

Corporation of the Township of Champlain

By-Law Number 2024-72

Procedural By-Law

Being a By-Law to adopt a procedure for governing the calling, place and proceedings of meetings for The Township of Champlain.

Reference: Section 238(2) and Section 239(1) of the *Municipal Act*, S.O. 2001, as amended.

Whereas Subsection 2 of Section 238 of the *Municipal Act*, S.O. 2001, c.25, as amended, states that every Council and Local Board shall adopt a procedural by-law for governing the calling, place and proceedings of meetings; and

Whereas the Council of The Corporation of the Township of Champlain deems it necessary to adopt a procedural by-law for the Council of The Corporation of the Township of Champlain;

Now Therefore the Council of the Corporation of the Township of Champlain hereby enacts as follows;

1. **That** a procedural by-law for governing the calling, place and proceedings of meetings, as set out in Schedule "A" of this By-Law, be and is hereby adopted.
2. **That** in the event section(s) of this by-law are found by a court of competent jurisdiction to be invalid or ultra vires, such section(s) or parts thereof shall be deemed severable, with all other parts of this By-law remaining in full force and effect.
3. **That** this By-Law shall take effect on the passing thereof.
4. **That** By-law 2017-63 is hereby repealed.

Read a first, second and third and duly adopted this 28th day of November, 2024.

Normand Riopel, Mayor

Alison Collard, Clerk

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1. Definitions

- 1.1. **"Ad Hoc Committee"** shall mean a committee which is designated by Council for a special purpose and whose existence will terminate upon completion of the business delegated to it;
- 1.2. **"Adjournment"** shall mean the termination of a meeting;
- 1.3. **"Clerk"** shall mean the Clerk of the Corporation of the Township of Champlain;
- 1.4. **"Closed Meeting"** shall mean a meeting of the Council which shall be closed to the public as permitted under the provisions of the Municipal Act;
- 1.5. **"Council"** shall mean the assembly of the duly elected Members of The Corporation of the Township of Champlain; all references to Council in this By-Law shall mean Council of The Corporation of the Township of Champlain;
- 1.6. **"Delegation"** shall mean a person or group of persons who are represented by a spokesperson and who wish to address Council in order to present an issue they would like Council to consider;
- 1.7. **"Head of Council"** shall mean the Mayor of the Township of Champlain or such person determined to be by resolution or otherwise the replacement for the Head of Council;
- 1.8. **"Holiday"** shall mean any holiday as prescribed in the Provincial or Federal legislation;
- 1.9. **"Incidental Motion"** shall mean a motion related and incidental to the main motion or to the matter giving rise to the main motion usually dealing with a question of procedure which motion must be decided immediately; this matter does not require a seconder, is not amendable or debatable and is ruled upon by the Presiding Officer;
- 1.10. **"Lay on the Table"** shall mean a motion to set aside a pending question when something else of immediate urgency has arisen, in such a way that there is no set time for taking up the matter again, which pending question, can be resumed at the will of the majority and in preference to any new questions;
- 1.11. **"Meeting"** shall mean a single affixed gathering in one room with no cessation of proceedings except for a recess;
- 1.12. **"Member"** shall mean a duly elected Member of Council;
- 1.13. **"Motion"** shall mean the means by which business is brought before Council by a Member;
- 1.14. **"Municipality"** shall mean the Municipality of The Corporation of the Township of Champlain;

- 1.15. **"Notice of Motion"** shall mean written notice, including the name of the mover and seconder, advising Council that the motion described therein is to be brought at the next Council meeting;
- 1.16. **"Presiding Officer"** shall mean that person designated by the rules of order of the Corporation of the Township of Champlain to preside at a meeting;
- 1.17. **"Privileged Motion"** shall mean a matter not related to present business which motion must be seconded, is not debatable or amendable and must be carried by a majority vote of the Members present and which motion cannot be reconsidered at that meeting;
- 1.18. **"Recess"** shall mean a short intermission within a meeting which does not destroy the continuity of a meeting for a fixed period of time after which time the proceedings are immediately resumed at a point where they were interrupted;
- 1.19. **"Session"** shall mean a single gathering of Members of Council devoted to a single order of business;
- 1.20. **"Subsidiary Motion"** shall mean a motion brought forth while a main motion is pending to assist the assembly in treating the main motion, which motion shall be seconded and shall be debatable and amendable.

2. Meetings

- 2.1. Except as provided in this By-Law and generally at law, all meetings shall be open to the public.

3. Regular Meetings & Public Notification

- 3.1. Council of the Corporation of the Township of Champlain shall hold regular meetings according to a calendar approved annually by Council no later than November 30 of the preceding year. Such regularly scheduled meetings shall generally be held on the fourth (4th) Thursday of every month at the hour of 6:00 p.m. with the exception that the Council shall have no meeting in the months of July and December and shall be held in the Council Chambers at the United Counties of Prescott and Russell, 59 Court Street, L'Orignal. Notwithstanding this, Council may meet at such other times and at another location, as directed by Council, provided appropriate notice is given.
- 3.2. Notice to Members of all meetings of Council or Committee of the Whole of Council, agendas, cancellations, and re-scheduling shall be provided by the Clerk to each Member by email not less than 24 hours prior to the time set for the meeting. Notice may also be provided by telephone or personal contact in case of emergency.

- 3.3. The Clerk shall provide notice to the public and media of all meetings of Council, or Committee of the Whole, agendas, cancellations and rescheduling by:
 - 3.3.1. Publishing the annual schedule of meetings once adopted by Council by posting it on the Township's official website and by distributing copies upon request;
 - 3.3.2. Updating the annual schedule of meetings posted on the Township's official website within 24 hours or any changes made to the schedule; and
 - 3.3.3. Not less than 24 hours in advance, posting meeting notices and agendas, on the Township's official website.
 - 3.3.4. Any regularly scheduled or special meetings of Council that are cancelled or re-scheduled shall also be immediately posted on the Township's social media.
- 3.4. The Clerk shall provide notice of all special meetings of Council that are called by the Head of Council or upon a petition of a majority of the Members of Council not less than 24 hours before the appointed time of the meeting. The notice shall include the nature and purpose of the special meeting and that no other matter of Council shall be transacted on the date of the special meeting. In addition, the notice of the special meeting shall be posted on the Township's social media.
- 3.5. The Corporation of the Township of Champlain shall provide notice of any meeting of Council that is open to the public, and shall comply with any statutory requirements for the publication of notice under the Municipal Act or any provincial legislation including its regulations thereto, in consideration the following matters:
 - 3.5.1. Sale of municipal land or property;
 - 3.5.2. Sale of municipal road allowance;
 - 3.5.3. First meeting for the presentation of the annual municipal budget; and
 - 3.5.4. Changes to any user fees and charges that have not been previously approved by Council.
- 3.6. Nothing in this By-Law shall prevent the Municipal Council, by way of a resolution of Council, in providing any other form of public notification for any other matter deemed appropriate by Council for the purpose of providing public notification for the purpose of transparency and accountability.

- 3.7. The notice requirements set out in this by-law are minimum requirements only, and the Clerk may give notice in an extended manner if in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.
- 3.8. To the extent possible, given the technology available at the meeting location, all open meetings of Council will be livestreamed.

4. Presiding Officer

- 4.1. All meetings shall be presided by the Head of Council. Should at any time during a meeting the Head of Council be required to leave the meeting, he or she shall appoint another Member of Council to act as the Presiding Officer until the Head of Council's return to the meeting.
- 4.2. If the Head of Council is absent at the time and place of a duly scheduled meeting without having notified the Clerk that he or she would be delayed (or having so notified the Clerk should he or she fail to attend 15 minutes after the scheduled time of the meeting) or for any reason refuses to act as Presiding Officer, the Clerk shall call the meeting to order and the Members of Council then present, shall appoint a Presiding Officer, one of the Members in attendance who shall continue to act as Presiding Officer until the arrival of the Mayor.
- 4.3. The Head of Council is an ex officio member of any committee of Council.

5. First Meeting of Council

- 5.1. The inaugural meeting of Council after a regular election shall be held no later than the fourth day following the commencement of the new term of office at a location to be determined by the Head of Council.
- 5.2. No business of the Municipality shall be proceeded with at the first meeting until after the declarations of office have been made by all Members who present themselves for that purpose.

6. Special Meetings

- 6.1. The Head of Council may at any time summon a Special Meeting of Council with the date, hour and location thereof to also be determined by the Head of Council. Special meetings may also be called upon a petition of a majority of the Members of Council.
- 6.2. Only those matters for which the Special Meeting was called may be dealt with at a meeting called pursuant to this section.
- 6.3. New matters (other than those for which the meeting was called) may be dealt with at the Special Meeting with the approval of all nine (9) Members of

Council. No decision of a new matter brought before a Special Meeting can be acted upon except after being approved by Council at its next Regular Meeting.

6.4. Subject to section "6.3", all matters brought before a Special Meeting shall be concluded at a single gathering unless the matters (or any of them) are adjourned to another meeting.

6.5. Public Meetings for Zoning Amendments or Official Plan Amendments (required under the Planning Act)

6.5.1. Public meetings required for consideration of zoning amendment applications or Official Plan amendments under the Planning Act will be held in the Council Chamber on the same day as the Regular Council meetings. The start time to be determined by staff based on the complexity of the application. Notice of the public meeting (including time) will be provided as per the public notification rules set out in the Planning Act.

7. Emergency Meeting

7.1. Notwithstanding any other provision of this by-law, on urgent and extraordinary occasions, an Emergency Special Meeting of the Council may be called by the Mayor without advance notice being given by the Clerk pursuant to this by-law, to consider and deal with such urgent and extraordinary matters.

7.1.1. In this case, the consent of a majority of the Members to hold such a meeting without advance notice is necessary.

7.2. Notwithstanding any other provision of this by-law, on urgent and extraordinary occasions, Council may, by Resolution, authorize the holding of a Regular or Special Meeting at a location outside the Municipal boundaries.

8. Committee of The Whole

8.1. Committee of the Whole meetings will generally be held on the second (2nd) Thursday of every month (excluding July and December) at 5:00 p.m. if there is a requirement to hold such a meeting. Notice of the meeting, will be provided on the Champlain Township website.

8.2. The Committee of the Whole may receive correspondence, petitions, delegations and reports and will vote on recommendations to be presented to Council for formal approval at a Council meeting. The Committee of the Whole will not adopt formal resolutions or by-laws.

9. Minutes of Meeting

- 9.1. The minutes of the meetings of Council shall be recorded by the Clerk who shall record the following:
 - 9.1.1. the place, date and time of meeting;
 - 9.1.2. the name of the Presiding Officer and Members of Council including the appointed Officers of the Corporation in attendance;
 - 9.1.3. correction and adoption of the minutes of prior meetings;
 - 9.1.4. all motions to be adopted by Council;
 - 9.1.5. all other proceedings of the meetings which do not constitute a note or comment;
 - 9.1.6. if requested by any member present, the name and vote of every Member voting on any matter or question.

10. Closed Meetings

- 10.1. A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - 10.1.1. the security of the property of the Municipality;
 - 10.1.2. personal matters about an identifiable individual, including municipal employees;
 - 10.1.3. a proposed or pending acquisition or disposition of land by the municipality;
 - 10.1.4. labour relations or employee negotiations;
 - 10.1.5. litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality;
 - 10.1.6. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 10.1.7. a matter in respect of which a Council has authorized a meeting to be closed under another Act;
 - 10.1.8. 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;
 - 10.1.9. 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;

- 10.1.10. 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
- 10.1.11. 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.
- 10.2. A meeting or part of a meeting may be closed to the public if the following conditions are both satisfied:
 - 10.2.1. The meeting is held for the purpose of educating or training the members.
 - 10.2.2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 10.3. A meeting may be closed to the public during a vote if:
 - 10.3.1. section 10.1 or 10.2 permits or requires the meeting to be closed to the public; and
 - 10.3.2. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.
- 10.4. The 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 is designated as the head of the institution for the purpose of said Act.
- 10.5. Before holding a meeting or part of a meeting that is closed to the public, Council shall state by resolution:
 - 10.5.1. the fact of the holding of the closed meeting; and
 - 10.5.2. the general nature of the matter to be considered at the closed meeting.
- 10.6. The closed meeting may be held at a location to be designated by the Head of Council or by resolution of Council.
- 10.7. The closed meeting shall be presided (chaired) by the Head of Council or such other person acting in his or her place or stead. The Presiding Officer may appoint another Member of Council to act as the Presiding Officer of the said meeting.
- 10.8. The procedures set out in these rules shall be in effect at the said meeting except that:

- 10.8.1. motions may be put forth orally unless otherwise required by the Presiding Officer;
- 10.8.2. no motions at the said meeting shall require a seconder.
- 10.9. At the conclusion of the closed meeting, the said meeting shall be adjourned as provided by the rules of adjournment in these rules.
- 10.10. The Presiding Officer of the said meeting may report to Council on the decisions made at the Closed Meeting.
- 10.11. Council shall consider the said decisions and shall either adopt or reject the said decisions without debate or amendment.
- 10.12. All reports brought forth to Council which have been adopted by Council shall be deemed to form part of the proceedings of Council.

11. Conduct of Members of Council (Closed Meetings)

- 11.1. Closed Meetings – confidentiality – public interest
 - 11.1.1. Upon the completion of Council meetings that are closed to the public, only the decisions of Council, with respect to any of the enumerated items listed in Section 10 herein and the directions provided to the Administration with respect to these decisions, shall be reported publicly and only to the extent that is required by the public interest and permitted by law.
 - 11.1.2. The substance of matters, their discussions by Council and the information pertaining to these matters that were debated or discussed at a Council meeting closed to the public, shall be maintained as confidential, unless they are specifically authorized, by Council or legislation, to be released generally or released subject to conditions, if such conditions were complied with.
 - 11.1.3. The agenda or items noted to the agenda at a closed meeting shall not be released to the public.
 - 11.1.4. The release of the information noted in section 11.1.1 above, shall only be made by the Mayor or his or her delegate and only upon being so directed by Council.
 - 11.1.5. Prior to the authorized release of information by the Mayor or his or her delegate pursuant to the present section, when responding to enquiries about any closed meeting, Members of Council shall only be authorized to respond by saying that the matter is still under advisement, that they have no comment to make at that time or words to that effect.

11.2. Obligations of Confidentiality

11.2.1. Subject to the terms of the present section on closed meetings and the provisions of Section 8 of the Code of Conduct, it is the duty of each Member of Council to keep as confidential, all information of all kinds that was received and that was disclosed and discussed at a closed meeting and this duty continues even after a Member of Council ceases to be a Member of Council.

11.2.2. Members of Council are responsible to ensure that at all times: all materials provided to them, physically or on a website or on the cloud for a closed meeting are and remain in their exclusive possession on a confidential basis and that these materials not be allowed to be viewed by members of the public under any circumstances. After the closed meeting has been completed, Members of Council shall ensure that all such materials, if printed or in any way reproduced physically, be immediately destroyed, without retaining any physical copies of any kind or photographs of these materials.

11.3. Personal opinions of Council Members

11.3.1. Unless Council by vote decides otherwise, upon public disclosure of confidential reports or information discussed at a closed meeting of Council, Members of Council may only express their own personal opinion on these disclosed matters and on the decision of Council on the matter as well as the directions provided to the Administration with respect thereto and only to the extent that these matters were previously authorized by Council to be disclosed to the public.

11.3.2. Furthermore, in expressing their opinion on these matters, Members of Council shall not, under any circumstances, disclose the specific positions or opinions (written or verbal) of other Members of Council, or of the municipal Administration, nor shall they contravene any of their obligations pursuant to the Code of Conduct, including but not limited to sections 8 and 12 dealing respectively with Confidentiality and Communications and Media Relations.

11.4. Violations of the Closed Meeting Rule

11.4.1. Any violation of this section on closed meetings by a Member of Council may result in a resolution concerning the offending Member of Council by, amongst other things excluding the Member of Council from future closed meetings for a limited time period and/or the Member no longer being provided with the correspondence, materials and information

proposed to be dealt with at a closed meeting. The duration of such a resolution shall not exceed a period of three (3) months from the date of the resolution.

- 11.4.2. In the event that Council proposes to sanction a Council Member with respect to closed meetings and prior to doing so, Council shall provide the said alleged offending Council Member with notice of a meeting where this issue will be dealt with. At such a meeting, the alleged offending Member of Council shall be allowed to make submissions to Council as to the circumstances of the alleged breach and why he or she should not be subject to a sanction, which meeting shall be closed to the public. Following the representations of the alleged offending Member of Council, the other Members of Council shall then discuss and debate the matter and then put the matter to a vote.
- 11.4.3. The decision of Council to sanction a Member of Council must be made by a resolution to that effect and must state the terms and the duration of the exclusion. This decision must be just and reasonable and in accordance with the gravity of the infraction and considering the previous history of conduct of the defaulting Member of Council.
- 11.4.4. The Member of Council affected by a motion to sanction him or her with respect to closed meetings shall not be permitted to vote. A resolution of two-thirds (2/3) of the remaining Members of Council shall be required to so sanction the Member of Council with respect to closed meetings.
- 11.4.5. The result of Council's vote shall be reported publicly.
- 11.4.6. If Council proposes to sanction more than one Member of Council with respect to closed meetings, each member must be dealt with separately and in a distinct resolution of Council.

12. Quorum

- 12.1. A majority of the whole number of Members of Council is necessary to constitute a quorum.
- 12.2. Immediately upon calling the meeting to order, it shall be the duty of the Presiding Officer or other person designated in these rules as Presiding Officer to determine if there is a sufficient number of Members to constitute a quorum.

- 12.3. If upon calling the meeting to order as aforesaid it is determined that there is not a sufficient number of Members to constitute a quorum, the meeting shall be adjourned and no other business may be carried out.
- 12.4. If Council consists of only nine (9) Members the concurrent vote of at least five (5) of them is necessary to carry any resolution or any other measure.
- 12.5. Members shall, as earlier as possible, inform either the Mayor or Clerk of their inability to attend a meeting.

13. Electronic Participation

- 13.1. Members can participate electronically in a Meeting which is open or closed to the public should they be unable to participate in person for medical reasons, illness, or in the event of a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies.
- 13.2. Any Member participating electronically shall be counted in determining whether or not a quorum of Members is present at any point in time and shall have all the rights of any other Member who is participating in person.
- 13.3. The technology used shall enable electronic participation of Members in decision-making and ensure the meeting can be open to the public, for example, but not limited to, telephone, video or audio-conferencing.
- 13.4. A Member must give to the Clerk a notice of at least 24 hours of the intent to participate electronically in a Meeting, unless extraordinary circumstances apply, to ensure the proper technology is enabled to make electronic participation possible.
- 13.5. A member of the public may delegate via electronic participation due to a situation or pandemic in which physical distancing, limited gatherings or quarantine measures are required by local, provincial or federal public health agencies. Electronic delegations are subject to the requirements specified in section 23 of this By-law.

14. Calling of Meeting to Order

- 14.1. The meeting shall be called to order by the Head of Council or such other party as has been designated as Presiding Officer as set out in these rules.
- 14.2. The Presiding Officer, after calling the meeting to order, shall ensure that there is a sufficient number of Members to constitute the required quorum.
- 14.3. Upon ensuring that there is sufficient number of Members as aforesaid, the Presiding Officer shall formally call the meeting to order by stating the following, "The meeting will please come to order".

15. Agenda

- 15.1. The Agenda shall be prepared by the Clerk and the Head of Council.
- 15.2. The maximum number of delegations on the agenda shall be limited to not more than three (3).
 - 15.2.1. That each delegation be limited to a maximum of ten (10) minutes for their presentation.
- 15.3. Any additions to the agenda must be moved and seconded and carried as set out in these rules.
- 15.4. The Presiding Officer shall address each item of business in the order that it is set out in the said agenda, unless agreed to by a majority of Council.

16. Conduct of Business

- 16.1. All business of Council shall be conducted by motion; each motion shall be put forth in the following wording, "Be it resolved that" ... followed by substance of motion. If the motion is long or complex, the Presiding Officer may require that the said motion be put forth in writing.
- 16.2. A motion once presented must be recorded as required by the rules.
- 16.3. A main motion cannot be presented while another motion is pending. The main motion can, however, be the subject of:
 - 16.3.1. a subsidiary motion,
 - 16.3.2. a privileged motion, or
 - 16.3.3. an incidental motion.
- 16.4. A main motion must be seconded failing which the motion cannot be proceeded with any further.
- 16.5. A main motion must be recognized by the Presiding Officer to be in order.
- 16.6. Amendments may be made to a main motion at any time if:
 - 16.6.1. the party making the motion can agree to an amendment suggested by another Member of Council; or
 - 16.6.2. the motion can be the subject of a subsidiary motion to amend.
- 16.7. A main motion may by way of a subsidiary motion be committed (referred) to a committee or ad hoc committee if such committee has been previously established by Council.
- 16.8. A main motion may by way of a subsidiary motion be "laid on the table".

17. Statement of Motion

- 17.1. The motion shall be stated by the Presiding Officer unless it is ruled out of order by the Presiding Officer.

18. Debate

- 18.1. Upon the question having been stated by the Presiding Officer the motion shall be open to debate by the members of Council subject to the following rules:
- 18.2. The Member speaking to the motion must be recognized by the Chair.
- 18.3. A Member speaking to a motion shall not be interrupted by another Member or Presiding Officer except to determine;
 - 18.3.1. a question of privilege;
 - 18.3.2. a point of order;
 - 18.3.3. a call for a request vote;
 - 18.3.4. a request or inquiry.
- 18.4. For purposes of this section, request or inquiry shall mean;
 - 18.4.1. a request of the Chair's opinion on procedure;
 - 18.4.2. a point of information;
 - 18.4.3. a request to withdraw and modify information;
 - 18.4.4. a request for privilege.
- 18.5. The time allowed for the debate shall be in the discretion of the Presiding Officer.
- 18.6. The debate shall be limited to the subject matter of the motion.
- 18.7. Except if determined by a further motion, the debate cannot be terminated until each of the Members present at a meeting has addressed the motion.
- 18.8. Subject to the Rules of Procedure, the Presiding Officer shall not participate in the debate on the main motion but may provide information if enquiries are made to him or her.

19. Putting Motion to Vote

- 19.1. After completion or termination of debate and the determination of all necessary secondary motions, the Presiding Officer, after ensuring that all Members comprehend the question stated, shall put the said question to a vote.

20. Voting on a Motion

- 20.1. After the question is finally put by the Presiding Officer, no Member shall speak to the question, nor shall any other motion be received until the result of the vote has been declared.
- 20.2. A Member who refuses to vote, (unless disqualified because of a conflict of interest) shall be deemed to vote in the negative.

- 20.3. When a Member so requests, before the vote is taken or immediately after the vote is taken, the vote shall be recorded by the Clerk.
- 20.4. Where a Member has requested that the vote be recorded, each Member present including the Presiding Officer shall announce his or her vote openly and any failure to vote by a Member who is not disqualified shall be deemed to be a negative vote and the Clerk shall record each vote.
- 20.5. A motion on which the voting results in a tie shall be declared lost.
- 20.6. The Presiding Officer may vote on all motions submitted and, in the case of an equal division, the motion shall be deemed to be in the negative.

21. Specific Type of Motion

21.1. Motion to Recess

- 21.1.1. A Member may move for a recess time where no other member has the floor regardless of whether or not there is pending business.
- 21.1.2. The said motion must be seconded.
- 21.1.3. There shall not be any debate as to the said motion and it shall immediately be voted upon.
- 21.1.4. A majority vote of the Members present is required to carry this motion.

21.2. Motions Relating to Nominations

- 21.2.1. A motion to determine a method for making nominations may be made by a Member at a time when an election is pending. The said motion cannot be made when another motion is pending or another party has the floor.
- 21.2.2. The said motion shall take precedence over the pending election for which the nominations are to be made.
- 21.2.3. Once the motion has been made no subsidiary motion except a motion to amend can be made.
- 21.2.4. The said motion is not debatable.
- 21.2.5. The said motion must be carried by a vote of a majority of the Members present at the meeting.

21.3. Motions to Bring Again a Motion Before a Meeting

- 21.3.1. Subject to the rules set out herein, no motion may be made by a Member at a meeting which is substantially the same as a motion previously disposed of.

21.4. Motions to Resume

- 21.4.1. Regardless of the rule set out in section 21.3, a motion may be presented by a Member when no other Member has the floor or another motion is pending, to resume consideration of a main motion (to take from the table).
- 21.4.2. The said motion must be seconded failing which it shall not be proceeded with.
- 21.4.3. The said motion is not debatable and cannot be amended.
- 21.4.4. The motion must be accepted by a majority vote of those Members present at the meeting where it is presented.

21.5. Motions to Reconsider

- 21.5.1. Regardless of the rule in section 21.3, a motion to reconsider may be made by a Member, when no other party has the floor or another motion is pending, should new information which was not available at the time when the motion was originally made becomes available.
- 21.5.2. The said motion must be made by one of the Members whose vote carried the motion when it was originally made.
- 21.5.3. The said motion must be seconded failing which it shall not be proceeded with.
- 21.5.4. The said motion is not debatable or amendable.
- 21.5.5. The said motion must be accepted by a majority vote of the Members present at a meeting.
- 21.5.6. If the said motion is carried, the motion will be reconsidered at the next regular meeting of Council.

21.6. Motion to Rescind or Amend

- 21.6.1. Regardless of the rule in section 21.3, a Member may, subject to the rules set out in this paragraph, move to strike out any main motion, resolution, or part of such a motion or resolution that has been adopted at any time.
- 21.6.2. The said motion can only be made where no other motion is pending and is out of order when another Member has the floor.
- 21.6.3. The said motion must be seconded failing which it shall not be provided with.
- 21.6.4. The said motion is debatable and amendable.
- 21.6.5. The motion must be carried by a majority vote of the Members present at the meeting. The Member putting forth the motion must have provided notice of his intention to do so at a previous meeting of Council. Should

such notice not have been provided, the motion must be carried by a 2/3 majority vote of the Members present at the meeting.

21.6.6. Only a negative vote of a motion to rescind can be reconsidered.

21.6.7. Regardless of the rule in section 21.3, a Member may move to amend or vary the text or substance of a motion or resolution and the same rules governing the motion to rescind shall apply.

21.7. Motion to Deal with Questions Referred to a Committee or Ad Hoc Committee

21.7.1. If a question has been referred to an established committee or ad hoc committee and no final determination of the question has been made, a Member may move that the question being considered be considered by the meeting or that the committee or ad hoc committee be directed to abandon the consideration of same.

21.7.2. The said motion can only be made when no other motion is made and are out of order when another Member has the floor.

21.7.3. The said motion must be seconded failing which it shall not be proceeded with.

21.7.4. The said motion is debatable and amendable.

21.7.5. The motion must be carried by a majority vote of the Members present at the meeting. The Member putting forth the motion must have provided notice of his or her intention to do so at a previous meeting of Council. Should such notice not have been provided, the motion must be carried by a 2/3 majority vote of the Members present at the meeting.

21.8. Motion to Terminate and File

21.8.1. A Member may move at any time to terminate and file any matter at any time where no other Member has the floor.

21.8.2. The said motion must be seconded.

21.8.3. There shall not be any debate as to the said motion and it shall immediately be voted upon.

21.8.4. A majority vote of the Members present is required to carry this motion.

21.9. Notice of Motion

21.9.1. A Notice of Motion shall:

21.9.1.1. Be in writing;

21.9.1.2. Include the name of the mover and seconder.

21.9.2. All Notices of Motion received by the Clerk prior to or at the Notices of Motion segment of the Agenda may be read out by the mover or the Mayor

during that segment. Consideration of a motion, of which notice was given pursuant to this section, shall be in order at the next Regular Meeting.

- 21.9.3. Prior to Council's consideration of a motion of which notice has been given previously, a revised motion on the same subject, approved by both the mover and seconder, may be substituted for the original one contained in the Notice of Motion.

21.10. Dispensing with Notice

- 21.10.1. Any motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members present and voting.

22. Reports

- 22.1. All Heads of Departments shall submit written reports upon the subject or matter referred to them by Council or dealt with between meetings of Council. However, verbal reports may also be received by Council when requested by the Presiding Officer.
- 22.2. When it is desired, the Council shall take cognizance only of a report which has been submitted, rather than adopt the same, the motion shall be: "Be it resolved that the report be received".
- 22.3. When it is desired, the Council shall authorize, approve and confirm and cause to be implemented that which a Department Head has recommended, the motion shall be: "That the report be adopted".
- 22.4. Notwithstanding the foregoing, when a report deals with more than one subject matter and Council is not prepared to adopt all of the report, a separate vote shall be taken with respect to each subject matter and any matter which is not adopted may be referred back to the appropriate Head of Department for further consideration.

23. Petitions and Delegations

23.1. Addressing of Council by Member(s) of the Public

- 23.1.1. Anyone desiring to address Council in person, on his or her own behalf, or by his or her agent, or on behalf of a group, shall notify the Clerk in writing of such intention, seven days prior to the date of a regular meeting. The notice shall specify the nature of the business to be discussed and name the party who will address Council.
- 23.1.2. Failure to comply with the above requirements may result in the request being refused.

- 23.1.3. The Clerk shall advise the party of the approximate time he or she shall be heard.
- 23.1.4. All petitions or other written communications on any subject within the cognizance of Council shall, on presentation, be referred to the appropriate Head of Department.
- 23.1.5. When any person or persons, not being a Member of Council nor an appointed official thereof, desire to address Council, they shall be permitted to address Council on the same subject once only.
- 23.1.6. Every petition or other written application intended to be presented to Council shall be legibly written or printed and signed by at least one person.
- 23.1.7. Upon being advised of a request to address Council, the Clerk shall include the delegation on the agenda and the following details shall be in the additional information attached to the agenda:
 - 23.1.7.1. the date of the request;
 - 23.1.7.2. the nature of the business;
 - 23.1.7.3. the name of the party who shall address the Council.

24. Conduct of Members of Council

- 24.1. No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
- 24.2. No Member shall use profane or offensive words or language in the Council Chambers.
- 24.3. No Member shall speak on any subject other than the subject in debate.
- 24.4. No Member shall criticize a decision of Council except for the purpose of moving that the question be reconsidered.
- 24.5. All Members shall comply with the rules of Council. All Members shall comply with decisions of the Presiding Officer or of Council on questions of order or practice or upon the interpretation of the rules of Council.
- 24.6. No Member shall speak on a matter without obtaining the permission of the Chair to do so.
- 24.7. When speaking on any matter the Member shall address the Chair.
- 24.8. Where a Member persists in any breach of procedure of decorum after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the following question, without amendment, adjournment or

debate being permitted, "Be it resolved that such Member be ordered to leave his or her seat for the duration of the meeting". However, if the Member apologizes to the Presiding Officer he or she may be permitted to regain his or her seat with the unanimous consent of Council.

- 24.9. All Members shall wear proper business attire or official uniforms during Regular Council meetings, Special Council meetings and Committee of the Whole meetings and official functions.

25. Conduct of Member of the Public

- 25.1. The Presiding Officer shall have the absolute right to expel a member of the public from any meeting (including the meeting of Council) if the said person is disruptive or has been guilty of any other improper conduct at the said meeting.

26. No Person at Bar

- 26.1. No person shall be permitted to sit at the Council table or be permitted to enter into the area of the bar without having first obtained the permission of Council to do so.

27. Conflict of Interest

- 27.1. If a Member of Council present at a meeting desires to refrain from voting by reason of conflict of interest, he or she shall abide by the provisions of Section 5 and 6 of the Municipal Conflict of Interest Act, Chapter M.50, R.S.O. 1990, as amended from time to time, which sections shall be set out in Appendix "A".

28. Adjournment

- 28.1. All meetings of Council shall be adjourned at the hour of 10:30 p.m. or as soon thereafter as shall be practicable, however, upon the unanimous consent of all Members in attendance, the meeting can be continued.
- 28.2. A meeting may be adjourned at any time by the Presiding Officer if there is in his or her opinion gross disorder at a meeting. (The meeting is out of order).
- 28.3. A Member may make a privileged motion to adjourn the meeting which shall take precedence over all motions. The said motion is out of order when another party has the floor.

29. Motion to Fix the Time to Which to Adjourn

- 29.1. When no other person has the floor, a Member may, subject to this rule, move to fix the time and, if required, the place for another meeting to continue

business of the session and no effect on when the ongoing meeting will adjourn.

29.2. The said motion must be seconded failing which it shall not be proceeded with.

29.3. The said motion is not debatable but is amendable as to the date, hour or place of the proposed meeting.

29.4. The motion must be carried by a majority vote of the Members present at the meeting.

30. Suspension of Procedural By-Law

30.1. Any procedure required by this By-Law may be suspended with the consent of a majority of the Members of Council present at the meeting.

31. Amendment to Procedural By-Law

31.1. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of the Council.

32. Masculine Gender

32.1. In this By-law, the importing of the masculine gender shall also mean and include the feminine gender.

33. No Smoking

33.1. There shall be no smoking in the Council Chambers during the proceedings of Council.

34. Interpretation

34.1. When any interpretation of these rules of order is required, reference shall be made to the most recent edition of "Roberts Rules of Order".

35. Rules of Order – Ad Hoc Committees

35.1. As far as practicable, the rules and procedures which are the subject of this By-law shall be applicable to all Ad Hoc Committees of Council.

36. Short Title

36.1. That this By-law shall be known as the "Procedural By-Law" for the Corporation of the Township of Champlain.

Appendix "A"

Municipal Conflict of Interest Act, Chapter m.50, R.S.O. 1990, Sections:

5. 1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or local board at which the matter is the subject of consideration, the member

a) shall, 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; and

c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

(2.1) The following rules apply if the matter under consideration at a meeting or a part of a meeting is to consider whether to suspend the remuneration paid to the member under subsection 223.4 (5) or (6) of the Municipal Act, 2001 or under subsection 160 (5) or (6) of the City of Toronto Act, 2006:

1. Despite clauses (1) (b) and (c), the member may take part in the discussion of the matter, including making submissions to council or the local board, as the case may be, and may attempt to influence the voting on any question in respect of the matter, whether before, during or after the meeting. However, the member is not permitted to vote on any question in respect of the matter.

2. Despite subsection (2), in the case of a meeting that is not open to the public, the member may attend the meeting or part of the meeting during which the matter is under consideration.

3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the Council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1).

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its

general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be.

6. 1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be.

2) Every declaration of interest made under Section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.