Consolidated
As amended by By-law 2020-34

THE CORPORATION OF THE TOWNSHIP OF CARLING

BY-LAW 2019 - 48

Being a By-law for governing the calling, place and proceedings for meetings of the Council for the Township of Carling

WHEREAS Section 238 (2) of the Municipal Act, S.O.2001, C.25 as amended, requires that every municipality shall pass a procedure by-law for governing that calling, place and proceedings of meetings;

AND WHEREAS Section 238 (2.1) of the Municipal Act, S.O. 2001, C.25 as amended, requires that the Procedural By-law shall provide for public notice of meetings;

AND WHEREAS Council of the Corporation of the Township of Carling deems it expedient to enact a new By-law to govern that calling, place and proceedings of the Council and to provide for public notice of meetings in accordance with the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CARLING HEREBY ENACTS AS FOLLOWS:

1) That the following provisions to govern the calling, place and proceedings of the Council & Committees of the Corporation of the Township of Carling and to provide the Public Notice of meetings be adopted

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1.0. DEFINITIONS

1.1. **“ACTING HEAD OF COUNCIL”** shall mean the Councillor designated by Council to preside as a result of the absence of the Mayor.

1.2. **“CAO”** shall mean the Chief Administrative Officer of the Township of Carling

1.3. **“CHAIR”** means the person presiding over a meeting and who is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding. The Chair, except where disqualified, may vote on all questions;

1.4. **“CLERK”** shall mean the CAO – Clerk/Treasurer of the Corporation of the Township of Carling or the Clerk or the Deputy Clerk, or his/her delegate who shall have all the powers and duties of the Clerk under this and every other Act.

1.5. **“CLOSED SESSION”** shall mean a meeting closed to the public.

1.6. **“COMMITTEE”** means any advisory or other committee, subcommittee, task force or similar entity composed of members of Council alone or together with members of another council or the public, and it includes those Committees listed on Schedule “A” to this By-law.

1.7. **“COMMITTEE CHAIR”** means the Chairperson of any committee as appointed from time to time by Council or the Committee and the Committee Chair shall have the same powers during a Committee Meeting as the Head of Council has during Council Meetings.

1.8. **“COMMITTEE OF THE WHOLE”** shall mean a meeting of Council in Committee format for discussion purposes.

1.9. **“COUNCIL”** means the elected members of the Council of the Corporation of the Township of Carling.

1.10. **"DEPUTY MAYOR"** means the Councillor appointed by Council to act in the place of the Mayor in accordance with this by-law.

1.11. **"*EX OFFICIO*"** means by virtue of office or position and carries with it the right to participate fully in committee meeting and to vote unless prohibited by law

1.12. **“HEAD OF COUNCIL”** means the Mayor.

1.13. **"IMPROPER CONDUCT”** means conduct which offers any obstruction to the deliberations of proper action of Council;

1.14. **"INAUGURAL MEETING"** means the first meeting of Council held after a municipal election in a regular election year;

1.15. **“LOCAL BOARD”** means a local board as defined in the Municipal Act, except municipal police services board or library board.

1.16. **"MAJORITY VOTE"** means more than half of the votes cast by members entitled to vote at a meeting;

1.17. **"MAYOR"** is the Head of Council who is elected by general vote to represent electors in the Township of Carling

1.18. **“MEETING”** shall mean any regular, special, committee or other meeting of Council, Committees and or Local Boards.

1.19. **“MEMBER”** shall mean elected members of Council, members of Committees and Local Boards.

1.20. **"PECUNIARY INTEREST"** means a direct or indirect interest within the meaning of the Municipal Conflict Interest Act, R.S.O. 1990 Chapter M.50, as amended and any successor legislation thereto;

1.21. **"POINT OF ORDER"** means a matter that a member of Council considers to be a departure from or contravention of the rules, procedures or generally accepted practices of Council;

1.22. **"POINT OF PERSONAL PRIVILEGE"** means a matter that a member of Council considers to impugn their integrity or the integrity of Council;

1.23. **“QUORUM OF COUNCIL”** shall mean a majority of the members, unless otherwise specified.

1.24. **"RECORDED VOTE"** means the recording in the Minutes. The names of each Member of Council present and the manner of their vote on a matter or question before the Council. In the case of a Member who has declared a conflict or pecuniary interest in the matter or question, the minutes shall reflect the Member abstained from the taking part in the discussion and the vote;

1.25. **“STAFF”** shall mean an employee of the Corporation of the Township of Carling

1.26. **“TASK FORCE”** shall mean any entity composed of members of the Council, Staff and/or approved Volunteers that is directed by Council to undertake a specific project, analysis or event on behalf of Council.

1.27. **“VOLUNTEER”** shall mean any member of the public that is not Council or Staff of the Corporation of the Township of Carling that has been approved by Council or Staff to participate in assisting or managing an event, project or analysis on behalf of the Corporation of the Township of Carling.

2.0. INTENT OF BY-LAW

2.1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-law may be suspended, if agreed upon by a majority of the Members present at any meeting duly constituted.

2.2. All points of Order of Procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.

3.0. MEETING TIMES AND LOCATIONS

3.1. The First or Inaugural Meeting of the Council after a regular election shall be held on the first Monday in December at 6:00 p.m., in the Township of Carling Council Chamber, at 2 Carling Bay Road West, in Carling Township. The Clerk will have the authority to change date, time and location of meeting as required.

3.2. At the Inaugural Meeting, the order of procedure shall be as follows:

a) Opening Ceremony;
b) Ceremonial Address by Special Guest(s);
c) Filing of Certificates and Declarations of Elected Office and Oaths of Allegiance in accordance with the provisions of the Municipal Act,
d) Address by the Mayor;
e) Appointments to Committees, Boards, Commissions and other organizations as deemed appropriate;
f) Election of Deputy Mayor;
g) Matters incidental to the above or of an urgent nature.

3.3. The Council shall meet in the Council Chambers at 2 Carling Bay Road West in the Township of Carling, or other designated location, the second Tuesday of each month at 9:00 a.m.., save and except statutory holidays, when Council shall determine the new date for the meeting.

3.4. Committee of the Whole meetings shall take place in the Council Chambers at 2 Carling Bay Road West, in the Township of Carling, or other designated location, the second Tuesday following the Council meeting at 9:00 a.m.If the second Tuesday following the Council meeting falls on a holiday, Council shall move the meeting to the prior Tuesday or another date agreed to by Council.

4.0. MEETINGS OF COUNCIL

4.1. At the hour appointed, when a quorum is present, the Mayor or Chair shall call Council to order. If a quorum is not present at the appointed hour, the Mayor or Chair shall wait 15 minutes for enough Members to arrive to make a quorum. If a quorum is not achieved after the 15 minutes waiting period, the Mayor or Chair

shall cancel the Meeting or extend the waiting period if agreed upon by the majority of Members present.

4.2. All meetings of Council shall be open to the public, but a meeting or any part thereof may be closed to the public if the subject matter being considered is an exception to this requirement under Section 239 of the *Municipal Act, 2001*, as amended.

4.3. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public, in accordance with section 4.2 of this By-law, or if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or local board or persons retained by or under contract with the municipality or local board, or otherwise authorized by section 244 of the *Municipal Act, 2001*, as amended.

4.4. With the exception of the Inaugural Meeting, no person other than a Member or the Clerk shall be allowed to approach the Council during a Meeting of Council without the permission of the Mayor or Council, unless that person is given deputation or presentation status as described in Section 17 of this By-law.

4.5. Every meeting of Council shall be deemed to be adjourned at the hour of 9:00 p.m. unless it is extended by unanimous consent of the Members of Council present.

4.6. Only the Mayor or Chair may initiate the cancellation of any scheduled Meeting of Council or any Committee by advising the Clerk or designate, who shall provide members with the reason(s) for the cancellation and communicate the cancellation by telephone or email. The Clerk shall provide public notice on the Township's official website of the cancellation and such posting shall constitute sufficient notice of cancellation.

4.7. Meetings of Council shall not be recorded without the permission of the Clerk and the Mayor or Chair.

5.0. SPECIAL MEETINGS OF COUNCIL

5.1. The Mayor shall, if requested in writing by the majority of members of Council, call a special meeting.

5.2. The Mayor may call a special meeting to deal with a matter which he/she deems to require immediate action. Notice of a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing, via voice recording or by e-mail.

5.3. Special meetings require minimum notice of forty-eight hours, unless otherwise agreed to by a majority of Members to the satisfaction of the Clerk.

5.4. At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

6.0. ROLES AND DUTIES

6.1. Role of Mayor

It is the role of the Mayor as the Head of Council to:

a) act as chief executive officer of the municipality;
b) preside over council meetings so that its business can be carried out efficiently and effectively;
c) provide leadership to the council;
d) represent the municipality at official functions;
e) without limiting clause (c), to provide information and recommendations to the council with respect to the role of Council described in section 224 of the *Municipal Act, 2001*, as amended;
f) carry out the duties of the head of council under this or any other Act;
g) promote public involvement in the municipality's activities; and
h) participate in and foster activities that enhance the economic, social and environmental well- being of the municipality and its residents

6.2. Role of Council

It is the role of Council to:

a) represent the public and to consider the well-being and interests of the municipality;
b) develop and evaluate the policies and programs of the municipality;
c) subject to legislative restrictions, develop regulations to be adopted in by-law and resolutions for the overall benefit of the community;
d) determine which services the municipality provides in accordance with applicable legislation;
e) ensure that administrative practices and procedures are in place to implement the decisions of Council;
f) maintain the financial integrity of the municipality; and
g) carry out the duties of council under the *Municipal Act, 2001*, as amended or any other Act.

6.3. Duty of Mayor

It is the duty of the Mayor to preside at all meetings of Council and to:

a) open the meeting of Council by taking the Chair and calling the meeting to order;
b) receive and submit, in the proper manner, all motions presented by the members;
c) put to a vote all motions and to announce the result;
d) sit as an *ex officio* member of all committees of the Council and entitled to vote at meetings;
e) decline to put motions to a vote which infringe upon the rules of procedure;
f) inform the members of the proper procedure to be followed and to enforce the rules of procedure;
g) enforce on all occasions, the observance of order and decorum among the members;
h) call by name any member persisting in a breach of the rules of procedure and order the member to vacate the Council Chamber;
i) permit questions to be asked through the Mayor of any officer of the Township for information to assist in any debate when the Mayor deems it proper;
j) authenticate by signature all by-laws and minutes of Council;
k) rule on any points of order raised by members;
l) represent and support the Council;
m) maintain order. Where it is not possible to maintain order, the Mayor may, without any motion being put, adjourn the meeting to a time to be named by the Mayor;
n) adjourn the meeting when the business is concluded;
carry out the duties of the head of council under the *Municipal Act, 2001,* as amended or any other Act; and
o) act in accordance with his/her Oath of Allegiance and Oath of Elected Office.

6.4. Duty of Councillors

It is the duty of Councillors to attend all meetings of Council and to:

a) prepare for meetings, including reviewing the agenda and background information prior to the meeting;
b) speak only to the subject under debate;
c) vote on all motions before the Council unless prohibited from voting by law;
d) observe proper procedure and decorum at all meetings;
e) state questions to be asked through the Mayor;
f) attend committee meetings to which the member has been appointed by Council;

g) carry out the duties of Councillor under the *Municipal Act, 2001*, as amended or any other Act; and
h) to act in accordance with their Oath of Allegiance and Oath of Elected Office.

6.5. Duty of the Clerk

The Clerk shall be appointed by by-law and shall be deemed a municipal officer in accordance with the *Municipal Act, 2001*, as amended and for any other purpose as required.

The Clerk is a non-voting ex-officio member of all Committees, unless he/she is appointed by Council as a voting member.

It is the duty of the Clerk to attend all Council meetings and to:

a) prepare and distribute agendas for all meetings of Council in accordance with this by-law;
b) record, without note or comment, all resolutions, decisions and other proceedings of the Council;
c) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
d) keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
e) make such minor clerical, typographical or grammatical corrections in form to any bylaw, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
f) perform the other duties required under the *Municipal Act, 2001*, as amended or under any other Act;
g) prepare a Consent Agenda for all Regular Meetings;
h) by way of delegated authority, place housekeeping or consolidation by-laws directly on the Consent Agenda for Council approval or consideration;
i) facilitate the efficient management of Council Meetings by determining the suitability and eligibility of delegations on the basis of the presentation subject and/or request for action or support for Council;
j) provide administrative support to Committees;
k) notify appropriate Town staff of any resolution passed by Council that is to be acted or reported upon by staff, as well as other individuals or groups that have expressed their desire to be notified of a particular subject matter and that have provided e-mail contact information for same;
l) advise Council on parliamentary procedure; and

m) perform such other duties as are assigned by the municipality.

6.6. Duty of CAO

The CAO shall be appointed by by-law and shall be deemed a municipal officer in accordance with the *Municipal Act, 2001*, as amended and for any other purpose as required.

The CAO is a non-voting ex-officio member of all Boards, Committees and Task Forces, unless he/she is appointed by Council as a voting member.

In addition to those roles and duties assigned by Council and specified in Sections 227 and 229 of the *Municipal Act, 2001,* as amended, the CAO shall have the following responsibilities:

a) Council's only direct report with all other staff reporting directly or indirectly through the CAO to Council;
b) exercise general control and management of the affairs of the municipality to ensure its efficient and effective operation;
c) review and guide all policy recommendations prior to submission to Council;
d) assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members in carrying out their duties;
e) attend Council Meetings with the right to speak, subject to the consent of the Chairperson, but not to vote; and
f) for the purposes of the municipality's Emergency Plan, the CAO shall designate a member of the senior management team to be his/her alternate.

6.7. Mayor as *Ex Officio* Member of Committees and Other Bodies

The Mayor is *ex officio* a member of each Committee, Task Force, Board and Commission or other body established by Council unless prohibited by law. Where a Committee 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, except where prohibited by law, being the Mayor, as provided under this Section. The Mayor may vote and otherwise participate unless prohibited by law, in the business of the committee on the same basis as any other appointed member.

7.0. CONDUCT OF MEMBERS

7.1. Every Member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question, shall not use any indecorous or offensive language and shall refrain from personal attacks.

7.2. Should more than one Member at one time wish to address the Chair, the Chair shall name the Member who is to speak first.

7.3. No person other than the one proposing a question (who shall have leave to reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the Member shall not introduce any new matter.

7.4. The Chair may call a Member to order while speaking, whereupon the Member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it is to appeal the decision of the Chair.

7.5. When the Chair is putting a question, no Member shall walk out of or across the Council Chamber, nor when a Member is speaking shall any other Member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

7.6. Every Member in attendance at meetings shall use electronic communication devices in a respectful manner. This includes but is not limited to setting electronic devices to silent during meetings and presentations, and refraining from giving undo attention to those devices. No Member shall use an electronic device during a meeting to communicate with another Member about any matter on the agenda for that meeting.

8.0. AGENDA AND ORDER OF BUSINESS

8.1. The Order of Business shall be as follows:

1. Call to Order
    (1) Adoption of Agenda
    (2) Announcement of Public Hearings
2. Declaration of a Conflict (Pecuniary) of Interest - as defined in the *Municipal Conflict of Interest Act R.S.O. 1990*, C.M. 50 (the Municipal Conflict of Interest Act) or any successor legislation in effect from time to time.
3. Presentations / Petitions
4. Deputations - as referred to in Section 17 of this By-law.
5. Consent Agenda
    (1) Minutes of Previous Meetings
    (2) Council Correspondence
    (3) Reports of Committees

(4) Staff Reports
(5) Committee of the Whole Motions
(6) Standard Requests for Support
(7) Supplementary Business

6. Planning Files
7. By-laws - as received in the Clerk's office no later than 1:00 p.m. on the Wednesday prior to the subject meeting and circulated to members of Council for review no later than 4.00 p.m. on the Friday prior to the subject meeting. By single motion, By-laws are to be considered read the number of times as required, unless otherwise directed by legislation.
8. Announcements from Members of Council, Committee and Board Activity and Updates
9. New and Unfinished Business - new matters to be raised or as directed by Council for completion at a previous meeting for presentation at the subject meeting. New items not on the Agenda which are introduced during the meeting that are deemed to be contentious by a Member shall be deferred to the next regular meeting of Council.
10. Notice of Motions - wherever possible as received by the Clerk eight (8) Calendar days preceding the regular meeting of Council.
11. Closed Session
12. Confirming By-law - 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 the meeting in respect of each motion, resolution and other action taken.
13. Adjournment

8.2 The Clerk or his/her designate may alter the order of business as outlined in section 8.1 above while compiling the agenda if circumstances arise to necessitate such an alteration, and the altered order will be clearly noted in the agenda.

8.3. All materials to be placed on the Agenda shall be submitted to the Clerk or his/her designate no later than 1:00 p.m. on the Wednesday immediately prior to the Meeting, unless other submission deadlines are provided for in this By-law. Agenda materials will be circulated to Council by no later than 4:00 p.m. on the Friday immediately prior to the Meeting, and will be posted on the Township website and emailed to subscribers as soon as possible thereafter.

8.4. The Order of Business of Council shall be taken in the order in which it stands upon the Agenda, unless a deviation from the order is agreed upon by the majority of Members present.

8.5. The Councillor or designate of each Committee or Board submitting a report shall field questions regarding same during discussions of that report.

8.6. When any matter listed on the agenda is left unresolved at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be taken up at the next meeting of the Council.

9.0. CONSENT AGENDA

9.1. At the request of any member, an item on the consent agenda may be removed after the motion to consider the Consent Agenda has been moved and seconded but prior to the vote taking place.

9.2. A vote is not required to remove the item from the Consent Agenda and shall be deemed removed upon a single member's request.

9.3. A member may highlight or make a general comment on an item within the Consent Agenda without requesting the removal of the item but it may not be debated until a request has been made to remove the item from the Consent Agenda.

9.4. A member may make an inquiry regarding the details of an item within the Consent Agenda without requesting the removal of the item but it may not be debated until the item is removed from the Consent Agenda.

9.5. The Consent Agenda shall be voted on prior to debate of any removed items from the Consent Agenda and removed items will be debated immediately following the vote of the Consent Agenda.

10.0. QUESTIONS OF PRIVILEGE - POINTS OF ORDER

10.1. Rights, Privileges, or Integrity of Members Prejudicially Affected

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

10.2. Integrity of Administration Impugned

When the Mayor or Chair considers that the integrity of a member of the civic administration has been impugned or questioned, the Mayor or Chair may permit the CAO or his/her designate to make a statement to Council.

10.3. Violation of Rules of Procedure

When a member desires to call attention to a violation of the rules of procedure, he/she shall ask leave of the Mayor or Chair to raise a point of order and after leave is granted, he/she shall state the point of order succinctly and the Mayor

or Chair shall then decide upon the point of order and advise the members of his/her decision.

10.4. Appeal of Mayor's Decision

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

10.5. Appeal of Mayor’s Decision

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

10.6. Call to Order

When the Mayor or Chair calls a member to order, that member shall immediately 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 Mayor or Chair, unless to appeal the ruling.

10.7. Clerk’s Advice for Rules of Procedure

Clerk may be called upon by the Mayor or Council to provide advice with regard to interpretation of rules of procedure.

11.0. MOTIONS

11.1. Filing Notice of Motion

Councillors may file a Notice of Motion eight (8) calendar days prior to the meeting. If the matter is to reconsider a previously decided matter it will be dealt with as outlined in Section 14 of this by-law. A Notice of Motion pertaining to a matter that has not been dealt with previously will be presented on the current agenda. If appropriate, the Clerk, with the approval of the Mayor, may direct that supporting or background information be placed on the agenda to assist in Council's debate of the motion.

11.2. Motions to be Seconded

Motions shall be seconded before being debated or put to a vote.

11.3. Motions Stated Aloud

Every Motion and Resolution, when duly moved and seconded, shall be stated aloud by the Mayor and shall then be open for discussion and consideration.

11.4. Withdrawal of Motion

Every motion shall be deemed to be in the possession of Council for debate after it is accepted by the Mayor, but may be withdrawn with the joint support of the mover and seconder at any time before the question is put to a vote.

11.5. Motion Under Debate

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

a) to adjourn;
b) to proceed beyond the hour of 10:00 p.m.;
c) to table;
d) to put the question (to close the debate);
e) to postpone;
f) to refer; or
g) to amend.

11.6. Motion to Adjourn

A motion to adjourn shall:

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

11.7. Motion to Adjourn Rejected

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

11.8. Adjournment

All Regular Council and Committee meetings shall stand adjourned when the Council has completed the business as listed on the Agenda, or upon the arrival of the hour of 9:00 p.m.

11.9. Adjournment Extensions

In the event the business before Council or the Committee has not been completed by 9:00p.m., Council may approve, by two-thirds majority vote of the members present, an extension of the meeting in 30 minute increments. Should a motion to extend the meeting fail, the meeting shall automatically adjourn and reconvene into Council to deal with any matters already dealt within Committee that, in the opinion of Council, require formal Council approval by resolution and/or by-law. If other business on the Agenda is not completed after an

extension or extensions, the meeting(s) shall reconvene on another day and time as agreed upon by Council by majority vote.

11.10. Motion to Extend Adjournment beyond 9:00 p.m.

A motion to proceed beyond the hour of 9:00 p.m. shall:

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

11.11. Motion to Table

A motion to table (lay on the table) a particular matter removes the subject from consideration until Council votes to take if from the table. A matter can be tabled for a specific period of time or tabled indefinitely. A motion to take from the table is required to bring the matter back before Council for consideration. A motion to table shall:

a) not be amended;
b) not be debated; and
c) apply to the main motion and any amendments thereto under debate at the time when the motion to table was made.

11.12. Motion to Postpone (Defer)

A motion to postpone (defer) is used to postpone discussion for a certain period of time. A motion to postpone (defer) a matter to a certain time shall:

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

11.13. Motion to Refer

A motion to refer is used to give closer study of something. It is used to require a committee or staff to examine the matter under consideration in greater detail. A motion to refer a matter should include the name of the Committee or official, *etc*., to whom the matter is to be referred and instructions respecting the terms upon which the matter is to be to be referred, and shall:

a) not be open to debate;
b) be amendable; and

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

11.14. Motion to Amend

A motion to amend, add to, delete from, or substitute words in the main motion may be presented in writing or verbally and shall:

a) receive disposition of Council before the original question;
b) be open to debate;
c) not propose a direct negative to the main motion; and
d) be relevant to the main motion;
e) not be amended more than once before voting.

11.15. Motion to Amend

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

11.16. Motion Not Within Jurisdiction

A motion relating to a matter not within the jurisdiction of the Council is not in order and shall not be entertained by the Mayor or Chair.

12.0. RULES OF DEBATE

12.1. Every Member, prior to speaking to any question or motion, must first be recognized by the Chair.

12.2. 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.

12.3. The following matters and motions with respect thereto may be introduced orally, without written notice and without leave, and do not require a seconder and are not debatable except as otherwise provided by this By-law:

a) a point of order;
b) presentation of petitions;
c) to separate the question;
d) to table indefinitely or to a day certain;
e) to go into Committee of the Whole;
f) to recess for a time definite;
g) to adjourn.

12.4. The following motions may be introduced without notice and without leave:

a) to refer;
b) to amend;
c) to lift from the table;
d) to table.

12.5. A motion to refer, until it is decided, shall precede all amendments of the main question.

13.0. VOTING ON MOTIONS

13.1. Calling the Question

Immediately preceding the taking of a vote, the Mayor or Chair shall state the question in the precise form in which it will be recorded in the Minutes and may also state the question in the form introduced, and shall do so if required by a Member.

A Member of Council may request that the Mayor or Chair "call the question" and the Mayor or Chair accepts or denies the request. Unless a member immediately appeals the decision to the Council, the decision of the Mayor or Chair shall be final.

13.2. Calling the Question

The decision of the Mayor as to whether the question has been finally put shall be final, except on appeal by any Member, upon which the decision of a majority of Council shall be conclusive.

13.3. Repeating the Question

Any Member may require any question to be repeated from the Chair prior to the voting on such question.

13.4. Voting Order

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

a) a motion to amend a motion to amend the main motion;
a motion, as amended, to amend the main motion; and
b) the main motion, as amended.

13.5. Separate Vote for Distinct Recommendations

When the motion under consideration contains distinct recommendations, upon the request of any member, the vote on each recommendation shall be taken separately.

13.6. Motion to Vote

A motion shall be put to a vote by the Mayor immediately after all members desiring to speak on the motion have spoken in accordance with Section 12 of this By-law.

13.7. Speaking During Vote

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

13.8. Mandatory Vote

Every member present shall vote on every motion unless the member indicates a conflict or pecuniary interest.

13.9. Abstained Vote Counts Against

Every member who is not disqualified from voting by reason of a declared pecuniary interest shall be deemed to be voting against the motion if he/she declines or abstains from voting.

13.10. Secret Vote

No vote shall be taken by Council by ballot or by any other method of secret voting and every vote so taken is of no effect.

13.11. Result

The Mayor or Chair shall announce the result of every vote taken as either Carried or Defeated.

13.12. Objection to Result

If a member disagrees with the result as announced by the Mayor or Chair, he/she may object immediately and, with the consent of a majority of Council, the vote shall be retaken.

13.13. Tie Vote

In the case of a tie vote, the vote is Defeated.

13.14. Recorded Vote

A recorded vote shall be taken when called for by any member or when required by law. The Clerk shall call upon each member of Council entitled to vote on the motion, to answer "support" or "opposed" beginning with the member who requested the recorded vote and then proceeding in a clock-wise direction to the other members of Council.

13.15. Recorded Vote

A member may call for a recorded vote at any time prior to or immediately after the taking of the vote. For clarity, calling for a recorded vote prior to the taking of the vote shall not curtail the debate of a matter, and the debate may continue as provided for in this by-law. If a recorded vote is requested immediately following the taking of the vote, the question shall be put again and the Clerk will call for the votes as described in Section 13.14 above.

13.16. Recorded Vote

When a recorded vote is taken, the names of the members of Council who voted in support and those who voted in opposition to the motion shall be entered in the minutes. The names of members who were absent from the meeting during the vote and the names of members declaring a conflict or pecuniary interest shall be entered in the minutes.

13.17. Recorded Vote

All members present shall vote when a recorded vote is called for, except when they have been disqualified from voting by reason of a declared conflict or pecuniary interest

13.18. Number of Members

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

a) the number of members who are present at the meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act, SO 2001,* as amended, and any successor legislation thereto; and

b) the number of seats that are vacant on Council by reason of Section 38 of the *Municipal Act, 2001*, as amended and any successor legislation thereto.

c) The number of seats that are temporarily vacant due to illness or other personal reasons.

13.19. Dissenting Votes Not Recorded

The Clerk shall not note dissenting votes in the Minutes unless a request has been made by a member of Council for a recorded vote.

14.0. RECONSIDERATION

14.1. Introduction By Any Member

A motion to reconsider a decided matter may be introduced by any member of Council

14.2. Required Support

A motion to reconsider a decided matter shall require the approval of two-thirds support of the whole Council.

14.3. Qualification

A motion to reconsider:

a) is not debatable;
b) is not amendable;
c) cannot be considered if the action approved in the motion cannot be reversed; and
d) suspends action on the motion to which it applies until it has been decided.

14.4. Reconsideration Period

No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided unless new information is obtain that is substantially different than at the time of the decision as determined by the Mayor and Clerk.

14.5. Debate Not Permitted

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

14.6. Affirmative Vote

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

14.7. Succeeding Council

When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

15.0. COUNCIL MINUTES

15.1. The Minutes of Council shall be taken by the Clerk or the Clerk's delegate and shall consist of a record of all proceedings taken in the Council Meeting. Pursuant to the *Municipal Act, 2001*, as amended the Minutes shall be without note or comment.

15.2. All Minutes, Committee Reports as adopted and By-laws passed by the Council shall be kept in the Clerk's Office and shall be made available for viewing during normal office hours, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.2 of this By-law, and subject to the provisions of any applicable by-law, Act or statute.

15.3. Minutes of Council shall be prepared by the Clerk or the Clerk's delegate and be made available to the Members prior to the next meeting.

16.0. PETITIONS

16.1. Petitions shall be referred by the Mayor and/or Clerk to the appropriate Committees at their regular meetings or after presentation to the Council, whichever comes first. Petitions for which action has not been directed nor discussion taken place shall be deemed to have been received by Council.

16.2. Every petition or paper addressed to the Council may be presented by a spokesperson.

16.3. When any petition, application or proposition presented by a spokesperson is referred to any Committee, such spokesperson shall be duly notified of the meeting or meetings of the Committee at which the same is to be heard, considered or resolved upon.

17.0. DEPUTATIONS AND PRESENTATIONS

17.1. Any person desiring to present information orally on matters of fact or to make a request to be heard by Council shall submit a request in writing along with a copy of their presentation materials to the Clerk eight (8) calendar days prior to the subject meeting. A deputation request properly received will be placed before Council as soon as is practicable. Any exceptions must be approved by a majority of Council.

17.2. The written submissions and/or presentations must include sufficient details to reveal the nature of the presentation and the decision or action being requested of the Council. Provided that the matter is related to the business of Council, the Clerk is authorized to list the request on the agenda for the next Regular meeting,

unless it is determined that the request should be directed to the appropriate Committee or Township department.

17.3. Each delegation and presentation as addressed shall be limited to not more than ten minutes. Extensions to these limits will be at the discretion of the majority of Council.

17.4. Persons appearing before Council shall confine their remarks to the business stated in their request.

17.5. The Clerk or the Clerk's delegate, with the permission of the Mayor, may direct that a delegation or presentation be received by a Committee prior to being received by Council.

17.6. Persons wishing to address Council after the Agenda has been prepared shall only be added to the Agenda by the Clerk with the permission of the Mayor. If permission is granted, a motion to hear the delegation or presentation is required. Delegations from the gallery will not be heard.

17.7. Delegations will be permitted from the gallery without prior registration or motion to hear during a public hearing portion of a meeting under the provisions of the Planning Act or other legislation or regulation requiring a public hearing.

17.8. In order to avoid repetition and to ensure an opportunity for the expression of different points of view, Council and/or Committee may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at the meeting.

17.9. Any person appearing before Council or any Committee who has previously appeared on the same subject matter shall be limited to providing only new information in their second and subsequent appearances.

17.10. No deputations shall be permitted regarding legal matters or pending litigation matters involving the Township or Township employees.

17.11. The Mayor or Chair may curtail any delegation or presentation, any questions of a delegation or debate during the presentation, for disorder or other breach of this by-law and if the Mayor or Chair rules that the delegation is concluded, the person or persons appearing shall withdraw from the podium.

17.12. Delegations shall not be allowed to present or attend in any portion of any closed session of Council and/or Committee.

17.13. Delegations shall not:

a) speak disrespectfully of any person;
b) use offensive words;

c) speak on any subject other than the subject for which they have received approval to address Council;
d) disobey a decision of the Mayor or Council;
e) enter into cross debate with other delegations, Administration, Council Members or the Mayor;
f) use offensive, dishonest. derogatory or defamatory words; or
g) disrupt Council proceedings with loud personal communication devices

17.14. Upon the completion of a presentation or delegation, any discourse between members of Council and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information. Members of Council shall not enter into debate with the delegation respecting the presentation. After all questions have been put to the delegation, and before any motion is made, the delegation shall be asked to resume his/her seat in the gallery. Once a motion has been moved and seconded, no further representation or questions of the delegation shall be permitted except for purposes of clarification of the motion as deemed necessary by the Mayor or Chair.

17.15. Members of the public attending a meeting shall respect the decorum of Council and refrain from public outburst, shouting or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council. Placards or other displays that may disrupt the meeting will not be permitted in the public meeting place. The Mayor or Chair may request that a member or members of the public vacate the Council Chamber if their behaviour is deemed to be disruptive. The Mayor or Chair may unilaterally suspend the meeting until order is restored.

18.0. COMMITTEE OF THE WHOLE

18.1. This By-law shall be observed at meetings of the Committee of the Whole. The Clerk or the Clerk's delegate shall record in the Minutes of such meetings all Resolutions and amendments to Reports or By-laws as made in Committee of the Whole for subsequent consideration by Council.

18.2. Committee Of The Whole may, on behalf of Council, pass motions to approve procedural items that are contained within the approved budget and are minor in nature when time is of the essence.

19.0. BY-LAWS AND AGREEMENTS

19.1. Every By-law and/or Agreement shall be circulated to members of Council as referred to in Section 8.1 of this By-law, and by such circulation to Council members shall be deemed to have been made known to the public.

19.2. Every By-law and / or Agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.

19.3. By single motion, By-laws are to be considered read the number of times as required for that session of Council and shall be discussed, committed or amended forthwith.

19.4. When a By-law is being considered in Committee of the Whole, it shall be debated clause by clause or as otherwise considered advisable by the Chair and Members.

19.5. Every By-law, once passed, shall be dated and duly signed and sealed by the Mayor and Clerk or the Clerk's delegate.

20.0. DISCLOSURES OF PECUNIARY INTEREST

20.1. Responsibility to Disclose

It is the responsibility of each Member of Council to identify and disclose any pecuniary interest as defined by the *Municipal Conflict of Interest Act, S.O. 2001*, and any successor in legislation thereto, in any item or matter before the Council or any Committee, Board or Commission.

20.2. Open Meeting Requirements

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

a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
b) not take part in the discussion;
c) not vote on any question in respect of the matter; and
d) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

20.3. Closed Meeting Requirements

Where a meeting is not open to the public, in addition to complying with the requirements in Section 18.2, the Member of Council shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration, and also disclose the interest, but not the general nature of that interest at the next meeting that is open to the public.

20.4. Disclosure When Not Present

Where the interest of a Member of Council has not been disclosed by reason of absence from the particular meeting, the Member shall disclose the Interest and

otherwise comply at the first meeting attended by the Member after the particular meeting.

20.5. Record

The Clerk shall cause the particulars of any disclosure of pecuniary interest made by Members of Council to be recorded and any such record shall appear in the Minutes of that particular meeting.

20.6. Effect of Non-compliance

The failure of one or more members to comply with Section 18 of this By-law shall not affect the validity of the meeting in regard to the said matter.

20.7. Disclosure by Majority

Notwithstanding the provisions of Section 4.1 of this By-law, when a majority of the members has disclosed an interest in accordance with Section 20 of this By-law and the *Municipal Conflict of Interest Act* and any successor legislation thereto, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

21.0. COMMITTEES

21.1. The Council shall at its Inaugural Meeting nominate and elect Members for the Committees and Boards listed in Schedule A, which is attached hereto and forms part of this By-law.

21.2. The order of election shall be alphabetical by Committee name.

22.0. PROCEDURAL APPEALS

22.1. Any Member may appeal a procedural decision of the Chair to the Council.

22.2. The Council shall decide all questions of order and its decisions shall be final.

23.0. ELECTONIC MEETING PARTICIPATION

23.1 A member of Council, a local board or a committee of Council may participate electronically in a meeting that is either open or closed to the public for a number of reasons including but limited to medical reasons, illness, an unexpected municipal or personal business conflict, a weather event , or in the event of an emergency in which physical distancing, limited gatherings

and/or quarantine measures are required, as well as any restriction guidelines set out by the local, provincial or federal public health agencies, and/or the Province of Ontario. Requests for electronic participation for other circumstances not listed shall be permitted with the approval of a two-thirds majority vote of Council.

23.2 Any member of Council, a local board or a committee of Council who is participating electronically shall make every effort to notify the Clerk or designate within a reasonable timeframe prior to the start of the meeting and no later than three (3) hours prior to the scheduled start time of the meeting.

23.2 A member of Council, of a local board or a committee of Council who is participating electronically in a meeting shall be counted towards quorum.

23.4 The Clerk or designate may provide for electronic participation of staff, including the Clerk.

23.5 Depending on the circumstance, meetings may be conducted via teleconference, video conferencing or other means as deemed appropriate in the circumstances. For clarification, electronic participation includes telephone, video, audio or audio-visual conferencing or any other interactive method as deemed appropriate.

23.6 The Chair will call the meeting to order and the Clerk or designate will call the roll and record those members present.

23.7 The Chair or Clerk or designates, will read motions and call for a mover and seconder.

23.8 During a vote, members participating via video shall raise their hands until the chair has confirmed the vote. The chair will call on members that are participating by telephone to state their vote to ensure accurate recording for the minutes. If the vote is unclear, the Chair may call for a verbal vote, yes or no, which shall be recorded by the Clerk or designate.

23.9 Agendas and/or notice of open meetings shall advice how members of the public may observe the proceedings.

23.10 In the event of a technical failure, Council/Committee may take a ten (10) minute recess to resolve the issue. If a member can no longer participate electronically and quorum still exists, the meeting will proceed.

23.11 In the event of a technical failure where quorum is affected, Council/Committee may take a thirty (30) minute recess to resolve the issue. If it cannot be resolved, the meeting will be adjourned, but all decisions made up until that point in the meeting will be considered approved.

AND FURTHER that this By-law hereby repeals By-law 2016-28

AND FURTHER that this By-law shall come into force and take effect upon the final passing thereof.

READ and **FINALLY PASSED** on **OPEN COUNCIL** this **10th day** of **December, 2019.**

THE CORPORATION OF THE TOWNSHIP OF CARLING

This is a consolidated by-law, see original by-laws for execution.

_____ _____

Mayor Konoval , Mayor Kevin McLlwain, CAO/Clerk

SCHEDULE "A"

COMMITTEES AND BOARDS

Special Committees: Joint Council Committee
- Mayor & 1 Member of Council

Committee of The Whole: All Members of Council

Committee of Adjustment: All Members of Council

Committee Guidelines: Each Committee shall select the Chairperson of their Committee. The members shall determine whether a meeting is required and schedule a time and date with the Clerk. The term of Committees shall be for the term of Council unless otherwise set by Council. Any Council member may attend any Committee meeting that is Open and may participate at the discretion of the Committee; however they may not vote.

The Chairperson shall report to Council on any recommendations or resolutions being put forth by the Committee. The Mayor may be an ex-officio member of any or all committees created by the Township of Carling.

Boards: Belvedere Heights Home for the Aged Board
- 1 Member of Council if selected from a designated group of municipalities

Parry Sound Industrial Park Board
- 2 Members of Council

District Social Services Board
- 1 Member of Council if selected from a designated group of municipalities

North Bay Parry Sound Board of Health
- 1 Member of Council if selected from a designated group of municipalities

Parry Sound Public Library Board
- 1 Member of Council

Parry Sound Area Planning Board
- 2 Members of Council

Museum on Tower Hill Board
- 1 Member of Council

Committees:

O.P.P. Community Policing Advisory Committee
- 1 Member of Council

West Parry Sound CiiNo
-1 Member of Council or Designate

Parry Sound District Emergency Medical Services Committee
- 1 Member of Council if selected from a designated group of municipalities