

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM
PROCEDURAL BY-LAW 2023-16

TABLE OF CONTENTS

1. SHORT TITLE3

2. DEFINITIONS3

3. GENERAL5

4. ROLE OF COUNCIL6

5. DUTIES OF THE MAYOR6

6. HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER6

7. DUTIES OF THE DEPUTY MAYOR6

8. COMMITTEES AND APPOINTMENTS6

9. INAUGURAL MEETING OF COUNCIL6

10. REGULAR MEETINGS OF COUNCIL7

11. SPECIAL MEETINGS OF COUNCIL7

12. THE CALLING OF MEETINGS TO ORDER AND QUORUM7

13. OPEN FORUM8

14. COUNCIL AGENDA8

15. ADDITIONS TO AGENDA.....9

16. NEW BUSINESS9

17. “IN CAMERA”9

18. DISCLOSURE OF CONFIDENTIAL INFORMATION10

19. SPECIAL COUNCIL MEETING AGENDA11

20. PUBLIC MEETINGS, HEARINGS OR INFORMATION SESSIONS11

21. NOTICE OF PUBLIC MEETINGS, HEARINGS, INFORMATION
SESSIONS OR NOTICE OF INTENTION TO PASS BY-LAW11

22. NOTICE OF REGULAR AND SPECIAL COUNCIL MEETINGS AND ITS
COMMITTEES 11

23. NOTICE OF MEETING TO MEMBERS OF COUNCIL OR ITS
COMMITTEES 12

24. DISCLOSURE OF PECUNIARY INTEREST12

25. PRESENTATIONS AND DELEGATIONS13

26. BY-LAWS14

27. CONDUCT14

28. MOTIONS15

29. VOTING16

30. MEETING RECESS16

31. ADJOURNMENT16

32. DUTIES OF THE CLERK16

33. MUNICIPAL ADMINISTRATION16

34. AFFIRMATION OF CONFIDENTIALITY17

35. AMENDMENT TO THIS BY-LAW17

36. SUSPENSION OF RULES17

37. SEVERABILITY17

38. REPEALED BY-LAW17

SCHEDULE 'A' – AFFIRMATION OF CONFIDENTIALITY18

CORPORATION OF THE TOWNSHIP OF CHISHOLM

BY-LAW 2023-16

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

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

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

WHEREAS the Council of the Corporation of the Township of Chisholm now deems it advisable to enact a new by-law to govern the proceedings of Council and its committees, the conduct of its members, and the statutory requirements.

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

1. SHORT TITLE

This by-law shall be cited as the "Procedural By-law".

2. DEFINITIONS

In this by-law:

2.1 "Agenda" means a list of all items to be considered by the Council at the meeting for which the agenda was published.

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

For the purposes of this Procedural By-law, "Local Board" does not include police services boards or public library boards as per the *Municipal Act*.

2.3 "Calendar Year" means the period from January 1st of any one year to and including December 31st of the same year.

2.4 "Chair" means the person presiding over a meeting of Council or a Committee.

2.5 "Clerk" means the CAO Clerk-Treasurer of the Corporation of the Township of Chisholm and/or designate.

2.6 "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.

2.7 "Corporation" means the Corporation of the Township of Chisholm.

2.8 "Council" means the Council of the Corporation of the Township of Chisholm.

- 2.9 “Delegation” means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- 2.10 “Deputy Mayor” means a member appointed by Council to act in the place of the head of council or other member of council designated to preside at meetings in the municipality’s procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings.
- 2.11 “Electronic” Means a device used to be deemed present at a meeting, ie. Computer or other internet device, or telephone.
- 2.12 “Ex officio Member” means a member of a committee by virtue of, or because of the office of Mayor.
- 2.13 “Head of Council” means the Mayor of the Corporation of the Township of Chisholm or the Deputy Mayor acting in the capacity of the Mayor in his/her absence.
- 2.14 “Inaugural Meeting” means the first meeting of a newly elected council.
- 2.15 “In Camera” means a meeting, or portion thereof, closed to the public in accordance to Section 239 of the *Municipal Act*. and Section 17 of this by-law.
- 2.16 “Majority” means more than half of the votes cast by Members entitled to vote.
- 2.17 “Mayor” means the Head of Council elected by a general vote, to act as the Chief Executive Officer of the Corporation in accordance with Section 225 of the *Municipal Act*.
- 2.18 “Meeting” means any regular, special, committee or other meeting of Council, or a local board or of a committee of either of them.
- 2.19 “Member” means a member of the Council of the Corporation of the Township of Chisholm, and includes the Head of Council.
- 2.20 “Motion” means a question to be considered by Council or Committee which is moved, seconded, presented, read by the Chairperson or Clerk and is subject to debate. When a motion is adopted, it becomes a resolution.
- 2.21 “Municipality” means the Corporation of the Township of Chisholm.
- 2.22 “Open Forum” means a session that provides an opportunity for citizens/stakeholders to offer comments with respect to specific agenda items.
- 2.23 “Order of Business” means the sequence of activities and/or discussions and decisions to be introduced and considered.
- 2.24 “Pecuniary Interest” means a direct or indirect Pecuniary Interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, chapter M. 50, as amended.
- 2.25 “Point of Order” means a matter that a Member considers to be a departure from or contravention of the rules, procedures and/or generally accepted practices of Council.

- 2.26 “Present” means to be deemed as an attendee at a meeting, whether in person or by electronic.
- 2.27 “Quorum” means the majority of the whole number of Members required to constitute Council or a Committee. For Council purposes, three (3) members shall constitute a quorum.
- 2.28 “Recorded Vote” means documenting in the minutes of a Council or Committee meeting the name of each Member and their vote on a matter or question: for, against or absent.
- 2.29 “Regular Meeting” means a scheduled meeting held in accordance with Section 11 of this by-law.
- 2.30 “Reports” means written documents by municipal employees, consultants, solicitors, or other individuals appointed at the pleasure of Council for the purpose of providing advice, alternatives/recommendations on various matters.
- 2.31 “Recess” means a short break taken during a meeting and is of a duration established by the Mayor or Chair.
- 2.32 “Resolution” means a motion that is carried, or defeated and therefore represents the vote and will of Council.
- 2.33 “Rules of Procedure” means the applicable regulations contained in this by-law.
- 2.34 “Special Meeting” means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- 2.35 “Time Sensitive Issues” means an issue of utmost urgency that requires a decision prior to the next regularly scheduled Council meeting.
- 2.36 “Township” means the Corporation of the Township of Chisholm.

3. GENERAL

- 3.1 The rules of procedure contained in this by-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council, and its Committees.
- 3.2 Notwithstanding Section 3.1, Council will receive comments on agenda items only under the Open Forum, Section 14 without prior written submission.
- 3.3 In this by-law, words in the singular include the plural and vice versa, and all references to gender are intended as gender neutral, present tense includes the future.
- 3.4 The headings and subheadings used in the by-law shall be deemed to be inserted for convenience of reference.
- 3.5 Except as provided elsewhere in this by-law, in Council or Committee, any one or more of the rules contained in this paragraph may be temporarily suspended by Council by a vote of two-thirds of members present:
 - Rules about a change to the order of proceedings in the agenda and content.
 - Rules about delegation status.

- Rules about the increase or decrease of delegation speaking time and debate limitations.

3.6 All points of order or procedure for which rules have not provided in this by-law and its appendices shall be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary law as contained in Robert's Rules of Order.

3.7 The Clerk is authorized to communicate with Council via telephone/email on time sensitive issues, and request all decisions of the members of Council to be received in writing or by email. Decisions will be made by majority vote and ratified by resolution at the next regularly scheduled Council meeting.

3.8 All Committees of Council shall forward recommendations to Council for consideration.

4. **ROLE OF COUNCIL**

4.1 The role of Council is defined in Section 224 of the *Municipal Act*, as amended.

5. **ROLE OF THE MAYOR**

5.1 The role of the Mayor is defined in Section 225 of the *Municipal Act*, as amended.

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

6. **HEAD OF COUNCIL AS CHIEF EXECUTIVE OFFICER**

6.1 The role of the Head of Council as chief executive officer is defined in Section 226.1 of the *Municipal Act*, as amended.

7. **DUTIES OF THE DEPUTY MAYOR**

7.1 The Deputy Mayor shall act in the place of the head of council or other member of council designated to preside at meetings in the municipality's procedure by-law when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding meetings.

8. **COMMITTEES AND APPOINTMENTS**

8.1 Committees are established and appointments to Local Boards and Agencies are in accordance with the Committees By-Law.

9. **INAUGURAL MEETING OF COUNCIL**

9.1 The inaugural meeting of Council shall be held at 7:00 p.m. on the fourth Tuesday in November following a regular municipal election.

9.2 The Mayor-elect and Clerk shall be responsible for the location, content and format of the agenda for the Inaugural Meeting and all arrangements for the inaugural proceedings.

10. REGULAR MEETINGS OF COUNCIL

- 10.1 The Council shall hold its regular meetings on the second and fourth Tuesday of each month commencing at 7:00 p.m. (except July, August and December).
- 10.2 During the months of July, August and December, Council shall hold one (1) meeting which will be held on the second Tuesday of the month, commencing at 7:00 p.m.
- 10.3 Meetings of the Council shall be held at the Township's Municipal Office at 2847 Chiswick Line, Township of Chisholm, Ontario, and/or electronically. If the Township's Municipal Office is not available, a meeting of Council may be held at another location within the township or in an adjacent municipality at the call of the Chair.
- 10.4 Council from time to time may call additional meetings pursuant to Public Notice By-law and the *Municipal Act*, as amended.
- 10.5 Where a regular meeting of the Council is to be held at a time or day other than as set out in Sections 10.1, 10.2, 10.3 above, the Clerk shall make his/her best efforts to provide as much Notice as is reasonable under the circumstances.

11. SPECIAL MEETINGS OF COUNCIL

- 11.1 The Mayor may at any time call a special meeting.
- 11.2 Upon receipt of a petition of the majority of the members of council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 11.3 Notwithstanding Sections 11.1 and 11.2, the Clerk shall provide Notice prescribed in Section 22 of this by-law.
- 11.4 No business may be transacted at a special meeting of Council other than that specified in the Notice or Agenda, unless the matter is of a time-sensitive nature.

12. THE CALLING OF MEETINGS TO ORDER AND QUORUM

- 12.1 The Chair shall call the members to order as soon after the hour of meeting as there shall be a quorum present.
- 12.2 If a quorum for a regular/special Council meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, the Mayor or Deputy Mayor or designate shall indicate that no quorum is present and the meeting shall stand adjourned until the next meeting of Council called in accordance with the provisions of this by-law.
- 12.3 Where the number of members who are unable to participate in a meeting by reason of the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, such that, at that meeting the remaining members are insufficient to constitute quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 12.4 The Mayor, except where otherwise provided, shall preside at all meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall chair the Council meeting. In the absence of the Mayor and the Deputy Mayor, and if a quorum is present, the Clerk shall call the members to order. An Acting Head of Council shall be chosen from the members, by

the members, who shall preside during the meeting or until the arrival of the Mayor or the Deputy Mayor, and such person shall be the Chair.

- 12.5 In the absence of the Mayor and Deputy Mayor, no decisions regarding finances shall be made.
- 12.6 If during the course of a Council meeting, a quorum is lost, the Chair shall declare that the meeting shall be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.
- 12.7 The Clerk and/or designate shall be present at all regular, "In Camera", and special meetings of Council.
- 12.8 It is the duty of Members of Council and Committee Members to inform the CAO Clerk-Treasurer if they are going to be absent with regret from any scheduled meetings.
- 12.9 Members of Council, Local Boards and Committees may participate electronically in open and closed meetings and shall be counted for the purposes of quorum.

13. **OPEN FORUM**

- 13.1 Open Forum provides an opportunity for citizens/stakeholders to offer comments with respect to specific agenda items.
- 13.2 All comments are to be addressed to the Head of Council or Chair.
- 13.3 Open Forum shall be no more than fifteen minutes in total, with each person speaking restricted to a maximum time of five minutes. At the discretion of the Council by majority vote, the open forum period may be extended.
- 13.4 Conduct during Open Forum will respect section 27 of this by-law.
- 13.5 Comments made during Open Forum shall not form part of the Minutes of the Council Meeting.
- 13.6 Legal matters before the Council and matters involving insurance claims will not be permitted.
- 13.7 Matters beyond the jurisdiction of the Council will not be permitted.
- 13.8 No decisions will be made as a result of comments made during Open Forum. However, Council will consider the comments when deliberating the issue when the item arises on the regular agenda.
- 13.9 Discussions contrary to the *Municipal Freedom of Information and Protection of Privacy Act* will not be permitted.

14. **COUNCIL AGENDA**

- 14.1 Agendas shall be formatted as follows but modifications to the matters to be included or the order of business may be affected by Council without requiring an amendment to this By-law.
 - (a) Call to Order and Land Acknowledgement;
 - (b) Notification of Pecuniary Interest;
 - (c) Adoption of Agenda;
 - (d) Adoption of Minutes;
 - (e) Unfinished Business from Previous Meetings

- (f) Business Arising from the Minutes;
- (g) Approval of Accounts;
- (h) Presentations and Delegations;
- (i) Open Forum (Maximum 15 minutes);
- (j) Mayor, Staff, Committee and Government Reports;
- (k) Review of Budget Report;
- (l) Public Works;
- (m) New Business;
- (n) In Camera; and
- (o) Adjournment.

14.2 Agendas shall be adhered to as prepared. However, time sensitive items may be added to the agenda at the meeting.

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

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

15. **ADDITIONS TO AGENDA**

15.1 From time to time following the circulation of the agenda, items of an emergency or time sensitive nature arise which need to be addressed prior to the next regular scheduled meeting of Council. When such items are brought to the Clerk's attention, the Clerk shall inform Council of these items at the start of the Council meeting.

15.2 Council may with the show of hands of two-thirds majority of the members present, consider new items, provided it is an issue of emergency or time sensitive nature, to the benefit of the Corporation, at the regular Council meeting.

16. **NEW BUSINESS**

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

17. **"IN CAMERA"**

17.1 All meetings of the Council and its Committees shall be open to the public, except that they may be closed to the public if the subject matter being considered involves the allowable exceptions under section 239(2) of the *Municipal Act*.

17.2 A meeting of a Council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

17.2.1. The meeting is held for the purpose of educating or training the members.

17.2.2 At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.

17.3 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council is designated as head of the institution for the purposes of that Act.

17.4 A meeting shall be closed to the public for an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

17.5 For purposes of this section, a meeting not open to the public shall be called "In Camera."

17.6 Before holding a meeting or part of a meeting that is to be closed to the public, Council or the Committee shall state by resolution:

(a) The fact of the holding of the "In Camera" meeting and the general nature of the matter to be considered at the "In Camera" meeting; or

(b) In the case of a meeting under subsection 17.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

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

(a) Section 17.1, 17.2, 17.3 or 17.4 permits or requires a meeting to be closed to the public; and

(b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

17.8 The following policy and procedures governing the release to the public of information related to the "In Camera" meetings shall apply.

- 17.8.1 Announcement of meeting and subject matter being considered as per section 239 of the *Municipal Act*Public
- 17.8.2 Printed agendaPrivileged
- 17.8.3 Discussions at the meetingPrivileged
- 17.8.4 Minutes.....Privileged

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

18. DISCLOSURE OF CONFIDENTIAL INFORMATION

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

19. **SPECIAL COUNCIL MEETING AGENDA**

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

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

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

20. **PUBLIC MEETINGS, HEARINGS OR INFORMATION SESSIONS**

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

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

20.3 If a Council is required by law to hold a hearing or give interested parties an opportunity to be heard before doing any act, passing a by-law or making a decision, the Council may delegate that responsibility to a Committee of Council.

20.4 The Committee shall provide its recommendations to the Council after which Council may pass the by-law or make the decision.

20.5 If the Committee of Council holds a hearing or gives interested parties an opportunity to be heard, Council is not required to hold a second hearing.

20.6 Despite Section 25, a delegation may address Council without any prior notice on the issue designated as a public hearing.

20.7 Conduct during Public Meetings, Hearings or Information Sessions will respect section 27 of this by-law.

21. **NOTICE OF PUBLIC MEETINGS, HEARINGS, INFORMATION SESSIONS OR NOTICE OF INTENTION TO PASS BY-LAW**

21.1 Notice will be given as per current bylaw to establish procedures for notices as required under *Municipal Act*, as amended from time to time.

21.2 Where such notice is required, such notice shall be given in the time frame prescribed in the Act or its regulations, and if the time frame is not so prescribed, notice shall be given at least once during the fourteen days prior to the proposed action being taken, and no later than seven days prior to the proposed action being taken.

22. **NOTICE OF REGULAR AND SPECIAL COUNCIL MEETINGS AND ITS COMMITTEES**

22.1 Where notice for regular or special meetings of Council and its Committees is required, the Clerk shall cause such notice to be published in the township's newsletter and will include the date, time, place and

purpose of the meeting. Notices shall also be posted at the Township Administration Office, Township website and/or social media.

- 22.2 Where such notice is required, notice shall be given at least once during the fourteen days prior to the regular meeting and no later than seven days prior to a regular meeting; and five days prior to the special Council meeting, and no later than 48 hours prior to a special Council meeting.
- 22.3 Emergency Provision – If a matter arises, which is in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the Township of Chisholm, or if a State of Emergency is declared, or if so advised by a Provincial Ministry or other agency, the Notice requirements contained in this by-law may be waived, and the Clerk shall make his/her best efforts to provide as much Notice as is reasonable under the circumstances.
- 22.4 In the event that a regular or special meeting of Council or its committees is required to be cancelled or rescheduled, the Clerk shall make his/her best efforts to provide as much Notice as is reasonable under the circumstances. Notices shall be posted at the Township Administration Office.

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

- 23.1 The Clerk shall ensure that the agenda for each regular meeting of Council shall be made available to each member the Friday prior to a regular meeting. At the same time, the Clerk shall also ensure that the agenda is provided to other Department Heads as required.
- 23.2 The Clerk shall provide notice of each special meeting of Council to each member of Council at least 48 hours in advance of the meeting and shall specify the business to be transacted. An agenda constitutes such notice. At the same time the Clerk shall also ensure that the agenda is provided to other Department Heads as required.
- 23.3 The forty-eight hour notice required by Section 23.2 may be waived in the case of emergency as may be determined by the Mayor (or alternate) and/or Clerk (or alternate).
- 23.4 Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.
- 23.5 The Mayor or Chair of a Committee may, in the case of severe inclement weather, postpone a meeting by advising the Clerk. Postponement shall not be for any longer than the next regularly scheduled meeting of Council or Committee.
- 23.6 The Clerk shall provide as much notice as possible of cancellation to Council, Staff, Media and all other interested parties in advance of any Council, Committee, Public Meeting, Hearing, or Information Session in the case of severe inclement weather.

24. DISCLOSURE OF PECUNIARY INTEREST

- 24.1 Where a Member, either on his/her own behalf or while acting for, by, with and/or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee at which the matter is the subject of consideration, the member shall:

- 24.1.1 Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof.
- 24.1.2 Not take part in the discussion of or vote on any question with respect to the matter.
- 24.1.3 Not attempt in any way before, during and/or after the meeting to influence the voting on any such question.
- 24.2 Where a meeting is not open to the public, in addition to complying with the requirements, of Section 24.1, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 24.3 Where the interest of a Member has not been disclosed by reason of his absence from the particular meeting, the Member shall disclose his interest and otherwise comply at the first meeting of Council or Committee, as the case may be, attended by him after the particular meeting.
- 24.4 The Clerk shall record the particulars of any disclosure of pecuniary interest made by members of Council or Committees, as the case may be, and any such record shall appear in the minutes of that particular meeting.
- 24.5 Where the number of members precluded from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum provided such number is not less than two (2).

25. PRESENTATIONS AND DELEGATIONS

- 25.1 Requests and Allotment of Time
 - 25.1.1 Individuals or delegations wishing to make a presentation to Council at a regular Council meeting or a Committee meeting shall give notice and submit a "Request to be Heard by Council Form" to the Clerk's Office by 4:30 p.m. on the Wednesday prior to the scheduled meeting. For delegations, a maximum of two (2) representatives shall be designated to speak on behalf of the group.
 - 25.1.2 Submitting the "Request to be Heard by Council Form" does not guarantee the granting of delegate status for the meeting requested.
 - 25.1.3 Each presentation or delegation shall be limited to fifteen (15) minutes.
 - 25.1.4 A maximum of two (2) presentations/delegations will be heard at any one Regular Council Meeting or Committee Meeting.
 - 25.1.5 Individuals or delegations wishing to make a presentation to Council shall be informed by staff of the time limitation and rules governing presentations and delegations prior to the scheduled meeting.
- 25.2 Individuals or delegations making a presentation shall:
 - 25.2.1 Respect the rules of conduct outlined in section 27;
 - 25.2.2 Speak only on the subject which they have received approval to address Council/Committee.

25.3 Members of Council/Committee shall receive the information presented and will not engage in a discussion or debate with the presenters. Members of Council/Committee will take into consideration the information received when the matter is discussed at a Council or Committee meeting.

26. BY-LAWS

26.1 The business, by-laws and resolutions of the Township of Chisholm will be conducted and maintained in English.

26.2 Every by-law when introduced shall be in printed form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be completed by the Clerk with the exception of the number and date thereof.

26.3 All amendments to any by-law approved by the Council shall be deemed to be incorporated into the by-law and if the by-law is enacted and passed by the Council, the amendments shall be inserted therein by the Clerk.

26.4 Every by-law shall receive three readings prior to it being passed. A by-law shall be deemed to have been read upon the title or heading thereof being read unless a member of the council/board requires the by-law or any portion thereof to be read in full.

26.5 A by-law shall be given three readings on the same day except when requested otherwise by resolution passed by two-thirds of the members present, or unless otherwise provided by statute.

26.6 Every by-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Head of Council and the Clerk and shall be deposited in the Office of the Clerk for safekeeping.

27. CONDUCT

No Member shall:

27.1 Speak disrespectfully of, or to, the Mayor, Deputy Mayor, Members, Staff or any Member of the Public;

27.2 Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of Council;

27.3 Speak on any subject other than the subject in debate;

27.4 Speak in open Council about matters discussed in a Closed Meeting until authorized by Council;

27.5 Interrupt a Member who is speaking by speaking out, or making a noise or disturbance, except to raise a procedural question; and

27.6 Disobey the procedural rules or the decisions of the Chair or of the Council or Committee.

At a Meeting, no person shall:

27.7 Speak disrespectfully of, or to, the Mayor, Deputy Mayor, Members, any staff person or any Member of the Public;

27.8 Use offensive words;

- 27.9 Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
- 27.10 Leave his or her seat while a vote is being taken and until the results of the vote are declared;
- 27.11 Make any disruptive noise or disturbance;
- 27.12 Enter the Meeting while a vote is being taken;
- 27.13 Walk between a Member who is speaking and the Chair;
- 27.14 Display signs or placards, applaud, engage in conversation or any other behavior, which may disrupt debate; and
- 27.15 Speak aloud at a meeting without first receiving permission from the Chair.

Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting.

No persons, except Members, the Clerk or the Secretary of a Committee, may approach Members without permission from the Chair.

All remarks shall be addressed to the Chair.

Any person who contravenes any of the rules in this By-Law may be expelled by the Chair for improper conduct at a meeting.

28. **MOTIONS**

- 28.1 A written motion shall be read by the Clerk. The Mayor will invite a mover and seconder for the motion. Once the motion is seconded it is open for debate by Council.
- 28.2 After a motion has been moved and seconded, it may by two-thirds majority of members be withdrawn at any time before decision or amendment.
- 28.3 If an amendment to the motion is minor in nature, for clarification purposes and not likely to be a difference of opinion, any member can offer one or more modifications to the motion. All members must unanimously be in agreement with the modification(s). If any member objects, then the process moves to a Motion Amendment as stated in 28.4.
- 28.4 If a motion is to be amended, a "Motion Amendment" is needed to change the question asked in the Main Motion. Only one amendment can be presented at a time. Once the amendment has been voted on, another may be introduced. The final order of voting will be the Motion Amendment(s) and then the Main Motion, as amended. No amendment can be used to simply reject the main motion.
- 28.5 Immediately preceding the taking of the vote, the Clerk shall state the question in the precise form it is to be recorded in the minutes.
- 28.6 After a question is finally put by the Head of Council, no Member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
- 28.7 Any resolution shall require a majority of votes in order to be valid and binding on the Council.

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

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

29. **VOTING**

29.1 Every member of Council shall have one vote.

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

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

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

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

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

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

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

30. **MEETING RECESS**

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

31. **ADJOURNMENT**

31.1 Adjournment for evening meetings shall be 10:00 P.M. The Council shall adjourn by that hour unless this rule is temporarily suspended by a resolution of the two-thirds majority of the members present.

32. **DUTIES OF THE CLERK**

32.1 Duties of the Clerk are defined in section 228(1) of the *Municipal Act*.

33. **MUNICIPAL ADMINISTRATION**

33.1 The role of the officers and employees of the municipality are defined in section 227 of the *Municipal Act*.

34. **AFFIRMATION OF CONFIDENTIALITY**

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

35. **AMENDMENT TO THIS BY-LAW**

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

36. **SUSPENSION OF RULES**

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

37. **SEVERABILITY**

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

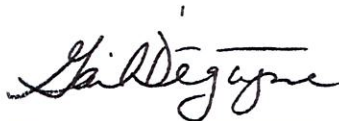
37.2 Whenever any reference is made in this By-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

38. **REPEALED BY-LAW**

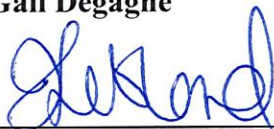
38.1 By-law 2008-05, 2008-35, 2009-39, 2020-28, 2020-11, 2021-36 and all other by-laws inconsistent with the provisions of this By-law are repealed.

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25TH DAY OF APRIL, 2023.



Mayor, Gail Degagne



CAO Clerk-Treasurer, Jennistine Leblond

CORPORATION OF THE TOWNSHIP OF CHISHOLM

SCHEDULE "A" TO BY-LAW 2023 16

AFFIRMATION OF CONFIDENTIALITY

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

Affirmed before me
At the Township of Chisholm
In the District of Nipissing
This ____ day of _____, 20__

Clerk

Signature

CONFIDENTIALITY AGREEMENT

By signing this document, I agree that:

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

Signed, sealed and delivered at Chisholm Township, this ____ day of _____, 20__.

Clerk

Signature



Corporation of the Township of Chisholm
 Municipal Office: 2847 Chiswick Line, RR #4, Powassan, ON P0H 1Z0
 (705) 724-3526 - Fax (705) 724-5099
info@chisholm.ca

Gail Degagne, Mayor
 Jennistine Leblond, CAO Clerk-Treasurer

REQUEST TO BE HEARD BY COUNCIL FORM

Please note: Presentations and Delegations to Council are limited to fifteen (15) minutes in length. Persons desiring to present information to Council or to make a request of Council shall provide a completed "Request to be Heard by Council Form", to the Municipal CAO Clerk-Treasurer no later than **4:30 p.m.** on the **Wednesday prior to the scheduled Council meeting**. Submission of this form does not guarantee granting of delegate status for the meeting requested.

See section 25 of Procedural By-law 2023-16 for further requirements

Please print:

Date of Council Meeting you wish to attend: _____

Name and telephone number: _____

Speaker(s): _____

Mailing Address: _____

Please provide a brief outline of the topic/issue you wish to speak about and provide any supporting documentation that you will be presenting. The topic/issue listed below will be the only matter considered by Council. A presentation or delegation to Council is not a debate but a means to express an opinion on a topic/issue. Council may have questions at the end of the presentation.

Signature: _____

Date: _____