

THE CORPORATION OF THE TOWNSHIP OF FARADAY

BY-LAW NO. 46-2023

Being a By-Law to govern the proceedings of Council, the conduct of its members, the calling of meetings and giving notice to and consulting with the public.

THE purpose of the By-law, under the **Municipal Act**, 2001, is to ensure the manner in which the Township is accountable to the public for its actions and that its actions are transparent to the public.

WHEREAS Section 238(2) of the **Municipal Act**, 2001, provides that every municipality and local board shall pass a procedure By-law for governing the calling, place, and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the **Municipal Act**, 2001 provides that the procedure By-law shall provide for public notice of meetings;

AND WHEREAS Section 223.2 of the **Municipal Act**, 2001, as amended, authorizes the municipality to establish codes of conduct for members of the Council of the municipality and of local boards of the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Faraday **HEREBY ENACTS AS FOLLOWS:**

1.0 DEFINITIONS

- 1.1 **"ACT"** shall mean any Statute adopted by the Legislative Assembly of the Province of Ontario.
- 1.2 **"ACTING HEAD OF COUNCIL"** shall first mean another designate who shall act as presiding officer in the absence of the Head of Council.
- 1.3 **"AGENDA"** means the order in which business is considered at a meeting.
- 1.4 **"APPEAL TO MOTION"** means to challenge a ruling or decision of the Chair. A member can move to appeal a decision of the Chair. A seconder is needed and Council will vote on the appeal to determine the matter. The Chair would say "Shall the ruling of the Chair be upheld? All those in favour raise your hand. All those against raise your hand." If it is a tie then the appeal fails, and the ruling of the Chair is upheld.
- 1.5 **"BY-LAW"** means an enactment, in a form approved by Council, passed for the purpose of giving effect to decisions or proceedings of Council.
- 1.6 **"CHAIR"** means the Mayor or Deputy Mayor or Presiding Officer or Chairperson at a Meeting.
- 1.7 **"CLERK"** means the Municipal Clerk of the Corporation of the Township of Faraday appointed by By-law and as referred to under Section 228 of the **Municipal Act** or their designate who shall have all the powers and duties of the Clerk under this and every other **Act**.
- 1.8 **"CLOSED MEETING INVESTIGATOR"** means the person the municipality may appoint as an investigator to investigate, in an independent manner, complaints about Closed Meetings.

- 1.9 **"CLOSED SESSION"** means a Meeting, or part of a meeting of Council or a Committee, which is not opened to the public as permitted under the **Municipal Act**, as amended, and as defined in Subsection 6.3 of this By-law.
- 1.10 **"CODE OF CONDUCT"** means the adopted policy of conduct in force for Members of Council, Committee Members and Local Boards.
- 1.11 **"COMMITTEE"** means any advisory or other committee, subcommittee or similar entity of which at least 50 percent of the members are also members of one or more councils or local boards and approved by Council in the form of a resolution or By-Law.
- 1.11.1 **"STANDING COMMITTEE"** means a Committee constituted to perform a continuing function and remain in existence permanently or for the life of the Council that establishes them and are appointed by By-law or Resolution.
- 1.11.2 **"AD HOC COMMITTEE"** means a Special Purpose Committee of limited duration, created by Council to inquire into and report on a particular matter or concern that has a specific task and objective and which dissolves automatically upon submitting its final report unless otherwise directed by Council. One or more Members of Council to be appointed.
- 1.11.3 **"STATUTORY COMMITTEE"** means Committees established pursuant to a specific enabling statute such as a Committee of Adjustment established pursuant to the **Planning Act**, a Municipal Election Compliance Audit Committee established pursuant to the **Municipal Elections Act** and any other body established pursuant to enabling legislation which services in an arms-length (quasi-judicial) capacity on behalf of or in cooperation with the Municipality.
- 1.11.4 **"COMMITTEE OF THE WHOLE"** means a meeting of Council in Committee format for discussion purposes.
- 1.12 **"COMMITTEE CHAIR"** means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
- 1.13 **"COMMUNICATIONS/CORRESPONDENCE"** includes but is not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, media release, newspaper/magazine article, etc.
- 1.14 **"CONFIRMING BY-LAW"** means a by-law passed at the conclusion of Council meetings confirming the actions taken at a meeting in respect of each resolution and other action taken, so that every decision of Council at that meeting and any previous Special Meeting shall have the same force and effect as if each and every one of them had been the subject-matter of a separately enacted by-law.
- 1.15 **"CORPORATION"** means The Corporation of the Township of Faraday.
- 1.16 **"COUNCIL"** means the Council of The Corporation of the Township of Faraday which was elected by registered voters or appointed by virtue of vacancy. A group of elected people gathered together in one place for a common purpose to make laws or decisions for the Corporation of The Township of Faraday.

- 1.17 **"COUNCIL CHAMBERS"** means the Council Chambers located in the Township of Faraday Municipal Office at 29860 Highway 28, Bancroft, ON.
- 1.18 **"COUNCIL PACKAGE"** means a copy of the Agenda, reports and all other information that Members require prior to a meeting.
- 1.19 **"DAYS"** means seven consecutive days of a week, considering working days, Monday to Friday and weekend days, Saturday, and Sunday.
- 1.20 **"DEBATE"** means a discussion to put forth reasons for or against, in which a difference of opinion is expressed.
- 1.21 **"DECORUM"** means dignified propriety of behavior and speech. An observance or requirement of polite and appropriate behavior.
- 1.22 **"DELEGATION"** means a person or persons intending to address the Council or Committee in a matter under the delegated authority of said body.
- 1.23 **"DEPUTY CLERK"** means the Deputy Clerk(s) of the Township of Faraday, appointed by By-law, and referred to under Section 228 of the **Municipal Act**.
- 1.24 **"DEPUTY MAYOR"** means the Member of Council elected or appointed by virtue of a vacancy to act from time to time in the place and stead of the Mayor.
- 1.25 **"ELECTRONIC MEETING"** means municipal Council and Committee Meetings called and held in full or in part via electronic means as determined and provided by the Clerk, including but not limited to audio teleconference, video teleconference, or via means of the internet and with or without in-person attendance.
- 1.26 **"ELECTRONIC PARTICIPATION"** means the participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk, and "participate electronically" has a corresponding meaning.
- 1.27 **"EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT"** means the **Emergency Management and Civil Protection Act**, R.S.O. 1990, Chapter E.9, as amended.
- 1.28 **"EMERGENCY"** means any period of time during which an emergency has been declared to exist in all or part of a municipality by the Head of Council or the Lieutenant Governor in Council or by the Premier, under sections 4 or 7.0.1 of the **Emergency Management and Civil Protection Act**.
- 1.29 **"HOURS"** means consecutive hours that follow each other, during the course of Twenty-four (24) hours in a seven (7) day period.
- 1.30 **"INTEGRITY COMMISSIONER"** means a person who is retained by the Municipality who reports to Council. The Integrity Commissioner's role is to perform, in an independent manner, the functions assigned by Council with respect to the application of a code of conduct for members of Council and local boards and procedures, rules and policies governing the ethical behavior of members of Council and local boards. The Municipality is required to provide access to an Integrity Commissioner.
- 1.31 **"LOCAL BOARD"** means a municipal service board, transportation commission, board of health, 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, a conservation authority, a public library board and a police service board.

- 1.32 **"MAJORITY"** means more than half. 2.33 Majority Vote means more than half of the votes cast by persons legally entitled to vote.
- 1.33 **"MAYOR"** means the elected Head of Council or appointed by virtue of vacancy of The Corporation of the Township of Faraday or the Deputy Mayor in their absence.
- 1.34 **"MEETING"** means any regular, special, or other meeting of Council, a Local Board or Committee where: a) quorum of Members is present and b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board, or committee.
- 1.35 **"MEMBER"** means a person elected or appointed as a Member of the Council of The Corporation of the Township of Faraday, including the Mayor and Deputy Mayor, or appointed member of a Committee or Board, as it may apply.
- 1.36 **"MOTION"** means a formal proposal by a member for the consideration of Council or Committee that certain action be taken.
- 1.37 **"MUNICIPAL OFFICE"** means the Municipal Office located at 29860 Highway 28, Bancroft, ON.
- 1.38 **"MUNICIPALITY"** means the Corporation of the Township of Faraday.
- 1.39 **"NOTICE OF MOTION"** means an advance notice, preferably provided electronically to the Clerk by a member advising Members of a matter on which Council will be asked to take a position.
- 1.40 **"PECUNIARY INTEREST"** means a direct or indirect pecuniary interest within the provisions of the **Municipal Conflict of Interest Act**, 1990, chapter M.50, as amended.
- 1.41 **"POINT OF PRIVILEGE"** means a matter that a Member considers to question their integrity or the integrity of Council, which relates to the rights and privileges of the assembly or any of its Members to be brought up for possible immediate consideration because of its urgency.
- 1.42 **"POINT OF INFORMATION"** means a request directed to the Mayor or through the Mayor to another Member or to members of administration for information relevant to the business at hand, but not related to a point of order.
- 1.43 **"POINT OF ORDER"** means a matter that a Member considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council and seeks an immediate ruling on an alleged violation of the rules of procedure.
- 1.44 **"POSITION OR OPINION"** means something believed or accepted as true by a person.
- 1.45 **"POSTPONE"** means to delay consideration of a matter until later in the same meeting or to the next meeting of the same body, or to a certain meeting that is specified in the motion to postpone.

- 1.46 **"PRESIDING MEMBER"** means the Mayor or Deputy Mayor or Chair of the Meeting.
- 1.47 **"QUORUM"** means the minimum number of voting members who must be present at a properly called meeting in order to conduct business. A quorum must have a majority of members who are not prohibited by statute from voting.
- 1.48 **"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, in favour, opposed, absent, or disqualified pursuant to Section 246.1 of the Act.
- 1.49 **"RESOLUTION"** means a formal determination made by the Council or a Committee on the basis of a motion, duly placed before a regularly constituted Meeting of the Council or a Committee for debate and decision, duly passed and therefore represents the vote and will of Council.
- 1.50 **"RULES OF PROCEDURE"** means the rules and special rules and regulations as provided for within this Bylaw, and where this Bylaw is silent, the rules and regulations provided in Robert's Rules of Order, Newly Revised, 11th Edition.
- 1.51 **"TIME"** means that the Time Act shall govern the time within this Procedural By-law.

2.0 INTENT OF BY-LAW

The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-Law may be suspended if agreed unanimously by the Members present unless the part or parts are prescribed by statute or law and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

3.0 COUNCIL (AND COMMITTEE) MEETINGS AND NOTICES FOR THE SAME

3.1 Schedule of Meetings

The Inaugural Meeting of the Council shall be held as soon as conveniently possible beginning November 15th, but no later than December 16th of the election year.

All regular meetings of Council shall be held the first Wednesday for the months of February, March, April, May, June, August, September, October and December, as noted on the approved schedule posted on the website. The meeting in January will be held the second Wednesday of the month.

Meetings will begin at 9:00 a.m., at the Township of Faraday Municipal Office, unless otherwise noted.

The dates and times for meetings of Committees shall be posted for public view inside the municipal office and/or on the municipal website.

3.2 Public Meetings/Notice

Adequate notice for such items as public meetings will be posted at the Township Municipal Office, and/or on the Township's website, and/or available media and

communication resources as deemed necessary by the Clerk.

3.3 Special Meetings/Notice

The Head of Council shall, if requested in writing by any three members of Council, call a special meeting of Council other than as described in Section 3.1 of the By-law.

The Head of Council may call a special meeting other than as described in Section 3.1 of this By-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or via e-mail message or via text message. Notice will be posted on the Township's website and in the Township Municipal Office Building, unless in the case of an emergency as deemed by quorum of Council, then adequate notice may not be given as per above.

Special meetings require a minimum notice of twenty-four (24) hours unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.

At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice called the meeting.

In the absence of, or death of the Head of Council or the Presiding Officer, so appointed, or if his/her office is vacant, a special meeting may be summoned by the Clerk and shall be summoned upon a requisition, in writing, signed by a majority of the members of the Council, being received in his/her office stating the date, time and place of the requested meeting.

Council shall only consider the matter or matters that are specifically listed for consideration on the Notice of the Special Meeting unless unanimous consent is given by Members of Council to consider other matters.

3.4 Statutory Holiday

When the day scheduled for a regular Council Meeting is a Statutory Holiday, Council shall meet on the day following the holiday.

3.5 Presiding at Council Meeting

- (a) As soon after the hour fixed for the meeting as there is a quorum present the Head of Council shall take the chair and call the members to order. A majority of the members of Council shall constitute a quorum.
- (b) The Head of Council is the Head of Council, and he/she shall preside at the meetings of Council. If the Head of Council does not attend within fifteen minutes after the time appointed, and if there is a quorum, the meetings of Council shall be presided over by the appointed member of Council to act in place or stead of the Head of Council who shall have all rights, responsibility, and authority as Head of Council while performing his/her duty during the meeting or until the arrival of the Head of Council. If both the Head of Council and said appointed Councillor is absent, providing there is a quorum, a Member of Council shall be chosen from the members present to preside during the meeting or until the arrival of the Head of Council or member of Council appointed to act instead of the Head of Council.
- (c) While presiding, the Acting Head of Council and/or the Chair chosen by Council shall have all the powers of the Head of Council and shall be entitled to vote as a member, except where disqualified to vote by reason of interest or otherwise.

- (d) The Head of Council shall preserve order and decorum, decide questions of order (subject to an appeal to the Council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so.
- (e) The Head of Council (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.
- (f) The Head of Council may take part in any debate without leaving the Chair. If the Head of Council desires to introduce a motion or By-law, he/she shall leave the Chair for that purpose and shall call on another member of the Council to fill his/her place until he/she resumes the Chair.

3.6 Quorum

If a quorum is not present within fifteen (15) minutes after the hour appointed, the meeting shall be cancelled until the next regular meeting or until a special meeting is called.

3.7 Curfew

No item of business may be dealt with at a Council meeting after 3:00 p.m. unless unanimous consent is given by the Members of Council to extend the closure time beyond 3:00 p.m.

3.8 Committees

The Rules of Procedure for Committee operations shall be those contained in this By-law where applicable, unless otherwise prescribed by specific municipal By-law, statute, or law.

Standing, Advisory and Ad hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded, and replaced as Council deems necessary. All Members of such Committees shall be qualified electors within the Township.

The Head of Council shall be an ex-officio member of all Municipal Standing, Advisory and Ad hoc Committees where not otherwise prohibited by any **Act** and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previous completed meeting Agenda.

4.0 AGENDAS AND SUPPORTING MATERIAL

4.1 Agendas

Agendas shall be generally formatted as follows but modifications to the matters be included or the order of business may be affected without requiring amendment to this By-law.

- 1) Call to Order, Land Acknowledgement.
- 2) Moment of Silence.
- 3) Declaration of Conflict of Interest/Disclosure of Interest.
- 4) Adoption of Agenda and any new business.

- 5) Public Meeting.
- 6) Appointments, Delegations
- 7) Approval of Council Minutes.
- 8) Business Arising From Minutes.
- 9) Correspondence.
- 10) Accounts.
- 11) Staff Reports.
- 12) Notice of Motions – introduction of future motions to be placed on next meeting's agenda.
- 13) By-Laws.
- 14) Closed Session.
- 15) Confirming By-Law.
- 16) Adjournment.

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

4.2 Circulation of Agenda

Insofar as is practicable, it shall be the duty of the duty of the Clerk to ensure that the Minutes of the last regular Council meeting and all Special and Committee meetings held more than seven (7) days prior to the regular meeting are circulated along with council agendas and supporting material, prepared in accordance with Clause 3.1; and

Insofar as is practicable, delivered to each Member no later than the Friday prior to a regular meeting with Supplementary Agenda items being circulated to Members prior to Call to Order of meeting.

A copy of the agenda for each regular Council meeting shall be posted for public view inside the municipal offices and/or on the municipal website.

The closed meeting agenda and background material will be provided to Council with the regular meeting agenda and material.

4.3 Order of Business

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

The Chair or designate of each Committee submitting a report shall field questions regarding the same during discussions of that report as may be required.

When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

4.4 Minutes

Minutes shall record:

- a) The place, date and time of meeting;

- b) The names of the Council in attendance and absent;
- c) The names of staff present;
- d) Proceedings of the meeting without note or comment;
- e) All corrections or omissions noted prior to its adoption;
- f) The signature of the Head of Council/Presiding Member and Clerk.

5.0 THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

5.1 Duties of Head of Council

It shall be the duty of the Head of Council or another Presiding officer to carry out the responsibilities set forth in the **Municipal Act**, 2001, Sections 225 and 226.1 and:

- a) to open the meeting of Council by taking the Chair and calling the meeting to order, and giving appropriate opening remarks;
- b) to announce the order of business as it appears on the agenda so that an orderly sequence of business may be maintained;
- c) to receive and put to vote all motions presented that are duly moved and seconded, or necessarily arise in the course of the proceedings and announce the results;
- d) to decline to put to vote motions which infringe upon the rules of procedure;
- e) to inform the Council, when necessary or when called upon to decide a point of order or usage, he/she shall state the rule or practice applicable to the case;
- f) to ensure and enforce the observance of order and decorum among the Members;
- g) to ensure and enforce the observance of order and decorum among the assembly;
- h) to call by name any member(s) persisting in breach of the rules or order of the Council, thereby ordering the member to vacate the Council Chamber;
- i) to order any individual or group in attendance at the meeting to cease and desist any behavior which disrupts the order or decorum of the meeting and to order the individual or group to vacate the Council Chamber where such behavior persists;
- j) to receive all communications and delegations and announce them to the Council;
- k) to authenticate, by his/her signature when necessary all By-Laws, resolutions/motions, and minutes of the Council;
- l) to select the members of Council who are to serve on Committees;
- m) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
- n) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;

- o) to request a motion of Council to move into Committee of the Whole/Closed Meeting;
- p) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber;
- q) adjourn the meeting when the business is concluded.

5.2 Conduct During Meetings – Decorum

- a) Where a member of Council has a pecuniary or other interest, direct or indirect, and discloses that interest in accordance with Section 5 of the **Municipal Conflict of Interest Act**, the member will:
 - i) Read aloud a statement of the interest and its general nature and will provide a written statement of the interest and its general nature to the Clerk;
 - ii) Will leave the council meeting while the issue is considered; and
 - iii) Will take no steps to influence the decision in any way, either prior to, during or after the meeting, even if the member did not attend the meeting where the matter was discussed.

If a member is not at a meeting where a matter in which they have a conflict of interest was discussed, they must declare the conflict at the next meeting and complete the written statement. Alternatively, if the member knows they will not be at the meeting where they have a conflict of interest in an item council will consider, they can advise the Clerk and complete the declaration prior to the meeting.

Members will, at all times, comply with their statutory obligations pursuant to the **Municipal Conflict of Interest Act**.

- b) No Member shall:
 - i) use offensive words or unparliamentarily language in or against the Council or against any Member, staff, or guest;
 - ii) speak on any subject other than the subject under debate or question;
 - iii) criticize any decision of Council except for the purpose of moving that the question be re-considered;
 - iv) disobey the rules of Council or disobey the decisions of the Head of Council or Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and if the Member persists in disobedience, the Presiding Officer may forthwith put the question (without amendment, adjustment, or debate) "that such Member be ordered to leave his/her seat for the duration of the meeting", but if the Member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat;
 - v) attend a meeting in a condition unfit for conducting the business of Council;
 - vi) interrupt or make a disturbance when the presiding officer is putting the question to a vote, and/or a member who has the floor except to raise a point of order;
 - vii) leave a meeting without first obtaining permission from the Head of Council or presiding officer.

- 5.3** No person shall be allowed to address Council or speak in debate without permission of the Head of Council or presiding officer.
- 5.4** No person shall use offensive words, detrimental comments, unparliamentarily language, speak ill of, or malign, the integrity of staff, the public, Mayor, Chair Members of Council or Committee.
- 5.5** No person shall make or cause to be made a disturbance of any nature.
- 5.6** Electronic devices must be silenced during a meeting and must not be used to disrupt a meeting.
- 5.7** Members of the public shall remain seated, except for the person who has been given permission to speak, through the Chair.
- 5.8** Members of the public shall refrain from making noise or engage in a conversation between one another.
- 5.9** Members of the public shall listen to the person who is speaking and shall not interrupt said person.
- 5.10** Members of the public shall not be allowed to take photographs during in the public meetings.
- 5.11** Members of the public shall not bring any signs or placards into the meeting room.
- 5.12** Any member of the public found disrespecting Article 5.4 during a meeting, shall be removed from the ongoing meeting.

6 MOTIONS/RULES OF DEBATE

6.1 Motions

- (a) Any Member of Council may introduce a motion for discussion or debate. A motion must be formally seconded before it is subject to discussion or debate.
- (b) When a motion is under debate, no motion shall be received unless related to a question under consideration and may be entertained only if it is:
- i) to refer to Committee of the Whole (debatable)
 - ii) to amend (debatable)
 - iii) to lay on the table deferring temporarily (not debatable)
 - iv) to postpone indefinitely or to a specific day (not debatable)
 - v) to adjourn (not debatable)

These motions shall have precedence in the order in which they are named. A motion to adjourn shall always be in order and shall be decided without debate.

- (c) A motion that was duly made, discussed, or debated shall be put to a vote and the motion and the result of voting shall be recorded in the Minutes.
- (d) A motion may be withdrawn by the mover with permission of the seconder prior to its being debated or put to a vote.

- (e) A motion to recess when other business is before the meeting shall specify the length of time of the recess, is not debatable and shall only be amendable with respect to the length of the recess. A Motion to recess shall not have a motion to reconsider applied to it.

6.2 Voting on Motions

- (a) Before a motion is put to a vote, the presiding officer shall state the question in the precise form it will be recorded in the Minutes. Member's present must vote on the question unless prohibited by any **Act**.
- (b) When a question is put to a vote, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared.
- (c) Any question on which there is a "tie vote" or equality of votes, the vote shall be deemed to be lost.
- (d) The manner of determining the decision of Council shall be by voice, and the Head of Council or the presiding officer may vote on any issue, except where disqualified to vote by reason of interest or otherwise.
- (e) Any Member may request a recorded vote. The presiding officer on a recorded vote shall vote last because in the event of a "tie vote" the presiding officer must cast the deciding vote unless he or she is prohibited from voting by Conflict of Interest or any other **Act**. If such is the case on a "tie vote", the motion would be deemed to be lost. The presiding officer on a recorded vote shall be done alphabetically and on a rotation basis so the onus is not always on one person.
- (f) The Head of Council, or the presiding officer, except where disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this **Act**, any question on which there is an equality of votes shall be deemed to be negative.
- (g) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any **Act**, shall announce his or her vote openly, and any failure to vote by a member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote, and the names of those who voted for and against shall be recorded in the Minutes.
- (h) On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Head of Council, or the presiding officer and may be by voice, show of hands, standing or otherwise; and any failure to vote by a qualified member shall be deemed to be a negative vote.
- (i) No vote by Council shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.

6.3 Council, Committee and Closed Meetings

- a) Pursuant to Section 239(1) of the **Municipal Act**, 2001 all Council and Committee meetings shall be open to the public.
- b) Pursuant to Section 239(2), notwithstanding Paragraph 6.3 (a) above, a meeting of Council or a Committee meeting may be closed in part or whole to the public if the subject matter being considered relates to:
 - i) the security of the property of the municipality or local board. An example may be any matter involving the security of the property of the Township of Faraday.

- ii) personal matters about an identifiable individual, including municipal or local board employees. An example may be personnel matters, where a named employee is involved, or where employee relations or reputations could be damaged.
 - iii) A proposed or pending acquisition or disposition of land by the municipality or local board. An example may be property matters in which premature public disclosure could be prejudicial to the interests of a property owner of the
Township, when acquisition or sale of property of/or for the Township of Faraday is being investigated or negotiated.
 - iv) Labour relations or employee negotiations. An example may be matters affecting labour relations and contract negotiations with employees.
 - v) Litigation or potential litigation, including matters before administrative Tribunals, affecting the municipality or local board. An example may be matters in which public discussion could prejudice the Township's legal position or be detrimental to the Township in proceedings before any court of administrative tribunal.
 - vi) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose. An example may be the receiving of advice from a solicitor pertaining to any particular issue that is considered confidential.
 - vii) A matter in respect of which a Council, board, committee, or other body may hold a closed meeting under another **Act**. An example would be consideration of awards or merit and appointments to Boards and Commissions. Another example would be Discussions in relation to the **Municipal Boundary Negotiations Act, 1981**.
 - viii) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them. An example would be a funding Agreement.
 - ix) A trade secret or scientific, technical, commercial, financial, or labour relations information, supplied in confidence to the municipality or local board which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization. An example would be for a company that has submitted a tender which contains a new formula for asphalt repair.
 - x) A trade secret or scientific, technical, commercial, or financial information that belongs to the municipality or local board and has monetary value or potential monetary value. An example would be for a formula created by the Township for technical repairs that could save the Township financially.
 - xi) A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. An example would be for instructions given during any type of negotiation.
- c) Pursuant to Section 239(3) 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, board, commission or other body is the head of an institution for the purposes of that **Act**; or an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed

under the **Ombudsman Act**, an Ombudsman referred to in a subsection 223.13 (1) of this **Act**, or the investigator referred to in subsection 239.2 (1).

- d) Pursuant to Section 239(3.1) a meeting of 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:
 - i) the meeting is held for the purpose of educating or training the members.
 - ii) At the meeting, no member discussed or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- e) Pursuant to Section 239(4) before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution
 - i) The fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;
 - ii) In the case of a meeting under Section 239(1), 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.
- f) Pursuant to Section 239(6), despite Section 244, a meeting may be closed to the public during a vote if,
 - i) Section 239(2) or 239(3) permits or requires the meeting to be closed to the public; and
 - ii) 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.

Closed Meeting sessions shall be held:

- i) For the selection of vacant Council Seats, Committees and other appointments, and
- ii) When Committee or Council is discussing finance, personnel, litigation, property, personal information, or any other matter where premature disclosure may prejudice the Township's position, or where the lack of parliamentary immunity may leave Council, or any of its members, or officers, open to suit.

Pursuant to Section 239 of the **Municipal Act**, when a motion to go into In Caucus/Committee of the Whole is carried, the Head of Council or Presiding Officer or Committee Chair may, with the approval of Council or Committee, exclude or include such persons as is deemed appropriate from or in the meeting room.

When in Caucus, no one shall leave and re-enter the meeting room without the approval of the Head of Council or Presiding Officer or Committee Chair.

Notwithstanding Paragraph (f) above, all recommendations approved during In Caucus sessions shall be reported and voted on publicly, immediately after the In-Caucus session has been concluded.

- g) Agendas shall include closed meeting items, when required, including information surrounding the nature of the closed meeting item. The Agenda will also include confidential reports for discussion and minutes for approval.

The Clerk shall distribute all confidential reports and materials for Closed Meetings to Council with the open meeting material.

- h) Whenever possible, written closed meeting reports are preferred over verbal reports as the former provides for a more detailed account of the confidential record. Whenever possible, written reports are to be distributed in advance in order to ensure that Council or Committee is prepared for any decisions they may need to consider in relation to a closed meeting discussion. Staff who are considering labelling a report "confidential", and therefore to be considered a closed meeting matter, should, if necessary, seek advice from the Clerk to ensure that the subject matter meets the criteria for a closed meeting discussion.
- i) A resolution to go into a Closed Session should voluntarily disclose as much information as possible about the subject matter to be discussed to provide transparency and accountability to the public. The reason must meet the criteria as set out in Section 239 of the **Municipal Act**, 2001. If Council or a Committee is going into a closed session under Section 239 then the resolution must also include the following: Notation that the meeting is going into closed session under Section 239 of the **Municipal Act** and a description of the subject matter to be discussed and the fact that the meeting is being closed under the specific subsection.
- j) The Clerk or their delegate shall attend all closed sessions and record the proceedings, including procedural motions and direction given to staff.
- k) Voting during closed sessions is restricted to procedural matters or for giving directions or instructions to officers, employees or agents of the municipality or committee of either of them or persons retained by or under a contract with the municipality. It is recommended that where voting is permitted that formal motions be utilized for voting. The Chair shall prohibit discussion of any matter that was not disclosed in the resolution authorizing the closed meeting.
- l) Where a meeting or part of a meeting is closed to the public, all persons not specifically invited to remain by the Council shall take leave from the Council Chambers. When in Closed Session, no one shall leave or re-enter the Meeting room without the approval of the Mayor or Committee Chair.
- m) The Clerk or delegate takes minutes of the closed meeting. Upon resuming the open session, the Chair shall state that the Council or Committee discussed only those matters identified in the resolution to go into a Closed Session and; confirmation that no resolutions were carried in closed other than procedural motions or directions to staff and; if practicable, the Chair may make an additional verbal report in regards to items(s) on the closed agenda, a procedural resolution or a direction made to staff for the purpose of clarification and/or to be included in the minutes.
- n) All official minutes closed to the public shall be recorded without note or comment on all resolutions, decisions, and other proceedings. Closed Meeting minutes shall be approved at the next Closed Meeting.
- o) Closed Session minutes and confidential reports shall be sent to the members. Recipients shall not copy, forward or in any way share the confidential information.
- p) Members are to ensure that confidential matters disclosed to them during meetings closed to the public are kept confidential, even after the Member ceases to be a Member of Council. Any Member, who contravenes the

confidentiality clause, may be subject to penalties in accordance with the Council Code of Conduct.

6.4 Rules of Debate

- (a) Any Member of Council who desires to speak may remain seated and address his/her remarks to the Head of Council or presiding officer. The Member shall confine his/her remarks to the question and shall avoid personalities. No Member shall speak to the same question or in reply for longer than five minutes.
- (b) The presiding officer shall ensure that any Member who wishes to speak on a subject is given a fair opportunity to do so and without interruption from any other Member. When two or more members request to speak, the presiding officer shall designate the member who has the floor.
- (c) The presiding officer may call a Member to order while speaking and the debate shall be suspended and the Member shall not speak until the point of order is determined. Any Member may appeal from the decision of the Chair to Council and the Council shall decide by a majority vote without debate and its decision shall be final.
- (d) 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 thereon, but the question shall not be used as a means of making statements or assertions.
- (e) When the presiding officer calls for a vote on a question each Member shall remain seated and refrain from communicating with other Members until the result of the vote has been declared by the presiding officer.

6.5 Points of Order and Privilege

- (a) The presiding Officer shall preserve order and decide questions of order.
- (b) A Member may rise and address the Chair to raise a point of order. He/she shall state the point of order which shall be decided on by the presiding officer. If the decision of the presiding officer is appealed; Council shall decide the question by a majority vote and its decision shall be final.
- (c) When two or more Councillors rise at the same time, the Head of Council or Presiding Officer shall name who is first to speak.
- (d) When a Member considers/believes that his/her integrity or the integrity of the Council as a whole has been impugned, he/she may as a matter of privilege rise at any time and with the consent of the presiding officer draw the attention of Council to the matter.

6.6 Petitions and Delegations

- (a) Petitions presented to Council shall be legibly written or printed and signed by at least one person and filed with the Clerk during or prior to the meeting. The person or persons presenting the petition may speak on the matter before Council, in which case it shall be limited to a maximum time of ten (10) minutes.
- (b) Delegations wishing to address Council shall complete a Delegation Request Form and shall provide the same to the Clerk at least (5) regular working days before the day of the scheduled regular Council meeting. The purpose of the delegation shall be clearly stated and it shall be contained in the agenda delivered to Council Members prior to the meeting. Delegates will be restricted to speak to only those items on the Council agenda.

- (c) Any delegation that has previously appeared before Council regarding the same matter will not be permitted to address Council within six (6) months of the initial visit, unless in the opinion of the Clerk and Head of Council, there is new information that is pertinent to the matter.
- (d) Notwithstanding Sub clause 5.6 (b) above and at Council's discretion, any delegations or deputations other than those listed may be heard on any item appearing on the agenda if approved by a majority of Council.
- (e) Delegations wishing to address Council shall be limited to three (3) per meeting, maximum time of fifteen (15) minutes per delegation – exceptions given consideration.
- (f) The Clerk shall record the name of every person who speaks as a member of a delegation to Council, a general outline of intent and outcome if any, of the delegation shall be recorded in the Minutes of the regular Council meeting.
- (g) The Clerk and/or her designate has the discretion to reschedule or deny an appearance before Council where: the number of deputations is greater than Council has established; the topic is not within the jurisdiction of the Council; the request due to content or frequency is considered frivolous and vexatious; the matter is such that it requires consultation with staff and a report to accommodate the request.

7.0 VIOLATION OF CONFIDENTIALITY

- (a) The response of Council Members to enquiries about any matter dealt with during a closed meeting, prior to it being reported publicly, shall be "this matter is still under advisement", "no comment" or words to that effect.
- (b) Any violation to this regulation "Article 7" may result in exclusion of the offending Council Member, requiring a majority vote, from future Closed Meetings of Council and that Member shall no longer be provided with correspondence, materials or information proposed to be dealt with by Members of Council at a Closed Meeting.
- (c) The determination of whether or not a violation to the closed meeting provisions of this By-law and the length of the exclusion from Closed Meetings, if so determined, shall be made by Council at a Closed Meeting and the issues shall be considered by Council prior to the affected Member being excluded from any Closed Meetings by a majority vote. The results of Council's deliberation shall be reported publicly.
- (d) If the purported violation to the Closed Meeting provisions of this By-law by more than one Member is to be considered, a separate resolution of Council with respect to each affected Member is to be considered.
- (e) Notwithstanding Section 6.3(p), the Member affected shall not be permitted to vote on a motion respecting his purported violation of the Closed Meeting provision of the Procedure Bylaw, their exclusion from Closed Meetings or the length of any such exclusion.
- (f) Reposts from Closed Meeting Investigations must be brought to Council in an Open Meeting if the Closed Meeting Investigator has recommendations for Council. In that case, a resolution will be required upon receipt of the Closed Meeting Investigator's report stating how Council intends to deal with the Investigator's findings and recommendations. All reports from the Closed Meeting Investigator are placed on the Municipal Website, as reports must be made publicly available.
- (g) Release of Information the release of any information about matters dealt with by Council at a Closed Meeting shall be by the Chair or their delegate only upon direction of the majority of Council.

8.0 ELECTRONIC PARTICIPATION

1. Members may participate in meetings by Electronic Means subject to the following:
 - a) Any member of Council, local boards, and committees may participate in any open and closed meeting electronically and be counted for the purpose of establishing quorum.
 - b) Requests to participate in a meeting by Electronic Means must be made to the Clerk in writing at least five (5) business days before the meeting, unless an emergency occurs and approval is obtained from the Mayor.
 - c) A Member may participate in a maximum of two (2) meetings per calendar year by Electronic Means, unless agreed to by Resolution of Council.
 - d) Members shall not participate electronically in any meeting that is closed to the Public, unless agreed by Resolution of Council.
 - e) The Chair must be present in person at a meeting.
2. The following practices will be followed when a Member participates in a meeting by Electronic Means:
 - a) The Member participating in a meeting by Electronic Means shall be available at least thirty (30) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
 - b) The Member participating by Electronic Means will mute his or her electronic device when he or she is not speaking.
 - c) The Chair will canvass the Member participating by Electronic Means about their intention to speak to a matter on the floor and will notify the Member when it is his or her turn to speak.
 - d) After putting a motion to a vote, the Member participating by Electronic Means will be required to identify verbally how he or she wishes to vote.
 - e) A Member participating by Electronic Means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis.
 - f) A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.

9.0 ELECTRONIC PARTICIPATION – EMERGENCY EVENT

1. Bill 187 received Royal Assent on March 19, 2020 to amend the **Municipal Act**, 2001 to provide that during emergencies, should they choose to, members of councils, local boards, and committees of either of them who participate electronically in open and closed meetings may be counted for the purposes of quorum.

The following shall therefore apply:

- a) Members of council, local boards and committees are allowed to participate electronically in open and closed council meetings, local board meetings and committee meetings, in cases where an emergency has been declared to exist in all or part of the municipality, and that such participation counts toward quorum, and that delegations also be permitted via electronic participation.

10.0 BY-LAWS

- (a) Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any **Act** and shall be complete with the number and date thereof.
- (b) The Presiding Officer shall introduce the reading of By-laws.
- (c) The By-law may be debated or amended after being introduced. If the Council determines that the By-law is to be considered in Committee of the Whole, it shall be deferred to the Committee for that purpose.
- (d) The By-law shall be passed, if Council is agreeable and then the By-law shall be signed.
- (e) Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.
- (f) At the conclusion of all Regular Council Meetings and prior to adjournment, a By-law shall be brought forward to confirm the proceedings of the Council at that Meeting or any previous Special Meetings in respect of each motion, resolution, and other action taken. A Confirming By-law then introduced shall be passed without debate.

11.0 SUSPENSION OF RULES

- 11.1** Any procedure required by this By-law may be temporarily suspended with the consent of a majority of the Members present.
- 11.2** A Member presenting a resolution to temporarily suspend a rule or rules shall state the subject matter for which the suspension of the rule is requested.

12.0 GENERAL

- 12.1** When the Head of Council is absent on a temporary basis, under no circumstances shall the Council take a decision regarding capital spending unless provision for the capital spending is included in the estimates for that given year as approved by By-law or unless the expenditure is required as a result of any emergency.
- 12.2** In all matters and under all circumstances the members shall be guided by and shall have regard to the **Municipal Conflict of Interest Act**, or its successor **Local Government Disclosure of Interest Act** 1994.
- 12.3** Individuals or groups which are listed on an agenda or are otherwise approved to appear before Council shall, subject to Paragraph 5.6(b), be limited to not more than fifteen (15) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.

Following a regular or new election, the Clerk shall provide each member of Council with a copy of this By-law, including any amendments thereto.

12.4 Any procedure under this By-Law which is discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present.

12.5 In all unprovided cases in the proceedings of Council or in the Committee of the Whole, the matter shall be decided by the Head of Council in accordance with Robert's Rules of Order.

12.6 No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council and entered on the agenda of the next meeting at which such amendment or repeal is to be considered.

13.0 RESCIND BY-LAW

13.1 That this By-law repeals all previous By-laws and/or Motions of Council pertaining to the same.

14.0 EFFECTIVE DATE

14.1 This By-law shall become effective upon the date of passing thereof.

14.2 Where any By-law passed prior to this, conflicts with this By-law, the terms of this By-law shall prevail.

PASSED this 06th day of December 2023

D.J. Purcell – Mayor

Dawn Switzer - Clerk