

# **The Corporation of The Township of East Garafraxa**

## **By-law Number 34-2023**

### **Being a By-Law to govern the proceedings of the Council of The Corporation of The Township of East Garafraxa and to Repeal By-Laws 5-2019, 11-2020, 21-2020, 49-2021, 18-2022 and 65-2022**

**Whereas** section 238 of The Municipal Act, 2001, S.O. 2001, requires every municipality to adopt a procedure by-law for governing the calling, place, proceedings of meetings, and providing for public notice of meetings; and

**Whereas** the Council of the Corporation of the Township of East Garafraxa deems it advisable to enact a new By-law to govern the proceedings of Council, the conduct of its members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to repeal the previous By-law 5-2019, as amended;

**Now Therefore the Council of the Corporation of the Township of East Garafraxa enacts as follows:**

#### **Part 1 – General**

##### **1. Rules of Procedure Adopted/Suspended**

- 1.1. The proceedings of the Council and its committees, the conduct of the members and the calling of meetings shall be governed by the provisions of Provincial Legislation and the rules and regulations contained in this by-law.
- 1.2. Except as provided herein, the rules of parliamentary procedure as contained in Robert's Rules of Order shall be followed for governing the proceedings of Council and its committees and the conduct of its members.
- 1.3. Despite subsection 1.1, the rules and regulations contained in this by-law may be suspended by a vote of two-thirds of the members present and voting.
- 1.4. The suspension shall only apply to the procedure(s) or rule(s) which are stated within the motion to suspend and only during the meeting in which such motion was introduced.
- 1.5. The following procedure(s) or rule(s) cannot be suspended:
  - 1.5.1. No other business to be added to a special meeting; and
  - 1.5.2. Majority of members for quorum.

##### **2. Interpretation**

- 2.1. Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- 2.2. References to items in the plural include the singular, as applicable.
- 2.3. The words "include", "including", and "includes" are not to be read as limiting the phrases or descriptions that precede or follow them.
- 2.4. Headings and the index are included for ease of reference only and are not to be used as interpretation aids.

- 2.5. Specific references to laws in this by-law are meant to refer to the current laws applicable within the Province of Ontario as at the time the by-law was enacted, and as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

### **3. Definitions**

- 3.1. "Ad Hoc Committee" means a committee created by Council with a defined ending, to report directly to Council on a specific matter.
- 3.2. "Advisory Committee" means a committee created by Council, to report on a specific subject.
- 3.3. "By-law" means an enactment, in the form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.
- 3.4. CAO means the Chief Administrative Officer of the Township of East Garafraxa as appointed pursuant to Section 229 of the Municipal Act, as amended, which position can be combined with other positions, or their designate.
- 3.5. "Chair" means the Head of Council or Acting Head of Council or chairperson of any committee.
- 3.6. "Clerk" means the Clerk of the Township of East Garafraxa as appointed pursuant to Section 228 of the Municipal Act, as amended, which position can be combined with other positions, or their designate.
- 3.7. "Closed Meeting" means a meeting, or part of a meeting of Council or a Committee, which is closed to the public as permitted by the Municipal Act.
- 3.8. "Committee" means any advisory or other committee, sub-committee or similar entity, appointed by Council.
- 3.9. "Confirmatory By-law" means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken, so that every decision of Council at that meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.
- 3.10. "Consent Agenda" means the portion of the Agenda that may be approved by Council without debate. Should a member wish to discuss an item, the member would request the item be extracted from the consent agenda and that item would be discussed separately.
- 3.11. "Council" means the Township of East Garafraxa elected representatives.
- 3.12. "Councillor" means a Member of Council, other than the Mayor and Deputy Mayor.
- 3.13. "Day" does not include Saturday, Sunday or a holiday.
- 3.14. "Defamatory" means an unjustified falsehood which is derogatory towards an identifiable person or group.
- 3.15. "Delegation" means a person or group of persons, firm or organization, who are not members of Council, Consultants or staff of the Township who have requested and are permitted to address Council.
- 3.16. "Deputy Mayor" means the Deputy Head of Council for the Township of East Garafraxa.

- 3.17. "Electronic Device" means computers, cell phones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar device.
- 3.18. "Electronic Participation" means a participant including Council member, staff, consultant and/or delegate that participates remotely in any open or closed Council or committee meeting via electronic means.
- 3.19. "Holiday" means a holiday as defined by the Legislation Act, S.O. 2006, c. 21, Schedule F.
- 3.20. "Inaugural Meeting" means the council meeting following a regular municipal election, at which declarations of office are administered.
- 3.21. "Majority" means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or committee present at the vote and not prohibited by statute from voting.
- 3.22. "Mayor" means the Mayor as Head of Council, or in the absence of the Mayor, the Deputy Mayor or, in the absence of both, another member of Council appointed by Council.
- 3.23. "Meeting" means any regular, special or emergency Council or committee meeting when a quorum is present as defined in the Municipal Act and includes meetings where some or all Members are attending via electronic participation.
- 3.24. "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25.
- 3.25. "Motion" means a proposal, moved by a member and seconded by another member, for the consideration of Council or a committee.
- 3.26. "Notice" means notice that includes the time and place of a meeting and, in the instance of a Special Meeting, shall include the purpose of the meeting. The form, manner and times when notice will be provided to the public regarding specific by-laws and the holding of certain meetings will be given in accordance with the Municipal Act, 2001, Township By-laws or any other applicable legislation.
- 3.27. "Notice of Motion" means notice, including the name of the mover, advising Council that the motion described therein will be brought at a subsequent meeting.
- 3.28. "Open Meeting" means a meeting which is open to the public.
- 3.29. "Presentation" means information presented to Council or committee in person by an individual or group on a matter which typically does not require any action to be taken by Council or committee.
- 3.30. "Pecuniary Interest" means relating to or connected with money pursuant to relevant conflict of interest legislation.
- 3.31. "Point of Order" means a statement made by a member of Council during a meeting thereof drawing the attention of the Chair to a breach of the Rules of Procedure.
- 3.32. "Privilege" means the raising of a question which concerns a member of Council, or the Council collectively, when a member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned.

- 3.33. "Procedural Motion" means any motion concerning the manner or time of consideration of any matter before the Council as opposed to the substance thereof, and includes, without limitation, the following:
- 3.33.1. To extend the time of the meeting;
  - 3.33.2. To commit or refer;
  - 3.33.3. To table;
  - 3.33.4. To postpone to a certain day;
  - 3.33.5. To adjourn;
  - 3.33.6. To move the question be put; or
  - 3.33.7. To suspend the Rules of Procedure.
- 3.34. "Quorum" means a majority of the Members of Council. A quorum of any of the committees appointed by the council/local board shall be a majority of its members. Unless a quorum is present within one-half hour after the time appointed for the meeting of the council/local board, there shall be no meeting thereof until the next regular day of meeting, unless in the meantime, a special meeting is called. The Clerk/Secretary shall record the names of such members as are present.
- 3.35. "Resolution" means a motion that has carried.
- 3.36. "Regular Meeting" means a meeting of Council or committee held at the times and dates specific in this by-law and approved by Council or committee as part of an annual calendar.
- 3.37. "Rules of Procedure" means the rules and regulations provided in this by-law.
- 3.38. "Special Meeting" means a separate meeting of Council or committee held at a time different than a regular meeting as approved by Council or committee and which is focused on one or more particular and specific items or subjects.
- 3.39. "Substantive Motion" means any motion other than a Procedural Motion.
- 3.40. "Treasurer" means the Treasurer of the Township of East Garafraxa as appointed pursuant to Section 286(1) of the Municipal Act, as amended, which position can be combined with other positions.
- 3.41. "Voting Period" means the time during which electors can vote in a municipal election year, including advance voting.

## **Part 2 – Duties and Conduct**

### **4. Duties of the Chair**

It shall be the duty of the chair:

- 4.1. to open the meeting by taking the chair and calling the members to order;
- 4.2. to announce the business before the meeting and the order in which it is to be acted upon;
- 4.3. to receive and submit, in the proper manner, all motions presented by the members;
- 4.4. to put to a vote all motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result and, in so doing, to ensure that the mover and seconder are clearly identified;
- 4.5. to decline to put to a vote motions which infringe the rules of procedure;
- 4.6. to vote on all matters, which are moved and seconded, or necessarily arise in the course of the proceedings;
- 4.7. to permit questions to be asked through the Chair of any officer in order to provide information to assist in any debate when the Chair deems it proper;

- 4.8. to provide information to members on any matter touching on the business of the Township;
- 4.9. to receive all petitions and communications and announce them at the meeting;
- 4.10. to inform the Members of the proper procedure to be followed;
- 4.11. to lead on all occasions with the observance of order and decorum, in a manner that is respectful to delegations, fellow members and staff;
- 4.12. to enforce on all occasions, the observance of order and decorum among the Members;
- 4.13. to call by name any Member persisting in a breach of the Rules of Procedure and order the member to vacate the Council Chamber;
- 4.14. to decide all questions of order at the meeting, subject to an appeal by any Member to Council on any question of order in respect to business before the Council;
- 4.15. to authenticate, by his/her signature when necessary, all By-laws and Resolutions;
- 4.16. the Code of Conduct, pursuant to by-law 14-2016, as amended from time to time applies.

## **5. Expulsion for Misconduct**

The Chair may expel or exclude from the meeting, any person, who, in the opinion of the Chair, has behaved improperly.

## **6. Conduct of Members**

- 6.1. Any Code of Conduct or Ethics applicable to Members of Council adopted by Council shall apply during a meeting held pursuant to this by-law.
- 6.2. A Member shall have the following duties:
  - a) to deliberate on the business before it;
  - b) to vote when a motion is put to a vote;
  - c) to respect the Rules of Procedure.
- 6.3. No Member shall:
  - 6.3.1. use offensive words or unparliamentary language in or against the Council or against any member of staff or the public;
  - 6.3.2. speak on any subject other than the subject in debate;
  - 6.3.3. criticize any decision of the Council or continue to debate the matter after it has been decided, except for the purpose of moving that the question be reconsidered;
  - 6.3.4. disobey the Rules of Procedure or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;
  - 6.3.5. disclose any information that is deemed to be confidential pursuant to the Municipal Freedom of Information and Protection of Privacy Act.
  - 6.3.6. use a recording device.
- 6.4. Where a Member persists in any disobedience of the Rules of Procedure after having been called to order by the Chair, the Chair 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 the Council", but if the Member apologizes he/she may be permitted to retake his/her seat.
- 6.5. The Code of Conduct, pursuant to by-law 14-2016, as amended from time to time applies.

## **7. Conduct of Public and Delegations**

- 7.1. Members of the public and delegations in attendance at a meeting, shall not:
  - 7.1.1. Address Council or committee without permission;
  - 7.1.2. Engage in any activity or behaviour or make any audible noise that could affect the Council or committee deliberations, including clapping, shouting, jeering or any other form of disorderly conduct; or
  - 7.1.3. Bring any signs or placards into, or hand out any brochures, pamphlets, buttons or literature in the Council Chambers.
- 7.2. No person, except Members of Council and appointed officials of the Township of East Garafraxa, shall be permitted to come within or behind the Council desk during a meeting of the Council or committee without the permission of Council or committee.
- 7.3. No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public, Mayor, Members of Council or committee.

## **8. Council/Staff Relations**

- 8.1. Both Council and Staff shall work hard at fostering a climate of respect and recognize the mutual goal is to serve the Municipality.
- 8.2. Members of Council shall be respectful of the fact that staff work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members of Council.
- 8.3. In addition, members shall be respectful of the fact that staff carry out directions of Council and administer the policies of the Municipality, and are required to do so without undue influence from any individual member or group of members of Council.
- 8.4. Council members should address their enquires through the CAO to be addressed as appropriate.
- 8.5. Staff and Officers shall treat Council as a collective decision-making body. Staff and Officers shall not communicate directly with individual Members on municipal business, rather they must communicate on such matters through the CAO. Information from the CAO shall be communicated to all Members. Staff and Officers shall stay out of political lobbying.

## **Part 3 – Meetings**

### **9. Inaugural Meeting**

The first meeting of a newly elected Council after a regular election shall be held as soon after the new term of office commences as practicable, at which declarations of office shall be administered.

### **10. Open Meetings**

All meetings must be open to the public subject to the exceptions listed in Section 239 of the Municipal Act, 2001 as amended from time to time.

### **11. Closed Meetings (In Camera)**

- 11.1. Notwithstanding Section 10 above, a meeting may be closed to the public pursuant to Section 239 of the Municipal Act, 2001 as amended from time to time.

- 11.2. Before all or part of a meeting is closed to the public, the body proposing to hold the meeting shall state by Resolution:
  - a) the fact of holding of the closed meeting;
  - b) the general nature of the matter to be considered at the closed meeting;
- 11.3. Subject to subsection 11.1 a meeting shall not be closed to the public during the taking of a vote unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or local board, or persons retained by or under contract with the Municipality or local board.
- 11.4. A motion to move out of closed session shall be passed in order for the meeting to be resumed in open session.
- 11.5. No matter or item other than the matter(s) referred to in the public resolution may be discussed.
- 11.6. If Council, the committee or local board wishes to discuss an item not contained within the motion to move into a closed session, they shall rise from the first closed session and in open session move a further motion in accordance with Section 239 of the Municipal Act, 2001 as amended from time to time.
- 11.7. The Clerk and/or their designate shall attend all closed meetings and record the proceedings, including procedural motions and direction given to staff, without note or comment.
- 11.8. The Mayor or Chair shall report out in an open meeting immediately following the closed meeting and summarize the actions taken in the closed meeting.
- 11.9. Matters discussed in a closed meeting which require a decision will be brought forward to an open meeting of Council.
- 11.10. Council shall approve and maintain a Closed Meeting Policy.

## **12. Calendar of Meetings**

The Clerk or designate shall prepare a schedule of meetings for the forthcoming year, which shall be approved by Council.

## **13. Regular Meeting Times**

- 13.1. The regular meetings of Council shall be held at 2:00 p.m. on the second Tuesday of the month and at 4:00 p.m. on the fourth Tuesday of the month, or at the call of the Chair.
- 13.2. Despite clause 13.1 regular meetings of Council shall occur at 4:00 p.m. on the fourth Tuesday in July and August, or at the call of the Chair.
- 13.3. Despite clause 13.1 the regular meeting of Council shall occur at 2:00 p.m. on the second Tuesday in December., or at the call of the Chair.
- 13.4. Despite clause 13.1 in the event that a holiday lands on the Monday of the week of the regularly scheduled meeting of Council the meeting shall be pushed to the following day (Wednesday).
- 13.5. Despite clause 13.1 regular meetings of Council shall not occur during the Voting Period in the year of an election.
- 13.6. A meeting shall adjourn no later than 11:00 p.m. unless a Motion waiving this Section is passed by a majority vote of Members of Council present. If the Council meeting is not finished by 11:00 p.m. and this Section is not waived, the meeting will reconvene at the call of the Chair.

- 13.7. Any regular meeting can be rescheduled and/or cancelled as deemed appropriate by Council, or at the call of the Chair.

#### **14. Place of Meetings**

Meetings of Council shall be held in-person and/or electronically/virtually in full or in part in the Council Chambers and/or the Municipal Facility situated at 065371 Dufferin County Road 3, Unit 2, East Garafraxa or at such other place as is specified in the agenda, and in a location that is accessible pursuant to the requirements of the Accessibility for Ontarians with Disabilities Act.

#### **15. Recording Equipment and Electronic Devices**

- 15.1. The use of video or audio recording equipment or devices by members of the public or council members during a meeting is prohibited. The Clerk may record meetings for record purposes.
- 15.2. All electronic devices including cellular telephones shall be placed in silent mode in Council Chambers and all other locations during the course of meetings held in accordance with this By-law.

#### **16. Electronic Participation at a Meeting**

- 16.1. Meetings may be held in full or in part by electronic means including, but not limited to, audio teleconference, video teleconference, or other electronic means, and with or without in person attendance;
- 16.2. The method and technology used for an electronic meeting in open session or closed session shall be determined by the Clerk, in consultation with the Chair, based on advice and resources available at the time and the prevailing circumstances and context for the meeting;
- 16.3. Members participating electronically in such meeting shall be counted in determining whether quorum exists at the commencement and at any point in time during the meeting, and shall be entitled to vote as if they were attending the meeting in person;
- 16.4. Voting may take place by way of roll call, or in an alternate method authorized by the Chair;
- 16.5. Members shall advise the Clerk, or designate, as soon as practicable prior to the scheduled meeting of their intent to participate electronically. In all cases, staff will accommodate electronic participation on a best effort basis and subject to available resources;
- 16.6. Members participating electronically are required to use their Township issued equipment or their own personal equipment (i.e. phone and/or computer) at their own expense;
- 16.7. Delegations/Presentations/Petitions, Public Question Period and other means of public participation shall be at the discretion of Council;
- 16.8. Statutory Public Meetings shall be at the discretion of Council and in accordance with applicable legislative requirements;
- 16.9. An electronic meeting may include a closed session, which shall be conducted in the absence of the public and in accordance with Section 11. Closed Meetings (In Camera), all members must attest to the fact that they recognize they will be in a closed session and are able to ensure confidentiality;
- 16.10. A public notice of an electronic meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such electronic meeting;



- 16.11. An electronic meeting shall be available in such manner that the public may observe the meeting remotely as it is conducted, when feasible;
- 16.12. Recording of an electronic meeting by the Clerk shall be permitted;
- 16.13. In the event of a technical failure during the meeting, a recess of not more than 15 minutes can be taken to allow staff to reinstate the electronic participation;
- 16.14. If a member can no longer participate by electronic means it will not affect the validity or continuation of the meeting or decisions unless quorum is compromised;
- 16.15. If quorum is lost, the meeting will be deemed to be adjourned;
- 16.16. Electronic Participation at a Meeting shall be in accordance with Municipal Act, 2001, S.O. 2001, provisions, as amended from time to time.

## **17. Public Notice of Meetings**

Public notice shall be given for all meetings of Council by means of the municipal website with inclusion of each meeting listed in the calendar and the posting of the agenda. Agenda delivery shall be in accordance with Section 28. Agenda Delivery.

## **18. Statutory Public Meetings**

Such meetings shall be held at an appropriate Council meeting as determined by the Clerk with notice as set out in applicable legislation.

## **19. Special Meetings**

- 19.1. The Mayor or a petition of the majority of the Council may at any time summon a special meeting of Council on 48 hours written notice by the Clerk to the Members. The Clerk shall give public notice of all special open and closed meetings of Council by inclusion on the Township's website as soon as possible after the meeting is called and at least 24 hours prior to the meeting.
- 19.2. Upon receipt of the petition of the majority of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- 19.3. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

## **20. Emergency Meetings**

- 20.1. In circumstances of an emergency, the Mayor or Deputy Mayor may direct that the Clerk summon a special emergency meeting of Council on less than 48 hours' notice. All Members shall be notified of the emergency (special) meeting of Council either personally or by electronic mail, or by any other means necessary. The Clerk shall give public notice for emergency meetings called under Section 20 by inclusion on the Township's website as soon as possible after the meeting is called.
- 20.2. In keeping with clause 20.4 above an emergency meeting shall proceed with the consent of two-thirds of the members of Council, recorded in the minutes.
- 20.3. The Chief Administrative Officer and/or Clerk may request Council to attend an emergency meeting of Council to deal with a matter which is deemed to require immediate action.
- 20.4. The only business to be dealt with at an emergency meeting is that which is listed in the notice of the meeting.

## **20.5. Electronic Participation During a Declared Emergency:**

- 20.5.1. Electronic meetings shall be permitted, in whole or in part, when an emergency has been declared to exist in all or part of the Township of East Garafraxa by the Head of Council or the Province of Ontario under Sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9, as amended* and shall be in accordance with Section 17. Electronic Participation at a Meeting.
- 20.5.2. An electronic meeting shall be available in such manner that the public may observe the meeting remotely as it is conducted, when feasible. If circumstances do not permit live electronic access to the meeting, a recording of the audio, or both the audio and video, may be made available to the public as soon as practical, if feasible.
- 20.5.3. In the case of a loss of connection, or any connection issue(s) which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect unless quorum is compromised.

## **21. Calling a Meeting to Order**

As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Mayor or Chair shall take the chair and call the meeting to order.

## **22. Absence of the Mayor**

The Deputy Mayor of the Municipality shall be the Acting Mayor and exercise the powers of the Office of the Mayor in the absence of the Mayor. If the Mayor does not attend within 5 minutes after the time appointed for the meeting, the Clerk shall call the Members to order and if a quorum is present the Deputy Mayor shall preside over the meeting until the arrival of the Mayor. In addition, the Members of Council may appoint another presiding officer from among themselves for the purpose of Chairing a particular meeting.

## **23. Arrival and Departure of Members**

- 23.1. The timing of late arrivals and early departures will be noted in the minutes.
- 23.2. If a Member arrives late at a meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.

## **24. No Quorum**

If no quorum is present thirty minutes after the time appointed for a meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned and reconvene in accordance with Council direction or at the call of Chair.

## **25. Unfinished Business – Quorum Lost**

- 25.1. If during the course of a meeting quorum is lost, then the meeting shall stand as adjourned and not ended, to reconvene in accordance with Council direction or at the call of Chair.
- 25.2. If in the Mayor's opinion it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor shall announce that the unfinished business will be taken up at its next regularly scheduled meeting.

## **Part 4 – Order of Proceedings – Agendas and Minutes**

### **26. General Rules Regarding Council Agendas**

- 26.1. Prior to each regular meeting, the Clerk or designate shall prepare an agenda of all the business to be brought before such meeting.

- 26.2. No report shall be placed on the Council agenda unless it was first authorized by the CAO, Clerk or designate.
- 26.3. Added items/late submissions, any petition, communication or application not included on the agenda must be submitted prior to the start of the meeting, and may be considered at Council's discretion by passing a motion that the matter be considered.
- 26.4. Each agenda, insofar as practicable, will contain all reports, motions and by-laws to be considered.
- 26.5. The Accountability and Transparency Policy, pursuant to by-law 50-2007, as amended from time to time applies.

## **27. Agenda Delivery**

- 27.1. A final agenda shall be distributed electronically to the members of council and made public on the Township website no later than 4:30 p.m. the Thursday the week prior to the regularly scheduled Council meeting. A paper copy of the agenda may be made available upon request for special circumstances and must be picked up at the Municipal Office when available.
- 27.2. In the event of a holiday, draft and final agenda delivery may be delayed by one day if required.
- 27.3. Agenda delivery for special and/or emergency meetings shall be in accordance with Sections 19 and 20.

## **28. Agenda Material Deadlines**

Reports, presentations and other agenda materials are due to the Clerk's office on the dates and times set out in the Council and Committee Report Deadlines schedule prepared following the adoption of the Council and committee meeting dates.

## **29. Order of Business – Council**

- 29.1. The following headings shall make up the Council agenda:
  1. Opening of Meeting
  2. Approval of Agenda
  3. Disclosure of Pecuniary Interest and General Nature Thereof
  4. Approval of Minutes
  5. Public Question Period
  6. Delegation(s) / Presentation(s) / Petition(s)
  7. Statutory Public Meeting(s)
  8. Unfinished Business
  9. Notice of Motion(s)
  10. Staff/Consultant Reports
  11. County of Dufferin Business
  12. Local Boards and Committees
  13. General Business and Correspondence
  14. New Business
  15. Closed Meeting
  16. By-Laws
  17. Confirming By-Law
  18. Adjournment
- 29.2. The order of business may be altered by the Clerk during preparation of the Agenda to improve the efficiency of the meeting.
- 29.3. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda, unless otherwise decided by Council.
- 29.4. After delivery of the Council agenda, the Clerk may amend the agenda by way of an addendum and amend the agenda by adding or deleting matters from the prepared agenda in consultation with the Chair and/or CAO.

- 29.5. In the interest of transparency, separate circulations and revised or amended agendas are to be avoided wherever possible. However, where necessary, addendum agendas will be circulated to members by electronic mail and posted on the Township website as soon as possible but no later than 4:30 p.m. the day before the meeting.
- 29.6. Council Information Items Package
- 29.6.1. The Council Information Items Package shall consist of the following items:
- 29.6.1.1. Municipal resolutions/correspondence with the exception of Municipalities within Dufferin County including County Council;
- 29.6.1.2. Information items that do not require a decision of Council; and
- 29.6.1.3. Items that will be unlikely to cause debate.
- 29.6.2. Council Members shall identify any items contained on the Council Information Items Package which they wish to speak to and the matter shall be extracted from the Package. Extracted items will be dealt with separately under Correspondence.

### **30. Declaration of Pecuniary Interest**

- 30.1. Prior to a particular matter being addressed, members shall declare any pecuniary interest with respect to any item of business in accordance with the Municipal Conflict of Interest Act, as amended from time to time. Any Member of Council, Committee or Local Board who declares a pecuniary interest shall be required to leave the meeting, whether a closed or open session is being held. If participating electronically/virtually the member is required to disconnect from the meeting. The member(s) will be permitted to resume their seat once the matter has been dealt with.
- 30.2. Prior to the meeting at which the member discloses an interest, 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.
- 30.3. The member shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 30.4. Where the interest of a member has not been disclosed as required by subsection (1) of the Municipal Conflict of Interest Act, as amended, by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of Council, Committee or Local Board, as the case may be, attended by the member after the meeting referred to in subsection (1).

### **31. Minutes**

- 31.1. Minutes of a meeting shall be approved at the following regular meeting or as soon as practicable.
- 31.2. Minutes shall record:
- a) the place, date and time of meeting;
  - b) the names of the presiding officer or officers and the record of the attendance of the members;
  - c) the reading, if requested, correction and confirmation of the minutes of prior meetings;
  - d) declarations of interest;
  - e) the motions considered and votes taken by Council; and
  - f) all the other proceedings of the meeting without note or comment.

- 31.3. If the minutes have been delivered to the members of the Council then the minutes shall not be read, and a motion that the minutes be adopted shall be in order.
- 31.4. After the minutes have been adopted, they shall be signed by the Mayor and by the Clerk and made available on the Township website
- 31.5. The Clerk or designate shall act as the Recording Secretary for Council meetings, including Statutory Public Meetings and Special Education Sessions.

### **32. Delegations/Presentations**

- 32.1. A person or group wishing to make a Delegation/Presentation to Council shall submit a request to the Clerk or designate in writing no later than 7 days prior to the meeting and such request shall state the nature of the business and the names of the persons in the delegation/presentation. A copy of the presentation must be provided for inclusion in the package.
- 32.2. The Clerk shall acknowledge receipt of the request and place the matter on the next appropriate Council Agenda.
- 32.3. Delegations/Presentations at the Council Meeting shall be limited to ten (10) minutes regardless of the number of representatives. The duration may be extended by majority vote specifying the additional time. Such question shall be decided by the Council without debate.
- 32.4. Township Delegations/Presentations including staff, Consultants and/or Municipal business shall be limited to 20 minutes or as appropriate.
- 32.5. A maximum of three delegations and/or presentations per meeting will be scheduled by the Clerk or designate.
- 32.6. A person who is unable to attend a Council meeting may arrange for another person to appear as a deputation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council agenda.
- 32.7. Members may ask questions of clarification.
- 32.8. Where deputations have appeared on an item on the Council agenda, the item shall be brought forward for consideration immediately after the deputations have been heard.
- 32.9. Presenters may only present once every 12 months on the same topic.

### **33. Petitions**

- 33.1. Petitions may be submitted in written or electronic format.
- 33.2. Written submissions and petitions shall not contain any obscene or defamatory content or language.
- 33.3. The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address, and telephone contact information.
- 33.4. Personal information will be redacted from the information published in the agenda.
- 33.5. The Clerk may refuse to place a petition on the agenda where the subject matter:
  - 33.5.1. Involves current or pending litigation;
  - 33.5.2. Involves insurance claims;
  - 33.5.3. Involves administrative complaints that have not been reported and investigated through the administrative process;

- 33.5.4. Is beyond the jurisdiction of Council; or
- 33.5.5. Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

33.6. Petitions not relating to a matter listed on the agenda will be included on the subsequent Council meeting agenda.

33.7. No petition shall be considered valid and accepted by the Clerk without the name and contact information of the person(s) responsible for the contents and submission of the petition of the Township.

#### **34. Public Question Period**

34.1. A maximum of 10 minutes will be set aside for Public Question Period, with each questioner limited to two minutes.

34.2. When called upon by the Chair, the questioner will identify themselves by name and address the question to the Chair.

34.3. Questions shall only be made in respect of matters within Council's purview and jurisdiction while maintaining decorum in keeping with the following four principles:

- 34.3.1. Treatment of every person with dignity, understanding and respect;
- 34.3.2. Behaviour that is not discriminatory;
- 34.3.3. Actions free of harassment or bullying;
- 34.3.4. Protection of privacy.

#### **35. New Business**

Any items for consideration not listed on the original agenda and included on an addendum, shall be considered under "New Business" and/or the appropriate heading on the agenda.

#### **36. By-laws**

36.1. Every by-law presented to Council shall have three readings. Unless required to the contrary to comply with the provisions of any Act of Statutory procedure, all by-laws shall be given first, second and third reading at one meeting in a single motion.

36.2. The Clerk is hereby authorized to make such minor deletions, additions or other changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the by-law and members shall be advised by the Clerk of such changes by written notice.

36.3. The Clerk shall be responsible for their correctness should they be amended at a Council meeting.

36.4. Every by-law passed by Council shall:

- 36.4.1. Be signed by the Mayor, or the presiding officer;
- 36.4.2. Be signed by the Clerk or designate;
- 36.4.3. Be sealed with the Township seal; and
- 36.4.4. Indicate the date of passage.

36.5. The proceedings at every regular and special meeting shall be confirmed by by-law so that every decision of the Council and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

#### **37. Communications**

- 37.1. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed, shall not contain any impertinent or improper matter or language and be filed with the Clerk.
- 37.2. Minutes of local boards and community organizations having Council representation shall be listed and received under Local Boards and Committees.
- 37.3. Correspondence, including names and addresses, addressed to Council or directed to a Statutory Public Meeting become part of the public record and may be published in a report, agenda or minutes.

### **38. Notice of Motions**

Notice of a Motion must be given at a previous Council meeting. Such notice should contain the general topic and action to be considered. The complete motion will be provided in writing to the Clerk or designate for inclusion in the agenda for the meeting at which it will be considered.

### **39. Adjournment**

At the conclusion of the agenda seeing no other business, the Chair shall deem the meeting adjourned by resolution to the next regularly scheduled meeting or as determined by Council.

## **Part 5 – Motions and Voting**

### **40. Moved and Seconded**

- 40.1. All motions shall be made in writing and be moved and seconded.
- 40.2. No member shall speak to any motion until it is first read by the Chair, and the mover is entitled to speak first thereon if the member so elects.
- 40.3. A motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder.
- 40.4. The Chair may vacate the chair in order to move or second a motion and shall resume the chair following the vote on the matter.
- 40.5. Whenever the Chair is of the opinion that a motion or resolution is contrary to the Rules of Procedure, the Chair shall rule the motion or resolution out of order.
- 40.6. A motion or resolution which requires the exercise of a power or powers by Council which are not within its jurisdiction, shall not be in order.
- 40.7. All motions shall commence with the words “Be It Resolved That”.
- 40.8. All motions may be supported or opposed by the mover and seconder.

### **41. Address the Chair**

Every member speaking on any question or motion shall address the Chair.

### **42. Order of Speakers**

When two (2) or more members wish to speak, the chair shall designate the member who has the floor who shall be the member who, in the opinion of the chair, first requested to speak.

### **43. Final Speaker**

A member who has made a motion and/or amendment to such motion shall be permitted the final reply.

#### **44. Severability of Question**

Upon the request of any member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

#### **45. Voting Procedure**

- 45.1. Each Member present and voting shall announce or indicate his or her vote upon the motion openly and individually by show of hands and no vote shall be taken by ballot, or any other method of secret voting.
- 45.2. Every Member present at a meeting when a question is put shall vote, unless prohibited by statute, in which case it shall be so recorded.
- 45.3. If any Member at a meeting when a question is put does not vote, he or she shall be deemed as voting in the negative except where prohibited from voting by statute.
- 45.4. When the Chair calls for a vote on a question, each member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair, and during such time no member shall speak to any other member or make any noise or disturbance.
- 45.5. After a question is put by the 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.

#### **46. Recorded Vote**

- 46.1. A request by a member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter, prior to proceeding to the next item on the agenda.
- 46.2. When a recorded vote is requested, or is otherwise required, the Clerk shall call the names and record the vote commencing with the Deputy Mayor, council members in alphabetical order, and the Mayor shall vote last.

#### **47. Tie is Lost**

If there is a tie vote on any question, the vote shall be deemed to have been lost.

#### **48. Consent Motions**

- 48.1. When preparing the agenda for Council meetings, the Clerk may identify items which are considered to be routine and non-controversial under the heading "Consent Motion", which matters may be considered by Council as a summary matter in one motion rather than as separate items, unless a member of Council otherwise requests.
- 48.2. Any member, before the consent motion is voted on, may add or remove any number of items of business from the consent motion.
- 48.3. In the event that a member declares a conflict of interest on an item that is included in the consent motion, that item shall be removed from the consent motion and dealt with separately.
- 48.4. Items removed from the consent motion at the request of a member of Council will be considered under "New Business".

#### **49. Secondary Motions**



49.1. The following matters and motions may be introduced orally without notice and without leave, except as otherwise provided by the Rules of Procedure:

- 49.1.1. a point of order or privilege;
- 49.1.2. to move the question be put;
- 49.1.3. to adjourn.

49.2. The following motions may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:

- 49.2.1. to refer;
- 49.2.2. to table, or to postpone, or postpone to a certain day;
- 49.2.3. to amend;
- 49.2.4. to suspend the Rules of Procedure;
- 49.2.5. any other procedural motion.

## **50. Order of Consideration**

50.1. When a question is under consideration, no motion shall be received except a procedural motion or a motion to amend.

50.2. Procedural motions shall be considered immediately upon receipt and shall have precedence and may be subject to debate as follows:

- 50.2.1. to extend the time of the meeting (not debatable);
- 50.2.2. to move the question be put (not debatable);
- 50.2.3. to commit or refer (debatable);
- 50.2.4. to table (not debatable);
- 50.2.5. to postpone to a certain day (debatable)
- 50.2.6. to adjourn (not debatable);
- 50.2.7. any other procedural motion (debatable).

## **51. Motion to Amend**

51.1. An amendment shall be relevant and germane to the principle of the report or motion under consideration.

51.2. A motion to amend may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question.

51.3. Amendment motions shall be put in the reverse order to the order in which they are moved.

## **52. Rescind**

A motion to rescind requires a two-thirds majority and is not in order if action on the original motion has already been taken which cannot be undone.

## **53. The Question Be Now Put**

53.1. A motion that the question be now put shall preclude all further amendments of the question. When resolved in the affirmative, the question and all amendments thereto are to be put forward without debate or further amendment.

53.2. Such motion cannot be moved by a member who has already debated the question.

## **54. Motion to Lay on the Table**

54.1. A motion to lay on the table with some condition, opinion, or qualification added to the motion to table shall be deemed to be a motion to postpone.

- 54.2. The matter tabled shall not be considered again by the Council until a motion has been made to take up the tabled matter at a subsequent meeting.
- 54.3. A motion to take up a tabled matter is not subject to debate or amendment.
- 54.4. A motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn, and cannot be taken from the table.

## **55. Motion to Postpone**

- 55.1. A matter postponed to a definite date shall be considered first over all other business on such date.
- 55.2. A motion to postpone without a definite date shall be treated as if it was a motion to lay on the table.

## **56. Reconsideration of a Matter**

- 56.1. If a matter has been previously considered, it shall not be reconsidered by such body within six months after the meeting at which it was originally considered, without the consent of at least two-thirds of the members present.
- 56.2. "Considered" shall mean those matters for which the members of a meeting have decided to act or not act upon, and shall not include the mere receipt of information where no action has been sought or taken.
- 56.3. A motion to reconsider must be moved by a member of the prevailing side when the matter was first considered.

## **Part 6 – Rules of Debate**

### **57. Rules of Debate**

- 57.1. No member shall speak more than once, except if requested to give an explanation, until every member who desires to speak, has spoken.
- 57.2. When a member is speaking, no other member shall pass between that member and the Chair, or interrupt him or her, except to raise a point of order or a point of personal privilege.
- 57.3. A member may speak to the same question for a maximum of five minutes, and, with leave of the Council, may be granted an extension.
- 57.4. When an item is being discussed and one member has the floor a member may ask a question only for the purpose of obtaining information necessary for a clear understanding thereof.
- 57.5. All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.
- 57.6. Questions may be asked through the Chair of the previous speaker, staff, a delegation or presenter.
- 57.7. A member may not ask a question if the Chair rules that such question, in substantially similar form and content, has already been asked and answered.

### **58. Points of Order or Points of Privilege**

- 58.1. A member may interrupt the person who has the floor to raise a point of order when such member feels that there has been a deviation or departure from the rules of procedure and upon hearing such point of order, the ruling of the Chair shall be final unless the member appeals the ruling to Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.
- 58.2. A member may rise at any time on a point of personal privilege where such member feels that personal integrity or the integrity of the Council has been impugned by another member and upon hearing such point, the ruling of the Chair shall be final unless the member appeals the ruling to Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.
- 58.3. Where the Chair recognizes that a breach of privilege has taken place, the Chair shall cause the offending member to apologize, and failing such apology shall require such member to vacate the Council Chamber for the duration of the meeting.
- 58.4. Any member may appeal the decision of the Chair to the Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.

## **Part 7 – Committees, Task Forces and External Boards**

### **59. Internal Committees or Task Forces**

Council may create, appoint and dissolve any committee or task force by by-law including Terms of Reference. Where no specific rules of procedure are specified, these Rules of Procedure shall apply.

### **60. Council Representation on External Boards**

- 60.1. The Township of East Garafraxa shall be represented on all external board and committees for whom appointments are sought or required at the discretion of Council.
- 60.2. At the beginning of each term of Council, the Mayor shall request with the assistance of the Clerk or designate a list of boards and committees each member of Council is interested in serving on for their Council term.
- 60.3. The Mayor shall submit for Council consideration a list of external boards and committees accompanied by one or more members to be appointed to each of these bodies. The list may be debated at time of consideration.
- 60.4. Appointments shall be made by by-law for the Council term.

## **Part 8 – Vacancies**

### **61. Appointments to Vacancies**

- 61.1. Where a vacancy occurs in the office of a member of Council and the vacancy is to be filled other than by an election, the Council shall appoint a person who has consented to accept the office.
- 61.2. If more than one candidate is nominated for appointment to fill such vacancy, a vote shall be taken by the Clerk.
- 61.3. The Clerk shall record the name of each member of Council and the name of the candidate for which the member is voting. The results shall be declared by the Clerk.

## **Part 9 – Other Matters**

### **62. Conflict with any Other By-law**

In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.

**63. Short Title**

This by-law shall be known as the “Procedural By-law”.

**64. Repeal**

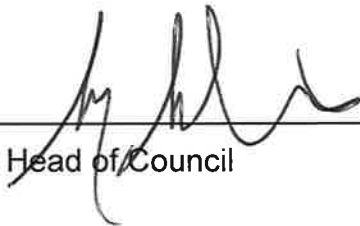
That By-laws 5-2019, 11-2020, 21-2020, 49-2021, 18-2022 and 65-2022 are hereby repealed.

**65. Effective Date**

That this By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

BY-LAW READ A FIRST AND SECOND TIME THIS 12<sup>th</sup> DAY OF SEPTEMBER 2023  
BY-LAW READ A THIRD TIME AND PASSED THIS 12<sup>th</sup> DAY OF SEPTEMBER 2023

  
Clerk

  
Head of Council