



PROCEDURAL BY-LAW

2020-24

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BY-LAW

Being a By-law to govern the proceedings of Council and Committees of the Corporation of the Township of O'Connor and to repeal By-law 2002-22 and adhering amendments.

WHEREAS The Ontario Municipal Act, 2001, as amended, authorizes the Council of every municipality to pass By-laws for governing the proceedings of its Council, the conduct of its Members and the calling of Meetings; and

WHEREAS pursuant to Section 238 (2) further indicates that every municipality and local board shall pass a Procedure By-law for governing the calling, place, and proceedings of Meetings;

NOW THEREFORE BE IT RESOLVED, THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF O'CONNOR ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law:

- (a) "**Act**" means the Ontario Municipal Act, 2001, as amended from time to time.
- (b) "**Acting Mayor**" means the Members of Council appointed, under the By-law to act from time to time in the place and stead of Mayor.
- (c) "**Adjourn**" in an unqualified manner, means that the adjournment is effective immediately.
- (d) "**Ad Hoc Committee**" means a committee appointed by Council from time to time, to act on a temporary or singular issue and shall be discontinued by Council when their recommendations upon the specified initiative or matter have been provided, and dealt with by Members of Council and further recommendations are no longer required.
- (e) "**Chair**" means the Mayor or Acting Mayor, or Chairman who is presiding at the time that the Meeting is being held.
- (f) "**Clerk**" means the Clerk of the Corporation of the Township of O'Connor authorized by the Municipal Act and appointed by By-law.
- (g) "**Committee**" means any advisory or other committee, subcommittee, or similar entity of which at least 50 percent of the members are also members of one or more councils or local boards.
- (h) "**Corporation**" shall mean the Corporation of the Township of O'Connor.
- (i) "**Council**" means Elected Members of Council of the Township of O'Connor whom were elected by registered voters or who have been appointed by virtue of a vacancy.
- (j) "**Electronic Meeting**" means a Meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance.
- (k) "**Head of Council**" means the Mayor.
- (l) "**Local Board**" means a municipal service board, board of health, police services board, planning board, or any other board commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation board.
- (m) "**Majority Vote**" shall mean more than half the votes of Members of Council.
- (n) "**Meeting**" means any regular, special, committee or other Meeting of Council or Local Board.

- (o) **“Member”** shall mean an elected member of Council and includes the Head of Council.
- (p) **“Motion”** "Motion" means a question to be considered by the Council, which is moved, seconded, presented, read by the Chair and is subject to debate. When a motion is adopted, it becomes a resolution.
- (q) **“Point of Order”** means a matter that a Member considers to be a departure from or contravention of the rules, procedures, or generally accepted practices of Council.
- (r) **“Recorded Vote”** means the making of a written record of the names and the vote of each Member who votes on a formal question.
- (s) **“Special Committee”** means a committee appointed by Council, who acts independently from and for the Council and who has been delegated specific responsibilities and who go out of existence as soon as they have completed the specified task.
- (t) **“Seal”** means the authenticating seal of the Township of O'Connor.
- (u) **“Township”** shall mean the Corporation of the Township of O'Connor.

2. GENERAL PROVISIONS

2.1 Suspension – Rules Regulations

The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of all Council Meetings and in Committees, provided that the rules and regulations contained herein may be suspended by a majority vote of Members of Council present and voting, and shall not be debatable or amendable.

In the event of a Meeting continuation, one hundred percent (100%) of vote of Members of Council present and voting is required and is not made herein and shall not be debatable or amendable

2.2 Parliamentary Authority

The governing legislation, the Procedural By-law, or any standing or special rules of order adopted by the Township of O'Connor shall govern the procedures of the Council. Where inconsistencies exist, the current edition of “Robert’s Rules of Order, latest Edition” shall be the parliamentary authority, which governs the proceedings of the Township of O'Connor.

2.3 Severability

If any provision or provisions of the By-law shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

3. COUNCIL MEETINGS

3.1 Inaugural Meeting of Council

The Inaugural Meeting of Council, following a regular election shall be considered the Council’s first Meeting and should be held on the 4th Monday of November of an election year at 6:30 p.m. and in any case no later than 31 days after its term commences.

The Inaugural Meeting of Council, following a by-election shall be held no later than 31 days after its term commences.

Members of Council will be provided with the general process of what an elected Member could expect. Distribution of Township documents, review of Councillor Code of Conduct, process of Council Meetings, overview of the budget process, banking and signing authority and any other matter the Administration may deem required.

3.2 Public Regular Meetings of Council

Public regular Meetings shall be held on the Second and Fourth Mondays of each month (with exception of Section 3.3 and Section 3.4) commencing at 7:00 p.m., at such place within the Township of O'Connor designated for such purpose by the Council and shall be held in accordance with the schedule of Meetings of Council and the Committees of Council as prepared by the Clerk.

3.3 Meetings – Holidays

When the Public Meeting scheduled for its regular day and time falls on a Statutory or civic holiday, in which case the Council shall meet at the same hour on the next following day, which is not a Statutory or civic holiday, unless otherwise provided by resolution of the Council.

3.4 July, August and December – Exception of Meetings

Notwithstanding the provisions of 3.2 and 3.3 of this By-law, there shall be one Meeting of Council in the month of July, August, and December, which shall be held on the second Monday of the month.

3.5 Notice – Public Meeting

Notice shall be given of all public meetings of the Council on the previous public agenda unless the day of the meeting is other than that provided under Section 3.1, 3.2, 3.3, 3.4.

Public notice of Meetings of Council will be posted on the Township of O'Connor website and included in the Township monthly newsletter.

Council may, by resolution, alter the date and/or time of a regular public meeting provided that notice of the change is posted on the bulletin board, in the Municipal Office and Community Centre and posted on the Township of O'Connor website.

3.6 Special Meetings

3.6.1 Special Meetings – Mayor/Acting Mayor

The Mayor/Acting Mayor may at any time call a special meeting of Council, by giving direction to the Clerk stating the date, time and purpose of the Special meeting.

3.6.2 Special Meetings – Members of Council

Upon receipt of the petition of the majority of the Members, the Clerk shall call a Special meeting for the purpose and at the date and time mentioned in the petition.

3.6.3 Notice – by Clerk

The Clerk shall give all Members notice of a Special meeting of Council at least twenty (24) hours before the time appointed for such meeting.

3.6.4 Delivery Notice

Notice may be given by delivering a notice personally to a Member(s), by leaving such notice at his/her residence or place of business, or by facsimile transmission to such residence or place of business, or by electronic mail to such place of resident or place of business, or by telephone, or electronic messaging.

3.6.5 Nature of Business – Notice

The written or verbal notice shall indicate the nature of the business to be considered, date, time and place of the Special meeting.

3.6.6 No Other Business

The only business to be dealt with at a special meeting is that listed in the notice of the special meeting.

3.6.7 Special Meeting Place

All Special meetings of Council shall be held at the location of the last regular meeting of Council, unless an alternative location is specified in the notice of meeting.

3.7 Emergency/Time Sensitive Meeting – Written Notice Not Required

Notwithstanding any other provision of the By-law, an Emergency meeting may be held, without written notice, to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk or her/his designate to notify the Members about the meeting as soon as possible and in the most expedient manner available.

3.8 Location – Council Meeting

All Council meetings shall be held within the Council Chambers located at 330 Highway 595, except where Council determines a larger area is required, the meeting shall be held at the O'Connor Community Centre. In the event of an Emergency being declared by the Head of Council or any other Lead Agency as identified within the "Emergency Management Act" within the confines of a declared emergency, where the Council Chambers is not accessible, the Council shall be asked to meet at an identified location accessible by all Members of Council.

3.9 Open to Public – Council – Committee – Exception

Meetings of the Council and its Ad Hoc Committees, shall be open to the public with the exception of those meetings as provided under Section 3.10 "Closed Meetings" and as provided under Section 239 (2, 3 and 3.1) of the Municipal Act of Ontario.

All Council meetings open to the public shall be recorded without note or comment on all resolutions, decisions and other proceedings and kept for archival purposes.

3.10 Closed Meetings

3.10.1 Closed Meeting – Meeting Subject Matter

A meeting or part of a meeting of the Council or its Ad Hoc committees may be closed to the public if the subject matter being considered is:

- a) The security of the property of the Township or local board;
- b) Personal matters about an identifiable individual, including Township or local board employees;

- c) A proposed or pending acquisition or disposition of land by the Township or local board;
- d) Labour relations or employee negotiations;
- e) Litigation or penitential litigation, including matters before administrative tribunals, affecting the Township 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 Township 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 Township or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) A trade secret or scientific, technical, commercial or financial information that belongs to the Township or local board and has monetary value or potential monetary value; or
- k) A position, plan, procedure, criterion or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Township or local board. 2001, c. 25, s 239 (2); 2017, c. 10, Sched. 1, s. 26;

Other Criteria

- l) A request under the Municipal Freedom of 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
- m) An ongoing investigation respecting the Township, 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 the Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Educational or Training Sessions

- n) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:
 - 1. The meeting is held for the purpose of educating or training the Members;
 - 2. At the meeting, no Members discuss or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

3.10.2 Closed Meeting – Resolution

Prior to holding a meeting, which is closed to the public, Council or the Committee shall pass a resolution stating the purpose of the holding of the closed meeting and include the general nature of the matter to be considered at the closed meeting.

3.10.3 Closed Meeting – Time

Closed meetings, if required, shall commence at the end of a regular Council Meeting except where the Chair, upon consultation with Members has determined otherwise.

3.10.4 Closed Meeting – Meeting Records

All meetings closed to the public shall be recorded without note or comment on all resolutions, decisions, and other proceedings and kept for archival purposes.

3.11 Confidential Matters

Members are to ensure that confidential matters disclosed to them during meetings closed to the public, are kept confidential. Any Member, who contravenes the confidentiality clause, may be subject, by majority of vote of the Council, to penalties in accordance to Section 6.7, Subsection 6.7.2 a) of the Procedural By-Law and of the adopted “Code of Conduct for Council Members”

3.12 Electronic Meetings

3.12.1 Electronic Meetings – General

A Member of Council or staff, may participate electronically in a Meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time and may vote as if they were attending the Meeting in person.

3.12.2 Electronic Meetings - Participation Consideration

While every effort shall be made by Members to attend meetings physically in person, during the following circumstances members of Council may participate by telephone or other electronic video teleconferencing means in a meeting to the extent and in the manner set out in this By-Law:

- a) It is not safe or possible to attend an in-person meeting due to a natural weather event;
- b) Health and safety restrictions as determined by the Clerk in consultation with the Mayor or the Township’s Municipal Emergency Control Group;
- c) Restrictions or guidelines set out by the Thunder Bay District Health Unit, the Ontario Provincial Police or the Province of Ontario;
- d) Medical absence;
- e) Travel on official Township business and/or personal or work-related business.

3.12.3 Electronic Meetings - Participation – Notice

Members of Council requesting to participate electronically in a meeting of Council shall notify the Clerk prior to the meeting. Deadline to request electronic participation will be determined by the Clerk on a case by case basis.

3.12.4 Electronic Meetings – Interruption of Communication

If there is an interruption in the communications link to any Member who is participating electronically, the Chair may;

- a) Decide on a short recess until it is determined whether or not the link can be re-established, or;

- b) Continue the meeting and treat the interruption in the same manner as if the Member who is physically present leaves the room.

3.13 Meeting – Continuation – Suspend the Rules

Should the Meeting of Council reach the hour of 10:30 p.m. local time, and Council wish to continue the ongoing meeting until additional items listed on the Agenda have been dealt with, a resolution extending the time shall be passed by unanimous vote (Section 2.2, General Provisions).

4. ROLES

4.1 Council

It is the role of Council to:

- a) Represent the public and to consider the well-being and interest of the Township;
- b) Develop and evaluate the policies and programs of the Township;
- c) Determine which services the Township provides;
- d) Ensure that administrative policies, practices, and procedures are in place to implement the decisions of Council;
- e) Ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- f) Maintain the financial integrity of the Township;
- g) Carry out the duties of Council under the Ontario Municipal Act or any other act.

4.1.1 Individual Authority – not provided

No individual Council Member may direct any member of staff to perform such duties that have not been authorized by resolution of the Council.

4.1.2 Established Policies – Members – respect

Members of Council shall respect and adhere to the Policies set by the Council and under no circumstances take it upon themselves individually to circumvent established policies.

4.1.3 Council – liaison with Clerk

Council Members will liaise with the Clerk on any given matter concerning the Township.

4.1.4 Information – by Staff – Members of Council

Council Members may request information from members of staff who have been assigned the responsibility of providing standard operating procedures.

4.1.5 Questions – Operational Concerns – Complaints

Questions or issues surrounding operational concerns or complaints, excluding basic issues covered in Section 4.1.4 shall be directed to the Clerk, who will then direct the question or issues to the appropriate department head.

4.2 Head of Council

It is the role of the Head of Council to:

- a) Act as Chief Executive Officer (CEO) of the Township;
- b) Preside over Council Meetings so that its business can be carried out efficiently and effectively;

- c) Provide leadership to the Council;
- d) Provide information and recommendations to the Council with respect to the role of Council as described in Section 4.1 (d) and (e) above (without limiting section 4.2 (c));
- e) Represent the Township at official functions;
- f) Carry out the duties of the Head of Council under this or any other Act;
- g) Uphold and promote the purposes of the Township;
- h) Promote public involvement in the Township's activities;
- i) Act as the representative of the Township both within and outside the Township, and promote the Township locally, nationally and internationally; and
- j) Participate in and foster activities that enhance the economic social and environmental, well-being of the Township and its residents.

In the case of the absence of the Head of Council, or if he/she refuses to act or the office is vacant, a Councillor shall be appointed as Head of Council, on a rotating alphabetical basis, based on the Councillor's last name, for each month of the year. He/she shall have all the powers and duties of the Head of Council.

4.3 Clerk

It is the role of the Clerk to:

- a) Exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township and the staff placed under her/his supervision;
- b) Perform such other duties as assigned by the Township;
- c) Record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- d) Record the name and vote of every Member voting on any matter or question, if required by any Member present at a vote;
- e) Keep the originals or copies of all By-laws and of all minutes of the proceedings of the Council;
- f) Perform the other duties required under the Ontario Municipal Act, the Municipal Elections Act, and any other Act;
- g) Perform such duties as are assigned by the Township.

4.3.1 Delegation – By Clerk

The Clerk may delegate in writing to any person, other than a Member of Council, any of the Clerk's powers and duties under this and any other Act.

Despite the delegation, the Clerk may continue to exercise the delegated powers and duties.

4.4 Municipal Administration – Department Heads – Employees

It is the role of Township Administration to:

- a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions.
- b) Undertake research and provide advice to Council on the policies and programs of the Township.
- c) Carry out other duties required under this or any Act and other duties assigned by the Township.

5. DUTIES

5.1 Council

5.1.1 Preparation of Members of Council Meetings

Members of Council shall come prepared to every meeting where their participation is required, by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, Members shall make inquiries to the Clerk regarding materials supplied in advance of the meeting.

5.1.2 Reports – Requests

At the direction of Council requests for a report shall be by Council resolution, which shall identify the appropriate Department Head and objective of the report.

5.2 Chair

5.2.1 Chair - Open Meeting – Call to Order

The Chair shall preside over the conduct of meetings, including the preservation of good order and decorum, ruling on points of order and deciding all questions related to the orderly procedure of the meeting, subject to an appeal to the Council or Committee, as the case may be.

5.2.2 Chair - Speakers – Recognized

The Chair shall recognize any Member of Council or Committee (as the case may be) who wishes to speak and determines the order of the speakers.

5.2.3 Chair - Motions – Received – Submitted – Results Announced

The Chair shall receive and submit in the proper manner, all motions presented by the Members and put to a vote all questions, which are duly moved, and to announce the result.

5.2.4 Chair – Participating – Introduction of a Motion and Debate

The Chair may speak and/or vote on any question, but if they wish to make a motion, they shall first leave the Chair by designating the Acting Mayor to Chair to act in their stead until such time as the motion(s) and any amending motion to the main question have been decided upon and after which they shall resume the Chair.

5.2.5 Chair - Debate – Enforcing the Rules – Restrains Members

It shall be the duty of the Chair to restrain the Members, within the rules and procedures when engaged in debate.

5.2.6 Chair - Decorum – Order – Enforced

It shall be the duty of the Chair to enforce on all occasions the observance of order and decorum among the Members.

5.2.7 Chair - By-laws – Resolutions – Minutes – Authentication

It shall be the duty of the Chair to authenticate, by her/his signature when necessary, all By-laws, resolutions and minutes approved by the Council.

5.2.7 a) Authentication – Refusal by Chair

In the event that the Chair refuses or is unable to authenticate any document as identified in Section 5.2.7, the Acting Chair shall have the authority to sign on her/his behalf.

6. CONDUCT DURING MEETINGS

6.1 Sovereign – Royal Family – To Be Respected

No Member shall speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor General, the Lieutenant Governor or any Provincial representative or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

6.2 Members of Council – Municipal Administration

No Member shall speak disrespectfully nor shall they use offensive words in or against Members of the Council or any Member thereof including Township Employees.

6.3 Decisions of Council – Criticized – Reconsideration

No Member shall criticize any decision of the Council except for the purpose of moving that the question be reconsidered.

6.4 Breach of Rules – Expel from Meeting

Members shall refrain from harmful conduct to the Township or its purposes. No Member shall breach the rules of the Council, or a decision of the Chair or of the Council as a whole on questions of order or practice, or upon the interpretation of the rules of Council; and in the case where a Member persists in any such breach after having been called to order by the Chair, the Chair may order that such Member leave her/his seat for the duration of the meeting of the Council; but if the Member apologizes, they shall be permitted to retake their seat.

6.5 Disorder of Meeting – Adjourn – Suspend – Recess Meeting

It shall be the duty of the Chair to adjourn the meeting without the question being put or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder arising in the meeting.

6.6 Power to Expel

The Chair may expel any person for improper conduct at a meeting.

6.7 Code of Ethic – Confidentiality

6.7.1 Executive – Closed Meetings - Subjects – Public Interest

Upon completion of any Closed Meetings, the decisions of the Council with respect to any of the enumerated items listed in Section 3.10.1; and direction to Township Administration in accordance therewith, shall then be reported publicly by Council, to the extent that the public interest permits.

6.7.2 Council Response – Closed Meeting – Enquires

The response of Council Members to enquiries about any matter dealt with during a Closed Meeting, prior to it being reported publicly, shall be “No Comment”, or words to that effect.

a) Violation of regulation

Any violation of process to this regulation will result in exclusion of the offending Council Member, requiring a majority vote, from future closed meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members of Council at a closed meeting.

b) Exclusion – Closed Meetings

The determination of whether or not a violation of process to the closed meeting provisions of this By-law and the length of the exclusion from closed meetings, if so determined, shall be made by Council at a closed meeting and the issues shall be considered by Council prior to the affected Member being excluded from any closed meeting by a majority vote. The results of Council's deliberation shall be reported out publicly.

c) Separate Resolution – Per Member

If the purported violation of the process to the closed meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.

d) Member Not Permitted to Vote

Notwithstanding Section 6.7.2 sub-section (c), the Member affected shall not be permitted to vote on a motion respecting his purported violation of the closed meeting provision of the Procedural By-law, his exclusion from closed meetings, or the length of any such exclusion.

e) Release of Information

The release of any information about matters dealt with by Council at a closed meeting shall be by the Mayor or her/his delegate only upon direction of the majority of Council.

f) Members – Expressing Personal Position

Notwithstanding Section 6.7.2 sub-section (b), unless Council by vote determines otherwise, upon the public disclosure of any report discussed at a Closed Meeting, any individual Member may express their own personal position on the item, but shall not refer to or discuss the specific positions or opinions (written or verbal) of other Members or of municipal administration.

g) No Public Release – Documents

Agendas or any items thereon for consideration by Council at a Closed Meeting shall not be released to the public.

h) Obligation – Confidentiality

It is the obligation of each Member of Council to keep information confidential and this obligation continues even after the Member ceases to be an elected Member of Council.

7. RULES OF DEBATE

7.1 Chair – Preserve Order

The Chair shall preserve order and decorum and decide questions of order subject to an appeal to the Council/Committee by any Member.

7.2 Addressing the Chair

Any Member, previous to speaking on any motion, shall indicate their desire to speak by raised hand and shall not rise to speak until recognized by the Chair.

7.3 Order – Of Speaking – Determination

The Chair shall recognize the Members in the order they indicated their desire to speak.

7.4 Voting – Members – Seated – Disturbance – Prohibited

When the Chair calls for the vote on a motion, each Member shall occupy their seat and shall remain there until the Chair has declared the result of the vote, and during such time, no Members shall walk across the room to speak to any other Members or make any noise or disturbance.

7.5 Speaking – Interruption

When a Member is speaking, no Member shall pass between the speaker and the Chair or interrupt the speaker except to raise a question of privilege, appeal from the decision of the Chair or raise a point of order.

7.6 Point of Order – Inform Members

It shall be the duty of the Chair to inform the Members on any point of order.

7.7 Speaking – Subject of Debate

No Member shall speak on any subject other than the subject that is currently being debated.

7.8 Speaking – Motion Read – Upon Request

Any Member may require a motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.

7.9 Speaking – Duration – Time Limit

No Member of Council shall speak more than once to the main question and no longer than three (3) minutes on any question, except in explanation of a material part of her/his debate, which may have been misunderstood, but they may not introduce new matter. A right of reply may be allowed to a Member who has made a substantive motion to Council, and no Member shall speak to the same question or in reply, without permission of Council.

7.9.1 Speaking – Duration – Council Committee – Representative

Members of Council who wish to provide brief remarks on matters relating to an Ad-Hoc Committee to which they have been appointed, shall at the appropriate time

within the Agenda and upon recognition by the Chair speak no more than three (3) minutes on the matter. There shall be no debate on the information provided.

7.10 Question – Motion Under Discussion – Through the Chair

A Member may concisely ask a question through the Chair only for the purpose of obtaining information relating to the motion under discussion.

7.11 Question – Integrity of Employees

A Member, while asking questions through the Chair, shall at no time, put into question a municipal employee's personal or professional integrity.

7.12 Motion – Seconded – Before Debate

All motions shall be seconded before it is debated and voted on.

8. ORDER OF BUSINESS – AGENDA

8.1 Agenda – Content

The Business of the Council shall in all cases, be taken up in the following order, once the Chair has brought the meeting to order, unless otherwise decided by a majority vote of Members present and voting.

- a) Call to order
- b) Adoption of Agenda (Additions, Deletions or Amendments)
- c) Disclosure of pecuniary interest and the general nature thereof
- d) Adoption of Minutes of previous meeting
- e) Visitors and Deputations
- f) Municipal Department Heads (on request)
- g) Administration and Roads Voucher
- h) Statement of Revenue and Expenditure Report
- i) By-laws and Policies
- j) Consent Applications
- k) Tenders and Quotes (if any)
- l) Resolutions for Endorsement
- m) Correspondence
- n) Old Business
- o) New Business
- p) Issues brought forward or letters received after agenda was mailed.
- q) Information purposes: Building permits approved.
- r) Closed Portion, if required
- s) Open Meeting
- t) Next Public Meeting dates
- u) Adjournment

8.2 Order of Business

The business of Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council and any items listed in the agenda which have not been disposed of shall be placed on a subsequent agenda unless removed from the order of business by leave of Council.

8.3 Delivery of Agenda

The Clerk shall deliver or cause the agenda to be delivered the Friday prior to the regular meeting date. The Agenda will also be made available on the Township's website.

9. QUORUM

9.1 Call to Order – Quorum Present

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

9.2 Quorum

A majority of the Members elected shall constitute a quorum.

9.3 Quorum – Not Present – Time Limit

If there should be no quorum present within fifteen (15) minutes after the time fixed for holding the meeting of the Council, the Mayor shall call the roll and the Clerk shall take down the names of the Members present.

9.3.1 Permitted Motion – No Quorum

Should there be no quorum at a duly called meeting, **one** of the following three motions can be legally called:

a) Motion to Adjourn

By calling this motion, all matters listed on the Agenda shall be brought forward at the next regularly scheduled meeting.

b) Motion to Recess

The Chair may call for a recess and request that the Members missing be called to inquire as to their attendance.

c) Motion to Set the Time to Which to Re-Adjourn the Meeting

The Chair may request to re-set the meeting to another date and time set before the next regular meeting to deal with matters listed on the Agenda.

d) There can be no other motion that would advance the business of the Township or Committee legally permitted.

9.4 Head of Council – Unexpected Absence from Meeting

In the case of the Head of Council not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the Acting Mayor shall take the Chair and call the Members to Order; and she/he shall preside until the arrival of the Mayor.

9.5 Quorum – Municipal Conflict of Interest – Remedy for Lack

Where the number of Members who, by reason of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, then despite any other general Special Act, the remaining number of Members shall be deemed to constitute a quorum, provided that such a number is not less than two (2).

10. MINUTES

10.1 Contents – Record by Clerk

The Clerk shall prepare and cause the minutes to be taken of each meeting of Council and which shall include:

- a) The place, date and time of the Meeting.
- b) The name of the presiding officer or officers and the record of the attendance of the Members.
- c) Members who enter after the commencement of a meeting or leave prior to adjournment, the time shall be so noted in the minutes.
- d) To record, without note or comment, all resolutions, decisions and other proceedings of the Council.
- e) To record all publicly declared conflict of interest made by Members and identify that the Member has recused itself from discussion or vote on the declared matter when the subject matter is brought up for debate.
- f) If required by any Members present at a vote, to record the name and vote of every Member voting on any matter or question.

10.2 Included in Agenda

Minutes of the last regular meeting of Council and of all Special or Emergency Council meetings held subsequent to the last regular meeting, shall be included in the agenda and may be adopted by Council without having been publicly read at the meeting at which the question of their adoption is considered. By prior distribution of the minutes to all Members, it is understood that the minutes have been read.

10.2.1 Minutes of Special Meetings

Should a Special meeting be held during or after final preparations of an agenda for an upcoming regular meeting, the minutes of those special meetings shall be scheduled at the next regularly scheduled meeting.

10.3 Minutes – Closed Meeting

Minutes of Closed Meetings shall be adopted at the next Closed Meeting held by Council.

10.4 Minutes – Confirmation – Signing

Once the minutes have been adopted, they shall be signed by the Chair and the Clerk.

11. PRESENTATIONS / DELEGATIONS / DEPUTATIONS

11.1 Heard – Request Submitted – Deadline – Items on Agenda

Persons desiring to address Council for the purpose of making a verbal presentation with respect to items for Council consideration that fall under the Council's mandate shall be heard at the Council meeting, with those delegations having submitted their request in writing to the Clerk not less than forty-eight (48) hours preceding the meeting of Council, being heard first, in the order in which such requests are received by the Clerk.

11.2 Material – Written – Submitted for Council – Deadline

Where possible, written material to be distributed to Council shall be submitted to the Clerk prior to the commencement of the meeting of Council and the notice shall specify clearly the business to be presented, who the spokesperson(s) shall be and the date at which the delegation wishes to be entertained.

11.3 Presentation Defined

A request made for a presentation may be made by the Council to an individual, group or organization or to the Council by individuals, groups or organizations for matters that fall under the Council's mandate. Should the request for presentation be made where it requires, that the Council take action, the request shall be made under "Delegations".

11.3.1 Presentations – Ceremonial or Financial Statements

Presentation of a ceremonial nature or the annual presentation of Consolidated Financial Statements by the Township Auditor shall be heard at the beginning of a Council meeting, immediately following the adoption of minutes.

11.3.2 Presentation – Time Limit

Council shall hear any presentation for information purposes only, and presentations shall be limited to a maximum of ten (10) minutes.

- a) Exceptions of the ten (10) minute time frame are provided for the presentation of the Township of O'Connor's Consolidated Financial Statements by the Township Auditor.
- b) Exceptions of the ten (10) minutes time frame is provided when determined by the Clerk.
- c) Spokesperson – presentation and/or delegation.

An organized body wishing to address Council as a presentation and/or delegation, regardless of the number of spokespersons shall be limited to a maximum of ten (10) minutes.

11.3.3 Restrictions and Permission

Presentation and/or Delegations shall not be permitted to appear before Council for the sole purpose of generating publicity for an event, or to promote their business.

- a) Number of Presentations and/or Delegations – Meetings

On any given scheduled Council meeting, there shall be a maximum of three (3) combined presentation(s) and/or delegation(s) permitted to speak for a maximum time allotment of 30 minutes, divided amongst the presenters.

- b) Time Schedule – Questions

Council Members shall be permitted a question period for each presentation and/or delegation of a maximum five (5) minutes.

11.4 Delegations – Time Limit

Persons desiring to address Council as a delegation at a meeting of Council, except as a delegation at a public meeting pursuant to the provisions of the Planning Act, shall be permitted to speak on a matter only once and be limited to speak for no more than five (5) minutes.

11.4.1 Extension – Five Minutes

A five (5) minute extension to speak may be decided, without debate, by a vote of a majority of Council/Committee Members present and voting.

11.4.2 Group Delegation

Where the delegation consists of a group of three or more persons, the group may address the Council/Committee for no more than ten (10) minutes.

11.5 Questions – To Delegation

Members shall be permitted to ask questions of delegates but shall not make statements nor enter into debate with such persons.

11.6 Deemed – Inappropriate for Council

When it is deemed inappropriate that a delegation address Council, the Clerk shall so notify the delegation and Council with a supporting explanation. Such written explanation shall be delivered with the Agenda and the Council, if it so wishes to hear the delegation, shall, by majority vote of the Council Members present and voting, introduce a motion to suspend the rules (see Section 2.1) to allow the delegation to be heard.

11.7 Statements – Unsubstantiated

Whenever a delegation in its deputation, offers comments or statements that are deemed to be erroneous and unsubstantiated, any Member of Council or Administrative Staff may be recognized by the Chair on a "Point of Order" whereby the Members of Council or Administrative Staff so recognized by the Chair may bring necessary corrections or clarifications to the comments or statement said by the delegation.

12. BY-LAWS

12.1 Description – Number of Readings – Listed on Agenda

All By-laws, together with a brief description shall be listed on the agenda for the meeting at which they are to be read.

12.2 Form – Typewritten – Compliance – Relevant Act

Every By-law when introduced shall be in typewritten form and shall comply with the provisions of any relevant Act.

12.3 Reading – Prior to Passing

Every By-law caption shall be read prior to it being passed and endorsed by the Council.

12.4 Purpose – Effect – Explained Upon Request

Any Member may request that the purpose and effect of any particular By-law be explained, and the Clerk or any other staff having knowledge thereof may provide explanation.

12.5 Debate – Amendment

A By-law may be debated or amended before final adoption by Council.

12.6 Passed – Numbered – Dated – Signed -Seal Affixed

Every By-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Township and signed by the Chair and Clerk and shall be kept by the Clerk in any place appointed for that purpose.

13. RESOLUTIONS / NOTICE OF MOTION

13.1 Resolutions – Consecutively Separately

All resolutions presented to the Council shall be consecutively numbered, on a per meeting basis.

13.2 Notice of Motion – Requirements

A Member may introduce a notice of motion at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a written copy of the motion, signed by the mover and seconder, to the Clerk.

13.2.1 Notice of Motion - Introduced and Filed

When a Notice of Motion has been introduced and filed with the Clerk at an ongoing meeting, the Clerk, after determining that the motion falls within the scope of a notice of motion, shall read the motion at the appropriate time through the Agenda and shall record the Notice in the minutes.

13.2.2 Member of the Administration - Introduce a Notice of Motion

A Member of the Administration may introduce a Notice of Motion, where it is deemed necessary to amend current policies. There is no requirement for a mover or seconder.

13.3 Notice – Received by Clerk – Included in Agenda

Notice of Motions, which have been included to the printed portion of an Agenda and introduced at a public meeting of Council shall not be debated and shall be recorded on the next regular meeting of Council under the heading “Resolutions for Endorsement”

13.4 Notice of Motion – Delivered

To be included to the printed portion of an Agenda, Notice of Motions may also be delivered to the Clerk prior to the Council Meeting. Deadline for request for motion will be determined by the Clerk on a case by case basis.

13.5 Consideration – Disposal – Deferred to Other Meeting – Mover Absent

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.

13.6 Seconded – By Any Member – Not in Attendance

Should the seconder of the original submission of the Notice of Motion be absent from the meeting when the Chair calls for the Notice of Motion, any Member may second the Notice of Motion.

14. REPORTS / COMMUNICATION

14.1 Written – Legible – Signed

Every administrative report to be presented to the Council shall be prepared under the approved Agenda, with an identifiable recommendation, and shall be signed by the author of the report.

14.2 Deadline – Material Submitted to Clerk

Every report, which deals with a matter on the Agenda, shall be delivered to the Clerk preceding the date of the next regular meeting, in order to be included on the final Agenda.

14.3 Tender – Quotation – Request for Proposal (RFP) – Reports

All reports identified as tenders, quotations or requests for proposals shall be presented under a heading “Tenders and Quotes” and shall be dealt with individually.

15. DISCLOSURE OF INTEREST

15.1 Disclosing – Members Responsibility

All Members shall govern themselves at any meeting in accordance with the current legislation respecting any disclosure of interest they may have in accordance to the “Conflict of Interest Act”. It is further the responsibility of all Members to identify and publicly disclose any interest.

15.2 Disclosing – No Influencing

The Members shall disclose the interest including the general nature thereof, prior to any consideration of the matter and shall not take part (with the exceptions as noted under Sec 5.2 (2) of the “Conflict of Interest Act” in the discussion of, or vote on any question in respect of the matter and shall not attempt in any way whether before, during or after the meeting to influence the voting on any such questions.

15.3 Members – Leaving of Meeting – Closed Meeting

Where the meeting is not open to the public, the Member shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.

15.4 Members – Absent from Meeting

Where a Member is absent from a meeting, which includes a matter on which they have an interest, the Member shall disclose this interest at the next public meeting they attend.

15.5 Declaration – Recorded – Minutes

The declaration of interest shall be provided in a written statement to the Clerk or the Secretary of Committee or local board (as the case may be) and shall be recorded in the minutes or report of meeting and where the meeting was opened to the public, the general nature of such declaration.

15.6 Declaration – Record – Meeting Closed to the Public

Where the declaration of interest is made on a matter that is not open to the public, the Members shall provide in a written statement to the Clerk or the Secretary of Committee or local board (as the case may be), declare the interest, but not the general nature of that interest and shall be recorded in the minutes of the next meeting that is open to the public.

15.7 Maintaining Registry

A Registry shall be kept by the Clerk on every written statement made by Members of the general nature of the declared interest, the Registry shall be available for public inspection.

16. BOARDS, AD-HOC COMMITTEES AND SPECIAL COMMITTEES

16.1 Appointment – Chair

Members of the Committee shall appoint the Chair and Vice-Chair.

16.2 Boards

16.2.1 Boards – Appointment

At the start of every new term of Council, the Head of Council, in consultation with elected Members of Council, shall determine and appoint individual Councils to sit on various Boards as a representative of Council. The appointments shall be endorsed by By-law.

16.2.2 Boards – Change in Membership

Occasionally throughout the mandate of a current term of Council, the need may arise where a change of Members of Council is required. Any change shall be reported to the Head of Council, who shall have the authority to recommend an alternate Member of Council to the Board.

16.2Ad Hoc Committee

16.3.1 Ad Hoc Committee – Appointment

Council may at any time, appoint an Advisory or Ad Hoc Committee to enquire into and report on any matter specific to one subject matter and that is not of a continuous nature.

16.3.2 Reports – Ad Hoc Committees of Council

Members appointed by the Council to sit on an Advisory or Ad Hoc Committee shall file their final report to the Members of the Council for debate and final resolution.

16.3.3 Ad Hoc Committee Mandate

Each Committee shall be given a clear mandate and well-defined terms of reference which will include among other things, the composition, reporting relationship, resources available to the Committee and, if required, a defined time frame.

16.3.4 Discharging of Ad Hoc Committee

Once the Committee has filed its report with the Council and Members have dealt with the matter referred to the Advisory or Ad Hoc Committee, on presentation of its final report to the Members of Council, it automatically ceases to exist.

16.3 Special Committee – Appointment

At the start of every new term of Council, the Head of Council, in consultation with elected Members of Council, shall determine and appoint individual Council Members to sit on various Special Committees as a representative of Council. The appointments shall be endorsed by By-law.

16.4.1 Special Committee – Procedures

All Committees, recognized as a Special Committee of Council through By-law and where a Member of Council sits on the Committee, shall conduct their meetings in accordance to the adopted “Procedures” By-law governing Members of Council.

16.4.2 Special Committee – Change in Membership

Occasionally throughout the mandate of a current term of Council, the need may arise where a change of Members of Council is required. Any change shall be reported to the Head of Council, who shall have the authority to recommend an alternate Member of Council to the Committee.

17. GENERAL RULES / ALL COUNCIL COMMITTEES

17.1 Committees – Defined

Committees of Council shall be defined as meeting all of the following criteria:

- a) Committee must be appointed by Council in accordance with its Procedural By-law;
- b) Committee shall report to and/or be responsible to Council as a governing body; and
- c) Committee must be part of the Township's budget with finances subject to the Township policies (i.e.) not an outside body with its own bank account, purchasing policies etc.

17.2 Committee Appointments of Members of Council

Members of Council shall be selected to sit on various Boards and Committees of Council by the Head of Council and appointed by By-law at its Inaugural meeting held at the beginning of a new term of office. Appointments shall be for the term of Council unless the By-law specifies a shorter time and where a re-appointment may be made.

17.3 Appointment – Committees

Committees of Council may be appointed by the Council or by the Mayor with approval of Council, at any time of the year as deemed necessary for consideration to a special matter(s).

Upon the appointment of a Committee, Administration will be directed to prepare the draft term of reference necessary for the Committee to understand its mandate and begin its work.

17.4 Lay Appointments – Committees

Appointments to any Committee, from non-council Members, shall be made following these criteria:

- a) Public notice soliciting individual applications from citizens of the community shall be conducted;
- b) All applications shall then be presented to Council during a meeting that is closed to the public for endorsement;
- c) Following approval by Members of Council, a By-law detailing the appointments, shall be presented at a public meeting for final approval.

17.5 Mayor – Ex-officio

The Mayor shall be an ex-officio Member of all Council Committees, and may vote on all questions before the Committee, but shall not be counted in the formation of a quorum.

17.6 Majority – Quorum

A majority (50% +1) of all Members of a Committee shall constitute a quorum.

17.7 Members – May Attend – No Vote

Members of the Council may attend and participate in the discussion or debate at any Committee Meeting, but shall not be disruptive or allowed to vote unless they are Members appointed by the Council to that Committee.

17.8 Appointment – Other Members – Due to Illness – Absence

Should a Member of Council, appointed to a Committee, be unable to attend the meeting of such Committee due to illness or absent from the community, the Council may appoint another Member to act in its stead and the Member so appointed shall be deemed to be a Member of the Committee and entitled to act thereon only during such illness or absence.

17.9 Neglect – Calling of Meeting

Should a Chairperson of any Committee neglect or refuse to call a meeting of its Committee at such time or with such frequency as the proper dispatch of the business entrusted to the Committee requires, or do the business of the Committee without the knowledge or consent of the majority of its Members, per contrary to their wishes or approved recommendations, the Committee may report such neglect, refusal or action to the Council who may remove said Chairperson from the Committee and appoint another Member in its place.

17.10 Members – Not Attending – Removal

Should any Member or Members of a Committee neglect or refuse to attend the properly summoned meetings of their Committees, the Chairperson shall report such neglect or refusal to the Council who may remove the said Member or Members of their place; or should any Committee neglect or refuse to give due attention to all business or matter before them, the Council may, by resolution discharge such Committee and appoint another in its stead.

17.11 Absence – Chairperson

In the absence of the Chairperson, the Vice-Chairperson shall preside, and in the absence of both the Chairperson and the Vice-Chairperson, one of the other Members shall be elected to preside pro-temp, who shall discharge the duties of the Chairperson during the meeting or until the arrival of the Chairperson.

17.12 Committee Matters – Referred to Council

No order or authority to do any matter or thing shall be recognized as emanating from any Committee, and all Committee matters shall be referred to the Council and approved before becoming effective.

18. NEW BUSINESS / OLD BUSINESS

18.1 Old Business – Index – Pending List

All matters brought forward to Members of Council for consideration and that have not been disposed of or that has been referred or committed to a future date for consideration, shall be indicated as Old Business on a relevant agenda.

18.2 New Business – Routine Nature

Any item of business that is of a routine nature that has been introduced to Members of Council requiring a formal resolution that was not previously placed on the Agenda shall be considered as a New Business motion.

18.3 New Business – Voted on Individually

All New Business motions may be debated and shall be voted on individually.

18.4 Further New Business – Non-Routine – Notice of Motion

Further New Business motions that are not of a routine matter, shall be received and read as a “Notice of Motion” and re-introduced at the next regular meeting of

Council under "Resolution for Endorsement", such as but not limited to expenditures, changes policy etc.

18.5 Further New Business – Introduced – Regular Meeting

Motions of further New Business nature may be filed with the Clerk during the regular meeting of Council and shall be read during the New Business section of the Agenda. The mover of the motion shall provide copies of the proposed New Business motion to all Members of Council prior to the meeting at which the motion is being introduced.

18.6 Matters Not Under Council Jurisdiction

Any matter not considered, to be matters under the Council's jurisdiction, after consultation with the Mayor and Clerk shall not be accepted.

19. VOTING

19.1 Chair Need Not Vote

The Chair shall vote as any other Member when the vote is to be recorded. In all other cases, the Chair, shall vote whenever his vote will affect the result.

19.2 All Questions – Exception – Disqualified

Every Member present at a meeting, with the exception to Section 19.1, when a question is put, may vote thereon unless disqualified to vote on the question.

19.3 Failure to Vote – Recorded - Deemed Negative

Failure to vote by a Member present at the meeting at the time of the recorded vote and who is not disqualified to vote shall be deemed to be a negative vote.

19.4 Motion – Simple Majority – Required Exception

The vote required to pass a motion shall be the majority except as otherwise proved in this by-law or by Statute or by Robert's Rules of Order, latest Edition.

19.5 Equal – Motion Deemed Negative

In the case of an equal division of votes on a motion, the motion shall be deemed to have been decided in the negative and defeated for want of a majority.

19.6 Show of Hands – Exception – Recorded Vote

The manner of determining the desire of the Council on a motion shall be by show of hands. If a Member makes no show of hand his vote is considered as in favour of the motion.

19.7 Record – By Request – Vote Announced Openly

Where a vote is taken for any purpose and a Member requests' immediately prior 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, shall announce her/his 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.

19.8 Division – Separate Vote – Each Proposal

At the request of a Member of Council, a motion containing distinct proposals that can be acted upon individually may be divided, and a separate vote shall be taken upon each individual proposal.

19.8.1 When Separation of a Motion Not Permitted

When a request is made to vote on a motion containing several parts, where the parts are not able to stand alone if voted on, **shall** not be separated, **without a motion** approved by a majority of the Members, present and voting, has been introduced.

19.9 Chair Stating the Question

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced.

19.10 Announcing – Results

The Chair shall announce the result of every vote.

20. RESIGNATION / MEMBERS / VACANCIES

20.1 Resignation – File in Writing – Clerk

A Member of Council may resign from office by providing a written notice, filed with the Clerk of the Corporation within which they were elected, subject to the provisions under Section 260 of the Ontario Municipal Act.

20.2 Filling Vacancy

If a vacancy occurs in the office of a Member of Council, the Council shall, subject to Section 263 of the Ontario Municipal Act., fill the vacancy.

20.3 Appointments to Vacancies

Subject to Section 263 of the Ontario Municipal Act, where a vacancy occurs amongst a seat of the Mayor and/or Councillor, the Council at a special meeting called for that purpose, shall select the manner in which they wish to fill the vacancy.

20.4 Appointment to a Vacancy – Position of Mayor

- a) Fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) Require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996; or
- c) Appoint amongst the current Members of Council to fill the vacancy of the Mayor's position.

20.5 Appointment to Vacancy – Position of Councillor

- a) Fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) Require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996; or
- c) Appoint the first non-elected candidate for the position of Councillor during its last municipal election to fill the vacancy, subject to conditions in accordance to the Municipal Elections Act, 1996.

20.6 Members – Not Attending – Removal

The Office of any Member of Council of the municipality becomes vacant if the Member is absent from the meetings of Council for three (3) successive months, without being authorized to do so by a resolution of Council.

20.7 By-laws – Previous

By-law 2002-22 and all adhering amendments are hereby repealed.

ENACTED AND PASSED THIS 21st DAY of DECEMBER 2020.

The Corporation of the
Township of O'Connor

J. Vezina

Mayor

Lorna Buob

Clerk-Treasurer

AS AMENDED BY BY-LAW NUMBER 2021-05, JANUARY 11, 2021