



BY-LAW NUMBER 2018-39

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL, THE CONDUCT OF ITS MEMBERS AND THE CALLING OF MEETINGS

WHEREAS Section 238 of the *Municipal Act, 2001*, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place, and proceeding of meetings;

NOW THEREFORE the Council of the Corporation of the Township of Nairn and Hyman **HEREBY ENACTS AS FOLLOWS:**

1.0 DEFINITIONS

In this by-law:

- 1.1 **“Chair”** shall mean the Mayor or the Presiding Officer of a meeting.
- 1.2 **“Chief Administrative Officer”** shall mean the Chief Administrative Officer (CAO) of the Corporation.
- 1.3 **“Clerk”** shall mean the Clerk of the Corporation.
- 1.4 **“Closed Session”** shall mean that part of a meeting closed to the public in accordance with the provisions of the *Municipal Act*.
- 1.5 **“Corporation”** shall mean the Corporation of the Township of Nairn and Hyman.
- 1.6 **“Committee”** shall mean a Committee of Council and includes a Committee of the Whole Council.
- 1.7 **“Committee of the Whole”** shall mean a meeting of the whole of Council where the Chair of each Committee may act, in turn, as a Presiding Officer to report to Council on the deliberations of each Committee.
- 1.8 **“Defer”, “Deferred”, or “Deferral”**, when used in connection with a matter or item before the Council or a Committee, shall mean that the matter or item is to be dealt with later in the same meeting, or at the next meeting of the same body, or at the meeting of the same body that it specified in the motion to defer.
- 1.9 **“Delegation”** shall mean a person intending to address the Council or Committee on a matter where a decision to the Council may be required.
- 1.10 **“Deputy Mayor”** shall mean the Councillor appointed by Council to act in the absence of the Mayor in accordance with this By-law.
- 1.11 **“Emergency Meeting”** shall mean a meeting where the health or welfare of the community is involved.
- 1.12 **“Ex-officio”** shall mean by virtue of office or position and carries with it the right to participate fully in all committee meetings and to vote unless prohibited by law but does not count towards a quorum.

- 1.13 **“Holiday”** shall mean any holiday as defined in the *Interpretation Act, R.S.O. 1990, c.1.11* or Boxing Day.
- 1.14 **“Improper Conduct”** shall mean conduct which offers any obstruction to the deliberations or proper action of Council.
- 1.15 **“In-Camera”** shall mean a closed session of Council which is closed to the public in accordance with the *Municipal Act*.
- 1.16 **“Inaugural Meeting”** shall mean the first meeting of Council held after a municipal election in a regular election year.
- 1.17 **“Majority Vote”** shall mean the vote of more than half of the Members present at a properly constituted meeting at which a quorum is present.
- 1.18 **“Mayor”** shall mean the Head of Council acting as the Chief Executive Officer of the Corporation.
- 1.19 **“Meeting”** shall mean any regular, special, or other meeting of a Council or of a committee.
- 1.20 **“Member of Council”** shall mean any Councillor or the Mayor of the Council.
- 1.21 **“Motion”** shall mean a proposal by a Member of the Council to adopt a resolution.
- 1.22 **“Municipal Act”** shall mean the *Municipal Act, S.O. 2001, c. 25*, as amended and any successor legislation thereto.
- 1.23 **“Municipal Election”** shall mean a general municipal election held pursuant to the *Municipal Elections Act, 1996*.
- 1.24 **“Newspaper”** shall mean a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than (7) seven days, consisting in great part of news or current events of general interest and available to the public.
- 1.25 **“Notice of Motion”** shall mean a signal of intent to have a motion dealt with at a subsequent meeting.
- 1.26 **“Officer”** includes the Chief Administrative Officer employed by the Corporation of the Township of Nairn and Hyman.
- 1.27 **“Open Session”** shall mean any part of a meeting not in “closed session”.
- 1.28 **“Pecuniary Interest”** shall mean a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O., 1990 Ch. M.50*, as amended, and any subsequent legislation thereto.
- 1.29 **“Petition”** shall mean a written request signed by one or more persons.
- 1.30 **“Point of Order”** shall mean an issue to which a Member calls attention to:
(a) any breach of the rules of order pursuant to this Procedural By-law;
or
(b) the use of improper, offensive or abusive language; or
(c) notice of the fact that the matter under discussion is not within the scope of the proposed motion; or
(d) any other informality or irregularity in the proceeding of the meeting.

- 1.31 **“Point of Personal Privilege”** shall mean a question by a Member who is concerned and believe that another member has spoken disrespectfully towards that Member, or who considers that his/her integrity has been impugned.
- 1.32 **“Point of Privilege”** shall mean a question affecting the rights and immunities of the Council collectively or the position and conduct of Members of Council as elected representatives.
- 1.33 **“Presiding Officer”** shall mean:
- (a) The Mayor, or
 - (b) in the absence of the Mayor, the Deputy Mayor, or
 - (c) a Member appointed pursuant to Section 10.
- 1.34 **“Public Meeting”** shall mean a public meeting under the *Municipal Act* or the *Planning Act*, or any other statute that requires the Council to hold a public meeting.
- 1.35 **“Public Notice”** shall mean a public notice published in accordance with the Township’s Notice By-law.
- 1.36 **“Published”** shall mean published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected.
- 1.37 **“Quorum”** shall mean the minimum number of Members who must be present at the meeting for business to be legally transacted.
- 1.38 **“Recorded Vote”** shall mean the recording of the name and vote of every Member of Council on any matter of question, subject to the *Municipal Conflict of Interest Act*.
- 1.39 **“Regular Meeting”** shall mean a scheduled business meeting held in accordance with the approved calendar/schedule of meetings.
- 1.40 **“Resolution”** shall mean the decision of the Council on any motion.
- 1.41 **“Rules of Order”** shall mean the rules, established by this By-law to govern the proceedings of Council and its Committee.
- 1.42 **“Special Meeting”** shall mean a meeting not scheduled in accordance with the approved calendar/schedule of meetings.

2.0 GENERAL PROVISIONS

- 2.1 The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business of the Council and wherever possible, with the necessary modifications, for all committees of Council, unless otherwise prescribed.
- 2.2 The rules and regulations contained herein may not be suspended except by a two-thirds affirmative vote on the number of Members of Council present and voting.
- 2.3 For the purpose of calculating a vote of two-thirds of the Members, any fraction shall be rounded to the next highest whole number.
- 2.4 A word in this By-law interpreted in the singular number has a corresponding meaning when used in the plural. Words importing a single gender should be read to inclusive of both genders.
- 2.5 The Mayor may be addressed as “Mayor (surname inserted)” or as “Your Worship”.

- 2.6 Members of Council may be addressed as “Councillor (surname inserted)”.

3.0 INAUGURAL MEETING

- 3.1 The Inaugural Meeting date shall be held not later than the second Monday in December at 7:00 p.m.
- 3.2 The Inaugural Meeting shall be ceremonial in nature for purposes of the Members of Council taking their Oath of Allegiance and Declaration of Office.
- 3.3 No business shall be conducted at the Inaugural Meeting until the Oath of Allegiance and Declaration of Office have been taken.
- 3.4 At the Inaugural Meeting, Council shall appoint, by by-law, the Councillor who placed first in the Municipal Election as Deputy Mayor.
- 3.5 At the Inaugural Meeting all required appointments to local agencies, boards, and committees shall be appointed for the term of the Council unless otherwise provided by statute or by-law.

4.0 REGULAR MEETINGS

- 4.1 The dates of regular Council meetings shall be held on the second Monday of each month at 7:00 p.m.
- 4.2 Council may change the date of any regular meeting by resolution.
- 4.3 If a Monday designated for the holding of a Council meeting falls on a public holiday, or on a day when the municipal office is closed for business, Council shall meet at the designated hour on the Monday following the public holiday.

5.0 PUBLIC MEETINGS

- 5.1 Except as provided in this section, all Council and Committee meetings shall be open to the public in a designated and accessible location.

6.0 CLOSED SESSION MEETINGS

- 6.1 A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - (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; and
 - (g) a matter in respect of which the Council has authorized a meeting to be closed under any Act.
- 6.2 Meetings must be closed if the subject matter of the meeting relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council is the head of an institution for the purposes of that Act.

- 6.3 Before holding a meeting or part of a meeting that is to be closed to the public, Council, shall state by resolution,
- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting, and;
 - (b) the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session.
- 6.4 Once in closed session, no item shall be added to the agenda for that closed session.
- 6.5 If a meeting is closed to the public:
- (a) the Presiding Officer shall inquire as to whether any Member present has a conflict of interest, to allow a Member to declare any conflict, the reasons thereof and leave the meeting; and
 - (b) no resolution or record of the meeting shall disclose any information that the head of an institution is not permitted to disclose under the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990*.
- 6.6 Notwithstanding this section, a meeting shall not be closed during the taking of a vote, unless the vote is for a procedural matter, or the giving directions or instruction to officers, employees, or agents of the municipality, or persons retained by or under contract with the municipality.
- 6.7 Minutes shall be kept of all closed meetings, identifying the Members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall note any direction given pursuant to Section 6.1 above.
- 6.8 No Member of the Council shall distribute any reports or items or disclose the nature or content of discussions regarding any matters that are part of a closed session agenda without the prior consent of the Council.
- 6.9 For discussion of items regarding confidential matters related to an individual employee during a closed session, the Chief Administrative Officer will designate which staff members may be present.
- 6.10 The Clerk may require that copies of any reports or documents circulated at a closed session meeting regarding confidential matters related to an individual employee shall be collected by the Clerk and returned to the municipal office.
- 6.11 The Clerk shall be responsible to maintain a confidential copy of all agendas and minutes of closed sessions.
- 6.12 **Confidentiality**
- (a) Every person to be in attendance at an in-camera meeting held pursuant to this section shall make an Affirmation of Confidentiality at the Inaugural Meeting of the Council and execute a Confidentiality Agreement in the form attached as Schedule "A".
 - (b) No person in attendance at an in-camera meeting called pursuant to this section shall disclose to any person not in attendance at the meeting any of the information provided at such in-camera meeting.
- 7.0 **SPECIAL MEETINGS**
- 7.1 The Mayor may summon a Special Council Meeting any time upon notice to each Member.

7.2 Upon the receipt of a petition of the majority of the Members of Council, the Clerk shall summon a Special Meeting for the purpose and at the time mentioned in the petition.

7.3 **Special Meetings – Notice**

Notice of a Special Meeting called in accordance with this By-law shall be delivered to the Members of Council by telephone and/or electronic mail, to the phone number or e-mail address as provided by the Members. It shall be the responsibility of the Chief Administrative Officer and/or Clerk or the Clerk's representative to use their best efforts to forward Members and the public all notices and agendas for Special Council Meetings a minimum of 48 hours in advance of such meetings.

7.4 **Special Meetings – Business Specified**

No business except the business dealing directly with the purpose mentioned in the notice shall be transacted at a Special Meeting.

8.0 EMERGENCY MEETINGS

8.1 In the case of a disaster or emergency as defined in the municipality's Emergency Plan, an Emergency Meeting may be held without notice, to deal with the emergency or extraordinary situation, provided that an attempt has been made by the Chief Administrative Officer and/or Clerk or the Clerk's representative to use their best efforts to notify the Members, the public and the media about the meeting as soon as possible and in the most expedient manner available.

8.2 **Emergency Meetings – Business Specified**

No business except the business dealing directly with the emergency or extraordinary situation shall be transacted at an Emergency Meeting.

9.0 QUORUM

9.1 A majority of all Members shall constitute a quorum.

10.0 MEETING TIME

10.1 The Mayor, or in his/her absence, the Deputy Mayor, shall call Members to order as soon after the meeting time as a quorum is present.

10.2 (a) If the Mayor and Deputy Mayor are not present within ten (10) minutes after the meeting time, the Clerk shall call the Members to order and if a quorum is present, a Member shall be chosen from among those present to preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

(b) For a Committee Meeting, in the event that the Chair of a Committee does not attend, the Vice-Chair, or other Member, shall assume the chair for the meeting and shall preside until the arrival of the Chair and while presiding, shall have all the powers of the Chair.

10.3 In the election of a Presiding Officer the Clerk shall call the meeting to order and preside.

10.4 If there is no quorum within fifteen (15) minutes after the meeting time, the Clerk shall call the roll, take down the names of the Members present, and declare the meeting cancelled.

10.5 Unless otherwise determined by Council resolution, all Regular Council meetings shall commence at 7:00 p.m. at the Nairn Community Centre.

- 10.6 (a) If, during the course of a meeting, the quorum is lost, then the meeting shall stand recessed and shall reconvene when a quorum is regained. In the event that the quorum is not regained within (15) minutes, the Clerk shall record in the minutes the names of those present and the meeting shall be ended without a formal adjournment.
- (b) The minutes of the meeting which ended because a quorum was lost shall note that the quorum was lost and shall include the names of the Members present at the time the quorum was lost.

11.0 ABSENCE FROM MEETING

- 11.1 The Members of Council or Committee shall inform the Clerk of all planned absences, late arrivals, and early departures from a meeting in order that the recording of the minutes of such meeting may accurately reflect attendance.

12.0 CONDUCT

- 12.1 The Presiding Officer shall preserve order and decorum.
- 12.2 The Presiding Officer may expel or exclude from any meeting any person who is guilty of improper conduct.
- 12.3 No person except a Member or Officer shall be allowed to come within the bar during a Council meeting without permission of the Presiding Officer.
- 12.4 Every Member, prior to speaking, shall address the Presiding Officer, shall confine his/her remarks to the question and shall not use any indecorous or offensive language.
- 12.5 When two or more Members raise their hands to be recognized, the Presiding Officer shall name the member whom he/she first recognizes.
- 12.6 Upon being recognized by the Presiding Officer a Member shall address the Presiding Officer.
- 12.7 While the question is being put, no one shall walk across or out of the Council Chambers, make any noise or disturbance or hold any private conversations, nor when a Member is speaking shall any other Member hold discourse or interrupt the speaker.
- 12.8 When the Council adjourns the Members shall keep their seats until the Presiding Officer leaves the chair.

13.0 LANGUAGE

- 13.1 No member shall speak disrespectfully of Her Majesty the Queen or any Member of the Royal Family, the Governor-General, Lieutenant-Governor, or a Minister of the Crown.
- 13.2 No Member shall use offensive words in or against the Council or against any member thereof.
- 13.3 No Member shall disobey the decision of the Presiding Officer on questions of order or upon the interpretation of the rules of Council.
- 13.4 In case a Member refuses to obey the order of Council, he/she may, on the order of the Presiding Officer, be removed from his/her seat by the Police, but, upon an apology by the offender, he/she may retake their seat.

14.0 ADJOURNMENT

- 14.1 A meeting shall always adjourn by 11:00 p.m. unless a majority of Members vote otherwise.

PART 2 – ROLES AND DUTIES

15.0 ROLE OF THE MAYOR

- 15.1 It is the role of the Mayor as the Head of Council:
- (a) to act as the Chief Executive Officer of the municipality;
 - (b) to preside over Council meetings so that the business can be carried out efficiently and effectively;
 - (c) to provide leadership to the Council;
 - (d) to provide information and recommendations to Council with respect to the role of Council;
 - (e) to represent the municipality at official functions;
 - (f) to carry out the duties of the Head of Council under any Act; and
 - (g) to fulfill the responsibility of the Head of Council as prescribed in the municipality's Emergency Preparedness Plan.
- 15.2 As Chief Executive Officer of the municipality, the Head of Council shall:
- (a) uphold and promote the purposes of the municipality;
 - (b) promote public involvement in the municipality's activities;
 - (c) act as the municipality's representative both within and outside the municipality and to promote the municipality locally, nationally and internationally; and
 - (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

16.0 DUTY OF MAYOR

- 16.1 It is the duty of the Mayor to preside at all Meetings of Council and in addition to the requirements in the *Municipal Act* shall be responsible:
- (a) to open the Meeting of Council by taking the Chair and calling the meeting to order;
 - (b) to receive and submit in the proper manner all motions presented by the Members;
 - (c) to put to vote all motions and announce the result;
 - (d) to sit as an ex-officio Member of all Committees of Council and to vote at such Meetings;
 - (e) decline to put motions to a vote which infringe upon the rules of procedure;
 - (f) to inform the Members of the proper procedure to be followed and to enforce the rules of procedure;
 - (g) to enforce on all occasions, the observance of order and decorum among the Members;

- (h) to call by name any Member persisting in a breach of the rules of procedure and order the Member to vacate the Council Chambers;
- (i) to permit the questions to be asked through the Mayor or any Officer of the municipality for information to assist in any debate when the Mayor deems it proper;
- (j) to provide information relating to the business of the municipality;
- (k) to authenticate by signature all by-laws, agreements, and minutes of Council;
- (l) to rule on any points of order raised by Members;
- (m) to represent and support the Council;
- (n) to maintain order;
- (o) to adjourn the meeting when the business is concluded;
- (p) to carry out the duties of the Head of Council under the *Municipal Act* or any other Act; and
- (q) to act in accordance with his/her Oath of Allegiance and Oath of Elected Office.

17.0 ROLE OF THE COUNCIL

17.1 It is the role of the Council:

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

18.0 DUTY OF COUNCILLORS

18.1 It is the duty of Councillors to attend all meetings of Council, and;

- (a) to prepare for meetings, including reviewing the agenda and background information prior to the meeting;
- (b) to speak only to the subject under debate;
- (c) to vote on all motions before the Council unless prohibited from voting by law;
- (d) to observe proper procedure and decorum at all times;

- (e) to state questions to be asked through the Presiding Officer;
- (f) to support the Council once a decision is made;
- (g) to attend Local Agency, Board, and Committee Meetings to which the Member has been appointed by Council;
- (h) to carry out the duties of Councillor under the *Municipal Act* or any other Act; and
- (i) to act in accordance with their Oath of Allegiance and Oath of Elected Office.

19.0 DUTY OF THE CHIEF ADMINISTRATIVE OFFICER

- 19.1 It is the duty of the Chief Administrative Officer to attend all Council Meetings, and:
- (a) to provide vision, leadership, and enthusiasm for administration, planning, organization, directing, and controlling all municipal operations and services in accordance with the municipality's policies and relevant legislation;
 - (b) to manage the assets, business, and financial health of the municipality;
 - (c) to manage the relationship between the elected officials and staff;
 - (d) to provide municipal representation to government, media, community, and public organizations;
 - (e) to exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
 - (f) to perform such other duties as are assigned by the Council of the municipality.

20.0 DUTY OF THE CLERK

- 20.1 It is the duty of the Clerk to attend all Council Meetings, and
- (a) to prepare and distribute agendas for all meetings of Council in accordance with this By-law;
 - (b) to record, without note or comment, all resolutions, decisions, and other proceedings of the Council, whether it is closed to the public or not;
 - (c) if required by any Member present at a vote, to record the name and vote of every Member voting on any matter or question (recorded votes);
 - (d) to keep the originals or copies of all by-laws and of all minutes of the proceeding of the Council;
 - (e) to perform other duties required under the *Municipal Act Elections Act 1996*, or as required under any other Act;
 - (f) to authenticate by signature all by-laws, agreements, and minutes of Council;
 - (g) to advise Council on parliamentary procedure; and
 - (h) to perform such other duties as are assigned by the Council or Chief Administrative Officer.

PART 3 – NOTICE OF MEETING

21.0 NOTICE OF MEETINGS

- 21.1 The agenda for all Council Meetings shall be posted a minimum of forty-eight (48) hours prior to the meeting on the municipality's official website and at the municipal office.
- 21.2 Notice of all regular Council Meetings shall be posted on the annual schedule of Meetings on the municipality's official website and the municipal office.
- 21.3 Notice of all special Council Meetings shall be posted a minimum of forty-eight (48) hours prior to the meeting on the municipality's official website and at the municipal office.
- 21.4 **Emergency Provision**
If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-law may be waived by the Chief Administrative Officer, and the Clerk shall make his/her best efforts to provide such notice as is reasonable under the circumstances.

22.0 CONFLICT OF INTEREST

- 22.1 All Members have a personal obligation to comply with the *Municipal Conflict of Interest Act*.
- 22.2 A Member shall declare a conflict of interest in accordance with the *Municipal Conflict of Interest Act* and,
(a) shall, prior to any consideration of the matter at a meeting, disclose the interest and the general nature thereof;
(b) shall not take part in the discussion of, or vote on any motion in respect of the matter; and
(c) shall not attempt in any way whether before, during, or after the meeting to influence the voting on any such motion.
- 22.3 If the conflict under Section 22.2 above is with respect to an item on a closed session agenda, in addition to complying with the requirements of Section 22.2 above, the Member shall forthwith leave the closed session or that part of the closed session during the matter that is under consideration.
- 22.4 Where the interest of a Member has not been disclosed as required by Section 22.2 above, by reason of the Member's absence from the meeting referred to therein, the Member shall disclose the interest and otherwise comply with Section 22.2 above at the first meeting of Council attended by the Member after the meeting referred to in Section 22.2 above.

23.0 DUTIES OF THE PRESIDING OFFICER

- 23.1 The Presiding Officer may answer questions and comment in a general way without leaving the Chair, but if he/she wishes to speak on a motion taking a definite position and endeavouring to persuade the Council to support that position, he/she must first leave the Chair.
- 23.2 If the Presiding Officer desires to leave the Chair for the purpose of taking part in the debate or for any other reason, he/she shall designate another Member to fill his/her place until he/she resumes the Chair.

24.0 VOTING

24.1 Every Member of Council who shall be present when a question is put shall vote thereon unless he/she is disqualified to vote on the question. All votes shall be by show of hands except where a recorded vote is requested by a Member.

24.2 The Presiding Officer shall announce the result of every vote.

25.0 RESULT OF THE VOTE – DISAGREEMENT

25.1 Any Member who disagrees with the announcement of the Presiding Officer that a motion is carried or lost may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken, subject to the next order of business not having been already introduced.

26.0 TIE VOTE – DEEMED NEGATIVE

26.1 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. (*Municipal Act, 2001, c.25, s.245*).

27.0 NO VOTE – DEEMED NEGATIVE

27.1 If any Member present refuses to vote, for other than a conflict of interest, it shall be recorded as a vote in the negative.

28.0 RECORDED VOTES

28.1 Where required by statute, and whenever any Member shall request a recorded vote, the names of those who vote for and against the question shall be entered in the Minutes.

28.2 Subject to the *Municipal Conflict of Interest Act*, where a recorded vote is requested each Member present in the chamber shall announce their vote openly.

28.3 The Clerk shall begin the recorded vote with the Member who requested the recorded vote and proceed in random order to poll all Councillors and lastly the Presiding Officer.

29.0 PRIVILEGE

29.1 A Member may raise a point of personal privilege or point of privilege at any time if they consider that their integrity or the integrity of the Council as a whole has been impugned, whereupon the Presiding Officer shall:

- (a) interrupt the matter under consideration;
- (b) asking the Member raising the point of privilege to state the substance of and the basis for the point of privilege; and
- (c) rule on the point of privilege immediately with debate by Council.

29.2 If there is no appeal, the decision of the Presiding Officer is final. The Council, if appealed to, shall decide the question without debate and its decision is final.

29.3 Where the Presiding Officer considers the integrity of any municipal employee has been impugned or questioned, the Presiding Officer may permit the Chief Administrative Officer to make a statement to the Council.

30.0 POINTS OF ORDER

- 30.1 The Presiding Officer may call to order any Member who is speaking.
- 30.2 A Member called to order shall remain seated and shall not speak until the point of order has been determined by the Presiding Officer, unless permitted to explain.
- 30.3 Whenever the Presiding Officer elects or is required to decide a point of order, the point shall be stated, a ruling made, and the reason therefore given by the Presiding Officer.
- 30.4 A Member may appeal from the decision of the Presiding Officer to the Council which shall vote on whether or not to support the decision of the Presiding Officer.
- 30.5 (a) When a Member is speaking, no Member shall make any disturbance or pass between the speaker and the Presiding Officer or interrupt the speaker, except to raise a point of order.
- (b) Every Member shall speak only to the matter under debate.
- 30.6 Any Member may require the motion under discussion to be read at any time, but not so as to interrupt a Member speaking.
- 30.7 (a) Without leave of the Presiding Officer, no Member shall speak more than once on the same question, except to explain, without introducing new matter, a material part of a speech which may have been misconceived.
- (b) A reply is allowed to any Member who has made a substantive motion, or amendment, but not to any Member who has moved an order of the day, the previous question or an instruction to a Committee except with the permission of the Presiding Officer.

31.0 THE QUESTION

- 31.1 When a question is finally put by the Presiding Officer, no Member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared.
- 31.2 A decision by the Presiding Officer that the question has been finally put shall be conclusive.
- 31.3 No Member shall comment upon any vote by the Council.

32.0 TO AMEND MOTIONS

- 32.1 Every amendment shall be in writing and shall be decided before the main question is put.
- 33.2 Only one amendment shall be allowed to an amendment.
- 33.3 When putting an amendment, the Clerk shall read the wording as it appears in the main motion, read the proposed amendment and then read the wording as it would be if the amendment carried.

33.0 RESCINDING

- 33.1 No matter decided within the calendar year shall be reconsidered without the prior consent by resolution of a majority of the whole Council.

34.0 RECONSIDERATION

- 34.1 (a) There shall be no reconsideration unless notice thereof is given at the meeting at which the question was decided.
- (b) After such notice is given, no action shall be taken by the Council on the main motion until such reconsideration is disposed of.
- (c) After any question has been decided, any Member may, if the required notice has been given, at the first Regular Meeting held thereafter, move for reconsideration thereof.
- (d) No discussion of the main question shall be allowed unless reconsidered.
- 34.2 (a) If a motion for reconsideration is made at the next meeting, the question shall not be considered unless a majority of the whole Council votes therefore and such vote shall be by a recorded vote.
- (b) No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

PART 5 – AGENDA AND MOTIONS

35.0 AGENDA

- 35.1 The Clerk shall prepare for the use of the Members an Agenda as follows:
- (1) Open Meeting
 - (2) Declaration of Pecuniary Interest and the General Nature Thereof
 - (3) Delegations
 - (4) Discussions Arising from the Previous Council Minutes
 - (5) Approval of Council Minutes from Previous Meetings
 - (6) Minutes and Reports
 - (7) Correspondences
 - (8) Motions
 - (9) Accounts
 - (10) By-laws
 - (11) For Information Only
 - (12) Other Business
 - (13) Matters for Closed Session
 - (14) Adjournment
- 35.2 (a) The business shall be taken up in the order in which it stands upon the Agenda in all cases except where a majority of the Members otherwise agree.
- 35.3 Once an agenda has been prepared and posted no new additions will be permitted at the Council meeting unless the Clerk deems it to be of an emergency nature and all Members present at the meeting must consent to the addition.

36.0 DELEGATIONS

- 36.1 Public presentations will be received at Meetings of Council.
- 36.2 Persons wishing to make a formal presentation to Council must register with the Clerk one (1) week in advance of any Council Meeting. Where possible, a written copy of the submission shall be provided to the Clerk one (1) week in advance of any Council Meeting.

- 36.3 The maximum number of presenters in any presentation (including the spokesperson) shall be three.
- 36.4 A public presentation, which has been registered with the Clerk, may address a matter of municipal jurisdiction for up to fifteen (15) minutes.
- 36.5 Presenters appearing before Council who have previously appeared before the same Council on the same subject shall be limited to providing only new information in their second or subsequent appearances.
- 36.6 In unique circumstances, the time limit may be extended by the Council by a majority vote of the Council Members present. Such question shall be decided by Council without debate.
- 36.7 No presenter shall:
- (a) speak disrespectfully of any person;
 - (b) use offensive words or unparliamentary language;
 - (c) speak on any subject other than the subject for which he/she received approval to address; or
 - (d) disobey the rules or order or a decision of the Presiding Officer.
- 36.8 After the presenter has completed the presentation, Members shall each have the opportunity to ask questions for clarification purposes only, and without debate.
- 36.9 The Presiding Officer may curtail any presenter, any questions of a presenter or debate during a presentation, for disorder or for any other breach of this Procedural By-law and, should the Presiding Officer rule that the presentation is concluded, the presenter shall withdraw immediately and shall be given no further audience by the Council.

37.0 MOTIONS

- 37.1 Every motion shall be in writing, shall be seconded, and shall be read by the Mayor or Clerk, before debate or before being put from the Chair.
- 37.2 After a motion is read, it shall be deemed to be in the possession of the Council, but may, with the unanimous consent of the Council, be withdrawn at any time before decision or amendment.
- 37.3 Notice of Motion shall be given in writing and be delivered to the Clerk at least five (5) calendar days preceding the date of the meeting at which a motion is to be introduced. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- (a) to refer;
 - (b) to adjourn;
 - (c) to amend;
 - (d) to suspend the Rules of Procedure;
 - (e) to extend the time of the meeting; and
 - (f) to postpone to a certain time and day.
- 37.4 On a motion to postpone to a certain time and day, only the question of time and day so mentioned is open to debate, after an explanation by the mover of the motion.
- 37.5 A motion to refer to Committee shall designate the Committee and shall not be debated, other than as to timing, and shall be decided before any motion to amend the resolution.

PART 6 – BY-LAWS & CORRESPONDENCES

38.0 BY-LAWS

- 38.1 No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
- 38.2 Every by-law shall be introduced upon motion by a Member of Council, specifying the title of the by-law.
- 38.3 Every by-law when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any act and shall be complete with the exception of the number and date thereof.
- 38.4 Every by-law shall have three (3) readings prior to it being passed.
- 38.5 The first reading of a by-law shall be decided by resolution without amendment or debate.
- 38.6 The second reading of a by-law shall be decided by resolution at which time the contents of the by-law shall be debated. The contents of the by-law may be changed by an amending resolution to authorize the second reading. An amending resolution may be introduced to refer for further consideration.
- 38.7 Every by-law which has been read a first and second time may, at the same meeting or a subsequent meeting, be read a third time and finally passed.
- 38.8 Unless otherwise required by statute or by the direction of the Chair to be heard at two separate Council meetings, any by-law shall be given three readings and passed at the same meeting on a vote of a majority of all Members by separate motion.
- 38.9 The Clerk shall endorse on every by-law the dates of the three readings thereof. Every by-law passed by Council shall be numbered, sealed with the corporate seal, signed by the Mayor and the Clerk and the by-law shall be entered in a by-law register to be kept by the Clerk.

39.0 MINUTES

- 39.1 The minutes shall record the place, date, and time of the meeting.
- 39.2 The minutes shall record the name of the Presiding Officer and record the attendance of the Members.
- 39.3 The minutes shall record the reading, if requested, correction, and adoption of the minutes of prior meetings.
- 39.4 The minutes shall record all other proceedings of the meeting without note or comment.
- 39.5 After the minutes of each meeting of the Council have been approved by the Council, the minutes shall be immediately signed by the Mayor and the Clerk.

40.0 DOCUMENTS

40.1 All original documents, including by-laws, contracts, agreements, deeds, Leases, bonds or their securities, addressed to or considered by the Council, shall remain in the custody of the Clerk.

41.0 CORRESPONDENCE

41.1 All correspondences addressed to the Mayor or the Council, which refer to the business of the Corporation, shall be included on the Council Agenda for the Mayor and Councillors; and shall, when required, be referred by the Clerk in consultation with the Chief Administrative Officer to the appropriate staff for response to the Council within six (6) weeks.

41.2 Every communication to be considered by Council shall be in writing.

PART 9 – GENERAL PROVISIONS

42.0 SEVERABILITY

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

43.0 REPEAL

43.1 By-law number 2015-27 is hereby repealed.

44.0 ENACTMENT

44.1 This By-law shall take force and effect upon being passed.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL THIS 15TH DAY OF OCTOBER 2018.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 15TH DAY OF OCTOBER 2018.

(Original Signature on File)

(Original Signature on File)

Mayor

Clerk

THIS IS SCHEDULE "A" TO THE CORPORATION OF THE TOWNSHIP OF NAIRN AND HYMAN BY-LAW NUMBER 2018-39.

Affirmation of Confidentiality

I, _____, Member of the Council of the Corporation of the Township of Nairn and Hyman, do hereby affirm that I will not disclose to any person any information or document arising from confidential Council meetings of the Corporation of the Township of Nairn and Hyman that come to my knowledge or possession by reason of those meetings, except as I may be legally required or expressly authorized to do so or except as that information or document has otherwise already been properly made public.

Affirmed before me at the
Township of Nairn and Hyman
In the District of Sudbury
this ____ day of _____, 20____.

Name of Member of Council

A Commissioner, etc.

Signature of Member of Council

Confidentiality Agreement

By signing this document, I agree that:

I will not disclose to any person any information or document communicated to me in a confidential meeting held by the Council of the Corporation of the Township of Nairn and Hyman in connection with any matter designated as confidential by the Procedural By-law except as I may be legally required or expressly authorized to do so or except that information or document has otherwise already been properly made public.

Signed, sealed and delivered at the Township of Nairn and Hyman, this ____ day of _____, 20____.

Witness
