

**The Corporation Of The Township Of Minden Hills**

**By-law 26-05**

**Being A By-Law To Govern The Calling, Place And Proceedings Of Meetings Of Council And Committees**

**WHEREAS**, Section 238 (2) of the *Municipal Act*, S.O. 2001, as amended, states that “Every council and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings”;

**AND WHEREAS**, it is deemed expedient to establish rules governing the order, procedure and members’ conduct of the Council and its Committee meetings;

**AND WHEREAS** amendments to the Procedural By-law are desired;

**NOW THEREFORE**, the Council of The Corporation of the Township of Minden Hills enacts as follows:

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## **1. Definitions**

**Act** means the Municipal Act;

**Abstain** means a member who is lawfully entitled to vote but chooses not to exercise their vote on a matter and in such case an abstention shall be deemed as a negative vote.

**Agenda** means a list of all items to be considered by the Council at the meeting for which the agenda was published.

**Amendment** means to alter or vary the terms of the main motion without materially changing its purpose;

**By-law** means a by-law in a form approved by the Council prepared or passed for the purpose of giving general effect to a previous decision or proceedings of the Council;

**Clerk** means the Municipal Clerk, of The Corporation of the Township of Minden Hills;

**Closed Session** means the conduct of a meeting, or part of a meeting, of Council or a Committee of Council, which is closed to the public as permitted by Section 239 of the Act. ~~—also known as an “in camera meeting”;~~

**Committee** means any advisory committee or other committee, subcommittee or similar entity, governed by Council. With regards to Section 239 to 239.2 of the Municipal Act, “committee” means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local board.

**Corporation** means the Township of Minden Hills.

**Council** means the Council of the Corporation of the Township of Minden Hills;

**Delegation** means a presentation to Council or Public Hearing;

**Deputy Mayor** means the Township’s second representative elected by general vote, who along with the Mayor represents the Township of Minden Hills at County Council and in the absence of the Mayor, the Deputy Mayor shall chair all Council and Special Meetings.

**Emergency** shall mean a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise”.

**Head of Council** means the Mayor of The Corporation of the Township of Minden Hills or the Deputy Mayor acting in the capacity of the Mayor in his/her absence.

**Hybrid Meeting** means a type of meeting that includes both in-person and electronic participation.

**In Camera** means the conduct of a meeting, or part of a meeting, of Council or a Committee of Council, which is closed to the public as permitted by the Municipal Act. ~~Also known as Closed Session.~~

**Local Newspaper** means the Minden Times and/or the Highlander;

**Majority** for the purposes of voting means more than half the total of Members present and not prohibited by statute from voting;

- 7 Members present: 4
- 6 Members present: 4
- 5 Members present: 3
- 4 Members present: 3

**Mayor** means the Head of the Council of the Corporation of the Township of Minden Hills;

**Mayoral Decision** means a decision issued by the Mayor in writing as prescribed in the Act.

**Mayoral Direction** means a direction given by the Mayor to staff in writing as prescribed in the Act.

**Meeting** means any regular, special or other meeting(s) of a council, of a local board or of a committee of either of them, where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

**Electronic Meeting** means a meeting called and held in full or in part via electronic means (not including but not limited to audio teleconference, video conference or via the internet) and with or without in person attendance.

**Electronic Participation** means and/or includes telephone, video, audio or audio-visual conferencing, or any other interactive method whereby Members of Council, Staff and the public are able to hear meeting participation by electronic means.

**Member** means a Member of Council, and includes the Head of Council;

**Motion** means a subject being presented for the consideration of Council and duly moved and seconded.

**Notice of Motion** means a notice of motion provided to the Clerk, in writing, by a member, requesting the inclusion of a motion on a future Agenda of a meeting of Council.

**Pecuniary Interest** means a direct or indirect pecuniary interest within the meaning of the *Municipal Conflict of Interest Act*, RSO 1990, Chapter M 50, as amended

**Point of Order** means the right of a Member to bring to the attention of the Mayor or Chair any deviation or departure from the rules of procedure;

**Procedure By-law** means this By-law and as may be amended when required by a majority of Council at its discretion;

**Presiding Officer** means the Member of Council presiding at any meetings of Council or Committee;

**Question of Privilege** means questions relating to the rights and privileges of a Member of the Council;

**Quorum** means a majority of the whole number of Members of Council or Committee, required to constitute Council or a Committee.

**Recorded Vote** means the recording of a vote of every Member of Council voting on any matter or question;

**Rules of Procedure** means the provisions governing the proceedings of Council which are set forth in this By-law;

**Special Meeting** means a Special Meeting of Council that is summoned, when necessary, by the Head of Council or Clerk, or designate,

**Strong Mayor Powers** means those powers, duties, and responsibilities set out in Part VI.1 of the Act, titled “ Special Powers and Duties of the Head of Council”, and any regulations made thereunder, applying solely to the person who has been

elected as Mayor (Head of Council) under the provisions of the Municipal Elections Act.

**Township** means The Corporation of the Township of Minden Hills.

**Two-Thirds Majority** shall mean Two-Thirds (2/3) of the Members present, and not disqualified from voting on a particular matter, or:

- 2/3 of 7 members: 5
- 2/3 of 6 members: 4
- 2/3 of 5 members: 4
- 2/3 of 4 members: 3

## **2. Applicability**

- 2.1 That the rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the dispatch of business by Council and, with necessary modifications, its Committees.
- 2.2 That no standing rule, procedure or order shall be suspended except by a majority vote of the Council. Council is not permitted to suspend any statutory requirement with respect to its proceedings.
- 2.3 That the Rules of Debate of the Provincial Legislature and Bourinot's shall prevail where applicable in all circumstances not covered by this by-law.
- 2.4 No meeting of Council or Special Council shall be held in the absence of the Clerk, or his or her designate.
- 2.5 The Clerk, or his or her designate, shall record the proceedings of all meetings of Council.
- 2.6 All meetings of Council or Special Council shall be held in public except when considering items in accordance with the criteria for a closed meeting as established by Section 239 of the *Municipal Act*.

## **3. Role Of Council**

In accordance with Section 224 of the Municipal Act, 2001, as amended it is the role of Council:

- 3.1 to represent the public and to consider the well-being and interest of the municipality;
- 3.2 to develop and evaluate the policies and programs of the municipality;
- 3.3 to determine which services the municipality provides;
- 3.4 to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- 3.5 to ensure the accountability and transparency of the operations of the municipality; including the activities of the senior management of the municipality;
- 3.6 to maintain the financial integrity of the municipality; and
- 3.7 to carry out the duties of Council under this or any other Act.

## **4. Role Of The Head Of Council**

In accordance with Section 225 of the Municipal Act, it is the role of the Head of Council,

- 4.1 to act as chief executive officer of the municipality;
- 4.2 to preside over Council Meetings so that its business can be carried out efficiently and effectively;
- 4.3 to provide leadership to Council;
- 4.4 to provide information and recommendations to the Council with respect to the role of Council as described above;
- 4.5 to represent the municipality at official functions; and

4.6 to carry out the duties of the head of Council under this or any other Act.

## **5. Presiding Officer**

- 5.1 That the Mayor shall preside at all meetings of Council.
- 5.2 That when the Mayor is absent, refuses to act, or the office is vacant, the Deputy-Mayor shall act in the place of the Head, and, while so acting, the Deputy-Mayor has and may exercise all the rights, powers and authority of the Mayor, **excluding Strong Mayor Powers**.
- 5.3 That notwithstanding Subsection 5(2), the members may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- 5.4 **The Head of Council has additional powers and duties under Part VI.1 of the Municipal Act, 2001. The powers and duties are further described in Ontario Regulation 530/22 and Ontario Regulation 580/22**

## **6. Duties Of The Head Of Council**

- 6.1 That it shall be the duty of the Mayor, or Presiding Officer:
  - 6.1.2 to open the meeting by taking the Chair and calling the members to order;
  - 6.1.3 to announce the business before Council in the order in which it is to be acted upon;
  - 6.1.4 to receive and submit, in the proper manner, all motions presented by the members;
  - 6.1.5 to put to a vote, all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
  - 6.1.6 to decline to put to a vote, motions which infringe upon the rules of procedure;
  - 6.1.7 to enforce on all occasions the observance of order and decorum among the members;
  - 6.1.8 to call by name any member persisting in breach of the rules of order of the Council, thereby ordering the member to vacate the Council Chambers;
  - 6.1.9 to authenticate by signature all by-laws, resolutions and minutes of the Council;
  - 6.1.10 to inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
  - 6.1.11 to represent and support the Council, declaring its will and implicitly obeying its decisions in all matters;
  - 6.1.12 to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Municipal Corporation;
  - 6.1.13 to adjourn the meeting without question in the case of grave disorder arising in the Council Chambers;
  - 6.1.14 to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and

decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists.

## 6.2 Head of Council Powers - Budget

- 6.2.1 The Head of Council has the duty under Part VI.1 of the Municipal Act, 2001 to propose and present the budget prior to February 1<sup>st</sup>.
- 6.2.2 That should the Head of Council forfeit their duty to prepare and present the budget, Regular and or Special meetings will be scheduled accordingly.

## 7. Conduct Of Members Of Council Or Committees

### 7.1 That no member shall:

- 7.1.1 Speak disrespectfully of the Reigning Sovereign, the Royal Family, the Governor-General, the Lieutenant Governor of any province, any Member of the Senate, any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario;
- 7.1.2 Use indecent, offensive, or insulting words, profanity or unparliamentary language in or against the Council or against any member, staff, guest or individual;
- 7.1.3 Disturb another, or the Council, staff, guest, or individual, by any disorderly conduct disconcerting to the speaker or the assembly;
- 7.1.4 speak on any subject other than the subject in debate;
- 7.1.5 be allowed to address Council or the committee or speak in debate without permission of the Mayor or presiding officer, who may consult with Council or the committee regarding permission;
- 7.1.6 interrupt the member who has the floor except to raise a point of order and/or point of personal privilege;
- 7.1.7 resist the rules of Council or disobey the decision of the presiding officer or of Council or the committee on questions of order or practice or upon the interpretation of the rules of Council;
- 7.1.8 leave a meeting without first obtaining permission from the Mayor or presiding officer;
- 7.1.9 leave their seat or make any noise or disturbance when ~~the Mayor or presiding officer~~ during the reading of a motion and shall remain in their seat while a vote is being taken and until the result of the vote is declared;
- 7.1.10 be permitted to retake their seat after being ordered to leave a meeting, having committed a breach of any rule of the Council and without making an apology to Council, and having the consent of Council or the committee expressed by a majority vote of the other members present, determined without debate;
- 7.1.11 leave their seat at adjournment until the Mayor or presiding officer leaves the chair or grants permission;
- 7.1.12 release, make public or in any way divulge any matters or information dealt with in ~~closed session~~ or any aspect of ~~in-camera closed session~~ deliberations, unless expressly authorized or required by law;

- 7.1.13 Unless otherwise authorized by the Mayor or presiding officer, all members and staff shall address Council or the committee through the chair and only when recognized to do so;
- 7.1.14 In all matters and under all circumstances, the members shall be guided by and shall have regard to the *Municipal Conflict of Interest Act*;

## **8. Committees**

### **8.1 Advisory Committees**

- 8.1.1 The Head of Council, in accordance with the provisions of the Part VI.1 of the Municipal Act, 2001, shall establish the committee structure and appoint chairs and vice chairs, in regard to committees comprised entirely of Members of Council, otherwise;
- 8.1.2 That Council shall appoint by resolution, members to volunteer Advisory Committees at the beginning of each term of Council for the four-year term of the Council that appointed them.
- 8.1.3 The Mayor shall be an Ex-officio member of all Advisory Committees/Boards, where not otherwise prohibited by any Act, and shall have full voting privileges when in attendance at any meeting thereof.
- 8.1.4 That all volunteer Advisory Committees shall include a member of Council.
- 8.1.5 That all volunteer Advisory Committees shall meet at a time to be determined by the individual Committees.
- 8.1.6 That all volunteer Advisory Committees shall draft a Terms of Reference to govern its committee and provide said document to the Clerk, or his or her designate, office. All Advisory Committee members shall sign and agree to the Volunteering Policy applicable to all Committees of Council.
- 8.1.7 That it shall be the duty of the volunteer Advisory Committees to report to Council, on all matters connected with their duties or referred to them, and to recommend such action, as they deem necessary.
- 8.1.8 That all volunteer Advisory Committees provide Council, through the Clerk, or his or her designate, with minutes of meetings, immediately upon completion.

### **8.2 Budget Standing Committee**

- 8.2.1 ~~That a Budget Standing Committee of Council, comprised of all members of Council, shall be established for the preparation of the annual estimates of revenues and expenditures. The Budget Standing Committee of Council shall meet on an as required basis.~~

### **8.2 Sub, Ad Hoc Committees or Task Force**

- 8.2.1 That Council may appoint a Sub or Ad hoc Committee, Working Group or Task Force to consider a specific matter on an as required basis.

### **8.3 Emergency Governance Committee During a Declared Emergency**

8.3.1 The Council of the Corporation of the Township of Minden Hills hereby delegates to the Emergency Governance Committee all the powers and duties that may legally be delegated to the Committee pursuant to the Municipal Act, 2001, as amended, or any other applicable provincial or federal legislation, subject to the following conditions and restrictions:

- a) The delegation shall be effective only for the duration of an emergency which has been declared by the Mayor and/or his/her designate, in accordance with the Township's Emergency Plan;
- b) At such times during which at least four members of Council are not available for valid reasons, to attend a properly scheduled meeting of Council;
- c) Meetings shall be open to the public except as provided in Section 10 of the Procedural By-law and the relevant sections of the Municipal Act, 2001, as amended;
- d) In the absence of the Mayor and the Deputy Mayor, Council herein authorizes the appointment of a Chair of the Committee based upon seniority on Council which the appointment shall occur at the first meeting of the Committee.

## **9. Scheduling/Calling/Notice Of Council Meetings**

All meetings of Council/proceedings including but not limited to, Advisory Committees, Sub or Ad hoc Committee, Task Force, Public Meetings, and Special Council meetings may conduct meetings at any time with a Hybrid Operation Model of in-person and virtual/electronic participation.

All Members shall advise the Clerk, or designate, as soon as practicable prior to the scheduled meeting of his/her intent to participate electronically. In all cases, Staff will accommodate electronic participation on a best effort basis and subject to available resources that may be required for the delivery of competing essential municipal services.

All attempts will be made to ensure meetings are live streamed and recorded.

### **9.1 First (Inaugural) Meeting**

- 1) That the Inaugural Meeting of Council, after a regular election, shall be held in the Council Chambers on November 15 at 7:00 p.m. If November 15 falls on a weekend the Inaugural Meeting shall be held on the next business day.
- 2) The Mayor-elect and Clerk, or designate, shall be responsible for the location, content and format of the agenda for the Inaugural Meeting and all arrangements for the Inaugural proceedings.

### **9.2 Regular Meetings**

- 1) Regular Council Meetings shall be held in the Council Chambers, 7 Milne Street, Minden, at 9:00 a.m. on the second and **fourth** Thursday of each month, except for the months of July, and December. The months of July, one meeting will be held the **fourth** Thursday of the month at 9:00 a.m.; and in December the second week of the month at 9:00 a.m.
- 2) That Council may, by resolution, alter the date and/or time, of a Regular meeting provided that adequate notice of the change is

posted on the Township's website and published in the local newspaper(s).

#### 9.3 Special Meetings

- 1) That the Head of Council may, at any time, summon a special meeting.
- 2) That the Clerk, or his/her designate shall summon a special meeting upon receipt of a petition of the majority of the Council members for the purpose, and at the time and date mentioned in the petition.
- 3) That in either case of Subsection **(1) or (2) above**, the Special Meeting shall be held not sooner than twenty-four (24) hours following the summons of the Head of Council or receipt of the petition, as the case may be, and the Clerk, or his/her designate shall provide written notice of the special meeting immediately following receipt of the summons or petition.
- 4) That notwithstanding the notice requirements set out above, in the event of a bona fide emergency, the meeting may be held as soon as practicable following receipt of the summons or petition, as the case may be, and notice may be given by telephone or personal contact as determined by the Clerk, or designate, or his/her designate.
- 5) That unless otherwise specified in the notice described in Subsection (9.3) (3) above, a Special Meeting shall be held in the Council Chambers.
- 6) That the notice of a Special Meeting shall specify the purpose for the meeting and no other items of business will be considered at the meeting.
- 7) That notice of the Special Meeting shall be provided to the local press in a manner deemed appropriate by the Clerk, or designate, and shall make every reasonable attempt to post the notice on the Township's website.

#### 9.4 Sub-Committee, Ad-Hoc, Informational Meetings

- 1) That Sub-Committee, Ad-Hoc, and Information and other Meetings may be called as required by Council or staff.

#### 9.5 Notice of Meetings

- 1) That notice of meetings may be posted in appropriate places and advertised, if possible, for notification to the public. Such notice shall be thorough and accurate as possible subject to changes and may include a notice on the Municipal website.
- 2) If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, or alternate, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this by-law may be waived by the Chief Administrative Officer, and the Clerk shall make his/her best efforts to provide such notice as is reasonable under the circumstances

#### 9.6 Emergency Meeting:

- 1) Notwithstanding any other provisions of this by-law, an emergency meeting may be held without advance, or written notice being given to deal with an emergency provided that an attempt has been made by the Clerk, or designate, to notify the members about the meeting as soon as possible and in the most expedient manner available;
- 2) Such emergency meeting shall be called by the Mayor, or in the absence of the Mayor, the Deputy Mayor, and/or the CAO, or designate;
- 3) For the purpose of public notice, and notice to the press, every attempt will be made by the Clerk, or designate, to provide notice as reasonable under the circumstances;
- 4) No business except business dealing directly with the emergency situation shall be transacted at the emergency meeting.

### **10. Open/Closed Session Meetings**

- (1) That all Council, Committee, and other meetings shall be open to the public. Meetings of Council shall be held in the Council Chambers unless otherwise advertised.
- (2) That while every effort shall be made by Members to attend meetings physically in person, members of Council, Local Boards and Other Committees may participate by telephone or other electronic video teleconferencing means in a meeting.
- (3) That in the event of connection/service disruption for a member/participant, the Chair may recess the meeting to allow for the member/participant to attempt to reconnect. After the best effort by the member/participant to rejoin the meeting and the connection/service disruption continues, the meeting shall resume and no more efforts shall be taken to reconnect the member. The member/participant may join the meeting by means of teleconference.
- (4) In the event of technical failure, affecting all, or quorum, the members of Council, may take a recess of not more than thirty (30) minutes to allow staff to reinstate the electronic participation. If all or a quorum of Council can no longer participate by electronic means, it will not affect the validity of previous decisions made and the meeting shall be considered adjourned;
- (5) That all Council Members participating electronically in closed sessions must attest to the fact that they recognize they will be in a closed session and are able to ensure confidentiality.
- (6) The Clerk or his or her designate may, from time to time, establish or amend procedures relating to Electronic/Hybrid meeting, provided that such procedures do not conflict with the provisions outlined in the Municipal Act, 2001, as amended by Bill 187;
- (7) That notwithstanding Subsection 10(1) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
  - (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, board, or other body has authorized a meeting to be closed 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.

(3) That notwithstanding Subsection 10(1) and 10(2), a meeting shall be closed to the public if the subject matter being considered is:

- (a) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board or commission or other body is the head of an institution for the purpose of that Act; or
- (b) An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1).

(4) 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:

- i) the meeting is held for the purpose of educating or training the members; and
- ii) 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.

(5) That before all or part of a meeting is closed to the public, the Council or Committee shall state by resolution:

- (a) the fact of the holding of the closed meeting;
- (b) the subsection(s) or the Municipal Act which authorizes each item to be considered at the closed meeting;
- (c) the time of the closed meeting.

(6) That subject to Section 5 a meeting shall not be closed to the public during the taking of a vote.

(7) Exception, a meeting may be closed to the public during a vote if,

- (a) Subsection 10 (2) permits or Subsection 10 (3) requires a meeting to be closed to the public, and,
- (b) 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 or local board.

(8) Council will hold in strict confidence all information concerning matters dealt with "In Camera", also known as in Closed Session. The members shall not release, make public or in any way divulge any such confidential information or any aspect of the ~~in-camera~~ closed session deliberations, unless expressly authorized or required by law.

## **11. Quorum**

- (1) That members participating electronically will count towards quorum and have the ability for full participation including ability to vote in both public and closed session (~~in-camera~~) meetings. Voting may take place by way of roll call, or in an alternate method authorized by the Chair, ensuring that Members and the public are aware of how each member votes.
- (2) That a quorum of Council or a Committee shall be a majority of the total members thereof, unless a two-third (2/3) majority shall be required by statute or by-law.
- (3) That if no quorum is present one-half (1/2) hour after the time appointed for a Council or Committee meeting, the Clerk, or designate, shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until rescheduled.

## **12. Absence From Meeting(s)**

The Members of Council shall inform the Clerk of all planned absences, late arrivals and early departures from a meeting in order that the recording of the minutes of such meeting may accurately reflect attendance.

## **13. Vacancies**

- (1) When the office of a member of Council becomes vacant Section 259 to Section 267 of the *Municipal Act*, shall apply.
- (2) For appointments outside the existing Council members to fill a vacant seat, the municipality shall fill the vacancy by appointing a person who has consented to accept the office if appointed, or require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act*, 1996.

## **14. Agendas And Supporting Material**

- (1) That the Clerk, his/her designate, shall prepare agendas for Council and other meetings as assigned.
- (2) That insofar as is practicable, Council agendas, along with supporting material, shall be prepared and made available to Council members on the fourth (4<sup>th</sup>) business day prior to the meeting. As File Pro is available, Council Agendas and Open Session materials, as is practicable, will be available electronically to the public on the Monday ~~afternoon~~ preceding the meeting. If the Monday falls on a holiday the Agenda will be available electronically to the public on the next business day.

- (3) Consent Agenda – Council meetings: All or several items on the agenda for regular meetings of Council (other than Council’s Public Hearings), may be adopted in a single motion of Council, but any of these items will be transferred to the regular agenda for consideration and debate upon the request of any member.
- (4) That the agendas for regular Council meetings shall be generally formatted as follows; however, modifications to the matters to be included or the order of business may be affected without requiring amendment to this By-law.
  - 1. Roll Call
  - 2. Land Acknowledgement
  - 3. Call Meeting to Order/Approve Agenda
  - 4. Declaration of Pecuniary Interest and General Nature Thereof
  - 5. Public Meetings
  - 6. Delegations
    - 6.1 Report Item Delegations (3 minutes)
    - 6.2 Formal Delegations (10 minutes)
  - 7. Adoption of the Minutes of Previous Meeting(s)
  - 8. Payment of Accounts
  - 9. Mayor’s Report
  - 10. ROMA Board Update
  - 11. Correspondence and Communications
  - 12. Department Reports
    - 12.1. Quarterly Reports
    - 12.2. Public Works
    - 12.3. Community Services
    - 12.4. Fire Services
    - 12.5. Building and By-law Services
    - 12.6. Planning and Development
    - 12.7. Finance
    - 12.8. Administration
  - 13. Closed Session
  - 14. Open Session Resume
  - 15. Report from Closed Session
  - 16. Notice of Motion
  - 17. By-laws
  - 18. Confirming By-law
  - 19. Adjournment
- (5) That the business of the Council shall be taken up in the order as listed and approved on the agenda unless otherwise decided by unanimous consent of the Committee/Council.

~~Council may with the show of hands of two thirds majority of the members present, consider new items, only if it is an issue of emergency, to the benefit of the Corporation, at the regular Council meeting.~~

- (6) That additions to the agenda shall only be permitted for items of an urgent nature, with a majority vote. The urgent item shall only be presented if deemed appropriate by the Chair in consultation with the CAO and Clerk or designates.
- (7) That in accordance with the provisions of Part VI.1 of the Municipal Act, 2001, Head of Council powers, the Mayor may introduce any matter for consideration by Council and requires Council to discuss and vote on any such matter.

## **15. Delegations**

No delegation shall:

- Speak disrespectfully of any person
- Use improper or non-parliamentary language
- Speak on any subject other than the subject for which they have received approval to address Council or a Committee
- Speak to Council about matters:
  - Involving insurance claims
  - Involving current or pending litigation
  - Involving matters with respect to labour management disputes or issue, unless provided for by legislation or collective agreement
  - Beyond the jurisdiction of Council; or
  - Contrary to MFIPPA

### **15.1 Report Item Delegations (3 minutes)**

- 1) Individuals wishing to make a delegation after the agenda is published may do so by registering and submitting the prescribed form to the Clerk on Tuesday before the regular scheduled Council meeting.
- 2) That individuals or groups appearing before Council shall be limited to (3) minutes and must speak in reference to the agenda item on the prescribed form.
- 3) That individuals wishing to make a delegation for items on the agenda that are in conjunction with a current scheduled public meeting(s) will be omitted from the delegation section of the agenda and registered under the public meeting section of the agenda.
- 4) That In special circumstances the Mayor, or presiding officer, may extend the time limitations outlined in Subsection 15.1.2 above
- 5) That a maximum of three (3) attendees per agenda shall be at the discretion of the CAO, Clerk and Mayor; however,
- 6) Council may, at its sole discretion, entertain delegations with less notice as the circumstance may warrant by a clear two-thirds (2/3) majority.
- 7) After the presenter has completed the presentation, Members shall each have the opportunity to ask questions for clarification purposes only, and without debate.

## **15.2 Formal Delegations (10 minutes)**

- 1) That individuals or groups wishing to appear before Council, at a Regular Council meeting, shall advise the Clerk, or his or her designate, in writing of the general nature of the business and provide a copy of the written submission/presentation not later than 12:00 noon on the eleventh 11<sup>th</sup> business day prior to the meeting. The Clerk or, his/her designate, shall place their name and presentation on the public agenda. Where applicable, a staff report may accompany the request for delegation.
- 2) That person(s) appearing before Council at a regular meeting, or, shall be limited in speaking to not more than ten (10) minutes. A delegation consisting of more than five (5) persons shall be limited to two (2) speakers, who shall be restricted to speaking for no more than fifteen (15) minutes in total.
- 3) In special circumstances the Mayor, or presiding officer, may extend the time limitations outlined in Subsection 15.2 (2) above.
- 4) Council may, at its sole discretion, entertain delegations with less notice as the circumstance may warrant by a clear two-thirds (2/3) majority.
- 5) Presenters appearing before Council who have previously appeared
- 6) before the same Council on the same subject shall be limited to providing only new information in their second or subsequent appearances.
- 7) After the presenter has completed the presentation, Members shall each have the opportunity to ask questions for clarification purposes only, and without debate.

## **16. Petitions**

- (1) All petitions shall be addressed to Mayor and Council.
- (2) Every petition to be presented to the Mayor and Council shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk. The Clerk shall not accept any petition that contains any obscene or improper language, as determined by the Clerk in consultation with the Mayor. The petition shall be, in the opinion of the Clerk, be appropriate, respectful and temperate in language.
- (3) The Clerk will list petitions received prior to 12:00 noon on the 11<sup>th</sup> business day preceding the Regular or Agenda. All petitions received after this time will be held over for consideration at a subsequent meeting of Council unless the petition directly relates to items of business on the Agenda. These petitions can be received up until 12:00 noon on the day before the scheduled meeting. The Clerk will provide, in a manner deemed reasonable, the petition to Council before the meeting.
- (4) The individual or group initiating the petition, or submitting the petition to the Clerk, must provide a key contact name, mailing address and telephone contact information to the Clerk.
- (3) Petitions shall include a statement or position that the signers are

supporting and must contain legible printed names accompanied by original signatures written directly on the petition and addresses of all signatories on the petition.

- (4) The petition must clearly disclose, on each page, that it will be considered a public document subject to disclosure to the general public. Personal information, names, signatures and comments contained in items submitted to the Clerk and included on an Agenda shall form part of the public record related to that meeting.

## **17. Conduct Of Guests**

- (1) That no guest shall:
  - (a) Speak disrespectfully of the Reigning Sovereign, the Royal Family, the Governor-General, the Lieutenant Governor of any province, any Member of the Senate, any member of the House of Commons of Canada, or any member of the Legislative Assembly of the Province of Ontario
  - (b) Use indecent, offensive, or insulting words, profanity or unparliamentary language in or against the Council or Committee or against any member, staff, guest or individual.
  - (c) Disturb another, or the Council, member, staff, or individual, by any disorderly conduct disconcerting to the speaker or the assembly.
  - (d) Be allowed to address Council or the committee during a meeting without permission of the Mayor, or presiding officer, who may consult with Council or the committee regarding permission.
  - (e) Resist the rules of Council or disobey the decision of the presiding officer of Council or the committee on questions or order or practice or upon the interpretation of the rules of Council.
  - (f) be permitted to retake their seat after being ordered to leave a meeting, having committed a breach of any rule of the Council and without making an apology to Council, and having the consent of Council or the committee, expressed by a majority vote of the other members present, determined without debate;
  - (g) Unless otherwise authorized by the Mayor, or presiding officer, all guests shall address Council or the committee through the chair and only when recognized to do so.
  - (h) Display signs or placards etc., applaud debating participants, or engage in conversation or other behaviour that may disrupt a meeting.
  - (i) Unless authorized by the Clerk, or designate:
    - No one except a member of Council may place any material on members' desks; and
    - No one may distribute any material to members during a meeting.

## **18. Conflict Of Interest Disclosure Of Pecuniary Interest**

Immediately after the call to order or prior to any consideration of the matter at the Meeting, any member of Council shall disclose any pecuniary interest and the general nature thereof dealing either with any items on the agenda.

All Members of Council have a personal obligation to comply with the Municipal Conflict of Interest Act. Members of Council are responsible to satisfy themselves regarding a Conflict of Interest and seek independent legal advice. Staff will not provide advice to Council other than to seek independent counsel.

- 1) A member of Council shall declare, by a written statement, a conflict of interest in accordance with the Municipal Conflict of Interest Act and;
  - Shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
  - Shall not take part in the discussion of, or vote on any motion in respect to the matter; and
  - Shall not attempt in any way whether before, during or after the meeting to influence the voting on any such motion.
- 2) If a member of Council declares a conflict of interest with regards to an Open Session agenda item, the member shall remove themselves from the discussion at the Council table and not participate in the discussion or vote on the matter.
- 3) If a member of Council declares a conflict of interest with regards to a Closed Session agenda item, the member shall remove themselves from any discussion of the matter by leaving the meeting room for that part of the closed session when that matter is under consideration.
- 4) Any declaration made under the Municipal Conflict of Interest Act, shall be recorded in the minutes of the meeting by the Clerk, or his or her designate, of the Township or Recording Secretary of the Committee or Local Board.
- 5) The Clerk shall establish and maintain a registry in which it shall be kept,
  - (a) a copy of each statement filed under section 5.1 of the Municipal Conflict of Interest Act; and
  - (b) a copy of each declaration recorded
- 6) The Clerk shall make the registry available for public inspection during normal business hours of the Township.

## **19. Motions, Rules Of Debate, Voting On Motions**

### **Motions**

#### **19.1.1 Notice of Motion**

- 1) That written notice shall be given in writing to the Clerk no later than 4:30 p.m. on the Wednesday preceding the next regular meeting so that the matter may be included in the Council agenda package.
- 2) A Notice of Motion shall not be debated at the Council meeting at which it is first presented but shall be discussed at a subsequent meeting of Council.
- 3) The notice of motion shall include the name of the member, the date of the Agenda it is to appear on, the subject heading and how the Notice of Motion is to read.
- 4) The presentation of a Notice of Motion does not require a mover or seconder until it comes before a Meeting for discussion/debate.

### **19.1.2 Resolutions without Prior Notice**

- 1) That any motion may be introduced without notice, if Council, without debate, agrees on a majority vote to dispense with notice.
- 2) That a motion must be formally moved and seconded before the question can be put or a motion recorded in the Minutes.
- (1) ~~That when a motion is presented to Council or a committee in writing, it shall be read by the Mayor or presiding officer.~~

### **19.1.3 Motion to amend:**

- 1) That after a main motion has been read by the mover, and before the question has been stated by the chair, any member can quickly rise and, with little or no explanatory comment, informally suggest one or more modifications in the motion, which at this point the maker can accept or reject as he/she wishes. The desired modification must be introduced in the form of a motion to amend.
- 2) That a motion to amend shall:
  - be presented in writing, duly moved and seconded, before it is voted on;
  - be made only to a previous question or to amend an amendment to the question;
  - not be further amended more than once provided that further amendment may be made to the main motion;
  - be relevant to the main motion;
  - not propose a direct negative to the main motion;
  - be put in the reverse order to that which it is moved.
- 3) That immediately prior to voting on a motion, the Mayor or presiding officer shall state the question in the precise form it is to be recorded in the Minutes, including any amendments to the question.
- 4) That after a motion as amended is finally put, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.

### **19.1.4 Reconsideration of a motion:**

- 1) When a motion/by-law has been decided on, it shall be in order for any Councillor to move for reconsideration and requires a seconder. Such motion must be in writing and, therefore, can only be presented at a Regular Meeting of Council.
- 2) Council shall not reconsider a substantive motion/by-law until a motion to reconsider has been disposed of by Council.
- 3) After a substantive motion/by-law has been decided, either in the positive or the negative, it may not be reconsidered within the calendar year following the decision of the Council unless council decides to do so by a two-thirds majority vote, and in any case shall not be reconsidered more than once in a six-month period or more than two times in a 12-month period. Any motion to reconsider that is presented after one calendar year requires a majority vote
- 4) A motion for reconsideration shall not be in order if Council is made aware that the motion/by-law has been implemented resulting in

legally binding commitments as of the date the motion to reconsider is moved.

- 5) Debate on a motion to reconsider shall be limited and confined to discussion that new information has come forward, errors in documentation were presented, incorrect statements were made during the original debate, or other brief and concise statements outlining the reasons for reconsideration. Debate on original motion/by-law proposed for reconsideration shall be prohibited until the motion to reconsider has been disposed of.
- 6) A motion to reconsider shall not be reconsidered.
- 7) If a motion to reconsider is disposed of in the affirmative, it shall not be in order to reconsider the original motion/by-law until the next Regular meeting of Council or a Special Meeting of Council if so directed by Council by a two-thirds majority vote.
- 8) Once the substantive motion/by-law is reopened, it is reopened in its entirety unless the motion to reconsideration specifies otherwise. The original motion/by-law being reconsidered shall be subject to the rules of debate and amendment outlined herein.
- 9) If a motion to reconsider has been disposed of in the affirmative, no action shall be taken to carry into effect the original motion/by-law until Council has made a decision on the original motion/by-law after reconsideration.

#### **19.1.5 Voting on Motions**

- 1) That except where expressly provided in Statute, any question on which there is a tie vote shall be deemed to be defeated.
- 2) That any failure to vote 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.
- 3) That the Mayor or presiding officer, except where disqualified to vote, may vote on all questions and when so doing, shall vote last.
- 4) That no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

##### **19.1.5.1 Unrecorded vote**

- 1) That on an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands, standing or otherwise.

##### **19.1.5.2 Recorded Vote**

- 1) That where a vote is taken for any purpose and a member requests, either immediately before or immediately after the vote, that the vote be recorded, each member present, except a member disqualified from voting by any Act, shall, in alphabetical order, announce their vote openly and the Clerk, or designate, shall record each vote.

##### **19.1.5.2 Strong Mayor**

###### **Voting subject to Part VI.1 of the Municipal Act, 2001:**

- 1) Voting on a mayoral proposed by-law at a Council meeting shall be deemed carried with one-third (1/3) vote of all the members of the Council voting in favour.

- 2) Voting on a mayoral by-law veto override by the Council shall be deemed carried with a two-thirds vote of all the members of the Council voting in favour.
- 3) Voting on a mayoral budget resolution veto override by the Council shall be deemed carried with a two-thirds vote of all the members of the Council voting in favour.

## 19.2 Rules of Debate

- 1) That unless otherwise authorized by the Mayor or presiding officer, all members, staff and guests shall address Council through the Chair and only when recognized to do so.
- 2) That when two (2) or more members seek to address Council, the Mayor or presiding officer shall designate the member who may speak first.
- 3) That 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.
- 4) That if the Mayor or presiding officer leaves the chair for the purpose of taking part in the debate or otherwise, he/she shall call a member of Council to the chair and shall not resume the chair until discussion on the matter is concluded; and should the Mayor or presiding officer retire from the chair before adjournment, and fail to call some member to the chair, the Council may elect some member to reside over the meeting until the business of the meeting is finished.
- 5) That a member shall not speak more than once to the same question without the consent of the Mayor or presiding officer except:
  - In explanation of a material part of his speech which may have been interpreted incorrectly, or
  - With leave of the Mayor or presiding officer, after all other members so desiring have spoken, or
  - To reply by leave of the Mayor or presiding officer to the member who presented the motion to Council or the committee.
- 6) That once read ~~by the Mayor or presiding officer~~, a motion belongs to the meeting and may not be withdrawn without the consent of the mover and seconder. The Motion is to be entered into the Minutes and noted as being "WITHDRAWN".
- 7) That no member shall speak on any subject other than the subject under debate.
- 8) That no member shall interrupt a member who has the floor except to raise a point of order.
- 9) That no member shall reflect upon, review, discuss, recount, or criticize any decision of the Council or committee except for the purpose of moving that the question be reconsidered.
- 10) The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
  - (a) A point of order or personal privilege;

- (b) To defer;
- (c) To postpone indefinitely or to a specific day;
- (d) To move the question (immediate vote on the main motion); ("call the question"/stop debate on the question)
- (e) To refer;
- (f) To amend.

11) The following motions may be introduced without notice and without leave but shall be in writing and moved and seconded:

- (a) To adjourn;
- (b) To suspend the rules of procedure.

12) A motion to refer the question shall include the name of the body or official to whom the question is to be referred, may include instructions respecting the terms upon which the question is to be referred; and is not debatable except where instructions are included, in which case, only the instructions shall be debatable.

13) Except as provided in Paragraph 10, all motions shall be in writing and moved and seconded.

14) The Clerk, or his or her designate, other officers, Councillors, and members of a committee may introduce matters to be dealt with.

15) Council shall employ a Confirmatory By-law immediately prior to adjournment for the purpose of validating decisions made in a resolution or direction given at that same meeting and which are not set out in another By-law.

## **20. Points Of Order And Privilege**

- (1) That the Mayor or presiding officer shall maintain order and decide questions of order, and may consult with the Clerk, or designate, on rules of order.
- (2) Any member may appeal to Council or the committee on a decision of the Mayor or presiding officer on a point of order.
- (3) That the Council, if appealed to, shall decide the question without debate and its decision shall be final. The question so interrupted shall be resumed at the point where it was suspended.

## **21. Proclamations**

Requests for proclamations will not be endorsed by the Council of the Township of Minden Hills.

## **22. By-laws**

- (1) That no By-law shall be presented to Council unless the subject matter has been considered by Council and approved by Council.
- (2) That every By-law shall be introduced upon a motion by a member specifying the title of the By-law.
- (3) That every By-law when introduced shall be in typewritten form and shall contain no blanks except as may be required to conform to the accepted procedure or to comply with provisions of any Act.

- (4) That every By-law shall be given three (3) readings prior to passage.
- (5) That the first and second readings of a By-law shall be decided without amendment or debate.
- (6) That By-laws may be given three (3) readings on the same day except when requested otherwise by motion of the majority of the members present or as otherwise provided in law.
- (7) The Clerk, or designate, shall include on all by-laws enacted by Council, the dates of its readings.
- (8) That upon passage By-laws shall be numbered, signed by the Mayor or presiding officer, and the Clerk, or his/her designate, and embossed with the seal of the Corporation.
- (9) That any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including a solicitor.
- (10) That **In accordance with Part VI.1 of the Municipal Act, 2001, a proposed mayoral by-law introduced at a Council meeting cannot be amended by the Council and shall only be put to a vote pursuant to the Municipal Act, 2001 or withdrawn by the Head of Council for submission of a new mayoral by-law at a future meeting.**

### **23. Suspension Of Rules**

- (1) Any procedure under this By-law, which is discretionary and not mandatory under statute, may be suspended with unanimous consent of the members present and indicated in a motion.

### **24. General**

- (1) That when any three (3) members of Council are absent on a temporary basis, under no circumstances shall the Council make a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of an emergency.
- (2) That no member shall be absent from the meetings of the Council or Committee for three successive months without being authorized to do so by a resolution of the Council entered upon the minutes;
- (3) That no individual member shall request a staff report or give direction at a meeting on any item unless authorized by a majority of Council or Committee.
- (4) That following a regular or new/by-election, the Clerk, or his/her designate shall provide each member of Council with a copy of this By-law, including any amendments thereto.
- (5) Election Campaign materials such as signs, buttons, brochures, etc., are not allowed on any municipal property which includes the Council Chambers or any other location where Council or meetings are held.
- (6) That no amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal is given at a previous Regular meeting of the Council and the waiving of notice is prohibited, in this case.

### **25. Previous By-Laws Rescinded**

- (1) By-law 22-44 is hereby repealed

(2) All previous By-laws and parts of by-laws inconsistent with the provisions of this by-law, governing the calling, place and proceedings of Council, the conduct of its members and the calling of meetings are hereby repealed.

**26. Effective Date**

(1) This by-law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and the Corporate Seal attached hereto, this 8 day of January, 2026.

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Bob Cater, Mayor

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Vicki Bull, Clerk