

**Table of Contents**

The Corporation of the Township of North Kawartha.....	3
By-Law 2023-0075.....	3
1. Interpretation:.....	3
1.2 Definitions:.....	3
1.3 Number and Gender.....	5
1.4 Legislation:.....	5
1.5 General Meeting Procedure.....	5
1.6 Electronic Meetings and use of Audio-Visual Equipment.....	5
1.7 Short Title:.....	5
2. Effect.....	5
3. Role of Council and Mayor.....	6
3.1 Role of Council.....	6
3.2 Role of the Mayor as the Head of Council.....	6
3.3 Duty of Members of Council.....	6
3.4 Members of the Public.....	7
4. Council Meetings.....	7
4.1 Inaugural Meeting of Council.....	7
4.2 Meeting Place.....	7
4.3 Regular Council Meetings (Date, Time).....	7
4.4 Special and Emergency Council Meetings.....	8
4.5 Closed Council Meetings.....	9
4.6 Meeting Agendas.....	9
4.7 Meeting Minutes.....	9
5. General Meeting Procedures.....	10
5.1 Open Meetings.....	10
5.2 Quorum.....	10
5.3 Presiding Officer.....	10
6. Order of Procedure for Regular and Special Council Meetings.....	11
6.1 Order of Business.....	11
6.2 Opening Procedure.....	11
6.3 Disclosure of Pecuniary Interest in Open Meetings.....	11
6.4 Adoption of Agenda.....	12
6.5 Consent Agenda.....	12
6.6 Public Meetings.....	12
6.7 Deputations.....	13
6.8 Approval of Minutes.....	13
6.9 Correspondence, Communications and Petitions.....	13
6.10 Staff Reports or Requests for Staff Reports.....	14
6.11 Consideration of Board / Committee Minutes and Recommendations ..	14
6.12 Motions/Notice of Motions.....	14
6.13 New Business.....	14
6.14 By-laws.....	15
6.15 Announcements.....	15
6.16 Confirm Proceedings By-law.....	16
6.17 Adjourn / Curfew.....	16
7. Order Of Procedure For Closed Council Meetings.....	16
7.1 Meeting Agenda for Closed Council Meetings.....	16
7.2 Disclosure of Pecuniary Interest at Closed Council Meetings.....	16
7.3 Procedures for Closed Council Meetings.....	16
8. Rules Of Procedure For Council Meetings.....	17
8.1 Duties of the Presiding Officer.....	17
8.2 Rules of Decorum.....	18
8.3 Rules of Procedure Respecting Motions.....	19
8.4 Rules of Procedure Respecting Reconsideration.....	21
8.5 Voting on Motions.....	21
8.6 Rules of Debate.....	22
8.7 Point of Order.....	23
8.8 Point of Personal Privilege.....	23
8.9 Expulsion for Improper Conduct.....	24
8.10 Suspension of the Rules.....	24

## The Corporation of the Township of North Kawartha Procedure By-Law

9. Committees and Local Boards .....	24
9.1 Local Boards.....	24
9.2 Committees of Council .....	24
9.3 Meetings of Committees .....	25
9.4 Presiding Officer for Committees.....	26
9.5 Rules of Order for Committees .....	26
10. Notice.....	27
10.1 Purpose .....	27
10.2 Notice of Council Meetings .....	27
10.3 Notice of Committee Meetings.....	27
10.4 Notice of Proposed Municipal Action .....	28
10.5 Notice – General.....	28
11. General Provisions.....	28
11.1 Conflict with other Acts .....	28
11.2 Severability .....	28
11.3 Appendices to this By-law.....	28
11.4 Amendment .....	29
11.5 Repeal .....	29
11.6 Force and Effect .....	29
APPENDIX “A” to By-law 2023-0075 .....	30
Correspondence Protocol .....	30
Responsibility and Interpretation .....	30
Protocol Procedures .....	30
1. Personal Correspondence addressed to a member(s) of council.....	30
2. Correspondence for Information Only – Formally received by Council.	31
3. Correspondence for Action – Council provides direction.....	31
APPENDIX “B” to By-law 2023-0075 .....	32
Closed Meeting Procedures.....	32
Meetings open to public.....	32
Authority to Move into a Closed Meeting .....	32
Educational or training sessions .....	33
Meetings Must Begin and End in Public .....	33
Notice .....	33
Agendas .....	33
Closed Meeting .....	33
Closed Meeting Minutes/Reports/Supplemental Material .....	33
Resolution to Move into a Closed Meeting .....	33
Votes in Closed Meetings .....	34
Complaints.....	34
APPENDIX “C” to By-law 2023-0075 .....	35
Request for Deputation / Presentation / Petition.....	35
APPENDIX “D” to By-law 2023-0075 .....	36
Recording of Meetings Protocol.....	36



## The Corporation of the Township of North Kawartha

### By-Law 2023-0075

**Being a by-law of the Corporation of the Township of North Kawartha to govern the proceedings of meetings of Council and Committees of the Township of North Kawartha and to repeal By-Law 2022-0016 and any previous procedure by-laws.**

**Whereas** pursuant to *Section 238 (2) of the Municipal Act, 2001* (the "Act"), as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**And Whereas** pursuant to Section 238 (3.1) of the Act, the applicable procedure by-law may provide that a member of council, or a local board or of a committee of either of them, can participate electronically in a meeting that is open to the public;

**And Whereas** Section 238 (3.3) of the Act, the applicable procedure by-law may provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

**Now Therefore** the Council of the Corporation of the Township of North Kawartha enacts as follows:

#### 1. Interpretation:

##### 1.2 Definitions:

- 1) **"Chair / Presiding Officer"** means the members that preside at meetings of Council, Boards, Committees or Subcommittees.
- 2) **"Chief Administrative Officer"** means the Chief Administrative Officer as referred to in *Section 229 of the Municipal Act*, of the Corporation of the Township of North Kawartha who may also be referred to as the CAO.
- 3) **"Clerk"** means the Clerk of the Corporation of the Township of North Kawartha as appointed pursuant to *Section 228 of the Municipal Act*.
- 4) **"Closed Meeting or Closed Session"** means closed to the public as defined in Section 4.5 of this By-Law;
- 5) **"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.
- 6) **"Committee Chair"** means the Chairperson of any committee who shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
- 7) **"Conflict of Interest"** means a pecuniary interest as defined in the *"Municipal Conflict of Interest Act"*.

- 8) **"Council"** means the elected and sworn member(s) of the Council of the Corporation of the Township of North Kawartha.
- 9) **"Electronic Participation"** includes participation by telephone or audio-visual conferencing, or any other interactive method whereby Members, staff and the public are able to hear the Member(s) participating by electronic means and the Member(s) participating by electronic means are able to hear other Members, staff and the public.
- 10) **"Head of Council"** means the Mayor of the Corporation of the Township of North Kawartha.
- 11) **"Hybrid Meeting"** means a meeting of Council or Committee with a mixture of in-person and electronic participation.
- 12) **"In-Person Meeting"** means a meeting of Council or Committee with a quorum of members physically present together in the meeting place.
- 13) **"Local Board"** means a local board as defined in *Section 238 of the Municipal Act, 2001*.
- 14) **"Land Acknowledgement"** means a formal statement, spoken at the beginning of the meeting, as approved by motion of Council, that recognizes and respects Indigenous Peoples as traditional stewards of the land and the enduring relationship that exists between Indigenous Peoples and their traditional territories.
- 15) **"Majority Vote"** means more than half of the members voting. In the case of a five (5) member Council a majority is three (3) members.
- 16) **"Meeting"** means 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.
- 17) **"Petition"** shall mean a formal written request, by one or more persons, appealing to Council with respect to a particular matter
- 18) **"Quorum" means:**
  - a. in the case of Council, the quorum is three Members present;
  - b. in the case of Committees, the presence of a majority of all members of the Committee (differs according to membership of committee);
  - c. in the case of a disclosure of conflict of interest, any number that is not less than two Members of council shall be deemed to constitute a quorum as per *Conflict of Interest Act R.S.O. 1990 c.M.50 Section 7 (1)*
- 19) **"Recorded Vote"** means the recording by the Clerk in the minutes, the name and vote of every member on any matter or question.



## The Corporation of the Township of North Kawartha Procedure By-Law

- 20) “**Substantive motion**” means a self-contained independent proposal submitted for the approval of the Council and drafted in such a way as to be capable of expressing a decision of the e.g., all resolutions are substantive motions.
- 21) “**Township**” means the Corporation of the Township of North Kawartha.
- 22) “**Two-Thirds Vote**” means the affirmative vote of at least two-thirds of the Members present and eligible to vote. For a five (5) member Council this means four members.

### 1.3 Number and Gender

Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances. References to items in the plural include the singular, as applicable.

### 1.4 Legislation:

Specific references to law in this By-law are printed in *Italic font* and are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-Law was enacted, as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

### 1.5 General Meeting Procedure

In any matter of procedure for which provision is not made in this By-law, the procedure to be followed shall be, as near as may be applied, the procedure followed in *Meeting Procedures: Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century* by James Lochrie.

### 1.6 Electronic Meetings and the use of Audio-Visual Equipment

Electronic participation in open or closed meetings by members of council, local boards and committees, members of staff and the public is permitted.

Electronic, hybrid or in-person meetings will be determined at the call of the Mayor or Chair of the Committee.

A member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and

Votes cast by members electronically shall be counted towards the overall decision of council, of a local board or of a committee.

In the event of technical failure during the meeting, the Chair may call for a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, as long as a quorum is maintained, it will not affect the validity of the meeting or decisions made.

The use of audio or visual equipment by the media or any individual is permitted, conditional upon there being no disruption to the proceedings of the meeting.

**1.7 Short Title:** This By-law may be referred to as the “Procedure By-Law.”

## 2. Effect

Except as otherwise provided in this By-law; the provisions of this By-law shall be

observed in all Meetings of Council and Committees of Council and by its Members, and shall constitute the rules for the order and dispatch of business by Council and its Members.

### **3. Role of Council and Mayor**

#### **3.1 Role of Council**

1) It is the role of Council under *Section 224 of the Municipal Act* to:

- a) represent the public and to consider the well-being and interests of the municipality;
- b) develop and evaluate the policies and programs of the municipality;
- c) determine which services the municipality provides;
- d) ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e) ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f) maintain the financial integrity of the municipality; and
- g) carry out the duties of Council as set out in the *Municipal Act*, and under any Act.

#### **3.2 Role of the Mayor as the Head of Council**

1) It is the role of the Mayor under *Section 225 of the Municipal Act* to:

- a) act as chief executive officer of the municipality;
- b) preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) provide leadership to the Council;
- d) without limiting clause (c), provide information and recommendations to Council with respect to the role of Council described in clauses d) and e) as set out under the Role of Council (Refer to 3.1 1) d) and e));
- e) represent the municipality at official functions; and
- f) carry out the duties of the head of council under the *Municipal Act* and any other Act.

2) As chief executive officer, the Head of Council shall under *Section 226.1 of the Municipal Act*:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

#### **3.3 Duty of Members of Council**

1) It shall be the duty of Members to:

- a) attend all Council Meetings;
- b) prepare for meetings, including reviewing meeting agendas and background information prior to the meeting;
- c) speak to only the subject under debate;
- d) vote on all motions before Council unless prohibited from voting by law;
- e) observe the Rules at all meetings;
- f) work through the Presiding Officer at meetings;
- g) support Council and not criticize any decision of the Council except for the purpose of moving that the question be reconsidered or repealed;
- h) attend all meetings of committees and local boards to which the Member has been appointed by Council;
- i) carry out the duties set out in the *Municipal Act* and all other applicable Acts; and



j) act in accordance with their Declaration of Office.

2) No Member shall divulge to any person any information that pertains to any aspect of any discussion or direction of Council that was given or provided at a Closed Meeting of Council.

3) Should any Councillor be unable to perform any of their duties for an extended period of time, the Councillor shall advise the Mayor forthwith, and in the case of the Mayor being unable to perform any of his/her duties for an extended period of time, the Mayor shall advise Council.

4) Members shall abide by Section 8 of this By-law related to Meeting Procedure.

### **3.4 Members of the Public**

1) Members of the public, during a Council or Committee Meeting, are expected to maintain order and quiet and shall not:

- a) address the Council or Committee without consensus of the Members;
- b) interrupt any speech or action of the Members of Council or Committee, or any other person addressing the Council or Committee;
- c) display or have in their possession, picket signs or placards in the Council Chambers or meeting rooms

## **4. Council Meetings**

### **4.1 Inaugural Meeting of Council**

1) The Inaugural Meeting of Council shall be held commencing at 9:00 a.m. local time on the third Tuesday of November in an election year, unless such date and time is not practicable, in which case the Inaugural Meeting shall be held at a time and date set by the Clerk in consultation with the incoming Mayor but not later than the second Tuesday in December. (Reference *Section 230 of the Municipal Act*)

2) At the Inaugural Meeting, or before, Members shall take the Declaration of Office.

3) The seating at the Council table will be determined by the Mayor prior to the Inaugural Meeting.

### **4.2 Meeting Place**

1) Council Meetings shall be held in the North Kawartha Council Chambers, 280 Burleigh Street, Apsley, Ontario;

2) Notwithstanding Section 4.2 1):

- a) where members of Council, staff or the public are participating electronically, the meeting place is virtual and may have some participants participating from the Council Chambers or
- b) when the Council Chambers are not available for a meeting due to an unforeseen circumstance, renovation or similar impediment; or where the Council Chambers are deemed to be of insufficient capacity to accommodate the public for a particular issue or matter, the Mayor shall designate another location that is accessible to the public for purposes of holding the meeting;

3) The Mayor may authorize a Special Council Meeting to be held at a location other than the Council Chambers.

### **4.3 Regular Council Meetings (Date, Time)**

1) Regular Council Meetings shall be held on the 1st and the 3rd Tuesdays of each month.



- 2) Regular Council Meetings shall commence at 9:30 a.m. local time except as otherwise set by Council from time to time.
- 3) Notwithstanding Section 4.3 2) the Council Meeting may commence as early as 9:00 a.m. to discuss closed session matters, in accordance with *Section 239 (2) and (3) of the Municipal Act* or may commence at a later time to accommodate an Agenda having a minimal amount of business.
- 4) If the regular meeting day is a statutory holiday, the meeting shall be held on the following day unless cancelled by motion of Council.
- 5) Except as otherwise provided by the *Municipal Act* or other statutes, the Mayor may, in consultation with the CAO and Clerk, dispense with, alter the time, day of any meeting provided that notice of the change is posted at the Township Office and / or the Township website 48 hours in advance of the meeting.
- 6) Where a conflict between the scheduled date or time of a Regular Council Meeting and another event of significance arises, the Clerk in consultation with the Mayor may cancel the Council Meeting or reschedule the meeting to a different date, time of commencement provided that adequate notice of the change is posted pursuant to the notice of meeting provisions.

#### **4.4 Special and Emergency Council Meetings**

- 1) Special Council Meetings may be held from time to time and may be initiated:
  - a) at the call of the Mayor or in his / her absence the Deputy Mayor;
  - b) upon the Clerk receiving a petition of the majority of the Members or a vote of the majority of the Members; or
  - c) by the Clerk, in consultation with the Chief Administrative Officer.
- 2) The date, time, and location of a Special Council Meeting shall be set by the Clerk in consultation with the Mayor, Deputy Mayor or Chief Administrative Officer or by petition or vote of the majority of the Members.
- 3) No business except the business dealing directly with the items listed on the meeting agenda shall be transacted at a Special Council Meeting.
- 4) The Clerk may give notice to Members by verbal or electronic communication.
- 5) Notice of a Special Meeting shall be given a minimum of 48 hours prior to the meeting and at a minimum the notice shall be posted at North Kawartha Township Office, on the Township website and on the electronic sign located at the North Kawartha Community Centre (NKCC). When deemed necessary by the Mayor or Clerk, notice may also be posted at the North Kawartha Community Centres and Libraries facilities.
- 6) In accordance with *Section 236 of the Municipal Act*, an Emergency Meeting may be held at any location as may be convenient.
- 7) An Emergency Meeting may be called for an emergency within the meaning of the Township's Emergency Response Plan or any other similar unforeseen circumstance or for a matter of urgent municipal business and, if not possible, the standard public notice is not required.
- 8) In Emergency Circumstances, providing it has been established that there is an inability, for valid reasons, for a majority of the Members of Council (quorum) to attend a properly scheduled Meeting of Council; decisions may be made by individual members of Council who shall have all the powers and duties of the Mayor provided the powers and duties are delegated in the following order: Deputy Mayor; Councillor At Large; Councillor of Ward 1 or Councillor of Ward 2. Any decision shall be in consultation with the Chief Administrative Officer or in his / her absence with available Department Heads.



#### 4.5 Closed Council Meetings

- 1) A Closed Council Meeting is a meeting of Council from which members of the public shall be excluded, and shall be held in accordance with the provisions of the *Municipal Act*.
- 2) Electronic participation in closed meetings is permitted as set out in Section 1.6 of this by-law.
- 3) Closed Council Meetings may be initiated by:
  - a) at the call of the Mayor or in his / her absence the Deputy Mayor;
  - b) upon the Clerk receiving a petition of the majority of the Members or a vote of the majority of the Members; or
  - c) by the Clerk, in consultation with the Chief Administrative Officer.
- 4) The date, time, and location of a Closed Council Meeting shall be set by the Clerk in consultation with the Mayor or by petition or vote of the majority of the Members.
- 5) A Closed Council Meeting may be held if the subject matter being considered relates to *Section 239 of the Municipal Act (refer to Appendix B)*
- 6) No matter except the matters so identified in the motion authorizing the Closed Council Meeting shall be transacted at that meeting.

#### 4.6 Meeting Agendas

- 1) The agenda for all Council and Committee Meetings closes for addition of new items five (5) working days, no later than 16:30 h (4:30 p.m.), prior to the meeting date, unless otherwise directed by a motion of Council.
- 2) The Clerk shall cause to be delivered to each Member a meeting agenda and related material at least 48 hours prior to the meeting date save and except agendas for Emergency or Special Meetings of Council called in an expeditious manner and in such case the meeting agenda and related materials will be delivered to each Member as soon as practicable.
- 3) In preparing a meeting agenda, the Clerk shall consult with the Mayor and the Chief Administrative Officer, and shall reflect the direction of the Mayor and the Chief Administrative Officer in finalizing the meeting agenda.
- 4) With the approval of the Mayor, the Clerk may provide a meeting agenda for a Special Council Meeting or a Closed Council Meeting at the meeting where time constraints do not allow the meeting agenda to be delivered to the Members at least 48 hours before the hour appointed for the holding of such meeting.
- 5) As soon as possible after a meeting agenda has been delivered to Members, with the exception of agendas for Closed Council Meetings, the Clerk shall make the meeting agenda available to the public, and shall:
  - a) post the meeting agenda on the Township website; and
  - b) ensure that the meeting agenda and supporting material is made available to any of the local news media or members of the public who have requested a copy of the same, in compliance with applicable Township by-laws and legislation.

#### 4.7 Meeting Minutes

- 1) The Clerk shall prepare and maintain minutes of all Council Meetings, to include:
  - a) the date, time and place of the Council Meeting;
  - b) the names of Presiding Officer or Officers and record of attendance of the



## The Corporation of the Township of North Kawartha Procedure By-Law

Members;

- c) the names of the staff members and consultants present at any meeting;
- d) the names of members of the public who spoke or presented at a statutory public meeting as required by any Act and the names of members of the public who spoke or appeared as Deputations;
- e) the reading, if requested, correction and adoption of the minutes of prior Council Meetings; and
- f) without note or comment, all resolutions, decisions and other proceedings of the Council Meeting, whether the Meeting is closed to the public or not.

2) The Clerk shall ensure that the minutes of the last Regular Meeting and all Special Meetings, held more than five (5) working days prior to a Regular Meeting, together with the agenda are made available to each Member not less than 48 hours before the hour appointed for the holding of such Regular Meeting.

3) The minutes of meetings may be adopted by Council without having been read at the meeting considering the question of their adoption.

4) Agendas and Minutes shall be posted on the Township of North Kawartha website, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with *Section 239 of the Municipal Act* and subject to the provisions of any applicable by-law, act or statute

5) The Clerk shall maintain a record of all minutes of Council Meetings in the Clerk's office or in a secure location in the Municipal Office that shall be signed by the Mayor or Presiding Officer and the Clerk upon approval of the same by Council which, with the exception of minutes of Closed Council Meetings, shall be available for public viewing.

## **5. General Meeting Procedures**

### **5.1 Open Meetings**

Except as authorized under any Act, all Council Meetings shall be open to the public.

### **5.2 Quorum**

1) A majority of the whole number of the Members required to constitute Council is necessary to form a quorum, except as may otherwise be authorized pursuant to the provisions of the *Municipal Conflict of Interest Act*. (Reference to Section 1.2 14) Definitions).

2) If no quorum is present within fifteen (15) minutes after the time appointed for a Council Meeting, the Clerk shall record the names of the Members present and the meeting shall stand adjourned.

3) Members participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time.

### **5.3 Presiding Officer**

1) Except as otherwise provided in this By-law, the Mayor shall preside at all Council Meetings and shall be addressed as Mr. Mayor or Madam Mayor as the case may be.

2) The Head of Council may state relevant facts and after other Members have spoken may state his or her position on any matter before Council and may debate the question before Council without leaving the Chair having due regard for the time limits set out in Section 8.6 6).

3) In the case of the absence of the Mayor, or if he / she is absent through illness, or he refuses to act or his office is vacant, or declares a conflict of interest (any of the foregoing hereinafter referred to as "absent"), the Deputy Mayor shall act in the



## The Corporation of the Township of North Kawartha Procedure By-Law

place and stead of the Mayor, save that should the Mayor and the Deputy Mayor be absent, then the remaining members shall appoint a Chair who shall assume the position of Presiding Officer.

4) The Deputy Mayor or any Council Member acting in the place and stead of the Mayor shall have all the rights, powers and privileges of the Presiding Officer.

## **6. Order of Procedure for Regular and Special Council Meetings**

### **6.1 Order of Business**

(1) The Clerk shall cause to be prepared for Regular and Special Council Meetings a meeting agenda that conforms to the following order of business:

1. Call to Order and Welcome
2. Land Acknowledgement
3. Disclosure of Pecuniary Interest and the General Nature Thereof
4. Adoption of the Agenda
5. Statutory Public Meetings and Adoption of Planning By-Laws
6. Presentations / Deputations / Petitions
7. Adoption of the Minutes of previous meeting(s) of Council
8. Business Arising from previous minutes
9. Consent Agenda (non-controversial items to be received for information)
10. Staff Reports (requiring action)
11. Reports from Boards and Committees
12. New Business and Unfinished Business  
(includes Notice of Motion and Announcements)
13. Correspondence (for action or for discussion)
14. Closed Session, if applicable
15. By-laws
16. Confirmatory By-law
17. Adjournment

2) Council may, at any point within a Council Meeting, adopt a motion to go into closed session to consider matters under *Section 239 of the Municipal Act*.

3) Council shall transact the business of Council in the order by which it is presented in the meeting agenda, except Council may by consent change the order of business.

4) For Special Council Meetings, the Clerk may remove from the Agenda any one or more agenda items 4. through 15. inclusive as set out in Part 6.1(1) of this By-law.

### **6.2 Opening Procedure**

1) As soon after the appointed time of the Council Meeting as there shall be a quorum present, the Mayor or such other Presiding Officer appointed as set out in Part 5.3 of this By-law shall take the Chair and:

- a) call the Members to order and welcome those in attendance
- b) deliver the Land Acknowledgement
- c) may provide information as deemed appropriate such as notable community events or news or moment of silence in recognition of significant event or holiday (ie. Remembrance Day)

### **6.3 Disclosure of Pecuniary Interest in Open Meetings**

1) Any Member who has a pecuniary interest pertaining to any item listed on a meeting agenda shall provide such declaration in writing, prior to or as soon as possible after the meeting to the Clerk or secretary of the committee, as the case may be, in accordance with section 4.1 and 5.2 (1) of the MCI, as amended.

## The Corporation of the Township of North Kawartha Procedure By-Law

2) Despite Section 1) above, and in accordance with Section 5 (2.1) of the MCIA, as amended, the member may take part in the discussion, including making submissions to council or local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, but may not vote, whether before during or after the meeting if the matter is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the Municipal Act, 2001.

3) Members shall disclose any pecuniary interest with respect to any item discussed at a meeting or at a previous meeting at which the Member was absent and the Clerk shall record the disclosure in the minutes.

4) During a meeting, should a matter be raised that is not listed on the meeting agenda for which a Member has a pecuniary interest, the Member shall so declare such interest and the general nature thereof at that time, and the Clerk shall record the declaration in the minutes.

5) A registry of disclosures shall be kept and made available for public inspection on the Township of North Kawartha official website.

#### **6.4 Adoption of Agenda**

1) Where an item is not on the agenda but due to its urgent nature requires Council consideration at the Council Meeting, Council may add the item to the agenda by resolution.

2) Items added to the agenda by resolution shall be placed under New Business for consideration.

#### **6.5 Consent Agenda**

1) A consent agenda is a list of noncontroversial items of business that may be acted upon by a single motion.

2) The consent agenda may include staff reports provided for information of Council and items of correspondence for which no action is deemed necessary.

3) The Presiding Officer, upon reaching the consent agenda asks, "Does any member wish to remove any item from the consent agenda?" If removed the consent agenda item is placed on the regular agenda at the place in which it would normally be taken up. Having covered all items on the consent agenda, the presiding officer requests a motion to adopt the remaining items on the consent agenda.

#### **6.6 Public Meetings**

1) Where Council is required by law to hold a Public Meeting, or otherwise has resolved to hold a Public Meeting, such a meeting may be conducted at a Regular or Special Council Meeting.

2) The Clerk shall ensure that public meetings are incorporated in the meeting agenda as appropriate to address any requirements of law as may apply.

3) During a Public Meeting, any person wishing to address Council may come forward when prompted by the Presiding Officer, and such person shall address Council according to the same rules as apply to deputations appearing before Council under this By-law, except that:

- a) prior notice of one's desire to speak shall not be required;
- b) the Presiding Officer may call for a resolution to limit speakers to speak less than the time allotted or to grant permission for speakers to speak longer than the time allotted;
- c) a motion need not be considered by Council following each presentation.



## 6.7 Deputations

- 1) Persons desiring to address the Council or Committee in person, on his / her behalf, or by his / her agent, or on behalf of a group, on matters of fact or make a request of Council or Committee shall give written notice identifying the subject matter of the presentation to the Clerk by no later than 16:30 h (4:30 p.m.) five business days prior to the regularly scheduled Council or Committee Meeting. The Clerk in consultation with the Mayor and Chief Administrative Officer may make a determination as to deferral of delegations to a subsequent meeting.
- 2) Persons desiring to address the Council or Committee in person, on his / her behalf, or by his / her agent, or on behalf of a group, on matters of fact or make a request of Council or Committee, **related to a specific item listed on the current Meeting Agenda**, shall be permitted to give notice to the Clerk by no later than 13:00 h (1:00 p.m.) on the day prior to the meeting.
- 3) Persons wishing to appear as a Deputation and who are not listed on the agenda may appear as a Deputation with consensus from the majority of the Members present.
- 4) Persons appearing as a Deputation shall be limited to a maximum of ten (10) minutes speaking time, and where a Deputation consists of more than one person, all persons combined shall be limited to two (2) speakers and a maximum of fifteen (15) minutes speaking time, but the Presiding Officer may call for a resolution to grant permission to any Deputation to speak for longer or shorter than the time allotted.
- 5) A Deputation may be refused when the subject matter is a matter of litigation or is beyond the jurisdiction of the Township of North Kawartha.
- 6) Council has the discretion to close a meeting to the public during a Deputation if the subject matter being considered relates to matters under *Section 239 of the Municipal Act*. (Reference Part 4.5 (4)).
- 7) During or following a Deputation, Members may ask specific questions relating to the presentation for the purpose of clarification without statement or comment.
- 8) Following a Deputation, Council may adopt a motion:
  - a) to receive;
  - b) to refer to another item listed on the meeting agenda;
  - c) to refer to a Committee, Local Board or Municipal staff for a report; or
  - d) to refer to New Business for consideration.

## 6.8 Approval of Minutes

- 1) Council shall approve the minutes of previous Council Meetings by resolution.
- 2) Where any Member identifies an error in the minutes of a previous Council Meeting, the Member shall so advise Council and Council shall correct the minutes by a motion to approve the minutes, as amended. The Clerk shall so note such change in the minutes.
- 3) Council may adopt all minutes in one motion.

## 6.9 Correspondence, Communications and Petitions

- 1) Items of correspondence or other forms of written or audio and / or video recorded communications intended to be presented to Council on the meeting agenda, including petitions:
  - a) shall be legibly written or printed;
  - b) shall not contain any obscene or improper language or images; and
  - c) shall contain the signature or name of at least one person.



## The Corporation of the Township of North Kawartha Procedure By-Law

2) To be eligible to appear on a meeting agenda, items of correspondence, communications or petitions shall be received by the Clerk no later than 16:30 h (4:30 p.m.) five (5) business days preceding the date of the next Regular Council Meeting. Notwithstanding the foregoing, items received after this time may be added to the meeting agenda by resolution of Council where such item(s) is relevant to a matter of business that is on the meeting agenda or is of a time-sensitive nature.

3) Upon consideration of any item of correspondence, communication or petition; Council may adopt a motion to:

- a) receive the item of correspondence;
- b) refer the item of correspondence to another item listed on the meeting agenda;
- c) refer the item of correspondence to a Committee, Local Board or Municipal staff for a report; or
- d) may consider a substantive motion with respect to the same.

4) Items of correspondence shall be directed to Council and added to an agenda by Municipal staff in accordance with the Correspondence Protocol attached as Appendix "B" and forming part of this By-law.

### **6.10 Staff Reports or Requests for Staff Reports**

1) Any Member may request Staff to prepare a report pertaining to any issue. Council by resolution shall direct staff as requested and shall provide direction as to when the report is required to be presented.

### **6.11 Consideration of Board / Committee Minutes and Recommendations**

1) The Clerk shall ensure that minutes of all Local Boards and Committees are placed on the next Regular Council Meeting agenda as soon as practicable.

2) Council shall receive the minutes by resolution. All recommendations contained within those minutes requiring Council action will be placed on the agenda as the next item of business following the minutes for Council consideration.

### **6.12 Motions/Notice of Motions**

1) Any Member may provide notice of his/her intent to introduce a motion for the consideration of Council at the next Regular Council Meeting by:

- a) filing with the Clerk in writing, no later than 16:30 h (4:30 p.m.) on the Tuesday preceding the date of a Regular Council Meeting, a proposed resolution that the Member intends to put forward for consideration at the Council Meeting, and such proposed motion shall be included in full on the meeting agenda; or
- b) giving written notice to Council, during Notice of Motions, that the Member intends to introduce a written resolution to be added to the Agenda at the next Regular Council Meeting with respect to a matter so declared.

2) Any motion may be introduced without providing notice of motion if Council dispenses with notice by a two-thirds vote.

3) The Clerk shall ensure that proposed motions, for which Notice of Motion has been given, or that otherwise failed to secure the requisite minimum two-thirds vote for items raised in New Business at a previous meeting, are included in full in the meeting agenda.

### **6.13 New Business**

1) Under New Business, Council shall consider items:

- a) added by resolution during Adoption of the Agenda;
- b) referred to New Business pursuant to a Deputation;
- c) raised by a Member that, in the opinion of the Member, are of urgent concern and within the jurisdiction of Council, or are of general interest;



## The Corporation of the Township of North Kawartha Procedure By-Law

- d) notice of motion
- e) announcements

2) Substantive motions may be introduced with respect to new items but to be considered by Council, without issuance of a Notice of Motion, a motion to consider an item shall be supported by minimum two-thirds vote, failing which the proposed motion shall be placed on the meeting agenda under New Business for consideration at the next Regular Council Meeting. If the motion to consider a new item is supported by a two-thirds vote then the next order of business is consideration of the new item.

#### **6.14 By-laws**

1) The meeting agenda shall list all proposed by-laws to be placed before Council for consideration.

2) No By-laws except a by-law to confirm the proceedings of council shall be presented to Council unless the subject matter thereof has been previously considered and recommended to Council.

3) All proposed by-laws shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with the provisions of any Act and shall be complete with exception of the number and date thereof.

4) The procedure for consideration and enactment of by-laws shall be as follows:

- a) every proposed by-law listed on the agenda under statutory public meetings may be considered by a single motion, all other by-laws shall be considered by Council for enactment by one main motion, but any Member may request that a proposed by-law be considered separately from other by-laws under consideration, and without debate or right of appeal the Presiding Officer shall remove the proposed by-law from the motion to enable the said by-law to be considered for enactment separately; and
- b) following voting on the main motion, Members may discuss any by-law removed from the main motion and Council may entertain motions to amend any provision of any proposed by-law, and where a motion is adopted to amend a by-law that was removed from the main motion, the proposed by-law shall be amended accordingly before being placed before Council for enactment.
- c) every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be kept in the office of the Clerk or municipal vault for safekeeping.

#### **6.15 Announcements**

1) Members may verbally introduce information respecting special events, meetings, notices, declarations or proclamations that are considered to be of general interest to the Community under New Business.

2) Any person or organization wishing to have the Mayor make an announcement respecting a special event, meeting, notice, declaration or proclamation shall forward such request to the office of the Mayor no later than 16:30 h (4:30 p.m.) on the Tuesday preceding the date of the next Regular Council Meeting, and such request shall:

- a) be legibly written or printed;
  - b) clearly specify the nature of the requested announcement; and
  - c) contain the signature of at least one person who is making the request;
- but the Mayor shall be under no obligation to make any announcement so requested.



**6.16 Confirm Proceedings By-law**

1) Council shall adopt a confirm proceedings by-law respecting the actions taken by Council with respect to each report, motion, resolution or other action taken by Council at a Council Meeting, and such by-law may be enacted by one motion that is not amendable or debatable.

**6.17 Adjourn / Curfew**

1) All day meetings will adjourn no later than 5:00 p.m. local time and all evening meetings will adjourn at 11:00 p.m. local time if in session at that time, unless otherwise determined by a two-thirds vote of the Members present that the meeting shall be extended for a maximum of 30 minutes.

2) In the instance of a grave disorder arising during a Council Meeting, adjournment shall be possible at any time.

**7. Order of Procedure For Closed Council Meetings****7.1 Meeting Agenda for Closed Council Meetings**

1) The Clerk shall prepare for the use of the Members at Closed Council Meetings an agenda that conforms to the following order of business:

1. Call to Order
2. Disclosure of Pecuniary Interest and the General Nature Thereof
3. Approval of the Agenda
4. Approval of Closed Minutes (if necessary)
5. Items for Consideration
6. Adjournment

2) Where Council elects to go into a closed session in the midst of a Regular or Special Council Meeting, the Call to Order is not necessary and the Adjournment will be a motion to return to Open Session.

3) Prior to going into closed session, Council shall adopt a resolution stating the fact of holding a Closed Meeting and setting out the general nature of the matter or matters to be considered at the Closed Meeting or in the case of a Closed Meeting for education or training the subject matter

**7.2 Disclosure of Pecuniary Interest at Closed Council Meetings**

1) Any Member, prior to any consideration of any matter at a Closed Council Meeting, shall disclose any pecuniary interest and the general nature thereof with respect to any item on the meeting agenda, and shall provide such declaration in writing to the Clerk and the Clerk shall record the declaration in the minutes.

2) Any Member shall disclose any pecuniary interest and the general nature thereof with respect to any item discussed at a previous Closed Council Meeting at which the Member was absent, and shall provide such declaration in writing to the Clerk, and the Clerk shall record the declaration in the minutes.

3) Any Member declaring a pecuniary interest in any matter under consideration in a Closed Council Meeting shall vacate the meeting room during the time Council considers the matter.

**7.3 Procedures for Closed Council Meetings**

1) The Rules governing the procedure of Council and the conduct of Members shall be observed in Closed Meetings, with the necessary modifications.

2) No matter shall be discussed at a Closed Council Meeting that is not consistent with the motion to go into closed session adopted during the opening procedure.



3) The Chair shall ask each person joining the meeting electronically to confirm that they are alone for purposes of maintaining confidentiality.

4) If a matter arises in a Closed Meeting that a Member feels is not appropriate to consider in closed session, the Member shall be provided the opportunity to explain his/her reasons and to persuade Council to have the matter discussed in an Open Council Meeting.

5) Where, following such endeavour the majority of Council believes the matter is to be considered in closed session, the Member may withdraw from the meeting room during consideration of the matter, and the Clerk shall so note in the minutes.

## **8. Rules of Procedure for Council Meetings**

### **8.1 Duties of the Presiding Officer**

1) It shall be the duty of the Presiding Officer to:

- a) open the meeting of Council by taking the chair and calling the meeting to order;
- b) announce the business before the Council in the order in which it is to be acted upon;
- c) provide an opportunity to any Members of Council to declare a conflict of interest with respect to any item on the agenda;
- d) receive and submit, in the proper manner, all motions presented by Members;
- e) put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result;
- f) decline to put to vote, motions which infringe the rules of procedure;
- g) enforce the rules of procedure;
- h) enforce on all occasions, the observance of order and decorum among the Members;
- i) call by name, any Member persisting in breach of the rules of order of the Council, thereby ordering him/her to vacate the Council Chamber and, if the Member named apologizes, to call a vote of Council to determine if the Member will be permitted to return to the Council Chamber;
- j) allow questions to be asked through the Chair from any Officer of the Township;
- k) provide information to Members on any matter regarding the business of the Township;
- l) receive all messages and other communications and announce them to Council;
- m) present recommendations of committee members who serve on committees, when directed to do so in a particular case, or when it is made a part of his (her) general duties by a rule of procedure;
- n) authenticate, by signature all by-laws, resolutions and minutes of Council;
- o) inform the Council, when necessary or when referred to for the purpose, on a point of order, a point of personal privilege, or of a breach of the assembly's privileges;

- p) represent and support the Council, declaring its will and implicitly obeying its decisions in all things;
- q) ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
- r) to order any individual or group in attendance at the meeting to cease and desist any behaviour which disrupts the order and decorum of the meeting and to order the individual or group to vacate the Council Chambers where such behaviour persists;
- s) recess the meeting when necessary in accordance with the Rules;
- t) to adjourn the meeting when the business is concluded or in the case of grave disorder arising in the Council Chamber.

## 8.2 Rules of Decorum

### 1) No Member shall:

- a) speak disrespectfully or use offensive words or un-parliamentary language;
- b) speak on any subject other than the subject in debate;
- c) communicate with any other member electronically to debate;
- d) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- e) disobey the Rules;
- f) disobey the rulings of the Presiding Officer or of the Council on questions respecting the interpretation or application of the Rules except for the purpose of appealing the decision in accordance with the Rules.

2) No Member shall speak until recognized by the Presiding Officer. All Members shall speak clearly and / or into their microphone to ensure all those in attendance can hear the Member's comments.

3) No person except Members and Officials shall be allowed to come within the council table during a Council Meeting or place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Mayor or the Presiding Officer as applicable.

5) When the Presiding Officer is putting a question to a vote, no Member shall leave or make a disturbance.

6) If any Member of the Council desires to leave a Council Meeting prior to the adjournment thereof and not return, the Member shall so advise the Presiding Officer and the Member's departure and the time thereof shall be recorded in the minutes.

7) Should Council not maintain a quorum due to the departure of one or more Members prior to the adjournment of a Council Meeting, the Clerk shall declare the Meeting adjourned.

8) Where any person not being a Member or an Official desires to address Council, other than as a Deputation listed on the meeting agenda, the person shall be permitted to do so only with the consent of the majority of the Members present, but such approval shall not be required where a person has a statutory right to be heard by Council or Council is holding a Public Meeting for the purpose of receiving comments from the public.

9) Once Council has dispensed with an item by vote, the same matter may not be reopened for further discussion or consideration at the same Council Meeting, but a Member may issue a notice of motion to reconsider as set out in Part 6.11(1) of this By-law.



10) The Presiding Officer may declare a recess at any point during a Council Meeting with the consensus of Council without the necessity of a motion.

### 8.3 Rules of Procedure Respecting Motions

- 1) Motions, to be considered, shall be clearly stated and shall not contain disjointed thoughts or directions that in the opinion of the Presiding Officer are excessively difficult to interpret.
- 2) Where the Presiding Officer believes a motion is complex, or not clearly stated, or contains disjointed thoughts or directions, the Presiding Officer may:
  - a) require the Member to put forward the motion in written form; and/or
  - b) rule that such motion is out of order due to its uncertainty and not place the question before Council for consideration.
- 3) The Presiding Officer shall not permit debate on a motion or put a motion to vote until the motion is formally seconded.
- 4) When a motion is presented in writing, it shall be read by the Presiding Officer or the Clerk, when directed by the Presiding Officer, before debate.
- 5) A motion that has been duly seconded may be withdrawn subject to the following provisions:
  - a) A motion can only be withdrawn by the mover with the consent of Council.
  - b) Withdrawal of a motion shall be in order at any time during debate.
  - c) If no Member objects to the withdrawal of the motion, the motion shall be considered withdrawn.
  - d) If a Member objects to the withdrawal of a motion, a withdrawal motion shall be entertained, and if such motion receives a seconder, it shall be decided prior to consideration of any other motion.
  - e) If a motion is withdrawn the effect is the same as if it had never been made.
- 6) A motion containing two or more distinct proposals may be divided by leave of Council, and Council shall consider each part separately.
- 7) A main motion properly before the Council shall receive disposition before any other motion can be considered, except in respect of matters listed below and according to the listed priorities, namely to:
  - a) recess;
  - b) adjourn;
  - c) postpone the motion under consideration to a definite date;
  - d) postpone the motion under consideration indefinitely;
  - e) refer the motion under consideration to a Committee or staff for a report;
  - f) amend the motion under consideration; and
  - g) close debate (to end debate on the motion under consideration).
- 8) A motion to recess:
  - a) is permissible when there is business before Council for consideration;
  - b) shall specify the length of time of the recess;
  - c) is not debatable except with regard to the length of the recess; and
  - d) shall be amendable with respect to the length of the recess.
- 9) A motion to adjourn:
  - a) is permissible;
  - b) is not amendable;
  - c) is not debatable;
  - d) is not in order when a Member is speaking or during a vote; and
  - e) when resolved in the negative, cannot be made again until the Presiding Officer has deemed sufficient business has been conducted by Council in the intervening time.

## The Corporation of the Township of North Kawartha Procedure By-Law

- 10) A motion to postpone:
- a) may or may not state a definite time or date as to when the matter shall be further considered;
  - b) shall apply to the main motion and to any motions to amend the main motion that are pending;
  - c) is not debatable except as to date or time; and
  - d) shall not be amendable except as to date or time.

Where a motion to postpone is adopted without a definite time or date as to when the matter shall be further considered, Council shall not consider the matter until such time as Council, by resolution, brings back the matter for consideration.

- 11) A motion to refer:
- a) shall be open to debate;
  - b) may be amended;
  - c) shall include the terms of referral including the time or conditions under which the matter is to be returned to Council for consideration; and
  - d) may include the reasons for the referral.

- 12) A motion to amend:
- a) shall be relevant to the main motion;
  - b) shall not be directly contrary to or propose a direct negative to the main motion;
  - c) shall be debatable; and
  - d) shall not itself be amended more than once;
  - e) and motions to amend shall be put to a vote in reverse order from which motions to amend are put forward, and should the motion to amend be carried, the main motion shall then be considered by Council as amended.

Notwithstanding the foregoing, a motion to amend shall not be required where the mover and seconder of the main motion agree to re-word the main motion to accommodate a proposed amendment and no Member of Council objects.

- 13) A motion to close debate:
- a) is not permissible until every Member present has had the opportunity to speak to the question at least once;
  - b) is not amendable;
  - c) is not debatable; and
  - d) requires a two-thirds vote of the Members present;
  - e) and upon adoption, the Presiding Officer shall forthwith put the main motion and all amendments thereto to a vote.

- 14) A motion to suspend the rules:
- a) is permissible in accordance with Part 8.10 of this By-law;
  - b) is not debatable;
  - c) is not amendable;
  - d) shall include a statement as to the purpose of the suspension;
  - e) requires a two-thirds vote of the Members present; and
  - f) is not permissible with regard to any statutory requirements that apply to the proceedings of Council.

15) A motion to change the order of business as presented in the meeting agenda shall not be amendable or debatable.

- 16) Dilatory motion, which shall include:
- a) any motion made subsequent to a motion that was lost that is substantially the same as the lost motion where, in the opinion of the Presiding Officer, the motion is made for the purpose of delay or to frustrate Council; and
  - b) any motion made that is absurd or frivolous, or that cannot be effected; shall not be entertained by the Presiding Officer.

17) Any Member who wishes to introduce a motion that is contrary to a motion that has been adopted by Council shall employ the reconsideration procedures as set out in Part 8.4 of this By-law.



#### **8.4 Rules of Procedure Respecting Reconsideration**

- 1) A motion to reconsider is in order at any time, even when another Member has the floor, or while Council is voting on the motion to adjourn.
- 2) A motion to reconsider can be made only at the Meeting in which the vote on the original motion to be reconsidered was taken, or at the next succeeding Regular Council Meeting. It must be made by a Member who voted with the prevailing side. Any Member may second the motion to reconsider the vote.
- 3) The effect of making this motion is to suspend all action the original motion would have required until the reconsideration.
- 4) If the motion to reconsider is lost it cannot be repeated except by general consent. No question can be twice reconsidered unless it was materially amended after its first reconsideration. A reconsideration requires only a majority vote, regardless of the vote necessary to adopt the motion reconsidered.
- 5) If the motion to reconsider is adopted, the next order of business is the original motion that was reconsidered.

#### **8.5 Voting on Motions**

- 1) No vote shall be taken in a Council Meeting by ballot or by any other method of secret voting, unless authorized under the *Municipal Act*.
- 2) The Presiding Officer shall be entitled to vote on any question, but is not required to vote unless:
  - a) a Member has requested a Recorded Vote; or
  - b) the votes of all other Members present produces an equality of votes.
- 3) Immediately preceding the taking of the vote on a motion, the Presiding Officer may read the motion or request the Clerk to read the motion in the form introduced and shall do so if required by a Member, and the motion shall be stated in the form in which it will be recorded in the minutes.
- 4) After a motion is put to a vote by the Presiding Officer, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 5) A separate vote shall be taken upon each proposal contained in a motion that has been divided with leave of the Council.
- 6) The manner of determining the decision of Council on a motion shall be by show of hands, and the Presiding Officer shall determine the adequacy of the show of hands, and upon being satisfied with the adequacy of the show of hands, the Presiding Officer shall declare the results of the vote by stating that the motion is carried or that the motion is lost, as appropriate.
- 7) Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.
- 8) Any motion on which there is a tie vote shall be deemed to be lost and furthermore, deemed a vote in the negative or a vote in opposition based on the principle that a clear majority is required to effect any change, modification or variation from that which exists or is established. Nothing in the Rules shall apply to prevent the Presiding Officer from voting to create a tie.
- 9) If any Member disagrees with the declaration of the Presiding Officer that a motion has been carried or lost, the Member, immediately after the declaration by the Presiding Officer, may appeal the declaration and request that a Recorded Vote be taken, whereupon the Clerk shall poll the Council.



## The Corporation of the Township of North Kawartha Procedure By-Law

10) When a Member requests a Recorded Vote on a motion, all Members present shall vote when polled by the Clerk by verbally indicating Yes or No, and the Clerk shall record the results of the vote in the minutes.

A Member may request a Recorded Vote immediately prior to or subsequent to the taking of a vote on a motion.

The Clerk shall conduct the recording of votes of all Members alphabetically, with the Deputy Mayor and Mayor being polled last.

### **8.6 Rules of Debate**

1) Every Member, prior to speaking to any question or motion, shall so indicate to the Presiding Officer through the raising of a hand of his/her desire to speak, and no Member shall speak until recognized by the Presiding Officer as having the floor.

When two or more Members raise their hands to indicate their desire to speak, the Presiding Officer shall determine who was the first to so indicate, and shall designate such Member as having the floor, and the subsequent Members who shall have the floor and the order of same, and the determination of the Presiding Officer in such respect shall not be subject to appeal.

2) All Members and Officials who are called upon to speak during a debate shall direct their comments and questions to the Presiding Officer.

3) When a Member is speaking, no other Member shall interrupt except to rise on a point of order, a point of personal privilege, or a point of privilege affecting the assembly.

4) Any Member may request the Presiding Officer to read the motion under discussion at any time during debate, but such request shall not be made so as to interrupt another Member while speaking.

5) No Member shall speak more than once to the same motion until every Member who desire to speak has spoken, except that the Member who made the motion shall be entitled to a reply immediately prior to the calling of a vote by the Presiding Officer.

6) No Member, without leave of Council, shall speak to the same motion more than twice, or in reply, for longer than five (5) minutes, excluding staff response time without leave of the Presiding Officer.

7) During debate, a Member may ask a question of another Member only for the purpose of obtaining information or clarification relating to the matter under discussion, and such question shall be stated briefly and clearly, and the Member to whom the question was directed shall respond briefly and clearly to the question, but shall not introduce any new information other than was posed in the question.

8) When a Member has been recognized by the Presiding Officer as having the floor, immediately before speaking, such Member may ask a question of the Presiding Officer or an Official on the matter under discussion, but only for the purpose of obtaining information or clarification, following which the Member shall speak.

9) The Presiding officer may relinquish the chair or council may request that the Presiding officer relinquish the Chair for the purpose of extended debate.

10) The Presiding Officer may, at any time, declare a recess for five (5) minutes in order to consult Officials with respect to matters of procedure and interpretation of the Rules.



## The Corporation of the Township of North Kawartha Procedure By-Law

11) The following matters and motions may be introduced orally without written notice and without leave, except as otherwise provided in the Rules:

- a) Point of order;
- b) Point of personal privilege;
- c) Point of privilege affecting the assembly;
- d) Presentation of petitions;
- e) Motion to refer;
- f) Motion to postpone;
- g) Motion to amend;
- h) Motion to close debate (end debate);
- i) Motion to recess;
- j) Motion to adjourn;
- k) Motions pursuant to Correspondence and New Business.

12) When the Presiding Officer calls for the vote on a motion, each Member shall remain seated until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.

13) In all proceedings of a Council Meeting the Presiding Officer shall decide and rule upon all matters pertaining to the Rules, subject to an appeal in which case the matter shall be decided by the Council.

14) When a Member wishes to appeal the ruling of the Presiding Officer, except as prohibited by the Rules, the Member shall introduce the following motion with a view to having same considered by Council:

"That the ruling of the Chair be appealed and set aside."

### **8.7 Point of Order**

1) A Member may raise a point of order at any time, whereupon the Mayor or Chair shall;

- a) Interrupt the matter under consideration;
- b) Ask the member raising the point or order to state the substance of, and the basis for, the point of order; and
- c) Rule on the point of order immediately without debate by Council or Committee.

2) A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee which will then decide on the appeal, without debate, by way of a majority vote of the members present. If there is no appeal, the decision of the Mayor or Chair shall be final.

### **8.8 Point of Privilege**

1) A Member may raise a point of privilege at any time if he or she considers that their integrity, the integrity of Council or the Committee as a Whole or staff has been impugned, whereupon the Mayor or Chair shall:

- a) Interrupt the matter under consideration;
- b) Ask the member raising the point of privilege to state the substance of, and the basis for, the point of privilege; and
- c) Rule on the point of privilege immediately without debate by Council or Committee.

2) A Member of Council or Committee may appeal the ruling of the Mayor or Chair to Council or Committee.

3) If there is no appeal, the decision of the Mayor or Chair shall be final. The Council or Committee, if appealed to, shall vote on the motion without debate by way of a majority vote of the members present and its decision shall be final.

4) Where the Mayor or Chair considers that the integrity of any Municipal employee has been impugned or questioned, the Mayor or Chair may permit staff to make a statement to Council or Committee.

### **8.9 Expulsion for Improper Conduct**

1) The Presiding Officer, where a warning or ruling has not been heeded, may expel any Member or person from the meeting place for improper conduct at the meeting, which for purposes of this Section shall include:

- a) violation of the Rules;
- b) interruption of the proceedings of Council;
- c) making of disruptive noise or visible gestures;
- d) campaigning for any political cause or outcome; or
- e) any other activity that impedes the conduct of the meeting.

2) Where the Presiding Officer expels any Member or person from the meeting, such Member or person shall vacate the meeting place forthwith.

3) Where the expulsion applies to a Member, the Member shall only address the Presiding Officer for the purpose of appealing the Presiding Officer's ruling of expulsion.

4) If no Member appeals, the ruling of the Presiding Officer shall be final.

5) If a Member appeals the Presiding Officer's ruling on expulsion to Council, the Member shall have the right to give reasons for the appeal, following which the Presiding Officer shall have the right to reply with reasons, and the Council shall decide the question:

"That the decision of the Chair be sustained."

without further debate, and the decision of Council shall be final.

### **8.10 Suspension of the Rules**

1) During a Council Meeting, any Member may introduce a motion that Council temporarily suspend the rules established by this By-law in order to introduce a motion with respect to an item that is not listed on the meeting agenda, stating the subject matter for which the suspension of the rules is being sought.

2) A motion to suspend the rules shall require a two-thirds vote of the Members present at the meeting.

3) Upon adoption of a motion to suspend the rules, the Member so making the motion to suspend the rules may introduce a motion respecting the matter for which the suspension of the rules was granted.

## **9. Committees and Local Boards**

### **9.1 Local Boards**

1) Every Local Board shall adopt a procedural by-law to govern the calling, place and proceedings of meetings of the Local Board as required pursuant to the provisions of the *Municipal Act*, but until the Local Board has adopted a procedural by-law, the provisions of this By-law shall apply with the necessary modifications.

### **9.2 Committees of Council**

1) Council may, from time to time, establish standing, advisory, special and other committees consisting of such members as Council may determine, to carry out such duties and responsibilities as may be set out in terms of reference approved by Council.



## The Corporation of the Township of North Kawartha Procedure By-Law

2) Council may, from time to time, establish ad hoc committees consisting of such members as Council may determine, to take up a specific task or assignment, where the term of such committee is limited to the time required to complete the specific task or assignment.

3) Should any Committee neglect or refuse to give due attention to any matter before it, the Council may, by resolution, discharge such Committee from consideration of a matter, or appoint another Committee in its place, or disband the Committee in its entirety.

4) Persons appointed to Committees are appointed for such term as defined by Council, and by resolution, Council may rescind any appointment at any time.

Should any Member of a Committee fail to attend three (3) successive meetings thereof without being authorized to do so by resolution of the committee, the committee may certify such failure and thereupon the membership of such person on the Committee shall be terminated and the Council may appoint another Member in the Member's place.

5) The Procedural By-law and any Terms of Reference shall apply to all appointees by Council to all Committees with the necessary adjustments unless otherwise prescribed by statute or law.

6) The Mayor shall be an ex-officio member of all Township Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting agenda.

7) The ex-officio can be counted as part of a quorum if not all members are present.

8) Composition of Committees may include both members of council and the public with at least 50% of members being members of council including the Mayor as ex-officio to all committees of Council.

9) Committees within the sphere of jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. The majority of the members on such Committees shall be qualified electors. Those members who are not qualified electors shall not have a vote but may be advisors to the Committee.

### 9.3 Meetings of Committees

1) **Committee of Adjustment:** Committee of Adjustment as appointed by Council shall meet on the first and third Tuesday of the month at 8:30 a.m., as required.

2) All meetings of committees shall be open to the public, except that committees may hold a closed meeting or move into a closed session to deal with matters that qualify for consideration at a closed meeting as set out in *Section 239 of the Municipal Act*.

3) Committees shall establish the meeting date, time and location for each meeting of the committee, unless otherwise set by Council. All Committee and Local Board locations shall be posted on the Town's website. Committees may alter the date and/or time of a regular or Special Meeting provided that adequate notice of the change is posted pursuant to the notice provisions of this By-law.

4) The person designated in the terms of reference for a committee as responsible for administrative support, herein referred to as the committee secretary, shall be responsible for preparing meeting agendas, issuing notice as required by this By-law, and preparation of meeting minutes.

5) The committee secretary shall prepare the meeting agenda and provide the same to members of the committee, and to any member of the public including the



## The Corporation of the Township of North Kawartha Procedure By-Law

news media who have requested a copy, no less than 48 hours preceding the day of the meeting, unless the Chair or Vice-Chair in the absence of the Chair of the committee has authorized a meeting agenda to be handed out at the meeting.

6) The committee secretary shall prepare minutes of all meetings of committees, and shall forward copies of all minutes to the Clerk.

#### **9.4 Presiding Officer for Committees**

1) Council may designate the Chair of any committee, or allow the committee to elect a Chair from its members.

2) Where Council has not appointed a Chair, at the first meeting of each committee, the committee shall elect from its members a Chair for such term as the committee shall determine, and the committee may at its discretion elect a Vice-Chair from its members for such term as the committee shall determine.

3) The duties of the Chair, or in the absence of the Chair the Vice-Chair, or in the absence of the Chair and the Vice-Chair such other member as the committee may designate to preside over the meeting, shall be as set out in Part 8.1(1) of this By-law for the Presiding Officer at a Meeting of Council, with the necessary adjustments.

4) Should the Chair of any committee neglect or refuse to call meetings of the committee at such times or with such frequency as the proper dispatch of the committee's business requires, or do the business of the committee without the knowledge or consent of its members, or contrary to their wishes or actions, the committee may report such neglect, refusal or action to the Council which may remove such Chair from office and appoint another member as Chair.

#### **9.5 Rules of Order for Committees**

1) A quorum in any committee meeting shall be a majority of the voting members of the committee.

If there is no quorum present within fifteen (15) minutes after the time appointed for a meeting, the meeting shall stand adjourned at the call of the Chair.

2) The Chair, or in the Chair's absence the Vice-Chair, or in the absence of the Chair and the Vice-Chair, such other member as the committee may designate shall preside at the meeting.

In the absence of the Chair and Vice-Chair if applicable for a period of fifteen (15) minutes after the time appointed for the holding of a meeting, one of the other members of the committee, if there be a quorum present, shall be appointed by the committee and shall discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice-Chair.

3) Each committee shall transact all business according to the rules for Council, with the necessary modifications, as set out in:

- a) 8.2 – Rules of Decorum;
- b) 8.3 – Rules of Procedure Respecting Motions;
- c) 8.5 – Voting on Motions;
- d) 8.6 – Rules of Debate;
- e) 8.7 – Point of Order;
- f) 8.8 – Point of Personal Privilege; and
- g) 8.9 – Expulsion for Improper Conduct;

with the exception that the number of times a member may speak on any question shall not be limited, and at the request of any member, any item on the meeting agenda may be reopened upon a majority vote of the members present.

4) A committee may appoint a sub-committee from its members to investigate and report on any matters related to the business of the committee, provided that:



## The Corporation of the Township of North Kawartha Procedure By-Law

- a) the sub-committee shall report directly to the appointing committee;
- b) the sub-committee shall not have the power to appoint an additional sub-committee, nor shall it add to its membership without permission from the committee that established the sub-committee; and
- c) the sub-committee shall have no independent authority, nor shall it undertake any task other than was assigned;

and such sub-committees shall be subject to and operate in accordance with all requirements set out in this By-law for committees.

## **10. Notice**

### **10.1 Purpose**

This By-law shall not apply so as to require the giving of any notice in circumstances where there is no requirement in any applicable by-law, policy, Act, or regulation that notice is given in respect of any proposed municipal action.

### **10.2 Notice of Council Meetings**

- 1) Notice of a Regular Council or Committee Meeting shall be provided through:
  - a) notifying Members by email as soon as a meeting date has been set;
  - b) posting of the time and date of the meeting on the Township website at least fourteen (14) days before the Council Meeting, if possible; and
  - c) release of a meeting agenda by the Clerk in accordance with Part 4.6.
- 2) Notice of a Special or Closed Council Meeting shall be provided through:
  - a) notifying Members by email as soon as a meeting date has been set;
  - b) posting of the time and date of the meeting on the Township website at least 48 hours before the Council Meeting, if possible; and
  - c) release of a meeting agenda by the Clerk in accordance with Part 4.6.
- 3) Notwithstanding any other provision of this By-law to the contrary, a Council Meeting may be held to deal with an emergency with less than the requisite notice, provided the Clerk has endeavoured to notify the Members about the meeting in the most expedient manner and provided that no business except business dealing directly with the emergency shall be transacted by Council.
- 4) Where a meeting agenda will not be released prior to a Council Meeting, or in the instance of a Closed Council Meeting, in lieu of the release of a meeting agenda, the Clerk shall endeavour to provide notice by telephone call, email, and/or written notice to those who have requested a copy of meeting agendas.
- 5) Lack of receipt of a notice of or meeting agenda for a Council Meeting by any person or Member shall not affect the validity of the meeting or any action lawfully taken at the meeting.

### **10.3 Notice of Committee Meetings**

- 1) Notice of a Committee Meeting shall be provided through:
  - a) posting of the time and date of the meeting on the Township website at least fourteen (14) days before the Committee Meeting, if possible; and
  - b) release of a meeting agenda by the Clerk or Secretary to the Committee.
- 2) Where an agenda is released prior to a meeting, the Agenda shall be posted on the Township website.
- 3) Where a meeting agenda will not be released prior to the meeting, in lieu of the release of a meeting agenda, the committee secretary or designate shall endeavour to provide notice by telephone call and/or written notice to those who have requested a copy of meeting agendas.
- 4) Lack of receipt of a notice of or meeting agenda for a Committee Meeting by any person shall not affect the validity of the meeting or any action lawfully taken

at the meeting.

#### **10.4 Notice of Proposed Municipal Action**

1) Where any Act or regulation requires that notice be given to the public of any proposed municipal action, such notice shall be given:

- a) in the manner specified in the Act or regulation, or within any other Township by-law which specifically sets forth the manner in which notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type;  
or
- b) if there is no manner specified in the Act or regulation, or within any other Town by-law which specifically sets forth the manner in which such notice shall be given to the public either for the specific municipal action or generally for municipal actions of that type, to the public through any one or more of the following means:
  1. by publication of at least one notice in a newspaper having general circulation in the Municipality a minimum of seven days before:
    - a) the meeting at which the proposed municipal action will be considered; or
    - b) the date on which it is proposed that the municipal action will occur;
  2. by posting a notice on the Township website and at the Municipal Administration Building and North Kawartha Community Centres at least seven days before:
    - a) the meeting at which the proposed municipal action will be considered; or
    - b) the date on which it is proposed that the municipal action will occur.

#### **10.5 Notice – General**

A notice given under this Part is sufficient even if there are times during the period when the Township website is not fully accessible.

The notice requirements of this Part are minimum requirements, and the Clerk is authorized to give notice to the public in an extended manner, if in the opinion of the Clerk or under the direction of council, the extended manner is considered and necessary in the circumstances.

No notice of meeting shall be required under this By-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session in accordance with Part 4.5(4).

### **11. General Provisions**

#### **11.1 Conflict with other Acts**

Where there is conflict between any parts of this By-law and any Act or regulation, the Act or regulation shall take precedence.

#### **11.2 Severability**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered severed from the remainder of this By-law, which shall continue to be in full force and effect.

#### **11.3 Appendices to this By-law**

Appendices A, B, C and D to this By-law may be amended by the Clerk as deemed necessary or as required by legislation.



**11.4 Amendment**

No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous meeting of Council. The waiving of this notice by Council is prohibited.

**11.5 Repeal**

By-law 2022-0016 and any previous procedure by-laws of the Township of North Kawartha or former Townships of Burleigh - Anstruther and Chandos be repealed.

**11.6 Force and Effect**

This by-law shall come into force and take effect on the 7<sup>th</sup> day of November, 2023.

Read and adopted in open Council this 7<sup>th</sup> day of November, 2023.

Signed by Carolyn Amyotte (2023/11/07)  
Verify with [verifio.com](https://www.verifio.com) or Adobe Reader.



Carolyn Amyotte, Mayor

**Connie Parent**

Signed with ConsignO Cloud (2023/11/07)  
Verify with [verifio.com](https://www.verifio.com) or Adobe Reader.



Connie Parent, Clerk

## APPENDIX “A” to By-law 2023-0075

### Correspondence Protocol

A large amount of correspondence is received on a daily basis by the Township which is intended, in some way, for Council’s information and/or action.

It may be addressed to:

the Mayor  
 Council  
 all municipalities in Ontario  
 individual councillors  
 the municipality generally  
 the Clerk  
 individual Department Heads  
 the Chief Administrative Officer (CAO)

This information may be very generic (like information addressed to every municipality in the province) or very specific (like a complaint addressed to a specific councillor). There is always a subjective element to the decision to add an item or not.

Implementation of a “*Correspondence Protocol*” will assist with the following goals:

- categorize correspondence for efficiencies at Council Meetings;
- ensure due regard is given to correspondence action items

### Responsibility and Interpretation

Individual members of Council are responsible for:

- their own communications to constituents and;
- bringing forward to Council, **through the Mayor**, items of correspondence deemed important to provide to Council as a whole either for action or information.

Members of Council and Staff shall be fair and unbiased when giving consideration to responding to and adding items to the Agenda. It is recognized that consideration is subject to interpretation. Correspondence items that are timely or may have been missed may be considered as an addition to the Agenda by motion of Council preferably at the time of adoption of the Agenda, however items added to the Agenda do not provide advance notice to the public.

### Protocol Procedures

It is proposed that correspondence in the future will be categorized into three categories and dealt with in the following manner:

#### 1. Personal Correspondence addressed to a member(s) of council

**Includes:** correspondence which is received by any means (ie. regular mail, fax, email or in-person) by virtue of a Councillor’s membership in a certain group, complaints to a specific councillor or the Mayor, AMO Watch File, Letters of Appreciation or Thanks, Announcements, Event invitations

**Protocol:** All such correspondence will be provided directly to the member of Council in the format received. The original will NOT be retained by staff in a general correspondence file and will NOT be acted upon unless directed by Council as a whole or the CAO. Individual members are responsible for their own communications to constituents and it will be up to the individual member to respond as appropriate. If assistance is required from Staff, the correspondence shall be provided to the CAO for follow up or distribution to the appropriate Staff member.

Any member of Council wishing the item of correspondence to be put before



## The Corporation of the Township of North Kawartha Procedure By-Law

Council will inform the Clerk, **through the Mayor**, and will indicate if it is for information or for action and the recommended action. The Clerk's department will add the piece of correspondence to the next available Council agenda.

**2. Correspondence for Information Only – Formally received by Council**

**Includes:** any mail, email or fax addressed to every Council / Municipality in the Province, newsletters or bulletins from outside agencies, correspondence received by the CAO, Department Head or other Staff member which they believe is of interest to Council, correspondence from other municipalities requesting support of their resolution, requests for declarations and proclamations

**Excludes:** personal correspondence of Council, correspondence requesting an action be taken and duplicate support resolutions that have already been received by Council

**Protocol:** This correspondence will be collected and the item of correspondence will be placed on the Consent Agenda. If Council wishes to pull an item from the Consent Agenda for separate discussion or for action they may do so by amending the resolution to receive.

**3. Correspondence for Action – Council provides direction**

**Includes:** correspondence addressed to Council requesting a specific action on an item (e.g. request for funding, change in policy), correspondence received by the CAO, Department Head or other Staff member that in their opinion requires an action by Council, an item that requires council adoption, approval or action by statute

**Excludes:** Correspondence from other municipalities requesting support for their resolution which will only be received unless separated by Council for support

**Time sensitive correspondence such as requests for advertising will be handled by the appropriate department head if included within the current approved budget.**

**Protocol:** The full item will be included as an attachment to the agenda package. The Clerk's Department or appropriate other department will respond to all Correspondence for Action as necessary.

## APPENDIX “B” to By-law 2023-0075

### Closed Meeting Procedures

These Procedures help to ensure the municipality adheres to Closed Meeting requirements as set out in *Section 239 of the Municipal Act, 2001*, as amended; and increases accountability and transparency of the municipal decision making process.

#### Meetings open to public

239. (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

#### Authority to Move into a Closed Meeting

Meetings shall only be closed to the public if they are so authorized under the *Municipal Act 2001, as amended, Section 239*.

The *Municipal Act, 2001*, states that a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- a) The security of the property of the municipality or local board.
- b) Personal matters about an identifiable individual, including municipal or local board employees.
- c) A proposed or pending acquisition or disposition of land by the municipality or local board.
- d) Labour relations or employee negotiations.
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
- f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- g) A matter in respect of which a council, local board, committee or other body may hold a Closed Meeting under another Act.
- h) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person group of persons, or organization;
- j) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Section 239 (3) A meeting shall be closed to the public if the subject matter being considered is,

- a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, local board, commission or other body is the head of an



institution for the purposes of that Act; or

b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

### **Educational or training sessions**

(3.1) 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:

1. The meeting is held for the purpose of educating or training the Members.
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.

### **Meetings Must Begin and End in Public**

Meetings must begin and end in public and Council shall only move into a closed meeting after first convening an open meeting. At a minimum, meetings shall first be convened openly and Members provided an opportunity to disclose any pecuniary interest, followed by the passing of a resolution to move into closed meeting. Council shall adjourn the Closed Meeting by resolution and return to the Open Meeting.

### **Notice**

Matters for Closed Meetings are to be listed on the agenda as is outlined in this Procedure. In the event it is necessary to change the order of proceedings to move the Closed Meeting earlier in the agenda, consent of Council is required.

### **Agendas**

Closed meeting matters are to be listed on the agenda in such a way as to provide the most information possible without disclosing issues of a confidential nature.

### **Sample:**

#### **Closed Meeting**

Pursuant to *Section 239 of the Municipal Act, 2001, S.O. 2001, c. 25*, as amended This part of the meeting is closed to the public as the subject matter being considered is:

1. Litigation including matters before administrative tribunals, affecting the municipality – Preparation for Ontario Municipal Board Hearing for (identify application) – Section 239 (2) (e).

#### **Closed Meeting Minutes/Reports/Supplemental Material**

Closed meeting material, including closed meeting reports, supplemental material, and draft closed meeting minutes will be circulated to Members at the direction, and in the format, as determined by the Clerk.

The onus remains with the Members of the Council to respect the confidentiality of closed meeting material as set out in the Rules of Procedure.

#### **Resolution to Move into a Closed Meeting**

A resolution to move into a Closed Meeting must be in writing and must identify the time the body moved into the Closed Meeting, as well as the section of *Municipal Act* that authorizes the Closed Meeting. The resolution must also state the general nature of the matter to be discussed in the Closed Meeting.

**Sample:** That the next portion of the meeting be closed to the public at (insert



time) pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2) (e) Litigation including matters before administrative tribunals, affecting the municipality in order for Council to prepare for an Ontario Municipal Board Hearing for (identify application);

It is the responsibility of the Chair to prohibit discussion of any matter that was not disclosed in the resolution authorizing the Closed Meeting.

Voting during a Closed Meeting is restricted to procedural matters, such as referring, tabling, or deferring a matter, and providing direction to staff.

At the conclusion of the discussion, Council must pass a written resolution to adjourn the Closed Meeting and return to the Open Meeting.

After the Closed Meeting ends and the Open Meeting resumes, the Chair shall publically report out that the matters discussed were those authorized by the resolution to move into Closed Meeting. Additionally the Chair shall report any votes that were taken in accordance with procedure. For example, the Chair would restate the general nature of the matter discussed and will report that a resolution was passed providing direction to staff.

**Sample:** That Council adjourns from Closed Session at (insert time); and further that the Mayor (Presiding Officer) report out that Council discussed preparation for the Ontario Municipal Board Hearing for (identify application) and provided direction to the Municipal Solicitor.

### **Format of Closed Meeting Minutes**

Minutes are required for all Closed Meetings. The *Municipal Act, 2001*, as amended states in section 239 (7):

A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not.

The Clerk or the Deputy Clerk shall be the recording Secretary for Closed Meetings or an individual designated by the Clerk. The CAO shall determine which Members of staff shall be present during a Closed Meeting.

At a minimum closed meeting minutes shall contain the following:

- i. The date, time and place at which the meeting took place
- ii. Those in attendance at the meeting
- iii. The time the meeting was called to order
- iv. Any disclosure of pecuniary interest
- v. All resolutions passed while in the Closed Meeting
- vi. The Closed Meeting adjournment resolution, including the time adjourned
- vii. The report out by the Chair (also to appear in the open meeting minutes)
- viii. The signature of the Chair and Clerk

### **Votes in Closed Meetings**

All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with *Section 239 of the Municipal Act* and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township, or persons retained by or under contract with the Township, Committee or to adjourn from closed session.

### **Complaints**

Complaints with respect to compliance with the Closed Meeting Procedure as set out in section 239 of the *Municipal Act, 2001*, as amended, shall be submitted to the Clerk, in accordance with the in-effect Closed Meeting Investigator Policy and Procedure.



**APPENDIX “C” to By-law 2023-0075**

**Request for Deputation / Presentation / Petition**

**I am requesting to speak:**

a)  on my own behalf; or b)  on behalf of a group / organization / association, if b), please state name of group / organization or association below:

--

**Name(s) of Speakers(s) and title / position, if applicable. All speakers must be listed:**


**Subject of Deputation / Presentation / Petition and Request of Council / Item on Agenda**

--

**Scheduling Request** Please state your preferred presentation date:

--

Name:	Email:
Address:	Phone:

- Requests must be delivered / emailed to the Clerk no later than 16:30 h 4:30 p.m. five (5) business days prior to the meeting along with any presentation material.
- Those desiring to speak on matters of fact on a specific item listed on the Agenda shall be permitted to give notice to the Clerk no later than 13:00 h (1:00 p.m.) on the day prior to the meeting.
- Persons wishing to appear as a deputation not listed on the agenda may appear with consensus of the Members present.
- Deputations shall be limited to a maximum of ten (10) minutes speaking time, and where a Deputation consists of more than one person, all persons combined shall be limited to two (2) speakers and a maximum of fifteen (15) minutes speaking time.
- A Deputation may be refused when the subject matter is a matter of litigation or is beyond the jurisdiction of the Township of North Kawartha.

**Freedom of Information and Protection of Privacy Act** Personal Information is collected under the authority of the *Municipal Act* and will become part of the public record and may be made available for public viewing or distribution.

**Accessibility:** If you have accessibility needs or require alternate formats or other accommodations, Contact the Clerk at [c.parent@northkawartha.ca](mailto:c.parent@northkawartha.ca) or (705) 656-4445 (ext. 234) or 1-800-755-6931

**APPENDIX “D” to By-law 2023-0075****Recording of Meetings Protocol (in force and effect upon implementation of recorded meetings)**

- Regular and Special meetings of Council and Committee of Adjustment held at the Council Chambers located at 280 Burleigh Street, Apsley will be audio and video recorded and will be uploaded to the Township YouTube Channel or may be livestreamed if the technology is available to the Township.
- Local Board and Committee Meetings of Council may or may not be audio and video recorded depending on the location of the meeting and equipment available.
- Regular and Special Meetings of Council may not be audio and video recorded if the meeting is an in-person meeting open to the public and the technology is not available at a location outside of the Council Chambers.
- The approved minutes that are authored by the Clerk or designate shall be the official record of all Council meetings.
- The Township (Clerk) will not provide transcripts of the meetings.
- The audio / video files on the internet are part of the public realm and may be subject to alteration by a member or members of the public with no municipal control over such alterations. The Township assumes no liability associated with any alterations that are made by a member or members of the public on the internet.
- Signage shall be posted in the Council Chambers to advise members of the public that meetings are being recorded and will be made available on the internet.
- A notation will be added to applicable meeting agendas to make presenters and members of the public aware that proceedings are being recorded and will be made available on the internet.
- The Presiding Officer shall make a statement at the commencement of applicable meetings that “This meeting is being audio and video recorded and the recording will be made available on the Township YouTube Channel / Township Website”.
- Access to recorded proceedings shall be in compliance with the Municipal Freedom of Information and Privacy Act.
- The electronic file will be converted where possible to meet Accessibility Requirements
- Proceedings of Closed Session meetings shall not be recorded.