



**AUGUSTA TOWNSHIP**

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# PROCEDURAL BY-LAW

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A BY-LAW TO GOVERN THE PROCEEDING OF COUNCIL  
3611-2023

JANUARY 9, 2023

# AUGUSTA TOWNSHIP

## THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

### BY-LAW NUMBER 3611 - 2023

#### A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

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**WHEREAS** pursuant to Section 238 of the Municipal Act, 2001, as amended, every municipality shall pass a procedural By-Law for governing the calling, place and proceedings of meetings;

**AND WHEREAS** the Council of The Corporation of the Township of Augusta deems it advisable to adopt a procedural By-Law;

**NOW THEREFORE** the Council of the Corporation of the Township of Augusta enacts as follows:

#### **1. PURPOSE:**

The intent of this By-Law is to establish general and specific principles for governing the procedures of Council, Committees and Local Boards to ensure order, fairness and principled meetings. The By-Law ensures that all Members are afforded the right to be heard with equal privileges and obligations and are treated with respect and courtesy.

#### **2. APPLICATION:**

The rules and regulations contained in this By-Law shall be observed in all proceedings of the Council, Committee of the Whole and of Committees and shall be the rules and regulations for the order and dispatch of business of Council.

If this By-Law does not provide a procedure for dealing with a particular matter, the procedure to be followed shall be, as near as possible, Robert's Rules of Order.

#### **3. DEFINITIONS**

- a) "Ad Hoc Committees" means a working group, either formed by council or committee (as a sub-committee), working together to achieve specified goals. The lifespan of a working group will last until it has achieved its goal(s), or until the Council or committee disbands the group.
- b) "Advisory Committees" (to be known as 'Committee') shall mean a collection of individuals, established by council, who bring unique knowledge and skills which complement the knowledge and skills of council in order to advise, make recommendations and more effectively govern the organization.

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- c) "Abstain" means to refrain from voting. Failing to vote is considered an abstention and shall be considered a negative vote unless the member is not participating in the vote due to a declared pecuniary conflict of interest on the matter being considered.
- d) "Chief Administrative Officer" (CAO) means the CAO of the Corporation of the Township of Augusta.
- e) "Clerk" means the Clerk of The Corporation of the Township of Augusta.
- f) "Closed Meeting" means a meeting closed to the public as defined by the Municipal Act.
- g) "Committee" (reference advisory group).
- h) "Committee of the Whole" means participation of all members of the Council, which are present at meetings, where members of the Council consider questions with greater freedom of debate.
- i) "Council" means the Council of The Corporation of the Township of Augusta.
- j) "Electronic Meeting(s)" means a meeting using a method of communication when attendees are not in the same place.
- k) "Emergency" means a sudden, generally unexpected or time sensitive occurrence demanding immediate action by council.
- l) "Ex officio" means, by virtue of office, the Mayor is a member on all committees and may participate vote and make motions but does not count as quorum.
- m) "Head of Council" means the Mayor of The Corporation of the Township of Augusta.
- n) "Main Motion" means a motion to bring business before Council for consideration and decision.
- o) "Meeting" means any regular, special or other meeting of Council, local board or committee of either of them where:
  - (a) Quorum is present and
  - (b) 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.
- p) "Members" means a Member of Council, or in the case of a Board or Committee, a member of the Board or Committee.

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- q) "Motion" means the introduction of business before the members for consideration.
- r) "Notice of motion" means a written or oral notice advising members that the motion described that introduces new business not already on the agenda will be brought at a subsequent meeting.
- s) "Pecuniary interest" means any direct or indirect connection with money either positive or negative pursuant to the relevant conflict of interest legislation.
- t) "Point of Order/Information" means a motion made by a Member to call to the attention of Council a violation of the rules of order or a request for further information.
- u) "Point of Privilege" means a motion made by a Member to call to the attention of Council a disregard for an individual member's dignity or integrity or something that affects the council collectively. This motion that takes precedence over all other questions.
- v) "Presiding Officer" means the head of council, acting head of council who is responsible for presiding over the proceeding of council meetings or the Chair of a committee or Board.
- w) "Quorum" means the minimum number of members physically present required to be present at a meeting in order to legally transact business, and it means the majority (half of the total members rounded up to the next whole number for 51%).
- x) "Recorded Vote" means the recording of the name and vote of every member of Council or Committee.
- y) "Resolution" means a formal determination made by Council or a Committee, duly adopted at a properly constituted meeting.
- z) "Special meeting" means a meeting, other than a regular scheduled meeting.
- aa) "Working Group" (see Ad Hoc)

### **4. MEETINGS OF COUNCIL**

#### **4.1. Inaugural Meeting**

The Inaugural meeting following each municipal election for elected Members of Council shall be held as close to the first day of the term as possible, but no later than 31 days after the new term commences, in the Council Chambers in accordance with the Municipal Act 2001, as amended,

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A person shall not take their seat as a member until the member has taken the declaration of office in the form established by the Minister for that purpose.

### **4.2. Regular Meeting**

Regular meetings of Council shall take place in accordance with the following schedule:

2<sup>nd</sup> Monday of each month at 6:00 p.m. – Committee of the Whole/Regular Meeting

4<sup>th</sup> Monday of each month at 6:00 p.m. – Committee of the Whole/Regular Meeting.

During the months of July, August and December a council meeting shall be held on the Monday of the week, in which the 15<sup>th</sup> day falls.

When the day for a regular meeting of Council is a public or civic holiday, the Council shall meet at the same hour on the day following that is not the weekend, public or civic holiday.

### **4.3. Special Meetings**

The Mayor may at any time summon a special meeting of Council on twenty-four (24) hours' notice to the members of Council or upon receipt of the petition of the majority of the members of Council. The Clerk shall summon a special meeting for the purpose and at the time specified by the Mayor or in the petition. Twenty-four (24) hours' notice of all special meetings of Council shall be given to the members of council and public through the Clerk's office. The only business to be dealt with at a special meeting shall be that which is listed in the notice of the meeting or given orally to the members unless decided otherwise by consent of the entire Council. Special meetings may be either open or closed (in accordance with the Municipal Act) as decided by Council.

The Mayor may, in the event of an emergency, call a special meeting of Council without giving the mandatory twenty-four hours' notice, provided that the Clerk has diligently tried to advise all Members and public immediately on being advised by the Mayor of his intention to hold such an emergency meeting. In the case of an emergency, Council at its sole discretion may hold its meetings and keep its public offices at any convenient location within or outside the municipality.

### **4.4. Public Meetings**

Council, from time to time, may conduct Public Meetings or Public Information Sessions for any purpose giving such notice as may be deemed necessary or required by legislation. Public Meetings required for an application, in accordance with the Planning Act, may be conducted during a scheduled meeting of Council or Committee, or if deemed necessary by the Clerk, or designate, may be conducted as a separate meeting on a designated day and place.

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## **4.5. Notice of Meetings**

The Clerk or designate shall ensure that the agenda for each meeting of Council shall be distributed to Council.

Posting of the Agenda on the Township website and website calendar and in any other manner deemed appropriate and shall constitute public notice of the meeting.

Notice of Special Council Meeting shall be given to the public by posting as above as soon as is practicable after notice of the Special Meeting has been given.

Notice of an Emergency Council Meeting shall be given to the public by posting as above as soon as practicable. Such posting may not occur prior to the Emergency meeting.

The Mayor (Presiding Officer) may cancel a meeting due to lack of items for consideration, or the Clerk, in consultation with the Mayor (Presiding Officer) may cancel a meeting when it has been confirmed before the meeting that there will be a lack of quorum present. Such cancellation shall be noted on the Township's website as soon as practicable after the meeting has been cancelled.

The Clerk's Department will ensure that the link for public access to open meetings (subject to available technology) will be provided on the website calendar on the Township website.

## **4.6. Place of Meetings**

All meetings shall be held in Council Chambers or at such a place and location specified within the Township designated for such purpose by the Council.

Council meeting may be held in an adjacent municipality if the Council of two or more municipalities hold a joint meeting to consider matters of common interest.

## **4.7. Agenda**

Staff reports shall be submitted for review to the CAO by Wednesday at 12:00pm, prior to the scheduled meeting, to ensure inclusion on the agenda and the timely publication of the agenda.

The agenda will be delivered by electronic transmission (e-genda) with hard copies available at the Township office to each Member of Council, upon request, not later than Friday at noon, preceding the scheduled regular public Council meeting. A complete copy of the published agenda shall be posted on the municipal website for administration, members of the press and public and constitutes and provides notice of matters to be discussed. Paper copies can be made available upon request for accessibility reasons.

In Keeping with Accountability and Transparency, additions to the agenda shall not be permitted, except when the matter is of a time sensitive nature, the Member or staff shall

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provide the matter to the Clerk, along with justification as to why the matter is of a time sensitive nature.

If the Clerk, Head of Council and CAO are satisfied that the matter is of a time sensitive nature, and should not wait until the next regular meeting, it will be presented to council for approval to amend the agenda.

For the purpose of this section, a matter is deemed to be of a time sensitive nature, if it will negatively impact the health and safety and wellbeing of persons, expose the municipality to liability, negatively impact the municipalities position in negotiation or time available to initiate and/or complete a matter following the normal procedures is insufficient, if Council does not make a decision and the Township does not act on the matter prior to Council's next regular meeting.

### **4.8. Order of Proceeding**

Regular meetings of Council agendas shall be comprised of the following:

- a) public meetings/public information sessions
- b) call to order;
- c) reconciliation statement
- d) mayor's opening remarks
- e) approval of agenda;
- f) approval of minutes of the previous meetings;
- g) disclosure of interest and nature thereof;
- h) business arising from minutes;
- i) delegations/presentations
- j) correspondence and petitions
- k) move to the committee of the Whole
- l) committee/staff reports;
- m) return to regular meeting of Council
- n) new and unfinished business;
- o) notice of motions;
- p) By-Laws;
- q) announcements;
- r) question period for the public;
- s) question period for the press;
- t) closed meeting as per Section 239 of the Municipal Act, RSO 2001;
- u) rise from committee of the whole in camera
- v) Reporting Out from Closed Session
- w) By-Law to confirm proceeding of Council;
- x) adjournment;

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Public Meetings – Meetings for public notice or information

Call to Order – as soon as there is a quorum after the scheduled commencement time the Presiding Officer shall call the Members to order.

Reconciliation Statement – Land Acknowledgement

Mayor's Opening Remarks – advise Council of pertinent information

Approval of the Agenda – motion to adopt the agenda. Motion may include any addenda items.

Approval of the minutes of the previous meeting. – motion to adopt previous minutes. May include any amendments to be made.

Disclosure of Interest – All Members shall declare any Disclosure of interest, any disclosure of Interest shall be recorded in the minutes.

Business Arising from the Minutes – Inquiries of business from a previous meeting that required action.

Delegations/Presentations – Delegate that self-registers with a completed Delegation Request Form from the Township's webpage and submitted to the Clerk prior to the submission deadline. Information from an agency or a ceremonial presentation to the Township or an employee or council member of a certificate, cheque or award.

Correspondence and Petitions – Communications and petitions filed with the Clerk prior to the submission deadline shall be placed on the agenda

Move to the Committee of the Whole- Provides opportunity for all Members to participate in discussions.

Committee and Staff reports – Verbal updates from Council representative of Committees and Boards activities and written staff reports for Council consideration.

Return to Regular Meeting of Council – Executive Session

New and Unfinished Business – introduce notice of motions and any items not disposed of on the previous agenda.

Notice of Motions – a brief verbal explanation of the matter the Member wished to bring forward to the next meeting.



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By-Laws – A listing of all By-Laws proposed for adoption.

Announcements – Council may state items related to events of interest that are taking place

Question Period for the Public – Public attendees may ask Council clarification questions on the agenda items.

Questions Period for the Press – Press may ask Council clarification questions on agenda items.

Closed meeting – A meeting closed to the public as provided in the Municipal Act.

Rise from committee of the whole in camera

Reporting Out from Closed Session – Back to Open session to declare what has been decided in Closed session

By-Law to confirm proceeding of Council – A By-Law to confirm the proceedings of Council with respect to each resolution and action of the meeting.

Adjournment – Close of the Meeting

### **4.9. Calling of Meeting to Order and Quorum**

As soon after the hour fixed for the holding of the Council meeting as a quorum is present, the Mayor (or designate) shall take the chair and call the meeting to order.

A quorum is a simple majority of the elected Council, physically and/or electronically present at the time of the meeting.

If no quorum is present 15 minutes after the time appointed for the Meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next regular meeting of council, or a new meeting date is set by the Mayor.

Electronic participation by members of Council, Local Boards and Committees shall count towards quorum in accordance with section 238 (3.3)(a) of the Municipal Act, 2001, as amended.

### **4.10. Attendance**

Attendance shall be in person or electronically for Members of Council, Committee or Local Boards. Electronic participation is permitted for Members of Council, Committee or

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Local Boards. This applies to regular, special, emergency and closed sessions of council and meetings of local boards and committees and public meetings.

### **4.10.1. Electronic Meeting Participation**

That while every effort shall be made by members to attend meetings physically in person, during the following circumstances members may participate fully in regular, special emergency and closed session meeting by electronic means to the extent and in the manner set out in this By-Law:

- a) It is not safe or possible to attend an in person meeting due to a natural weather event.
- b) Health and safety restrictions as determined by the CAO in consultation with the Head of Council.
- c) Restrictions, guidelines or recommendations set out by the Health Unit, the OPP or the Province of Ontario.
- d) The activation of the Emergency Control Group or a declared emergency by any level of government
- e) Illness or disability
- f) Need to care for a sick family member that make in person attendance difficult
- g) Trip/vacation

Members are responsible for ensuring they have the ability to allow them to participate electronically effectively. If a member is disconnected due to technology issues, Council may take a recess to allow the Member to try to rejoin. If after 10 minutes they cannot, they will be considered to have left the meeting and the meeting will proceed with the remaining members so long as there is still quorum. The Member may rejoin the meeting at any time they are able.

If there is technical failure at the place of the meeting, the Mayor or designate shall recess to allow the staff to try to reconnect. If after 15minutes they cannot, the meeting shall be adjourned.

Members of Council are required to notify they Clerk's office of any anticipated, but unavoidable, absences from meetings and any Member of Council participating electronically shall notify the Clerk, via email, as soon as possible in advance of the meeting.

The (Presiding officer) must be physically present to preside over the meeting, unless, due to necessity, all Members are participating electronically.

### **4.11. Absence of the Mayor**

If the Mayor is unable to attend the meeting or does not attend within fifteen minutes after the time appointed for a meeting of the Council, and the Deputy Mayor shall call the meeting to order, if quorum is present, and preside until the arrival of the Mayor.

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If the Mayor or the Deputy Mayor does not attend within fifteen minutes after the time appointed for a meeting of the Council, the member with the most votes from the current election shall preside until the arrival of the Mayor or the Deputy Mayor and while so presiding the acting Mayor shall have all the powers of the Mayor.

### **4.12. Meetings Open to the Public**

All regular meetings of Council, Committee of the Whole and committee meetings shall be open to the public as per section 239 (1) of the *Municipal Act*, 2001 unless the subject matter being considered would fall within section 239 (2,3) of the *Municipal Act*, 2001, and no person should be excluded except for improper conduct.

Unless declared to be necessary, an electronic and livestreaming a meeting is a convenience and not a necessity. Council may provide for electronic meetings as they find desirable. In the event of technical failure during the meeting, Council may take a recess to allow staff to reinstate the electronic participation. If the majority of Council is present in person, technical failure will not deem the meeting inappropriate or affect the validity of the meeting.

### **4.13. Livestreaming Meetings**

Where circumstances allow, Council Meetings will be livestreamed through appropriate platforms.

Public will be informed of meeting broadcast on the agenda page, by signage on the door and the Presiding officer shall make an announcement at the commencement of proceedings.

If technical issues are encountered that makes the livestream feed unavailable during the meeting, the following shall apply:

- a) If the meeting is open to the public for physical attendance, the meeting shall proceed as per the stated agenda.
- b) Staff will inform the Presiding Officer as soon as practicable that the livestream is unavailable.
- c) If the meeting is held wholly electronically and/or there is no opportunity for the public to view proceedings through other means, the Presiding Officer shall recess for 15 minutes, if the technical issue(s) can not be resolved, the meeting shall cease until such time as Council can be reconvened.

### **4.14. Meetings Closed to the Public**

Council may, by resolution that states the general reason, close a meeting or part of a meeting to members of the public if the subject matter to be considered is permitted under the *Municipal Act*, 2001 as amended.

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Members of Council, Local Boards and Committees shall be permitted to participate electronically in a meeting that is open or closed "in camera" to the public in accordance with section 238 (3.3)(b) of the Municipal Act, 2001, as amended.

In the case that Members of Council participate electronically in closed sessions, all Members must attest to the fact that they recognize they will be in a closed session and are able to ensure confidentiality.

Members shall keep confidential any information:

- i. Disclosed or discussed at a meeting or part of a meeting that is closed to the public;
- ii. That is circulated to members and marked confidential; and
- iii. That is received in confidence verbally in preparation of the closed meeting.

At a closed meeting, no member shall discuss or otherwise deal with any matter that materially advances the business or decision making of the Council which falls outside of the stated purpose of the closed meeting.

A meeting shall resume in open session for the taking of a vote. All matters requiring a vote shall be brought forward and voted upon when Members rise from closed session.

Council may hold a vote in closed for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality. Members participating electronically may vote on administrative matters in a closed session.

Any documentation marked confidential shall be kept securely by the member until no longer required in the course of business and shall at that time be destroyed by the member or returned to the office of the Clerk for destruction.

Members of Council have the duty to hold in strict confidence all information concerning matters dealt with at a closed meeting. The obligation to keep information confidential applies to a member after he or she ceases to be a member of Council.

### **4.15. Enquiries Regarding Closed Meetings**

The response of members to enquiries about any matter dealt with by Council or Committee at a closed meeting shall be 'no comment' as the matter was dealt with in a closed session or words to that effect. No member shall release or make public any information considered at a closed meeting or discuss the content of such a meeting with persons other than Council Members or relevant staff members.

After a closed meeting investigation, the report received by the closed meeting investigator shall be included in the next agenda of council and a resolution shall be passed on how it intends to address the outcomes of the report.

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## **4.16. Violating Confidentiality of Closed Meetings**

The release of any information about any matters dealt with by Council at a closed meeting shall be by the Mayor (or delegate) and only with the approval of Council.

Any violation of the closed meeting provisions of this By-Law may result in a determination of a breach of the Code of Conduct. At a closed session, any member alleged to have violated the closed meeting provisions shall be provided with full particulars of the alleged violation and given an opportunity to make a statement to Council responding to the allegation(s) before Council makes its decision, but shall otherwise not be entitled to participate in a discussion of, or vote on, any resolution of Council dealing with the allegation(s) or any sanctions to be imposed by Council.

Council shall determine by resolution passed at a closed meeting whether a member has violated the closed meeting provisions of this By-Law and upon making such determination, shall forward the complaint to the appointed Integrity Commissioner for investigation and review

## **4.17. Clerk Required**

No meeting of Council, including closed sessions, shall be held in the absence of the Clerk or their designate. This provision of the By-Law may not be suspended.

## **4.18. Curfew**

No meeting shall exceed 3 hours unless unanimous consent is given by the members of Council or Committee.

## **4.19. Vacant Seat**

Notwithstanding Pregnancy and Parental Leave for members of council Policy, in accordance with section 259.1 c) the office of a member of Council of a municipality shall become vacant if the Member is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.

## **5. MINUTES**

Minutes shall record without note or comment:

- a) the place, date and time of meeting
- b) the names of the presiding officer or officers and record of the attendance of the members
- c) the late arrivals and early departures of members
- d) disclosure(s) of pecuniary interest and general nature thereof
- e) the reading, correction, if necessary, and adoption of the minutes of prior meetings and

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f) all other proceedings of the meeting without note or comment.

It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special meetings be circulated to all Members of Council.

If the minutes have been delivered to Members of Council, the minutes shall not be read and a resolution that the minutes be adopted as if read shall be in order.

The approved written minutes shall be the official record of all meetings. Video files shall not be maintained as a record. Files on the internet are part of the public realm and as such are subject to alteration by a member of the public with no municipal control over such alterations.

### **6. DISCLOSURE OF PECUNIARY INTEREST**

It shall be the responsibility of each Member to identify and disclose any pecuniary interest in any item or matter at a meeting.

If a Member of Council or Committee having any pecuniary interest, direct or indirect, in any matter in which they are present at a meeting at which the matter is the subject of consideration, they shall disclose their interest and the general nature thereof to the Clerk, secretary of the Committee prior to the commencement of the meeting. If a member is not present and has a pecuniary interest, they shall disclose his/her interest as soon as possible thereafter.

Members shall complete and submit to the Clerk/Recording Secretary a written Pecuniary Interest Form (APPENDIX B) of the member's pecuniary interest for recording in the minutes.

A member who has declared a pecuniary or any interest in a question shall leave the table and at their discretion may remain or leave the meeting until the matter is dealt with but shall refrain from speaking and voting on the question.

If the meeting is not open to the public, the member in question shall forthwith leave the meeting or that part of the meeting that deals with the subject matter.

If quorum is lost due to declaration of interest, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two.

The Clerk shall maintain a registry of any pecuniary interest for public view and the registry shall be available for public inspection during regular business hours.

Where the Pecuniary Interest of a Member has not been disclosed by reason of the Member's absence from a particular Meeting, the Member shall disclose the Pecuniary Interest at the first Meeting of the Council, which the Member attends.

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## 7. DELEGATIONS/PRESENTATIONS

Delegations - Persons desiring to present information verbally on matters of fact, or make a request of Council, shall give notice to the Clerk in writing not later than 4:30 p.m. on the last Wednesday preceding the commencement of the meeting of the Council. There will be one spokesperson per delegation.

The individual or group shall provide to the Clerk with a delegation form (APPENDIX A) including their name or name of the group, the nature of the business to be discussed and if representing any organization, the name of the agency or other such body for inclusion on the agenda.

Council may, at its sole discretion, entertain Delegations not listed with the Clerk for inclusion on the agenda as circumstances warrant. When determining if a delegation will be heard that is not on the agenda, consideration shall be given to the Township's Accountability and Transparency Policy.

A delegation intending to distribute any reports or supporting documentation shall provide it to the Clerk in order that the material can be circulated with the agenda.

The inclusion of a delegation on the agenda shall be determined on a first come first served basis and regard shall be given to the length of the agenda. No more than two (2) delegations will be heard at any meeting.

Delegations shall be limited to ten (10) minutes for presentation time with an additional five (5) minutes for questions and answers unless and until the presiding officer has extended or reduced such time allotment.

Council will not respond to a delegation during the meeting at which it occurs. Members may seek clarification from the speaker but will not enter into a debate or discussion on the subject matter of the delegation.

Any individual/group/organization shall be limited to one (1) deputation in a calendar year on the same subject matter, not including presentations requested by Council. If additional new information is available to provide to Council on the matter, they may provide written correspondence to the Clerk to be placed on the next regular meeting of Council.

Presentation – Township receiving and/or presenting an award cheque or certificate of accomplishment, appreciation or recognition.

## 8. CORRESPONDENCE AND PETITIONS

Requested correspondence for the agenda (including items in the information release) shall be placed on the agenda for council consideration.

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Every petition filed with the Clerk intended to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and request a particular action.

A paper petition must contain their printed name and original signature from each petitioner.

Every petition or communication shall be delivered to the Clerk not later than 4:30 p.m. on the Wednesday preceding the date of the regular meeting of Council.

Petitions or communications not listed with the Clerk prior to the meeting may be heard upon unanimous consent of Council but decision may be deferred on the matter in question until further study.

### **9. COUNCIL COMMITTEES AND MUNICIPAL OFFICIALS REPORTING**

Reports from either Council Committees or Municipal Officials shall deal with matters previously delegated to them or that fall within their jurisdiction.

Any member of Council may request, through the CAO, follow up information or give notice of a motion to the Clerk to be brought forward at the next Council meeting.

### **10. NEW AND UNFINISHED BUSINESS**

Any matter on the agenda not disposed of by Council shall be placed on the Agenda for the next Regular Meeting unless a special Meeting is called sooner.

### **11. READING OF BY-LAWS AND PROCEEDINGS**

Every By-Law shall be introduced upon motion by a member of the Council, specifying the title of the By-Law.

Every By-Law when introduced shall be in typed form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.

Every By-Law shall have three readings; first, second and third and reading may be read jointly. The third reading may be delayed to a time designated by Council.

After the first and second reading of the By-Law it may be amended and or debated.

Amendments to any By-Law shall be deemed to be incorporated into the By-Law. If the Council determines that the By-Law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.

If Council so determines, a By-Law may be taken as read.



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The Clerk shall set out on all By-Laws enacted by Council the date of the several readings thereof.

Every By-Law enacted by the Council shall be numbered, dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in their office for safe keeping.

If the By-Law has been delivered to members of Council, the By-Law shall not be read and a resolution that the By-Law be adopted as if read shall be in order.

The Clerk is authorized to make such minor additions, deletions or correct other grammatical and clerical errors or changes in form to any By-Law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the action of Council forming the subject matter of the By-Law.

### **12. ROLE OF THE PRESIDING OFFICER**

It shall be the duty of the Mayor or designate:

- a) to open the meeting of Council by taking the chair and calling the meeting to order;
- b) to announce the business before the Council in the order in which it is acted upon;
- c) to receive and submit, in the proper manner, all motions presented by the members of Council;
- d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings and to announce the results;
- e) to decline to put to a vote motions which infringe upon the rules of procedure;
- f) to restrain the members, within the rules of order, when engaged in debate;
- g) to enforce on all occasions the observance of order and decorum among the members in accordance with the established code of conduct;
- h) to call by name any member persisting in breach of the rules of order of the Council, thereby ordering him to vacate the Council Chambers;
- i) to expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.
- j) to receive all messages and other communications and announce them to Council;
- k) to authenticate, by his/her signature, when necessary, all By-Laws, resolutions and minutes of the Council;
- l) to inform Council, when necessary or when referred to for the purpose, on a point of order or usage;
- m) to represent and support the Council, declaring its will, and implicitly obeying its decision in all things;
- n) to ensure that the decisions of Council are in conformity with the laws and By-Laws governing the activities of the Council;
- o) to adjourn the meeting when the business is concluded;
- p) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

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The business of the Council shall be taken up in the order in which it stands on the agenda. The Mayor may vary the order of business to better deal with matters before Council.

### **13. MOTIONS**

When a Motion is presented in Council in writing, the Mayor (Presiding Officer) shall state the names of Members moving and seconding the motion and read the motion before debate. A motion so stated shall be considered the main motion.

#### **13.1 Introducing Motions**

Council motions shall be signed by a mover and seconder, except those as otherwise provided by the rules of procedure. A Member may move a Motion in order to initiate discussion and debate and that Member may vote in opposition to the Motion. A seconder of a Motion may also vote against the Motion.

The presiding officer may state relevant facts and their position on any matter before council without leaving the chair, but the Presiding Officer must first leave the chair to introduce a motion. They shall vacate the chair for that purpose only and shall call Deputy Mayor shall preside during the meeting until they resume the chair.

The Clerk shall note in the minutes when the Presiding Officer vacates and resumes the chair.

A motion which requires the exercise of power or powers by Council which are not within its jurisdiction shall not be in order. Whenever the Mayor (or designate) is of the opinion that a motion is contrary to the Rules of Procedure they shall rule the motion out of order.

If a motion is not ruled out of order, and after it is read and stated it shall be deemed to be in possession of the members and, if applicable, immediately be open to debate or amendment. The mover is entitled to speak first if so desired.

#### **13.2 Main Motion**

Is a motion to consider any subject that is brought before Council for its consideration. Main motions are the lowest in the order of precedence and yields to all other motions.

#### **13.3 Withdrawal**

After a motion has been duly moved and seconded, it shall be deemed to be in the possession of Council, and it may only be withdrawn before decision or amendment with the permission of Council. A motion to withdraw shall be withdrawn from the mover with consent of the seconder and seconded and disposed of prior to any other secondary motion being presented.

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## 13.4 Amendment

The purpose of an amendment is to modify the motion in some way by inserting or striking out certain words or phrases before it is voted on.

Such motions:

- (a) Are debatable (only on the amendment, cannot go into the merits of the main motion)
- (b) Must be seconded
- (c) Requires a majority vote

## 13.5 The Question be Now Put

The purpose of a motion to be 'Put' is to close debate and bring Council to a vote on a pending question.

A motion that is 'Now Put':

- Is not debatable;
- Cannot be amended;
- Cannot be moved when there is an amendment under consideration.

## 13.6 Motion for Reconsideration (or reopen debate)

- (a) A Motion for Reconsideration is used to reconsider a matter decided by Council within the same meeting, subject to the following:
  - (i) such motion must be moved by a member who voted on the prevailing side;
  - (ii) No discussion except obtaining information that justifies the reconsideration;
  - (iii) such motion must be supported by a majority vote of the Members of Council before the matter to be reconsidered can be debated;
  - (iv) debate on the question must be confined to such matters as new information that has come forward, an error in documentation presented or incorrect statements made during the original debate.
  - (v) a 2/3 vote is required to adopt a motion of reconsideration.
- (b) If a Motion for Reconsideration is approved
  - (i) no action shall be taken in respect of the matter under reconsideration until it has again been presented to council for a decision at the next regular Council Meeting unless it has been deemed to be an emergency.
  - (ii) the matter shall be presented to Council in the exact manner in which it was first presented to Council.

## 13.7 Motion to Rescind (amend something previously adopted or bring back a defeated motion)

The purpose of a Motion to Rescind is to change part of the motion or substitute a different version or annul some action taken previously by council when it was too late to

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reconsider the vote. If it is considered necessary to rescind a motion, a notice of motion to rescind must be introduced and the motion can be voted on at a subsequent designated meeting. A 2/3 vote is required to introduce without notice.

To bring back a defeated motion, simply 'renew the main motion.

There is no time limit, but a motion to rescind or renewing a motion, shall be ruled out of order if any change to the previous decision would interfere with legally binding commitments of the Township of Augusta existing as of the date the motion to rescind is moved.

Rescinding and renewing can only be applied if the Member has valid new information that can be introduced.

### **13.8 Motion for Division of Question (split the question)**

If a pending motion contains two or more parts capable of standing as separate questions, Council may vote to treat each part accordingly in succession.

Such a Motion:

- a) Must be seconded
- b) Is not debatable
- c) Requires Majority vote

### **13.9 Motion to Refer**

The purpose of a Motion to Refer is to refer a question to a committee, for further clarification or opinion in the form of a recommendation to Council.

### **13.10 Motion to Defer or Postpone**

The purpose of a Motion to Defer or Postpone is to postpone a motion to be taken up again at a specified date when some information necessary for consideration is temporarily unavailable. The Motion to Defer shall not be used if the intent is essentially to dismiss the item in question.

A Motion to defer or postpone indefinitely shall be treated as a motion to Table.

### **13.11 Motion to Table**

The purpose of a Motion to Table is to set aside a motion temporarily in order to take up something else of immediate urgency. It removes the subject from consideration until a vote of council lifts it from the table. A Motion to Table cannot be debated or amended.

A Motion to Table with some condition, opinion, or qualification added to the Motion to Table shall be deemed to be a motion to postpone or defer.

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A motion that has been tabled cannot be lifted off the table unless it has been added to the agenda prior to the meeting taking place.

A motion that has been tabled and not taken from the table for six months is deemed to be withdrawn and cannot be taken from the table.

### **13.12 Motion to Recess**

The purpose of a motion to recess is for council to break for a short intermission for a specified length of time. Motion requires a seconder and majority vote.

### **13.13 Motion to Adjourn**

The purpose of a motion to adjourn is to bring the Council meeting to a close even if business is pending. A motion to adjourn can be introduced orally, is not debatable, requires a seconder, majority vote and is not in order when someone has the floor or if a vote has been called, until after the vote has been declared.

### **13.14 Notice of Motion**

A notice of a new item being brought before Council during the meeting, shall not be debated, does not require a seconder and shall be referred to the next Regular Council meeting for discussion under new business. Notice of Motion requires the Member of Council to provide, at a minimum, a brief verbal explanation of the matter and to provide the Head of Council and the Clerk with a written motion for the next regularly scheduled meeting of Council. New items of an urgent nature may be considered if in the opinion of the Council they require an immediate decision. This shall be used only in urgent circumstances and shall take accountability and transparency into consideration.

A notice of motion submitted to the Clerk prior to Wednesday at 4:30pm preceding the date of the Council meeting shall be included in the agenda for that meeting under the item Notice of Motion. The presiding Officer shall state the mover and seconder and read the motion to open for debate as a main motion.

## **14. VOTING ON MOTIONS**

### **14.1. General**

Except as otherwise exempt, every Member at a Council meeting shall have one vote and be able to debate when a question stated, unless the Member has declared a pecuniary interest in the matter. Any Member who abstains from voting on a matter before Council shall be recorded as voting in the negative except where they are prohibited from voting by statute.

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Members participating in an electronic meeting have the same rights and responsibilities as if the Member was in physical attendance at the Meeting, including the right to vote.

The Mayor (Presiding Officer) has the same voting rights, except where disqualified by reason of interest or otherwise, as every member and may vote with the members on all questions. The Presiding Officer may protect impartiality by exercising voting rights only when their vote would affect the outcome.

### **14.2. Questions Stated**

Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.

### **14.3. No Interruption After Question**

After 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 vote is taken and the result has been declared. The decision of the Presiding Officer as to whether the question has been put is conclusive.

### **14.4. Unrecorded Vote**

The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.

### **14.5. Tie Vote**

A motion on which the voting results in a tie shall be declared lost except where otherwise provided by any Act. A tie vote is not majority therefor the matter does not pass.

### **14.6. Recorded Vote**

When a member present requests a recorded vote, all members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. A request for a recorded vote can be made immediately prior or immediately subsequent to the taking of the vote, if the oral vote count is in question.

## **15. RULES OF CONDUCT AND DEBATE**

All Members shall govern themselves according to the rules and procedures set out in this By-Law, and the Code of Conduct.

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No Member shall:

- (a) use offensive words or un-parliamentary language or speak disrespectfully in or against the Council, against any Member of Council or any municipal Employee;
- (b) speak on any subject other than the subject in debate;
- (c) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- (d) express their opinion of a Council decision in a way that undermine the standing of a Council decision in the community.
- (e) disobey the rules of the Council or decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his seat for the duration of the meeting of the Council";

Every member prior to speaking to any question or Motion shall be recognized by the Presiding Officer. When two or more Members rise to speak, the Presiding Officer shall designate the Member who has the floor, who shall be the Member who, in the opinion of the Presiding Officer, rose first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by a statute.

If a member disagrees with the announcement of the Presiding Officer that a question is carried or lost they may, but only immediately after the said declaration is made, appeal the declaration and request that a recorded vote be taken.

When the Presiding Officer calls for the vote on a question, each Member shall occupy their seat and shall remain in place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall speak to any other Member or make any noise or disturbance.

When a Member is speaking no other Member shall interrupt except on a point of order, and during such time no other Member shall speak to any other Member or make any noise or disturbance.

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 a Member while speaking.

No Member, without leave of the Council, shall speak to the same question, or in reply, for longer than five (5) minutes.

When a Member has been recognized by the presiding officer as the next speaker, then immediately before speaking such Member may ask a question of the Presiding Officer

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or an official of the Municipality on the matter under discussion, but only for the purpose of obtaining information, following which the Member shall speak.

The Presiding Officer may also participate in the debate as long as they ensure that all Members have the opportunity to express their views and conduct debate in a fair manner. The Presiding Officer can speak in discussion with rising or leaving the Chair.

The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided in this By-Law:

- (a) a point of order or personal privilege;
- (b) presentations and petitions (should be presented in writing);
- (c) to lay on the table;
- (d) to postpone indefinitely or to a day certain;
- (e) to move the previous question;

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;

Except as provided herein all motions shall be in writing and signed by the mover and the seconder.

In all un-provided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

The Presiding Officer (or designate) shall preserve order and decide questions of order giving concise reasons for the ruling, subject to immediate appeal.

If the decision is appealed, the question "will the Chair be sustained?" will be put to Council without debate and Council's decision shall be final.

### **16. POINTS OF ORDER**

#### **16.1. Point of Privilege**

A Member shall be permitted to raise a 'Point of Privilege' and address Council upon a matter that concerns the rights or privileges of Council collectively or as an individual Member. A Point of Privilege shall take precedence over other matters and the Presiding Officer (or designate) shall rule on the point and no one shall be considered to be in possession of the floor.



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## 16.2. Point of Order

Through the Presiding Officer (or designate) a Member may raise a 'Point of Order' to call attention to a violation of the Rules of Procedure prior to the vote being put. After the Mayor (or designate) grants leave, the Member shall state the point of order.

## 16.3. Point of Information

Through the Presiding Officer (or designate) a Member may raise a 'Point of Information' to request information relevant to the business at hand any time prior to the vote being put.

## 17. CONDUCT OF MEMBERS OF PUBLIC

Members of the public who constitute the audience in the Council Chamber during a Council meeting shall maintain order and may not:

- i. address Council except upon request by the Presiding Officer or when permitted by the agenda and presentation
- ii. interrupt any speech or action of the Member of Council or any other person addressing Council
- iii. ask questions that do not pertain directly to items listed on the agenda or
- iv. use profanity or threatening behaviour, demean or intimidate any person.
- v. disrupt the debate, discussion or proceedings of council

The Presiding Officer may issue a warning or expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting.

In the event of grave disorder, the Presiding Officer may unilaterally suspend the meeting until order is restored or adjourn the meeting with a motion.

## 18. ADVISORY GROUPS (COMMITTEES) STRUCTURE & COUNCIL APPOINTMENT

Council establishes various Boards and Advisory Groups (Committees) to help support their work. Some are discretionary and others are mandatory as required by legislation.

Committee Members are representatives of the Township, and their conduct reflects on the Township and Council. Committee Members are expected to perform their duties in good faith and in the best interest of the Township.

Except as otherwise provided, a committee will conform to the rules governing protocol and procedure of this By-Law as far as they are applicable.

At the commencement of the term of Council, Committee and Board members shall be appointed by Council for the term of Council, but not less than one year.

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Council and Advisory Groups (Committees) may form ad hoc committees to act as working groups, from time to time, for a specific projects.

The recruitment and review of potential members will be done as a call for interested volunteers at the beginning of the term of Council. Selection will be through the Mayor in consultation with Council.

The Chair of the Committee shall be a councillor or a member of the Committee as selected by the Mayor.

The Mayor will be deemed an ex officio member on all committees to which the Mayor is not specifically named and may vote, but does not count as quorum of that committee.

Any Member of Council may attend any Advisory Groups (Committees) as an observer.

Subject to the provision of any general or special Act, the Council shall set forth terms of reference and such other provisions as the Council deems proper. The main purpose of Committees shall be as described in the Terms of Reference for each Committee.

The CAO will designate a staff person to be the recording secretary of Committees.

### **19. SUSPENSION OF RULES**

Any procedure required by this By-Law may be suspended with consent of 2/3 majority of the Members of the Council present provided they are not inconsistent with any other statute.

A Motion to suspend shall only apply to the rule/procedure stated within the motion to suspend and only during the meeting in which such motion was introduced.

The following rule/procedure may not be suspended:

- a) Quorum necessary for meetings
- b) Special meeting rules
- c) Motion to reconsider
- d) Rules or procedures that are set out by legislation.

### **20. CONFIRMATORY BY-LAW**

The proceedings at every meeting and special council meeting shall be confirmed by By-Law so that every decision of the Council at that meeting and every Resolution passed therein shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-Law duly enacted.

The confirmation By-Law shall be listed separately on the agenda and is not amendable or debatable.

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## 21. AMENDMENT

No amendment or repeal of this By-Law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

## 22. SEVERABILITY

The provisions of this By-Law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

This By-Law shall become effective January 9, 2023.

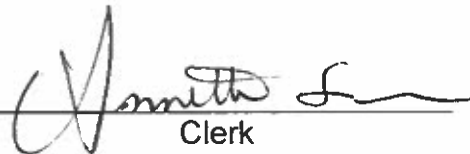
Any other By-Law, part of By-Laws inconsistent with this By-Law are hereby repealed.

By-Law 3484-2020 and 3336-2017 are hereby repealed.

**READ** a first time and second time this 9<sup>th</sup> day of January, 2023.

**READ** a third time and passed this 9<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

# AUGUSTA TOWNSHIP

## DELEGATION REQUEST TO APPEAR BEFORE COUNCIL

Name of Individual/Organization: \_\_\_\_\_

Council Meeting Date Requested: \_\_\_\_\_

Topic: (If necessary, please attach additional correspondence)

### Contact Information:

Name (if different from above): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**NOTE:** All documents provided are open to the public. If you are providing communication to the township, please be aware that your name and information will appear on the Township's website and become part of the public record, unless you expressly request the Township to remove it. If requesting a closed (In-Camera) meeting with Council, the subject matter must meet the requirements of section 239(2) of the Municipal Act.

### Additional Information:

1. Delegations on an agenda shall be determined on a first come, first serve basis.
2. No more than two (2) delegations shall be heard at any meeting.
3. Delegations shall be limited to five (5) minutes of presentation time and five (5) minutes for questions.

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**DECLARATION OF PECUNIARY INTEREST OR CONFLICT OF INTEREST FORM**

**Council or Committee Meeting:** \_\_\_\_\_  
(Name of group meeting i.e. Regular Council)

**Date of Meeting:** \_\_\_\_\_

**Name of Member declaring:**

I, \_\_\_\_\_ declare a

Pecuniary interest

Conflict of interest

on item identified on this meeting's agenda as

\_\_\_\_\_;

**OR**

a past meeting agenda held on \_\_\_\_\_, 20\_\_\_\_ at which meeting I was absent regarding agenda item

\_\_\_\_\_;

**Due to** (indicate the general nature of reason):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20\_\_\_\_

**Signature of Member**

**Date of Signed**

Members should complete this form and pass it on to the Clerk/Recording Secretary of the meeting to be read during the appropriate area/s on the Agenda. This document must be filed with the meeting supporting documentation and is open for public review through the Clerk's Department. The retention period of this document will conform to other relative meeting supporting documents.