

The Corporation of the Township of Elizabethtown-Kitley

By-law Number 22-44

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES, THE CONDUCT OF ITS MEMBERS, THE CALLING OF MEETINGS AND TO REPEAL BY-LAWS 18-29, 20-14 AND 20-26

WHEREAS pursuant to Section 238(2) of the Municipal Act, 2001, as amended, every municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of the meetings;

NOW THEREFORE, the Council of the Corporation of the Township of Elizabethtown-Kitley enacts as follows:

PART I – INTERPRETATION

1. GENERAL

- a) The proceedings of Council, the conduct of the Members, and the calling of meetings shall be governed by the Rules of Procedure contained in this by-law.
- b) These Rules of Procedure shall also apply to all Committees, Sub-Committees, Ad-Hoc Committees, where applicable, and similar entities of which at least 50 percent of the members are also members of the Township Council.
- c) Where the term “Committee” is used in this by-law, the provision applies only to Committee meetings and related Committee matters.
- d) The majority of Council shall decide all points of order not expressly provided for in this by-law.
- e) If this by-law does not provide a procedure for dealing with a particular matter, the procedure to be followed shall be, as near as possible, the procedure set out in Robert’s Rules of Order and approved by a majority vote of the members present.

2. DEFINITIONS

- a) “Administrator-Clerk” means the Administrator-Clerk of the Corporation of the Township of Elizabethtown-Kitley, as appointed by by-law or the Deputy Clerk of the Corporation of the Township of Elizabethtown-Kitley who, when appointed, has all the powers and duties of the Clerk under the *Municipal Act* and any other Act.
- b) “Closed Meeting” means a meeting closed to the public as defined by the *Municipal Act*.
- c) “Committee” means a Committee of Council and includes Standing Committees, Sub-Committees and Ad-Hoc Committees.
- d) “Committee Chair” means the Chair of a Committee.
- e) “Council” means the Council of the Corporation of the Township of Elizabethtown-Kitley.
- f) “Emergency” means a sudden, generally unexpected or time sensitive occurrence demanding immediate action by Council.

- g) "Ex officio" means that the Mayor is a member of all Committees, and is entitled to receive all notices and relevant information, and may participate in the discussion but shall not vote and shall not be considered for purposes of quorum.
- h) "Investigator" means the Investigator appointed by Council pursuant to Section 239.2 of the *Municipal Act*.
- i) "Mayor" means the Head of Council and includes Acting Mayor as appointed by Council.
- j) "Meeting" means any regular, special or other meeting of Council or a Committee.
- k) "Member" means a member of Council, including the Mayor and, in the case of a Committee, a member of the Committee.
- l) "Minister" means the Minister of Municipal Affairs and Housing.
- m) "Municipal Act" means the *Municipal Act*, 2001 S.O. 2001, c.25, as amended from time to time.
- n) "Quorum" subject to any other applicable statutory provisions, means:
- (i) In the case of Council, a majority of Council Members, including the Mayor;
 - (ii) In the case of a Committee, a majority of appointed Committee Members with the understanding that the Mayor, in their ex officio capacity, is not included in the quorum calculation.
- o) "Resolution" means a formal determination made by Council or a Committee on the basis of a motion, duly placed before a regularly constituted Council or Committee meeting for debate and decision, and duly passed.
- p) "Rules" or "Rules of Procedure" means the rules and procedures set out in this by-law.
- q) "Special Meeting" means a meeting, other than a regularly scheduled meeting, called pursuant to the *Municipal Act* or the provisions of this by-law.
- r) "Standing Committees" includes the following Committees:
- Committee of Adjustment
 - Community Emergency Management Committee
 - Economic Development Committee
 - Fire and Emergency Services Committee of the Whole
 - Heritage Elizabethtown-Kitley Committee
 - Planning Advisory Committee
 - Property Committee
 - Public Works/Waste Management Committee of the Whole
 - Recreation Committee of the Whole
 - Ad Hoc committees created by resolution
- s) "Two-Thirds Vote" means the affirmative vote of at least two-thirds of the members present and eligible to vote.
- t) "Township" means the Corporation of the Township of Elizabethtown-Kitley.

PART II – PRESIDING OFFICER

3. DUTIES OF THE PRESIDING OFFICER

- a) Except as otherwise provided for herein, the Mayor shall be the Presiding Officer at all meetings of Council.
- b) The Presiding Officer shall:
 - i) open all Council meetings by taking the Chair and calling the Members to order;
 - ii) make such remarks as is fitting for the information or assistance of Council;
 - iii) receive and submit in the proper manner, all motions presented by Members of Council;
 - iv) put to vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings and announce the result;
 - v) decline to put to vote motions which infringe upon the Rules of Procedure;
 - vi) enforce on all occasions the observance of order and decorum among the members;
 - vii) call by name any Member persisting in breach of the Rules of Procedure and order them to vacate the Chamber;
 - viii) inform Council, when necessary or when referred to for the purpose, in a point of order;
 - ix) authenticate by their signature, when necessary, all by-laws, resolutions and minutes of Council;
 - x) represent and support Council by declaring its will and implicitly obeying its decisions in all things;
 - xi) ensure that the decisions of Council conform to the laws and by-laws governing the activities of Council;
 - xii) adjourn the meeting without question in the case of grave disorder arising in the place of meeting.
- c) The Presiding Officer may state relevant facts and their position on any matter before Council without leaving the chair, but the Presiding Officer must first leave the chair to move a motion.
- d) If the Presiding Officer desires to leave the chair to move a motion, pursuant to subsection 3 c) above or otherwise, the Presiding Officer shall call upon the Acting Mayor as set out in the Acting Mayor By-law, passed by Council from time to time, who is in attendance to preside until the motion is not longer on the floor.
- e) In the event that the Acting Mayor is not in attendance, the next member of Council as set out in the Acting Mayor By-law shall assume the duties of the Acting Mayor.

PART III – COUNCIL**4. INAUGURAL MEETING**

- a) Except as necessary to comply with any applicable law, an Inaugural Council meeting shall be held on the 15th of November commencing at 6:00 p.m., or such other day or time as Council may determine by resolution. No further Council business will be considered at this meeting.
- b) A person shall not take their seat as a Member of Council until they have taken the declaration of office in the form established by the Minister for that purpose.

5. ELECTRONIC PARTICIPATION

- a) Council and Committee members can participate in open and closed meetings electronically based on the following circumstances:
 - i) During any period where an emergency has been declared to exist in all or part of the municipality under the *Emergency Management and Civil Protection Act*; or
 - ii) With the permission of Council. A request to participate electronically must be submitted in advance of the meeting.
- b) Where a member of Council or Committee is participating electronically, they will be counted when determining quorum of members.
- c) If, during a meeting, a member is disconnected due to technology issues, they will be considered to have left the meeting and the meeting will proceed with the remaining members as long as quorum is maintained. The member may rejoin the meeting at any time.
- d) In the event of an emergency under section 5 a) i), motions shall not be required to be made in writing during an electronic meeting.
- e) During a closed session conducted electronically or where a member is participating electronically, the member(s) must ensure that they do not permit any other person to hear or view the meeting in any way.

6. RECORDING AND STREAMING OF MEETINGS

- a) Regular and Special meetings of Council are to be livestreamed whenever possible.
- b) Recordings of Regular and Special Meetings of Council will be recorded and a link to the recording will be available from on the Township's website.
- c) Where possible, Committee meetings where membership consists of 50% or more members of Council will be live streamed with recordings being made available to the public.
- d) In the event that technology is not available to livestream a meeting or livestream fails during a meeting, the meeting recording will continue and will be made available from the Township's website as soon as practicable following the adjournment of the meeting.

7. REGULAR MEETINGS

- a) The Regular meetings of Council shall be held on the second and fourth Monday of each month at 7:00 p.m. in the Council Chambers, or at such other time as may from time to time be determined by resolution of Council. Regular meetings of Council shall adjourn no later than 10:00 p.m. unless authorized by resolution of Council.

- b) Where a Regular meeting of Council falls on a Statutory Holiday, the meeting will be held the Tuesday immediately following the Statutory Holiday.
- c) The Clerk shall give written notice of all regular meetings to all Members of Council. Such notice shall be given in accordance with Section 20 of the Act to each member the Thursday prior to the date of the meeting.

8. USE OF CELLPHONES, PAGERS, RADIOS

All cellphones, pagers, radios, tablets and other devices with a radio transmitter shall be switched "off" or set to non-audible or muted upon entry to the Council Chamber. Only communications devices utilized by a member for participation in the meeting shall be permitted to be switched "on" and audible.

9. SPECIAL MEETINGS

- a) A special Council meeting may be convened upon:
 - i) the Mayor summoning the Members to the meeting; or
 - ii) upon receipt by the Clerk of a petition for a special meeting signed by the majority of Council Members
- b) Upon receipt of a petition, the Clerk shall summon a special meeting for the purpose(s) and at the time stated in the petition.
- c) Notice of all special meetings of Council shall include a statement of the matters to be considered at such special meeting, and shall be given to all members of Council not less than twenty-four (24) hours in advance of the time fixed for the meeting and in the same manner for giving Notice of Meeting set out in Section 7 of this by-law.
- d) Council shall not consider or decide any matter not set out in the notice calling the special meeting unless the Mayor determines that a decision is required immediately.
- e) Notwithstanding subsection 9 c), the Mayor may call a special Council meeting without notice to consider and deal with an emergency or other extraordinary matter and such meeting shall be deemed to have been properly constituted if at least two-thirds of all Members of Council are present at the meeting.

10. PUBLIC NOTICE OF MEETINGS

- a) Notice of a regular or inaugural meeting of Council shall be posted on the Township's website and published in a local newspaper not later than the end of the month preceding the meeting dates.
- b) Notice of a special meeting shall be posted on the Township's website and, where time permits, published in a newspaper not less than twenty-four hours in advance of the meeting.
- c) Prior notice of a special meeting held pursuant to subsection 9 e) is not required, but notice that the meeting has occurred shall be posted on the Township's website as soon as possible thereafter.

11. PLACE OF MEETING

All meetings of Council shall be held in the Council Chamber, 6544 New Dublin Road, Addison, Ontario or at such other place as Council may decide by resolution. Where an alternative location is chosen, Council shall, except in an emergency, ensure adequate notice of the venue change is provided to the public.

12. COMMENCEMENT OF MEETING

As soon as there is a quorum after the hour fixed for the meeting, the Mayor shall take the Chair and call the Members present to order.

13. ATTENDANCE

Every member of Council and every municipal employee, as directed by their Department Head, shall attend each meeting of Council or shall advise the Clerk of their inability to attend.

14. ABSENCE OF THE MAYOR

- a) If the Mayor is not in attendance within fifteen minutes after the time fixed for a meeting of Council, or where the Mayor has advised that they shall not be attending, the Acting Mayor, in accordance with the Acting Mayor By-law, shall call the Members to order and preside until the arrival of the Mayor or for the duration of the meeting when the Mayor has advised that he/she shall not be attending.
- b) While presiding, the Presiding Officer shall have all the powers of the Mayor and shall be entitled to vote as a Member.
- c) In the event of an extended absence of the Mayor, the Acting Mayor shall temporarily assume the Mayor's responsibilities until such time as the Mayor returns to duty.
- d) In the event that the Acting Mayor is not in attendance, the next member of Council listed in the Acting Mayor By-law shall assume the duties of the Acting Mayor.

15. NO QUORUM AT BEGINNING OF THE MEETING

- a) If no quorum is present to enable a Council meeting to commence thirty minutes after the time fixed for a Council meeting, the Clerk shall record the names of the Members present, and the Members shall stand discharged from waiting further.
- b) If a meeting does not take place because of lack of a quorum under subsection 15 a), Council may meet at the next regularly scheduled Council meeting or at such other time and place as the Mayor may determine in accordance with subsection 9 a).

16. QUORUM LOST – UNFINISHED BUSINESS

If, during the course of a meeting, a quorum is lost for a period of time greater than fifteen minutes, the meeting shall stand adjourned, but not ended, and shall reconvene at the next regularly scheduled Council meeting or at such other time and place as the Mayor may determine in accordance with Section 7 a) on a continuance; no other notice will be given.

17. COUNCIL CHAMBER

- a) No person, except a Member or an authorized employee of the Township, shall be allowed to come on the Council floor during a council meeting without permission of the Presiding Officer.
- b) No person, except a Member or an authorized employee of the Township shall, before or during a Council meeting, place on the desks of Members or otherwise distribute any material unless such person is so acting with the approval of the Clerk.

18. MEETINGS OPEN TO THE PUBLIC

- a) Subject to Section 239 of the *Municipal Act*, all meetings shall be open to the public, and no person shall be excluded except for improper conduct or events related to an emergency or public safety.
- b) The Presiding Officer may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.

19. MEETINGS CLOSED TO THE PUBLIC

- a) Council may, by resolution, close a meeting or part of a meeting to members of the public if the subject matter to be considered is permitted under Section 239 of the *Municipal Act*, 2001 (S.O. 2001, c.25), as amended.
- b) All closed meetings will be recorded and the recordings retained on in a secure manner which will remain under the care and control of the Clerk for use in the event a Closed Meeting Investigation is initiated. In the event that a recording cannot be achieved, the closed meeting shall not proceed, unless directly related to an emergency.
- c) All closed meetings will conform to the Closed Meeting Procedures Policy as adopted by Council from time to time.
- d) Members shall keep confidential any information:
 - i) Disclosed or discussed at a meeting or part of a meeting that is closed to the public;
 - ii) That is received in confidence verbally in preparation for the closed meeting.
- e) Any documentation marked confidential shall be kept securely by the Member until no longer required in the course of business and shall at that time be destroyed by the Member or returned to the office of the Clerk for destruction.
- f) The obligation to keep information confidential applies to a Member after they cease to be a Member of Council.
- g) Minutes of closed meetings will be considered for adoption by Council at the next scheduled closed meeting.

Enquiries Regarding Closed Meetings

- h) The response of Members to enquiries about any matter dealt with by Council or Committee at a closed meeting shall be "no comment" as the matter was dealt with in a closed session or words to that effect. No Member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than Members or relevant staff members.

Violating Confidentiality of Closed Meetings

- i) Any intentional or inadvertent violation of the provisions of Section 19 of this by-law shall be subject to consequences as set out in the Code of Conduct for Elected Officials.
- j) The Complaint Protocol, as set out in the Code of Conduct for Elected Officials may be followed where a violation of confidentiality is alleged.
- k) If there is a purported violation of the provisions of Section 19 of this by-law by more than one member, Council may make a separate decision in accordance with subsection 19 (i) with respect to each member.

- l) The release of any information about any matters dealt with by Council at a closed meeting shall be by the Mayor or their delegate and only with the approval of Council.
- m) Subject to Section 239 of the *Municipal Act*, items for consideration at a closed meeting by Council or a Committee shall not be released to the public save and except for disclosure of the general nature thereof.

Requests for an Investigation

- n) Section 239.1 of the *Municipal Act* permits a person to request an investigation of whether Council has complied with the requirements of the *Municipal Act* or this Procedural By-law governing a meeting or part of a meeting that was closed to the public.
- o) Upon receipt of a request, including the information set out in By-law 07-62, or its successor, the Clerk shall refer the matter to the Investigator for an investigation and report to Council in accordance with Section 239.2 of the *Municipal Act*.
- p) A report of the Investigator shall be made available to the public by a date that it is no later than the date of the next regular meeting of Council following the date the report is received.

PART IV – ORDER OF PROCEEDINGS

20. REGULAR AGENDA

- a) The Clerk shall prepare an agenda under the following headings for the use of Members at Regular Council meetings:
 - i) Call to Order
 - ii) Adoption of Agenda
 - iii) Disclosure of Pecuniary Interest and General Nature Thereof
 - iv) Adoption of the Minutes of the Previous Council Session(s)
 - v) Delegations/Presentations
 - vi) Tenders
 - vii) Staff Reports
 - viii) Committee Reports
 - ix) By-laws
 - x) Correspondence, Communications and Petitions
 - xi) Information Items
 - xii) Motions and Notice of Motions
 - xiii) Questions from the Public
 - xiv) Closed Meeting
 - xv) Adjournment
- b) The business of Council shall be considered in the order set forth on the agenda. The Mayor, with the approval of Council, may vary the order in which the items are presented to better deal with matters before Council.
- c) Additions to the agenda shall be restricted to emergency matters requiring a decision before the next Council meeting. Additions to the agenda must be communicated to the Presiding Officer prior to the Adoption of the Agenda and shall be added to the agenda only with the approval of Council.
- d) During the Questions from the Public portion of the agenda, any questions from the public must relate to agenda items or other matters discussed at the meeting, unless otherwise approved by the Presiding Officer. Not more than two (2) questions from each member of the public shall be permitted.
- e) For special meetings, the agenda shall be prepared by the Clerk as directed by the Mayor, and if the meeting is called by a petition of the majority of Members, the agenda shall be prepared by the Clerk for the purpose(s) stated in the petition.

21. DELIVERY OF AGENDA TO MEMBERS

- a) All material to be included in a Regular Meeting of Council agenda must be received by the Clerk no later than noon the Wednesday prior to the meeting.
- b) On the Thursday prior to any Regular meeting of Council, the Clerk shall cause the agenda and all supporting documentation to be delivered to each Member.
- c) Items received from staff after the agenda package has been distributed may be added to the agenda, if approved by the Clerk.
- d) The full agenda package, including draft minutes, reports and by-laws, for a Regular Council meeting shall be accessible from the Township's website for at least twenty-four (24) hours in advance of the Council meeting, barring any technical difficulties.

22. DELEGATIONS

- a) Individuals or groups desiring to address Council must register with the Clerk no later than noon on the day of the Council meeting, if the item to be addressed appears on that Council agenda. If the item does not appear on the agenda, the delegate may be referred to a later Council or Committee meeting. The individual or group shall provide to the Clerk their name or the name of the group, the nature of the business to be discussed and, if representing any organization, the name of the agency or other such body. An email or facsimile request is acceptable, with confirmation of receipt.

A delegation intending to distribute any reports or supporting documentation shall provide it to the Clerk at the same time of the request to appear as a delegation, in order that the material can be circulated to Council.

- b) The inclusion of a delegation on the agenda shall be determined on a first come first served basis and regard shall be given to the length of the agenda. No more than two (2) delegations shall be heard at any meeting.
- c) Delegations not listed on the agenda may be heard provided a majority of the Members present vote to hear the delegation.
- d) Delegations shall be limited to ten (10) minutes of presentation time with an additional ten (10) minutes for questions and answers unless and until the Mayor has extended or reduced such time allotment.
- e) Members of the public who constitute the audience in the Council Chamber during a Council meeting shall maintain order and may not:
 - i) Address Council, except upon request by the Mayor and with Council approval and in such event the presentation shall be limited to five (5) minutes;
 - ii) Interrupt any speech or action of the Members of Council or any other person addressing the Council;
 - iii) Display or have in their possession picket signs or placards in the place of meeting on Township property.
 - iv) Wear hats or bring into the Chamber any beverage or food.

23. COMMUNICATIONS AND PETITIONS

Every communication, including a petition to be presented to Council, shall be legibly written or printed and shall be signed by at least one (1) person and filed with the Clerk.

24. MINUTES

- a) Minutes shall record:
 - i) the place, date and time of the meeting;
 - ii) the names of the Presiding Officer or Officers and the record of Members' and staff attendance;
 - iii) disclosures of pecuniary interest and general nature thereof;
 - iv) the late arrivals and early departures of Members;
 - v) the reading, if requested, correction and adoption of the minutes of previous Council meeting(s);
 - vi) all other proceedings of the meeting without note or comment, including all resolutions and decisions.

- b) If the minutes have been delivered to Members of Council in advance of the meeting, the minutes shall not be read and a resolution that the minutes be adopted as if read shall be in order.

Draft meeting minutes, stamped as such, shall be made available as soon as practicable. **PART V – RULES OF CONDUCT AND DEBATE**

25. ORDER OF SPEAKING

When two or more Members signify their desire to speak, the Mayor shall recognize the Members in the same order that, in the opinion of the Mayor, the Members signified their desire to speak.

26. CONDUCT OF MEMBERS DURING COUNCIL MEETINGS

- a) Members shall:
 - i) Wear appropriate attire to all Council meetings;
 - ii) Speak only when they have been recognized by the Mayor;
 - iii) Not disturb another Member by any behaviour disconcerting or disruptive to any Member speaking;
 - iv) Refrain from using offensive words during Council or Committee meetings against other members or staff;
 - v) Speak only on the subject in debate;
 - vi) Adhere to the Rules of Procedure or a decision of the Mayor or of Council on questions of order or practice or upon the interpretation of the Rules of Procedure.

- b) If a Member persists in disobeying any of the rules of conduct during a meeting after having been called to order by the Mayor, the Mayor may immediately put the question – without amendment, adjournment, or debate being allowed: "That such Member be ordered to leave his/her seat for the duration of the Meeting of Council" and the decision of Council shall be final.

- c) If a Member apologizes to the Mayor and Council, the Member may, by vote of Council, be permitted to retake their seat.

27. MEMBERS SPEAKING

When a Member is speaking, no other Member shall pass between the Member and the Mayor or interrupt the Member except to rise on a point of order.

28. POINTS OF PRIVILEGE

- a) A Member who directs a request to the Presiding Officer or, through the Presiding Officer to another Member or to staff, for information relevant to the business at hand shall raise a "Point of Information" in accordance with the provisions of Section 35 of this By-law.

- b) A Member who desires to call attention to a violation of the Rules of Procedure shall raise a "Point of Order".
- c) A Member who desires to call attention to acts that a Member considers a breach of the Procedural By-law or Code of Conduct as they relate to conduct disparaging of staff, the public or raising a question of their integrity or the integrity of Council, a Member of Council shall raise a "Point of Privilege".
- d) Except when another Member is speaking, a Member may raise a point of order, point of information or point of privilege in respect of a matter under consideration by Council at any time prior to the Presiding Officer calling a vote on the matter, but at no time thereafter. When the Presiding Officer has granted leave, the Member shall state the point of order, point of information or point of privilege with a concise explanation and shall follow the decision of the Presiding Officer. A speaker in possession of the floor when a point of order, a point of information or point of privilege is raised shall have the right to the floor when the debate resumes.
- e) A Member called to order by the Presiding Officer shall immediately remain in her/his seat until the point is dealt with and shall not speak again without the permission of the Presiding Officer unless to appeal the ruling of the Presiding Officer.

29. APPEAL

- a) The decision of the Presiding Officer when ruling on a point of order point of information or point of privilege is final, subject to an immediate appeal.
- b) If the decision is appealed, the Presiding Officer shall give concise reasons for the ruling and Council, if so, appealed to, shall call a vote without debate, on the following question: "Shall the Chair be sustained?" Council's decision is final.

30. QUESTION READ

Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

31. SPEAK ONLY ONCE AND REPLY

- a) No Member shall speak more than once to the same motion, without the Presiding Officer's permission, except that a reply shall be permitted from the Member who has presented the main motion.
- b) To ensure that all Members have an opportunity to express an opinion on the motion placed on the table and before permitting a Member to speak a second time, the Presiding Officer shall ask, "Does any Member who has not spoken on the issue wish to speak?". After a second request and if no Member indicates a desire to speak, the Presiding Officer shall recognize the Member who wishes to speak a second time.

- 32. If a Member who is recognized asks for clarification of the issue from another Member, the Presiding Officer shall recognize the designated member for a response even if the Member has already spoken.

33. TIME LIMITED

No Member, without leave of the Presiding Officer, shall speak to the same question, or in reply, for longer than five minutes.

34. QUESTION PUT – NO FURTHER DEBATE

After the Presiding Officer puts a question to a vote, no Member shall speak to the question, nor shall any other motion be made, until after the result of the vote is declared. The decision of the Presiding Officer as to whether the

question has been put is conclusive.

35. MEMBER'S QUESTIONS

- a) A Member may, on a point of information, ask the Presiding Officer or, with the permission of and through the Presiding Officer, any Member of Council, the Administrator-Clerk or any Department Head, a question for the purpose of obtaining factual information only relating to a matter under discussion by Council.
- b) A question asked in accordance with subsection 35 a) must be stated succinctly and without argument or opinion, and the person to whom the question is posed shall answer it in a forthright manner to the best of his/her ability and without debating or arguing the merits of the matter to which the question relates.

PART V – VOTING DURING COUNCIL MEETINGS

36. VOTING

- a) Except as may otherwise be expressly provided for in this by-law, all decisions by Council shall be determined by a majority of votes cast by the Members present and eligible to vote on the matter.
- b) When the Presiding Officer calls for a vote on a question, each Member shall occupy their seat until the result of the vote has been declared by the Presiding Officer, and during such time, no Member shall walk across the room or speak to any other Member or make any noise or disturbance. A Member who is absent from their seat when the vote is called does not have the right to vote.

37. ALL MEMBERS VOTE

Every Member present at a Council meeting shall vote when a question is put forward, unless the Member has declared a pecuniary interest in the matter in accordance with Section 44 of this By-law and the Member's declaration of pecuniary interest shall be recorded. Any Member who refuses to vote or any Member who abstains from voting shall be regarded as voting in the negative.

38. SIMPLE VOTE

On a simple vote, every Member of Council shall have one vote and the manner of determining the decision of Council on a question shall be by a show of hands.

39. RECORDED VOTE

Where a vote is taken for any purpose and a Member request immediately before or after the taking of the vote and prior to the transaction of any other business, that the vote be a Recorded Vote, each Member of Council present, including the Presiding Officer, entitled by law to vote, shall announce his/her vote verbally when called by name commencing with the Member who requested the vote and moving clockwise around the Council table. The Clerk shall record each Member's name and the Member's vote. Any Member absent from the proceedings will be recorded as such.

40. SECRET BALLOTS

No vote shall be taken during a Council meeting or a Committee meeting by secret ballot or by any other form of secret vote except a vote to elect a Committee Chair or Vice Chair.

41. TIE VOTE

A motion on which the voting results in a tie shall be declared lost.

42. SEVERABILITY OF QUESTION

When the matter under consideration contains distinct recommendations or propositions, any Member may request that a vote upon each recommendation

or proposition be taken separately, or a recommendation(s) be removed from the original motion and a new motion created and Council shall comply with the request for the purpose of dealing with the matter

43. DISAGREEMENT WITH THE RESULT OF THE VOTE

If a Member disagrees with the Presiding Officer's announcement that a question is carried or lost, the Member may, but only immediately after the declaration by the Presiding Officer, object to the Presiding Officer's decision and request a recorded vote.

44. PECUNIARY INTEREST

- a) If a Member present at a meeting has declared a pecuniary interest in a matter under consideration by Council, the Member shall refrain from voting on the matter and abide with the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50, as amended.
- b) It shall be the duty of the Clerk to record in the minutes of the meeting every declaration of pecuniary interest.

PART VI – MOTIONS AND RESOLUTIONS

45. MOTIONS

- a) A "Principal or Main Motion" is a motion to consider any subject that is brought before Council for its consideration. Principal or main motions yield to Privileged and Subsidiary or Secondary motions.
- b) A "Subsidiary or Secondary Motion" is a motion which affects the disposition of a Principal Motion. Subsidiary or Secondary Motions take precedence over Principal or Main Motions and must be decided before the Principal Motion can be acted upon. Examples include motions to:
 - i) Refer;
 - ii) Amend;
 - iii) Divide;
 - iv) Lay on the table;
 - v) Take from the table; or
 - vi) Postpone indefinitely or to a certain day.
- c) A "Privileged Motion", due to its importance, takes precedence over all other questions and is not debatable. Examples include motions to:
 - i) Adjourn (or fix a time to adjourn);
 - ii) Questions relating to the rights and privileges of Council or its Members.

46. INTRODUCTION OF MOTIONS

- a) Motions with respect to the following matters may be introduced orally, without notice and without leave, except as otherwise provided by the Rules of Procedure:
 - i) A point of order or privilege;
 - ii) To move the question to be put;
 - iii) To adjourn.
- b) The following motions may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:
 - i) To refer;

- ii) To table, to postpone, or to defer to a certain day;
 - iii) To amend;
 - iv) Any other procedural motion.
- c) Except for those motions described in subsection 46 (a) of this By-law, all motions shall be moved and seconded.
 - d) All motions may be supported or opposed by the mover and seconder.
 - e) Except for those motions described in subsection 46 (a) of this By-law, no motion made in open Council shall be debated or voted on unless the same is seconded.
 - f) There shall never be more than one principal or main motion before Council at one time.
 - g) When the motion under consideration contains two or more proposals, the same shall, at the request of any Member, be voted on separately.
 - h) The Clerk shall note the date on each motion, along with the results of the vote.
 - i) Any Member may require the motion under discussion to be read a second time for their information, at any time during debate, but not so as to interrupt a Member speaking.

47. READING

The Presiding Officer shall state the names of the Members moving and seconding the motion and read the motion. A motion so put shall be considered the principal motion.

48. NO DEBATE UNTIL READ

No Member shall speak on any motion until it is first read, and the mover is entitled to speak first if the Member so elects. If debated, the motion may be read again before being put.

49. WITHDRAWAL

After a motion has been duly moved and seconded, it shall be deemed to be in the possession of Council and it may only be withdrawn before decision or amendment with the permission of Council. A Motion to Withdraw shall be moved and seconded and disposed of prior to any other secondary motion being presented.

50. MOTIONS RULED OUT OF ORDER

Whenever the Presiding Officer is of the opinion that a motion is contrary to the Rules of Procedure, the Presiding Officer shall rule the motion out of order.

51. NOT WITHIN THE JURISDICTION OF COUNCIL

A motion which requires the exercise of a power or powers by Council which are not within its jurisdiction shall not be in order.

52. ORDER OF CONSIDERATION

- a) When a motion is under consideration, no motion shall be received except a procedural motion or motion to amend.
- b) Procedural motions shall be considered immediately upon receipt and are subject to debate as follows:
 - i) To extend the time of the meeting (not debatable);
 - ii) To adjourn (not debatable);

- iii) To defer indefinitely or to a certain day (debatable); or
- iv) Any other procedural motion (debatable).

53. MOTION TO ADJOURN (Privileged)

- a) The purpose of a Motion to Adjourn is to bring a Council meeting to an end. A motion to adjourn:
 - i) is not in order when a Member is speaking or between the times a vote is called and the results of the vote have been declared;
 - ii) may be verbal;
 - iii) if resolved in the affirmative, shall cause Council to immediately rise and take no further proceeding until the next meeting of Council and the time of adjournment shall be noted;
 - iv) if resolved in the negative, shall entitle Council to resume its debate to a point immediately prior to the point at which the motion to adjourn was moved;
 - v) is not debatable.
- b) A Motion to Adjourn to a specific time, or to reconvene upon the happening of a specific event, if carried, suspends the Council meeting to continue at such time or upon the happening of such event.

54. MOTION TO REFER (Subsidiary)

The purpose of a Motion to Refer is to refer a question to a Standing Committee, or Special Committee. A Motion to Refer:

- i) Need not be presented in writing;
- ii) Shall receive disposition of Council before the main motion;
- iii) Shall state the committee or appointed official to which the matter shall be referred;
- iv) Can be amended as to the method of disposition, size of committee or other similar instructions;
- v) Shall preclude all amendments of the main question until it is decided;
- vi) Shall not be debatable except that debate may be permitted on the advisability or propriety of the referring question.

55. MOTION TO TABLE (Subsidiary)

- a) The purpose of a Motion to Table removes the subject from consideration until a vote of Council lifts it from the table. A Motion to Table cannot be debated or amended.
- b) A Motion to Table with some condition, opinion, or qualification added to the Motion to Table shall be deemed to be a motion to postpone or defer.
- c) Council shall not consider the matter tabled again until a motion has been made to take up the tabled matter at the same or subsequent Council meeting, or until such time as is identified in the Motion to Table.
- 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 Council meeting cannot be lifted off the table unless notice is given.

- f) A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn and cannot be taken from the table.

56. MOTION TO POSTPONE OR DEFER (Subsidiary)

- a) The purpose of a Motion to Postpone or Defer is to have a matter postponed or deferred to a definite date.
- b) A Motion to Postpone or Defer indefinitely shall be treated as a Motion to Table.

57. MOTION TO AMEND (Subsidiary)

- a) The purpose of a Motion to amend is to add or insert certain words or phrases, to strike out certain words or phrases, or to amend certain words or phrases. A Motion to Amend:
 - i) Need not be presented in writing;
 - ii) Shall be relevant and not contrary to the principle of the motion or report under consideration;
 - iii) May propose a separate and distinct disposition of a motion provided that such altered disposition continues to relate to the main issue and subject matter of the motion;
 - iv) Shall be voted on before the main motion.
- b) Only an amendment or a sub-amendment to a question is allowed at the same time. When both have been dealt with, the Presiding Officer may entertain a further amendment or sub-amendment, as the case may be. Amendments shall be voted on in reverse order to their introduction. For greater certainty, the amendment to the amendment must be disposed of before the amendment and the amendment must be voted on before the main motion.
- c) The mover of a motion may, with the consent of the seconder agree to incorporate a "friendly" amendment into the main motion.

58. THE QUESTION BE NOW PUT (Subsidiary)

- a) The purpose of a motion "That the Question Be Now Put" is to close debate and bring Council to a vote on a pending question. A motion "That the Question Be Now Put";
 - i) Is not debatable;
 - ii) Cannot be amended;
 - iii) Cannot be moved when there is an amendment under consideration.
- b) If a motion "That the Question Be Now Put" is resolved in the affirmative, the Presiding Officer shall forthwith put the main motion as a question.
- c) If a motion "That the Question Be Now Put" is resolved in the negative, debate may continue on the main motion.

59. MOTION FOR RECONSIDERATION (Miscellaneous)

- a) The purpose of a Motion for Reconsideration is to reconsider a matter decided by Council within the immediately preceding 12 months of its term, subject to the following:
 - i) A Motion for Reconsideration shall be ruled out of order if any change to the previous decision would interfere with legally binding commitments of the Township or third parties existing as of the date the motion to reconsider is moved;

- ii) Such motion must be moved by a member in attendance who voted in the majority initially at the meeting where the original motion was considered;
 - iii) Such motion must be supported by two thirds (2/3) majority vote of the Members before the matter to be reconsidered can be debated;
 - iv) Debate on the question must be confined to such matters as new information that has come forward, an error in documentation presented or incorrect statement made during the original debate.
- b) If a Motion for Reconsideration is approved,
- i) No action shall be taken in respect of the matter under reconsideration until it has again been presented to Council and Council has made a decision on it;
 - ii) The matter to be reconsidered shall be presented at the next regular meeting of Council, unless Council deems the matter to be an emergency that must be dealt with at the same meeting;
 - iii) The matter shall be presented to Council in the exact manner in which it was first presented to Council; and
 - iv) The matter shall be debated and determined according to the Rules of Procedure set out in this by-law.

60. MOTION TO RESCIND (Miscellaneous)

The purpose of a Motion to Rescind is to annul some action Council has previously taken when it is too late to reconsider the vote. Should it become necessary to rescind a motion that has been passed, notice of intention to do so can be given at one meeting or in advance in writing. A motion for rescinding is then introduced and dealt with at a subsequent meeting when supported by a two thirds (2/3) majority. Any action of Council can be rescinded regardless of the time that has elapsed.

61. NOTICE OF MOTION

- a) A Notice of Motion:
- i) Must be given under Motions and Notice of Motions;
 - ii) Must state the intent of the motion;
 - iii) Must indicate at which future meeting the motion is to be considered;
 - iv) Requires no seconder;
 - v) Is not debatable.
- b) If the Presiding Officer calls a Member's Notice of Motion and the Member does not proceed with it, the Notice of Motion shall be dropped from the agenda and shall be deemed to have been withdrawn.

PART VII – BY-LAWS

62. READING OF BY-LAWS AND RELATED PROCEEDINGS

- a) Except as otherwise provided, no by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter has been considered and approved by Council or a Committee to which Council has delegated authority.

- b) Every by-law shall be in writing and shall be introduced upon a motion by a Member, and any number of by-laws may be introduced together in one motion, but Council shall, at the request of a Member, deal separately with any by-law.
- c) Every by-law shall have three readings prior to it being passed.
- d) Amendment or debate on any by-law may take place prior to the vote being taken on the first and second reading. If the majority of Council Members present determine that a by-law is to be considered further it shall be so considered previous to the third reading. Debate will be limited to new information that has come forward, an error in documentation presented or incorrect statements made during the original debate.
- e) All amendments to any by-laws approved by Council shall be deemed to be incorporated into the by-law and if Council enacts the by-law, the Clerk shall insert the amendments.
- f) The Clerk shall endorse on all by-laws enacted by Council the dates of the readings and the date of passage by Council.
- g) Every by-law, which has been enacted by Council, shall be numbered, dated, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and be recorded.
- h) A confirmation by-law to confirm the proceedings of the Council of the Township of Elizabethtown-Kitley shall be considered by Council at each meeting of Council covering the actions of Council during the meeting as detailed in section 69.

PART VIII – COMMITTEES OF COUNCIL

63. PROCEDURE

Except as otherwise provided herein, a Committee shall conform to the same Rules of Procedure that govern the protocol and procedures of Council insofar as they are applicable.

64. DUTIES OF THE COMMITTEE CHAIR

The Chair of a Committee shall:

- a) Ensure that the Committee deals with policy issues effectively;
- b) Ensure public dialogue and communication on policy matters are effective and coordinated;
- c) Ensure the needs of the Committee for administrative staff support, analysis, and advice are provided through the Clerk;
- d) Ensure that all Committee Members are fully informed on all matters within the jurisdiction of the Committee and on the duties and responsibilities of the Committee;
- e) Liaise with the Mayor and communicate any matter within the knowledge of the Chair that is required to be communicated to another Committee;
- f) The Clerk or an employee designated by the Clerk shall be the Recording Secretary of the Committee, unless stipulated under separate legislation;
- g) Except as may be provided in the *Municipal Act* and herein, no Member shall have precedence or seniority over any other Member.

65. COMMITTEE AGENDA

- a) Designated staff shall prepare and distribute to all Members in accordance with Section 65 b) an agenda setting forth the business to be considered at regular Committee meetings. The items of business to be included on the agenda shall be developed under the direction of the Department Head, the Clerk, and/or the Committee Chair.
- b) The agenda package will be published on the website at least twenty-four (24) hours ahead of the meeting.
- c) The following headings shall be used in preparing the agenda for regular Committee meetings:
 - i) Adoption of Agenda
 - ii) Disclosure of Pecuniary Interest and General Nature Thereof
 - iii) Adoption of the Minutes of the Previous Committee meeting(s)
 - iv) Delegations/Presentations
 - v) Staff Reports
 - vi) Financial Statement
 - vii) Sub-Committee, Ad Hoc Committee and Member Reports
 - viii) Correspondence, Communications and Petitions
 - ix) Unfinished Business
 - x) Questions from the Public
 - xi) Closed Meeting
 - xii) Adjournment
- d) The business of the Committee shall be considered in the order set forth on the agenda provided that the Chair, with the approval of the Committee, may vary the order of business to better deal with matters before the Committee.

66. STAFF REPORTS

- a) A report may be forwarded to a Committee for information.
- b) Notwithstanding that a report has been forwarded for information, motion(s) may be made by Members of the Committee for action to be taken on matters that arise from or are discussed in the report.
- c) Motions made under subsection 66 (b) may be made at any meeting where the report is presented to the Committee.

67. CONFIDENTIAL REPORTS

- a) Physical confidential reports and documents distributed with the agenda or handed out at the meeting shall be returned to the Administrator-Clerk or their designate on the day of the meeting for shredding unless it is determined by the Clerk that the confidential reports can remain in the possession of the Members.
- b) Members shall retain amongst themselves the confidential information until such time as the Committee agrees to release the information or part thereof.

PART IX – GENERAL PROVISIONS**68. EXECUTION OF DOCUMENTS**

Whenever the execution of documents is required to give effect to any resolution or by-law of the Township the Mayor and the Clerk have general authority for and in the name of the Township to execute and affix the seal of the Township to such documents.

69. CONFIRMATORY BY-LAW

The proceedings of every regular or special meeting shall be confirmed by by-law so that every decision of Council at that meeting and every Resolution passed thereat 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. The Confirmatory By-law will be enacted by Council as part of each meeting agenda.

70. REPEAL

- a) By-laws 18-29, 20-14 and 20-26 are hereby repealed in its entirety.
- b) No amendment or repeal of this by-law shall be considered at any Council meeting unless notice of the proposed amendment or repeal was given at a previous Regular Council meeting, and the Council may not waive such notice.

71. SEVERABILITY

If any term, provision, clause or sub-clause of this by-law or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this by-law, or the application of such term, provision, clause or sub-clause to persons or circumstances other than those to which this by-law is held invalid or unenforceable, shall not be affected thereby and each term, provision, clause or sub-clause of this by-law shall be valid and enforced to the fullest extent permitted by law.

72. EFFECT


This by-law shall come into force and take effect upon the passing thereof and any other by-laws, parts of by-laws, resolutions or reports contrary to or inconsistent with this by-law are hereby repealed.

73. SHORT TITLE

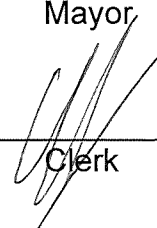
This by-law may be referred to as either the "Procedural By-law" or the "Rules of Procedure".

Read a First and Second time this 24th day of May, 2022.

Read a Third time and finally **Passed** this 13 day of June, 2022.



Mayor



Clerk