

# THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

## Bylaw 2023-24

### Being a By-Law to Regulate Procedures of the Council of the Corporation of the Township of Matachewan

The Council of the Township of Matachewan enacts as follows:

- 1) In this By-Law:
  - a) *Agenda* and *Orders of the Day* shall be considered synonymous;
  - b) *Chair and presiding officer* are synonymous and means the person presiding at meetings of Council and/or its committees;
  - c) *Clerk* means the Township Clerk;
  - d) *Committee* means a regular, special or joint meeting of the committees, as well as full Council;
  - e) *Committee of the Whole* means Council sitting in Committee;
  - f) *Council* means the Council of the Township of Matachewan;
  - g) *Electronic Meeting* means a meeting of Council or Committee of Council that is conducted using remote electronic access by members. A Quorum as defined within this by-law is required.
  - h) *In Closed Session (In-Camera)* means Council or Committees sitting in a session not open to the public to discuss certain matters as specified in this By-Law;
  - i) *Meeting* means a meeting of Council or Committee of Council;
  - j) *Member* means a member of Council;
  - k) *Motion* means any proposition before Council or Committee.  
When it is stated for acceptance or rejection it is termed a "question"; and when adopted it becomes the "resolution".  
Main or substantive motion means any motion except the following:
    - i. To extend the time of the meeting;
    - ii. To refer;
    - iii. To amend;
    - iv. To lay on the table or defer;
    - v. To postpone indefinitely or to set a specific day;
    - vi. To adjourn;
  - l) *Quorum* means majority of the members of Council or Committees (3 is a clear majority of Council);
  - m) *Question* means that the vote now be taken;
  - n) *Roll Call (Recorded Vote)* means the calling for the yeas and nays of all members of Council by any member of Council and the yeas and nays of each individual member of Council shall be so noted in the minutes;
  - o) The use of the words "shall" and "must" shall be considered synonymous.
- 2) In all proceedings at or taken in this Council, the following rules and regulations shall be observed and shall be the rules of regulations for the order and dispatch of business in the Council and in the Committees thereof, and all rules existing and inconsistent with the By-Law at the time of passing thereof are hereby repealed.

- 3) Except as herein provided, the rules of order of the Legislative Assembly of Ontario shall be followed for governing the proceedings of the Council and the conduct of its members. Robert's Rules of Order shall be the official parliamentary guide.

Any standing rule, order of Council or provision of this bylaw may be suspended for a single meeting by resolution of Council, provided two-thirds of all the members of the Council vote in favour thereof.

- 4) **Acting Chair**: The member of the Council of the Township of Matachewan who shall preside when the Head of Council is absent from the municipality, or absent through illness, shall be the Councillor designated as the Acting Mayor in the Council Committee by-law and while so acting, shall have the powers and duties of the Chair. If the Chair or Vice-Chair is not present to open the meeting within fifteen (15) minutes from the time of such opening, the Council, by resolution, shall elect a Presiding Officer.
- 5) The Inaugural Meeting of Council shall take place in accordance with the provisions of the Municipal Elections Act, 1996.
- 6) The regular meeting shall be held in the Council Chambers at the hour of 6:00 P.M.
- 7) The first regular meeting of each year shall be held on the second Wednesday of January.
- 8) Unless otherwise stipulated, the Council shall meet on the first and third Wednesday of each month at 6:00 P.M., standard time and daylight saving time as applicable.
- 9) When a public holiday falls on a regular meeting day, Council shall decide the date of the next regular meeting.
- 10) Except as otherwise provided by the Municipal Act, or other statutes, Council may by resolution dispense with, alter the time, day or place of any meeting.

#### **NOTICE OF MEETING**

- 11) The Clerk shall give notice of each regular meeting and special meeting of Council of each Committee to the members of Council and to the Directors concerned with such meeting;

The Notice shall be accompanied by the Agenda and any matter so far as known to be brought before such meeting;

The Notice shall be delivered to each member so as to be received not later than two (2) calendar days previous to the day of the meeting;

Failure to receive the notice shall not affect the validity of holding the meeting or any action taken thereat.

#### **SPECIAL MEETING**

- 12) The Head of Council may at any time summon a special meeting of Council on twenty-four (24) hours notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Twenty-four (24) hours notice of a special meeting of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.

No resolution or by-law shall be passed at such special meeting without a vote in excess of 50% of the Whole Council.

### **EMERGENCY MEETING**

- 13) In case of the death, resignation or illness of the Mayor or other Members of Council, or in case of urgency, the Head of Council, the Chief Administrative Officer (CAO), then the Clerk may summon an emergency meeting as directed for this purpose. Before the emergency meeting begins, it is necessary that a motion be recorded, by which the members waive notice and agree to meet for a named purpose or purposes. This must be approved by two-thirds of the total Council.

If a Council vacancy occurs on or after the 1st of October in an election year, such vacancy shall not be filled.

Where the office of the Mayor or other head is vacant, the Council shall appoint one of their number as Acting Mayor who shall have the same authority as the Head during the duration of the vacancy. If Council does not pass a bylaw to hold an election to fill a particular vacancy, then the Council must appoint a person who has consented to accept the office. In the case of the office of Councillor, such person must have the necessary qualifications.

In the case of the Office of the Mayor, the person must be a member of the Council. When more than one person is nominated for appointment to fill a vacancy, a vote of the members must be taken. In case of a tie, the CAO is to select the candidate by lot.

For special or emergency meetings, the Agenda shall be prepared as provided in Section 15 so far as applicable;

### **REGULAR MEETING**

- 14) It shall be the duty of the Township Clerk:
- a) To prepare the Agenda of Council and appropriate Committees.
  - b) To accept items for the Agenda from the Chair, Members of Council, the Chief Municipal Officers, Directors and Committee reports.
  - c) To receive petitions and communications from the public and if, in the opinion of the Clerk, in consultation with interested parties and the CAO, the matter warrants the consideration of Council, to place the petition or communication on the Agenda of Council or Committee.
  - d) When the Clerk directs a petition or communication to the relevant Committee, it shall be considered as properly directed unless Council, by two-thirds vote and without debate, deems otherwise.
  - e) When possible, and where required, a report from the Director relative to the subject matter shall be prepared.
  - f) Copies of all correspondence and petitions shall be forwarded to Council, the CAO and the appropriate Director. If anyone wishes to have the correspondence placed on the agenda, then they are to contact the Clerk with their request to place such item on the next available Council meeting.
  - g) All items for the agendas shall be delivered in writing to the Clerk, prior to noon on the Friday preceding the meetings of Council or Committees.
  - h) The Clerk or designate is authorized to ensure that the Council Chamber or meeting place of Council and its Committees is not obstructed by placards, signs or materials and the Clerk is authorized to direct the removal of such materials from the Council Chamber or meeting place. The Clerk is authorized to eject persons for failure to comply with the request for removal. The Clerk is authorized to seek the assistance of the Police Department in such removal, if deemed necessary.

15) The Clerk shall have prepared for the use of members at regular meetings, the Agenda as follows:

1. Call to Order and Moment of Silence
2. Approval of the Agenda
3. Declaration of Pecuniary Interest
4. Petitions and Delegations
5. Acceptance of Minutes and Recommendations
6. Reports of Municipal Officers and Communications
7. Consideration of Notices of Motion
8. Introduction, Readings and Consideration of By-Laws
9. Questions from Council
10. Notice(s) of Motion
11. Councillor's Reports
12. Additional Information
13. Closed Session
14. Matters from Closed Session
15. Confirmation By-Law
16. Adjournment

The business of each meeting shall be taken up in the order in which it stands upon the Agenda unless otherwise decided by Council.

All motions called in pursuance of the Orders of the Day and not disposed of, shall be placed on the Agenda for the next regular meeting, unless otherwise decided by Council.

- 16) As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.
- 17) If no quorum is present one half hour after the time appointed for a meeting of the Council or Committee, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.
- 18) No item of business may be dealt with at a Council meeting after eleven (11:00) P.M.

#### **THE CONDUCT OF PROCEEDING AT A MEETING OF COUNCIL**

- 19) It shall be the duty of the Head of Council or other presiding officer:
  - (1) to open the meeting of Council by taking the chair and calling the Members to order;
  - (2) to announce the business before the Council in the order in which it is to be acted upon;
  - (3) to receive and submit, in the proper manner, all motions presented by the Members of Council;
  - (4) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
  - (5) to decline to put to vote motions which infringe the rules of procedure;
  - (6) to restrain the Members, within the rules of order, when engaged in debate;

- (7) to enforce on all occasions the observance of order and decorum among the members;
  - (8) to call by name any Member persisting in breach of the rules of order of the Council, thereby ordering him to vacate the Council Chambers;
  - (9) to receive all messages and other communications and announce them to the Council;
  - (10) to authenticate, by his or her signature when necessary, all by-laws, resolutions, and minutes of Council;
  - (11) to inform the Council, when necessary or when referred to for the purpose, in a point of order or usage;
  - (12) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
  - (13) to ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council;
  - (14) to adjourn the meeting when the business is concluded;
  - (15) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.
- 20) When a Committee Meeting is to follow an open meeting of Council, it shall be the duty of; and at the discretion of; the Head of Council or other Presiding Officer, to permit a recess of up to 10 minutes between the adjournment of the Open meeting and the commencement of the Committee meeting.
- 21) Minutes shall record:
- a) The place, date and time of meeting;
  - b) The names of the Presiding Officer or Officers and record of the attendance of the Members;
  - c) The reading, if requested, corrections and adoption of the minutes of prior meetings;
  - d) A counting of the number of votes for and the number of votes against a motion put forth before the committee;
  - e) All other proceedings of the meeting without note or comment;
- 22) It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special and Standing Committee meetings held more than five (5) calendar days prior to a regular meeting, together with the agenda, prepared in accordance with the Section 15, are posted to the website. The Clerk shall then email a notification to all members, not less than forty-eight (48) hours before the hour appointed for the holding of such regular meeting, that the minutes and agendas are posted on the website. If email is not available then the member will be called and the minutes/agenda will be placed in their mailbox.
- 23) Such minutes as referred to in Clause 22 may be accepted by Council without having been read at the meeting considering the question of their acceptance, and in other cases, the minutes shall be read prior to consideration of acceptance.
- 24) Committee Reports shall not be received by the Council unless received by the members in accordance with Clause 22 and may be recommitted to the same or a different committee.

- 25) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
- 26) Every petition or communication shall be delivered to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of Council.
- 27) The Clerk shall read the substance thereof to the Council but any Member may require the reading of part or all thereof.
- 28) All petitions or communications on any subject within the cognizance of a Standing Committee shall on presentation, unless otherwise disposed of by Council forthwith, be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council.
- 29) Persons desiring to present information verbally on matter of fact or make a request of Council shall give notice in accordance with Clause 14(g) and may be heard by leave of Presiding Officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes in total. At leave of Council, a maximum of five persons may speak on a subject so long as the total time does not exceed more than ten (10) minutes.
- 30) The Presiding Officer may state his or her position on any matter before the Council prior to the commencement of debate. Should the Presiding Officer wish to take part in the debate, he or she shall vacate the Chair and shall call upon the Acting Chair to fill his or her place until he or she resumes the Chair.
- 31) Every member, after being recognized and previous to speaking to any matter or motion, shall respectfully address the Chair.
- 32) (a) A member shall not speak more than once on a matter without leave of Council, except;
  1. In explanation of a material part of the speech which may have been misunderstood; or
  2. In reply after everyone else wishing to speak has spoken, provided that member has presented the motion to Council; but not if the member has moved an amendment to the motion under discussion.(b) No member, without leave of Council, shall speak to the same matter, or reply, for longer than ten (10) minutes.
- 33) (a) Through the Presiding Officer, a member may ask for an explanation of any part of the previous speaker's remarks.
  - (b) Through the Presiding Officer, a member may ask questions to obtain information relating to the minutes presented to Council, or to any clause contained therein.

### **MEMBER CONDUCT**

- 34) When a Council Member is present at a Council Meeting at which any matters in which he or she has a pecuniary interest are discussed, that Member must publicly disclose his or her interest and what that interest is. The Member must then refrain from discussion of, or voting on, any question relating to those matters. In an open meeting the Member must remove himself/herself from the table and in a closed meeting the Member must remove himself/herself from the room until the matter is disposed of by Council or Committee.

A pecuniary interest may be defined as any circumstance where the personal interest of the Member may prevent, or appear to prevent the member from giving an unbiased decision with respect to such a matter. All Council Members will be guided by "The Municipal Conflict of Interest Act" and rules of standing order, as may be amended from time to time in determining any direct or indirect conflict of interest. It is the responsibility of the Member to determine whether he/she is in conflict.

All disclosures of conflict shall be recorded by the Clerk in a conflict book of record.

- 35) A member shall not:
- (a) speak disrespectful of the reigning sovereign, or any Member of the Royal Family, or the Governor-General, the Lieutenant-Governor of any province, the Prime Minister of Canada or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
  - (b) use offensive words or unparliamentary language in Council;
  - (c) disobey the rules of the Council or the decision of the Presiding Officer or of Council on questions of order or practice, or upon the interpretation of the rules of Council;
  - (d) leave his or her seat or make any noise or disturbance while a vote is being taken and the result is declared;
  - (e) interrupt a member while speaking, except to raise a point of order;
  - (f) pass between a member who is speaking, and the Chair
- 36) (a) A member who persists in a breach of the foregoing section, after having called to order by the Presiding Officer may at the discretion of the Chair be ordered to leave his or her seat for the duration of the meeting.
- (b) By a majority vote of Members present, the Member may resume his or her seat following a verbal apology to Council or Committees.
- 37) A member who wishes to leave the meeting of Council prior to adjournment shall so advise the Presiding Officer and the time of departure shall be noted in the minutes.
- 38) A member who desires to address Council upon a matter, which concerns the rights and privileges of the Council collectively, or of himself as a Member thereof shall be permitted to raise such matter of privilege. A matter of privilege shall take precedence over other matters. While the Presiding Officer is ruling on the point of privilege, no one shall be considered to be in possession of the floor.
- 39) (a) A member who desires to call attention to a violation of the rules of procedure shall ask leave of the Presiding Officer to raise a point of order. When leave is granted, the Member shall state the point of order with a concise explanation and shall attend the decision of the Presiding Officer upon the point of order. The speaker in possession of the floor when the point of order or privilege was raised shall have the right to the floor when debate resumes.
- (b) A member called to order by the Presiding Officer shall immediately vacate the floor until the point of order is dealt with, and shall not speak again without the permission of the Presiding Officer unless to appeal the ruling of the Chair.
- 40) (a) The decision of the Presiding Officer shall be final, subject to an immediate appeal by a Member of Council.
- (b) If the decision is appealed, the Presiding Officer shall give concise reasons for his or her ruling and Council, without debate, shall decide the question; the ruling of Council shall be final.

## **MOTIONS**

### **NOTICE OF MOTION**

- 41) Notices of motion may be received by the Clerk at any time and each Motion, received in accordance with Section 14(g) shall be included on the Agenda for that meeting. A notice of motion may also be received by the Clerk prior to the closing of the Council meeting. In this event, the Presiding Officer shall read the notice of motion, which shall be recorded in the minutes and shall form part of the Agenda for the subsequent Council meeting. A notice of motion requires a seconder only at the time of debate.
- 42) A Member who hands a written notice of motion to the Clerk to be read at any regular Council Meeting, must be present during the reading of the notice.
- 43) A motion, notice of which has been given, if not moved and seconded on the day and at the meeting for which notice has been given, cannot be moved at any subsequent meeting without notice being given on the Agenda for such meeting.

### **GENERAL**

- 44) Every motion, when read and presented to the Presiding Officer, is the property of Council; a motion may only be withdrawn with the consent of the majority of Council, or Committee of Council present.
- 45) Motions shall be debated in the order of presentation to the Presiding Officer.
- 46) Any member may require the motion under discussion to be read at any time during the debate, except when a member is speaking.
- 47) The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure;
  - (i) a point of order or personal privilege;
  - (ii) presentation of petitions;
  - (iii) to lay on the table;
  - (iv) to postpone indefinitely or to a day certain;
  - (v) to move the previous question.
- 48) A motion, relating to a matter not within the jurisdiction of the Council or Committee of Council shall not be in order.

### **REFER/DEFER**

- 49) A motion to refer or defer shall take precedence over any motion or amendment, except a motion to adjourn.
  - (a) A motion to refer shall require direction as to the body to which it is being referred and is not debatable.
  - (b) A motion to defer must include a reason for deferral and is not debatable.

### **VOTING**

- 50) When a motion that the vote now be taken (question) is presented, it shall be put to a vote without debate and if carried by a majority vote of the Members present, the original motion and any amendments thereto shall be submitted to a vote immediately, without further debate.



- 51) When the Presiding Officer commences to take a vote, no Member shall speak to or present another motion until the vote has been taken on such motion, amendment or amendment to the amendment.
- 52) Each Member, including the Presiding Officer present at a meeting of Council or Committee shall vote when the vote is taken on a matter, unless prohibited from so doing by Statute or Declaration of Conflict; a Member present, refusing to vote or abstaining from the vote shall be deemed to have voted in the negative; where there is an equality of votes, the question is lost.
- 53) When a Member present requests a roll call vote, all Members present, unless prohibited by statute, must vote in alphabetical order. Except when a roll call vote is taken in a closed session, the names of those who voted for and others who voted against, shall be noted in the minutes. The Clerk shall announce the results.
- 54) A member who disagrees with the announcement made by the Presiding Officer of the result of the vote may immediately object to the Presiding Officer's declaration and the vote shall be retaken by the Clerk.
- 55) An objection to any resolution shall not be recorded unless a roll call vote is required.

#### **AMENDMENT/SEPARATION**

- 56)
  - (a) Only one at a time shall be presented to the main motion and only one amendment shall be presented to the amendment; when the amendment to the amendment has been disposed of; another may be introduced and when an amendment has been decided, another may be introduced. In the case of an amendment, the amendment to the main motion shall not be withdrawn until the amendment to the amendment has been withdrawn or defeated. The amendment shall be similar in import to the question, which it is proposed to amend.
  - (b) The amendment to the amendment, if any, shall be voted upon first and if no other amendment to the amendment is presented, the amendment shall be voted upon; if any amendment is carried, the main motion as amended shall be then be put to the vote.
  - (c) Nothing in this section shall prevent other proposed amendments being read for the information of the Members.
- 57) When the question under consideration contains distinct propositions, the vote upon each proposition shall, at the request of any Member, be taken separately.

#### **NEW MATTER**

- 58) A motion for introducing new matter shall not be presented without notice, unless Council without debate, dispenses with such notice by two-thirds vote of Members present.

#### **RECONSIDERATION**

- 59) After a substantive motion has been decided, any Member who voted or is deemed to have voted thereon may at any time prior to adjournment of the meeting at which such substantive motion was decided, give notice in writing that he or she will move at the first meeting held thereafter for a reconsideration thereof.
- 60) The Council may immediately, upon such notice having been given, vote as to whether or not such notice or reconsideration be entertained.

- 61) After such notice has been given and accepted, no action shall be taken to carry into effect the main motion until after the motion to reconsider has been disposed of.
- 62) Every motion for reconsideration considered at a subsequent meeting shall be declared lost, unless the majority of the Council vote therefore.
- 63) No discussion on the main question shall be allowed upon an accepted notice of reconsideration or upon the motion to reconsider unless and until the Council shall have voted to reconsider the same, but the Member who gives the notice may have the privilege of stating his or her reasons for doing so.
- 64) No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.
- 65) The words "the first meeting held thereafter" in Clause 60 shall mean the first regular meeting of the Council or a meeting called specially to consider the accepted motion of reconsideration of which notice has been given.
  - (a) An issue or item that has formally been presented to Council and has formally been resolved and adopted by Council, shall not be placed on any forthcoming agenda of Council for a period of not less than six months from the date of resolution of the matter and that the Clerk be and is hereby authorized to disallow any such item on the agenda with the explanation to the individual or corporation presenting the item. Further, that the Clerk, may at his or her discretion, place an item on the agenda that has been resolved within the six month period provided only that new facts or circumstances are sufficient to warrant placing such item on the agenda, and further that Council may re-introduce a resolved issue provided that at least two-thirds (2/3) of the Council are in agreement to re-introduce.

#### **POINT OF ORDER AND PRIVILEGE**

- 66) The Presiding Officer shall preserve order and decide question of order.
- 67) When a Member rises to a point of order he or she shall ask leave of the Presiding Officer to raise a point of order and after leave is granted he or she shall state the point of order to the Presiding Officer and sit down and remain seated until the Presiding Officer shall have stated and decided the point of order.
- 68) Thereafter, a Member shall only address the Chair for the purpose of appealing the Presiding Officer's decision to the Council.
- 69) If no Member appeals, the decision of the Presiding Officer shall be final.
- 70) The Council, if appealed to, shall decide the question without debate and its decision shall be final.

#### **ADDENDUM**

- 71) An item shall not be placed on the addendum unless in the opinion of the Clerk, the matter is of an emergency nature and should be dealt with immediately rather than be deferred to a regular meeting of the Council. Before any items on the addendum can be considered, a motion authorizing the Council to deal with all or any of the items on the addendum must be passed on two-thirds of the Council present, which two-thirds must be in excess of fifty percent (50%) of the full Council.

#### **ADJOURNMENT**

- 72) A motion to adjourn a meeting shall be in order except:

- when a Member, who is not making the motion, is in possession of the floor;  
or
- when it has been decided that the vote be now taken; or
- during the taking of a vote

- 73) Members shall not leave their places on adjournment until the Presiding Officer vacates the Chair.
- 74) Council shall adjourn at the hour of 11:00 P.M. if in session at that hour, unless otherwise determined by a vote of two-thirds of the members present.

### **CLOSED (IN CAMERA) MEETINGS**

- 75) All meetings shall be open to the public unless the subject matter being considered is the following:
- (a) The security of the property of the municipality or local board;
  - (b) Personal matters about an identifiable individual, including municipal employees;
  - (c) A proposed or pending acquisition or disposition of land by the municipality;
  - (d) Labour relations or employee negotiations;
  - (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
  - (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) A matter in respect of which a closed meeting may be held under another Act;  
and
  - (h) The meeting is held for the purpose of educating or training the members and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business of decision-making of the council.
- 76) Before Council goes into a closed meeting they must pass a resolution in open council declaring the reasons for going into a closed meeting.

### **BY-LAWS**

- 77) Every By-Law shall be proposed and seconded by a written motion. Every by-law shall be introduced by the Presiding Officer reading the resolution which will state who is the proposer and who is the seconder. Readings of a by-law may be broken down as required by legislation or by motion of council.
- 78) The contents of the bylaw shall be contained on the Agenda and incorporated in the bylaw resolution.
- 79) Every bylaw shall have three readings prior to it being passed, and signed by the Mayor and Township Clerk.
- 80) A bylaw which has been defeated at any stage of the order of procedure shall be subject to a motion to reconsider. The foregoing rules shall apply except when a motion to reconsider a bylaw is carried by a two-thirds vote, the next order of business shall be a motion that leave be given to introduce the bylaw. If such motion is carried, the bylaw shall be dealt with in accordance with the usual order of procedure.

### **COMMITTEE OF THE WHOLE**

- 81) a) When Council meets as the Committee of Whole of Council, the Chair may vacate the Chair and the Acting Mayor shall be the Presiding Officer.
- (b) The Chair of the Committee whose report is under consideration, or the Member who introduced the question shall not be required to take the Chair.
- 82) The rules governing the procedure of the Council and the conduct of its Members shall be observed in the Committee of the Whole so far as applicable, except;
- no motion shall require to be seconded
  - no roll call vote shall be recorded in the minutes
  - the number of times a Member may speak on any question shall not be limited, provided no Member speaks more than once until every Member who wishes to do so has spoken
  - a motion for adjournment shall not be allowed.
- 83) A motion that “no action be taken” shall always be in order. Such motion is not debatable and shall take precedence over any other motion. On the affirmative vote, the subject shall be considered as disposed of in the negative and the next order of business dealt with.
- 84) The Presiding Officer shall have all the powers and duties of the Chair of Council under the Procedure By-Law with the following exceptions:
- (a) An appeal from the ruling of the Presiding Officer shall be directed to the Chair, subject to an appeal to the members;
- (b) When a member persists in any disobedience, or when any other disorder arises, the Chair shall immediately resume the Chair without any question being put and Council shall be deemed to be resumed.
- 85) A motion to rise and report progress shall always be in order, except when a Member is in possession of the floor, or during the taking of the vote. Such motion is not debatable.
- 86) Each Committee at its first meeting in the year shall elect a Committee Chair and Committee Vice-Chair from among its Members and shall arrange its own schedule of meetings.
- 87) A Committee Chair may be removed by a vote of majority of the Committee, but no such motion shall be in order unless preceded by a notice of motion.
- 88) A quorum shall be a majority of those appointed by bylaw to a Committee by the Council but does not include the Mayor in their ex-officio capacity.
- 89) If a Chair or Vice-Chair of any Committee is not present within fifteen (15) minutes from the time of the opening of the Committee meeting, the Members present shall by resolution elect another Member of the Committee to preside and that Member shall discharge the duties of the Presiding Officer for that meeting, or until the arrival of the Committee Chair.
- 90) The rules governing the procedure of Council shall be observed in all Committees insofar as applicable except that:
- the number of times a Member may speak on a question shall not be limited
  - the Committee Chair shall have the same privileges as other Members
- 91) The Mayor shall be ex-officio a Member of all Committees of Council and shall have the same rights and privileges as any other Member of the Committee, but shall not constitute part of the quorum.

- 92) Any Member, including the Committee Chair, may propose or second a motion and all Members including the Committee Chair shall vote on all motions except when disqualified by reasons of interest or otherwise; a tie vote at Committee level shall be considered lost.
- 93) (a) Any member who refuses or neglects to attend the regular or special meetings thereof may be reported to Council by the Committee Chair.
- Council may remove such Member from the Committee and appoint another Member in his or her place.
- (b) A Committee which refuses or neglects to give due consideration to any matter before it, may, by Council resolution, be discharged from such responsibility.
- Council may allot such responsibility to another Committee.
- (c) Each Committee, in the exercise of its several functions, when same is not described by statute or by bylaw, is subject to the control and direction of Council.
- 94) Each Committee shall submit minutes to Council on all matters connected with their duties, or referred to them by Council.
- 95) Special Meetings of Committees shall be called by the Clerk on the request of the Committee Chair, or when requested in writing to do so by a majority of Committee Members.
- 96) A special Committee may be appointed by Council to consider a specific matter.
- 97) Meetings of Committees shall be open to other Members of Council who may, with leave, take part in any discussion or debate, but such other Members shall not vote.
- 98) Except as herein provided, meetings or parts of meetings may be held in closed session on a decision by the majority of those present in accordance with Clause 76.
- 99) The Chief Administrative Officer, Directors or their designates, shall render assistance to Council or any Committee and shall attend meetings of the Council and Committees when required and shall have the right to speak but not to vote.

### **APPOINTMENTS**

- 100) In making appointments to the various legislated boards (Committee of Adjustment, TPR Committee of Management, Teck Centennial Library Board) within the jurisdiction of the Township, the following shall be the practice;
- (a) At least sixty (60) days prior to the inaugural Council meeting, the Clerk shall advertise locally outlining the various positions to be filled on the Township's boards and inviting applications from interested citizens.
- (b) The Clerk will ascertain the above qualifications of each applicant.
- (c) All applications for appointments to boards must be in writing at least thirty (30) days prior to the first regular meeting of Council in any year, and all applicants must meet the same qualifications as electors in the municipality; exceptions may be made by the Township Clerk.
- (d) Copies of all letters received for each position shall be submitted along with the agenda for the first regular meeting of Council.
- (e) The Members of Council shall go into a closed meeting regarding personal matters about an identifiable individual (in-camera) to select the required number of candidates.

- (f) The selected candidates will then be appointed by by-law at the next regularly scheduled Council meeting.

### **REPEALS AND AMENDMENTS**

- 101) Any provision of this by-law may be repealed, amended or varied and additions may be made to this by-law by a majority vote, provided that no motion for that purpose may be considered unless notice thereof has been given at a preceding regular meeting. Such notice may not be waived.

### **VIDEO/AUDIO RECORDING EQUIPMENT**

- 102) (a) Persons, Groups and Organizations, other than the official media, that wish to record Council proceedings shall advise the Clerk of their intent twenty-four (24) hours prior to the Council Meeting, (i.e. prior to 4:30 P.M. on the day preceding the day of the meeting).
- (b) Council may, without debate, dispense with notice by a two-thirds vote of the Members present.
- (c) Persons, Groups and Organizations, other than the official media, recording Council proceedings shall not impede, infringe nor interfere with Council proceedings and shall not be permitted to locate their person or equipment further forward (closer) than the first row of spectator seating in the Council Chambers.
- (d) Prior to the recording of any proceeding by Council or its committees, the Presiding Officer or Chair as the case may be shall first request the willingness of the spectators present as to their wish to be videotaped. Such willingness to be determined by a "show of hands" to be tabulated by the Clerk. The Presiding Officer or Chair as the case may be shall advise those wishing to videotape the proceedings whether such taping may take place based on the foregoing.

### **ELECTRONIC PARTICIPATION DURING A DECLARED EMERGENCY**

- 103)
- a. a meeting may be conducted and members may participate electronically, including, but not limited to debate and voting;
  - b. Members shall be permitted to participate in Closed Session proceedings including, but not limited to debate and voting;
  - c. a member of Council or local board or committee of either of them who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time;
  - d. despite subsection 3.2 of the *Municipal Act, 2001*, a member of a council, of a local board or of a committee of either of them may participate electronically in a meeting that is closed to the public, and
  - e. Council may hold a Special or Emergency Meeting and no notice is required to amend any sections of this procedure by-law.
- 104) By-Law 2017-19, as amended, is hereby repealed.

READ a first time this 3rd day of May, 2023.

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Mark Stickel  
Mayor

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Cheryl Swanson  
Clerk

READ a second third time this 17<sup>th</sup> day of May, 2023.

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Mark Stickel  
Mayor

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Cheryl Swanson  
Clerk

READ a third time and finally passed this 14<sup>th</sup> day of June, 2023.

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Mark Stickel  
Mayor

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Cheryl Swanson  
Clerk