

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

By-Law 2020-037

Being a By-law to Govern the calling, place and proceedings of meetings of Council, Committees and Boards of the Corporation of the Village of Sundridge and to consolidate amendments previously made to By-Law No. 2019-067, By-Law No. 2020-012, and By-Law No. 2020-032.

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* requires that every municipality and local board shall pass a procedural by-law for governing the calling, place and proceedings of meetings; and

WHEREAS Council of the Corporation of the Village of Sundridge deems it expedient to enact a by-law to govern the calling, place and proceedings of meetings of Council, Committees and Joint Boards.

Now Therefore the Council of The Corporation of The Village of Sundridge Enacts As Follows:

1. DEFINITIONS

- 1.1 **“Agenda”** means the written Order of Business.
- 1.2 **“Attendee”** shall mean a person, other than a member of Staff, who is present at a meeting.
- 1.3 **“By-Law”** Shall mean a law that has been enacted by Council in order to exercise a power provided in an Act.
- 1.4 **“Clerk”** Shall mean the person or designate duly appointed by the Village as prescribed in the Municipal Act, 2001, S.O. 2001, C.25, as amended.
- 1.5 **“Closed Session (In-Camera)”** Shall mean a meeting or part of a meeting that is closed to the public as prescribed in Section 239 of the Municipal Act, 2001, S.O. 2001, C.25, as amended.
- 1.6 **“Chair (Presiding Officer)”** Shall mean the member who presides at a Council of Committee Meeting. An Acting Chair can be temporarily appointed to serve in Chair’s place during their absence.
- 1.7 **“Committee”** Shall mean any Committee or Joint Board established by Council.
- 1.8 **“Committee of the Whole”** Shall mean a quorum of members of Council sitting as a Committee of the Whole, being an open Council Meeting, to deal with business matters;

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- 1.9 **“Communications”** Shall include, but not limited to, letters, memos, notices, emails, faxes, petitions, brochures, articles, etc. received for the purpose of a Council or Committee Agenda.
- 1.10 **“Confirming By-law”** Shall mean a By-law passed prior to adjournment of every Council/Committee Meeting to confirm the resolutions and actions of Council taken at the meeting.
- 1.11 **“Council”** Shall mean the Municipal Council of the Village.
- 1.12 **“Council Meetings”** include Regular, Special and Emergency Meetings of the Council of the Village of Sundridge.
- 1.13 **“Councillor”** shall mean a person elected or lawfully appointed to the Council of the Village of Sundridge.
- 1.14 **“Delegation”** Shall mean a person or group of persons who are not members of Council or Village Staff who have requested and are permitted to address Council or Committee, individually or on behalf of a group, on a matter on the Agenda for that meeting in accordance with the provisions of this By-law.
- 1.15 **“Deputy Clerk”** Shall mean the person appointed by the Village who has all the powers and duties of the Clerk, as prescribed in the Municipal Act, 2001, S.O. 2001, C.25, as amended.
- 1.16 **“Deputy Mayor”** shall mean the member of Council appointed as the Deputy Mayor in accordance with this by-law.
- 1.17 **“Emergency”** shall mean a situation that poses an immediate threat to the Village.
- 1.17.1 **“Electronic Participation”** means a Council Member who participates in a Committee of the Whole, Council or Committee meeting remotely via electronic means (e.g. Video or audio teleconference), who has the same rights and responsibilities as if he or she were in physical attendance, including the right to vote, and shall be permitted to participate in any portion of a meeting which is closed to the public.
- 1.18 **“Majority Vote”** shall mean a vote where over half of the Members present, and eligible to vote, vote in the same manner.
- 1.19 **“Mayor”** shall mean the Member of Council elected by general vote as the Mayor and is the Head of Council, the Ex-Officio and who normally presides at all Council meetings.

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- 1.20 **“Member”** shall mean a Member of Council or a Member of a Committee.
- 1.21 **“Minutes”** shall mean a record of the proceedings of a meeting, and shall be made by the Clerk without note of comment.
- 1.22 **“Motion”** shall mean a Resolution of Council or a Recommendation of a Committee that is under debate by Council or a Committee.
- 1.23 **“Order of Business”** shall mean the sequence of business under consideration at a meeting.
- 1.24 **“Pecuniary Interest”** shall mean a direct or indirect pecuniary (monetary) interest within the meaning of the Municipal Conflict of Interest Act. R.S.O. 1990, c.M.50, as amended.
- 1.25 **“Presentation”** shall mean the occurrence when, staff, an individual or group have been invited to present information to Council or Committee.
- 1.26 **“Proceedings”** shall mean the business conducted at a meeting.
- 1.27 **“Public Information Session/Centre (Open House)”**, shall be deemed a meeting held for the purpose of presenting proposals, issues, educating, informing and/or receiving input.
- 1.28 **“Public Meeting (Statutory)”** shall be deemed a meeting held for the purpose required under an Act or Regulation.
- 1.29 **“Quorum”** shall mean the number of Members required to be present in the meeting room, in order that business may be conducted.
- 1.30 **“Recess”** shall mean a break from a meeting.
- 1.31 **“Recorded Vote”** shall mean documenting in the minutes of a meeting the names of each member and the members’ vote on a motion.
- 1.32 **“Resolution”** shall mean a motion that has been passed by a Council or Committee.
- 1.33 **“Special Meeting”** shall be deemed a Council or Committee meeting which is in addition to the regular scheduled meetings.
- 1.34 **“Village”** shall mean the Corporation of the Village of Sundridge.

2. GENERAL RULES AND REGULATIONS

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- 2.1 The rules and regulations contained in this By-law shall be observed in all proceedings of Council to which they apply and shall be the rules and regulations for the order and dispatch of business at meetings of Council and Committees/Boards administered through the Village of Sundridge.
- 2.2 Subject to the requirements of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the rules and regulations contained herein may be suspended by resolution for a single occasion by a majority Vote of the members present and eligible to vote, unless otherwise provided by law.
- 2.3 Subject to the right of appeal by a Member, the chair shall be responsible to interpret the rules of procedure under this By-law with the advice and assistance of the Clerk.
- 2.4 No Meeting of Council shall be held in the absence of the Clerk or Designate.
- 2.5 The Clerk or designate shall be the Recording Secretary of Council and Committees/Boards of Council and shall be in attendance at all times.
- 2.6 Where procedural matters of Council or Committees/Boards of Council are not provided for in this by-law and are not governed by the Municipal Act, 2001 and the Municipal Conflict of Interest Act, Robert's Rules of Order shall apply.
- 2.7 The Mayor shall be the Presiding Officer of all meetings of Council and the Chair of Committee or Joint Board shall be the Presiding Officer of all meetings of the respective Committee.
- 2.8 In the absence of the Mayor from the Village, or if the absence is through illness or refusal to act, or if the Office is vacant, the provisional Deputy Mayor for the purposes of this By-law shall act in place of the Mayor and shall have all the rights, powers and authority of the Mayor, while so acting.

In the case of the absence of the Mayor and Deputy Mayor at a meeting of Council, the remaining members of Council shall appoint by resolution another Councillor as Acting Mayor.

In the case of the absence of the Chair and Acting Chair at a meeting of a Committee/Board, the remaining Members shall appoint by resolution another Member as Acting Chair.

- 2.9 Persons shall not be permitted to address Council or a Committee/Board unless permission of the presiding Officer or Chair has been obtained.

3. NOTIFICATION, TIME, LOCATION, AND CALLING OF MEETINGS

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Public Notice of Meetings

- 3.1 Prior to the first meeting in each calendar year, Council shall establish a schedule of all regular Council meeting dates for the calendar year. The schedule shall contain the date, time and location of the meetings and will be posted on the public notice boards and the Village website. The meeting schedule is subject to change as necessary.
- 3.2 Notice of changes to the meeting schedule, including the revised date, time and location shall be given at least 24 hours advance notice. Changes to the meeting schedule will be posted as deemed appropriate by the Clerk or designate, and may include, posting on the notice boards, Village website and/or Social Media.
- 3.3 Notice of a Special Meeting of Council of Committee/Board, including the date, time, location and order of Business shall be given at least 24 hours prior to the meeting. Notice of a Special Meeting will be posted as deemed appropriate by the Clerk or designate, and may include, posting on the notice boards, Village website and/or Social Media.
- 3.4 No public notice is required for an Emergency Meeting pursuant to the Village's Emergency Response Plan or any other similar unforeseen circumstance.
- 3.5 If it appears that inclement weather or an emergency situation will prevent the members from attending a meeting, the Mayor or Committee/Board Chair may direct the Clerk to postpone the meeting by contacting all members and posting a notice as deemed appropriate by the Clerk or designate.

Time and Date

- 3.6 Regular Meetings of Council shall be held on the second and fourth Wednesday of each month and shall begin at 6:00 p.m., unless otherwise specified, and except when Wednesday is a statutory holiday, in which case Council shall meet on the next regular scheduled Council Meeting date or at the call of the Chair on a date which is not a statutory holiday.
- 3.7 Notwithstanding Section 3.6, for the months of July and August there shall be one Regular Meeting of Council on the third Wednesday of the month and the meeting shall begin at 6:00 p.m. For the month of December there shall be one Regular Meeting of Council on the second Wednesday of the month and the meeting shall begin at 6:00 p.m.
- 3.8 The Chair may call an emergency meeting of Council at any time for an emergency pursuant to the Village's Emergency Response Plan or any other similar unforeseen circumstance.

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Location

- 3.9 All meetings of Council shall be held in the Council Chambers at the Municipal Administration Office located at 110 Main Street, Sundridge. If another location is agreed upon, notice will be provided on the published agenda for that meeting.
- 3.10 The location of All meetings of Committees/Boards will be indicated on the published Agenda.

Inaugural Meeting

- 3.10 The Inaugural Meeting of Council shall take place on the first Wednesday in December following an election. The Mayor and the Clerk shall decide on the time of the Inaugural meeting and the Clerk shall be responsible for the content of the Agenda and the arrangements for the Inaugural Proceedings.
- 3.11 The Clerk shall call to order the Inaugural Meeting of a Committee/Board and the first item of business shall be the election of the Chair and Acting Chair for the Committee/Board, after which the elected chair shall preside over the meeting.
- 3.12 Meetings of the Committee/Board shall be held at the time and place provided by resolution of the Committee/Board.

Special Meetings of Council/Committees/Boards

- 3.13 The Head of Council or Chair of a Committee/Board may at any time summon a special meeting and only the matters dealt with at the special meeting shall be those indicated on the notice provided.
- 3.14 Upon receipt of a petition of the majority of Members of Council, the Clerk or Deputy Clerk shall summon a special meeting and the only matters dealt with at the special meeting shall be those indicated on the notice provided.
- 3.15 Upon receipt of a petition of the majority of Members of a Committee/Board, the Recording Secretary shall summon a special meeting and the only matters dealt with at the special meeting shall be those indicated on the notice provided.
- 3.16 In either circumstance, the Clerk or Recording Secretary shall give every member of Council or Committee/Board at least 24 hours notice of the Special Meeting. Notice shall be either verbal or written and shall include the purpose of the Special Meeting.

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ELECTRONIC PARTICIPATION

- 3.17 Electronic Participation at meetings may be conducted, pursuant to Section 238 of the Municipal Act, as amended, and in accordance with this by-law.
- 3.18 Members participating electronically, shall be entitled to vote as if they were attending in person and participate electronically in a meeting that is open or closed to the public.
- 3.19 Members who wish to participate electronically, in accordance with this section, shall make arrangements with the Clerk, or designate, no less than 24 hours in advance of the meeting. Requests to attend the meeting electronically will be permitted based on the reason for the request, followed by the order received.
- 3.20 In order to minimize disruptions to the meeting, there shall be a minimum of three members physically present to ensure quorum is maintained for the duration of the meeting.

For Committee/Board Meetings, quorum required to be present shall be pursuant to the applicable agreement.

ELECTRONIC PARTICIPATION – EMERGENCY SITUATIONS

- 3.21 This by-law is to be applied broadly and with flexibility to permit meetings to occur in light of special circumstances associated with emergency situations.
- 3.22 As determined by the Mayor or Chair and Clerk, in an undeclared or declared emergency situation, all members, the Clerk, and applicable Staff may participate electronically. All members of Council/Committee shall be counted for the purposes of quorum and shall be entitled to vote.
- 3.23 In deciding to hold a meeting or meetings electronically, Council/Committee shall consider the health and safety of the public.
- 3.24 In emergency situations where the health and safety of the public is deemed to be at risk, meetings will be open to the public by live streaming and/or audio recorded on an appropriate internet based platform that is generally available to members of the public.

4. ROLES and RESPONSIBILITIES

Role of Council

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- 4.1 In accordance with the Municipal Act, 2001, as amended, it is the role of Council to:
- a) Represent the public and to consider the well-being and interests of the Village;
 - b) Develop and evaluate the policies and programs of the Village;
 - c) Determine which services the Village provides;
 - d) Ensure that administrative policies, practices, procedures are in place to implement the decisions of Council;
 - e) Maintain the financial integrity of the Village;
 - f) Carry out the duties of Council under the Municipal Act, S.O. 2001, C.25, as amended or any other act.

Role of Head of Council

- 4.2 In accordance with the Municipal Act, 2001, as amended, it is the role of the Head of Council to:
- a) Act as the Chief Executive Officer of the Village;
 - b) Preside over Council Meetings so that its business can be carried out efficiently and effectively;
 - c) Provide leadership to Council;
 - d) Without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council pursuant to this by-law, the Municipal Act, as amended and other applicable legislation;
 - e) Represent the Village at official functions;
 - f) Carry out the duties of the Head of Council under the Municipal Act, S.O. 2001, C.25, as amended or any other act.

Role of Head of Council as Chief Executive Officer

- 4.3 In accordance with the Municipal Act, 2001, as amended, it is the role of the Head of Council as the Chief Executive Officer to:
- a) Uphold and promote the purposes of the Village;
 - b) Promote public involvement in the Village's activities;
 - c) Act as the representative of the Village both within and outside the Village, and promote the Village locally, nationally and internationally;
 - d) Participate in and foster activities that enhance the economic, social and environmental well-being of the Village and its residents.

Duties of Head of Council or Committee/Board Chair

- 4.4 In accordance with the Municipal Act, 2001, as amended, it is the role of the Head of Council or Committee Chair to:
- a) Open the meeting and call the members to order;

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- b) Announce the business before the Council or Committee/Board in the order in which it appears on the agenda;
- c) Receive and submit, in the proper manner, all formal resolutions presented by the members of the Council or Committee/Board;
- d) Put to vote all questions, which are regularly moved and seconded or necessarily arise in the course of the proceeding and to announce the result;
- e) Require a recorded vote to be taken on any question upon request of a member if such request is made prior to commencement of voting or immediately thereafter;
- f) Decline to put to vote any resolution that infringes on the rules of procedure;
- g) Enforce on all occasions the observance of order and decorum among the members;
- h) Call to order any members persisting in breach of the rules of the Council and to order such person or persons to vacate the Council Chamber subject to majority vote of the Members present; and subject to the provisions of section 4.6 c);
 - Notwithstanding g) the presiding Officer may expel any person for improper conduct at a meeting
- i) Notwithstanding 4.4 h) the Chair may expel any person for improper conduct at a meeting;
- j) Inform Council or Committee/Board, when necessary, or when referred to for the purpose on a point of order or usage;
- k) Authenticate by signature, when necessary, all by-laws, resolutions, minutes and documents authorized by Council or Committee/Board;
- l) Represent Council or Committee/Board, declaring its will and implicitly obeying its decisions in all things;
- m) Ensure that the decisions of Council or Committee are in conformity with current by-laws governing the activities of Council of Committee;
- n) Adjourn the meeting at the times as set out under Section 16 of this by-law;
- o) Expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

Ex-Officio Member

- 4.5 The mayor shall be an ex-officio member of any Committee/Board of which the mayor is not already an appointed member or acting as an alternate. When attending in ex-officio capacity the mayor shall have no voting privileges.

Decorum of Members

- 4.6 No Member of Council or Committee/Board shall:
- a) Disturb another Member, or the meeting in general, by any disorderly conduct to any other member, staff or in attendance at the meetings;

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- b) Resist the rules of Council, Committee/Board or disobey the decision of the Chair or Council on questions of order of practice or upon the interpretations of the rules of procedure;
- c) Be permitted to retake their seat at any meeting after being ordered to vacate same due to a breach unless recognized by the Chair only for the purpose of receiving an apology rendered by the member at that meeting or a subsequent meeting until that Member has extended an apology and had it accepted by the Presiding Officer or Chair.
- d) Speak without first addressing the Chair

5. DISCLOSURE OF PECUNIARY INTEREST

- 5.1 Every member of Council or Committee/Board, as defined by the Municipal Conflict of Interest Act, as amended, shall comply with the provisions of the Act including the declaration of any pecuniary interest as prescribed by the Act.
- 5.2 Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council or Committee/Board at which the matter is the subject of consideration, the member shall:
 - At the beginning of each meeting and prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - Not take part in discussion, or vote on any question in respect of the matter;
 - Not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 5.3 Any member declaring a pecuniary interest shall leave the meeting until Council or Committee/Board has dealt with the matter in relation to which the interest has been declared.
- 5.4 Notwithstanding 5.3 above, when the meeting is in Closed Session, a member who has declared a Conflict of Interest shall leave the meeting until Council or Committee/Board has dealt with the matter in relation to which the interest has been declared. The Clerk shall record in the Minutes the time the member left and returned to the Closed Session.
- 5.5 Where the interest of a member has not been disclosed by reason of the member's absence from the meeting, the member shall disclose the interest at the first meeting of the Council or Committee as the case may be, attended by the member after the meeting at which the matter was considered.

6. QUORUM

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- 6.1 A majority of the Members of Council or Committee/Board, shall constitute quorum.
- 6.2 If no quorum is present fifteen (15) minutes after the scheduled meeting time, the Clerk/Deputy Clerk or Recording Secretary shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting; regular, special or emergency.
- 6.3 The Chair shall call the meeting to order as soon after the scheduled meeting time that a quorum is present.
- 6.4 If the Mayor is not available at the scheduled meeting time of Council, the Deputy Mayor will conduct the meeting until the arrival of the Mayor.
- 6.5 If the Chair is not available at the set time of the Committee/Board Meeting, the Committee/Board shall appoint an Acting Chair to conduct the meeting until the arrival of the Chair.
- 6.6 When quorum is lost, the meeting shall stand recessed and no further action shall be taken. If quorum is regained within fifteen (15) minutes the meeting shall proceed. If quorum is not regained within fifteen (15) minutes, the meeting shall stand adjourned.
- 6.7 When quorum is lost as a result of Declarations of Pecuniary Interest by one or more Members, the remaining members shall be deemed to constitute quorum, provided the number is not fewer than two.
- 6.8 A member shall notify the Clerk/Deputy Clerk or Recording Secretary when intending to be absent from a Council or Committee meeting.

7. COUNCIL AND COMMITTEE/BOARD AGENDAS

- 7.1 The Clerk shall prepare an agenda for meeting of Council in the following format:

- C1. Call to Order
- C2. Approval of Agenda
- C3. Declaration of Pecuniary Interest

- C4. Planning Matters (if applicable)
- C5. Delegations
- C6. Presentations
- C7. Consent Items
Communications (Staff, Intergovernmental, Board, Agency and Other), Resolutions of Support
- C8. Approval of Consent Items

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- C9. New Business/Action Items
- C10a. Committee Reports
- C10b. Council Meeting Minutes (Regular/Special/Closed)
- C11. Staff Reports
- C12. By-Laws
- C13. Announcements
- C14. Notice of Motion
- C15. Closed Session (In Camera) Confirming By-Law
- C16. Confirming By-Law
- C17. Adjournment

7.2 The Recording Secretary shall prepare an agenda for Committee/Board Meetings in the following format:

- C1. Call to Order
- C2. Approval of Agenda
- C3. Declaration of Pecuniary Interest
- C4. Delegations
- C5. Presentations
- C6. Approval of Minutes
- C7. New Business
- C8. Correspondence
- C8. Accounts Payable & Income Statement
- C9. Announcements
- C10. Notice of Motion
- C11. Closed Session (In Camera)
- C12. Adjournment

7.3 In the event that any agenda item is also the subject of a delegation or presentation, the item may be brought forward to the beginning of the agenda in order that Council or Committee/Board may receive the delegation and discuss the matter immediately following the delegation or presentation, at the discretion of the Presiding Officer/Chair.

7.4 The Clerk or designate shall accept items for inclusion on the agenda from Members of Council, delegations, affiliations and/or individuals, and shall place same on the agenda for consideration by Council.

7.5 All items for inclusion on the Agenda shall be received by the Clerk or Designate on or before the Wednesday prior to the scheduled Council meeting and will be placed on the Agenda at the discretion of the Clerk or designate.

7.6 Any item which is not on the agenda as printed, but has been determined by the Clerk or designate to be of a nature which requires Council's attention prior to the next scheduled meeting, may be added at the meeting by addendum at the discretion of the Clerk or designate and with Council's approval.

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- 7.7 Any items brought forward by other means shall require a majority vote of the members present to be added to the agenda.
- 7.8 The order of business as stated above may be taken out of order at the discretion of the Clerk when preparing the Agenda. Items on the Council Agenda may be taken out of order at the commencement of the meeting at the discretion of the Majority of Council.
- 7.9 Additional correspondence distributed to Council or Committee/Board Members at the meeting, shall be recorded in the minutes.
- 7.10 The Clerk shall prepare and print a draft agenda and make it available to Members of Council on the Friday prior to the Council meeting.
- 7.11 The Clerk shall post the final agenda on the Village website for public viewing, on the Monday prior to the Council meeting.

8. DELEGATIONS

- 8.1 Any person requesting a delegation or presentation shall submit a Delegation Request Form to the Clerk no later than 4:00 p.m. on the Wednesday prior to the meeting at which they wish to be heard. The delegation request Form will be included as part of the Agenda. The Delegation request may or may not be heard at the discretion of the Clerk and/or Presiding Officer/Chair.
- 8.2 No delegation may be scheduled for a closed session.
- 8.3 Delegations are to be limited to fifteen (15) minutes, an extension to this time frame requires a resolution of Council or Committee/Board and can be up to a maximum of 15 additional minutes.
- 8.4 The number of delegations per agenda shall be limited to two (2).
- 8.5 Delegations are intended to provide information and not to enter into a debate with Council or Committee/Board members. Delegations may only speak to the matter listed on the Agenda, as per the submitted form.
- 8.6 Delegations that have previously appeared on the same subject matter shall be limited to four (4) delegation requests and must provide new information only. The Delegation request may or may not be heard at the discretion of the Clerk and/or Presiding Officer/Chair.

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8.7 Requests from a delegation will be brought to a future meeting for Council/Committee/Board direction.

8.8 Delegations can appear either in person or electronically.

9. PRESENTATIONS

9.1 The purpose of presentations shall be when staff or consultants have information for Council or when an individual or a group have been requested to attend a Council or Committee/Board meeting to present information.

9.2 Presentation will be limited to twenty (30) minutes, unless otherwise directed by the Clerk, followed by a question period for Council of Committee/Board members if required.

9.3 Presentations are intended to provide information and not to enter into a debate with Council or Committee/Board Members.

10. CONSENT ITEMS

10.1 For the purpose of the Agenda, the Clerk or Designate shall determine the items that may not require further direction. These matters shall be listed as such on the agenda under New Business/Action Items.

10.2 Items may be removed from the consent agenda at the request of any one member. Items not removed may be adopted by general consent without debate. Any items removed from the consent agenda will be taken up under New Business/Action Items.

11. COMMUNICATIONS

11.1 Communications that are addressed to Council or Committee/Board members or that relate to Village or Committee matters shall be added to the agenda under communications.

11.2 Communications not addressed to Council or Committee/Board but that the Clerk deems to be of interest shall be added to the agenda under communications.

11.3 Communication that is not legible or that contain any defamatory allegations, or improper matters shall be circulated to Council or Committee/Board Members in a confidential manner. Communications received should include a name and contact information.

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- 11.4 Communication will be received for Information only unless a Council or Committee/Board Member requests a different Action.

12. BY-LAWS

- 12.1 Every By-law shall be listed on the agenda by an identifying number, followed by a brief description of the intent of the By-law.
- 12.2 Every By-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the corporation and signed by the Mayor or Presiding Officer and the Clerk or Deputy Clerk.
- 12.3 The Clerk or designate shall make minor corrections to any by-law resulting from technical or typographical errors. Corrections shall not change the intent of the By-law.
- 12.4 The By-laws as enacted shall be available for public inspection in the Administration office during regular business hours. The Clerk may provide electronic access, including posting on the Village Website or such other method as may be determined by the Clerk.
- 12.5 The proceedings at all Council meetings shall be confirmed by By-law so that every decision and resolution passed shall have the same force and effect of a separate by-law duly enacted.
- 12.6 The Confirmation By-law shall be listed on the Regular Agenda as the last items for Council consideration prior to adjournment.
- 12.7 A By-law shall be used, but not limited to, implementing policy, memorandums of understanding, agreements and permanent rules.

13. CONSENT ITEMS

- 13.1 The Chair will note of each item listed under Consent Items that any Member of Council may pull add to be discussed or supported under C9 New Business /Action Items. Remaining consent items will be presented in one recommendation for Council consideration.

14. ANNOUNCEMENTS

- 14.1 Council and Staff will have an opportunity to provide an update on events attended or important matters occurring within the Village and/or surrounding areas.

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15. NOTICE OF MOTION

- 15.1 A Notice of Motion shall allow Council members to advise of a motion they will be presenting to Council for consideration at a future meeting. Members bringing forward a motion shall provide the requested motion to the Clerk or Designate.

16. ADJOURNMENT

- 16.1 The motion to adjourn a Council or Committee/Board meeting shall include the time of the adjournment along with the date and time of the next scheduled meeting.
- 16.2 Unless otherwise determined by Resolution of Council or Committee/Board by a majority vote to extend the meeting by one-half hour, and no longer, all meetings commencing at 6:00 p.m. shall conclude at the hour of 10:00 p.m.
- 16.3 Any meetings of Council or Committee/Board commencing at a different time shall not exceed four (4) hours in length.

17. CLOSED SESSION MATTERS

- 17.1 A meeting or Part of a Meeting may be closed to the public if the subject matter be considered is pursuant to the Municipal Act, 2001, as amended.
- 17.2 Documents and/or Staff Reports that are ‘Confidential’ will be marked confidential.
- 17.3 Documents and/or Staff Reports that are ‘Confidential’ will be made available to Council or Committee/Board Members at the meeting and must be returned to the at the end of the Closed Session.
- 17.4 Before holding a meeting or part of a meeting that is to be closed to the public, the Council, Committee/Board shall state by resolution the fact of the holding of the Closed Meeting and the general nature of the matters to be considered at the Closed Meeting.

18. UNFINISHED BUSINESS

- 18.1 Unfinished Business shall be listed on the agenda in the order in which it first came before Council for consideration and if not dealt with at the meeting of Council at which it appeared on the agenda shall continue to be listed until finalized.

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19. RESOLUTIONS

- 19.1 A resolution shall express the decision of Council and shall be passed to give direction to staff.

20. MINUTES

- 20.1 The Minutes of each meeting of Council, Committee/Board shall record:
- The place, date and time of the meeting
 - The names of all members, staff and guests present
 - All resolutions, decisions and other proceedings of Council, Committees/Boards.
- 20.2 The Clerk or designate shall ensure that the draft minutes are available as soon as possible, after the meeting of Council or of the Committee/Board.

21. COUNCIL VACANCIES

- 21.1 In accordance with Section 259 of the Municipal Act, 2001, as amended, the office of a member of municipal Council becomes vacant if the member:
- a) Becomes disqualified from holding the office of a member of Council under sections - 256, 257, or 258 of the Municipal Act, 2001, as amended
 - b) Fails to make the Declaration of Office before the deadline, pursuant to the Municipal Act, 2001, as amended
 - c) Is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council
 - d) Resigns from their seat and the resignation is effective pursuant to the Municipal Act, 2001, as amended
 - e) Is appointed or elected to fill any vacancy in any other office on the same Council
 - f) Has their seat declared vacant in any judicial proceedings
 - g) Forfeits their Office under this or any other act
 - h) Dies, whether before or after accepting Office and making the prescribed declarations.
- 21.2 In accordance with the Municipal Act, 2001, as amended, even if a member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council a vacancy would not apply if the absence is a result of the member's pregnancy or parental leave.

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- 21.3 In accordance with the Municipal Act, 2001, a member of Municipal Council may resign from Office by providing notice in writing, to be filed with the Clerk of the Municipality, however, a resignation is not effective if it would reduce the number of members of the Council to less than a quorum.

22. RECESS

- 22.1 At a Council of Committee/Board meeting, the Council or Committee/Board shall recess by a majority consent and shall set a time to recess for.

23. RULES OF DEBATE

- 23.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 23.2 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting. The minutes will reflect the Point of Order, and the Chair's ruling.
- 23.3 The Chair may speak on any matter either before the commencement of debate on any matter, or without entering into further debate, may speak to close the debate on any matter after all Members wishing to speak has spoken.
- 23.4 If the Chair wishes to take part in the debate, the Chair must leave the chair and call on another Member to act in the Chair's place until the debate is closed and in such case the Chair waives his/her privilege to close the debate. The Member acting in the Chair's place may close the debate.
- 23.5 After the Chair, the member who moves a main motion has the first right of speaking on that motion, the seconder has the next right of speaking on the motion.
- 23.6 No Member shall speak to a question or motion until the Member has been recognized by the Chair. After being recognized by the Chair, all remarks shall be respectfully made through the Chair.
- 23.7 Prior to the taking of a vote, a 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 who is speaking.

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23.8 The following matters may be introduced orally, without written notice and without leave:

- a) A point of order
- b) A motion to amend
- c) A motion to refer, including to Closed Session
- d) A motion to table the question
- e) A motion to vote on the question
- f) A motion to suspend the rules of procedure
- g) A motion to recess
- h) A motion to adjourn.

23.9 When a member wishes to call attention to what the member believes to be a violation of the rules of procedure, the member shall, when once recognized by the Chair, raise the point of order.

23.10 When a point of order is acknowledged by the Chair, any Member speaking at the time shall cease doing so until the point has been dealt with.

23.11 On raising the point of order, a member shall state the point of order with concise explanation and the Chair shall rule upon the point of order.

23.12 The Chair's ruling shall be final, unless a Member immediately appeals the ruling of the Chair (challenges the Chair) as follows:

- a) The Member appealing shall state the reasons for the appeal;
- b) The Chair may offer reasons in favour of upholding their ruling; and
- c) The Members shall vote on the appeal without debate.

23.13 If the appeal is upheld, then the Chair shall change their ruling accordingly or if the appeal is rejected, then the Chair's ruling stands and no further avenues of appeal are allowed.

24. VOTING

24.1 Regardless of the method of voting:

- a) Every Member present at a meeting, including the Chair, shall vote on the issue at hand unless prohibited by statute or this by-law, if prohibited from voting, the Clerk shall record in the minutes the name of the Member and the reason that he or she is prohibited from voting; and;
- b) If any Member present refuses to vote or fails to vote, the Member shall be deemed to vote against the question.

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- 24.2 A motion on which the voting results in a tie shall be considered lost.
- 24.4 The Clerk shall record the result of votes as follows:
if passed, "Carried";
if not passed, "Defeated";
if deferred, "Tabled" or
if tied, "Motion Lost".
- 24.5 The Chair, except where disqualified to vote, is entitled to vote on all questions and when it could affect the result of the vote, and when so doing, shall vote last.
- 24.6 After the Chair commences to take a vote on a question, no member shall speak to such question or present any other motion until a vote has been taken on such question.
- 24.7 When the Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Chair. A Member who is not at the Council table when the Chair calls for a vote shall not be entitled to vote.
- 24.8 If a member disagrees with the announcement of the result of any vote, the member may object immediately to the announcement and require that the vote be retaken.
- 24.9 All motions shall be completed by a recorded vote:
- a) The Clerk shall call by name the members present in alphabetical order by last name, except for the Chair whose name shall be called last;
 - b) Each member present who is not disqualified from voting by statute or this By-law shall announce their vote openly, in the order set out above, and the Clerk shall record each Members vote in favour or against the question; and
 - c) After completion of the recorded vote the Clerk shall announce the results.

25. Motions

- 25.1 Motions shall be debated in the order of their presentation on the Agenda.
- 25.2 Members of Council or Committee/Board, the Clerk and other officers may introduce matters to be dealt with by motion, subject to the notice provisions in this By-law.

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- 25.3 A motion for introducing a new matter shall not be presented without notice unless Council or Committee/Board, without debate, dispenses with such notice by a two-thirds vote of the Members present.
- 25.4 Every motion, amendment to a main motion, or amendment to an amendment must be formally moved and seconded before the Chair can put the question to Council for a vote, and prior to any discussion on the question.
- 25.5 Any member may require a motion under discussion to be read by the Chair at any time during the debate but not so as to interrupt another member who is speaking.
- 25.6 A motion properly before the Council or Committee/Board for consideration must receive disposition before any other motions can be received, unless it is a motion to amend, to refer to staff for report, to defer indefinitely or to a specified time, to adjourn the meeting or that the vote be now taken.
- 25.7 A Member of Council or Committee/Board may file a motion to be placed on the agenda with the Clerk not later than two (2) working days preceding the date of the Council meeting.
- 25.8 A Member of Council may file a "Notice of Motion" with the Clerk, to be noted on the agenda, of which will be deliberated at the next regular Council meeting.
- 25.9 No Member shall speak more than twice until every Member has had an opportunity to speak towards the motion.
- 25.10 Once the motion is proposed and seconded, but before the Chair states the motion, it belongs to the proposer, the motion may be withdrawn or modified without the permission of Council. Once a motion has been stated, it shall be deemed to be in possession of Council, but at any time, the member who moved a motion may request to withdraw the motion before a decision or an amendment. If there is no objection, the motion is withdrawn with general consent. If there is an objection, anyone may second the motion to withdraw and the Chair takes a vote.
- 25.11 When a motion under consideration contains distinct recommendations, a member may request that the vote be taken separately on each proposal.
- 25.12 Only one amendment at a time can be presented to a main motion, and only one amendment to an amendment can be presented. A motion to amend shall;
- a) Be made only to a previous question or to amend an amendment to the question;

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- b) Be relevant to the motion;
- c) Be moved and seconded;
- d) Be put to a vote in the reverse order to that which it is moved;
- e) Not be in order if, in essence, it constitutes a rejection of the main question.

25.13 A motion to **refer** the question shall include;

- a) The name of the body or official to whom the question is to be referred;
- b) Instructions respecting the terms upon which the question is to be referred.
- c) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
- d) A motion to refer a question may be amended in accordance with the provisions of Section 15.14.

25.14 A motion to **postpone** shall;

- a) Include a fixed date for the question to come back before Council for consideration;
- b) Be made while the main motion or an amendment is on the floor, and takes precedence over that motion or amendment;
- c) Be debated, however, the debate must be limited to the advisability of the proposed postponement;
- d) Only be amended to change the length of the postponement.

25.15 A motion to **adjourn** the Council or to end the debate (Call the Question) shall always be in order, except:

- a) When a Member is speaking;
- b) During the taking of a vote;
- c) Immediately following the affirmative resolution of a motion that a vote on the question now be taken;
- d) When a Member has already indicated to the Mayor or Chair, that he or she desires to speak on the question;
- e) When resolved in the negative, cannot be made again until Council has conducted further proceedings.

25.16 Motions to **Reconsider**

- a) A motion to reconsider a decided matter shall only be moved by the member who voted with the majority on the original motion.
- b) No motion to reconsider a decided matter shall be in order when the motion has been implemented resulting in a legally binding commitment that is in place on the date that a motion to reconsider is to be debated.
- c) A motion to reconsider a decided matter at the same meeting shall require the approval of two-thirds support of the Whole Council that is present.
- d) A motion to reconsider a decided matter at a subsequent meeting shall require the approval of a majority of Council that is present.

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- e) A motion to reconsider is not amendable and debate must be confined to reasons for or against reconsideration. However, the mover of a motion to reconsider may provide a brief and concise statement outlining the reasons for proposing such reconsideration.
- f) If the action approved in the motion cannot be reversed, the motion cannot be reconsidered.
- g) Each member of Council shall be responsible for making a determination on how the Member voted on a specific matter. The Clerk shall not record or note in the minutes how a member votes unless a request for a recorded vote has been made.
- h) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided, unless a regular election has occurred following the decision.
- i) In the event of a resolution that was defeated before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
- j) When a motion to reconsider is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

25.17 Order of **Precedence**

Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

- To adjourn
- To recess
- To request information
- To request that the vote be taken (call the question)
- To limit or extend the debate
- To postpone (to another meeting, date, indefinitely)
- To refer (to another committee, administration)
- To amend

25.18 Non-Debatable Motions

- To adjourn
- To close, limit or extend debate
- To lay on the table (to table)
- Questions of privilege
- To suspend the rules

25.19 Motions Proposing Actions Beyond Jurisdiction of Council (ultra vires)

A motion in respect of a matter which is beyond the jurisdiction or legislative authority of Council shall not be in order.

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26. Schedules

The schedules to this by-law shall be deemed to form part of this By-law.

27. Severability

If any section or sections of this by-law or parts thereof are found by a court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

28. Conflict

If a provision of this by-law conflicts with an Act or regulation or another by-law the provision that is the most restrictive shall prevail.

29. Repealed By-Laws

This By-law repeals By-law No. 2020-012 and any amendments thereof.

30. Effective Date

This By-law shall come into force and take effect upon the date of passing.

PASSED THIS 9th DAY of DECEMBER 2020

Lyle Hall, Mayor

Nancy Austin, Clerk Administrator

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