

The Corporation of the Township of Huron-Kinloss



BY-LAW

2007-130

**BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE COUNCIL,
THE CONDUCT OF ITS MEMBERS AND THE CALLING OF THE MEETINGS.**

WHEREAS, Section 238 of the Municipal Act, 2001, c25 requires that every Council and local board shall adopt a Procedure By-law to Govern the calling, place and proceedings of meetings;

AND WHEREAS it is deemed expedient to adopt by by-law rules that govern order and procedure of the Council of the Township of Huron-Kinloss.

AND WHEREAS By-Law 2007-1 being the Procedural By-Law of the Township of Huron-Kinloss originally passed by the Township on the 15th day of January, 2007, has undergone significant amendments and as a matter of efficiency will be replaced by this By-Law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS HEREBY ENACTS AS FOLLOWS:

1.0 **DEFINITIONS**

- 1.1 "Chair" means the person presiding at a meeting, other than a Council meeting.
- 1.2 "Clerk" means the Clerk of the Township of Huron-Kinloss.
- 1.3 "Closed Session" means a closed meeting that is not open to the public.
- 1.4 "Committee" means any committee as established by the Council from time to time.
- 1.5 "Council" means the Council of the Township of Huron-Kinloss.
- 1.6 "Head" of the Council means the Mayor of the Township of Huron-Kinloss.
- 1.7 "Meeting" means a meeting of the Council or a Committee, as the case may be.
- 1.8 "Member" means a member of the Council or a Committee, as the case may be.
- 1.9 "Quorum" means a majority of the whole number of members of the Council or as defined in the Municipal Act, 2001, c25, s 237.

2.0 **INTRODUCTION**

2.1 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 dispatch of business by Council and its Committees.

2.2 Role of Council

- (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 the Municipal Act, 2001, or any other Act.

2.3 Role of the Mayor

- (a) to act as chief executive officer of the municipality;
- (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the council;
- (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses 224 (d) and (d.1) of the Municipal Act, 2001;
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of council under the Municipal Act, 2001, or any other Act.

2.4 Head of council as chief executive officer

As chief executive officer of a municipality, the head of council shall,

- (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.

2.5 Role of Chief Administrative Officer (Administrator)

The duties of the Administrator shall include:

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality.

2.6 Clerk

The duties of the Clerk shall include:

- (a) to record, without note or comment, all resolutions, decisions and other proceeding of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the original or copies of all by-laws and of all minutes of the proceedings of the council;
- (d) to perform the other duties required under the Municipal Act, 2001, or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality.

3.0 COUNCIL AND COMMITTEE MEETINGS

- 3.1 Meetings of the Council shall be held in the Council Chamber. General Committee meetings shall take place on the first Monday of every month and Council meetings shall take place on the third Monday of each month, unless it falls on a Statutory Holiday, in such case it will be on Wednesday. Except for the Statutory Holiday "Family Day" in which the meeting will be held on the Tuesday following at 7:00 p.m. General Committee and Council meetings will be held at 7:00 p.m.. During the months of January, February and March General Committee meetings will be begin at 9:00 a.m. The Inaugural

meeting of Council shall take place at 7:00 p.m. on the first Monday of December following the election.

- 3.2 Planning Meetings or Committee of Adjustment meetings will be held the fourth Monday of the month at 7:00 p.m. in the Council Chambers, unless it falls on a Statutory Holiday, in such case it will be on Wednesday.
- 3.3 Public Notice of meetings will be provided on the municipal website and also in accordance with the municipality's notice by-law.
- 3.4 Council may, by Resolution, alter the date and/or time of a regular or committee meeting provided that adequate notice of the change is provided in accordance with the Township's Notice By-Law as may be amended from time to time.
- 3.5 The Mayor may, at any time, summon a special Council meeting to be held at the time, date and place of his/her preference. It shall be the Clerk's duty, upon receipt of the petition of the majority of the members of the Council to summon a special meeting for the purpose, and, at the time and place mentioned in the petition.
- 3.6 The Mayor shall preside at all meetings of the Council.
- 3.7 In case of absence of the Mayor from the Municipality, or if he/she is absent through illness, or he/she refuses to act or if his/her office is vacant, the Deputy-Mayor shall be appointed to act from time to time in place and instead of the Mayor, he/she shall have all the rights, powers, and authority of the Mayor while doing so.
- 3.8 The Mayor may expel from a meeting anyone who engages in improper conduct

4.0 SPECIAL MEETINGS OF COUNCIL

- 4.1 The Mayor or in the absence of the Mayor, the Deputy Mayor, may at any time call a special meeting or upon receipt of a petition of the majority of the members of the Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 4.2 At least forty-eight (48) hours notice of all special council meetings shall be given by the Clerk. Such notice shall be hand delivered, transmitted by facsimile or via E-mail, or telephone, to the members of the Council.
- 4.3 At special meetings of the Council, it shall not be competent to consider or decide upon any matter unless such matter has been listed in the notice calling the meeting.
- 4.4 Special meetings of committees and boards may be called by the Chair if it is considered necessary to do so, and by the Clerk whenever requested in writing to do so by a majority of the members composing such committee.
- 4.5 Notwithstanding the provisions of subsection (4.2), in the event of a bona fide emergency, a meeting may be held as soon as practical following receipt of the summons or petition, as the case may be, and notice may be given by telephone, personal contact or e-mail as determined by the Clerk.

5.0 ABSENCE OF HEAD OF COUNCIL

- 5.1 Subject to the provisions of the Municipal Act, in case the Mayor/Deputy-Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and an acting Head of Council shall be appointed from among the members present and he/she shall preside until the arrival of the Mayor/Deputy-Mayor and, while so presiding, the acting Head of Council shall have all the powers of the Head of Council.

6.0 NO QUORUM

- 6.1 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 required meeting or until a special meeting is called. Four members of Council must be present to form a quorum.

7.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

- 7.1 It shall be the duty of the Mayor to:
- 7.2 Open the meeting of Council by taking the chair and calling the members to order;
- 7.3 Announce the business before Council in the order in which it is to be acted upon;
- 7.4 Receive and submit, in the proper manner, all motions presented by the members;
- 7.5 Put to a vote all questions which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- 7.6 Decline to put to vote motions which infringe upon the rules of procedure;
- 7.7 Enforce on all occasions the observance of order and decorum among the members;
- 7.8 Call by name any member persisting in breach of the rules or order of the Council thereby ordering the member to vacate the Council Chamber;
- 7.9 Authenticate by signature all By-laws and minutes of the Council;
- 7.10 Inform the Council when necessary or when referred to for the purpose, on a point of order or usage;
- 7.11 Restrain the members, within the rules of order, when engaged in debate;
- 7.12 Represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- 7.13 Ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the municipal Corporation;
- 7.14 Adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- 7.15 Order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behaviour persists.

8.0 ABSENTEEISM AND LEAVE OF ABSENCE

- 8.1 No member shall be absent from any regularly scheduled council meeting without endeavouring to provide substantive notice of such absence to the head of Council or the Clerk at least 24 hours prior to commencement of the meeting from which the member shall be absent when possible.
- 8.2 Where a member is absent from the meetings of council for three successive months without being authorized to do so by resolution of council, that member's seat shall be declared to be vacant and procedures as set out in Section 263 (1) of the Municipal Act, 2001, shall apply.

9.0 NOTICE OF REGULAR MEETINGS AND AGENDAS

- 9.1 Notice shall not be required to be given of regular meetings of the Council unless the day of the meeting is other than that provided in this by-law. A schedule of meetings for the year shall be made available in January each year and shall be provided on the website. The mailing out or delivery of agendas shall also be considered as adequate notice of such regular meetings.
- 9.2 The Clerk shall endeavour to ensure that agendas are delivered to each member of Council the Friday afternoon prior to the scheduled meeting.
- 9.3 The agenda for a Council meeting will be posted on the municipal website the Friday prior to the meeting by 4:00 p.m. It will also be provided to members of the news media via fax and paper copies will be made available to members of the news media and to the public at the time the meeting commences.
- 9.4 All confidential reports shall be distributed to the Council members in paper form, not electronically and copied on blue paper to be collected by the Clerk or Administrator immediately following the meeting so copies can be destroyed.

10.0 COUNCIL AGENDA

10.1 Prior to each regular or adjourned meeting of Council, the Clerk shall prepare an agenda of all business to be brought before the Council at such meeting; and in order to enable the Clerk to do so, all delegations and documents intended to be submitted to Council shall be placed in the Clerk's hands by 1:00 p.m. the Thursday prior to the meeting of the Council; and the business of the Council shall be proceeded with according to its place in the following order:

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Adoption of minutes
4. Deputations and petitions
5. Correspondence copied for which the direction of council is required
6. Financial Reports
7. Reports of staff and committees
8. By-laws and agreements
9. Correspondence received and copied for which the direction of council is not required
10. Township Committee Minutes copied
11. New business
12. Other Agency Minutes & Reports Received
13. Correspondence and information on council table
14. Closed Session

The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.

10.2 The Clerk shall be responsible to ensure that a complete agenda is delivered to the members of Council the Friday prior to the meeting.

10.3 After the agenda has been prepared, only the Mayor, Administrator or Clerk may authorize an addition to the agenda prior to the Council meeting.

10.4 The Mayor may note on the agenda that a closed session meeting will take place, either prior to the scheduled Council meeting, or immediately following the adjournment of the scheduled meeting, to discuss matters defined in Section 21.0 of this By-law.

10.5 Agendas for Council meetings shall be reviewed by the Mayor or the Administrator prior to printing or issuance.

10.6 Every letter, petition and other communication addressed to the Council shall be received by the Administrator who shall deal with them as follows:

10.6.1 Where, in the opinion of the Administrator, the subject matter of any communication is properly within the jurisdiction of a Standing Committee or Special Committee of the Council, such communication shall be referred directly to the appropriate Committee and copied to the Mayor, without prior reference to the Council.

10.6.2 Communications of a routine nature shall be referred by the Administrator directly to the official concerned, or to file without prior reference to the Council or any Committee.

10.6.3 Resolutions from other Municipalities shall be forwarded for consideration and recommendation to Council.

10.6.4 Every communication or petition intended for presentation to the Council must be legibly written, typed or printed and signed by at least one (1) person. The Clerk shall list within the agenda only those communications and petitions received prior to one o'clock in the afternoon (1:00 p.m.) on the Thursday preceding the regular Council meeting unless deemed to be of an urgent nature. All communications or petitions received after one o'clock in the afternoon (1:00 p.m.) on the Thursday preceding the day of the Council meetings shall be held over for subsequent consideration by the Council or appropriate committee, board or commission. Correspondence unsigned or containing obscene or defamatory language shall not be presented to Council.

10.7 An item of business not listed on the Council agenda cannot be introduced at a Council meeting without the approval of Council expressed by resolution.

10.8 When it appears there is insufficient business for a regular meeting of the Council, the Mayor, with the consensus of not less than four of the members, may cancel the meeting.

11.0 ADDENDUM

11.1 There shall only be an addendum to an agenda for a meeting when an item or items arise after the closing of the deadline for items for the agenda and prior to the meeting, which item or items the Mayor, Administrator or Clerk believes are of an urgent nature requiring the immediate consideration of the body concerned.

12.0 MINUTES

12.1 Minutes shall record:

12.2 The place, date and time of the meeting;

12.3 The names of the Officers and record of attendance of the members;

12.4 The correction and adoption of the minutes of prior meetings;

12.5 All other proceedings of the meeting without note or comment;

12.6 The results of a recorded vote.

13.0 DELEGATIONS

13.1 Any person requesting to be heard as a delegation to Council shall submit a request to the Clerk no later than 1:00 p.m. in the afternoon on the Thursday of the week preceding the day of the meeting and such request shall clearly state the nature of the business to be discussed. The Clerk may make a determination as to deferral of the delegation to a subsequent meeting if deemed to be necessary.

13.2 Delegations will provide written submissions in advance of the meetings for Council's consideration.

13.3 The Mayor will make it clear to the group presenting that Council is receiving information at this time and that it will not necessarily attempt to establish a position at this time; it will provide a timely response to the presentation or request.

13.4 Individuals or groups desiring to present information or petitions verbally on matters of concern, facts or interest or to make a request of Council shall be limited to a maximum of (10) minutes duration.

13.5 A delegation, once heard shall not be entitled to be heard on substantially the same matter for a period of 3 months from the date of first being heard, unless new information is being provided to assist Council in its decision making. Refusal of a request to appear as a delegation may be appealed to the Head of Council and by way of a resolution of the majority of Council the delegation may be permitted to speak.

13.6 Council may permit delegations not complying with section 13.1 to 13.4 at the meeting if Council considers such delegations have an urgent or necessary matter to bring forward that cannot wait until a subsequent meeting. The Chair will announce the delegation and matter for consideration and seek the consent of the majority of Council through a show of hands in order for the delegation to proceed.

14.0 READING OF BY-LAWS

14.1 No by-law shall be presented to Council unless the subject matter has been considered and approved by Council.

14.2 A paper copy of every by-law being introduced will be provided to each member of council and by such circulation to Council members shall be deemed to have been made known to the public.

14.3 Every By-law shall be introduced upon motion by a member specifying the title of the By-law

14.4 Every By-law, when introduced, shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any Act.

14.5 Every By-law shall be given three readings prior to passage.

14.6 The first and second reading of a By-law shall be decided without amendment or debate.

- 14.7 By one Motion, By-laws are considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.
- 14.8 By-laws may be given three (3) readings on the same day except when requested otherwise by motion of the majority of members present or as otherwise provided in law.
- 14.9 Upon passage, By-laws shall be numbered, signed by the Mayor or presiding officer and Clerk and embossed with the seal of the Corporation.
- 14.10 Any proposed By-law may be referred to a Committee, Department Head or other officer for review and comment, including the Solicitor for the Corporation.

15.0 NOTICE OF MOTIONS

- 15.1 Notices of motion may be received by the Clerk and each motion of which the Clerk has received notice; in accordance with subsection 10.0 and section 11.0 shall be included on the agenda or addendum, as the case may be, for that meeting under the section "Direction Required" or "General".

16.0 MOTIONS

- 16.1 A motion with respect to a matter shall not be presented without the prior notice required under subsection 15.1. Any motion may be introduced without notice with the approval of the majority of Council, notwithstanding the foregoing.
- 16.2 Every motion or resolution shall be in writing and when duly moved and seconded and stated by the Mayor or Clerk, shall be open for consideration.
- 16.3 After a motion is moved, and seconded and read aloud it shall be deemed to be in possession of the Council, but may with the permission of the Council be withdrawn at the joint request of the mover and seconded at any time before decision or amendment.
- 16.4 Save as otherwise provided, all amendments to motions:
- (a) Shall be in writing and seconded
 - (b) Shall be decided upon or withdrawn before the main question is put
 - (c) Only one amendment shall be allowed to an amendment and any amendment more than one must be to the main question.
 - (d) Amendment motions shall be relevant to the question
 - (e) Amendment motions shall not be received proposing a direct negative to the question
 - (f) Amendments may propose a separate and distinct disposition of a question
 - (f) Motions shall be read and voted on in the reverse order to that which it is moved.
- 16.5 A motion for reference, until it is decided, shall preclude all amendment of the main question. If the motion for reference is carried, the main motion and any amendments thereto shall be deemed to be withdrawn.
- 16.6 When a question is under debate, no motion shall be received except for the following purposes and accordingly to the listed priorities namely:
- ♦ (a) a motion to extend the hour of automatic adjournment
 - ♦ (b) a motion to adjourn
 - ♦ (c) the main question
 - ♦ (d) a motion to lay on the table (indefinite postponement)
 - (e) a motion to postpone to a definite date
 - (f) a motion to refuse
 - (g) a motion to amend
- ♦ *Not debatable*
- 16.7 A motion to refer or defer shall take precedence over any motion or amendment except a motion to adjourn.
- 16.8 A motion to refer shall require direction as to the body to which it is being referred.
- 16.9 A motion to defer may give a reason and a time to which the matter is deferred.
- 16.10 A motion that the vote now be taken does not require a seconder, need not be in writing and shall not be recorded in the minutes and shall not be entertained by the Mayor until each of the members present has had an opportunity to speak at least once on the particular matter if he/she so wishes.

- 16.11 Once a motion that the vote be now taken is presented and entertained by the Mayor, it shall be put to a vote without debate and, if carried by two thirds vote of the members present, the motion and any amendments thereto under discussion shall be submitted to a vote forthwith without further debate.
- 16.12 A motion relating to a matter not within the jurisdiction of the Council is not in order and shall not be entertained by the Mayor.

17.0 VOTING

- 17.1 Each member present, when a question is put, shall vote thereon unless the member has a pecuniary interest, direct or indirect. When a member has such an interest in the question under debate, he shall so advise the Council in accordance with the provisions of the Municipal Conflict of Interest Act. The member shall, in instances where the Council is meeting in a closed session, vacate his chair and the meeting room until the question is decided, and the Clerk shall duly record the circumstances in the minutes. If any member present persists in refusing to vote except for reasons of such interest, they shall be recorded as having voted in the negative to the question before Council.
- 17.2 After the Mayor commences to take a vote on a question, no member shall speak to such question or present any other motion until the vote has been taken on such question, be it a main motion, an amendment to a main motion or an amendment to an amendment.
- 17.3 Voting shall be by way of "show of hands" in favour or against; except when a recorded vote is requested by any member. The Mayor shall announce the results of the vote.
- 17.4 Unless disqualified, the Mayor may vote with the other members on all questions. The Mayor may vote after the vote is taken, in order to break or cause a tie.
- 17.5 A member may request a recorded vote on any question and when a member requests a recorded vote, each member present unless otherwise prohibited by Statute, shall announce his/her vote openly and individually in favour of or against the question except for the Mayor who shall announce his/her vote last. The Clerk shall record each member's vote as having voted "YES or "NO" and each member's surname shall be noted in the minutes. After completion of the vote, the Clerk shall announce the results. If during the roll call vote any member present refuses to vote or fails to vote, he/she shall be deemed and recorded as voting against the question.
- 17.6 Any question on which there is an equality of votes shall be deemed to be lost except where otherwise expressly provided by the Municipal Act.
- 17.7 If a member disagrees with the announcement by the Mayor of the results of any vote, except a recorded vote, he/she may object immediately to the Mayor's declaration and require the vote to be retaken by a recorded vote.
- 17.8 A member's opposition to any question shall not be recorded in the minutes unless a recorded vote has been taken and in the recorded vote the member voted against the question.

18.0 RULES OF DEBATE FOR COUNCIL MEETING

- 18.1 The Mayor shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council.
- 18.2 Every member, previous to speaking on any question or motion, shall indicate they wish to speak by raising their hand and when so recognized shall address the Mayor.
- 18.3 When a motion is presented, it shall be read by the Mayor or the Clerk, before debating.
- 18.4 When two or more members simultaneously indicate a wish to speak, the Mayor shall designate the member who has the floor. When a member is speaking, no other member shall hold discussion, which may interrupt or pass between the speaker and the chair.
- 18.5 Every member present at a meeting of Council when a question is put shall vote thereon unless prohibited by statute. When the Mayor calls for a 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 Mayor.
- 18.6 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.

- 18.7 No member shall speak twice to a question or issue without leave of the Mayor, and shall not speak a second time to the question where another member wishes the floor who has not spoken the first time to the question, except in explanation of a material part of their speech which they have been misunderstood.
- 18.8 No member, without leave of the Mayor, shall speak to the same question, or in reply, for longer than five (5) minutes.
- 18.9 A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated succinctly and asked only of the previous speaker.
- 18.10 Notwithstanding Clause 17.7 when a member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Mayor or an official of the Township of the matter under discussion but only for the purpose of obtaining information, following which the member may speak.
- 18.11 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:
- i) a point of order or personal privilege
 - ii) presentation of petitions
 - iii) to lay on the table
 - iv) to postpone indefinitely or to delay
 - v) to move the previous question
- 18.12 The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- i) to refer
 - ii) to adjourn
 - iii) to amend
 - iv) to suspend the rules of procedure
- 18.13 In all unprovoked for cases, the matter shall be decided by the Mayor, subject to an appeal to the Council upon a point of order.

19.0 POINTS OF ORDER AND PRIVILEGE

- 19.1 The Mayor shall preserve order and decide questions of order.
- 19.2 When a member raises a point of order the member shall ask leave of the Mayor to raise a point of order and after leave is granted the member shall state the point of order to the Mayor and remain silent until the Mayor has decided the point of order.
- 19.3 Thereafter, a member shall only address the Mayor for the purpose of appealing the Mayor's decision to the Council.
- 19.4 If no member appeals, the decision of the Mayor shall be final.
- 19.5 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 19.6 Where a member considers that his/her integrity or the integrity of the Council as a whole has been impugned, the member may as a matter of personal privilege rise at any time, with the consent of the Mayor, for the purpose of drawing the attention of the Council to the matter.

20.0 CONDUCT OF MEMBERS OF COUNCIL

- 20.1 No member shall use offensive words or unparliamentary language in or against the Council or against any member, staff or guest.
- 20.2 No member shall disturb another, or the Council, staff or guest by any disorderly conduct disconcerting to the speaker.
- 20.3 No member shall speak on any subject other than the subject in debate.
- 20.4 No member shall resist the rules of Council or disobey the decisions of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of Council.

- 20.5 No member may leave a meeting without first obtaining permission from the Mayor.
- 20.6 No member shall be permitted to retake his or her seat after being ordered to vacate, having committed a breach of any rule of the Council, until the next meeting and without making an apology to Council.
- 20.7 No member shall interrupt the member who has the floor except to raise a point of order.

21.0 CLOSED SESSIONS

- 21.1 The Council and any committee shall recess and go into a closed session to carry on debate if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, provided the council or committee is designated as head of the institution.
- 21.2 Except as provided in this section all meetings shall be open to the public. The Council and any Committee shall recess and go into a closed session to carry on debate if the subject matter is one of the following according to the Municipal Act 2001, c.25 Section 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 matters;
 - (c) A proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) Labour relations or employee negotiations;
 - (e) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
 - (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
 - (g) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
 - (g) A meeting is held for the purpose of educating or training the members. 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.
- 21.3 Subject to Subsection 21.2, a meeting shall not be closed to the public during the taking of a vote.
- 21.4 Despite Subsection 21.3, a meeting may be closed to the public during a vote if,
- (a) the subject matter falls into a category where a closed session is allowed: and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agent of the municipality or local board or committee of either of them persons retained by or under contract with the municipality or local board.

22.0 GENERAL COMMITTEE

- 22.1 The presiding officer may appoint another member of the committee to act as committee chairperson while speaking to a question or while temporarily absent from the meeting.
- 22.2 The committee chairperson shall maintain order in the committee and report the proceedings to Council.
- 22.3 The rules governing the procedures of the Council and the conduct of members of Council shall be observed in committee.
- 22.4 The number of times speaking on any question shall not be limited unless a member moves that the vote be now taken.
- 22.5 No member shall speak more than once except to make an explanation until every member who desires to speak shall have spoken.
- 22.6 If a member disobeys the rules of Council or the decision of the committee chairperson on questions of order and practise, or upon interpretation of the rules of Council and persists in such disobedience after having been called to order by the committee chairperson, the committee chairperson shall forthwith suspend the proceedings of the committee and report

the circumstances to the Council. The presiding officer shall put the question, no amendment, adjournment or debate being allowed, that such member be ordered to leave their seat for the duration of the meeting of Council, but if the member apologises, the member may by vote of Council, be permitted to retake a seat.

- 22.7 Any member of Council who sponsors a resolution for the appointment of a special committee shall be a member of that committee. A member sponsoring a measure shall, if a special committee is appointed to consider the same, be a member of such special committee.
- 22.8 A motion in Committee of the Whole to rise and report, or that the chairperson leave the Chair with leave to sit again, shall be in order and shall be decided without debate.
- 22.9 General Committee meetings shall proceed according to its place and in the following order:
1. Call to Order
 2. Planning & Building Department
 3. Fire & Emergency Services
 4. Finance
 5. Drainage
 6. Water & Sewers
 7. Environmental Services (Landfill, Collection)
 8. Transportation
 9. Parks, Facilities & Recreation
 10. General
 11. By-Law Enforcement & Small Animal Control
 12. Personnel
 13. New Business
 14. Correspondence on the table
 15. Closed Session

23.0 SPECIAL COMMITTEES

- 23.1 The Council may by motion refer matters of municipal concern to a special or Ad Hoc Committee for study and report. Members of an Ad Hoc Committee need not be members of Council. A chair and recording secretary shall be appointed from amongst the committee. Minutes or Reports of a Meeting shall be forwarded to the Council.
- 23.2 No item of business may be dealt with by a committee after eleven (11:00) p.m. without the consent of a majority of the members of the committee.

24.0 STANDING COMMITTEES OF COUNCIL

- 24.1 The Mayor may consult with members of Council in order to determine each Council member's preferences with respect to Committee Appointments. It shall be the responsibility of the Mayor to make recommendations with respect to Council membership on all Standing Committees, Boards and Committees of Council.
- 24.2 Each Standing Committee shall consist of not less than two (2) members, except where otherwise provided.
- 24.3 The Mayor or designate shall be an ex-officio member of every standing or special committee, in addition to the appointed members, however the Mayor or designate does not count for quorum (is not counted in determining the number required for a quorum or whether a quorum is present at a meeting).
- 24.4 In the event of a Council vacancy occurring in the office of a member of the Standing Committee during any term the Council shall appoint a substitute member to the committee for the remainder of the term.
- 24.5 The chairperson and members of each committee shall hold office until their successors are appointed.
- 24.6 It shall be the responsibility of the staff person appointed to each standing committee
- 24.6.1 To advertise any vacant at large positions for a minimum of two weeks in the local newspapers and on the Township website. All names received will be presented to Council for consideration.
 - 24.6.2 To advise by correspondence associations or organizations to submit two representative names for Council's consideration. It is at Council's discretion to accept or reject any recommendation.

- 24.7 Citizen Appointments to Committee of Council shall be selected by the whole of Council and all appointments to standing committees for at large positions, association or organizational representatives shall be enacted by the Consolidated Appointment By-law.
- 24.8 If necessary, appointments shall at a subsequent meetings, be made by Council to fill vacancies on a committee, or a board until such time as all vacancies are filled.
- 24.9 A quorum in any committee is the majority of the voting members of the committee.
- 24.10 A Standing Committee of Council shall meet at the summons of its chairperson, or at such predetermined time as determined by the accepted practice of that Committee.
- 24.11 The chairperson of the Standing Committee may, at their discretion, refer a matter of urgent nature to the Council, or to the Committee of the Whole, which due to the time element, cannot be properly presented to the next regular meeting of a committee.
- 24.12 The committee chairperson shall be entitled to vote at meetings as a member of such committee but shall not have a second or casting vote in the event of an equality of votes on any question.
- 24.13 The committee chairperson or in their absence, the vice-chairperson, shall act as spokesperson for the committee at Council and other appropriate meetings.
- 24.14 The clerk shall be the secretary of all the Standing Committees of Council but may assign those duties as secretary to another employee or by permission a member of the Standing Committee or as outlined in the by-law referred to in Section 24.17.
- 24.15 Deputations may address a committee by requesting the clerk of the municipality, or appointee, to place their name in Deputations on the agenda for the particular meeting. Notwithstanding the above and at the committee's discretion, any deputation other than those listed may be heard on any item appearing on the agenda. The priority in which the committee hears deputations shall be in accordance with the following:
- 24.15.1 known and listed deputations arranged prior to distribution of an agenda, if any;
- 24.15.2 deputations who, subsequent to the preparation of the agenda, if any, and prior to the commencement of a meeting, apply to the secretary to be heard on a particular matter;
- 24.15.3 deputations who appear at a meeting and are not identified until such times as a particular item comes forward for discussion.
- 24.16 Members of Council may attend meetings of any Standing Committee of which they are not a member but shall not have the privilege of voting or addressing the committee, without the consent of the committee members.
- 24.17 A by-law outlining the duties, responsibilities and mandate of the Standing Committee and special committees shall be passed by Council.
- 24.18 Except as provided in this section all committee meetings shall be open to the public. Any committee shall recess and go into a closed session to carry on debate if the subject matter is one of the following according to the Municipal Act 2001, c.25 Section 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 matters;
 - (c) A proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) Labour relations or employee negotiations;
 - (e) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
 - (f) Advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose.
 - (g) A meeting is held for the purpose of educating or training the members. 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.
 - (h) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- 24.19 The Chairperson of every Standing Committee shall advise the clerk as to the date, time and location of any Standing Committee meeting. The clerk shall also be advised as to whether the meeting is open or closed. The Clerk shall, upon request of any member of the public, provide information on date, time and location of any Standing Committee meeting.

- 24.20 A committee or committee member, which refuses or neglects to give due consideration to any matter assigned to it or before it, may by resolution of Council be discharged of such responsibilities.
- 24.21 All committees are subject to the control and direction of Council, conditional on compliance with the provisions of other statutes or regulations of Ontario Canada.
- 24.22 A copy of all typewritten minutes of each standing committee will be presented to Council at the Council Meeting following the standing committee meeting.

25.0 CONFLICT OF INTEREST

- 25.1 It shall be the responsibility of the individual member of Council to declare a conflict of interest when warranted. When there is doubt or question, the member of Council shall seek legal advice. The clerk shall not provide any said advice or caution members of possible conflict.

26.0 ADJOURNMENT AND CURFEW

- 26.1 A motion to adjourn a meeting shall be in order, except:
- 26.1.1 when another member is in possession of the floor
 - 26.1.2 when it has been decided that the vote be now taken
 - 26.1.3 during the taking of a vote
- 26.2 No subsequent motions to adjourn shall be made until after an intermediate proceeding shall have taken place after each case.
- 26.3 A Board meeting shall be deemed to be automatically adjourned at the hour of 11:00 p.m. if in session at that hour, unless otherwise determined by resolution passed by two thirds of the members present.
- 26.4 Where, under subsection 23.3 above, a meeting continues past 11:00 p.m., the meeting shall be deemed to be automatically adjourned at the hour of 12:00 a.m. unless such proceedings be authorized to continue past that hour by a resolution passed with the unanimous support of all members present.
- 26.5 Where a person has been deemed guilty of improper conduct by the Chair and is expelled or excluded from the meeting by the Chair and such person refuses to so leave, the Chair may adjourn the meeting without any motion to do so until such time as the person has left the meeting room.

27.0 PARLIMENTARY PROCEDURE

- 27.1 All proceeding of the council not specifically provided for in this by-law shall be dealt with in accordance with ROBERTS RULES OF ORDER NEWLY REVISED 10th Edition and in such cases the decision of the mayor shall be final and accepted without debate.

28.0 SUSPENSION OF RULES

- 28.1 Any standing rule, order of Council or provision of this by-law, other than a quorum requirement, may be suspended or amended at or for a particular meeting by resolution of the Council with the consent of a majority of the members of Council present.

29.0 AMENDMENTS TO THE BY-LAW

- 29.1 No amendment or repeal of this by-law or part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given in accordance with the Township's Notice By-Law.

30.0 EFFECTIVE DATE

- 30.1 This by-law shall come into full force and effect upon its final passage.

31.0 REPEAL OF BY-LAW 2007-1

- 31.1 By-Law 2007-1 passed by the Township of Huron-Kinloss on the 15th day of January, 2007 and all amendments made thereto, be and the same are hereby repealed.

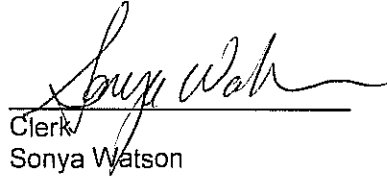
32.0 TITLE

- 32.1 This by-law may be cited as the "Township of Huron-Kinloss Procedural By-Law".

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 17th day of
December, 2007



Mayor
Mitch Twolan



Clerk
Sonya Watson