

**THE CORPORATION OF THE TOWNSHIP OF MULMUR**

**BY-LAW NO. 1-19**

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES  
AND TO REPEAL BY-LAW NO. 5-15

**WHEREAS** *The Municipal Act, 2001, S.O. 2001, c.25, ('Act')* provides that a Council shall adopt a procedural by-law for governing the calling, place and proceedings of meetings, provide for public notice of meetings and to govern the conduct of its members.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MULMUR HEREBY ENACTS AS FOLLOWS:**

1. The rules and regulations in the attached document TOWNSHIP OF MULMUR – PROCEDURAL BY-LAW #1-19 shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees.
2. Roberts Rules of Order shall prevail where applicable on all matters not covered by this by-law.
3. This By-Law shall become effective upon the date of the enactment.
4. By-Law No. 5-15 is hereby repealed.

READ a first, second and a third time and finally passed this 9<sup>th</sup> day of January, 2019

Janet M Horner

.....  
MAYOR

Kerstin Vroom

.....  
CLERK

## TOWNSHIP OF MULMUR – PROCEDURAL BY-LAW #1-19

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# 1. DEFINITIONS

In this By-Law:

**Chair** – the person presiding at the meeting.

**Committee** – a Committee and/or Board created by Council, excluding legislated and/or Joint Committees and/or Boards that have their own policies and procedures.

**Closed Session** – a meeting or portion thereof which is closed to the public in accordance with the applicable legislation.

**Deputation** – an address to Council or Committee at the request of a person wishing to speak.

**Ex Officio** – by virtue of Office and refers to the position of Mayor.

**Head of Council** – the Mayor.

**Majority Vote** – Council or Committee means an affirmative vote of more than one-half of the votes cast by those present.

**Notice of Motion** – a written motion received by the Clerk at a meeting of Council, moved by a member, and seconded by another member, for inclusion on an agenda of a subsequent meeting of Council.

**Notice** – a written or printed communication publicly displayed.

**Point of Order** – a question by a member with the view to calling attention to any issue relating to the Procedural By-Law or the conduct of Council's business or in order to assist the member in understanding Council's procedures, making an appropriate motion or understanding the effect of a motion.

**Point of Privilege or Personal Privilege** – a question by a member who believes that another member has spoken disrespectfully towards that member or another member or who considers that his or her integrity or that of a member or Township official has been impugned or questioned by a member.

**Quorum** – a majority of the members are required to be present at a meeting to carry on business.

**Recorded Vote** – a written record of the name and vote of every member voting on any matter or question.

**Resolution** – the decision of Council on any motion.

## **2. COUNCIL AND COUNCIL MEETINGS**

- i) Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purpose. The inaugural meeting of Council shall take place as legislated in the Act. The regular meeting of Council shall be held on the first Wednesday of each month at 9:00 A.M., except for December and January which shall be the second Wednesday.
- ii) In January, Council will review and confirm the next year's tentative meeting dates.
- iii) The Mayor may at any time summon a special meeting of Council on 48 hours notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Forty-eight hours notice of all special meetings of Council shall be given to the Members through the Clerk's office. The only business to be dealt with at a special meeting is that which is listed. The Mayor at his/her discretion may call an emergency meeting.
- iv) In the case of the absence of the Mayor or he/she refuses to act, or his/her office is vacant, the Deputy Mayor shall be appointed to act from time to time in the place and stead of the Mayor and he/she shall have all the rights, powers, and authority of the Head of Council, while so doing.
- v) As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Mayor shall take the Chair and call the meeting to order.

## **3. ACCOUNTABILITY AND TRANSPARENCY**

- i) All Council and Committee meetings shall be open to the public.
- ii) Notwithstanding 3 i) above, a meeting may be closed to the public if the subject matter being considered relates to items as listed in *The Municipal Act*, 2001, S.O. 2001, c.25. and must follow the procedures as outlined in the Act.
- iii) Confidentiality – Members shall ensure that confidential matters disclosed to them and materials provided to them during Closed Sessions or provided to them in advance of the meeting or session marked confidential, are kept confidential. Members are encouraged to return confidential material to the Clerk. The obligation to keep information confidential applies even if the member ceases to be a member of Council.

## **4. ABSENCE OF MAYOR**

Subject to the provisions of Act and where no Presiding Officer has been appointed, in case the Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting, the Clerk shall call the members to order and the Deputy Mayor shall preside until the arrival of the Mayor. and while so presiding shall have all the powers of the Head of Council.

## **5. NO QUORUM**

If no quorum is present one-half hour after the time appointed for a meeting of Council or a Committee, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

## **6. CURFEW**

No item of business may be dealt with at a Council meeting after 4:30 pm for a day meeting, and after 3 hours of the start of evening meeting of Council, unless agreed to by the majority of Council present.

## **7. INCLEMENT WEATHER**

For all Council and Committee meetings, should the Mayor or Chair deem the weather to be severe or an emergency, the meeting shall be cancelled and rescheduled for another time.

## **8. ELECTRONIC PARTICIPATION**

There will be no electronic participation of Council members in Council meetings. Committee meetings may offer electronic participation, at the discretion of the Chair, in accordance with *The Municipal Act*, 2001, S.O. 2001, c.25.

## **9. PETITIONS AND COMMUNICATIONS**

Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, and filed with the Clerk. Digital signatures are accepted as well as email communications.

## **10. THE CONDUCT OF PROCEEDINGS AT A MEETING**

### **10.1 It shall be the duty of the Mayor or Chair:**

- i) to open the meeting by taking the chair and calling the meeting to order;
- ii) to announce the business in the order in which it is to be acted upon;
- iii) to receive and submit, in the proper manner, all motions presented by the members;
- iv) to put to vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings and to announce the result;
- v) to decline to put to vote motions which infringe the rules of procedure;
- vi) to restrain the Members, within the rules of order, when engaged in debate;
- vii) to enforce on all occasions the observance of order and decorum among the Members;
- viii) to call by name any Member persisting in breach of the rules of order, thereby ordering him/her to vacate the Council Chamber;
- ix) to receive all messages and other communications and announce them to the Members;
- x) to authenticate, by his/her signature when necessary, all by-laws, resolutions, and minutes;

- xi) to inform the members when necessary or when referred to for the purpose, on a point of order;
- xii) to represent and support the members, declaring its will, and implicitly obeying its decisions in all things;
- xiii) to ensure that the decisions are in conformity with the laws and by-laws governing the activities;
- xiv) to adjourn the meeting when the business is concluded, to adjourn the meeting without question in the case of grave disorder arising;
- xv) 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;
- xvi) to run the meeting efficiently and effectively.

## **10.2 It shall be the role of Council:**

- i) to represent the public and to consider the well-being and interests of the municipality;
- ii) to develop and evaluate the policies and programs of the municipality;
- iii) to determine which services the municipality provides;
- iv) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- v) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- vi) to maintain the financial integrity of the municipality;
- vii) to carry out the duties of Council under this or any other Act.

## **11. AGENDAS**

The Clerk, at his/her discretion, shall have prepared from all petitions, communications, correspondence and delegation requests, which are received at least 7 calendar days prior to the date and time of the meeting, not less than forty-eight (48) hours before the hour appointed for the holding of a regular meeting, an agenda under the following headings as needed:

- Minutes of the Previous Meeting
- Discussion Arising out of the Minutes
- Disclosure of Pecuniary Interests
- Approval of Agenda
- Proclamations
- 15 minute Question Period
- Public Works Business
- Administration Business
- Planning Business
- Items for Future Meetings
- Committee minutes and Sub Committee Reports
- Information Items

- Deputations and Invitations
- Passing by-laws
- Closed Session
- Adjournment

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

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

Any items brought forward as a time sensitive issue by other means shall require a majority vote of the members present to be added to the agenda.

All items not included in the agenda package and presented as an 'on desk item' will be included in the posted agenda.

## **12. MINUTES**

Minutes shall record:

- i) The place, date and time of the meeting and the time of adjournment;
- ii) The names of members and staff present;
- iii) The reading, if requested, correction and adoption of the minutes of prior meetings;
- iv) All other proceedings, which will include motions, resolutions, decisions and directions of the meeting without note or comment. Decisions and directions will be clearly stated by the Chair to the Clerk for recording;
- v) The public may ask questions or address Council during question period, which is not recorded. The theme of the question will be recorded in the minutes. Council and or staff may respond at their discretion or they may or may not defer the item to a future agenda;
- vi) The draft minutes of each Council and/or Committee meeting shall be presented to Council for approval and/or information at the next regular meeting, but will be made available in draft to the public as soon as possible after the meeting and prior to adoption;
- vii) After the Council minutes have been approved by Council, they shall be signed by the Mayor and Clerk and/or designate(s).

## **13. COMMITTEES**

- i) Council shall, determine the appropriate Committees, mandates, honorarium and their membership. The Committee shall sit until dissolved by Council. Public members are expected to be residents, property owners, and/or business owners in the Township of Mulmur. Township Staff are not eligible to sit as public members. Public members will

continue to serve until their successors are appointed by Council. All Public members will need to provide a clean criminal records check. Council will determine the criteria for appointment of public members. All Committee members will be appointed by motion or by-law.

- ii) Council members appointed to the Committees, shall sit for a two-year period. After which Council will determine whether new members of Council will be appointed.
- iii) All items considered by a Committee shall be forwarded to the Council in the form of Committee minutes.
- iv) Ex officio, who is not a member of a specific Committee, may attend meetings of any Committee and may, with consent of the Chair of that Committee, 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 at these meetings.

## **14. DISCLOSURES OF PECUNIARY INTEREST (CONFLICT OF INTEREST)**

Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee or Board which the matter is the subject of consideration, the Member, shall govern themselves in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* and:

- i) shall determine whether they may have a pecuniary interest and to disclose the nature thereof;
- ii) shall prior to any consideration of the matter at the meeting, disclose the Member's interest verbally at the meeting and then in writing, in a form provided, to the Clerk, the general nature thereof;
- iii) shall not take part in the discussion of, or vote on any question in respect of the matter;
- iv) shall not attempt in any way whether before, during or after the meeting to influence the voting on the matter;
- v) where a meeting is open to the public, the Member shall, in addition to complying with the requirements of *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* shall forthwith leave the meeting or part of the meeting during which the matter is under consideration;
- vi) where a meeting is not open to the public, the Member shall, in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50* forthwith leave the meeting or the part of the meeting during which the matter is under consideration;
- vii) 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;

- viii) every declaration of interest and the general nature thereof made shall where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk of the Municipality or secretary of the Committee or local board, as the case may be;
- ix) every declaration of interest made, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public;
- x) where the number of members who, by reason of the Provisions of *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 Act*, 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.

## **15. DEPUTATIONS (DELEGATIONS)**

- i) All delegates wishing to address Council or a Committee shall advise the Clerk in writing providing an outline of the nature of the deputation, at least seven (7) days prior to the meeting. All delegates not listed on the agenda, shall only be heard upon the consent of the members. The Clerk, at his/her discretion, will determine the date and time of the deputation.
- ii) All delegates shall address the Chair and shall state their name and whom they represent.
- iii) Each delegation shall be limited in speaking to not more than fifteen (15) 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. A maximum of 4 deputations at a day meeting not including *Planning Act* public meetings shall be permitted. Invitations for attendance at a Council meeting by Council will be included in the maximum number of deputations.
- iv) Each issue and/or deputation will be allowed one meeting presentation to the Council and/or Committee with a period of 6 months lapsing before the issue can be raised again. An exception may be granted at the discretion of the Clerk, if substantially new and/or substantially significant information is provided.
- v) The Chair may shorten the time of any deputation, any questions of a delegate, or debate during a deputation for disorder or any other breach of this by-law.

No delegate shall:

- i) speak disrespectfully of any person;
- ii) use offensive words;

- iii) speak on any subject other than the subject for which he or she has received approval to address Council or Committee;
- iv) disobey the rules of procedure or a decision of the Chair or Council.

## **16. PUBLIC BEHAVIOUR**

No person, except Members and authorized staff shall be allowed to come within the area of Council during a Council meeting without permission of the Chair or Council.

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.

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

- i) address Council or Committee address without permission;
- ii) bring signage, placards or banners into such meetings and refrain from any activity or behaviour that would affect the Council or Committee deliberations;
- iii) enter the meeting room without first removing any non-religious or non-medical head gear;
- iv) shall not forget to put on silence all electronic devices.

## **17. READING OF BY-LAWS AND PROCEEDINGS THEREON**

- i) No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- ii) Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the by-law.
- iii) 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 provisions of any Act and shall be complete with the exception of the number and date thereof.
- iv) Every by-law shall have three readings prior to it being passed.
- v) The first and second reading of a by-law shall be decided without amendment or debate.
- vi) If Council so determines, a by-law may be taken as read.
- vii) The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.

viii) Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk, the Mayor and/or designate(s).

## 18. MOTIONS

- i) **Seconding** – A motion must be formally seconded before the Chair can put the question or a motion be recorded in the minutes.
- ii) **Motion to Reconsider** – A motion to reconsider shall not be made during the same meeting of Council at which the original determination was taken. If a decision has not been substantially acted upon, a member who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision.
- iii) **Presentation of Motion by Chair** – When a motion is presented in Council in writing, it shall be read aloud by the Chair before debate. Motions may be amended verbally prior to the Calling for the Vote, if a quorum of the members agree to the amendment. The mover and seconder of the motion are to initial the amendment.
- iv) **Call for the Vote** – Immediately preceding the taking of the vote, the Chair shall read the motion in the form introduced and/or amended.
- v) **No Interruption After Call for the Vote** – After a motion is finally called for the 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.
- vi) **Unrecorded Vote** – The manner of determining the decision of the Council on a motion shall be at the discretion of the Chair and may it be by voice, show of hands, standing or otherwise.
- vii) **Recorded Vote** – If a member present at a meeting at the time of a vote requests immediately before or immediately 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 or her vote openly and the Clerk shall record each vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results.
- viii) **Tie Votes** – Any motions on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.
- ix) **Failure to Vote or Abstention** – 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.

## 19. RULES OF DEBATE

- i) To address Council, every member shall wait to be recognized by the Chair before speaking.
- ii) When the Chair calls for the vote on a motion, 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.

- iii) When a Member is speaking no other Member shall pass between him/her and the Chair or interrupt him/her except to raise a Point of order or Personal Privilege.
- iv) Any Member, taken in order of acknowledgement, may require the question or motion under discussion to be read at any time during the debate, but only after each member has spoken on the question or motion at least once, but not so as to interrupt a Member while speaking.

The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by any other Act:

- i) a point of order or personal privilege;
- ii) Endorsement of an item under “information”;
- iii) Except as provided by clause above, all motions shall be in writing and signed by the Chair;
- iv) In all unprovided cases in the proceedings of the Council the matter shall be decided by the Chair or, subject to an appeal to the Council upon a point of order.

## **20. POINTS OF ORDER AND PRIVILEGES**

- i) The Chair shall preserve order and decide questions of order/privilege when brought forward by any member of Council.
- ii) The Council, if appealed to, shall decide the question without debate and its decision shall be final.

## **21. CONDUCT OF MEMBERS OF COUNCIL**

No Member in an open meeting or Closed Session, shall speak disrespectfully of the Reigning Sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, of any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

No Member shall:

- i) in an open meeting or Closed Session, use offensive words or un-parliamentary language in or against the Council or against any Member, staff or guest;
- ii) speak on any subject other than the subject in debate;
- iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;

- iv) disobey the rules of the Council 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,. And in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put “that such Member be ordered to leave his/her seat for the duration of the meeting of the Council” but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat;
- v) knowingly be absent or leave a meeting without notifying the Clerk, preferably in writing.

## **22. AMENDMENT**

- i) In all matters and under all circumstances the members shall be guided by and shall have regard to the All other existing legislation including but not limited to *The Municipal Act*, 2001, S.O. 2001, c.25 and *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50.
- ii) 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.

## **23. CONFLICT**

If there is any conflict between this By-Law and any statute, the provisions of the statute prevail.

## **24. NOTICE OF INTENTION TO PASS BY-LAW – NOTICE OF PUBLIC MEETING**

**Manner of Notice** – 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. Council or the Clerk may provide additional notice by direct mail and/or publishing a notice in a newspaper at their discretion.

**Time of Notice** – Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the 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.

If the proposed by-law is not passed at the Council meeting specified in a notice in Section 61 (a), but consideration of the matter is deferred, no further notice is required under Section 61 (a), if a public statement is made at the meeting that the matter has been deferred and that the municipality now intends to adopt or amend the by-law at a later Council meeting specified in the public statement. This section applies to any further deferrals of the matter.

**Form of Notice** – Unless otherwise prescribed in the applicable legislation or regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:

- i) A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
- ii) The date, time and location of the meeting;
- iii) Where the purpose of the meeting or proposed by-law is related to specific lands with the Township, a key map showing the affected lands;
- iv) The name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.

## **25. FINANCIAL ADOPTION OF ANNUAL BUDGET**

The notice provisions set out above shall apply to the discussion, consideration and adoption of the annual budget in total.

## **26. OPERATING COSTS INCURRED PRIOR TO BUDGET APPROVAL**

Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

## **27. IMPROVEMENTS TO SERVICE**

Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by the Township and its local boards; and barriers identified by the Township and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be posted at the same time as prescribed in the legislation for the publication of Performance Measures.

## **28. GENERAL**

- i) Where separate by-laws have been enacted in accordance with provisions contained in the legislation, the notice provisions set out in such by-laws shall prevail.
- ii) No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a Closed Session under Section 239 of the Act.
- iii) Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

## **29. 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 Mulmur, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk 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.