

Corporation of the Township of Springwater



**Consolidated Procedural By-Law 2017-007
As amended by By-laws 2017-101, 2019-077, 2019-098,
2020-053, 2022-035, 2024-045**

For Reference Purpose Only. Not a legal document/By-law

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The Corporation of the Township of Springwater

By-Law 2017-007, as amended by 2017-101, 2019-077,
2019-098, 2020-053, 2022-035, 2024-045

A By-law to Govern the Calling, Place and Proceedings of Meetings of Council and
Committees, and Notice for The Township of Springwater.

Procedure By-Law

1.0 Definitions

For the purpose of this Procedural By-law:

- 1.1 **"Agenda"** means a list of all items prepared by the Clerk or Recording Secretary to be considered, and such Agenda is published and made available to the public.
- 1.2 **"Assembly of Council"** means an informal gathering of a quorum of Members where there is no intent to exercise its decision making authority.
- 1.3 **"CAO"** means the Chief Administrative Officer in accordance with Sections 229 of the *Municipal Act*, 2001.
- 1.4 **"Chair"** means the Mayor, Deputy Mayor, Acting Mayor or other person appointed by a Committee, Local Board to preside at a Meeting.
- 1.5 **"Clerk"** means the Clerk, Deputy Clerk or Acting Clerk who may be appointed by Council from time to time or such person designated as Clerk under Section 228 of the *Municipal Act* to perform the duties of the Clerk.
- 1.6 **"Committee"** means any advisory or other committee, subcommittee or similar entity established where 50 per cent or more of the non-elected members are appointed by Council or at least 50 percent of the appointed members are also elected Members of Council, in accordance with Section 238 of the *Municipal Act*, but excludes a working group.
- 1.7 **"Consent Agenda"** means a list of items or category of items on the Agenda containing recommendations from the Clerk or Recording Secretary as to their disposition, all of which may be adopted by one motion of the Council, Committee or Local Board, but any of which may be removed for a separate vote upon the request of a Member.
- 1.8 **"Council"** means a quorum of elected Members to the Council of The Corporation of the Township of Springwater sitting to exercise its decision making authority.

- 1.9 **"Closed Session"** means a Meeting or part of a Meeting closed to the public when the subject matter being considered complies with Section 239 of the *Municipal Act*.
- 1.10 **"Delegation"** means a request by a member of the public, local organizations, consultants, or representatives of local agencies.
- 1.11 **"Head of Council"** means the Mayor.
- 1.12 **"Majority"** means more than half of the Members of Council or appointed members of a Committee or Local Board.
- 1.13 **"Meeting"** means any regular, special or other meeting of a council, or a committee of either of them, where, a quorum of members of present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 1.14 **"Member"** means a person who is either elected as a Member of Council or is non-elected and appointed by Council to a Committee or Local Board.
- 1.15 **"Motion"** means a staff recommendation or a resolution of Council, Committee or Local Board under consideration.
- 1.16 **"Municipal Act"** means the *Municipal Act, 2001, S.O. 2001* as may be amended from time to time.
- 1.17 **"Recording Secretary"** means the Clerk or other designated employee to record the proceeding of Council, Committee or Local Board, or their designate.
- 1.18 **"Statutory Officer"** means a person who is prescribed authority from various statutes/legislation.
- 1.19 **"Township"** means The Corporation of the Township of Springwater.
- 1.20 **"Working Group"** means a gathering where the total number of elected officials appointed to the working group is less than quorum of Council.
- 1.21 **"Quasi-judicial Committee/Board"** means a body or committee whose actions are directly prescribed by an Act of the Legislature; may approve exemptions to by-laws; may have its decision appealed to the Ontario Municipal Board (OMB); who have power to establish a special charge to be collected by the municipality; and/or whose estimates of all sums required for the purposes of the board are appropriated by the Municipal Council.

- 1.22 **"Quorum"** means the number of Members required for the legal conduct of the business of Council or a Committee. Refer to Section 7.1 for further detail.

2.0 General

2.1 Suspension of Procedures

The procedures contained in the Procedure By-law may be temporarily suspended by a majority vote of Council, by resolution, except for procedure set out for Closed Session Declaration of Pecuniary Interest and Notices of Motion.

2.2 Robert's Rules of Order

Where a procedure has not been established in this By-law, Council, Committee or Local Board shall refer to Robert's Rules of Order for guidance.

2.3 Committees and Local Boards to Follow Procedural By-law

Every Committee or Local Board shall follow the Procedure By-law, except where separate Terms of Reference have been adopted by Council.

3.0 Time, Place, Location and Calling of Council Meetings

3.1 Regular Council Meeting Location and Schedule

Regular Meetings of Council shall be held on the first and third Wednesday of each month commencing at 6:30 p.m. in the Council Chamber of the Township of Springwater Administration Centre, 2231 Nursery Road, Minesing, Ontario, or other set location or date at the call of the Chair and listed on the Agenda.

3.2 Emergency Council Meeting

In accordance with Section 236(1) of the *Municipal Act*, Meetings shall be held within the municipality or an adjacent municipality as listed on an Agenda and in the notice of the Meeting; however, in the case of an emergency, it may hold its Meetings at any such location within or outside the municipality.

For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the Emergency Response Plan.

3.3 Inaugural Meeting

The Clerk shall call the Inaugural Meeting of Council after a regular election at such time and place as may be appropriate, but not later than 31 days after the term commences, or unless the time and place has been determined by resolution of Council or an Act of the Province of Ontario.

3.4 Holidays

When the day for a Regular Council meeting is a public or civic holiday, the Council shall meet at the same hour and location on the next following day which is not a public or civic holiday, unless otherwise determined by resolution of Council.

3.5 Cancellation of Meetings

If the Clerk or Recording Secretary becomes aware of a circumstance that would hinder the calling of, or attendance at a Meeting, the Chair and Members shall be notified and notice to cancel and/or reschedule the Meeting to an alternate time, date and/or location shall be issued.

3.6 Special Meeting

The Chair and/or Clerk and his/her designates may at any time call a Special Meeting.

3.7 Special Meeting by Petition of a Majority

The Clerk or Recording Secretary shall call a Special Meeting upon receipt of a petition of the majority of the Members for the purpose and at the time mentioned in the petition.

3.8 Limitation on Special Meetings

Only business listed on the published Agenda shall be dealt with at a Special Meeting.

3.9 Notice of Meetings

When publication dates permit, notice of a Regular Council meeting including the date, time and location of the meeting shall be given by methods a, b, c, and d cited below. When publication dates do not permit the use of print media, notice of a Regular Meeting, including the date, time and location of the meeting shall be given by methods a, b and c cited below.

Notice of a Special Meeting including the date, time and location of the meeting shall be given by methods a and b, and when times permit a, b, c and d.

- a) Publishing of an Agenda to the Township website.
- b) Issuance of a media release or social media.
- c) A resolution passed at a meeting open to the public.
- d) Advertising in a newspaper having general circulation within the County of Simcoe.

Where circumstances prevent the use of technology or mass media, such as but not limited to loss of power, the following methods shall be used.

- e) Posting on public notice board at the Township Administration Centre or any other Township facility.
- f) Posting on community sign boards.

Failure to issue the prescribed notice does not invalidate proceedings, if every effort was taken to issue notice but was defeated by circumstances beyond the control of the

Township.

3.10 No Notice Required for Emergency Meetings

No public notice is required for an Emergency Meeting.

For the purposes of this section, an Emergency Meeting refers to an emergency within the meaning of the Emergency Response Plan

3.11 Assembly of Council

Where an assembly of a quorum of Council has convened with no intention to exercise its statutory decision making authority, the assembly shall not be deemed to be a Regular or Special Council Meeting and shall not be subject to the formal rules applicable to Regular or Special Council Meetings contained in this By-law.

4.0 Time, Place, Location and Calling of Committee or Local Board Meetings

4.1 Establishment of Meeting Schedule

A Regular Meeting schedule shall be established and such schedule or changes shall be published by the Clerk or Recording Secretary.

4.2 Summer or Holiday Meeting Schedule

A summer or holiday Meeting schedule may be established on dates, times and/or at locations by passing a motion to this effect at a Meeting preceding the commencement of such schedule and such schedule or changes shall be published by the Clerk or Recording Secretary.

4.3 Changes to the Meeting Schedule

Notwithstanding the foregoing, Council may by resolution, establish an amended Meeting schedule.

5.0 Roles and Duties

5.1 Role of Council

In accordance with the *Municipal Act*, and the *Municipal Freedom of Information and Protection of Privacy Act*, it is the duty of Council:

- a) To represent the public and to consider the wellbeing and interests of the municipality.
- b) To develop and evaluate the policies and programs of the municipality.
- c) To determine which services the municipality provides.
- d) To ensure that administrative policies, practices and procedures and controllership policies 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.
 - g) To carry out the duties of Council under the *Municipal Act*, S.O. 2001 as may be amended from time to time or any other Act; and
 - h) Furnish such information used in support of a decision of Council or in support of delivering municipal services.

In addition to the forgoing, when a Councillor is not specifically appointed as a Member of a Committee, other Councillors may be included for the purposes of determining quorum of those committees or to determine a majority of Committee, and when such attendance is required to achieve quorum, shall have a vote on matters during the Committee Meeting.

5.2 Information by Staff for Members of Council

Unless restricted by the *Municipal Freedom of Information and Protection of Act* (MFIPPA), Council Members may request information from staff who have been assigned the responsibility of providing information.

5.3 Preparation by Members Before Council Meeting

Members of Council shall come prepared to every meeting by having read all the material supplied, including agendas and staff reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Member(s) may make inquiries of staff regarding materials supplied in advance of the meeting.

5.4 Council/Staff Collaboration

Members of Council are encouraged to consult with staff in preparation of meetings, to seek information, advice and/or knowledge.

5.5 Interference

Other than by resolution of Council, no Member has the authority to direct or negatively interfere with the performance of any Township work; all inquiries that require significant action or expenditure of resources shall be directed through the Chief Administrative Officer (CAO).

5.6 Role of the Mayor

In accordance with the *Municipal Act*, it shall be the duty of the Mayor to:

- a) Act as Chief Executive Officer of the municipality and provide leadership to the corporation.
- b) Preside over Council Meetings as Chair so that its business can be carried out efficiently and effectively.
- c) Provide leadership to the Council.
- d) Provide information and recommendations to Council with respect to the role of Council, described in Section 5.1.
- e) Represent the municipality at official functions.

- f) Carry out the duties of the Head of Council under the *Municipal Act*, S.O. 2001, as may be amended from time to time, or any other Act.
- g) Represent and support Council, declaring its will, and implicitly obeying its decisions in all things.
- h) Ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the municipality.
- i) Be an Ex-officio Member of any committee or working group and have the right to attend and participate in deliberations of any Committee Meeting.

Notwithstanding the forgoing, when the Mayor is not specifically appointed as a Member of a Committee, the Mayor may be included for the purposes of determining quorum or to determine a majority of committee, and when such attendance is required to achieve quorum, shall have a vote on matters during the committee Meeting.

5.7 Mayor May Speak or Vote

The Mayor, while in Council may speak and/or vote on any question, but if they wish to make a motion they shall first leave the Chair by designating an Acting Chair.

5.8 Role of the Deputy Mayor

In addition to his/her normal role as a member of council under the Municipal Act, 2001, Section 224, the Deputy Mayor shall assist the Mayor in carrying out the Mayoral role under the Municipal Act, Section 225. At the request of the Mayor or when the Mayor is unable to fulfill his/her role, the Deputy Mayor shall assume the obligations of the Mayor in accordance with the Municipal Act, Section 225.

5.9 Role of CEO

As provided for in section 226.1 of the *Municipal Act*, the Chief Executive Officer (CEO) of the Township, the Mayor 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.
- d) Participate and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

5.10 Duties of the Clerk and Recording Secretary:

As provided for in Section 228 (1) of the *Municipal Act*, It shall be the duty of the Clerk or Recording Secretary to:

- a) record, without note or comment, all resolutions, decisions and other proceedings.
- 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 before Council.
- c) To keep the original or copies of all by-laws and of all minutes of the proceedings of the Council, Committee or Local Board, under the sphere of jurisdiction of the Recording Secretary; retain and or obtain records in support of proceedings.
- d) To perform the other duties required under the *Municipal Act, 2001, S.O.2001*, as

- may be amended from time to time, or under any other Act.
- e) To perform such other duties as are assigned by the Township or Local Board, including but not limited to:
 - i. Preparation of the Agenda, including staff recommendations on any Consent Agenda.
 - ii. Preparation of the resolutions for Council, Committee or Local Board consideration.
 - iii. Recording of the names of the Members, staff, consultants in attendance at the Meeting.
 - f) Provide procedural advice to Chair and members as may be required.

5.11 Duties of the Chief Administrative Officer (CAO):

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

- a) Review and guide all policy recommendations prior to submission to Council.
- b) Assist Council in discharging its responsibilities and, in a non-partisan manner, to aid Members in carrying out their duties.
- c) Attend Council Meetings with the right to speak, subject to the consent of the Chair, but not to vote.
- d) Working in conjunction with the Mayor and Council, exercise general control and management of the affairs of the municipality to ensure its efficient and effective operation.

6.0 Chair

6.1 Chair to Preside

Every Meeting shall be presided by a Chair. In the case of Council, the Mayor, or designate shall preside. In the case of a Committee or Local Board, a duly appointed Chair, or if unavailable, the Vice-chair shall preside.

6.2 Duties of Chair

The Chair shall:

- a) Announce the business in the order in which it is to be acted upon.
- b) Receive and submit, in the proper manner, all motions presented by the Members.
- c) Put to a vote all motions and questions which are moved and seconded, or necessarily arise in the course of proceedings, and to announce the result.
- d) Decline to put to vote motions which infringe the Rules of Procedure.
- e) Restrain the Members when engaged in debate in accordance with the Rules of Debate.
- f) Enforce on all occasions the observance of order and decorum among the Members and all persons in attendance.
- g) Authenticate, by his/her signature, all resolutions, minutes and/or by-laws as applicable.
- h) Inform Members, when necessary, on a point of order or privilege as set out in this By-law.

- i) Adjourn or recess the Meeting in the case of grave disorder arising in the meeting room.
- j) If deemed appropriate, engage any person in the gallery to provide special insight into a matter under consideration.

6.3 Absence of Chair

In the case of the absence of the Chair for any reason, or in the event that the Chair is unable to act due to a pecuniary interest, or when the office of the Head of Council is vacant, the Deputy Mayor or Vice-Chair, as the case may be, shall act in the place and stead of the Chair and shall have all the rights, powers and authority of the Chair while so doing.

7.0 Quorum and Electronic Participation

7.1 Quorum is Majority in Attendance at a Duly Called Meeting

In accordance with Section 237 of the *Municipal Act*, a majority of the whole number of elected Members of Council, more than 50%, is necessary to form a quorum of Council to exercise its decision making authority. A majority of appointed Members of a Committee or Local Board is necessary to form a quorum of that Committee or Local Board.

7.2 Quorum Required to Call Meeting to Order

As soon after the hour fixed for the holding of the Meeting and a quorum is present, the Chair shall call the Meeting to order by motion.

7.3 No Quorum

If there is no quorum within thirty minutes after the time appointed for the meeting, the Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

7.4 Quorum During Conflict of Interest Declaration

Where one or more Members of Council, Committee or Local Board have declared a Conflict of Interest, and the remaining number of Members do not constitute a quorum by their numbers, then, despite any other general or special Act, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

7.5 Electronic Participation by Members of Council

In accordance with S. 238 (3.3), the *Municipal Act* states that the procedure bylaw may provide that, during any period where an emergency has been declared to exist in all or part of the municipality under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of

members is present at any point in time; and 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 closed to the public.

- a) All Members of Council, including the Chair may participate electronically at a meeting and shall be counted in determining whether or not a quorum of members is present.
- b) Council Members shall be permitted to vote when participating electronically.
- c) Members participating electronically are permitted to participate in a closed session.
- d) When the question is called on a motion, each Member participating electronically shall state verbally or by a show of hands whether they are for or against the motion, rather than by a show of hands, as required by section 14.2 – Calling of the Vote.
- e) The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.
- f) Any Member wishing to participate electronically in a meeting shall send notice to the Clerk at least 4 hours prior to the start time of the meeting to provide staff an opportunity to make necessary arrangements for the technological needs of electronic participation.
- g) The Township may use telephone conference calling, or other technology to facilitate electronic participation. The Township shall pay the cost of the conference calling or technology option. Video conferencing shall be the preferred method of electronic participation but the Township reserves the right to allow electronic participation by any means provided that there are audio capabilities for the participants which can be integrated into the Townships live streaming capabilities.
- h) In the event of technical failure during the meeting, Council may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If one (1) to three (3) member(s) can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made. If quorum is no longer achieved due to technical difficulties, the meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.

7.6 Electronic Participation By Members of Local Boards and Committees

- a) All Members of Local Boards and Committees of Council, including the Chair may participate electronically at a meeting and shall be counted in determining whether or not a quorum of members is present.
- b) All Members of Local Boards and Committees shall be permitted to vote when participating electronically.
- c) Local Boards and Committees shall not be authorized to conduct a closed session electronically, with the exception of the Grants Advisory Committee.
- d) When the question is called on a motion, each Member participating electronically shall state verbally or by a show of hands whether they are for or against the motion, rather than by a show of hands, as required by section 14.2 – Calling of the Vote.
- e) The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.
- f) Any Member wishing to participate electronically in a meeting shall send notice to the Secretary of the Board or Committee at least 4 hours prior to the start time of the meeting to provide staff an opportunity to make necessary arrangements for the technological needs of electronic participation.
- g) The Township may use telephone conference calling, or other technology to facilitate electronic participation. The Township shall pay the cost of the conference calling or technology option. Video conferencing shall be the preferred method of electronic participation but the Township reserves the right to allow electronic participation by any means provided that there are audio capabilities for the participants.
- h) In the event of technical failure during the meeting, the Board or Committee may take a recess of not more than ten (10) minutes to allow staff/members to reinstate the electronic participation. If quorum is no longer achieved due to technical difficulties, the meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.

8.0 Proceedings

8.1 Agenda

The Clerk or Recording Secretary shall publish an agenda with such headings as may be required and listing all matters to be considered. The Mayor, or designate shall have the opportunity to review the draft agenda of Regular Meetings of Council prior to publishing of the agenda.

8.2 Order of Business

Items on an agenda may be taken out of order at the Meeting at the discretion of the Chair.

8.3 Member to Comply with Municipal Conflict of Interest Act

Every Member of Council, Committee or Local Board as defined by the *Municipal Conflict of Interest Act* as may be amended from time to time, shall comply with the provisions of the *Municipal Conflict of Interest Act*.

8.4 Declaration of Pecuniary Interest and General Nature Thereof

Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of Council, Committee or Local Board defined under the *Act*, at which the matter is the subject of consideration, the member:

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

8.5 Member May Leave Open Meeting

Any member declaring a pecuniary interest may, at his/her discretion, leave the open Meeting until the matter has been dealt in relation to which the interest has been declared. If the Member leaves the open Meeting, the Clerk or Recording Secretary shall record in the minutes the name of the Member, their departure and return to the Meeting.

8.6 Member Shall Leave Closed Meeting

Notwithstanding Section 8.5, when the meeting is in Closed Session, a Member who previously declared a pecuniary interest shall forthwith leave the closed Meeting or part of the closed Meeting during which the matter in relation to which the interest has been declared is under consideration. The Clerk or Recording Secretary shall record in the Minutes the name of the Member, their departure and return to the closed Meeting.

8.7 Declaration by Member Absent from Prior Meeting

Where the interest of a Member has not been disclosed by reason of the Member's

absence from a Meeting, the Member shall disclose the interest at the first Meeting upon their return, as the case may be, attended by the Member after the Meeting during which the matter was considered.

8.8 Recording in Minutes

Any declarations of pecuniary interest shall be recorded in the Minutes by the Clerk or Recording Secretary. In the event that a Member declares an interest during closed session, the Member shall affirm their declaration of pecuniary interest immediately after the motion to arise and the Clerk or Recording Secretary shall record the declaration in the Minutes.

8.9 Motion for Closed Session

A meeting may go into Closed Session by the passing of a motion which shall state:

- a) The fact of holding the Closed Session.
- b) The general nature of the matters to be considered during the Closed Session
- c) The listed allowance as provided in Section 239 of the *Municipal Act*.
- d) The time at which the meeting moved into Closed Session.

8.10 Media and Public shall Leave Closed Session

Upon passage of a motion under Section 8.9, all members of the media and the public shall be required to leave the meeting. The Clerk or Recording Secretary shall remain, and any members of staff, Township consultants or other such person(s) who are required for the purpose of the deliberations, may be requested to remain.

8.11 Limitation on Subject Matters

In accordance with Sections 239 of the *Municipal Act, 2001* a meeting or part of a meeting may be closed to the public if the subject matter being considered has regard for:

- 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 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
 - l) 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* if the council, board, commission or other body is the head of an institution for the purposes of that Act.
 - m) A meeting shall be closed to the public if the subject matter relates to the consideration of an ongoing investigation respecting the municipality, local board or a municipally-controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13(1) of this Act, or the investigator referred to in subsection 239.2(1). 2014, c.13, Sched 9,s,22.
 - n) The meeting is held for the purpose of educating or training the members.

8.12 No Votes in Closed Session

Except as provided for in Section 239 of the Municipal Act, a meeting shall not be closed to the public during the taking of a vote. Any matters considered during Closed Session, shall be brought forward and voted upon when the Members rise from Closed Session.

8.13 Closed Session Motions

Each Closed Session motion shall identify the general nature of the matter and instructions for disposition without revealing deliberations, or any confidential matters that would disclose security, personal, personnel or legal matters.

8.14 Exceptions for Closed Session Votes

Notwithstanding Section 8.12, and as provided for under section 239(6) of the Municipal Act, a vote may be taken during Closed Session on a procedural matter and directions to officers, employees or agents.

8.15 Location of Closed Session

If the meeting location does not provide for a level of confidentiality to provide for Closed Session deliberations, the meeting may recess and reconvene in an alternate location.

8.16 Closed Session to Remain Confidential

Subject to the Municipal Act and the *Municipal Freedom of Information and Protection of Privacy Act*, no current or previous member of Council shall disclose any personal information or other such information and nature which is or was the substance of deliberations of Council or Committee in Closed Session.

As provided for in the Declaration of Office, no member may exercise the duties of their office in an improper manner; any current Member who discloses such information may

be subject to provisions under the *Municipal Freedom of Information and Protection of Privacy Act*.

To the extent possible, and as provided for by the Declaration of Office, any current or previous Member who discloses such information in an improper manner may be subject to provisions under the *Municipal Freedom of Information and Protection of Privacy Act*. Breaches shall be referred to the Information and Privacy Commissioner for investigation and any action deemed appropriate.

8.17 Minutes of Meetings

The minutes of all meetings of Council, Committees and Local Boards whether it is open to the public or closed session shall record:

- a) The place, date and time of the meeting.
- b) The name of the Chair, Members and staff in attendance.
- c) Disclosure of pecuniary interest and the general nature thereof.
- d) All other proceedings of the meeting without note or comment, with the exception of Public Meetings held in accordance with the *Municipal Act, Development Charges Act*, or any other Act.
- e) All motions considered by Council, Committee or Local Board and the disposition of same including the motion number, whether the motion was carried or lost as well as any amendments or other procedural matters.
- f) In the case of a recorded vote, the names of the individual Members and their vote for and against the said motion.

8.18 Adoption of Minutes

The minutes of meeting(s) shall be placed on the next available agenda of the appropriate approval authority for adoption.

8.19 Council Information Package and Correspondence Items

Council Information Packages contain news releases, updates and correspondence items of interest to the Mayor and Members of Council. The Council Information Package will include items such as correspondence submitted to Council, resolutions and letters from other municipalities, memos from staff, letters and notices from provincial and federal ministries, letters from community groups, memos from local agencies, etc. The Council Information Package shall be published on the Township website.

Correspondence items deemed to be inappropriate by their nature or content shall not be included in the Council Information Package. Correspondence promoting for profit business shall not be included in a Council Information Package. The Clerk shall be responsible for ensuring that all correspondence conforms to these regulations.

Correspondence included in the Council Information Package will not be listed on an agenda of Council unless a member of Council makes a request to the Clerk's Department to have a specific item pulled for consideration. The member of Council shall provide the Clerk's Department with the request outlining which item is to be pulled along with a recommendation for the disposition or action regarding the item. The item

would then be listed on the next available agenda for Council consideration. The member of Council pulling the item shall be present at the meeting to which the requested item is listed. A correspondence item that has appeared on the agenda for two (2) Regular meetings of Council has not proceeded, shall be removed from the agenda unless otherwise directed by Council.

Any urgent or time sensitive items requiring Council's immediate attention will be circulated via email to members without waiting for the package to be released. These items will still be included on a subsequent Council Information Package to ensure that the document is made publicly available.

Confidential items may be listed at the end of a Council Information Package, with appropriate security measures in place which will require a Council log in for retrieval.

The Council Information Package shall be administered by the Clerk's Department.

8.20 Clerk's Recommendations for Correspondence

The Clerk shall provide a recommendation for the disposition of each item of correspondence. Several items may be dealt with by the adoption of one motion.

8.21 Resolutions for Endorsement

The Township of Springwater shall not consider proclamations or resolutions dealing with matters outside its sphere of jurisdiction.

Notwithstanding the foregoing, matters of significant interest and benefit to the residents of the Township may be considered for endorsement or proclamation.

Requests for proclamations or resolutions dealing with matters outside its sphere of jurisdiction shall be listed on a Council agenda as Correspondence and Information Items.

8.22 Committee of Council - Minutes

A motion by Council to receive minutes shall be all inclusive of any recommendations contained therein and shall be considered approved upon passing of the resolution to adopt.

8.23 Separate Vote for Committee Recommendation

In the event that a Committee recommendation is pulled for amendment or a separate vote, a motion based on the Committee's recommendation shall come forward immediately following the passage of the motion to adopt the remainder of the minutes.

The main motion in question may be debated, amended, referred or deferred.

8.24 Information Items

Reports for information and correspondence for information may be received under one motion.

8.25 Separate Votes for Information Items

In the event that an Information Item is pulled for a separate vote, a motion shall come forward immediately following the passage of the Information Items motion. This motion may be debated, amended, referred or deferred.

8.26 Reports for Discussion

Resolutions shall be based on the report together with any procedural requirements identified by the Clerk or Recording Secretary.

8.27 Requests for Delegation

Members of the public requesting to appear as a formal delegation shall provide written notice to the Clerk or Recording Secretary no later than seven (7) days preceding the meeting.

Such notice shall include a general description of the matter or issue, background details and proposed outcome, the name of the speaker(s), municipal address and the name of the group being represented, if applicable.

8.28 Schedule of Delegations

When a request to appear is received after the agenda has been set or when the agenda already includes a total of three delegations or presentations, the Clerk or Recording Secretary may schedule a delegation for a future meeting.

In the event that the matter is of a time sensitive nature, the Clerk or Recording Secretary shall refer the request to the Chair and a delegation may be scheduled or accommodated with the leave of the Chair.

8.29 Time Limit for Delegations

A maximum time of ten (10) minutes will be allowed for the main presentation of the delegation, and at Councils discretion, an additional ten (10) minutes may be provided for Council's deliberations on the subject. An additional five (5) minutes may be granted to the main presentation, at Councils discretion.

8.30 Planning Matters

When a request for a delegation pertains to a current application under the *Planning Act*, the requester will be advised of their right to make an oral or written submission at the Public Meeting, if one is scheduled.

8.31 New Information Required for Subsequent Delegations

Requests for delegations from individuals who have previously addressed Council on the same matter shall not be heard unless there is new information to present.

Such proof of new information shall be submitted to the Clerk or Recording Secretary in writing no later than seven (7) days preceding the scheduled meeting.

If, in the opinion of the Clerk or Recording Secretary, the submission does not provide any new information, the request shall be forwarded to the Chair for determination on whether a delegation may be scheduled.

8.32 Refusal of a Delegation

A request for a Delegation by an individual may be refused when, in the opinion of the Clerk or Recording Secretary or Chair, the subject of the delegation is beyond the jurisdiction of the municipality, or subject to 8.31, there is no new information.

Where a delegation has been refused, all members of Council shall be notified.

8.33 No Delegations or Questions on Personnel Matters

Delegations regarding personnel matters shall not be permitted.

8.34 No Delegations in Closed Session

No delegation by a member of the public may be scheduled in Closed Session.

8.35 Rules of Order/Decorum for Delegations

The Rules of Order/Decorum for delegations are as follows:

- a) Except on a point of order, Members shall not interrupt a delegation.
- b) Members may ask questions of a delegation following completion of the presentation, but shall not enter into debate with the delegation.
- c) All individuals or groups making delegations shall conduct themselves with decorum at all times and slanderous and/or abusive behaviour and/or statements shall not be permitted.
- d) If the Chair is of the opinion that decorum has been breached, he/she will immediately stop the delegation and ascertain by a vote of the Members if they are in agreement with his/her observation.
- e) If a delegation is found to be in breach of decorum, they will be provided with the opportunity to retract their statement(s) and apologize to the Members.
- f) If the delegation refuses to apologize for their breach of decorum and/or retract slanderous or abusive language, or in the case of a second breach of decorum, the subject individual shall be asked to leave the meeting, and the proceedings shall recess until said individual leaves the meeting location.
- g) Any member of the public who repeatedly interrupts proceedings and/or interjects without being invited by the Chair to do so, shall be requested by the Chair to cease and desist from the practice, and if said member of the public does not comply after being warned, the Chair shall temporarily recess the meeting until

the said person(s) vacates the premises or are removed by a Peace Officer.

8.36 Presentations

Presentations of awards to Council, staff or members of the community may be scheduled on an Agenda. Proceedings may recess immediately following the presentation for a short reception, where deemed appropriate.

8.37 Question Period

At the point and time on a Council Agenda that the Chair introduces Question Period, no more than five persons in attendance may speak for more than 2 minutes each to ask a question of Council.

In support of openness and transparency:

- Questions that are intended or worded in such a way to solicit a decision/resolution of Council at the same meeting where the subject is **not** listed on the published agenda, will be at the discretion of the Chair. Such questions may be dealt with during Items for Future Consideration or a future agenda.
- Questions that are intended or worded in such a way to solicit a decision/resolution of Council at the same meeting where the subject matter **is** listed on the published agenda, may be permitted.

Questions introduced regarding Planning matters shall be dealt with as per Section 8.30.

The Clerk or Recording Secretary shall record the general nature of the question in the order in which they were presented. Questions received and unanswered at the meeting may be reported to at a future meeting of Council, as appropriate.

8.38 Questions Deemed Out of Order

The Chair may call any question out of order if the question is not within the sphere of jurisdiction of the municipality, or the nature of the question is contrary to the *Occupational Health and Safety Act*, the *Freedom of Information and Protection of Privacy Act* and as per Section 239(2) of the *Municipal Act* (see Section 8.11) in that the question does not ensure a supportive and respectful environment.

8.39 Items for Future Consideration

Members may verbally present their request for an item to be reported on at a future meeting of Council. The Clerk will record the general nature of the item(s) in the order in which they are presented. Such requests shall be authorized by resolution at the meeting to which they are presented. The Chair, in consultation with the CAO, may request that an item for future consideration be deferred to a subsequent meeting for further information, should the subject matter warrant further information before adoption of the request.

8.40 Question Period - Rules of Decorum Apply / Rules of Order for Delegations

Persons asking questions are subject to the Rules of Order/Decorum for delegations, as per Section 8.35.

8.41 Draft By-laws

Every by-law shall be circulated to Council in draft form on the agenda. A significant change in scope or intent to a draft by-law shall be noted by the Clerk prior to consideration. A change to a draft by-law to improve language, readability or correct a technical error that does not change the scope or intent may be made by the Clerk prior to execution.

8.42 Reading of By-laws

Every by-law shall be given the required number of readings prior to passage by Council. These readings may be given by way of one inclusive motion. At the request of a member of Council, any by-law included in the motion may be withdrawn for a separate vote.

8.43 Consideration of Draft By-laws in Closed Session

If the Clerk determines that a draft by-law is to be considered in Closed Session, Council may deliberate the draft by-law in Closed Session. Notwithstanding that a draft by-law may be discussed in Closed Session, all votes on the matter including the required number of readings shall occur in Open Session.

8.44 By-laws to be Numbered, Dated and Sealed

Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Mayor, or their designates if they are not present, and shall be deposited in the Office of the Clerk for safe keeping.

8.45 Confirmatory By-law

A confirmatory by-law shall be passed at every meeting to confirm the decisions of Council or any decisions delegated to a Committee by Council. The confirmatory by-law confirms that the actions of Council in respect of each resolution and other action taken by the Council at the meeting are, except where the prior approval of the Ontario Municipal Board or other authority is by law required, thereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in a by-law.

A confirmatory by-law shall be listed separately on the agenda as the last item for Council consideration prior to Adjournment.

8.46 Notices of Motion

A notice of motion may be presented as follows:

- a) A Council Member may introduce a notice of motion by filing with the Clerk a written copy of the notice no later than seven (7) days preceding a Regular Meeting of Council for publishing on the agenda; or
- b) A Council Member may introduce a notice of motion directly at a Regular Meeting of Council, following which a written copy shall be filed with the Clerk and the motion shall form part of the next Regular Meeting of Council agenda. Following such notice, there shall be no debate or discussion on the motion until it is contained in an agenda.

8.47 Suspension of Procedures regarding Notice of Motion

A motion to suspend or waive the procedures to consider a notice of motion presented directly at a Council meeting, in accordance with Section 8.46 (b), shall not be in order and will be called out of order, if presented.

8.48 Deferral if Mover Not in Attendance

A Notice of Motion presented as in Section 8.46 shall not be considered or otherwise discussed by Council unless the Mover of the motion is in attendance at the meeting to which the notice of motion is listed on the agenda.

8.49 Secunder Not Required for Introduction Only

The presentation of a notice of motion does not require a seconder for the motion until it comes before a meeting for debate. If no seconder is received when the motion comes before debate, the motion will not be considered.

8.50 Removal from Agenda

A Notice of Motion that has appeared on the agenda for two (2) Regular Meetings of Council and has not proceeded shall be removed from the agenda unless otherwise directed by the Council.

8.51 Limitations on Notice of Motion – Infringement on Legislative Framework

Where the introduction of a Notice of Motion infringes on land use policies, an official plan or prescribed Provincial and/or Federal legislative framework, such motion shall be ruled out of order.

A Notice of Motion ruled out of order under this section may be introduced as an Item for Future Consideration (IFC)

8.52 Curfew

All meetings shall be subject to mandatory adjournment by not later than 10:00 p.m. Items not dealt with by curfew shall be listed on the next regular agenda.

See also section 8.53 and 8.54.

8.53 Motion to Extend

Notwithstanding Section 8.51, as soon as practicable, a motion to extend a meeting shall state a proposed time for adjournment, but no later than 11:00 p.m. and shall be passed by a majority. If a motion to extend the meeting does not receive the consent of a majority, the meeting shall adjourn at 10:00 p.m.

8.54 Motion to Adjourn

A motion to adjourn shall include the time of adjournment and the date, time and location of the next Regular Meeting and need only a mover.

Subject to the curfew, a motion to adjourn may not be moved until all matters listed on the agenda have been acted upon, and a motion to adjourn may not be debated.

9.0 Recording of Deliberations

9.1 Audio or Visual Recording

Open meetings of Council shall be video recorded by the Clerk or Recording Secretary. Closed session meetings of Council shall be audio recorded only (no video recording) by the Clerk or Recording Secretary. The inability to video or audio record a meeting, due to equipment failure or for any other reason, shall not cause a meeting to be cancelled or adjourned. The Chair may temporarily recess a meeting to provide staff an opportunity to try and correct equipment issues but may continue with the meeting in the absence of recordings should staff not be able to correct the issues.

9.2 Audio or Visual Recording by the Public

Any person wishing to make an audio or visual recording of any deliberation shall inform the Clerk or the Recording Secretary so as to ensure the proceedings are not interfered with. Public recording of a closed session shall not be permitted.

9.3 Interference by Audio or Visual Recording

An audio or visual recording of any deliberation shall not be permitted, if in the opinion of the Clerk or Recording Secretary, would interfere with the ongoing proceedings.

9.4 Use of Closed Session Recording

The closed session audio recording shall only be used by the Clerk or Recording Secretary, the Chief Administrative Officer, the Ontario Ombudsman (or closed meeting investigator) and the Township Integrity Commissioner. The audio recording shall not be deemed as the official meeting record and shall be used by the Clerk or Recording Secretary for the purpose of completing meeting minutes only.

Members of Council shall not have access to the closed session audio recordings.

10. Hearings

10.1 Holding of Hearings by Committee

If Council is required by law to hold a hearing or give interested parties an opportunity to be heard before taking any action, passing a by-law or making a decision:

- a) Council may delegate that responsibility to a Committee of Council or may refer the matter to a Special Meeting.
- b) Upon holding a hearing, the Committee shall provide a recommendation to Council. In the event that the hearing is held at a Special Meeting, Council shall render its decision at the Special Meeting, whenever possible.
- c) If the Committee of Council holds a hearing or gives interested parties an opportunity to be heard, a subsequent Council meeting is not required to also hear the interested parties a second time.
- d) If the decision to be made by Council on a matter is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act*, that Act applies to the Standing Committee and to the hearing conducted by it.

10.2 Matters Not to be Delegated by Council

The following matters may not be delegated by Council to any person, Committee or Local Board:

- a) Passing of by-laws.
- b) Hiring, dismissal or suspension of statutory officers.
- c) Approval of the annual budget.
- d) Establishment or waiving of policies, unless specified otherwise in the appointment, policy and/or by-law.
- e) Entering into agreements on behalf of the corporation, unless provided for by by-law.
- f) Transfer of reserve and reserve funds.

11.0 Committees

11.1 Establishment of Committees or Local Board

Council may establish Committees, Working Groups or Local Boards from time to time to advise Council on specific matters.

11.2 Term of Committee / Local Board

The term of a Committee or Local Board shall coincide with the Council term, unless otherwise determined in the Terms of Reference.

11.3 Purpose of Committee

The purpose of a Committee, Working Group or Local Board is to be outlined in a Terms of Reference.

11.4 Limitation on Delegated Powers of Committees

Committees, Working Groups or Local Boards shall not have the power to waive Township policy, expend any funds not approved in the budget, establish any fees or bind Council or the Corporation, unless a recommendation made by such Committees, Working Groups or Local Board is approved by Council, or such authority has been delegated by Council.

12.0 Appointments to Committees

12.1 Appointment of Council Members by Mayor

At a meeting soon after the Inaugural Meeting of Council, the Mayor through Council Resolution may appoint the members of Council to the various Committees, Working Groups and Local Boards.

12.2 Review by Incoming Council

Except for quasi-judicial appointments, prior to announcing public appointments to a Committee or Local Board, the Mayor shall consult with the members of Council. The Clerk shall bring forward the necessary appointment resolution or by-laws for adoption.

12.3 Advertisement for Public Members

Prior to the end of the Council term, the Clerk shall advertise notice for members of the public to serve on the Committees and Local Boards.

12.4 Termination of Appointment Due to Absence

In the event that a non-elected member of a Committee, Working Group or Local Board is absent from the meetings for three consecutive meetings without being temporarily excused and such permission recorded in the minutes, Council may terminate the appointment and may by motion appoint a new person to fill the vacancy.

12.5 Amending Appointments

In the event that the composition of a Committee, Working Group or Local Board appointed by Council changes during the Council term, the Clerk shall bring forward the necessary resolution or by-law to amend the appointment composition.

Council may amend or rescind appointments to Committees or Local Boards as it deems appropriate.

12.6 Citizen Appointments to Quasi-judicial Bodies or Committees

Citizen appointments to quasi-judicial bodies or Committees may occur at a Regular or Special meeting in closed session where the Mayor shall consult with the members of Council on proposed appointments. For greater certainty, appointments will not be considered at the inaugural meeting of Council.

Reference to quasi-judicial bodies/committees in this section means, but not limited to

Committee of Adjustment, Library Board, and Business Improvement Area (BIA).

12.7 Advertisement for Public Members

Prior to the end of the Council term, the Clerk shall advertise notice for members of the public to serve on the Committees and Local Boards.

13.0 Motions

13.1 Motions in Writing

Except for procedural motions and as guided by the Clerk or Recording Secretary, all motions presented to a meeting shall be in writing.

13.2 Mover and Seconder

All motions must be moved and seconded, except a motion to adjourn which does not require a seconder. The mover and seconder of a motion may vote either in support or opposition of the motion.

13.3 Motions Not Required to be Signed at Committees or Working Group Meetings

Notwithstanding the forgoing, where Council establishes a Committee or Working Group, motions from the Committee or Working Group need only be supported by a majority of members in attendance, recorded in minutes and forwarded to Council for adoption.

13.4 Speaking to Motion

Each member in attendance at a meeting may have the opportunity to address the subject matter of a motion. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt any other member while speaking.

The Chief Administrative Officer, Clerk or any other appropriate member of staff may address Council, Committee or Local Board to clarify the issues pertaining to the subject matter of the motion or to provide additional information pertaining thereto.

13.5 Friendly Amendment

A motion duly moved and seconded may be altered by friendly amendment with the approval of the mover and seconder, and without the requirement for an amending motion. Friendly amendments may only be entertained when the change is minor in nature, shall be directly relevant and shall not propose a direct negative to the motion.

13.6 Withdrawal of Motion

A motion may be withdrawn by the mover prior to the motion in question being put to a vote.

13.7 Motion to Amend

A motion to amend:

- a) May be presented in writing or orally;
- b) Shall be dealt with before the main motion is dealt with;
- c) Shall be directly relevant to the main motion;
- d) Shall not be received proposing a direct negative to the main motion.

13.8 Motion to Refer or Defer

A motion to refer/defer a matter under discussion by the Council to a Committee or Local Board shall preclude all amendments of the main motion until the referral/deferral is decided.

13.9 Possession of a Motion

A motion moved, seconded and understood by all members must receive disposition before any other motion can be dealt with, except a motion to recess, amend, defer or refer.

After a motion is read or stated by the Chair, the motion shall be deemed to be in possession of members.

Notwithstanding the above, where a member calls a point of order on the grounds of not understanding the motion, the motion is not deemed to be in possession of members and the member may seek greater understanding of the motion, but may not debate the motion, nor unduly delay a vote on a motion.

13.10 Motion to Defer

A motion to defer is used to defer discussion for a certain period of time. A motion to defer shall be open for debate, however the debate must be limited to the proposed deferral only and the motion can be amended.

13.11 Motion to Refer

A motion to refer is used to give closer study to something requiring committee or staff to examine the matter under consideration in greater detail. The motion should include the name of Committee or official, etc to whom the matter is to be referred and instructions respecting the terms upon which the matter is being referred. A motion to refer shall be open for debate, however the debate must be limited to the proposed referral only and the motion can be amended.

13.12 Motion to Reconsider

A motion to reconsider a previously approved main motion may be introduced by any member and must be duly seconded. A motion to reconsider is subject to the following:

- a) A motion to reconsider suspends any action on the motion to which it applies until it has been decided.
- b) If the action approved in the main motion has been acted upon, such as but not

- limited to monetary expenditure or executed agreements and cannot be reversed, the motion cannot be reconsidered.
- c) The following motions cannot be reconsidered:
 - i. Motion to adjourn.
 - ii. Motion to recess.
 - iii. Motion to suspend the Rules.
 - iv. Motion to reconsider.
 - v. Motion to postpone indefinitely which has been lost.
 - d) A motion to reconsider requires a majority vote in the affirmative to reconsider.
 - e) The original motion cannot be brought forward for reconsideration more than once unless the substance of the motion has been materially changed.
 - f) A motion to reconsider is not subject to debate, amendment or reconsideration.
 - g) A motion to reconsider cannot be deferred or referred.
 - h) Where a member has been named in any legal action related to a matter for reconsideration, no vote for reconsideration shall be taken until the legal action has been resolved.
 - i) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided, after which the subject matter may become a matter to be brought forward as though it were a new question.

13.13 Matter of Privilege

A motion on a matter of privilege shall receive disposition of the Chair upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.

13.14 Division of Motion

A motion containing distinct proposals may be divided and voted upon in its parts.

13.15 Call the Question

After each member has spoken to a motion, any Member of Council may ask the Chair to “call the question”, and when so asked, subject to other provisions of this by-law, the Chair shall put the question to the members for a vote.

13.16 Oral Motions

The following matters and motions with respect thereto may be introduced orally without written notice, except as otherwise provided by these Rules of Procedure:

- a) a point of order or personal privilege.
- b) presentation of petitions.
- c) to postpone indefinitely or to a particular day.
- d) to move the previous question.
- e) Items for Future Consideration.

13.17 Decision of Chair

All procedural matters not dealt with in this by-law shall be decided by the Chair, subject

to an appeal by the members through a point of order, or through a challenge of the Chair's decision.

14.0 Voting

14.1 Majority Required to Pass a Motion

A vote by the majority of the members is required to pass a motion, with the exception of provisions outlined in Section 14.2

14.2 Requirements for Two-Thirds (2/3) Vote

A two-thirds (2/3) vote shall be required for the following types of motions/topics:

- a) A vote before Council requesting support for a Ministerial Zoning Order.

14.3 Calling of Vote

The Chair shall first ask for those in favour of a motion and then ask for those opposed. Each Member shall raise his/her hand to indicate his/her vote for or against the motion except where a recorded vote has been requested.

14.4 Chair to Vote

The Chair, except where disqualified to vote by reason of interest or otherwise, shall vote at the same time as the other members on all questions.

14.5 Abstention Not Permitted

A refusal to vote shall be taken as a vote in the negative.

14.6 Method of Vote

Unless otherwise determined by the Chair, the method of voting shall be by a show of hands.

Other methods may be used at the discretion of the Chair such as by voice, standing or otherwise, but may not in any circumstance be in the form of a secret ballot.

14.7 Declaration of Outcome of Vote

Upon the completion of the vote, the Chair shall declare whether the motion was carried or defeated. In the event that all members vote in a similar manner, the Chair may, at his/her discretion, record the vote as being unanimous.

14.8 Equal – Tie - Vote Defeated

Any motion on which there is an equality (tie) of votes shall be deemed to be defeated.

14.9 Voting During a Declared Conflict of Interest

In accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, where the number of members who, by reasons of the provisions of said Act are unable to participate in a Meeting and the remaining members are not of sufficient number to constitute a quorum, then despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

15.0 Recorded Votes

15.1 Request for Recorded Vote

A recorded vote may be requested by a member prior to, during or immediately after the taking of a vote and before any other item of business is brought forward.

15.2 Clerk or Recording Secretary's responsibilities

In the event that a recorded vote is requested, the Clerk or Recording Secretary shall:

- a) State the name of the member asking for the recorded vote and read out the motion.
- b) Call the name of each member, and the Chair may vote last. As called, each member will signify either "yea" or "nea".
- c) Note the response beside the member's name on the motion and in the minutes of the meeting.
- d) At the conclusion of the vote, verbally signify the outcome and the Chair shall mark the motion accordingly.

15.3 No recorded votes at Committee

The recorded vote provisions of this Section shall not apply to any Committee Working Group.

16.0 Rules of Debate

16.1 Role of Chair

The Chair shall, in directing the course of the debate:

- a) Designate the member who has the floor when two or more members wish to speak.
- b) Preserve order and decide questions of order.
- c) Receive all motions presented in writing before permitting debate on the question except when otherwise provided.

16.2 Rules of Order - Members

In addressing the Council, Committee or Local Board, no member shall:

- a) Speak other than to the question in debate.
- b) Reflect upon any prior determination of the Council, Committee or Local Board except to conclude such remarks with a motion to rescind such determination.

- c) Speak more than once to the same question except in the explanation of a material part of his/her speech which may have been interpreted incorrectly; or with leave of the Chair after all other members desiring have spoken.
- d) Ask a question except in relation to a previous speaker's remarks or to request additional information.
- e) Interrupt the speaker who has the floor except to raise a point of order.
- f) Speak to the same question, or in reply, for longer than ten (10) minutes, without leave of the Council.

17.0 Decorum/Conduct

17.1 Decorum/Conduct by Members

All members shall:

- a) Not speak until he/she has been recognized by the Chair.
- b) Refrain from speaking while another member is speaking.
- c) Follow the Rules of Order.
- d) Obey all decisions of the Chair on questions of order or practice or upon interpretations of the rules of order.
- e) Behave in an acceptable manner. A member shall not use profanity, make derogatory statements, innuendo, inference or utterances suggesting wrong doing or other such offence at risk of being expelled from the Chamber or meeting room at the discretion of the Chair for such improper decorum/conduct.

17.2 Expel Any Person for Improper Conduct/Decorum by Any Person

With a Majority Vote of Council the Chair may expel any person, including a Member, staff or the public for improper conduct/decorum, at the meeting to which the improper conduct/decorum occurred. An explanation as to the reason for expulsion shall be provided.

17.3 Assistance of Peace Officer

If required, the Chair may call upon the Ontario Provincial Police or any other Peace Officer to assist in the expulsion of a person.

17.4 Apology and Majority Vote Required to Return After Expulsion

After being expelled by the Chair as a result of improper conduct/decorum committing a breach of any rule of order, a Member will only be permitted to resume their seat at the table or in the gallery after making an apology to Council or Committee and with the consent of Council or Committee expressed by a majority vote of the other members present determined without debate.

17.5 No Use of Cellular Devices, or Other Non-Township Issued Devices Capable of Outside Communication by Members of Council in Meetings

- a) No member shall use cellular devices at the Council table during all special, regular and closed session meetings.
- b) No member shall use any other type of device that receives outside communications, aside from Council assigned laptops at the Council table during all special, regular and closed session meetings.
- c) In emergency situations, a member may request leave of provisions 17.5 a) and b) from the Chair. It is at the discretion of the Chair to grant leave upon request of a member.

18.0 Interpretation

18.1 Municipal Act

Any references to the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or sections thereof shall be interpreted in accordance with the Act, and any amendments thereto.

18.2 Conflict Between By-law and Act

In the event of any conflict between any provisions of this By-law, the *Municipal Act, 2001, S.O. 2001, c.25* as amended shall prevail.

18.3 Number and Gender

Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender, also include female as well as male.

18.4 Severability

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

18.5 Repeal

By-law 2009-043, 2009-088, 2010-077, 2011-57, 2014-025 and any by-law providing for meeting procedures in force on the day this by-law is adopted are hereby repealed.

18.6 Force and Effect

That this By-law shall come into force and take effect upon final passing hereof.

Read a First, Second and Third Time and Finally Passed this 20th day of December, 2017.

(Original Signed By)

Bill French, Mayor

(Original Signed By)

Renée Chaperon, Clerk

Section/Subject Matter	Requirement in the Act	Policy
34(1) Permanent Closure of a Highway	Notice not required. Where highways adjacent to Government of Canada lands, notice if required.	At the discretion of the Clerk and the Director of Public Works, notice of intent to persons and agencies directly affected by the by-law may be provided ten working days prior to enactment of the by-law either by: <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the affected highway; or ▪ Township website; or ▪ Council agenda
34(2) Permanent Altering of a Highway	Notice not required	At the discretion of the Clerk and the Director of Public Works, notice of intent to persons and agencies directly affected by the by-law may be provided 10 working days prior to enactment of the by-law either by: <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the affected highway; or ▪ Township website; or ▪ Council agenda
Sec. 48 Naming or Renaming of Private Roads	A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law	Notice to be provided 10 working days prior to enactment of the by-law: <ul style="list-style-type: none"> ▪ Personal service or prepaid first class mail to all persons who abut the affected highway; ▪ Township website; ▪ Council agenda.
81(1),(2),(3) Shut off supply of water to land if overdue public utility fees or charges based on supply of water or public utility to land	Reasonable notice	Personal service or prepaid mail or by posting the notice on the land in a conspicuous place.
99(1) By-Law – Advertising Devices, including signs	Notice not required	At the discretion of the Clerk, notice may be provided to holders of existing sign permits.
110(5) Agreements for Municipal Capital Facilities	Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the Clerk of the municipality shall give written notice of the by-law to the Minister of Education.	Written notice to the Minister of Education as prescribed within ten (10) days of the passing of the by-law.

Section/Subject Matter	Requirement in the Act	Policy
110(8) Tax Exemption By-Law	<p>Upon the passing of a by-law under subsection (6), the Clerk shall give written notice of the contents of the by-law to:</p> <ul style="list-style-type: none"> ▪ MPAC; ▪ The Clerk of any other municipality that would, but for the by-law, have had the authority to levy rates on the assessment for the land exempted by the by-law; and ▪ The secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. 	<p>Written notice to:</p> <p>(a) the assessment corporation;</p> <p>(b) the clerk of any other municipality that would, but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law; and</p> <p>(c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law.</p>
150 (4) (b) General Licensing Powers	Notice and public meeting not required	<p>At the discretion of the Clerk, Notice of Council's intent may be provided by:</p> <ul style="list-style-type: none"> ▪ Personal notice where certain sectors are erroneously affected; ▪ Township website.
206 Meeting to hold vote for directors of Business Improvement Area or to discuss budget	A board of management shall give reasonable notice to the general membership of the improvement area.	Notice shall be provided to the general membership and property owners within the improvement area by prepaid first class mail at least ten (10) working days before the scheduled meeting.
210 Business Improvement Areas	<p>Before passing a by-law under subsection 204(1), clause 208(2)(b), subsection 208(3) or section 209, notice of the proposed by-law shall be sent by prepaid mail to the Board of Management of the Improvement Area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which it is located:</p> <ul style="list-style-type: none"> ▪ Where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and, ▪ Where a new improvement area would be created by 	Personal notice by prepaid first class mail at least ten (10) working days prior to the passage of by-law to the Board of Management of the improvement area (existing, or proposed, as the case may be) and every person assessed for rateable property within the improvement area.

Section/Subject Matter	Requirement in the Act	Policy
	the proposed by-law, in the proposed improvement area.	
211 Business Improvement Area – Repealing By-Law	<p>Council shall give notice in accordance with subsection 210(1) of a proposed by-law to repeal a by-law under subsection 204(1) if the municipality has received:</p> <ul style="list-style-type: none"> ▪ A resolution from the Board of Management requesting the repeal; or, ▪ A request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for purposes of the general local municipality levy on rateable property in all prescribed business property classes in the Improvement Area. 	Personal notice by prepaid first class mail within sixty (60) days after receiving the resolution or request, and at least ten (10) working days prior to the passing of the by-law to the Board of Management of the BIA area, and every person assessed to rateable property within the Improvement Area.
217 Council Composition – Local	Notice not required	Notice of a public meeting shall be shown on the Council agenda and may be provided on the Township website
222 Establishment of Wards	<p>Notice of Council's intention not required.</p> <p>Notice of by-law enactment is required within 15 days of enactment.</p>	<p>Notice of public meeting may be provided at least twenty (20) days prior to the meeting:</p> <ul style="list-style-type: none"> • By Publication within a newspaper having sufficient circulation; or • Township website <p>Personal service or prepaid first-class mail shall be provided to those persons who request further notice following the public meeting</p> <p>Notice of by-law passing no later than fifteen (15) days following enactment:</p> <ul style="list-style-type: none"> • Publication within a newspaper having sufficient circulation; • Township website • Personal service or prepaid first-class mail to those persons who have requested notice •

Section/Subject Matter	Requirement in the Act	Policy
238 Procedure By-law	The Procedure By-law shall provide for public notice of meetings.	Procedure by-law to include provisions for public notice.
268 Sale of land	Notice not required	As per the sale of land policy
291 Budget – Adoption or Amendment	No notice required	Notice of proposed budget approval in the newspaper and posted on the Township Website prior to the adoption of the budget.
295 Financial Statement – Publication	Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer of the municipality a) shall publish in a newspaper having general circulation in the municipality (i) a copy of the audited financial statements, the notes to the financial statement, the auditor's report and the tax rate information for the current and previous year as contained in the financial review; or (ii) a notice that the information in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and (b) may provide the information described in subclause (a)(i) or (ii) to such persons and in such other manner as the Treasurer considers appropriate.	Notice shall be published in a newspaper having general circulation in the municipality. Audited Financial Statements shall be posted and on the Township Website within sixty (60) days of receipt.
331(10) Taxes on eligible properties, if no comparable properties	Within 60 days after the date the notice is received by the local municipality.	Notice by prepaid first class mail to the eligible property owner within 60 days after receipt of the list from MPAC.
342(5) Tax Installments Collection	The Treasurer gives written notice to the taxpayer that alternative installments and due dates may no longer be used.	Notice by prepaid First Class Mail, as determined by the Municipality.
348 Determination of Tax Status	The Treasurer shall send to every taxpayer who owes taxes from a proceeding year a notice of those taxes and of the related late payment charges.	Notice by prepaid First Class Mail to each affected taxpayer by February 28 th in each year.

Section/Subject Matter	Requirement in the Act	Policy
350(1) Tax collection - land occupied by tenant	Where taxes are owed in respect of any land occupied by a tenant, the Treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the Treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with the notice.	At the discretion of the Treasurer, notice may be sent by prepaid first class mail to the tenant with a copy forwarded by registered mail to the owner/taxpayer.
351(8) Tax Collection, Seizure of Assets	The Treasurer or the Treasurer's agent shall give the notice of the time and place of the public auction to recover the taxes and costs of seizure.	Notice by prepaid Registered Mail to affected party. Public notice in the newspaper and posted on the Township Web Site once a week for two (2) weeks prior to the public auction.
356(4),(5) Application for Division of Land	On or before September 30 of the year following the year in which the application is made, Council shall: a) hold a meeting at which the applicants and owners of any part of the land may make representations to Council; b) notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; and c) make its decision.	Notice by prepaid Registered Mail to the applicants and owner at least 14 days prior to the meeting. Council shall also notify the applicants and owners of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.
357(5) Application for Cancellation, reduction or refund of taxes	On or before September 30 of the year following the year in which the application is made, Council shall: a) hold a meeting at which the applicants may make representations to Council; b) notify the applicants of the meeting by mail sent at least 14 days before the meeting; and c) make its decision.	Notice by prepaid first class Mail to applicants at least 14 days prior to the meeting. Council shall also notify the applicants of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.
358 Overcharges caused by a gross or manifest error	Treasurer to send a copy of the application to the Assessment Corporation and the Registrar of the Assessment Review Board; and to notify applicant of invalid application.	Notice by prepaid Registered Mail to applicants at least 14 days prior to the meeting. Council shall also notify the applicants of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision. Prepaid first class mail to the Assessment Corporation and the Registrar of the Assessment Review

Section/Subject Matter	Requirement in the Act	Policy
		Board.
359 Increase of taxes (as a result of any undercharge caused by a gross or manifest error) ... but not an error in judgment assessing the land.	Council shall, a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to Council; b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and c) make its decision.	Notice by prepaid Registered Mail to the person in respect of whom the application is made and personal service to the Treasurer at least 14 days prior to the meeting. Council shall also notify the Treasurer and the person in respect of whom the application is made of the decision within 14 days after making its decision. Said decision shall specify the last day for appealing the decision.
365 Cancellation, reduction or refund of taxes	If a lower tier municipality has passed a by-law under subsection (1), it shall give notice of that fact to the upper-tier municipality and the upper-tier municipality may pass a by-law to provide a similar cancellation, reduction or refund of taxes levied for upper-tier purposes.	Written notice by prepaid first class mail to The County of Simcoe as soon as possible after passing the by-law.
365.1 (4)(5) Cancellation of taxes, rehabilitation and development period	If a lower-tier municipality intends to pass a by-law under subsection (2), it shall give notice of its intention to the upper-tier municipality and the Minister of Finance.	Copy of proposed by-law forwarded by prepaid first class mail to upper-tier municipality and to the Minister of Finance. Note: Information to be provided to the Minister of Finance as per the Act.
365.1 (7) (25) Cancellation of taxes, rehabilitation and development period	If a local municipality passes a by-law under subsection (2) or (3), it shall, within 30 days, give a copy of the by-law to the Minister and the Minister of Finance	By-Law to be forwarded to the Minister and the Minister of Finance by prepaid first class mail within thirty (30) days of passage.
365.1 (9)(11) Cancellation of taxes, rehabilitation and development period	Upon approval of an application under subsection (8), local municipality to advise owner of the commencement date of tax assistance and amount of tax assistance. Minister of Finance to be provided above information within 30 days of advising the owner.	Personal notice by prepaid first class mail to the owner and by prepaid first class mail to the Minister of Finance within thirty (30) days of providing notice to the owner. Note: Minister of Finance may specify additional information to be provided by the local municipality.
365.1 (23) Cancellation of taxes, rehabilitation and development period	Owner to notify municipality within 30 days of filing a Record of Site condition and local municipality, within 30 days of receipt, to advise Minister of Finance	Written notice by prepaid first class mail within thirty (30) days of receipt of notice from owner.
365.2 (5) (6)	A local municipality shall deliver a	A copy of the by-law to be forwarded by

Section/Subject Matter	Requirement in the Act	Policy
Tax Reduction – Eligible Heritage Properties	copy of the by-law passed under subsection (4) to the Minister of Finance within 30 days of its passage and notify the upper-tier municipality of the amount of taxes to be reduced or refunded.	prepaid first class mail to the Minister of Finance and the County of Simcoe within thirty (30) days of its passing.
374 (1) Notice of Registration	Within 60 days after the registration of a tax arrears certificate, the Treasurer shall send a notice of the registration of the certificate to the assessed owner of the land; if under land Titles to persons appearing on the parcel register and if under Registry Act, to persons appearing by the abstract index and by the index of writs received for execution by the sheriff...	Notice of registration certificate by prepaid registered mail within 60 days after registration to parties specified in the Act.
379 (1) Public Sale	If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the Treasurer, within 30 days after the expiry of the 280 day period, shall send to the persons entitled to receive notice under Section 374, a notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one year period following the date of the registration of the tax arrears certificate.	Final notice that the land will be advertised for public sale to be given by prepaid registered mail to persons entitled to receive notice within 30 days after the expiry of the 280 day period.
379 (2) Public Sale – Advertisement	If, at the end of the one year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land shall be offered for public sale by public auction or public tender, as the Treasurer shall decide, and the Treasurer shall immediately a) make a statutory declaration stating the names and addresses of the persons to whom notice was	Public notice for one week in <i>The Ontario Gazette</i> , once a week for four (4) consecutive weeks in a newspaper and posted on the Township website.

Section/Subject Matter	Requirement in the Act	Policy
	sent under subsection (1); and b) advertise the land for sale once in <i>The Ontario Gazette</i> and once a week for four weeks in a newspaper that, in the opinion of the Treasurer, has such circulation within the municipality as to provide reasonable notice of the sale or, if there is no such newspaper, post a notice in the municipal office and one other prominent place in the municipality.	
379 (5b) and (15) No Registration of Notice of Vesting	If there is no successful purchaser, the Treasurer may prepare and register a Notice of Vesting in the name of the municipality.	Notice of Vesting may be registered within one year after the public sale is conducted.
380 (3) Application of Proceeds – Payment into Court	Within 60 days after making a payment into court under subsection (2), the Treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom the Treasurer sent notice under subsection 379 (1).	Copy of statement to be sent by prepaid Registered Mail 60 days after payment into court.
400 Regulations regarding Fees and Charges	The Minister may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of this Part, including, f) requiring a municipality or local board to give the prescribed notice of its intention to pass a by-law imposing the fees and charges which have priority lien status under (d) which are added to the tax roll, to the prescribed persons in the manner and form and at the times prescribed.	Notice of intent to pass a By-Law in the manner and form and at the times as prescribed by the Minister. Public Notice in a newspaper, and posted on the Township Website two (2) weeks prior to the passing of the by-law.
402 (1) Notice of Debt	Upon receipt of an application of a municipality to incur a debt, the Ontario Municipal Board may direct the municipality to give notice of the application to such persons and in such manner as the Board determines.	Notice of Debt to such persons and in such manner as determined by the Ontario Municipal Board.

Section/Subject Matter	Requirement in the Act	Policy
408 Debenture By-Law	When a municipality authorizes long term borrowing by the issue of debentures or through another municipality under Section 403 or 404.	Personal notice by prepaid first class mail to persons issuing the debenture.
435(2) Where Power of Entry exercised	Where subsection 435(1) requires that notice of a proposed exercise of a power of entry be given, the notice must satisfy the following requirements: 1. The notice must be given to the occupier of the land in respect of which the power of entry will be exercised. 2. The notice must be given within a reasonable time before the power of entry is exercised. 3. The notice must be given by personal service in the case of a proposed exercise of a power of entry under section 79, 80 or 446 in respect of a room or place actually used as a dwelling. 4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.	Two weeks prior to entry, inform occupier of the land by personal service or prepaid first class mail or by posting the notice on the land in a conspicuous place. Notice shall be by personal service in the circumstances identified in 431 (b) of the Act.
447(8) Closing premises, public nuisance	The municipality that passed the licensing by-law in respect of which a closing order was made is a party to any proceedings instituted under subsection (3), (4) or (6) in respect of the order and shall be given notice of the proceedings in accordance with the rules of the court.	Letter of application to the Attorney General 15 days prior to making application by prepaid registered mail.

Section/Subject Matter	Requirement in the Act	Policy
441 (1) Collection of unpaid licensing fines	If any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice.	Written notice by prepaid registered mail specifying the amount of the fine payable and final date to pay (not less than 21 days after the date of notice). No time limit is specified for giving of notice.
