
To: Mayor and Council

From: Sasha Helmkey-Playter, Clerk/Director of Legislative Services

Meeting Date: October 7, 2024

Subject: Report # LS-027-2024 – Procedure By-law Review – Council Feedback Meeting

Recommendation

Be It Resolved that Council of the Township of Clearview hereby receive report LS-027-2024 (Procedure By-law Review – Council Feedback Meeting) dated October 7, 2024; and,

- 1) That Council supports the changes outlined in this report and shown in the Draft Procedure By-law attached as Appendix A; and,
- 2) That the final version of the Procedure By-law encompassing these changes, be presented to Council for consideration at the October 21, 2024, meeting for approval.

Background

Every municipality is legislated under the Municipal Act, 2001, to have a procedure by-law to govern the proceedings of Council and committees and boards of the municipality. Essentially, the document guides the order and dispatch of business at a meeting. The Township's current Procedure By-law was approved in 2012, with amendments made over the last (12) twelve years to address legislative changes and practical procedural updates. The Procedure By-law covers the proceedings of Council meetings and Township committee and board meetings, except for the Library Board, OPP Detachment Board and the Committee of Adjustment.

In moving forward with the Procedure By-law Review, Council was provided with a deadline of August 6th, 2024, to provide feedback to staff on the draft By-law that was presented during the July 22nd meeting. Members of Township committees and boards were also given the opportunity to provide feedback as well as members of the public. A Special Meeting to review this feedback was scheduled for September 12th, 2024. This meeting was very productive by providing Council the space to discuss specific feedback that was provided, including staff commentary, and to give an indication of how Council felt on each of the items. It is good practice to review this guiding document for efficiencies and effectiveness. The Procedure By-law is a living document and feedback on how it works in practice is vital.

Comments and Analysis

As outlined above, Council met for a Special Meeting on September 12th to discuss the Procedure By-law more in-depth, specifically the feedback provided by Council members. For each feedback item, staff provided commentary to provide context as it related to legislation and incorporation into the final By-law document. No members of the Township's committees or boards provided any specific feedback, but the Township did receive one public comment.

Below is an overview of each of the items discussed and staff's proposal for inclusion or exclusion from the By-law that support legislative requirements and based on Council's conversation for each. Attached as Appendix A is the updated Draft Procedure By-law that includes these proposed changes (in red). This draft is the version that is proposed to be brought forth to Council at the October 21st meeting for final approval.

Section 1 – Definitions

Public Engagement: asked to include this definition in the By-law as it relates to Special Meetings where public participation period is not an agenda item. Staff have included in the draft By-law the following definition:

“Public Engagement” means the process of inviting the public at a Special or Priority Meeting to participate in conversations about municipal matters that interest and/or impact them for the purpose of making sustainable decisions. The inclusion of public engagement on a Special or Priority Meeting agenda is at the discretion of the Clerk, in consultation with the Chair and appropriate Senior Managers to which the topic on the meeting agenda relates to.”

Town Hall Meeting: asked to include this definition in the By-law as it is not an official Council meeting but an opportunity for Council, or a Council member or staff to share information of interest to the public. Staff have included in the draft By-law the following definition:

“Town Hall Meeting” means a gathering organized by either Township Council, a Member of Council or Township staff to share information and engage with the public, or for the public to share information on specific topic(s). Town Halls are not formal meetings where decisions are being made or minutes are taken. Its main objective is for information sharing.”

Section 2 – General Provisions

Electronic Participation clarity: asked for clarification under sub-section 2.4 that public participation period will not be by electronic participation. Members of the public can attend meetings in-person or provide written submissions following the procedure. Staff propose to amend s.s. 2.4 by adding the following:

“Electronic participation is not permitted for public participation period or public engagement during a meeting. If members of the public cannot attend a meeting in-person, they can provide written submissions following the proper procedure.”

Section 3 – Roles and Responsibilities

Conduct of the Public: asked to include under sub-section 3.9 that a member of the public can be removed if they contravene the rules of conduct. This addition supports the power of the head of council, under section 241(2) of the Municipal Act, 2001. As such, staff propose to amend s.s. 3.9 by adding the following:

“If a member of the public contravenes any of the above rules of conduct, the Chair may expel the person(s) from the meeting for improper conduct.”

Council did have a further discussion on this topic as it relates to habitual improper conduct of a member of the public and recourse. For example, each meeting a member of the public continues to break the rules of conduct. Section 241(2) of the Municipal Act unfortunately does not speak to habitual behaviour, it only specifies that the person can be expelled from that specific meeting for which the improper conduct took place. Staff conducted research on this topic and found that Procedure By-laws are silent on continued improper behaviour of the public. However, to help remedy these types of situations, municipalities have instituted Public Conduct Policies. Clearview Township does have an Unreasonable Customer Service Policy that speaks to conduct of the public towards staff and volunteers, but it is silent on this behaviour towards Council and specifically during a meeting. It is staff's proposal to address habitual improper conduct at a meeting under the Unreasonable Customer Service Policy and make the needed amendments to be brought forward to Council for approval.

Role of the Mayor: asked if under sub-section 3.1 that the Mayor will approve the publication of the Council Agenda to the Township website and review the agenda items for the proposed agenda with the Clerk and CAO. As well, it was asked that the Mayor have the authority to cancel a Council meeting in consultation with the Clerk (emergency situation).

As discussed at the meeting, the preparation and publication of the Council agenda is an administrative function supported by sections 227 and 228 of the Municipal Act, 2001. Specifically, section 227 states it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out Council's decisions. The agenda is the tool in which Council is presented with recommendations to make decisions, with the preparation of the agenda being an administrative practice. In support of legislation and common practices, it is recommended that this function not be included under the roles and responsibilities of the Mayor.

For agenda review, it has been common practice over the last few years to review Regular Council agendas with the Mayor/Chair, Clerk and CAO to prepare for the upcoming meeting procedurally. This meeting is not intended for changes to be made to any items on the agenda or to staff reports/recommendations. To support this practice, staff proposes the following be added to s.s. 3.1:

- “To review Regular Council Meeting agendas with the Clerk and CAO to prepare procedurally for the meeting. Although not a mandatory responsibility, there is value and benefits to the Mayor/Chair being a part of the review. The intent of this review is not meant for changes to be made to any items on the agenda or to staff reports/recommendations prior to posting.”

For cancellation of Council meetings in an emergency situation, this procedure is already covered under sub-section 4.13 of the By-law.

Section 4 – Council Meetings

Electronic Participation: asked that if a member is participating electronically that in addition to the Clerk, that the Chair/Mayor be notified. This is a good addition to help the Chair prepare for the meeting and know beforehand where to look for voting reasons and questions from members. Staff propose to amend sub-section 4.7 to state:

“Any Member participating by electronic means shall notify the Mayor/Chair and the Clerk or their designate, at minimum twenty-four (24) hours in advance of the meeting.”

Also under Electronic Participation, it was asked that the following sentence be removed: “Any delegations or public participation during a State of Emergency will only be accepted in writing, unless deemed otherwise by the Mayor and Clerk.” This provision was included in the Procedure By-law by amendment during the COVID pandemic. Staff proposes to keep this sentence within the By-law as it does provide flexibility to the Mayor and Clerk to make changes dependant on the State of Emergency. It is good to outline the most common practice so the public, Council and staff have a general expectation on how public engagement at meetings will occur during this time.

Quorum: it was suggested that clarification be provided regarding quorum under sub-section 4.8 as it relates to if a member steps away from a meeting, if quorum is still present the meeting doesn’t need to adjourn. Staff propose to update s. 4.8 with the following wording:

“A majority (50% + 1) of the Members are required to be present to constitute a Quorum. If a quorum of members is present during a meeting at any time, the business of Council, a committee or board can continue. For example, if a Member needs to leave part way through a meeting for reasons not related to a conflict of interest, if quorum is still met, the meeting will continue.”

Recording Meetings: asked that under sub-section 4.11 that video and audio recordings remain the property of the Township. Currently, the Township livestreams and records its meetings through YouTube. Under YouTube's terms of service, the Township retains the ownership rights to its content, however certain rights are granted to YouTube which are a worldwide, non-exclusive, royalty-free, sublicensable and transferable license to use that content (including to reproduce, distribute, prepare derivative works, display and perform it). Staff propose to update s.s. 4.11 with the following wording:

“The Township can record Council Meetings by video and live stream whenever practical to increase public accessibility and enhance accountable local government. Video recordings of Meetings may not always be available due to equipment malfunctions and/or the use of an alternate location to hold such Meeting. All video and audio recordings facilitated by the Township, shall remain the property of the Township, while respecting the Terms and Conditions of any livestreaming platforms that the Township utilizes.”

Public Record: it was asked that we include under sub-section 4.12 in the By-law that recordings of meetings be removed from YouTube after 7 years. Staff is proposing not to include this in the Procedure By-law, but to add the retention of the recordings in the new updated Retention By-law. The Records Management Coordinator is currently working on a new by-law so it can easily be incorporated into the classification.

Cancellation of a Council Meeting: it was suggested that under sub-section 4.13 that wording be added that the Mayor may cancel a Council Meeting if it is deemed that the meeting has no content/items that moves the business of the municipality forward. As outlined during the Procedure By-law review, staff proposes not to include this in the By-law. It's important to have strict parameters around the cancellation of a meeting, which is why it is related to an emergency or extreme weather event. Cancellation of a meeting based on the content of the agenda runs the risk of being perceived as a subjective determination. The administrative agenda preparation process can assist with managing agendas efficiently and effectively to ensure that meetings have business content to deal with.

Section 5 – Closed Session Meetings

Recording Closed Session Meetings: There was much discussion regarding this topic at the Review meeting, with a request to change the wording that all closed meetings be recorded for investigation purposes, and another request to allow Council the ability to vote on not recording certain Closed Sessions such as topics related to human resources matters. There were also questions regarding the wording that recordings would be at the direction of the Clerk. Staff reached out to the Township's Closed Meeting Investigator on the topic, and they made the recommendation not to record closed sessions. Below is a summary of some of the reasons as to why that recommendation was made:

- the recording of meetings contributes to an atmosphere in which the full and frank exchange of information can be inhibited. The needs and objectives of the municipality should be primary - not the desires of an investigator
- it is the responsibility of the Chair and the Clerk to make sure that a closed session meeting is properly conducted and remains on topic; the presence of a recording does not diminish that responsibility
- recordings are notorious for not capturing all the discussion. If microphones are not turned on (or are turned on when they shouldn't be) the recording will result in missing information
- audio-only recordings are particularly susceptible to this quality control concern
- recording meetings can be expensive if the meeting is not held in a room where recordings are usually made. If there is a need to store the recording on a different server, additional costs will certainly be involved.
- the failure of recording equipment should not prevent a meeting from happening

With this recommendation, the Investigator also advised that if there are to be recordings, all meetings should be recorded regardless of topic. Staff is proposing to reword sub-section 5.5 with the following:

“Closed Session Meetings will not be audio or video recorded. If a decision is made by Council to begin recording Closed Sessions, it shall be the practice that recording applies to all Closed Session Meetings and that they shall be stored on an encrypted electronic device separate from Township servers, located in a locked area. Restricted and controlled access by the Clerk or Deputy Clerk ensures that only those privileged to view or listen to the Closed Session recording is able to do so.”

Confidentiality: asked that under sub-section 5.8 wording be included to reiterate that virtual attendees must be in a confidential environment/setting and use of headphones is recommended. It was also suggested that wording be included to advise that all on desk documents provided in a Closed Session shall be returned to the Clerk or their designate upon completion of the meeting. Staff believe these are both good additions to the By-law, and propose to amend s.s. 5.8 with the following:

“Members shall ensure that confidential matters disclosed to them in preparation and during Closed Session Meetings are kept confidential. Virtual attendees must be in a confidential environment/setting and use of headphones is recommended. All on desk documents provided during a Closed Session Meeting shall be returned to the Clerk or their designate upon completion of the meeting.”

Section 6 – Committees and Boards

Notice of Meetings: it was asked that wording be added to sub-section 6.3 that committee or board Chairs help develop the agenda in consultation with the Recording

Clerk. This responsibility is captured in many of the Terms of Reference documents for the Township committees and boards so it would be beneficial to also include it in the Procedure By-law. Staff proposes to amend s.s. 6.3 with the following wording:

“Notice of meetings of all Committees and Boards shall be given to its Members in the form of an agenda delivered prior to the meeting, with the best practice being at least five (5) days in advance. The Chair will help develop the agenda in consultation with the Recording Clerk. Time permitting, such Notice of Meetings shall be included on the schedule of meetings calendar on the Township’s website and available from the Clerks Office upon request.”

Section 7 – Council Meeting Agendas

Preparation of Council Agenda: it was requested that under sub-section 7.1 that wording be included that the agenda will be reviewed by the Mayor, CAO and Clerk. This item was previously discussed under Section 3 – Roles and Responsibilities. Wording has been included in the By-law under the Role of the Mayor to state that although it is not mandatory, it’s beneficial for the Mayor/Chair to review Regular Council agendas with the Clerk and CAO to prepare for the upcoming meeting procedurally.

Order of Business: it was requested that under sub-section 7.4 that Council Reports/Community Announcements be moved back, before Department Reports. Staff moved this agenda item to the end of the order of business for meeting efficiency, recognizing that Township consultants attend meetings to assist with staff reports and would have to wait through Council reports. In listening to the discussion at the Review meeting, staff propose to move Council Reports and Community Announcements back to its original location in the order of business.

Public Participation Period: clarification was sought regarding if the number of presenters on the same topic with no new information to present can be limited during public participation period. Staff are not proposing any amendments to this section of the draft By-law, as this can be managed by the Chair at their discretion. If the Chair notices a lot of participation regarding one topic, they can ask if there are any other participants wishing to speak on a separate topic, so they are provided the time to do so.

The Township also received a public comment to update sub-section 7.5 as it pertains to written submissions, asking that the wording be changed to publish these submissions on the agenda omitting address details. This was in practice during part of the COVID pandemic, but only when in-person meeting access was restricted during the State of Emergency. The member of the public that submitted this feedback felt that publishing public comments on the agenda is a tool that proved to engage more of the public, increasing access to information and engagement on issues. Council did not have much discussion on this proposed change at the Review meeting, and staff are

proposing not to make this amendment as the same courtesy is not provided for those members of the public who attend in-person to make comments. It's important to have fair processes, and the minutes are the public record that captures a summary of the comments made during public participation period. Alternatively, if a member of the public wishes to educate or ask for an action of Council, the Clerks Department requests that they make a delegation. Through an official presentation their item is added to the Council agenda providing notice of their presentation and for other members of the public to see, and it also gives time for Council to review the presentation materials and be prepared to ask any questions at the meeting for clarification. It's a great way to have an engaging conversation about the topic. On the other side, public participation is a tool for the public to come before Council and make a small inquiry or comment on matters pertaining to municipal business (usually an item on the agenda).

Request for Clarification: it was suggested that under sub-section 7.11 that members of Council contact the CAO or Mayor with questions regarding a Council agenda item or reports. As outlined at the Review meeting, it is beneficial to add wording that Members are encouraged to contact the Mayor and CAO as well. It is also important that Council can speak to Senior Managers regarding specific reports and items for their department. This helps to provide clarification and foster good working relationships between Council and staff. Staff proposes to update s.s. 7.11 with the following wording:

“Members of Council are encouraged to contact the CAO or Mayor and/or the appropriate Senior Manager or Supervisor prior to a Meeting to raise questions or clarify issues relevant to a matter on the agenda. Members shall not give direction to staff except through majority vote.”

Section 8 – Motions

Chair Moving a Motion: there was a good discussion regarding the request to remove Section 8.3 from the By-law, which requires the Chair to vacate the chair in order to move or second a motion. Discussion concentrated on the perceived procedural burden it can be to pass the Chair and in contrast, the promotion of neutrality of the Chair when enforcing procedures, specifically debate on a motion. Staff is proposing to leave this subsection in the By-law.

Motion to Defer: it has been asked that under sub-section 8.11 if the wording can be clarified to reiterate what vote is needed if a matter has already been previously deferred. It is beneficial to clarify this in the by-law, so staff proposes that s.s. 8.11 be worded to state:

“A motion to Defer a matter that has been previously Deferred shall require two thirds vote of Council. For example, a Council of seven (7) members, would require five (5) members to vote in the affirmative for the deferral to pass.”

Motion to Reconsider: it was requested that sub-section 8.14 be amended to state that Council may reconsider an entire resolution that was decided only during the current term of Council, rather than any term of Council. There was good discussion regarding this change during the Review meeting, and the perception of potentially overturning another term of Council’s decision. Staff are proposing to update s.s. 8.14 to state:

“Council may reconsider an entire resolution that was decided during the current term of Council. A reconsideration of a portion of a resolution shall not be permitted. The whole resolution must be reconsidered.”

Section 9 – Rules of Debate

No suggestions or feedback was provided to update any parts of this section.

Financial Implications

There are no financial implications as a result of this report.

Clearview’s Strategic Plan

The above initiative supports the following strategic pillars:

- Communication

Report Appendices

Appendix A – Updated Draft Procedure By-law 24-XX

Approvals

Submitted by: Sasha Helmky-Playter, B.A., Dipl. M.A., AOMC,
Clerk/Director of Legislative Services

Reviewed by: Krista Pascoe, Deputy Clerk

**Financial Implications
Reviewed by:** Kelly McDonald, Treasurer

Approved by: John Ferguson, CAO

OCTOBER 7, 2024 DRAFT

Township of Clearview Procedure By-law 24-XX

Govern the proceedings of Council, Committees and Boards of Council



CLEARVIEW

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By-law Number 24-XX

The Corporation of the Township of Clearview

Being a By-law to govern the proceedings and meetings of Council, Committees and Boards of Council

(Procedure By-law)

Whereas subsection 238(2) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, requires that every municipal council and local board pass a procedure by-law for governing the calling, place and proceedings of meetings;

And Whereas Council of the Corporation of the Township of Clearview passed by-law 12-19 known as the Township's Procedure By-law, to govern the proceedings of meetings of Council, Committees and Boards of Council;

And Whereas since the adoption of By-law 12-19, amendments have been made to better clarify, update or add additional procedures to the By-law;

And Whereas Council of the Corporation of the Township of Clearview completed an extensive review of By-law 12-19 in order to update and clarify procedures governing meetings;

And Whereas Council of the Corporation of the Township of Clearview deems it expedient and necessary to adopt rules governing the order and meeting procedures of the Township and to repeal By-law 12-19, as amended;

Now Therefore Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. Definitions

1.1. For the purpose of this by-law the following definitions shall apply:

"Ad Hoc Committee" means a Committee established by Council to review a specific issue or project. The terms of reference or resolution indicate when the Committee will cease to exist, for example once the project is complete.

"Advisory Committee" means a Committee established by Council to advise on matters and provide recommendations for Council's review. Advisory Committees may have sub-committees that report back to the Advisory Committee on certain matters.

"By-law" means this Procedure By-law as amended by Council from time to time. The Procedure By-law may also be referred to as the Procedural By-law.

“Board” means a local authority established for the purpose of the Township. It does not mean the Clearview Township Public Library Board or the Huronia West OPP Detachment Board.

“Chair” means the Mayor or the presiding officer of the Meeting.

“Chief Administrative Officer” or **“CAO”** means the Chief Administrative Officer for the Township of Clearview.

“Clerk” means the Clerk and Deputy Clerk of the Township of Clearview and/or their designate.

“Closed Session or Meeting” means a meeting of Council, Committee or Board that is closed to the public in accordance with section 239 of the Municipal Act, 2001.

“Committee” means all Council appointed Advisory, Ad Hoc and sub-committees and Boards. It does not mean the Committee of Adjustment or the Property Standards Committee.

“Confirmatory By-law” means a by-law passed at the conclusion of Council meetings, confirming the actions of Council taken at that meeting and any previous meetings which did not have a confirmatory by-law, in respect of each resolution and other actions taken.

“Consent Agenda” means a listing of consent items being presented to Council for its consideration.

“Council” means the Council of the Corporation of the Township of Clearview.

“Defer, Deferred or Deferral” when used in conjunction with a matter before Council or a Committee, means that the matter is to be dealt with at the next meeting of the same body, or at the meeting of the same body which is specified in the motion to defer.

“Delegate or Delegation” means a person or groups of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.

“Deputy Mayor” means a Member of Council elected to the office of Deputy Mayor and to act in the place of the Mayor, in their absence, as elected to represent the Township.

“Friendly Amendment” means the motion under debate is amended with a minor change with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

“Head of Council” means the Mayor.

“Local Board” means a municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

“Mayor” means the Head of Council as defined in the Municipal Act, 2001, as elected to represent the Township.

“Meeting” means any regular, special or other meeting of Council, of a board or committee of either of them, where:

- a) 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, board or committee.

“Member of Council” or “Member” means any person duly elected or appointed to serve on Council, a committee or board of the Township.

“Municipal Act” means the legislation in the Municipal Act, 2001 as amended, and any successor legislation providing the authority to Ontario municipalities to act as the local government and to perform all the attendant duties contained therein.

“Notice of Motion” means an advance notice to Members of a matter on which Council will be asked to take a position.

“Priority Meeting” means a meeting of Council held to consider any business of the Council which is determined by the Chair to be for an urgent matter that needs to be dealt with immediately, or an emergency matter for which would affect the health and well-being of the residents of the Township.

“Public Engagement” means the process of inviting the public at a Special or Priority Meeting to participate in conversations about municipal matters that interest and/or impact the public for the purpose of making sustainable decisions. The inclusion of public engagement on a Special or Priority Meeting agenda is at the discretion of the Clerk, in consultation with the Chair and appropriate Senior Managers to which the topic on the meeting agenda relates to.

“Public Meeting” means a meeting held for the purpose of providing information to the public and obtaining public comments. It may be included as part of a Regular Council Meeting or be convened, at the discretion of Council, as a Special Council Meeting to consider such matters.

“Public Participation Period” means the time set aside in each regularly scheduled Council Meeting agenda during which the attending public may address Council on a matter on the agenda.

“Quorum” means a majority (50% + 1) of Members.

“Recess” means to recess the meeting for a specified length of time.

“Refer, Referred or Referral” when used in conjunction with a matter before Council or a Committee means the matter is referred to the body or person named in the motion to refer, for further consideration and, if so specified, to report back to Council or Committee.

“Special Meeting” means a meeting of Council not scheduled in accordance with the approved calendar for Regular Council Meetings.

“Staff” means officers and employees of the Township.

“State of Emergency” means a State of Emergency that has been declared in accordance with sections 4 and 7.0.1 of the Emergency Management and Civil Protection Act.

“Table or Tabled” means to postpone a matter without setting a definite date as to when the matter will be re-discussed.

“Town Hall Meeting” means a gathering organized by either Township Council, a Member of Council or Township staff to share information and engage with the public, or for the public to share information on specific topic(s). Town Halls are not formal meetings where decisions are being made or minutes are taken. Its main objective is for information sharing.

“Township” means the Corporation of the Township of Clearview or the geographic area it represents as the context may require.

“Workshop” means a gathering of Members of Council for the purpose of training or to receive and discuss information or advice of a general nature involving subject matters of interest to Council.

2. General Provisions

2.1 Rules of Procedure

Council shall observe the Rules of Procedure contained in this by-law and any Council approved policies, including the Code of Conduct. This by-law shall be used to guide the order and dispatch of business of Council and committees and boards and wherever possible, with the necessary modifications, for all committees unless otherwise provided. This by-law does not apply to the Clearview Public Library Board and the Huronia West OPP Detachment Board.

This by-law sets out processes that are open and transparent.

Each member has the right to:

- a) One vote, subject to the declaration of pecuniary interest;
- b) Information to help make decisions, unless otherwise prevented by law;
- c) An efficient meeting; and
- d) Be treated with respect and courtesy.

2.2 Suspension of Rules and Regulations

The rules and regulations contained herein may be suspended by majority vote of the Members of Council or Committee present at the Meeting, provided that such rule or regulation is not prescribed by statute.

2.3 Roberts Rules of Order

Procedural matters not specifically addressed in this By-Law shall be decided by the Chair in accordance with Roberts Rules of Order (Canadian Parliamentary Authority) as far as reasonably practical.

2.4 Electronic Participation

Members of Council, Board or Committee may participate in a meeting defined in this by-law electronically, which includes hybrid meetings, if the Chair and members approve this meeting format or where a State of Emergency has been declared in accordance with sections 4 and 7.0.1 of the Emergency Management and Civil Protection Act. It is the responsibility of Council, a Board or Committee to ensure that members and the public understand how meetings will be conducted (in-person, electronic, hybrid), respecting public participation rules during an open meeting.

Electronic participation is not permitted for public participation period or public engagement during a meeting. If members of the public cannot attend a meeting in-person, they can provide written submissions following the proper procedure.

2.5 Meeting Attendance

A Member of Council, Committee or Board cannot be absent for more than three (3) consecutive months of meetings, without the consent of Council, the Committee or Board.

2.6 Record of the Proceedings

The Clerk or their designate shall be the secretary of all Meetings of Council. It is the duty of the Clerk to record the proceedings of Council in the form of minutes in accordance with the Municipal Act, 2001. The minutes of the Meeting shall be approved at the next Regular Meeting or as soon as practical. The Minutes of the Meeting are the official record.

2.7 Minutes

The minutes of Meetings (Council, Committees and Boards), including a Closed Meeting, shall record without note or comment the following:

- a) The place, date and time of the meeting;
- b) The names of Members present;
- c) The names of Members absent;
- d) All declarations of pecuniary interest; and,
- e) All resolutions and other proceedings of the meeting.

Minutes of each Meeting will be presented at the subsequent Meeting for approval and/or correction. The minutes of a Closed Meeting will be approved in a Closed Meeting.

All open meeting minutes of Council, Committees and Boards are to be posted on the website following the approval of the minutes.

3. Roles and Responsibilities

3.1 Role of the Mayor

It is the role of the Mayor:

- To preside over Meetings of Council so that its business can be carried out efficiently and effectively;
- To review Regular Council Meeting agendas with the Clerk and CAO to prepare procedurally for the meeting. Although not a mandatory responsibility, there is value and benefits to the Mayor/Chair being a part of the review. The intent of this review is not meant for changes to be made to any items on the agenda or to staff reports/recommendations prior to posting;
- To provide leadership to Council;
- To provide information and recommendations to Council with respect to the role of Council as described in the Municipal Act, 2001;
- To represent the Township at official functions;
- To act as Council's representative when dealing with other levels of government, their agencies and the private sector, unless otherwise delegated; and,
- As Chief Executive Officer, to carry out the duties of the head of Council under the Municipal Act, 2001, or any other Act, including but not limited to:
 - Uphold and promote the purposes of the Township;

- Promote public involvement in the Township's activities;
- Act as the representative of the Township both within and outside the municipality, and promote the Town locally, national and internationally; and,
- Participate in and foster activities that enhance the economic, social and environmental well-being of the Township and its residents.

3.2 Role of Council

It is the role of Council:

- To represent the public and to consider the well-being and interest of the Township;
- To develop and evaluate policies and programs of the Township;
- To determine which services the Township provides in accordance with applicable legislation;
- To ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- To ensure the accountability and transparency of the operations of the Township;
- To maintain the financial integrity of the Township; and,
- To carry out the duties of Council under the Municipal Act, 2001 or any other Act.

3.3 Role of Council Representatives Appointed to Committees and Boards

Each member of Council appointed by Council resolution or by-law to a Committee or Board shall:

- Participate as a full voting member;
- Communicate Council's decisions, perspective, goals, and expectations where appropriate;
- In coordination with the staff liaison, explain the rationale behind Committee and Board recommendations when brought forward to Council;
- Act as a liaison between the Committee or Board and Council.

3.4 Ex Officio

The Mayor is the ex officio member of each Council appointed Committee and Board except for the Clearview Public Library Board, Committee of Adjustment and the Property Standards Committee, and the Huronia West OPP Detachment Board. The Mayor may participate in the business of the Committee or Board on the same basis as any other Member unless otherwise prohibited.

3.5 Duty of the Chair

The Chair of a Meeting of Council shall be the Mayor. In the absence of the Mayor, the Deputy Mayor shall be the Chair of the Meeting. In the absence of the Mayor and Deputy Mayor, Council shall appoint another of its Members to act as Chair of the Meeting.

In the event that the Mayor does not arrive within fifteen (15) minutes after the time appointed for the Meeting, the Deputy Mayor shall preside until the arrival of the Mayor and in the absence of both of them, a Member appointed by Council shall preside until the arrival of either the Mayor or Deputy Mayor.

It shall be the duty of the Chair:

- To open the Meeting by taking the Chair and calling the Members to order;
- To announce the business in the order in which it is to be acted upon;
- To receive and submit, in the proper manner, all motions presented by the Members;
- To ensure all motions are duly moved and seconded prior to voting by members present;
- To decline to put to a vote any motion which contravenes this Procedure By-law;
- To enforce order and good behaviour of all Members in accordance with the Rules of Procedure when engaged in debate;
- To designate the order in which Members/Staff are recognized to speak when two or more Members/Staff wish to be recognized at the same time;
- To enforce the rules of order in this Procedure Bylaw and decorum among the Members and meeting attendees;
- To conduct the meeting in an orderly and efficient manner;
- To authenticate by their signature, when necessary, all by-laws, resolutions and minutes;
- To adjourn the Meeting when the business is concluded;
- To adjourn the Meeting without question or put or suspend the Meeting to a time to be named by them, if they consider it necessary.
- When a Member, staff or attendee persists, following several reminders in breaching the Rules of Procedure and disrupting the business of Council, the Committee of Board, ordering the person to vacate the Council Chambers for the duration of the meeting;
- Voting on all matters unless prohibited by law.

3.6 Duty of Members

It is the duty of Members to attend Meetings, and:

- To prepare for Meetings, including reviewing the Agenda and background information prior to the Meeting;
- To speak only to the subject matter under debate;
- To vote on all motions before Council unless prohibited from voting by law;
- To observe proper procedure and decorum at all Meetings including not using offensive words or unparliamentary language;
- To state questions to be asked through the Chair;
- To make every effort to attend all meetings of a Committee or Board to which the Member has been appointed by Council;
- To carry out the duties of Members under the Municipal Act, 2001 or any other Act;
- Respect and follow the rules of order, the Chair's final ruling and Council's decision;
- To not speak disrespectfully of the reigning Sovereign, or any of the Royal Family, the Governor-General, or of the Lieutenant Governor of any Province;
- To not speak disrespectfully of, or make inappropriate allegations concerning, another Member of Council, Committee, Board, Staff or the public;
- To act in accordance with their declarations to office and oaths of allegiance, Code of Conduct, Council-Staff Relations Policy, Procedure By-law and all applicable legislation including Township by-laws and policies;
- Respect the confidentiality of matters discussed in closed meetings and not disclose the subject or substance of these discussions unless authorized to do so;
- To disclose an interest under Section 5 of the Municipal Conflict of Interest Act (MCIA) at a meeting or as soon as possible afterwards and submit to the Clerk a written statement after declaring the pecuniary interest on the prescribed Declaration form. The written statement shall be posted on the Township's website through the MCIA Registry. This shall be applicable to Members of Council, Committees and Boards and apply only to matters pertaining to the MCIA; and,
- To notify the Clerk or Recording Clerk as soon as practicable when the Member is aware that they will be absent from a Meeting.

3.7 Duty of the Chief Administrative Officer

It is the duty of the Chief Administrative Officer (CAO) to attend Meetings of Council and:

- To review all staff recommendations and reports prior to their submission to Council and, when deemed necessary, to submit their comments on said reports;
- To ensure that all resolutions and by-laws submitted to Council accurately reflect the goals and objectives of the Township;
- To assist Council to discharge its responsibilities and, in a non-partisan manner, to aid Council Members to carry out their duties;
- To exercise general control and management of the affairs of the Township for the purpose of ensuring the efficient and effective operation of the Township; and,
- Without limiting the generality of the foregoing, to perform such other duties as may be necessary to fulfill the intent of the CAO appointment By-law and to exercise powers which, from time to time, may lawfully be assigned by Council.

3.8 Duty of the Clerk

It is the duty of the Clerk to attend Council Meetings and:

- To record without note or comment, all resolutions, decisions and other proceedings of Meetings of Council;
- If required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question;
- To keep the official records of the Township, including the minutes of the proceedings of Council Meetings;
- To keep the originals or copies of all by-laws and of all minutes of the proceedings of Council;
- To make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution, and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- To present annually a Council Meeting calendar outlining the schedule for the next year, which may be amended from time to time;
- To provide each Member of Council a copy of the Procedure By-law;
- To perform such other duties as are prescribed by law or by direction of Council.

3.9 Conduct of the Public

Members of the public in attendance at a Meeting shall not:

- Address Council, Committee or Board without permission;
- Engage in activity, behaviour or make any audible noise that could affect the Council, Committee or Board without permission;
- Make detrimental comments, speak ill or malign the integrity of staff, the public, Mayor and Members of Council, Committee or Board, and the Sovereign.

If a member of the public contravenes any of the above rules of conduct, the Chair may expel the person(s) from the meeting for improper conduct.

4. Council Meetings

4.1 Establishing Council Meeting Dates

A Regular Council Meeting Calendar shall be drawn up, confirmed by resolution for each new calendar year. In addition, this calendar shall be published on the Township website and made available upon request to the public.

Notwithstanding the above, dates may be altered by Council resolution with a majority vote and notice. A Special or Priority Meeting of Council may also be called by the Mayor without a resolution, or by petition of Members of Council in accordance with the rules outlined in this by-law.

4.2 Inaugural Council Meeting

The Inaugural Meeting of Council shall be held the first Monday of December of the new Council term of office following a regular election, subject to the requirements of the Municipal Act, or at such time as may be fixed by resolution of Council.

4.3 Regular Council Meetings & Planning Public Meetings

Meetings of Council shall be held in the Council Chambers at the Municipal Administration Centre. Notwithstanding this, Council meetings may from time to time, take place at another meeting location within or outside the geographic boundaries of the municipality provided that Notice is given. In the case of electronic meetings that have been called in accordance with this By-law, the location can be virtual.

Unless otherwise provided by resolution of Council, Regular Meetings of Council and Planning Public Meetings shall be held at 5:30 p.m. (local time). Closed Sessions that have been called on a Regular Council Meeting Day, will be scheduled before the Regular Meeting.

4.4 Special Council Meetings

At any time, the Mayor may summon a Special Meeting of Council on forty-eight (48) hours written notice to the Members or, upon receipt of the petition of the majority of the Members, the Clerk shall summon a Special Meeting on forty-eight (48) hours written notice to the Members for the purpose and at the time mentioned in the petition. The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting in the form of an agenda. Special Meetings may be open or closed as provided for in the Municipal Act, 2001, and shall be designated as such in the meeting agenda.

4.5 Workshops

When deemed necessary, the Mayor, CAO or Clerk may convene a Workshop to discuss issues for the purpose of promoting a general understanding and consensus on specific Township matters, or for education and training. All Workshops except those that have been closed in accordance with section 239 of the Municipal Act, 2001, shall be open to the public and no motions shall be passed. A record, describing in general terms the proceedings and the subject matter discussed shall be made at all Workshops. Workshops do not require quorum.

Public access to a Workshop may be restricted if both of the following conditions are satisfied:

- The Workshop is held for the purpose of educating or training the Members; and,
- No Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of Council.

Before holding a Workshop that is to be closed to the public, Council shall state by resolution, the fact of holding the Closed Session, the general nature of the subject matter and that it is to be closed under Section 239 of the Municipal Act, 2001 and posted prominently at the entrance to the meeting room.

4.6 Priority Council Meetings

The Mayor may, at any time, call a Priority Council Meeting on matters that require urgent attention by Council. Time permitting, the Clerk shall give Notice of any such meeting by email or in person in the form of an agenda. Priority meetings may be open or closed as provided for in the Municipal Act, 2001, and shall be designated as such in the Notice and posted prominently at the entrance to the meeting room.

4.7 Participation in Electronic Meetings

A Member may participate hybrid or fully in a meeting by electronic means (via teleconference or video conference) in the following circumstances:

- a) If an emergency has been declared to exist in all or part of the Township of Clearview in accordance with the provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act; or,
- b) If Council, a Board or Committee has approved meeting electronically.

This applies to regular, special, priority and closed session Council meetings and meetings of Committees and Boards.

Electronic participation shall mean participation by teleconference or video conference.

Any Member participating by electronic means shall notify the **Mayor/Chair** and the Clerk or their designate at minimum, twenty-four (24) hours in advance of the meeting.

Where a State of Emergency has been declared or where Council, a Local Board or Committee has approved meeting electronically, electronic participation shall count towards quorum in accordance with section 238(3.3.) of the Municipal Act, 2001.

Votes cast electronically by Members of Council, a Committee or Board shall be counted towards the overall decision.

In the event of technical failure during the meeting, Council, a Committee or Board may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a Member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made prior to the technical failure. If quorum is lost, the meeting will be deemed adjourned.

Any delegations or public participation during a State of Emergency will only be accepted in writing, unless deemed otherwise by the Mayor and Clerk.

Committee and Board meetings may only occur during a State of Emergency upon agreement of the Committee/Board Chair, the Mayor and the Clerk.

4.8 Quorum

As soon after the hour fixed for the holding of a Meeting at which a Quorum is present, the Chair shall call the Meeting to order.

A majority (50% + 1) of the Members are required to be present to constitute a Quorum. **If a quorum of members is present during a meeting at any time, the business of Council, a committee or board can continue. For example, if a Member needs to leave part way through a meeting for reasons not related to a conflict of interest, if quorum is still met, the meeting will continue.**

If no Quorum is present thirty (30) minutes after the time appointed for a meeting of Council, Committee or Board, the Clerk or Recording Secretary shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting.

4.9 Calling a Meeting to Order

As soon as quorum is present, after the hour fixed for the holding of a Council Meeting, the Mayor shall take the Chair and call the meeting to order.

4.10 Speaking Order

No Member shall speak more than once on an item, except to give an explanation, until every Member who wishes to speak on that item has spoken. The Chair may limit discussion in the interest of the decision-making process. This decision may be appealed by Members.

4.11 Recording Meetings

The Township can record Council Meetings by video and live stream whenever practical to increase public accessibility and enhance accountable local government. Video recordings of Meetings may not always be available due to equipment malfunctions and/or the use of an alternate location to hold such Meeting. **All video and audio recordings facilitated by the Township, shall remain the property of the Township, while respecting the Terms and Conditions of any livestreaming platforms that the Township utilizes.**

Video and live stream recordings of a Meeting shall not be relied upon as the official record of the Meeting.

The use of audio and video recording equipment by the public or media during an open Meeting will be permitted if it is not disruptive to the Meeting proceedings. The location of such recording equipment shall be at the discretion of the Chair.

4.12 Public Record

Any person providing information and/or comments at public or open meeting will be considered by the Township of Clearview as consent to the individual's personal information and comments, and that this information may be published.

All information including opinions, presentations, reports, documentation, etc. that are provided at a public or open meeting are considered a public record.

The views expressed in public comments are solely those of the individuals providing them and do not reflect the opinions of the Township, its agents, or its employees. It is not possible for the Township to verify the accuracy of all information provided by members of the public. The Township therefore assumes no responsibility for any inaccurate information that may be contained within public comments.

4.13 Cancellation of a Council Meeting

The Clerk, in consultation with the Mayor, may cancel any Council meeting by providing notice to all Members of Council and posting notice of the cancellation to the Township's website. Cancellation of a Council meeting would generally be for an emergency or an extreme weather event to ensure the safety of Council, staff and the public.

5. Closed Session Meetings

5.1 Purpose of Closed Session

Council or Committee or Board may retire into a Closed Session at any time during the process of a Meeting or a Meeting specifically called for that purpose, if the subject matter being considered is in accordance with section 239 (2), (3) and (3.1) of the Municipal Act, 2001.

Sub-Committees are not permitted to have Closed Sessions.

A meeting or part of a meeting shall be closed to the public if the subject 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 the 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, or a municipal Ombudsman appointed by Council under subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2(1).

5.2 Procedure – Moving into Closed Session

Before holding a Meeting or part of a Meeting that is to be closed to the public, the Council, Committee or Board shall approve a motion stating the following:

- a) The fact that the Meeting will be closed to the public;
- b) The reasons Council, Committee or Board has determined it necessary to exercise its' discretion to close the Meeting to the public; and,
- c) The general nature of the matter to be considered at the Closed Meeting.

The agenda for a Closed Session meeting shall be distributed to members of Council, a Committee or Board confidentially, as early as possible prior to the Meeting.

5.3 Voting during Closed Session Meetings

No vote shall be taken at a Meeting which is closed to the public unless:

- a) The subject relates to an item as described in the recommendation to go into a Closed Session as voted in the open session of Council; and,
- b) The vote is for procedural matters or giving directions or instructions to officers, employees, or agents of the municipality.

5.4 Closed Session Meeting Minutes

The Clerk shall record in the minutes of the Meeting the reason for Council, a Committee or Board going into a Closed Session.

The Clerk shall record all vote(s)/direction(s) provided during a Closed Session which relate only to the direction provided by Council pursuant to clause 239(6)(b) of the Municipal Act, 2001.

The minutes are the official record of the Closed Session Meeting.

5.5 Recording Closed Session Meetings

Closed Session Meetings will not be audio or video recorded. If a decision is made by Council to begin recording Closed Sessions, it shall be the practice that recording applies to all Closed Session Meetings and that they shall be stored on an encrypted electronic device separate from Township servers, located in a locked area. Restricted and controlled access by the Clerk or Deputy Clerk ensures that only those privileged to view or listen to the Closed Session recording is able to do so.

5.6 Report Progress in Open Session

Upon coming out of a Closed Session, the Chair shall verbally, or by motion, report the progress made during the Closed Session. If there is nothing to report, the Chair shall state that.

5.7 Rules Governing Procedure

The rules governing the procedure of Members shall be observed in a Closed Session so far as they are applicable.

5.8 Confidentiality

Members shall ensure that confidential matters disclosed to them in preparation and during Closed Session Meetings are kept confidential. **Virtual attendees must be in a confidential environment/setting and use of headphones is recommended. All on desk documents provided during a Closed Session Meeting shall be returned to the Clerk or their designate upon completion of the meeting.**

Members will be advised, as it occurs, that discussion on matters that are not confidential shall be suspended and continued once again during an open Meeting or portion thereof.

6. Committees and Boards

6.1 Appointments

Public membership and/or positions on the various Committees and Boards appointed by Council, shall be approved by Council which may require the posting of open positions, the interviewing of potential volunteer candidates, and input from the Township management team, if requested by Council, on the general qualities being sought for membership on the Committee or Board. Persons must not be anonymous.

Council shall authorize the appointments, including Committee/Board structure and composition, if not already determined by by-law, having regard for the recommendations of Township staff, if any.

Appointments shall be for the term of Council to which they were appointed. Appointments to Township Committees and Boards shall comply with the established Appointment Policy for the municipality, if one is established.

6.2 Council Representative Appointments

For a new Council term following a regular election, in consultation with the Mayor, Members of Council will determine the Council membership representation on each of the Committees and Boards appointed by Council. Individual preferences shall be accommodated as much as possible, as well as experience, suitability, and the consensus of the Council Members.

6.3 Notice of Meetings

Notice of meetings of all Committees and Boards shall be given to its Members in the form of an agenda delivered prior to the meeting, with the best practice being at least five (5) days in advance. **The Chair will help develop the agenda in consultation with the Recording Clerk.** Time permitting, such Notice of Meetings shall be included on the schedule of meetings calendar on the Township's website and available from the Clerks Office upon request.

The meeting schedule of all Committees and Boards will be determined by its Members, with consideration given to availability of Township resources.

6.4 Minutes and Recommendations to Council

Committees and Boards are to submit approved minutes to the Township for proper retention and to make available to the public. Council may request reports from

Committees or Boards from time to time to receive recommendations and review programs and resources.

Committees and Boards making recommendations to Council will be made through the Staff Liaison, through a report to Council. It is beneficial that when recommendations are made, that the Chair or another member attends the Council meeting either to make a delegation in conjunction with the report to Council or to be there to support the Committee or Board's initiative.

6.5 Procedural Rules

All Council appointed Committees and Boards shall follow the rules contained within this Procedure By-law unless otherwise stated in their terms of reference approved by Council.

7. Council Meeting Agendas

7.1 Preparation of Council Agenda

Prior to each Council Meeting the Clerk or their designate, under the supervision of the CAO, shall prepare an agenda of all the business to be brought before each Council Meeting. The agenda for a Regular Council Meeting shall be posted on the Township website by 4:00 p.m. on the Wednesday prior to the Meeting, providing notice to the public.

Exceptions to this practice will be at the discretion of the Clerk. All agenda items including reports and information, power points and digital presentations, must be provided to the Clerk by Monday 12:00 noon, one week prior to the Council Meeting. For meetings other than Regular Council Meetings, the deadline for submission of agenda materials will be at the discretion of the Clerk, with consideration made to using similar timelines as seen with Regular Council Meetings.

7.2 Amendments to the Agenda

The Clerk may amend the agenda prior to a Meeting by notifying the Mayor and Council through distributing copies of the amended agenda and any additional supporting material to the Members and the public at the earliest opportunity. When making amendments, consideration will be given to the timeframe to which Members can sufficiently review the new information.

In addition to adding items to the agenda, Township staff can make a request to the Clerk that their report or other material on an agenda be removed prior to the Meeting, provided that an explanation is given for the removal and articulated to Council with distribution of the amended agenda.

7.3 Public Record

All communications about a matter on a public or open Meeting agenda that the Clerk receives within a reasonable time of the particular Council Meeting of interest, shall form part of the public record. Personal information and opinions in communications are part of the public record unless the author of the communications specifically requests the removal of his or her personal information when submitting it. Requests for removal of information are at the discretion of the Clerk, and personal information in this context does not include the name/author of the communication, as communications will not be anonymous.

7.4 Order of Business

For Regular Council Meetings, Council will deal with matters in the following order:

- Closed Session (if required)
- Approval of the Agenda
- Declarations of Interest
- Public Participation Period
- Delegations and Presentations
- Public Meetings
- Approval of Minutes
- Correspondence and Information Items
- **Council Reports and Community Announcements**
- Department Reports (includes reports from Committees or Boards)
- By-laws
- Notice of Motion
- Confirmatory By-law
- Motion to Adjourn

The business of each Council Meeting shall be taken up in the order in which its stated in the agenda unless otherwise deemed expedient by the Chair or at the request of a majority of the Members present.

7.5 Public Participation Period

As part of each regularly scheduled Council Meeting, a Public Participation Period will be included on the agenda and limited to fifteen (15) minutes or less as necessary. Any interested person in attendance will be invited to make an inquiry or comment on matters pertaining only to municipal business, subject to the following:

a) Written Submissions

- i. Shall contain the name and address of the person submitting the comments by utilizing the electronic submission form provided through the Township's website.
- ii. Shall be received by 12:00 noon on the Friday prior to the Council meeting.
- iii. Shall not refer to personnel matters, litigation or potential litigation or planning matters that have already had a public meeting or any item considered confidential.
- iv. All written submissions will be reviewed by the Clerk or designate to ensure they comply with the criteria outlined within subsections 7.5 a) i., ii. and iii. above. If the written submission does not comply, it will not be submitted to the Mayor to be summarized at the meeting.
- v. Written submissions meeting the above criteria will be summarized, at the discretion of the Mayor/Chair, and read at the meeting.

b) Verbal Submissions

- i. Speakers will be permitted a maximum of five (5) minutes each to ask questions and/or provide comments on municipal business.
- ii. Questions and/or comments are to be directed to the Mayor/Chair and shall not refer to personnel matters, litigation or potential litigation or planning matters that have already had a public meeting or any item considered confidential.

Any person providing information and/or comments at public or open meetings, whether verbally or written, will be considered by the Township of Clearview as consent to the individual's personal information and comments. This information may become part of the public record.

The views expressed in public comments are solely those of the individuals providing them and do not reflect the opinions of the Township, its agents, or its employees. It is not possible for the Township to verify the accuracy of all information provided by members of the public. The Township therefore assumes no responsibility for any inaccurate information that may be contained within public comments.

7.6 Delegations and Presentations

Delegations and those wishing to present on a matter may address Council by requesting that the Clerk place their name and topic on the agenda as a delegation or presentation. Such requests shall state the nature of the matter to be brought before Council and be accompanied by a summary or presentation. If information is to be presented digitally (i.e. PowerPoint) to Council, it must accompany the

request. Requests and accompanying presentation materials must be submitted to the Clerks Department by Monday 12:00 noon, one week prior to the Council Meeting.

Delegations and presentations other than in respect to statutory hearings/public meetings shall be limited in speaking to not more than ten (10) minutes followed by a five (5) minute discussion period. In the interest of time and clarity, delegations and presentations on behalf of an organization, including any corporation, association or on behalf of any group, are asked to designate a single spokesperson to address Council.

Upon conclusion of the delegation or presentation, Members are permitted to ask questions for clarification and obtaining additional relevant information. Notwithstanding the time limits imposed above, Council may extend the time by consensus of the Members.

Upon hearing a delegation or presentation, Council is not to make any decisions or formally approve any recommended action as provided by the delegate(s)/presenter(s). Procedurally, Council can provide direction to staff to bring a follow-up report to a future meeting outlining the recommendation(s) for consideration. Notwithstanding the aforementioned, Council can proceed with a recommended action at the same meeting but only if majority vote of the Members of Council present, allow it.

No delegation or presentation shall relate, speak or refer to the following matters:

- Personnel matters;
- Litigation or potential litigation;
- Planning matters that have already had a public meeting; or,
- Any item considered confidential.

7.7 Public Meetings

This section shall apply to all public meetings held under the provisions of provincial legislation, such as the Planning Act, R.S.O. 1990, c. P.13, as amended.

At the commencement of any public meeting, the Chair shall:

- a) state the item(s) being considered;
- b) list any specific properties to which it applies, if any;
- c) should the public meeting be called due to an application for an amendment to a by-law or official plan, state the name of the organization or individual making the application.

If public notice of the meeting is required by any provincial statute, the Clerk or their designate shall read the manner in which notice was provided and the dates on which it was provided.

Council shall call presentations and delegations in the following order:

- a) presentation by staff, if any;
- b) joint delegation of the applicant and/or their representative, if any.

All members of the public in attendance shall be provided the opportunity to make oral representations to Council during the public meeting.

Any members of the public addressing Council shall declare:

- a) their name;
- b) if addressing Council as a private individual, their municipality of residence;
- c) if addressing Council as a representative(s) of an organization, the name of the organization they are representing and title of the presenters;
- d) if addressing Council on behalf of another party as a consultant, spokesperson, legal representative, or other such relationship, the individual or organization they are representing.

All members of the public addressing Council at a Public Meeting will be given sufficient time to provide their comments. However, the Chair at their discretion, has the ability to limit a person's time if no new information is being provided within their comments. Where a written submission of comments from a member of the public has been provided to the appropriate department responsible for the Public Meeting, and they still wish to present their comments orally as well, the Chair can request that any of their oral comments that reflect their written comments, be a summary.

Each member of the public shall only be provided one opportunity to present their comments orally. When an organization or group is providing comments orally, they shall appoint one person to present their comments.

7.8 Council Reports and Community Announcements

Members of Council have the opportunity to submit a report to Council recommending a course of action, the same as a staff would do through a Department report. A Member of Council wishing to submit a report to be included on the agenda, must submit their completed report to the Clerk by 12:00 noon, one week prior to the Council meeting.

Additionally, Community Announcements is the opportunity for Members of Council to provide updates and information of community significance to the public. Such announcements can include upcoming public events, update on Committee or Board activities of interest, County of Simcoe updates, etc. Members of Council are encouraged not to provide personal updates on private residents of the community unless it's for a commendation, celebration, etc. that is appropriate to be publicly shared.

7.9 Notice of Motion

In order to submit a notice of motion, the Member of Council shall provide the written motion to the Clerk by Monday 12:00 noon, one week prior to the Council Meeting. A verbal notice of motion will not be accepted. A Notice of Motion will not be debatable until the second meeting in which the motion appears in writing on the Council agenda.

7.10 Minor Corrections

The Clerk is hereby authorized to make minor deletions, additions or other housekeeping changes in form to any by-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the by-law.

7.11 Request for Clarification

Members of Council are encouraged to contact **the CAO or Mayor and/or** the appropriate Senior Manager or Supervisor prior to a Meeting to raise questions or clarify issues relevant to a matter on the agenda. Members shall not give direction to staff except through majority vote.

8. Motions

8.1 Open to Discussion

Every motion, when duly moved and seconded, shall be open to discussion. A motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder.

8.2 Option Motions

In some instances, Members of Council are presented with a motion providing options to choose before finalizing the motion. In these instances, the Chair may read aloud the motion outlining the different options to choose from, and then the motion can be open to discussion without a mover and a seconder. Once discussion has occurred on the options, the Chair shall ask for a mover and a seconder for one of the options to complete the motion. Once a complete motion is on the floor, members have the opportunity to discuss the motion in its entirety prior to being put to a vote.

8.3 Chair Moving a Motion

The Chair shall not move or second any motion but shall vote on every motion.

The Chair may appoint a Member to preside in their place and vacate the chair in order to move or second a motion. The Chair shall resume the chair following the vote on the matter.

8.4 No Secunder

A motion that has not been seconded will not be recorded in the minutes.

8.5 Motion on Agenda Items

A new motion, when duly moved and seconded, is permitted on any agenda items that has been published as part of the public record.

8.6 Voting on Motions and By-Laws

Every Member present at a Meeting when a question is called, shall vote thereon unless otherwise prohibited by statute, in which case it shall be recorded.

A motion may be voted against by the mover and seconder.

Each Member present and voting shall announce or indicate their vote upon the motion or by-law, openly and individually, and no vote shall be taken by ballot, or any other method of secret voting.

If any Member at a Meeting when a question is put does not vote, they shall be deemed to have voted in the negative except where prohibited from voting by statute.

The vote on a motion may only be called after each Member who wished to speak has spoken once.

If a Member disagrees with the announcement of the Chair that a question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and request that the vote be retaken.

In considering unrecorded votes, the manner of determining the decision of the Council or Committee on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.

In considering recorded votes the Clerk shall ask Members to announce their vote openly and any failure to vote by a qualified Member shall be deemed to be a negative vote. The Clerk shall record the names of those who voted for and of those who voted against, in the minutes and announce the results.

8.7 Tie Votes

Any motion of which there is a tie vote shall be deemed to be decided in the negative.

8.8 Recorded Vote

When a recorded vote is requested by a Member, the Clerk shall call the vote and record the name and vote of every Member on any question. The order of the vote shall be recorded in the following manner:

- a) first, the requester of the recorded vote shall vote;
- b) then in numerical order by Ward designation, each Councillor shall vote followed by the Deputy Mayor and then the Mayor last.

A request by a Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter and before any other item of business is brought forward.

When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair.

After a question is put on the floor by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

8.9 Divide the Motion

Upon the request by any Member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

8.10 Order of Precedence of Motions

When a vote is taken the precedence of motions is as follows, unless otherwise decided by the Council, Committee or Board:

- a) Motion to Defer, including a motion to Refer the question;
- b) Motion to amend the main motion; and
- c) Motion to adopt the main motion or to adopt as amended, if any amendments have been carried out.

8.11 Motion to Defer

A motion to Defer means that the matter is to be dealt with at the next meeting of the same body, or at the meeting of the same body which is specified in the motion to defer.

A motion to Defer a matter that has been previously Deferred shall require **two thirds vote of Council. For example, a Council of seven (7) members, would require five (5) members to vote in the affirmative for the deferral to pass."**

8.12 Motion to Refer

A motion to Refer a matter to staff shall include the reasons for the Referral. If the motion is to be referred to an advisory committee, the motion shall name the Committee to which it is referred.

8.13 Amendments to Motions

Only one amendment can be presented to the main motion at one time.

An amendment must be similar to the motion which it is proposed to amend and cannot negate the intent of the original motion.

A Friendly Amendment can be made to a motion under debate with the consent of the mover and seconder, and without the requirement for an amending motion to be made.

8.14 Motion to Reconsider

Council may reconsider an entire resolution that was decided during **the current** term of Council. A reconsideration of a portion of a resolution shall not be permitted. The whole resolution must be reconsidered.

No resolution shall be reconsidered more than once during the term of Council.

A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments, including financial, and are in place on the date the motion to reconsider is considered by Council.

If Council passes a resolution and adopts the same matter by by-law, only the resolution may be reconsidered. If the decision resulting from the reconsideration warrants, the by-law will be amended or repealed accordingly.

A motion to reconsider shall be introduced by way of written resolution on the Council agenda.

A motion to reconsider:

- a) is not debateable;
- b) is not amendable;
- c) cannot be considered if the action approved in the motion cannot be reversed;
- d) suspends action on the motion to which it applies until it has been decided.

Only a Member who voted with the majority in respect of a previous decision or who was absent from the vote or was not a member at the time may move or second a motion for reconsideration. Each Member of Council shall be responsible for making a determination on how the Member voted on a specific matter.

No debate on a motion to reconsider a decided matter shall be permitted. However, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such consideration.

A motion to reconsider must be carried in the affirmative by Majority of Council to move forward with the reconsideration.

If a motion to reconsider is decided in the affirmative:

- The reconsideration effectively returns Council to just prior to the original Council decision.
- Reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.

8.15 Adoption in a Single Motion

One or more report items and/or by-laws on a meeting agenda may be adopted in a single motion.

9. Rules of Debate

9.1 Speaking to a Question or Motion

Every Member, prior to speaking to any question or motion shall first be recognized by the Chair.

When a Member is speaking, no other Member shall pass between them and the Chair or interrupt them, except to raise a point of order or personal privilege.

Any Member may require the question or motion under discussion to be read at any time during the debate but not as to interrupt a Member while speaking.

Subject to the discretion of the Chair, any Member may speak initially on a motion for a maximum of two (2) minutes followed by any other Member, including the mover of the motion wishing to speak a second time for a further two (2) minutes. The mover may reserve the right to be the last speaker on a motion.

When a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Chair on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak to the motion.

9.2 Points of Order or Privilege

A point of order may be called by a Member to bring attention to:

- a) any breach of the rules of procedure of Council, Committee or Board;
- b) the use of improper, offensive or abusive language; or,
- c) statement of the fact that the matter under discussion is not within the scope of the proposed motion.

When a Member wishes to raise a point of order, the Member shall ask leave of the Chair to raise the point of order and after leave is granted the Member shall state the point of order to the Chair and no further business shall be conducted until the Chair has decided and stated the point of order.

Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Council or Committee.

Any Member may appeal the decision of the Chair to Council, a Committee or Board, which shall decide the question: "that Council (Committee or Board) oppose the decision of the Chair". Members shall vote upon the question without debate, deferral or adjournment, upon a majority vote of Members present. The Clerk shall call the vote and announce the results.

If no Member appeals, the decision of the Chair shall be final.

9.3 Late Arrival of Member

If a Member arrives late to a Meeting, any prior debate or discussion shall not be reviewed without the unanimous consent of all Members present.

10. Severability

- 10.1. It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.
- 10.2. Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

11. Repeal

- 11.1. That By-law 12-19 and all amending by-laws are hereby repealed.

12. Force and Effect

- 12.1. This By-law shall take force and effect upon final passage hereof.

By-law Number 24-XX read a first, second and third time and finally passed this XX day of XXXXXXXX, 2024.

Douglas Measures, Mayor

Sasha Helmkay, Clerk/Director of Legislative Services