

**The Corporation of the  
Township of Smith-Ennismore-Lakefield**

**By-law 2011-043  
Procedure By-law**

**Being a By-law  
To Govern the Proceedings of  
Council and Committees of the  
Corporation of the Township of Smith-Ennismore-Lakefield**

**Whereas** pursuant to Section 238 of the Municipal Act, 2001, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**Now Therefore** the Council of the Corporation of the Township of Smith-Ennismore Lakefield **Enacts** as follows;

**Definitions**

1. In this By-law:
  - a) "Abstain" means a member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter, and in such cases in abstention shall be deemed as a negative vote.
  - b) "Clerk" means the Clerk of the Corporation of the Township of Smith-Ennismore-Lakefield.
  - c) "Committee" means any advisory or other Committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards. A local board does not include police services boards or public library boards (Municipal Act, Sect. 238. (1)).
  - d) "Council" means the Council of the Corporation of the Township of Smith-Ennismore-Lakefield.
  - e) "Head of Council" means the Reeve of the Corporation of the Township of Smith-Ennismore-Lakefield.
  - f) "Meeting" means any regular, special, committee or other meeting of a council, or of a local board or of a committee of either of them.
  - g) "Pecuniary Interest" means a direct or indirect pecuniary interest of a member of Council within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, as amended.
  - h) "Presiding Officer" means the member of Council who, as determined under Section 12, 13 or 16 of this By-law, is responsible to preside over or act as the Chairperson of a meeting.
  - g) "Point of Order" means an issue or concern regarding conformity to this By-law and/or the rules of order of Council, difficulty in continuation of a meeting, improper, offensive or abusive language, notice that discussion is outside the scope of a motion or notice of motion, or irregularities in the proceedings.
  - h) "Point of Privilege" means a concern about the honour, dignity, character, rights or professionalism of the Reeve, Members of Council or members of staff.

## General

2. 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 in the Council and in the Committees appointed by Council and in any case which provision is not made herein, the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.
3. The use of tape recorders or television cameras to record the proceedings of the meetings shall be prohibited unless express permission is granted by resolution of Council passed by a simple majority.

## Council Meetings – Start Times and Public Notice of Meetings

4. Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purpose. The Inaugural meeting of Council shall take place at 3:00 pm on the 1<sup>st</sup> Tuesday in December following the election. The next and each succeeding regular meeting of Council shall generally be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, save and except the months of July, August and December when one meeting will be held in each month. The Clerk shall prepare a report for Council in December of each year identifying the following year's meeting dates. These meeting dates shall be adopted by a resolution of Council.
  - a) **Meetings - Start Time**
    - i) 2<sup>nd</sup> Tuesday meeting shall commence at 5:00 pm
    - ii) 4<sup>th</sup> Tuesday meetings shall commence at 7:00 pm
    - iii) Where there is one meeting in the month the meeting shall commence at 7:00 pm.
  - b) **Meetings – Closed Session Matters – Start Time**
    - i) 2<sup>nd</sup> Tuesday meeting – Closed session matters (*Municipal Act Section 239 (2) and (3)*) will be dealt with at the end of the meeting
    - ii) 4<sup>th</sup> Tuesday meeting - Notwithstanding Section 4. a) ii) the Council meeting can commence as early as 6:30 pm to discuss closed session matters, in accordance with Section 239 (2) and (3) of the Municipal Act.
  - c) **Public Notice of Meetings**

Notice of all public meetings of Council, a local Board or a Committee of either of them shall be made by means of posting the information on the Township's website a minimum of twenty four (24) hours in advance. In the event of a special meeting, the information would be placed on the Township's website and if deemed appropriate by the Clerk, or requested by Council, a notice will also be placed in the local paper and/or broadcasted on a local radio station. The term 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.

(Municipal Act, Sect. 238 (2.1))

## Public or Civic Holidays

5. 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.

## Cancelling and Rescheduling Meetings

6. Council may, by resolution passed at a regular meeting, cancel a scheduled regular meeting or reschedule a regular meeting to another date and may hold a meeting at another location other than the Council Chambers.

## **Special Meetings**

7. The Head of Council may at any time summon a special meeting of Council on 48 hours notice to the Members 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*)
8. Forty eight hours notice of all special meetings of Council shall be given to the Members, either verbally or written, through the Clerk's Office.
9. The only business to be dealt with at a special meeting is that which is listed in the notice of meeting.
10. In the event of an emergency, as determined by the Head of Council, a meeting may be called at any time.

## **Appointment of Acting Head of Council**

11. In the case of the absence of the Reeve from the Municipality, or if the Reeve is absent through illness, or refuses to act or that office is vacant, the Deputy Reeve shall act from time to time in the place and stead of the Head of Council and while so acting shall have all the rights, powers and authority of the Head of Council.

## **Presiding Officer**

12. The Head of Council, except where otherwise provided, shall preside at all meetings of Council. (*Municipal Act. S.241(1)*)
13. In the absence of the Head of Council, the Acting Head of Council shall be the Presiding Officer.

## **Calling of Meeting to Order and Quorum**

14. A majority of the whole number of members required to constitute a Council is necessary to form a quorum. (*Municipal Act S.237(1)*)
15. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.

## **Absence of Presiding Officer**

16. 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 by resolution 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*)

## **No Quorum**

17. If no quorum is present fifteen (15) 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. The members present shall be entitled to remuneration as approved from time to time.

## **Curfew**

### **18. Council meetings – 5 pm start**

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 8:00 pm unless the time for adjournment is extended by resolution of Council passed by simple majority. In such case, the extension shall provide for an additional 30 minutes to deal with the business of Council, i.e. the meeting shall be extended to 8:30 pm. Any further extension of curfew shall require a resolution of Council passed unanimously.

### **Council meetings – 7 pm start**

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 10:00 pm unless the time for adjournment is extended by resolution of Council passed by simple majority. In such case, the extension shall provide for an additional 30 minutes to deal with the business of Council, i.e. the meeting shall be extended to 10:30 pm. Any further extension of curfew shall require a resolution of Council passed unanimously.

## **The Conduct of Proceedings at a Meeting of Council**

### **19. 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 announce the business before the Council in the order in which it is to be acted upon;
- c) to inform any public present at the meeting regarding the provisions with respect to Section 25 under the Heading "Deputations" and other rules of conduct in connection with the operation of the meeting;
- d) to receive and submit in the proper manner all motions presented by members of Council;
- e) 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;
- f) to decline to put to vote motions which infringe upon the rules of procedure;
- g) to restrain the Members within the rules of order when engaged in debate;
- h) to enforce on all occasions the observance of order and decorum among the members;
- i) 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;
- j) to receive all messages and other communications and announce them to the Council, provided that no message or communication shall be received unless it states the name of author and the author's address is disclosed;
- k) to authenticate, by his/her signature when necessary, all By-laws, resolutions and minutes of the Council;
- l) to inform the Council when necessary or when referred to for the purpose, on a point or usage;
- m) to represent and support the Council declaring its will, and implicitly obeying its decisions in all things;

- n) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;
  - o) to adjourn the meeting when the business is concluded;
  - p) to adjourn the meeting without questions being put in the case of grave disorder arising in the Council Chamber.
20. The Head of Council or other Presiding Officer may expel any person for improper conduct at a meeting. (*Municipal Act S.241(2)*)

### **Agenda**

21. 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:
- a) Declaration of Pecuniary Interest and the General Nature Thereof
  - b) Minutes – Open and Closed Session
  - c) Deputations and/or Invited Persons and/or Public Meetings
  - d) Question Period
  - e) Municipal Officer's & Staff Reports – Direction
  - f) Consent Items  
*" All matters listed under Consent Items are considered to be routine, housekeeping, information or non-controversial in nature and to facilitate Council's consideration can be approved by one motion".*
  - g) Petitions
  - h) Other, New & Unfinished Business
  - i) By-laws
  - j) Adjournment

### **Agenda Material and Order of Business**

22. Agenda Material and Order of Business
- a) All material to be included in the agenda, including Closed Session matters, shall be delivered to the Clerk not later than 4:30 pm, 6 days previous to the meeting.
  - b) The business of Council, subject to 19 (b), shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Head of Council.
  - c) Consent Items – items to be considered for the Consent portion of the agenda shall be determined by the Clerk in consultation with the Management Committee. Matters selected for Consent Items are to be routine, housekeeping, information or non-controversial in nature.
    - i) If Council wishes to comment or seek clarification on a specific matter noted in the list of Consent Items, the member is asked to identify the item and clarification or comment will be provided or made. An item (s) requiring more than clarification or comment will be extracted and moved to the Other, New and Unfinished Business section of the agenda. The Consent Items, exclusive of extracted items where applicable, can be approved in one resolution.
    - ii) Matters listed under Consent Items shall include an explanatory note as follows:  
*" All matters listed under Consent Items are considered to be routine, housekeeping, information or non-controversial in nature and to facilitate Council's consideration can be approved by one motion".*
    - iii) Consent Items will include:

- Municipal Officer's & Staff Reports – Information, Housekeeping and Non Controversial
- Correspondence – Direction and Information  
A Correspondence Report will be prepared and included in the Consent Items section of the agenda. The report will be divided into two sections as follows, Correspondence for Direction and Correspondence for Information. Where possible each item of correspondence for direction will have a staff recommendation included.
- Peterborough County Report
- Committee Reports

d) Other, New & Unfinished Business – The following matters may be raised under Other, New and Unfinished Business

- Items separated from the list of Consent Items.
- Staff may raise matters requiring decision only if there is critical time sensitivity to the matter and where appropriate information is available to Council for consideration.
- Council members raising a matter that require staff recommendations and/or decision shall be referred to a subsequent agenda to permit proper research and reporting.
- Council and staff are permitted to provide a brief note on an information item.
- Notice of Motion - When a member wishes to present a Notice of Motion, the rules governing the procedure shall be observed as follows:
  - i) A Council member desiring to introduce a motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion to the Clerk not later than 6 days preceding the regular meeting of Council at which notice of the motion is to be given.
  - ii) The Clerk, upon receipt of a Notice of Motion, shall include the motion for Council's consideration in the agenda for the next regular meeting of the Council.
  - iii) A Notice of Motion in accordance with 22. d) i) and ii) may be considered or otherwise disposed of by Council at the regular meeting at which it is first introduced. Should the Notice of Motion require further research and reporting, the matter will be brought forward to a subsequent meeting to allow for Council to give due consideration the matter. In the event that the Notice of Motion does not receive a seconder the Notice of Motion cannot be re-introduced at a subsequent meeting for a minimum of twelve (12) months.
  - iv) A Council member desiring to introduce a Notice of Motion at a meeting may introduce the matter at a meeting under New, Other and Unfinished Business. The matter will not be discussed by Council at the meeting it was introduced and does not require a mover or seconder. The Notice of Motion will be placed on the next regular Council agenda by the Clerk.

## Minutes

23. Minutes shall record:

- a) the place, date and time of the 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)*)
- e) Minutes – Closed Session

Minutes of Closed Session shall record:

- the place, date and time of the meeting
  - the names of the Presiding Officer, or Officers, and the attendance of the Members and staff
  - the applicable reference in Section 239 stating the reason for the meeting to be closed from the public
  - all resolutions, decisions and other proceedings of the meeting whether it is closed to the public or not without note or comment. (*Municipal Act. S. 239.(7)*)
- f) Closed Session Minutes shall remain confidential and be adopted by Council in confidence at the next Closed Session Council meeting.
  - g) Closed Session Minutes and Reports shall be returned to staff at the conclusion of each meeting.

## Petitions and Communications

24. 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 1 person and filed with the Clerk. In addition, such communication must include the name and address of at least one of the authors.

## Deputations

25. Persons desiring to present information verbally on matters of fact or make a request to Council shall give written notice to the Clerk not less than 6 days previous to the meeting, which notice must contain a sufficiently clear statement of what issues or matters are to be dealt with at Council and which must state the name of the author(s), and may be heard by leave of the Presiding Officer of Council. A maximum of two (2) speakers shall be limited in speaking to not more than ten minutes. If in the opinion of the Clerk or his/her designate, the statement provided does not contain a sufficiently clear statement of the issues or matters to be dealt with at Council, the request for delegation time will be returned for clarification and re-presentation, and Council will be so informed at the next regular meeting.

## Question Period

26. The question period immediately following Deputations/Invited Persons and Public Meetings shall last a maximum of 15 minutes immediately following Deputations during which time individuals will be allowed to ask questions, one question at a time per person on a rotating basis to ensure that anyone who wishes to ask a question is given an opportunity.

## Reading of By-laws and Proceedings Thereon

27. 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 by Council.
28. Every By-law shall be identified by a title or a short description to the Council.
29. 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 act.
30. Every By-law shall have three (3) readings prior to it being passed.
31. A Member of Council may introduce all three readings of a By-law within the same motion, duly moved and seconded.
32. If Council so determines, a By-law may be taken as read.
33. The Clerk shall set out on all By-laws enacted by Council the date of the several readings thereof.
34. Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer, and shall be deposited by the Clerk in his/her office for safekeeping.

## Confirmatory By-law

35. At the conclusion of all regular meetings of the Council and prior to adjournment, a 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.
36. A confirmation By-law when introduced, shall be taken as having been given three readings and shall be voted on without debate.

## Motions

37. **Motion Process** – members may discuss matters contained on the agenda prior to a motion or question being moved and seconded.
38. **Presentation of Motion** – When a motion is presented in writing, it may be read, or taken as read, or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer.
39. **Moving and Seconding a Motion** - a motion shall be formally moved and seconded before the Presiding Officer can put the question or a motion can be recorded in the minutes.
40. **Exception Seconding** – seconding a motion does not apply to a question of privilege and a point of order.
41. Every motion or amendment, moved and seconded, read by the Presiding Officer shall be deemed to be in the possession of the Council and can only be withdrawn before a decision and with the consent of the mover and seconder.

**42. Amendments**

Discussion of a motion may result in a “*friendly amendment*” whereby the mover and seconder agree to re-word their motion to accommodate a minor change or addition.

A formal motion to amend:

- a) shall receive disposition of Council before a previous 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.

**43. The Previous Question – A motion for the previous question:**

- 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.

**44. Motion to Adjourn – A motion to adjourn:**

- a) shall always be in order except as provided by these rules;
- b) when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council;
- c) is not in order when a member is speaking or during the verification of a vote.

**45. Privilege – A point of privilege shall receive disposition of Council forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.**

**46. Motion to Refer – A motion to refer back 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.**

**47. Reconsideration**

- a) When a question has been brought before Council and voted upon, it shall not be voted upon a second time unless a resolution to reconsider is moved by a Member from among those who voted with the prevailing side and can be seconded by any member.
- b) A motion for reconsideration is typically made at the same meeting in which

the vote is taken, or shortly thereafter, and is typically related to a motion that is lost. It is debatable if the type of motion it reconsiders is debatable.

- c) The question shall not be reconsidered unless a majority votes in favour of the reconsideration.
- d) No question shall be reconsidered more than once in a twelve (12) month period, nor shall a vote to reconsider be reconsidered.
- e) If a motion to reconsider is decided in the affirmative, such reconsideration of the original motion shall become the next order of business, unless the motion calls for a future definite date, and debate on the motion to be reconsidered may proceed as though it had never previously been voted on.

### **Voting on Motions**

- 48. **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.
- 49. **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.
- 50. **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.
- 51. **Abstain Vote** - A member who is lawfully entitled to vote but chooses not to exercise their right to vote on a matter, and in such cases in abstention shall be deemed as a negative vote.
- 52. **Recorded Vote**
  - a) When a member present requests a recorded vote, all members present at the Council or Committee meeting must vote, unless otherwise prohibited by statute. A request for a recorded vote can be made before or immediately after the taking of a vote on any motion. (*Municipal Act S.246(1)*)
  - b) The names of those who voted for and others 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(1) (2)*)
  - c) The procedure to be followed on a recorded vote is that on the first recorded vote of a Council's term, the member present who is first alphabetically shall be required to vote first. Thereafter, as each recorded vote is requested during the term of Council, the first member of Council present shall be the next member alphabetically. It is the intention of this clause that by this means, the first recorded vote will constantly change on an alphabetical basis throughout the term of Council.
- 53. The Head of Council or Presiding Officer, unless otherwise prohibited by Statute, may vote on all questions and when doing so shall vote last, with the exception of recorded votes.
- 54. If the Head of Council or 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 Chair shall resume the Chair and preside over the meeting.
- 55. 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*)

56. 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, with the exception of the Municipal Section S. 238. (5), where the presiding officer may be designated by secret ballot. (*Municipal Act S.244*)

### **Rules of Debate**

57. 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.
58. 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 no member shall walk across the room to speak to any other member or make any noise or disturbance.
59. When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him except to raise a point of order.
60. The number of times a member may speak on any question shall be limited to two. 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.
61. No member, without permission of the Council, shall speak to the question, or in reply for longer than three (3) minutes.
62. 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.
63. Notwithstanding Section 58, 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.
64. 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.
65. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure.
- a) a point of order or privilege
  - b) presentation of petitions;
  - c) to defer;
  - d) to postpone indefinitely or to a day certain;
  - e) to move the previous question.
66. At the request of the Reeve or Presiding Officer, every motion shall be presented to the Chair in writing and signed by the mover and seconder.

67. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council on a point of order.

### **Points of Order and Privileges**

68. The Presiding Officer shall preserve order and decide questions of order.
69. 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.
70. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

### **Committee of the Whole**

71. When it appears that any matter may be more conveniently considered in Committee of the Whole, the Council may, on a motion, resolve itself into Committee of the Whole. Such Committee of the Whole shall be deemed public unless otherwise noted to be in Closed Session under Section 73 or 75 or this By-law. The Head of Council may preside as Chairperson of the Committee of the Whole or may designate another member to preside as Committee Chairperson.
72. The Committee Chairperson shall maintain order in the Committee of the Whole.
73. The rules governing the procedure of the Council and the conduct of Members of Council shall be observed in Committee so far as they are applicable, except that:
- a) the number of times of speaking on any question shall not be limited unless a member moves the previous question;
  - b) no member shall speak more than once except to make an explanation until every member who desires to speak has spoken;
  - c) no motion, except a motion to rise, shall be in order.
74. A motion in Committee of the Whole to rise shall be decided without debate.

### **Procedure Upon Rising Out Of Committee of the Whole**

75. Any motions which may arise from discussion of the subject referred to Committee of the Whole shall be resolved, and the Head of Council shall then proceed with the next order of business.

### **Closed Session**

76. Except as provided in this section, all Council and Committee meetings shall be open to the public. (*Municipal Act S.239(1)*).
77. A meeting, or part thereof, may be closed to the public if the subject matter being considered relates to: (*Municipal Act S. 239(2)*)
- a) the security of the property of the municipality or local board;
  - b) personal matters about an identifiable individual, including municipal or local board employees;
  - c) a proposed or pending acquisition of land for municipal or local board purposes;
  - d) labour relations or employee negotiations;

- e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
  - f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) a matter in respect of which a Council, board, committee or other body has authorized a meeting to be closed under another Act.
  - h) 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: (Municipal Act S. 239(3.1))
    - i) The meeting is held for the purpose of educating or training the members.
    - ii) At the meeting, no member discusses or otherwise deals with any matter, in a way that materially advances the business or decision-making of the Council, local board or committee.
- 78.** Determining whether or not a meeting, or part thereof, is to be closed to the public under Section 72, the Council shall have regard for the provisions of the Municipal Freedom of Information and Protection of Privacy Act.
- 79.** A meeting shall be closed to the public if Council, designated as the head of the institution for the purposes of Municipal Freedom of Information and Protection of Privacy Act, is considering a request made under that Act. (Municipal Act S.239(3) )
- 80.** Before all or part of a meeting is closed to the public, the Council or local board shall state by resolution: *(Municipal Act S.239(4))*
- a) that the meeting is closed to the public;
  - b) the general nature of the matter to be considered in the closed meeting.
- 81.** Whenever it is moved and carried that Council go into Closed Session, the Head of Council or other Presiding Officer shall remain in the chair.
- 82.** The rules of the Council shall be observed in Closed Session so far as they are applicable, and shall be the same as those outlined for the Committee of the Whole.
- 83.** A meeting shall not be closed to the public during the taking of a vote. *(Municipal Act S.239(5))*
- 84.** Notwithstanding Section 79, a meeting may be closed to the public during a vote if the meeting is permitted or required to be closed in accordance with Sections 73 or 75 and the vote is for a procedural matter or for the giving of directions or instructions to officers, employee or agents of the municipality, local board or committee. *(Municipal Act S.239(6))*

### **Conduct of Members of Council**

- 85.** No member shall speak disrespectfully of the Reigning Sovereign, or of any 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.
- 86.** No member shall:
- a) use offensive words or unparliamentary language in or against the Council or against any member of Council or staff;
  - 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;
87. No persons except Members and Officers of the Council shall be allowed to approach the Council table during the sittings of Council without permission of the Presiding Officer or the Council upon reference.
88. When the Chair is putting the question, no member shall leave or make a disturbance.
89. 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.

#### **Disclosure of Pecuniary Interest**

*(Municipal Conflict of Interest Act, R.S.O. 1990, as amended)*

90. Where a Member, either on his/her own behalf or acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the member shall.
- Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof, in writing and submit to the Clerk.
  - Not take part in the discussion of or vote on any question with respect to the matter
  - Not attempt in any way before, during and/or after the meeting to influence the voting on any such questions

The Municipal Conflict of Interest Act does provide for exceptions in pecuniary interest in certain situations. *(Municipal Conflict of Interest Act, R.S.O 1990, as amended Section 4)*

91. Where a meeting is not open to the public, in addition to complying with the requirements of Section 88, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
92. Where the interest of a Member has not been disclosed by reason of his/her absence from the particular meeting, the Member shall disclose this interest and otherwise comply at the first meeting of Council or Committee, as the case may be, attended by him/her after the particular meeting.
93. The Clerk shall record the particulars of any disclosure of pecuniary interest made by members of Council or Committee, as the case may be, and any such record shall appear in the minutes of that particular meeting.
94. Where the number of members precluded from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum provided such number is not less than two (2)

### **Suspension of Rules**

95. 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.
96. 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.

### **Severability**

97. 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.

### **Repeal of Existing By-law**

98. By-law No. 2008-038 of the Township of Smith-Ennismore-Lakefield be and is hereby repealed.

### **Effective Date**

99. This By-law shall become effective on July 1, 2011.

Read a first, second and third time and finally passed this the 24 day of May, 2011.

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Mary Smith, Reeve

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Angela Chittick, Clerk

Corporate Seal

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