

OFFICE CONSOLIDATION

Last consolidated on October 5, 2021. This is a consolidation of the Township's By-Law to govern the proceedings of Council and its committees being By-Law 59/08 as amended by By-Law 18/11, 51/12, 63/14, 12/15, 18/20, 31/20 and 10/21. The following consolidation is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-Law. Official versions of all By-Laws can be obtained from the Clerk's Department by calling (519) 763-1226. If there are any discrepancies between this consolidation and By-Laws 59/08, 18/11, 51/12, 63/14, 12/15, 18/20, 31/20 and 10/21 the By-Laws shall prevail.

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 59/08

Being a By-Law to establish the Procedure for Meetings of Council and to repeal By-Law No. 37/92

WHEREAS the *Municipal Act, 2001, S.O. 2001, Chapter 25, Section 238* requires that every municipality and local Board shall pass a procedure By-Law for governing the calling, place and proceedings of meetings.

AND WHEREAS it is deemed expedient to pass such a By-Law and to repeal By-Law No. 37/92.

THEREFORE the Corporation of the Township of Puslinch by the Council thereof pursuant to the provisions of the *Municipal Act 2001, S.O. 2001, Chapter 25*, does hereby enact as follows:

INTENT OF BY-LAW

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-Law may be suspended if agreed upon by a majority of the members present unless the part or parts is prescribed by statute or law.
2. All Points of Order or procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.

A. DEFINITIONS

1. "ACT" refers to any statute of Law that governs the decision of the Council.
2. "ACTING HEAD OF COUNCIL" shall mean a member of Council appointed to the Council to act in place instead of the Head when the Head is absent or refuses to act or the position becomes vacant their so acting has and may exercise all of the rights, powers and authority of the Head of Council.
3. "CAO" shall mean the Chief Administrative Officer of the Corporation of the Township of Puslinch or his/her designate who shall have all the powers and duties of the CAO under the *Municipal Act* and every other Act.
4. "CLERK" shall mean the Clerk of the Corporation of the Township of Puslinch or his/her formal designate who shall have all the powers and duties of the Clerk under the *Municipal Act* and every other Act.
5. "CLOSED SESSION" (IN CAMERA) shall mean closed to the public as defined in Subsections B10 and 11 of this By-Law.
6. "COMMITTEE" means any standing advisory or other committee, subcommittee or similar entity composed of members of the Township of Puslinch Council alone or together with members of another official body or the public, or a committee composed of solely members of the public appointed by the Council.
7. "COMMITTEE CHAIR" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member, other than those powers specifically provided to the Head of Council by legislation.
8. "COMMITTEE OF THE WHOLE" shall mean a meeting of Council in Committee format for discussion purposes.
9. "CONFLICT OF INTEREST" means a pecuniary interest as defined in the *Municipal Conflict of Interest Act, R.S.O. 1990 Chapter M.50*, as amended.
10. "COUNCIL" means the elected and sworn members of the Council of the Township of Puslinch.

11. "DEPARTMENT HEAD" shall be defined as those persons responsible for the operation of a specific Township department, as established by the Township Council from time to time and shall report directly to the CAO.
12. "DELEGATION" means a presentation to Council or a Committee on a subject which may or may not be on the Agenda.
- [By-Law 18/20] 13. "ELECTRONIC PARTICIPATION" means participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk.
- [By-Law 18/20] 14. "EMERGENCY COUNCIL MEETING" means any meeting of Township Council under Section B13, as amended.
15. "HEAD OF COUNCIL" means the Mayor of the Corporation of the Township of Puslinch. .
16. "HOLIDAY" means those listed as holidays in the *Legislation Act S.O. 2006 Chapter 21 Schedule F* as amended from time to time.
17. "LOCAL BOARD" means a local board as defined in the *Municipal Act, 2001, S.O. 2001, Chapter 25*.
18. "MEETING" shall mean any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them.
19. "NEWSPAPER" means a printed publication in sheet form intended for general circulation, published regularly at intervals of no longer than a week consisting in great part of news of current events of general interest.
20. "QUORUM" shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act* when the quorum may be less than half plus one of the whole number of members but shall not be less than two.
21. "RECORDED VOTE" means the recording of the names and vote of every member voting on any matter or question.
22. "TIE VOTE" means an equality of votes and the question being voted on is deemed LOST.

23. "TREASURER" shall mean the Treasurer of the Corporation of the Township of Puslinch or his/her designate who shall have all the powers and duties of the Treasurer under The *Municipal Act* and every other Act.

B. THE MEETINGS OF COUNCIL

1. Inaugural Meetings

Subject to the provisions of the *Municipal Act*, the hour, date and place of the inaugural meeting of the Council in every year shall be fixed by the Council at its last meeting in the preceding year, but in any case no later than 31 days after its term commences.

2. Ordinary Meetings

[By-Laws 18/11,
63/14 and 10/21]

Council shall meet on Wednesday at 10:00 o'clock in the morning on a 3-week frequency, after its inaugural meeting. With the exception of the months of July and August where there shall be one regular meeting in each month at 10:00 o'clock in the morning on a Wednesday determined by Council. When a meeting falls on a legal, public, civic holiday or declared holiday, the Council shall meet at the same hour the next following day that is not a legal, public, civic or declared holiday and at the same place, or unless postponement is made in the manner hereinafter provided.

3. Postponement Of Ordinary Meetings

Any ordinary meeting of the Council may be postponed to a day named in:

- (i) a notice by the Head or Acting Head of Council given through the Clerk's office and two (2) clear days in advance of the ordinary meeting, or
- (ii) a resolution of Council passed by a majority of the whole number of the members thereof providing therefore, and passed two (2) clear days in advance of the ordinary meeting.

The postponed meeting shall be held at the time and place provided for the ordinary meeting so laid over.

4. Special Meetings

Subject to the provisions of the *Municipal Act*, the Council may be summoned to a special meeting on one (1) clear day's written

notice specifying the purpose of such meeting which shall be the sole business transacted thereat.

5. Adjourned Meetings

[By-law 10/21]

Unless otherwise determined by a resolution of Council passed by a majority of the whole number of the members thereof, the Council shall adjourn at 5:00 o'clock in the afternoon, if it is then in session, and shall reconvene at the hour, date and place determined in such resolution at which time the unfinished business of the preceding meeting shall be transacted including any business that might have been transacted at such preceding meeting but was not for want of time or opportunity to do so.

6. Notice Of Meetings

[By-law 12/15]

1. The Clerk shall provide the public with notice of the Council and Committee schedule by annually posting the meeting dates on the Township of Puslinch website. Any amendments to the schedule or cancellation of a meeting shall be posted on the website.

2. The meeting agenda shall constitute notice of each meeting. The agenda shall include the location of the meeting and shall relevant materials on a matter to be considered by Council or a Committee.

3. Notice of a Council or Committee meeting shall be provided by:

- a. Posting the agenda on the Township's website; and
- b. In the case of a Council Meeting, making it available one week (7 days) prior to the meeting; and
- c. In the case of a Committee Meeting, making it available at the Township Office a minimum of (2) business days prior to the meeting.

[By-law 10/21]

4. Notice of a Special Council Meeting shall be provided as soon as it is available by:

- a. Posting the agenda on the Township's website; and
- b. Making it available at the Township Office.

5. Addendum Agenda items for Council that are identified prior to 12:00 noon on the Tuesday prior to the Council meeting shall be posted on the Township's website and by making it available at the Township Office.

7. When Meetings To Be Called To Order

As soon after the hour fixed for a meeting as a quorum is present the meeting shall be called to order.

8. When Meeting NOT To Be Called To Order

Where a quorum is not present within thirty minutes after the hour fixed for a meeting, the Clerk shall record the names of the members of Council present and the meeting shall stand adjourned until the next meeting, subject to the provisions of Clause 4 of this Section.

9. Order Of Business (COUNCIL AGENDA)

DISCLOSURE OF PECUNIARY INTEREST

Where a member has a pecuniary interest, as defined in the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter m.50*, in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration the member:

- i) Shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
- ii) Shall not, at any time, take part in the discussion or vote on, any question in respect of the matter;
- iii) Shall not, at any time attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting to influence the voting on any such question;
- iv) Shall, where a meeting is not open to the public, immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it during consideration of the matter.
- v) Where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.

- vi) Regular Council Meeting Agendas

The Clerk or his/her designate shall prepare the Agenda for all regular Council meetings consisting of the following "Order of Business" and record any such disclosures in the minutes of the meeting.

1. Call to Order
 2. Roll Call
 3. Moment of Reflection
 4. Confirmation of the Agenda
 5. Disclosure of Pecuniary Interest
 6. Consent Agenda
 7. Delegations
 8. Public Meetings/Hearings
 9. Reports
 10. Correspondence
 11. Council Reports
 - 11.1. Mayor Meeting Log
 - 11.2. Council Member Reports
(Verbal or written updates from members who sit on boards/committees)
 12. By-laws
 13. Closed Session – Pursuant to Section 239 of the Municipal Act, 2001
 14. Business Arising from Closed Session
 15. Notice of Motion
 16. New Business
 17. Announcements
 18. Confirmatory By-law
 19. Adjournment
10. Meetings Open To The Public

All regular Council Meetings, Committee Meetings, Local Board Meetings and special meetings of Council and of Committees and Local Boards shall be open to the public, but a meeting or any part thereof 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 for municipal or local board purposes;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) The receiving of 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 has authorized a meeting to be closed under another Act;
- h) Related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council or Committee or Board is the head of an institution for the purposes of that Act;
- i) The educating or training of Council or Committee or Local Board and at the meeting no member discusses or otherwise deals with any matter in a way that materially advanced the business or decision-making of the Council, Committee or Local Board;
- j) All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with this Section and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township, Committee or Local Board or persons retained by or under contract with the Township, Committee or Local Board or to rise from closed session. Recorded votes shall not be taken at an In Camera meeting.

11. Closed/ “In Camera”

- a) Before holding a meeting or part of a meeting that is to be closed to the public, Council or Committee or Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting on the prescribed form.
- b) Should Council or Committee, during an open Meeting, wish to meet In Camera, the open Meeting of Council or Committee may, following the passage of the resolution referred to in clause a), recess into the In Camera Meeting.

12. Adjournment

Every meeting of Council shall be deemed to be adjourned at the hour stated in Section B5, save and except with the consent of a majority of Council.

13. Emergency Meetings of Council

[By-Law 18/20]

- a) In accordance Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, where an emergency has been declared to exist in all or part of the municipality, any member of Council may participate in any open or closed Council meeting electronically and be counted for the purpose of establishing quorum.
- b) The Mayor may call a special meeting other than as described in Section B4 of this By-Law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message.
- c) A special meeting under this section requires minimum notice of one(1) clear day unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.
- d) At a special meeting of the Council under this section, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.
- e) In accordance with *Section 236 of the Municipal Act*, an Emergency Meeting of Council may be called by the Mayor at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be

called for an emergency within the meaning of the Township's Emergency Response Plan or any other similar unforeseen circumstance.

- f) A Standing Committee of Council may be created, and delegated to that committee, to the extent possible, all of the powers of Council, for the duration of a Declared Emergency in the Township of Puslinch, providing it has been established that there is an inability, for valid reasons, for a majority of the members of Council to attend a properly scheduled meeting of Council.

[By-Law 18/20]

14. Electronic Participation

- a) Electronic participation applies only during a period where an emergency has been declared in accordance with *Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act*.
- b) Any Member who is not physically present in the location where a Meeting takes place is permitted to participate electronically in both Open and Closed Session and shall have the same rights to speak and vote as if the Member was physically present.
- c) All Members who participate electronically shall be counted in determining whether or not a Quorum of Members is present.
- d) All votes shall be by verbal consent.
- e) The following may be adjusted at the discretion of the Chair based on the electronic means or service being used to permit electronic participation:
 - i. Roll Call will take place immediately following the meeting being called to order and as often as deemed necessary by the Chair throughout the meeting.
 - ii. Setting out the order in which members speak.
 - iii. The provision included in Section G5 "Recorded Vote" setting out the process for a Recorded Vote.
 - iv. Any other provision of this By-law where adherence is not possible due to the functionality of the electronic

means or service being used to permit electronic participation.

- f) Delegates shall not be permitted to participate electronically. If circumstances do not allow a Delegate to appear in person, a written submission may be made in accordance with Section H.4 “Delegations”,

C. ROLES OF MAYOR AND COUNCIL

1. Role Of The Mayor As Head

It is the role of the Mayor as the Head of Council:

- a) to Act as Chief Executive Officer of the municipality;
- b) to, except where otherwise provided, preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to receive all messages and other communications and announce them to the Council;
- d) to select the members who are to serve on committees, when directed to do so in a particular case, or when it is made a part of his/her general duty by a rule of procedure;
- e) to ensure that the decisions of Council are in conformity with the laws, regulations and By-Laws governing the activities of the Council;
- f) to adjourn the meeting when the business is concluded;
- g) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.
- h) to provide leadership to Council;
- i) to represent the municipality at official functions;
- j) to carry out the duties of the Head of Council under any Act; and
- k) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Township of Puslinch.

2. Chief Executive Officer

As Chief Executive Officer of the Township, the Head of Council shall:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the Township’s activities;
- c) act as the representative of the Township both within and outside the municipality and promote the Township locally, nationally and internationally; and

- d) participate in and foster activities that enhance the economic, social and environmental well being of the Township and its residents.

3. Duties Of The Chair

As Chair of Council Meetings, the Mayor shall:

- a) as soon as a Quorum is present, after the hour fixed for the holding of a Council Meeting, take the Chair and call the Meeting to order;
- b) put to a vote all motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result of the vote;
- c) decline to put to vote motions which infringe the Rules of Procedure;
- d) restrain the Members, within the Rules of Procedure, when engaged in debate;
- e) enforce on all occasions, the observance of order and decorum among the Members and attendees/audience;
- f) call by name any Member persisting in breach of the Rules of Procedure, thereby ordering the Member to vacate the Council Chamber;
- g) decide all questions of order at the Meeting, subject to an appeal by any Member to Council on any question of order in respect to business before the Council;
- h) execute by his/her signature when necessary, all By-Laws, resolutions and minutes of a Meeting and other required documents;
- i) represent and support Council, declaring its will, and implicitly obeying its decisions in all matters, and
- j) provide a synopsis of the correspondence presented for Councils consideration unless requested by any member to read the document in its entirety.

4. Role Of Council

It is the role of Council:

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

D. RULES OF CONDUCT

1. Conduct Of Members

No Members shall:

- a) use offensive words or unparliamentary language in or against the Council, any Member of Council, or any officer or employee of the Township, or any person acting in an official capacity or otherwise noted;
- b) speak on any subject other than the subject in debate;
- c) criticize any decision of the Council except for the purpose of moving that a motion be reconsidered;
- d) interrupt the Member who has the floor, except to raise a Point of Order or Privilege;
- e) disobey the rules of procedure or a decision of the Chair on questions of order or upon the interpretation of the Rules of Procedure; and where a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall introduce the motion without amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the Meeting of Council", but if the Member apologizes, he/she may be permitted to retake his/her seat;
- f) leave the meeting at any time without advising the Chair or Clerk;
- g) speak in a manner that is discriminatory in nature on an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability; and
- h) speak more than once to the same question or motion, except:
 - i) upon the consideration of a report from a committee to which it was referred by Council after being properly introduced and debated but not determined, or

- ii) in explanation of a material part of speech which may have been interpreted incorrectly, or
- iii) with leave of the Council, after all other members so desiring have spoken, or
- iv) a reply may be allowed by leave of the Council to the member who presented the motion to Council, in which case he/she shall speak for no longer than a 5 minute period without leave of Council;

2. Request To Read Motion

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.

3. Appeal Chair's Decision

Any member may appeal the decision of the Presiding Officer on a point of order to the Council, which shall decide the question without debate upon a majority vote of the members present.

4. Confidentiality

Members shall ensure that confidential matters disclosed to them and materials provided to them during In Camera Meetings are kept confidential. Members are encouraged to return confidential material to the Clerk and shall return such material if so directed by the Mayor.

E. DECORUM

1. Decorum

Members of the Public who wish to submit materials for Council must do so through the Clerk.

2. Disruptive Behaviour

Attendees at a Meeting shall maintain order and shall not display signs or placards, heckle, or engage in telephone or other conversations or any behaviour that may be considered disruptive.

3. Electronic Devices

All cell phones, personal digital assistant and electronic devices shall be turned off and/or set to silent mode during a Meeting.

4. Chair's Right To Expel

The Chair may expel any person for improper conduct at a meeting.

5. Council Area

No person, except Members of Council and staff of the Township, shall be allowed to approach the area where the Members of Council are seated.

6. Head Covering

No person shall wear head covering except for religious purposes or in the case of infirmity.

7. Media Interviews

Media interviews within the Council Chambers are prohibited during the formal part of the meeting.

8. Use Of Electronic Equipment

- a) The use of audio and video recording equipment in the Council Chambers by the public or the media will be permitted provided that it is not disruptive to the Meeting. The location of the recording equipment will be at the discretion of the Chair, but will not be permitted in the area where members of Council are seated.
- b) If, in the opinion of the Chair, the use of such equipment or devices is deemed to be disruptive to the conduct of the Meeting, the recording privileges will be withdrawn from any offending user. The ruling of the Chair shall be final unless a Member appeals the ruling to Council, which shall then decide upon the question without debate.
- c) Council or Committee Meetings, which are not closed to the public in accordance with the provisions of Section B10 of this By-Law, and subject to Clauses a) and b) of this Section may be taped, televised or otherwise recorded.

9. Late Arrival

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

F. COMMITTEES

1. Committees

a) The Council shall at the beginning of each new term of council and each year thereafter nominate and elect the following Standing Committees:

[By-Law 51/12]

- i) BADENOCH COMMUNITY CENTRE BOARD
- ii) RECREATION COMMITTEE
- iii) PLANNING ADVISORY COMMITTEE
- iv) COMMITTEE OF ADJUSTMENT
- v) HERITAGE COMMITTEE
- vi) PROPERTY STANDARDS COMMITTEE
- vii) PUBLIC WORKS COMMITTEE
- viii) FIRE AND RESCUE COMMITTEE
- ix) AUDIT COMMITTEE
- x) ELECTION COMPLIANCE AUDIT COMMITTEE
- xi) WELL PROTECTION COMMITTEE

b) The Rules of Procedure for Committee operation shall be those contained in this By-Law unless otherwise prescribed by statute or law.

c) Standing, Advisory, and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All members of such Committees shall be qualified electors within the municipality.

2. Head Ex-Officio

The Head of Council shall be an ex-officio member of all Township Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda unless directed to do so by Council, such new business to be conveyed to the Committee Chair prior to the meeting.

G. BY-LAWS AND MOTIONS

1. Motions

- a) After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council;
- b) Every Motion as herein provided when duly Moved and Seconded shall be read by the Mayor or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration;
- c) Prior to a Motion being voted on, each member present in the Council Chamber shall take their seat and shall vote unless they have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*;
- d) All Motions shall be governed according to Appendix 'A' to this By-Law "Principle Rules Governing Motions".

2. Motion To Amend

A Motion to amend, when duly moved and seconded:

- a) May be presented verbally or in writing;
- b) Shall receive disposition of Council before the original Motion;
- c) Shall not be amended before voting;
- d) Shall be relevant to the Motion to be received;
- e) Shall not be received proposing a direct negative to the Motion;
- f) May propose a separate and distinct disposition of a Motion;
- g) May propose to separate two (2) or more components contained in the original Motion.

3. Decision Of Mayor

- a) After a Motion is deemed to be finally put by the Mayor or Chair no member shall speak to the Motion nor shall any other Motion be made until after the vote is taken and the result has been declared.
- b) The decision of the Mayor as to whether the Motion has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
- c) The Mayor shall declare the vote on all Motions and should his/her declaration be stated by any member to be in doubt, the Mayor shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

4. Repeat Motion

Any member may require any Motion to be repeated from the Chair prior to the voting on such Motion.

5. Recorded Vote

[By-Law 51/12]

- a) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his/ her vote openly and the Clerk shall record each vote.
- b) A failure to vote under Clause a), above, 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.
- c) Any member who refuses or abstains from voting will be recorded as voting in the negative.
- d) When a recorded vote is requested, the Clerk shall record each vote as it is called, starting with the Member who requested the recorded vote, and continuing counter-clockwise until all members, including the Chair have voted.

6. Tie Vote

A tie vote shall be declared to be a LOST vote.

7. Notice Of Motion

A member may introduce a notice of Motion directly to a Council or Committee meeting, following which a copy of the Motion shall be filed with the Clerk and the Motion shall form part of the next Council or Committee Agenda for discussion. Following such notice there shall be no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of majority of the members present. All motions shall be governed according to Appendix "A" to this By-Law "Principle Rules Governing Motions".

8. Introduction Without Notice

A motion may be introduced without notice upon leave of Council resolved by a majority of members present without debate, in which case it shall be set out in full in the minutes of the meeting of Council at which it is considered.

9. Notice

At least five (5) day's written notice shall be given to all new motions except matters of privilege or the presentation of petitions, notices of motion received by the Clerk at any time the Council is in session, and such motions shall be set out in full in the agenda of the routine of business of the meeting at which they are to be considered.

10. By-Laws

- a) Every By-Law shall be circulated to members of Council and by such circulation to Council members shall be deemed to have been made known to the public.
- b) Every By-Law shall be introduced by a Motion of Council, specifying the title thereof, or on recommendation of an adopted report.
- c) By the one Motion, By-Laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.
- d) Every By-Law shall be deemed to be considered in Committee of the Whole subsequent to the reading of the Motion and prior to a vote being called on the Motion.

- e) When a By-Law is being considered in Committee of the Whole, it may be debated clause by clause or as otherwise considered advisable by the Chair and members of Council.
- f) Every By-Law once passed shall be dated and duly signed by the Mayor or presiding officer and the Clerk at the meeting and engrossed with the Township Seal by the Clerk or designate.
- g) Every proposed By-Law shall:
 - i. Receive not more than two readings on the same day except with the consent of a majority of the members present, and not otherwise prohibited in law;
 - ii. Be endorsed by the Clerk with the date of the several readings thereof;
 - iii. Be the responsibility of the Clerk for correctness when amended;
 - iv. Be finally passed by Council before signature by the Head or Acting Head of Council and the Clerk and engrossed with the seal of the Township.

Every proposed By-Law may be referred to a Committee for report after second reading, and such referral may be made with or without debate on either or both the proposed By-Law or the motion to so commit, as the Council may decide.

H. **GENERAL**

1. Order Of Business

The Clerk shall have prepared a list of the items in the order of the topics set out as the routine of business in Section B9 "Order of Business" for the use of each member at an ordinary meeting.

2. Minutes

- a) The minutes of Council as taken by the Clerk or designate shall consist of a record of all proceedings taken in the Council. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount without note or comment.
- b) All Minutes, Committee Minutes and Reports following adoption by Council and all By-Laws passed by the Council shall be kept in the Clerks Office and shall be made available for viewing during normal office hours and shall be posted on the **Township website**, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section B10 and 11 of this By-Law and subject to the provisions of any applicable By-Law, act or statute.
- c) The minutes shall record;
 - i) the place, date and time of meeting;
 - ii) the names of the Presiding Officer or Officers, and of any members present;
 - iii) the reading, presentation, correction and adoption of the minutes of prior meetings;
 - iv) the names of others attending as authorized by Council.
- d) It shall be the duty of the Clerk to ensure that the minutes of the last ordinary meeting and all subsequent special meetings held more than three days prior to an ordinary meeting are mailed or delivered to each member not less than forty-eight hours before the hour appointed for holding such ordinary meeting.
- e) Such minutes as referred to in Clause d) of this section may be adopted by Council without having been read at the meeting, considering the question of their adoption and in other cases the minutes must be read prior to consideration of adoption.

3. Communications

All written messages, memorials and enquiries over the signature of the sender for the information of Council on matters of fact or which contain a request for action on the part of the Council in respect of matters within the jurisdiction of the Council and the replies thereto may be referred to a Committee or disposed of forthwith.

4. Delegations

- a) Persons desiring to verbally present information on matters of fact or make a request of Council may be heard on leave of Council but shall be limited in speaking not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes and each speaker shall not repeat what has previously been presented. Delegations not listed on the agenda may be heard by approval of a majority vote of the Council; such vote shall not be debatable.
- b) Only members of Council may ask questions of delegations and shall not enter into debate with the delegation. All questions to delegations shall be addressed through the Chair.

5. Matters before Court, Tribunal, Etc.

No members of Council and no delegation shall be permitted to address the Council, during an open session of Council, on any matter that is before any Court, Tribunal or similar body for decision.

6. Requirements To Be On Agenda

[By-law 10/21]

All persons shall communicate with the Clerk in writing at least ten (10) days prior to any Council Meeting open to the public stating in detail the subject that the person and or persons wish to discuss and the date of the Meeting at which they desire to attend.

7. Petitions

A petition in regard to a matter within the jurisdiction of Council made over the signatures of the subscribers shall be presented by a member who knows the contents thereof and vouches for the propriety of the petition, and may be received on leave of Council, may be disposed forthwith, assigned some future time for consideration by Council or referred to a committee. Persons presenting Petitions are subject to the same conditions as outlined in Clauses 4 a) and b) of this Section.

8. Committee Reports

Report from Committee:

- a) Shall be received upon leave of Council;
- b) May be recommitted to the same or a different Committee for further consideration.

9. Unfinished Business

The items listed in the order of the topics set out as the routine of business of prior meetings which have not been disposed of by Council and the date of their first appearance on the Order of Business shall be noted, and repeated on each subsequent Order of Business, until disposed of by Council unless removed from the Order of Business by leave of Council.

10. Suspension Of Rules

- a) Subject to Clause b) of this section, any procedure required by this By-Law may be suspended with consent of a majority of the members present.
- b) No amendment or repeal of this By-Law will be considered at any request of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and Council may not waive such notice.

11. Former By-Laws Repealed

All By-Laws, including By-Law 37/92 and parts of all these By-Laws inconsistent with the provisions of this By-Law are hereby repealed.

- 12. This By-Law shall come into force on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19th DAY OF NOVEMBER, 2008.

Signed:

Brad Whitcombe, Mayor

(SEAL)

Brenda Law, CAO/Clerk-Treasurer

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Township of Puslinch Procedural By-Law
By-Law #59/08

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**Appendix “A”
PRINCIPAL RULES GOVERNING MOTIONS**

Order of Precedence	Can interrupt speaker?	Requires a seconder?	Debatable?	Amendable?	Vote Required?	Can be renewed at same meeting?
I. PRIVILEGED MOTIONS (dealing with special matters of immediate and overriding importance)						
1. Adjourn	No	Yes	No	No	Majority	Yes
2. Recess	No	Yes	No	Yes	Majority	Yes
3. Question of Privilege	No	No	No	No	No Vote	Yes
II. SUBSIDIARY MOTIONS (apply to other motions and assist the Council/Committee in dealing with a main motion)						
4. Postpone Temporarily (lay on the table)	No	Yes	No	No	Majority	Yes
5. Previous Question	No	Yes	No	No	Two-Thirds	Yes
6. Limit Debate	No	Yes	No	Yes	Two-Thirds	Yes
7. Defer to a Certain Time	No	Yes	Yes	Yes	Majority	Yes
8. Refer to Committee	No	Yes	Yes	Yes	Majority	Yes
9. Amend	No	Yes	Yes	Yes	Majority	No
10. Defer	No	Yes	Yes	No	Majority	No
III. MAIN MOTIONS (bring business before Council)						
11. A General Main Motion	No	Yes	Yes	Yes	Majority	No
12. Specific Main Motions Reconsideration	No	Yes	Yes	No	2/3 without notice	No
13. Rescind	No	Yes	Yes	No	Majority	No
14. Resume Consideration	No	Yes	No	No	Majority	Yes
IV. INCIDENTAL MOTIONS (usually arise while the main motion is open to debate)						
15. Appeal	Yes	Yes	Yes	No	Tie or Majority	No
16. Point of Order	Yes	No	No	No	No Vote	No
17. Division of a Question	No	No	No	No	Majority	No
18. Recorded Vote	Yes	No	No	No	No Vote	No