



ADMINISTRATION/FINANCE & PERSONNEL REPORT

To: Council

Meeting Date: September 3, 2024

Prepared by: Amy Harron
Deputy Clerk

Date Prepared: September 10, 2024

Subject: Procedural By-law Review

Recommendation:

That the Council of the Township of Wellesley direct staff to schedule and advertise a public meeting to review the Procedural By-law to be held on Tuesday, September 24th, 2024, at the Council Chambers located at 4805 William Hastings Line, Crosshill.

Summary:

It is staff's intent to provide sufficient notice and inform residents of a procedural by-law review public meeting to ensure an opportunity for input from residents.

Report:

Staff intend to hold a public meeting regarding the draft procedural by-law during the Tuesday, September 24th, 2024, Council Meeting. During this public meeting residents have an opportunity to provide input on the proposed changes to the by-law. The procedural by-law is as much to serve Council and staff as it is to serve the public and ensure open transparent governance.

It is expected that Council will provide feedback on the by-law with the intention to pass the by-law on Tuesday, September 24th, 2024.

Township Strategic Plan:

This report aligns with the initiative of Responsive and Engaging Government Services with the strategic goal of Public Engagement.

Financial Implications:

N/A

Other Department / Agency Comments:

N/A

Legal Considerations:

N/A

Attachment(s):

Draft Procedural By-law

Approved By:

Rik Louwagie, Chief Administrative Officer

TOWNSHIP OF WELLESLEY

BY-LAW NUMBER X/2024

A BY-LAW TO GOVERN THE PROCEEDINGS OF MUNICIPAL COUNCIL AND COMMITTEES OF THE CORPORATION OF THE TOWNSHIP OF WELLESLEY AND TO REPEAL BY-LAWS 51/2015, 28/2016, 11/2020 AND 25/2020

WHEREAS Section 5 (1) of the Municipal Act, 2001, S.O., c. 25, as amended, states the powers of a municipality shall be exercised by its council;

AND WHEREAS Section 5 (3) of the Municipal Act, 2001, S.O., c. 25, as amended, states a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 8 (1) of the Municipal Act, 2001, S.O., c. 25, as amended, states the powers of a municipality under that or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

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

AND WHEREAS Section 238(3.1) of the Municipal Act, 2001, c. 25, as amended, states the applicable procedural by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law;

AND WHEREAS Section 238 (3.3) of the Municipal Act, 2001, c. 25, as amended, the applicable procedure by-law may provide that,

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

AND WHEREAS the Council of the Corporation of the Township of Wellesley deems it desirable that there be rules governing the conduct of its members;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:

1. Definition Section

For the purpose of this By-law:

Abstain means a member who refuses to vote, in which case the abstention counts as not in favour, unless the abstention is due to a previously declared Pecuniary Conflict of Interest or disqualification from voting under any Act in which case the vote is neither counted in favour nor not in favour of a motion.

Acting Mayor means the person appointed on a rotational basis to act as mayor in the mayor's absence as set out in the Township's Acting Mayor schedule.

Ad Hoc Committee means a Committee comprised only of Members of Council as appointed by Council and established for a specific purpose and which is disbanded once the purpose for which it was established is no longer required.

Advisory Committee means a Committee comprising members of the public appointed by Council under specified Terms of Reference to advise and make recommendations on matters in accordance with its mandate/purpose.

Agenda means the order of proceedings for a meeting setting out the business to be considered at the meeting.

Agenda Package means the compilation of the Agenda, reports and other materials for the purpose of conducting Township business by Council or Committee at a Meeting.

Amendment means a change in the wording that alters or varies the motion. It may propose that certain words or phrases be added, omitted or replaced by other words or phrases.

By-law means a municipal rule established by the Township as approved by Council which regulates a particular area of jurisdiction.

Chair means the individual presiding over a Meeting who is charged with deciding questions and Points of Order and Privilege as well as preserving order and maintaining decorum. The Chair, except where specifically disqualified, may vote on all Motions.

Chief Administrative Officer means the person appointed by by-law as the Chief Administrative Officer (CAO) of the Corporation of the Township of Wellesley and whose duties are therein prescribed and to include Section 229 of the Municipal Act.

Clerk means the Municipal Clerk of the Corporation of the Township of Wellesley;
Closed Session means any Meeting or portion of a Meeting closed to the public in accordance with the open Meeting exemptions as defined by the Municipal Act, 2001.

Code of Conduct means a set of principles and standards of behaviour expected of Members of Council or a Committee when carrying out their roles, responsibilities and obligations as elected or appointed representatives for the Township.

Committee of the Whole means all the Council members sitting as committee.

Confirming By-law means a By-law to confirm and ratify the actions and decisions of Council at a Meeting of Council.

Council means the elected officials Council of the Corporation of the Township of Wellesley and refers collectively to the Mayor and Ward Councillors of the Township.

Council Chambers means the room or building identified for the holding of Council Meetings, generally the room identified as such located at 4805 William Hastings Line, Crosshill.

Councillor means an individual elected to serve on Council who represents the population in a specific ward of the Township of Wellesley.

Declaration of Office means an oath taken by a person prior to taking a seat on Council as per Section 232 of the Municipal Act.

Declared Emergency means any period where an emergency has been declared to exist in all or part of the Township under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9, as amended.

Decorum means behaviour that, in the opinion of the Chair, promotes an atmosphere of respect in Council Chambers.

Delegation means a person or persons who address Council or any Committee in the manner described within the provisions of this By-law,
(a) unregistered delegations mean a delegation that is not listed on the agenda;
(b) registered delegations mean a delegation that is listed on the agenda.

Electronic Participation means a Council Member who participates in a Committee or Council meeting remotely via electronic means (e.g. video or audio teleconference), who has the same rights and responsibilities as if the member was in physical attendance.

Emergency Meeting means a Meeting of Council held to consider any business of the Council which is deemed by the Mayor or Chair to be of an emergency nature.

Ex Officio means by virtue of office or position and carries with it the right to participate fully in a committee meeting and to vote unless prohibited by law.

Friendly Amendment means an amendment made to a Motion with the consent of the Mover and Seconder of the Motion, and without the requirement for the Amendment to be formally moved and seconded.

Head of Council means the Mayor of the Corporation of the Township of Wellesley or as applicable, the Acting Mayor.

Hybrid Meeting means a meeting where some members and/or participants are joining virtually, and some are participating in-person.

Inaugural Meeting means the first Meeting of the new term of Council held after a municipal election in a regular election year as per Section 230 of the Municipal Act, 2001, at which the Members of Council are sworn into their respective offices.

Integrity Commissioner means the person appointed by by-law as the Integrity Commissioner for the Township and whose duties are therein prescribed in Section 223.3 of the Municipal Act, 2001.

Local Board means a local Board as defined in subsection 1(1) of the Municipal Act, 2001.

Majority means a minimum of 50% + 1 of the votes, including those cast by the Members who voted and taking into account any abstentions counting as negative votes.

Meeting means any Regular, Special, Inaugural, Public, Committee of the Whole or other Committee Meeting of Council either in person, hybrid or electronic meeting where quorum is present and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of that body or the Township. A meeting does not include an information session.

Member means a Member of Council and includes the Head of Council, Committee or Local Board of the Township of Wellesley.

Minutes means a record, without note or comment, of all resolutions, decisions and other proceedings at a meeting, either in open or closed session.

Motion means a question to be considered by the Council or Committee of Council which is read, moved, seconded, subject to debate and voted on. When a motion is carried, it becomes a resolution.

Notice means a written document provided to Members and to the public which advises the recipient of the time and place of a Meeting.

Notice of Motion means an advance notice to members of Council of a matter on which Council will be asked to take a position.

Pecuniary Interest means direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act.

Petition means a form stating the reason for the petition and signed by each of the Member(s) who concur with the Petition.

Point of Order means bringing attention to any breach of this By-law, or any defect in the constitution of any meeting of the Council, or the use of improper, offensive or abusive language, or notice of the fact that the matter under discussion is not within the scope of the proposed motion, or any other informality or irregularity in the proceedings of Council.

Presentation means a presentation of information to Council or a Committee of Council which does not require debate/discussion or a vote by the Members; and that may have been requested by a member of Council or a Committee of Council, or a member of staff of the Township of Wellesley.

Public Meeting means any public meeting that Council or staff believes is in the best interest of the ratepayers of the Township, and which may or may not be a requirement pursuant to provincial legislation (Municipal Act, Planning Act etc.) for which public notice is required.

Question means a question to be considered by Members at a Meeting.

Quorum means the majority of the whole number of the members of Council, local board or Committee of Council.

Recess means a short intermission in a Meeting's proceedings which does not adjourn the Meeting, and after which business will immediately resume at the point where it stopped at the point when the recess was called.

Recorded Vote means the recording in the minutes of the names of each Member of Council present, in person or virtually, and the manner of their vote on a Motion/Question. Recorded Votes will be taken upon request by any Member of Council. In the case of a Member of Council who has declared conflict of pecuniary interest for the Motion, the Minutes will reflect the Member of Council who declared the conflict and did not take part in the discussion and subsequent voting thereof.

Regular Meeting means a meeting of Council or Committee of the Whole held in accordance with the approved meeting schedule.

Resolution means a formal determination made by Council or a Committee based on a motion placed before a properly constituted meeting of Council or a Committee for debate and decision, and duly passed.

Special Meeting means a Meeting not scheduled in accordance with the approved calendar of Meetings called in accordance with this By-law.

State the Question means reading a Motion that has been moved and seconded. A Motion can only be debated by the Members once it has been stated and “on the floor”. A Motion that has been stated belongs to the Members.

Terms of Reference means a document that defines the purpose and structure adopted by Council to establish, at a minimum, the mandate, standards, practices, and responsibilities for a Committee, Task Forces and Working Groups.

Territorial Land Acknowledgement means a statement made at the beginning of a Meeting or Township event that, at a minimum, recognizes the awareness of treaty and traditional Indigenous rights.

Tie Vote means an equality of votes for and against a Motion. Motions subject to a tie vote are considered “lost” (i.e., not approved/not carried).

Township means The Corporation of the Township of Wellesley.

Virtual means that Members and/or Delegations are participating in the Meeting through an online or telecommunications medium that allows for audio and/or video interactions during a Meeting including voting in the case of Members.

Waive Notice means the ability for Members to consider a Motion during a Meeting without prior notice being given. Notice may be waived with two-thirds of the Members voting in favour of waiving notice. Notice must be waived before considering the Motion for which Notice is being waived.

2. General Provisions Section

2.1. Scope

- 2.1.1. This by-law applies to all meetings of Council and Committee of the Whole; and Local Boards and Committees of Council that have not adopted their own Procedural By-law with any necessary adjustments.

2.2. Robert’s Rules of Order

- 2.2.1. In all unprovided for cases in the proceedings of Council or Committee, resort shall be had to Robert's Rules of Order as a rule for guidance on the question, and in such cases the decision of the Mayor or chair shall be final without debate.

2.3. Quorum

- 2.3.1. A quorum shall consist of the majority of all members of Council or Committee.
- 2.3.2. If a quorum is not present within fifteen minutes after the time fixed for a regular or special Council or Committee meeting, the Clerk or committee

secretary shall record the names of the members present and Council shall stand adjourned until the next regular or special meeting.

2.4. Education and Training Sessions

2.4.1. The Council may decide, at a meeting open to the public, to convene an informal gathering of its members to receive and discuss information or advice of a general nature involving subject matters of interest to the members, at a time and place designated at that time by the Council.

2.4.2. The Council, in deciding to convene an Education & Training Session, shall designate the general purpose or purposes for which the session is to be held.

2.4.3. An Education & Training Session may be held at any place designated by the Council at the time at which it makes its decision to convene the session, whether or not it is within the boundaries of the township or elsewhere.

2.4.4. All Members of Council respectively are entitled to attend the session, together with designated Staff or consultants retained by the township, but the Council, in deciding to convene the session, may decide to exclude the public therefrom.

2.4.5. No motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, recommendation, or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education & Training Session.

2.4.6. The Recording Secretary shall take notes describing in general terms each subject matter dealt with at the Education & Training Session.

2.4.7. The notes taken pursuant to 2.5.6 shall, after the conclusion of the session, be maintained as a public record under the control of the Clerk.

2.5. Execution of Documents

2.5.1. Whenever the execution of any document is required to give effect to any resolution or Bylaw of the Township, the Mayor and Clerk have general authority for in the name of the Township to execute and to affix the seal of the Township to such documents.

2.6. Audio-visual Recordings of Meetings

2.6.1. Council and Committee Meetings will be recorded, wherever possible, through live audio/visual streaming on select online platforms.

2.7. Municipal Freedom of Information and Protection of Privacy Act

2.7.1. All forms of participation (e.g., written submissions to Council or a Committee, in-person or electronic Meeting participation, submissions of petitions, or communications with the Township regarding an item on a Council agenda) of Open Council and Committee Meetings will become part of the permanent record, as per the Municipal Freedom of Information and Protection of Privacy Act.

3. Roles and Duties Section

3.1. Role of council

3.1.1. It is the role of Council:

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

3.2. Role of the head of council

3.2.1. It is the role of the Head of Council:

- (a) to Act as Chief Executive Officer of the municipality;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to Council;
- (d) to represent the municipality at official functions;
- (e) to carry out the duties of the Head of Council under any Act.

3.2.2. As the Chief Executive Officer of the municipality, the Head of Council shall:

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

3.3. Municipal administration

3.3.1. It is the role of the officers and employees of the municipality,

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality. 2001, c. 25, s. 227.

3.4. Clerk

3.4.1. A municipality shall appoint a clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the municipality. 2001, c. 25, s. 228 (1).

3.5. Acting Mayor

3.5.1. The Mayor shall be the Chair for Council and the Committee of the Whole portion of the Council meeting. In the absence of the Mayor or if the Mayor's office is vacant, or if fifteen minutes after the time fixed for the regular or special meeting the Chair is not present, the Acting Mayor shall be Chair of regular, special and closed meetings of Council. If the Mayor and Acting Mayor are both absent, Council shall appoint a Chair from the members present.

3.5.2. The Chair of a Committee shall be that member as appointed by Head of Council at the beginning of each term of Council. The Acting Mayor will be on a three month rotation for the term of Council. If the Chair is absent, he/she shall appoint someone to chair the meeting.

3.6. No member shall:

3.6.1. use offensive words or language that is not inclusive.

3.6.2. engage in private conversations while in the Council Meeting or use electronic devices including cellular phones, pagers, blackberries, tablets and computers in a manner which disrupts the proceedings of Council or may influence a vote.

3.6.3. leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced.

3.7. Vacancy

3.7.1. A vacancy on Council shall occur if;

- (a) a member of Council resigns from office by filing notice in writing with the Clerk, subject to the provisions of the Municipal Act; or
- (b) for any other reason as set out in Section 259 of the Municipal Act, 2001.

3.7.2. If the office of a member of Council becomes vacant, Council shall:

- (a) declare the office to be vacant in accordance with the Municipal Act; and
- (b) direct the Clerk to begin the process to fill the vacancy

3.8. Attendance of Clerk at meeting

3.8.1. The Clerk or his/her designate shall be present at the meetings of Council.

4. Agenda Section

4.1. Prior to each regular meeting of Council or Committee, the Clerk shall prepare an electronic agenda of all business to be brought before Council or Committee at such meeting. The agenda shall be delivered by electronic transmission to each member of Council or Committee at least two (2) business days prior to the meeting except in circumstances over which the Clerk has no control.

4.2. The Clerk may prepare a revised electronic agenda in order to deal with an urgent matter requiring a Council decision.

4.3. Staff reports shall be provided to the Clerks Department by 4:00 p.m. on the Wednesday preceding the Council or Committee meeting for inclusion in the electronic agenda package to Council or Committee.

4.4. An electronic copy of the agenda shall be posted on the Township website by 4:00 p.m. on the Friday before the meeting. All revised agendas will be posted on the website by 2:00 p.m. on the day of the meeting.

4.5. Agendas shall be formatted as detailed in Section 5.7 of this By-law, but modifications to the order of business may be affected without requiring amendment to this bylaw.

4.6. The business of Council shall be taken up in the order as listed on the agenda, unless otherwise decided upon by the Mayor or Chair.

5. Meeting Section

5.1. Place and time of Council/Committee meetings

5.1.1. Council and Committee shall meet at the time and day of the year as specified in a schedule of meetings as approved on an annual basis by Council. The meetings shall be held at the Township of Wellesley Council Chambers, 4805 William Hastings Line, Crosshill.

5.1.2. The day, time and place of regular meetings may be altered by resolution of Council.

5.1.3. During the months of July, August and December in each year, there shall be one Regular Scheduled Council Meeting per month to be held at a date and time set in the schedule of meetings.

5.1.4. Any regular meeting of Council or Committee, except for the first meeting, may be postponed through the Clerks Department to a day to be named in the notice given, but such postponement shall not exceed two weeks.

5.2. Special Meeting of Council

5.2.1. A special meeting may be called by the Mayor or when a petition is presented to the Clerk by a majority of Council. The Clerk shall notify all members of Council of each special meeting at least 24 hours prior to the time appointed for such meeting. The notice provision can be waived for an emergency meeting with the consent of a majority of all members of Council.

5.2.2. No business shall be discussed at a special meeting of Council other than that specified in the notice of such meeting or as agreed to by a majority of the members present.

5.3. Public notice

5.3.1. The schedule of Council and Committee of the Whole meetings shall be advertised on the Township website.

5.3.2. In the case of Special Council meetings notice shall be given by posting the agenda on the Township website.

5.3.3. The Clerk shall give public notice of a cancelled or postponed meeting on the Township's website as soon as possible after the meeting is cancelled or postponed. Notice will also be provided through regular social media channels as used by Corporate Communications.

5.4. Communications and petitions

5.4.1. Every communication including petition designed to be presented to Council shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk.

5.4.2. Every petition or communication shall be delivered to the Clerk in accordance with Section 4.3 of this By-law.

5.4.3. Communications or petitions addressed to Council shall be listed by the Clerk on the agenda for the next regular meeting and the Clerk shall briefly indicate the content of each such petition or communication.

5.4.4. No information is severed from petitions as they are considered to be a part of the public record.

5.5. Electronic Participation

5.5.1. Electronic participation shall only be permitted at Regular and Special meetings of Council.

5.5.2. The Chair shall be permitted to participate electronically at a meeting.

5.5.3. A Council Member who wishes to participate in a meeting electronically shall provide the Clerk a minimum of 48 hours' notice.

5.5.4. The following practices will be followed for Electronic Participation;

- (a) Each Member participating in a meeting electronically shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- (b) Each Member participating in a meeting electronically will mute his or her electronic device when he or she is not speaking.
- (c) The Chair will canvass Members participating electronically about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak.
- (d) After putting a motion to a vote, each Member participating electronically will be required to identify how he or she wishes to vote.
- (e) Member(s) participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- (f) In the case of a loss of connection, or any connection issue which impedes the ability of a Member(s) to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member(s) to reconnect.

5.6. Inaugural Meeting of Council

5.6.1. The Council shall hold its inaugural meeting on the date, hour and place as provided by the Municipal Act.

5.6.2. At the inaugural meeting of Council, following a regular municipal election, the order of procedure will be as follows:

- (a) Opening ceremony;
- (b) Signing of Declaration of Office and Oath of Office;
- (c) Other ceremonial proceedings as deemed by Council to be necessary or desirable for the meetings;
- (d) Matters incidental to any of the above or other business as required, and
- (e) Passage of Confirming By-law and other relevant by-laws.

5.7. Order of Proceedings – Agenda and Minutes

5.7.1. The business of Council shall proceed in the following order:

1. Call to order
2. Moment of Reflection

3. Land Acknowledgement
4. Declaration of Pecuniary Interest (if any) in accordance with the Municipal Conflict of Interest Act
5. Minutes of Previous Meeting
6. Receiving Petitions
7. Presentations/Delegations
8. Public Meeting
9. Closed Session
10. Committee of the Whole:
 - 10.1. Planning & Development
 - 10.2. Road & Bridge
 - 10.3. Property & Fire
 - 10.4. Administration/Finance & Personnel
 - 10.5. Recreation
 - 10.5.1. Service Board Reports
11. Committee of the Whole rise and Council resume and report
12. Report of the Committee of the Whole be adopted as set forth in the motions and actions detailed above
13. For Information Package
14. Accounts
15. Unfinished Business
16. New Business
17. Notice of Motion
18. By-Laws
19. Next Meetings
20. Adjournment

5.7.2. The business of the Committee of the Whole shall proceed in the following manner:

1. Call to Order
2. Land Acknowledgement
3. Declaration of Pecuniary Interest (if any) in accordance with the Municipal Conflict of interest Act
4. Presentations/Delegations
5. Public Meeting
6. Closed Session
7. Recreation Committee
 - 7.1. Service Board Reports
8. Planning & Development Committee
9. Road & Bridge Committee
10. Property & Fire Committee
11. Administration/Finance & Personnel Committee
12. For Information Package
13. Unfinished Business
14. New Business
15. Notice of Motion
16. Next Meetings
17. Adjournment

5.7.3. In the case of a postponed or cancelled regular scheduled meeting of Council or Committee of the Whole the business of the meeting either immediately preceding or immediately following the regular scheduled meeting shall proceed as a Council meeting.

5.8. For information package

5.8.1. Items provided to Council in the For Information Package shall be routine matters or reports provided for information purposes, reports in response to Council questions, and matters of a non-controversial nature.

5.8.2. A member of Council may request that an item on the “For Information Package” be placed on the Council or Committee of the Whole meeting agenda for discussion.

5.8.3. The For Information Package will be received by Council for information, no motion is required for this item.

5.9. Minutes

5.9.1. The Clerks Department shall provide administrative services to all meetings of Council and Committee and keep the record of all minutes. Any special committees of Council may request such services of the Clerks Department. It shall be the duty of the Clerk to have an electronic copy of the minutes of the last regular, and all subsequent meetings, delivered to each member of Council and Committee not less than 48 hours before the beginning of the regular meeting, except in circumstances over which the Clerk has no control.

5.9.2. Minutes will record:

- (a) the place, date and time of meeting;
- (b) the names of the members present;
- (c) the names and titles of staff present;
- (d) any disclosure of pecuniary interest;
- (e) correction and adoption of the minutes of prior meetings, and
- (f) a summary of all the other proceedings of the meeting without note or comment including a record of all decisions by the members for each item put to a vote; and
- (g) names and votes of members on a recorded vote, when requested.

5.9.3. At all regular Council meetings, the Chair shall ask Council if there are any objections to the minutes so delivered or any motion to correct, and after correction and/or change, shall declare the minutes adopted.

5.9.4. Minutes of Committee of the Whole will be taken to the following Committee of the Whole meeting to be received as information. No motion is to be passed as the minutes are approved by Council during regularly scheduled Council meetings followed by the confirming by-law.

5.9.5. Minutes from committees of council and local boards shall be submitted to the Clerk for inclusion in the For Information Package distributed to Council.

5.10. Disclosure of pecuniary interest

5.10.1. Where a member of Council has a pecuniary interest in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration, the member:

- (a) shall, prior to the consideration of the matter at the meeting, verbally disclose the pecuniary interest and its general nature, including why the member has a pecuniary interest;
- (b) shall, not, at any time, take part in the discussion, or vote on, any question in respect of the matter;

- (c) shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, in any way whether before, during or after the meeting influence the voting on any such question;
- (d) shall immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it where the matter is under consideration during closed session.

5.10.2. At a meeting at which a member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be.

5.10.3. It is the responsibility of each individual member to determine if a conflict exists for any item listed on the agenda and to disclose any such conflict of interest and the nature thereof in accordance with the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended, during the meeting.

5.10.4. Every disclosure of pecuniary interest and the general nature thereof made at a meeting will be recorded in the minutes of the meeting by the Clerk.

5.10.5. A registry of disclosure of pecuniary interest will be made available on the Township of Wellesley website.

5.10.6. Where the interest of a member has not been disclosed by reason of the member's absence from a meeting where the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.

5.11. Adjourning

5.11.1. The Chair shall declare the Council or Committee of the Whole meeting adjourned when the hour of 11:00 p.m. is reached, unless Council or Committee of the Whole by unanimous resolution determines it otherwise.

6. Closed Meeting Section

6.1. Except as provided in Section 239 of the Municipal Act, 2001, all meetings shall be open to the public.

6.2. A meeting or part of a meeting may be closed to the public if the subject being considered relates to:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;

- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

6.3. Prior to any meeting being closed to the public, the Council or Committee shall state by public resolution:

- (a) the fact of the holding of the closed meeting;
- (b) the general nature of the matter being considered at the closed meeting.

6.4. Pursuant to Section 239(3) of the Municipal Act, a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.

6.5. All information, documentation or deliberations received, reviewed or taken in a closed meeting is confidential.

6.6. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than members of Council or relevant staff members without the authorization of Council.

6.7. Any member who contravenes this section shall be deemed not to be acting in the interest of, on behalf of, or within the authority of the Council or the Township of Wellesley.

6.8. Any violation of this regulation may result in exclusion of the offending member from future closed meetings of Council. That member will no longer be provided with correspondence, materials or information proposed to be dealt with by Council at a closed meeting.

6.9. The determination of whether or not a violation has been committed of the closed meeting provisions of this by-law, and the length of the exclusion from closed meetings, shall be made by Council prior to the affected member being excluded from any closed meeting. The results of Council's deliberations shall be reported in the open session of Council.

6.10. If the purported violation of the closed meeting provisions of this by-law by more than one member is to be considered, a separate resolution of Council with respect to each affected member is to be adopted.

6.11. Any member who breached confidentiality of a closed meeting may be subject to an investigation under the Code of Conduct for Members and any suspected disclosure shall be referred to the Integrity Commissioner.

6.12. The public titles for closed meeting agenda items will balance the requirements of openness and transparency with the need to maintain the confidentiality of the items listed on the closed session agenda.

6.13. Agendas for closed meetings that are distributed in hard copy will be collected by the Clerk at the adjournment of the meeting for destruction.

7. Presentation, Delegations and Written Submissions Section

7.1. The request for a proclamation will be circulated for Council members' information only.

7.2. No person shall speak on any subject other than the subject for which they have registered to speak on.

7.3. Persons wishing to appear before a regular meeting of Council or Committee shall notify the Clerk no later than noon on the Wednesday preceding the meeting.

7.4. All presentation or delegation materials shall be provided to the Clerk no later than noon on the Wednesday preceding the meeting.

7.5. The Clerk shall evaluate the request for presentation or delegations and decide whether the request complies with the criteria set out within this By-law.

7.6. Presentations or delegations shall address Council or Committee from the designated area.

7.7. No presentation or delegation shall make detrimental comments, or speak ill of, or malign the integrity of an individual staff member, an individual member of the public or an individual member of Council.

7.8. Unregistered presentation or delegations may address Council or Committee during a meeting by a motion from Council or Committee and may speak for no longer than five (5) minutes.

7.9. Presentations or Delegations that have previously appeared before Council or Committee on a subject shall provide new information only in any subsequent presentations relating to that matter.

7.10. When more than one person is addressing Council on the same subject, such person or persons following the first person shall be strongly encouraged to only provide new information and not what was covered by the preceding speaker or speakers.

7.11. Members of Council may only ask questions of delegations for clarification or obtaining additional information relevant to the presentation and shall not enter into debate with the delegations. All questions of delegations shall be addressed through the Chair.

7.12. Council may refuse to hear delegations when, in the opinion of the Council, the subject of the presentation is beyond the jurisdiction of the Township of Wellesley or the presentation is abusive or includes profanity or threats, including threats of litigation.

- 7.13. Unless Council or Committee otherwise gives permission, no registered delegation shall be permitted to address Council or Committee for longer than seven (7) minutes.
- 7.14. Presentations to Council for information purposes shall aim to be a maximum of ten (10) minutes to speak.
- 7.15. Presentations by Township staff at meetings shall aim to be a maximum of ten (10) minutes.
- 7.16. Presentations by staff providing information with no accompanying report shall be heard at the beginning of the relevant Committee of the Whole portion of the meeting.
- 7.17. Presentations recognizing achievements shall be heard at the beginning of a Committee of the Whole or Council meeting.
- 7.18. A person may attend a scheduled meeting date 15 minutes prior to the start of the meeting to informally address Council members.

8. Rules of Debate Section

- 8.1. A motion must first be moved and seconded and stated by the Chair before debate can commence.
- 8.2. When a quorum of the members is present at any regular or special meeting, the Chair shall call the members to order.
- 8.3. Any member desiring to speak will signify their desire to speak by raising their hand and upon being recognized by the Chair will address their question or comments through the Chair.
- 8.4. When two or more members signify a desire to speak, the Chair will recognize the member who, in the opinion of the Chair, signified first by a show of hands and next recognize in order the other members.
- 8.5. The Chair may debate a motion and state their position on any matter without leaving the Chair but only after all other members have spoken.
- 8.6. The Chair shall expel or exclude any person including a Township employee, member of the public, delegation or member of Council who has been guilty of improper conduct at any regular or special meeting.
- 8.7. A member may call another member to order while speaking and debate shall then be suspended until the point of order is determined by the Chair. Any member may appeal the decision of the Chair. All appeals shall be directed by a majority vote and without debate.
- 8.8. Any member of Council or Committee may require the question or motion under discussion to be read for the member's information at any time during the debate, but not so as to interrupt a member speaking.

9. Conduct in Meetings Section

- 9.1. To preserve and protect the decorum of Council Chambers or other meeting place of Council or Committee of the Whole, no person participating in a meeting may undertake any of the following actions:
- (a) make detrimental comments about, or speak disrespectfully of, or malign the integrity of any member of staff, Council or the public;
 - (b) use offensive words or an aggressive tone of attack;
 - (c) disobey any rule or request of the Chair or any decision of Council or Committee of the Whole on questions of order or practice;
 - (d) enter into cross debate with the Chair, members of Council, other delegations or staff;
 - (e) appear before Council or Committee of the Whole for the sole purpose of generating publicity or personal attacks;
 - (f) address Council or Committee of the Whole without permission;
 - (g) interrupt any speech or action of the members of Council or Committee or any other person addressing Council; or
 - (h) display or have in their possession picket signs or placards in the Council Chambers or meeting rooms or within any municipally owned building used for such purposes.

10. Motions Section

- 10.1. Moving or seconding a motion by members does not constitute agreement or being in favour of the motion or any part thereof and does not bind the mover or seconder to vote in favour of the motion.
- 10.2. Motions may be presented verbally or in writing. When a motion has been moved and seconded, the Chair shall present the motion for the members, at which time each member of Council or Committee shall be permitted to speak once to the question, and not more than once except with permission of the Chair and/or Council or Committee.
- 10.3. Discussion or debate of the motion shall be restricted to members of Council or Committee. If clarification is required from a delegation or staff member, permission is required from the Chair and/or Council or Committee.
- 10.4. After a motion has been stated or read it shall be deemed to be in possession of Council or Committee but it may be withdrawn by consent of the majority of Council or Committee members present.
- 10.5. When any motion is under consideration, no further motions shall be received in accordance with Robert's Rules of Order.
- 10.6. After debate on the motion has concluded, the Chair must call the question before a vote can be taken. Once the vote has concluded, the motion will be recorded in the minutes with the result of the vote.
- 10.7. All motions require a majority vote of the members presents to carry unless otherwise indicated in this by-law.
- 10.8. A motion may be amended as a 'friendly amendment' if both the mover and seconder of the original motion agree to the amended language. If they do not, the amended motion is voted on and then the council returns to the main motion.

10.9. Notice of Motion

10.9.1. A Member of Council shall provide a proposed motion to the Clerk, in writing, for inclusion on a regular agenda of Council, for the purpose of giving notice.

10.9.2. At the meeting following notice by the Member of Council, the Member of Council who submitted the proposed Motion will introduce and subsequently move the motion.

10.9.3. No staff report will be prepared unless the motion is referred to staff for a further report.

10.9.4. It is the duty of the Member of Council to submit the proposed motion to the Clerk by 4:00p.m. on the Wednesday preceding the meeting of Council to ensure publication on the agenda.

10.9.5. If notice is provided in writing, at a regular Council or Committee meeting, no debate shall ensue and the motion received by the Clerk will be placed under Notice of Motion on the following Council Agenda for debate.

10.9.6. When a Member of Council's Notice of Motion has been called from the Chair in two (2) successive Meetings and not proceeded on, it shall be removed from the Agenda unless Council otherwise directs staff.

10.9.7. If Council determines that the Notice of Motion shall appear on the Agenda at a third Meeting, such Notice of Motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

11. Voting Section

11.1. When a motion is put forward, every member present shall vote unless:

- (a) such member has declared a pecuniary interest as provided by the Municipal Conflict of Interest Act or the Local Government Disclosure of Interest Act;
- (b) such member has vacated the Council Chambers during the discussion or debate on the motion.

11.2. When a motion is put forward, every member entitled to vote shall do so by a show of hands.

11.3. A failure to vote by a Member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

11.4. Any member of Council, before the taking of the vote has begun, except a member who is prohibited by statute to vote or has declared a pecuniary interest, may request that the vote be recorded.

11.5. When a recorded vote is requested by any member, the Clerk will ask each individual member for their decision, including the Chair, who is entitled to vote, shall do so by stating "in favour" or "opposed". The Clerk shall announce the number of members in favour and opposed to the motion and if the motion is carried or defeated. Such votes shall be recorded in the minutes by the Clerk.

11.6. Any motion having an equal number of votes shall be deemed to be lost.

12. Vote Reconsideration Section

- 12.1. A motion to reconsider shall be provided to the Clerk for inclusion on the agenda and shall be added as a Notice of Motion.
- 12.2. After a motion has been decided, a member who voted in the majority may move for reconsideration thereof at any subsequent meeting. A motion for reconsideration may be seconded by any member who voted on the original motion either for or against or was absent at the time the original vote was taken. No discussion of the question shall be allowed until the motion for reconsideration is approved by a two-thirds majority (4 members) of Council or Committee members present.
- 12.3. Decisions made at Committee of the Whole does not require a motion of reconsideration if not yet ratified by Council.
- 12.4. If a motion to reconsider is approved, such reconsideration of the original motion shall become the next order of business, unless the Motion for reconsideration calls for debate at a future date. The main question to be reconsidered shall proceed as though it had never previously been voted on.
- 12.5. Any member who was absent at the time the vote was taken on the Main Motion, shall be deemed to be a Member who voted with the majority for the purposes of Section 11.1 of this By-law.
- 12.6. No question shall be reconsidered more than once during the term of Council or Committee, nor shall a motion to reconsider be reconsidered.

13. By-laws Section

- 13.1. A confirming by-law shall be passed at each Council meeting to confirm the actions and proceedings of Council.
- 13.2. By-laws may be introduced for first, second, third readings, and final passage by a single motion, unless:
 - (a) separate readings are required to accommodate legislative requirements; or
 - (b) The by-law is a provisional By-laws which will be read a first and second time and provisionally passed as one motion and read a third time and finally passed separately at a subsequent meeting as per the requirements of the applicable legislation.
 - (c) any member requests a by-law be discussed or voted on separately.
- 13.3. All by-laws shall:
 - (a) be duly executed by being signed by the Mayor and the Clerk and being affixed with the corporate seal; and
 - (b) note the date the by-law comes into force and effect.

14. Committees of Council Section

- 14.1. The Chairperson of the Committee shall be designated by the Mayor at the start of each term of Council.
- 14.2. The Procedure for the Committee shall be the same as those for Council, except that the Committee members may speak more than once to an issue.
- 14.3. The Committee of the Whole shall meet as required, in accordance with the schedule of meetings approved by Council on an annual basis.

14.4. Local boards and committees

14.4.1. Local Boards and committees appointed by Council shall have the same terms of office and for such Local Boards and committees shall be consistent with the term of Council.

14.4.2. The provisions of this by-law, with necessary modifications, shall apply to the various Local Boards and Committees appointed by the Council unless specific terms of reference have been adopted by Council.

15. Review and Amendments to this By-law Section

15.1. Within one (1) year of the new term of Council, the Clerk shall review this By-law. If amendments are required, the Clerk will follow the requirements of Section 15.2. If no amendments are deemed necessary, the Clerk shall report same to Council.

15.2. If deemed necessary by Council, the Chief Administrative Officer or the Clerk, the Clerk may propose amendments to this By-law in accordance with Section 15.3.

15.3. No amendment or repeal of this By-law or any part of thereof will be considered at any Council Meeting unless notice of the proposed amendment or repeal has been given at a previous Regular Meeting of Council; and the waiving of this notice by Council is prohibited.

16. Severability Section

16.1. Should any section, sub-section, clause or paragraph or provision of this By-law be declared by a Court or competent jurisdiction to be invalid, the same will not affect the validity of this By-law as a whole or any part thereof, other than the provisions so declared to be invalid.

17. Short Name Section

17.1. This By-law may be known as the "Procedural By-law".

18. Repeal and Enactment Section

18.1. By-law 51/2015, 28/2016, 11/2020 and 25/2022 of the Township of Wellesley, and all By-laws amending the same and any other By-law inconsistent with the provisions of this By-law are hereby repealed.

18.2. This By-law comes into force and effect on the date it is passed by the Council of the Township of Wellesley.

Read a first and second time this X day of MONTH, 2024.

Mayor Joe Nowak

Clerk, Grace Kosch

Read a third and final time and passed this X day of MONTH, 2024.

Mayor Joe Nowak

Clerk, Grace Kosch