

The Corporation of the Township of Hornepayne

By-Law No. 2047

**Being a By-Law to govern the calling, place, and proceedings of Meetings of Council, and the Conduct of Members, Staff, and Attendees at Council Meetings**

**WHEREAS** Section 238(2) of the *Municipal Act*, 2001, as amended, states that every Municipality and local board shall pass a Procedural By-Law for governing the calling, place, and proceedings of meetings; and,

**WHEREAS** if there is a conflict between this By-Law and the *Municipal Act*, 2001, the latter shall prevail;

**BE IT THEREFORE ENACTED** by the Council of the Corporation of the Township of Hornepayne:

1. That the proceedings be conducted in accordance with the terms and conditions set out in Schedule "A" attached hereto, forming an integral part of this By-Law; and,
2. That the Mayor and CAO/Clerk are hereby authorized to sign this By-Law and to affix thereto the seal of the Corporation;
3. That this By-Law may be known as the "Procedural By-Law";
4. That By-Law No. 1996 is hereby repealed;
5. That this By-Law shall come into force and effect upon passage.

Read a first and second time this 10<sup>th</sup> day of January 2024.

Read a third time and finally passed this 10<sup>th</sup> day of January 2024.



Cheryl Fort (Jan 17, 2024 11:48 EST)

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Presiding Officer



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Clerk

# Rules of Procedure

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## SECTION 1: DEFINITIONS

In this By-Law:

**"Acting Chair"** means the Councillor/Committee Member who is temporarily appointed to serve in the Chair's place.

**"Ad Hoc Committee / Sub-Committee"** means a Committee established by Council to review a specific issue, matter, or project. Once the Committee has completed the assigned tasks and reported its findings and recommendations, the Committee is automatically dissolved.

**"Agenda"** means the list of business to be conducted at a Meeting.

**"Attendee"** means a person, other than a Member of Council/Committee or Staff who is present at a Meeting.

**"By-Law"** means an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council, in order to exercise a power provided in an Act.

**"Chief Administrative Officer (CAO)"** means the person appointed Chief Administrative Officer by the Township pursuant to Section 229 of the *Municipal Act*, and other relevant legislation.

**"Chair / Presiding Officer"** – means the person presiding at a Meeting. In the case of Council, the Mayor, Deputy Mayor, or, in the absence of both, the Councillor appointed to preside over the Meeting by a majority of the Councillors present. In the case of a Committee, the Chair of the Committee, or, in the absence of the Chair, the member appointed to preside over the meeting by a majority of the members present.

**"Clerk"** means the member of Administration that fulfills the role of the Clerk pursuant to Section 228 of the *Municipal Act*, and other relevant legislation.

**"Close Debate / Call the Question"** means an action that brings debate on an issue to a conclusion by a specified time, thus forcing a decision on that issue at that time.

**"Closed Session"** means a Meeting or part of a Meeting that is closed to the Public, pursuant to Section 239 of the *Municipal Act*.

**"Committee"** means any Committee established by Council, including but not limited to any Ad Hoc Committee as well as any Sub-Committees thereof.

**"Confidential Item"** includes the following:

- (i) Any matter marked "confidential" by Staff or an item of a confidential nature which has not been lawfully published, disclosed, or provided to the Public by the Township, or introduced, received, or made available to the Public at a Public Meeting or information session;
- (ii) A record of any matter in respect of which a Meeting or part of a Meeting may or shall be closed to the Public pursuant to the *Municipal Act* or under this By-Law;

- (iii) Any matter which could form the subject matter of an exemption from disclosure or prohibition against disclosure, pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c M.56 (MFIPPA); and,
- (iv) Any matter which the Township is prohibited from disclosing pursuant to any contract, legislation, or other lawful authority.

**"Confirmatory By-Law"** means a By-Law passed at the conclusion of a Council Meeting, confirming the actions of Council taken at that Meeting, 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.

**"Conflict of Interest"** is as defined under the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50.

**"Corporation"** means the Corporation of the Township of Hornepayne

**"Correspondence"** includes, but is not limited to, letters, memos, notices, emails, faxes, petitions, brochures, newspaper/magazine articles, etc.

**"Council"** means the elected members of the Council of the Corporation of the Township of Hornepayne – comprised of the Mayor and Councillors.

**"Councillor"** means a person elected or lawfully appointed to the Council of the Corporation of the Township of Hornepayne, with the exception of the Mayor.

**"Debate"** means a discussion on the merits of the question/Motion and whether the proposed action should or should not be taken.

**"Defer"** means to remove the main Motion from consideration of Council or Committee until such time as provided for at a future Meeting.

**"Deputation"** means an individual or organization addressing Council or Committee about a specific item on the agenda of a Meeting that falls within the body's jurisdiction.

**"Deputy Clerk"** means the Deputy Clerk appointed by the Municipality, or designate for the purposes of this By-Law, who is a member of the Administration team and who has all the powers and duties of the Clerk under the *Municipal Act*, 2001, c.25, s. 228(2), and any other Act.

**"Deputy Mayor"** means a Councillor appointed by Council, in accordance with the Municipality's policies, to act in the place of the Mayor when the Mayor is absent.

**"Emergency"** means a situation that poses, in the opinion of Council, an immediate threat to the Municipality.

**"Emergency Meeting"** means a Meeting, held without written notice where there is insufficient time to provide notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.

**"Head of Council"** means the Mayor, or, in the absence of the Mayor, the Deputy Mayor or Acting Mayor/Chair.

**"Mayor"** means the Mayor, elected or appointed as the Head of Council, or in the absence of the Mayor, the Deputy Mayor, or in the absence of both, another Member of Council appointed in accordance with the *Municipal Act*.

**"Meeting"** means any Meeting duly convened at the proper time and place with adequate notice and includes Meetings designated as Regular, Special, Emergency, Closed, or other Meetings of Council or a Committee or Sub-Committee thereof, which has the authority to and furthers the business of Council or the Committee.

**"Member"** means a person elected or appointed as a Member of Council, including the Mayor, or a Member of Committee.

**"Member-Elect / Mayor-Elect"** means a person who has been elected as a Member of Council, Mayor included, but whose term of office has not yet commenced.

**"Minutes"** means a record of the proceedings of a Meeting, made by the Secretary without note or comment.

**"Motion"** means a recommendation made to Council for consideration. A Motion is subject to debate and voting by Council, and once passed it becomes a Resolution.

**"Municipal Act"** means the *Municipal Act*, 2001, c.25, as amended and any successor legislation thereto.

**"Municipality / Township"** means the Corporation of the Township of Hornepayne.

**"Notice of Motion"** means a notice provided by a Member of Council of a Motion the Member will bring to the table for debate at a future Meeting.

**"Order of Business"** means the sequence of business to be introduced and considered in a Meeting.

**"Pecuniary Interest"** means a direct or indirect pecuniary (monetary) interest, in relation to the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended.

**"Point of Order"** means a statement made by a Member of Council to call attention to a violation of the rules, an omission, a mistake, or an error in procedure, and to secure a ruling from the Chair on the point raised.

**"Point of Privilege"** means the ability of a Member to secure immediate decision and action by the Chair on a request that concerns the comfort, convenience, rights, or privileges of Council or of the Member of Council, or permission to present a Motion of an urgent nature, even though other business is pending.

**"Presentation"** means information presented by Staff, an individual, or a group to Council.

**"Quorum"** means a majority of Members of Council or Committee.

**"Recess / Break"** means a break during a Meeting for a defined period of time.

**"Recorded Vote"** means documenting in the Minutes of a Meeting the name of each Member and the Member's vote on a Motion.

**"Resolution"** means a Motion that has been approved by Council.

**"Secretary"** means the CAO/Clerk or designate, or the person assigned to a Committee, who is responsible for the preparation of the Agenda, the preparation of any resulting correspondence, and for recording the Minutes of the Meeting.

**"Standing Committee / Steering Committee"** means a Committee established by Council to study, investigate, and report on a specific area of responsibility and to make recommendations to Council in that area. A Standing Committee normally exists for the long-term. Once the Committee has completed the assigned tasks and reported its findings and recommendations to Council, the Committee shall be deemed dissolved at the completion of their mandate based on the Terms of Reference or by a Resolution of Council.

## **SECTION 2: GENERAL**

### **2.1 Interpretation**

- 2.1.1 The rules and regulations contained in this By-Law shall be observed in all proceedings of Council to which they apply and shall be the rules and regulations for the order and dispatch of business at Meetings of Council and its Committees.
- 2.1.2 Subject to the right of appeal, the Chair shall be responsible for interpreting the rules of procedure under this By-law with the advice and assistance of the CAO/Clerk and/or Secretary.
- 2.1.3 Where procedural matters of Council or Committees of Council are not governed by the *Municipal Act*, *Municipal Conflict of Interest Act* or provisions of this By-Law, Robert's Rules of Order, most recent edition, shall apply.
- 2.1.4 Whenever any reference is made in this By-Law to a provincial statute, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

### **2.2 Suspension of Rules and Procedures**

- 2.2.1 The rules and procedures contained in this By-Law may be suspended by a vote of two-thirds of the Members present and voting at a Council Meeting.
- 2.2.2 The suspension shall only apply to the rule and/or procedure which is stated within the Motion to suspend and only during the Meeting in which such Motion to suspend was introduced.
- 2.2.3 Notwithstanding Subsection 2.2.1 of this By-Law, the following rules and procedures may not be suspended:
  - (a) Quorum necessary for Meetings;
  - (b) the Special Meeting rule set out in Subsection 6.4.3 of this By-Law;



(c) the Motion to Reconsider rule set out in Subsection 14.12.1(e) of this By-Law; and

(d) any rules or procedures that are set out by legislation.

2.2.4 A Committee may not pass a Motion to suspend the rules of this By-Law.

## 2.3 Validity

2.3.1 In the event of a conflict between the provisions of this By-Law and the *Municipal Act*, or any other legislation, the provisions of the *Municipal Act* and/or other legislation shall prevail, to the extent of the conflict.

## 2.4 General Rules of Application

2.4.1 In this By-Law, the word "shall" is to be construed as mandatory.

2.4.2 In this By-Law, words in the singular include the plural and words importing feminine/masculine gender include all genders.

# SECTION 3: ROLES AND RESPONSIBILITIES

## 3.1 Role of Council

3.1.1 In exercising its powers, Council shall:

(a) represent the Public and consider the well-being and interests of the Township;

(b) develop and evaluate the policies and programs of the Township;

(c) determine which services the Township provides;

(d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

(e) ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;

(f) maintain the financial integrity of the Township; and

(g) carry out the duties of Council under the *Municipal Act* or any other applicable legislation.

3.1.2 Council shall determine the appropriate number of Committees, their membership, mandates and reporting practices, subject to the requirements of applicable legislation.

3.1.3 No Member has the authority to direct or interfere with the performance of any work being done for the Township by Staff, a temporary worker, contractor, or consultant.

### **3.2 Role of the Mayor**

- 3.2.1 The Mayor, as Head of Council, shall:
- (a) act as Chief Executive Officer of the Township, and shall:
    - (i) uphold and promote the purposes of the Township;
    - (ii) promote Public involvement in the Township's activities;
    - (iii) act as the Township's representative both within and outside the Township, and promote the Township locally, nationally and internationally; and
    - (iv) participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.
  - (b) preside as Chair over Council Meetings so that its business can be carried out efficiently and effectively;
  - (c) provide leadership to Council;
  - (d) provide information and recommendations to Council with respect to the role of Council described in Subsection 3.1 of this By-Law;
  - (e) represent the Township at official functions;
  - (f) be the official spokesperson for the Township on matters discussed in Closed Session until such time as those matters have been reported at an Open Meeting of Council; and
  - (g) carry out the duties of the Head of Council under the *Municipal Act* or any other applicable legislation.

### **3.3 Role of the Deputy Mayor**

- 3.3.1 Each Councillor shall serve as Deputy Mayor for a one (1) year period, starting on November 15<sup>th</sup> of each year.
- 3.3.2 The Deputy Mayor shall:
- (a) in the absence of the Mayor, preside at Meetings of Council and while so acting, the Deputy Mayor shall have all the powers and duties of the Mayor; and
  - (b) during a Meeting of Council, and at the request of the Mayor, shall take the Chair and while so acting, have all the powers and duties of the Mayor.
- 3.3.3 Pursuant to Section 23.1 of the *Municipal Act*, the Deputy Mayor is hereby delegated the authority to act from time to time when the Mayor is unable or refuses to act or the office is vacant to provide representation at Meetings or events, to sign legal documents pursuant to Subsection 15.1.6 of this By-Law, and to act in any other capacity as required to fulfill the obligations and requirements generally performed by the Mayor.

### 3.4 Role of the Chief Administrative Officer/Clerk

- 3.4.1 The Chief Administrative Officer/Clerk shall be appointed by By-Law and shall:
- (a) exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township;
  - (b) coordinate all reports and recommendations of the Staff;
  - (c) act as Secretary of Council, and:
    - (i) prepare the Agendas in electronic format, when possible;
    - (ii) make Agendas available to the public following distribution to Members;
    - (iii) attend all Meetings of Council and Council's Committees;
    - (iv) record, without note or comment, all Resolutions, decisions and other proceedings of Council;
    - (v) record the name and vote of every Member voting on any matter or question;
  - (d) keep the originals of all By-Laws and of all Minutes of the proceedings of Council;
  - (e) consult with senior management of the Township to ensure that the administrative processes related to Agenda preparation and distribution are comprehensive, efficient and cost-effective;
  - (f) distribute a copy of all decisions, Resolutions, and directions of Council to appropriate members of Staff, the Public, and other agencies, boards, Committees and governments as required;
  - (g) make such minor clerical, typographical or grammatical corrections in form to any By-Law (in accordance with Subsection 12.7 of this By-Law), Motion, Resolution and/or Minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
  - (h) serve as the head of the Township for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, as amended or re-enacted from time to time; and,
  - (i) carry out other duties of the Clerk required under the *Municipal Act* or any other applicable legislation and other duties assigned by Council to the Chief Administrative Officer/Clerk;
- 3.4.2 The CAO/Clerk may delegate in writing to any person, other than a Member, any of the CAO/Clerk's powers and duties under the *Municipal Act* or any other applicable legislation.

- 3.4.3 The CAO/Clerk may continue to exercise the delegated powers and duties, despite any delegation in accordance with Subsection 3.4.2 of this By-Law.

## **SECTION 4: CONDUCT AT MEETINGS**

### **4.1 Role of Chair**

- 4.1.1 The Chair shall preside over Meetings so that its business can be carried out efficiently and effectively, and shall:
- (a) maintain order and preserve the decorum of the Meeting;
  - (b) rule on procedural matters, without debate or comment;
  - (c) rule on Points of Order and Points of Privilege.
  - (d) receive and submit to a vote all Motions presented by Members that comply with the rules and procedures in this By-Law;
  - (e) decline to put to a vote Motions that do not comply with the rules and procedures in this By-Law, the *Municipal Act*, or which are not within the jurisdiction of Council/Committee;
  - (f) announce the results of the vote on Motions;
  - (g) expel or exclude from the Meetings any person that breaches the rules of conduct set out in this By-Law, as necessary;
  - (h) authenticate by signature, all applicable By-Laws, Resolutions, and Minutes;
  - (i) adjourn, suspend, or recess a Meeting when it is not possible to maintain order;
  - (j) close the Meeting when business is concluded or recess the Meeting as required; and
  - (k) without limiting the foregoing, preside over the Meeting fairly and objectively.

### **4.2 Addressing Members**

- 4.2.1 All Members of Council, except the Mayor, shall be addressed as "Councillor [surname]". The Mayor shall be addressed as "Mayor [surname]" or "Your Worship".

### **4.3 Conduct of Members/Staff/Attendees**

- 4.3.1 No person shall:
- (a) disturb a Meeting by any disruptive or distracting conduct, including private conversations among Members, Staff, or Attendees at a Meeting;

- (b) use belittling, derogatory, indecent, offensive or insulting words, profanity or unparliamentary language in or against Council or against any Member, Staff, guest, or individual;
  - (c) disobey or resist the rules of procedure;
  - (d) rise from their seat or make any noise or disturbance while a vote is being taken;
  - (e) speak until they have been recognized by the Chair;
  - (f) speak on any subject other than the subject under debate; or
  - (g) display signs, placards, applaud, heckle, or engage in telephone or other conversation, or any behavior which may be considered disruptive.
- 4.3.2 An Attendee shall not participate in a Meeting, unless listed on the Agenda as a deputation or presentation, or during open public discussion, and shall be subject to the rules and procedures of this By-Law.
- 4.3.3 No Member shall interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege.
- 4.3.4 No Member shall permanently leave the Meeting without advising the Chair or the Secretary.
- 4.3.5 In the event that a Member of Council, Staff or an Attendee persists in breach of Subsection 4.3.1 above, after having been called to order by the Chair, the Chair shall, without debate, call the question "Shall the Council/Committee Member, Staff Member or Attendee be ordered to leave their seat for the duration of the Meeting?", and this question shall not be debatable.
- 4.3.6 If Council or a Committee decides the question set out in Subsection 4.3.5 above in the affirmative by a majority vote of the Members present, the Chair shall order the Council/Committee Member, Staff Member or Attendee to leave their seat for the duration of the Meeting.
- 4.3.7 If the Council/Committee Member, Staff Member or Attendee apologizes, the Chair, with the approval of Council or the Committee, may permit them to resume their seat.
- 4.3.8 If the Council/Committee Member, Staff Member or Attendee does not leave their seat after being ordered to do so by the Chair in accordance with Subsection 4.3.5 above, and if the Member, Staff member or Attendee does not apologize in accordance with Subsection 4.3.7 above, then the Chair shall, for a second time without debate, call the question "Shall the Council/Committee Member, Staff Member or Attendee be ordered to leave their seat for the duration of the Meeting?", and this question shall not be debatable.
- 4.3.9 If Council decides the question set out in Subsection 4.3.8 above in the affirmative by a majority vote of the Members present, the Chair shall direct the

Secretary to seek the appropriate assistance from the Ontario Provincial Police.

#### **4.4 Electronic Devices and Recording Equipment**

- 4.4.1 No Council/Committee Member or Staff member shall use cell phones or electronic devices during any Meetings.
- 4.4.2 Exceptions to this rule include:
  - (a) to utilize the calendar or calculator features;
  - (b) the Secretary may use a cell phone to remain in contact with those scheduled for deputations or presentations
  - (c) the Secretary may use a cell phone to communicate with a Council/Committee Member who is participating in the Meeting remotely; and,
  - (d) the Secretary may use a cell phone for necessary communications with the Chair;
- 4.4.3 Recording devices shall not be permitted unless the use of the recording device is publicly disclosed to Members of Council/Committee.

### **SECTION 5: COMMITTEES**

#### **5.1 Application of this By-Law to Committees**

- 5.1.1 The rules governing the procedures of Council and the conduct of Members as set out in this By-Law shall be observed in all Committees.

#### **5.2 Suspension of Rules and Procedures by Committee**

- 5.2.1 Subject to Subsection 2.2.4 of this By-Law, the rules and procedures contained in this By-Law may not be suspended by a Majority vote of the Committee Members present and voting at a Meeting.

#### **5.3 Mayor as Ex-Officio Member**

- 5.3.1 The Mayor is an ex-officio Member of each Committee to which the Mayor is not specifically named and is entitled to vote at such Meetings at which they are present, and shall not be counted for Quorum.

#### **5.4 Ad Hoc Committees**

- 5.4.1 Each Ad Hoc Committee shall appoint a Member of the respective Committee to act as Chair.
- 5.4.2 The authority of any Ad Hoc Committee is limited to making recommendations to Council. No decision to take any action other than administrative in nature shall be recognized as emanating from any Ad-Hoc Committee.

## **5.5 Standing Committees**

- 5.5.1 Standing Committees shall meet at such time as fixed by the Chair with consensus of the Committee Members. Such Meetings shall be coordinated by the Secretary.
- 5.5.2 Every Standing Committee shall have a Terms of Reference approved by Council. The Terms of Reference shall contain a mandate and purpose, Committee structure, number of Members required for Quorum, reporting process, Staff and support services, budget (if applicable), and completion date.
- 5.5.3 The authority of any Standing Committee is limited to making recommendations to Council. Decisions to take any action other than administrative in nature shall be outlined in the Terms of Reference.
- 5.5.4 Minutes of Standing Committees shall be included in the Council Agenda as information. Any action items requiring Council approval will be presented in the form of a report and/or Motion to Council for recommendation.
- 5.5.5 Standing Committees shall be deemed to be dissolved at the completion of their mandate based on the Terms of Reference or by a Resolution of Council. The term of any Standing Committee shall not extend beyond the term of the Council making the appointment.
- 5.5.6 Public Members shall be appointed by Council by way of Resolution. Committee vacancies will be publicly advertised.
- 5.5.7 In carrying out its duties under this section, every Standing Committee shall be trained on the Procedural By-Law, and any other applicable policies.

## **5.6 Council Appointments**

- 5.6.1 Council shall appoint Members to sit on various Boards, Committees, and Special Purpose Bodies for the term of Council at the Inaugural Meeting of Council, unless otherwise provided by an Act or Regulation.
- 5.6.2 Council shall make appointments by method of Resolution.
- 5.6.3 The Member of the Board, Committee, or other Special Purpose Body may provide a verbal or written report on the Board, Committee, or Special Purpose Body at a Council Meeting as information. All Minutes are to be submitted to the CAO/Clerk, or designate, for inclusion at a Regular Meeting of Council.

## **5.7 Clerk to Preside at First Meeting**

- 5.7.1 The CAO/Clerk, or designate, shall preside at the first Meeting of each Committee following the Inaugural Meeting of Council for the purpose of electing the Chair of that Committee. Upon election, the Chair shall preside at the Meeting.

## **SECTION 6: TYPES OF MEETINGS**

### **6.1 Inaugural Meeting of Council**

- 6.1.1 After a general election, the Inaugural Meeting of Council shall be held on the first day of the new Term of Office. Where such date is on a weekend or statutory holiday, the Meeting shall be held on the first business day thereafter.
- 6.1.2 No business shall be conducted at the Inaugural Meeting until the declarations of office and oaths of allegiance and Code of Conduct have been administered to all Members.

### **6.2 Regular Meetings of Council**

- 6.2.1 Regular Meetings of Council shall be held on the first and third Wednesday of every month at 6:00 p.m., in Council Chambers at the Municipal Office, or at such other place, (including electronically), as is specified in the Agenda, in accordance with the Meeting Schedule approved by Council.
- 6.2.2 Council may, by Resolution, alter the date and/or time and/or location of a Regular Meeting provided that adequate notice of the change is posted and published as outlined in this By-Law.
- 6.2.3 The first scheduled Regular Meeting of Council of the month will be for the purpose of discussing and dealing with regular Council business, such as deputations, presentations, the passage of By-Laws, etc.
- 6.2.4 The second scheduled Meeting of the month will be scheduled in case needed for items such as training, urgent business that cannot wait until the next regularly scheduled "business" meeting, or other items as determined by the Mayor and/or CAO/Clerk.
  - (a) The second meeting of the month may be cancelled, with due notice, at the discretion of the Mayor.
- 6.2.5 All Meetings shall be adjourned automatically four (4) hours after the official start time, unless a Motion to extend the Meeting beyond four (4) hours is unanimously passed prior to the end of that timeframe.

### **6.3 Meeting Schedule**

- 6.3.1 A proposed Meeting Schedule outlining the dates of Regular Meetings of Council, will be presented by the CAO/Clerk, or designate, to Council for approval by December of each year for the first half of the subsequent year and by June of each year for the second half of that same year.
- 6.3.2 Any Council Meeting that is not on the Meeting Schedule shall be deemed to be a "Special" Meeting of Council.
- 6.3.3 A rescheduled Regular Meeting shall not be considered a "Special" Meeting of Council.



## **6.4 Special Meetings of Council**

- 6.4.1 The Mayor may, at any time, call a Special Meeting of Council by instructing the CAO/Clerk to issue a notice of the Special Meeting and giving at least forty-eight (48) hours' notice to the Members.
- 6.4.2 Upon receipt of a petition by a Majority of the Members, the CAO/Clerk shall call a Special Meeting of Council for the purpose and at the time noted in the petition. The CAO/Clerk shall give at least forty-eight (48) hours' notice of the Special Meeting to all Members, which shall include the date, time, location, and business to be considered.
- 6.4.3 Only items disclosed on the Agenda for the Special Meeting shall be considered and decided upon by Council at the Special Meeting.

## **6.5 Emergency Meetings of Council**

- 6.5.1 The Mayor, or designate, at any time may, in the event of an emergency, call an Emergency Meeting of Council without giving forty-eight (48) hours' notice of the Meeting, provided that the CAO/Clerk has diligently attempted to advise all Members immediately upon being advised of the intention of the Mayor, or designate, to hold an Emergency Meeting. These Meetings can occur if no other means is practicable.
- 6.5.2 The only business to be dealt with at an Emergency Meeting of Council shall be with respect to that emergency.
- 6.5.3 In the case of an Emergency Meeting, Council may hold its Meeting(s) and keep its Public office at any suitable location within or outside of the Municipality, including holding Meetings electronically.
- 6.5.4 Notice of all Emergency Meetings of Council shall be given to the Members by oral and/or email notice.
- 6.5.5 Notice of all Emergency Meetings of Council shall be given to the Public by posting the Meeting on the Municipal website and in public locations around the community. Public notice may be given after the Meeting.

## **6.6 Town Hall Meetings**

- 6.6.1 The purpose of a Town Hall Meeting is to allow members of the Public to provide comment and input to Council as a whole. Town Hall Meetings are not a statutory requirement of Council and are offered as an added opportunity for dialogue with the community, grounded in the principles of transparency, responsiveness, participation and collaboration.
- 6.6.2 A Majority of Members may petition the CAO/Clerk to hold a Town Hall Meeting.
- 6.6.3 At least two (2) weeks' notice shall be provided on the Township's website prior to the Town Hall Meeting being held.

- 6.6.4 As a general rule, Town Hall Meetings shall be scheduled for at least two (2) hours.
- 6.6.5 To ensure a welcoming and inclusive atmosphere in which all participants will be treated with respect and courtesy, Town Hall Meetings shall be subject to the applicable rules of conduct set out in Section 4 of this By-Law.

## **6.7 Public Information/Consultation Sessions (Open Houses)**

- 6.7.1 Public Information/Consultation Sessions may be scheduled from time to time as warranted.
- 6.7.2 A Public Information/Consultation Session shall be called by the CAO/Clerk once direction to do so has been given by Council. The notice shall clearly state the purpose, date, time and location of the Meeting.
- 6.7.3 Public Information/Consultation Sessions provide opportunities for:
  - (a) the Public to express their ideas, share their knowledge and experience and influence decisions related to various Township policies, plans and projects; and
  - (b) Staff, a Committee or Council to inform members of the Public about a matter.
- 6.7.4 To ensure a welcoming and inclusive atmosphere in which all participants will be treated with respect and courtesy, Public Information/Consultation Meetings shall be subject to the applicable rules of conduct set out in Section 4 of this By-Law.

## **6.8 Electronic Meetings**

- 6.8.1 A Regular Meeting, or Special/Emergency Meeting, including a Closed Session, may be conducted as an Electronic Meeting, in accordance with the following provisions, any procedures prepared by the CAO/Clerk, or designate, or any relevant legislation.
- 6.8.2 Members participating in an Electronic Meeting have the same rights and responsibilities as if the Member was in physical attendance at the Meeting, including the right to vote.
- 6.8.3 The Chair and Secretary shall be present in the designated virtual meeting room.
- 6.8.4 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.

## **6.9 Electronic Participation in In-Person Meetings**

- 6.9.1 Notwithstanding anything to the contrary contained in this By-Law, during a Meeting at which Members are required to be physically present, Staff and

members of the Public that are entitled to attend the Meeting shall have the right to attend in the Meeting via electronic means, subject to applicable laws and available technology.

- 6.9.2 Physical attendance of Members of Council/Committee is preferred; however Members may participate in an in-person Meeting via electronic means with the same rights and responsibilities as if in physical attendance at the Meeting, including the right to vote, subject to applicable laws and available technology.

## **6.10 Livestreaming and Recording**

- 6.10.1 Open Sessions of Council/Committee Meetings may be livestreamed and/or recorded in accordance with the Township's *Livestreaming and Recording of Meetings Policy*.

## **SECTION 7: CLOSED SESSIONS**

### **7.1 General Rules**

- 7.1.1 Except as provided in this By-Law, all Meetings of Council and its Committees shall be open to the Public.
- 7.1.2 No person shall be excluded from a Meeting except for:
- (a) improper conduct determined by the Chair; or
  - (b) where a Meeting or part of a Meeting may or shall be closed to the Public if the subject matter being considered is in accordance with Section 239 of the *Municipal Act*.
- 7.1.3 The Secretary, designate, or person otherwise appointed for that specific topic, shall remain in the room for all Closed Sessions.
- 7.1.4 Closed Sessions may be held electronically as long as Quorum is achieved and the Secretary, designate, or person otherwise appointed is present.

### **7.2 Time of Closed Session**

- 7.2.1 All Closed Session Meetings shall take place within Regular or Special Meetings of Council or Committee. Where practical, Closed Sessions shall be scheduled at the end of the Meeting, however the Secretary in consultation with the Chair may place it sooner based on the nature of the items of business on the Agenda.

### **7.3 Closed Session Requires Resolution**

- 7.3.1 Prior to Council or a Committee moving into Closed Session, they shall state by Resolution in an open Meeting:
- (a) that Council or the Committee will be holding a Closed Session;
  - (b) the general nature of the subject matter(s) to be considered; and

- (c) the specific provision(s) under the *Municipal Act* under which each item of business is permitted to be considered in Closed Session.

#### **7.4 New Business in Closed Session**

- 7.4.1 If a Member wishes to introduce new business that was not previously addressed in the Resolution to enter into a Closed Session, Council must first reconvene to the open Meeting, and a new Motion must be drafted and disclose the purpose of entering back into Closed Session in order to initiate the discussion on the new item.

#### **7.5 Distribution of Confidential Material**

- 7.5.1 The CAO/Clerk, or designate, shall distribute all materials for a Closed Session Council Meeting by saving the Meeting materials on the limited access portion of the Township of Hornepayne's Council Portal. Any Member of Council requiring a printed copy of any Closed Session material shall so notify the CAO/Clerk, or designate, setting out the specific information needed.
- 7.5.2 The Secretary of the Committee shall distribute all materials as printed copies for Members in a Closed Session Committee Meeting.
- 7.5.3 If a Member has a pecuniary interest, the Member must return the envelope unopened to the Secretary, who shall note in the official record that the envelope was returned unopened and shall destroy the material.
- 7.5.4 If a Member determines that they have a pecuniary interest after reading the material, the material shall be returned to the Secretary as soon as possible, who shall note in the official record that the material was returned and shall destroy the material.
- 7.5.5 All confidential materials shall be removed from the Portal after the Meeting, and all physical copies shall be returned to the Secretary to be destroyed.

#### **7.6 Closed Session Voting**

- 7.6.1 In a Closed Session, Members may only vote:
  - (a) on procedural matters;
  - (b) on Motions to rise, report and introduce a proposed recommendation on an open Meeting Agenda; and/or
  - (c) to give direction or instructions to Staff or agents of the Township, or persons retained by or under contract with the Township.

#### **7.7 Record of Closed Session**

- 7.7.1 The Secretary, designate, or person otherwise appointed shall attend all Closed Session Meetings and record, without note or comment, the proceedings. The record shall indicate:
  - (a) the matter(s) discussed;

- (b) the specific provision(s) under the *Municipal Act* permitting the Closed Session;
  - (c) the Members and staff in attendance;
  - (d) any declarations of Pecuniary Interest;
  - (e) the disposition of the matter(s); and
  - (f) the starting and concluding times for the Closed Session.
- 7.7.2 No Member, Staff, or other person present, other than the Secretary, or a Staff member designated specifically for that purpose by the Secretary, shall take notes during a Closed Session.
- 7.7.3 Minutes shall be circulated by the Secretary at the next Closed Session for adoption. The Minutes shall be kept in a secure and confidential location under the custody & control of the Secretary and shall only be open to those in attendance at the Meeting, to others as approved by Council or the Committee, or as legislated.

## **7.8 Reporting in Open Meeting**

- 7.8.1 Upon returning to open session, the Chair shall report the following:
- (a) a statement resulting from the Closed Session;
  - (b) any declarations of Pecuniary Interest during the Closed Session.

## **7.9 Closed Session Confidentiality**

- 7.9.1 No Member, Staff, or other person present shall in any way notify, distribute, or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents or of discussions regarding any matters that are confidential, without approval of such release by Council or the Committee.
- 7.9.2 All Members and Staff have a personal obligation to the Township to treat identified documents in confidence and not to use them to the detriment of the Township.
- 7.9.3 The obligation to keep information confidential shall continue after the Member ceases to be a Member of Council or Committee, or the Staff ceases to be employed by the Township.

# **SECTION 8: NOTICE OF MEETINGS**

## **8.1 General Provisions**

- 8.1.1 The Secretary shall give notice of each Meeting to the Members, Staff, and the Public.
- 8.1.2 The Meeting Agenda shall constitute notice.

- 8.1.3 No later than 4:00 p.m. on the Friday, or five (5) days preceding the Council Meeting, where possible, the CAO/Clerk or designate shall make available to each Member of Council a copy of:
- (a) the Agenda;
  - (b) Minutes of the previous Council Meetings; and
  - (c) correspondence.
- 8.1.4 The Agenda for Council Meetings shall be posted on the Municipal website by 4:00 p.m. on the Friday, or five (5) days preceding the Council Meeting, where possible.
- 8.1.5 The inability to post the Agenda to the Municipal website due to unforeseen circumstances shall not affect the validity of the Meeting or any action lawfully taken thereat.
- 8.1.6 Refer to Subsections 6.4 and 6.5 for Special and Emergency Meetings

## **8.2 Cancellation of Meetings**

- 8.2.1 A Meeting may be cancelled by the Chair, in the following instances:
- (a) Quorum cannot be achieved;
  - (b) By Resolution;
  - (c) In the event of an unforeseen, significant event; or,
  - (d) The Meeting is no longer required.
    - (i) As stated in Subsection 6.5(a), the second scheduled Regular Meeting of Council of the month may be cancelled, with due notice, at the discretion of the Mayor.
- 8.2.2 The Secretary will attempt to notify all Members and the appropriate staff about the cancelled Meeting in the most expedient manner available and as soon as possible.
- 8.2.3 The Secretary shall make a reasonable effort to advertise to the Public that the Meeting has been cancelled.

## **SECTION 9: QUORUM**

### **9.1 General Provisions**

- 9.1.1 A Majority of Members constitutes a Quorum, unless provided otherwise in this By-Law or by statute.
- 9.1.2 A Quorum of Council is three (3) Members.
- 9.1.3 Members shall notify the Secretary in advance if they are unable to attend a Council or Committee Meeting.

## **9.2 Lack of Quorum**

- 9.2.1 If no Quorum is present fifteen (15) minutes after the scheduled commencement time, the Meeting shall stand adjourned until the next Regular Meeting, unless a Special Meeting is called sooner. The Secretary shall record the names of the Members present.

## **9.3 Commencement of Meeting**

- 9.3.1 As soon as there is a Quorum after the scheduled commencement time the Chair shall call the Members to order.

## **9.4 Leaving a Meeting**

- 9.4.1 Subject to Subsection 4.3.4 of this By-Law, a Member that intends to leave a Meeting shall advise the Chair or CAO/Clerk, or the Secretary of the Committee before leaving a Meeting.

## **9.5 Loss of Quorum During Meeting**

- 9.5.1 If Quorum is lost during a Meeting, the Chair shall request the Secretary to call a recess for a period of fifteen (15) minutes, or until a Quorum is present, whichever is sooner.
- 9.5.2 If there is no Quorum after fifteen (15) minutes, the Meeting shall stand adjourned and the Secretary shall record the names of the Members present.
- 9.5.3 The Confirmatory By-Law shall reflect all business conducted at a Council Meeting before a Quorum was lost. All unfinished business shall be carried forward to the next Regular Meeting, unless a Special Meeting is called sooner.

## **9.6 Loss of Quorum due to Pecuniary Interest**

- 9.6.1 Where the number of Members declaring a Pecuniary Interest results in a loss of Quorum, then, despite any other general or special Act, the remaining Members shall be deemed to constitute a Quorum, provided that there are at least two (2) Members able to vote on the matter.

# **SECTION 10: PECUNIARY INTEREST / CONFLICT OF INTEREST**

## **10.1 Member to Identify and Disclose**

- 10.1.1 It shall be the responsibility of each Member to identify and disclose any Pecuniary Interest or Conflict of Interest, direct or indirect, in any item or matter at a Meeting.

## **10.2 Actions Required - Generally**

- 10.2.1 Where a Member, either on their behalf or while acting for, by, with or through another, has any Pecuniary Interest or Conflict of Interest, in any matter and is present at a Meeting at which the matter is the subject of consideration, the

Member shall, in accordance with the provisions of the *Municipal Conflict of Interest Act*:

- (a) prior to any consideration of the matter at the Meeting, and, when possible, upon receipt of the Agenda, disclose their Pecuniary Interest or Conflict of Interest and the general nature thereof;
  - (b) not take part in the discussion of, or vote on, any question in respect of the matter;
  - (c) not attempt in any way whether before, during or after the Meeting to influence voting on the matter; and
  - (d) prior to, during, or as soon as possible after the Meeting, file a Declaration of Pecuniary Interest/Conflict of Interest form with the Secretary.
- 10.2.2 No Member shall seek specific advice with regards to a potential Pecuniary Interest or Conflict of Interest from any members of Staff, Council, or from the Township Solicitor.
- 10.2.3 Notwithstanding Section 10.2.2, members of Staff, Council, and/or the Township Solicitor shall not offer an opinion to any Member with regards to a potential Pecuniary Interest or Conflict of Interest.

### **10.3 Actions Required – Closed Session**

- 10.3.1 At a Closed Session Meeting, in addition to complying with the requirements of the *Municipal Conflict of Interest Act* and Subsection 10.2 of this By-Law, the Member shall immediately leave the Meeting or the part of the Meeting during which the matter is under consideration.

### **10.4 Absence – Disclosure at Next Meeting**

- 10.4.1 Where the Pecuniary Interest or Conflict of Interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Pecuniary Interest, and otherwise comply with Subsection 10.2 of this By-Law, at the first Meeting of the Council or Committee, as the case may be, which the Member attends.

### **10.5 Non-Compliance**

- 10.5.1 The failure of one or more Members to comply with Subsection 10.2 of this By-Law shall not affect the validity of the Meeting in regard to the said matter.

### **10.6 Record of Disclosure**

- 10.6.1 The Secretary shall record the particulars of any disclosure of Pecuniary Interest or Conflict of Interest made by a Member, and this record shall appear in the Minutes of that Meeting.



## **10.7 Pecuniary Interest/Conflict of Interest Registry**

- 10.7.1 Council and every Committee, as the case may be, shall establish and maintain a registry of each written statement of Pecuniary Interest/Conflict of Interest filed in accordance with Subsections 10.2 and 10.4 of this By-Law. The registry shall be available for public inspection in the manner and during the time that Council or the Committee, as the case may be, may determine.

## **SECTION 11: AGENDA AND ADDENDUM**

### **11.1 General Rules**

- 11.1.1 The business of Council and Committee shall, in all cases, be considered in the order in which it appears on the Agenda, unless otherwise directed by Council or Committee.
- 11.1.2 Amendments to the order of business shall require an affirmative vote by a Majority of the Members present and voting at the Meeting. A Motion to amend the order of business shall not be amended or debated.
- 11.1.3 The Secretary shall determine the appropriate Meeting at which items of business shall be considered in accordance with this By-Law.
- 11.1.4 Where further information or reports are necessary for Council or Committees to review an item of business, the Secretary may postpone the placement of an item on the Agenda.
- 11.1.5 Where employees of the Township have been directed by Council to carry out a specific action and it is determined subsequently that the action cannot be carried out in accordance with Council's directions, the CAO/Clerk will notify Council as soon as possible of these findings and further direction shall be requested of Council.
- 11.1.6 The Secretary shall attend Council or Committee Meetings (both open and Closed sessions).
- 11.1.7 Staff shall attend Council Meetings when reports are presented that involve issues pertaining to their department. It is at the discretion of the CAO/Clerk to determine if a Staff Member should be present for any other matter on the Agenda.

### **11.2 Inaugural Meeting Agenda**

- 11.2.1 The CAO/Clerk, or designate, shall prepare and deliver the Agenda for the Inaugural Meeting of Council with the order of business listed as follows:
- (a) Call to Order - CAO/Clerk
  - (b) Swearing in Ceremony - Declaration of Office and Oath of Allegiance
  - (c) Inaugural Address - Mayor
  - (d) Councillor Remarks

- (e) Regular Agenda Items
- (f) Adjournment

### **11.3 Regular Meeting Agenda**

11.3.1 The CAO/Clerk, or designate, shall prepare and deliver the Agenda for all Regular Council Meetings with the order of business listed as follows:

- (a) Call to Order
- (b) Indigenous Land Acknowledgement
- (c) Review and Note Any Changes to Agenda
- (d) Approval of Agenda
- (e) Disclosure of Pecuniary Interest/Declaration of Conflict of Interest
- (f) Adoption of Minutes of Previous Meeting(s)
- (g) Business Arising from the Minutes
- (h) Deputations, Presentations, Tender Awards, Open Discussions
- (i) Manager Reports
- (j) Correspondence
  - (i) Action Items
  - (ii) Information Only
- (k) Committee and Board Updates
- (l) Conferences
- (m) New and Other Business
- (n) By-Laws
- (o) Motions and Notices of Motion
- (p) Announcements
- (q) Closed Session (if required)
- (r) Business Arising from Closed Session
- (s) Adjournment

11.3.2 Minor modifications to this format may be effected without requiring amendment to this By-Law.

### **11.4 Special/Emergency Meeting Agenda**

11.4.1 The CAO/Clerk shall have prepared for the use of the Members at Special and Emergency Meetings, an Agenda generally formatted as follows:

- (a) Call to order
- (b) Indigenous Land Acknowledgement
- (c) Disclosure of Pecuniary Interest/Declaration of Conflict of Interest
- (d) Approval of Agenda

- (e) Deputations and Presentations
- (f) New/Other Business
- (g) Closed Session
- (h) Business Arising from Closed Session
- (i) Adjournment

11.4.2 Minor modifications to this format may be effected without requiring amendment to this By-Law.

### **11.5 Ad Hoc, Standing, and Sub Committee Agenda**

11.5.1 The Secretary of the Committee shall have prepared for the use of the Members at Ad Hoc, Standing and Sub-Committee Meetings, an Agenda generally formatted as follows:

- (a) Call to order
- (b) Disclosure of Pecuniary Interest/Declaration of Conflict of Interest
- (c) Approval of Agenda
- (d) Adoption of Minutes of Previous Meeting(s)
- (e) New/Other Business
- (f) Closed Session
- (g) Business Arising from Closed Session
- (h) Adjournment

11.5.2 Minor modifications to this format may be effected without requiring amendment to this By-Law.

### **11.6 Preparation of Addendum**

11.6.1 After delivery of the Agenda, the Secretary, in consultation with the Chair, may amend the Agenda by way of an Addendum. The Addendum shall be presented at the Meeting.

11.6.2 Approval of the Addendum requires an affirmative vote of at least two-thirds of the Members present and voting at the Meeting.

### **11.7 Deadline for Submission of Materials**

11.7.1 The deadline for material to be included on the Agenda shall be 12:00 p.m. one (1) week prior to the scheduled Meeting. Where such date is a statutory holiday, the deadline shall be the first business day thereafter at 12:00 p.m.

### **11.8 Unfinished Business**

11.8.1 Any matter on the Agenda or Addendum not disposed of by Council or Committee shall be placed on the Agenda for the next Regular Meeting unless a Special Meeting is called sooner.

## **SECTION 12: MEETING RULES AND PROCEDURES**

### **12.1 Call to Order**

- 12.1.1 The Meeting shall be called to order in accordance with Subsection 9.3 of this By-Law.

### **12.2 Approval of Agenda/Addendum**

- 12.2.1 The consent of Council shall be required for the Agenda, and for any addition or withdrawal of the items listed on the Agenda for the Meeting.
- 12.2.2 These items shall be the subject of one Motion. However, any Member may ask for any item(s) included in the Addendum to be separated from the Motion. The Addendum without the separated item(s) shall be put to a vote and then the separated item(s) shall be voted on separately.

### **12.3 Minutes**

- 12.3.1 The Secretary shall prepare the Minutes of the Meeting with copies available to all Members. The Minutes shall record:
- (a) the place, date and time of the Meeting;
  - (b) the names of the Chair, Members, Staff, and others in attendance (i.e. presenters, members of the Public upon request to the Clerk, etc.);
  - (c) any declarations of Pecuniary Interest;
  - (d) the reading, if requested, correction and adoption of the Minutes of the prior Meeting(s);
  - (e) the results of any Recorded Vote(s); and,
  - (f) all other proceedings of the Meeting.
- 12.3.2 Unless otherwise decided by Council/Committee, the Minutes of each Meeting shall be submitted to Council/Committee for confirmation or amendment at its next Regular Meeting or as soon thereafter as is reasonably practicable.
- 12.3.3 Once adopted, the Minutes shall be signed by the Chair and the Secretary.

### **12.4 Deputations**

- 12.4.1 No person shall appear as a deputation before Council or Committee unless a Deputation Request Form (Appendix C) has been received by the Secretary by 12:00 p.m., fourteen (14) days prior to a Regular Council or Committee Meeting. Council and/or the CAO/Clerk, or the Committee and/or the Secretary of the Committee, may waive this requirement when in their opinion the Public interest would be best served by doing so.
- 12.4.2 Deputations appearing before Council or Committee must submit a copy of their presentation, along with speaking notes, to the Secretary before 4:00

p.m., seven (7) days prior to the Meeting at which the deputation will appear. Written and/or electronic reports are required and shall be retained by the Secretary as an official record.

- 12.4.3 The Secretary shall determine when a deputation will be heard, and the order and the number of deputations to be heard. Generally, a maximum of two (2) deputations will be allowed at each Meeting.
- 12.4.4 Deputations shall be limited to not more than ten (10) minutes each, followed by a question period for Members.
  - (a) Deputations consisting of more than one (1) person shall be limited to two (2) speakers, being limited to no more than five (5) minutes each.
  - (b) The second speaker shall not repeat information provided by the previous speaker from that deputation and will be confined by the Chair to presenting new and/or additional information.
- 12.4.5 The role of a deputation is to provide information or to make a request and not enter into debate with Members or Staff.
- 12.4.6 Deputations may only speak at a Meeting on the subject matter as set out in the request to appear as a deputation.
- 12.4.7 Deputations who have previously appeared before Council/Committee are prohibited from speaking on the same subject matter for a period of no less than twelve (12) months unless they are providing new information only in their subsequent appearances.
- 12.4.8 The time limits referred to in this section may be extended at the discretion of the Chair, or the Secretary, if arranged prior to the Agenda being published.
- 12.4.9 Questions directed to Staff by any member of the deputation shall be received through the Chair.
- 12.4.10 Deputations requesting to appear at a Meeting may be declined if they have failed to follow established By-Laws, policy, procedure, or protocol, or as prescribed in any applicable governing statute or regulation.
- 12.4.11 The CAO/Clerk, or in the case of Committees, the Secretary has discretion to decline a request to appear as a deputation and to refer the matter to be resolved by Staff.
- 12.4.12 No deputations shall be permitted on the following topics:
  - (a) labour relations or staff negotiations;
  - (b) a Notice of Motion;
  - (c) litigation or administrative tribunal proceedings that are either expected to proceed, that are currently proceeding, or that have already been decided by a court or tribunal;

(d) any matter that is not within the jurisdiction of Council or Committee, as determined by the Chair in consultation with the Secretary; and

(e) any matter that is properly the subject of a Closed Session.

12.4.13 Deputations are not permitted to address Council/Committee on a policy matter upon which Council/Committee has already made a decision within the previous twelve (12) months, unless Council/Committee has decided to reconsider the matter.

12.4.14 Deputations shall conduct themselves in accordance with the provisions of Section 4 of this By-Law.

## **12.5 Presentations**

12.5.1 Presentations shall take place when Staff, an individual, or group, have been invited to present information to Council/Committee.

12.5.2 Presentations are limited to ten (10) minutes, unless otherwise directed by the Secretary, followed by a question period for Members.

12.5.3 The time limits referred to in this section may be extended subject to approval by the Chair.

12.5.4 The role of the presenter is to provide information and not to enter into debate with Members or Staff.

12.5.5 Presenters must submit a copy of their presentation to the Secretary before 4:00 p.m., seven (7) days prior to the Meeting at which the presentation will appear. Written and/or electronic reports are required and shall be retained by the Secretary as an official record.

12.5.6 Presentations that have previously appeared on the same subject matter shall be limited to providing new information only in their subsequent appearances.

12.5.7 Questions directed to Staff by any presenter shall be received through the Chair.

12.5.8 Presenters shall conduct themselves in accordance with the provisions of Section 4 of this By-Law.

## **12.6 Open Discussions**

12.6.1 The purpose of an open discussion is to provide an opportunity for members of the Public to offer comment and input on a specific listed topic.

12.6.2 The topic and approximate start time of any open discussions shall be clearly stated in the Agenda for the Meeting in which they are to take place.

12.6.3 Open discussions are to be scheduled for fifteen (15) minutes, after which they shall automatically end, unless extended at the discretion of the Chair.

12.6.4 Questions directed to Staff by any member of the Public shall be received through the Chair.

12.6.5 Members of the Public shall conduct themselves in accordance with the provisions of Section 4 of this By-Law.

## 12.7 Reports

12.7.1 Staff, Members of Council, Committees, and other Agencies shall provide their reports to the Secretary no later than forty-eight (48) hours before the Agenda is to be published.

12.7.2 Reports shall appear on the Agenda in the form of:

- (a) Managers' Reports – monthly reports from the Senior Management Team detailing departmental updates. All Managers' reports shall be subject to one Motion.
- (b) Recommendation Reports from Staff, Committees, and/or Agencies – reports covering a specific topic that include a recommendation for Council consideration. Each recommendation report shall be subject to a Motion to provide Staff with Council's direction as to the action(s) to be taken with respect to the matter being considered.
- (c) Information Reports from Staff, Members of Council, Committees, and/or Agencies – reports covering a specific topic in order to provide information that does not require action/a Motion from Council.

12.7.3 Council may ask questions of Staff, Members of Council, Committees, and Agencies with respect to the content of their reports.

## 12.8 Correspondence

12.8.1 Correspondence addressed to Council or that relates to Township matters shall be identified via the Council Agenda and available for viewing on the portal.

12.8.2 Correspondence will be separated into two categories:

- (a) Action – correspondence that requires a specific Resolution, report, etc., as determined by the CAO/Clerk.
- (b) Information Only – correspondence that is for Council information, but does not require a specific Resolution, report, etc. All information only items shall be subject to one Motion.

12.8.3 Requests regarding matters that have been addressed by Council/Committee within the previous twelve (12) months will not be permitted or circulated to Council.

Council and/or the Clerk may waive this requirement when in their opinion the Public interest would be best served by doing so.

12.8.4 Correspondence that is not legible or that contains any defamatory allegations, matters pertaining to personnel, or impertinent or improper matter, will not be circulated to Council. All correspondence shall be signed by at least one

person giving their name and mailing address. Any correspondence that is not signed or is signed "anonymous" will not be circulated to Council.

- 12.8.5 Correspondence delivered by electronic mail shall contain the electronic mail address of the sender, as well as a name and mailing address, and have attached to it only those documents which are in a printable format.
- 12.8.6 Correspondence delivered by facsimile transmission shall contain the facsimile number, as well as the name and mailing address of the sender.
- 12.8.7 In order to maintain privacy, personal/contact information of individuals (i.e., residents, etc.) on any Correspondence items may be redacted for Public viewing, at the discretion of the CAO/Clerk, or designate.
- 12.8.8 All Correspondence must be submitted to the CAO/Clerk, or designate, no later than 12:00 p.m. seven (7) days preceding the next Regular Meeting.

## **12.9 Committee and Board Updates**

- 12.9.1 The CAO/Clerk, or designate, shall list on the Agenda documents received from any Council Committees, Boards or Agencies, including, but not limited to, Meeting Agendas, Minutes and financial statements.

## **12.10 New and Other Business**

- 12.10.1 New and Other Business shall consist of items Members or Staff wish to bring to Council/Committee's attention, including but not limited to community happenings, updates on projects, etc.
- 12.10.2 The Secretary shall list on the Agenda new/other business items that comply with this By-Law and that are received prior to the submission deadline specified in Subsection 11.7.

# **SECTION 13: POINTS OF ORDER AND POINTS OF PRIVILEGE**

## **13.1 General Provisions**

- 13.1.1 A Member may raise a Point of Order or Point of Privilege at any time, except during verification of a vote, whereupon the Chair shall:
  - (a) interrupt the matter under consideration;
  - (b) ask the Member raising the Point of Order or Point of Privilege to state the substance of and basis for the Point of Order or Point of Privilege; and
  - (c) rule on the Point of Order or Point of Privilege immediately without debate.
- 13.1.2 To raise a Point of Order or Point of Privilege, a Member shall ask the Chair for permission to speak. Once recognized, the Member shall state the reason for raising a Point of Order or Point of Privilege, provided that the Member shall not enter into any argument or introduce any Motion related to the Point of



Order or Point of Privilege. The Member shall have a maximum of one (1) minute in which to speak.

13.1.3 Unless a Member or the Secretary appeals the Chair's decision, the decision of the Chair shall be final.

(a) If the Chair's decision is appealed, Council or the Committee shall decide on the challenge, without debate, by way of a Majority vote of the Members present and voting, prior to the next order of business.

### **13.2 Point of Privilege**

13.2.1 A Member may raise a Point of Privilege directing attention to a matter that affects the rights of the Member or Members.

13.2.2 Should the matter be determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a Motion in relation to that Point of Privilege.

13.2.3 Should the integrity of the CAO/Clerk or other employee of the Township be questioned, the CAO/Clerk shall be permitted to make a statement to the Members.

### **13.3 Point of Order**

13.3.1 A Member may raise a Point of Order to a perceived violation of the rules of procedure.

13.3.2 A Member shall state the Point of Order to the Chair at the time of the occurrence and shall quote the appropriate section of this By-Law.

### **13.4 Ceding to Points of Order or Points of Privilege**

13.4.1 When a Member raises a Point of Order or a Point of Privilege, any Member who has the floor shall stop speaking until the Chair has resolved the matter.

## **SECTION 14: MOTIONS**

### **14.1 Motion Process**

14.1.1 Where members of the Public are to be heard on a matter, no Motion shall be received until they have been heard, and no further Public participation shall be allowed at that Meeting after the Motion has been duly moved and seconded.

14.1.2 For Council Meetings, a Motion shall be formally moved and seconded before a debate can take place, the Chair shall put the question, and a Motion shall be recorded in the minutes.

14.1.3 For Ad Hoc, Standing or Sub-Committee Meetings, a Motion shall only need to be formally moved before the Chair can put the question or a Motion can be recorded in the Minutes.

- 14.1.4 A Motion for Council Meetings shall be reduced to writing and shall contain the names of the mover and seconder.
- 14.1.5 A Motion for Ad Hoc, Standing and Sub-Committee Meetings shall not need to be reduced to writing but shall be recorded in the Minutes of the Meeting.
- 14.1.6 Every Member present is entitled to vote on every Motion, unless the Member has declared a Pecuniary Interest. The manner of determining the vote on a motion shall be by show of hands or by verbal indication after the voting member has identified him or herself verbally by name and position.
- 14.1.7 Every Member present shall be deemed to vote against the Motion if they abstain from voting, unless disqualified from voting by reason of a declared Pecuniary Interest.
- 14.1.8 The Chair shall vote on all Motions.
- 14.1.9 After a Motion has been duly moved, seconded, and read, it shall immediately be open to debate.
- 14.1.10 One (1) round of speaking is permitted. Each Member is limited to three (3) questions per round of speaking. Members may not speak for more than ten (10) minutes to an item. After every Member has had an opportunity to speak, a Member may speak again, with consensus of Council for no more than five (5) minutes.
- 14.1.11 Any Member may request that any Motion under debate be repeated by the Chair or Secretary for the benefit of clarification but not so far as to interrupt a Member while speaking.
- 14.1.12 A Motion on which the voting results in a tie shall be considered defeated.
- 14.1.13 When the Motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each proposal.
- 14.1.14 The Chair shall call the vote immediately after all Members desiring to speak to the Motion have spoken.
- 14.1.15 Upon the Chair calling for a vote, no further speakers shall be permitted.
- 14.1.16 When routine items are being decided upon, or when it is obvious to the Chair that there is no objection to a proposal being discussed, the Chair can dispense with the formal vote and simply say "If there is no objection..." and assume general assent. Should someone object to this assumption, a vote must be taken.
- 14.1.17 No vote shall be taken at any Meeting by any method of secret voting, except where permitted or required by law.
- 14.1.18 The Chair shall announce the result of every vote.

- 14.1.19 If a Member disagrees with the announcement of the result of any vote, the Member may object immediately to the announcement and require that the vote be retaken.

## **14.2 Motion on Floor has Priority**

- 14.2.1 When a Motion is under consideration, no other Motion may be received except a Motion to:
- (a) adjourn;
  - (b) extend the Meeting past four (4) hours after the start time;
  - (c) recess;
  - (d) close debate;
  - (e) defer; or
  - (f) amend.

## **14.3 Requirement for Mover and Seconder**

- 14.3.1 Council/Committee shall not debate any Motion until it has been moved and seconded. A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may also vote against the Motion.

## **14.4 Motion by Chair**

- 14.4.1 If the Chair wishes to propose a Motion, the Chair shall relinquish the chair until such time as the vote has been taken on the Motion.

## **14.5 Notices of Motion**

- 14.5.1 Every Notice of Motion shall be in writing and shall have a mover before being submitted to the CAO/Clerk, or designate, for inclusion on the Agenda. Once the Notice of Motion has been submitted for inclusion on the Agenda it may not be edited.
- 14.5.2 The CAO/Clerk shall place Notices of Motion on the Agenda in the order in which they are received.
- 14.5.3 Should a Member introduce a Notice of Motion during a Meeting, the CAO/Clerk shall read the Notice into the record. No seconder is required, and the Notice is not debatable at that time.
- 14.5.4 When a Member's Notice of Motion has been called from the Chair and it has not been proceeded with, it shall be dropped from the Agenda and deemed to have been withdrawn.

## **14.6 Withdrawal of Motion**

- 14.6.1 Once a Motion appears on the Agenda, the Motion is considered in the possession of Council or Committee. The Motion may only be withdrawn before

an amendment or a decision is made with the permission of Council or Committee.

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

- 14.7.1 Council shall adjourn four (4) hours after the start time, unless otherwise decided before that hour by a majority vote of the Members present. Any unfinished business will be carried to the next Regular Meeting or rescheduled, by Resolution, at Council's discretion.
- 14.7.2 A Motion to Adjourn shall take precedence over any other Motion and shall be put immediately.
- 14.7.3 If a Motion to Adjourn carries, the Meeting shall immediately come to a halt, regardless of the stage of proceedings.
- 14.7.4 If a Motion to Adjourn is defeated, a new Motion to Adjourn shall not be made until the conclusion of the item that was being considered when the failed Motion to Adjourn was made.

#### **14.8 Motion to Extend**

- 14.8.1 Per Subsection 6.2.5, Meetings end automatically four (4) hours after the start time. In order to continue the Meeting, a Motion to Extend must be passed by two-thirds of the Members present.
- 14.8.2 A similar Motion shall be required for each hour thereafter. Any unfinished business will be carried to the next Regular Meeting or rescheduled, by Resolution, at Council's discretion.
- 14.8.3 A Motion to extend the Meeting shall not be amended or debated.
- 14.8.4 A Motion to extend the Meeting shall always be in order except when a Member is speaking or the Members are voting.
- 14.8.5 If a two-thirds vote is not achieved to extend the Meeting, Council shall consider any Time Sensitive items, and at the three hour and fifty-five minute (3:55) mark Council shall move directly to By-Laws.

#### **14.9 Motion to Defer**

- 14.9.1 A Motion to Defer:
  - (a) shall include the time, place, and a brief statement with respect to the purpose of the deferral;
  - (b) may only be debated with respect to time, place or purpose of the deferral;
  - (c) may direct the matter to a Committee, to staff, or elsewhere;
  - (d) may be made while the Main Motion or an amendment is on the floor, and takes precedence; and
  - (e) may be amended only to change the length of the deferral.

- 14.9.2 The mover of the Motion to Defer may speak to the Motion before the vote is taken.
- 14.9.3 When a Motion to Defer is passed, the matter to which it applies shall be removed from the debate along with any amendments that have been moved.
- 14.9.4 The matter to which the Motion to Defer applies shall not be reintroduced at Council or Committee until the time specified in the Motion to Defer.

## **14.10 Motion to Amend**

- 14.10.1 A Motion to Amend:
  - (a) may be debated;
  - (b) shall be made only to a Main Motion or to an amendment to a Main Motion;
  - (c) shall be relevant to the main question to be decided; and
  - (d) shall not be a direct negative to the main question.
- 14.10.2 If the Chair determines that a Motion to Amend is contrary to the Main Motion, the Chair shall advise the Members immediately. A Member may challenge the ruling of the Chair to Council or the Committee. If there is no challenge, the decision of the Chair shall be final. If there is a challenge, Council or the Committee shall vote on the Chair's ruling without debate and its decision shall be final.
- 14.10.3 Only one Motion to Amend shall be on the floor at any given time and debate shall be confined to the amendment. When that question is settled, another Motion to Amend may be made. Once all the amendments have been settled, a vote shall take place on the Main Motion, or if any amendments have carried, on the Main Motion as amended.
- 14.10.4 A Motion to Amend shall be submitted in writing to the Secretary.

## **14.11 Motion to Close Debate**

- 14.11.1 A Motion to Close Debate shall not be amended or debated.
- 14.11.2 A Motion to Close Debate requires an affirmative vote by two-thirds of the Members present and voting on the Motion.
- 14.11.3 If the Motion to Close Debate carries, then the vote is to be taken without further debate or comment.

## **14.12 Reconsideration of a Motion**

### **14.12.1 General Provisions**

- (a) Reconsideration of a Motion (whether carried or defeated) shall only be permitted at Council Meetings.

- (b) A Motion to reconsider shall only be in order if there is sufficient reason that a different outcome might result, such as new information has come forward, or there was an error in the documentation presented, or incorrect statements made during the original debate. A Motion to reconsider a previous decision of Council shall only be introduced by a Member who voted with the majority on the original Motion.
- (c) In the case of a tie vote on the original Motion, a Motion to reconsider a previous decision of Council shall only be introduced if it is submitted jointly by a Member who voted "for" and a Member who voted "against" on the original Motion.
- (d) A Motion to reconsider may be seconded by any Member subject to the provisions in Section 14.12.1(c), where a Member who has not introduced the Motion to reconsider may second the Motion.
- (e) A Motion to reconsider may be brought forward only once in the twelve (12) month period from the date the Motion or matter was first decided;
- (f) A Motion to reconsider shall not be in order if Council is made aware the Motion or By-Law has been implemented resulting in legally binding commitments as of the date the Motion to reconsider is moved.

#### **14.12.2 Notice of Intention**

- (a) A notice of the intention to reconsider a Motion shall be placed on the next Council Agenda. The notice of intention shall be made in writing to the CAO/Clerk and will be placed on the next Agenda.

#### **14.12.3 Motion to Reconsider**

- (a) When a Motion to reconsider is introduced, no discussion of the original Motion shall be allowed unless the Motion for reconsideration is approved by the majority of the Council Members present.
- (b) A Motion to reconsider shall not be amended but may be debated.
- (c) Debate on a Motion for reconsideration shall be confined to reasons for or against reconsideration or to such matters as new information which has come forward, an error in documentation presented, or incorrect statements made during the original debate.
- (d) A Motion to reconsider shall include the date of when the original Motion is to be reconsidered. The original Motion may be reconsidered as the next order of business.
- (e) Should a Motion to reconsider be defeated, the original Motion shall not be debated or voted upon until eligible, as per Subsection 14.12.1(e) of this By-Law.

#### **14.12.4 Original Motion**

- (a) The original Motion being reconsidered shall be stated in the exact manner in which it was first presented and voted on unless the Motion to reconsider specifies otherwise. The original Motion or By-Law being reconsidered shall be Subject to the rules of debate and amendment outlined herein.
- (b) The debate on the original Motion being reconsidered as a result of an affirmative Motion of reconsideration shall proceed as though it had never previously been voted on.

#### **14.13 Recorded Vote**

- 14.13.1 A recorded vote shall be taken when called for by any Member prior to, or immediately subsequent to the taking of the vote, or when required by law.
- 14.13.2 All Members, including the Chair, shall be required to vote when a recorded vote is called for, except when absent or disqualified by a declared Pecuniary Interest or Conflict of Interest.
- 14.13.3 When a recorded vote is permitted and required, the Chair will pose the question and the Secretary will call upon the Member requesting the recorded vote first, with all Members present voting in alphabetical order thereafter. Once finished, the Secretary shall tabulate and announce the results of the vote.
- 14.13.4 When a recorded vote is taken, the names of those absent, those who voted for, those who voted against, and those who abstained from voting on the Motion shall be entered in the Minutes.
- 14.13.5 Abstention of a recorded vote by a Member who is present at the Meeting at the time of the vote, and who is qualified to vote, shall be recorded as abstained and deemed a negative vote.
- 14.13.6 Except where expressly provided for in Statute, any Motion on which there is a tie vote shall be deemed to be defeated.

### **SECTION 15: BY-LAWS**

#### **15.1 By-Law Approval Process**

- 15.1.1 Every By-Law shall be listed on the Agenda by an identifying number, followed by a brief description of the intent of the By-Law.
  - (a) If the By-Law is still in draft form, no number is required.
- 15.1.2 Every By-Law shall be in typewritten form and all agreements and schedules shall be attached thereto, unless prohibited by Statute, or to protect the privacy of the Corporation.

- (a) Portions of agreements and schedules may be redacted to the Public, as required.
- 15.1.3 Every By-Law shall be given three readings. At Council's discretion, a By-Law may be read three times and passed at the same Meeting. All three readings may occur through a single Resolution.
- 15.1.4 In the event a majority of Members of Council wish to further review a proposed By-Law, the approval shall be deferred to a subsequent Meeting.
- 15.1.5 Any proposed By-Law may be referred to a Manager, Committee, CAO/Clerk or Municipal Solicitor for review and comment.
- 15.1.6 Every By-Law passed by Council shall be signed by the Mayor and the CAO/Clerk, or their designates, sealed with the seal of the Corporation, and shall show the date of passing thereof.
- 15.1.7 The CAO/Clerk shall be authorized to make minor corrections to any By-Law resulting from technical, or typographical errors prior to the By-Law being signed.
- 15.1.8 By-Laws and policies shall be reviewed and updated as required by legislation, or as required due to special circumstances.

## **15.2 Confirmatory By-Law**

- 15.2.1 The proceedings at every Meeting of Council, including proceedings in Closed Session, shall be confirmed through the Confirmatory By-Law and every Resolution and action thereof 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.

## **SECTION 16: OTHER MATTERS**

### **16.1 ULTRA VIRES (beyond one's legal power or authority)**

- 16.1.1 Should any sections of this By-Law, including any section or part of any schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding

### **16.2 Distribution of Procedural By-Law to Council**

- 16.2.1 Following a regular or new election, the CAO/Clerk shall provide each Member of Council with a copy of this By-Law, including any amendments thereto.



## **SECTION 17: ENACTMENT**

### **17.2 Review of this By-Law**

17.2.1 The CAO/Clerk, or designate, shall initiate a review of this By-Law once every term of Council, or at such earlier date as deemed necessary at the discretion of the CAO/Clerk.

### **17.3 Amendments/Repeal to this By-Law**

17.3.1 No amendment or repeal of this By-Law or any part thereof shall be considered at any Meeting of Council unless notice of the proposed amendment or repeal is given at a previous Meeting of Council.

**Appendix A**  
**Declaration of Pecuniary Interest/Conflict of Interest Form**

Member of Council: \_\_\_\_\_  
(please print)

Council Meeting:

Meeting Date: \_\_\_\_\_  Open session  Closed session

I declare a Pecuniary Interest/Conflict of Interest on Item No.: \_\_\_\_\_ of the Agenda  
for the above noted Meeting, on the topic of \_\_\_\_\_

for the following reason (state general nature): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Member of Council: \_\_\_\_\_ Date: \_\_\_\_\_  
(signature)

<u>For Office Use</u>	
Received on: _____	at: _____
(yyyy/mm/dd)	(time)
Clerk's Signature: _____	



## Appendix C Deputation Request Form

**I am requesting deputation to speak:**

on my own behalf

on behalf of a group/organization/association

**Name(s) of Speaker(s) and Group/Organization/Association, if applicable:**

Please note that all names of the individuals wishing to speak must be listed below.

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**Subject of Deputation/Presentation**

Please describe the subject matter in sufficient detail below to demonstrate the purpose of the presentation. If your request is approved, you must provide a copy of your presentation/handouts and speaking notes to [cao@hornepayne.ca](mailto:cao@hornepayne.ca) or [deputyclerk@hornepayne.ca](mailto:deputyclerk@hornepayne.ca) no later than **12:00 p.m., seven (7) days prior to the Meeting at which you are approved to present.**

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**Preferred Meeting Type:**  Virtual  In-Person **Preferred Date:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Signature of Speaker:** \_\_\_\_\_ **Date of Request:** \_\_\_\_\_

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**In accordance with the Procedural By-Law, requests must be delivered to the CAO/Clerk or Deputy Clerk fourteen (14) days prior to the preferred meeting date you wish to present.**

The Township reserves the right to refuse or defer any deputation at any time. Should your deputation request be refused, Staff may address your topic using an alternate method such as by letter, email, telephone or personal meeting.

Personal information contained within this form is being collected for the purpose of the deputation request and may be posted to a public Council Agenda if such request is approved. Questions regarding the collection of the information contained in the request form are to be directed to [cao@hornepayne.ca](mailto:cao@hornepayne.ca) or [deputyclerk@hornepayne.ca](mailto:deputyclerk@hornepayne.ca).