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## **The Corporation of the Township of Douro-Dummer**

### **By-law Number 2018-09 (Repeals By-law 2014-58, as amended)**

#### **(Procedural By-law)**

**Whereas** the Municipal Act requires the Council of every Municipality to pass By-laws for governing the proceedings of its council, and the calling and place of meetings.

**And Whereas** the Municipal Act, provides that every council may pass such by-laws and make such regulations for the health, safety and morality and welfare of the inhabitants of the municipality in matters not specifically provided by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law;

**Now Therefore** the Council of the Corporation of the Township of Douro-Dummer hereby enacts as follows:

### **Short Title Council Procedural By-law**

#### **Part 1 Definitions**

##### **1.1 Definitions**

In this by-law:

##### **Address**

"Address" shall mean primary domicile.

##### **Advisory committee**

"advisory committee" shall mean a committee appointed by Council to provide recommendations, advice and information to Council through one of its committees.

##### **Amend**

"amend" shall mean to alter or vary the terms of a main motion without materially changing its purpose, an amendment shall have a corresponding meaning.

##### **Chair**

"Chair" shall mean the Mayor or in the absence of the Mayor the Deputy Mayor or other Chairperson as chosen by Council.

##### **Clerk**

"Clerk" shall mean the Clerk of The Corporation of the Township of Douro-Dummer or his/her designate.

##### **Closed session**

"closed session" shall mean a closed session of Council, the Committee of the Whole or committee meeting not open to the public, held in accordance with the Municipal Act, as amended.

##### **Committee of the Whole**

"Committee of the Whole" shall mean a committee composed of all of the members of the Council.

##### **Corporation**

"Corporation" means The Corporation of the Township of Douro-Dummer.

**Council**

"Council" shall mean the Council of The Corporation of the Township of Douro-Dummer.

**Defer**

"defer" shall mean to delay consideration of a matter by Council, the Committee of the Whole or a committee.

**Department Liaison**

"department liaison" shall mean a member of Council appointed to a municipal department and who shall report to Council on matters relative to that department.

**Improper conduct**

"improper conduct" shall mean the open disregard of the rulings of the Chair and rules and conduct outlined in this procedural by-law and Robert's Rules of Order.

**Majority**

"majority" shall mean more than fifty percent (50%) of the members present at the meeting.

**Meeting**

"meeting" shall mean any regular, special or other meeting of a council, of a local board or of a 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, local board or committee.

**Member**

"member" shall mean a member of the Council and includes the Head of Council.

**Motion**

"motion" shall mean a proposal by a member for the consideration of Council, the Committee of the Whole, advisory or special committee that is moved by a member and seconded by another member.

**Notice of Motion**

"notice of motion" shall mean a notice of motion provided to the Clerk, in writing, by a member, requesting the inclusion of a motion on a future Agenda of a meeting of Council, Committee of the Whole or a standing committee in accordance with sections 11.1 and 11.2 of this by-law.

**Point of Order**

"point of order" shall mean a question by a member with respect to any rules or practices.

**Postpone**

"postpone" shall mean to delay consideration of a matter by Council, the Committee of the Whole or a committee.

**Published**

"published" shall mean the provision of documents in print and/or electronic formats.

**Recorded Vote**

"recorded vote" shall mean the recording of the name and vote of every member on a motion during a meeting.

**Recording Devices**

"recording devices" shall mean any type of video recorders or audio recorders, which includes but is not limited to digital cameras, Digital Video Recorders (DVRs), Personal Video Recorders (PVRs), cellphones, smartphones, Personal Digital Assistant (PDAs), Portable Media Players (PMPs), NetBooks, laptops and similar computing devices.

### **Signed Document**

"signed document" shall include any written submission to council which shall be signed by at least one (1) person and submitted in its original form, electronically in Portable Document Format (PDF) or by fax.

### **Special committee**

"special committee" shall mean a committee of limited duration appointed by Council to provide recommendations, advice and information to Council on a specific matter which is dissolved automatically upon completion of the project, unless otherwise directed by Council.

### **Quorum**

"quorum" shall mean a majority of the members of Council, committee or board.

### **Year**

"year" shall mean the calendar year commencing January 1st of any one year to and including December 31st of the same year.

## **Part 2 General**

### **2.1 Rules - regulations - observed - at all times**

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and committees and shall be the rules and regulations for the order and dispatch of business by the Council, Committee of the Whole, advisory and special committees.

### **2.2 Parliamentary procedure - proceedings**

Those proceedings of the Council, Committee of the Whole, advisory and special committees thereof not specifically governed by the provisions of this by-law shall be regulated in accordance with Robert's Rules of Order.

### **2.3 Rules - regulations - suspended - majority - Council**

Any rules or regulations contained in this by-law may be suspended, except for those rules or regulations that are set out by legislation, with the consent of a majority vote of Council.

### **2.4 Absence - Mayor - authority**

In the absence of the Mayor, or if he/she refuses to act or if the office is vacant, the Deputy Mayor shall serve as Acting Mayor and shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

### **2.5 Absence - Deputy Mayor - member appointed**

In the event that the Deputy Mayor is unable, for any reason, to act in the place and stead of the Mayor, the Clerk shall call the meeting to order and a member shall be appointed to act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

### **2.6 Meeting Location**

All meetings of the Council and the Committee of the Whole shall be held in Council Chambers located at 894 South Street, Warsaw, Ontario unless there are concerns with respect to health and safety and/or an emergency has been declared in accordance with the Emergency Management and Civil Protection Act, 1990.

If, for other reasons, Council should wish to hold a meeting at another location the change shall require consent by a majority vote of Council and shall be subject to the provision of public notice of the change in venue, and subject to the availability of a venue which is accessible to the public and satisfactory to the Clerk.

**2.7 Recording Devices – Not Permitted**

All Cell Phones and other electronic Recording Devices must be turned off or removed from the Council Chambers prior to the commencement of a meeting. A request to use any such device may be considered by Council.

**Part 3  
Schedule of Meetings**

**3.1 Inaugural Meeting**

Following the 2018 regular municipal election, the inaugural meeting shall be held on the first Tuesday in December commencing at 5:00 p.m.

Following the 2022 regular municipal election and all other subsequent regular municipal elections, the inaugural meeting shall be held on the third Tuesday in November commencing at 5:00 p.m.

**3.2 Annual Schedule of Meetings - prepared by Clerk**

The Clerk shall, by November 30th of each calendar year, submit a schedule of the upcoming meetings for each Council year for consideration and adoption by the Council.

When setting the annual schedule of meetings the following shall apply:

- (a) Unless otherwise decided by Council, regular meetings of Council shall be held:  
  
On the first and third Tuesdays of each month, commencing at 5:00 p.m., unless otherwise approved in the annual schedule of meetings noted in Section 3.2 above;
- (b) Provision shall be made for meetings to consider and adopt the annual Operating and Capital Budgets and other matters as deemed necessary by Council.

**3.3 Special meeting - emergency - called by Mayor or CAO**

The Mayor (or alternate) may, at any time, call a special or emergency meeting.

The Chief Administrative Officer (or alternate), in consultation with the Mayor (or alternate) may, at any time, call a special or emergency meeting if:

- a) a matter is considered to be of an urgent or time sensitive nature; or
- b) a matter could affect the health or well-being of the residents of the Township of Douro-Dummer; or
- c) a state of emergency is declared; or
- d) so advised by a Provincial Ministry

The Clerk shall make his/her best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to council for ratification.

**Part 4  
Notice of Meetings**

**4.1 Agenda is deemed notice**

The Agenda shall be considered as adequate notice of regular, special or emergency meetings.

**4.2 Agenda – Regular meetings - to be delivered to Council – Thursday prior to meeting by 4:30 p.m.**

The Agenda for regular meetings shall be sent electronically (unless otherwise requested) to each member of council, so as to be received no later than 4:30 p.m. on the Thursday prior to the meeting.

Agenda Materials for a regular Council meeting will be posted to the Township website on the Friday prior to the meeting.

**4.3 Agenda - Special meetings – to be delivered - 24 hours in advance**

Notice of special meetings called in accordance with section 3.3 of this by-law shall be sent electronically (unless otherwise requested) to each member, so as to be received at least 24 hours before the hour appointed for the special meeting.

Agenda Materials for a special Council meeting will be posted to the Township's website, whenever possible, a minimum of 24 hours prior to the scheduled Special meeting.

**4.4 Emergency Agenda - notice not required**

Notwithstanding any other provision of this by-law, an emergency meeting may be held, without written notice, to deal with an emergency situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

Agenda Materials for an Emergency Council meeting will be posted to the Township's website, as soon as possible.

**4.5 Agenda – if notice not received – meeting still valid**

Lack of receipt of a notice or of the Agenda by the members or the public shall not affect the validity of the meeting or any action taken thereat.

**4.6 Postponement of meeting – due to emergency**

The Mayor may, when emergency situations arise, postpone a meeting, for not more than seven (7) days, to such date determined by the Mayor in consultation with the Clerk.

**4.7 Postponement - notice by Clerk**

Upon the postponement of a meeting by the Mayor, the Clerk shall notify the members of Council of the postponement as soon as possible and give notice, of the date and time set for the meeting, at least twenty-four (24) hours in advance.

**Part 5  
Open Meetings**

**5.1 Meetings - open to public**

Except as otherwise provided by Section 239 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, all meetings shall be open to the public.

**5.2 Meetings – closed session**

A Council, Committee of the Whole, advisory or special committee meeting or part of a meeting may be closed to the public in accordance with the Municipal Act, 2001, S.O. 2001, c.25, as amended.

A Council, Committee of the Whole, advisory or special committee meeting or part of a meeting shall be closed to the public in accordance with the Municipal Act, 2001, S.O. 2001, c.25, as amended.

**5.3 Closed session - resolution required**

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

- (a) the fact of the holding of a closed meeting;
- (b) the general nature of the matter to be considered at the closed meeting;

**5.4 Meetings – shall not be closed during vote**

Except as provided in section 5.2 of this by-law, a Council, Committee of the Whole, advisory or special committee meeting shall not be closed to the public during the taking of a vote.

**5.5 Meetings – may be closed during vote - exception**

A Council, Committee of the Whole, advisory or special committee meeting may be closed to the public during a vote if:

- (a) section 5.2 permit or require the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving direction or instruction 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.

**Part 6  
Council Agenda**

**6.1 Order of Agenda**

The Clerk shall prepare the Council Agenda for all regular meetings consisting of the following:

1. Moment of Silent Reflection
2. Disclosure of Pecuniary Interest
3. Adoption of Agenda
4. Adoption of Minutes
5. Business arising out of previous minutes
6. Delegations, Petitions or Presentations
7. Other Business and Staff Reports
8. Committee Minutes and Other Reports
9. By-laws
10. Correspondence – Action Items
11. Correspondence/Information Items
12. Accounts
13. Notices of Motion
14. New Business
15. Closed Session
16. Rise from Closed Session with or without a Report
17. Confirming By-law
18. Adjournment

**6.2 Deadline for material to be included**

The deadline for receipt of material by the Clerk to be included in the regular Council Agenda shall be 12:00 noon on the Tuesday prior to the meeting.

All written submissions shall be signed by at least one (1) person and may be submitted in its original form, electronically in Portable Document Format (PDF) or by fax.

**6.3 Order of business - as specified - exception**

The business of each meeting shall be taken up in the order in which it stands in the Council Agenda, unless otherwise decided by a general consensus of the members present.

**Part 7  
Commencement of Meetings**

**7.1 Quorum present**

As soon after the hour fixed for a meeting as a quorum is present, the meeting shall be called to order by the Chair.

**7.2 Mayor and Deputy Mayor - Absent – with quorum present**

In case the Mayor does not attend within fifteen (15) minutes after the time appointed, the Deputy Mayor shall call the members to order and if a Quorum is present, shall preside during the meeting or until the arrival of the Mayor.

In the absence of the Mayor and Deputy Mayor, the Clerk shall be present and if a Quorum is present, shall call the members to order. The Chairperson shall be chosen from the members who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

The fifteen (15) minute waiting period shall not be required if the Clerk has been previously informed of such absence.

**7.3 Quorum not present**

If there is no quorum present within fifteen (15) minutes after the time appointed for the meeting, the Council shall stand adjourned until the date and time of the next regular or until a special meeting is called. The Clerk shall record the names of the members present upon such adjournment.

**Part 8  
Rules of Debate and Conduct**

**8.1 Mayor's responsibilities**

The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal to the Council.

**8.2 Mayor's ability to comment**

The Mayor may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to make a motion or to speak on a motion taking a definite position and endeavouring to persuade the Council to support that position, then he/she shall first leave the Chair.

**8.3 Mayor must leave Chair to debate**

If the Mayor desires to leave the Chair for the purpose of taking part in the debate or for any other reason, he/she shall designate another member to fill his/her place until he/she resumes the Chair.

**8.4 Member Speaking – requires recognition by Chair**

Before a member may speak to any matter, he/she shall first be recognized by the Chair.

**8.5 Chair determines speaking order**

When two or more members indicate simultaneously that they wish to speak, the Chair shall name the member who is to speak first.

**8.6 Speaking - limitation per subject - maximum 5 minutes**

When a member is speaking to a motion, he/she shall confine his/her remarks to the motion and in speaking shall be limited to a maximum of two (2) five (5) minute responses, unless otherwise decided by a majority vote of the members present.

**8.7 Motions under debate – questions allowed**

When a motion is under debate, a member may ask a concisely worded question of the Chair, another member or appropriate staff, through the Chair, prior to the motion being put to a vote by the Chair in accordance with section 11.4 of this by-law.

**8.8 Motion under debate – request to be read at any time**

A member may require the motion under debate to be read by the Clerk at any time during the debate, but shall not interrupt a member who is speaking.

**8.9 Disruption or offensive language - by member - prohibited**

A member shall not disturb the Council by any disorderly deportment or improper conduct and shall not use profane or offensive words or insulting expressions.

**8.10 Disobedience of rules and points of order - prohibited**

A member shall not disobey the rules of the Council or a decision of the Chair or of the Council on points of order or on the interpretation of the rules of procedure of the Council.

**8.11 Interruption of speakers - exception**

A member shall not interrupt a member who is speaking, except to raise a point of order or a question of privilege.

**8.12 Member shall inform Chair if leaving meeting - not returning**

A member shall not leave the meeting when he/she does not intend to return thereto without first advising the Chair.

**8.13 Disorderly conduct - member to be removed**

In the event that a member persists in a breach of the rules prescribed in sections 8.9 to 8.12 inclusive of this by-law, after having been called to order by the Chair, the Chair shall put the question "Shall the member be ordered to leave his/her seat for the duration of the meeting?" and such question is not debatable.

**8.14 Disorderly conduct - member to leave seat**

If the Council decides the question set out in section 8.13 of this by-law in the affirmative by a majority vote of the members present, the Chair shall order the member to leave his/her seat for the duration of the meeting.

**8.15 Disorderly conduct – member apologizes**

If the member apologizes, the Chair, with the approval of the Council, may permit him/her to resume his/her seat.

**8.16 Disorderly conduct - failure to leave seat - removal by Ontario Provincial Police**

If a member does not leave his/her seat after being ordered to do so by the Chair in accordance with section 8.13 of this by-law and if the member does not apologize in accordance with section 8.15 of this by-law, then the Chair shall seek the appropriate assistance from the Ontario Provincial Police.

**Part 9**

**Questions of Privilege - Points of Order**

**9.1 Rights - privileges - integrity - of members - affected**

If a member believes that his/her rights, privileges or integrity or those of the members collectively have been prejudicially affected, he/she shall ask leave of the Chair to raise a question of privilege which shall take precedence over all other matters, but he/she shall not be permitted to enter into any argument or introduce any motion related to the question of privilege.

**9.2 Administration - integrity questioned - procedure**

When a member considers that the integrity of a member of the administration has been impugned or questioned, the Chair shall, if they choose to do so, permit the C.A.O., Clerk or his/her designate to make a statement to the Council.

**9.3 Rule of procedure - violation - raised by member**

When a member desires to call attention to a violation of the rules or practices of procedure, he/she shall ask leave of the Chair to raise a point of order and after leave is granted, he/she shall state the point of order to the Chair succinctly and the Chair shall then decide upon the point of order and advise the members of his/her decision.

**9.4 Appeal - Chair's decision - immediately - required**

Unless a member immediately appeals the Chair's decision to the Council, the decision of the Chair shall be final.

**9.5 Appeal - decision - question put - to Council**

If the decision of the Chair is appealed to the Council, then the question "Shall the ruling of the Chair be sustained?" shall be put immediately without debate and its result shall be final.

**9.6 Call to order - member to sit - speaking - permission**

When the Chair calls a member to order, that member shall not speak again to the matter under discussion without the permission of the Chair, unless to appeal the ruling of the Chair.

**Part 10  
Motions - Order – Putting Motions**

**10.1 Notice of motion - filed with Clerk**

Notices of motion filed in writing with the Clerk shall be directed by the Clerk to the next regular meeting of Council.

**10.2 Question - urgent - included in Agenda**

Notwithstanding the provisions of section 10.1 of this by-law, when a member, submitting a notice of motion to the Clerk within the deadline prescribed in section 6.2 of this by-law indicates in writing to the Clerk that the notice of motion is a question of urgency, the Clerk shall introduce the notice of motion in the Agenda at Item 13. (New Business) as identified in section 6.1 of this by-law.

**10.3 Notice - Agenda - consideration - conditions**

Notices of motions included in the Agenda at Item 5. (Business arising out of previous minutes), as identified in section 6.1 of this bylaw, shall only be considered by the Council when a majority of the members present have given leave for the introduction of such a motion.

**10.4 Motions for giving leave - non-amendable - debatable**

Motions for giving leave shall be put immediately without amendment or debate.

**10.5 Motion - seconded before debate - exception**

Motions shall be seconded before being debated or put to a vote, except motions to adopt a recommendation from the Committee of the Whole, advisory or special committee.

**10.6 Withdrawal - before put - requirement**

Every motion shall be deemed to be in the possession of the Council for debate after it is accepted by the Chair, but may, with the permission of the Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.

**10.7 Motion under debate – other motions permitted**

When a motion is under debate, no other motion shall be in order except a motion:

- (a) to adjourn;
- (b) to proceed beyond the hour of 7:30 p.m.;
- (c) to table;
- (d) to put the question (to close the debate);
- (e) to postpone;
- (f) to refer; or
- (g) to amend.

**10.8 Motion to adjourn - qualifications**

A motion to adjourn shall:

- (a) not be amended;
- (b) not be debated;
- (c) not include qualifications or additional statements; and
- (d) always be in order, except when a member is speaking or the members are voting or when made in closed session.

**10.9 Motion to adjourn - rejected - procedure**

When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after some subsequent proceeding has taken place.

**10.10 Adjournment - extension - maximum - permissible**

The Council shall always adjourn at 7:30 p.m. if in session at that hour, unless otherwise decided before that hour to extend the meeting for one (1) thirty (30) minute extension by a majority vote of the members present at the meeting. If the meeting is still in session at 8:00 p.m. local time, it shall adjourn.

**10.11 Motion to proceed beyond 7:30 p.m. - qualifications**

A motion to proceed beyond the hour of 7:30 p.m. shall:

- (a) not be amended;
- (b) not be debated; and
- (c) always be in order, except when a member is speaking or the members are voting.

**10.12 Motion to table - qualifications**

A motion to table shall:

- (a) not be amended;
- (b) not be debated;
- (c) apply to the main motion and any amendments thereto under debate at the time when the motion to table was made; and
- (d) not include qualifications or additional statements.

**10.13 Motion to table - accepted – procedure**

Notwithstanding the provisions of section 10.12 of this by-law, if a motion to table is decided in the affirmative by a majority vote of the members present, then the main motion and any amendments thereto shall be removed from the Council's consideration until such time as a notice of motion to lift the matter from the table is filed with the Clerk within the deadline prescribed in section 6.2 of this by-law and is included in the Agenda at Item 5. (Business arising out of previous minutes), as identified in section 6.1 of this by-law.

**10.14 Motion to put the question - qualifications**

A motion to put the question (to close the debate) shall:

- (a) not be amended;
- (b) not be debated;
- (c) not be introduced by a Council Member who has already spoken to the motion or amendment under debate, except a motion to proceed beyond the hour of 7:30 p.m.;
- (d) apply to the motion or amendment under debate at the time when the motion to put the question is made;
- (e) not be received in any committee;
- (f) be moved using the words "that the question now be put" and the mover and the seconder shall not be permitted to speak to the motion to put the question; and
- (g) not be permitted either when a motion or an amendment on the floor involves the approval of an expenditure by the Council that is \$1,000,000.00 or greater.

**10.15 Motion to put the question - accepted - procedure**

If a motion to put the question is decided in the affirmative by a majority vote of the members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.

**10.16 Motion to postpone - to certain time - qualifications**

A motion to postpone a matter to a certain time shall:

- (a) be open to debate;
- (b) be amendable; and
- (c) preclude amendment and debate of the preceding motion, unless the motion to postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

**10.17 Motion to refer - qualifications**

A motion to refer a matter under consideration to the Committee of the Whole or a committee, to the Administration or elsewhere shall:

- (a) be open to debate;
- (b) be amendable; and
- (c) preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

**10.18 Motion to amend - qualifications**

A motion to amend shall:

- (a) be open to debate;
- (b) not propose a direct negative to the main motion; and
- (c) be relevant to the main motion.

**10.19 Motion to amend - main motion - one at a time**

Only one motion to amend the main motion shall be allowed at one time.

**10.20 Motion to amend the amendment - one at a time**

Only one amendment to the amendment to the main motion shall be allowed at one time.

**Part 11  
Voting**

**11.1 Amendment - to amendment - voted on first**

A motion to amend an amendment to a motion shall be voted on first.

**11.2 Voting - order**

Voting on the main motion and amending motions shall be conducted in the following order:

- (a) an amendment to the amendment to the main motion;
- (b) an amendment (as amended or not) to the main motion; and
- (c) the main motion (as amended or not).

**11.3 Propositions - voted on separately – division of motion**

When the motion under consideration contains distinct propositions, upon the request of any member and provided a recorded vote has not been called for, the vote on each proposition shall be taken separately.

**11.4 Motion to vote - immediately - after all have spoken**

A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken in accordance with section 8.7 of this by-law.

**11.5 Speaking - after motion - before vote announced**

After a motion is put to a vote by the Chair, no member shall speak on that motion nor shall any other motion be made until after the result of the vote is announced by the Chair.

**11.6 Mandatory vote - all members**

Every member present shall vote on every motion unless the member indicates a conflict of interest, in which case the member shall recuse themselves from the vote. The Chair shall vote only in the event of a tie or a recorded vote.

**11.7 No vote - deemed negative**

Notwithstanding the provisions of section 11.6 of this by-law, every member, except the Mayor, who is not recused from voting by reason of a declared conflict of interest, shall be deemed to be voting against the motion if he/she declines or abstains from voting.

**11.8 Secret voting - on motion - prohibited**

The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.

**11.9 Putting the question to vote - qualifications**

When putting the question to vote, the Chair shall first ask for those in favour of its adoption to raise their hands and then ask for those opposed to its adoption to raise their hands.

**11.10 Leaving seat - disturbance during vote - prohibited**

A member shall not leave his/her seat or make any noise or disturbance while a vote is being taken or until the result is declared.

**11.11 Result - announced - by Chair**

The Chair shall announce the result of every vote.

**11.12 Result - disagreement - objection immediate - retaken**

If a member disagrees with the number of votes for and against a motion as announced by the Chair, he/she may object immediately to the Chair's declaration and, with the consent of the Council, the vote shall be retaken.

**11.13 Tie vote - deemed negative**

When there is a tie vote on any motion, it shall be deemed to have been decided in the negative. The Chair shall vote only in the event of a tie.

**11.14 Recorded vote - called for - before vote or immediately after**

A member may call for a recorded vote immediately prior to the taking of the vote or immediately followed by the vote prior to any other matters being discussed or debated.

**11.15 Recorded vote - names - entered in minutes**

When a recorded vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the minutes.

**11.16 Voting - number of members - calculation**

In any vote required of the whole Council, the number of members constituting the Council shall be determined by excluding:

- (a) the number of members who are present at the meeting but who are excluded from voting by reason of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50 and
- (b) the number of seats that are vacant on the Council by reason of section 259(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

**11.17 Voting - recorded vote**

When a recorded vote is requested, such request must be made, prior to the Chair calling for the vote on the question or immediately following the vote prior to any other

matters being discussed or debated. When such a request has been made, the Clerk shall ask each member to indicate by voice their vote in the affirmative or negative to the motion. The Clerk shall record the name and vote of every member in the following order: Dummer Ward Councillor, Douro Ward Councillor, Councillor at Large, Deputy Mayor and then the Mayor, and shall report the result of the vote to the Chair.

## **Part 12 Reconsideration**

### **12.1 Reconsideration – Direction to Staff**

Council or committees may, by resolution or enacting a by-law, give direction to staff to pursue a course of action. A motion to reconsider a decided matter shall not be in order when the motion has been implemented by staff due to direction given by council or a committee at a previous meeting.

### **12.2 Reconsideration - decided matter of Council - same meeting**

A motion to reconsider a decided matter of Council at the same meeting at which the original motion was decided shall be introduced at Item 13. (New Business) of the Council Agenda, unless the Chair determines there was a clear misunderstanding of the question that was put, in which case a motion for reconsideration shall be introduced immediately after the original vote was taken.

### **12.3 Reconsideration - decided matter of Council - subsequent meeting**

A motion to reconsider a decided matter of Council at a meeting subsequent to the meeting at which the original motion was decided shall require a notice of motion submitted in accordance with section 6.2 of this by-law, and shall be introduced at Item 7. (Other Business and Staff Reports) of the Council Agenda.

### **12.4 Reconsideration - decided matter of Council – after one year**

A motion to reconsider a decided matter of Council after one year to the meeting at which the original motion was decided shall be brought forward as though it were a new question and shall require a notice of motion submitted in accordance with section 6.2 of this by-law, and shall be introduced at Item 7. (Other Business and Staff Reports) of the Council Agenda.

### **12.5 Reconsideration - decided matter of Council - introduction**

A motion to reconsider a decided matter of Council must be made by a member who voted with the majority on the original motion.

### **12.6 Reconsideration - decided matter of Council - only once**

No motion to reconsider a decided matter of Council shall be made more than once in the twelve month period from the date the matter was decided, unless a regular election has occurred following the decision.

### **12.7 Reconsideration - decided matter of Council - majority - whole Council**

A motion to reconsider a decided matter of Council shall require the approval of a majority of Council.

### **12.8 Affirmative vote - original matter - next business**

If a motion to reconsider is decided in the affirmative at a meeting, then consideration of the original matter shall become the next order of business.

### **12.9 Debate - prohibited - statement of reason - permitted**

No debate on a motion to reconsider a decided matter shall be permitted; however the mover of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.

## **Part 13 Delegations**

### **13.1 Written request - to Clerk - for Council and Committee of the Whole**

Any person desiring to be heard by the Council or the Committee of the Whole shall submit a signed written request on the Delegation Request Form, attached to this By-law as Schedule 'A', to the Clerk in accordance with the established submission deadline as set out in Section 6.2 of this by-law. Persons that fill out a Delegation Request Form shall have their names shown on the meeting Agenda.

### **13.2 Presenters – limited to 2 speakers**

Persons appearing before Council or the Committee of the Whole shall have no more than two (2) persons to speak on behalf of the delegation and shall make their presentation from the speaker's podium.

### **13.3 Business - stated - matters - related to**

Persons appearing before Council or the Committee of the Whole shall confine their remarks to the business stated in their request.

### **13.4 Speaking - limited - 10 minutes**

No delegation shall speak on a matter longer than a ten (10) minute period, without leave of a majority of the members present at a Council or Committee of the Whole, except as otherwise prescribed by applicable legislation.

### **13.5 Repetition - prevented - hearing declined - exception**

In order to avoid repetition and to ensure an opportunity for the expression of different points of view but except as required by law, Council or the Committee of the Whole or any committee may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting of Council or a committee.

### **13.6 Appearance - previous - limitation - new information**

Except as required by law, any person appearing before Council, the Committee of the Whole or a committee who has previously appeared before the same Council, Committee of the Whole, advisory or special committee on the same subject matter shall be limited to providing only new information in their second and subsequent appearances.

### **13.7 Placards, signs and other paraphernalia – prohibited**

Placards, signs and other paraphernalia of any type shall not be permitted in the Council Chambers without prior approval of Council.

## **Part 14 Communications – Petitions**

### **14.1 Presentation - information - legibly written - signed**

Every communication or petition intended for presentation to the Council, Committee of the Whole, advisory or special committee shall be legibly written or printed and shall be signed by at least one person giving his/her address.

### **14.2 Matters - not pertinent - directed to appropriate area**

Every communication or petition which does not pertain to matters in the Agenda shall be directed by the Clerk to the appropriate department or committee.

### **14.3 Language - obscene - defamatory - prohibited**

Communications or petitions containing obscene or defamatory language shall not be listed in the Agenda or be directed to the Committee of the Whole or a committee, unless in the opinion of the Clerk and the Mayor that it should be forwarded to Council.

## **Part 15 Public at Council and Committee Meetings**

### **15.1 Public - Proper Decorum to Be Maintained At All Times**

Members of the public and delegations in attendance at Council, Committee of the Whole or committee meetings shall conduct themselves with proper decorum at all times, in order to ensure a safe and respectful meeting environment.

### **15.2 Public - Disorderly Conduct**

Any person who is not conducting themselves in a manner as set out in section 15.1 of this by-law shall be asked by the Chair to do so. If that person continues to conduct themselves in a manner contrary to section 15.1 of this by-law, then the person shall be removed from the meeting.

### **15.3 Public - Immediate Removal**

Notwithstanding section 15.2 of this by-law, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the meeting, they shall be removed from the meeting, without warning.

### **15.4 Suspension of meeting - order restored**

The Chair may unilaterally suspend the meeting until order is restored in the meeting.

## **Part 16 Enquires**

### **16.1 Corporation - business - procedure**

Enquiries relating to any new subject matter that is not listed as an item on an agenda, connected with the business of The Corporation of the Township of Douro-Dummer may be made by members to the Chair or, through him/her, to another member or to the Chief Administrative Officer or to the Clerk or his/her designate or to a department manager.

### **16.2 Argument - opinions - debate - prohibited**

When an enquiry is made in accordance with section 16.1 of this by-law, no argument, opinion or facts shall be stated, except so far as may be necessary to explain the enquiry, and no debate shall be permitted with respect to the enquiry.

### **16.3 Answer - response - debate - prohibited**

When a member answers a question in response to an enquiry, he/she shall not debate the matter to which the enquiry refers.

### **16.4 Information – forwarded to department**

When an enquiry is made in accordance with section 16.1 of this by-law, unless it is of an urgent or critical matter, the Council member shall refer the said enquiry to the Chief Administrative Officer, prior to the issue being made at a Council meeting, to ensure adequate information is available by staff at the meeting.

## **Part 17 Enactment of By-laws**

### **17.1 Published - distributed - with Agenda**

By-laws shall be distributed with the Agenda for the meeting at which they are to be read.

**17.2 Distributed - with Added Communications - motion to introduce – majority vote**

Notwithstanding the provisions of section 17.1 of this by-law, a motion to introduce those by-laws arising from New Business shall be decided by a majority vote of the members present prior to such by-laws being read.

**17.3 Passing of By-laws – without first, second, third readings**

All By-laws shall be passed without receiving first, second and third readings, unless otherwise directed by legislation or Council.

**17.4 Signed – numbered - seal affixed - dates shown**

Every by-law enacted by the Council shall be numbered and signed by the Mayor, Deputy or Acting Mayor or Presiding Officer and the Clerk or Deputy Clerk, sealed with the seal of the Corporation and shall show the date of passing by the Council.

**Part 18  
Disclosures of Pecuniary Interest**

**18.1 Pecuniary interest - disclosure - requirements**

If a member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at a meeting at which the said matter is the subject of consideration, then he/she shall:

- a) Disclose his/her interest and the general nature thereof at Item 2. (Disclosure of pecuniary interest), as identified in section 6.1 of this by-law, or prior to any consideration of the matter at the meeting
- b) Leave the council chambers
- c) Not take part in the consideration or discussion of the said matter
- d) Not vote on any motion in regard to the said matter
- e) Not attempt in any way whether before, during or after the meeting to influence the voting on any such questions.

**18.2 Pecuniary interest - disclosure – requirements – closed session**

Where a meeting is not open to the public, in addition to complying with the requirements of Section 18.1, the member shall also disclose the interest, but not the general nature of that interest at the next meeting that is open to the public.

**18.3 Pecuniary interest - disclosure – requirements – absent**

Where a pecuniary interest of a member has not been disclosed by reason of absence, the member shall disclose the interest and general nature thereof at the next regular meeting attended by the member.

**18.4 Pecuniary interest - minutes**

The Clerk shall record the particulars of any disclosure of a pecuniary interest made by a member in the minutes of the meeting where the pecuniary interest is disclosed.

**18.5 Pecuniary interest – written statement**

At the meeting or as soon as possible afterward, the member that discloses of a pecuniary interest shall provide a written statement of the interest and its general nature with the Clerk.

The Clerk shall keep a registry of the written statements on file which shall be available for public inspection.

**18.6 Non-compliance - by member - validity not affected**

The failure of one or more members to comply with section 18.1 of this by-law shall not affect the validity of the meeting in regard to the said matter. In the event that a member inadvertently fails to disclose an interest at the meeting of the subject matter, the member shall disclose at the next available meeting, offer an apology and same shall be recorded in the minutes.

**18.7 Disclosure - by majority - quorum - requirement**

Notwithstanding the provisions of section 7.1 of this by-law, when a majority of the members has disclosed an interest in accordance with section 18.1 of this by-law and the Municipal Conflict of Interest Act, as may be amended from time to time, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

**Part 19  
Confirming By-law**

**19.1 Proceedings - all matters**

The proceedings at every regular, special and emergency meeting may be confirmed by one or more by-laws so that every decision of the Council at that meeting and every resolution passed thereat shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

**19.2 Non-amendable - non-debatable**

Confirming by-laws shall not be amendable or debatable.

**Part 20  
Committee of the Whole Agendas**

**20.1 Committee of the Whole Agendas - composition - prepared by Clerk**

The Clerk shall prepare Agendas for the Committee of the Whole consisting of the following parts:

1. Call to Order
2. Disclosure of Pecuniary Interest
3. Adoption of Agenda
4. Delegations, Petitions or Presentations
5. Managers' Updates – Quarterly Reports
6. Other Business
7. New Business
8. Closed Session
9. Adjournment

**20.2 Confidential Items - general description by Clerk**

The Clerk shall include in the Agendas for the Committee of the Whole a description of the general nature of matters to be considered in a closed meeting under Item 10. (Closed Session) of the Committee of the Whole Agendas.

**Part 21  
Committee of the Whole**

**21.1 Chair - designated - report to Council**

The Mayor shall be the Chair of the Committee of the Whole and shall maintain order during the meeting.

**21.2 Chair – if Mayor or Deputy Mayor absent**

In the absence of the Mayor, or if he/she refuses to act or if the office is vacant, the Deputy Mayor shall serve as Acting Mayor and shall act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

In the event that the Deputy Mayor is unable, for any reason, to act in the place and stead of the Mayor and a quorum is present, the Clerk shall call the meeting to order and a member shall be appointed to act in the place and stead of the Mayor and shall have all the rights, powers and authority of the head of Council, while so acting.

**21.3 Report - to Council - all matters referred**

The Committee of the Whole shall consider and report to the Council on any other matter which has been referred to the Committee by resolution of the Council.

**21.4 Meetings – regular - schedule**

The Committee of the Whole will meet quarterly, when possible, throughout the year.

**21.5 Meetings - apart from regular - permitted**

The Committee of the Whole may meet apart from regular meetings when deemed necessary by Council.

**21.6 Meeting - in closed session - decided by majority vote**

Any Committee of the Whole meeting, or any part thereof, may be held in closed session if the Committee so decides by a majority vote of the members present to consider matters in accordance with sections 5.1 to 5.5 of this by-law.

**21.7 Rules of Procedure**

The rules governing the procedure of the Council and the conduct of its members shall be observed in the Committee of the Whole.

**21.8 Vote - by Chair - permitted - exception**

The Chair of the Committee of the Whole may vote on any motion after the other members have voted, except when the Chair is disqualified from voting by reason of a declared conflict of interest.

**21.9 Report - meeting - consideration by Council**

The report and recommendations of the Committee of the Whole shall be treated in the same manner as committee reports when considered by Council.

**21.10 Report - recommendations - adopted – confirmed by Council**

The report and recommendations of the Committee of the may be adopted and confirmed by the Council in a single motion and the passage of such a motion shall be taken to confirm and adopt all of the recommendations contained in the report, except for those recommendations dealt with or voted on separately.

**21.11 Request - to vote separately - requirements**

A member of Council may request, prior to the adoption of a Committee of the Whole report, that a Committee of the Whole recommendation be voted on separately.

**Part 22  
Department Liaisons**

**22.1 Department Liaisons – composition**

The following departments shall have one member of Council appointed to be the Department Liaison, save and except for the Mayor who shall be appointed to all Liaison positions:

- (a) Public Works;
- (b) Finance and Staff;
- (c) Recreation, Development and Promotion;
- (d) Emergency Services.

**22.2 Department Liaisons – Term**

The term of a Department Liaison shall be limited to two (2) concurrent years, after which there must be a break of a minimum of one full year.

**22.3 Department Liaisons – Report - to Council**

Department Liaisons shall report to the Council at the second regular meeting in the month on matters relative to their department in order to keep Council aware of municipal operations, as required.

## **Part 23 Advisory and Special Committees**

### **23.1 Advisory and Special Committees – Appointment - by Council**

An advisory or special committee may be appointed by the Council by resolution or by-law to consider and report on a specific subject, project or undertaking. Council shall designate one of its members to each advisory or special committee.

### **23.2 Advisory and Special Committees – Member – Term**

The term of a member serving on an advisory or special committee shall be two (2) years, after which time Council shall review the composition and determine the composition for the next two (2) year term.

### **23.3 Advisory and Special Committees - Rules of Procedure**

The rules governing the procedure of the Council and the conduct of its members shall be observed in all Advisory and Special Committees.

### **23.4 Advisory and Special Committees - Report - to Council**

Advisory and special committees shall consider and report to the Council in writing on any other matter which has been referred to the Committee by resolution of the Council and on all matters connected with the duties imposed on them respectively.

### **23.5 Mayor - member - ex officio - all committees**

The Mayor, shall be, an ex officio member of all committees of the Council.

### **23.6 Chairs - appointment - nomination - procedure**

Each advisory and special committee shall appoint a chair at its initial meeting in each year.

### **23.7 Vice Chairs - appointed - first meeting**

Each advisory and special committee shall appoint a Vice Chair at its initial meeting in each year.

### **23.8 Motions - seconded**

Each advisory and special committee shall require motions made at its meetings to be seconded.

### **23.9 Minutes - report to Council**

Minutes of the proceedings of advisory and special committee meetings shall be kept and shall be forwarded to the Council.

### **23.10 Reports - adopted - confirmed - by motion**

The reports and/or minutes of advisory and special committee meetings may be adopted and confirmed by the Council in a single motion and the passage of such a motion shall be taken to confirm and adopt all of the recommendations contained in the report, except for those recommendations dealt with or voted on separately.

### **23.11 Recommendation - separate vote - upon request**

A member may request, prior to the adoption of an advisory and special committee report and/or minutes, that a specific recommendation be voted on separately due to a declared conflict of interest, and such a request shall not require the introduction of a motion.

### **23.12 Agenda - distribution - deemed notice**

The publishing and distribution of the Agenda for the meeting shall constitute notice thereof.

### **23.13 Agenda - not received - validity - not affected**

Lack of receipt of the Agenda by members of the advisory or special committee shall not affect the validity of the committee meeting or any action taken thereat.

**Part 24**  
**Repeal - Enactment - Amendment**

**24.1 By-laws - previous**

By-law 2014-58, as passed on September 16, 2014 and all of its amendments are hereby repealed.

**24.2 Effective date**

This by-law shall come into force and take effect on January 17, 2018.

Passed in open council this 16th day of January, 2018.

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Mayor, J. Murray Jones

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Clerk, Crystal McMillan



## Schedule 'A' to By-law 2018-09 Delegations

### Request to Address Council

If you would like to attend as a delegation before Council for the Township of Douro-Dummer, you must complete this form and submit it to the Municipal Office. Please note that the deadline for delegation requests is at noon seven (7) days prior to the meeting.

A copy of any presentation being used (i.e. Power Point) is also required to be submitted at noon seven (7) days prior to the meeting.

Name of Individual(s): \_\_\_\_\_

\*Note: Delegation(s) shall have no more than two (2) persons to speak on behalf of the delegation and 10 minutes to present. Council asks that delegations adhere to the 10 minute time limit.

Name of Organization: \_\_\_\_\_

Email: \_\_\_\_\_

Phone number: \_\_\_\_\_

Nature of delegation request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Please attach a separate sheet if more room is required.

For the purposes of the *Freedom of Information and Protection of Privacy Act*, by submitting this form, I/we authorize and consent to the use by, or the disclosure, to any person or public body or publishing on the Municipal website any information that is contained in this submission and recognize that my/our name may become part of the public record.

Signatures:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

Please submit the completed application to:

Crystal McMillan, Clerk  
[crystal@dourodummer.on.ca](mailto:crystal@dourodummer.on.ca)

Fax: 705-652-5044

Phone: 705-652-8392 Ext. 205

or

Martina Chait-Hartwig, Deputy Clerk  
[martinac@dourodummer.on.ca](mailto:martinac@dourodummer.on.ca)

Fax: 705-652-5044

Phone: 705-652-8392 Ext. 210

*To be completed by Municipal staff:*

Meeting Date: \_\_\_\_\_

Time: \_\_\_\_\_