

**THE CORPORATION OF THE TOWNSHIP OF WILMOT  
BY-LAW NO. 2023-XX  
PROCEDURAL BY-LAW**

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**THE CORPORATION OF THE TOWNSHIP OF WILMOT  
BY-LAW NO. 2023-XX  
BEING A BY-LAW TO PROVIDE FOR  
THE RULES OF ORDER AND PROCEDURE  
FOR THE MUNICIPAL COUNCIL AND COMMITTEES OF  
THE CORPORATION OF THE TOWNSHIP OF WILMOT  
AND TO REPEAL BY-LAW NOS. 2021-36 AND 2021-50**

**WHEREAS** Section 5 (1) of the *Municipal Act, 2001, S.O., c. 25*, as amended, states the powers of a municipality shall be exercised by its council;

**AND WHEREAS** Section 5 (3) of the *Municipal Act, 2001, S.O., c. 25*, as amended, states a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** Section 8 (1) of the *Municipal Act, 2001, S.O., c. 25*, as amended, states the powers of a municipality under that or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 238 (2) of the *Municipal Act, 2001, S.O., c.25*, as amended, requires that every municipality and Local Board shall pass a procedural by-law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** section 238 (3.1) of the *Municipal Act, 2001, S.O., c.25*, as amended, allows for a municipality's procedural by-law to permit a member of Council, of a Local Board or a committee of either of them, to participate electronically in a meeting to the extent and in the manner set out in the by-law;

**AND WHEREAS** section 238 (3.3) of the *Municipal Act, 2001, S.O., c. 25*, as amended, allows the procedural by-law to provide that,

- (a) a member of a council, of a Local Board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a Local Board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public;

**AND WHEREAS** the Township of Wilmot Accountability and Transparency Policy states that accountability, transparency and openness are standards of good governance that enhance public trust and are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders;

**AND WHEREAS** the general principles of parliamentary law should be upheld in the rules of any meeting, these rules are based on a regard for the rights of:

- the majority,
- the minority, especially a strong minority – greater than one third,
- of individual members,
- of absentees, and
- of all these together.

**AND WHEREAS** it is deemed expedient to adopt by by-law, rules governing the order and procedure of the Council of The Corporation of the Township of Wilmot.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

**PART 1**

**DEFINITIONS**

PROCEDURAL BY-LAW – BY-LAW 2023-XX

- 1.1 “**Abstain**” means a Member who declines to vote on a motion, in which case the abstention counts as not in favour, unless the abstention is due to a previously-declared Pecuniary Conflict of Interest or disqualification from voting under any Act in which case the vote is neither counted in favour nor not in favour of a motion.
- 1.2 “**Acting Mayor**” means the Member of Council appointed by by-law to act from time to time in the place and stead of the Mayor, pursuant to Section 242 of the *Municipal Act, 2001*.
- 1.3 “**Ad Hoc Committee**” means a Committee comprised only of Members of Council as appointed by Council and established for a specific purpose and which is disbanded once the purpose for which it was established is no longer required.
- 1.4 “**Advisory Committee**” means a Committee comprising members of the public appointed by Council under specified Terms of Reference to advise and make recommendations on matters in accordance with its mandate/purpose.
- 1.5 “**Agenda**” means the Notice of a Meeting which sets out the order of proceedings for a Meeting and the business to be conducted at the Meeting.
- 1.6 “**Agenda Package**” means the compilation of the Agenda, reports and other materials for the purpose of conducting Township business by Council or Committee at a Meeting.
- 1.7 “**Agent**” means an individual appointed by an Applicant to act in professional capacity on behalf of or as a representative of that Applicant.
- 1.8 “**Amendment**” means a change in the wording of a Motion that alters or varies the Motion. It may propose that certain words or phrases be added/inserted, omitted or replaced by other words/phrases.
- 1.9 “**Applicant**” means a property owner in a matter relative to a development application under the *Planning Act* submitted to the Township.
- 1.10 “**Business Day**” means the days of the week the Township Administration Complex is open for business, typically Monday to Friday, excluding holidays. The day on which a Meeting occurs is not included in the calculation of a “business day.”
- 1.11 “**By-law**” means a municipal rule established by the Township as approved by Council which regulates a particular area of jurisdiction.
- 1.12 “**Call the Question**” means a Member has moved for Council/Committee to vote immediately, without further debate, on a Motion that has been moved and seconded and stated by the Mayor/Chair.
- 1.13 “**Chair**” means the individual presiding over a Meeting who is charged with deciding questions and Points of Order and Privilege as well as preserving order and maintaining decorum. The Chair, except where specifically disqualified, may vote on all Motions/Questions.
- 1.14 “**Closed Meeting**” means a Meeting or part of a Meeting closed to the public in accordance with the open Meeting exemptions as defined by the *Municipal Act, 2001*.
- 1.15 “**Code of Conduct**” means a set of principles and standards of behaviour expected of Members of Council or a Committee when carrying out their roles, responsibilities and obligations as elected or appointed representatives for the Township.
- 1.16 “**Committee**” means a Committee of Council including but not limited to Ad Hoc, Advisory, Quasi-judicial or Special Purpose Committees as established by Council.
- 1.17 “**Committee Administrator**” means a Township of Wilmot employee responsible for providing administrative support to a Township advisory or quasi-judicial committee.

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- 1.18** “**Confirmatory By-law**” means a By-law to confirm and ratify the actions and decisions of Council at a Meeting of Council.
- 1.19** “**Consent**” means the grouping of routine, non-controversial business/reports into a single agenda item on a Council/Committee agenda that do not require debate. Consent items can be approved in one action rather than voting on each item separately unless a Member requests that a Consent item be dealt with separately.
- 1.20** “**Council**” means the elected officials of the Township and refers collectively to the Mayor and Ward Councillors of the Township.
- 1.21** “**Council Chambers**” means the room or building identified for the holding of Council Meetings, generally the room identified as such located at 60 Snyder’s Road West, Baden, Ontario.
- 1.22** “**Declared Emergency**” means any period where an emergency has been declared to exist in all or part of the Township under Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended.
- 1.23** “**Delegation**” means anyone who is not a Member of Council, Township staff or an appointed official of the Township who has requested and is permitted to address Council/Committee on a matter listed on the Agenda.
- 1.24** “**Emergency Meeting**” means a Meeting of Council held to consider any business of the Council which is deemed by the Mayor/Chair to be of an emergency nature.
- 1.25** “**Ex Officio**” means by virtue of office or position and carries with it the right to participate fully in the Meeting and vote unless prohibited by law.
- 1.26** “**Friendly Amendment**” means an amendment made to a Motion with the consent of the Mover and Seconder of the Motion, and without the requirement for the Amendment to be formally moved and seconded.
- 1.27** “**Hybrid Meeting**” means a Meeting where some Members and/or Delegations are participating virtually and some are participating in-person.
- 1.28** “**Improper Conduct**” means conduct which offers any obstruction to the deliberations of proper action during a Meeting and/or contravenes either this By-law or the Code of Conduct.
- 1.29** “**Inaugural Meeting**” means the first Meeting of the new term of Council held after a municipal election in a regular election year as per Section 230 of the *Municipal Act, 2001*, at which the Members of Council are sworn into their respective offices.
- 1.30** “**Integrity Commissioner**” means the person appointed by By-law as the Integrity Commissioner of the Township and whose duties are therein prescribed in Section 223.3 of the *Municipal Act, 2001*.
- 1.31** “**Local Board**” means a local board as defined in subsection 1(1) of the *Municipal Act, 2001*.
- 1.32** “**Majority**” means a minimum of 50% + 1 of the votes, including those cast by the Members who voted and taking into account any abstentions counting as negative votes as per Section 1.1 of the Procedural By-law.
- 1.33** “**Meeting**” means any in-person, hybrid or electronic Meeting whether regular, special or other of Council, a Local Board or a Committee of either of them, where:
- (i) A quorum of members is present; and,
  - (ii) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of that body or the Township.
- 1.34** “**Member**” means a member of Council or an individual appointed to a Committee or Local Board.

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- 1.35** “**Minutes**” means a record, without note or comment, of all Resolutions, decisions and other proceedings at a Meeting whether it is closed to the public or not.
- 1.36** “**Motion**” means a Question to be considered by Members through the process of being moved, seconded, and stated by the Mayor/Chair, subject to debate, and finally put to the Members for a vote.
- 1.37** “**Point of Information**” is a request directed to or through the Mayor/Chair to another Member or to staff, for information relevant to the business at hand but not related to a Point of Order or Point of Privilege.
- 1.38** “**Point of Order**” means a statement made by a Member during a Meeting, drawing the attention of the Mayor/Chair to a breach or possible breach of this By-law.
- 1.39** “**Point of Privilege**” or “**Personal Privilege**” means the raising of a question which concerns an individual Member, Council/Committee as a whole, staff or the public, when a Member believes that their individual rights or integrity, those of Council/Committee as a whole, staff, or the public, have been impugned.
- 1.40** “**Presentation**” means information being provided verbally to the Members which does not require debate/discussion or a vote by the Members; and may include the use of a presentation medium such as PowerPoint, overheads, video, slide show, etc.. The following types of Presentations are permitted:
- (i) Presentations made by Council/Committee to recognize the contributions or achievements of individuals or organizations;
  - (ii) Presentations made to Council/Committee by individuals or organizations at the invitation of Council/Committee;
  - (iii) Presentations made to Council by a Committee, Local Board, local organization, registered charity, or Township-affiliated agency or organization;
  - (iv) Presentations from senior levels of government or other municipal governments; and,
  - (v) Presentations by consultants retained by the Township providing information related to municipal operations that are not accompanied by a staff report.
- Presentations are not permitted for commercial business purposes and do not include Delegations for Agenda items.
- 1.41** “**Public Meeting**” means a Meeting of Council/Committee or any portion of a Meeting of Council/Committee which is subject to the requisite advanced public notice requirements and has been given authority by By-law or statute to conduct a Meeting in matters pursuant to any legislation which requires Council/Committee to afford interested parties to be heard before taking action, passing a By-law or making a decision. A Public Meeting requires a Mover and Seconder to convene, reconvene and/or adjourn the Public Meeting.
- 1.42** “**Question**” means a question to be considered by Members at a Meeting.
- 1.43** “**Quorum**” means the majority of the whole of Council or a majority of the voting members of a Committee unless otherwise stated.
- 1.44** “**Recess**” means a short intermission in a Meeting’s proceedings which does not adjourn the Meeting, and after which business will immediately resume at the point where it stopped at the point when the recess was called.
- 1.45** “**Recorded Vote**” means the recording in the Minutes of the names of each Member of Council present and the manner of their vote on a Motion/Question. Recorded Votes will be taken upon request by any Member of Council. In the case of a Member of Council who has a declared conflict or pecuniary interest for the Motion/Question, the Minutes will reflect the Member of Council who declared the conflict and did not take part in the discussion and subsequent voting thereof.

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- 1.46** “**Refer**” means to send a matter currently under consideration by the Members to an individual, a Township department or a Committee for their consideration.
- 1.47** “**Regular Meeting**” means an open Meeting held in accordance with the approved schedule of Meetings or a revision of the schedule by resolution of Council.
- 1.48** “**Resolution**” means a Motion/Question that has been placed before the Members in a Meeting for debate and voted on in the affirmative and adopted by the Members (i.e., carried).
- 1.49** “**Special Meeting**” means a Meeting not scheduled in accordance with the approved calendar of Meetings called in accordance with this By-law.
- 1.50** “**State the Question**” means reading or displaying a Motion that has been moved and seconded. A Motion can only be debated by the Members once it has been stated and “on the floor”. A Motion that has been stated belongs to the Members.
- 1.51** “**Terms of Reference**” means a document that defines the purpose and structure adopted by Council to establish, at a minimum, the mandate, standards, practices, and responsibilities for a Committee, Task Forces and Working Groups.
- 1.52** “**Territorial Land Acknowledgement**” means a statement made at the beginning of a Meeting or Township event that, at a minimum, recognizes the awareness of treaty and traditional Indigenous rights.
- 1.53** “**Tie Vote**” means an equality of votes for and against a Motion. Motions subject to a tie vote are considered “lost” (i.e., not approved/not carried).
- 1.54** “**Township**” means The Corporation of the Township of Wilmot.
- 1.55** “**Virtual**” means that Members and/or Delegations are participating in the Meeting through an online or telecommunications medium that allows for audio and/or video interactions during a Meeting including voting in the case of Members.
- 1.56** “**Waive Notice**” means the ability for Members to consider a Motion during a Meeting without prior notice being given. Notice may be waived with two-thirds of the Members voting in favour of waiving notice. Notice must be waived before considering the Motion for which Notice is being waived.

**PART 2**

**GENERAL PROVISIONS AND APPLICATION**

**2.1 Rules and Procedures**

The rules and procedures contained in this By-law will be observed in all Meetings of Council and its Committees and will be the rules and procedures for the order and dispatch of business of Council and Committees thereof unless otherwise indicated.

**2.2 Robert's Rules of Order**

In all unprovided for cases in the proceedings of Council or Committee, resort will be had to latest edition of *Robert's Rules of Order* as a rule for guidance on the question, and in such cases the decision of the Mayor/Chair will be final without debate.

**2.3 Quorum – Determining**

A majority of Members will be necessary to constitute Quorum, unless otherwise permitted by the *Municipal Act, 2001*, or any other Act, or by Township By-law, policy, or Terms of Reference.

**2.4 Quorum – Not Present at the Start of a Meeting**

If Quorum is not present fifteen minutes after the time appointed for a Meeting, the Clerk/Committee Administrator will record the names of the Members present and the Meeting will stand adjourned until the date of the next Meeting.

**2.5 Quorum – Lost During a Meeting**

2.5.1 If Quorum is lost during a Meeting, the Meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next day, or at such other time and place as the Mayor/Chair announces.

2.5.2 If in the Mayor/Chair's opinion it is not essential that the balance of the Agenda be dealt with before the next Regular Meeting, the Mayor/Chair will announce the unfinished business of Council/Committee will be taken up at the next Regular Meeting.

2.5.3 Where the number of Members who, by reason of provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a Meeting is such that the remaining Members are not of sufficient number to constitute Quorum, then the remaining Members will constitute Quorum, provided such number is not less than three (3).

**2.6 Minutes**

2.6.1 The Clerk/Committee Administrator will be the secretary of all Council or Committee Meetings as appropriate and will record the proceedings of the Meetings in the form of Minutes without note or comment that will contain the following at a minimum as relevant:

- (i) The place, date, and beginning and ending time of Meetings;
- (ii) The names of the Members present;
- (iii) The names of staff present and their titles;
- (iv) The time Members arrive and leave the Meeting;
- (v) Any declaration of pecuniary interest by any Member of Council;
- (vi) Adoption of the Minutes of prior Meeting(s) including any amendments made to the Minutes;

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- (vii) The names of those making presentations to Council/Committee as well as any organizations or entities they represent;
- (viii) The names of delegations appearing at the Meeting;
- (ix) Recommendations and Notices of Motion to Council/Committee for each item;
- (x) A record of the decision by the Members for each item put to a vote;
- (xi) The names and votes of Members on a recorded vote, when requested;
- (xii) The passing of the Confirmatory By-law for the Council Meeting; and,
- (xiii) A record of Adjournment of the Meeting.

2.6.2 Such Minutes, as referred to in Section 2.6.1, may be adopted by the Members without having been read in full at the Meeting where their adoption is being considered.

2.6.3 The Clerk/Committee Administrator as appropriate will endeavour to post the Minutes to the Township website within 72 (seventy-two) hours of the Meeting but no later than 1 Business Day before the next Meeting and are considered the official record of the Meeting proceedings once adopted.

2.6.4 Video recordings of a Meeting, where available, will be retained in accordance with the Township's Records Retention By-law.

## **2.7 Errors, Corrections, and Other Changes**

2.7.1 The Clerk/Committee Administrator with the approval of the Clerk may make changes to Minutes, By-laws, resolutions, presentations, written submissions, correspondence, etc. as appropriate without the approval of the Members provided such changes do not substantively alter that which Council/Committee originally approved as follows:

- (i) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature;
- (ii) Alter the style or presentation of text or graphics to improve electronic or print presentation or to conform to requirements under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 (AODA);
- (iii) Correct an erroneous description of a date or time with the actual date or time;
- (iv) Correct any name or other information that was incorrectly recorded;
- (v) Change any reference to a title, location or address to reflect any alteration of same;
- (vi) Correct errors in the numbering of Agenda items, resolutions, provisions or other portions of a By-law and make any changes in cross-references that are required as a result; and,
- (vii) Make a correction if it is obvious both that an error has been made and what the correction should be.

2.7.2 When making changes to Minutes, By-laws, resolutions, presentations, written submissions, correspondence, etc. as per Section 2.7, the Clerk/Committee Administrator with the approval of the Clerk may provide notice of the changes made in the manner they consider appropriate including stating the change or the nature of the change.

2.7.3 In determining whether to provide notice of changes as per Section 2.7, the Clerk/Committee Administrator with the approval of the Clerk may consider the following:

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- i) The nature of the change; and,
- ii) The extent to which notice, and the information provided in it, would aid in understanding what and why the changes were made.

2.7.4 Regardless of when a change is made to a By-law under this section, the change will be read into the By-law as of the date the By-law was originally enacted.

2.7.5 The Clerk/Committee Administrator with the Clerk's approval will not make changes without the approval of Council/Committee when the change substantively alters that which Council/Committee originally approved.

### **2.8 Directing the Work of the Township**

2.8.1 No Member as an individual will direct or interfere with the work of the Township.

2.8.2 Any officer of the Township will be subject only to the Council and/or the Committee to which the Council may give authority on its behalf.

### **2.9 Execution of Documents**

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

### **2.10 Audio-visual Recordings of Meetings**

2.10.1 Council and Committee Meetings will be recorded, wherever possible, through live audio/visual streaming on the Township's website and select online platforms.

2.10.2 The use of audio and video recording equipment in the Meeting room by the public or the media may be permitted provided it is not disruptive to the Meeting and prior permission for recording and the location of the recording equipment has been given by the Mayor/Chair. Approval will be granted at the discretion of the Mayor/Chair.

### **2.11 Municipal Freedom of Information and Protection of Privacy Act**

All forms of participation (e.g., written submissions to Council or a Committee, in-person or electronic Meeting participation, submissions of petitions, or communications with the Township regarding an item on a Council agenda) of Open Council and Committee Meetings will become part of the permanent record, as per the Municipal Freedom of Information and Protection of Privacy Act.

### **2.12 Severability**

Should any section, sub-section, clause or paragraph or provision of this By-law be declared by a Court or competent jurisdiction to be invalid, the same will not affect the validity of this By-law as a whole or any part thereof, other than the provisions so declared to be invalid.

**PART 3**

**ROLES AND DUTIES**

**3.1 General**

- 3.1.1 It is the role and duty of all elected representatives, appointed Local Board and Committee members, and all staff to serve the residents of the Township. Business of the Township will be conducted in the best interest of the residents as a whole and not to serve the interests of any one individual or group of individuals above the common good. Business will be conducted with transparency and openness and will facilitate open and accessible communication with and to members of the public.
- 3.1.2 The general principles of parliamentary law should be upheld in the rules of any Meeting, these rules are based on a regard for the rights of:
- (i) the majority,
  - (ii) the minority, especially a strong minority – greater than one third,
  - (iii) of individual members,
  - (iv) of absentees, and
  - (v) of all these together.
- 3.1.3 All Meetings and ceremonies initiated, organized, or led by the Township will be devoid of all religious or spiritual readings, texts, references, prayers, or invocations to ensure a neutral space, while allowing for the freedom of religious expression for members of the public.

**3.2 Duty of Mayor/Chair**

It is the duty of the Mayor/Chair to preside over all Meetings and to:

- (i) Take the Chair and call the Meeting to order;
- (ii) Receive and submit, in the proper manner, all Motions presented by the Members and staff;
- (iii) Ensure all Motions are moved, seconded, and stated before putting the Motion to a vote, and to publicly-announce the result;
- (iv) Decline to put Motions to a vote which infringe upon the Rules of Procedure or are ultra vires (i.e., out of the jurisdiction of Council);
- (v) Inform the Members of the proper procedure to be followed and to enforce the Procedural By-law and the Code of Conduct;
- (vi) Enforce at all Meetings, the observance of order and decorum among the Members;
- (vii) Name any Member persisting in a breach of the Procedural By-law and/or the Code of Conduct and to order the Member to exit the Meeting if the breach is not rectified;
- (viii) Permit questions to be asked through the Mayor/Chair, of any staff of the Township for information, and to assist in any debate when the Mayor/Chair deems it proper;
- (ix) Provide information to Members on any matter relating to the business of the Township as appropriate;
- (x) Authenticate by signature all agreements, By-laws and Minutes as approved by Council/Committee as appropriate;
- (xi) Rule on any Points of Order or Privilege raised by Members;
- (xii) Maintain order and, where it is not possible to maintain order, the Mayor/Chair may, without any resolution being put, adjourn the Meeting to a time to be named by the Mayor/Chair;
- (xiii) Adjourn the Meeting when the business is concluded; and,

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- (xiv) Act in accordance with the Declaration of Office and/or the Code of Conduct as appropriate.

**3.3 Duty of Members**

Notwithstanding the provisions of the *Municipal Act, 2001*, it is the duty of Members to attend all Meetings of which they are a Member and to:

- i) Prepare for Meetings, including reviewing the Agenda and associated materials provided prior to the Meeting;
- ii) Speak only to the subject under debate at Meetings;
- iii) Vote on all Motions before the Council/Committee unless prohibited from voting by law as appropriate;
- iv) Observe proper procedure and decorum at all Meetings;
- v) State questions or requests for information through the Mayor/Chair; and,
- vi) Act in accordance with their Declaration of Office as appropriate.

**3.4 Acting Mayor**

- 3.4.1 Council will appoint by By-law for the entire term, in Ward Number order, each Member of Council to serve for one calendar month as Acting Mayor when the Mayor is absent and/or unable to act, or refuses to act.
- 3.4.2 The Acting Mayor will have, and may exercise, all rights, powers, and authority the Mayor in the Mayor's absence.

## PART 4

### MEETINGS

#### **4.1 Place and Time – Council/Committee Meetings**

- 4.1.1 Council Meetings will be held in the Council Chambers pursuant to the *Municipal Act, 2001*, at 7:00 p.m. unless the Notice of the Meeting stipulates the Meeting will be held at another time and location or via another means.
- 4.1.2 Committee Meetings will be held at the Township Administrative Complex unless the Notice of the Meeting stipulates the Meeting will be held at another location or via another means such as electronically.
- 4.1.3 As soon after the hour fixed for the holding of the Council/Committee Meeting and subject to achieving Quorum, the Mayor/Chair will take the chair and call the Meeting to order.

#### **4.2 Electronic Participation**

- 4.2.1 In accordance with provisions of the *Municipal Act, 2001*, and notwithstanding any other provisions of this By-law, a Member:
- (i) May participate electronically in any Meeting, which is either open or closed to the public subject to the protocols approved by Council;
  - (ii) Will be permitted to vote and have their vote counted when participating electronically;
  - (iii) Will be counted in determining whether a quorum of Members is present at any point in time during the Meeting when participating electronically, subject to Sections 4.2.1 to 4.2.5. of this By-law; and,
  - (iv) Must provide the Clerk/Committee Administrator with notice, in writing, at their earliest opportunity and in advance of the Meeting of their intention to participate electronically in that Meeting.
- 4.2.3 The Clerk and Meeting support staff, as directed by their Department Head will participate in person in a Meeting at the location specified in the Agenda, except during a Declared Emergency, in which case they will be permitted to participate electronically.
- 4.2.4 Individuals who have been approved to make a Presentation as per Section 6.2 of this By-law will be permitted to participate either in person or electronically via computer or telephone. Such individuals must indicate the method by which they are participating by noon on the day of the Meeting and if participating electronically, must provide their email address and/or telephone number to enable Township staff to facilitate such participation.
- 4.2.5 Delegations as per Section 6.3 of this By-law will be permitted to participate either in person, electronically via computer or telephone, or via a written submission for any matter listed on the Agenda. Delegations must indicate the method by which they are participating by noon on the day of the Meeting and if participating electronically, must provide their email address and/or telephone number to enable Township staff to facilitate such participation.

#### **4.3 Seating Arrangement of Council**

Councillors will be seated to the left of the Mayor in the Council Chambers in Ward Number order. For wards with more than one Councillor, those Members will be seated in alphabetical order by last name.

#### 4.4 Mayor/Chair – Addressing

The Mayor/Chair will be addressed as “Mayor or Chair (surname inserted)” or as “Mr. or Madam Mayor or Chair” as appropriate.

#### 4.5 Councillors – Addressing

Members of Council are to be addressed as: “Councillor (surname inserted).”

#### 4.6 Staff and Members of the Public – Addressing

Staff and members of the public are to be addressed as “Dr.”, “Mr.”, “Mrs.”, “Ms.”, “Miss.”, “Mx.”, or “Ind.” (surname inserted) or by their first name as indicated by the individual. Members of staff may also be addressed by title within the corporate structure.

#### 4.7 Inaugural Meeting of Council

4.7.1 The Inaugural Meeting of Council following a regular municipal election will be held in accordance with the *Municipal Act, 2001*, at 7:00 p.m., in the Council Chambers or other location as specified in the Agenda.

4.7.2 The Agenda for the Inaugural Meeting will be established by the Mayor, CAO and the Clerk, and will reflect the values of the community with respect for diversity and inclusion of all members of the community.

4.7.3 No business will be conducted at the Inaugural Meeting of Council until the Declarations of Office have been signed by the majority of the Members of Council.

4.7.4 The order of proceedings at the Inaugural Meeting will be as follows:

##### **Procession**

- (i) Piper
- (ii) Flag Bearers (Canada/Ontario/Township)
- (iii) Mayor
- (iv) Members of Council in ward number order

##### **National Anthem**

##### **Indigenous Welcoming Ceremony**

##### **Territorial Land Acknowledgement (Read by the Mayor)**

##### **Investiture of Mayor’s Chain of Office (Lead by Municipal Clerk)**

##### **Declarations of Office (Read aloud by each member of Council)**

- (i) Mayor
- (ii) Members of Council in ward number order

##### **Inaugural Address by the Mayor**

##### **Passing of Confirmatory By-Law**

#### 4.8 Regular Meetings of Council – Schedule

Following the Inaugural Meeting, Regular Meetings of Council will be held at 7:00 p.m., local time, twice per month on Mondays as per the schedule approved by Council Resolution or By-law.

#### 4.9 Regular Meetings of Council – July, August, and December

During the months of July, August and December in each year, there will be one Regular Meeting of Council per month to be held at a time designated by Council by resolution or By-law to accommodate the Ad Hoc Budget Committee Meeting schedule and the summer holiday season.

#### 4.10 Regular Meetings of Council – Election Year

During the year of a regular election, there will be no scheduled Council Meetings for the month of September and October.

**4.11 Regular Meetings of Committees – Schedule**

- 4.11.1 Regular Meetings of Committees will be held in accordance with the schedule as determined by the Committee’s Terms of Reference and such schedule will be posted on the Township’s website.
- 4.11.2 Committee Meetings will be held at the time as indicated in the Notice of the Meeting.
- 4.11.3 Changes to the Committee Meeting Schedule will be posted on the Township’s website as soon as possible after the change to the Schedule is made but at least 24 hours before the affected Meeting is due to take place.

**4.12 Regular Meetings of Council – Religious Holidays**

Regular Meetings of Council will not be held on religious days which are celebrated by more than three (3) percent of the Township of Wilmot population as indicated in the latest Canadian Census.

**4.13 Regular Meetings of Council – Altering the Schedule**

Council may, by resolution or By-law, alter the time, day, or place of any Regular Meeting of Council.

**4.14 Regular Meetings – Notice (Agenda)**

- 4.14.1 The annual schedule of Regular Meetings of Council as adopted by Council or in accordance with the Committee’s Terms of Reference as appropriate will be posted on the Township’s website as soon as possible after being approved.
- 4.14.2 The Agenda will be considered the Notice of a Meeting and all items listed on the Agenda will be the only items considered at that Meeting unless otherwise indicated or dispensed with differently by the Members during the Meeting in accordance with this Procedural By-law.
- 4.14.3 The Clerk/Committee Administrator will ensure the Agenda is available to the Members and the Chief Administrative Officer, staff, the public and the media as appropriate not later than three (3) Business Days before the holding of such Regular Meeting.

**4.15 Regular Meetings – Late Additions**

- 4.15.1 Late addition reports, associated materials, and By-laws for an already-published Agenda must be approved by the Chief Administrative Officer in the case of Council Meetings or the Department Head responsible for the Committee in the case of Committee Meetings; and must be submitted in writing to the Clerk/Committee Administrator not later than 4 (four) hours in advance of the Meeting.
- 4.15.2 Only reports and associated materials or By-laws that are time sensitive or deemed necessary by the Chief Administrative Officer for Council Meetings, or Department Head responsible for the Committee, to be included on an Agenda that is already published will be accepted as late additions to the Agenda.
- 4.15.3 When a report and associated materials or By-laws are included as late additions on an Agenda, the Clerk/Committee Administrator will list the item(s) being added to the Agenda under “Additions to the Agenda” and the added item(s) will be placed under the appropriate heading of the Agenda in the order deemed appropriate by the Clerk/Committee Administrator.
- 4.15.4 When an Agenda has been revised as indicated in Section 4.13, the Clerk/Committee Administrator will ensure the Members, the Chief Administrative Officer, and staff are informed via email, the Township’s website and social media channels as appropriate that the Agenda has been revised and is available on the website, and also make the item available for pick-up if hardcopies have been requested.

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4.15.4 Late addition reports and associated documents will not be permitted for any Public Meeting held or for any By-law for which advance notice is required.

### **4.16 Special Meetings – Notice (Agenda)**

4.16.1 In addition to Regular Meetings, Special Meetings of Council or Committees may be held at the call of the Mayor/Chair to the Clerk/Committee Administrator or stating the date, time, place, and purpose of such Special Meeting.

4.16.2 The Agenda will be considered the Notice of a Special Meeting and will state the date, time, place, and purpose of the Special Meeting and only the item(s) listed on the Agenda will be considered at that Meeting.

4.16.3 The Agenda for a Special Meeting will be provided a minimum of twenty-four (24) hours in advance of the hour for that Special Meeting via the publication of the Agenda on the Township's website.

4.16.4 The Members, the Chief Administrative Officer, staff, the public, and the media will be notified of the publication of the Agenda for a Special Meeting via one or more of the following means as appropriate and available: a telephone call, voicemail message, email, electronic message, the Township's website, and social media channels.

4.16.5 Where the Mayor/Chair has not called a Special Meeting, but the Clerk/Committee Administrator has received a petition from the majority of the remaining Members, the Clerk/Committee Administrator will summon the Members to a Special Meeting by stating the date, time, place, and purpose of the Special Meeting as stated in the petition.

4.16.6 The Clerk/Committee Administrator may provide the Agenda of the Special Meeting at the Special Meeting or via the most expedient means possible where time constraints do not allow the Agenda to be provided at least 24 hours in advance of the hour for that Special Meeting.

4.16.7 Notwithstanding Section 4.16.6, the Agenda for the Special Meeting will still be published on the Township's website as soon as it is available to do so.

4.16.8 Notwithstanding Sections 4.16.1 and 4.20.1, for Special Council Meetings the Clerk may adjust the order of business on the agenda and dispense with any one or more agenda items with the exception of items (i), (iv), (vi), (vii), (xvii), (xix) and (xx). The Clerk may dispense with any one of the following agenda items if there is no Closed Session scheduled for the Council Meeting (ii) (iii) (xviii)

### **4.17 Emergency Meetings**

4.17.1 Notwithstanding any other provision of this By-law, an Emergency Meeting may be held without notice, to deal with an emergency or extraordinary situation provided that an attempt has been made by the Clerk/Committee Administrator to notify the Members about the Emergency Meeting as soon as possible and in the most expedient manner available.

4.17.2 No business except business dealing with the emergency or extraordinary situation will be transacted at the Emergency Meeting.

### **4.18 Rescheduling and Cancellation of Meetings**

When it is deemed advisable, the Mayor/Chair is authorized to change the date and/or time of, or cancel a Meeting, subject to the agreement of the majority of the Members having been polled by the Clerk/Committee Administrator, provided that a minimum of three (3) Business Days' notice is given of the change of date of the Meeting. The Township website will be updated if the date and/or time of the Meeting is changed or if the Meeting is cancelled.

#### 4.19 Notice (Agenda) – Validity if Notice Not Received

Lack of receipt of any Notice (Agenda) of a Meeting will not affect the validity of the Meeting, or any action lawfully taken thereat.

#### 4.20 Order of Proceedings

4.20.1 The order of proceedings for Council Meetings (Regular and Special) are as follows:

- (i) Call to Order
- (ii) Closed Session
- (iii) Reconvene Into Open Session
- (iv) Territorial Land Acknowledgement
- (v) Additions to the Agenda
- (vi) Adoption of the Agenda
- (vii) Disclosure of Pecuniary Interest Under the Municipal Conflict of Interest Act
- (viii) Minutes of Previous Meeting(s)
- (ix) Public Meetings
- (x) Presentations
- (xi) Delegations
- (xii) Correspondence
- (xiii) Consent Agenda
- (xiv) Reports
- (xv) By-laws
- (xvi) Notices of Motion
- (xvii) Announcements
- (xviii) Business Arising from Closed Session
- (xix) Confirmatory By-law
- (xx) Adjournment

4.20.2 The order of proceedings for Committee Meetings not including Quasi-judicial Committee Meetings are as follows:

**Call to Order**

**Territorial Land Acknowledgement**

**Additions to the Agenda**

**Adoption of the Agenda**

**Disclosure of Pecuniary Interest Under the Municipal Conflict of Interest Act**

**Minutes of Previous Meeting(s)**

**Presentations**

**Delegations**

**Correspondence**

**Reports**

**Announcements**

**Adjournment**

4.20.3 Notwithstanding Section 4. 20.1, for Special Council Meetings the Clerk may adjust the order of business on the agenda and dispense with any one or more agenda items with the exception of items (i), (iv), (vi), (vii), (xvii), (xix) and (xx). The Clerk may dispense with any one of the following agenda items if there is no Closed Session scheduled for the Council Meeting (ii) (iii) (xviii)

4.20.4 The Mayor/Chair may, with the approval of two-thirds of the Members present, vary the order of business to expediently deal with matters before Council/Committee where deemed practical or necessary.

#### 4.21 Territorial Land Acknowledgement

4.21.1 The Territorial Land Acknowledgement, as approved by Resolution of Council, will be read at the beginning of every Council and Committee Meeting. The Members will read the Territorial Land Acknowledgement on a rotating basis starting with the Ward Councillor for Ward One (1) in the case of Council Meetings or the Chair in the case of Committee Meetings. Any Member can decline to read the Territorial Land Acknowledgement and may do so without providing any explanation.

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4.21.2 The Territorial Land Acknowledgement may be read at official functions of the Township or other community events at the discretion of the organizer.

4.21.2 Any amendments to the Territorial Land Acknowledgement shall be considered in conjunction with engagement with the Township's Indigenous Community.

### **4.22 Disclosures of Pecuniary Interest**

4.22.1 It will be the responsibility of each individual Member to determine if a conflict exists for any item listed on the Agenda and to disclose any such conflict of interest and the nature thereof in accordance with the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, during the Meeting.

4.22.2 Every disclosure of pecuniary interest and the general nature thereof made at a Meeting will be recorded in the Minutes of the Meeting by the Clerk.

4.22.3 Where the Mayor/Chair declares a conflict of interest for an item on the Agenda, the Acting Mayor or Vice-chair as appropriate will assume the role of chair for the duration of discussion and voting for said item. Upon conclusion of the item, the Mayor/Chair will resume the chair position.

### **4.23 Consent Agenda – Council**

4.23.1 In preparing the Agenda for Council Meetings, the Chief Administrative Officer or the Clerk, may identify items to place under the heading "Consent Agenda".

4.23.2 All the items listed under Consent Agenda may be considered by Council in one Motion rather than as separate items unless a Member specifically requests that an item or items be treated separately.

4.23.3 Any Member of Council or staff member may, before the Consent Agenda is voted on, add to or remove items from the Consent Agenda to be dealt with separately. Any item removed from the Consent Agenda will be disposed of immediately following the Consent Agenda.

4.23.4 In the event a Member of Council declares a conflict of interest on an item included in the Consent Agenda, that item will be removed from the Consent Agenda and dealt with separately.

4.23.5 Members of Council may ask clarifying questions for any item on the Consent Agenda without removing it from the Consent Agenda. Questions of a substantive nature may require the item to be removed from the Consent Agenda. The Mayor may interrupt questions and declare the item will be removed from the Consent Agenda.

4.23.6 The Consent Agenda may include reports of a general nature, but is not limited to the following routine items:

- (i) Meeting Minutes, other than those of Open Regular or Special, or Closed Session Council Meetings;
- (ii) Staff appointments;
- (iii) Committee appointments;
- (iv) Legislative reports by statutory officers of the municipality;
- (v) Reports provided for information only; and,
- (vi) Awards of tenders.

### **4.24 Correspondence – General**

4.24.1 The following types of communications including emails will be listed under "Correspondence" on the Agenda:

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- (i) Correspondence from individuals, organizations, institutions, businesses, other municipal governments or other levels of government addressed to Council/Committee as a whole as general information that does not relate to any matter listed on the Agenda;
  - (ii) Resolutions from other municipalities addressed to Council. Such resolutions will be posted on the “Municipal Resolutions and Correspondence” webpage and Members of Council and the Corporate Leadership Team will be notified as new content is added to that webpage;
  - (iii) Resolutions from other municipalities in support of a resolution passed by the Township’s Council;
- 4.24.2 Communications that will not be listed under “Correspondence” on the Agenda include:
- (i) Correspondence, written submissions, presentations, speaking notes regarding matters listed on the Agenda. Such communication will be included with the Agenda item to which it relates or the Minutes of the Meeting subject to submission deadlines;
  - (iii) Communications directed to staff and/or only a portion of Council;
  - (iv) Communications regarding issues, complaints, concerns with respect to Township services, operations, projects, staff, Council. Such communication will be directed to the appropriate party (e.g., department head, Council member, Integrity Commissioner, etc.) to address.
- 4.24.3 Every communication designed to be presented to Council will be legibly written or printed and will not contain any impertinent or improper language and will be signed by at least one person and filed with the Clerk.
- 4.24.4 Communications listed under Correspondence are for information only.
- 4.25 Correspondence – Petitions for Council**
- 4.25.1 Any person who files a petition for Council’s consideration must include their name and contact information on the petition. Unanimous letters will not be permitted on a Council Agenda.
- 4.25.2 Any person who signs a petition must be made aware by the person filing the petition that all petitions are considered to be public documents and so all information they supply in the petition including but not limited to their name, signature, and contact information will be made available to the public including being published on the Township’s website unless the petition is withdrawn by the person submitting it. No information on the petition will be redacted from the petition before being made public.
- 4.25.3 Only the individual submitting the petition may be permitted to amend or withdraw the petition and may do so only if the petition has not yet been published as part of the Agenda or the Minutes as the case may be.
- 4.25.4 Every petition must indicate the topic of the petition and must be submitted to the Clerk not less than five (5) Business Days before the date of the Council Meeting for inclusion in the Agenda of a Council Meeting, subject to the following:
- (i) Petitions containing profanity, hate speech, pornography, or content of a violent and/or sexual nature will be rejected;
  - (ii) Petitions containing negative allegations or comments towards members of the public will be returned to the submitter and not permitted; and,
  - (iii) Petitions containing criticisms of a personal nature against Members or staff will be returned to the submitter and not permitted.

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- 4.25.5 Petitions submitted less than five (5) Business Days before the date of the Council Meeting will not be included in the Agenda of the Meeting but will be attached to the Minutes of that Meeting.
- 4.25.6 Every petition received will be circulated to the Department Head responsible for the general service area the petition pertains to, or their designate and may arrange contact with the person who filed the petition to discuss the matter before the petition is added to the Agenda if sufficient time is available to do so. After discussions with the Department Head, their designate, or the Chief Administrative Officer have concluded, the person who filed the petition may contact the Clerk to withdraw the petition if the Agenda has not already been published.

### **4.26 Announcements**

Members may make any special event announcements or report on community activities.

### **4.27 Confirmatory By-law – Council Meetings**

The Clerk will include a By-law at the end of each Council Meeting for a first, second, and third reading to confirm all decisions and proceedings of the Meeting and to confirm that Council complied with the legal requirement that it acted by By-law.

**PART 5**

**CLOSED MEETINGS**

**5.1 Open Meeting Requirement**

All reasonable efforts on the part of the Members and staff will be made to keep Meetings open to the public unless closure is specifically authorized under the *Municipal Act, 2001*, and it is deemed necessary and appropriate. No person will be excluded except for improper conduct, or if a Declaration of Pecuniary Interest has been made for an item, and as otherwise provided for in this By-law.

**5.2 Closed Meeting Notice**

5.2.1 Closed Meetings and parts of Open Meetings that are closed, may be held as deemed necessary by the Mayor/Chair in consultation with the Clerk/Committee Administrator. Such Closed Meetings may only be closed to the public in accordance with the requirements of the *Municipal Act, 2001*.

5.2.2 Notice of Closed Meetings will take place via a Resolution passed by at least a Majority of the Members present in an Open Meeting to go into a Closed Meeting. The resolution will state the following:

- (i) That a Closed Meeting will be held;
- (ii) The time and place where the Closed Meeting will be held;
- (iii) The general nature of each matter to be considered at the Closed Meeting; and,
- (iv) The Open Meeting exemption(s) which permit each matter to be considered in the Closed Meeting.

**5.3 Attendance in Closed Meetings and Disclosure of Materials**

5.3.1 Any reports, presentations, correspondence, discussion, or other communications included as part of a Closed Meeting will not be disclosed to any person who is not in attendance at the Closed Meeting for each particular item.

5.3.2 The Clerk will attend all Closed Meetings of Council. Where the CAO has determined it is not appropriate for the Clerk to be in attendance for an item, the Clerk must delegate their authority in writing and in advance of the Meeting to the CAO or other as authorized by the CAO.

**5.4 Confidentiality of Closed Meeting Proceedings**

5.4.1 Any Member who breaches the confidentiality of a Closed Meeting may be subject to an investigation under the Code of Conduct for Members.

5.4.2 Any member of staff who breaches confidentiality of a Closed Meeting may be subject to disciplinary action consistent with HR Policy 002.

**5.5 Closed Meeting Procedure – Modifications**

The Procedural By-law will be observed in Closed Meetings, with the necessary modifications, except that:

- (i) A member will not speak more than once to a Motion until every member who desires to speak has spoken once;
- (ii) The number of times to speak on any Motion will not be limited; and,
- (iii) Recorded votes are not permitted in Closed Meetings.

## **5.6 Closed During a Vote – Exception**

A Meeting or part of a Meeting will not be closed to the public during the taking of a vote unless:

- (i) Provisions of the *Municipal Act, 2001*, applies; and,
- (ii) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or Local Board or persons retained by or under contract with the Township or Local Board.

## **5.7 Closed Meeting Agendas**

- 5.7.1 Agendas for Closed Meetings will be circulated to Members no later than 3 (three) Business Days before the holding of the Meeting. If Closed Meeting Agendas and reports are circulated by hardcopy, the Clerk/Committee Administrator will collect all the materials for destruction at the adjournment of the Closed Meeting.
- 5.7.2 Electronic distribution of a Closed Meeting Agenda may be permitted through a secure means provided the confidentiality of the Closed Meeting materials can be maintained.
- 5.7.3 In preparing the Agenda, the Clerk/Committee Administrator will identify the most amount of detail possible to allow for Members to consult with the Integrity Commissioner with respect to identifying a potential conflict of interest.
- 5.7.4 The public titles for Closed Meeting Agenda items will balance the requirements of openness and transparency with the need to maintain the confidentiality of the items listed on the Closed Meeting Agenda.

## **5.8 Closed Meeting Minutes**

- 5.8.1 Minutes of all or part of a Closed Meeting will be recorded by the Clerk/Committee Administrator, approved by the Members at the following Open Meeting of Council/Committee as appropriate, and will be retained in confidence by the Clerk/Committee Administrator and such Minutes will not be open to inspection by any member of the public unless the Majority of the Members waive privilege or as required by law or court proceeding.
- 5.8.2 Minutes of all or part of a Closed Meeting will only be made available to the whole of the Members and the Chief Administrative Officer, and those staff or their designate who were in attendance for their individual item. Minutes of Closed Meetings may be disclosed to new Township staff at the written approval and direction of the Chief Administrative Officer.
- 5.8.3 The Clerk/Committee Administrator, in making the Minutes will not record any personal information as defined in the *Municipal Freedom of Information and Protection to Privacy Act*, R.S.O. 1990, c. M.56.

**PART 6**

**PRESENTATIONS, DELEGATIONS AND WRITTEN SUBMISSIONS**

**6.1 General Provisions**

- 6.1.1 Requests to appear before Council/Committee to make a Presentation as per Section 6.2 or be a Delegation as per Section 6.3 must contact the appropriate Clerk/Committee Administrator.
- 6.1.2 All audio-visual materials associated with a Presentation, or a Delegation must be submitted to the Clerk/Committee Administrator as appropriate according to the provisions of Sections 6.2 and 6.3.
- 6.1.3 The Clerk or the Chief Administrative Officer reserves the right to determine what is acceptable or unacceptable materials as per Sections 6.2 and 6.3.
- 6.1.4 Where any provisions or regulations of or under any Act in relation to Presentations, Delegations, Applicants/Agents or Written Submissions contradict any of the provisions of this By-law, the provisions of that Act will prevail.

**6.2 Presentations**

- 6.2.1 Presentations shall be restricted to the following:
  - (i) Presentations made by Council/Committee to recognize the contributions, achievements or awards of individuals or organizations;
  - (ii) Presentations made to Council/Committee by individuals or organizations at the invitation of Council/Committee;
  - (iii) Presentations made to Council by a Committee, Local Board, local organization, registered charity, or Township-affiliated agency or organization;
  - (iv) Presentations from senior levels of government or other municipal governments; and,
  - (v) Presentations by consultants retained by the Township providing information related to municipal operations that are not accompanied by a staff report.

Presentations are not permitted for commercial business purposes and do not include Delegations for Agenda items.

- 6.2.2 Any person making a Presentation to Council/Committee in accordance with Section 6.2 are subject to the following provisions:
  - (i) Must have received prior approval by the Chief Administrative Officer or Clerk to appear before Council or Department Head to appear before a Committee;
  - (ii) Must contact the Clerk/Committee Administrator in writing and indicate how they wish to be a presenter as per Section 4.2.4 of this By-law; and,
  - (iii) Will be limited to speaking not more than ten (10) minutes.
- 6.2.3 Audio-visual materials associated with Presentations may include, but are not limited to, audio recordings, slideshows, photos, videos and handouts but does not include the presenter's speaking notes.
- 6.2.4 All audio-visual materials associated with Presentations are subject to the following:
  - (i) Will be attached to the Agenda and heard or shown at the Meeting if received no less than five (5) Business Days prior to the date of the Meeting;
  - (ii) Will not be attached to the Agenda but will be heard or shown at the Meeting and attached to the Minutes if received less than five (5) Business Days but

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not less than one (1) Business Day prior to the date of the Meeting;

- (iii) Will not be attached to the Agenda and will not be heard or shown at the Meeting but will be attached to the Minutes if received less than one (1) Business Day prior to the date of the Meeting;
- (iv) Will be rejected and not permitted to be re-submitted if contains profanity, hate speech, pornography, or content of a violent and/or sexual nature; and,
- (v) Will be returned to the submitter to remove inappropriate content such as negative allegations or comments towards members of the public, and/or criticisms of a personal nature against any Member or staff, and/or personal information about identifiable individuals as per the Municipal Freedom of Information and Protection of Privacy Act and must be resubmitted not less than three (3) Business Days prior to the date of the Meeting.

6.2.5 Revised materials for Presentations previously submitted will not be accepted if received less than five (5) Business Days prior to the date of the Meeting unless subject to Section 6.2.4 (v).

### **6.3 Delegations**

6.3.1 Delegations may only register to speak to the following agenda items:

- (i) staff reports;
- (ii) informal and formal public meetings;
- (iii) consideration of notice of motion provided by members of Council; and,
- (iv) By-laws

6.3.2 Notwithstanding Section 6.3.1., no delegation shall appear before Council on a matter that is not on the agenda if the matter is one which:

- (i) is eligible for resolution under any process for formal complaints or appeals, or for requesting compensation, where such processes have been established by the Township of Wilmot, unless and until all municipal proceedings of such a process have been completed;
- (ii) is related to an employment matter;
- (iii) is undergoing judicial or court process or litigation to which the delegation is a party to the proceeding;
- (iv) has already been the subject of consideration by Council, if a decision on the matter by Council was reached within the last six months.

6.3.3 Notwithstanding this provision, in emergency situations, Council by affirmative vote of a Majority of its members present at a regular Council Meeting, may agree to hear a delegation on any matter provided the presentation material is in writing and available whenever possible for distribution to Council prior to the commencement of the said Meeting.

6.3.4 That where Council has passed a motion to permit a delegation to speak to a matter that is not on a Meeting agenda, members of Council shall not be permitted to ask questions of that delegation.

6.3.5 Delegations are subject to the following provisions:

- (i) Are only permitted for matters listed on the Agenda;

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- (ii) Must contact the Clerk's Office for Council Meetings or the Committee Administrator for Committee Meetings in writing and indicate the means by which they wish to be a delegation as per Section 4.2.5 of this By-law;
  - (iii) Members may ask questions of delegates. There shall be no debate between Members and delegates.
  - (iv) Are limited to speaking not more than seven (7) minutes not including responding to questions from Members, if any;
  - (v) Delegations consisting of seven (7) or more persons may be permitted to have two (2) spokespersons address Council, in which case each such spokesperson will be limited to speaking for not more than seven (7) minutes each; and,
  - (vi) Where more than twenty (20) or more delegates register for an Agenda Item, Council may by vote Majority vote, limit the speaking time for delegations for that specific item to three (3) minutes.
  - (vii) Are permitted to speak only once on an Agenda item per Meeting unless the speaker is presenting new information to Council.
- 6.3.6 During in-person Meetings, no member of the public will be allowed to approach the Members, Township staff, or the podium once a Meeting has been called to order without the permission of the Mayor/Chair.
- 6.3.7 Registration to participate in person will be accepted up to the time the Meeting is convened.
- 6.3.8 Registration to participate electronically will be accepted up to noon on the day of the Meeting, and Delegations must provide their email address and telephone number to enable Township staff to facilitate such participation.
- 6.3.9 Delegations who are Applicants or Agents for Applicants (Agent) will be limited to speaking for not more than ten (10) minutes and may elect to address Council before any Delegation if they so request.
- 6.3.10 Audio-visual materials submitted by a Delegation or Applicant/Agent may include, but are not limited to, audio recordings, slideshows, photos, videos and handouts but does not include the presenter's speaking notes.
- 6.3.11 All audio-visual materials associated with Delegations are subject to the following:
- (i) Will be attached to the Agenda and will be heard or shown at the Meeting if received no less than five (5) Business Days before the date of the Meeting;
  - (ii) Will not be attached to the Agenda but will be heard or shown at the Meeting and attached to the Minutes if received less than five (5) Business Days but not less than one (1) Business Day prior to the date of the Meeting;
  - (iii) Will not be attached to the Agenda and will not be heard or shown at the Meeting but will be attached to the Minutes if received less than one (1) Business Day in prior to the date of the Meeting;
  - (iv) Will be rejected if contains profanity, hate speech, pornography, or content of a violent and/or sexual nature; and,
  - (v) Will be returned to the submitter to remove inappropriate content such as negative allegations or comments towards members of the public, copyrighted material, and/or criticisms of a personal nature against any Member or staff, and/or personal information about identifiable individuals as per the Municipal Freedom of Information and Protection of Privacy Act and must be resubmitted not less than three (3) Business Days prior to the date of the Meeting in order to be shown at the Meeting.

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- 6.3.12 Revised materials for Delegations previously submitted will not be accepted if received less than five (5) Business Days prior to the date of the Meeting unless subject to Section 6.3.11 (v).
- 6.3.13 Delegations who have not yet addressed Council on a matter may do so even though the matter has been considered at a previous Meeting.
- 6.3.14 Delegations who have addressed a matter at a Committee Meeting may address Council on the same matter at a Council Meeting.
- 6.3.15 Requests to speak on matters not listed on the Agenda will be directed to the appropriate staff and Meeting when the matter will be considered by Council.

### **6.4 Written Submissions**

- 6.4.1 Members of the public may submit Written Comments regarding any item on the Agenda that is not listed as a Public Meeting item, subject to the following:
  - (i) Will be attached to the Agenda if received not less than five (5) Business Days before the date of the Meeting;
  - (ii) Will not be attached to the Agenda but will be attached to the Minutes if received less than five (5) Business Days, but not less than four (4) hours prior to the commencement of the Meeting;
  - (iii) Will be rejected if contains profanity, hate speech, pornography, or content of a violent and/or sexual nature; and,
  - (iv) Will be returned to the submitter to remove inappropriate content such as negative allegations or comments towards members of the public, and/or criticisms of a personal nature against any Member or staff, and/or personal information about identifiable individuals as per the Municipal Freedom of Information and Protection of Privacy Act and must be resubmitted before the commencement of the Meeting to be attached to the Minutes.
- 6.4.2 Members of the public may submit Written Comments regarding any Public Meeting item listed on the Council Agenda, subject to the following:
  - (i) Will be included as part of the Staff Report for the Council Agenda if received by the due date stipulated in the Notice of Public Meeting circulated to affected property owners;
  - (ii) Will be included in a subsequent Staff Report, if any, for the Council Agenda if not received in time for the Staff Report as per Section 6.4.2 (i); and,
  - (iii) Will not be accepted once Council has made a decision on the item.

**PART 7**

**RULES OF DEBATE**

**7.1 Commencement of Debate**

A Motion/Question must be first moved and seconded and then stated by the Mayor/Chair before debate can commence.

**7.2 Raising of Hand**

Any Member who desires to speak will so indicate by raising their hand and, upon being recognized by the Mayor/Chair, will address the Mayor/Chair by stating “Through you, Mayor/Chair (surname)...” or “Through you, Mr./Madam Mayor/Chair...”

**7.3 Simultaneous Raising of Hands – Recognition**

When two (2) or more Members raise their hands to speak the Mayor/Chair will recognize the Member who raised their hand first.

**7.4 Mayor/Chair – Permitted to Debate**

The Mayor/Chair may debate a Motion/Question and state their position on any matter without leaving the chair but only after all other Members have spoken first.

**7.5 Mayor/Chair – Address Between Proceedings**

The Mayor/Chair may, without leaving the chair, address Council/Committee between proceedings on any matter pertinent to the business of the Township.

**7.6 Speaking – No Interruption**

7.6.1 When a Member is speaking no other Member will pass a note between them and/or to the Mayor/Chair or interrupt the Member who is speaking except to raise a Point of Order or Point of Privilege.

7.6.2 A Member must raise their hand and wait to be recognized to raise a Point of Information.

**7.7 Speaking – General**

7.7.1 A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only through the Mayor/Chair.

7.7.2 Notwithstanding Section 7.7.1, a Member who has been recognized as the next speaker, may first ask a question through the Mayor/Chair on the matter under discussion for the purpose of obtaining information, following which the Member may then speak.

7.7.3 When a Member is speaking to a Motion/Question, they will confine their remarks to that Motion/Question.

**7.8 Speaking Order**

7.8.1 The Mayor/Chair will determine, by order of hands raised, and administer the speaking order for Members.

7.8.2 If requested, the Mover or Secunder of a Motion/Question, has the right to be the last Member to speak on that Motion/Question.

**PART 8**

**CONDUCT IN MEETINGS**

**8.1 Meeting Decorum – All Persons Present**

8.1.1 All persons present in a Meeting will conduct themselves with decorum and in accordance with this By-law and Code of Conduct as appropriate. Accordingly, no one present in a Meeting will:

- (i) Speak disrespectfully of anyone present or not present in the Meeting including but not limited to the Reigning Sovereign, the Governor General, the Lieutenant Governor of any province, or any person administering the Government of Canada or this Province;
- (ii) Use offensive words or discriminatory language in a Meeting or against the Council or against any Member or Township staff;
- (iii) Speak on any subject other than the subject in debate or the subject for which they have received approval to address Council/Committee;
- (iv) Criticize any decision of Council/Committee except to provide Notice for a Motion to Reconsider in accordance with the provisions of Part 11;
- (v) Interrupt, speak-over, or continue to speak when advised by the Mayor/Chair to desist, or otherwise disrupt the proceedings of the Meeting or the ability of Council/Committee or staff to conduct business;
- (vi) Disobey this By-law, Code of Conduct, other rules of Council/Committee, or a decision of the Mayor/Chair or of Council/Committee on points of order;
- (vii) Make any charge or allegation against a Member unless such Member is present to reply or notice has been given to such Member to be present to offer a defence;
- (viii) Question a Member or staff that contains imputations, epithets, ironical expressions, or hypothetical cases, nor refer to debates or answers to questions in the same Meeting;
- (ix) Ask a question which publishes the names of persons or contains statements not strictly necessary to render the question intelligible, or contain charges which the Member who asks the question is not prepared to substantiate;
- (x) Ask a question seeking the solution of an abstract legal case;
- (xi) Ask a question as a pretext for a debate when out of order; or,
- (xii) Ask a question that has already been fully answered.

**8.2 Breach of Conduct**

8.2.1 A Member who has been called to order by the Mayor/Chair for breach of this By-law or the Code of Conduct must defer at once to the decision of the Mayor/Chair, make an apology, and immediately withdraw the offensive or improper language that was used or desist with the improper conduct.

8.2.2 If the Member who has been called to order refuses to apologize, withdraw the offensive or improper language and/or persists with improper conduct, the Mayor/Chair will put a Motion/Question with no amendment, adjournment, or debate for a vote to the remaining Members "That such Member be ordered to leave their seat for the duration of the Meeting". If two-thirds of the remaining Members vote in the affirmative, the Member called to order will leave the Meeting.

8.2.3 Staff, delegations, members of the public and media who have been called to order by the Mayor/Chair will be immediately removed from the Meeting for failure to

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comply with the decision of the Mayor/Chair. The Mayor/Chair need not put the removal to the Members for a vote.

- 8.2.4 All Code of Conduct inquiries and formal requests for investigations will be referred to the Township's Integrity Commissioner in accordance with the Code of Conduct.

**PART 9**

**MOTIONS**

**9.1 Ruled Out of Order**

- 9.1.1 A Motion in respect of a matter which is *ultra vires* the jurisdiction of Council/Committee will not be in order.
- 9.1.2 Whenever the Mayor/Chair is of the opinion that a Motion is contrary to the Procedural By-law, the Mayor/Chair will rule the Motion out of order.

**9.2 Moved and Seconded**

- 9.2.1 All Motions must be moved and seconded before being stated by the Mayor/Chair.
- 9.2.2 Moving and seconding a Motion by Members does not constitute agreement or being in favour with the Motion/Question or any part thereof and does not bind the Mover and Seconder to vote in the affirmative for that Motion.

**9.3 Stating the Motion**

After a Motion has been moved and seconded by a Member, it must then be stated by the Mayor/Chair either by being read or displayed at the discretion of the Mayor/Chair before it can be debated. Motions printed on the Agenda do not need to be read aloud by the Mayor/Chair.

**9.4 In Writing**

A Motion must be presented in writing unless it is a procedural Motion which is permitted to be introduced orally as per Section 9.8.

**9.5 Voting**

- 9.5.1 After debate on the Motion/Question has concluded, the Mayor/Chair must Put the Question before a vote can be taken. Once the vote has concluded, the Motion/Question will be recorded in the Minutes with the result of the Vote.
- 9.5.2 All Motions/Questions require a Majority vote of the Members present to carry unless otherwise indicated in this By-law.

**9.6 Disposition**

A Motion/Question properly before Council/Committee for consideration/decision must receive disposition before any other Motion/Question can be received except procedural Motions in respect of matters listed in Section 9.8 of this By-law or Motions to Amend a Motion/Question.

**9.7 Order of Consideration**

A Motion/Question called in the order in which it stands on the Agenda of the routine of business of a Meeting and which is not decided by Council/Committee, will stand retaining its precedence on the Agenda of the routine of business for the next Regular Council Meeting.

**9.8 Procedural Motions**

- 9.8.1 Procedural Motions listed in this section will be considered immediately upon receipt and will have precedence over any Motion/Question. Procedural Motions are debatable and/or amendable as indicated:

Item #	Procedural Motion Name	Debatable	Amendable
(i)	Points of Information, Order or Privilege	No	No
(ii)	Call the Question	No	No
(iii)	Refer	To Whom and Time	Yes
(iv)	Postpone or Defer to a Day Certain	Time only	Yes
(v)	Postpone or Defer Indefinitely	Yes	No
(vi)	Lay on the Table	No	No
(vii)	Lift off the Table	No	No
(viii)	Waive Notice	No	No
(ix)	Extend the Time of the Meeting	No	No
(x)	Recess	Yes	Yes
(xi)	Suspend the Procedural By-law	No	No
(xii)	Adjourn	No	No

**9.9 Points of Information, Order and Privilege**

- 9.9.1 The Mayor/Chair will preserve order and decide on Points of Information, Points of Order, and Points of Privilege.
- 9.9.2 When settled, the Motion/Question that was interrupted by the Point of Information, Order or Privilege will be resumed at the point where it was suspended in order to consider the Point of Information, Order or Privilege.
- 9.9.3 When a Point of Information, Point of Order, or Point of Privilege is raised or when a person present is called to order by the Mayor/Chair, the person speaking will immediately cease until the Point of Information has been addressed or the Mayor/Chair has ruled on the Point of Order or Point of Privilege as the case may be and may further address the Members only for the purpose of appealing to the Council/Committee from such decision.
- 9.9.4 When a Member considers their integrity, or that of Council/Committee as a whole, staff, or the public has been questioned, they may, as a Point of Privilege, at any time, with the consent of the Mayor/Chair, draw the matter to the attention of Council/Committee.
- 9.9.5 The Mayor/Chair, in giving their decision regarding a Point of Order or Point of Privilege, should cite the rule or law governing the case. The Mayor/Chair may ask for the assistance of the Clerk or Council in deciding the matter but the Mayor/Chair’s decision will be final if there is no appeal.
- 9.9.6 If the decision of the Mayor/Chair is appealed by any Member, the Mayor/Chair will restate the point in issue and ruling thereon and, without further debate, will put the Question "Will the ruling of the Mayor/Chair be sustained?" The Mayor/Chair may vote on this Question and in the event of an equality of votes, the decision of the Mayor/Chair will be deemed to be sustained.

**9.10 Call the Question**

- 9.10.1 A Member may move for Council/Committee to vote immediately (i.e., Call the Question) during the debate, on a Motion/Question that has been moved, seconded and stated by the Mayor/Chair.

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### 9.10.2 A Motion to Call the Question:

- (i) Cannot be moved when there is an amendment under consideration for the Motion/Question being debated;
- (ii) Will preclude any further amendments of the Motion/Question;
- (iii) Cannot be called by a Member who has already debated the Motion/Question unless all Members have already commented on the Motion/Question;
- (iv) Cannot be called so as to interrupt a Member who is speaking;
- (v) Must be moved using the following words "Call the question";
- (vi) Must be voted on before considering the Motion/Question to which calling the question applies;
- (vii) Requires two-thirds of Members present voting in the affirmative to pass; and,
- (viii) When resolved in the affirmative, the Motion/Question to which calling the question applies is to be put forward for a vote without any further debate.

### **9.11 Refer, Postpone or Defer – to specific date**

9.11.1 A Motion to Refer a matter under discussion to Township staff or a Committee will preclude all amendments of the Motion/Question and any Motion to Postpone, Defer or Lay on the Table until the Motion to Refer is decided.

9.11.2 A Motion to Postpone or Defer to a specific date will have precedence over all other business on the date to which the Motion has been postponed or deferred.

### **9.12 Postpone or Defer Indefinitely**

9.12.1 A Motion to Postpone or Defer Indefinitely enables the Members to decline to vote on a Motion for the purpose of suppressing that Motion.

9.12.2 If a Member desires to have the Motion to which a Motion to Postpone or Defer Indefinitely was applied return to the floor at some future time, the Motion to Postpone or Defer Indefinitely would first need to be subject to a Motion to Reconsider as per Part 11 of this By-law.

### **9.13 Lay on the Table and Lift from the Table**

9.13.1 A Motion to Lay on the Table allows the Members to temporarily suspend consideration of the Motion/Question that is currently on the floor in order to deal with an urgent matter of business. It is not used in the place of a Motion to Postpone or Defer Indefinitely.

9.13.2 A Motion to Lift from the Table will bring the Motion that has been laid on the table back to the floor to resume consideration.

### **9.14 Waive Notice**

Any motion, except as indicated in Section 9.17.2 and any Motion to Amend or Repeal the Procedural By-law can only be introduced without notice if the Members, without debate, Waive Notice with the affirmative vote of at least two-thirds of the whole of Council.

### **9.15 Extend the Time of the Meeting**

The Mayor/Chair may request a Motion to Extend the Time of Meeting past 11:00 p.m. to midnight by obtaining a Mover and Seconder. Such Motion requires the unanimous consent of all Members present in the Meeting.

**9.16 Recess**

A Majority vote of the Members present is required to recess a Meeting, and the time of return will be announced by the Mayor/Chair.

**9.17 Suspend the Rules**

9.17.1 Any rules or procedures established by this By-law may be suspended during or for a particular Meeting, by a Motion to Suspend the Rules which must be moved and seconded and passed unanimously by the Members present.

9.17.2 Exceptions to 9.17.1 are:

- (i) Quorum requirement.
- (ii) Notice for an amendment or repeal of this By-law or any part of thereof; and,
- (iii) If prohibited by law.

**9.18 Adjournment**

9.18.1 A Motion to Adjourn may be made at any time by a Member who has the floor and provided such Motion is not made during the taking of a vote on any Motion/Question.

9.18.2 Where a Motion to Adjourn is duly moved, seconded, and carried, and there is any item of business or any By-law that is left undisposed of, such item of business or By-law may be considered at the appropriate place in the order of business at any subsequent Regular Meeting of Council/Committee.

9.18.3 Where a Motion to Adjourn is lost, no second Motion to the same effect may be made until after some intermediate proceeding has occurred during the Meeting.

9.18.4 On a Motion to Adjourn, no Member will leave their seat until the Mayor/Chair has declared the Meeting adjourned.

9.18.5 A Regular or Special Meeting of Council or Committee will adjourn at the hour of 11:00 p.m. if in session at that time and will reconvene at such other day and time as the Members may direct by resolution or in accordance with the pre-approved Meeting schedule.

9.18.6 If a Motion to Adjourn a Regular or Special Council Meeting is moved, seconded and carries prior to moving and seconding the Confirmatory By-law, the Confirmatory By-law for the current Meeting will be deferred to the next Regular Meeting of Council and handled separately from the Confirmatory By-law for that next Regular Meeting.

**9.19 Withdrawal of a Motion**

9.19.1 A motion may be withdrawn by the Mover without the agreement of the Seconder and without consent of Council/Committee up to the point the Motion is stated by the Mayor/Chair.

9.19.2 Once the Motion/Question has been stated by the Mayor/Chair, it is deemed to be in possession of Council/Committee and can only be withdrawn before the vote is taken if there are no objections from any Member. If there is an objection, the withdrawal will be granted with two-thirds of Members present voting in the affirmative.

**9.20 Notices of Motion**

9.20.1 A Notice of Motion is required for all Motions that a Member wishes to bring forward for consideration by Council/Committee except for procedural Motions listed in section 9.8 and Amendments to Motions.

9.20.2 A Notice of Motion will:

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- (i) Be in writing, which may include email and will be delivered to the Clerk/Committee Administrator at least five (5) Business Days preceding the date of the Regular Meeting at which the Motion is to be considered unless otherwise directed by the Member;
  - (ii) Be printed in full and unaltered on the Agenda for the Meeting at which the Motion will be considered; and,
  - (iii) Be dropped from the Agenda and considered withdrawn if it has been called by the Mayor/Chair in two successive Meetings and not proceeded with unless Council/Committee otherwise directs.
- 9.20.3 The right to move a Notice of Motion will be deemed to be that of the Member who introduced the Notice of Motion and must be seconded by another Member.
- 9.20.4 If the Mayor/Chair wishes to bring forward a Notice of Motion, the Mayor/Chair must relinquish the chair in order to move the Motion and will resume the chair position only after consideration of the Motion has concluded.
- 9.20.5 Members are expected to prepare their Notice of Motion in accordance with traditional parliamentary formatting and use traditional parliamentary language. Assistance with formatting or language may be sought from the Clerk or Committee Administrator as appropriate.
- 9.20.6 Members considering a Notice of Motion are strongly encouraged to speak with the Clerk, appropriate Department Head or the Chief Administrative Officer or Committee Administrator as appropriate as well as any stakeholders to seek assistance with content and to ensure the Notice of Motion is well-constructed, legal, accurate and clear, properly formatted, timed appropriately, and is the most efficient and effective means of dealing with the matter.
- 9.20.7 Review of the Notice of Motion by staff will not constitute support from staff on the content of the Motion.
- 9.20.8 “Whereas” clauses should be used only to provide background and context in order to assist Members with understanding the Motion.
- 9.21 Amendments to Motions**
- 9.21.1 Amendments to motions where permitted:
- (i) Shall be presented in writing unless it is agreed to be a Friendly Amendment;
  - (ii) Shall receive disposition of Council/Committee before the Motion is considered;
  - (iii) Shall be germane (i.e., relevant) to the Motion or an Amendment to the Motion being considered;
  - (iv) Shall not negate the Motion or an Amendment to the Motion;
  - (v) May propose a separate and distinct disposition of a Motion;
  - (vi) Shall be put in the reverse order in which the Amendments were moved if there are multiple Amendments; and,
  - (vii) Shall contain only one Amendment to the Motion and not more than one Amendment to an Amendment at one time unless the Amendment has been withdrawn or voted on and lost, in which case another Amendment may be made to the Motion but not to an Amendment. In the case of an Amendment to an Amendment, the Amendment to the Motion cannot be withdrawn until the Amendment to the Amendment has been withdrawn or voted on and lost.
- 9.21.2 An Amendment to a Motion which has been Referred, Postponed or Deferred Indefinitely or to a specific date, is not permitted.

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- 9.21.3 Friendly Amendments are not permitted in instances where the proposed Friendly Amendment represents a substantive change to the Motion or to an Amendment including adding a further clause(s) to the Motion.

## PART 10

### VOTING

#### **10.1 Putting the Question**

- 10.1.1 No Vote will be taken unless the Motion/Question has been moved and seconded, and the Mayor/Chair has Put the Question in the precise form in which it will be voted on and recorded in the Minutes.
- 10.1.2 When the Mayor/Chair calls for the Vote on a Motion/Question, each Member will occupy their seat until the result of the Vote has been declared by the Mayor/Chair. During the taking of the vote, no Member will walk across the room or speak to any other Member or make any noise or disturbance. A Member not in their seat is not entitled to Vote.
- 10.1.3 After a Motion/Question is Put by the Mayor/Chair, no Member will speak to the Motion/Question or will make any other Motion or Amendment to the Motion after the Vote is taken and the result has been declared.

#### **10.2 Qualification and Requirement to Vote**

- 10.2.1 Each Member has one Vote only and Votes are not weighted.
- 10.2.2 No Member will have precedence or seniority over any other Member except as may be provided for in the *Municipal Act, 2001*.
- 10.2.3 The Mayor/Chair does not need to relinquish the chair to vote on any Motion/Question.
- 10.2.4 Every Member present at a Meeting when a Motion/Question is Put or Called will vote unless prohibited by statute, in which case the reason for why the Member did not vote will be recorded in accordance with the statute.
- 10.2.5 Any Member who refuses to vote will be recorded as voting in the negative.

#### **10.3 Secret Ballot – Prohibited**

- 10.3.1 No Vote will be taken in a Meeting by any method of secret voting, and every Vote so taken will be of no effect.
- 10.3.2 Any Vote taken by ballot must be read aloud with the name of the Member and whether the Member has voted in favour of or opposition to the Motion/Question.
- 10.3.3 A Meeting will not be Closed to the public during the taking of a Vote, unless the vote relates to a procedural matter, or is in relation to providing direction to staff in accordance with the *Municipal Act, 2001*.
- 10.3.4 Despite Section 10.3.3, a Meeting may be Closed to the public during a Vote in accordance with Section 5.6 of this By-law.

#### **10.4 Tied Vote**

In the event of an equality of votes, the Motion/Question being voted on is deemed to be lost.

#### **10.5 Severability of the Question**

- 10.5.1 When two or more separate recommendations, propositions or clauses are embodied in one Motion/Question or in an Amendment to a Motion/Question, a Member may request or the Mayor/Chair may put each recommendation, proposition or clause separately, restricting debate to each proposition in its turn.
- 10.5.2 A Member not present before the result of the division on a Motion/Question is declared, will not be entitled to vote on that Motion/Question.

**10.6 Unrecorded Vote – Determining Method**

The manner of determining the decision of the Council/Committee on a Motion/Question is at the discretion of the Mayor/Chair and may be by voice, show of hands, standing or otherwise.

**10.7 Recorded Vote – Council Meetings**

10.7.1 Any Member of Council, before the taking of the Vote has begun, except a Member who is prohibited by statute to vote or has declared a pecuniary interest, may request that the Vote be recorded.

10.7.2 When a Recorded Vote is requested by a Member on any Motion/Question, the Mayor will ask the Clerk to proceed with taking a Recorded Vote. The Clerk will say each member's name in numerical order by Ward (than alphabetically if there is more than one Councillor in the Ward). The Councillor will verbally express their vote either in favour or against the motion. The Clerk will record the Vote and the name of each Member who voted in the Minutes and announce the decision.

10.7.3 When a Recorded Vote is taken, and no dissent is declared, such Vote is deemed to be Unanimous.

**10.8 Disputing a Vote**

If a Member disagrees with the announcement of the Mayor/Chair that a Motion/Question is carried or lost, the Member may, but only immediately after the declaration of the result of the Vote by the Mayor/Chair, object to the declaration and require a re-vote to be taken by the same means as the original Vote.

**PART 11**

**VOTE RECONSIDERATION**

**11.1 General Provisions**

- 11.1.1 A resolution, By-law or any Motion/Question, which has been adopted previously by Council/Committee may be reconsidered by the Members by bringing forward a Motion to Reconsider subject to the following:
- (i) The Motion to Reconsider is made in writing by a Member and has been introduced according to the procedure for a Notice of Motion;
  - (ii) The Motion to Reconsider cannot be applied to an affirmative vote where the provisions have been partly carried out or to any vote that has caused something to be done that is impossible to undo;
  - (iii) In the case of Committees, a Motion to Reconsider cannot be applied to any matter which has already been disposed of by Council;
  - (iv) Debate on a Motion to Reconsider must be confined to the reasons for or against the reconsideration;
  - (v) The Motion to Reconsider is passed by a two-thirds majority of the Members present and voting;
  - (vi) If the Motion to Reconsider is decided in the affirmative, the Motion to which the Motion to Reconsider applies will become the next order of business unless the Motion to Reconsider calls for consideration of the original Motion at a future date; and,
  - (viii) Debate on the Motion being reconsidered will proceed as though the original Motion had previously never been voted on.

**11.2 Reconsideration of Amendments to Motions**

A Motion to Reconsider an Amendment may not be submitted until after the original Motion to which the amendment was proposed has been reconsidered and disposed of in the affirmative by two-thirds of the Members present and voting.

**11.3 Limitations Per Term of Council/Committee**

A Motion to Reconsider the same Motion will not be permitted more than once during the term of Council/Committee.

**11.4 Reconsideration of By-laws**

When a By-law has been defeated at any stage of the order of procedure, it can be subject to a Motion to Reconsider and the foregoing rules will apply thereto, except that, when a Motion to Reconsider a By-law is carried by the required majority, a Motion that leave be given to introduce the said By-law will become the next order of business and, if this Motion is carried, the By-law will be dealt with in accordance with the usual order of procedure as if it had been first introduced at the Meeting during which the Motion to reconsider was voted on.

**PART 12**

**BY-LAWS – COUNCIL**

**12.1 General Provisions**

- 12.1.1 Copies of all By-laws to be considered by Council will be provided in the Agenda Package for the Meeting at which the By-laws will be considered.
- 12.1.2 All By-laws when introduced will be in type-written form, will contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act.
- 12.1.3 The Clerk will record on all By-laws enacted by Council, the date of the first, second and third reading.
- 12.1.4 Every By-law which has been enacted by Council will be:
- i) Numbered;
  - ii) Dated;
  - iii) Signed by the Mayor and the Clerk;
  - iv) Sealed with the seal of the Township; and,
  - v) Securely kept by the Clerk in compliance with the *Municipal Act, 2001* and the Township's Records Retention By-law.

**12.2 Reading of By-laws**

- 12.2.1 All By-laws, except as otherwise required by legislation, will be introduced and receive first, second and third reading by a single Motion in order to be passed.
- 12.2.2 It is permissible to refer or defer the passing of a By-law for further consideration, or that the third reading be deferred indefinitely or be postponed to a definite time.

**12.3 Provisional By-laws**

Notwithstanding Section 12.1.1, Provisional By-laws will be read a first and second time and provisionally passed as one motion and then read a third time and finally passed separately at a subsequent Meeting as per the requirements of the applicable legislation.

**12.4 Amendments to By-laws**

An amendment to a By-law must strictly relate to the subject matter of the By-law.

**PART 13**

**COMMITTEES OF COUNCIL**

**13.1 Governance**

- 13.1.1 All Committees shall be established, amended or disbanded in accordance with the Committee Governance Policy.
- 13.1.2 All Committees shall be subject to the Rules and Procedures outlined in this By-law, unless the rules and procedures are provided by provincial or federal legislation.

**PART 14**

**REVIEW AND AMENDMENTS TO THIS BY-LAW**

**14.1 Review**

14.1.1 Within one (1) year of the new term of Council, the Clerk shall review this By-law. If amendments are required, the Clerk will follow the requirements of Section 14.2. If no amendments are deemed necessary, the Clerk shall report same to Council.

**14.2 Amendments**

14.2.1 If deemed necessary by Council, the Chief Administrative Officer or the Clerk, the Clerk may propose amendments to this By-law in accordance with Section 14.2.2.

14.2.2 No amendment or repeal of this By-law or any part of thereof will be considered at any Council Meeting unless notice of the proposed amendment or repeal has been given at a previous Regular Meeting of Council; and the waiving of this notice by Council is prohibited.

14.2.3 Amendments to this By-law and subsequent Procedural By-laws will be reviewed by the Township Solicitor prior to being considered by Council.

**PART 15**

**SHORT TITLE**

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

**PART 16**

**REPEAL - ENACTMENT**

**16.1 Repeals**

By-law Nos. 2021-36 and 2021-50, any other Amendments, and any previous Procedural By-laws are hereby repealed and of no force or effect.

**16.2 Effective Date**

This By-law will come into force and effect on the date of passage.

**READ** a first and second time on the XX day of [Month], 2023.

**READ** a third time and passed in open Council on the XX day of [Month], 2023.

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**Mayor**

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**Municipal Clerk**