

Procedural Bylaw 18-2017 Index

Acting Reeve: Page 20

Adjournment: Page 16 & 17

Agenda Preparation: Page 8

Bylaws: Page 10 & 11

Closed Meetings: Pages 4 - 6

Committees (Standing, Advisory and General): Page 17 - 20

Confidentiality Agreement: Schedule "C", Page 27

Confirmatory By-Law: Page 11

Consent Agendas: Page 8

Curfew: Page 17

Council Conduct & Rules of Debate: Page 10

Declarations of Pecuniary Interest & Conflict of Interest form: "Schedule "F": Page 30

Definitions: Pages 2 & 3

Delegations: Page 9 - 10

Delegation Request Form: Schedule "D", Page 28

General Rules: Page 3

Guidelines for Council: Page 25

Guidelines for Council Meetings: Schedule "B", Page 24

Guidelines for Public: Page 25 & 26

Minutes: Page 11

Motions (Notice, Privileged, Amending, Rescind & Reconsideration: Page 13 - 15

Notice of Meetings: Page 7

Notice of Motions: Page 13 - 15

Notice of Motion Form: Schedule "E", Page 29

Open Meetings: Page 4

Pecuniary Interest: Page 16

Petitions & Communications: Page 9

Point of Order: Page 13

Point of Privilege: Page 12 & 13

Presentations: Page 10

Quorum: Page 7 & 8

Reconsideration: Page 14 & 15

Recorded Votes: Page 16

Remuneration (Council): Page 21

Rules of Debate: Pages 11 & 12

Seating Arrangement: Page 6

Special Council Meetings: Page 6 & 7

Time of Meetings: Page 6

Town Hall Meetings: Page 7

Voting: Page 15 & 16

**CORPORATION OF THE
TOWNSHIP OF MCMURRICH/MONTEITH
PROCEDURAL BY-LAW**

Bylaw 18-2017

Being a By-Law to govern and regulate the proceedings
of the Council of the Township of McMurrich/Monteith and to
repeal By-law 11-2015.

WHEREAS, pursuant to Section 238(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, every municipality shall pass a Procedure Bylaw for governing the calling, place and proceedings of meetings;

AND WHEREAS, pursuant to Section 238(2.1) of the Municipal Act, 2001, S.R. 2001, Chapter 25, as amended, requires that the procedural bylaw provide for public notice of meetings;

AND WHEREAS, the Council of the Corporation of the Township of McMurrich/Monteith now deems it advisable to enact a Bylaw to govern proceedings of Council, the conduct of its members and the calling of meetings, and to provide for procedures and statutory requirements in accordance with the Act, and to repeal all previous bylaws related thereto.

NOW THEREFORE the Council of the Corporation of the Township of McMurrich/Monteith does hereby enact as follows:

Section 1: INTERPRETATION

1.1 Definitions:

In this by-law:

1. "Ad Hoc Committee" means a special purpose committee of limited duration, created by Council to inquire and report on a particular matter or concern, and which dissolves automatically upon submitting its final report unless otherwise directed by Council;
2. "Advisory Committee" means a Committee of Council comprised of one or more Members of Council and/or members of the public appointed by Council for a specific purpose or mandate.
3. "Town Hall Meeting": means a meeting open to the public to be held at the discretion of Council to discuss topics pertinent to community interest.
4. "Meeting": means any meeting of Council, or committee and shall be open to the public unless authorized to be closed in accordance with the Act.
5. "Chairperson" means the person presiding at the meeting;
6. "Clerk-Treasurer" means the Clerk-Treasurer of the Corporation of the Township of McMurrich/Monteith.
7. "Committee" means a committee of Council;

8. "Council" means the Council of the Corporation of the Township of McMurrich/Monteith;
9. "Member" means a member of Council;
10. "Standing Committee" means a Committee of Council appointed for a specific purpose or mandate and comprised of Members of Council.
11. "Ex Officio" means the membership status of the Reeve to attend any committee of Council with the right to participate and vote but not to be included in the quorum.

Section 2 – GENERAL

2.1 Rules and Regulations General:

1. In all the proceedings at or taken in Council, the rules and regulations set out in this by-law shall be observed and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof.
2. No rule or regulation of the Council shall be suspended except on a motion carried by a vote of two-thirds of the members present and by not less than a majority of the whole Council voting in favour thereof.
3. Amendments to the rules and regulations set out in this by-law shall only be made on motion carried by a vote of two-thirds of the members present and by not less than a majority of the whole Council voting in favour thereof. The requirement for a vote of two-thirds of the members shall not apply to the vote with respect to motions pertaining to this implementing by-law.
4. All proceedings of the Council, not specifically provided for in this by-law, shall be decided by the Council upon motion carried by a majority vote of the members present and by not less than a majority of the whole Council voting in favour thereof provided that quorum has been obtained.
5. No person, except a member of the Council, the Clerk-Treasurer, and persons authorized by her/him, shall be allowed to come onto the floor of the Council Chamber without permission from the Chair of the meeting.
6. A person, not a member of Council, shall not be allowed to address the Council except through the Delegation process or during a town hall meeting as described in Section 4.5. **Allowing a person to speak is in violation of our Notice By-law, as the discussion isn't on our Agenda.**
7. The Head or other Presiding Officer may expel any person for improper conduct at a meeting.
8. **To clarify any part of this bylaw, Robert's Rules of Order will be followed.**
9. If a member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council, the seat of the member becomes vacant.

Section 3 – OPEN AND CLOSED MEETINGS

3.1 Definitions:

For the purposes of this section,

1. “Committee” means any advisory or other committee, sub-committee or similar entity composed of Members of Council or Local Boards.
2. “Local Board” means a local board as defined in the Municipal Act, except municipal police service boards, library boards and school boards.
3. “Meeting” means any regular or special meeting of Council, or standing, advisory or ad-hoc committee of Council or Local Board.

3.2 Open Meetings:

Except as provided in this section, all meetings shall be open to the public.

3.3 Closed Meeting:

Pursuant to Sec. 239 (2) of the Municipal Act, 2001, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- a. The security of the property of the municipality or local board;
- b. Personal matters about an identifiable individual, including municipal or local board employees;
- c. A proposed or pending acquisition or disposition of land by the municipality or local board;
- d. Labour relations or employee negotiations;
- e. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g. A matter in respect of which a Council, committee, board or other body may hold a closed meeting under another Act;
- h. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality 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;
- j. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value, or

k. 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 municipality or local board.

239(3) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the Council, Board, Commission or other body is designated as head of the institution for the purposes of that Act.

239(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of education or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of the council, local board or committee.

3.4 Closed Meetings – Process

Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:

1. The fact of the holding of the closed meeting;
2. The general nature of the matter to be considered at the closed meeting; and
3. Subject to Subsection 3.5, a meeting shall not be closed to the public during the taking of a vote.

3.5 Closed Meeting – Taking of a Vote

Despite subsection 3.4.3, a meeting may be closed to the public during a vote if:

1. Subsection 3.3 permits or requires a meeting to be closed to the public; and
2. The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality. It shall read: “That “staff member name” is hereby directed to _____.

3.6 Closed Meetings – Who May Attend

1. Where a meeting or part of a meeting is closed to the public, all persons not specifically invited by Council to remain shall retire from the meeting.
2. All members of Council may attend any Closed Meeting, or part of a meeting which is closed to the public. If a Council member has declared a pecuniary interest in a matter, he/she is not permitted to attend the meeting when such matter is being discussed and must leave the room.
3. The Clerk-Treasurer and Deputy Clerk-Treasurer.

3.7 Closed Meetings – Reports

1. Confidential Reports and Closed Meeting Minutes and Agendas

The Clerk-Treasurer’s Office distributes confidential reports as well as Closed Meeting Minutes and Agendas to Council Members unless a Councillor has declared a pecuniary interest. These reports shall be watermarked “Confidential”.

2. Property Matters

If the report pertains to a property matter, it will be enclosed in a separate envelope with a note as to the subject matter attached to the outside. Should a Council Member have an interest in the matter, they should return the envelope to the Clerk-Treasurer unopened. This will assist Council in compliance with the Municipal Conflict of Interest Act.

3. Other Matters

All originals of Closed Meeting Reports are retained by the Clerk-Treasurer in Confidential files. Confidential reports and information distributed to members and staff shall be returned to the Township Clerk-Treasurer immediately after the matter has been dealt with by Council or Committee for shredding, unless it is determined by majority vote of Council that the confidential report can remain in the possession of the members.

Section 4 – REGULAR MEETINGS

4.1 Council Meetings:

The Inaugural Meeting of Council, after a regular election, shall be held in Council Chambers no later than the 2nd Monday in December and shall meet, after that, on the first Monday of every month, at 6:30 p.m., unless such day is a legal, public or civic holiday, in which case, the Council shall meet at the same hour the next day which is not a holiday or any other time as determined by Council. The Chair shall be permitted to begin any meeting earlier to meet time restraints.

4.2 Location of Council & Committee Meetings

The Council and its Committees shall meet ordinarily in the Council Chambers at the Township Office. Meetings may be held at alternate locations as determined by Council.

4.3 Seating Arrangement

The Reeve shall sit at the head of the Council table. The remaining seats shall be filled in by the Clerk-Treasurer-Treasurer and/or designate and Councillors.

4.4 Special Council Meetings

1. A Special Meeting of the Council shall be convened:
 - a) Upon being summoned by the Reeve; or
 - b) Upon receipt of a petition of the majority of Council Members.
2. Upon receipt of a petition as set out in Section 4.4.1(b), the Clerk-Treasurer shall summon a special meeting for the purpose(s) and at the time stated in the petition.
3. Council will not consider or decide any matter not set forth in the notice calling the Special Meeting unless approved by a motion carried on a vote of two-thirds of the members present and by not less than a majority of the whole Council voting in favour thereof.
4. Notwithstanding the provisions noted above, on urgent or extraordinary occasions; an emergency Special Council Meeting may be called by the Reeve without Notice, to consider and deal with such urgent or extraordinary matters.

5. In the case of the absence or death of the Reeve, a Special Meeting shall be summoned at any time by the Clerk-Treasurer, upon a special requisition to her/him, signed by a majority of the Members of Council.

4.5 Town Hall Meetings

A Town Hall Meeting of the Council shall be convened:

1. A Town Hall meeting will be called on various topics as decided by Council in order to receive public input and comment on these issues. No decisions are to be made at these meetings. The purpose of these meetings is solely to obtain information and ideas from the public.
2. Time allotment for individual speakers will be ~~10~~ 5 minutes or at the discretion of Council.

Section 5 – NOTICE OF MEETINGS

5.1 Written Notice

1. The published agenda **for Council meetings** shall be considered adequate public notice and deemed to have been given by being posted on the Township's website, **at the Post Office, Kirk's Gas** and available for public review **outside** the township office on the Tuesday preceding each regular meeting. However, on urgent or extraordinary occasions, with the majority consent of the members of Council, notice may be given by telephone. This shall pertain to both regular & special meetings.
2. The agenda for regular meetings of Council shall be posted on the bulletin board of the Township Office and on the Township's website at least 48 hours in advance of the time fixed for the meeting.
3. The lack of receipt of the notice shall not affect the validity of holding the Council meeting or any action taken at such meeting.

5.2 Special Meeting Notice

1. Notice of all Special Meetings will set forth the matters to be considered at such Special Meeting and will be given to all members of Council not less than twenty-four hours in advance of the time fixed for the meeting; and the Clerk-Treasurer shall give such other notice of the meeting to members by telephone, email or as otherwise practical within the circumstances.
2. Lack of receipt of the notice shall not affect the validity of holding the meeting or any action taken at such meeting.

Section 6 – COMMENCEMENT OF MEETINGS

6.1 Quorum Defined

A quorum of the Council shall consist of a majority of the whole Council, or a majority of the whole of an Advisory, Standing or Ad-Hoc Committee, as applicable.

6.2 Quorum

As soon as there is a quorum after the time fixed for the meeting, the Reeve, or the person appointed to act in his/her place and stead, shall take the chair and call the members to order.

6.3 Absence of the Reeve

Should the Reeve not be in attendance within fifteen minutes after the time fixed for a meeting or where the Reeve has advised that he/she will not be attending, the Acting Reeve will preside over the meeting and will have all the powers of the Reeve and will be entitled to vote as a member. If both the Reeve and the Deputy Reeve are not in attendance, then, on a vote of the rest of the members present, a member in attendance may be selected to preside over the meeting.

6.4 Unfinished Business – Quorum Lost

If, during the course of a meeting, a quorum is lost, the meeting will stand adjourned, rather than ended, to reconvene at the next regularly scheduled meeting or at such other time as Council may direct.

Section 7 – PREPARATION OF THE AGENDA

The Clerk-Treasurer or his/her designate shall prepare and circulate an agenda for each Council the Wednesday preceding each meeting. The content of each Council agenda shall be determined by the Clerk-Treasurer in conjunction with the Reeve. **If the agenda has too much content, some matters shall be moved to the following month at the discretion of the Clerk-Treasurer.** Such agenda shall be prepared in the following order:

- **Closed Session (if required)**
- Call to Order
- Declaration of pecuniary interest and general nature thereof
- Adoption of Council & Committee minutes, & receiving local board minutes
- Delegations – 10 minutes each
- Presentations
- Staff Reports
- By-Laws
- Business carried forward
- Notice of Motions & Announcements
- Correspondence
- Council reports
- **Council Concerns (no decisions made at meeting subject introduced)**
- Dates to remember
- ~~Closed session (if additional time required)~~
- Adjournment

We are having a concern with Notice of Motion and Council concerns. Notice of Motion is 15 days in writing prior to meeting, concerns are the night of the meeting. Decisions shouldn't be made at the council meeting on either as per Fred Dean. Why then are they 2 separate items?

11.1 Consent Agendas:

The Clerk/Treasurer or his/her designate may use a Consent Agenda to take a series of:

1. By-Laws
2. Reports, Minutes and/or Tenders

And deal with them with one motion in order to expedite any meeting. Any grouped item on it can be dealt with separately if Council wishes.

7.2 Agenda – Advisory Meetings

For Advisory Meetings, the Agenda shall be prepared when and as the Reeve may direct in consultation with a staff advisor and/or the Clerk-Treasurer-Treasurer.

7.3 Order of Business

The business of each meeting shall be taken in the order in which it stands upon the Agenda, unless otherwise decided by the Council/Committee.

7.4 Public Input

Public input will be heard through Town Hall Meetings and through the Delegation process **only**.

Section 8 – PETITIONS AND COMMUNICATIONS

8.1 Petitions and Communications

1. Every petition intended to be presented to the Council must be clearly written or printed and must not contain any impertinent or improper matter and shall be signed by at least one person.

ANONYMOUS COMMUNICATIONS SENT TO COUNCIL, THE TOWNSHIP OFFICE (EITHER VERBAL OR WRITTEN), OR ITS COMMITTEES WILL **NOT** BE ACCEPTED.

2. Every such petition shall be delivered to the Clerk-Treasurer before noon, 14 calendar days preceding the meeting of the Council and shall be included in the Agenda for that meeting.
3. All petitions on any subject will be forwarded to Council for consideration. Council may, at its discretion, refer the petition to an appropriate committee or staff department for consideration.

8.2 Delegations

1. The intent of delegations is to provide a forum for the public to bring matters of interest or concern to the attention of Council. All delegations shall appear before Council, unless Council otherwise declares. Matters regarding the daily operations or functions of the Corporation will be referred by the Clerk-Treasurer to the appropriate staff person; however, if after having consulted with Staff, the person still wishes to bring the matter before Council, the delegation process will be followed.
2. Deadline for receiving a complete delegation package by the Township Clerk is noon, on the **15th of every month** ~~14 calendar days~~ preceding the required Council meeting.
3. The Clerk-Treasurer shall acknowledge receipt of all such requests to make a delegation and list the delegation on the next Council meeting agenda or on an agenda for a meeting date suitable to the delegate. A maximum of 3 delegations, **10 minutes each**, will be accepted for every month or at the discretion of the Clerk-Treasurer.
4. Every delegation shall be supported on the Agenda for the meeting by a completed delegation form and by correspondence which clearly states the purpose of the delegation and the action being requested and be delivered to the Clerk/Treasurer before noon, 14 calendar days preceding the next meeting of Council. All paperwork (including script to be read by

Council members), must be included with Council agenda. **No additional materials will be accepted from the delegate on Council night.**

5. Notwithstanding the foregoing, the Reeve may, with consent of the majority of the members present, extend the 10 minute time allotment.
6. Upon completion of the presentation made by a delegate, Members of Council may address questions to the delegate, for clarification purposes only, with respect to the subject matter; and can either debate the issue immediately or defer debate to a future Council meeting.
7. Notwithstanding the provisions of Section 8.2.6, Council or Committee may deal with the matter immediately by a majority vote.
8. In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, the Reeve or Chair may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting.

8.3 Presentations:

From time to time, it may be necessary for Council or a Committee to invite a person, group or organization to attend a meeting to discuss a specific matter or issue. Unless otherwise required by law and the Act, these deputations shall be open to the public. Council or Committee may request that these presentations be not more than ~~30~~ 20 minutes in duration and should such presentations be of a significant length of time, a special meeting of Council or Committee shall be called to address the presentation specifically. Such requests shall be identified on the agenda under Presentations.

Section 9 - PROCEEDINGS ON BY-LAWS

9.1 Passage of By-laws

1. Except as otherwise may be required by statute or Council, every by-law may be enacted and passed on a motion as follows:
2. "That By-Law (number) be adopted and it is hereby enacted and passed."
3. BY-LAWS may be grouped together for enactment and passing, in which case they may be enacted and passed on a motion as follows:

"That the following BY-LAWS be adopted, and they are hereby enacted and passed (by-law numbers and subject matter)".
4. Every by-law shall be passed at a Council meeting.
5. The Clerk-Treasurer shall endorse on all by-laws enacted and passed in Open Council the date of enactment and passing and by-law number and shall be responsible for the correctness of such by-laws should they be amended.
6. Every by-law which has been enacted and passed by the Council shall be sealed with the seal of the Corporation, signed by the Reeve and by the Clerk-Treasurer, and shall be deposited by the Clerk-Treasurer in his/her office for safekeeping.

9.2 Confirmatory By-law:

The proceedings at every open and regular/special meeting of Council shall be confirmed by by-law at the next regular meeting of Council so that every decision of the Council at that meeting and every resolution adopted at such meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

Section 10 – MINUTES

11.1 Minutes of Open Meeting

1. Minutes of meetings shall record:
 - a) The place, date and time of the meeting;
 - b) The names of the presiding officer and the record of the attendance of the members as well as members who are absent;
 - c) The late arrivals or early departures of members;
 - d) The reading, if requested, correction and confirmation of the minutes of prior meetings;
 - e) Declarations of interest;
 - f) All other proceedings of the meeting without note or comment.
2. If the minutes have been delivered to the members of the Council, then the minutes shall not be read, and a resolution that the minutes be adopted as if read shall be in order.
3. Prior to confirmation of the minutes of the previous meeting or meetings, as the case may be; if required by any member, such minutes or so much thereof as may be required, shall be clarified by the Clerk-Treasurer.
4. After the minutes have been confirmed, they shall be signed by the Reeve and by the Clerk-Treasurer or his/her respective designate, and posted on the board and website within seven (7) days of meeting.
5. A system is to be put in place to record closed meeting minutes and amplify all meetings.

11.2 Minutes of Closed Meeting

1. Minutes, while in Closed Meeting, shall be recorded in the same manner as noted above. **Closed meeting minutes shall be recorded.**
2. Approval of Closed Meeting minutes shall be considered at the next Closed Meeting.

Section 11 – RULES OF DEBATE AND CONDUCT OF MEMBERS IN COUNCIL

11.1 Role of the Chair

1. The Reeve shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any member to the Council from any ruling of the Reeve.

2. The Reeve shall preside over all Council meetings and be recognized as the Chairperson.
3. Every member, previous to any question or motion, shall be recognized by the Chair and shall respectfully address the Chair.
4. When two or more members wish to speak, the Chair shall name the member who, in his/her opinion, first raised his/her hand.

11.2 Rules of Debate

1. No member, without leave of the Council, shall speak to the same question, or in reply, for longer than five (5) minutes except that Council, upon motion thereof, may grant extensions of time for speaking of up to five (5) minutes for each time extended. **The member may not speak on the same issue again until everyone else has spoken, and then, just to ask a question or to clarify the issue.**
2. A member may ask a question, stated concisely, of the previous speaker for explanation of any part of the previous speaker's remarks.
3. A member may ask questions of the Committee/staff member presenting the report to obtain information relating to a report before the council or to any clause contained therein at the time that the report or the clause is being considered.
4. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
5. A member may not:
 - a) Speak disrespectfully;
 - b) Use offensive words or non-parliamentarian language in Council;
 - c) Disobey the rules of the Council or decision of the Reeve, or of the Council on questions of order or practice or upon the interpretation of the rules of Council.
 - d) Leave his/her seat or make any noise or disturbance while a vote is being taken and until the result is declared.
 - e) Pass between a member who is speaking and the Reeve.
5. In case any member persists in a breach of the foregoing section, after having been called to order by the Chair, he/she may be ordered by the Chair to leave his/her seat for that meeting, but in the case of ample apology being made by the offender, he/she may, by vote of the members Present, be permitted forthwith to resume his/her seat.

Section 12 – POINT OF PRIVILEGE

12.1 Council Rights/Privileges – Takes Precedence

When a member desires to address the Council on a matter that concerns the rights or privileges of the Council collectively or of himself/herself as a member thereof, he/she shall be permitted to raise such a point of privilege, and a point of privilege shall take precedence over other matters.

Section 13 – POINT OF ORDER

13.1 Violation of the Rules of Procedure

1. When a member desires to call attention to a violation of the rules of procedure, he/she shall ask leave of the Chair to raise a point of order, and after leave is granted, he/she shall state the point of order with a concise explanation and the Chair shall rule on the point of order.
2. When the Chair calls a member to order, the member shall cease speaking until the point of order is dealt with, and the member shall not speak again without permission of the Chair unless to appeal the ruling of the Chair.

Section 14 – RULING OF THE CHAIR

1. Unless a member immediately appeals to Council regarding a ruling of the Chair on points of privilege/rules of procedure, the Chair's decision is final.
2. If the question is appealed, the Council shall decide the question without debate and its decision shall be final.

Section 15 – MOTIONS AND ORDER OF PUTTING QUESTIONS

15.1 Notice of Motion

1. The purpose of a Notice of Motion is to provide any member of Council with the ability to introduce a motion proposing new subject matter or future activities of the Council/Committee itself or of the staff.
2. To ensure that all Council members receive due notice of such motion(s) to be considered; notice shall be given, in writing, of all motions introducing new subject matter, to the Clerk-Treasurer by noon, **on the 15th of each month** preceding a Council meeting for inclusion on the agenda for that Council meeting under "Notice of Motions". However, at the discretion of the Reeve, such Motion may not be discussed nor dealt with until the following Council meeting.
3. A Notice of Motion shall:
 - a. be in writing;
 - b. include the name of the mover;
 - c. shall outline the issue and advise Council that the motion described therein will be an agenda item at the subject Council meeting.

15.2 Withdrawal of Motions

Every substantive motion shall be deemed to be in possession of the Council for debate after it is presented by the Chair or his/her designate; but may, with permission of the mover and seconder and the majority of the members present, be withdrawn at any time before amendment or decision. In such cases, there is no recording of the withdrawn motion in the minutes.

15.3 Privileged Motions

When a motion is under consideration, no motion shall be received other than a privileged motion:

1. **To Extend** the hour for closing proceedings, which motion is neither amendable nor debatable;
2. **To Adjourn** which motion is neither amendable nor debatable,
3. **To Lay on the Table**, which motion is not debatable but is amendable;
4. **To Defer**, which motion is debatable and is amendable;
5. **To Refer**, which motion is debatable as to the merits to refer only and which shall take precedence over any other amendment; or
6. **To Amend**, which motion is debatable and amendable.

15.4 Amending Motions

1. Only one amendment at a time can be presented to the Main Motion and only one sub-amendment can be presented to an amendment, but when the sub-amendment has been disposed of, another may be introduced and when an amendment has been decided, another may be introduced.
2. The sub-amendment, if any, shall be voted on first; then if no other sub-amendment is presented, the amendment shall be voted on next; then if no other amendment is introduced, the Main Motion, or if any amendment has carried, the Main Motion as amended, shall be put to a vote.
3. Every substantial amendment shall be in writing.
4. Nothing in this section shall prevent other proposed amendments being read for the information of the members.

15.5 Motion for Reconsideration *(means bringing back in time to before vote ever took place)*

1. The purpose of a Motion for Reconsideration is to suspend all action that the original motion would have required until the reconsideration is acted upon. **(The motion is whether or not Council wants to reconsider the topic or not. The topic CANNOT be spoken to at this time.)** Any resolution, by-law, or matter that has previously been adopted by Council may be reconsidered by Council subject to:
 - a) A Motion for Reconsideration must be introduced according to the procedures for Notices for Motion.
 - b) A Motion for Reconsideration may only be put forward by a member who voted in the majority when the item was originally decided upon.
 - c) No discussion of the question that has been decided shall be allowed until the motion for reconsideration has carried, and such motion for reconsideration shall require a two-thirds vote of the members of the entire Council.

- d) **A vote to reconsider shall not be considered more than once on the same topic during a twelve-month period, unless approved by the Chairperson.**
- e) If the member who gave notice of the motion for reconsideration is not in attendance at the subsequent meeting, the Chair shall declare the Notice of Motion for reconsideration not accepted.

15.6 Motion to Rescind *(repeal)*

The purpose of a Motion to Rescind is to annul some action Council has previously taken when it is too late to reconsider the vote. Any action of Council can be rescinded by Council regardless of the time that has elapsed subject to:

- a) A Motion to Rescind must be introduced according to the procedures for Notices of Motion;
- b) A Motion to Rescind may only be put forward by a member who voted in the majority when the item was originally decided upon;
- c) A previous decision cannot be rescinded after something has been done as a result of that vote that the assembly cannot undo. (i.e. – legal agreements, contracts);
- d) A Motion to Rescind shall not be considered more than once in any twelve month period, unless approved by the Chairperson.
- e) A Motion to Rescind shall require a two thirds vote of the members of the entire Council.
- f) If the member who gave notice of the Motion to Rescind is not in attendance at the subsequent meeting, the Chair shall declare the Motion to Rescind not accepted.

SECTION 16 – VOTING

16.1 Rules of Voting

1. When the question under consideration contains distinct propositions; upon the request of any member, the vote upon the propositions shall be taken separately.
2. After the Chair commences to take a vote, no member shall speak to or present another motion until the vote has been taken on such motion, amendment or sub-amendment.
3. Unless prohibited by statute, every member present at a meeting when a vote is taken on a matter shall vote thereon; and, if any member present persists in refusing to vote, he/she shall be deemed as voting in the negative.
4. All tie votes are taken as a negative vote.
5. If a member disagrees with the announcement of the Chair of the result of any vote, except a recorded vote, he/she shall object immediately to the Chair's declaration and require that the vote be retaken.
6. No vote shall be taken in Council by ballot or by any other method of secret voting.

16.2 Recorded Votes

1. In cases required by law, and when any member calls for a Recorded Vote to be taken, the names of those who vote for and of those who vote against shall be entered upon the minutes of Council. Councillors may call for a recorded vote either immediately before or after the issue is voted on.
2. Notwithstanding this section; in lieu of a recorded vote, a member may request that his/her dissenting vote be entered upon the minutes of the Council.

16.3 Pecuniary Interest

1. If a member has a pecuniary interest and general nature thereof, in any matter and is, or will be, present at a meeting at any time at which the matter is the subject of consideration; the member shall:
 - a) Before any consideration of the matter at the meeting, verbally disclose the interest and the general nature thereof;
 - b) Not at any time take part in the discussion of, or vote on, any question in respect of the matter;
 - c) Immediately leave the closed meeting and remain absent from it at any time during consideration of the matter; and,
 - d) As soon as possible, complete and file with the Clerk-Treasurer, a written disclosure, in the prescribed form, setting out the interest and the general nature thereof.
2. If a member is absent from all or part of a meeting in which he/she has a pecuniary interest, and general nature thereof, in a matter being considered, the member shall:
 - a) Disclose the interest in the manner described in clause 1(a) at the next meeting of the Council or Board that the member attends;
 - b) File a written disclosure in the manner described in clause 1 (d) as soon as possible after the next meeting that the member attends.
3. A disclosure under this section is not required to disclose that the member has a spouse or child or the name of the member's spouse or child.
4. Where disclosure omits reference to a member's spouse or child, the interest shall be stated as being that of the member.

It shall be the duty of the Clerk-Treasurer or Deputy Clerk-Treasurer, as the case may be, to record in the minutes of the meeting, every oral declaration of pecuniary interest, and general nature thereof made.

SECTION 17 – ADJOURNMENT

17.1 Adjourned Meetings

1. All meetings of Council or Committees shall adjourn by 10 p.m. with a possible extension to 11 p.m. by majority of Council. If the meeting is still in progress; it shall reconvene at the next regular meeting or at the hour, day and place as determined by resolution of Council, when the unfinished business shall be dealt with before any other business.

17.2 Adjournment Not In Order

1. A motion to adjourn the meeting shall be in order except:
 - a) When a member is in possession of the Floor; or during the taking of a vote; or
 - b) During the taking of a vote, but no second motion to the same effect shall be made until after some intermediate proceedings shall have taken place.

17.3 Continuance Past 10:00 p.m.

1. When a meeting of the Council or a Committee continues until 10:00 p.m., the Council or Committee may, upon a two-thirds vote of the members present, extend the time for one (1) hour, to consider a matter that is listed on the Agenda.
2. A by-law to confirm the proceedings; and in the absence of the said two-thirds vote, the meeting shall, after dealing with any items of business referred to in subsections (a), be forthwith adjourned until the next regular or special meeting of Council.

Section 18 – STRIKING COMMITTEE

- ~~1. At the inaugural meeting of the Council, the Reeve shall appoint a Striking Committee comprised of the whole of Council.~~
- ~~2. Such Committee shall be summoned within a week of its appointment or another time at the call of the Reeve.~~
- ~~3. The duties of the Striking Committee, which shall be chaired by the Reeve, are to:
 - a) Fill all vacancies which may arise during their term of Council on civic boards and committees;
 - b) Recommend appropriate Advisory or Standing Committees as appropriate.
 - c) Determine how many members shall sit on each committee established.
 - d) Determine who shall Chair each of the Advisory or Standing Committees as applicable.
 - e) Report the Striking Committee's recommendations at the first regular meeting of Council which follows the Striking Committee meeting.~~
- ~~4. At the first sitting of Council, or when it is deemed appropriate in each Council term; Council will sit as the Striking Committee whose duty it shall be to select the Committees of Council, including membership thereon, for the remainder of their term.~~
- ~~5. The names of members to be appointed to any Board, Commission, or other body to which Council is required or empowered to appoint persons will be determined by Council through the Striking Committee.~~

Section 18 – STANDING AND/OR ADVISORY COMMITTEES

18.1 Standing and/or Advisory Committee Structure

1. Council may adopt a Standing and/or Advisory Committee structure for the Township to consist of one or more Standing committees, to be composed of both Members of Council and/or Citizen Members, with such committee entitled appropriately.
2. Council, ~~through the Striking Committee,~~ at the inaugural meeting, shall appoint such Standing and/or Advisory Committees as are deemed necessary for the term of Council or for any term which is judged appropriate.
3. Council, ~~through the Striking Committee,~~ at the inaugural meeting shall appoint the Chairpersons for such Standing and/or Advisory Committees and establish the frequency of meetings and reporting mechanisms. The Chairperson is to be the Council representative so all matters are forwarded to Council appropriately.
4. Council, ~~through the Striking Committee~~ at the inaugural meeting shall determine the composition of each Committee, which may include some or all of the members of Council, as long as quorum isn't met.
5. A Standing and/or Advisory Committee structure shall, when adopted, consider reports of municipal staff and ad hoc committees and make recommendations to Council on same pursuant to their respective Terms of Reference.
6. Subject to the provision of any general or special Act; Council, in establishing Standing Committees and/or Advisory Committees, shall set forth the Terms of Reference of the Committee and such other provisions as Council deems appropriate.
7. Council may consider any matter without referring it to a Standing or Advisory Committee or may refer it to one or more Committees and may withdraw a matter from a Committee whether or not the Committee has entered into consideration.

18.2 General Role and Power

1. Council shall ascribe to Standing or Advisory Committees a general role of policy formulation and program monitoring; more specifically, the role of any Standing Committee includes the following:
 - a) To provide direction and guidance to staff, through the Clerk-Treasurer, on the policy development, fact finding, analysis, and generation of alternatives required;
 - b) To receive public delegations and establish mechanisms to receive further public input on vital public policy matters;
 - c) To provide guidance and direction to Staff, through the Clerk-Treasurer, where policy interpretation or clarification is required during the administration and implementation of policy; and,
 - d) To provide Staff, through the Clerk-Treasurer with direction and guidance on policy and level of service priorities so the programs within the Committee's purview may be refined to meet established budget targets.

18.3 Duties of Committee Chairperson

1. The Chairperson of the Committee shall:
 - a) Ensure that the Committee deals with policy issues effectively;
 - b) Ensure public dialogue and communication on policy matters are effective and co-ordinated;
 - c) Ensure the needs of the Committee for administrative support, analysis and advice are provided through the office of the Clerk-Treasurer;
 - d) Ensure that all Committee Members are fully informed on all matters within the jurisdiction of the Committee and on the duties and responsibilities of the Committee.
 - e) Liaise with the Reeve and communicate any matter within the knowledge of the Chair that is required to be communicated to another Committee.
 - f) Report to Council on all issues decided by the Committee.
 - g) **Committees shall list the names of the Council representative and all committee members.**
2. The Reeve shall be a member of all Standing and/or Advisory Committees with full voting privileges.
3. In the event of a Standing and/or Advisory Committee meeting, committee meetings shall take place as determined by the Chair of the Committee so they don't conflict with other pre-scheduled meetings.

Section 219 –AD HOC COMMITTEES

19.1 Purpose of Ad Hoc Committees

An Ad Hoc Committee may be appointed by Council to consider a specific matter.

Ad Hoc Committees shall list the names of the Council representative and all Committee members.

19.2 Conduct of Ad Hoc Committees

1. There shall be appointed by Council, to each Ad Hoc Committee, at least one member of Council **who shall assume the position of Chair.**
2. The members of an Ad Hoc Committee shall at their first meeting appoint a Chair.
3. Meetings of Ad Hoc Committees shall be at the call of the Chair or his/her designate; and insofar as is practical, meetings shall be called for the same day of the week.
4. When an Ad Hoc Committee has completed its work and submitted its final report, it shall dissolve automatically unless otherwise directed by Council.

5. The Reeve shall be a Member Ex-officio of all Ad Hoc Committees of Council. He/she can attend, participate and vote at all meetings but cannot make quorum.

Section 20 – COMMITTEES – GENERAL

20.1 Committees General

1. Of the number of members appointed to compose a Committee, the majority shall be a quorum unless otherwise specified in the Committee's Terms of Reference.
2. Meetings or parts of meetings of Committees may be closed to the public on a vote of the members pursuant to Section 3.3 of this By-law.
3. Every Committee shall keep minutes of its proceedings in a book to be furnished for that purpose by the Corporation and such book shall be kept in the office and custody of the Clerk-Treasurer or the Deputy Clerk-Treasurer.
4. The rules and regulations governing the proceedings of Council shall be observed in Committees insofar as applicable, except that:
 - a) No vote shall be recorded, but a member may request that his/her dissenting vote be entered upon the minutes of the Committee.
5. A meeting of any Committee shall be called by the Clerk-Treasurer or the Deputy Clerk-Treasurer, upon instruction of the Committee Chair.
6. The Reeve is an ex-officio member of every Council Committee in which he/she is not a regular member. In the case of the Reeve being a member ex-officio, he/she may participate in the business of the Committee, without any restriction, on the same basis as any other Committee Member, but shall not be included in the quorum.
7. The Committee Chairperson will preside over the Committee Meeting. In the absence of the Committee Chair, such other member of the Committee will preside, as may be appointed by the concurring vote of a majority of the members of the Committee present, as long as quorum is still met.
8. The Committee will consider and report on such matters only as have been referred to them by Council or such matters as come within their continuing Terms of Reference and jurisdiction.
9. All Committees shall submit written reports on any matter referred to it by Council or dealt with between meetings of Council by a Committee.
10. When it is desired that Council authorize, approve, confirm and cause to be implemented that which a Committee has recommended, the motion shall be "That the Report be adopted."
11. Notwithstanding subsection (2); when a report deals with more than one subject matter and Council is not prepared to adopt all the report, a separate vote should be taken with respect to each subject matter. Any matter which is not adopted may be referred back to a Committee for further consideration.

Section 21 – ACTING REEVE

21.1 Purpose of Acting Reeve

Council shall appoint an Acting Reeve to act in the place and stead of the Reeve when the said Reeve is absent from the Municipality or absent through illness or the office is vacant. While so acting, such member has and may exercise all the rights, powers and authority of the Reeve.

21.2 Term of Acting Reeve

1. The term of appointment shall be as indicated in Schedule “A” hereto attached and forming part of this by-law.
2. For the term commencing December 1st of an election year, the Councillor named in Schedule “A”, as attached, is appointed Acting Reeve for the term as set out in Column 2 of Schedule “A” hereto attached.

21.3 Substitute Active Reeve

If during a term as set out in Column 2 of Schedule “A” as attached, the Acting Reeve appointed for that term is absent from the municipality or absent through illness, the next successive Councillor designated in Column 1 is hereby appointed Acting Reeve.

21.4 Council Remuneration

Council remuneration can be adjusted for pay increases and COLA annually, or upon receiving a request from the Reeve and/or a member of council and also, upon receiving a majority vote.

Councillors may only submit an invoice for meetings or events where minutes are taken and or approved by Council. For volunteer events, only mileage will be paid.

Section 22 –EFFECTIVE DATE, SHORT TITLE AND BY-LAWS REPEALED

22.1 Short Title

This by-law is adopted as The Procedure By-law for the Council of the Corporation of the Township of McMurrich/Monteith, and Council Committees thereof.

22.2 Repeal of Previous By-laws

All previous by-laws or sections thereof regulating the proceedings of Council shall be and are hereby repealed; and without limiting the generality of the foregoing, By-law 11-2015 as amended is hereby repealed.

22.3 Schedule “A”

Schedule “A” referring to Acting Reeve, attached hereto forms part of this By-law.

22.4 Schedule “B”

Schedule “B” referring to Guidelines for Council Meetings, attached hereto forms part of this By-law.

22.5 Schedule “C”

Schedule “C” referring to the Affirmation of Confidentiality, and the Confidentiality Agreement, attached hereto forms part of this By-Law.

22.6 Schedule “D”

Schedule “D” referring to the Delegation Form, attached hereto forms part of this By-law.

22.6 Schedule “E”

Notice of Motion Form

22.7 Schedule “F”

Municipal Conflict of Interest Form

Passed First, Second and Third reading on **July 4 2017**.

This by-law shall come into force on **July4, 2017** and shall be referred to as *the Procedural By-law*.

*ENACTED AND PASSED IN Open Council this **4th of July, 2017***

Joanne Griffiths – Reeve

Cheryl Marshall – Clerk-Treasurer

Schedule "A"

By-law 13-2013

Appointment of Deputy Reeve

Daniel O'Halloran

2014-2018

If both the Reeve and Deputy Reeve are not available, the next successive Councillor is designated to be appointed Deputy Reeve:

Ron Walton

2014-2018

Schedule "B"

GUIDELINES FOR COUNCIL MEETINGS

The following guidelines have been prepared as a supplement to the Township of McMurrich/Monteith's *Procedural By-law* to provide support to the framework established within the By-law for ensuring the effectiveness of Council meetings.

THE GUIDELINES are in support of the following key principles:

- Decision-making must be timely, effective and based on sound principles.
- Critical information must be provided to facilitate decision making.
- Council – staff interrelationships must effectively support the process.

Part A – GUIDELINES FOR STAFF

1. Content of the Agenda

The Clerk-Treasurer/Deputy Clerk-Treasurer, in conjunction with Department Heads, will discuss and prepare the Agenda, with a view to creating a balanced agenda and avoiding having too many items that require significant discussion and deliberation on any one evening.

Staff will anticipate which items on the Agenda are of particular interest to members of the public. These items, whenever possible, will be scheduled earlier on in the meeting, so that members of the public in attendance at the Council meeting who wish to speak to Council on an item, as a delegation, will not have an excessive wait.

2. Staff Presentations

Staff presentations will not be conducted on items which are clearly addressed within their report. Presentations that are undertaken by staff will be clear, informative and concise. The presentation will focus on the key elements contained within the report.

3. Content of Reports

Reports will be prepared in a clear and concise manner. When preparing reports, staff will focus on the key information that is required by Council to make effective decisions. Report information will be presented within the report in a fashion that clearly assists Council in the decision making process. Historical information leading up to the staff recommendation will be summarized in the report as opposed to attaching previous reports and studies already dealt with by Council.

~~Reports are only to be accepted by Department Heads.~~ Reports from Departments must be received by the Clerk one (1) week prior to the next Council meeting.

4. Questions from Council

Staff will endeavour to be highly accessible to Members of Council to answer any inquiries that they may have with regards to reports on the Agenda. Responses to inquiries will be prompt, and whenever possible, prior to the meeting.

Part B – GUIDELINES FOR COUNCIL

1. Length of the Meeting

The Council meeting shall adjourn at 10:00 p.m. Any unfinished business on the Agenda shall be deferred to the following meeting, with the exception of items of a time sensitive nature that must be dealt with that evening. A motion to extend may be required to deal with those items.

2. Questions to Staff from Members of Council

Members of Council, whenever possible, will endeavour to ask questions of staff related to reports on the Agenda prior to the Council meeting. This gives staff time to provide the level of response required to assist Council in their deliberations.

This also provides Council with the opportunity to focus more of their Council meeting time debating key issues before them that are critical to the decision making process.

Council may wish to highlight, in summary form, clarifications that were provided by staff prior to the meeting that would assist other Members of Council. ~~and/or the public in debating the issues.~~

Part C – GUIDELINES FOR THE PUBLIC

1. Delegations:

Delegations by members of the public shall be limited to ten (10) minutes per speaker or group. Individuals or groups that are listed on the agenda shall be limited to no more than 10 minutes presentation except if the group is more than 5 persons, then 2 speakers shall be limited to 7 minutes each. A maximum of three delegations will be allowed on any one Council Agenda, limited the total time for this portion of the Agenda to a 30 minute maximum.

The same issue cannot be reintroduced to Council within a 12 month period.

No cellphones or recording devices are to be brought into the Council Chambers or used while in the Council Chambers.

1 b. Behaviour of Delegation:

No delegation shall:

- a. speak without first being recognized by the Reeve;
- b. speak disrespectfully about or to any person;
- c. use offensive words or gestures, or make abusive comments;
- d. speak on any subject other than the subject stated on their Delegation Request Form, nor;
- e. Disobey the Rules of Procedure or a decision of the Council or Committee.

2. Public Input

The public will have opportunity to provide input through the following processes:

1. By making application as a Delegation for consideration of a new matter;
2. By attending a Town Hall meeting.

2 b. Conduct by the Public:

No person in attendance at a meeting shall:

- a. Address Council or Committee without permission from the Reeve or Chair;
- b. Bring signage, placards or banners into such meetings or on the premises;
- c. Engage in any activity or behaviour that would affect the deliberations; nor;
- d. Bring food into the Council Chambers or meeting unless so authorized.
- e. Use their cellphones to text, take calls or to record meetings.

The Reeve or Chair may expel and exclude any member of the public who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Clerk may be called upon to seek the appropriate assistance from police officers for this purpose.

SCHEDULE "C" TO BY-LAW 18-2017

Affirmation of Confidentiality

Confidentiality Agreement

I, _____, member of Council of the Corporation of the Township of McMurrich/Monteith, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of the Corporation of the Township of McMurrich/Monteith that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me

At the Township of McMurrich/Monteith

In the District of Parry Sound

This _____ day of _____, 20____

Councillor's Signature

Commissioner, etc.

“SCHEDULE D” TO BY-LAW 18-2017

Request for Delegation

Township of McMurrich/Monteith

At a Council Meeting to be held on _____

Name of Individual (s): _____

Name of Organization: _____

Your title or interest in the group? _____

Have you appeared before Council in the past regarding this issue? _____ Yes _____ No

Address: _____

Contact Phone #: _____

Reason for requesting Delegation (Max 10 minutes):

_____ (attach additional pages as necessary)

What action are you hoping to receive from Council?

_____ (attach additional pages as necessary)

Note: DELEGATES ARE REQUESTED TO PROVIDE 7 COPIES OF ALL BACKGROUND MATERIAL/PRESENTATIONS TO THE CLERK’S OFFICE BY THE 14 DAYS PRECEDING THE COUNCIL MEETING. ONCE THE ABOVE INFORMATION IS RECEIVED BY THE CLERK, YOU WILL BE CONTACTED TO CONFIRM YOUR PLACEMENT ON THE APPROPRIATE AGENDA. THANK YOU.

ALL INCOMPLETE DELEGATION SUBMISSIONS WILL BE RETURNED TO THE REQUESTER AND WILL NOT BE PLACED ON THE AGENDA UNTIL COMPLETED TO THE SATISFACTION OF THE CLERK.

All presentations are granted 10 minutes. For groups of 5 or more, 2 speakers will be allowed and allotted 7 minutes each to speak.

Communications addressed to Council and its Advisory Committees will become part of the public record and will be placed on a public agenda.

Anonymous communications sent to Council or to its Committees will NOT be accepted.

I acknowledge that personal information contained within my communication(s) may become part of the public record and may be made available to the public through the Council/Committee process.

SIGNATURE: _____ DATE: _____

SCHEDULE "E" TO BY-LAW 18-2017

NOTICE OF MOTION FORM

In accordance with our Procedural By-law, Section 15, I, a

Member of Council _____ (please print)

hereby files a Notice of Motion to be included on the Agenda for the Regular meeting of Council, which is scheduled to be held on:

_____, 20 ____, under the following Agenda heading:

Subject:

And,

Which Notice of Motion reads as follows:

Council Member: _____

(Signature)

CLERK'S USE ONLY:

Date Received: _____, 20 ____

Time Received: _____, 20 ____

Notice of Motion Given, _____, 20 ____



TOWNSHIP OF McMURRICH/MONTEITH

District of Parry Sound

P.O. Box 70 31 William Street

Sprucedale, Ont. P0A 1Y0

Phone 705-685-7901 Fax 705-685-7393

www.mcmurrichmonteith.com

Reeve: Joanne Griffiths

Clerk/Treasurer: Cheryl Marshall

SCHEDULE "F" TO BY-LAW 18-2017

Declaration of Pecuniary Interest and Conflict of Interest

I, _____ do hereby declare a _____

with item # _____ on the agenda because _____

_____.

Dated: _____ Signed: _____