

**Corporation of the  
Township of Havelock-Belmont- Methuen**

**By-law Number 2022 – 068**

Being a By-law to Govern the Proceedings of Council

**WHEREAS** Section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that every municipality and local board shall pass a procedure By-Law for governing the calling, place and proceedings of meetings; and

**WHEREAS** the Council deems it expedient to pass such a by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

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## 1. DEFINITIONS

In this By-Law

- 1.1 "Calendar Year" means the period from January 1<sup>st</sup> of any one year up to and including December 31<sup>st</sup> of the same year.
- 1.2 "Clerk" means the Clerk of the Corporation of the Township of Havelock-Belmont-Methuen.
- 1.3 "Closed Session" shall mean closed to the public as defined in Section 3.9 of this By-law.
- 1.4 "Committee of Adjustment" means a Committee as defined under the Planning Act, Section 44.
- 1.5 "Committee of the Whole Closed" means all the members present at a meeting sitting in closed session.
- 1.6 "Corporation" means the Corporation of the Township of Havelock-Belmont-Methuen.
- 1.7 "Council" means the Council of the Corporation of the Township of Havelock-Belmont-Methuen.
- 1.8 "Delegation" means a person, parties, business entities or community organizations, including government agencies and representatives of other levels of government that have been invited by Council to make a verbal presentation at a Council meeting.
- 1.9 "Electronic Meeting" means a meeting that is being recorded by either video or audio or both and whereby attendance is permitted in a hybrid fashion by both in-person or by either video or audio or both formats.
- 1.10 "Electronic Participation" means telephone, video, audio 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.
- 1.11 "Holiday" means any holiday as defined in Provincial legislation, as well as Easter Monday, August Civic Holiday, Remembrance Day and any additional day proclaimed by the Head of Council as a Civic Holiday.
- 1.12 "Improper Conduct" means the open disregard of the rulings of the Chairperson and the rules and conduct outlined in this procedural by-law.

- 1.13 "Majority" means more than fifty percent (50%) of the members present at a Committee meeting.
- 1.14 "Meetings" means any regular, special, committee or other meeting of a Council or Local Board.
- 1.15 "Member" means a member of the Council and includes the Head of Council.
- 1.16 "Notice of Motion" means "an announcement of certain motions also known as previous notice. Such notice is a written announcement given to all members, a reasonable time in advance of the meeting or an oral announcement made by any member at the immediately preceding meeting." Note 1: Robert's Rules of Order
- 1.17 "Other Business" means matters "for information" only. Matters requiring action shall be treated as a Notice of Motion and retained for the next Regular Council meeting unless the matter is of a time-sensitive nature. All "Other Business" items must be listed in writing on the agenda. No matter shall be discussed by Council if it is not listed on the agenda unless it is an urgent, time-sensitive matter.
- 1.18 "Presentation" means a person, parties, business entities or community organizations, including government agencies and representatives of other levels of government that have been invited by Council to make a verbal deputation.
- 1.19 "Quorum" means a majority of the members of Council or committee, except where a member has or members have declared a pecuniary interest pursuant to the Municipal Conflict of Interest Act. A quorum may be less than a majority of members but shall not be less than two.  
Note 2: Municipal Conflict of Interest Act, Section 7.1
- 1.20 "Recorded Vote" means the recording of the name and vote of every member voting on any matter or question.

## **2. GENERAL**

- 2.1 The Rules and Regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the conduct of business of the Council and Committees of Council. The conduct of the business of Council and Committees of Council shall follow the precepts as outlined in Roberts Rules of Order and the Terms of Reference as established for each Committee.
- 2.2 Meetings of all Standing and Special Committees of Council shall be open to the public unless otherwise decided by the Committee, and subject to the provisions of this by-law and the Municipal Act, 2001.

### 3. COUNCIL MEETINGS

- 3.1 The first meeting of a newly elected Council after a regular election shall be held on the third Tuesday in November following the election, commencing at 9:30 a.m.
- 3.2 The next and each succeeding regular meeting of Council, including Closed Session, shall be a maximum duration of three (3) hours and shall be held on the first and third Tuesday of each month at 9:30 a.m. or at a time and interval as may be revised by Council from time to time or as outlined in the by-law to establish dates and starting times for Regular Council Meetings for the upcoming year.

Unless one or more of the following situations apply:

- a) As otherwise specified by resolution of the Council;
  - b) Except when the Tuesday follows a Holiday Monday in which case the Council shall meet no earlier than 1:00 p.m. instead of 9:30 a.m. on that Tuesday.
  - c) As otherwise provided for by resolution of Council.
- 3.3 Additional meetings of the Council may be held when required.
- 3.4 The agenda for the meetings are governed by the agenda as detailed in Section 7 of this Procedure By-law.
- 3.5 Notice of regular meetings of Council shall be advertised by means of posting the information on the Municipal Website a minimum of twenty-four hours in advance of the meeting. Delivery of the agenda, by posting the agenda on the Municipal Website a minimum of twenty-four hours in advance of the meeting, shall be considered adequate notice of the Council meeting. If the date or time of a regular meeting of Council changes Notice of the meeting shall be advertised on the Municipal Website and, where time permits, the Notice of the meeting may be advertised in at least one local newspaper.
- 3.6 The Mayor at any time may summon a special meeting of Council. Further, it shall be the Mayor's duty to summon a special meeting whenever so requested by a majority of the members of Council. A minimum of Twenty-four (24) hours notice to members of Council shall be necessary for all special meetings of Council. Notice of Special Meetings of Council shall be advertised by posting the agenda on the Municipal Website as soon as practicable after notice of the Special Meeting has been given. In the event of an emergency, as determined by the Head of Council, a meeting may be called at any time and notice of the meeting shall be posted as soon as possible to the Municipal Website.

- 3.7 The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting.
- 3.8 It shall be the responsibility of the Clerk or his/her representative to forward all notices and agendas for regular and special Council meetings to all Members of Council.
- 3.9 Except as provided for in this section, all meetings shall be open to the public.

**Exceptions**

3.9.1 Exceptions under Section 239 (2) of the Municipal Act, 2001, provide 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, 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.

#### **Other Criteria**

- 3.9.2 Other Criteria – Under Section 239 (3)(a), a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection and Privacy Act* if the council, board, commission or other body is the head of the institution for the purposes of that Act; or

Section 239 (3)(b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

#### **Educational or Training Sessions**

- 3.9.3 Educational or training sessions – Under Section 239 (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:

- a) The meeting is held for the purpose of education or training the members.
- b) 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.

#### **Resolution**

- 3.10 Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:
  - a) the fact of the holding of the closed meeting and the general nature of the subject matter to be considered at the closed meeting.
  - b) in the case of a meeting under subsection 3.1 of Section 239 of the *Municipal Act, 2001* [Section 3.9.3 of this by-law] the fact of the holding of the closed meeting and the general nature of the subject matter that it is to be considered.
- 3.11 Subject to Section 3.9.2, a meeting shall not be closed to the public during the taking of a vote.
- 3.12 Despite Section 3.11, a meeting may be closed to the public during a vote if:

- a) Section 3.9 permits or requires the meeting to be closed to the public; and
  - b) the vote is for a procedural matter or for giving directions or instructions to officers, employees and agents of the municipality, local board or committee of either of them or persons retained by or under contract with the municipality or local board.
- 3.13 Record of Meeting – a municipality or local board or committee shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether closed to the public or not.
- 3.14 The Record required by Section 3.13 shall be made by;
- a) the Clerk, in the case of a meeting of Council; or
  - b) the appropriate officer, in the case of a meeting of a local board or committee.
- 3.15 Electronic Recording of Meetings – Council meetings may be recorded by means of electronic devices (e.g. voice recorder or video camera) at the discretion of Council. Meetings of local boards or committees may be recorded by means of electronic devices at the discretion of the local board or committee.
- 3.16 Electronic Participation – In accordance with S. 238 (3.1) and (3.3) of the *Municipal Act, 2001*, a Member of Council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in this by-law. Any such member who participates electronically shall be counted in determining whether or not a quorum of members is present at any point in time. A member of Council can participate electronically in a meeting which is closed to the public. For purposes of this by-law, the rules for electronic participation by members of local boards or committees shall be determined by that local board or committee provided that the provisions for electronic participation do not contradict applicable legislation.
- a) Electronic Participation shall be allowed at a Regular or Special Meeting of Council, provided that the Member is not able to attend in person.
  - b) A Member attending electronically must state, for the record, the location from which they are attending. This must be stated at the beginning of each meeting following the Call to Order. If attending from outside the Township borders the Member must state the location (city and province). If attending from outside of the country the Member must state the city and country from which the Member is attending.
  - c) If attending from outside of the Township borders the Member shall be permitted to attend electronically only by a majority vote of the remaining members of Council. This vote shall be taken following the Call to Order and

any statements of electronic attendance.

- d) Members of Council may participate electronically at a meeting, provided that permission is granted if required, and provided that a quorum of Council is present at any time during the meeting. Members of Council participating electronically shall be counted in the calculation of quorum following the granting of permission to participate.
- e) Council Members shall be permitted to vote when participating electronically. The vote shall be noted verbally and by the raising of a hand by each participating member. Raising of the hand must be visible on screen.
- f) The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.
- g) Any Member wishing to participate electronically in a meeting shall send notice to the Clerk. It is requested that Members provide notice to the Clerk at least 24 hours prior to the start time of the meeting, or as soon as practicable, to provide staff an opportunity to make necessary arrangements for the technological needs of electronic participation.
- h) The Township may use telephone conference calling, or other technology to facilitate electronic participation. The Township shall pay the cost of the conference calling or technology option. Video conferencing shall be the preferred method of electronic participation but the Township reserves the right to allow electronic participation by any means provided that there are audio capabilities for the participants which can be integrated into the Townships recording or streaming capabilities.
- i) In the event of connection/service disruption, the Chair may recess the meeting to allow for attempts to reconnect. After 10 minutes of a connection/service disruption, the meeting shall resume and no more efforts shall be taken to reconnect. The meeting shall proceed without the participation of the disconnected member providing that quorum is maintained.
- j) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with the ability to electronically access the open session of such Electronic Meeting.
- k) Notwithstanding the abovementioned, the Procedure By-law shall continue to pertain to an Electronic Meeting pursuant to this Section, except in the circumstance that this Section and any Provincial legislation or order shall prevail.



#### **4. CONDUCT OF MEMBERS DURING COUNCIL MEETINGS**

4.1 No member shall:

- a) Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada, the Province of Ontario or the Township of Havelock-Belmont-Methuen.
- b) Use offensive words or unparliamentary language in or against the Council or against any member of staff.
- c) Speak on any subject other than the subject in debate.
- d) Criticize any decision of Council, except for the purpose of moving a motion in accordance with the provisions of the Section regarding the question being reconsidered.
- e) Disobey the rules of Council or a decision of the Chairperson or of the Council on questions of order or practice or upon the interpretation of the rules of the Council. If, after having been called to order by the Chairperson, a member persists in any such disobedience, the Chairperson shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologizes he/she may, by majority vote of the Council, be permitted to retake his/her seat.

#### **5. IMPROPER CONDUCT**

- 5.1 It shall be the duty of the Chairperson to adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named, if considered necessary because of grave disorder arising in the meeting.
- 5.2 It shall be the duty of the Chairperson to inform the individual(s) that unless order is restored the following will occur:
  - a) The Chairperson may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting for the balance of the meeting.
  - b) If the person guilty of improper conduct refuses to leave the meeting when requested to do so, force sufficient to remove him/her for the remainder of the Council meeting may be used, and if he/she resists and lays hands on those removing him/her, he/she commits an assault and can be at once arrested by a police officer(s).

- c) If the individual(s) re-enter the Council Chambers or any other meeting location following the above steps being taken, the individual(s) will then be found to have breached the Municipal Procedural By-law, as well as having committed the offence of trespass.

## **6. ORDER OF PROCEEDINGS IN COUNCIL MEETINGS**

- 6.1 As soon after the hour fixed for the meeting and a Quorum is present, the Mayor shall take the Chair and call the members to order.
- 6.2 Call to Order
  - a) In such case as the Mayor does not attend within fifteen (15) minutes after the time appointed, the Deputy Mayor shall call the members to order and, if a Quorum is present, shall preside during the meeting or until the arrival of the Mayor. In the absence of the Mayor and Deputy Mayor, the Clerk shall be present and, if a Quorum is present, shall call the members to order. The Chairperson shall be chosen from the members who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
  - b) While presiding, the Deputy Mayor and/or Chairperson chosen by Council shall have all the powers as the Presiding Officer and shall be entitled to vote as a member.
- 6.3 If no Quorum is present within thirty (30) minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.
- 6.4 The Chairperson shall preserve order and decorum, decide questions of order (subject to an appeal to the Council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so.
- 6.5 The Chairperson (except where disqualified from voting by reason of pecuniary interest or otherwise) may vote with the members on all questions.
- 6.6 Any questions on which there is an equality of votes shall be deemed in the negative and the motion shall be considered defeated.
- 6.7 The Chairperson may take part in any debate without leaving the Chair. If the Chairperson desires to introduce a motion or by-law, he/she shall leave the Chair for that purpose and shall call on another member of Council to fill his/her place until he/she resumes the Chair. Said member called to take the Chair shall accept the Chair unless said member has bona fide reason not to accept the Chair.

- 6.8 All meetings of Council shall be opened by reminding Council of the Municipal Conflict of Interest Act by the Mayor, Deputy Mayor or Chairperson.
- 6.9 Immediately after, the Chairperson shall request the minutes of the preceding meeting(s) be adopted, any mistake therein may be corrected by the Council and the Chairperson shall forthwith, or after correction, change (if any), declare the minutes adopted and shall sign same.
- 7.0 No item shall be discussed during a meeting of Council that does not appear on the written agenda with the exception of urgent, time-sensitive matters. Any non-urgent items raised shall be referred to the next meeting agenda.

## **7. AGENDA FOR COUNCIL MEETINGS**

- 7.1 The Clerk shall prepare for the use of Council an "Agenda", with the order of business being:

Call to Order

Disclosure of Pecuniary Interest and General Nature Thereof

Adoption of Minutes

Delegations and Presentations

Staff and Consultant Reports

Correspondence

Committee Liaison Reports

Notice of Motion: Written or Oral

Other Business

By-Laws

Closed Session

Business Arising from Closed Session

Confirmatory By-law

Adjournment

- 7.2 The Council meeting that addresses planning matters shall have an "Agenda", with the order of business being:

Call to Order

Disclosure of Pecuniary Interest and General Nature Thereof

Adoption of Minutes

Suspension of Regular Council Meeting in favour of a  
Public Meeting for Zoning By-law Amendments

Resumption of Regular Council Meeting for the  
Passage of Zoning By-law Amendments

Suspension of Regular Council Meeting in favour of a  
Committee of Adjustment Meeting

Resumption of Regular Council Meeting for Completion of Business

Delegations and Presentations

Staff and Consultant Reports

Correspondence

Committee Liaison Reports

Notice of Motion: Oral or Written

Other Business

By-laws

Closed Session

Business Arising from Closed Session

Confirming By-law

Adjournment

- 7.3 The Clerk shall advise and provide copies of any new items of new correspondence prior to the commencement of the meeting.
- 7.4 Other Business may include matters of an urgent nature that cannot be included in the Notice of Motion: oral category.
- 7.5 Other Business shall not include matters not listed on the agenda or in the Other Business Report unless it is of an urgent or time-sensitive nature. The Chair shall rule matters not listed on the agenda out of order and refer them to the next council meeting unless they are of an urgent or time sensitive nature.

- 7.6 Public Meetings called under Section 16, 34 and 44 of the Planning Act (Section 7.2) may be included on the agenda after the Confirmation of the Minutes of a regular council meeting as appropriate to facilitate the planning application. Every attempt will be made to co-ordinate planning issues on one agenda providing that this co-ordination does not unduly hinder an application.

## **8. MINUTES OF COUNCIL MEETINGS**

- 8.1 The Clerk shall record in the Minutes, without note or comment:
- a) the date, time and place of a meeting;
  - b) the attendance of members;
  - c) the adoption and correction of minutes, if necessary, of the minutes of prior meetings;
  - d) all resolutions, decisions and other proceedings of the meeting of the body.
- 8.2 The record required by Section 8.1 shall be made by the appropriate officer in the case of a meeting of a local board or committee.
- 8.3 It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all special Council and Committee meetings, held prior to a regular meeting, are sent with the agenda.
- 8.4 The Council and Committee minutes may be adopted by the Council without being read into the record by the Clerk.

## **9. DELEGATIONS & PRESENTATIONS**

- 9.1 Any delegation that wishes to address Council for the purpose of making a verbal presentation shall be heard at the Council meeting, with those delegations having submitted their requests in writing to the Clerk by 4:30 p.m. two weeks preceding the meeting of Council.
- 9.2 Delegations must identify the reason(s) for requesting to address Council and provide background detail and, where possible, written material. This material will be placed on the agenda for the Council meeting and must be submitted to the Clerk by 4:30 p.m. two Fridays prior to the Council meeting.
- 9.3 Any delegation who wishes to address Council on a legal or personal matter concerning any employee of the Township of Havelock-Belmont-Methuen must contact the Clerk and make arrangements to discuss the issue or issues in Closed Session.

- 9.4 Delegations shall be listed on the agenda in the order as established by the Clerk.
- 9.5 All delegations shall have no more than two (2) persons to speak on behalf of the delegation. Presentations may exceed two (2) persons at the discretion of Council.
- 9.6 Delegations to Council shall not exceed ten (10) minutes in total, including the two speakers referenced in Section 9.5, except when answering questions posed by the Chair or Council for clarification and shall confine their remarks to the stated business. Presentations may exceed ten (10) minutes at the discretion of Council.
- 9.7 Delegations and Presentations made to Council shall be made from the speaker's podium, unless as otherwise directed by the Chair.
- 9.8 No placards, signs or paraphernalia of any type shall be allowed in Council Chambers without prior approval of Council.
- 9.9 Unscheduled delegations and presentations shall not be received.
- 9.10 Delegations and presentations shall be limited to four (4) per meeting and will be scheduled at the discretion of the Clerk.
- 9.10 Delegations and those in attendance at a Council meeting are hereby bound by the rules and conduct set out in this Procedural By-law.

## **10. CORRESPONDENCE**

- 10.1 Every correspondence designated to be presented to the Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one (1) person and filed with the Clerk. The Clerk shall have the authority to remove any correspondence that is unsigned from the material circulated to Council.
- 10.2 Every correspondence shall be delivered to the Clerk not later than 4:30 p.m. two Fridays preceding the meeting of the Council.

## **11. MOTIONS**

- 11.1 All motions shall be seconded before being debated or put from the Chair.
- 11.2 Whenever the Chairperson is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question and shall cite the rule or authority applicable to the case without argument or comment.

- 11.3 When a motion is under debate, no motion shall be received other than a motion to amend, defer, that the vote now be taken, or to adjourn the meeting. A motion that the vote be now taken shall take precedence over any other motion except a motion to adjourn the meeting, and shall be put immediately without debate.
- 11.4 A motion to adjourn the Council meeting shall be decided without debate and shall always be in order except:
- a) When a member is in possession of the floor;
  - b) When a recorded vote has been called;
  - c) When the members are voting;
  - d) When it has been decided that the vote now be taken;
  - e) When a member has indicated to the Chairperson his/her desire to speak on the matter before Council.
- 11.5 Every amendment shall be stated clearly, and the Chairperson shall then repeat or have repeated the amendment before the vote of Council.
- 11.6 Only one (1) amendment shall be allowed at any one time.
- 11.7 An amendment which is ruled by the Chairperson to be a substantive motion and not an amendment shall be out of order, unless the decision or ruling by the Chairperson is appealed in accordance with Section 21 of this by-law.
- 11.8 An amendment which, in effect, is nothing more than a rejection of the main motion is not in order.
- 11.9 When a vote is taken, the order of the vote on a motion shall be as follows:
- a) to defer the motion;
  - b) upon the amendments in reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend;
  - c) then, upon the motion or upon the motion as amended, if any have been carried.
- 11.10 When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each proposition shall be taken separately.
- 11.11 After a question is finally put by the Chairperson, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has

been declared, except a request to the Chairperson for clarification on the question being voted upon.

11.12 A motion of Council shall be considered carried when it receives a majority of votes of the members present at the meeting.

## **12. MOTION TO WITHDRAW**

12.1 A request to withdraw a motion shall only be made by the mover of the motion.

12.2 A request to withdraw a motion may be made without the consent of the seconder of the motion.

12.3 A request to withdraw a motion shall be in order any time during debate.

12.4 If a member objects to the withdrawal of the motion, a withdrawal motion may be entertained and becomes a main motion, is debatable, requires a seconder and a majority vote.

12.5 If no member objects to the withdrawal of the motion, the motion shall be considered withdrawn without the necessity of a seconder and a vote.

## **13. MOTION TO SUSPEND THE RULES**

13.1 A motion to suspend the rules of procedure required by this by-law shall not be debatable or amendable and shall specify the reason for the suspension and shall require a majority vote of the members present.

13.2 A motion to reconsider shall not be applied to a motion to suspend the rules.

## **14. NOTICE OF MOTION**

14.1 A Notice of Motion written by any Member of Council may be provided to the Clerk by 4:30 p.m. two Fridays prior to the Council meeting and included on the Agenda of the next regular Council meeting. If a written Notice of Motion is on the agenda, it may be addressed by Council using the rules of this by-law and as expressed in Sections 11.1, 11.2 and 11.3.

14.2 A Notice of Motion provided orally by a Member of Council at a meeting shall be noted by the Clerk for inclusion on the next regular agenda and shall be addressed at that time as outlined in Sections 11.1, 11.2 and 11.3.

## **15. NOTICE TO RESUME**

15.1 A motion to re-introduce business that has been deferred temporarily shall be considered before the meeting is adjourned.



## **16. BY-LAWS**

- 16.1 Every by-law shall be introduced by the meeting Chair or the Clerk specifying the title of the by-law and its purpose.
- 16.2 Every by-law when introduced shall comply with the provision of any relevant Act.
- 16.3 All by-laws shall be given first, second and third reading simultaneously unless otherwise directed by legislation.
- 16.4 A copy of the proposed by-law will be given to all Council members prior to the meeting at which it is to be considered. (In all cases, questions may be asked only with the leave of the Chair).
- 16.5 Every by-law passed by the Council shall be numbered and dated and shall be sealed with the seal of the Municipal Corporation and signed by the Mayor and the Clerk and shall be kept under the care and control of the Clerk.
- 16.6 At the conclusion of all regular meetings of Council, and prior to adjournment, a by-law shall be brought forward to confirm the actions of Council at that meeting in respect of each motion, resolution and other action taken.
- 16.7 A confirmation by-law, when introduced, shall be taken as having been given three (3) readings and shall be voted on without debate.

## **17. ADJOURNMENT**

- 17.1 A motion to adjourn shall be not be debated or amended and, once approved by the majority of Council, shall cause the meeting to adjourn immediately.
- 17.2 Council meetings shall adjourn in accordance with the times stated in Section 3.2 but Council may extend the time for up to one hour by a majority vote of members present.
- 17.3 If the Council is still in session when the hour expires, the meeting shall stand adjourned.

## **18. RECESS**

- 18.1 A motion to recess when a matter is before the meeting shall specify the length of time of the recess.
- 18.2 A motion to recess when a matter is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.
- 18.3 A motion to recess when a matter is before the meeting shall not have a motion to reconsider applied to it.

**19. RULES OF DEBATE FOR MEMBERS OF COUNCIL**

- 19.1 Every member when speaking to any question or motion shall respectfully address the Chairperson.
- 19.2 When two (2) or more members request to speak, the Chairperson shall designate the member who shall be given the floor.
- 19.3 When a member is speaking, no other member shall interrupt except to raise a point of order.
- 19.4 Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 19.5 No member shall speak to the question or in reply for longer than five (5) minutes. A member will be permitted to speak to the same question a maximum of two (2) times. With the leave of Council, successive extensions of five (5) minutes may be granted.
- 19.6 A member may ask a question only for obtaining facts relevant to the matter under discussion and necessary for a clear understanding thereof.
- 19.7 All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.
- 19.8 Questions shall be asked through the Chairperson:
  - (a) of the previous speaker;
  - (b) of the Chairperson; and
  - (c) of an official of the Township of Havelock-Belmont-Methuen or of the Chairperson of a Committee.

**20. VOTING ON QUESTIONS**

- 20.1 When the Chairperson calls for the vote on a question, each member shall remain in their seat until the result of the vote has been declared by the Chairperson. During such time, no member shall speak to any other member or make any noise or disturbance.
- 20.2 When a recorded vote is requested by a member or is otherwise required, the Chairperson shall first ask those in favour of the motion to indicate by raising their hands and, after the recording of the affirmative votes, those opposed to the motion to raise their hands. The Clerk shall record the name and vote of every member and shall report the result of the vote to the Chairperson.

- 20.3 Every member present at a meeting of the Council when a question is put forth shall vote therein, except if he/she has declared a pecuniary interest, either direct or indirect in the question, in such case he/she shall at the first opportunity disclose his/her interest and shall immediately leave the room or exit the meeting electronically and thereby refrain from taking part in the discussion and from voting on the particular question. Every member present who is required to vote on a question, but in fact does not vote therein, shall be deemed to be voting in the negative and shall be so recorded.
- 20.4 Only one amendment at a time can be presented to the main motion and only one amendment can be presented to an amendment but, when the amendment to the amendment has been disposed of, another may be introduced and, when an amendment has been decided, another may be introduced.
- 20.5 The amendment to the amendment, if any, shall be voted on first then, if no other amendment to the amendment is presented, the amendment shall be voted on next then, if no other amendment is introduced, the main motion or, if any amendment has carried, the main motion (as amended) shall be put to a vote.
- 20.6 In the absence of a recorded vote, after the vote has been taken, where a member requests that he/she be shown in the minutes as having voted in a manner opposite to the decision of Council, the Clerk shall so record.
- 20.7 If a member disagrees with the announcement by the Chairperson of the result of any vote except a recorded vote, he/she may object immediately to the Chairperson's declaration and require that the vote be retaken.

## **21. POINTS OF ORDER IN COUNCIL MEETINGS**

- 21.1 The Chairperson shall preserve order and decide questions of order.
- 21.2 When a member rises to a point of order, he/she shall ask leave of the Chairperson to raise a point of order and, after leave is granted, he/she shall state the point of order to the Chairperson. The Chairperson shall then make a decision on the point of order.
- 21.3 Thereafter, a member shall only address the Chairperson for the purpose of appealing to the Council from the Chairperson's decision.
- 21.4 If no member appeals, the decision of the Chairperson shall be final.
- 21.5 The Council, if appealed to, shall decide the question without debate and its decision shall be final.
- 21.6 Where a member considers that his integrity or the integrity of the Council as a whole has been impugned, he/she may, as a matter of personal privilege, rise at any time and, with the consent of the Chairperson for the purpose of drawing the attention of the Council to the matter.

## **22. RECONSIDERATION OF COUNCIL DECISIONS**

22.1 After any question has been decided, the following shall prevail:

22.1.1 Any member of Council who voted therein with the majority may give notice within one (1) calendar year after the question was decided for a reconsideration of the question at any regular meeting of the Council. A majority vote shall be required to carry the motion. Before accepting a Motion to Reconsider, the Mayor may ask the member to confirm that he/she voted with the majority on the issue in question.

22.1.2 Any time after one (1) calendar year after the question has been decided, the subject matter of the question shall be a proper matter to be brought forward as though it were a new question and, once the question has been allowed to be brought forward and has then been decided, Section 22.1 shall again prevail and similarly if the motion for reconsideration is not carried, Section 22.1 shall again prevail.

22.2 Notwithstanding 22.1.1, any member of Council who did not vote on the question by reason of not being a duly elected member of Council at the time the vote was taken, or was absent from the Council meeting at which the vote was taken, shall be deemed to be a member of Council who voted therein with the majority for the purpose of Section 20.2 hereof.

22.3 No discussion of the main question shall be allowed until the motion for reconsideration is carried and no question shall be reconsidered more than once in a calendar year.

## **23. PROCEEDINGS IN CLOSED SESSION**

23.1 Except as otherwise provided in this section, all Council and Committee meeting shall be open to the public as per Section 239 of the Municipal Act, 2001.

23.2 The rules governing the procedure of the Council and the conduct of members in Council shall be observed in Closed Session in so far as they are applicable.

23.3 Before holding a meeting or part of a meeting that is to be closed to the public, members of council or local boards or committees of either of them shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting or, in the case of a meeting under Subsection 239 (3) (1) of the Municipal Act, 2001, the fact of holding of the closed meeting, the general nature of the subject matter and that it is to be closed under that subsection.

23.4 In the case of a closed meeting of Council, the Clerk shall record without note or comment all resolutions, decisions and other proceedings at a meeting.

23.5 All motions and votes shall be made in open Council except for those permitted under a relevant legislation and agreed to by the majority of Council.

**24. APPOINTMENT AND ORGANIZATION OF COMMITTEES – NOMINATING COMMITTEE**

24.1 Council shall, at its first meeting or as soon thereafter as is practicable, establish a Nominating Committee comprised of all members of Council.

24.2 The Nominating Committee is charged with the responsibility of recommending to the Council a list of names to fill all available positions on each of the Committees that the Council may establish from time to time or any Board or Body to which Council is required to appoint members, whether such appointments are members of Council or any other person and to recommend the Chairperson for any Committees of Council.

24.3 The Nominating Committee may use any method it desires in addition to advertising for qualified persons, to secure the names of persons it may consider recommending to Council to serve on the various Committees, Boards or Bodies.

24.4 Each committee will operate under the Terms of Reference established for that individual committee.

**25. STANDING COMMITTEES**

25.1 There shall be a Committee of Adjustment as permitted under Section 44 of the Planning Act.

25.2 The term of appointment for a Member of Council on a Standing Committee shall be for a two-year term, unless deemed otherwise by provincial legislation, at which time the Nominating Committee shall review the various Committees and make its recommendations to Council. Section 44 (3) of the Planning Act states that if a Member of Council is on the Committee of Adjustment, they must be appointed annually.

25.3 If a Committee Liaison position becomes vacant during the year, the Nominating Committee shall put forward to Council a replacement whose term shall expire at the same time as current sitting members.

25.4 A Special or Advisory Committee may be appointed by Council to consider a specific matter.

**26. APPOINTMENTS**

Where required by Provincial Legislation, Regulation or Policy, or where requested by an organization, the following appointments shall be put forward:

- 26.1 The Chairperson for the Committee of Adjustment shall be the Deputy Mayor. All members of Council shall be members of the Committee.
- 26.2 The Crowe Valley Conservation Authority or any other Conservation Authority having jurisdiction in the Township of Havelock-Belmont-Methuen shall have one (1) Council member appointed to represent the Corporation.
- 26.3 The Police Services Board shall consist of one (1) member of Council, who shall be the Mayor unless the Mayor declines (PSB Act) and one (1) community representative from the Township as approved by Council, along with one (1) Provincial appointee.
- 26.4 The Corporation representative on the Havelock-Belmont-Methuen Library Board shall be the Mayor or designated Council member as recommended by the Nominating Committee and approved by Council. The Township Treasurer shall act as Treasurer for the Board.
- 26.5 The Corporation representative on the Havelock-Belmont-Methuen Cemetery Board shall be the Mayor or designated Council member as recommended by the Nominating Committee and approved by Council.
- 26.8 One (1) Member of Council or one Community representative as approved by Council shall be appointed to the Eastern Ontario Trails Alliance.
- 26.9 One (1) member of Council shall be appointed to the Chamber of Commerce.
- 26.10 One (1) member of Council shall be appointed as the School Council Liaison.
- 26.11 One (1) member of Council shall be appointed to the Otonabee-Peterborough Source Protection Authority (Source Water Protection Committee).
- 26.12 One (1) member of Council shall be appointed as liaison to the Community Policing Committee.
- 26.13 Other appointments to other Committees or Boards will be made as they arise from time to time.
- 26.13 The Mayor or any Council member may attend any Council Committee meeting as an ex-officio member. The Mayor or Council member may participate in the debates but they will not be able to make motions or vote on any issue.

**27. DISCLOSURE OF PECUNIARY INTEREST OR GENERAL NATURE THEREOF**

27.1 If a member has any pecuniary interest, direct or indirect, in any matter in which the Council is concerned and if he/she is present at the meeting at which the matter is the subject of consideration, he/she shall disclose his/her interest and the general nature thereof and shall not take part in the consideration or the discussion of the matter or vote on any motion in regard to the matter. The member shall immediately leave the meeting or part of the meeting during which the matter is under consideration during closed session. If a member is not present and has any pecuniary interest, he/she shall disclose his/her interest at the next meeting in attendance.

**28. SEVERABILITY**

28.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

28.2 By-law No. 2017-024 and By-law 2020-038 and any procedure by-law preceding this by-law pertaining to the governance of proceedings of Council are hereby repealed in their entirety.

28.2 This by-law shall come into full force and effect on the date of passage.

Read a first, second and third time and finally passed in Open Council this 18<sup>th</sup> day of October, 2022.



\_\_\_\_\_  
Jim Martin, Mayor



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Robert V. Angione, Clerk