

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

BY-LAW NUMBER 024-19

**(including amendments in By-law No. 031-20 and
By-law No. 064-20)**

**BEING A PROCEDURE BY-LAW FOR GOVERNING THE
CALLING, PLACE AND PROCEEDINGS OF MEETINGS OF
COUNCIL AND ITS COMMITTEES AND TO REPEAL BY-LAW 093-
17.**

WHEREAS the Council of the Township of Wellington North wishes to enact a by-law for governing the calling, place and proceedings of meetings; and that the procedure by-law shall provide for public notice of meetings,

NOW THEREFORE the Council of the Township of Wellington North hereby enacts the following:

1. **DEFINITIONS**

In this By-law, the following terms shall have the following meanings:

- 1.1 "Act" means the *Municipal Act, 2001*.
- 1.2 "Acting Mayor" means a member of council appointed to fulfill the duties of the Mayor in his or her absence.
- 1.3 "Awards/Recognition/Declaration" means a formal recognition by council of an individual, group or organization for a significant event or achievement.
- 1.4 "Chair" means the Mayor or the Acting Mayor or in the absence of both, a member of the council appointed to Chair the meeting.
- 1.5 "Clerk" means the Clerk, of the municipality.
- 1.6 "Closed session" means all or part of a meeting closed to the public in accordance with the provisions of the *Municipal Act, 2001*.

- 1.7 “Committee” means any standing, advisory, ad hoc or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.
- 1.8 “Council” means the Council of the Township of Wellington North.
- 1.9 “Declared Emergency” means when the Mayor or Acting Mayor declares a situation or an impending situation caused by the forces of nature, an accident, and an intentional act or otherwise that constitutes a danger of major proportions to life or property. These situations could threaten public safety, public health, the environment, property, critical infrastructure and economic stability.
- 1.10 “Deputation” means a person or group permitted to address council or committee.
- 1.11 “Electronic Device” means computers, cellphones, smartphones, personal digital assistants, smartwatches, tablets, voice recorders, cameras or any other similar device.
- 1.12 “Inaugural Meeting” means the first meeting of council held after a municipal election in a regular election year.
- 1.13 Local Board means a local board as defined in the Municipal Act, 2001.
- 1.14 “Majority Vote” means the vote of more than half of the members present at a properly constituted meeting at which a quorum is present.
- 1.15 “Mayor” means the Head of Council.
- 1.16 “Meeting” shall mean any regular, special, remote or other meeting of a council, of a local board or of a committee of either of them, where a quorum of members is present, AND 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
- 1.17 “Member” means an individual elected to the Council of the Corporation of the Township of Wellington North.
- 1.18 “Municipal Election” means a municipal election held pursuant to the Municipal Elections Act.

- 1.19 "Presentation to Council" means an individual, group or organization invited by council or staff to present material or information.
- 1.20 "Privilege" may include matters of comfort, amplification, or safety.
- 1.21 "Point of Order" means an issue to which a member calls attention to:
- (a) Any breach of the rules of order pursuant to this by-law; or
 - (b) Any defect in the constitution of any meeting; or
 - (c) The use of improper, offensive or abusive language; or
 - (d) Notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
 - (e) Any other informality or irregularity in the proceeding of the meeting.
- 1.22 "Quorum" means a majority of the whole number of members of council, or committee, or if legislation such as the Municipal Conflict of Interest Act provides otherwise.
- 1.23 "Recorded Vote" means noting in the minutes the name and vote of every member on any motion, unless the member is disqualified from voting.
- 1.24 "Remote Meeting" means any meeting held that involves the use of an electronic device.
- 1.25 "Resolution" means the decision of the council or committee of council on any motion.
- 1.26 "Special Meeting" means a meeting not scheduled in accordance with the approved schedule of meetings, and duly called within the authority of the Act, or other legislation.

2. **RULES OF ORDER**

- 2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of council, committees, ad-hoc and advisory committees and local boards.

3. **AMENDMENT OR REPEAL OF BY-LAW**

- 3.1 No amendment or repeal of this by-law, or any part of it, shall be considered at any meeting of council unless notice of the proposed amendment or repeal has been given at a previous meeting. Waiving of the notice provisions in this section shall not be permitted.

4. **INAUGURAL MEETING OF COUNCIL**

- 4.1 The Inaugural meeting of council shall be held on the first Monday that falls after November 15, in the Council Chambers of the Township of Wellington North office building, Kenilworth, Ontario following a regular municipal election.
- 4.2 The inaugural agenda shall include:
- Declaration of Office in accordance with the provisions of the Act.
 - Address by the Mayor
 - Confirmatory By-law
- 4.3 The inaugural agenda may include any other item that the Clerk deems necessary.

DUTIES OF THE CHAIR

- 4.3 The Chair shall:
- a) Open the meeting by calling all members to order;
 - b) Announce the business of council in the order in which it appears on the agenda;
 - c) Receive all motions presented by members of council;
 - d) Call for debate and call the vote on all motions which are moved and seconded, and to announce the result of the vote;
 - e) Decline to put to vote motions which violate the rules of procedure in this by-law;
 - f) Ensure the members are acting within the provisions of this by-law and the Act, when engaged in debate and voting;
 - g) Sign all by-laws, resolutions and minutes of Council as required;
 - h) Inform members and the public, when necessary of a point of order or procedure;
 - i) Expel any person for improper conduct at a meeting;
 - j) Recess a meeting at any time for not more than 10 minutes;
 - k) Adjourn the meeting when business is concluded;
 - l) Adjourn the meeting, without question, in the case of grave disorder arising during the meeting.

Acting Head of Council

- 4.4 In the absence of the Mayor, Councillors are appointed as Acting Head of Council as follows:
- | | |
|--|------------------------|
| 1st quarter of year (January to March) | - Councillor, Ward One |
| 2nd quarter of year (April to June) | - Councillor, Ward Two |

3rd quarter of year (July to September) - Councillor, Ward Three
4th quarter of year (October to December) - Councillor, Ward Four

- 4.5 In the absence of both the Mayor and Acting Mayor, a Chair shall be chosen from the members present to Chair the meeting.
- 4.6 On the arrival of the Mayor or Acting Mayor, the Chair shall relinquish their seat.

Ex Officio

- 4.7 The Mayor shall be an ex-officio member of all committees shall have full voting rights.

Points of Order and Privilege

- 4.8 The Mayor shall preserve the order and decorum and decide points of order and (personal) privilege, however a member may verbally appeal the Mayor's decision to council for a final decision.

5. **MEETING PROCEDURES**

Quorum

- 5.1 Unless there is a Quorum present within fifteen (15) minutes after the time appointed for a meeting, the council or committee shall adjourn until the next meeting date.
- 5.2 The Clerk shall record the names of the members present at the time of adjournment.
- 5.3 All members participating in a remote open or closed meeting shall be counted as quorum.

Open and closed meetings

- 5.4 All meetings or part of a meeting shall be open to the public.
- 5.5 A meeting may be closed to the public if unless closed meeting the subject matter being considered is:
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;

- (c) a proposed or pending acquisition 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
- (h) 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;
- (i) 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;
- (j) 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; or
- (k) 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.
- (l) If the meeting is held for the purpose of educating or training the members AND 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

5.6 A meeting shall be closed to the public if the matter being considered is:

- a) 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

- b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman or investigator referred to in the Act.
- 5.7 Voting is not permitted in a closed meeting, unless the vote is for a procedural matter or for giving directions or instructions to officers, employees or persons retained by or under contract with the municipality.
- 5.8 A resolution shall be passed in open session stating the general nature of the matter to be considered at the closed session.
- 5.9 A resolution shall be passed to adjourn the closed session.
- 5.10 In the event discussion in closed session concludes prior to the open session, Council shall rise from closed and adopt a motion to recess and reconvene at the beginning of the regularly scheduled open meeting.
- 5.11 If closed session items are not completed before the scheduled time for the open meeting, Council may:
- a) consider a motion to defer the closed session items not addressed to a future scheduled closed session meeting; or
 - b) consider a motion to recess and reconvene at the end of the regularly scheduled open Council meeting to conclude discussion; or
 - c) proceed in closed session until all the agenda items have been considered.
- 5.12 Council may convene in a Special Council meeting, on a date other than a regularly scheduled Council for the purpose of going into closed session.
- 5.13 The following remote meeting provisions shall be permitted:
- a) Remote participation in open and closed meetings of Council by members and staff on any electronic device platform that is deemed suitable by the Clerk.
 - b) All votes shall be recorded votes in the case of teleconferenced meetings and a show of hands in video enabled meetings or a combination thereof.

Motions

- 5.14 A consent agenda shall be presented by the Chair. Items shall be moved from the consent agenda on the request of any member for separate discussion. Items not removed shall be adopted in one motion by majority vote without debate or discussion.
- 5.15 All motions shall be moved and seconded before being debated and called for the vote by the Chair.
- 5.16 Directions to staff do not require a motion.
- 5.17 Only one motion may be on the floor at any given time.
- 5.18 Minor amendments to a motion that has been moved and seconded can be made on the original resolution provided it is initialed by the original mover and seconder of the motion.
- 5.19 Substantial amendments to a motion that has been moved and seconded, shall be brought forward by an amending motion. The amending motion shall be in writing, moved and seconded and voted on prior to the original motion being voted on.
- 5.20 Once a motion is on the floor, it shall not be withdrawn prior to voting without the consent of the majority of the members.
- 5.21 After the Chair calls for a vote on a motion or a motion as amended, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared.
- 5.22 A member may, immediately before or after a vote, request the count be recorded. All members present, who are not prohibited from voting by interest of otherwise, will verbally announce his or her vote to be recorded in the minutes.

Notice of Motion

- 5.23 A member may introduce a notice of motion at a meeting and the motion shall form part of the next agenda at which the member introducing the motion is in attendance for discussion. There shall be no debate or discussion on the motion until it appears on an agenda.
- 5.24 At the meeting, the notice of motion shall be treated as any other motion, requiring it to be moved and seconded before being debated or adopted.

Reconsideration

- 5.25 A motion may be reconsidered at the same meeting at which it is passed, provided there is a majority vote of the members to reconsider.
- 5.26 No motion shall be reconsidered outside of the meeting at which it is passed, within a 12 month timeframe during a term of council.
- 5.27 A matter may be considered outside of the meeting at which it was passed prior to the expiration of 12 months provided a majority vote of Council approves that a Notice of Motion as set out in this by-law be brought forward and the reconsideration appears on an agenda.

Manner of Voting and Rules of Debate

- 5.28 On an unrecorded vote, a show of hands shall determine the decision of council.
- 5.29 Every member present at a meeting when the vote is called shall vote unless prohibited by interest or otherwise.
- 5.30 If member refuses to vote, where not prohibited by interest or otherwise, that member shall be considered to have voted no.
- 5.31 Any question in which there is a tie vote shall be deemed to be defeated.
- 5.32 Every member shall request acknowledgment from the Chair, prior to speaking to any question or motion. When two or more members wish to speak, the Chair will determine which member requested to speak first and they shall have the floor.
- 5.33 When a member is speaking, no other member shall interrupt him or her except to raise a point of order or privilege.
- 5.34 A member shall not speak more than once to the same question without the consent of the Chair. A member, in speaking to a question shall be limited to ten minutes, unless an extension of a further five minutes is approved by motion of council.
- 5.35 When the Chair calls for the vote on a question, every member shall remain in his or her seat and not speak to any other member or make

any noise or disturbance until the result of the vote has been declared.

Curfew

5.36 Meetings shall be adjourned four (4) hours after the start of a meeting.

5.37 A resolution shall be passed before the expiration of four (4) hours to permit the meeting to continue past curfew.

Decorum

6.30 Unless otherwise authorized by the presiding officer, all members, staff and persons appearing as delegations shall address council through the Chair and only when recognized to do so.

6.31 Persons attending a meeting shall not:

- a) Use offensive words against members, officer, staff or guest;
- b) Speak on any subject other than the subject in debate;
- c) Create a disturbance in the meeting;
- d) Interrupt the member who has the floor except to raise a point of order;
- e) Disobey the rules of council or a decision of the Chair or council on questions of order or practice or upon the interpretation of the rules of the council.
- f) On a majority vote of council the Chair may request that a member apologize to council for disruptive behaviour.
- g) Speak on any issue that is before the Court, Administrative Tribunal or any Boards of Commissions, unless the issue has been referred to the council or committee by the said body.

6. VIDEO AND AUDIO RECORDING

6.1 The use of video or audio recording equipment or devices by members of the public or media during an open meeting is permitted within the areas designated for that purpose by the Clerk.

7. PROCEDURES FOR AGENDAS, MINUTES, AND SUPPORTING MATERIAL

7.1 The Clerk shall prepare an agenda for each meeting and the order of business will be as shown in this by-law. Minor modifications to the

matters included or the order of business may be made during the preparation of the agenda.

- a) Call to order
- b) Adoption of the agenda
- c) Disclosure of pecuniary interest(s) and the general nature thereof
- d) Closed meeting session (if required)
- e) Rise and report from closed session
- f) Passage of resolution regarding a closed meeting report
- g) Passage of resolutions and minutes from closed session
- h) O Canada
- i) County Council member update (once monthly)
- j) Awards/Recognition/Declarations
- k) Presentations
- l) Public meeting under the Planning Act
- m) Resume Regular meeting of Council
- n) Passage of by-laws arising from a Public Meeting
- o) Adoption of minutes of Council/Public Meeting(s)/Closed session
- p) Business arising from previous meetings of Council
- q) Deputations
- r) Council Open Forum (first meeting of each month)
- s) Items for approval and adoption of recommendations therein:
 - Minutes of local Boards, Committees, Ad Hoc Committees, Standing Committees, other agencies
 - Reports, recommendations and correspondence for direction (order of business may rotate)
 - Planning
 - Administration
 - Building
 - Economic development
 - Finance
 - Fire services
 - Operations
 - Council
- t) Identification of agenda items requiring separate discussion
- u) Adoption of agenda items not requiring separate discussion
- v) Consideration of agenda items identified for separate discussion
- w) Notice of Motion
- x) Community Group Meeting Program report by Councillors
- y) By-laws
- z) Cultural Moment (first meeting of the month)
- aa) Confirmatory by-law

bb) Adjournment

- 7.2 The Clerk shall ensure that the minutes of the last council meeting, and all special, committee, ad hoc minutes held more than seven business days prior to a regular meeting are included in the agenda package.
- 7.3 All reports, supporting material, delegation/presentation/award requests shall be submitted to the Clerk's office by 12 noon on the Tuesday preceding the council meetings scheduled for 2:00 p.m. and 12 noon on the Wednesday preceding the council meetings scheduled for 7:00 p.m., unless extenuating circumstances arise
- 7.4 As far as practical the agenda and all attachments will be made available to the members by 4.30 p.m. on the Wednesday preceding the 2 p.m. council meeting, and by 4:30 p.m. on the Thursday preceding the 7:00 p.m. council meeting, unless extenuating circumstances arise
- 7.5 a) The order of business of the council shall be in the order in which it stands on the agenda unless the Chair decides verbally to amend the order.
- b) An item of business or matter not listed on the agenda shall not be introduced for consideration at the same meeting, unless not dealing with the items of business or matter would be detrimental to the Township of Wellington North.
- c) A majority vote of council shall be passed prior to any consideration or discussion of an item of business or matter not listed on the agenda.
- 7.6 Notwithstanding Section 7.1, local boards and committees may establish their own order of business.

Awards/Recognitions

- 7.7 Individuals or groups who have been identified as deserving of an award or recognition by council will receive a certificate, township pin or other form of award or recognition at a meeting of council.

Presentations

- 7.8 Any individual or group making a presentation to council is limited to a maximum of fifteen (15) minutes for its address, unless an

extension of no more than a further fifteen (15) minutes is approved by council with a show of hands.

7.9 The number of presentations will be limited to two (2) at any meeting.

Council Open Forum

7.10 Council will discuss a topic of municipal and/or community importance once monthly.

7.11 The Mayor shall chose the topic being a complex issue in order to generate policy options.

7.12 Every member of Council is expected to prepare for and engage in the open forum specifically policy options for consideration for the future of the municipality.

7.13 Council shall make no decision(s) on the topic being considered at the meeting at which topic is being discussed.

7.14 The topic may be discussed for up to ½ hour, or at the discretion of the Mayor up to a maximum of 45 minutes.

7.15 During discussion no member shall mention information that is confidential and/or subject to a provision under which a closed meeting would be held.

7.16 Should council wish to take further action on an issue, the matter will be directed to staff for a report and recommendation.

Deputations

7.17 Any individual or group making a deputation to council shall be limited to a maximum of ten (10) minutes for its address, unless an extension of no more than a further five (5) minutes is approved by resolution of council.

7.18 The number of deputations shall be limited to three (3) at any meeting.

7.19 An individual or group who has already made a deputation on a subject shall not make another deputation within a 12 month period on the same subject unless there is new information to be provided or a new council is in place as a result of a municipal election unless

council passes a motion in favour of having the individual or group make another deputation.

- 7.20 An individual or group may make a deputation on a particular subject to either council or committee but shall not be permitted to make a deputation to both council and committee on the same subject.
- 7.21 No person shall make detrimental comments, or speak ill of, or malign the integrity of staff, the public or council and committee.
- 7.22 Members and staff shall only ask questions seeking information or clarification from the delegation with all questions addressed through the Chair.
- 7.23 When the subject matter of a deputation is such that a decision of council is requested, appropriate resolutions or direction to staff may be considered. When a deputation's request has a financial implication, council shall direct that a staff report be brought to a meeting.
- 7.24 Where Council is of the opinion that a report from staff is not necessary and there are no financial implications involved with the deputation's request, Council may move a motion to support the deputation's request.

Minutes

- 7.25 The Clerk may make minor deletions, additions or other changes to minutes before they are signed.
- 7.26 All minutes and by-laws shall be signed by electronic methods if the Clerk deems it necessary.
- 7.27 Minutes of meetings shall be taken without note or comment and shall contain the following information:
- a) The place, date and time of the meeting;
 - b) The name of the Chair and record of the attendance of the members;
 - c) Adoption of the minutes of previous meeting(s);
 - d) All other proceedings of the meeting.

By-laws

- 7.28 Every by-law when introduced 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 exception of the number and date thereof.
- 7.29 Every by-law shall have three readings prior to being passed, and said readings may be held at the same meeting, and may be entertained in one, two or three separate motions.
- 7.30 All by-laws with the exception of the confirmation by-law shall be approved by one resolution, unless the by-law has been identified to be approved by resolution separately.
- 7.31 The Clerk may make minor deletions, additions or other changes to any by-law before it is signed and sealed.
- 7.32 A by-law shall be passed to confirm all actions taken by council at a meeting.

8. MEETING LOCATION DATES AND TIMES

Change of Date, Location or Time

- 8.1 Council or committee may, by resolution, alter the date, location and/or time of a meeting provided that notice of the change is posted at the municipal office, and on the municipal website.
- 8.2 In the event of extenuating circumstances or inclement weather, the date, place and time of any meeting may be postponed or changed by the Clerk, in consultation with the Mayor and/or CAO, by advising as many members as he/she is able to reach. Postponement shall not be for any longer than the next regularly scheduled Meeting of Council or Committee. Notice shall be provided to the public through established social media streams.

Location of Meetings

- 8.3 All in person meetings of council shall be held in the Council Chambers at the Township Municipal Office, located at 7490 Sideroad 7 West, Kenilworth.
- 8.4 Meetings may be held at other locations within the township as deemed necessary from time to time shall be provided in accordance with notice provisions in this by-law.

- 8.5 In the case of a declared emergency, a meeting of council may be held at another location within or outside of the boundaries of the municipality and notice shall be provided in accordance with notice provisions in this by-law.
- 8.6 A meeting of council together with a council of one or more other municipalities for the consideration of matters of common interest, may be held within a municipality outside of Wellington North and notice shall be provided in accordance with notice provisions in this by-law.

Date and Time of Regular Meetings of Council

- 8.7 Council meetings shall be held twice monthly on Mondays in accordance with the posted and approved meeting schedule.
- 8.8 If a public or statutory holiday falls on the Monday designated for holding a council meeting, council will meet on the day set out in the posted meeting schedule as approved by Council.
- 8.9 The schedule of regular council meetings shall approved annually by Council on or before November and shall be posted on the municipal website.
- 8.10 The agenda, and supporting documentation for all council meetings will be posted on the municipal website no later than 12 noon on the Thursday prior to a 2:00 p.m. meeting date, and no later than 12 noon on the Friday prior to a 7:00 p.m. meeting date.
- 8.11 Notice of a closed session shall be published in the regular council agenda.
- 8.12 If a special meeting of council is called, notice shall be provided by posting on the Township's website a minimum 24 hours prior to the date of the meeting.
- 8.13 If a meeting is held as a result of a declared emergency, the notice provisions may be suspended.

9. SPECIAL MEETINGS OF COUNCIL

- 9.1 The Mayor may, at any time, call a special meeting of council within twenty-four (24) hours notice to the Clerk and members of council.

- 9.2 A special meeting of council may be called upon the petition of a majority of the members of council and the petition shall state the business to be considered at the special meeting and no business other than that stated in the petition shall be considered at such meeting.
- 9.3 The petition shall state the time and date of the special meeting, not less than twenty-four (24) hours from the date of the submission of the petition.
- 9.4 The Clerk shall provide notice of a special meeting of council or a re-scheduled meeting not less than twenty-four (24) hours before the appointed time of the meeting on the municipal website.

SUSPENSION OF RULES

- 9.5 With the exception of Section 3 of this by-law any procedure required by this by-law may be temporarily suspended on majority vote of members.

10. **REVIEW OF BY-LAW**

- 10.1 The Procedure By-law shall be reviewed once in each term of council.

11. **MATTERS NOT PROVIDED FOR IN PROCEDURE BY-LAW**

- 14.1 Where a matter is not provided for in the Procedure By-Law, or, in the case of conflict with the Procedure By-Law, Robert's Rules of Order will be relied on.

12. **REPEAL OF PREVIOUS PROCEDURE BY-LAW**

12.1 By-law Number 093-17 is hereby repealed.

**READ A FIRST, SECOND, THIRD TIME AND
FINALLY PASSED THIS 11th DAY OF MARCH, 2019**

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK