

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2020-33

PROCEDURAL BY-LAW

**Being a By-Law to Govern the proceedings of Council and Committees of
the Corporation of the Township of Asphodel-Norwood**

WHEREAS pursuant to the Municipal Act, 2001, Section 238, c. 25, Section 238 (2) states every municipality and local board shall pass a procedure By-law for governing the calling, place, and proceedings of meetings;

WHEREAS Schedule 12 of Bill 197 (the COVID-19 Economic Recovery Act, 2020) amends the Municipal Act, 2001 to allow said procedure By-law to provide for electronic participation in meetings and to provide for proxy voting;

WHEREAS The Council of the Corporation of the Township of Asphodel-Norwood deems it expedient to establish rules & procedures to facilitate the efficient and effective transactions of business, and to protect the rights and privileges of its members;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood hereby enacts the governing procedures as detailed in "Schedule "A";

Repeal of Existing By-Law

By-law No. 2020-18 of the Township of Asphodel-Norwood and any other By-law or part thereof which conflicts with this By-law be hereby repealed.

Effective Date

This By-law shall become effective on July 28, 2020.

Read a first, second, and third time and finally passed this 28th day of July, 2020.

<Original signed by>

Rodger Bonneau, Mayor

<Original signed by>

Candice White, Clerk

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Procedure By-law Schedule "A"

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**Article 1
INTERPRETATION**

Clerk – defined

“Clerk” means the Clerk of the Corporation of the Township of Asphodel-Norwood;

Committee – defined

“Committee” means any advisory or other committee, subcommittee or entity that is appointed by the Council of the Corporation of the Township of Asphodel-Norwood through By-law;

Council – defined

“Council” means the Council of the Corporation of the Township of Asphodel-Norwood;

Electronic Participation – defined

“Electronic Participation” includes telephone, video, audio or audio-visual conferencing, or any other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.

Head of Council – defined

“Head of Council” means the Mayor of the Corporation of the Township of Asphodel-Norwood;

Local Board – defined

“Local Board” means a body or local authority established through By-law that exercises authority through an approved terms of reference and is composed of citizens and Members of Council appointed by Council.

Majority – defined

“Majority” means more than fifty percent of the votes cast by the members present at a meeting.

Meeting – defined

“Meeting” means any regular, public, special or other meeting of a council, of a local board or of a committee of either of them, where,

- (i) A quorum of members is present, and
- (ii) 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

Presiding Officer – defined

“Presiding Officer” means the member of Council who is responsible to preside over or act as the Chairperson of a meeting as defined within Section 8, 9, and 27 of this By-law.

Quorum – defined

“Quorum” means a majority of the members of a municipal council is necessary to form a quorum. (Municipal Act S.237(1))

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**Article 2
GENERAL PROVISIONS**

1. The rules and regulations contained in this Procedural By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and the Committees of Council.
2. All Council and Committee meetings shall be open to the public except those meetings or parts thereof that are dealing with a subject matter listed in the Municipal Act, that are permitted to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, council shall, by resolution, state the fact that the meeting is closed and the general nature of the matter to be considered at the closed meeting.
3. The use of tape recorders or television cameras to record the proceedings of the meetings shall be prohibited unless permission is granted by resolution of Council passed by a simple majority. Cell phones shall be left on vibrate for emergency situations only. They shall remain off for all other instances.

**Article 3
COUNCIL MEETINGS**

4. It shall be the responsibility of the Clerk to forward all notices and agendas for regular, special, and public Council meetings.
5. Meetings of the Council shall be held at the Township of Asphodel-Norwood Council Chambers, 2357 County Road 45 in Norwood which is adopted and used by the Council from time to time for such purpose. As necessary from time to time, meetings of Council may be held at other municipally owned buildings or online. The Inaugural Meeting of Council shall take place as soon as reasonably possible after the 14th day of November at a time and location decided by the Clerk.

The next and each succeeding regular meeting of Council shall be held on the 2nd and 4th Tuesday of the month at 1:00 p.m. except for February, July, August, and December

- July and August – One meeting will be held on the 4th Tuesday of the month at 1:00 p.m.
 - December – One meeting will be held on the 2nd Tuesday of the month at 1:00 p.m.
6. Members of Council, local boards and committees may participate electronically in open and closed meetings and may be counted for purposes of quorum. Electronic closed meetings shall be conducted via teleconference. Electronic open meetings shall be held via Zoom and livestreamed on the Township's Youtube channel. During an electronic meeting all members of Council participating in that meeting shall participate via electronic means. In the event a connection/service interruption occurs that affects quorum of the meeting, the Chair may recess the meeting for up to 15 minutes to regain quorum. If quorum is not achieved, the meeting is adjourned.
 7. When the day for a regular meeting of the Council is a public or civic holiday, the Council shall meet at the same hour on the following day, which is not a public or civic holiday, unless an alternative day is determined by resolution of Council.

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8. In the event of an exceptional circumstance (e.g. emergency situation, unsafe weather or where the Clerk becomes aware that quorum will not be met) the Clerk can cancel a scheduled meeting and seek input from the members on an alternate date/time, if required. The Clerk shall notify Council members of the cancellation and any other relevant parties as soon as possible and post notice of the cancellation on the Township's website, social media accounts, and on the Council Chambers door.
9. The Head of Council shall preside at all meetings of Council. (Municipal Act S.241(1))
10. In the absence of the Head of Council, the Acting Head of Council (Deputy Mayor) shall be the Presiding Officer. (Municipal Act S. 242). (Also see article no. 28: Absence of Presiding Officer).
11. If a Council member is going to be absent from a meeting, notification must be given to the Clerk as soon as reasonably possible as long as it's prior to the commencement of the meeting.

**Article 4
SPECIAL MEETINGS**

12. The Head of Council may at any time summon a special meeting of Council or upon receipt of the petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. (Municipal Act S.240).
13. Notice of all special meetings of Council shall be given to the members, either verbally, via email or in writing, through the Clerk's Office.
14. The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than stated in the notice shall be considered at such meeting. (Municipal Act S. 240)

**Article 5
NOTICE OF MEETINGS**

15. a) Notice of all public meetings of Council shall be made by means of posting the information on the Council bulletin board located in the Municipal Office, on the Township's website and/or other available media, and communication resources as deemed necessary by the Clerk a minimum of forty-eight (48) hours in advance.
b) Notice will include the time, location, and issues to be discussed.
c) Notice of all public meetings held electronically shall be made by means of posting the information on the Council bulletin board located in the Municipal Office, on the Township's website and/or other available media, and communication resources as deemed necessary by the Clerk a minimum of 7 days in advance.

**Article 6
EMERGENCY MEETINGS**

16. Notwithstanding any other provision of this By-law, an Emergency Meeting of Council may be called by the Head of Council without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

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17. The only business to be dealt with at an Emergency Meeting shall be business dealing directly with the emergency or extraordinary situation.
18. The lack of receipt of a notice, or an agenda for an Emergency Meeting by any member shall not affect the validity of the Emergency Meeting or any action taken thereat.

**Article 7
CLOSED MEETINGS**

19. Except as provided in this section, all Council and Committee meetings shall be open to the public. (Municipal Act S.239(1))
20. Meetings or portion thereof, may be held in Closed Session only in accordance with the Municipal Act. In accordance with Section 239 (2) of the Municipal Act, the only matters to be considered in Closed Session are as follows:
 - a) The security of the property of the Township 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, committee or other body may hold a closed meeting under another Act;
 - h) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - j) A trade secret or scientific, technical, commercial, 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.
21. Under other criteria in Section 239 (3) a meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
 - a) request under the Municipal Freedom or Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes 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). 2014, c. 13, Sched.9, s. 22

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- 22.** Under Section 239 (3.1) a meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
- a) The meeting is held for the purpose of education or training the members
 - b) 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
- 23.** Prior to moving to Closed Session for one of the reasons listed in Section 19, Council, local board or committee shall pass a motion in open session stating:
- i) The fact of the holding of the Closed Session and that the Council, local board or committee is convening into Closed Session, and
 - ii) The general nature of the matters to be considered at the Closed Session. (Municipal Act S.239(4))

In order to clarify the procedures set out in this section, the resolution to move into a Closed Session under Section 239 (4) of the Municipal Act shall list each item or matter to be considered in a meeting, or portion of a meeting, closed to the public by citing the appropriate legislative exemption under Sections 239 (2) or (3) together with a brief description of the general nature of the matter to be considered in the Closed Session.

In addition, the resolution to reconvene the open portion of the meeting shall list each matter or item considered in the Closed Session together with a brief report on each matter or item by the presiding officer or chair of the council or local board or committee respectively.

- 24.** The Clerk shall have the Closed Session agenda and minutes prepared, identifying the qualifying section of the Municipal Act under which each matter is to be considered in Closed Session. (Municipal Act S.239(2))
- 25.** The Closed Session agenda package shall be available for review by members of Council after 2:00 p.m. on the Monday prior to the meeting of Council, in the presence of the Clerk. This written information shall only be distributed to members during the Closed Session.
- 26.** Closed Session agenda packages shall remain confidential.
- 27.** Closed Session agenda packages shall be returned to the Clerk at the conclusion of each meeting.

**Article 8
ABSENCE OF PRESIDING OFFICER**

- 28.** Should the Head of Council not attend within five (5) minutes after the time appointed for a meeting of Council and the Acting Head of Council is not present to assume the role of Presiding Officer, the Clerk shall call the members to order and a Presiding Officer shall be appointed from among the members present, and he/she shall preside until the arrival of the Head of Council or the Acting Head of Council and while so presiding shall have all the powers of the Head of Council. (Municipal Act S.242)

**Article 9
CALLING OF MEETING TO ORDER AND QUORUM**

- 29.** A majority of the whole number of members required to constitute a Council is necessary to form a quorum. (Municipal Act S.237(1))

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

**Article 10
NO QUORUM**

31. If no quorum is present thirty (30) minutes after the time appointed for a meeting of the 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 or until a special meeting is called by the Presiding Officer.

**Article 11
CURFEW**

32. No item of business, with the exception of the confirming By-law and a motion to adjourn, may be dealt with at a Council meeting **after 5:00 p.m.** unless the time for adjournment is extended by resolution of Council passed by **majority vote**.

**Article 12
RECESS**

33. A recess shall be convened either by motion or at the discretion of the Chair.
34. A motion to recess when other business is before the meeting shall specify the length of time of the recess.
35. A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.
36. A motion to recess when other business is before the meeting shall not have a motion to reconsider applied to it.

**Article 13
CONDUCT OF PROCEEDINGS**

37. It shall be the duty of the Head of Council or other Presiding Officer:
- a) to open the meeting of Council by taking the Chair and calling the members to order;
 - b) to remind Council of the Municipal Conflict of Interest Act legislation requiring a member to make a declaration of pecuniary interest and to refrain from participating in and/or voting on subject matter;
 - c) to announce the business before the Council in the order in which it is to be acted upon;
 - d) to inform any public present at the meeting regarding the provisions with respect to "Deputations" and other rules of conduct in connection with the operation of the meeting;
 - e) to receive and submit in the proper manner all motions presented by members of Council;

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- f) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the result, except in the case of a recorded vote when the Clerk will announce the result;
 - g) to decline to put to vote motions which infringe upon the rules of procedure;
 - h) to restrain the members within the rules of order when engaged in debate;
 - i) to enforce on all occasions, the observance of respect, order and decorum among the members; decide questions of order (subject to an appeal to council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so;
 - j) to call by name any member persisting in breach of the rules or order of the Council thereby ordering him/her to vacate the Council Chambers;
 - k) to receive all messages and other communications addressed to Council and announce them to the Council, provided that no message or communication shall be received unless it is signed by the author and the author's address is disclosed;
 - l) to authenticate, by his/her signature when necessary, all By-laws, resolutions and minutes of the Council;
 - m) to inform the Council when necessary or when referred to for the purpose, on a point of usage;
 - n) to represent and support the Council declaring its will, and implicitly obeying its decisions in all things;
 - o) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;
 - p) may vote on all questions and when so doing, shall vote last, except where disqualified to vote by reason of interest, or if a recorded vote was requested. (Municipal Act S. 246);
 - q) to adjourn the meeting when the business is concluded;
 - r) to adjourn the meeting without questions being put in the case of grave disorder arising in the Council Chamber.
- 38.** The Head of Council or other Presiding Officer may expel any person for improper conduct at a meeting. (Municipal Act S.241(2))
- 39.** The Presiding Officer may take part in any debate without leaving the Chair. If the Presiding Officer desires to introduce a motion or By-law, he/she shall leave the Chair for that purpose and shall call on another member of Council to fill his/her place until he/she resumes the Chair. Said member called to take the Chair shall accept the Chair unless said member has a bona fide reason not to accept the Chair.

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**Article 14
AGENDA**

- 40.** The Clerk shall have prepared and printed for the use of the members at the regular meetings of Council, an agenda under the following headings:

- 1) Call to Order**
- 2) Moment of Silent Reflection***
- 3) Declaration of Pecuniary Interest**
- 4) Approval of the Agenda**
- 5) Minutes and Notes of Meetings**
- 6) Business Arising from the Minutes**
- 7) Consent Agenda**
- 8) Delegations/Presentations**
- 9) Staff & Committee Reports**
- 10) Correspondence – For Action**
- 11) Correspondence – For Information**
- 12) Council Liaison Report****
- 13) CAO/Clerk/Treasurer List**
- 14) Notice of Motions**
- 15) General Business**
- 16) Closed Session**
- 17) Rise from Closed Session with or without a Report**
- 18) By-laws**
- 19) Confirming By-law**
- 20) Future Meeting Schedule*****
- 21) Adjournment**

*The moment of silent reflection allows the opportunity for the members of Council and municipal staff to mentally prepare for the meeting ahead, it is to be acknowledged as gesture of respect and contemplation.

**The Mayor and Members of Council shall provide their Mayor and Councillor Liaison Reports in writing to the Clerk on the Wednesday prior to the agenda being prepared or present verbally at each Council meeting. All written correspondence and verbal discussion will pertain to the Township of Asphodel-Norwood Boards and Committees, Peterborough County Council, and Council approved conferences and seminars only.

The information presented during this section of the meeting will be for information only and will not require a decision of Council.

***The Future Meeting Schedule will include two (2) months of future Council meetings, Council appointed committee meetings and local board meetings.

The business of Council shall be taken up in the order as listed on the agenda unless otherwise directed by the Presiding Officer.

Article 15

41. AGENDA MATERIAL AND ORDER OF BUSINESS

- a) The Clerk shall prepare agendas of the Council meetings as assigned.
- b) The Clerk may prepare a supplementary agenda in order to deal with urgent or priority matters only.

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- c) Individuals or groups wishing to appear before the Council at a regular meeting shall advise the Clerk of the municipality not later than **12:00 p.m. noon on the Wednesday** prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- d) **Correspondence**
A Correspondence report will be prepared and included in each agenda. The report will be divided into two (2) sections as follows, Correspondence for Action and Correspondence for Information.
- e) The agenda package will be available for Council members by 12:00 p.m. noon on the Friday prior to Council meetings.
- f) Agenda packages will be available for the public at 12:00 p.m. noon on the Friday prior to Council meetings on the website (www.antownship.ca).

**Article 16
CONSENT AGENDA**

- 42. A list of items on the agenda containing recommendations from the Clerk as to their disposition, all of which may be adopted by one motion of Council but any of which may be transferred to the regular agenda for consideration upon the request of a member of Council. These items may include information items, procedural items, approval of minutes, previously approved decisions, routine matters, correspondence requiring no action, and information reports.

Minutes

- 43. Minutes shall record:
 - a) the place, date, and time of meeting;
 - b) the names of the Presiding Officer, or Officers, and the attendance of the members and staff;
 - c) the reading if requested, correction, and adoption of the minutes of prior meetings;
 - d) all resolutions, decisions, and other proceedings of the meeting without note or comment. (Municipal Act S.228(1)(a))

**Article 17
PETITIONS AND COMMUNICATIONS**

- 44. Every communication, including a petition designed to be presented to 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 (1) person and filed with the Clerk. In addition, such communication must include the name and address of at least one of the authors.

**Article 18
DELEGATIONS/PRESENTATIONS**

- 45. Any delegation that wishes to address Council for the purpose of making a verbal presentation to Council, will complete and sign a "Request to Address Council" form and submit it to the Clerk not less than six (6) days prior to the meeting. If, in the opinion of the Clerk or his/her designate, the request provided does not contain a sufficiently clear statement of the

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- issues or matters to be dealt with at Council or is not signed, the request will be returned for clarification.
46. Any delegation that has previously appeared before Council regarding the same matter will not be permitted to address Council within six (6) months of the initial visit, unless in the opinion of the Clerk there is new information that is pertinent to the matter.
 47. Written material to be distributed to Council should be submitted to the Clerk by 12:00 p.m. noon on the Wednesday prior to the Council meeting.
 48. Delegations/Presentations shall be limited to a number of three (3) per meeting or at the discretion of the Clerk.
 49. Delegations/Presentations shall be listed on the agenda in the order set by the Clerk.
 50. Delegations shall be limited to speaking not more than ten (10) minutes and will consist of a maximum of two speakers.

**Article 19
GENERAL BUSINESS**

51. A member may make a motion under general business, which due to its nature cannot be postponed to the next meeting of Council. These items must be of a significant or urgent nature.

**Article 20
READING OF BY-LAWS AND PROCEEDINGS THEREON**

52. No By-law except a By-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
53. Every By-law shall be identified upon motion by a member specifying the title or a short description to the Council.
54. Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any relevant Act.
55. A copy of any proposed By-law will be given to all council members in the agenda package prior to the meeting at which it is to be considered.
56. All major Agreements entered into by the Township of Asphodel-Norwood must be approved by By-law and the agreement shall form part of and be included as a Schedule to the By-law for safekeeping.
57. Every By-law shall be given three (3) readings prior to passage.
58. The first and second readings of a By-law shall be decided without amendment or debate.
59. A member of Council may introduce all three (3) readings of a By-law within the same motion.
60. If Council so determines, a By-law may be taken as read.

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61. The Clerk shall set out on all By-laws enacted by Council the date of the readings thereof.
62. Every By-law enacted by the Council shall be numbered and dated and shall be embossed with the seal of the Corporation and signed by the Clerk and the Presiding Officer, and shall be deposited by the Clerk in the Township vault or any other place appointed for the purpose of security and safekeeping.
63. Any proposed By-law may be referred to a committee, manager(s) or other officer of the Corporation for review and comment, including the Solicitor for the Township.

**Article 21
CONFIRMATORY BY-LAW**

64. At the conclusion of all regular meetings of the Council and prior to adjournment, a Confirmatory By-law shall be brought forward to confirm the actions of the Council at that meeting in respect of each motion, resolution and other action taken.
65. A confirmation By-law when introduced, shall be taken as having been given three (3) readings and shall be voted on without debate.

**Article 22
MOTIONS**

66. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice provisions.
67. A member may introduce a motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting. Insofar as is practicable, notice of motions shall be given in writing to the Clerk not later than 4:30 p.m. six (6) days in advance on the **Wednesday** preceding the next regular meeting so that the matter may be included in the Council Agenda. A notice of motion shall not be considered or otherwise disposed of by the Council unless the mover of the motion is in attendance at the meeting.
68. Presentation of Motion – 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 Presiding Officer or the Clerk before debate.
69. Seconding – A motion, apart from a question of privilege, a point of order, or withdrawing a motion must be formally seconded before the Presiding Officer can put the question to the Members. All motions will be recorded in the minutes.
70. Once read or stated by the Presiding Officer, a motion may not be withdrawn without the consent of the majority of the members.
71. When a motion is seconded, and at the request of a council member, it may be read or stated by the Clerk before being voted on.
72. Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.

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- 73.** A motion to adjourn the Council shall be decided without debate and shall always be in order except;
- a) when a member is in possession of the floor;
 - b) when a recorded vote has been called;
 - c) when the members are voting;
 - d) when it has been decided that the vote be now taken;
 - e) when a member has indicated to the Presiding Officer his/her desire to speak on the matter before Council.

- 74.** 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) presentation of petitions;
 - c) to lay on the table (to defer temporarily);
 - d) to postpone indefinitely or to postpone to a specific day;
 - e) to move the previous question (immediate vote on the main motion);
 - f) to adjourn;
 - g) to suspend;
 - h) to amend;
 - i) to suspend the rules of procedure.

**Article 23
MOTION TO AMEND**

- 75.**
- a) shall receive disposition of Council before a further amendment or the question;
 - b) shall not be further amended more than once provided that further amendments may be made to the main question;
 - c) shall be relevant to the question to be received;
 - d) shall not be received proposing a direct negative to the question;
 - e) shall be put in the reverse order to that in which it was moved.

**Article 24
MOTION FOR PREVIOUS QUESTION**

- 76.**
- a) cannot be amended;
 - b) cannot be proposed when there is an amendment under consideration;
 - c) shall preclude all further amendments of the main question;
 - d) when resolved in the affirmative, the question is to be put forthwith without debate or amendment;
 - e) can only be moved in the following words, "that the question be now put";
 - f) may be voted against by the mover and the seconder.

**Article 25
MOTION TO REFER**

- 77.**
- A motion to refer a question to Committee with or without instructions may be amended but must receive disposition by Council before the question, or an amendment to the question, and when made prior thereto, before decision on a motion for the previous question or postponement.

**Article 26
MOTION TO RECONSIDER**

- 78.** A motion to reconsider any matter already disposed of by the same Council shall require a two-thirds (2/3) vote.

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**Article 27
VOTING ON MOTIONS**

- 79.** Questions Stated – Immediately preceding the taking of the vote, the 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.
- 80.** No Interruption After Question – After a question is finally put by the Presiding Officer no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 81.** Unrecorded Vote – The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
- 82.** Recorded Vote
- a) When a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, that member would vote first and the remaining members will vote in alphabetical order, except a member who is disqualified from voting by an Act, shall announce his/her vote openly and the clerk shall record each vote. (Municipal Act S.246(1));
 - b) The names of those who voted for and those who voted against shall be noted in the minutes. An abstention is deemed to be a negative vote. The Clerk shall announce the results. (Municipal Act S.246(2))
- 83.** The Presiding Officer may vote on all questions and when doing so shall vote last unless otherwise prohibited by Statute or during a Recorded Vote.
- 84.** If the Presiding Officer desires to introduce a motion or By-law, he or she shall leave the Chair for that purpose and shall call upon another member to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Presiding Officer shall resume the Chair and preside over the meeting.
- 85.** Except where otherwise expressly provided by Statute, any question on which there is an equality of votes shall be deemed to be defeated. (Municipal Act S.245)
- 86.** No vote shall be taken by secret ballot or by any other method of secret voting, and every vote so taken is of no effect.

**Article 28
RULES OF DEBATE**

- 87.** Every member prior to speaking to any question or motion shall formally address the Presiding Officer. When two or more members wish to speak, the Presiding Officer shall designate the member who has the floor, who shall be the member who, in the opinion of the Presiding Officer, first indicated his/her desire to speak. Every member present at a meeting of Council, when a question is put, shall vote thereon unless prohibited by Statute.
- 88.** When the Presiding Officer calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer and during such time

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no member shall walk across the room to speak to any other member or make any noise or disturbance.

89. When a member is speaking, no other member shall pass between him/her and the Presiding Officer or interrupt him/her except to raise a point of order.
90. The number of times a member may speak on any question shall be limited to two and no member shall speak more than once until every member who desires to speak shall have spoken, except that a reply shall be allowed to be made only by a member of the Council who has presented the motion to the Council, but not by any member who has moved an amendment or a procedural motion.
91. No member, without permission of the Council, shall speak to the question or in reply for longer than three (3) minutes.
92. 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 specifically and asked only of the previous speaker.
93. When a member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Presiding Officer or an Official of the Municipality on the matter under discussion but only for the purpose of obtaining information, following which the member shall speak.
94. 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.

**Article 29
QUESTION OF PRIVILEGE**

95. Where a Member considers that the integrity, honour, character or dignity of the Mayor, a Member of Council or staff as a whole has been called into question, the Member may, as a matter of privilege, rise at any time, with the consent of the Chair, no debate being allowed, for the purpose of drawing the attention of the Council to the question.
96. A motion resulting from a question of privilege shall receive disposition by the Council forthwith; and following such disposition, the motion so interrupted shall be immediately considered at the point where it was suspended.

**Article 30
POINTS OF ORDER**

97. A point of order may be called by a Member for the following:
 - a) to bring attention to any breach of the Rules of Procedure of the Council;
 - b) to any defect in the constitution of any meeting of the Council,
 - c) the use of improper, offensive or abusive language;
 - d) to bring notice of the fact that the matter under discussion is not within the scope of the proposed motion or;
 - e) to bring attention to any other informality or irregularity in the proceedings of the Council.
98. The Presiding Officer shall preserve order and decide questions of order.

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99. A member rising to a point of order shall ask leave of the Presiding Officer to raise such a matter. After leave is granted the point of order shall be stated and the member shall wait for the Presiding Officer to decide the point of order at issue.
100. No further business shall be conducted until the Chair has decided and stated the point of order.
101. Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to Council.
102. If no Member appeals, the decision of the Chair shall be final.
103. If a Member appeals to the Council, the Member shall have the right to state a case, the Chair shall have the right to reply; and the Council shall decide the question without further debate, and its decision shall be final.

**Article 31
MOTION TO APPEAL**

104. A motion to appeal from the decision of the Chair shall be made only at the time the ruling is made by the Chair and shall not require a seconder.
105. A motion to appeal from the decision of the Chair shall not be debated or amended.

**Article 32
CONDUCT OF MEMBERS OF COUNCIL**

106. No member shall speak disrespectfully of the Reigning Sovereign, or of any member of the Royal Family, or of the Governor-General, the Lieutenant Governor of any province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
107. No member shall:
 - a) use offensive words or unparliamentarily language in or against the Council or against any member of Council, staff or guest;
 - b) speak on any subject matter other than the subject in debate;
 - c) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
 - d) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council, and in case a member persists in any such disobedience after having been called to order by the Presiding Officer, the 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.
108. No person(s) except Members and Officers of the Council shall be allowed to approach the Council table during the sitting of Council without permission of the Presiding Officer or the Council upon reference.
109. When the Presiding Officer is putting the question, no member shall leave or make a disturbance.

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- 110.** No member shall violate the confidentiality of any matter(s) considered in Closed Session. Matters considered by Council in Closed Session are not to be discussed outside of that forum. Violation of these confidentiality provisions may result in the member being expelled from future Closed Session meetings.

**Article 33
SUSPENSION OF RULES**

- 111.** Any procedure required by this By-law may be suspended with unanimous consent of the members of Council present, save and except that any statutory requirement with respect to the proceedings may not be suspended by the Council. Statutory requirements are identified herein by reference to the applicable Act.
- 112.** All provisions of this By-law which are statutory requirements under the Municipal Act are so noted with reference to the relevant section of the Act. Amendments made to these statutory provisions by the Province of Ontario shall take precedence over the provisions contained herein and this By-law shall be deemed to be so amended to conform to the same.

**Article 34
SEVERABILITY**

- 113.** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.