



## **THE CORPORATION OF THE TOWNSHIP OF MULMUR**

### **BY-LAW NO. 05 - 2023**

#### **BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES**

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

**AND WHEREAS** it is necessary and expedient to enact rules governing the order and procedure of the Council and its meetings;

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

### **GENERAL**

#### **1.0 RULES OF PROCEDURE**

The proceedings of the Council and its committees, the conduct of the members and the calling of meetings shall be governed by the provisions of the *Municipal Act, S.O. 2001, c.25* as amended and the rules and regulations contained in this by-law.

- 1.1 Except as provided herein, the rules of parliamentary procedure as contained in Robert's Rules of Order shall be followed for governing the proceedings of Council and its committees and the conduct of its members.
- 1.2 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.
- 1.3 Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

## **2.0 INTERPRETATION**

- 2.1 Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- 2.2 References to items in the plural include the singular, as applicable.
- 2.3 The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede or follow them.
- 2.4 Headings and the index are included for ease of reference only and are not to be used as interpretation aids.
- 2.5 Specific references to legislation in this by-law are meant to refer to the current laws applicable within the Province of Ontario as at the time the by-law was enacted, as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

## **3.0 DEFINITIONS**

**Act** – means the *Municipal Act, S.O. 2001, c.25* as amended.

**Ceremonial Presentation** – means the giving of an award, prize or other form of recognition by the Chair at a Council meeting.

**Chair** – means the Head of Council or Acting Head of Council or chairperson of any committee.

**Clerk** – means the Clerk, or his or her designate.

**Committee** – means a Committee of Council, Board, Task Force, and/or Working Group constituted and appointed by Council, excluding Joint Committees and/or legislated Boards that have their own policies and procedures.

**Committee of the Whole** – means a committee comprised of all members that directly report back to the Committee or Council that it is comprised of.

**Council** – means the Council of the Corporation of the Township of Mulmur.

**Council Meeting** – means meetings set out in this by-law to be held on a regular basis.

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

**Deputation** – means a person or group of persons who are not members of Council or staff of the Municipality who have requested and are permitted to address Council or a Committee.

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

**Head of Council** – means the Mayor.

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

**Meeting** – means any regular, special or other meeting of Council or *Committee* where quorum of members are present and members discuss and/or deal with any matter in a way that materially advances the business or decision-making of the Council or Committee.

**Member** – means a member of Council, including the Mayor, or a member of a Committee, including the Chair.

**Notice of Motion** – means 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** – means publicly displaced electronic, or printed communication that includes the time and place of a meeting and, in the instance of a Special Meeting, shall include the purpose of the meeting and whether the meeting was called by the Head of Council or Clerk.

**Point of Order** – means a statement made by a member of Council during a meeting, drawing the attention of the Chair to a breach of the Procedural By-Law.

**Point of Privilege or Personal Privilege** – means raising a question concerning a member of Council, or the Council collectively, when a member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole, have been impugned.

**Presentations** – means a verbal and/or visual provision of information to Council by an individual, community group or organization.

**Quorum** – means a majority of the members (more than half) of the whole number of members except where a member has or members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest

Act, at which time the quorum may be less than half plus one of the whole number of members but shall not be less than two.

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

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

**Special Meeting** – means a meeting called under Section 240 (a) or (b) of the *Act*, having the same privileges as a Council Meeting.

## **DUTIES AND CONDUCT**

### **4.0 DUTIES OF THE CHAIR**

#### **4.1 It shall be the duty of the Chair to:**

- a) open the meeting by taking the chair and calling the meeting to order;
- b) announce the business in the order in which it is to be acted upon;
- c) receive and submit, in the proper manner, all motions presented by the members;
- d) put to vote all questions which are duly moved and seconded, or necessarily arise in the course of proceedings and to announce the result;
- e) decline to put to vote motions which infringe the rules of procedure;
- f) run the meeting efficiently and effectively, restraining the members, within the rules of order, when engaged in debate;
- g) enforce on all occasions the observance of order and decorum among the members;
- h) receive all messages and other communications and announce them to the members;
- i) authenticate, by signature when necessary, all by-laws and minutes;
- j) inform the members when necessary or when referred to for the purpose, on a point of order;
- k) represent and support the members, declaring its will, and implicitly obeying its decisions in all things;
- l) ensure that the decisions are in conformity with the laws and by-laws governing the activities;
- m) adjourn the meeting when the business is concluded, to adjourn the meeting without question in the case of grave disorder arising.

### **5.0 DUTIES OF MEMBERS**

#### **5.1 It shall be the duties of members to:**

- a) deliberate on the business before it;
- b) vote when a motion is put to a vote;
- c) respect the Rules of Procedure.

6.0 It shall be the duties of Council to:

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

7.0 CONDUCT OF MEMBERS

7.1 Members shall govern themselves according to the Council Code of Conduct adopted by Council during a meeting held pursuant to this by-law.

7.2 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.

7.3 No member shall:

- a) 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;
- b) speak on any subject other than the subject in debate;
- c) criticize any decision of the Council or continue to debate the matter after it has been decided, except for the purpose of moving that the question be reconsidered;
- d) disobey the Rules of Procedure or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council.
- e) disclose any information that is deemed to be confidential pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*;
- f) display any offensive or partisan political material, including buttons.

- g) knowingly be absent or leave a meeting without notifying the Clerk, preferably in writing.

## 8.0 PUBLIC CONDUCT

- 8.1 Members of the public who constitute the audience at a meeting, shall not:
  - a) address Council or Committee address without permission;
  - b) approach the desks of Council or Committee members during a meeting without permission of the Chair or Members;
  - c) bring signage, placards or banners into such meetings and refrain from any activity or behaviour that would affect the Council or Committee deliberations;
  - d) enter the meeting room without first removing any non-religious or non-medical head gear;
  - e) shall put on silence all electronic devices.

## 9.0 EXPULSION FOR MISCONDUCT

- 9.1 The Chair may cause to be expelled and exclude any member of the public, or group of persons in attendance at a meeting who creates any disturbance or acts improperly, during a meeting of Council or Committee. If necessary, the Chair may call upon the Clerk seek the appropriate assistance from police.
- 9.2 Where a member persists in any disobedience of the Rules of Procedure after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed, "That such Member be order to leave his/her seat for the duration of the meeting of the Council", but if the Member apologizes he/she may be permitted to retake his/her seat.

# MEETINGS

## 10.0 INAUGURAL MEETING

- 10.1 The first meeting of a newly elected Council after a regular election shall be held at a time and location determined by the Clerk.
- 10.2 At the Inaugural meeting of the Council, the only business to be brought before the meeting shall be the following:
  - a) Declarations of Office;
  - b) Inaugural Address by the Head of Council;
  - c) Matters incidental to any of the above.

## 11.0 COUNCIL SEATING AND ORDER OF NAMES

11.1 The following is the order of seating for Council meetings, and the listing placement of the names on all Township documents:

- a) Mayor in the centre (listed on documents first)
- b) Deputy Mayor to the Mayor's right (listed on documents second)
- c) Longest serving Council member to the Mayor's left. If there is more than one Council member serving with equal length of service, the highest vote count received at the last election or by alphabetic order if more than one Councillor has served the same amount of time and these were both acclaimed (listed on documents third)
- d) To the right of the Deputy Mayor the Council member that receives the highest vote count of the remaining two Councillors or alphabetic if the remaining two are acclaimed (listed on documents fourth)
- e) To the left of the longest serving Council member the Council member that receives the lowest vote count of the remaining two Councillors (listed on documents fifth)

## 12.0 REGULAR MEETINGS

12.1 Regular meetings 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.

12.2 A second regular meeting of Council may be held during each month as required.

12.3 Meetings of the Council shall generally be held at the Council Chambers located at 7580702<sup>nd</sup> Line East, electronically, or at such other place as is specified in the agenda.

12.4 All Council and Committee meetings shall be open to the public.

12.5 Public notice of meetings shall be given for all meetings by means of the municipal website.

12.6 Notice for meetings not scheduled in the original calendar of meetings outlined in section 11, will be at the discretion of the Clerk and using communication channels as appropriate.

12.7 If no quorum is present 15 minutes 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.

12.8 As soon after the hour fixed for the holding of the meeting as a quorum is present, the Chair shall call the meeting to order.

12.9 Subject to the provisions of *Act* and where no Presiding Officer has been appointed, in case the Chair does not attend within 15 minutes after the time appointed for a meeting, or he/she refuses to act, the Clerk shall call the members to order and the Deputy Mayor and/or Vice Chair shall preside until the arrival of the Chair, and while so presiding shall have all the rights, powers, and authority of the Chair.

12.10 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.

### 13.0 CLOSED SESSIONS

13.1 Notwithstanding section 11.4, a meeting may be closed to the public if the subject matter being considered relates to items as listed in the *Act* and must follow the procedures as outlined in the *Act*.

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

### 14.0 SPECIAL MEETINGS

14.1 The Head of Council or Clerk may at any time summon a special meeting of Council on 48 hours written notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council.

14.2 The only business to be dealt with at a special meeting is that which is listed.

### 15.0 EMERGENCY MEETINGS

15.1 In circumstances determined to be an emergency or urgent situation, 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 Head of Council, Deputy Mayor or Clerk may at his/her discretion call an emergency meeting of Council on less than 48 hours notice.



15.2 An emergency meeting shall only proceed with the consent of two-thirds of the members of Council, recorded in the minutes.

15.3 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.

#### 16.0 MEETING NOTICE

16.1 Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be posted on the Township's website. Additional notice by direct mail and/or publication may be made at the discretion of Council or the Clerk. Inclusion within agenda and meeting packages shall be considered as notice.

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

#### 17.0 INCLEMENT WEATHER

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

#### 18.0 ELECTRONIC PARTICIPATION

18.1 Electronic participation at meetings may be conducted, pursuant to Section 238 of the *Act*, and in accordance with this By-law.

18.2 Electronic participation will be permitted at all meetings unless specified by the Clerk or Chair.

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

18.4 Members participating electronically, shall be entitled to vote as if they were attending in person and participate electronically in a meeting that is open or closed to the public.

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

## **AGENDAS**

- 19.0 The Clerk, at his/her discretion, shall have prepared from all communications, correspondence and delegation requests, which are received at least 7 calendar days prior to the date and time of the meeting and not less than 48 hours before the hour appointed for the holding of a regular meeting.
- 19.1 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.
- 19.2 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, may be added by addendum at the discretion of the Clerk.
- 19.3 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.
- 19.4 Agendas and meeting packages will be made available at the Township office as well as on the Township website.

## **MINUTES**

### **20.0 MINUTES**

#### **20.1 Minutes shall record:**

- a) The place, date and time of the meeting and the time of adjournment;
- b) The names of presiding officer, members and staff present;
- c) The reading, if requested, correction and adoption of the minutes of prior meetings;
- d) Declarations of pecuniary interest;
- e) All other proceedings, which will include motions, resolutions, decisions and directions of the meeting without note or comment.
- f) Recorded votes taken by Council.

- 20.2 The Clerk or designate shall act as the recording secretary for Council and Committee meetings, including Closed Sessions, statutory and planning public meetings.

### **21.0 ADOPTION OF MINUTES**

- 21.1 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.

- 21.2 Members shall indicate any errors or omissions to be corrected by the Clerk prior to adoption.
- 21.3 If the minutes have been delivered to the Members then the minutes shall not be read, and a resolution that the minutes be adopted shall be in order.
- 21.4 After the Council minutes have been approved by Council, they shall be signed by the Head of Council and Clerk and/or designate(s).
- 21.5 Closed session minutes shall be brought forward for approval as soon as practicable and be listed on the closed meeting agenda. Closed session minutes shall be marked as confidential and shall remain confidential.

## **DISCLOSURES OF PECUNIARY INTEREST**

- 22.0 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 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*.
- 22.1 Members shall prior to any consideration of the matter at the meeting, determine whether they may have a pecuniary interest and disclose the nature thereof verbally at the meeting.
- 22.2 The Member shall provide a written statement, in a form provided, of the interest and its general nature to the Clerk. The Clerk will include the statement in a registry maintained in accordance with the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*.
- 22.3 Members may declare pecuniary interest prior to any item being addressed.
- 22.4 Members who have declared a pecuniary interest shall:
  - a) not take part in the discussion of, or vote on any question in respect of the matter;
  - b) not attempt in any way whether before, during or after the meeting to influence the voting on the matter;
  - c) 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.

- 22.5 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.
- 22.6 In the event that a member declares an interest during closed session, the Member shall affirm their declaration of pecuniary interest immediately after the motion to arise and the Clerk shall record the declaration in the minutes.
- 22.7 A Member who has declared a pecuniary interest in a matter may move, second and vote on the confirmatory by-law for the meeting in which the interest was declared and adopting the minutes of the meeting in which the interest was declared.
- 22.8 Where the number of members who, by reason of the Provisions of *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, 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 2.

## **PUBLIC QUESTION PERIOD**

- 23.0 A maximum of 15 minutes will be set aside for Public Question Period, with each questioner limited to 5 minutes.
- 23.1 When called upon by the Chair the questioner will identify themselves by name and address the question to the Chair.
- 23.2 Questions will be responded to by the Chair who may also request a response from staff. Response can be deferred or provided in writing depending on the specifics of the question.
- 23.3 Questions shall only be permitted in respect of subject matters that deal with municipal issues and are within the Municipality's jurisdiction, being those that Council is responsible for, as outlines in the *Act*.

## DEPUTATIONS AND PRESENTATIONS

### 24.0 DEPUTATIONS

- 24.1 A person wishing to appear as a deputation may address Council or a Committee shall be limited in speaking to not more than 15 minutes except that a delegation consisting of more than 5 persons shall be limited to 2 speakers, each limited to speaking not more than 10 minutes.
- 24.2 Deputations shall advise the Clerk in writing providing an outline of the nature of the deputation, and relevant deputation materials at least 7 days prior to the meeting.
- 24.3 The Clerk, at his/her discretion, will determine the date and time of the deputation.
- 24.4 Deputations may only be about an item listed on the meeting agenda.
- 24.5 Deputations shall only be permitted in respect of subject matters that deal with municipal issues and are within the Municipality's jurisdiction, being those that Council is responsible for, as outlined in the Act.
- 24.6 A person who is unable to attend may arrange for another person to appear as a deputation on such person's behalf.
- 24.7 Members may ask questions of clarification.
- 24.8 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.
- 24.9 Each issue and/or deputation will be allowed one meeting presentation to the Council 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.
- 24.10 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.

### 25.0 PRESENTATIONS

- 25.1 A person or group wishing to make a Presentation to Council shall provide the Clerk or designate with written notice no later than fourteen (14) days

prior to the meeting. Such request shall state the specific nature of the matter to be presented. The presentation material must be provided fourteen (14) days prior to the meeting for inclusion in the package.

- 25.2 Presentations and Ceremonial Presentations shall only be permitted in respect of subject matters that deal with municipal issues and are within Municipality's jurisdiction, being those that Council is responsible for as outlined in the Act.
- 25.3 Presentations and Ceremonial Presentations at the Council meeting shall be limited to 15 minutes. The duration of a presentation may be extended by majority vote specifying the additional time. Such question shall be decided by Council without debate.
- 25.4 Presenters may only present once every twelve (12) months on the same topic, or at the discretion of Council or the Clerk.
- 25.5 A maximum of two (2) presentations per meeting, not including Ceremonial Presentations, will be scheduled by the Clerk.
- 25.6 Immediately following a presentation, the Chair will determine if further action is required and direct staff to prepare a report for consideration by Council. If no report is required, presentations will be noted and filed.

## **BY-LAWS**

- 26.0 Generally, all by-laws shall be given first, second and third reading at one meeting in a single motion.
- 26.1 Every by-law passed by Council shall:
  - a) be signed by the Head of Council and Clerk, or their deputies;
  - b) Be sealed with the Municipal seal; and
  - c) Indicate the date of passage.
- 26.2 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 except for the number and date thereof.
- 26.3 The Clerk or designate is hereby authorized to make such minor deletions, additions, or other changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the by-law and members shall be advised by the Clerk of such changes by written notice.

## MOTIONS AND VOTING

### 27.0 MOVED AND SECONDED

- 27.1 All motions shall be moved and seconded. The Clerk or designate may be asked to repeat the motion in question.
- 27.2 The *Chair* may vacate the chair in order to move or second a motion and shall resume the chair following the vote of the matter.
- 27.3 All motions may be supported or opposed by the mover and seconder.

### 28.0 SEVERABILITY OF MOTION

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

### 29.0 SECONDARY MOTIONS

- 29.1 The following matters and motions are not debatable may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:
  - a) a point of order or privilege;
  - b) to move to call the vote;
  - c) to move to Committee of the Whole;
  - d) to extend the time of the meeting; or
  - e) to adjourn.
- 29.2 The following matters and motions are debateable may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure:
  - a) to amend;
  - b) to suspend the Rules of Procedure;
  - c) to commit or refer to a specific body;
  - d) defer or to postpone indefinitely;
  - e) any other procedural motion.
- 29.3 Procedural motions shall be considered immediately upon receipt and shall have precedence.

### 30.0 MOTION TO RECONSIDER

- 30.1 If a matter has been previously considered, it shall not be reconsidered by such body within six (6) months after the meeting at which it was originally considered, without the consent of at least two-thirds of the members present.
- 30.2 "Considered" shall mean those matters for which the members of a meeting have decided to act or not act upon and shall more include the mere receipt of information where no action has been sought or taken.
- 30.3 A motion to reconsider must be moved by a member of the prevailing side when the matter was first considered.
- 30.4 A motion to reconsider on a decided matter of Council, shall be brought forward as a Notice of Motion.

### 31.0 MOTION TO AMEND

- 31.1 Motions may be amended verbally prior to the Calling for the Vote if a quorum of the members agree to the amendment.
- 31.2 Amendments shall be relevant and germane to the principle of the report or motion under consideration.
- 31.3 Only one amending motion shall be considered at any one time.

### 32.0 NOTICE OF MOTION

- 32.1 Members intending to bring forward a motion for Council consideration must provide notice at the preceding meeting.
- 32.2 Such notice shall contain a brief summary of the motion subject.
- 32.3 Final wording of the motion for Council consideration shall be provided to the Clerk or designate at least one week in advance of the meeting at which the motion is to be considered.
- 32.4 The Chair, at their discretion, may move to consider the Notice of Motion immediately which unanimous consent of all Council members in attendance.



### 33.0 CALL THE VOTE

- 33.1 A motion to call the vote shall preclude all further amendments of the question. When resolved in the affirmative, the Chair shall read the motion and all amendments thereto without further debate or amendment.
- 33.2 Such motion cannot be moved by a member who has already debated the question.

### 34.0 VOTING PROCEDURE

- 34.1 Each Member present and voting shall announce or indicate his/her vote openly and individually. No vote shall be taken by ballot or by any other method of secret voting.
- 34.2 Every Member present shall vote unless prohibited by statute, in which case it shall be so recorded.
- 34.3 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.
- 34.4 After a motion is called to vote, by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the vote is taken and the result has been declared.
- 34.5 When the Chair calls for the vote, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
- 34.6 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.
- 34.7 Any motions on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any *Act*.

### 35.0 RECORDED VOTES

- 35.1 A request by a member for a recorded vote may be made immediately prior or immediately thereafter the taking of the vote.
- 35.2 Upon request for a recorded vote, the Clerk shall call the names and record the votes in the following order:

- a) the requestor shall be called first;
- b) to be followed by the next Councillor in alphabetical order;
- c) with the Deputy Mayor and Mayor voting second last and last;
- d) if the requester is the Mayor or Deputy Mayor, they shall vote first.

35.3 The Clerk shall announce the results.

35.4 An all-encompassing request for recorded votes may be made at any time where members are participating electronically and shall apply to the whole or remainder of the meeting to ensure proper technology is enabled to make such participation possible. All-encompassing record of votes will occur in alphabetical order, except that the Deputy Mayor and Mayor shall vote second last and last respectively.

## **RULES OF DEBATE**

### **36.0 RULES OF DEBATE**

36.1 To address Council, every member shall wait to be recognized by the Chair before speaking.

36.2 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.

36.3 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.

### **37.0 POINTS OF ORDER**

37.1 A member may interrupt the person who has the floor to raise a point of order when such member feels that there has been a deviation or departure from the rules of procedure.

37.2 Upon hearing such point of order, the ruling of the Chair shall be final.

37.3 The member who called the point of order may appeal the decision of the Chair to Council with the motion "that the decision of the Chair be sustained" which shall be decided by a majority vote of the members present without debate.

## **38.0 POINT OF PRIVILEGE**

- 38.1 A member may rise at any time on a point of personal privilege where such member feels that personal integrity or the integrity of the Council has been impugned by another member.
- 38.2 Upon hearing such point of privilege, the ruling of the Chair shall be final.
- 38.3 The member who called the point of privilege may appeal the decision of the Chair to Council with the motion "that the decision of the Chair be sustained" which shall be decided by a majority vote of the members present without debate.
- 38.4 Where the Chair recognizes that a breach of privilege has taken place, the Chair shall cause the offending member to apologize, and failing such apology shall require such member to vacate for the duration of the meeting.

## **COMMITTEES**

### **39.0 INTERNAL COMMITTEES**

- 39.1 Council shall, determine the appropriate Committees, terms of reference, mandates, honorariums and their memberships.
- 39.2 Committees shall sit for the term of Council unless dissolved by Council.
- 39.3 Public members are expected to be residents, property owners, and/or business owners in the Township of Mulmur.
- 39.4 Township staff are not eligible to sit as public members.
- 39.5 Public members shall provide a clean volunteer criminal records check.
- 39.6 All Committee members will be appointed by motion or by-law.
- 39.7 Council members appointed to the Committees, shall sit for two (2) years, after which Council will determine whether new members of Council will be appointed.
- 39.8 All items considered by a Committees shall be forwarded to the Council in the form of Committee minutes.

### **40.0 EXTERNAL BOARDS AND COMMITTEES**

- 40.1 Council representation on all external boards and committees for whom

appointments are sought or required shall be at the discretion of Council and in accordance with the *Act*.

40.2 Members will be appointed by motion or by-law.

40.3 Appointed members shall sit for two (2) years, after which Council will determine whether new members of Council will be appointed.

#### 42.0 COMMITTEE OF THE WHOLE

41.1 When members consider a subject which it does not wish to refer to a committee, and yet where the subject matter is not well digested and put into proper form for its definite action, or when, for any other reason, it is desirable for the assembly to consider a subject with all the freedom of an ordinary committee, matters may be referred to the Committee of the Whole.

41.2 If the Committee or Council do not wish to schedule a meeting of Committee of a Whole and wish to consider the question at once, a motion is required, "That we go into committee of the whole to consider (subject)".

41.3 If a time limit has been set, Committee of the Whole does not have the power, even by unanimous consent, to extend the time.

41.4 While sitting as a Committee of the Whole, only matters referred to it may be discussed. Unrelated motions are out of order.

41.5 Committee of a Whole can debate, consider amendments and make recommendation.

41.6 Committee of a Whole cannot adjourn, order recorded votes, or refer the subject matter to another committee.

41.7 To conclude its proceedings or end the debate, a motion is required "that the committee rise and report," specifying the result of its proceedings, amendments, and recommendations, which are subject to a confirming vote.

41.8 The secretary does not record in the minutes the proceedings of the committee but shall keep a memorandum of the proceedings for its use.

#### 42.0 EX OFFICIO

42.1 The Head of Council is an ex officio member of every *Committee*.

42.2 Where a Committee is established by reference to a particular number of

members without specifically providing for the members of the Head of Council, such number is automatically increased by one, being the Head of Council.

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

## **OTHER MATTERS**

### **43.0 AMENDMENT**

- 43.1 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 *Act* and *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*.

- 43.2 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.

### **44.0 CONFLICT**

- 44.1 In the event of any conflict between this By-Law and any statute, the provisions of the statute prevail.
- 44.2 In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.

### **45.0 REPEAL**

- 45.1 That By-Law No. 37-2022, is hereby repealed.

### **46.0 EFFECTIVE DATE**

- 46.1 This By-Law shall become effective upon the date of the enactment.

PASSED on this 1st day of MARCH 2023.

  
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JANET HORNER, MAYOR

  
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TRACEY ATKINSON, CAO/CLERK