fixed for holding the Meeting of the 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.

## **Minutes**

- 6.11 The Clerk shall cause minutes to be taken of each Meeting of Council, which shall include:
- (a) The date, time and place of a meeting;
  - (b) 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;
  - (c) 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 Input if applicable; and
  - (d) All other proceedings of the meeting without note or comment.
  - (e) 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 regularly scheduled Council agenda.
  - (f) 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 shall be considered at the next regularly scheduled meeting.
  - (g) When the minutes have been adopted, they shall be signed by the Mayor and the Clerk.

## **Deputations/Presentations**

- 6.12 Persons desiring to verbally present information or make a request to Council may do so as per Section 5.19 to 5.31 of the by-law.

## **Correspondence**

- 6.13 Correspondence intended to be presented to the Council on the meeting agenda, shall be legibly written or typed and shall not contain any impertinent or improper matter or language and shall contain the signature of at least one person and will be accepted in electronic form.
- 6.14 Every item of correspondence shall be received by the Clerk no later than noon on the Wednesday preceding the meeting. Notwithstanding the foregoing, items of correspondence received after this time may be added to the meeting agenda by resolution of Council where such item of

correspondence is relevant to a matter of business that is on the agenda or is of a time-sensitive nature.

- 6.15 The Clerk shall prepare a summary of the substance of all correspondence for inclusion in the respective agenda.
- 6.16 Upon consideration of any item of correspondence, Council may adopt a motion to:
- a) receive the item of correspondence and file as information;
  - b) refer the item of correspondence to another item listed on the agenda;
  - c) refer the item of correspondence to a Committee, Local Board or staff for a report; or
  - d) consider a substantive motion with respect to same.

### **Staff Reports**

- 6.17 Every Staff report to be presented to Council shall be prepared in accordance with administrative procedures, with an identifiable recommendation and shall be signed.
- 6.18 Every Staff report which deals with a matter on the Council agenda shall be delivered to the Clerk no later than 4:30 p.m. on the Wednesday two weeks prior to the date of the next Regular Council meeting.
- 6.19 A Member may move a motion requesting Staff to prepare a report to update or provide advice to Council on any issue by submitting the request to the Clerk to be added to the agenda no later than 12:00 noon on the Wednesday two weeks prior to the date of the next Regular Wednesday Council meeting.

### **New and Unfinished Business**

- 6.20 Departmental reports of an urgent nature shall be listed under Reports and Correspondence Section of the agenda for Council's consideration.
- 6.21 Under New Business, Council shall consider items:
- i) added by resolution under Deletions and Amendments
  - ii) referred to New Business pursuant to a Deputation.

### **By-laws**

- 6.22 The Clerk shall submit to Council a summary of all By-laws proposed for adoption, including the By-law number and title.

- 6.23 By-laws may be introduced upon motion by a Member and any number of by-laws may be introduced together in one motion. Council shall at the request of a Member, deal separately with any by-law.
- 6.24 By-laws which have been passed by the 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.

#### **Notice of Motion**

- 6.25 Motions introducing new matters, except for motions listed under Section 9.15, shall be given in writing and signed by the mover either:
- (a) at a Meeting of Council, but shall not be debated until the next regular Meeting of Council; or
  - (b) delivered to the Clerk not later than noon the Wednesday prior to the date of the Meeting at which the motion is to be introduced and debated.
- 6.26 Where notice of motion has been given, the motion shall be printed in the agenda under Notices of Motion.

#### **Public Comment**

- 6.27 An opportunity will be provided for any member of the public to make a comment pertaining to any matter appearing on the Council agenda listed under Correspondence, Staff Reports and By-laws. In the interest of expediency, there will be a 3-minute time limit per person, with a total maximum time limit of 30 minutes for Public Comment.
- 6.28 During a 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.

#### **Announcements**

- 6.29 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 minutes, and statements shall not be intentionally controversial in nature.

#### **Special Meetings of Council**

- 6.30 The Mayor may at any time summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.

- 6.31 Upon receipt of a petition of the majority of the Members, the Clerk shall summon a Special Meeting of Council for the purpose and at the date and time mentioned in the petition.
- 6.32 All Special Meetings of Council may be held in the Council Chambers or in the Public Room located at 7855 Sideroad 30, Alliston, unless an alternative location is specified in the notice of meeting.
- 6.33 An agenda once published will serve as Notice of a Meeting and the notice shall indicate the nature of the business to be considered, date, time and place of the Special Meeting of Council.
- 6.34 No business other than that indicated in the notice shall be considered at a Special Meeting of Council.
- 6.35 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 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.
- 6.36 Any Special Meeting of Council may be postponed to a day named as follows:
- (a) In a notice given through the Clerk's Office by the Mayor or person acting in place of the Mayor on forty-eight (48) hours' notice or as soon as possible in advance of the Special Meeting.
  - (b) In a resolution passed by Council.
  - (c) Notwithstanding, a 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.
  - (d) The postponed meeting shall be held at the same hour and at the same place as the meeting so postponed.

### **Emergency Meetings**

- 6.37 Notwithstanding any other provision of this by-law, an emergency Meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or designate to notify the Members about the Meeting as soon as possible and in the most expedient manner available.
- 6.38 No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the emergency Meeting.

**7. Agenda Distribution, Notice and Cancellation Provisions**

- 7.1 The Clerk shall deliver the agenda to each Member no later than 4:30 p.m. the Thursday preceding the scheduled Wednesday Council meeting.
- 7.2 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 posted on the Town website as soon as possible.

**Statutory Notice Requirements**

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

**Notice – Regular Meetings**

- 7.4 Staff shall give public notice of all regular Council Meetings by inclusion on the Township's website no later than Thursday at 4:30 pm preceding the scheduled Regular Council meeting.
- 7.5 Exceptions may be allowed when the preparations of the Council agenda fall on a week providing four work days due to holidays.
- 7.6 Staff shall give public notice of all Special Meetings, open and closed, of Council by inclusion on the Township's website as soon as practicable after notice of the Special Meeting of Council has been given.
- 7.7 Notwithstanding Sections 7.4 and 7.6, staff shall give legislated notice of items on any agenda, in accordance with applicable legislation.

**Notice – Special Meetings**

- 7.8 The Clerk shall give notice of a special Meeting of Council as follows:
- (a) The Clerk shall give all Members notice of a special Meeting of Council at least twenty-four hours before the time appointed for such Meeting, by electronic mail, and publish an agenda as soon as possible.
  - (b) Notice of the Meeting shall be provided to the public on the Town website as soon as practicable.

- (c) All special Meeting notices shall indicate the nature of the business to be considered at the special Meeting, and the date, time and place of the Meeting.

### **Notice – Emergency Meetings**

- 7.9 In the event of an emergency Council meeting, notice is not required, however, the Clerk will attempt to notify Members and the public about the Meeting and publish the agenda as soon as possible and in the most expedient manner available.

### **8. Rules of Debate**

- 8.1 The Chair shall preserve order and decorum and decide questions of order subject to an appeal to Council by any Member.
- 8.2 Any member, prior to speaking on any question or motion, shall indicate their desire to speak by the raised hand and shall not speak until recognized by the Chair.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 Each Member may speak to a question when recognized by the Chair, however the duration of the speech shall be controlled by the Chair.
- 8.8 A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.
- 8.9 A Member, while asking questions through the Chair, shall at no time put into question Staff's personal or professional integrity.
- 8.10 A motion shall be seconded before it is debated or voted on.



### **Points of Order**

- 8.11 A Member may call attention to a violation of the Rules of Procedure by stating the point of order to the Chair succinctly, and the Chair shall then decide upon the point of order and advise the Members of the decision.
- 8.12 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 permission is granted, the Member shall state the point of order to the Chair.
- 8.13 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.
- 8.14 Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to Council.
- 8.15 If no Member appeals, the decision of the Chair shall be final.
- 8.16 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.

### **Question of Privilege**

- 8.17 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 to Council to the question.
- 8.18 A motion resulting from a question 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.

## **9. Motions**

- 9.1 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.
- 9.2 Friendly amendments may be permitted by the Chair and must be made before the Chair calls for a vote. If the mover and seconder accept the proposed amendment, the change is accepted, and the amended motion may be read.

- 9.3 After a motion is read or stated by the Chair, it shall be deemed to be in possession of Council but may be withdrawn by the mover at any time before decision or amendment.
- 9.4 A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.
- 9.5 Motion to Amend:
- (a) shall require a seconder;
  - (b) shall be debatable unless the motion to which it adheres to is undebatable;
  - (c) shall be presented in writing when requested by the Chair;
  - (d) shall be relevant to the main motion;
  - (e) shall not be in order if contrary to the main motion;
  - (f) only one amendment shall be allowed to an amendment;
  - (g) shall receive the disposition of Council before a previous amendment or the main motion; and
  - (h) shall not be recorded in the minutes if it is defeated unless a recorded vote is taken.
- 9.6 Motion to Appeal:
- (a) the decision of the Chair shall be made only at the time the ruling is made by the Chair and shall not require a seconder;
  - (b) unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final; and
  - (c) shall not be debated or amended.
- 9.7 Motion to Call the Question (Close Debate):
- (a) shall not be debatable or amendable and shall require a 2/3<sup>rd</sup> vote;
  - (b) when decided in the affirmative, the original motion shall be put forward without debate or further amendment.
- 9.8 Motion to Postpone (Defer) to a Certain Time or Indefinitely:
- (a) suppresses the main motion and avoids a direct vote on the motion for that Meeting in which it is being considered; and

- (b) shall require a seconder and is debatable.

9.9 Motion to Recess:

- (a) when other business is before the meeting shall specify the length of time of the recess, is not debatable and shall only be amendable with respect to the length of the recess; and
- (b) a motion to recess at a future time shall have no privilege and shall be treated as a main motion.

9.10 Motion to Refer (Commit):

- (a) shall be debatable or amendable;
- (b) after read by the Chair or Clerk, shall be deemed to be in possession of Council, but may be withdrawn by the mover at any time before decision or amendment, with permission of Council.
- (c) shall be read before debate;
- (d) shall not be in order if the matter is beyond the jurisdiction of Council; and
- (e) if properly before Council for decision must receive disposition before any other motion, not relevant to the main motion is introduced.

9.11 Motion to Reconsider:

- (a) Any matter decided upon Council, may be reconsidered at the same meeting by a 2/3rds vote of Council.
- (b) A motion to reconsider any matter already disposed of by the current Council at a previous meeting, shall not be reconsidered by Council within the next six (6) months of the next regularly scheduled Meeting after the Meeting at which it was originally considered, without the consent of 2/3rds of Council. If such a consent is given, the matter shall only be brought forward at the next regularly scheduled Meeting after the Meeting at which the reconsideration is authorized.
- (c) A motion to reconsider can only be made by a Member who voted with the prevailing side or by a Member who did not vote.
- (d) If a motion to reconsider has been adopted, it temporarily nullifies the previous decision and places the meeting back at the point prior to taking the vote on the original motion.

- (e) If a motion to reconsider has been adopted at a meeting, then consideration of the original matter shall become the next order of business.
- (f) The main motion originally voted on is once again pending, procedurally it is considered a newly made main motion.
- (g) There shall be no discussion on the main question permitted until the motion for reconsideration is adopted.
- (h) No motion or report shall be considered more than once at any meeting.
- (i) Where a decision of the Local Planning Appeal Tribunal (LPAT) 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 LPAT and the matter shall not be deemed a reconsideration for the purpose of this section.

#### 9.12 Motion to Rescind

- (a) Shall not be used if it is possible to use the Motion to reconsider;
- (b) Shall require a two-thirds vote; and
- (c) Shall be debatable, amendable and may be reconsidered.

#### 9.13 Motion to Table:

- (a) Shall not be in order when another Motion is before the Meeting;
- (b) Shall not be debatable or amendable:
- (c) When resolved in the negative shall not be presented again until after some intermediate proceedings have been completed by the Council;
- (d) When resolved in the affirmative the Motion shall become immediately pending, and the Motion taken from the table shall not be laid on the table again until some intermediate discussion has taken place.

#### 9.14 Motion to Withdraw:

- (a) shall only be made by the mover of the motion;
- (b) may be made without the consent of the seconder of the motion;
- (c) shall be in order anytime during debate;

- (d) if an objection to the withdrawal of a motion, a withdrawal motion may be entertained and becomes a main motion; and
- (e) if no objection to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

### **Motions Without Notice**

9.15 The following matters may be introduced orally without written notice and without permission when a main motion is pending:

- (a) a point of order
- (b) a question of privilege
- (c) a motion to amend
- (d) a motion to refer
- (e) a motion to postpone to a certain day or indefinitely
- (f) a motion to table the question
- (g) a motion to vote on the question
- (h) a motion to suspend the rules of procedure
- (i) a motion to recess
- (j) a motion to adjourn.

## **10. Voting**

- 10.1 Every Member present at a Meeting when a question is put shall vote thereon unless disqualified to vote on the question.
- 10.2 The vote required to pass a motion shall be a simple majority except as otherwise provided in this By-law.
- 10.3 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.
- 10.4 The vote on a motion may only be called after each Member who wished to speak has spoken once.
- 10.5 Failure to vote by a Member who is not disqualified shall be deemed to be a negative vote.

- 10.6 The manner of determining the decision of Council on a motion shall be by show of hands with the exception of a recorded vote.
- 10.7 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.
- 10.8 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.
- 10.9 Immediately preceding the taking of the vote, the Chair shall state the question introduced or as amended.

#### **Recorded Vote**

- 10.10 A recorded vote may be called for after each Member has spoken on a motion at least once.
- 10.11 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 yea or nay, and the Clerk shall record the results of the vote in the minutes.
- 10.12 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.
- 10.13 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.

#### **Voting at Closed Meetings**

- 10.14 In a closed meeting, Council shall only vote on motions pertaining to a procedural matter or for giving directions or instructions to officers, employees or agents of the Township of persons retained by or under a contract with the Township.
- 10.15 In relation to a matter considered in a Closed Meeting, Council may vote on a procedural motion to rise, report and introduce a proposed recommendation as a resolution in an Open Meeting.
- 10.16 In relation to a matter considered in a Closed Meeting, Council may;
- (a) vote on a procedural motion to rise, report and introduce a proposed recommendation as part of a report appearing on an open meeting agenda; or

- (b) give direction to staff to include a recommendation as part of an Open Meeting Report on a subsequent meeting agenda.

**Short Title**

This by-law may be referred to as the Procedure By-law.

**Repeal of Existing By-laws**

By-law # 16-19, as amended, is hereby repealed.

**Effective Date**

This by-law shall come into force and take effect on the passing thereof.