



CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 13-2020

Being a by-law to adopt a procedure for governing the calling, place and proceedings of meetings of council, committees of Council and boards of council of The Corporation of the Municipality of Morris-Turnberry.

WHEREAS Section 238 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that every Council shall adopt a procedure for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, guarantees that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

NOW THEREFORE, The Council of the Corporation of the Municipality of Morris-Turnberry hereby enacts as follows:

1. SHORT TITLE

- 1.1. This by-law shall be known as "The Procedural By-Law" for The Corporation of The Municipality of Morris-Turnberry.

2. DEFINITIONS

The following definitions shall apply to this by-law:

- 2.1. "Agenda" means the written Order of Business.
- 2.2. "Act" or "The Act" shall mean the Municipal Act, 2001, S.O. 2001, c. 25 as amended unless otherwise indicated.
- 2.3. "By-law" means a law or regulation in a form approved by Council for the purposes of giving general effect to a decision or proceeding of Council.
- 2.4. "Chair" shall mean the Mayor or the presiding officer of a meeting.
- 2.5. "Clerk" shall mean the Clerk of The Corporation of The Municipality of Morris-Turnberry, or a person delegated by the Clerk.
- 2.6. "Closed Session" shall mean a meeting or part of a meeting of Council, a committee of Council, a Communications Meeting, or a Local Board and its committees, not open to the public.
- 2.7. "Committee of Council" shall mean a committee established by Council.
- 2.8. "Committee" shall mean any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local boards.
- 2.9. "Committee-of-the-Whole" shall mean a committee composed of all of the members of Council.

- 2.10. "Council" shall mean the Council of The Corporation of The Municipality of Morris-Turnberry, consisting of five (5) members.
- 2.11. "Corporation" shall mean The Corporation of the Municipality of Morris-Turnberry.
- 2.12. "Mayor" shall mean the Head of Council and Mayor of the Municipality of Morris-Turnberry.
- 2.13. "Alternate member of Huron County Council" shall mean an alternate member of the Municipality of Morris-Turnberry to represent the Municipality on Huron County Council, in the absence of the Mayor and as appointed in accordance with the provisions herein.
- 2.14. "Meeting" shall mean any regular, special or other meeting of a council, of a local board or of a committee of either of them, where;
- 2.14.1. A quorum of members is present; and
- 2.14.2. 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.
- 2.15. "Member" shall mean a member of Council, its committees or its local boards, and shall include the Mayor.
- 2.16. "Motion" shall mean a resolution of Council or a Recommendation of a committee that is under debate by Council or a committee.
- 2.17. "Pecuniary Interest" means a direct or indirect pecuniary (monetary) interest with as defined by the Conflict of Interest Act, RSO 1990 Chapter M. 50, as amended.
- 2.18. "Point of Order" means a statement made by a member during a meeting, drawing to the attention of the Chair:
- 2.18.1. Any breach of the Rules of Order of Council; or
- 2.18.2. Any defect in the constitution of any meeting of the Council; or
- 2.18.3. The use of improper offensive or abusive language; or
- 2.18.4. Notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
- 2.18.5. Any other informality or irregularity in the proceedings of Council.
- 2.19. "Presentation" means the occurrence when staff, an individual or group have been invited to present information to Council or a committee.
- 2.20. "Chair" means the Mayor, Deputy Mayor or a person appointed by the members present at a Council Meeting in the event the Mayor and Deputy Mayor are not in attendance within five (5) minutes after the hour appointed for the Council meeting.
- 2.21. "Point of Privilege" means the raising of a question when a member believes that his or her rights, immunities or integrity or that of Council as whole has been impugned.
- 2.22. "Public Meeting" shall mean a public meeting as required by statute.
- 2.23. "Quorum" shall mean a majority of all members of Council.
- 2.24. "Recorded Vote" shall mean the recording of the name and vote of every member voting on any matter or question during a Council meeting.
- 2.25. "Rules of Procedure" shall mean the rules and regulations provided in this by-law.

- 2.26. "Two-thirds majority vote" shall mean a vote where at least two-thirds (2/3) of the members present and eligible to vote, vote in the affirmative.

3. GENERAL RULES

- 3.1. The rules and regulations contained in this by-law shall be observed in all proceedings of Council, committees of Council and Local Boards and shall be the rules and regulations for the order and the dispatch of business in Council, committees of Council and Local Board meetings.
- 3.2. Any part or parts of this by-law may be suspended by a vote with the consent of two-thirds majority of the Council, committee or local board members present, unless the part(s) is prescribed by statute or law.
- 3.3. In the absence of the Mayor, the Deputy Mayor shall act in the stead of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.
- 3.4. Only members of Council', or Officers of the Corporation, shall be allowed on the floor of Council Chambers during meetings, without the approval of the Mayor.

4. COUNCIL MEETINGS

4.1. Inaugural Meeting

The Inaugural Meeting shall be held on the first Tuesday in December following a Regular Municipal Election.

4.2. Open Meetings

All meetings of Council, its committees and local boards must be open to the public in accordance with Section 239 of the Act.

4.3. Location

Meetings of Council shall be held in the Council Chambers of the Municipal Building located at 41342 Morris Road, RR 4, Brussels, unless otherwise specified in the notice of the meeting, decided by resolution of Council or specified elsewhere in this by-law.

4.4. Alter Time, Day or Place

Council may, by resolution, alter the time, day or place of any Council and/or committee of Council Meeting.

4.5. Postponement of Meetings

Any regular meetings of the Council may be postponed to a day named in:

- 4.5.1. A notice by the Mayor or the Deputy Mayor given through the Clerk's Office no less than forty-eight (48) hours in advance of the regular meeting;
- 4.5.2. A resolution of Council passed by a majority of all members; or,
- 4.5.3. A notice by the Clerk or Mayor upon verbal request to the Clerk or Mayor by a majority of all members on the day of the meeting, due to inclement weather or emergency.

4.6. Regular Meetings

- 4.6.1. Regular meetings of Council shall be held on the first and third Tuesdays of each month at 7:30 pm.

4.6.2. Regular meetings of Council shall stand adjourned at 10:30 pm, unless extended by resolution adopted unanimously in either open or closed session

4.6.3. When the Regular Meeting falls on a Public Holiday, Council shall meet on the next business day at the prescribed time and location.

4.7. Special Meetings

4.7.1. The Head of Council may at any time call a Special Meeting of Council with adequate notice to the members of Council.

4.7.2. Upon receipt of the petition of a majority of all members, the Clerk shall call a Special Meeting for the purpose and at the time named in the petition.

4.7.3. Notice of all Special Meetings of Council shall be given to members through the Clerk's office. The only business to be dealt with at a Special Meeting is that which is listed in the notice of the meeting.

4.8. Statutory Public Meetings

Statutory Public Meetings shall convene during Regular Meetings of Council, unless otherwise specified in the notice of meeting.

4.9. Accessibility

The Municipality will attempt to remove any barriers for members of Council, staff and the public, for access to the meetings and audio and visual needs, upon request.

5. DEPUTY MAYOR SELECTION

5.1. The member elected at large to the position of Councillor with the greatest number of votes in the last regular election shall be appointed as Deputy Mayor and sworn in as such at the inaugural meeting of Council.

5.2. Should the member described in 5.1 not wish to assume the position of Deputy Mayor, all members of Council shall be eligible for the position, excluding the Mayor, and the position shall be filled by secret write in ballot in accordance with the following procedure.

5.2.1. The Chair shall call for nominations from the floor. Any member of Council may nominate any other excluding themselves. No second is required.

5.2.2. A vote shall be conducted by the Clerk by secret write in ballot. Ballots will be received from all members of council.

5.2.3. In the event of a tie vote, the ballot will be chosen by lot. The first name drawn by the Clerk shall be the member to be appointed to the position of Deputy Mayor.

5.2.4. A motion of council to confirm the appointment is required.

6. PUBLIC NOTICE OF MEETINGS AND AGENDAS

6.1. Where notice is required to be given under the municipality's Notice By-law, no business shall be brought before Council without first providing the prescribed form of notice.

6.2. The published Agenda shall be considered as adequate notice of regular meetings of Council, special meetings of Council, and committees of Council, except for meetings held on a day or at a time other than as provided for by this by-law.

- 6.3. The Agenda and corresponding information for regular and special meetings shall be published and made available to Council and the public not later than forty-eight (48) hours prior to the meeting.
- 6.4. Notwithstanding any other provision of this by-law, an Emergency Meeting may be held without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.
- 6.5. No business except the business that contained in the Notice or Agenda shall be addressed at any Emergency Meeting.
- 6.6. Failure to receive the Notice or Agenda by any member shall not affect the validity of any meeting, or any action taken thereat.
- 6.7. The Agenda for any meeting shall be deemed to be published upon being posted to the municipal website.
- 6.8. Agendas, including all public attachments, shall be made available through the Clerk's Office upon request in either standard or alternative formats.

7. COMMUNICATIONS AND PETITIONS

- 7.1. Every communication or petition intended for presentation to Council or a committee thereof shall be legibly written or printed and shall be signed by at least one person, giving their address, and filed with the Clerk or Recording Secretary.
- 7.2. The deadline for receipt of communications or petitions by the Clerk for inclusion on the Agenda shall be noon on the Thursday prior to the Regular Meeting of Council.
- 7.3. Communications and petitions addressed to the Mayor and or Council shall be included in the agenda of the next regular meeting as items of correspondence.
- 7.4. All resolutions received from other municipalities shall be included in the agenda of the next regular meeting as items for information.
- 7.5. Any member of Council may ask the Clerk to place any communication, petition or resolution on the next agenda for the next regular meeting of Council.
- 7.6. Communications or petitions containing obscene or defamatory language shall not be listed on the agenda but shall be held by the Clerk and may be directed to the police for investigation upon direction of the Mayor.

8. DEPUTATIONS

- 8.1. For the purpose of advancing the business of Council, persons desiring to verbally present new information on matters of fact or make a request of Council shall contact the Clerk to make a timed deputation at Council, subject to the provisions outlined herein.
- 8.2. A written brief outlining the subject matter of the presentation, as well as any supplementary information or handouts that will be relied upon, shall be provided to the Clerk at the time of the request to appear and shall clearly state the nature of the business to be discussed, by noon on the Thursday prior to the meeting. Any subject matter or materials not provided as described herein may be deemed inadmissible at the discretion of Council.
- 8.3. Deputations appearing before Council at statutory public meetings are exempt from the requirements of 8.1 and 8.2. All other provisions in section 8 apply.
- 8.4. Deputations shall be limited in speaking to not more than ten (10) minutes in total per person, group organization. A delegation consisting of five or more members will be limited to two (2) speakers.

- 8.5. Deputations not providing sufficient notice may be heard at the discretion of a majority of members of Council present.
- 8.6. Council may refuse to hear deputations when, in the opinion of Council, the subject of the presentation is beyond the jurisdiction of the Municipality.
- 8.7. No person will be permitted to address Council with respect to a specific personal issue, nor will a brief respecting such issue be listed on a Council agenda. A written brief by any person with respect to personal issues may be forwarded to the Clerk for consideration in closed session.
- 8.8. No person will be permitted to address Council regarding any matters related to pending or current litigation to which the Municipality may be a party.
- 8.9. Council may solicit comments from the gallery on specific issues through the Chair at any time provided no other member has the floor.

9. CLOSED MEETINGS:

- 9.1. A meeting or part of a meeting may be closed to the public, in accordance with Section 239 of The Act, if the subject matter being considered is;
 - 9.1.1. the security of the property of the municipality or local board;
 - 9.1.2. personal matters about an identifiable individual, including municipal or local board employees;
 - 9.1.3. a proposed or pending acquisition or disposition of land by the municipality or local board;
 - 9.1.4. labour relations or employee negotiations;
 - 9.1.5. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - 9.1.6. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 9.1.7. a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
 - 9.1.8. 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;
 - 9.1.9. 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;
 - 9.1.10. 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
 - 9.1.11. 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.

- 9.2. A meeting or part of a meeting shall be closed to the public if the subject matter being considered is;
- 9.2.1. a request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
 - 9.2.2. 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 the Act, or the investigator referred to in subsection 239.2 (1) of the Act.
- 9.3. 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:
- 9.3.1. The meeting is held for the purpose of educating or training the members; and
 - 9.3.2. 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.
- 9.4. Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution;
- 9.4.1. the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
 - 9.4.2. in the case of a meeting under 9.3, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.
- 9.5. A meeting shall not be closed to the public during the taking of a vote unless;
- 9.5.1. 9.1 or 9.2 permit or require the meeting to be closed to the public; and
 - 9.5.2. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
- 9.6. For the purposes of Section 9.3 above, the following actions are considered **to** materially advance the business or decision making of the Council, Board or committee:
- 9.6.1. Structured or unstructured debate
 - 9.6.2. Adoption of recommendations or options.
- 9.7. For the purposes of section 9.3 above, the following actions are considered **to not** materially advance the business or decision making of the Council, Board or committee:
- 9.7.1. Brainstorming and listing of potential options for consideration by staff and Council
 - 9.7.2. Conducting group problem identification and analysis
 - 9.7.3. Receiving staff or council member briefings on new or emerging topics
 - 9.7.4. A technical briefing to provide generalized background information necessary to assist in future decision making.

- 9.8. All deliberations while in Closed Session shall remain confidential unless otherwise approved by Council in Open Session. The Mayor or Chair will report out the time that the closed portion of the meeting ended, and any results at the conclusion of the closed portion of the meeting, including if any directions or instructions were given to officers, employees or agents of the Municipality.
- 9.9. Whenever a majority of the members present decide that Council should convene in closed session, the Chair shall continue to preside and maintain order during the in closed session portion of the Council meeting.
- 9.10. Council shall consider, in closed session, all matters contained in closed session reports of the standing committees included in the proceedings of the Council meeting, unless otherwise decided by a majority vote of the Council.
- 9.11. No Recorded Vote shall be permitted in closed session;
- 9.12. A motion to put the question shall not be permitted in closed session;
- 9.13. A motion to adjourn shall not be permitted in closed session
- 9.14. Any direction to staff or an agent at a closed meeting shall be included in a resolution, duly moved and seconded, and passed by a majority of the members present.
- 9.15. The Minutes of the closed session shall be recorded as outlined in Section 10.2 of this by-law.
- 9.16. The general nature of any business transacted in closed session shall be reported by the Chair upon the reconvening of open session.
- 9.17. A person may request that an investigation of whether Council or local board has complied with Section 239 of the Act or this by-law in respect of a meeting or part of a meeting that was closed to the public, be undertaken by the Closed Meeting Investigator as appointed by the Municipality.

10. ORDER OF PROCEEDINGS, AGENDAS & MINUTES

- 10.1. Council Agendas:
 - 10.1.1. The Clerk or designate shall prepare the Agenda for all Regular Council Meetings consisting of the following Order of Business:
 1. Call to order
 2. Adoption of agenda, including any amendments thereto
 3. Disclosures of pecuniary interest & the general nature thereof
 4. Approval/amendment of the public regular and special Council meeting minutes
 5. Approval of accounts
 6. Public meetings and deputations
 7. Staff reports
 8. Business
 9. Councillor and committee reports
 10. Correspondence, minutes of local boards or committees, items for information
 11. New business
 12. By-laws and agreements

13. Closed session

14. Confirming By-Law

15. Adjournment

10.1.2. At each duly constituted regular meeting of Council, the minutes of the preceding regular meeting, public meeting and special meeting shall, unless otherwise decided by Council, be submitted for adoption. Following their adoption by a majority of members present subject to any amendments being noted they shall be signed by the Mayor and Clerk.

10.1.3. The business of each meeting shall be taken up in the order in which it stands in the agenda, unless otherwise decided by a majority vote of the members present.

10.1.4. The Mayor may change the order of business, if required, to accommodate any timing issues.

10.2. Minutes

10.2.1. The municipality, local board or a committee shall have recorded 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 record shall be made by the Clerk, in the case of the meeting of council, or an appropriate officer in the case of a meeting of a local board or committee.

10.2.2. Minutes of the Council or committee, whether it is closed to the public or not, shall record:

10.2.2.1. The date of the meeting;

10.2.2.2. The record of the attendance of the members;

10.2.2.3. Disclosures of pecuniary interest and the general nature thereof;

10.2.2.4. the reading, if requested, correction and adoption of the minutes of prior meetings;

10.2.2.5. All resolutions and decisions;

10.2.2.6. All the other proceedings of the meeting without note or comment;

10.2.2.7. Time of call to order, time of adjournment and time in and out of closed session or committee meeting;

10.2.2.8. A list of other business items discussed.

11. ELECTRONIC PARTICIPATION

11.1. Council may authorize the electronic participation by telephone or electronic equipment of any member. Such member shall not be counted in determining whether or not a quorum of members is present at any point in time and shall not participate in a meeting or portion thereof which is closed to the public.

11.2. The member wishing to participate electronically must submit a request to the Clerk in writing or by email prior to the meeting.

11.3. Approval of electronic participation shall be left to the discretion of the Clerk and/or Mayor.

11.4. No more than two members may participate by electronic means, at any one time.

- 11.5. In the event that more than two members request participation by electronic means, approval for such shall be granted to the first two members to submit a request as determined by the date and time of the request.
- 11.6. A verbal roll call shall be taken at the call to order any meeting where a member is participating electronically to confirm attendance.
- 11.7. Any vote at a meeting where any member is participating electronically must be conducted by roll call. A roll call vote in such circumstances shall not be considered a Recorded Vote.
- 11.8. Notwithstanding sections 11.1 through 11.5, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, 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 may participate electronically in a meeting that is closed to the public.

12. COMMENCEMENT OF MEETINGS

- 12.1. As soon after the scheduled time for a meeting as a quorum is present, the meeting shall be called to order by the Chair.
- 12.2. If there is no quorum present within fifteen (15) minutes after the scheduled time for the meeting, the meeting shall stand adjourned until the date and time of the next regular or special meeting and the Clerk shall record the names of the members present upon such adjournment.
- 12.3. The Mayor, if present, shall act as Chair at all meetings.
- 12.4. In the absence of the Mayor, the Deputy Mayor shall act as Chair for the duration of the meeting or until the arrival of the Mayor.
- 12.5. In the absence of both the Mayor and the Deputy Mayor, the Clerk shall call the Meeting to order fifteen (15) minutes after the hour appointed for the Meeting, and the members shall appoint a member by resolution to act as Chair during the Meeting or until the arrival of the Mayor or the Deputy Mayor.
- 12.6. If at any meeting the number of members is reduced to less than a quorum during the course of the meeting, the meeting shall stand adjourned.
- 12.7. Any member shall notify the Clerk if they are unable to attend a meeting of Council or a committee thereof.

13. DUTIES OF THE CHAIR

- 13.1. When presiding over any meeting, the Chair:
 - 13.1.1. Shall open the meeting by calling the members to order;
 - 13.1.2. Shall announce the business before the assembly and the order in which it is to be acted upon;
 - 13.1.3. Shall receive and submit, in the proper manner, all motions presented by the members;
 - 13.1.4. Shall put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, noting a yes or no, and announce the result;
 - 13.1.5. Shall decline to put to vote motions that infringe the rules of procedure;

- 13.1.6. May, but is not obliged to, vote in a circumstance their vote will affect the result;
- 13.1.7. Shall restrain the members, within the rules of order, when engaged in debate;
- 13.1.8. Shall enforce on all occasions the observance of order and decorum among the members;
- 13.1.9. Shall call by name any member persisting in breach of the rules of order of the Council, thereby ordering the member to vacate the Council Chamber;
- 13.1.10. May expel from the Council Chamber any person or persons causing a disturbance or engaging in improper behavior;
- 13.1.11. Shall receive all messages and other communications and announce them to the Council;
- 13.1.12. Shall authenticate, by signature when necessary, all by-laws, resolutions, and minutes of Council;
- 13.1.13. Shall inform Council, when necessary or when referred to for the purpose, on a point of order or usage;
- 13.1.14. Shall represent and support Council, declaring its will, and implicitly obeying its decision in all things;
- 13.1.15. Shall ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council;
- 13.1.16. Shall adjourn the meeting when the business is concluded;
- 13.1.17. Shall adjourn the meeting without question, in the case of grave disorder arising in the Council Chamber.

14. HURON COUNTY COUNCIL

- 14.1. The Mayor, as Head of Council, shall represent the municipality as a member of the Huron County Council by virtue of holding that office.
- 14.2. A member can be named as an 'Alternate Member of Huron County Council' to represent the Municipality on Huron County Council in the absence of the Mayor, pursuant to the following criteria:
 - 14.2.1. That the member is duly appointed by Council of the Municipality;
 - 14.2.2. That the member is properly sworn in to act as a County Councillor prior to attendance at a County meeting;
 - 14.2.3. That the Municipality provides a certificate to the County of Huron that that member has been duly appointed as an alternate;
 - 14.2.4. That Council does not appoint more than one member during the term of Council as alternate;
- 14.3. If the seat of the member who has been appointed as an alternate member becomes vacant, Council may appoint another member as an alternate for the remainder of the term of Council;

15. RULES OF CONDUCT

15.1. No member shall:

- 15.1.1. Speak disrespectfully of the reigning sovereign, or any of the Royal Family, or of the Governor-General, the Lieutenant Governor, or any person administering the government of the Dominion of Canada, the Province of Ontario or of The Corporation of the Municipality of Morris-Turnberry;
- 15.1.2. Use indecent, offensive or insulting language;
- 15.1.3. Speak on any subject matter other than the subject in debate;
- 15.1.4. Disobey the rules of the Council Code of Conduct or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council;
- 15.1.5. Leave their seat or make any noise or disturbance while a vote is being taken until the result of the vote is announced;
- 15.1.6. Disturb Council by any disorderly conduct;
- 15.1.7. Interrupt a member who is speaking, except to raise a point of order or a question of privilege;
- 15.1.8. Use municipal property, services and other resources unless specifically authorized to do so;
- 15.1.9. Interfere with the work of staff or department heads regarding day to day operations of the Municipality;
- 15.1.10. Work in conjunction with lobbyists.

15.2. All members shall:

- 15.2.1. Provide for disclosure of gifts and benefits received by submission of a written statement, as set out in Schedule 'A', attached hereto;
- 15.2.2. Maintain confidentiality of information;
- 15.2.3. Adhere to the harassment and violence policies of the municipality;
- 15.2.4. Adhere to all council policies and procedures.

- 15.3. In the event that a member persists in a breach of the rules of this by-law after having being called to order by the Chair, the Chair shall put the question "Shall the member be ordered to leave their seat for the duration of the Meeting?" Such question shall not be debatable.
- 15.4. If the Council decides the question set out in Section 1653 of this by-law in the affirmative by a majority vote of the members present, the Chair shall order the member to leave their seat for the duration of the Meeting.
- 15.5. If the ejected member offers an apology, the Chair, with the approval of Council, may permit the member to resume their seat.

16. RULES OF DEBATE

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

- 16.2. Where procedural matters of Council or committees of Council are not governed by the Municipal Act, Municipal Conflict of Interest Act or provisions of this bylaw, resort should be had to the current edition of 'Roberts's Rules of Order Newly Revised' for guidance on the question.
- 16.3. The Chair may answer questions and comments in a general way without leaving the Chair, but if they wish to make a motion or to speak on a motion taking a definite position and endeavoring to persuade Council to support a position, then they shall first leave the Chair and address Council from the podium. The Chair shall address deputations and if any member wishes to address a presenter, they must speak through the Chair.
- 16.4. If the Mayor desires to leave the Chair for the purpose of taking part in the debate or for any other reasons, the Deputy Mayor will sit in their place until they resume the Chair.
- 16.5. Before a member may speak to any matter, they shall first be recognized by the Chair.
- 16.6. When two or more members indicate simultaneously that they wish to speak, the Chair shall name the member who is to speak first.
- 16.7. When a member is speaking to a motion, they shall confine their remarks to the motion and in speaking shall be limited to a maximum of five (5) minutes, unless otherwise decided by a majority vote of the members present.
- 16.8. A member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the members present, except the member who made the motion who shall be allowed to reply for a maximum of five (5) minutes.
- 16.9. When a motion is under debate, a member may ask a concisely worded question of another member or a staff member through the Chair for clarification, prior to the motion being put to a vote by the Chair.
- 16.10. A member may request that the motion under debate be read at any time during the debate, provided no other member has the floor.
- 16.11. No member shall speak more than once on an item of business until every member who desires to speak, has spoken.

17. QUESTIONS OF PRIVILEGE AND ORDER

- 17.1. If a member believes that their rights, privileges or integrity or those of the members collectively have been prejudicially affected, they shall ask leave of the Chair to raise a question of privilege which shall take precedence over all other matters, but they shall not be permitted to enter into any argument or introduce any motion related to the question of privilege. When any point of personal privilege arises, it shall be taken into consideration immediately.
- 17.2. When a member wishes to rise on a point of order, the member shall ask leave of the Chair to raise on a point of order, and after leave is granted, shall state the point of order to the Chair. The Chair shall then state and decide the point of order.
 - 17.2.1. Thereafter, a member shall only address the Chair for the purpose of appealing the decision of the Chair to Council.
 - 17.2.2. If no member appeals immediately, the decision of the Chair shall be final.
 - 17.2.3. Council, if appealed to, shall decide the question without debate and its decision shall be final.

- 17.3. When the Chair calls a member to order, that member shall cease speaking until the point of order is dealt with and that member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.

18. MOTIONS

- 18.1. All main motions shall be submitted orally or in writing. Written motions will be signed by the mover and seconder and filed with the Clerk. Oral motions shall be restated by the Chair or the Clerk before debate or a vote.
- 18.2. Any member of Council may give notice of intent that he or she will introduce a motion the next or a subsequent meeting of Council. The giving of notice requires no seconder and is not debatable.
- 18.3. All Notices of Motion shall be in writing, signed by the mover and filed with the Clerk.
- 18.4. Notices of Motions filed with the Clerk shall be directed to the next regular meeting of Council unless otherwise noted.
- 18.5. Any motion may be introduced without notice if two-thirds of members present agree to its introduction.
- 18.6. Motions shall be seconded before being debated or put to a vote.
- 18.7. Every motion shall be deemed to be in the possession of Council for debate after it is accepted by the Chair, but may, with the permission of Council, be withdrawn at the joint request of the mover and seconder at any time before the motion is disposed of.
- 18.8. When a motion is under debate, no other motion shall be in order except a motion:
 - 18.8.1. To adjourn;
 - 18.8.2. To table;
 - 18.8.3. To call the question (close the debate);
 - 18.8.4. To postpone to a certain time (defer);
 - 18.8.5. To refer;
 - 18.8.6. To amend.
- 18.9. A motion to adjourn shall:
 - 18.9.1. Not be amended;
 - 18.9.2. Not be debated;
 - 18.9.3. Not include qualifications or additional statements; and,
 - 18.9.4. Always be in order except when a member is speaking, or the members are voting or when made in Committee-of-the-Whole.
- 18.10. When a motion to adjourn has been decided in the negative, no further motion to adjourn shall be made until after material progress in business or debate on other business has taken place.
- 18.11. Council shall adjourn when there is no business before them.

- 18.12. A motion to table shall:
 - 18.12.1. Not be amended;
 - 18.12.2. Not be debated;
 - 18.12.3. Apply to the main motion and any amendments thereto under debate at a time when the motion to table was made;
 - 18.12.4. Not include qualifications or additional statements.
- 18.13. If a motion to table is decided in the affirmative by a majority vote of the members present, then the main motion and any amendments thereto shall be removed from Council's consideration until such time as a notice of motion to lift the matter from the table is filed with the Clerk. A motion to take from the table is not debatable or amendable.
- 18.14. A motion to call the question (close the debate) shall:
 - 18.14.1. Not be amended;
 - 18.14.2. Not be debated;
 - 18.14.3. Apply to the motion or amendment under debate at the time when the motion to put the question is made;
 - 18.14.4. Not be received in any committee;
 - 18.14.5. Be moved using the words "That the question now be called."
- 18.15. If a motion to call the question is decided in the affirmative by a majority vote of the members present, then the preceding motion or amendment shall be voted on immediately without further debate or comment.
- 18.16. A motion to refer a matter under consideration to a committee, staff or elsewhere shall:
 - 18.16.1. Be open to debate;
 - 18.16.2. Be amendable; and,
 - 18.16.3. Preclude amendment or debate of the preceding motion, unless the motion to refer is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.
- 18.17. A motion to amend shall:
 - 18.17.1. Be open to debate;
 - 18.17.2. Not propose a direct negative to the main motion;
 - 18.17.3. Be relevant to the main motion; and
 - 18.17.4. Not be further amended more than once.
- 18.18. A motion to postpone to a certain time (defer) shall:
 - 18.18.1. Be open to debate;
 - 18.18.2. Be amendable; and
 - 18.18.3. Preclude amendment or debate of the preceding motion, unless the motion to postpone to a certain time is resolved in the negative, in which case the preceding motion shall be open to debate and amendment.

19. VOTING PROCEDURES

- 19.1. Voting on a main motion and amending motions shall be conducted in the following order:
 - 19.1.1. A motion to amend a motion to amend the main motion;
 - 19.1.2. A motion (as amended or not) to amend the main motion;
 - 19.1.3. The main motion (as amended or not).
- 19.2. When the motion under consideration contains two distinct propositions, upon the request of any member, the Chair shall divide the question and the vote upon each proposal shall be taken separately.
- 19.3. A motion shall be put to a vote by the Chair immediately after all members desiring to speak on the motion have spoken in accordance with section 16 of this by-law.
- 19.4. After a motion is put to a vote by the Chair, no member shall speak on that motion, with the exception of the Chair who may speak following a recorded vote or upon breaking a tie, after the result of the vote is announced by the Chair. No other motion shall be made until after the result of the vote is announced.
- 19.5. Every member of Council present at a Council meeting, when a question is put shall vote thereon, except where they are prohibited by statute from voting, ineligible to vote by reason of a conflict of or pecuniary interest, or is absent from the Council Chamber when the question is put.
- 19.6. Every member of Council who is not disqualified from voting by reasons of a declared pecuniary interest, shall be deemed to be voting against the motion if they decline or abstains from voting.
- 19.7. All votes shall be by show of hands, except when a Recorded Vote is requested. The manner of determining the decision of the Council on a motion shall not be by secret ballot or by any other method of secret voting.
- 19.8. Notwithstanding 19.7, during a meeting with electronic participation votes shall be conducted by roll call.
- 19.9. The Chair shall announce the result of every vote after it is taken. Upon the taking of any vote, if all of the members present when the vote is taken vote unanimously, the Chair may direct the Clerk to make note of such in the record.
- 19.10. If a member disagrees with the number of votes for and against a motion as announced by the Chair, they may object immediately to the Chair's declaration and, with the consent of the Council, the vote shall be re-taken.
- 19.11. When there is a tie vote on any motion, it shall be deemed to have been decided in the negative.
- 19.12. Any member may call for a Recorded Vote immediately prior to or immediately after the taking of the vote. A member may request a recorded vote on any question. When a member requests a recorded vote, each member present unless otherwise prohibited by statute, including the Chair shall announce their vote openly and individually in favour of or against the question.
- 19.13. When called for by any member or when required by law, a Recorded Vote shall be taken by the Clerk.
- 19.14. The order in which the Clerk shall record the vote shall be random, until all members have voted. After completion of the vote, the Clerk shall announce the results.
- 19.15. If during the recorded vote, any member present refuses to vote or fails to vote, they shall be deemed and recorded as voting against the question.

- 19.16. When a Recorded Vote is taken, the names of those who voted for and against the motion shall be entered in the Minutes.
- 19.17. In any vote required of the whole of Council, the number of members constituting the Council shall be determined by excluding:
 - 19.17.1. the number of members who are present at the meeting but who are excluded by voting by reasons of The Municipal Conflict of Interest Act;
 - 19.17.2. the number of Council seats that are vacant by reasons of Section 259 of The Municipal Act.

20. RECONSIDERATION:

- 20.1. A motion to reconsider a decided matter shall only be introduced by a member who voted with the majority on the original motion. Before accepting a motion to reconsider, the Chair may ask the member to confirm that they voted with the majority on the issue in question.
- 20.2. A motion to reconsider a decided matter shall require the approval of at least two-thirds of the whole of Council.
- 20.3. No motion for reconsideration of any decided matter shall be permitted more than once during a period of twelve months following the date on which the question was decided.
- 20.4. If a motion to reconsider is decided in the affirmative, then consideration of the original matter shall become the next order of business.
- 20.5. No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion to reconsider may make a brief and concise statement outlining the reasons for proposing such reconsideration.

21. ENACTMENT OF BY-LAWS

- 21.1. The Clerk shall specify the title of all the by-laws to be introduced. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any statute and shall be complete with the exception of the number and date.
- 21.2. Every by-law shall receive three readings before being passed.
- 21.3. The first reading of a by-law shall be decided without amendment or debate.
- 21.4. A by-law may be given all three readings at the same meeting, except when requested otherwise by motion passed by the majority of the members present or as otherwise provided for by statute.
- 21.5. Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation, signed by the Mayor and the Clerk.

22. COMMITTEES

- 22.1. A committee will conform to the rules governing protocol and procedures prescribed by this by-law unless otherwise stated in this section.
- 22.2. Establishment and Appointment:
 - 22.2.1. Council may establish Local Boards and committees of Council as required by statute or at their own discretion.

- 22.2.2. The names of members required to serve on the committees of Council, Boards, Commissions or other bodies to which Council is required or empowered to appoint persons, may be determined by Council at any inaugural, regular or special meeting.
- 22.2.3. Council may appoint members to any Local Boards or committees of Council to act in the place of any member thereof who, by reason of illness or absence from the Municipality, are unable to attend a meeting or who resign before their term of office has expired.
- 22.2.4. Members of Local Boards are appointed by Council by by-law and/or statute to fulfill their obligations under the same.
- 22.3. The duties of Advisory Committees, which may be created by Council, shall be to report and to make recommendations to Council on all matters relating to their terms of reference or that have been referred to them. Advisory Committees will generally have one representative appointed from Council.
- 22.4. Ad Hoc Committees shall be appointed by the Mayor and confirmed by Council by by-law or resolution and shall report to Council on any matters relating to their terms of reference or that have been referred to them.
- 22.5. Mayor-Ex-officio:
 - 22.5.1. The Mayor is an ex-officio member of every committee of Council. Where a committee of Council is established by reference to a particular number of members without specifically providing for the membership of the Mayor, such number is automatically increased by one, being the Mayor, as provided under this section.
 - 22.5.2. The Mayor may vote and otherwise participate without any restriction in the business of the committee on the same basis as any other committee member.
- 22.6. Subject to the provision of any statute, in establishing any committee, Council shall set forth terms of reference and such other provisions as Council deems proper.
- 22.7. Council may consider any matter without referring it to a committee or may refer it to one or more committees and may withdraw a matter from a committee regardless of whether or not the committee has entered into consideration of the matter.
- 22.8. A majority of the members of a Local Board or committee of Council shall be a quorum. The Mayor acting in an ex-officio capacity may be counted to achieve quorum.
- 22.9. Annually, each committee at its first meeting will appoint a committee Chair and committee Vice-Chair from among its members. Each committee will have the authority to alter the time of its meetings and to hold special meetings so that where possible they will not conflict with meetings of Council.
- 22.10. Members of Council may attend meetings of any Advisory Committee of which they are not members but shall not have the privilege of voting and may not address the committee without the permission of the Chair.
- 22.11. Notwithstanding the provisions of section 6 of this by-law, the published Agenda shall be considered as adequate notice for committees of Council and Local Boards and shall be circulated not later than forty-eight (48) hours prior to the meeting. The complete paperless agenda package will be available not less than forty-eight (48) hours prior to the meeting, by email to committee members, each municipal council member, and posted on the Municipal public website.

- 22.12. A meeting of a committee or Local Board dealing directly with an emergency or extraordinary situation shall be transacted as an Emergency Meeting. Notice shall be delivered to the committee members and Council members and posted on the Municipal Website not later than 2 (2) hours prior to the meeting.

23. DISCLOSURES OF PECUNIARY INTEREST

- 23.1. If a member of Council or a committee has any pecuniary interest, direct or indirect, in any matter in which Council is concerned and if they are present at a Meeting at which the matter is the subject of consideration, they shall disclose their interest and the general nature thereof and shall not take part in the consideration or the discussion of the matter nor vote on any motion in regard to the matter. They shall leave their chair and may sit in the gallery for an Open session of Council and shall leave the Council Chamber for a closed session of Council. If a member is not present and has any pecuniary interest, they shall disclose their interest at the next meeting at which they are in attendance.
- 23.2. Notwithstanding the quorum requirements of this by-law, when a majority of the members have disclosed an interest in accordance with Section 24 .1 of this by-law or any related statute, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

24. CONFIRMATORY BY-LAW

- 24.1. The proceedings at every regular and special meeting shall be confirmed by by-law so that every decision and resolution of Council at that meeting shall have the same force and effect as if each had been individually enacted by by-law.

25. RECORDING EQUIPMENT

- 25.1. At any meeting of Council , a committee, or Local Board, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by the members of the public, including accredited and other representatives of any news whatsoever, may be permitted and shall be disclosed and be subject to the approval of Council and/or the Chair, unless otherwise decided by the Council or a committee, at the call to order of the meeting.

26. COMMUNICATION DEVICES

- 26.1. At the meetings of Council, the use of cellular phones, audible pagers or any other similar communication devise is only permitted in the gallery section of the Council Chambers.
- 26.2. All members of council shall turn off or silence all electronic devices and shall not operate such devices at the council table during a meeting, with the exception those devices required during the meeting.

27. REPEAL PREVIOUS BY-LAWS

- 27.1. By-law 19-2018, 63-2019 and all previous by-laws, resolutions and policies and parts of by-laws, resolutions and policies inconsistent with the provisions of this by-law regarding the procedure for governing the calling, place and proceedings of meetings of Council, committees of Council and boards of the Municipality of Morris-Turnberry are hereby repealed.

28. ENACTMENT

28.1. This by-law shall come into full force and effect upon the passing thereof.

Read a FIRST and SECOND time this 1st day of April 2020.

Read a THIRD time and FINALLY PASSED this 1st day of April 2020.



Mayor, Jamie Heffer



Clerk, Trevor Hallam

Schedule ‘A’ – By-law 13- 2020

DISCLOSURE OF GIFTS AND BENEFITS

Description of Gift or Benefit	Donor	Recipient	Value

Signature of Council member

Dated