

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

BY-LAW No. 08-311

Being a By-Law to govern the proceedings of the Council for the Township of South Algonquin, the conduct of its members and the calling of meetings.

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25 Section 238 (2)* states, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Township of South Algonquin hereby enacts as follows:

1. DEFINITIONS:

- (a) **“Acting Head of Council”** shall mean another designate who shall act as presiding officer in the absence of the Mayor;
- (b) **“Agenda”** shall mean a list of all items prepared by the Clerk or his/her designate to be considered by Council, Committee or at a local board meeting.
- (c) **“Appointed Official”** shall include those employees of the Township of South Algonquin appointed by by-law of the Corporation.
- (d) **“Calendar Year”** shall mean the period from January 1st of any one year up to and including December 31st of the same year;
- (e) **“Chair”** shall mean the Mayor or other person appointed by Council, Committee or local board to preside at the meeting;
- (f) **“Clerk”** shall mean the Municipal Clerk of the Township of South Algonquin as appointed by by-law or such person designated by the Clerk under *Section 228 (4) of the Municipal Act*;
- (g) **“Closed Session”** shall mean a meeting or part of a meeting which is closed to the public when the subject matter being discussed complies with *Section 239 of the Municipal Act*;
- (h) **“Committee”** shall mean any advisory or other committee, subcommittee or similar entity composed of members of the Township of South Algonquin Council alone or together with members of another Council or the public;
- (i) **“Committee of the Whole”** shall mean a meeting of Council in Committee format for discussion purpose;
- (j) **“Conflict of Interest”** shall mean a pecuniary interest as defined in the *Municipal Conflict of Interest Act*;
- (k) **“Corporation”** shall mean the Corporation of the Township of South Algonquin.
- (l) **“Council”** shall mean the elected and sworn members of the Council of the Corporation of the Township of South Algonquin and includes the Mayor and Councillors;
- (m) **“Councillor”** shall mean a person elected or lawfully appointed to the seat of Councillor in the most recent municipal election;

- (n) **“Head of Council”** refers to the Mayor;
- (o) **“Improper Conduct”** shall mean the open disregard of the rulings of the Chair and the rules and conduct outlined in this Procedural By-law;
- (p) **“Local Board”** shall mean any local board as defined in the *Municipal Act, 2001*; or any sub-committee approved and appointed by Council, excluding a Public Library Board, Police Services Board, School Board or a Conservation Authority;
- (q) **“Majority”** shall mean more than fifty percent (50%) of the members present at a meeting;
- (r) **“Meeting”** shall mean any regular, special, committee or other meeting of Council, or of a local board or of a committee of either of them;
- (s) **“Motion”** shall mean a resolution of Council, Committee or a Local Board;
- (t) **“Motion to Receive and File”** shall mean a motion to acknowledge the particular item, report, or recommendation under consideration, and to have the item, report, or recommendation placed in the records of the Clerk for future reference;
- (u) **“Municipal Act”** shall mean the *Municipal Act, 2001* as may be amended from time to time;
- (v) **“Notice of Motion”** shall mean a written notice given by a member, advising Council of a specific motion which will be brought to a subsequent meeting;
- (w) **“Personal Privilege”** shall mean the raising of a question which concerns a member or the Council collectively, when a member believes that his/her rights or integrity, or the rights or integrity of Council as a whole, have been challenged;
- (x) **“Point of Information”** is a request directed to the Chair/Presiding Officer or through the Chair/Presiding Officer to another member or to the staff, for information relevant to the business at hand, but not related to a point of procedure;
- (y) **“Point of Order”** shall mean a statement made by a member during a meeting, drawing to the attention of the Chair, a breach of the rules or procedure;
- (z) **“Point of Procedure”** shall mean a question directed to the Mayor to obtain information on a matter of parliamentary law or the rules of Council relating to the business at hand, in order to assist a member to make an appropriate motion, raised a point of order, understand the parliamentary situation or the effect of a motion;
- (aa) **“Presentation”** shall mean information being provided verbally and may include the use of presentation medium such as PowerPoint, overheads, video, slide show etc. In addition, a presentation would include presenting awards or gifts to or from the Township of South Algonquin;
- (bb) **“Public Hearing”** shall mean a meeting of Council or that portion of a meeting of Council, or any Committee of Council, which has been given authority by by-law to conduct a hearing in matters pursuant to any legislation which requires Council to hear interested parties or to afford them an opportunity to be heard before taking action, passing a by-law or making a decision.
- (cc) **“Quorum”** shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal*

Conflict of Interest Act the quorum may be less than half plus one of the whole number of members but shall not be less than two;

- (dd) **“Recorded Vote”** shall mean the recording of the name and vote of every member on any matter or question;
- (ee) **“Rules of Order”** shall mean the rules, established by this by-law to regulate conduct during a meeting of Council;

2. **INTENT OF BY-LAW:**

The Rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committee of the Whole, and shall be the rules and regulations for the order and dispatch of business by Council, Committee of the Whole, its subcommittees and its local boards. Any part or parts of this By-law may be temporarily suspended by written motion carried by a majority of the Members present with the exception of the procedures set out for Closed Session, Conflict of Interest or any other provision governed by the *Municipal Act* or any other *Act*.

All Points of Order or procedures not provided for in these Rules shall be decided in accordance with **Robert’s Rules of Order** and the Mayor shall submit the ruling without debate.

3. **RULES AND REGULATIONS:**

- 3.1 No meeting of Council or Committee of the Whole shall be held in the absence of the Clerk or his/her designate.
- 3.2 All meetings of Council shall be open to the public save and except those meetings or parts thereof that are dealing with a subject matter listed in the *Municipal Act*, that are permitted to be discussed in closed session.
- 3.3 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of notice is prohibited.
- 3.4 Subject to the provisions of the *Municipal Act, 2001* (as amended) and the *Municipal Freedom of Information and Protection of Privacy Act*, any member of the public may inspect any record, book, account and document in possession of or under the control of the Clerk with the exception of Closed Meeting Minutes.

4. **NOTICE OF MEETINGS, TIMES AND LOCATIONS:**

4.1 **Public Notice of Meetings:**

4.1.1 Public Notice of dates, times, and location of Council and Committee Meetings shall be given by:

- (a) publication of future meetings in previous Agendas;
- (b) posting of Meeting Agendas on the Township website prior to the meeting; and
- (c) posting of Meeting Agendas on the Bulletin Board located in the main entrance to the Municipal Office and local bulletin boards within the Township of South Algonquin, prior to the meeting.

4.1.2 In the case of Special Meetings, public notice shall be given by publishing in the local newspapers “The Bancroft This Week and The Barry’s Bay This Week” and by posting of the Agenda on the Township website as soon as is practicable after notice of the Special

Meeting has been given and any other notification that is permitted within the timeframe.

- 4.1.3 It shall be the responsibility of the Clerk or his/her designate to forward all public notices and agendas for Council and Committee meeting.

4.2 **Inaugural Meeting:**

- 4.2.1 The first or inaugural meeting of a newly elected Council after a regular election shall be held on the first **Thursday** in December commencing at **7:00** p.m. in the Township of South Algonquin Council Chamber.

- 4.2.2 Members of Council shall swear the “Oath of Elected Office” at the Inaugural meeting of Council or if absent at the next possible subsequent meeting of Council.

- 4.2.3 After a regular election and a new Council have been elected the order of seating at the Council table will be determined alphabetically (by surname) beginning at the left side of the Mayor and continuing clockwise for the term of office of such Council.

When a vacancy occurs in the Council, the person elected or appointed to fill such vacancy shall take the seat of the member replaced.

4.3 **Regular Meetings:**

- 4.3.1 Regular meetings of Council shall be held in the Council Chambers on the **first Thursday** of the month at **7:00 p.m.** until **10:00 p.m.** Adjournment beyond 10:00 p.m. may be extended, should Council agree unanimously to do so, failing which a second meeting will be scheduled for the **third Thursday** of the month commencing at **7:00** p.m.

- 4.3.2 Council may reschedule, alter the date, time and/or location of a regular meeting provided that a resolution is passed at the previous meeting and adequate public notice of the change is posted and published as per the requirements set out in Section 4.1 of this By-law.

4.4 **Special Council Meetings:**

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

- 4.4.2 Upon receipt of a petition in writing, by email or by telephone poll of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time and date mentioned in the petition with verification or confirmation of notification.

- 4.4.3 In either case (4.4.1) or (4.4.2) above, the Special Meeting shall be held not sooner than forty-eight (48) hours following the Head’s summons or receipt of the petition, as the case may be and the Clerk shall provide written notice of the special meeting immediately following receipt of the summons or petition.

- 4.4.4 Notwithstanding the notice requirement set out in section 4.1 of this By-law, in the event of a bon-a-fide emergency the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk.

4.4.5 Unless otherwise specified in the notice described in (4.4.3) and (4.4.4) above, a special meeting shall be held in the designated Council Chambers.

4.4.6 The notice of a special meeting shall specify the purpose for the meeting.

4.5 **Closed Meetings:**

4.5.1 Except as provided in this section, all meetings shall be open to the public.

4.5.2 Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of holding the in closed session; and
- (b) the general nature of the matters to be considered during the closed session as provided in the *Municipal Act*.

4.5.3 Upon passage of a motion as above, all members of the media and the public shall be required to leave the room. The Recording Secretary and any members of staff or consultants required for the purpose of the deliberations may be requested to attend the closed session.

4.5.4 If all or part of a meeting is closed to the public, the Clerk or his/her designate will record the following in the minutes of the meeting:

- (a) the time and the date;
- (b) the authority contained in the Municipal Act to justify the closed meeting; and
- (c) the matter considered.

4.5.5 Minutes of the closed meeting will be retained in confidence by the Clerk and such minutes will not be open to inspection by any member of the public with the exception of the Township's legal counsel.

4.5.6 No determination of any matter discussed in a closed meeting shall be final until the matter has been considered and approved at an open meeting of Council.

4.5.7 No member of Council or municipal employee shall make any public statement concerning any matter, which to his/her knowledge has been discussed at a closed meeting until such matter has been considered at an open meeting of Council.

4.5.8 Reasons for Closed Session:

4.5.8.1 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 municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;

- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.

4.5.8.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, commission or other body is the head of an institution for the purposes of that *Act*.

4.5.8.3 A meeting of a Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

- (a) The meeting is held for the purpose of educating or training the members.
- (b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

4.6 Call to Order:

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

4.6.2 Subject to the provisions of the *Municipal Act, 2001* where no presiding officer has been appointed under paragraph **4.10** of this By-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk or his/her designate shall call the members to order and an acting Head of Council or Chair shall be appointed from among the members present and he/she shall preside until the arrival of the Head of Council or Chair and, while so presiding, the acting Head of Council or Chair shall have all the powers of the Head of Council or Chair.

4.7 Quorum:

4.7.1 Given that Council consists of seven (7) members, four (4) members of Council or Committee of the Whole present, is a simple majority and shall constitute a quorum.

4.7.2 A simple majority of the quorum is needed to pass any motion.

4.7.3 If the number of members who, by reason of the *Municipal Conflict of Interest Act* are prohibited from participating in a meeting so that there is no quorum, despite any other *Act*, any number that is not less than one third of the total number of members of the Council, Committee or Local Board shall be deemed to constitute a quorum, but the number shall not be less than two.

4.7.4 When the remaining number of members under the paragraph above is two, the concurrent votes of both are necessary to carry any resolution, By-law or other measure.

4.7.5 If a quorum is not present within thirty (30) minutes after the time fixed for a regular meeting or special meeting, the Clerk or his/her designate shall record the names of the Members present, and the Council, Committee or Local Board shall stand adjourned until the next regular meeting, or special meeting, as the case may be.

4.7.6 If during the course of a meeting a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other time and place as called by the Mayor, Presiding Officer or Chair.

If, in the Mayor, Presiding Officer or Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor, Presiding Officer or Chair will announce that the unfinished business will be considered at that time.

4.8 Adjournment:

4.8.1 The motion to adjourn a Council meeting shall include the time of adjournment along with the date and time of the next scheduled meeting.

4.8.2 The hour for adjournment for a day meeting shall be no later than 5:00 p.m., and the hour of adjournment for evening meetings shall be no later than 10:00 p.m. The Council or Committee shall always be adjourned at these hours unless this rule is temporarily suspended by Resolution of the members present.

4.9 Recess:

4.9.1 A motion to recess when other business is before the meeting shall specify the length of time of the recess.

4.9.2 A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.

4.9.3 A motion to recess when other business is before the meeting shall not have a motion to reconsider applied to it.

4.10 Presiding Officer:

4.10.1 The Mayor shall preside at all Council and Committee of the Whole meetings. In the absence of the Mayor, or if the office is vacant, the Council may appoint by by-law or resolution, a Chair from among the members present who, during the absence or vacancy, shall have all the powers of the Head of Council. Therefore Council agrees to appoint each member of Council in turn, meeting by meeting, on a rotating alphabetical schedule, to act in the place of Head of Council in the event of his/her absence or refusal to act.

4.10.2 The Chair will preside at Committee meetings. In the absence of the Chair, the Committee members will appoint a person from among those present, provided there is a quorum.

4.10.3 Notwithstanding the above, the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.

4.11 Duty of the Head of Council, Presiding Officer or Chair:

- 4.11.1 to open the meeting of Council or Committee by taking the Chair and calling the members to order at the time specified on the agenda;
- 4.11.2 to announce the business before Council or Committee in the order in which it is to be acted upon;
- 4.11.3 to receive and submit, in the proper manner, all motions presented by the Members of Council or the Committee;
- 4.11.4 to put to a vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings, and to announce the results;
- 4.11.5 to decline to put to a vote any motion that infringes on the Rules of Procedure;
- 4.11.6 to restrain Members, within the Rules of Order, when engaged in debate;
- 4.11.7 to enforce and maintain, on all occasions, the observance of order and decorum among Members and any and all persons present during the proceedings;
- 4.11.8 to call by name any Member persisting in breach of the Rules of Order of Council or the Committee, thereby ordering him/her to vacate the Council Chamber or meeting room;
- 4.11.9 to receive all messages and other communications and announce them to Council or the Committee;
- 4.11.10 to authenticate by his/her signature all By-laws, Resolutions and Minutes of Council or the Committee;
- 4.11.11 to inform the Council or Committee when necessary or when referred to for the purpose, on a point of order or usage;
- 4.11.12 to represent and support Council or Committee, declaring its will and implicitly obeying its decisions in all things;
- 4.11.13 to ensure that the decisions or recommendations of Council or Committee are in conformity with the laws and By-laws governing activities of the municipal corporation;
- 4.11.14 to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room;
- 4.11.15 to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers or meeting room where such behaviour persists.

4.12 Vacancies:

- 4.12.1 In accordance with *Section 259 of the Municipal Act*, the office of a member of municipal Council becomes vacant if the member:
 - (a) becomes disqualified from holding the office of a member of Council under *Section 256, 257, or 258 of the Municipal Act, 2001*;

- (b) fails to make the declaration of office before the deadline in *Section 232*;
- (c) is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council;
- (d) resigns from his/her office and the resignation is effective under *Section 260*;
- (e) is appointed or elected to fill any vacancy in any other office on the same Council;
- (f) has his/her office declared vacant in any judicial proceeding;
- (g) forfeits his/her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the prescribed declarations.

4.12.2 A member of municipal Council may resign from office by providing notice in writing, to be filed with the Clerk of the municipality.

4.12.3 Despite the above, a resignation is not effective if it would reduce the number of members of the Council to less than a quorum, and if the member resigning from office is a member of the upper tier Council, the resignation is not effective if it would reduce the number of members of either Council to less than a quorum.

5. DELEGATIONS AND PRESENTATIONS:

5.1 Request for Delegation:

- 5.1.1** Except as provided by law, a person who is not a member of Council or Committee shall not be permitted to address the Council or Committee except upon the approval of the Council or Committee.
- 5.1.2** Any person wishing to make a delegation shall submit a request in writing to the Clerk no later than 1:00 p.m. on the Thursday prior to the meeting at which they wish to be heard. The Written request shall state the nature of the business to be discussed and the person(s) named to make the delegation. Persons addressing the Council or Committee shall confine their remarks to the stated business.
- 5.1.3** No member of the public shall be permitted to address the Council or Committee on any subject without the prior approval of the Clerk through the process of a written request, or unless they are directly invited to do so by the Mayor. Notice and information to be provided in advance when possible.
- 5.1.4** No delegation may be scheduled for an in camera session, nor shall delegations be permitted regarding any specific personnel matter.
- 5.1.5** All delegations shall take place during Council or Committee of the Whole. A person wishing to address the Council or Committee may speak for up to fifteen (15) minutes, if a time extension is required it may be granted by the Mayor or his/her designate.
- 5.1.6** The Clerk shall be empowered to refer requests made of Council by deputation to appropriate Committees as deemed necessary.
- 5.1.7** A delegation of more than five (5) persons shall be limited to two (2) speakers, and each speaker limited to no more than ten (10) minutes each.

5.1.8 When a request to appear is submitted after the agenda has been set or when the agenda already includes a total of three (3) delegations or presentations, the Clerk may schedule the delegation for a future meeting. In the event that the matter is of a time sensitive nature, the Clerk shall refer the request to the Mayor and the delegation may be scheduled at the discretion of the Mayor and the Clerk.

5.1.9 In the case of an emergency, a person wishing to address the Council or Committee concerning an item on the agenda may request a delegation through the Clerk before the meeting begins. The Clerk will advise the Mayor of the request and the Mayor will call for a vote of the Council to waive the rules for delegations to allow the person to speak and upon a majority vote in the affirmative, the person will be permitted to address Council.

5.1.10 Every communication, including a petition designed to be presented to the Council or Committee, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, including address and telephone number, and filed with the Clerk.

5.2 Previous Delegations:

5.2.1 Requests from deputants who have previously addressed Council or Committee at a regular or public meeting within the last six (6) months on a particular item shall not be granted unless there is new information to present, in addition to what they have previously presented. Such proof shall be submitted to the Clerk, in writing, not later than 4:00 p.m. on the Thursday preceding the scheduled meeting. If, in the opinion of the Clerk, the written submission does not provide any new information, the request shall be denied.

5.2.2 The Clerk may, at their discretion, forward the request for a second delegation to the Mayor for review to determine whether the delegation may be allowed. If the Mayor does not believe the written submission provides new information, the submission shall be provided to the Council or Committee as an information item.

5.3 Planning Issues:

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

5.4 Presentations:

A person may appear before Council for the purpose of presenting or receiving a gift or recognition provided that the person or their representative submits a request in writing to the Clerk describing the nature and purpose of the presentation.

Notwithstanding the above paragraph, the Council may, for any reason deemed appropriate, refuse to permit a presentation.

5.5 Notice to Local Boards:

Any person wishing to appear as a delegation before the local board at a regular meeting must give notice in writing, including the subject matter of the delegation, to the Secretary not later than 12 noon on the Thursday of the week preceding the regular local board meeting so that such delegation can be reflected on the agenda.

5.6 Conduct During Delegations:

- 5.6.1** No member of Council or Committee shall interrupt a deputant while they are addressing Council or Committee, except on a point of order, or if the Chair/Presiding Officer deems it necessary to advise them of the time limitation.
- 5.6.2** Members of Council or Committee may ask questions of the deputant(s) following the completion of the delegation, but shall not enter into a debate with the deputant(s).
- 5.6.3** Upon completion of the deputation, Council or Committee shall consider any report for discussion pertaining to the matter and determine, by resolution, an appropriate course of action.
- 5.6.4** Any individual or group making delegations before Council, Committee or a Local Board shall conduct themselves with decorum at all times and shall refrain from using any slanderous or abusive statements or behaviour.
- 5.6.5** If the Chair/Presiding Officer determines that decorum has been breached, the delegation will be immediately stopped and the offender provided an opportunity to retract their statements and apologize to Council or Committee.

6. COMMITTEES:**6.1 Special Committees:**

- 6.1.1** Council may from time to time by Resolution, establish Special Committees, with the membership determined by Council at the time of establishment. The Chair for each Special Committee shall be as designated by Council.
- 6.1.2** Council may, from time to time, establish by Resolution an Ad Hoc Committee to deal with a specific issue. The Resolution will include the names of the members assigned to the Ad Hoc Committee. An Ad Hoc Committee may make a written report to Council on their findings, and may make recommendations.
- 6.1.3** Despite the above provisions, the Mayor may, at his/her discretion, assume the Chair at any meeting of a committee, for the purpose of conducting that particular meeting.

6.2 Standing Committees:

There shall be five (5) standing committees of Council that shall be called:

- (a) Public Works/Roads
- (b) Waste Management
- (c) Finance
- (d) Human Resources and Administration
- (e) Emergency Services

The number of members on each standing committee of Council shall be determined by Council and shall not be less the three (3) members. The Chairperson for each Standing Committee shall be designated as the Committee Liaison between staff and Council.

6.3 Regulations for Conducting Business in Committees:

- 6.3.1** The business of Committees of Council shall be conducted under the laws governing procedure in Council and Committee as prescribed by this By-law.

- 6.3.2 All Committees shall report, in writing, to Council on all matters connected with their duties or referred to them by the Council and shall recommend such action as they deem necessary.
- 6.3.3 All Committee Reports shall be in typewritten form and signed by the Chairperson of said committee.
- 6.3.4 All Committees shall adhere to the rules prescribed by the By-laws of the Council.
- 6.3.5 Whenever, at the conclusion of the last meeting, there is any unresolved matter before the committee, the matter is to be forwarded, in writing, to the incoming Committee of the following year for consideration.
- 6.3.6 The Council may refer back to any Committee any report in whole or in part or any question or matter for reconsideration.
- 6.3.7 All supporting documents, reports and plans relevant to the report of the Planning & Economic Development Committee shall be made available to any member of the public for viewing before consideration of the Planning & Economic Development Committee report by Council.
- 6.3.8 If a public meeting has been scheduled at the direction of the Planning & Economic Development Committee prior to consideration of its reports by Council, then all such documents, reports and plans shall be made available for viewing before and at such public meeting. This includes copies of the Official or Municipal Plan and Zoning By-laws, Planning staff reports and plans to be presented at such public meeting.

6.4 **Appointments and Organization of Committees, Boards and Special Purpose Bodies:**

- 6.4.1 Before December 31 of an Election Year, the Mayor shall appoint members of Council to the various Standing and Subcommittees, Boards and Special Purpose Bodies after consulting with the members.
- 6.4.2 Advertisements for members of the public to serve on various committees and boards shall take the form of a public notice to be advertised in one or more local newspaper, on the Township website, and posted at all Township facilities.
- 6.4.3 Application to sit on a subcommittee or advisory committee of Council shall be made on the form provided by the Clerk at various locations and on the Township website. Completed forms must be returned to the Clerk by the specified deadline in order to be considered for appointment and to ensure the equity and objectivity of each appointment.
- 6.4.4 The incoming Council will review the application forms at their orientation session and make recommendations and appointments accordingly.

7. **RULES OF CONDUCT AND DEBATE:**

7.1 **Disclosure of Conflict of Interest:**

In accordance with the *Municipal Conflict of Interest Act*, any member who, either on his/her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council, Committee or Local Board at which the matter is to be considered, the member:

- (a) shall, prior to any consideration of the matter at the meeting, disclose that they have an interest and the general nature of the interest;
- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way before, during or after the matter, to influence the voting on such matter;
- (d) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session; and
- (e) where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council, Committee or Local Board meeting attended by the member.

Every disclosure of interest and the general nature thereof made at a meeting which is open to the public shall be recorded in the minutes of the meeting by the Clerk or his/her designate. Every disclosure of interest, but not the general nature of that interest, made where the meeting is not open to the public shall be recorded by the Clerk or his/her designate in the minutes of the next meeting that is open to the public.

7.2 Conduct of Members of Council/Committees/Local Boards:

No Member shall:

- 7.2.1** speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada or the Province of Ontario;
- 7.2.2** use offensive, insulting or indecent words or unparliamentary language in or against the Council or against any member of Council, staff or guest;
- 7.2.3** speak or address the subject in debate without first requesting to speak and then being recognized by the Chair/Presiding Officer and given permission to speak;
- 7.2.4** speak on any subject other than the subject in debate without the permission of the Chair/Presiding Officer;
- 7.2.5** address another member of Council, a member of Township staff, or a deputant or member of the gallery directly without first being recognized by the Chair/Presiding Officer, then addressing that person through the Chair/Presiding Officer;
- 7.2.6** speak more than once to the same question, except:
 - (a) upon the consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined;
 - (b) in explanation of a material part of his/her speech which may have been interpreted incorrectly; or
 - (c) with the permission of Council after all other members so desiring have spoken; or
 - (d) with the permission of Council a reply may be allowed to the member who presented the motion; in which case he/she shall speak for no longer than a five (5) minute period.

- 7.2.7 ask a question except of the previous speaker and in relation to that speaker's remarks;
- 7.2.8 interrupt the Member who has the floor except to raise a point of order;
- 7.2.9 criticize any decision of the Council except for the purpose of moving in accordance with provisions wherein a question may be reconsidered;
- 7.2.10 disobey the Rules of Council, or a decision of the Chair/Presiding Officer or of the Council on questions, order, practice or upon the interpretation of the Rules of the Council; and in the case where a member persists in any such disobedience after having been called to order by the Chair/Presiding Officer, the Chair/Presiding Officer shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologized he/she may, by vote of the Council, be permitted to retake his/her seat;
- 7.2.11 leave their seat or make any noise or disturbance while the presiding officer is putting a question, and shall occupy his/her seat while a vote is being taken and shall remain seated until the results of said vote are declared;
- 7.2.12 reveal publicly the substance of any matter dealt with in camera.

Any Member may:

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

Sole Arbiter:

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

7.3 Conduct of Attendees and Guests:

- 7.3.1 No person shall be permitted to approach the area occupied by the Council except a member of staff, unless by permission or by invitation of the Chair/Presiding.
- 7.3.2 At meetings of Council and Committee, the use of cameras, electric lighting equipment television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media and staff is permitted.
- 7.3.3 Members of the public may be permitted to use cameras, flash bulbs, recording equipment, cameras and any other device of a mechanical or similar nature used for transcribing or recording proceedings subject to the approval and/or direction of the Chair/Presiding Officer and/or Council.

7.3.4 Any member of the public who repeatedly interrupts Council or Committee proceedings and/or interjects without being invited to do so, who breaches decorum, or refuses to apologize or retract statements found to be offensive shall be requested by the Chair/Presiding Officer to cease and desist. If the person(s) does not comply after being warned, the Chair/Presiding Officer shall recess the meeting until the individual(s) leaves the Chambers, or until a peace officer removes the offender from the Council Chambers or meeting room, after which time the meeting will be reconvened.

8. AGENDAS AND SUPPORTING MATERIALS:

- 8.1** The Clerk shall prepare and print agendas of Council and Committee meetings as assigned.
- 8.2** Insofar as is practicable, Council agendas, along with supporting materials, shall be prepared and made available to members on the Thursday prior to a regular meeting.
- 8.3** Written reports from members of staff shall, insofar as is practicable, be made available to members of Council by 4:00 p.m. on the Thursday prior to a regular meeting.
- 8.4** Agendas shall be generally formatted as follows but modifications to the matters to be included or the order of business may be established without requiring amendments to this By-law:
- (a) Opening and calling to order of the meeting by the Mayor, Presiding Officer or Chair
 - (b) Additions/amendments to Agenda
 - (c) Adoption of Agenda
 - (d) Disclosure of Pecuniary Interest
 - (e) Petitions, Delegations and/or Presentations
 - (f) Minutes of Previous Meeting(s)
 - (g) Business Arising from the Minutes
 - (h) Unfinished Business from Previous Meetings
 - (i) Committee and/or Staff Reports (with appropriate sub-headings)
 - (j) Correspondence – Action Items
 - (k) Correspondence – Information Items
 - (l) New Business
 - (m) Motions of Council
 - (n) Notice of Motions
 - (o) By-laws
 - (p) Resolution to move into a “Closed Session” if required
 - (q) Payment of Accounts
 - (r) Adjournment
- 8.5** The business of the Council shall be carried out in the order as listed on the agenda unless otherwise decided by the Mayor, Presiding Officer or Chair.
- 8.6** Any item which is not listed on the agenda as printed, but has been determined by the Clerk to be of a nature which requires Council’s attention prior to the next scheduled meeting, may be added by addendum at the discretion of the Clerk.
- 8.7** Any items brought forward by other means shall require a majority vote of the members present to be added to the agenda.
- 8.8** Upon reasonable notice, any member of the public shall be permitted, during normal working hours of the municipal office, to inspect any plan, report, document, record, book, account or correspondence which shall be the subject of consideration by Council or any Committee of Council arriving at a policy decision of Council or Committee of Council, provided that this shall not extend to inter-departmental correspondence or material provided to Council in connection with those matters listed in 4.5.4 (Closed Session).

9. MINUTES:

9.1 The Minutes of Council, Committee or a Local Board shall record:

- (a) The place, date and time of meeting;
- (b) The name of the Chair/Presiding Officer or officers, and record the attendance of the members and the staff and any guests present;
- (c) The correction and adoption of the minutes of prior meetings; and
- (d) All resolutions, by-laws, decisions, and other proceedings of the meeting without note or comment, whether it is closed to the public or not.

9.2 After the minutes have been adopted they will be signed by the Chair/Presiding Officer and by the Clerk and shall be placed in the Minute Book in the office of the Clerk for his/her safekeeping.

10. UNFINISHED BUSINESS

Any item which has been discussed by the Council at a prior meeting, but not disposed of, may be raised again at any subsequent regular meeting of the Council when “Unfinished Business” is called for under the order of procedure.

11. NEW BUSINESS

The following items of business may be introduced when “New Business” is called for under the order of procedure:

- (a) notices of motion;
- (b) motions of which prior notice has been given;
- (c) motions for reconsideration;
- (d) motions of congratulation or of sympathy or other motions of a routine nature;
- (e) where any other matter is raised under “New Business” it shall not be discussed or voted upon under the order of procedure but shall be taken only as a notice of motion. Provided, however, that on motion passed by a majority vote of the whole Council, such matter may be referred to the Committee of the Whole or immediate consideration.

12. BY-LAWS:

12.1 No By-law shall be presented to Council unless the subject matter has been previously considered and approved by Council;

12.2 Every By-law shall be introduced upon motion by a Member of the Council specifying the title of the By-law;

12.3 Every By-law, when introduced, should be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure, or to comply with provisions of any Act, and shall be complete with the exception of the number and date thereof;

12.4 Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the solicitor for the Corporation;

12.5 Every By-law shall be given three readings prior to being passed;

- 12.6 The First and Second readings of a By-law shall be decided without amendment or debate;
- 12.7 By-laws may be given three readings on the same date except when requested otherwise by motion of the majority of the members present or otherwise provided in law;
- 12.8 The following statement shall be affixed to each by-law:

***“READ A FIRST, SECOND AND THIRD TIME AND
FINALLY PASSED on this (date) day of (month), (year).”***

- 12.9 The Clerk shall set out on all By-laws enacted by Council the date of the several readings thereof; and
- 12.10 Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor or Presiding Officer and the Clerk and shall be placed in the By-law book in the office of the Clerk for his/her safekeeping.

13. MOTIONS AND RESOLUTIONS:

- 13.1 No motion shall be debated upon or put forward unless it has been written, moved and seconded.
- 13.2 All motions may be supported or opposed by the mover and seconder.
- 13.3 After a resolution has been received and/or read by the Mayor or Presiding Officer, it shall be deemed to be in the possession of the Council but may, with the majority consent of members present, be withdrawn by the mover prior to discussion or amendment or prior to voting.
- 13.4 Amendments:
- 13.3.1 A motion to amend shall:
- (a) be presented in writing;
 - (b) be dealt with by Council before a previous amendment or the main motion;
 - (c) not be further amended more than once provided that further amendment may be made to the main motion;
 - (d) be relevant to the main motion;
 - (e) not propose a direct negative to the main motion.

13.5 Motions Introduced Verbally:

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

- (a) a point of order or personal privilege;
- (b) presentations of petitions;
- (c) to lay on the table;
- (d) to postpone indefinitely or to a certain day;
- (e) to move the previous question.

13.6 Motions Introduced in Writing:

The following motions may be introduced without notice, but such motions shall be in writing and signed by the mover and seconder:

- (a) motion to refer
- (b) to adjourn
- (c) to amend
- (d) to suspend the Rules of Procedure

13.7 Withdrawal of Motion:

- (a) After a motion is read or stated by the Mayor, it is deemed to be in possession of the Council, and it may only be withdrawn before decision or amendment with the permission of the Council.
- (b) When a member's motion has been called by the Mayor at two successive meetings and not proceeded with, it will be deemed to have been withdrawn and dropped from the agenda unless Council otherwise decides.
- (c) The mover and seconder may withdraw a motion at any time prior to the commencement of debate thereon.
- (d) A member may withdraw his/her notice of motion at any time prior to the subject matter being considered.

13.8 Motion to Refer:

A motion for reference to a committee, board, official or commission until it is decided, will preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table. A motion to refer is debatable.

13.9 Motion to Lay on the Table:

- (a) A motion simply "to lay a matter on the table" is debatable but cannot be amended.
- (b) A motion "to lay a matter on the table" with some condition, opinion, or qualification added to the motion to table will be deemed to be a motion to postpone or defer made under Section – Motion to postpone or defer.
- (c) The matter tabled will not be considered again by the Council until a motion has been made to take up the tabled matter at the same or a subsequent meeting of the Council.
- (d) A motion to take up a tabled matter is not subject to debate or amendment.
- (e) A motion that has been tabled at a previous meeting of the Council cannot be lifted off the table unless notice is given in accordance with Section – Notice of motion.
- (f) A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn.

13.10 Motion to Postpone or Defer:

- (a) A matter postponed or deferred to a definite date will have precedence over all other business on such date.

- (b) A motion to postpone or defer indefinitely will be treated as if it was a motion to lay on the table.

13.11 Notice of Motion:

Notice of motion by a member will:

- (a) be in writing;
- (b) be tabled at a Council meeting preceding the date on which the matter will be introduced; or, will be received by the Clerk in sufficient time for it to be processed under (c) of this Section;
- (c) be printed in full under “New Business” in the agenda for that meeting;
- (d) when a member’s notice of motion has been called by the Mayor in two successive meetings and not proceeded with, it will be dropped from the agenda unless Council otherwise decides;
- (e) if at the third meeting, such notice of motion is called by the Mayor and not proceeded with, it will be deemed to have been withdrawn.

13.12 Dispensing with Notice:

Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative a majority vote of Council.

13.13 Order of Consideration:

- (a) When a question is under consideration, no motion will be received except a procedural motion or a motion to amend.
- (b) Procedural motions will be considered immediately upon receipt and will have precedence and are subject to debate as follows:
 - (i) to extend the time of the meeting (not debatable);
 - (ii) to move the question be put (not debatable);
 - (iii) to refer (debatable);
 - (iv) to lay on the table (debatable);
 - (v) to defer indefinitely or to a certain day (debatable – as to time only);
 - (vi) to adjourn (not debatable);
 - (vii) any other procedural motion (debatable).

13.14 Question Be Now Put:

A motion that the question be now put:

- (a) is not debatable;
- (b) cannot be amended;
- (c) cannot be moved when there is an amendment under consideration;
- (d) will preclude all amendments of the main question;
- (e) when resolved in the affirmative, the question is to be put forward without debate or amendment;

- (f) cannot be moved by a member who has already debated the question unless another member has subsequently debated the question; and
- (g) may be moved in the following words, “that the question be now put.”

13.15 Motion Ruled Out of Order:

Whenever the Mayor, Presiding Officer or Chair is of the opinion that a motion is contrary to the rules of procedure, the Mayor, Presiding Officer or Chair will rule the motion out of order.

13.16 Voting on the Motion:

13.16.1 Immediately prior to voting on a motion, the Mayor, Presiding Officer or Chair shall state the question in the precise form in which it will be recorded in the minutes, including any amendments to the questions.

13.16.2 After a motion, including any amendment(s) is finally put by the Mayor, Presiding Officer or Chair, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

13.17 Reconsideration:

A resolution, by-law or any question or matter (except one of indefinite postponement) which has been adopted previously by Council may be reconsidered by Council subject to the following:

- (a) a notice of motion given in writing by a member, has been introduced according to the procedure of notice of motion;
- (b) debate on a motion to reconsider must be confined to reasons for or against;
- (c) such motion must be supported by a majority of the members present voting in favour of such reconsideration before the matter can be debated;
- (d) if a motion to consider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on;
- (e) a motion to reconsider an amendment may not be submitted until after the original motion to which the amendment was proposed has been considered and disposed of;
- (f) A vote to reconsider will not be considered more than once every two years.

These rules do not apply when a motion pertains to a decision of a previous Council.

15. VOTING:

14.1 Every member of Council, Committee or Local Board shall have one vote.

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

14.3 When the Mayor, Presiding Officer or Chair calls the vote, each member present will vote by raising their hand to indicate their agreement or disagreement with the motion on the table.

14.4 Except where disqualified to vote by reason of interest or otherwise, the Mayor, Presiding Officer or Chair shall vote at the same time as the other members on all questions.

14.5 Upon completion of the vote the Mayor, Presiding Officer or Chair shall declare whether the motion was carried or defeated.

14.6 Recorded Vote:

14.6.1 When a member present requests a recorded vote immediately prior to or immediately subsequent to the taking of the vote, all Members present at the Council or Committee meeting must vote in alphabetical order followed by the Mayor, Presiding Officer or Chair unless otherwise prohibited by statute. The names of those who voted for, and who voted against, shall be noted in the minutes. The Clerk shall announce the results.

14.6.2 When a question is tabled and a recorded vote taken, any member who does not vote shall be deemed as voting in the negative, except where he/she is prohibited by statute from voting.

14.7 No Other Voting Methods:

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

14.8 Tie Votes:

Any motion on which there is an equality of votes shall be deemed to be defeated.

14.9 No Closed Vote:

A meeting shall not be closed to the public during the taking of a vote except for the following:

- (a) the *Municipal Act* permits or requires the 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, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

15. GENERAL:

15.1 When the Head of Council (Mayor) is absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.

15.2 In all matters and under all circumstances the members of Council shall be guided by and shall have regard to the *Municipal Conflict of Interest Act, or its successor Local Government Disclosure of Interest Act 1994*, upon Proclamation.

15.3 Following a regular or new election, the Clerk or his/her designate shall provide each member of Council with a copy of this By-law, including any and all amendments thereto.

15.4 That By-law 03-196 or parts of By-laws heretofore passed inconsistent with the provisions hereof and respecting the calling, place and proceedings of meetings of the Municipal Council for the Township of South Algonquin are hereby repealed.

15.5 That this By-law shall come into force and take effect upon the enactment thereof.

Read a First and Second time this the 15th day of May , 2008.

Read a Third time and finally passed this the 5th day of June, 2008.

(Mayor, Percy Bresnahan)

(Clerk, Harold Luckasavitch)