

# THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

## BYLAW NO. 2020-19

*Being a Bylaw of the Corporation of the Township of North Dundas to Govern Proceedings of Council and its Committees*

**WHEREAS** the *Municipal Act, 2001*, c. 25 S. 5 (1) provides that the powers of a Municipal Corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every Council are to be exercised by bylaw;

**AND WHEREAS** the *Municipal Act, 2001*, c. 25, S. 238 (2) requires every Municipality and local board to pass a procedure bylaw for governing the calling, place and proceedings of meetings;

**AND WHEREAS** Council of the Corporation of the Township of North Dundas deems it necessary to set rules and regulations with regard to Council proceedings.

**NOW THEREFORE** the Council of the Corporation of the Township of North Dundas enacts as follows:

- 1.0 That the rules and regulations contained in this bylaw as set out in Schedule "A" attached hereto and forming part of this bylaw shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and committees thereof. The Clerk shall assure that a copy of this procedure bylaw shall be available at every Council meeting.
- 2.0 This bylaw shall come into force and effect on the date of passing.
- 3.0 That Bylaw 2019-12 is hereby repealed.

**READ and passed in Open Council, signed and sealed this 26<sup>th</sup> day of March, 2020.**

**Amended this 8<sup>th</sup> day of September, 2020.**

**Amended this 23<sup>rd</sup> day of March, 2021.**

**Amended this 9<sup>th</sup> day of June, 2021.**

**Amended this 18<sup>th</sup> day of January, 2022.**

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MAYOR

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CLERK

# PROCEDURE BYLAW

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## **1.0 DEFINITIONS**

- 1.1 "Act" means *the Municipal Act, S.O. 2001, c.25*.
- 1.2 "Acting Head of Council" shall mean the Deputy Mayor and secondly another designate who shall act as the presiding officer in the absence of the Mayor or Deputy Mayor.
- 1.3 "Alternate Member of County Council" shall mean a Member of a local Council appointed to serve as an "Alternate Member" of County Council when one of the County Council representatives is unable to attend a meeting for any reason.
- 1.4 "Bylaw" means a local bylaw. A bylaw enacted by Council to exercise a power provided by legislation. It is the most formal document used for complex and legal matters providing authority and direction for the corporation to act on its own affairs.
- 1.5 "CAO" shall mean the Chief Administrative Officer of the Corporation of the Township of North Dundas.
- 1.6 "Clerk" shall mean the Clerk, Deputy Clerk or his/her designate of the Corporation of the Township of North Dundas as per section 5.2 of this bylaw.
- 1.7 "Closed Session" (in camera) means a meeting or part of a meeting that is closed to the public in accordance with the *Municipal Act, S.O., 2001, s.239*.
- 1.8 "Committee" shall mean any advisory or other committee, subcommittee or similar entity composed of Members appointed by Council.
- 1.9 "Committee of the Whole" means a meeting of the whole Council in committee format for discussion purposes.
- 1.10 "Consent Agenda" means a component of a meeting agenda that enables Council to group routine items and motions under one umbrella and is a single item that encompasses all the things Council would normally approve with little comment at a Council meeting. Items on the consent agenda are not discussed before a vote.
- 1.11 "Council" means the Council of The Corporation of The Township of North Dundas.
- 1.12 "County Council Representatives" shall be the Mayor and Deputy Mayor of the Corporation of the Township of North Dundas.
- 1.13 "Delegation" means a maximum of three persons representing a group, who wish to provide information to Council/committee(s) of Council.
- 1.14 "Electronic Participation" means a Council Member who participates in a meeting remotely via electronic means (e.g. video or audio teleconference), who has the same rights and responsibilities as if he or she were in physical attendance, including the right to vote and the right to be counted towards a quorum of members and shall be permitted to participate in any portion of a meeting which is closed to the public.
- 1.15 "Emergency" means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature,



a disease or other health risk, an accident or an act whether intentional or otherwise;"

1.16 "Head of Council" shall mean the Mayor.

1.17 "Local Board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

1.18 "Materially Advances" shall mean to "substantially" measurably or identifiably advance a matter/issue forward.

1.19 "Meeting" shall mean any regular, special, or other meeting of Council, of a local board or of a committee of either of them, where:

1.19.1 A quorum of Members is present, and

1.19.2 Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

1.20 "Member" shall mean a Member of Council or of a Committee of Council and includes the Head of Council or Chairperson.

1.21 "Pecuniary Interest" (Disclosure of Interest) means a *Pecuniary Interest*, direct or indirect, in any matter within the meaning of the *Municipal Conflict of Interest Act*.

1.21.1 Disclosure of pecuniary interest must be declared before the matter is considered at the meeting.

1.21.2 A Member of Council shall provide a written statement of the pecuniary interest and details of the general nature of the interest.

1.21.3 A Member of Council shall not take part in the discussion, vote or attempt to influence the voting before, during or after the meeting.

1.21.4 The Clerk must note the disclosure of pecuniary interest in the minutes, as well as establish a registry of declarations recorded, that shall be available for public inspection.

1.22 "Presiding Officer" is the person presiding over the meeting, who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceedings of Council or committees.

1.23 "Quorum" shall mean a majority (more than half) of the total number of eligible voting Members of Council or a committee.

1.24 "Rules of Procedure" means the applicable procedural rules of conduct contained in the bylaw. The proceedings of Council and its committees, the conduct of the Members, and the calling of meetings will be governed by the rules and regulations contained in this bylaw. Where a matter being considered by Council arises that is not covered in this bylaw, "Robert's Rules of Order" (latest edition) shall apply.

1.25“Social Media” means the municipal website, Facebook, Instagram or future appropriate applications.

**2.0 GENERAL INTENT OF THE BYLAW**

The rules and regulations contained in this bylaw shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business in Council and in any committees thereof, provided that the rules and regulations contained herein may be suspended by a three-fifth (3/5) vote of the Members of Council or committee present at the meeting.

**3.0 ROLE OF THE HEAD OF COUNCIL AND CHIEF EXECUTIVE OFFICER**

3.1 It is the role of the Mayor as the head of Council:

3.1.1 To act as chief executive officer (CEO) of the Municipality;

3.1.2 To preside over Council meetings so that its business can be carried out efficiently and effectively;

3.1.3 To provide leadership to Council;

3.1.4 To provide information and recommendations to Council with respect to the role of Council;

3.1.5 To represent the Municipality at official functions; T

3.1.6 To carry out the duties of the head of Council under any Act; and,

3.1.7 To declare an emergency. This decision is usually made in consultation with other members of the Municipal Emergency Control Group. F

3.2 As Chief Executive Officer of the Township, the head of Council shall: A

3.2.1 Uphold and promote the purposes of the Municipality;

3.2.2 To promote public involvement in the Municipality’s activities; P

3.2.3 Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally; and,

3.2.4 To participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents. P

**4.0 CODE OF CONDUCT**

4.1 Council shall adhere to the “Code of Conduct” policy as established by Council.

4.2 Integrity Commissioner:

The appointed integrity commissioner will report to Council and is responsible for performing in an independent manner the functions assigned by the Township with respect to:

4.2.1 The application of the “Code of Conduct” for Members of Council and the “Code of Conduct” for Members of local boards or of either of them; and,

4.2.2 The application of any procedures, rules and policies of the Township and local boards governing the ethical behavior of Members of Council and of local boards or of either of them.

**5.0 ROLES OF EMPLOYEES**

5.1 Chief Administrative Officer (CAO) - A Municipality may appoint a Chief Administrative Officer who shall be responsible for:

5.1.1 exercising general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality; and, E

5.1.2 performing such other duties as are assigned by the Municipality. P

5.2 Clerk - A Municipality shall appoint a clerk whose duty it is:

5.2.1 To record without note or comment all resolutions, decisions and other proceedings of the Council;

5.2.2 If required by any member present at a vote, to record the name and vote of every Member voting on any matter or question; I

5.2.3 To keep the originals or copies of all bylaws and of all minutes of the proceedings of the Council; T

5.2.4 To perform the other duties required under the Act or under any other Act; and T

5.2.5 To perform such other duties as are assigned by the Municipality. T

5.3 Officers and Employees - It is the role of officers and employees of the Municipality:

5.3.1 To implement Council’s decisions and establish administrative practices and procedures to carry out Council’s decisions;

5.3.2 To undertake research and provide advice to Council on policies and programs of the Municipality; and T

5.3.3 To carry out other duties required under this or any other Act and other duties assigned by the Municipality. T

**6.0 COUNCIL MEETINGS - LOCATION, SCHEDULE, TIME AND NOTICE**

6.1 Meetings of Council shall be held at Council Chambers, 636 St. Lawrence St. Winchester, Ontario or other designated location. All meetings of

Council may be audio and/or visually recorded, broadcast and/or live streamed publicly by the Municipality, with the exception of closed meetings provided for in the Closed Session Section of this Bylaw.

- 6.2 Regular Council meetings shall be held in accordance with the meeting schedule. A proposed meeting schedule will be presented by the Clerk to Council for approval by resolution each October (exception during a municipal election year) for the following year. The schedule of meetings as approved by Council will be posted on the Township's website and other social media platforms. Council reserves the right to dispense with or alter the time, day or place of any regular meeting and/or to add additional regular meetings with 48 hours notice. Any changes shall be posted on the Township's website.
- 6.3 The inaugural meeting of newly elected Council shall take place following the October election. Time and location to be determined. All Members of Council shall take the declaration of office prior to participating in any meeting of Council.
- 6.4 All regular meetings of Council will commence at 7:00 p.m. An exception to the noted time of 7:00 p.m. may occur when a public meeting or special meeting precedes a regular Council meeting. Public Meetings commence at 6:30 p.m. If deemed necessary by Council, meeting times may change with notice.
- 6.5 No person shall be excluded from attending a meeting that is open to the public except for improper conduct and/or non-compliance with health and safety regulations and/or policies.
- 6.6 A Member shall not use his/her cellular phones during the meetings of Council. Attendees using their own recording, broadcasting and/or live streaming devices shall inform the Presiding Officer to ensure attendees at the meeting are notified.
- 6.7 The Committee of the Whole will meet on an as-needed basis.
- 6.8 In the case of special meetings, notice shall be given as per section 7.3 below by posting a notice as soon as is practicable after a special meeting has been scheduled and any other notification that is permitted within the timeframe.
- 6.9 The Chief Administrative Officer or Clerk, in consultation with the Mayor has the authority to cancel any regular meeting if it is determined there is not sufficient business to be conducted provided notification has been given at a prior meeting or within forty-eight (48) hours (not including weekends or holidays) of the meeting. Notice of cancellation shall be sent to all recipients on the agenda distribution list.
- 6.10 The Chief Administrative Officer or Clerk, in consultation with the Mayor also have the authority to cancel any meeting of Council due to inclement weather conditions. Notice of cancellation shall be posted within the Township's municipal office in public access areas and on the Township's website and social media platforms.

## **7.0 SPECIAL & EMERGENCY MEETINGS OF COUNCIL**

- 7.1 In accordance with Section 240 (a) of the *Municipal Act* the Mayor may at any time call a special meeting of Council. The special meeting shall be held on the date, time and location as designated for this purpose by the Mayor.

- 7.2 In accordance with Section 240 (b) of the *Municipal Act* the Clerk shall call a special meeting upon receipt of a petition of the majority of the Members of Council for the purpose and at the time and place mentioned in the petition.
- 7.3 Notice of all special meetings of Council shall be given to the Members at least 24 hours before the time of the meeting 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. Notice shall be posted within the Township's municipal office in public access areas and on the Township's website and social media platforms.
- 7.4 Notice of a special meeting may be given by delivering a notice personally to a Member by leaving such notice at his/her residence or place of business, or by electronic mail to such residence or place of business, or by telephone. The written or verbal notice shall indicate the nature of the business to be considered at the special meeting and the date, time and place of the meeting.
- 7.5 Notwithstanding the notice requirement set out above, the Mayor may in the event of a bonafide emergency call a meeting of Council without giving twenty-four (24) hours notice of the meeting, provided that the Clerk has diligently attempted to advise all Members of Council immediately upon being advised of the intention to hold an emergency meeting. The only business to be dealt with at the meeting shall be respecting that emergency. The meeting may be held at public offices kept at any convenient location within or outside the Municipality. The Clerk or designate shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.
- 7.6 Relevant information relating to any changes regarding Council and public meetings will be posted as soon as possible on the Township's website under the "Notices" section and on other social media platforms.
- 7.7 The Clerk may prepare and use a shortened Agenda for Special, Emergency and Closed Meetings.

**8.0 CLOSED SESSION IN-CAMERA MEETINGS OF COUNCIL**

- 8.1 All meetings shall be open to the public except as provided in s. 239 of the *Municipal Act*. (See Appendix 1)
- 8.2 Before all or part of a meeting is closed to the public, Council shall state by resolution:
  - 8.2.1 The fact of the holding of the closed meeting;
  - 8.2.2 The general nature of the matter considered at the closed meeting;
  - 8.2.3 The Clerk shall have the Closed Meeting agenda prepared, identifying the subject and qualifying section in accordance with the Act, under which each matter is to be considered in the Closed Meeting. The agenda will be distributed to all members in attendance at the meeting; and,
  - 8.2.4 The Clerk shall record without note or comment all procedural matters, directions or instructions at a Closed Meeting. Minutes shall be circulated by the Clerk at the following Closed Meeting for adoption.

- 8.3 A meeting shall not be closed to the public during the taking of a vote with the exception of the following:
  - 8.3.1 The meeting is closed to the public in accordance with *The Municipal Act*; and,
  - 8.3.2 The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality, local board or committee of either of them or persons retained by or under contract with the Municipality or local board.
- 8.4 The sitting body, Council or committee may invite any person deemed appropriate to the closed portion of the meeting for a specific item of business.
- 8.5 Members, staff and invited guests shall keep confidential any information:
  - 8.5.1 Disclosed or discussed at a meeting that was closed to the public. The obligation to keep information confidential applies even if the Member ceases to be a Member; and,
  - 8.5.2 Received in confidence verbally in preparation of the closed session meeting.
- 8.6 Discussion during a closed session shall be limited to that stated by resolution prior to holding the closed session. Additional items require public notice by resolution in open session prior to holding the closed session to discuss additional items.
- 8.7 All reasonable efforts shall be made to ensure that the closed session minutes are kept in a secure and confidential location under the control of the Clerk. These minutes shall only be open to those in attendance at the meeting, to others approved by Council, or as legislated.
- 8.8 All documents handed out during a closed session shall be initialed and returned to the Clerk. Once the closed session has ended, the Members shall return to open session and the Clerk shall record the time in the minutes.
- 8.9 A Member of Council declaring a pecuniary interest in a closed session item, must be absent for the portion of the closed meeting.
- 8.10 If, an investigation of a closed meeting is completed, the investigator's report will be considered by Council and a resolution will be passed to address recommendations resulting from the investigation.

**9.0 ELECTRONIC MEETINGS OF COUNCIL**

- 9.1 Electronic meetings may be held at any time. If the public is not permitted to attend the meeting in person due to an emergency and/or health and safety regulations and/or policies, and the live stream fails, the meeting will adjourn and be re-scheduled. Notice of the re-scheduled meeting will be posted on the Township's website.
- 9.2 Meeting notice provisions will remain the same.
- 9.3 Members can participate electronically in both open and closed (in camera) meetings and will be responsible to take all reasonable measures to ensure security during a closed meeting.

- 9.4 Motions shall not be required to be in writing during an electronic meeting.
- 9.5 Each member present, except a member who is disqualified from voting by any Act, shall vote with a show of hands when participating electronically, provided all members of Council can be seen by each other and any livestream observers during a vote, otherwise each member shall announce their vote verbally when called.
- 9.6 Regular meeting rules apply when a recorded vote is called during an electronic meeting.
- 9.7 Members of Council who wishes to participate in a meeting electronically shall provide the Clerk a minimum of 24 hours' notice."
- 9.8 During a declared emergency, Advisory Committees of Council shall meet at the discretion of Council. If directed by Council to meet, Section 9 above, shall apply to Advisory Committee meetings.

**10.0 QUORUM**

- 10.1 If no quorum is present one-half hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.
- 10.2 Unless otherwise ordered by resolution passed by a majority of the Members present, Council shall be recessed at 11:00 p.m. Any extension to the time for adjournment shall be determined by a majority vote of the Members present.

**11.0 COUNCIL MEMBER VACANCIES AND ATTENDANCE**

- 11.1 Subject to *the Municipal Act, 2001*, as amended, "*Vacant seat 259*", the office of a Member of Council of a Municipality becomes vacant if the Member,
  - 11.1.1 Becomes disqualified from holding the office of a Member of Council under section 256, 257 or 258;
  - 11.1.2 Fails to make the declaration of office before the deadline in section 232;
  - 11.1.3 Is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council;
  - 11.1.4 Resigns from his or her office and the resignation is effective under section 260;
  - 11.1.5 Is appointed or elected to fill any vacancy in any other office on the same Council;
  - 11.1.6 Has his or her office declared vacant in any judicial proceeding;
  - 11.1.7 Forfeits his or her office under this or any other Act; or
  - 11.1.8 Dies whether before or after accepting office and making the prescribed declarations. 2001, c. 25, s. 259 (1).
- 11.2 A Member of Council may resign from office by notice in writing filed with the Clerk.
- 11.3 If a vacancy occurs in the office of a Member of Council, Council shall fill the vacancy by,

11.3.1 Appointing a person who has consented to accept the office if appointed; or,

11.3.2 Hold a by-election to be held to fill the vacancy in accordance with *the Municipal Elections Act, 1996*; or,

11.3.3 Appoint the first non-elected candidate during the last municipal election to fill the vacancy, subject to conditions in accordance to *the Municipal Election Act, 1996*.

11.4

Member is permitted to be absent from meetings for 20 consecutive weeks or less if it is a result of a Member's pregnancy, the birth of the Member's child or adoption of a child by the Member.

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**12.0 COMMITTEES OF COUNCIL – GENERAL RULES**

12.1 The Mayor shall, ex officio, be a Member of all committees and be entitled to vote at all meetings thereof. All Members of Council may attend the meetings of standing or special committees and may, with the consent of the committee, take part in the discussion, but shall not be entitled to vote.

12.2 Committee of the Whole (COTW) is the participation of all Members of Council in a Committee Meeting where Members of Council consider questions with greater freedom of debate. When sitting as Committee of the Whole, the results of consensus taken in Open Session, are not final decisions of Council. Rather, the results have the status of recommendations which Council is given the opportunity to consider further at its regular Council meeting.

12.3 The general duties of the standing and special committees shall be as follows:

12.3.1 he jurisdiction, term, Membership and support staff assigned to any committee shall be as stipulated in the bylaw or resolution establishing that committee; T

12.3.2 nssofar as possible the procedures of the committees shall be the same as those set out for the Council, it being understood that committees act in an advisory capacity only and that unless decision-making authority has been delegated by Council, motions presented and resolutions passed at the committee level shall be deemed proposals and recommendations respectively. The committee shall report to Council from time-to-time, as often as the interests of the Municipality may require, all matters connected with the duties imposed on them respectively and to recommend such action by Council in relation thereto as may be deemed necessary and expedient. All committee recommendations shall be referred to Council before becoming effective; I

12.3.3 he committee shall consider and report upon all matters referred to them by Council and adhere strictly in the transaction of all business to the rules prescribed by the bylaws of Council; T

12.3.4 ach committee shall at its first meeting fix a date and hour for the regular meeting during the year and shall elect a chairperson who shall preside at all meetings of the committee; E

12.3.5 he Mayor or Council may recommend, at any time, the establishment of a special committee or ad hoc committee to study, evaluate, negotiate, investigate, prepare a special report, or make recommendations for the resolution of a specific matter or issue; T

12.3.6 motion to establish an ad hoc or special committee shall contain the general nature of the issue or issues, the persons appointed to the committee, and the terms of reference of the A

committee; and,

12.3.7

n ad hoc or special committee shall be automatically dissolved once its work is complete and recommendations have been reported to Council or upon the dissolution by Council of such committee, or at the end of the term of Council.

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12.4 County Council

12.4.1 The Mayor and Deputy Mayor shall become Members of Council of the United Counties of Stormont Dundas and Glengarry upon:

12.4.1.1 Certification from the Clerk; and,

12.4.1.2 Making the declaration of office for the position.

12.4.2 An Alternate Member of Council of the United Counties of Stormont, Dundas and Glengarry shall exercise all the rights of a Member of County Council solely for the meeting so attended, with the exception of the Head of County Council. A member shall become an alternate Member upon:

12.4.2.1 Being chosen by a vote of North Dundas Council Members;

12.4.2.2 Certification from the Clerk; and

12.4.2.3 Making the declaration of office for the position.

**13.0 ROLE AND CONDUCT OF COUNCIL**

13.1 It is the role of Council:

13.1.1 To represent the public and consider the well-being and interests of the Municipality;

13.1.2 To come prepared to every meeting by having read all the material supplied including agendas and staff reports to facilitate discussion and the determination of action at the meeting. Members are encouraged to make inquiries of staff regarding materials supplied in advance of the meeting;

13.1.3 To develop and evaluate the policies and programs of the Municipality;

13.1.4 To determine which services the Municipality provides;

13.1.5 To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

13.1.6 To ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;

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o maintain the financial integrity of the Township;

13.1.8

o Member(s) have the authority to direct or interfere with the performance of any work by administration for the Township of North Dundas. All inquiries shall be directed through the office of the Chief Administrative Officer; and,

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13.1.9

o carry out the duties of Council under this or any other Act.

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13.2 Orientation for Council after election:

An orientation meeting may be held if needed, with Members of Council after a municipal election. This meeting shall allow staff to provide Members with an overview of the expectations of their elected office (i.e. inaugural meeting, committee expectations, processes of Council, protocol at meetings, procedure bylaw, current issues, etc.).

#### 14.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

14.1 The Mayor shall preside at all meetings of Council. However, subject to the provisions of *The Municipal Act*, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Deputy Mayor shall preside until the arrival of the Head of Council and shall have all the powers of the Head of Council for the purpose of chairing a meeting in the absence of the Head of Council.

14.2 Notwithstanding Section 13.1 above, in the absence of both the Mayor and the Deputy Mayor, an acting Head of Council shall be appointed from among the Members present and he/she shall preside until the arrival of the Head of Council or Deputy Mayor and shall have all the powers of the Head of Council for the purpose of chairing a meeting in the absence of the Head of Council.

14.3 It shall be the duty of the Head of Council or Presiding Officer:

14.3.1 To open the meeting of Council by taking the chair and calling the Members to order;

14.3.2 To announce the business before Council in the order in which it is to be acted upon;

14.3.3 To receive and submit, in the proper manner, all motions presented by the Members of Council;

14.3.4 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;

14.3.5 To decline to put to vote motions which infringe the rules of procedure;

14.3.6 To restrain the Members, within the rules of order, when engaged in debate;

14.3.7 To enforce on all occasions the observance of order and decorum among the Members;

14.3.8 To call by name any Member persisting in breach of the rules or order of Council thereby ordering the Member to vacate Council chambers;

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|---------|--|---|
| 14.3.9  | o receive all messages and other communications and announce them to the Council;  | T |
| 14.3.10 | o authenticate, by his/her signature when necessary, all bylaws, resolutions, and minutes of Council;  | T |
| 14.3.11 | o inform Council, when necessary or when referred to for the purpose, on a point of order or usage;  | T |
| 14.3.12 | o represent and support Council, declaring its will, and implicitly obeying its decisions in all things;   | T |
| 14.3.13 | o ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of Council;   | T |
| 14.3.14 | o adjourn the meeting when the business is concluded;  | T |
| 14.3.15 | o adjourn the meeting without question in the case of grave disorder arising in Council chambers;  | T |
| 14.3.16 | o order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order an individual or group to vacate Council chambers where such behaviour persists; and,                          | T |
| 14.3.17 | o require all individuals or Members of the media to disclose the use of any recording devices prior to the start of any open meeting.   | T |
| 14.4    | conduct of Members of Council and guests:  | C |
| 14.4.1  | A Council Member who desires to speak on any motion before Council shall upon recognition, respectfully address the chair. Discussions shall be confined to the subject matter and shall avoid all offensive personalities.  |   |
| 14.4.2  | o Member shall:  | N |
|         | 14.4.2.1 Use offensive words of unparliamentary language in or against Council or against any Member of staff or guest;  |   |
|         | 14.4.2.2 Speak disrespectfully of the reigning sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or any Province or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario; |   |
|         | 14.4.2.3 Disturb another, or Council, staff or guests, by any disorderly conduct disconcerting to the speaker  |   |

or the assembly;

14.4.2.4 Speak on any subject other than the subject in debate; criticize any decision of Council except for the purpose of moving that the motion be reconsidered;

14.4.2.5 Disobey the rules of Council or a decision of the presiding officer or of Council on motions of order or practice or upon the interpretation of the rules of Council;

14.4.2.6 Leave a meeting without first obtaining permission from the head of Council or presiding officer;

14.4.2.7 Be permitted to retake their seat after being ordered to vacate, having committed a breach of any rule of Council, until the next meeting and without making an apology to Council; or

14.4.2.8 Interrupt the Member who has the floor, except to raise a point of order.

14.4.3 No individual, except Members of Council, shall be allowed to approach Council without the permission of the chair or Council upon reference.

14.4.4 When the chair is putting the motion no Member shall leave or make a disturbance.

14.4.5 In case a Member persists in any such disobedience after having been called to order by the presiding officer, the presiding officer may forthwith put the question; no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Council" but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.

## **15.0 REGULAR MEETING AGENDA**

15.1. Prior to each meeting the CAO and the Clerk shall set the agenda. The Clerk shall prepare for the use of the Members at the regular meetings of Council an agenda under the following headings as required:

15.1.1 Call to Order / Roll Call/ Opening Remarks

15.1.2 Adoption of Agenda – Additions/Deletions

15.1.3 Declarations of Pecuniary Interest and General Nature Thereof

15.1.4 Adoption of Minutes

15.1.5 Delegations

15.1.6 Closed Session

15.1.7 Open Session

15.1.8 Action Requests

15.1.9 Tenders and Quotations

- 15.1.10 Bylaws
  - 15.1.11 Key Information
  - 15.1.12 Consent Agenda (includes Department Activity Updates, Accounts and Correspondence)
  - 15.1.13 Boards and Committees (includes County Council Reports/ Other Reports)
  - 15.1.14 Motions and Notices of Motions
  - 15.1.15 Petitions
  - 15.1.16 Council Comments & Concerns
  - 15.1.17 Miscellaneous/Unfinished Business
  - 15.1.18 Ratification Bylaw
  - 15.1.19 Adjournment
- 15.2 The business of Council shall be considered in the order set forth on the agenda unless otherwise decided by Council. Any undisposed matters will be placed on the agenda for the next regular meeting.
- 15.3 Council agendas for Regular meetings along with all associated reports and supporting material shall be prepared and made available to Members either by paper or electronic transmission no later than 4:30 pm on the Friday preceding the scheduled meeting. In addition the draft agenda cover sheet will be posted to the Township's website on the Friday preceding the Regular Council meeting for access by the public. The full agenda package will be posted to the Township's website no later than on the morning of the Regular Council meeting. (Exceptions may be allowed when preparations of the Council agenda fall on a week providing four work days due to a statutory holiday or vacation schedules.)
- 15.4 General consent matters listed shall be approved by one motion. Should a Member of Council wish to discuss any matter listed under the consent agenda, the Member shall ask immediately when the presiding officer calls "any additions, deletions or amendments to the agenda" at which time a Member of Council shall request that the item be separated and dealt with under its regular section. A Member of Council, if possible, shall notify staff in advance of their wish to separate an item in detail from the consent agenda.
- 15.5 New items of an urgent nature may be considered under the joint category of miscellaneous/unfinished business, if in the opinion of Council, they require an immediate decision
- 15.6 Requests for proclamations will not be endorsed by the Council of the Corporation of The Township of North Dundas and therefore will not appear on the agenda.

## **16.0 MOTIONS**

- 16.1 The actions and decisions of Council shall be presented and decided by way of motions or resolutions, duly introduced, seconded, debated and voted upon.
- 16.2 All motions must be formally seconded before they can be considered or be recorded in the minutes.

- 16.3 When a motion is presented to Council in writing, it shall be read, or if it is a motion which may be presented orally, it shall be stated by the chair before debate.
- 16.4 Immediately preceding the taking of the vote, the chair may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
- 16.5 Notice of motion:
- 16.5.1 Any Member who wishes to introduce a motion pertaining to a matter not included in the orders of the day (other than a routine matter) must do so by a notice of motion.
- 16.5.2 Notice of motion may be introduced by any one (1) Member verbally at a regular meeting of Council for consideration at a subsequent meeting or may be given in writing to the Clerk by 4:00 p.m. on the Tuesday preceding the regular Council meeting for insertion in the orders of the day, for consideration at a meeting subsequent to the meeting for which the orders of the day are prepared or at a date designated by the mover. N
- 16.5.3 Notwithstanding the above, a written notice of motion to reopen a matter may be dealt with at the same meeting at which notice is first given if they pertain to a matter included in the orders of the day. N
- 16.5.4 Notice of motion shall be listed on the orders of the day under two (2) categories: N
- 16.5.4.1 Notice of motion for consideration at this meeting; and,
- 16.5.4.2 Notice of motion for consideration at a future meeting of the Council.
- 16.6 After a question is finally put by the chair no Member shall speak to the question nor shall any other motion be made until the vote is taken and the result has been declared.
- 16.7 Voting:
- 16.7.1 The head of Council or the chair, except where said individual is disqualified to vote by reason of interest or otherwise, may vote with the other Members on all questions, and any question on which there is an equality of votes shall be deemed to be negative.
- 16.7.2 Every other Member of Council who shall be present in Council Chambers when a question is put shall vote thereon unless he/she is disqualified to vote on the question.
- 16.7.3 If a Member disagrees with the announcement of the results of the vote by the chair, he/she may object immediately to the declaration and require that the Members be polled



individually.

- 16.7.4 Voting shall be done by a show of hands unless there has been a request for a recorded vote or unless a recorded vote is required by the *Municipal Act, 2001*. Where a vote is taken for any purpose, a Member may request immediately prior or immediately subsequent to the taking of the vote, that the vote be recorded.
- 16.7.5 With respect to recorded votes, during in-person meetings, the Clerk shall ask those Members in favour to stand and then those Members opposed to stand and shall record the name and vote of every Member. During virtual meetings, the Clerk will call on Council in alphabetical order starting with the Councillors, then the Deputy Mayor and then the Mayor. On any vote, any Member except a Member who is disqualified from voting under any Act, who does not vote in favour or in opposition, shall be deemed to have voted in the negative.
- 16.7.6 No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. Proxy voting is not permitted.
- 16.7.7 Pursuant to the *Municipal Conflict of Interest Act*, a Member of Council who has a conflict of interest on a matter to be reviewed by Council shall declare such interest as soon as practicable after the commencement of the meeting or, if absent when such matter is discussed, shall declare his interest at the first meeting attended by him/her after acquiring such interest. Such declaration of interest, and the reason therefore, shall be made publicly and shall be recorded in the minutes by the Clerk.

16.8 Reconsideration:

- 16.8.1 A substantive resolution, bylaw or any question or matter that has previously been adopted by Council may be reconsidered by Council subject to the following:
- 16.8.1.1A notice of motion, moved by a Member on the prevailing side, must be introduced according to the procedures for notice of motion;
- 16.8.1.2 Such motion must be supported by a majority vote of the Members of the whole Council before the matter to be reconsidered can be debated; and,
- 16.8.1.3A vote to reconsider shall not be considered more than once in any twelve-month period.

- 16.8.2 These rules do not apply when a motion pertains to a decision of a previous Council.

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16.9A Motion to Amend shall:

- 16.9.1 Be presented in writing;
- 16.9.2 Be dealt with by Council before a previous amendment of the main motion;
- 16.9.3 Not be further amended more than once provided that further

amendment may be made to the main motion;

16.9.4 Be relevant to the main motion; and,

16.9.5 Not propose a direct negative to the main motion.

16.10 Except as provided in paragraph 16.5.2 all motions shall be in writing and shall include the name of the mover and seconder.

16.11 Once read or stated by the chair or presiding officer, a motion may not be withdrawn without the consent of the majority of the Members.

16.12 Members shall not speak more than once to the same questions without the consent of the chair or presiding officer.

## **17.0 READING OF BYLAWS AND PROCEEDINGS THEREON**

17.1 Every bylaw shall be introduced by written motion and shall be considered to have been read a first, second and third time short.

17.2 Every proposed bylaw may receive three readings or a combination thereof, on the same day unless otherwise required by other legislation.

17.3 The first reading of a bylaw shall be decided without amendment or debate.

17.4 The second reading of a bylaw shall permit amendment and/or debate. If Council determines that the bylaw is to be considered at the committee level it shall be so considered previous to the third reading thereof.

17.5 If Council so determines, a bylaw may be taken as read.

17.6 The Clerk shall set out on all bylaws enacted by Council, the date of the several readings thereof.

17.7 Every bylaw enacted by Council shall be numbered and dated and shall be sealed with the seal of the corporation and signed by the Clerk and the chair and shall be deposited by the Clerk in his/her office for safekeeping.

17.8 Bylaws that require public notice shall be given in accordance with the notice policy of the Township.

17.9 At the conclusion of all meetings of Council, and prior to adjournment, a Confirmatory Bylaw shall be brought forward to confirm the proceedings of the Council at that meeting in respect of each motion, resolution or other action. A Confirmatory Bylaw then introduced, shall be taken as read a first, second and third time and finally adopted without debate.

## **18.0 PETITIONS, COMMUNICATIONS FROM THE PUBLIC & FLAG REQUESTS**

18.1 Every communication, including a petition designed to be presented to Council shall be legibly written or printed and shall not contain any obscene or improper language and shall be signed by at least one person and filed with the Clerk in accordance with the established policies of the Municipality and as approved by Council.

18.2 A petition or communication may be introduced at a Council meeting with the consent of Council expressed by motion.

18.3 The Clerk shall include on the agenda of Council any correspondence addressed to all Members of Council.

18.4 Correspondence addressed to a single Member shall be provided to the Clerk for distribution, at the discretion of that Member.

- 18.5 Only flags identified in the Flag Policy #90-2021 will be flown on municipal property.

**19.0 DELEGATIONS**

- 19.1 Persons wishing to address Council to present information orally on matters of fact or make a request of the Council shall give notice outlining concerns and/or requests to the Clerk by Tuesday at 4:00 p.m. preceding the Council meeting.
- 19.2 Requests to have an audience with Council should be in writing and state in detail the nature of the matter to be presented and discussed. The request should include the name, address and telephone number of a spokesperson chosen by the delegation to make the presentation.
- 19.3 Delegations will be encouraged to discuss matters of concern with the appropriate department head prior to appearing before Council. Each delegation shall be limited in speaking to not more than ten (10) minutes. Extensions to these limits will be at the discretion of the majority of Council.
- 19.4 Commonly, delegations shall be scheduled on the second regular monthly meeting of Council. In any month that only one regular meeting of Council will occur, the Mayor and the Clerk shall determine if the delegation shall be scheduled for that meeting or be referred to the first or second regular meeting of Council in the month following.
- 19.5 In the event that the subject brought to the Members at a meeting by a delegation is also dealt with in any other item listed on the agenda, the presiding officer may call for motion to amend the order of business so that the item may be brought forth discussion at the same time as the consideration of the delegation item.
- 19.6 Upon completion of a presentation by a delegation, any dialogue between the Members and the delegate(s) shall be limited to Members asking questions for clarification and to obtain additional, relevant information only. Questions from Members shall be addressed by the spokesperson to the best of their ability. Members shall not enter into debate with the delegation respecting the presentation.
- 19.7 Delegations shall not use indecent, offensive or insulting words, profanity or unparliamentary language against Council, staff, guest or individual.
- 19.8 The Clerk will review delegation requests with the CAO and Mayor. The Mayor has discretionary authority to accept or refuse the request.

**20.0 COUNCIL/COMMITTEE/DEPARTMENTAL REPORTS**

- 20.1 All Members of Council shall have the opportunity to report on their committee related activities that have occurred since the last meeting or will be occurring before the next Council meeting or to report an issue(s) currently under debate by the committee(s) they are a Member of. The Mayor and/or Deputy Mayor shall have the opportunity to report on their County related activities. All Members of Council shall have the opportunity to report on their Township related activities that have occurred since the last meeting.
- 20.2 Staff Reports – Actions Requests – Tenders and Quotations. All reports presented to Council as part of the agenda will be in a written format, complete with draft motion prepared by the department head and approved by the CAO or designate.

- 20.3 Key information reports may be provided to Council as information items or to facilitate further discussion/action at a subsequent meeting.

#### **21.0 UNFINISHED BUSINESS/DISCUSSION ITEMS**

- 21.1 Items set out in the agenda which have not been disposed of, shall be included in the unfinished business listing.
- 21.2 New items of an urgent nature may be considered if in the opinion of Council they require an immediate decision.

#### **22.0. MINUTES**

- 22.1 The minutes of Council as taken by the Clerk, or designate, shall consist of a record of all proceedings taken in the Council meeting. Pursuant to the *Municipal Act, 2001*.
- 22.1.1 The place, date and time of meeting;
- 22.1.2 The name of the chair and the Members in attendance;
- 22.1.3 The approval of the presenting, reading if requested, correction and adoption of the minutes of prior meetings; and
- 22.1.4 All other proceedings of the meeting without note or comment, however, shall be readable and informative.
- 22.2 The Clerk shall be authorized to make minor corrections to minutes, motions, bylaws resulting from technical, formatting or typographical errors provided the intent is not changed prior to the documents being signed.
- 22.3 The approved minutes of a meeting will form the official record of the meeting. Any audio, video or other record of the meeting shall not be considered an official record.

#### **23.0 RULES OF DEBATE**

- 23.1 Every Member, prior to speaking, shall be recognized by the presiding officer. Every Member present at a meeting of Council when a question is put, shall vote thereon unless prohibited by statute.
- 23.2 When the presiding officer calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the presiding officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.
- 23.3 When a Member is speaking, no other Member shall pass between him/her and the chair or interrupt him/her except to raise a point of order.
- 23.4 Any Member may require the question or motion under discussion, to be read at any time during the debate but not so as to interrupt a Member while speaking.
- 23.5 Unless otherwise authorized by the head of Council, all Members, staff and guests shall address Council through the chair and only when recognized, do so.
- 23.6 When two or more Members seek to address Council, the head of Council shall designate the Member who may speak first.

#### **24.0 POINTS OF ORDER AND PRIVILEGES**

24.1 The chair shall preserve order and decide questions of order.

24.2 Council, if appealed to, shall decide the question without debate and its decision shall be final.

**25.0 SUSPENSION OF RULES**

In rare instances, Council may suspend the rules of the Procedure Bylaw with a two-thirds vote of Council. In no circumstances may Council suspend any statutory procedures from the Act or any applicable legislation.

**26.0 AMENDMENT OF PROCEDURAL BYLAW**

26.1 No repeal of this Bylaw shall be considered at any meeting of Council unless notice (verbal or written) of intention of the proposed repeal has been given.

26.2 From time to time amendments to this Bylaw, or any part thereof, may be considered at any meeting of Council provided notice (verbal or written) is given.

**27.0 SEVERABILITY**

The provisions of this Bylaw are severable. If any provisions, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words of this Bylaw.

**28.0 CONFLICT**

Where the terms of any Bylaw passed prior to this Bylaw conflict with this Bylaw, the terms of this Bylaw shall prevail.

**29.0 EFFECTIVE DATE**

This Bylaw shall become effective upon the date of enactment.

Appendix 1

Municipal Act 2001, As Amended

**Meetings open to public**

239 (1) Except as provided in this section, all meetings shall be open to the public.

**Exceptions**

239 (2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the Municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the Municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a Council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the Municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of person, or organization;
- (j) a trade secret or scientific, technical commercial or financial information that belongs to the Municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Municipality or local board.

**Other Criteria**

239 (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) request under the municipal *Freedom of Information and Protection of Privacy Act*, if the Council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the Municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1).

**Education or Training Sessions**

239 (3.1) A meeting of a Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. the meeting is held for the purpose of educating or training the Members; and,
2. at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.