

THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2007 - 63
BEING A BY-LAW TO PROVIDE
FOR THE RULES OF ORDER AND PROCEDURE FOR THE
MUNICIPAL COUNCIL
OF
THE CORPORATION OF THE TOWNSHIP OF WILMOT
AND TO REPEAL BY-LAW NO. 2003-02

WHEREAS Section 238.(2) of the revised Municipal Act, S.O. 2001, c.25 requires that every Council and local board shall adopt a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS it is deemed expedient to adopt by by-law, rules governing the order and procedure of the Council of the Corporation of the Township of Wilmot.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

PART 1 DEFINITIONS

- 1.1 Abstain
- 1.2 Acting Mayor
- 1.3 Ad Hoc Committee
- 1.4 Advisory Committee
- 1.5 Agenda
- 1.6 Amendment
- 1.7 Chair
- 1.8 Chief Administrative Officer (CAO)
- 1.9 Chief Executive Officer
- 1.10 Clerk
- 1.11 Closed Session
- 1.12 Council
- 1.13 Councillor
- 1.14 Division of Question
- 1.15 Emergency Meeting
- 1.16 Ex Officio
- 1.17 Head of Council
- 1.18 Improper Conduct
- 1.19 Inaugural Meeting
- 1.20 Majority Vote
- 1.21 Management Team
- 1.22 Mayor
- 1.23 Meeting
- 1.24 Member of Council
- 1.25 Motion
- 1.26 Municipal Act
- 1.27 Notice of Motion
- 1.28 Pecuniary Interest
- 1.29 Personal Privilege
- 1.30 Point of Information
- 1.31 Point of Order
- 1.32 Point of Procedure
- 1.33 Presiding Officer
- 1.34 Public Hearing
- 1.35 Question
- 1.36 Quorum
- 1.37 Recorded Vote
- 1.38 Regular Meeting
- 1.39 Resolution
- 1.40 Rules of Procedure
- 1.41 Special Meeting
- 1.42 Special Purpose Committee
- 1.43 Tie Vote
- 1.44 Treasurer

1.1 **“Abstain”** means a member who refuses to vote (abstain) will be recorded as voting in the negative;

1.2 **“Acting Mayor”** means the member of Council appointed by by-law to act from time to time in the place and stead of the Mayor, pursuant to Part 4 of this by-law.

- 1.3 **“Ad Hoc Committee”** means a Committee composed of Members of Council and established to review a specific matter and report its findings and recommendations to Council;
- 1.4 **“Advisory Committee”** means a Committee established by Council under a specified Terms of Reference to advise on matters which Council has deemed appropriate for the Committee to consider;
- 1.5 **"Agenda"** means the order of proceedings for a meeting setting out the business to be considered at the meeting;
- 1.6 **“Amendment”** means a change in the form of a Motion. An amendment is designed to alter or vary the term of the main motion without materially changing its meaning. It may propose that certain words be left out, that certain words be omitted and replaced by others, or that certain words be inserted or added. Every amendment must be strictly relevant to the question being considered.
- 1.7 **“Chair”** means the person presiding over a meeting and who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair, except where disqualified, may vote on all questions;
- 1.8 **“Chief Administrative Officer”** means the person appointed by by-law as the Chief Administrative Officer (CAO) of the Corporation of the Township of Wilmot and whose duties are therein prescribed and to include Section 229 of the Municipal Act;
- 1.9 **“Chief Executive Officer”** shall mean the Mayor in accordance with Sections 226.1 of the Municipal Act;
- 1.10 **"Clerk"** means the person appointed by by-law as the Clerk of the Corporation of the Township of Wilmot and whose duties are therein prescribed in Section 228 of the Municipal Act;
- 1.11 **“Closed Session”** means a closed session of a committee or Council meeting which is closed to the public in accordance with the requirements of the *Municipal Act*;
- 1.12 **“Council"** is the term to refer collectively to the Mayor and 4 Councillors;
- 1.13 **“Councillor”** is the term consistent with the *Municipal Act*, and is the title assigned to a Member of Council, except the Mayor, elected to represent the electors of the Township of Wilmot;
- 1.14 **“Division of Question”** means a request by a Member of Council to have a motion containing separate questions, recommendations or amendments, voted on in sections or parts;
- 1.15 **“Emergency Meeting”** means a meeting of Council held to consider any business of the Council which is deemed by the Chair to be of an emergency situation;
- 1.16 **“Ex Officio”** means by virtue of office or position and carries with it the right to participate fully in the committee meeting and to vote unless prohibited by law;
- 1.17 **“Head of Council”** means the Mayor or his/her designate;
- 1.18 **“Improper Conduct”** means conduct which offers any obstruction to the deliberations of proper action of Council;
- 1.19 **“Inaugural Meeting”** means the first meeting of Council held after a municipal election in a regular election year;
- 1.20 **“Majority Vote”** means more than half of the votes cast by members entitled to vote at a meeting;
- 1.21 **“Management Team”** means the Chief Administrative Officer and Department Heads of the Township of Wilmot;

- 1.22 **“Mayor”** is the Head of Council who is elected by general vote to represent electors in The Township of Wilmot;
- 1.23 **“Meeting”** means any regular or special meeting of Council, or any meeting of a Committee or Advisory Committee;
- 1.24 **“Member of Council”** means a person duly elected to serve on the Council of The Corporation of the Township of Wilmot;
- 1.25 **“Motion”** means a question to be considered by the Council or Committee which is moved, seconded, presented, read by the Chair and is subject to debate. When a motion is adopted, it becomes a resolution;
- 1.26 **“Municipal Act”** means the Municipal Act, 2001 S.O. 2001, chapter 25, as amended from time to time and any successor legislation thereto;
- 1.27 **“Notice of Motion”** means an advance notice to Members of Council of a matter on which Council will be asked to take a position.
- 1.28 **“Pecuniary Interest”** means a direct or indirect pecuniary interest of a member as defined within the meaning of the *Municipal Conflict of Interest Act, R.S.O. 1990, chapter M.50*, as amended and any successor legislation thereto;
- 1.29 **“Personal Privilege”** means the raising of a question which concerns a member of Council or the Council collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of Council as a whole have been impugned;
- 1.30 **“Point of Information”** is a request directed to the Mayor or through the Chair to another Member or to the staff, for information relevant to the business at hand but not related to a Point of Procedure;
- 1.31 **“Point of Order”** means a statement made by a Member during a meeting, drawing the attention of the Mayor or his/her designate to a breach of the Rules of Procedure;
- 1.32 **“Point of Procedure”** means a question directed to the Mayor or Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand, in order to assist a Member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of the motion;
- 1.33 **“Presiding Officer”** means the Mayor or in his absence, the Acting Mayor, to act in his/her absence while presiding at meetings;
- 1.34 **“Public Hearing”** means a meeting of Council or that portion of a meeting of Council or any Committee of Council which has been given authority by by-law or statute to conduct a hearing in matters pursuant to any legislation which requires Council to hear interested parties or to afford them an opportunity to be heard before taking action, passing a by-law or making a decision;
- 1.35 **“Question”** means a motion that has been placed before the Council or Committee by the statement of the Chair. Only once duly stated by the Chair and “on the floor” can a motion be debated and put to a question of the members for proper resolution (Question On the Floor).
- 1.36 **“Quorum”** means the majority of the whole number of the members of Council who are present in person;
- 1.37 **“Recorded Vote”** means the recording in the minutes, the names of each Member of Council present and the manner of their vote on a matter or question before Council. In the case of a Member who has a declared conflict or pecuniary interest in the matter or question, the minutes shall reflect the Member abstained from taking part in the discussion and the vote;
- 1.38 **“Regular Meeting”** means a scheduled meeting of Council held in accordance with the approved schedule of meetings;

- 1.39 **Resolution**" means a formal determination made by Council or a Committee on the basis of a motion duly placed before a regularly constituted meeting of Council or a Committee for debate and decision, and duly passed;
- 1.40 **"Rules of Procedure"** means the rules and regulations provided in this by-law;
- 1.41 **"Special Meeting"** means a meeting of Council not scheduled in accordance with the approved calendar of meetings;
- 1.42 **"Special Purpose Committee"** means a Committee comprised of such members of Council and other persons as appointed by Council to address matters which Council has deemed necessary within the jurisdiction of Council;
- 1.43 **"Tie Vote"** means an equality of votes and the question being voted on is deemed lost.
- 1.44 **"Treasurer"** means the Treasurer of the Corporation of the Township of Wilmot.

PART 2

2. GENERAL PROVISIONS

2.1 Rules and Procedures

The rules and procedures contained in this by-law shall be observed in all proceedings of Council as defined in the Municipal Act, and shall be the rules and procedures for the order and dispatch of business of the Council and its Committees thereof;

2.2 Parliamentary Procedure

Points of order or procedure not specifically governed by this By-law shall be decided by the Chair in accordance with, as far as reasonably practical, the most current edition of Robert's Rules of Order;

2.3 Mayor - Ex Officio Member – All Committees

The Mayor shall be an ex officio member of all Committees established or appointed by Council. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, except where prohibited by law, being the Mayor, as provided under this Section. The Mayor may vote and otherwise participate, unless prohibited by law, in the business of the committee or other body on the same basis as any other committee member.

2.4 Meetings Open to Public –Exception

Subject to Section 5.0 of this by-law, all meetings of Council and its Committees shall be open for attendance by the public, and no person shall be excluded therefrom, except for improper conduct.

PART 3

3. ROLES AND DUTIES

3.1 Role of the Mayor

It is the role of the Mayor:

- a) to act as chief executive officer of the municipality;

- b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1); of the Municipal Act;
- d) to represent the municipality at official functions;
- e) to act as council's representative when dealing with other levels of government, their agencies and the private sector;
- f) to act as the Township's representative on council for the Regional Municipality of Waterloo;
- f) to carry out the duties of the head of council under the *Municipal Act* or any other Act;
- g) as chief executive officer of the municipality, the Mayor shall:
 - i) uphold and promote the purposes of the municipality;
 - ii) promote public involvement in the municipality's activities;
 - iii) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
 - iv) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents

3.2 Role of Council

It is the role of Council:

- a) to represent the public and to consider the well being and interests of the municipality;
- b) to develop and evaluate policies and programs of the municipality;
- c) subject to legislative restrictions, develop regulations to be adopted in by-laws and resolutions for the overall benefit of the community;
- d) to determine which services the municipality provides in accordance with applicable legislation;
- e) to ensure that administrative policies, practices and procedures are in place and controllership policies, practices and procedures are in place to implement the decisions of Council;
- f) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- g) to maintain the financial integrity of the municipality; and
- h) to carry out the duties of Council under the *Municipal Act* or any other Act.

3.3 Duty of the Mayor

It is the duty of the Mayor to preside over all meetings of Council and:

- a) to open meetings of Council by taking the Chair and calling the meeting to order;
- b) to receive and submit, in the proper manner, all motions;
- c) to put to a vote all motions and to announce the result;
- d) to serve as an ex-officio member of all committees and be entitled to vote at such meetings;
- e) to decline to put motions to a vote which infringe upon the rules of procedure;
- f) to inform the members of the proper procedure to be followed and to enforce the rules of procedure;
- g) to enforce on all occasions, the observance of order and decorum among the members;
- h) to call by name any member persisting in a breach of the rules of procedure and to order the member to vacate the Council Chambers;
- i) to permit questions to be asked through the Mayor, of any officer of the Township for

- information, to assist in any debate when the Mayor deems it proper;
- j) to provide information to members on any matter relating to the business of the Township;
- k) to authenticate by signature all by-laws and minutes of Council;
- l) to rule on any points of order raised by the members;
- m) to maintain order. Where it is not possible to maintain order, the Mayor may, without any resolution being put, adjourn the meeting to a time to be named by the Mayor;
- n) to adjourn the meeting when the business is concluded;
- o) to carry out the duties of the head of Council under the Municipal Act, or any other Act;
- p) to act in accordance with his/her Oath of Elected Office.

3.4 Duty of a Councillor

It is the duty of Councillors to attend all meetings of Council and:

- a) to prepare for meetings, including reviewing the agenda and background information prior to the meeting;
- b) to speak only to the subject under debate;
- c) to vote on all motions before the Council unless prohibited from voting by law;
- d) to observe proper procedure and decorum at all meetings;
- e) to state questions to be asked through the Mayor;
- f) to attend committee meetings to which the Councillor has been appointed by Council;
- g) to carry out the duties of Council under the Municipal Act, or any other Act;
- h) to act in accordance with their Oath of Elected Office;

3.5 Duty of the Chief Administrative Officer

It is the duty of the Chief Administrative Officer:

- a) to exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;
- b) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- c) to undertake or direct the undertaking of research and provide advice to Council on the policies and programs of the municipality;
- d) perform such other duties required under this or any Act and other duties as assigned by the municipality.

3.6 Duty of the Clerk

It is the duty of the Clerk to attend all Council meetings and:

- a) to prepare and distribute agendas for all meetings of Council in accordance with this by-law;
- b) to record, without note or comment, all resolutions, decisions, minutes and other proceedings of the Council;
- c) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- d) to keep the originals or copies of all by-laws and of all minutes of proceedings of the Council;
- e) to make such minor clerical, typographical or grammatical corrections in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- f) to perform the other duties required under the Municipal Act or any other Act;
- g) to advise Council on parliamentary procedure;
- h) to perform such other duties as are assigned by the municipality.
- i) the Clerk may delegate in writing to any person, other than a member of council, any of the Clerk's powers and duties under the Municipal Act and any other Act
- j) the Clerk may continue to exercise the delegated powers and duties, despite the legislation

3.7 Duty of the Treasurer

It is the duty of the Treasurer:

- a) to collect money payable to the municipality and issue receipts for those payments;
- b) to deposit all money received on behalf of the municipality in a financial institution designated by the municipality;
- c) to pay all debts of the municipality on behalf of the municipality and other expenditures authorized by the municipality;
- d) to maintain accurate records and accounts of the financial affairs of the municipality;
- e) to provide Council with such information with respect to the financial affairs of the municipality as it requires or requests;
- f) to ensure investments of the municipality are made in compliance with the regulations made under Section 418 of the Municipal Act;
- g) to perform such other duties as are assigned by the municipality.

PART 4

4. COUNCIL MEETINGS

4.1 Place

The regular meetings of the Council of The Township of Wilmot shall be held in the Council Chambers pursuant to Section 236 of the Municipal Act. In the case of an emergency, or other circumstances, Council may hold its meetings at any convenient location within or outside the municipality, as approved by resolution of Council;

4.2 Seating Arrangement of Council

Prior to the commencement of the first regular meeting of the Council following an election, the Mayor, shall establish for Council, the seating arrangement to be used for the term of that Council.

4.3 Councillor – addressed

Members of council are to be addressed as: “Councillor (surname inserted)”.

4.4 Mayor - addressed

The Mayor shall be addressed as “Mayor” (surname inserted)” or as “Your Worship.”

4.5 Inaugural Meeting

The Inaugural meeting of the Council of the Corporation of the Township of Wilmot following a regular municipal election shall be held on the first Monday in December of that year at 7:00 p.m., in the Council Chambers, except when that day is a public holiday or the Township office is closed, and in that case on the next day provided that is not a holiday, at the same hour;

No business shall be conducted at the Inaugural Meeting of Council until the Declarations of Elected Office have been made by the members of the Council.

4.6 Rotational Schedule – Acting Mayor

Each term, as soon after the commencement of its term as reasonably possible, Council shall appoint by by-law, in alphabetical order, each member of Council to serve for one calendar month as Acting Mayor for that time in the place and stead of the Mayor when the Mayor is absent from the Township area, absent through illness, or refuses to act, and the Acting Mayor shall have and may exercise all rights, powers and authority of the Mayor in his/her absence.

4.7 Regular Meetings

Following the Inaugural meeting, Regular meetings shall be held in the Council Chambers, at 7:00 p.m., local time, on Mondays as per the bi-weekly schedule approved by Council Resolution.

Regular Meetings – July & August

During the months of July and August in each year, there shall be one regular meeting of Council per month to be held at a time designated by Council.

Council may, by resolution or by-law, alter the time, day or place of any Council or Committee meeting.

4.8 Quorum

A majority of members of Council shall be necessary to constitute a quorum;

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

If during the course of a meeting a quorum is lost, subject to the provisions of the Municipal Conflict of Interest Act, then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other time and place as the Mayor or his/her Designate will then announce;

If in the Mayor or his/her Designate's opinion it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, the Mayor or his/her Designate will announce that the unfinished business of Council will be taken up at the next regularly scheduled meeting;

4.9 Absence – Head of Council

If the Head or Acting Head of Council, pursuant to the rotation list established by By-law, does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk shall call the members to order and an Acting Head of Council shall be appointed from among the members present and he/she shall preside until the arrival of the Head of Council or his/her designate and while so presiding, the Acting Head of Council shall have all the powers of the Head of Council and will be so entitled to vote as a member.

In the absence of the Head of Council, or if the office is vacant, Council may, from among its members, appoint a Head of Council, who, during such absence or vacancy or refusal to act, has all the powers of the Head of Council.

4.10 Notice of Regular Meetings (Agenda) – Delivered in Advance to Council, CAO, Management Team

The Agendas shall be considered as notice of regular meetings.

The Clerk shall cause to be delivered to each member of Council, an agenda for each regular meeting of Council, electronically and/or hard copy to the address provided by the Member of Council to the Clerk for delivery of such agendas. The agenda shall be provided not later than 48 hours before the hour appointed for the holding of such meeting. At the same time the Clerk shall make available a copy of the agenda to the Chief Administrative Officer and to the members of the Management Team.

4.11 Agendas – Available to the Public/Media

Agendas for Open Session meetings of Council shall be made available to the public and media as soon as possible after they have been delivered to Members of Council.

4.12 Special Meetings

In addition to regular meetings, special meetings of Council shall be held upon written direction signed by the Mayor and delivered to the Clerk stating the date, time and purpose of such meeting.

The Mayor may, at any time, summon a Special Meeting of Council on twenty-four (24) hours notice to the members and upon receipt of the petition of the majority of the members of Council, the Clerk shall summon a Special Meeting for the purpose at the time, date and place mentioned in the petition.

If time is of the essence, notice may be given to Council by telephone call.

No other business other than that stated in the notice shall be considered at a Special Meeting.

4.13 Agendas – Special Meetings – Delivered in Advance to Council, CAO, Management Team

Notice or an agenda to Council of a Special Meeting called in accordance with this by-law shall be delivered to the Members, CAO and Management Team by means of personal delivery, telephone, facsimile transmission or electronic mail. The Notice/Agenda to Council of the Special Meeting shall be provided not less than 24 hours before the hour set for such meeting.

4.14 Agendas – Special Meetings – Available to the Public/Media

Agendas for Special Meetings shall be made available to the public and media as soon as possible after they have been delivered to Members of Council.

If time is of the essence, notice or an agenda may be given to the press/media by telephone call.

4.15 Special meetings – agenda – provided at the meeting

The Clerk may provide the agenda of the Special meeting at the meeting where time constraints do not allow the Agenda to be delivered to the members of Council or the press at least 24 hours before the hour appointed for the holding of the Special meeting.

4.16 Emergency Meetings

Notwithstanding any other provision of this by-law, an emergency meeting may be held without notice, to deal with an emergency or extraordinary situation provided that an attempt has been made by the Clerk to notify members about the meeting as soon as possible and in the most expedient manner available;

4.17 Emergency – business specified – transacted

No business except business dealing with the emergency or extraordinary situation shall be transacted at the emergency meeting.

4.18 Lack of receipt of notice or an Agenda by the members of Council shall not affect the validity of the meeting or any action lawfully taken thereat.

PART 5

5. CLOSED MEETINGS/SESSIONS

5.1 Closed meetings or sessions may be held as deemed necessary by the Head of Council. Such meetings or sessions may be closed to the public in accordance with the requirements of the Municipal Act, 2001.

5.2 Matters that may be considered – closed

The only matters that may be considered in a closed session are as follows:

- 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 for municipal or local board purposes;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act.;
- h) for educating or training Council members, provided that no Council 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.

5.3 Matters to be considered – Closed – mandatory

A meeting shall be closed to the public if the subject matter relates to:

- a) the consideration of a request under the Municipal Freedom of Information and Protection to Privacy Act, when the council, board, commission or other body is acting as head of the institution for the purposes of the Act.

5.4 Procedure – convening into closed session

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

- (a) the fact of the holding of the closed meeting;
- (b) the general nature of the matter to be considered at the closed meeting.

5.5 Procedure – modifications

The rules governing the procedure of the Council and its Committees and the conduct of its members shall be observed in Closed meetings or sessions, with the necessary modifications, except that:

- a) a member shall not speak more than once to a motion until every member who desires to speak has spoken once;
- b) the number of times of speaking on any question shall not be limited;
- c) recorded votes are not permitted at closed sessions

5.6 Meeting not closed – during vote

Subject to Section 5.3, a meeting shall not be closed to the public during the taking of a vote.

5.7 Meeting closed during vote – exception

A meeting or part of a meeting may be closed to the public during a vote, if:

- (a) section 5.3 applies and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or

local board or persons retained by or under contract with the municipality or local board.

5.8 Minutes of Closed Meeting/Sessions

Minutes of all or part of a Council meeting that is closed shall be recorded by the Clerk and will be retained in confidence by the Clerk and such minutes will not be open to inspection by any member of the public.

5.9 The Clerk, in making the minutes shall not record any personal information as defined in the Municipal Freedom of Information and Protection to Privacy Act.

PART 6

6. PUBLIC NOTICE OF MEETINGS OF COUNCIL & COMMITTEES

6.1 Public Notice of Regularly Scheduled Meetings

Public Notice of regularly scheduled meetings of Council or a Committee for The Township of Wilmot shall be given by posting the schedule of Council meetings as approved by Council resolution on the Township's official website, and the meeting schedule of Committees as approved by the Committee members, on the Township's official website at the beginning of each calendar year or upon scheduling. The meeting schedule shall include the date, time and location of meetings. The meeting schedule is subject to change as deemed necessary by the Mayor, Clerk or Chair of the Committee.

6.2 Public Notice of Special Meetings

Public Notice of a Special Meeting of Council or a Committee shall be given by posting to the schedule of meetings on The Township of Wilmot's official website not less than one day in advance of the date of the meeting.

6.3 Public Notice of Emergency Meetings – Not Required

An emergency meeting of Council or a Committee may be held without public notice being given, to deal with an emergency or extraordinary situation.

6.4 Public Notice – Closed Meetings For the Purpose of Education and Training of Members

Public notice of a meeting of Council or a Committee that is closed to the public and is held for the purpose of educating or training the members of Council or a Committee, as the case may be, shall be given by the passing of a resolution by Council or the Committee at a meeting open to the public stating;

- a) the fact of the holding of the closed meeting;
- b) the general nature of its subject matter; and
- c) the legislative provision allowing for the holding of the closed meeting

6.5 Public Notice – Other Closed Meetings

Public notice of a meeting of Council or a Committee that is closed to the public, except a meeting held for the purpose of educating or training the members of Council or a Committee, as the case may be, shall be given by the passing of a resolution by Council or the Committee at a meeting open to the public stating:

- a) the fact of the holding of the closed meeting, and
- b) the general nature of the matter to be considered at the closed meeting

6.6 Agendas – Open Session Meetings

Prior to the meeting, where possible and pending the distribution to the Members,

the agenda for Council and Committee meetings shall be posted on the Township's official website, and forwarded to each post office within the Township for display, not later than the day previous to the day of the meeting. This provision does not apply to agendas of meetings that are Closed Sessions.

6.7 Posting of Agendas – Failure to Post

Notwithstanding section 6.6 above, failure to post the agenda to the Township's official website shall not affect the validity of the meeting or any action lawfully taken thereat.

6.8 Emergency Meeting – Notice Not Required

Notwithstanding any other provision of this by-law, an emergency meeting may be held without public notice being given, to deal with an emergency or extraordinary situation.

6.9 Public Notice – Agenda – Not Received – Validity

Lack of receipt of Public Notice or an Agenda shall not affect the validity of the meeting or any action lawfully taken thereat.

PART 7 ORDER OF BUSINESS - COUNCIL

7.1 General Provisions

The Clerk shall have prepared and printed a list of the items in the order of topics set out as the routine of business for the use of each Member at a regular meeting;

7.1.1 Any Member of Council at any time prior to the completion of the agenda may file in writing with the Clerk an item for inclusion on the Council Agenda.

7.2 Order of Business

7.2.1 As soon after the hour fixed for the holding of the meeting of Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order;

7.2.2 Immediately after the Head of Council or presiding officer has called the meeting to order the following order or procedure shall be observed for a regular Council meeting:

- Call to Order**
- Moment of Silent Reflection**
- Additions to the Agenda**
- Disclosure of Pecuniary Interest Under the Municipal Conflict of Interest Act**
- Minutes of Previous Meeting**
- Public Meetings**
- Presentations/Delegations**
- Reports**
- Correspondence**
- By-laws**
- Notice of Motions**
- Questions/New Business/Announcements**
- Closed Session**
- Reconvene Into Open Session**
- Business Arising from Closed Session**
- Confirmatory By-law**
- Adjournment**

7.3 Minutes

7.3.1 The minutes shall record:

- (i) the place, date and time of the meeting;
- (ii) the names of the presiding officer, and the record of the members in attendance.
- (iii) any disclosure made under the Municipal Conflict of Interest Act;
- (iv) the reading, if requested, correction and adoption of the minutes of prior meetings;
- (v) all the other proceedings of the meeting without note or comment.

7.3.2 Such minutes as referred to in Section 9.3.1 may be adopted by Council without having been read at the meeting considering the question of their adoption.

7.4 Disclosure of Pecuniary Interest

7.4.1 It shall be the responsibility of each individual member to determine if a conflict exists and disclose any pecuniary interest and the nature thereof in accordance with the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, in any regular or Special Council or Committee meeting.

7.4.2 Any member required to make a disclosure of pecuniary interest shall disclose any direct or indirect pecuniary interest and state the general nature of such interest in accordance with the provisions of the Municipal Conflict of Interest Act, as amended, and it shall be recorded by the clerk in accordance with the provisions of the Act or any amendments thereto;

7.4.3 Where a member of Council, either on his/her own behalf or while acting, by, with or through another, has a pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the member shall:

- (i) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- (ii) not take part in the discussion;
- (iii) not vote on any question in respect of the matter;
- (iv) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

7.4.4 Where a meeting is not open to the public, in addition to complying to the requirements of this by-law, the member shall immediately leave the meeting for the part of the meeting during which the matter is under consideration;

7.4.5 Where the interest of a member of Council has not been disclosed for reason of absence from the particular meeting, the member shall disclose the interest and otherwise comply at the first meeting attended by the member after that particular meeting;

7.4.6 The failure of one or more members to comply with this section of the by-law shall not affect the validity of the meeting in regard to said matter.

7.5 Communications and Petitions

7.5.1 Every communication including petition designed to be presented to Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk;

7.5.2 Every petition or communication shall be delivered to the Clerk not less than five (5) business days before the commencement of the meeting of Council and if in the opinion of the Chief Administrative Officer, it contains any impertinent or improper matter or language, the Chief Administrative Officer shall decide whether it should be included in the agenda for a Council meeting;

- 7.5.3 Communications or petitions addressed to Council shall be listed by the Clerk on the agenda for the next regular meeting and the Clerk shall briefly indicate therein the content of each such petition or communication.
- 7.5.4 Resolutions from other municipalities and addressed to Council shall be listed by the Clerk on the agenda for the next regular meeting, and shall be listed under Correspondence.

7.6 Delegations

- 7.6.1 No person except members of Council and Township Officials shall be allowed to come within the bar during the sitting of Council without the permission of the Head of Council.
- 7.6.2 Persons desiring to verbally present information on matters of fact, or make a request of Council, shall give notice to the Clerk in writing, not less than five (5) business days before the commencement of the meeting of Council and may be heard on leave of the Mayor or other presiding officer of Council,
but shall be limited in speaking to not more than ten (10) minutes. Where a delegation consists of five or more persons, it may be permitted to have two spokespersons address Council, in which event each of such spokespersons shall be limited to speaking for not more than ten (10) minutes.
- 7.6.3 When any person, not being a registered delegation desires to address Council, they shall be permitted to do so only on a motion to such effect being passed by a majority vote of the members present.

7.7 By-laws

- 7.7.1 All by-laws shall be considered by Council and shall be introduced and receive first, second and third reading by a motion;
- 7.7.2 Copies of all by-laws to be considered by Council shall be provided to each member of Council with the Agenda Package;
- 7.7.3 All by-laws when introduced shall be in type-written form, shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act, and shall be complete with the exception of the date;
- 7.7.4 By-laws which received first and second reading at a previous meeting and have now been cleared for final reading shall be read a final time and approved in open Council;
- 7.7.5 Every by-law shall have three readings previous to it being passed;
- 7.7.6 The Clerk shall record on all by-laws enacted by Council, the date of the first, second and third readings;
- 7.7.7 Every by-law which has been enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor and the Clerk and shall be stored in the Clerk's Department for safekeeping;

7.8 Notice of Motion

- 7.8.1 A Notice of Motion shall:
 - i) be in writing;
 - ii) shall be directed by the Clerk to the next regular Council meeting and shall be printed in full on the agenda;

7.9 Questions/New Business/Announcements

- 7.9.1 When Questions are called for under the order of procedure, any member of Council may submit any question pertaining to the business of the Council to any other member of Council or staff;
- 7.9.2 The member of Council or staff to whom a question is directed may answer orally at the same meeting or such member or staff may request two weeks notice before giving a reply, in which case, the member may request that the question be submitted in written form;
- 7.9.3 Any member of Council or staff to whom a question was directed at a previous meeting and who required two weeks notice to reply may submit the answer;
- 7.9.4 Members of Council may make any special event announcements or report on community activities.

7.10 Adjournment

- 7.10.1 A motion may be made at any time by a member who has the floor, requires no seconder and need not be in writing provided that no motion to adjourn may be made during the taking of a vote on any question.
- 7.10.2 Where a motion to adjourn is duly moved and carried and any item of business or any by-law then before Council is left undisposed of, such item of business or by-law may be considered at the appropriate place in the order of procedure at any subsequent regular meeting of Council.
- 7.10.3 Where a motion to adjourn is lost no second motion to the same effect may be made until after some intermediate proceeding shall have been had.
- 7.10.4 No member of Council shall leave on adjournment, until the Mayor or presiding officer has left the Chair.
- 7.10.5 A regular or special meeting of Council or Committee shall adjourn at the hour of 11:00 pm if in session at that time and shall reconvene at such other day and time as the Members may direct by resolution.

8. RULES OF DEBATE

- 8.1 Any member desiring to speak shall so indicate by raising his/her hand and, upon being recognized by the Mayor or other presiding officer, shall address the Chair.
- 8.2 When two or more members raise their hands to speak the Mayor or presiding officer shall recognize the member who raised his/her hand first.
- 8.3 The Mayor or other presiding officer may state his/her position on any matter before Council without leaving the Chair, but it shall not be permissible to debate the question without first leaving the Chair after appointing a member to preside during such remarks.
- 8.4 The Mayor or presiding officer shall resume the Chair for the taking of the vote.
- 8.5 The Mayor or presiding officer may, without leaving the Chair, address Council between proceedings on any matter pertinent to the business of the municipality.
- 8.6 When a member is speaking no member shall pass between him/her and the Chair or interrupt him except to raise a point of order.

- 8.7 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.
- 8.8 No member, without leave of Council, shall speak to the same question, or in reply, for longer than ten minutes.
- 8.9 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated concisely and asked only of the Chair.
- 8.10 Notwithstanding Section 8.9, when a member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Mayor or presiding officer on the matter under discussion only for the purpose of obtaining information, following which the member shall speak again.
- 8.11 The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by this By-law:
- i) a point of order or personal privilege;
 - ii) presentations of petitions;
 - iii) to move the question be put;
 - iv) to adjourn.
 - v) to refer;
 - vi) to table or to postpone, defer to a day certain;
 - vii) to amend;
 - viii) to suspend the Procedural By-law
 - ix) any other procedural motion.

9. POINT OF ORDER

- 9.1 The Mayor or presiding officer shall preserve order and decide on points of order.
- 9.2 When a point of order is raised or when a member is called to order by the Mayor or presiding officer, the member speaking shall immediately cease until the Mayor or presiding officer has decided on the point of order and may further address Council only for the purpose of appealing to the Council from such decision.
- 9.3 The Mayor or presiding officer, in giving his/her decision, should cite the rule or law governing the case. The Mayor may ask for the assistance of the Clerk or Council in deciding the matter but the Mayor's decision shall be final if there is no appeal.
- 9.4 If the decision of the Mayor or presiding officer is appealed to Council, the Mayor shall restate the point in issue and ruling thereon and, without further debate, shall put the question "shall the ruling of the Chair be sustained". The Mayor or presiding officer may vote on this question and in the event of an equality of votes the Chair shall be deemed to be sustained.
- 9.5 When a member considers that his/her integrity or the integrity of Council as a whole has been impugned, he/she may as a matter of personal privilege, at any time, with the consent of the Mayor or presiding officer, draw the matter to Council's attention.

10. CONDUCT OF MEMBERS IN COUNCIL

- 10.1 No member shall:
- i) speak disrespectfully of the Reigning Sovereign, the Governor General, the Lieutenant Governor of any province, or any person

- administering the Government of Canada or this Province;
- ii) use offensive words or unparliamentary language in or against the Council or against any member;
 - iii) speak on any subject other than the subject in debate;
 - iv) criticize any decision of Council except for the purpose of moving in accordance with the provisions of Section 12 that the question be reconsidered.
 - v) disobey the rules of Council, or a decision of the Mayor or presiding officer, or of Council on questions of order or practice, and upon the interpretation of the rules of Council, and in the case where a member persists in any such disobedience after having been called to order by the Mayor or presiding officer, the Mayor or presiding officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologizes he/she may, by vote of Council, be permitted to retake his/her seat.
- 10.2 No charge shall be made which involves the character, conduct or language of a member of Council unless such member is present to reply or unless due notice has been given to such member to be present to offer a defence.
- 10.3 A question put to a member may not contain imputations, epithets, ironical expressions or hypothetical cases, nor may a question refer to debates or answers to questions in the same meeting. A question may not be put which publishes the names of persons, or contains statements not strictly necessary to render the question intelligible, or contains charges which the member who asks the question is not prepared to substantiate. The solution of an abstract legal case may not be sought by a question. A question cannot be made a pretext for a debate, and when a question has been fully answered it cannot be renewed.
- 10.4 When a member has been called to order by the Mayor or presiding officer for breach of parliamentary decorum, it is the member's duty to defer at once to the decision of the Mayor or presiding officer and to make apology by explaining that there was no intent to infringe on any rule of debate, or by immediately withdrawing the offensive or unparliamentary language which may have been used. However, if a member persists in unparliamentary conduct, the Mayor or presiding officer shall be compelled to name such member and submit such conduct to the decision of Council. In such a case, the member whose conduct is in question should explain and withdraw and it shall be for Council to decide what action to take.

11. MOTIONS

- 11.1 Notice of all new motions except motions listed in Sections 11.12 and 11.13 shall be given in writing delivered to the Clerk at least six (6) working days excluding Saturdays and Sundays and Statutory Holidays preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full on the agenda for that meeting of Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing signed by the mover and seconder.
- 11.2 When a Member's notice of motion has been called from the Chair in two successive meetings and not proceeded on, it shall be dropped from the agenda unless Council otherwise decides.
- 11.3 If Council determines that the notice of motion shall appear on the agenda at a third meeting, such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

- 11.4 Any motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the members present and voting.
- 11.5 A motion must be formally seconded before the Mayor or presiding officer can put the question or the motion can be recorded in the minutes.
- 11.6 When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Mayor or presiding officer before debate.
- 11.7 A motion in respect of a matter which is ultra vires the jurisdiction of Council shall not be in order.
- 11.8 After a motion is read or stated by the Mayor or presiding officer, it shall be deemed to be in possession of Council but may, with the permission of Council, be withdrawn at any time before decision or amendment.
- 11.9 A motion properly before Council for decision must receive disposition before any other motion can be received except motions in respect of matters listed in Sections 11.12 and 11.13.
- 11.10 A motion called in the order in which it stands on the agenda of the routine of business of a meeting and which is not decided by Council, shall be allowed to stand retaining its precedence on the agenda of the routine of business of the next ordinary meeting of Council.
- 11.11 A motion to refer a matter under discussion by Council to Township staff or a Committee shall preclude all amendments of the main question until it is decided.
- 11.12 A motion to amend:
- i) shall be presented in writing;
 - ii) shall receive disposition of Council before a previous amendment of the question;
 - iii) shall be relevant to the question to be received;
 - iv) shall not be received proposing a direct negative to the question;
 - v) may propose a separate and distinct disposition of a question;
 - vi) shall be put in the reverse order to that in which it was moved.
 - vii) shall contain only one motion to amend an amendment to the question and any further amendment must be to the main question;
- 11.13 A motion for the previous question:
- i) cannot be amended;
 - ii) cannot be proposed when there is an amendment under consideration;
 - iii) shall preclude all amendments of the main question;
 - iv) when resolved in the affirmative, shall to be put forward without debate or amendment;
 - v) can only be moved in the following words "that the question be now put"; and
 - vi) may be voted against by the mover and seconder.
- 11.14 A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and when settled, the question so interrupted shall be removed to the point where it was suspended.
- 11.15 A motion for reference to a Committee or staff until it is decided, will preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table.
- i) a motion to refer is debatable.
- 11.16 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition will be taken separately.

12. RECONSIDERATION

- 12.1 After any question, except one of indefinite postponement, has been decided, any member may, at the same session or at a subsequent session, move for a reconsideration thereof. Such motion must be made in writing, but no discussion of the main question shall be allowed unless the motion for reconsideration is passed by a two-thirds majority of all the members of Council, nor shall any question be reconsidered more than once.
- 12.2 A motion to reconsider an amendment may not be submitted until after the original motion to which the amendment was proposed has been considered and disposed of.
- 12.3 If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future definite date, and debate on the question to be reconsidered may proceed as though it had never previously been voted on.
- 12.4 Debate on a motion for reconsideration must be confined to the reasons for or against reconsideration.
- 12.5 When a by-law has been defeated at any stage of the order of procedure, it shall be subject to a motion to reconsider and the foregoing rules shall apply thereto, except that, when a motion to reconsider a by-law is carried by the required majority, a motion that leave be given to introduce the said by-law shall become the next order of business and, if this motion is carried, the by-law shall be dealt with in accordance with the usual order of procedure as if it had been first introduced at the meeting during which the motion to reconsider was voted on.

13. VOTING ON MOTIONS

- 13.1 Immediately preceding the taking of the vote, the Mayor or presiding officer may state the question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes.
- 13.2 After a question is finally put by the Mayor or presiding officer, no member shall speak to the question or shall any other motion be made until after the vote is taken and the result has been declared.
- 13.3 Every member present at a meeting of Council when a question is put shall vote thereon unless prohibited by statute, by reason of conflict of interest or for any reason.
- 13.4 No vote will be taken in Council or Committee by ballot or by any other method of secret voting.
- 13.5 Upon the request of a member, immediately after a vote is taken, the Clerk shall record the negative vote of such member on any question.
- 13.6 If any member present at a meeting of Council when a question is put does not vote, he/she shall be deemed as voting in the negative except where he/she is prohibited from voting by law.
- 13.7 If a member disagrees with the announcement of the Mayor that a question is carried or lost he/she may, but only immediately after the declaration by the Mayor, object to the Mayor's declaration and require a recorded vote to be taken.
- 13.8 When the Mayor calls for the vote on a question each member shall remain in his/her seat until the result of the vote has been declared by the Mayor, and during such time no member shall walk across the room or speak to any other member or make any noise or disturbance.
- 13.9 When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation

or proposition will be taken separately.

- 13.10 A member not present before the result of the division on a question is declared, shall not be entitled to vote on that question.
- 13.11 The manner of determining the decision of Council on a motion shall be at the discretion of the Mayor or presiding officer and may be by voice, show of hands or otherwise.
- 13.12 Upon the taking of any vote if all the members present when the vote is taken vote unanimously, the Mayor or presiding officer may direct the Clerk to record the vote accordingly.
- 13.13 Any question on which there is an equality of votes shall be deemed to be in the negative.

14. RECORDED VOTE

- 14.1 When a recorded vote is requested by a member, or is otherwise required, the Clerk shall record the name and vote of every member by ward, on any matter or question.
- 14.2 Where a vote is taken for any purpose and a member requests immediately prior to or immediately subsequent to the taking of the vote, that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his/her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote accordingly.
- 14.3 When a recorded vote is requested by any member the Clerk will call of the vote, announce the division and will record them in the minutes of the meeting.

15. RECESS

- 15.1 A majority vote of Members present is required to recess a meeting, and the time of return shall be announced by the Mayor or Presiding Officer.

16. COMMITTEES (Ad Hoc/Advisory/Special Purpose)

- 16.1 Ad Hoc, Advisory or Special Purpose Committees may be established by Council at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Council, pursuant to Section 11 of the Municipal Act or as required by any Act or Statute of the Province of Ontario.

16.2 Establishment/Appointment

The names of the persons to be appointed to any Ad Hoc, Special Purpose or Advisory Committee to which Council is required or empowered to appoint persons, shall be determined by Council by resolution or bylaw or as required by any Act or statute of the Province of Ontario at the first regular meeting of a new Council, or as soon thereafter as is reasonable.

16.3 Terms of Reference – Advisory Committees

Subject to the provision of any general or special Act, the Council, in establishing any Advisory Committee, will set forth Terms of Reference of the Committee, and such other provisions as the Council deems proper.

16.4 Procedures – Committees

The procedures of the Committees shall be the same as those set out for Council insofar as they are applicable, with the following exceptions:

- i) In Committees the vote on any particular item shall not be recorded however a member on request may be recorded as being opposed;
- ii) At the request of any member of the Committee present, any item on the

agenda may be re-opened by a majority vote of the members present;

- iii) A quorum in any Committee is the majority of the Members of the Committee as appointed by Council, and the Mayor, if present, is a member to be included in determining the quorum;
- iv) If any Committee neglects to attend to its duties, the Council may intervene and order it to meet and report;
- v) The Chair of a Committee may vote on any question before the Committee;
- vi) Any question on which there is an equality of votes shall be deemed to be in the negative;
- vii) In Committee, members may speak more than once on the same question;
- viii) Should any member of a Committee refuse or neglect to attend the regular or special meetings thereof, the Chair may report such neglect or refusal to the Council who may remove such member from the Committee and appoint another member;
- ix) Advisory Committees shall prepare minutes and submit them to Council.

17. AMENDMENT TO THIS BY-LAW

- 17.1 No amendment or rescinding of this by-law or any part of thereof shall be considered at any meeting of Council unless notice of the proposed amendment or rescinding has been given at a previous regular meeting of Council and the waiving of this notice by Council is prohibited.

18. SUSPENSION OF THE RULES

- 18.1 Any rules or procedures established by this by-law, other than a quorum requirement, may be suspended at or for a particular meeting, by resolution, provided two thirds of members present vote in favour thereof, unless prohibited by law;

18. SEVERABILITY

- 18.1 Should any section, sub-section, clause or paragraph or provision of this by-law be declared by a court or competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

19. REMARKS

- 19.1 In this by-law, words of the singular include the plural, words in the plural include the singular and words importing the masculine gender include the feminine gender where the context so requires.

20. ROBERT'S RULES

- 20.1 In all unprovided cases in the proceedings of Council or Committee, resort shall be had to Robert's Rules of Order as a rule for guidance on the question, and in such cases the decision of the Mayor or other presiding officer shall be final and acquiesced in without debate.

21. SHORT TITLE

- 21.1 This by-law may be referred to as either the "Procedural By-law" or the "Rules of Procedure".

22. EFFECTIVE DATE

22.1 By-law No. 2003-02 and any other by-laws inconsistent with the provisions of this by-law are hereby rescinded.

22.2 This by-law shall come into force and effect on the date of passage.

READ a first and second time on the 5th day of November, 2007.

READ a third time and passed in open Council on the 5th day of November, 2007.

Mayor

Clerk