

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM
PROCEDURAL BY-LAW 2021-xx

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CORPORATION OF THE TOWNSHIP OF CHISHOLM

BY-LAW 2021-xx

Being a by-law to govern the proceedings of Council and its Committees, the conduct of its members and the calling of meetings, and public notice of meetings.

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

WHEREAS Section 238 (2.1) of the Municipal Act, 2001, as amended requires that the procedure by-law provide for public notice of meetings.

WHEREAS the Council of the Corporation of the Township of Chisholm now deems it advisable to enact a new by-law to govern the proceedings of Council and its committees, the conduct of its members, and the calling of meetings, and to provide for procedures and statutory requirements in accordance with the Act, and to repeal all previous by-laws related thereto.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACT AS FOLLOWS:

1. SHORT TITLE

This by-law shall be cited as the “Council Procedural By-law”.

2. DEFINITIONS

In this by-law:

- 2.1 “Ad Hoc Committee” means a special purpose committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to Council, unless otherwise directed by Council.
- 2.2 “Agenda” means a list of all items to be considered by the Council at the meeting for which the agenda was published.
- 2.3 “Local Board” as per the Municipal Act means a municipal service board, transportation commission, public library 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 conservation authority. For the purpose of this by-law “Board” means a local authority established for the purpose of the municipality and does not include the Powassan and District Union Public Library Board.
- 2.4 “Calendar Year” means the period from January 1st of any one year to and including December 31st of the same year.
- 2.5 “Chair” means the person presiding over a meeting of Council or a Committee.
- 2.6 “Clerk” means the CAO Clerk-Treasurer of the Corporation of the Township of Chisholm and/or designate.

- 2.7 “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.
- 2.8 “Corporation” means the Corporation of the Township of Chisholm.
- 2.9 “Council” means the Council of the Corporation of the Township of Chisholm.
- 2.10 “Delegation” means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- 2.11 “Deputy Mayor” means the Township’s second representative appointed by Council, who in the absence of the Mayor shall chair all Council meetings.
- 2.12 “Electronic” Means a device used to be deemed present at a meeting, ie. Computer or other internet device, or telephone.
- 2.13 “Ex officio Member” means a member of a committee by virtue of, or because of the office of Mayor.
- 2.14 “Head of Council” means the Mayor of the Corporation of the Township of Chisholm or the Deputy Mayor acting in the capacity of the Mayor in his/her absence.
- 2.15 “Improper Language” means the use of profane, indecent or obscene language.
- 2.16 “Inaugural Meeting’ means the first meeting of a newly elected council.
- 2.17 “In Camera” means a meeting, or portion thereof, closed to the public in accordance to Section 239 of the Municipal Act, 2001 and Section 17 of this by-law.
- 2.18 “Liaison Person” means a Council member, nominated by the Mayor and confirmed by resolution of Council assigned to a specific Township Service Area or function to act as a Liaison person between the Manager of the department responsible for the individual service area, and Council.
- 2.19 “Majority” means more than half of the votes cast by Members entitled to vote.
- 2.20 “Mayor” means the Head of Council elected by a general vote, to act as the Chief Executive Officer of the Corporation in accordance with Section 225 of the Municipal Act, 2001.
- 2.21 “Meeting” means any regular, special, committee or other meeting of Council, or a local board or of a committee of either of them.
- 2.22 “Member” means a member of the Council of the Corporation of the Township of Chisholm, and includes the Head of Council.
- 2.23 “Motion” means a question to be considered by Council or Committee which is moved, seconded, presented, read by the Chairperson or Clerk and is subject to debate. When a motion is adopted, it becomes a resolution.
- 2.24 “Municipality” means the Corporation of the Township of Chisholm.

- 2.25 “Open Forum” means a session designed for informal exchange of comments from the public that specifically relates to an agenda item, and are to be addressed through the Mayor.
- 2.26 “Order of Business” means the sequence of activities and/or discussions and decisions to be introduced and considered.
- 2.27 “Pecuniary Interest” means a direct or indirect Pecuniary Interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M. 50, as amended.
- 2.28 “Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.
- 2.29 “Present” means to be deemed as an attendee at a meeting, whether in person or by electronic.
- 2.30 “Quorum” means the majority of the whole number of Members required to constitute Council or a Committee. For Council purposes, three (3) members shall constitute a quorum.
- 2.31 “Recorded Vote” means documenting in the minutes of a Council or Committee meeting the name of each Member and their vote on a matter or question: for, against or absent.
- 2.32 “Regular Meeting” means a scheduled meeting held in accordance with Section 11 of this by-law.
- 2.33 “Reports” means written documents by municipal employees, consultants, solicitors, or other individuals appointed at the pleasure of Council for the purpose of providing advice, alternatives/recommendations on various matters.
- 2.34 “Recess” means a short break taken during a meeting and is of a duration established by the Mayor or Chair.
- 2.35 “Resolution” means a motion that is carried, or defeated and therefore represents the vote and will of Council.
- 2.36 “Rules of Procedure” means the applicable regulations contained in this by-law.
- 2.37 “Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 2.38 “Time Sensitive Issues” means an issue of utmost urgency that requires a decision prior to the next regularly scheduled Council meeting.
- 2.39 “Township” means the Corporation of the Township of Chisholm.

3. GENERAL

- 3.1 The rules of procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council, and its Committees.
- 3.2 Notwithstanding Section 3.1, Council will receive comments on agenda items only under the Open Forum, Section 14 without prior written submission.

- 3.3 In this by-law, words in the singular include the plural and vice versa, and all references to gender are intended as gender neutral, present tense includes the future.
- 3.4 The headings and subheadings used in the by-law shall be deemed to be inserted for convenience of reference.
- 3.5 Except as provided elsewhere in this by-law, in Council or Committee, any one or more of the rules contained in this paragraph may be temporarily suspended by Council by a vote of two-thirds of members present:
- Rules about a change to the order of proceedings in the agenda and content.
 - Rules about delegation status.
 - Rules about the increase or decrease of delegation speaking time and debate limitations.
- 3.6 All points of order or procedure for which rules have not provided in this by-law and its appendices shall be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in Robert's Rules of Order.
- 3.7 The Clerk is authorized to communicate with Council via telephone/email on time sensitive issues, and request all decisions of the members of Council to be received in writing or by email. Decisions will be made by majority vote and ratified by resolution at the next regularly scheduled Council meeting.
- 3.8 All Committees of Council shall forward recommendations to Council for consideration.

4. ROLE OF COUNCIL

- 4.1 It is the role of Council, per Section 224 of the Municipal Act, S.O. 2001, as amended,
- (a) To represent the public and to consider the well-being and interests of the municipality;
 - (b) To develop and evaluate the policies and programs of the municipality;
 - (c) To determine which services the municipality provides;
 - (d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - (d.1) To ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
 - (e) To maintain the financial integrity of the municipality; and
 - (f) To carry out the duties of Council under this or any other Act. 2001, c.25, s. 224.

5. DUTIES OF THE MAYOR

- 5.1 It is the role of the Mayor, per Section 225 of the Municipal Act, 2001, as amended,
- (a) To act as chief executive officer of the municipality;
 - (b) To preside over council meetings so that its business can be carried out efficiently and effectively;
 - (c) To provide leadership to the council;
 - (c.1) Without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in Section 4.1 (d) and (d.1) of this by-law;

- (d) To represent the municipality at official functions;
- (e) To carry out the duties of the Head of Council under the Municipal Act or any other Act.

5.2 By virtue of his/her office, the Mayor is an ex-officio member of all committees and is a voting member to the committees of which the Mayor is appointed.

6. HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER

6.1 It is the role of the Head of Council, per Section 226.1 of the Municipal Act, 2001, as amended, to,

- (a) Uphold and promote the purposes of the municipality;
- (b) Promote public involvement in the municipality's activities;
- (c) Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- (d) Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

7. DUTIES OF THE DEPUTY MAYOR

7.1 Except as outlined in Section 5, where the Mayor gives notice to the Clerk that he/she will be absent from the Township, or his/her absence through illness, or his/her office is vacant, then the Deputy Mayor shall act in the place of the Mayor, and while so acting, may exercise all the rights, powers and authority of the Head of Council.

8. AD-HOC COMMITTEES

- 8.1 Ad-Hoc Committees may be established by Council to consider a specific matter.
- 8.2 The Chair of the Committee, unless otherwise prescribed by Council resolution, is chosen by the members of the Committee.
- 8.3 Reports of the Committee meetings shall be circulated to Council on an ongoing basis, and once the Committee's task has been completed they will present a final report to Council.
- 8.4 When an Ad-Hoc Committee has made its report and completed its work, the Committee shall be deemed to be dissolved, unless otherwise determined by Council.

9. APPOINTMENTS OF MEMBERS TO BOARDS, AUTHORITIES AND COMMITTEES

- 9.1 Council may from time to time, appoint certain Councillors, ratepayers, staff or professionals etc. to serve of such external board, authorities and committees to deal with the specific issues, and provide written reports to Council.
- 9.2 The Member of Council appointed as a liaison for each department or area of responsibility shall liaise with the department head or officer in charge as required, and provide written reports to Council as required.

- 9.3 All Council appointments to various Boards, Special Bodies and other statutory positions shall be made at the required time by by-law of Council.

10. INAUGURAL MEETING OF COUNCIL

- 10.1 The inaugural meeting of Council shall be held at 6:00 p.m. on the fourth Tuesday in November following a regular municipal election.
- 10.2 The Mayor-elect and Clerk shall be responsible for the location, content and format of the agenda for the Inaugural Meeting and all arrangements for the inaugural proceedings.

11. REGULAR MEETINGS OF COUNCIL

- 11.1 The Council shall hold its regular meetings on the second and fourth Tuesday of each month commencing at 6:00 p.m. (except July, August and December).
- 11.2 Meetings of the Council shall be held at the Township's Municipal Office at 2847 Chiswick Line, Township of Chisholm, Ontario, and/or electronically.
- 11.3 During the months of July, August and December, Council shall hold one (1) meeting which will be held on the second Tuesday of the month, commencing at 6:00 p.m.
- 11.4 Council from time to time may call additional meetings pursuant to Public Notice By-law and the Municipal Act, 2001, as amended.
- 11.5 Where a regular meeting of the Council is to be held at a time or day other than as set out in Sections 11.1, 11.2, 11.3 above, the Clerk shall make his/her best efforts to provide as much Notice as is reasonable under the circumstances.

12. SPECIAL MEETINGS OF COUNCIL

- 12.1 The Mayor may at any time call a special meeting.
- 12.2 Upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 12.3 Notwithstanding Sections 12.1 and 12.2, the Clerk shall provide Notice prescribed in Section 22 of this by-law.
- 12.4 No business may be transacted at a special meeting of Council other than that specified in the Notice or Agenda, unless the matter is of a time-sensitive nature.

13. THE CALLING OF MEETINGS TO ORDER AND QUORUM

- 13.1 The Chair shall call the members to order as soon after the hour of meeting as there shall be a quorum present.
- 13.2 If a quorum for a regular/special Council meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, the Mayor or Deputy Mayor or designate shall indicate that no quorum is present and the meeting shall stand adjourned until the next

meeting of Council called in accordance with the provisions of this by-law.

- 13.3 Where the number of members who are unable to participate in a meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 13.4 The Mayor shall chair the Council meetings, unless the Mayor is unavailable, or has a conflict under the Municipal Conflict of Interest Act, in which case the Deputy Mayor will chair the Council meeting. In the absence of the Mayor, the Deputy Mayor will chair the Council meeting. In the absence of the Mayor and the Deputy Mayor, and if a quorum is present, the Clerk shall call the members to order. An Acting Head of Council shall be chosen from the members, by the members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor, and such person shall be the Chair.
- 13.5 While presiding, the Deputy Mayor or the Chairperson chosen by the Council shall have all the powers of the Mayor for the purpose of conducting the meeting.
- 13.6 Notwithstanding Section 13.5, in the absence of the Mayor and Deputy Mayor, no decisions regarding finances shall be made.
- 13.7 If during the course of a Council meeting, a quorum is lost, the Chair shall declare that the meeting shall be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.
- 13.8 The Clerk and/or designate shall be present at all regular, "In Camera", and special meetings of Council.
- 13.9 It is the duty of Members of Council and Committee Members to inform the Administration Dept. if they are going to be absent with regret from any scheduled meetings.
- 13.10 Members of Council, Local Boards and Committees may participate electronically in open and closed meetings and shall be counted for the purposes of quorum.

14. OPEN FORUM

- 14.1 Open Forum allows for an informal exchange of comments from the public specifically relating to agenda items.
- 14.2 All comments are to be addressed through the Mayor.
- 14.3 Open Forum shall be no more than fifteen minutes in total, with each person speaking restricted to a maximum time of five minutes. At the discretion of the Council, the open forum period may be extended.
- 14.4 Should there be no one wishing to address Council in Open Forum, Council will immediately proceed with the regular agenda material.
- 14.5 Discussion and complaints against Members of Council and Staff will not be permitted. During the Open Forum, Council and Staff shall not be engaged in a debate or discussion.

- 14.6 Any comments made during Open Forum shall not form part of the Minutes of the Council Meeting.
- 14.7 Legal matters before the Council and matters involving insurance claims will not be permitted.
- 14.8 Matters beyond the jurisdiction of the Council will not be permitted.
- 14.9 No decisions will be made as a result of comments made during Open Forum. However Council will consider the comments when deliberating the issue when the item arises on the regular agenda.
- 14.10 Discussions contrary to the Municipal Freedom of Information and Protection of Privacy Act will not be permitted.
- 14.11 During Open Forum, no person will be permitted to:
- 14.11.1 Use improper language against the Council/Committee or against any member, staff or guest.
 - 14.11.2 Leave his/her seat or make any noise or disturbance while a matter is being considered or discussed by Council/Committee; while a vote is being taken, or until the results are declared.
 - 14.11.3 Resist the rules or disobey the decisions of Council/Committee on questions of order or practice or upon the interpretation of the rules of Council.
 - 14.11.4 Disturb another, or the Council/Committee, staff, or person, by any disorderly conduct disconcerting to the speaker.
 - 14.11.5 Leave the meeting, while someone is speaking or without first obtaining permission from the Mayor or presiding officer.
 - 14.11.6 To attend or speak at another open forum of Council after being ordered to vacate, having committed a breach of any rule of the Council, and without having first obtained the permission of Council/Committee and having satisfied the Council/Committee that future conduct at meetings and the Open Forum will be in conformity to the rules of this by-law.

15. COUNCIL AGENDA

- 15.1 Agendas shall be formatted as follows but modifications to the matters to be included or the order of business may be effected by Council without requiring an amendment to this By-law.
- (1) Call to Order
 - (2) Notification of Pecuniary Interest
 - (3) Adoption of Agenda
 - (4) Adoption of Minutes
 - (5) Business Arising from the Minutes
 - (6) Approval of Accounts
 - (7) Citizen's Petitions and Deputations
 - (8) Open Forum (Maximum 15 minutes)
 - (9) Mayor Staff and Committee Reports
 - (10) Review of Budget Report
 - (11) New Business
 - (12) Adjournment

- 15.2 Agendas shall be adhered to as prepared. However, time sensitive items may be added to the agenda at the meeting.
- 15.3 All reports of committee meetings shall be recorded in written form, and submitted to the Clerk for inclusion in the agenda packages for the next Council meeting. These reports are to be reviewed by each member of Council in advance of the meeting, and any questions pertaining to the report may be asked at the meeting, or alternatively, the member may be contacted prior to the meeting. These reports are not required to be read out loud at meetings so as to reduce meeting times.

16. ADDITIONS TO AGENDA

- 16.1 From time to time following the circulation of the agenda, items of an emergency or time sensitive nature arise which need to be addressed prior to the next regular scheduled meeting of Council. When such items are brought to the Clerk's attention, the Clerk shall inform Council of these items at the start of the Council meeting.
- 16.2 Council may with the show of hands of two-thirds majority of the members present, consider new items, provided it is an issue of emergency or time sensitive nature, to the benefit of the Corporation, at the regular Council meeting.

17. NEW BUSINESS

- 17.1 The items in new business are usually being seen/discussed for the first time. It is also where the bulk of the discussion, as well as decisions in the meeting, usually takes place.

18. "IN CAMERA"

- 18.1 All meetings of the Council and its Committees shall be open to the public, except that they may be closed to the public if the subject matter being considered involves the allowable exceptions under section 239(2) of the Municipal Act.
- 18.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council is designated as head of the institution for the purposes of that Act.
- 18.3 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:
- 18.3.1. The meeting is held for the purpose of educating or training the members.
 - 18.3.2 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.
- 18.4 For purposes of this section, a meeting not open to the public shall be called "In Camera."
- 18.5 Before holding a meeting or part of a meeting that is to be closed to the public, Council or the Committee shall state by resolution:
- (a) The fact of the holding of the "In Camera" meeting and the general nature of the matter to be considered at the "In Camera" meeting; or

- (b) In the case of a meeting under subsection 18.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

18.6 A meeting may be closed to the public during a vote if:

- (a) Section 18.1, 18.2, or 18.3 permits or requires a meeting to be closed to the public; and
- (b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

18.7 The following policy and procedures governing the release to the public of information related to the “In Camera” meetings shall apply.

18.7.1 Announcement of meeting including topics to be dealt withPublic

18.7.2 Printed agendaPrivileged

18.7.3 Discussions at the meetingPrivileged

18.8 When an “In Camera” meeting is necessary, it will be a requirement that the minutes shall be prepared and presented at the next meeting of “In-Camera”.

19. DISCLOSURE OF CONFIDENTIAL INFORMATION

19.1 Where a matter is discussed during a closed session permitted under the provisions of this by-law, members of Council/Committee, or staff in attendance shall not discuss or repeat the discussion, in whole or in part, with any other person outside of the closed session.

19.2 Any violation will result in the exclusion of the offending member or staff at the discretion of Council.

20. SPECIAL COUNCIL MEETING AGENDA

20.1 The Clerk, when it is reasonably possible, shall cause an agenda to be prepared, in the following order, for the use of members at Special Meetings of Council:

- (a) Opening of Meeting
- (b) Approval of the Agenda
- (c) Notification of Pecuniary Interests
- (d) Delegations
- (e) Consideration of Business for Which Notice Was Given
- (f) Adjournment

20.2 No Open Forum will be held during Special Council meetings.

21. PUBLIC MEETINGS, HEARINGS OR INFORMATION SESSIONS

21.1 Council from time to time may conduct Public Meetings, Hearings or other Information Sessions for any purpose giving such notice as may be deemed necessary or required by legislation or the Township’s Public Notice By-law currently in effect.

21.2 Council shall give appropriate notice of such meetings by publication in the township’s monthly newsletter, and the notice shall be posted at the Township Administration Office, on the Township website, and/or social media page.

- 21.3 If a Council is required by law to hold a hearing or give interested parties an opportunity to be heard before doing any act, passing a by-law or making a decision, the Council may delegate that responsibility to a Committee of Council.
- 21.4 The Committee shall provide its recommendations to the Council after which Council may pass the by-law or make the decision.
- 21.5 If the Committee of Council holds a hearing or gives interested parties an opportunity to be heard, Council is not required to hold a second hearing.
- 21.6 Despite Section 26, a delegation may address Council without any prior notice on the issue designated as a public hearing.
- 21.7 Members of the public attending a meeting shall respect the decorum of Council and refrain from public outburst; shouting; or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council. In addition placards, signs, posters, etc. or any advertising devices shall not be permitted at the meeting, hearing or information session. The Mayor or Chair may request that a member or members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the meeting until order is restored, or adjourn the meeting if necessary.
- 22. NOTICE OF PUBLIC MEETINGS, HEARINGS, INFORMATION SESSIONS OR NOTICE OF INTENTION TO PASS BY-LAW**
- 22.1 Notice will be given as per current bylaw to establish procedures for notices as required under Municipal Act 2001 c.25 as amended from time to time.
- 22.2 Where such notice is required, such notice shall be given in the time frame prescribed in the Act or its regulations, and if the time frame is not so prescribed, notice shall be given at least once during the fourteen days prior to the proposed action being taken, and no later than seven days prior to the proposed action being taken.
- 23. NOTICE OF REGULAR AND SPECIAL COUNCIL MEETINGS AND ITS COMMITTEES**
- 23.1 Where notice for regular, and special meetings of Council and its Committees is required, the Clerk shall cause such notice to be published in the township's newsletter, or in a newspaper that is, in the Clerk's opinion, of sufficient general circulation in the area to give the public reasonable notice of the meeting. Notices shall also be posted at the Township Administration Office, Township website and/or social media.
- 23.2 Where such notice is required, notice shall be given at least once during the fourteen days prior to the regular meeting and no later than seven days prior to a regular meeting; and five days prior to the special Council meeting, and no later than 48 hours prior to a special Council meeting.
- 23.3 Emergency Provision – If a matter arises, which is in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Chisholm, or if a State of Emergency is declared, or if so advised by a Provincial Ministry or other agency, the Notice requirements contained in this by-law may be waived, and the Clerk shall make his/her best efforts to provide as much Notice as is reasonable under the circumstances.

23.4 In the event that a regular or special meeting of Council or its committees is required to be cancelled or rescheduled, the Clerk shall make his/her best efforts to provide as much Notice as is reasonable under the circumstances. Notices shall be posted at the Township Administration Office.

24. NOTICE OF MEETING TO MEMBERS OF COUNCIL OR ITS COMMITTEES

24.1 The Clerk shall ensure that the agenda for each regular meeting of Council shall be made available to each member the Friday prior to a regular meeting. At the same time, the Clerk shall also ensure that the agenda is provided to other Department Heads as required.

24.2 The Clerk shall provide notice of each special meeting of Council to each member of Council at least 48 hours in advance of the meeting and shall specify the business to be transacted. An agenda constitutes such notice. At the same time the Clerk shall also ensure that the agenda is provided to other Department Heads as required.

24.3 The forty-eight hour notice required by Section 23.2 may be waived in the case of emergency as may be determined by the Mayor (or alternate) and/or Clerk (or alternate).

24.4 Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.

24.5 The business of each meeting shall be taken up in the order in which it stands on the agenda unless otherwise decided by Council.

24.6 The Mayor or Chair of a Committee may, in the case of severe inclement weather, postpone a meeting by advising the Clerk. Postponement shall not be for any longer than the next regularly scheduled meeting of Council or Committee.

24.7 The Clerk shall provide as much notice as possible of cancellation to Council, Staff, Media and all other interested parties in advance of any Council, Committee, Public Meeting, Hearing, or Information Session in the case of severe inclement weather.

25. DISCLOSURE OF PECUNIARY INTEREST

25.1 Where a Member, either on his/her own behalf or while 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:

25.1.1 Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.

25.1.2 Not take part in the discussion of or vote on any question with respect to the matter.

25.1.3 Not attempt in any way before, during and/or after the meeting to influence the voting on any such question.

25.2 Where a meeting is not open to the public, in addition to complying with the requirements, of Section 24.1, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.

- 25.3 Where the interest of a Member has not been disclosed by reason of his absence from the particular meeting, the Member shall disclose his interest and otherwise comply at the first meeting of Council or Committee, as the case may be, attended by him after the particular meeting.
- 25.4 The Clerk shall record the particulars of any disclosure of pecuniary interest made by members of Council or Committees, as the case may be, and any such record shall appear in the minutes of that particular meeting.
- 25.5 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).

26. CITIZENS PETITIONS AND DELEGATIONS

- 26.1 Requests and Allotment of Time
- 26.1.1 Individuals or groups wishing to make a presentation before Council at a regular Council meeting or a Committee meeting shall give notice and submit a copy of their presentation to the Clerk's Office by 4:30 p.m. on the Wednesday prior to the Council or Committee meeting. There shall be a spokesperson designated by the group, and that person shall speak on behalf of the group.
- 26.1.2 Delegations may be heard by leave of the Members but shall be limited in speaking to not more than ten (10) minutes.
- 26.1.3 Individuals or groups requesting to appear before the Council shall be advised by staff of the time limitation and rules governing delegations in advance of their delegation.
- 26.1.4 Professional delegations (Consultants, Engineers, Solicitors, Accountants) would, at the discretion of Council, not be restricted to the above-noted time frame.
- 26.2 Notwithstanding the provisions of Section 25.1.1, the Council may, at its sole discretion, entertain delegations with less notice as the circumstance may warrant by a clear two-thirds (2/3) majority.
- 26.3 The Chair may curtail any delegation, any questions of a delegation and/or debate during a delegation for disorder or any other breach of this by-law and, if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.
- 26.4 No delegation shall:
- 26.4.1 Speak disrespectfully of any person.
- 26.4.2 Use improper language or un-parliamentary language.
- 26.4.3 Speak on any subject other than the subject for which they have received approval to address Council/Committee.
- 26.4.4 Disobey the rules of procedure or a decision of the Chair of Council or Committee.
- 26.5 Upon the completion of comments to Council or Committee by a delegation, any discourse between members of Council and the delegation shall be limited to members asking questions for clarification and

obtaining additional, relevant information only. Members of Council shall not enter into debate with the delegation respecting their comments.

- 26.6 Members of the public attending a Council or Committee meeting shall respect the decorum of Council and refrain from public outburst; shouting; or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council. The Mayor or Chair may request that a member or members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the meeting until order is restored in the Council Chambers or adjourn the meeting if necessary.

27. BY-LAWS

- 27.1 The business, by-laws and resolutions of the Township of Chisholm will be conducted and maintained in English.
- 27.2 Every by-law when introduced shall be in printed 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 and shall be completed by the Clerk with the exception of the number and date thereof.
- 27.3 All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the by-law is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.
- 27.4 Every by-law shall receive three readings prior to it being passed. A by-law shall be deemed to have been read upon the title or heading thereof being read unless a member of the council/board requires the by-law or any portion thereof to be read in full.
- 27.5 A by-law shall be given three readings on the same day except when requested otherwise by resolution passed by two-thirds of the members present, or unless otherwise provided by statute.
- 27.6 Every by-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Head of Council and the Clerk and shall be deposited in the Office of the Clerk for safekeeping.

28. CONDUCT OF MEMBERS

- 28.1 Members of Council shall:
- 28.1.1 Act in accordance with their Oath of Allegiance and Oath of Elected/Appointed Office.
- 28.1.2 Discharge with integrity all responsibilities to Council, the Township of Chisholm, and the public, in keeping with approved corporate policies.
- 28.1.3 Serve their constituents in a conscientious and diligent manner.
- 28.1.4 Encourage public respect for, and try to improve the administration of, the by-laws of the Township.
- 28.1.5 Treat the Chair, other Members, staff, and the delegates from the public with courtesy, respect and good faith.
- 28.1.6 Hold in strict confidence all information concerning matters dealt with "In Camera". The Member shall not release, make public or in any way divulge any such confidential information or any aspect

of the in-camera deliberations, unless expressly authorized or required by law.

28.1.7 Be respectful of the tradition that staff is expected to make recommendations to Council and its Committees that reflect professional and corporate management, judgment, and opinions which are not unduly influenced by any single Member of Council.

28.1.8 Not leave their seat or make any noise or disturbance during a discussion or while a vote is being taken and until the result is declared.

28.1.9 Uphold and not criticize any decision of the Council.

28.1.10 Not disobey the Rules of the Council or a decision of the Chair or Council on a question of order, practice or interpretation of the Rules of the Council.

28.1.11 Every member previous to speaking to a question or motion, shall obtain the permission of the Mayor or presiding officer to speak.

28.1.12 Each member of Council is entitled to speak to a motion once, and if necessary, a second time to respond to comments before a vote is taken.

28.1.13 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.

28.1.14 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

29. MOTIONS

29.1 All motions shall be in writing, and shall be seconded before being debated. When a motion is seconded, it shall be read or stated by the Head of Council or Clerk before debate.

29.2 The mover of the motion will be given the opportunity to speak to the motion first, and the member who seconds the motion will speak second to the motion, prior to a showing of hands of those wishing to address the motion.

29.3 After a motion has been read or stated by the Head of Council or Clerk, it shall be deemed to be in the possession of the Council but it may with consent of the mover, seconder, and the two-thirds majority of members be withdrawn at any time before decision or amendment.

29.4 Immediately preceding the taking of the vote, the Head of Council or Clerk shall state the question in the precise form it is to be recorded in the minutes, including any amendments to the question.

29.5 After a question is finally put by the Head of Council, no Member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.

29.6 Any resolution shall require a majority of votes in order to be valid and binding on the Council.

29.7 Should the Head of Council desire to introduce a motion, the Deputy Mayor or in his/her absence, another Member shall be appointed to take the Chair until the Head of Council resumes the Chair.

29.8 Questions of order not provided for in this by-law shall be decided by the Mayor in accordance with Robert's Rules of Order.

30. VOTING

30.1 Every member of Council shall have one vote.

30.2 Every member present who is required to vote on a question, but in fact does not vote thereon, shall be deemed to be voting in the negative and shall be so recorded.

30.2 Any questions on which there is a tie vote, it shall be deemed to be lost.

30.4 If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.

30.5 A failure to vote under Section 29.4 by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

30.6 When a member requests a Recorded Vote, each member shall announce that member's vote openly and individually unless otherwise prohibited by statute.

30.7 Every member present at a meeting of the Council when a question is put shall vote thereon, except that if the member has any pecuniary interest in a question, the member shall disclose that interest and shall refrain from taking part in the discussion and from voting on the particular question.

30.8 The Mayor (except where disqualified from voting by reason of interest or otherwise) may vote with the members on all questions. Any questions on which there is an equality of votes shall be deemed to be negative.

30.9 Where the Head of Council wishes to present a resolution or directly participate in the debate, the Head of Council shall vacate the Chair, and the Deputy Mayor shall be the Chair. On completion of the resolution or debate, the Head of Council shall return to the Chair.

31. MEETING RECESS

31.1 Council/Committee may recess for a period, by majority vote of Council.

32. ADJOURNMENT

32.01 Adjournment for evening meetings shall be 9:00 P.M. The Council shall always adjourn by that hour unless this rule is temporarily suspended by a resolution of the two-thirds majority of the members present.

33. DUTIES OF THE CLERK

33.1 Either the Clerk or Deputy Clerk shall:

33.1.1 Attend all meetings of Council, and Committee meetings as required, to record the proceedings, in addition to any required clerical support staff.

- 33.1.2 Cause notice of each regular and special meeting of Council, together with the agenda packages to be sent to each member of the said Council or Committee.
- 33.1.3 Notify appropriate Township Officials and public of any direction made by Council and/or Committee which are to be acted or reported upon when adopted by Council.
- 33.1.4 Record or cause to be recorded without note or comment all resolutions, decisions, and other proceedings of the Council.
- 33.1.5 If required by any member present at a vote, to record the name and vote of every member voting on any matter or question.
- 33.1.6 Keep in the Office of the Clerk or in a place appointed for that purpose, the originals or copies of all by-laws and of all minutes of the proceedings of the Council.
- 33.1.7 Make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council.
- 33.1.8 Provide to each member of Council a copy of this by-law when the Member of Council makes a declaration of office and is sworn into office and upon request thereafter.
- 33.1.9 Perform such other duties as are prescribed by law or by direction of Council.
- 33.1.10 Be a Municipal Officer for the Corporation of the Township of Chisholm.

34. ADMINISTRATION – OFFICERS – EMPLOYEES – ROLE

- 34.1 It is the role of the officers and employees of the municipality, per Section 227 of the Municipal Act, 2001, as amended, 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 municipality; and
 - c) Carry out other duties required under this or any Act and other duties assigned by the municipality.

35. AFFIRMATION OF CONFIDENTIALITY

- 35.1 Each member of Council following a regular election shall be required to execute an “Affirmation of Confidentiality and a “Confidentiality Agreement”, attached as Schedule “A” and forming part of this by-law.

36. AMENDMENT TO THIS BY-LAW

- 36.1 No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless the required notice has been given.

37. SUSPENSION OF RULES

37.1 Any procedure required by this by-law may be temporarily suspended with the consent by a show of two-thirds majority of hands of the Members present.

38. SEVERABILITY

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

38.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

39. REPEALED BY-LAW

39.1 By-law 2008-05, 2008-35, 2009-39, 2020-28, 2020-11 and all other by-laws inconsistent with the provisions of this By-law are repealed.

THIS BY-LAW SHALL TAKE EFFECT AND COME INTO FORCE ON THE DAY OF ITS PASSING.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS xxTH DAY OF xxxx, 2021.

Mayor, Gail Degagne

CAO Clerk-Treasurer, Jennistine Leblond

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "A" TO BY-LAW 2021-xx

AFFIRMATION OF CONFIDENTIALITY

I, _____, member of the Council of the Corporation of the Township of Chisholm, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of The Corporation of the Township of Chisholm that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me
At the Township of Chisholm
In the District of Nipissing
This ____ day of _____, 2021

A Commissioner, etc.

Name

CONFIDENTIALITY AGREEMENT

By signing this document, I agree that:

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of the Corporation of the Township of Chisholm in connection with any matter designated as confidential by the Procedural By-law except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Signed, sealed and delivered at Chisholm Township, this ____ day of _____, 2021.

Witness

Mayor, Gail Degagne

CAO Clerk-Treasurer, Jennistine Leblond