

**THE CORPORATION OF THE TOWNSHIP OF TAY**

**BY-LAW NO. 2019-77**

**Being a by-law to amend By-law No. 2017-127 being a By-Law to govern the proceedings of Council and Committees and to outline the standards for public notice.**

**WHEREAS** Section 238 (2) of the *Municipal Act, 2001*, as amended, requires that every municipality and local board shall pass a procedural by-law for governing the calling, place and procedures of meetings;

**AND WHEREAS** Section 238 (2.1) of the *Municipal Act, 2001*, as amended, requires that the procedural by-law provide for public notice of meetings.

**AND WHEREAS** the Council of the Township of Tay deems it appropriate to amend By-law No. 2017-77 to change the order of business;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY HEREBY ENACTS THE FOLLOWING:**

1. That Section 22 be deleted to allow for July Council meetings.
2. This By-law shall come into force and take effect immediately after the final passing thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27<sup>th</sup> DAY OF NOVEMBER, 2019.**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

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**MAYOR, Ted Walker**

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**CLERK, Alison Gray**

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2017-127

**A By-Law of The Corporation of the Township of Tay to  
provide rules governing the proceedings of its Council  
and Council Committees**

WHEREAS every municipality and local board shall pass a procedural by-law for governing the calling, place and procedures of meetings pursuant to Section 238(2) of the *Municipal Act, 2001* ("*Municipal Act*");

AND WHEREAS the procedure by-law shall provide for public notice of meetings, pursuant to Subsection 238(2.1) of the *Municipal Act*;

AND WHEREAS the Council of The Corporation of the Township of Tay now deems it advisable to enact a new by-law to govern the proceedings of Council, and the calling of meetings, and to provide for procedures in accordance with the Municipal Act, and to repeal previous by-laws related thereto;

NOW THEREFORE the Council of The Corporation of the Township of Tay enact as follows:

**PART I - GENERAL**

**Short Title**

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

**Definitions**

2. In this by-law, the following terms have the specified meanings:
  - (1) "**Abstain**" means to refrain from voting. Members who abstain for reasons other than a declared conflict of interest shall be deemed to vote in opposition of the question or matter.
  - (2) "**Act**" means any statute of the Provincial or Federal legislature.
  - (3) "**Acting Chair**" means the Member appointed, to act in place or instead of the Head of Council, Chairperson or Chair.
  - (4) "**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 Council, unless otherwise directed by Council.
  - (5) "**Adjourned Meeting**" means the continuation of a Regular Meeting or Special Meeting, which deals with unfinished business of a Regular Meeting or Special Meeting.
  - (6) "**Advisory Committee**" means a committee established by Council to address on-going administrative matters within the scope and responsibility of Council and will provide periodic reports to Council presenting advice and recommendations on matters under consideration.
  - (7) "**Agenda**" means the written order of business for a meeting.

- (8) "**Board**" means a municipal service board, transportation commission, board of health, planning board, or any other board, commission, Committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, and the Public Library Board.
- (9) "**Business Corporations Act**" means the *Business Corporations Act*, R.S.O. 1990, c. B.16.
- (10) "**CAO**" means the Chief Administrative Officer or designate of the Township of Tay.
- (11) "**Chairperson or Chair**" means the person presiding over a meeting who has the responsibility to decide questions and points of order or practice, preserve order, and maintain decorum. The Chairperson may vote on all questions, except where disqualified by the Procedural By-law or any other Act, regulation or bylaw.
- (12) "**Holiday**" means
- a) those holidays listed in the *Legislation Act, 2006*, S.O. 2006, c. 21, Sch. F, as amended from time to time, except for Remembrance Day; and,
  - b) any day as set out in a resolution or by-law passed by Council.
- (13) "**Clerk**" means the Clerk of Township of Tay or their designate.
- (14) "**Closed Session**" (also known as an "*in camera* meeting") means a Meeting, or portion thereof, closed to the public.
- (15) "**Committee of all Council**" means a committee of all Council Members convened to facilitate discussion using a less formal meeting process.
- (16) "**Committee**" means a committee appointed by Council, regardless of whether Council Member(s) sit on the committee, but excludes Committee of all Council.
- (16) "**Committee Member**" means a member of a Committee as defined in the Committee's Terms of Reference.
- (17) "**Communication**" includes, but is not limited to, a letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or periodical article.
- (18) "**Consent List**" means a section of the Regular Meeting agenda containing recommendations from the Clerk as to their disposition, all of which may be adopted by one motion of Council.
- (19) "**Corporation**" means The Corporation of the Township of Tay.
- (20) "**Council**" means the Council of the Township of Tay comprised of an elected Mayor, Deputy Mayor and Councillors.
- (21) "**Council Member**" means a member of Council, including the Mayor and Deputy Mayor.
- (22) "**Defer**" means to postpone the consideration of a question or resolution until a specific action(s) can be undertaken, such as obtaining advice, documentation or circulating for public comment.

- (23) "**Delegate**" means a person or group of persons that applies to the Clerk to make a Delegation.
- (24) "**Delegation**" means an appearance by a person or group of persons to address Council or a Committee.
- (25) "**Division of Question**" means a request by a Member to have a long motion divided into parts, which are capable of standing alone, so that the parts may be voted on separately.
- (26) "**Emergency Governance Committee**" means a Committee created to carry out the duties and responsibilities of Council, only under the following circumstances:
- a) for the duration of an emergency which has been declared by the Mayor and/or his/her designate, in accordance with the Township's Emergency Plan; and
  - b) at such times during which at least three members of Council have died, or are otherwise not able, for valid reasons, to attend a properly scheduled meeting of municipal Council.
- (27) "**Ex-Officio Member**" means that he/she is a member by virtue of his/her office and would not otherwise be a member. He/she has all of the rights of a member unless otherwise stated.
- (28) "**Head of Council**" means the Mayor of the Township of Tay.
- (29) "**Improper Conduct**" means conduct that obstructs the deliberations or proper action of Council or a Committee.
- (30) "**Majority**" means more than half of the votes cast by Members entitled to vote.
- (31) "**Meeting**" as per Section 238(1) of the Municipal Act means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
- a) a quorum of members is present, and
  - b) 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.
- (32) "**Member(s)**" means a Council Member(s) or Committee Member(s).
- (33) "**MFIPPA**" means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.
- (34) "**Municipal Act**" means the Municipal Act, 2001, S.O. 2001, c. 25.
- (35) "**Municipal Conflict of Interest Act**" means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50.
- (36) "**Notice of Motion**" means an advance notice to Members of a matter which Council or a Committee will be asked to take a position.
- (37) "**Order of Business**" means the sequence of business to be considered at a Meeting.

- (38) "**Pecuniary Interest**" means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*.
- (39) "**Petition**" means a document requesting Council's consideration of a matter.
- (40) "**Point of Order**" means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council or a Committee.
- (41) "**Point of Personal Privilege**" means a matter that a Member considers to impugn his/her integrity or that of Council or a Committee.
- (42) "**Presentation**" means the presenting of an award, certificate, cheque or similar item to members of the public, Council, Committee or staff.
- (43) "**Public Meeting Under an Act**" means a Meeting held in accordance with Sections 32-37.
- (44) "**Quorum**" means the majority of the total voting Members required to constitute Council or a Committee. Four Council Members shall constitute a Quorum of Council.
- Members who Abstain for reasons of a declared pecuniary interest or perceived conflict of interest are deemed to count towards the total to constitute a Quorum, pursuant to Section 7 of the *Municipal Conflict of Interest Act*.
- (45) "**Recorded Vote**" means recording in the Minutes of a Meeting the names of each Member present and their vote (i.e. in favour or opposed) on a matter or question before Council or a Committee.
- Where a Member abstains, the recorded vote shall read "opposed", except where the abstention is for reasons of a declared conflict of interest, in which case the vote shall read "abstain".
- (46) "**Regular Meeting**" means a regularly scheduled Council business meeting held in accordance with Sections 21-26.
- (47) "**Recess**" means a short break taken during a Meeting, which may be permitted at the discretion of the Chairperson.
- (48) "**Rules of Procedure**" means the applicable regulations contained in this by-law.
- (49) "**Section**" means an enumerated section of this by-law.
- (50) "**Special Meeting**" means a Meeting called by the Mayor or Chairperson and not scheduled in accordance with the approved regular schedule of meetings.
- (51) "**Table**" means to postpone or defer the consideration of a resolution until or for a specific time, such as the next Regular Meeting, and may not be longer than three months.
- (52) "**Township**" means The Corporation of the Township of Tay.
- (53) "**Township Website**" means the internet site maintained by the Township at [www.tay.ca](http://www.tay.ca)

- (54) **“Vote”** means a formal indication of a choice between being in favour of a question, motion, resolution or course of action, or opposed to same, which is typically expressed by a show of hands unless a recorded vote is requested.

### **Application**

3. The Rules of Procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and, with necessary modification, to all Committees. A failure to strictly adhere to the procedural rules of this by-law shall not invalidate the action of Council or a Committee acting in good faith.

### **Suspension**

4. Except as provided elsewhere in this by-law, the rules contained in this paragraph may be temporarily suspended by Council or a Committee by a vote of two-thirds of the Members present:
- (a) amending the Order of Business;
  - (b) adding or removing a Delegation;
  - (c) increasing or decreasing speaking time for a Delegation; and,
  - (d) introducing a motion without the standard Notice of Motion.

### **Robert's Rules of Order**

5. All Points of Order or procedure for which rules have not been provided in this by-law or its appendices shall be decided by the Chairperson in accordance with, as far as practicable, Robert's Rules of Order. This by-law takes precedence where a conflict exists with Robert's Rules of Order.

### **Interpretation**

6. In this by-law, words in the singular include the plural and vice versa, and all references to gender are intended as gender neutral.
7. Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

## **PART II – MEETINGS**

### **General**

8. The business, by-laws and resolutions of the Township of Tay will be conducted and maintained in English.

### **Location**

9. Council Meetings shall be held in the Council Chamber at the Township Office located at 450 Park Street, Victoria Harbour, unless
- (a) otherwise specified in this by-law;
  - (b) an alternate location is passed by resolution of Council; or,
  - (c) where a resolution is impractical, the Clerk may select an alternate location within the municipality.
10. Where a Meeting of Council is held at a location other than the Council Chamber, notice shall be provided to the public no later than the time of publication of the agenda.

**Decorum**

11. Members of the public attending a Meeting shall respect the formal and professional decorum of Council and its Committees.

Individuals shall refrain from public outburst, shouting, and any behaviour intended to disrupt the debate, discussion and general proceedings of Council or a Committee. Individuals with placards, signs, posters, clothing and similar advertising devices, whether political or otherwise, that demonstrate a lack of respect for the formal nature of Council Meetings being held in Council Chamber, may be asked to leave or remove those items by the Clerk. The Mayor or Chairperson may request that a member or members of the public vacate the location of a Meeting if their behaviour or actions are deemed disruptive to the business at hand. The Mayor or Chairperson may unilaterally suspend the meeting until order is restored.

12. All present shall adhere to a business casual dress code.
13. No persons shall bring cellular telephones or other electronic devices into the Council Chamber or Committee meeting which emit a sound unless such devices are turned off or silenced.

**Open to the Public**

14. All Meetings shall be open to the public and no person shall be excluded except where Council or a Committee meets for a Closed Session in accordance with this by-law and the Act.
15. Notice of all Meetings shall be provided to the public by posting at minimum the date, time, location, and topic on the Township Website.
16. Lack of receipt of notice shall neither affect the validity nor any action taken at the Meeting.

**Staff Participation**

17. Township staff in attendance at a Meeting may be recognized to speak at the discretion of the Mayor or Chairperson. Members shall, whenever possible, communicate their concerns to Township staff in advance of discussing them at a Meeting.

**Inclement Weather**

18. If it appears that a storm or similar occurrence will prevent the Members from attending a Meeting, the Mayor or Chairperson may postpone or cancel that Meeting up to three hours before the start of the Meeting, by advising the Clerk who shall assist in advising as many Members as possible, as well as the media, senior management, and interested parties. Postponement shall not be for any longer than the next Regular Meeting.

**Inaugural Meeting of Council**

19. The inaugural meeting of Council shall be held at 7:00 p.m. in the Council Chambers on the first Thursday after the Council term commences, pursuant to the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sch.
20. The Mayor-Elect, CAO and Clerk shall be responsible for the format, agenda content, and arrangements for the inaugural meeting, but the agenda shall include the declaration of office, pursuant to the Act.

## **Regular Council Meetings**

### ***Schedule & Notice***

21. Council shall hold its Regular Meetings on the fourth Wednesday of each month, commencing at 7:00 p.m., subject to the exceptions noted in this by-law, or on such other day as may be determined by resolution of Council. In the event that such a day is a Holiday, Council shall meet at the same hour on the first day thereafter that is not a weekend or Holiday.
- ~~22. Regular meetings shall not be scheduling during the month of July.~~
23. Regular Meetings shall not be scheduled during the month of November of a regular municipal election year.
24. Notice of a Regular Meeting shall be provided to the public through publication of the Agenda on the Township Website by Friday at 4:30 p.m. the week prior to the Regular Meeting.

As a result, the Clerk shall refuse any additional material for an Agenda that is not provided in accordance the supplementary provisions under Sections 52-55.

25. Where a Regular Meeting is to be held at a time or day other than as set out in this by-law, the Clerk shall give at least one week's notice through publication on the Township Website to give the public reasonable notice of the changed meeting date and time.

### ***Agenda***

26. The Clerk shall have an Agenda prepared with the Order of Business outlined below for Regular Meetings, as further explained in Part III – Meeting Procedures.
  - (1) Call to Order
  - (2) Moment of Silent Reflection
  - (3) Approval of the Agenda
  - (4) Disclosure of Interest
  - (5) Presentations / Delegations
  - (6) Consent List
    - a) Adoption of Minutes
    - b) Reports of Various Committees
    - c) Municipal Report
  - (7) Staff Reports / Other Business
  - (8) By-laws
  - (9) Notice of Motions
  - (10) Closed Session
  - (11) Confirming By-law
  - (12) Adjournment

## **Special Council Meetings**

### ***Notice***

27. The Mayor or Chairperson may call, or the Clerk shall convene a Special Meeting specifying the purpose with a minimum forty-eight (48) hours' notice to Members, staff, public and through posting on the Township Website.



28. Additional or extra items for which notice has not been given will not be entertained and are to be brought forward at the next regular meeting.
29. In an emergency situation, at the discretion of the Mayor in consultation with the Clerk, the notice requirements in Section 27 may be waived.

### **Agenda**

30. The Clerk shall have an agenda prepared in the following Order of Business for the use by Members at a Special Meeting:
  - (1) Call to Order
  - (2) Approval of the Agenda
  - (3) Disclosure of Interest
  - (4) Staff Reports / Other Business
  - (5) By-laws
  - (6) Confirming By-law
  - (7) Adjournment

### **Workshops**

31. Notwithstanding the previous Section of this by-law, where the purpose of a Special Meeting is to have a workshop to discuss matters that advance the business of the corporation, the Clerk in consultation with the Mayor or Chairperson may prepare a workshop agenda that reflects the informal setting of such a meeting. The workshop is deemed to be a session of the Committee of all Council, although adherence to the provisions of this by-law related to the Committee of all Council may be relaxed at the discretion of the Mayor or Chairperson.

### **Public Meetings Under an Act**

32. Council shall hold public meetings, as required, for purposes under the *Planning Act*, R.S.O. 1990, c. P.13, as amended; *Development Charges Act, 1997*, S.O. 1997, c. 27; or any other Act, on the fourth Thursday of each month as required, commencing at 6:30 p.m., subject to the exceptions noted in this by-law.
33. In the event that a Public Meeting under an Act falls on a Holiday, Council shall meet at the same hour on the first day thereafter that is not a weekend or Holiday.
34. The Clerk shall provide notice of the time, date and location of Public Meetings by publication of the Agenda on the Township Website and other means as required by the relevant Act.
35. A Delegation may address Council at a Public Meeting under an Act regarding the subject matter at hand without prior notice.
36. If the decision to be made by Council on the subject matter of a Public Meeting under an Act is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, that Act, except Sections 17, 18 and 19, shall apply to the hearing conducted by Council. This paragraph applies with necessary modification to a hearing by a Committee.
37. Where Township Staff are of the opinion that a particular Public Meeting under an Act will require more than 60 minutes and therefore potentially impact the starting time of the Regular Council Meeting, Township Staff may request that the Clerk schedule that Public Meeting under an Act on the first or third Wednesday of the month at 6:30 p.m.

## **Committee of all Council**

### ***Schedule & Notice***

38. There shall be four Standing Committees of Council composed of all Members of Council as follows;
- Protection to Persons & Property
  - General Government & Finance
  - Public Works
  - Planning & Development
39. The Standing Committees of Council shall meet as the Committee of All Council on the second Wednesday of each month, commencing at 10:00 a.m., subject to the exceptions noted in this by-law, or on such other day as may be determined by resolution of Council. In the event that such a day is a Holiday, Council shall meet at the same hour on the first day thereafter that is not a weekend or Holiday.
40. Committee of all Council meetings shall not be scheduled during the month of July or during the month of November of a regular municipal election year.
41. Notice of a Regular Meeting shall be provided to the public through publication of the Agenda on the Township Website by Friday at 4:30 p.m. the week prior to the Meeting.

As a result, the Clerk shall refuse any additional material for an Agenda that is not provided in accordance the supplementary provisions under Sections 52-55.

42. Where a Meeting is to be held at a time or day other than as set out in this by-law, the Clerk shall give at least one week's notice through publication on the Township Website to give the public reasonable notice of the changed meeting date and time.

### ***Agenda***

43. The order of business for the Committee of All Council meeting shall be as follows
- (1) Call to Order
  - (2) Adoption of the Agenda
  - (3) Disclosure of Interest
  - (4) Delegations
  - (5) Standing Committee Business:
    - A: Protection to Persons & Property
    - B: General Government & Finance
    - C: Public Works
    - D: Planning & Development
  - (6) Closed Session
  - (7) Adjournment

### ***Emergency Governance Committee***

44. The Emergency Governance Committee shall be comprised of a minimum of three members of Council, and shall elect its own Chair.
45. The Council of the Corporation of the Township of Tay hereby delegates to the Emergency Governance Committee all powers and duties that may legally be delegated to the Committee pursuant to the Act, or any other applicable provincial or federal legislation, subject to the following conditions and restrictions:
- (a) the delegation shall be effective only during the times specified in Section 2(26).

## **PART III - MEETING PROCEDURES**

### **Call to Order and Quorum**

46. The Mayor or Chairperson shall call the Members to order as soon after the hour of the Meeting as there is a Quorum present.
47. If a Quorum for a Meeting is not present within 15 minutes of the time fixed for the commencement of the Meeting, the Clerk or designate shall indicate that no Quorum is present and the Meeting shall stand adjourned until the next Meeting called in accordance with the provisions of this by-law.
48. The Mayor shall chair Council Meetings unless he/she is unavailable or has a conflict, in which case the Deputy Mayor will chair the Council Meeting. In the absence of the Mayor and the Deputy Mayor, and if a Quorum is present, the Clerk shall call the Members to order. An Acting Head of Council shall be chosen from the Members by the Members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor, and such person shall be the Chairperson.
49. While presiding, the Deputy Mayor or the Chairperson shall have all the powers of the Mayor for the purpose of conducting the Meeting.
50. If, during the course of a Meeting, Quorum is lost, the Chairperson shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next Meeting called in accordance with the provisions of this by-law.
51. The Clerk shall be present at all Regular Meetings, Closed Sessions, and Special Meetings.

### **Supplementary Business/Additions to the Agenda**

52. The Clerk may receive supplementary items for the Agenda up until 2:30 p.m. the day before a Meeting. The Clerk has discretion to add those supplementary items to the Agenda where the Clerk is of the opinion that the matter is sufficiently urgent to violate the fundamental principle of providing public notice.
53. Notwithstanding the previous Section, Council shall consider the Clerk's request for supplementary items during the Approval of the Agenda part of the Meeting Agenda. A simple majority vote is required to approve an amended agenda that includes those supplementary items recommended by the Clerk.
54. Items added to the Agenda shall be added under the Staff Reports / Other Business portion.
55. Whenever possible, the Clerk shall endeavour to circulate supplementary items and supporting documentation to Council, senior management, and post them on the Township Website for consideration by the public as soon as practicable.

**Disclosure of Interest**

56. Where a Member, either on his own behalf or while acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the member shall:
- (a) 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 with respect to the matter; and,
  - (c) not attempt in any way before, during and/or after the meeting to influence the voting on any such question.
57. Where a meeting is not open to the public (Closed Session) and a Member has a pecuniary interest in a matter, in addition to complying with the requirements of Section 56, the Member shall forthwith leave the meeting for the part of the meeting during which that matter is under consideration.
58. Where the interest of a Member has not been disclosed by reason of his/her absence from a particular Meeting, the Member shall disclose his/her interest and otherwise comply at the first meeting of Council or Committee attended by him/her after that Meeting.
59. Per the requirements of the Municipal Conflict of Interest Act, at a meeting at which a Member discloses an interest, or as soon as possible afterwards, the Member shall file a written statement of the interest and its general nature with the Clerk or the secretary of the committee or local board, as the case may be.
60. The Clerk shall record the particulars of any disclosure of interest made by a Member and any such record shall appear in the minutes of that particular Meeting.
61. Per the requirements of the *Municipal Conflict of Interest Act*, every municipality and local board shall establish and maintain a registry in which shall be kept,
- (a) a copy of each statement filed
  - (b) a copy of each declaration recorded
- Further, the registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

**Communications/Petitions**

62. The Clerk may, upon receipt, refer any communication or petition to Council, Committee or a Department Head without prior consideration.
63. Every communication or petition, to be included on an Agenda, shall be delivered to the Clerk no later than 4:30 p.m. on the Wednesday prior to the meeting. If, in the Clerk's opinion, the communication or petition is of a time sensitive nature, the Clerk may bring forward such communication or petition for consideration, after the aforementioned deadline.
64. Every communication, including a petition designed to be presented to the Council/Committee and filed with the Clerk, shall be legibly written or printed; shall not contain any obscene or improper matter or language; shall be signed and dated by at least one person; and shall include an address and telephone number where return correspondence or contact is to be directed and shall become part of the public record of the meeting at which it is received.

65. Petitions designed to be presented to the Council or Committee and filed with the Clerk, shall contain original signatures, and all information on the petition, including names, addresses and telephone numbers shall become part of the public record of the meeting at which it is received.

### **Delegations**

66. Persons desiring to present information to Council shall make request to the Clerk. The Clerk shall schedule the delegation to the next available Council or Committee of all Council meeting;
67. The deputant must provide the subject matter that is going to be discussed when they book their delegation;
68. No more than two delegations relating to the same matter shall be scheduled for any Council or Committee of all Council meeting;
69. The Clerk has the authority to limit the number of delegations for a particular meeting provided the reasoning for same is justifiable and the delegations have been rescheduled to a subsequent meeting;
70. Requests from deputants who have previously addressed Council or Committee of all Council on a topic shall not be granted unless they have evidence that they have new information to present;
71. No delegation, other than those listed on the agenda, shall be allowed to address Council or Committee of all Council unless the majority of the members present grant approval;
72. Persons who are allowed to address Council or Committee of all Council shall be limited in speaking for not more than 10 minutes;
73. During a meeting the Mayor or other authorized Presiding Officer has the right to limit the number of delegations when in their opinion the views are being repetitive and no new information is being brought forward;
74. Deputations shall not be received if the subject matter is of a personal and derogatory nature relating to any person including Municipal Officials or personnel in the employ of the Municipality. Such personal and derogatory deputations will be dismissed forthwith;
75. Where an individual in making a delegation to Council does not adhere to the rules as outlined within this section, the Mayor or Presiding Officer has the right to require the delegation to cease and has the authority to have the individual ejected from the Council Chambers. Council may require that future delegations from the individual be in a written format only for a period of time that Council may determine;
76. In the event of gross or repetitive misconduct, Council may by resolution suspend the privileges of attendance at Council Meetings for a specified time period.
77. Members may ask questions of the Delegate to obtain additional relevant information. Debate between Members is not permitted during the Delegation.
78. Upon a two-thirds majority vote, a Delegate may be invited to answer a further question that is raised during debate following the Delegation.

### **Consent List**

79. The Mayor or Chairperson shall review the Consent List at a Regular Meeting by providing Members with an opportunity to:
- (a) ask brief questions or make limited comments; and
  - (b) clearly announce a request to refer an item for separate consideration.
80. Amendments, Deferral Motions, Tabling Motions, discussions, recorded votes, and other procedural motions are not permitted during the review of the Consent List but are permitted once the matter has been referred for separate consideration.
81. A Member's request to refer an item for separate consideration is neither optional nor debatable. For greater clarity, each Member has the right to have a matter referred and considered separately.
82. At the conclusion of the review of the Consent List, the remaining recommendations that have not been referred shall be adopted by one omnibus resolution. The Consent List recommendations are deemed to be resolutions of Council as if voted on individually.

### **Closed Session**

83. A Meeting may be closed to the public pursuant to the Act only if the subject matter being considered involves one of the following:
- (a) the security of the property of the municipality or Board;
  - (b) personal matters about an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a council, board, committee or other body may hold a Closed Session 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.
84. A Meeting shall be closed to the public pursuant to the Act only if the subject matter being considered involves one of the following:
- (a) a request under *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is designated as head of the 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) of the Act, or the investigator referred to in subsection 239.2(1) of the Act.
85. Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or the Committee shall state by resolution:
- (a) the fact of the holding of the Closed Session, including the date and time; and
  - (b) the general nature of the matter to be considered at the Closed Session.
86. A Meeting may only be closed to the public during a vote if:
- (a) Sections 84 & 85 of this by-law permits or requires a meeting to be closed to the public; and,
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.
87. Following a Closed Session, the Clerk shall prepare a Closed Session minutes that shall record:
- (a) Where the meeting took place;
  - (b) When the meeting started and adjourned;
  - (c) Who chaired the meeting;
  - (d) Who was in attendance, including the identity of the clerk or other designated official responsible for recording the meeting;
  - (e) Whether any participants left or arrived while the meeting was in progress and if so, at what time this occurred;
  - (f) A description of the substantive and procedural matters discussed, including reference to any documents considered;
  - (g) any motions, including who introduced the motion and seconders; and
  - (h) all votes taken, and all directions given.
88. Members shall not release, make public or in any way divulge any confidential information or any aspect of Closed Session deliberations, unless expressly authorized or required by law.
89. If the meeting location does not provide for a level of confidentiality to provide for Closed Session deliberations, the meeting may recess and reconvene in an alternate location.
90. Unfinished business of a Closed Session shall be automatically Tabled to the next Closed Session where the meeting is adjourned pursuant to the previous Section.

### **Adjournment**

91. Adjournment for evening Regular Meetings shall be no later than 11:00 p.m., unless this rule is temporarily suspended by a two-thirds majority vote of the Members present, in which case the motion to extend the meeting shall stipulate the time to which the meeting is being extended.
92. Unfinished business as a result of an adjournment pursuant to the previous Section shall be automatically Tabled to the next Regular Meeting.

**Committee of all Council**

93. The Committee of all Council is a mechanism to allow freer debate and consideration of reports, by-laws, and other matters of concern for Members.
94. The Clerk may place business items at the appropriate location on the Agenda where discussion when likely to occur.
95. Recommendations resulting from deliberations during the Regular Committee of all Council meeting will come forward to the Regular Council Meeting as the Municipal Report for consideration under the Consent List.
96. The Mayor may appoint any Member as Chairperson for a specific Standing Committee of Council. While presiding, that Chairperson has the same powers of the Head of Council with respect to the conduct of the meeting.
97. Chairpersons of the Standing Committees of Council will be responsible for introducing matters and staff will through the Chair of their respective Committees, respond to questions from Council when the reports are being dealt with and provide other relevant information required for consideration by Council;

**Special Town Hall Meetings**

98. Special Council Town Hall meetings may be scheduled by request or resolution of Council.
99. The purpose of Special Council Town Hall meeting is to allow deputations on any municipal issue, receiving of petitions and questions by residents. The Mayor shall chair the meetings and the Department Heads shall attend to assist in answering all concerns raised.

**PART IV – COMMITTEES, BOARDS, AUTHORITIES & COMMISSIONS****General**

100. Council may, from time to time, appoint certain Council Members, ratepayers, staff, professionals or others, to serve on committees, board, authorities and commissions and report to Council. These appointments may be made by resolution unless specifically required to be passed by by-law.
101. Appointed Council Members for each Board, authority or commission shall attend those meetings, take part in its committee and sub-committee meetings, and report to Council.
102. When a Committee is composed of Council Members or a Council vacancy occurs on a Committee, the Mayor shall nominate Council Members for that Committee and such nominations shall be confirmed by resolution of Council prior to final approval.
103. The Mayor shall be an ex-officio Member of each Committee, and have the same rights as the other Committee Members, including the right to vote.
104. When a Committee is established and comprised of public members, or a vacancy of a public member occurs on a Committee, Council may review any applications containing personal matters about an identifiable individual during a Closed Session prior to deciding on the nominations, which are then adopted at a Regular Meeting.



105. Reports of Committee Meetings shall be received and the recommendations considered by Council in the Consent List.

### **Committee Chairperson**

106. The Chairperson of the Committee, unless otherwise prescribed by Council resolution or set out in the Committee's Terms of Reference, is chosen by the members of the Committee.

107. The Chairperson shall preside over the conduct of the Meeting as outlined in this by-law and Committee Members shall respect the Chairperson's efforts to do so. A Chairperson's ruling on a Point of Order is subject to an appeal by any Committee Member to Council.

108. If the Chairperson desires to vacate the chair role for the purpose of taking part in the debate or otherwise, the Chairperson shall call on the Vice Chairperson, or in the absence of the Vice Chairperson on another Member, to temporarily fill the chair role.

### **Ad-Hoc & Advisory Committees**

109. The Clerk shall maintain a list of Ad-Hoc and Advisory Committees and the resolution or by-law that appoints same, as well as their Terms of Reference.

110. Ad-Hoc Committees may be established by Council or a Committee to consider a specific matter.

111. Once the task has been completed, Ad-Hoc Committees will present a final report to Council.

112. When an Ad-Hoc Committee has made its final report to Council, it shall be deemed to be dissolved, unless otherwise determined by Council.

## **PART V – BY-LAWS**

113. Every by-law shall be given the required number of readings prior to passage by Council. These readings may be given by way of one inclusive omnibus motion for all by-laws listed on the Agenda. At the request of a Member, any by-law included in the motion may be withdrawn for a separate vote.

114. A by-law shall be passed when a majority of the members present on the third reading vote in favour of the by-law, provided no statute requires a greater majority.

115. The Clerk shall endorse on all by-laws read in the Council, the dates of the readings thereof, and shall be responsible for the correctness of such by-laws, should they be amended.

116. All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the by-law is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.

117. Every by-law enacted by Council shall be numbered, dated, affixed with the seal of the Town, signed by the Clerk and the Head of Council, and its safekeeping shall be assured by the Clerk.

118. The Mayor and Clerk are required to sign any formal agreement binding the Corporation other than those authorized under the Township's Procurement Policy or Delegation of Authority By-law.

119. A confirmatory by-law shall be passed at every meeting to confirm the decisions of Council or any decisions delegated to a Committee by Council. The confirmatory by-law confirms that the actions of Council in respect of each resolution and other action taken by the Council at the meeting are, except where the prior approval of the Ontario Municipal Board or other authority is by law required, is thereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in a by-law.

A confirmatory by-law shall be listed separately on the agenda as the last item for Council consideration prior to Adjournment.

## **PART VI – DEBATE**

### **Conduct of Members**

120. Members shall:

- (a) abide by the Council Code of Conduct.
- (b) discharge with integrity all responsibilities to Council, the Township, and the public, in keeping with approved corporate policies.
- (c) not leave their seat or make any noise or disturbance while a vote is being taken and until the result is declared;
- (d) respect the decision of the Mayor, Chairperson or Council on a question of a Point of Order, practice or interpretation related to this by-law;
- (e) when a Member is speaking, no other Member shall pass between the member speaking and the Mayor or Chairperson, or interrupt the member except to raise a Point of Order;
- (f) 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 a member while he/she is speaking; and,
- (g) ask a succinct question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding, not as a means of making statements or assertions.

121. In addition, Council Members shall:

- (a) act in accordance with their Oath of Allegiance and Oath of Elected/Appointed Office;
- (b) serve their constituents in a conscientious and diligent manner;
- (c) where a Councillor is involved with an issue outside the Councillor's own ward, inform the ward Councillor of such involvement and make reasonable efforts to invite the ward Councillor to any related meetings unless the issue is clearly of Town-wide significance or the Councillor is the Chairperson of the Committee handling the matter; and

- (d) not speak more than once to a motion or to the same question, or in reply for longer than three minutes. The Mayor or Chairperson has discretion to provide latitude under this Section, but where such latitude is granted, the Mayor or Chairperson will endeavour to provide it equally to all Members.

### **Motions**

122. All motions shall be moved and seconded before being read and then debated. There is no requirement to stand to read resolutions. Whenever possible, wording of motions should be provided to the Clerk in advance of the Meeting.
123. After a motion has been read and the wording confirmed, it shall be deemed to be in the possession of Council or the Committee and therefore the mover need not vote in favour of the motion.
124. When a motion is under debate, no other motion shall be received, except a motion to amend, Defer, Table, Divide the Question, or call the question.
125. After the question is called, no Member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
126. Resolutions shall require a Majority in order to be valid and binding on Council or a Committee, unless otherwise specified in this by-law.
127. Should the Mayor or Chairperson desire to move a motion or by-law, the Deputy Mayor or Vice Chairperson, or in their absence another Member, shall temporarily chair the meeting.

### ***Motion to Call the Question***

128. A motion to call the question shall take precedence over any other motion. It is only proper after all Members wishing to speak to the matter have had an opportunity to speak at least once.

### ***Motion to Adjourn***

129. A motion to adjourn the meeting shall be put immediately without debate, but requires that be moved and seconded and voted on.

### ***Withdraw of Motion***

130. A motion may be withdrawn at any time before decision with the consent of the mover, seconder, and a majority of Members. A withdrawn motion does not finally determine a matter and therefore does not trigger reconsideration.

### ***Ultra Vires***

131. A motion in respect to a matter which is beyond the scope of power (i.e. *ultra vires* the jurisdiction) of Council or a Committee shall not be in order except regarding a matter which, in the opinion of the majority of the Members, the question has to do with the welfare of the Township's citizens generally.

### ***Ruling Challenge***

132. The ruling of the Mayor or Chairperson on a procedural matter, including a Point of Order and Point of Personal Privilege, may be overturned by a two-thirds vote of the Members. Such a vote is conducted by the Clerk.

***Notice of Motions***

133. All notices of motions shall be in writing, with written notice (most commonly through the Agenda package notice), with the following exceptions that may be introduced without notice:

- (a) Point of Order;
- (b) Point of Personal Privilege;
- (c) to suspend a rule of procedure in this by-law;
- (d) for a ruling by the Mayor or Chairperson as to whether an action is in compliance with a rule of procedure;
- (e) to overturn a ruling by the Mayor or Chairperson with respect to a matter of procedure;
- (f) to call the question, which is not debatable; and,
- (g) to adjourn, which is not debatable.

134. In addition, the following motions may be introduced without notice, but such motions shall be in writing or spoken and provided to the Clerk in advance of the Meeting:

- (a) to Defer (Table);
- (b) to Divide the Question;
- (c) to Amend (Note: This is different than a Friendly Amendment);

135. Once Notice of a Motion is provided pursuant to this by-law, the Clerk shall automatically add it to the next Regular Meeting agenda, unless advised otherwise by the Member who gave notice of an alternate date.

***Dispensing with Notice***

136. Any motion may be introduced without notice if the Members, without debate, dispense with notice with a two-thirds majority vote of the Members present.

***Motion to Divide the Question***

137. Any Member may request that the Mayor or Chair divide the question (also known as "splitting the motion") where there are separate propositions contained in a motion.

138. If there is no objection, the Mayor or Chair shall facilitate the debate and the vote shall be called on each proposition separately.

If a Member objects to the division, the Mayor or Chair will call the vote on the question of whether the motion should be divided. In that case, a simple majority is required to divide the question.

139. A motion to divide the question is not debatable.

***Friendly Amendment***

140. After discussion, a motion duly moved and seconded may be altered by friendly amendment with the approval of the mover and the agreement of a majority of Council, Committee or local Board.

If a majority do not indicated their support of a friendly amendment, a formal motion to amend the main motion may be brought forward.

***Motion to Amend***

141. A motion to amend the main motion shall:

- (a) be moved, seconded and then the amending portion(s) to the main motion shall be dictated in a manner that highlights the change(s);
- (b) receive disposition of Council or the Committee before a previous amendment or the question;

- (c) not be further amended more than once, although further amendments may be made to the main motion;
- (d) be relevant to the main motion;
- (e) not propose a direct negative to the main motion, although it may propose a separate and distinct disposition of a question; and,
- (f) be put to a vote in the reverse order to that in which amendments were moved.

142. The vote on a motion to amend determines only whether the amendment is adopted.

If the motion to amend is carried, a vote is taken on the amended main motion.

If the motion to amend is defeated, a vote is taken on the original main motion.

### ***Motion to Table (Defer)***

143. A motion to Table requires a mover and seconder. It takes precedence over a motion to amend.

144. A motion to Table the main motion is debatable, but only with respect to the issue of whether to Table the matter.

145. A motion to Table the main motion may not be brought more than once during the same debate.

146. Once the motion is marked Tabled the said motion shall appear on the next Regular Meeting unless directed to a different meeting by Council.

### ***Reconsideration***

147. After any question has been decided the following shall prevail:

- (a) no question shall be reconsidered within the council term, including at the same meeting it is originally passed;
- (b) notwithstanding paragraph (a) above, reconsideration of the question may occur with two-thirds majority vote; and,
- (c) no discussion of the main motion shall be allowed until the motion for reconsideration is carried.

148. A motion to reconsider suspends any action on the motion to which it applies until it has been decided.

149. If the action approved in the main motion has been acted upon, such as but not limited to monetary expenditure or executed agreements and cannot be reversed, the motion cannot be reconsidered.

150. Where a member has been named in any legal action related to a matter for reconsideration, no vote for reconsideration shall be taken until the legal action has been resolved.

### ***Recess***

151. Council or a Committee may without motion, after two consecutive hours of deliberation, recess for a short period deemed appropriate by the Mayor or Chairperson

**Voting**

152. Every Member, including the Mayor and Chairperson, shall have one vote.
153. Every Member present at a Meeting who is required to vote on a question, but in fact does not vote thereon, shall be deemed to be voting in the negative and, when required, shall be so recorded, subject to the provisions of this by-law
154. When a vote is called, every Member shall immediately:
- (a) occupy their seat and shall remain there until the result of the vote has been declared;
  - (b) not traverse the room;
  - (c) cease all discussion on the matter immediately; and,
  - (d) not speak to any other member or make any noise or disturbance.
155. Any question on which there is a tie vote result shall be deemed to be lost.
156. The Mayor or Chairperson shall not announce the number of Members in favour and or opposed after each and every vote, unless it is by way of a recorded vote or it is unanimous.

**Recorded Vote**

157. Where a vote is taken and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by an Act, shall when called on by the Clerk announce his/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote;

Such voting shall proceed on a basis whereby the order of announcing votes rotates;

When a recorded vote is called for, the Clerk shall read the question and then call for the individual votes from the members and when each member who is qualified has voted, announce the results of the vote;

**Severability & Repeal**

158. Should any provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining provisions.
159. By-laws 2013-01, 2013-63, 2014-40, 2015-73 and 2016-17 are hereby repealed effective December 31, 2017.
160. This by-law shall take effect and come into force on January 1, 2018.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27<sup>TH</sup> DAY OF NOVEMBER, 2019**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

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**MAYOR, Ted Walker**

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**CLERK, Alison Gray**