

# THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

## BY-LAW NUMBER 2022-046

Being a By-Law to establish the Procedure for Meetings of Council and Committees and to repeal By-Law No. 59/08, as amended.

**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, for public notice of meetings and for electronic participation in meetings;

**AND WHEREAS** it is deemed expedient to pass such a By-Law and to repeal By-Law No. 59/08, as amended;

**THEREFORE** the Corporation of the Township of Puslinch by the Council hereby enacts as follows:

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**1. GENERAL**

**1.1 Application and Interpretation**

- (a) This By-law establishes the rules of order for meetings of Council and Committee.
- (b) A word in this By-law expressed in the singular has a corresponding meaning when used in the plural.
- (c) Any future amendment(s) to the *Municipal Act, 2001* or other legislation as noted in this By-law may alter the provisions of the legislation referenced but shall not affect the validity of this By-law or any part thereof.
- (d) In an event of conflict between this By-law and any superior legislation, the provisions of the superior legislation prevail.
- (e) A specific statement or rule in this By-law has greater authority than a general statement or rule.
- (f) Any reference to a provision of this By-law may be referred to as "Section" notwithstanding that it may be a section, subsection, clause or paragraph.
- (g) If there is a conflict between two or more rules in this By-law, or if there is no specific rule on a matter, the Chair will rule and, in making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices or refer to Robert's Rules of Order and the Chair shall submit the ruling without debate.
- (h) 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.

**1.2 Principles of this By-law**

The principles of parliamentary law governing Meetings includes:

- (a) The Majority of Members have the right to decide.
- (b) The minority of Members have the right to be heard.
- (c) All Members have the right to information to help make decisions, unless otherwise prevented by law.
- (d) All Members have the right to an efficient Meeting.
- (e) All Members, Township staff and delegations have the right to be treated with respect and courtesy.
- (f) All Members have equal rights, privileges and obligations.

### **1.3 Suspension of Rules**

Rules of Order provided for in this By-law may be suspended by a Two-Thirds vote of those Council or Committee Members present, with the exception of the following circumstances:

- (a) where required by law;
- (b) in any contract or agreement binding the Township;
- (c) amending this By-law;
- (d) requirements for Quorum.

### **1.4 Administrative Authority of Clerk**

The Clerk is authorized to revise or correct by-laws, minutes and other records or documents relating to Council and Committee for technical, typographical or other administrative errors and omissions for the purpose of ensuring an accurate and complete record of proceedings and general housekeeping.

## **2. DEFINITIONS**

### **2.1 Definitions in this By-law**

- (a) "ACT" refers to any statute of Law that governs the decision of the Council.
- (b) "ACTING MAYOR" 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.
- (c) "ADVISORY COMMITTEE" means a Committee created by Council with a defined set of responsibilities and provides advice and recommendations to Council.
- (d) "BY-LAW" means this By-law to Govern the Procedures of Council and Committee Meetings.
- (e) "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.
- (f) "CHAIR" means the presiding officer at a Meeting.
- (g) "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.

- (h) "CLOSED SESSION" (IN CAMERA) shall mean closed to the public as permitted by the *Municipal Act, 2001*.
- (i) "COMMITTEE" means any 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.
- (j) "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.
- (k) "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 or a conflict as defined in the Township's Code of Conduct which may be amended from time to time.
- (l) "COUNCIL" means the elected and sworn members of the Council of the Township of Puslinch.
- (m) "COUNCILLOR" means any Member of Council, other than the Mayor.
- (n) "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.
- (o) "DELEGATION" means any person, group of persons to a maximum of two (2) persons, or organization, who is not addressing Council in their official capacity as a Member of Committee or Council or an appointed official of the Township and who is speaking to Committee or Council.
- (a) "ELECTRONIC MEETING" means any open or Closed Meeting where Council or Committee, as a whole participates remotely or virtually via electronic means, and Members have the same rights and responsibilities as if they were in physical attendance including the right to vote, and shall count towards a Quorum.
- (b) "ELECTRONIC PARTICIPATION" means participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk.
- (c) "EMERGENCY COUNCIL MEETING" means any meeting of Township Council under Section 4.5.
- (d) "FRIENDLY AMENDMENT" means the Motion under debate is amended with the consent of the mover and seconder, is keeping with the general intent and without the requirement for an amending Motion to be made.

- (e) "GENERAL INTEREST DELEGATION" means delegations on matters that do not directly relate to an item on the Agenda.
- (f) "HEAD OF COUNCIL" means the Mayor of the Corporation of the Township of Puslinch.
- (g) "HOLIDAY" means those listed as holidays in the *Legislation Act S.O. 2006 Chapter 21 Schedule F* as amended from time to time.
- (h) "LOCAL BOARD" means a local board as defined in the *Municipal Act, 2001, S.O. 2001, Chapter 25*.
- (i) "MAJORITY" means for the purpose of voting, unless otherwise specified, fifty percent (50%) of the total number plus one of the Members of Council or Committee present at the vote and not prohibited by statute from voting.
- (j) "MAJORITY VOTE" means fifty percent (50%) of the total number plus one of the votes cast by Members present.
- (k) "MAYOR" means the Mayor of the Township.
- (l) "MEETING" means a Meeting of Council or Committee where a Quorum is present and Members discuss or otherwise deal with any matter in a way that materially advances the business of Council or Committee.
- (m) "MEMBER" means a Member of Council, including the Mayor, or a Member of Committee, including the Chair.
- (n) "MOTION" means a proposal, moved by one Member and seconded by another Member to adopt, amend or otherwise deal with a matter before Council or Committee.
- (o) "MOTION TO DEFER" means a Motion to delay consideration of a matter until later in the same Meeting or at a future Meeting of Council or Committee.
- (p) "MOTION TO REFER" means to direct a matter under discussion by Council and/or Committee to staff or another committee for further consideration or review.
- (q) "NOTICE OF MOTION" means a written notice respecting a substantive matter not on the agenda, submitted to the Clerk, for inclusion on the agenda of a future Meeting.
- (r) "POINT OF ORDER" means a question by a Member calling attention to a possible violation of the rules or customary procedures of this By-law.
- (s) "POINT OF PRIVILEGE" means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member, Township staff or a delegation or who considers that his

or her integrity or that of a Member or Township staff or delegation has been impugned or questioned by a Member.

- (t) "QUORUM" shall mean a majority of the whole number of members of Council or a Committee except where a member has or members have declared a Conflict of Interest pursuant to the *Municipal Conflict of Interest Act* or the Township's Code of Conduct when the quorum may be less than majority of the whole number of members, but shall not be less than two.
- (u) "RECORDED VOTE" means the recording of the names and vote of every member voting on any matter or question.
- (v) "RULES OF ORDER" means Roberts Rules of Order.
- (w) "SPECIFIC INTEREST DELEGATION" means delegations on matters that directly relate to an item on the Agenda.
- (x) "TIE VOTE" means an equality of votes and the question being voted on is deemed LOST.
- (y) "TOWNSHIP" means the Corporation of the Township of Puslinch.
- (z) "TWO-THIRDS" means two-thirds (2/3) of the Members of Council or Committee. Where a Council or Committee is comprised of 5 members and all Members are present, two-thirds (2/3) shall mean four (4) members.
- (aa) "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.

### **3. DUTIES AND CONDUCT**

#### **3.1 Chair of Meeting**

- (a) The Chair of Council is the Mayor and, in the absence of the Mayor, the Acting Mayor is Chair.
- (b) The Chair and Vice Chair of any other Committees are appointed by a vote of the Members of the Committee.

#### **3.2 Appointments to Committees**

- (a) Appointment of a Member of Council to any Municipal Committee or to any other boards, committees, commission and organizations shall be discussed and approved by Council.
- (b) Appointment of citizens to Municipal Committees shall be recommended by the Clerk in consultation with the CAO to Council and approved by Council.

#### **3.3 Duties of the Chair**

- (a) The Chair shall call a Meeting to order as soon as there is Quorum present following after the time set for the Meeting.
- (b) The Chair shall preside over the Meetings so business can be carried out efficiently and effectively, and shall:
  - (i) maintain order and preserve the decorum of the Meeting;
  - (ii) rule on all procedure matters;
  - (iii) receive and put to a vote all motions which are properly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result of the vote;
  - (iv) decline to put any Motions to a vote which do not comply with the rules of procedure, or which are not within the jurisdiction of Council or Committee;
  - (v) announce the result of the vote on any Motions presented for a vote;
  - (vi) adjourn or suspend the Meeting if they consider it necessary because of grave disorder;
  - (vii) close the Meeting when business is concluded or recess the Meeting;
  - (viii) after one issued warning, shall expel or exclude from any Meeting any person whom the Chair feels has exhibited improper conduct at the Meeting or any person persisting in breach of the rules of procedure, and if the person refuses to leave the Meeting, the Chair may request that security or police be called for assistance to remove the person or in the event of an Electronic Meeting, the Chair may request that the person be removed;
  - (ix) shall decide all matters not covered by this By-law and may call upon the Clerk to provide advice regarding procedure whereupon the Clerk shall provide advice, following which the Chair shall announce the ruling;
  - (x) shall call a vote on the question of sustaining the ruling of the Chair in response to a Member disagreeing and appealing the ruling of the Chair and may provide further explanation of the ruling prior to calling the vote and announce the results of the vote;
  - (xi) if necessary, may call a recess for a brief, specified time to consult with the Clerk or CAO in respect to a question of procedure;
  - (xii) if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder, recess the Meeting for a specified time;



- (xiii) ensure that each Member has an opportunity to speak to an issue or seek clarification from staff prior to any Member moving a Motion on the matter or the Chair expressing their own position on the matter;
- (xiv) ensure clarity, where required, by reading, or requesting the Clerk or other appropriate person to read Motions before voting and to display the Motion on a screen if available for Members and the public to view;
- (xv) vote on all matters unless disqualified from doing so by any statute;
- (xvi) adjourn the Meeting when all business is concluded;
- (xvii) authenticate, when necessary, by their signature, all by-laws and minutes; and
- (xviii) recess the Meeting after two (2) hours has passed since the last recess, unless there is unanimous consent of the Members to continue.

#### **3.4 Acting Mayor**

- (a) When the Mayor is absent from a Meeting, the Acting Mayor may exercise all the rights, powers and authority of the Mayor as head of Council.

#### **3.5 Members**

All Members shall:

- (a) attend scheduled Meetings; a Member that is absent for three (3) successive months must provide written notice to the Mayor and Council prior to the commencement of the absence. A Member who is making a request to be excused from Council must provide a reason for the absence and then may be excused by resolution of Council by a majority vote. Where the absence is not approved by Council, and the Member is absent three (3) successive months without being authorized by a resolution of Council, the Member shall vacate the office they hold in accordance with the *Municipal Act, 2001*;
- (b) carefully consider and make decisions about Meeting business, including seeking information and advice from staff prior to and during a Meeting;
- (c) not speak on any subject other than the subject in debate;
- (d) vote on all Motions put to a vote unless disqualified from voting under any statute. A failure by any Member to announce their vote openly and individually, including an "Abstention", is deemed to be a vote in the negative;
- (e) respect the rules of order as set out in this By-law;

- (f) refrain from private electronic communications with any individuals during a Meeting; this includes but is not limited to private electronic communications with staff, other Members of Council or Committee, the public, delegations or presenters;
- (g) not leave the meeting at any time without advising the Chair;
- (h) if a member arrives late at a Meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.
- (i) listen attentively, participating in a Meeting and not interrupting, unless to raise a Point of Order or Point of Privilege, as set out in this By-law;
- (j) remain silent in their seats while Council or Committee votes until the Chair announces the result;
- (k) refrain from using any offensive, disrespectful or unparliamentary language;
- (l) respect the confidentiality of matters disclosed or discussed in Closed Meetings through any means including written, electronic or verbal communication to any individual or third party, any information that has been or will be discussed at a Closed Meeting or any records or documents disclosed thereat until Council or Committee has agreed to the disclosure of such information, records or documents or if directed to do so by a court or by a Closed meeting Investigator;
- (m) address Members of Council, Committee and staff by their appropriate title; and
- (n) respect and comply with the ruling of the Chair and the decisions of Council and Committee.

### **3.6 Attendees**

- (a) The Chair may expel or exclude any person who disrupts a Meeting, and request security and/or police assistance in doing so.
- (b) No persons, other than Members and staff are permitted to approach the area where Council, Committee and staff are seated, unless they are invited by the Chair.
- (c) Attendees will submit all material for Council through the Clerk.
- (d) Attendees are responsible for:
  - (i) maintaining order and not heckling or engaging in conversation with other attendees, displaying placards or props or any behaviour that may be considered disruptive;
  - (ii) speaking respectfully at all times;

- (iii) ensuring all personal digital devices are turned off or set to silent mode during a Meeting; and
- (iv) using recording, broadcasting or streaming devices respectfully, and should the Chair direct it, moving or ceasing to use recording, broadcasting or streaming devices.

### **3.7 Rules of Debate and Questions from Members**

- (a) The Chair will provide each Member an opportunity to speak to a matter or ask questions about a matter and Members will refrain from moving a Motion until each Member has had at least one opportunity to either speak to the matter or ask questions of staff regarding the matter.
- (b) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding.
- (c) All Members and staff will address their questions and comments through the Chair.
- (d) The Chair may provide relevant facts or comment in a general manner on any matter before the Council or Committee prior to other members and may ask questions and state the Chair's position immediately prior to the vote without passing the chair to another Member but the Chair or any Member acting as Chair, must pass the chair to another Member before they can move a Motion or debate a question.
- (e) If during a Meeting of Council the Mayor desires to leave the chair to move a Motion or to take part in the debate, the Mayor shall call on the Acting Mayor to preside until the Mayor resumes the chair. In the event that the Acting Mayor is not in attendance, the next scheduled Member present at the meeting shall preside as Chair in accordance with the Acting Mayor Schedule.
- (f) Members are encouraged to provide questions to staff prior to the Meeting and address any answers received during the comments portion of the discussion.
- (g) When a Member is speaking, no interruptions are permitted except to raise a Point of Order or a Point of Privilege.
- (h) Comments are to be relevant to the matter of business at the Meeting.
- (i) Members shall express themselves succinctly without repetition.

### **3.8 Point of Order**

- (a) A Member may raise a Point of Order when such Member feels there has been:

- (i) a deviation or departure from the rules set out in this By-law; or
  - (ii) a deviation from the matter under consideration and the current discussion is not within the scope of the proposed Motion.
- (b) Where a Member raises a Point of Order, the Chair shall:
- (i) interrupt the matter under consideration;
  - (ii) ask the Member raising the Point of Order to state the substance of and the basis for the Point of Order; and
  - (iii) rule on the Point of Order immediately without debate by Council or Committee.
- (c) A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a Majority Vote of the Members present. If there is no appeal, the decision of the Chair is final.

### **3.9 Point of Privilege**

- (a) A Member may raise a Point of Privilege at any time if they consider their integrity, the integrity of Council or Committee or Township staff or a delegation has been impugned.
- (b) Where a Member raises a Point of Privilege, the Chair shall:
- (i) interrupt the matter under consideration;
  - (ii) ask the Member raising the Point of Privilege to state the substance of and the basis for the Point of Privilege; and
  - (iii) rule on the Point of Privilege immediately without debate by Council or Committee.
- (c) A Member may appeal the ruling of the Chair to Council or Committee which will then decide whether to uphold the decision or overturn the decision, without debate, by way of a Majority Vote of the Members present. If there is no appeal, the decision of the Chair is final.
- (d) Where the Chair considers the integrity of any Member or staff has been impugned or questioned, the Chair may permit that Member or staff to make a statement to Council or Committee.

## **4. MEETINGS**

### **4.1 Inaugural Council Meeting**

- (a) The first Meeting of Council following a regular election shall be held at a date and time set by the Clerk in accordance with the Act but in any case no later than 31 days after its term commences. The Meeting will be held

at the Puslinch Community centre or at such alternate location as determined by the Clerk.

- (b) At the Inaugural Meeting of Council, each Member present shall make his or her declaration of office and sign Council's Code of Conduct. The Clerk may provide additional policies or procedures to Council as appropriate. Council shall not proceed with any regular business at this Meeting.

#### **4.2 Regular Meetings**

- (a) 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.

#### **4.3 Location and Schedule of Meetings**

- (a) Meetings of Council and Committee will take place at the Township's office or at another location within the municipality or as provided for in the Act, as amended when notice is given. Electronic Meetings may also take place where Council or Committee, as a whole participates remotely or virtually via electronic means.
- (b) Council shall approve a schedule of regular Meetings of Council and Committees for each calendar year, which may be amended. The schedule of Meetings shall be posted on the Township's website and available from the Township's office.

#### **4.4 Special Council or Committee Meetings**

- (a) Subject to the provisions of the Municipal Act, the Council may be summoned to a special meeting by the Mayor or Chair in consultation with the Clerk on one (1) clear day's written notice specifying the purpose of such meeting which shall be the sole business transacted thereat.

#### **4.5 Emergency Council Meetings**

- (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) At an Emergency 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.

- (c) 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. Notice of such an Emergency 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.
- (d) 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.

#### **4.6 Electronic Participation**

- (a) The decision pertaining to whether a meeting is in-person or virtual shall apply to all Members of Council except in the case of Emergency Meetings in accordance with Section 4.5 of this By-law. Electronic participation at an in-person meeting is not permitted for Members of Council except in the case of Emergency Meetings in accordance with Section 4.5 of this By-law. Staff may participate either in-person or virtually at the discretion of the CAO.
- (b) Any Member who is not physically present in the location where an Emergency 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 or by show of hands.
- (e) The following may be adjusted at the discretion of the Chair:
  - (i) Setting out the order in which members speak.
  - (ii) Any other provision of this By-law where it is not possible to adhere to due to the functionality of the electronic means or service being used to permit electronic participation.
  - (iii) Delegations may participate in an electronic Meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk.

#### **4.7 Cancellation or Postponement of Meetings**

- (a) A regular, special or emergency Meeting of Council may be cancelled or postponed where Quorum cannot be achieved or where the Meeting is deemed no longer required by the Mayor in consultation with the CAO.

- (b) Meetings of other Committees may be cancelled or postponed by the Clerk, Chair or other assigned person where Quorum cannot be achieved, in the event of an emergency or where the Meeting is deemed no longer required by the Chair in consultation with the Clerk.
- (c) Where a meeting has been cancelled pursuant to this by-law, the Clerk shall give notice of the cancellation or postponement of a regular, special or emergency Meeting of Council or Committee on the Township website or, where time is limited, will post a notice on the main entrance of the Township's office or or, if the meeting was to take place in another location, on the main entrance of that location.

#### **4.8 Notice of Meetings**

- (a) 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.
- (b) 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.
- (c) Notice of a Council or Committee meeting shall be provided by:
  - (i) Posting the agenda on the Township's website and making it available at the Township office; and in the case of a Regular Council or Committee Meeting, making it available one week (7 days) prior to the meeting.
  - (ii) Notice of a Special Council or Committee Meeting shall be provided as soon as it is available by posting the agenda on the Township's website and making it available at the Township Office.
  - (iii) Addendum Agenda items for Council or Committee that are identified prior to 12:00 noon on the business day prior to the Council or Committee meeting shall be posted on the Township's website and by making it available at the Township Office.
  - (iv) Additions to the Agenda shall be made in accordance with Section 6.2 (b) of this by-law.

#### **4.9 Notice of Meeting Closed to the Public**

Where a matter may be considered by Council for discussion in closed session, whenever possible, written notice will include:

- (i) the fact the Meeting will be closed to the public as provided by the appropriate legislation; and

- (ii) the general nature of the matter to be considered at the Closed Meeting.

#### **4.10 Quorum**

- (a) Members will attempt to advise the Clerk at least three (3) business days in advance if they are unable to attend a Meeting.
- (b) If Quorum is not achieved within thirty (30) minutes after the time appointed for a Meeting, the Clerk will record the names of the Members present and the Meeting is adjourned until the date of the next regular Meeting.

#### **4.11 Open & Closed Meetings**

- (a) All Meetings shall be open to the public, except as provided for in section 239 of the Act. Council or Committee may convene in a closed session in order to discuss the following matters:
  - (i) the security of the property of the Township or local board;
  - (ii) personal matters about an identifiable individual, including municipal or local board employees;
  - (iii) a proposed or pending acquisition or disposition of land by the Township or local board;
  - (iv) labour relations or employee negotiations;
  - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the Township or local board;
  - (vi) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (vii) a matter in respect of which Council or Committee may hold a Closed Meeting under another statute;
  - (viii) information explicitly supplied in confidence to the Township or local board by Canada, a province or territory or a Crown agency of any of them;
  - (ix) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Township or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - (x) a trade secret or scientific, technical, commercial or financial information that belongs to the Township or local board and has monetary value or potential monetary value;



- (xi) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Township or local board; or
  - (xii) the Meeting is held for the purpose of educating or training the Members, providing no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council or Committee.
- (b) Council or Committee shall convene into a Closed Meeting for the following purposes:
- (i) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if Council or Committee is the head of an institution for the purposes of that statute; or
  - (ii) an ongoing investigation respecting the Township, a local board or a Township-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, a municipal Ombudsman referred to in subsection 223.13(1) of the Act, or a closed meeting investigator referred to in subsection 239.2(1).
- (c) No Member shall disclose or discuss, through any means including written, electronic or verbal communication to any individual or third party, any information that has been or will be discussed at a Closed Meeting or any records or documents disclosed thereat until Council or Committee has agreed to the disclosure of such information, records or documents or if directed to do so by a court or by a Closed meeting Investigator.

#### **4.12 Preparation of Agendas**

- (a) The Clerk provides administrative processes to support the approval, preparation, notice, publication and distribution of the agenda, in consultation with the CAO.
- (b) Agenda for Meetings of Council and Advisory Committees are made available to the public one week (7 days) immediately preceding the Meeting.

#### **4.13 Record of the Meeting**

- (a) The Clerk or delegate records the minutes of Council and Committee Meetings without note or comment in accordance with Section 239.7 of the *Municipal Act, 2001*. The minutes shall include:
  - (i) the date, time and location of the Meeting;
  - (ii) the name of all Members in attendance;
  - (iii) the name of presenters and delegations at the Meeting;

- (iv) all resolutions, decisions and other proceedings of the Meeting.
- (b) Minutes of each Meeting of Council and Committee are presented to a subsequent regular Meeting of Council for approval.
- (c) Minutes of Council and Committees will be posted on the Township's website following approval by Council.

#### **4.14 Public Record**

- (a) All Communications the Clerk receives pertaining to a matter on the agenda of a public or open Meeting will form part of the public record. Personal information shall be redacted.
- (b) Petitions shall not be included in the agenda of a public or open Meeting and may be circulated electronically to Members of Council or Committee upon request by the persons submitting the petition or a Member of Council or Committee.

#### **4.15 Recording, Broadcasting and/or Streaming**

All Council and Committee Meetings are audio and/or video recorded, broadcast and/or streamed publicly by the Township with the exception of proceedings closed to the public provided for by the Act or this By-law. Training sessions are not recorded. All Council and Committee Meeting recordings are published to the Township's YouTube page and retained for record keeping purposes and form part of the official record of the meeting.

### **5. MUNICIPAL COMMITTEES**

#### **5.1 Advisory Committees**

- (a) Advisory Committees are created by Council which serve to make recommendations and/or to provide key information and materials to Council. The Advisory Committees include:
  - (i) Planning and Development Advisory Committee
  - (ii) Heritage Committee
  - (iii) Recreation Committee
- (b) Each Advisory Committee shall have a Terms of Reference, approved by Council, which sets out its purpose, guidelines for membership and how it will operate.
- (c) Advisory Committees are appointed by Council at the beginning of each term or as required.
- (d) A minimum of one (1) Member of Council will be appointed to an Advisory Committee in accordance with Section 3.2.

- (e) The Chair and Vice-Chair of Advisory Committees are appointed by the Members and may be a Member of Council.
- (f) The Rules of Procedure for Committee operation shall be those contained in this By-Law unless otherwise prescribed by statute or law.

**5.2 Quasi-Judicial Committees**

- (a) Quasi-Judicial Committees are appointed by Council to exercise a legislative or quasi-judicial power under the Planning Act, Building Code Act or an Act so prescribed.
  - (i) The Committee of Adjustment
  - (ii) Property Standards Appeal Committee
- (b) Each quasi-judicial Committee shall have a Terms of Reference, approved by Council, which sets out its purpose, guidelines for membership and how it will operate.
- (c) Quasi-judicial Committees are appointed by Council at the beginning of each term or as required.
- (d) A minimum of one (1) Member of Council will be appointed to a quasi-judicial Committee in accordance with Section 3.2.
- (e) The Chair and Vice-Chair of Quasi-judicial Committees are appointed by the Members and may be a Member of Council.
- (f) The Rules of Procedure for Committee operation shall be those contained in this By-Law unless otherwise prescribed by statute or law.

**5.3 External Committees**

- (a) Council shall at the beginning of each new term of council nominate and elect one Member of Council to each of the following External Committees:
  - (i) Emergency Management (Alternate to the Mayor)
  - (ii) Friends of Mill Creek
  - (iii) Halton Hamilton Source Water Protection
  - (iv) Halton Conservation Authority (Citizen Appointment)
  - (v) Hamilton Conservation Authority (Citizen Appointment)
  - (vi) Puslinch Lake Conservation Association
  - (vii) Safe Communities Committee
  - (viii) Well Protection Committee (Blue Triton)

- (ix) Wellington Farm and Home Safety Association

**5.4 Head Ex-Officio**

- a) The Head of Council shall be an ex-officio member of all Township Standing and Advisory 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.

**6. ORDER OF BUSINESS**

**6.1 Council**

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 Conflict of Interest
6. Delegations
7. Consent Agenda
8. Notice of Public Meetings/Hearings
9. Reports
10. Correspondence
11. Council Reports
  - Mayor Meeting Log
  - Council Member Reports

(Verbal or written updates from members who sit on boards/committees)
13. By-laws
14. Announcements
15. Closed Session – Pursuant to Section 239 of the Municipal Act, 2001
16. Business Arising from Closed Session
17. Notice of Motion
18. New Business

18. Confirmatory By-law

19. Adjournment

## **6.2 Addendums, Corrections and Additions to the Agenda**

- (a) The Clerk shall give notice of any Addendums or Corrections in accordance with Section 4.8 of this By-law.
- (b) Additions to the agenda will require the consent of Council or Committee at the start of a Council or Committee meeting with a Two-Thirds Vote.

## **6.3 Staff Presentations**

- (a) Presentations made at the request of staff by Township consultants or partners relating to a matter of Township business may be accompanied by a staff report and shall be listed under the Report Section of the Council or Committee Agenda.
- (b) Staff presentations are not subject to the provisions set out in Section 6.4 of this By-law.

## **6.4 Delegations**

- (a) General Interest Delegations
  - (i) General Interest Delegations include delegations on matters that do not directly relate to an item on the Agenda;
  - (ii) Individuals shall provide the Clerk with written material for inclusion on the agenda by the agenda publication deadline;
  - (iii) General Interest Delegations by individuals shall not be added to an agenda as an addendum or addition;
  - (iv) A maximum of two (2) General Interest Delegations will be permitted at a Meeting;
  - (v) General Interest Delegations do not include third party presentations by Township consultants or presentations being made at the request of staff relating to a matter of Township business.
- (b) Specific Interest Delegations
  - (i) Specific Interest Delegations include delegations on matters that directly relate to an item on the Agenda;
  - (ii) For the purpose of Council and Committee agendas, Specific Interest Delegations have until noon the business day prior to the Meeting to notify the Clerk that they wish to register as a delegation by submitting a written submission using the prescribed form.

- (c) The following provisions apply to both General Interest Delegations and Specific Interest Delegations:
- (i) An individual may make a delegation at a Meeting of Council or Committee;
  - (ii) An individual who is under eighteen (18) years of age must provide to the Clerk written permission from the individual's parent or guardian;
  - (iii) Individuals who register as a delegation will have their name and the purpose of their delegation published on an agenda;
  - (iv) Delegations are limited to ten (10) minutes. Council or Committee may extend the ten (10) minute time period by a Majority Vote of the Members present by way of a Motion to be decided without debate;
  - (v) No delegation shall be made to Council or Committee on matters relating to litigation or potential litigation, including those matters which are before and under the jurisdiction of any court or administrative tribunals unless such matter is referred to Council by the said administrative tribunal or court;
  - (vi) Delegations shall refrain from repeating information on the same matter presented by other delegates;
  - (vii) No delegation shall speak on a matter that is not within the jurisdiction of the Council or Committee. The Mayor and Committee Chairs in consultation with the Clerk and CAO will determine if a matter is within the jurisdiction of the Council or Committee;
  - (viii) No delegation shall be made to a Notice of Motion on a Council or Committee agenda. Delegations will have an opportunity to speak at a subsequent Meeting when the item will be discussed;
  - (ix) No delegation shall be permitted to speak on a Notice of Motion to reconsider;
  - (x) Delegations shall not be permitted to appear before Council or Committee for the sole purpose of generating publicity for an event;
  - (xi) A delegation shall register a maximum of two (2) persons to speak.
  - (xii) A delegate shall only be permitted to speak on behalf of another person, agency, group, or corporation where written authorization from the person, agency, group or corporation has been submitted to the Clerk in advance of the Council or Committee meeting;
  - (xiii) If a delegation is unable to attend the Meeting for which they are registered, they may provide their written submission to the Clerk;

- (xiv) Members of Council or Committee Members are not permitted to debate or discuss the matter with the delegate. Members are permitted to ask individuals making a delegation questions only for clarification and to obtain additional relevant information;
- (xv) If a delegation has been made on a matter and a decision has been made by Council, the delegation cannot be heard again unless there is new information being presented. This determination shall be made by the Clerk and CAO;
- (xvi) Save and accept time sensitive matters as determined by the Chair, all new business raised by a delegation shall be referred to staff for a report at the next available Council meeting.

## **6.5 Notice of Motion**

- (a) A Member of Council shall provide a proposed Notice of Motion to the Clerk, in writing, for inclusion on a regular agenda of Council, for the purpose of giving notice.
- (b) At a subsequent Meeting, the Member of Council who submitted the proposed Notice of Motion will introduce and subsequently move the Motion.
- (c) A Member of Council may request the Notice of Motion provisions be waived which will require a Two-Thirds vote.
- (d) No staff report will be prepared unless the Notice of Motion is referred to staff for a further report.
- (e) It is the duty of the Member of Council to:
  - (i) prepare the proposed Notice of Motion in writing; and
  - (ii) submit the proposed Notice of Motion to the Clerk prior to the publication deadline for the regular agenda of Council.

## **6.6 By-laws**

- (a) All by-laws shall be passed in a single Motion by Council by Majority Vote, unless otherwise required by legislation.
- (b) A Confirmatory By-law shall be enacted at the conclusion of each Meeting of Council.
- (c) The following types of by-laws may be presented directly to Council without the requirement for a staff report:
  - (i) those directed to be presented to Council by Council;
  - (ii) appointment of staff authorized by the CAO; and

- (iii) general by-laws where the purpose and intent of the by-law has been clearly authorized by a previous resolution.

## **7. MOTIONS**

### **7.1 General**

- (a) All motions shall be governed according to Appendix "A" to this By-Law "Principle Rules Governing Motions".

### **7.2 Reconsideration of a Council Decision**

- (a) Reconsideration of a Council decision shall only apply to decisions made by Council at the present meeting where the matter is being discussed; or where reconsideration of a Council decision that was decided on at the previous meeting and where the minutes of that meeting are included in the present Council Agenda; and provided that no substantive action has been taken on the matter; and
- (b) Such reconsideration can either amend the previous decision or rescind it subject to the following rules:
  - (i) any member may bring a Motion to reconsider and shall require the support of a Majority of the Members present at the meeting where the reconsideration is being considered; and
  - (ii) the question to be reconsidered shall require a Two-Thirds vote to be carried.
- (c) No delegation shall permitted to speak on a Motion to reconsider.

### **7.3 Voting**

- (a) After a Motion is put to a vote by the Chair, no Member shall speak to it nor will any other Motion be made until after the vote is taken and the result has been declared.
- (b) All Members of Council or Committee will vote on all Motions unless disqualified from voting under any statute. A failure by any Member to announce their vote openly and individually, including an "Abstention", is deemed to be a vote in the negative.
- (c) Each Member present and voting indicates their vote by verbal consent or by show of hands, and no vote is taken by ballot or any other method of secret voting.
- (d) The following represents the required number of votes for a Majority Vote or Two-Thirds vote:



<b>Number of Members Present</b>	<b>Majority Vote</b>	<b>Two-Thirds Vote</b>
5	3	4
4	3	3
3	2	2
2	2	2

**7.4 Tie Vote**

(a) Any Motion on which there is a tie vote is deemed to be lost.

**7.5 Recorded Vote**

(a) Any Member may request a recorded vote immediately preceding or following the taking of a vote. All Members present at the Meeting shall vote unless they are disqualified from voting with respect to that item following which:

- (i) the Clerk shall call on Members by name, starting with the Member who requested the recorded vote, and shall call on each subsequent member in alphabetical order by last name; the vote will always end with the Chair;
- (ii) each Member present that is not disqualified from voting shall announce their vote openly, in the order set out above; and
- (iii) the Clerk shall announce and record the result of the vote, and record how each Member voted.

(b) Notwithstanding a recorded voted, a record or notation of a Member's opposition to an issue is not recorded in any minutes of the meeting.

**8. ADJOURNED MEETINGS**

**8.1 General**

(a) 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.

**9. REPEAL OF BY-LAW 59/08, AS AMENDED**

(a) By-law 59/08, as amended and all previous by-laws relating to meeting procedures of Council and Committee are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9  
DAY OF NOVEMBER, 2022.

Signed:

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James Seeley, Mayor

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Courtenay Hoytfox, Municipal Clerk

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

<b>Order of Precedence</b>	<b>Can interrupt speaker?</b>	<b>Requires a seconder?</b>	<b>Debatable?</b>	<b>Amendable?</b>	<b>Vote Required?</b>	<b>Can be renewed at same meeting?</b>
<b>I. PRIVILEGED MOTIONS (dealing with special matters of immediate and overriding importance)</b>						
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
<b>II. SUBSIDIARY MOTIONS (apply to other motions and assist the Council/Committee in dealing with a main motion)</b>						
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
<b>III. MAIN MOTIONS (bring business before Council)</b>						
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
<b>IV. INCIDENTAL MOTIONS (usually arise while the main motion is open to debate)</b>						
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