

# The Corporation of the Township of Melancthon

By-law Number - 2023

## Being a By-law to Govern the Proceedings of the Council of the Corporation of the Township of Melancthon

**WHEREAS**, Section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25* requires every municipality to adopt a procedure By-law for governing the calling, place and proceedings of meetings and providing for public notice of meetings;

**AND WHEREAS**, the Council of the Corporation of the Township of Melancthon deems it necessary to enact a new By-law to govern the proceedings of Council, the conduct of its Members and the calling of meetings and to provide for procedures and statutory requirements in accordance with the Act, and to repeal the previous By-laws 16-2015, 28-2022 and 22-2023.

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

#### **Part I – General**

##### **1. Short Title**

This By-law shall be known as the Procedural By-law.

##### **2. Principles**

The proceedings of the Council and its Committees, the conduct of the Members and the calling of meetings shall be governed by the provisions of Provincial Legislation and the rules and regulations contained in this By-law.

Except as provided herein, the rules of parliamentary procedure as contained in Robert's Rules of Order shall be followed for governing the proceedings of Council and its Committees and the conduct of its Members.

The rules and regulations contained in this By-law may be suspended by a vote of two-thirds of the Members present and voting.

##### **3. Interpretation**

Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

References to items in the plural include the singular, as applicable.

The words "include", "including", and "includes" are not to be read as limiting the phrases or descriptions that precede or follow them.

Headings and the index are included for ease of reference only and are not to be used as interpretation aids.

Specific references to laws in this By-law are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-law was enacted, and as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

#### 4. Definitions

- a) "Act" means the *Municipal Act, 2001, S.O. 2001, c.25, as amended*.
- b) "CAO/Clerk" means the Chief Administrative Officer/Clerk of the Township of Melancthon.
- c) "Chair" means the person presiding at the Meeting. The Chair shall be the Mayor, or in the Mayor's absence, the Deputy Mayor and in the absence of the Mayor and Deputy Mayor the Members of Council shall determine the Chair.
- d) "Clerk" means the Clerk of the Township of Melancthon as appointed pursuant to Section 228 of the Municipal Act, as amended, which position can be combined with other positions.
- e) "Closed Meeting or Session" refers to a Meeting or portion thereof which is closed to the public in accordance with the applicable legislation.
- f) "Committee" means a Committee, Board, Task Force or other body established by Council with the exception of Local Boards.
- g) "Committee of the Whole" means all of the Members sitting in Committee.
- h) "Consent Agenda" means a list of items on the Agenda, all of which may be adopted by one Motion of Council or Committee, by any of which may be transferred to the regular agenda for consideration upon the request of a Member.
- i) "Council" means the Council of the Corporation of the Township of Melancthon.
- j) "Day" does not include Saturday, Sunday or a holiday.
- k) "Delegation/Presentation" means a person or group of persons who are not Members of Council or Staff of the Township who have requested and are permitted to address Council.
- l) "Deputy Mayor" means the Deputy Head of Council for the Township of Melancthon.
- m) "Electronic Meeting" means a meeting called and held in full or in part via electronic means including, but not limited to audio teleconference, video teleconference, or via means of the internet, and with or without in person attendance.
- n) "Electronic Participation" includes telephone, video, audio conferencing or other methods of synchronous communication.
- o) "Ex Officio" means by virtue of Office and refers to the position of Mayor.
- p) "Holiday" means a holiday as defined by the Legislation Act, S.O. 2006, c. 21, Schedule F.
- q) "Inaugural Meeting" means the Council meeting following a regular municipal election, at which Declarations of Office are administered.
- r) "Majority Vote" in Council or Committee means an affirmative vote of more than one-half of votes cast by those present.
- s) "Mayor" means the Mayor as Head of Council, or in the absence of the Mayor, the Deputy Mayor or, in the absence of both, another Member of Council

appointed by Council.

- t) "Meeting" means any regular, special or other meeting of Council or Committee where a quorum of Members are present and Members discuss and/or deal with any matter in a way that materially advance the business or decision-making of the Council or Committee.
- u) "Member" means a Member of Council, including the Mayor or a Member of a Committee, including the Chair or Committee.
- v) "Members of the Gallery" mean a person in attendance at the meeting.
- w) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25.
- x) "Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part or new or current events of general interest and sold to the public and to regular subscribers.
- y) "Notice" means notice that includes the time and place of a meeting and, in the instance of a Special Meeting, shall include the purpose of the meeting and whether the meeting was called by the Mayor, CAO or upon request of the majority of the Members of Council. The form, manner and times when notice will be provided to the public regarding specific By-laws and the holding of certain meetings will be given in accordance with the Municipal Act, 2001, Township By-laws or any other applicable legislation.
- z) "Notice of Motion" means notice, including the name of the mover, advising Council that the Motion described therein will be brought at a subsequent meeting.
- aa) "Pecuniary Interest" means relating to or connected with money pursuant to relevant conflict of interest legislation.
- bb) "Point of Order" means a Member bringing attention to: (a) any breach of the rules of order pursuant to this By-law; (b) the use of improper, offensive or abusive language; (c) notice of the fact that the matter under discussions are not within the scope of the proposed Motion; (d) any other informality or irregularity in the proceedings of Council.
- cc) "Point of Privilege or Personal Privilege" means the raising of a question which concerns a Member of Council, or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned.
- dd) "Public Question Period" means the time set aside at Council meetings for a Member of the Public to ask a question of Council.
- ee) "Procedural Motion" means any Motion concerning the manner or time of consideration of any matter before the Council as opposed to the substance thereof, and includes, without limitation, the following:
  - i. To extend the time of the meeting;
  - ii. To commit or refer;
  - iii. To table;
  - iv. To postpone to a certain day;
  - v. To adjourn;
  - vi. To move the question be put; or
  - vii. To suspend the Rules of Procedure.
- ff) "Question" means a sentence worded or expressed so as to seek information.

- gg) "Quorum" means a majority of the Members of Council shall constitute a quorum. A quorum of any of the Committees appointed by the Council/Local Board shall be a majority of its Members. Unless a quorum is present within one-half hour after the time appointed for the meeting of the Council/Local Board, there shall be no Meeting thereof until the next regular day of Meeting, unless in the meantime, a Special meeting is called. The Clerk/Secretary shall record the names of such Members as are present.
- hh) "Recorded Vote" means a written record of the name and of every Member voting on any matter or question.
- ii) "Resolution" means the decision of Council on any Motion.
- jj) "Rules of Procedure" means the rules and regulations provided in this By-law.
- kk) "Special Meeting" shall mean meetings summoned under Section 240 (a) or (b) of the Act, having the same privileges as a Regular Council Meeting, a quorum is required.
- ll) "Substantive Motion" means any Motion other than a Procedural Motion.
- mm) "Township" means the Corporation of the Township of Melancthon.
- nn) "Treasurer" means the Treasurer of the Township of Melancthon as appointed pursuant to Section 286(1) of the Municipal Act, as amended, which position can be combined with other positions.
- oo) "Voting Period" means the time during which electors can vote in a municipal election year, including advance voting.

## **Part II – Duties and Conduct**

### **5. Duties of the Chair**

The Chair of the meeting is responsible for:

- a) to open the meeting by taking the chair and calling the Members to order;
- b) to announce the business in the order in which it is to be acted upon;
- c) to receive and submit, in the proper manner, all Motions presented by the Members;
- d) to put to vote all Motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result and, in doing so, to ensure that the mover and seconder are clearly identified;
- e) to decline to put to vote Motions which infringe the rules of procedure;
- f) to vote on all matters, which are moved and seconded, or necessarily arise in the course of the proceedings;
- g) to permit questions to be asked through the Chair of any officer in order to provide information to assist in any debate when the Chair deems it proper;
- h) to provide information to Members on any matter touching on the business of the Township;
- i) to receive all messages, petitions and communications and announce them at the meeting;
- j) to inform the Members of the proper procedure to be followed;
- k) to lead on all occasions with the observance of order and decorum, in a manner that is respectful to Delegations, fellow Members and Staff;
- l) to restrain the Members, within the rules of order, when engaged in debate;
- m) to call by name any Member persisting in a breach of the Rules of Procedure and order the Member to vacate the Council Chamber;
- n) to decide all questions of order at the meeting, subject to an appeal by any Member of Council on any question of order in respect to business before the

- Council;
- o) to authenticate, by his/her signature when necessary, all By-laws, Resolutions and minutes of the Council;
- p) to inform the Council, when necessary or when referred to for the purpose on a Point of Order or usage;
- q) to represent and support the Council, declaring its will, and implicitly obeying its decision on all things;
- r) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;
- s) to adjourn the meetings when the business is concluded;
- t) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room;
- u) to 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 the individual or group to vacate the Council Chamber or meeting room where such behaviour persists;
- v) the Code of Conduct, as amended from time to time applies.

## **6. Conduct of Members**

Any Code of Conduct or Ethics applicable to Members of Council adopted by Council shall apply during a meeting held pursuant to this By-law.

The Members are responsible for, where applicable:

- a) attending scheduled meetings;
- b) carefully considering and making decisions about meeting business, including seeking information and advice from Staff prior to and during a meeting;
- c) respecting and following the rules of order, the Chair's final ruling, and Council's decision
- d) participating in a meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege, as set out in this By-law;
- e) to vote on all matters unless prohibited by law;
- f) advising the Chair or Clerk of any absences;
- g) to respect the Rules of Procedure. Respecting the confidentiality of matters discussed in Closed Session and not disclosing the subject or substance of these discussions unless authorized to do so;
- h) Observe and obey the Code of Conduct at all times.

It shall be the role of Council,

- a) to represent the public and to consider the well-being and interest of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decision of Council;
- e) to ensure the accountability and transparency of the operation of the municipality, including the activities of the senior management of the municipality;
- f) to maintain the financial integrity of the municipality; and
- g) to carry out the duties of Council under this or any other Act.

No Member shall:

- a) in an open or closed meeting, use offensive words or unparliamentary language in or against the Council or against any Member of Staff or the public;
- b) speak on any subject other than the subject in debate;
- c) criticize any decision of the Council or continue to debate the matter after it has been decided, except for the purpose of moving that the question be

- reconsidered;
- d) disobey the Rules of Procedure or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;
- e) knowingly be absent or leave a meeting without notifying the Clerk, preferably in writing;
- f) text, email or make phone calls during the meeting;
- g) use a recording device;
- h) disclose any information that is deemed to be confidential pursuant to the Municipal Freedom of Information Act;
- i) leave the meeting or make a disturbance when the Chair is calling the question.

Where a Member persists in any disobedience of the Rules of Procedure after having been called to order by the Chair, the Chair shall 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 be permitted to retake his/her seat.

The Code of Conduct, as amended from time to time applies.

## **7. Conduct of Public**

Members of the Gallery who constitute the audience at a meeting, shall not:

- a) address Council or Committee without permission;
- b) approach the desks of Council or Committee Members during a meeting without permission of the Chair or Members;
- c) bring signage, placards or banners into such meetings and refrain from any activity or behaviour that would affect the Council or Committee deliberation;
- d) enter the meeting room without first removing any non-religious or non-medical headgear;
- e) shall put on silence all electronic devices;

The Chair may cause to be expelled and exclude any Member of the public, who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from Police.

## **8. Clerk**

The Clerk and/or Deputy Clerk shall be present at all meetings of Council.

The Clerk or the Clerk's designate shall be responsible for the management and co-ordination of meeting agendas and related resolutions, By-laws, minutes, correspondence and records and allow for public access to same in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 and other pertinent legislation.

## **9. Council/Staff Relations**

Both Council and Staff shall work hard at fostering a climate of mutual respect and recognize the mutual goal is to serve the Municipality.

Members of Council shall be respectful of the fact that Staff work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Member or group of Members of Council.

In addition, Members shall be respectful of the fact that Staff carry out directions of Council and administer the policies of the Municipality, and are required to do so without undue influence from any individual Member or group of Members of Council.

### **Part III – Meetings**

#### **10. Inaugural Meeting**

The Inaugural Meeting of Council following an election shall be held on the first Thursday following November 15<sup>th</sup> in the year of a regular election at 9:00 a.m. in the Council Chambers of the Administration Building where the Declarations of Office shall be administered.

#### **11. Open Meetings**

All meetings must be open to the public.

#### **12. Closed Meetings (In Camera)**

Notwithstanding Section 11, a meeting may be closed to the public pursuant to Section 239 (2) of the Act.

Prior to holding a meeting or part of a meeting that is to be closed to the public; Council, Committee or Local Board, shall state by Resolution:

- a) the specific provisions of the Municipal Act or applicable legislation that permits the matter to be considered in a closed meeting;
- b) the general nature of the matter to be considered at the closed meeting;

A meeting shall not be closed to the public during the taking of a vote unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or Local Board, or persons retained by or under contract with the Municipality or Local Board. A Motion to move out of closed session shall be passed in order for the meeting to be resumed in open session and the Members shall report any recommendation(s) in open session.

No matter or item other than the matter(s) referred to in the public resolution may be discussed.

If Council, the Committee or Local Board wishes to discuss an item of time-sensitive urgency that was not contained within the Motion to move into a closed session, they shall rise from the first closed session and in open session move a further Motion in accordance with Section 239 (2) of the Act.

All persons in attendance during Closed Session shall ensure that confidential matters disclosed to them, and materials provided to them during Closed Session or in advance of the meeting or session, are kept confidential. Persons in attendance are encouraged to delete and/or return confidential material to the Clerk. The obligation to keep information confidential even applies if the Member ceases to be a Member.

The Clerk or designate of Council, Committee or Local Board shall ensure that minutes of the closed meeting are prepared. The minutes of the closed meeting shall be presented at the next Closed Session meeting for approval.

#### **13. Special Meetings**

The Mayor may at any time summon a Special Meeting of Council on 24 hours' notice by the Clerk to the Members of Council.

The Clerk shall summon a Special Meeting upon receipt of a petition of the majority of the Council Members for the purpose and at the time and date mentioned in the petition.

The only business to be dealt with at a Special Meeting is that which is listed on the Agenda.

#### **14. Calendar of Meetings**

During the regular Council meeting in January, the Clerk will prepare a schedule of the next year's tentative meeting dates for Council to review and confirm.

#### **15. Regular Meeting Times**

The regular meetings of Council shall be held at 5:00 p.m. on the first Thursday of the month and at 5:00 p.m. on the third Thursday of the month unless otherwise changed by Council.

A meeting shall adjourn no later than 10:00 p.m. unless a Motion is passed by a majority vote of Members of Council present.

#### **16. Place of Meetings/Electronic Participation**

Meetings shall be held in the Council Chambers located at 157101 Highway 10, Melancthon, or at such other place as is specified in the Agenda, in a location that is accessible pursuant to the requirements of the *Accessibility for Ontarians with Disabilities Act*. The Clerk or designate will make every effort to give at least two (2) week's notice of any change of venue.

Meetings may be conducted as an electronic meeting, either in full or in part, pursuant to Section 238 (3.1) of the *Act*, and in accordance with this By-law. The method and technology used for an Electronic Meeting shall be determined by the Clerk.

Members may participate in both open and closed meetings either in person or by electronic means. Members participating electronically will be counted towards quorum, and shall be entitled to vote as if they were attending the meeting in person. Voting may take place by way of roll call, or in an alternate method authorized by the Chair. It is strongly encouraged that Members participate in meetings in person in the Council Chambers.

Members who wish to participate electronically, in accordance with this section, shall make arrangements with the Clerk, no less than 24 hours in advance of the meetings, or as soon as possible in the event of inclement weather.

At meetings with electronic participation by any Member(s), votes may be recorded to ensure transparency.

If a Council Member can no longer participate by electronic means it will not affect the validity or continuation of the meeting. However, if quorum is lost, the meeting will be deemed to be adjourned.

An electronic meeting shall be available in such a manner that the public may observe the meeting remotely as it is conducted, when feasible.

Recording of a meeting by the Clerk shall be permitted.

In the event of a technical failure during the meeting, a recess of not more than 15 minutes can be taken to allow Staff to reinstate the electronic participation.



## **17. Persons within Council Chambers**

No person, except Members of Council and appointed officials of the Township, shall be allowed to approach the Council table during the meetings without the permission of the Chair.

No person, except Members of Council and appointed officials of the Township, shall place on the desks of the Members or otherwise distribute any material unless such person has received the approval of the Chair or Clerk, and said material is to be provided to both Council and the Clerk.

## **18. Recording Equipment and Electronic Devices**

All open Council meetings will be recorded by the Clerk or designate and the recording will be made available to the public within five (5) business days of the meeting.

All electronic devices including cellular telephones shall be placed in silent mode in the Council Chambers and all other locations during the course of meetings held in accordance with this By-law.

## **19. Public Notice of Meetings**

Where Notice of Intention to Pass a By-law or Notice of a Public Meeting is required to be given, the Clerk shall cause such Notice to be posted on the Township's website. Additional notice by direct mail and/or publication may be made at the discretion of Council or the Clerk. Inclusion within agenda and meeting packages shall be considered notice.

Such notice shall be given pursuant to applicable legislation or regulations, and if not so prescribed, notice shall be given at least once, not less than 48 hours prior to the proposed notice of intention to pass a By-law or notice of a public meeting being taken.

Public notice shall be given for all meetings of Council by means of the municipal website with inclusion of each meeting listed in the calendar and the posting of the agenda.

## **20. Statutory Public Meetings**

Such meetings shall be held on regularly scheduled Council meeting dates or such other date and time as determined by the Clerk with notice as set out in applicable legislation.

## **21. Emergency Meetings**

In the event of a bona fide emergency, a meeting may be held as soon as practicable following receipt of the summons or petition as outlined in Special Meetings as the case may be and notice may be given by telephone, text, email or personal contact until contact is made as determined by the Clerk.

## **22. Calling a Meeting to Order**

As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Mayor or Chair shall take the chair and call the meeting to order.

### **23. Absence of the Mayor**

The Deputy Mayor of the Municipality shall be the Acting Mayor and exercise the powers of the Office of the Mayor in the absence of the Mayor. If the Mayor does not attend within 5 minutes after the time appointed for the meeting, the Clerk shall call the Members to order and if a quorum is present the Deputy Mayor shall preside over the meeting until the arrival of the Mayor. In addition, the Members of Council may appoint another presiding officer from among themselves for the purpose of Chairing a particular meeting.

### **24. Arrival and Departure of Members**

Late arrivals and early departures will be noted in the minutes.

If a Member arrives late at a meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.

### **25. No Quorum**

If no quorum is present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned in accordance with Council direction or at the call of the Chair.

### **26. Unfinished Business – Quorum Lost**

If during the course of a meeting quorum is lost, then the meeting shall stand adjourned and not ended, to reconvene in accordance with Council direction or at the call of the Chair.

If in the Mayor's opinion it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Mayor shall announce that the unfinished business will be taken up at its next regularly scheduled meeting.

### **27. Cancellation of a Meeting**

Council may cancel a regular meeting by Motion of Council and/or the Mayor may cancel a meeting if it is in his/her opinion appropriate due to weather or an emergency.

## **Part IV – Order of Proceedings – Agendas and Minutes**

### **28. General Rules Regarding Council Agendas**

Prior to each regular meeting, the Clerk or designate shall prepare an agenda of all the business to be brought before such meeting.

No report shall be placed on the Council agenda unless it was first authorized by the CAO/Clerk or designate.

Each Agenda, insofar as practicable will contain all Reports, Motions and By-laws to be considered.

### **29. Agenda Delivery**

A final agenda package shall be distributed electronically to the Members of Council and made public no later than the close of business on Monday, immediately preceding the meeting.

In the event of a holiday, final agenda delivery shall be delayed by one day if

required.

### **30. Order of Business – Council**

The Clerk, at his/her discretion, and who may consult with the Mayor, shall have prepared from all petitions, communications, correspondence and Delegation requests, which are to be received no later than 12:00 p.m. on the Thursday prior to the regular meeting, an Agenda under the following headings:

- 1) Call to Order
- 2) Land Acknowledgement
- 3) Announcements
- 4) Additions/Deletions/Approval of Agenda
- 5) Disclosure of Pecuniary Interest and General Nature Thereof
- 6) Approval of Minutes
- 7) Business Arising from Minutes
- 8) Point of Privilege or Personal Privilege
- 9) Public Question Period
- 10) Public Works
- 11) Planning
- 12) Strategic Plan
- 13) Climate Change Initiatives
- 14) Police Services Board
- 15) County Council Update (Third Thursday Agenda)
- 16) Committee/Board Reports and Recommendations
- 17) Correspondence – Board and Committee and Working Group Minutes, Items for Information Purposes and Items for Council Action
- 18) General Business
- 19) Notice of Intent to Pass By-laws
- 20) New/Other Business/Additions
- 21) Unfinished Business
- 22) Delegations/Presentations (pre-registered), Statutory and Non-Statutory Public Meetings
- 23) Closed Session
- 24) Third Reading of By-laws
- 25) Notice of Motion
- 26) Adjournment

The order of business may be altered by the Clerk during preparation of the Agenda to improve the efficiency of the meeting.

The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda, unless otherwise decided by Council.

Any item which is not on the Agenda as printed but has been determined by the Clerk to be of a nature which requires Councils attention prior to the next scheduled meeting, may be added by addendum at the discretion of the Clerk.

Any item brought forward as a time sensitive issue by a Member of Council shall require a majority vote of the Members present to be added to the Agenda.

Any submission made to Council and listed on the Agenda may be withdrawn by the submitting person or agency at any point preceding that submission being reviewed by Council at the meeting for which the Agenda applied.

Items that will not be included in the Agenda package will consist of the draft minutes, draft By-laws (unless authorized by Council or at the discretion of the Clerk), Closed Session materials, documents directly available from other sources i.e., Government Agencies, Conservation Authorities, etc. and link will be provided. The materials included in the package in advance of the meeting are at the discretion of

the CAO, Clerk or designate. Correspondence received after the beforementioned deadline may or may not be included with the posted Agenda. Paper copies of the complete Agenda package or specified Agenda items will be available upon written request within two business days of the request and shall be accompanied by payment as per the Township Tariff of Fees Schedule.

The posted Agenda for a Council/Committee meeting shall constitute notice of a meeting under this By-law.

Council shall take breaks at the discretion of the Mayor and Council.

### **31. Declaration of Pecuniary Interest**

Every Member of Council shall declare any pecuniary interest with respect to any item of business in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50* as amended from time to time. Any Member of Council who declares a pecuniary interest shall be required to leave the meeting, whether a closed or open session is being held.

At the meeting at which the Member disclosed an interest, the Member shall file a written statement of the interest and its general nature with the Clerk or the Secretary of the Committee or Local Board, as the case may be.

The Member shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the Member after the particular meeting.

In the event that a Member declares an interest during closed session, the Member shall affirm their declaration of pecuniary interest immediately after the Motion to rise and the Clerk shall record the declaration in the minutes.

A Member who has declared a pecuniary interest in a matter may move, second and vote on the Confirmation By-law for the meeting in which the interest was declared and approve the minutes of the meeting in which the interest was declared.

Where the number of Members who, by reason of the Provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* as amended are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

The disclosure, recording and registering of such declarations or other matters under this section shall be managed in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended.

### **32. Minutes**

Minutes of a meeting shall be approved at the next regular meeting. The minutes shall be made available to the Public after Council approval by Motion of Council.

Minutes shall record:

- a) the place, date and time of meeting;
- b) the names of the presiding officer or officers and the record of the attendance of the Members;
- c) the reading, if requested, correction and confirmation of the minutes of

- prior meetings;
- d) declarations of interest;
- e) the Motions considered and votes taken by Council; and
- f) all the other proceedings of the meeting without note or comment.
- g) the Council decisions and directions to Staff as stated by the Mayor/Chair to the Clerk

If the minutes have been delivered to the Members of the Council then the minutes shall not be read, and a resolution that the minutes be approved shall be in order.

After the minutes have been approved they shall be signed by the Mayor and by the Clerk.

The Clerk or designate shall act as the Recording Secretary for Council meetings, including Statutory Public Meetings and Special Education Sessions.

### **33. Delegations/Presentations**

A person or group wishing to make a Delegation/Presentation to Council shall submit a Delegation Request to the Clerk or designate in writing no later than 12:00 p.m. on the Thursday prior to the requested meeting. The Request shall state the nature of the business and the names of the persons in the Delegation/Presentation. A copy of the presentation must be provided for inclusion in the package. The Delegation Request Form will be included in the Agenda Package.

The Clerk shall acknowledge receipt of the request and place the matter on the next appropriate Council Agenda.

Delegations/Presentations at the Council Meeting shall be limited to ten (10) minutes. The duration may be extended by majority vote specifying the additional time. Such question shall be decided by the Council without debate. An organized body wishing to address Council as a Delegation shall be limited to two (2) speakers, each limited to speaking not more than a combined total of fifteen (15) minutes. Delegations for the purposes of Council Training shall be permitted a longer period of speaking time at the discretion of the Clerk.

No Delegation shall:

- a) Speak disrespectfully of any person;
- b) Use offensive words;
- c) Speak on any subject other than the subject for which he or she has received approval to address Council or Committee;
- d) Disobey the rules of procedure or a decision of the Chair or Council.

Council may refuse to hear Delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Township of Melancthon.

The Mayor/Chair may shorten the time of any Delegation, any questions of a Delegation or debate during a Delegation for disorder or any other breach of this By-law.

Council has the discretion to close a meeting to the public during a Delegation if the subject matter being considered relates to a Closed Session meeting under the Act.

A maximum of two (2) Delegations/Deputations per meeting shall be permitted.

A person who is unable to attend a Council meeting may arrange for another person to appear as a Delegation on such person's behalf and to read aloud a prepared statement pertaining to an item listed on the Council agenda.

During or following a Delegation, Members may ask specific questions relating to the

presentation for the purpose of clarification without statement or comment.

Each issue and/or Delegation will be allowed one meeting presentation to the Council and/or Committee with a period of six (6) months lapsing before the issue can be raised again. An exception may be granted if substantially new and/or substantially significant information is provided to the Clerk or Committee Secretary.

In the event that scheduled Delegation does not appear at the prescribed time, with or without notice, the Council will continue on with the business of the day and may or may not at the discretion of Council, receive the Delegation on their arrival and that Delegation may be rescheduled to a later date.

#### **34. Public Question Period**

Public Question Period will fall on the Agenda after Point of Privilege or Personal Privilege on the regular Council Agenda,

Council requests that questions be submitted ahead of the meeting by 12:00 p.m. on the Thursday prior to the regular Council meeting. Each person will be allowed to ask one question, either written or verbal during this time, and one question for clarification purposes only after the answer is given on the original question.

A question arising from the posted Agenda material on the website may be asked at the meeting and does not have to be received in writing. Council reserves the right to defer any question if they are not able to answer it at the meeting.

The time allotted for Public Question Period will be 20 minutes. If less time is required and there are no further questions, the Mayor/Chair will declare Public Question Period to be closed and carry on with the regular business of the meeting, or if time permits, individuals will be allowed to ask an additional question. Also, with time permitting anyone wanting to make a comment may do so and Council may choose to respond to the comment if felt to be in the Public Interest.

Questions shall only be permitted in respect of subject matters that deal with municipal issues and are within the Municipality's jurisdiction, being those that Council is responsible for, as outlined in the Act.

#### **35. By-laws**

Every By-law shall be introduced by Motion, specifying the title thereof.

Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provision of any Act and shall be complete except for the number and date thereof.

The Clerk is hereby authorized to make such minor deletions, additions or other changes in form to any By-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the By-law and Members shall be advised by the Clerk of such changes by written notice.

Every By-law shall have three readings prior to it being passed and may be given three readings on the same day except when requested otherwise by motion of the majority of the Members present or as otherwise provided by law.

All By-laws enacted by Council shall be numbered and dated, signed by the Mayor and Clerk, and shall have the seal of the Corporation affixed.

The proceedings at every regular and special meeting shall be confirmed by By-law so that every decision of the Council and every resolution passed at that meeting shall

have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.

### **36. Petitions and Communications**

#### **Communication – Council**

Every communication addressed to Council, including a petition designed to be presented to the Council, shall be legibly written or printed, shall not contain any obscene or improper language; and must include the author's full name and current contact information, at a minimum, the author's address, telephone number and email and filed with the Clerk. Once received, the communication shall be published in the Agenda package and form part of the public record. The communication shall be submitted in accordance with Section 30 of the Procedural By-law.

#### **Communications – Public**

Any communications submitted by the public to be considered or addressed by Council shall form part of the agenda for the appropriate meeting and shall be considered to be a public document and therefore, subject to disclosure.

#### **Communications - Referral to Committee**

Any communication within the jurisdiction of a Committee shall first be placed on the Agenda for the appropriate Committee, unless the communication relates to a subject or report scheduled to be considered by Council.

Correspondence, including names and addresses, addressed to Council or directed to a Statutory Public Meeting become part of the public record and may be published in a report, agenda or minutes.

### **37. Notice of Motions**

Any Member of Council may introduce a Motion on a matter of new business. Notices of Motion shall be made in the following manner:

- a) Submitted Prior to Meeting: A Notice of Motion submitted in writing to the Clerk not less than seven (7) calendar days prior to a meeting shall be included in the Agenda of that meeting as a Motion;
- b) Submitted during Meeting: A Notice of Motion without a seconder may be introduced during a meeting, in which case the Notice of Motion shall be recorded in the minutes and placed on the Agenda for the next meeting as a Motion;
- c) Notwithstanding Section 37(b), a Notice of Motion made during a Council meeting may be considered by Council during that meeting if it is moved and seconded and a vote dispensing with notice is supported by at least three Members of Council.

### **38. Adjournment**

At the conclusion of the Agenda, seeing no other business, the Chair shall deem the meeting adjourned by Motion to the next regularly scheduled meeting or at the call of the Chair as determined by Council.

## **Part V – Motions and Voting**

### **39. Moved and Seconded**

All Motions shall be moved and seconded. The Clerk or designate may be asked to repeat the Motion in question.

No Member shall speak to any Motion until it is first read by the Chair, and the mover is entitled to speak first thereon if the Member so elects.

A Motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder.

The Chair may vacate the chair in order to move or second a Motion and shall resume the chair following the vote on the matter.

Whenever the Chair is of the opinion that a Motion or resolution is contrary to the Rules of Procedure, the Chair shall rule the Motion or resolution out of order.

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

All Motions shall commence with the words "Be It Resolved That".

All Motions may be supported or opposed by the mover and seconder.

**40. Address the Chair**

Every Member speaking on any question or Motion shall address the Chair.

**41. Order of Speakers**

When two (2) or more Members wish to speak, the Chair shall designate the Member who has the floor who shall be the Member who, in the opinion of the Chair, first requested to speak.

**42. Final Speaker**

A Member who has made a Motion and/or amendment to such Motion shall be permitted the final reply.

**43. Severability of Question**

Upon the request of any Member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

**44. Voting Procedure**

Each Member present and voting shall announce or indicate his or her vote upon the Motion openly and individually by show of hands and no vote shall be taken by ballot, or any other method of secret voting.

Every Member present shall vote unless prohibited by statute, in which case it shall be so recorded.

A failure to vote or abstention by a Member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

After a Motion is called to vote by the Chair, no Member shall speak to the question, nor shall any other Motion be made until after the vote is taken and the result has been declared.

When the Chair calls for the vote, 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 Chair, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.



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

Any Motions on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any *Act*.

#### **45. Recorded Vote**

A request by a Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter, prior to proceeding to the next item on the agenda.

When a recorded vote is requested, the Clerk shall call the names and record the vote commencing with the Member who requested the vote, to be followed by the next Councillor in alphabetical order with the Deputy Mayor and the Mayor voting second last and last. If the requester is the Mayor or Deputy Mayor, they shall vote first. The Clerk to announce the results. The names of those who voted for and those who voted against shall be noted in the minutes.

#### **46. Unrecorded Vote**

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

#### **47. Tie is Lost**

If there is a tie vote on any question, the vote shall be deemed to have been lost, except where otherwise provided by any *Act*.

#### **48. Secondary Motions**

The following matters and Motions are not debatable and may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:

- a) a point of order or privilege;
- b) to move the question be put;
- c) to recess;
- d) to move to Committee of the Whole;
- e) to move to Committee of Adjustment;
- f) to extend the time of the meeting; or to adjourn.

The following matters and Motions are debatable and may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:

- a) to amend;
- b) to suspend the Rules of Procedure;
- c) to commit or refer to a specific body;
- d) to defer or to postpone indefinitely;
- e) any other procedural Motion.

#### **49. Order of Consideration**

When a question is under consideration, no Motion shall be received except a procedural Motion or a Motion to amend.

Procedural Motions shall be considered immediately upon receipt and shall have precedence and may be subject to debate as follows:

- a) to extend the time of the meeting (not debatable);
- b) to commit or refer (debateable);
- c) to table (not debatable);
- d) to postpone to a certain day (debateable);
- e) to adjourn (not debatable);
- f) any other procedural Motion (debateable).

**50. Motion to Amend**

Motions may be amended prior to the calling for the vote if a quorum of the Members agree to the amendment.

Amendments shall be relevant and germane to the principle of the report or motion under consideration.

Only one amending motion shall be considered at any one time.

**51. Motion to Rescind**

A Motion to rescind a Motion previously passed can be made by anyone but only if no action has been taken on the Motion to be rescinded. It requires two-thirds majority for approval.

**52. The Question Be Now Put**

A Motion that the question be now put shall preclude all further amendments of the question. When resolved in the affirmative, the question and all amendments thereto are to be put forward without debate or further amendment.

Such Motion cannot be moved by a Member who has already debated the question.

**53. Motion to Lay on the Table**

A Motion to lay on the table with some condition, opinion, or qualification added to the Motion to table shall be deemed to be a Motion to postpone.

The matter tabled shall not be considered again by the Council until a Motion has been made to take up the tabled matter at a subsequent meeting.

A Motion to take up a tabled matter is not subject to debate or amendment.

A Motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn, and cannot be taken from the table.

**54. Motion to Postpone**

A matter postponed to a definite date shall be considered first over all other business on such date.

A Motion to postpone without a definite date shall be treated as if it was a Motion to lay on the table.

**55. Reconsideration of a Matter**

If a matter has been previously considered, it shall not be reconsidered by such body within six (6) months after the meeting at which it was originally considered, without the consent of at least two-thirds of the members present.

“Considered” shall mean those matters for which the Members of a meeting have

decided to act or not act upon and shall more include the mere receipt of information where no action has been sought or taken.

A motion to reconsider must be moved by a member of the prevailing side where the matter was first considered.

A motion to reconsider on a decided matter of Council shall be brought forward as a Notice of Motion.

## **Part VI – Rules of Debate**

### **56. Rules of Debate**

No Member shall speak more than once, except if requested to give an explanation, until every Member who desires to speak, has spoken.

When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt him or her, except to raise a point of order or a point of personal privilege.

A Member may speak to the same question for a maximum of five minutes, and, with leave of the Council, may be granted an extension.

When an item is being discussed and one Member has the floor a Member may ask a question only for the purpose of obtaining information necessary for a clear understanding thereof.

All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

Questions may be asked through the Chair of the previous speaker, Staff, a Delegation or Presenter.

A Member may not ask a question if the Chair rules that such question, in substantially similar form and content, has already been asked and answered.

### **57. Points of Order or Points of Privilege**

A Member may interrupt the person who has the floor to raise a point of order when such Member feels that there has been a deviation or departure from the rules of procedure and upon hearing such point of order, the ruling of the Chair shall be final unless the Member appeals the ruling to Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.

A Member may rise at any time on a point of personal privilege where such Member feels that personal integrity or the integrity of the Council has been impugned by another Member and upon hearing such point, the ruling of the Chair shall be final unless the Member appeals the ruling to Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.

Where the Chair recognizes that a breach of privilege has taken place, the Chair shall cause the offending Member to apologize, and failing such apology shall require such Member to vacate the Council Chamber for the duration of the meeting.

Any Member may appeal the decision of the Chair to the Council which shall decide the question "that the decision of the Chair be sustained" without debate upon a majority vote of the Members present.

## **Part VII – Committees, Task Forces and External Boards**

### **58. Internal Committees, Sub-Committees or Task Forces**

Council may create, appoint and dissolve any Committee, Sub-Committee or Task Force by By-law or resolution, including the Terms of Reference. Where no specific rules of procedure are specified, these Rules of Procedure shall apply. The Committee, Sub-Committee or Task Force shall sit for the term of Council, or as determined by Council.

All Committees, Sub-Committees or Task Forces will forward their recommendations to Council in the form of a Report.

The minutes of the meetings will be forwarded to Council in approved form. The Agendas will be forwarded to the Clerk or designate to be posted on the Township website.

Verbal Reports of each Council Member's Sub-Committee, Committee or Task Force or Outside Board meeting may be given at the first regular Council meeting each month.

Council Members who are not Members of a specific Committee or Task Force may attend meetings of that Committee or Task Force and may, with the consent of the Chair of that Committee or Task Force, take part in the discussion, but shall not be counted in the quorum or entitled to make motions or to vote but their attendance shall be noted in the minutes of the meetings.

Council may at its discretion, appoint or dismiss any Committee, Sub-Committee or Task Force Member by By-law or resolution.

### **59. Council Representation on External Boards**

The Township of Melancthon shall be represented on all external Boards and Committees for whom appointments are sought or required at the discretion of Council.

At the beginning of each term of Council, the Mayor shall request with the assistance of the Clerk or designate a list of Boards and Committees each Member of Council is interested in serving on for their Council term.

The Mayor shall submit for Council consideration a list of external boards and Committees accompanied by one or more Members to be appointed to each of these bodies. The list may be debated at time of consideration.

Appointments shall be made by By-law for the Council term, unless otherwise determined.

### **60. Ex-Officio**

The Head of Council is an ex officio Member of every Committee, Sub-Committee or Taskforce.

Where a Committee, Sub-Committee or Taskforce is established by reference to a particular number of Members without specifically providing for the Members of the Head of Council, such number is automatically increased by one, being the Head of Council.

The Head of Council may vote and otherwise participate in the business of the Committee without any restriction on the same basis as any other Member.

## **61. Committee of the Whole**

Committee of the Whole facilitates the decision-making process of Council. The Committee is comprised of all members of Council who fully participate in debate and forward recommendations to Council for final decision.

The Mayor shall preside as Chair of the Committee of the Whole. In the event that Council wishes to designate another Member of Council, other than the Mayor, to act as Chair for the Committee of the Whole, this may be done by resolution of Council.

In the event that the Mayor is absent, the Deputy Mayor will preside as Chair of the Committee of the Whole. If Council has designated another Member to Chair the Committee of the Whole and that Member is absent, the Committee of the Whole shall select another Chair from the Members present.

The Chair of the Committee of the Whole shall maintain order in Committee and report the proceedings to Council. The rules governing the procedure of Council and the conduct of Members shall be observed in Committee of the Whole so far as they are applicable, provided that no vote shall be recorded.

A final agenda package shall be distributed electronically to the Members of Committee and made public no later than the close of business on Monday, immediately preceding the meeting. In the event of a holiday, final agenda delivery shall be delayed by one day if required.

Minutes of a meeting shall be approved at the next scheduled meeting. The minutes shall be made available to the Public after Committee approval by Motion.

## **Part VIII – Vacancies**

### **62. Appointments to Vacancies**

Where a vacancy occurs in the office of a Member of Council and the vacancy is to be filled other than by an election, the Council shall appoint a person who has consented to accept the office.

If more than one candidate is nominated for appointment to fill such vacancy, a vote shall be taken by the Clerk.

The Clerk shall record the name of each Member of Council and the name of the candidate for which the Member is voting. The results shall be declared by the Clerk.

## **Part IX – Other Matters**

### **63. Conflict with any Other By-law**

In the event of conflict between this By-law and any Statute, the provisions of the Statute prevail.

In the event of any conflict between any provisions of this By-law and any other By-law hereto are passed; the provisions of this By-law shall prevail.

### **64. Suspension of Rules**

Any procedure required by this By-law may be suspended with consent of a majority of the Members of Council present.

**65. Amendment**

No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council. The waiving of this notice by Council is prohibited.

In all matters and under all circumstances the Member shall be guided by and shall have regard to the Act and *Municipal Conflict of Interest Act, R.S.O. 1990, c. M50.*

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

**66. Emergency Provision**

If a matter arises, which in the opinion of the CAO is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Melancthon, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the CAO shall make his/her best efforts to provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

**67. Repeal**

That By-laws 16-2015, 28-2022 and 22-2023 are hereby repealed.

**68. Effective Date**

That this By-law shall come into full force and effect on the date of enactment.

BY-LAW READ A FIRST AND SECOND TIME THIS      DAY OF      2023.

BY-LAW READ A THIRD TIME AND PASSED THIS      DAY OF      2023.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK