

OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to govern the proceedings of Council and its committees being By-law 2009-088 as amended by By-law 2009-139. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Legislative Services section by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2009-088 and 2009-139 the By-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2009-088

Being a by-law to govern proceedings of Council, the proceedings of committees, the conduct of the Members and the calling of meetings and to repeal certain by-laws.

WHEREAS pursuant to Subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings

NOW THEREFORE BE IT RESOLVED THAT the Council for The Corporation of the Town of Caledon hereby enacts as follows:

1. DEFINITIONS

For the purposes of this by-law:

“ad hoc committee” means a committee established by Council for a specified purpose

“advisory committee” means a committee established by Council with an on-going mandate or purpose

“chair” means the Mayor, presiding officer, acting head of the Council, or the chairperson of the meeting

“Clerk” means the Clerk of The Corporation of the Town of Caledon

“closed meeting” means a meeting or a portion thereof, closed to the public in accordance with the *Municipal Act, 2001* as amended

“committee” means an advisory committee, ad hoc committee or other committee established by Council by by-law for a purpose but does not include a statutory committee unless the statutory committee has by resolution adopted the rules of procedure contained in this by-law

“Committee of the Whole” means the committee of the whole of Council

“defer”, “deferred” or “deferral” when used in connection with a matter or item before the Council or a committee, means that the said matter or item is to be dealt with at the next or specified meeting of the same body

“Mayor” means the Mayor or, in the absence of the Mayor, the Acting Mayor, and may be referred to as the Head of Council

“meeting” means any regular, special, or other meeting of Council, of a local board or of a committee of either of them

“member” means a member of Council or a committee

“motion” means a proposal by a member to resolve and effect a decision

“open meeting” means all meetings of Council or committee excluding “closed meetings” as defined in this section

“presiding officer” means the Mayor or Chair while presiding at a meeting, or such other person as may be authorized in his/her absence

“quorum” means a majority of all the members who are required to be present at a meeting in order that business may be conducted

“recorded vote” means the written recording of the name and vote of every member voting on a motion

“refer”, “referred” or “referral”, when used in connection with a matter or item before the Council or Committee, means that the said matter or item is referred to the body or person named in the motion specified for further consideration or action, prior to reporting back to Council or Committee

“resolution” means a decision of Council on any motion or Committee recommendation

“statutory committee” means a committee required by legislation to be established by Council with an on-going mandate or purpose

“urgent business” means an item of business that has arisen since the preparation of the agenda that is of an urgent nature and must be addressed prior to the following meeting of Council

2. **GENERAL**

RULES OF PROCEDURE

- (1) The proceedings of Council and its committees and its local boards, the conduct of its members and the calling of meetings shall be governed by the provisions of the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, and the rules and regulations contained in this by-law.
- (2) Except as provided in this by-law, the rules of procedure as contained in Robert’s Rules of Order shall be followed for governing the proceedings of Council and its committees and its local boards, and the conduct of its members.
- (3) This by-law shall not apply to boards and statutory committees that have adopted their own procedural by-law.
- (4) In this by-law, any reference to the Mayor shall be deemed to include, where the context requires, the Acting Mayor, the presiding officer and the Chair.

SUSPENSION OF THE RULES

- (5) Except where it is provided otherwise, any one or more of these rules may be temporarily suspended on a two-thirds (2/3) majority vote of the members of Council, except where such suspension may be contrary to the *Municipal Act, 2001*.

3. **MEETINGS**

FIRST MEETING

- (1) The inaugural meeting of Council, being the meeting after a regular municipal election where Council members officially take office, shall be held on the first Tuesday in December at 7:00 p.m.

PLACE OF MEETINGS

- (2)
 - (a) All Council meetings shall be held within the Town of Caledon except as otherwise provided by this by-law.
 - (b) Meetings of Council shall be held in the Council Chambers or at such other place as Council may approve except as otherwise provided by this by-law.
 - (c) The Clerk may provide for a meeting to be held at such other place where the Council Chambers may not be able to accommodate the number of anticipated participants.
 - (d) When a Closed Meeting matter is listed on a Council Agenda, Council may open a meeting in the Committee Room for the purpose of convening into a Closed Meeting.
 - (e) A Council workshop may be held at various facilities in the Town of Caledon.
 - (f) In the case, where an Emergency is declared under the Emergency Plan, Council may hold a meeting at any location within or outside the Town.

REGULAR MEETINGS

- (3)
 - (a) Council shall hold regular meetings.
 - (b) Council meetings shall be scheduled on alternate Tuesdays, excluding statutory holidays, and as otherwise approved by Council.
 - (c) Council meetings shall commence:
 - (i) in the morning either at 9:30 a.m. if the only business is a Council workshop or at 9:30 a.m. if both a Council workshop and a regular Council meeting are being held,
 - (ii) in the afternoon at 1:00 p.m. and
 - (iii) shall alternate between the morning and afternoon commencement times.
 - (d) Council will recess as follows:
 - (i) at approximately 12:00 p.m. (noon) and will reconvene at 1:00 p.m., when the meeting has commenced at 9:30 a.m., and
 - (ii) at approximately 5:30 p.m. and will reconvene at 7:00 p.m., when required, when the meeting has commenced at 1:00 p.m.
- (4) Notwithstanding any other provisions of this by-law the scheduling of Council meetings may be altered by Council or the Clerk when deemed necessary to provide for public participation with respect to a specific issue of public interest.
- (5) Council shall approve on or before the first meeting in October of each year, the schedule of Council meetings for the following calendar year.

"By-law 2009-139
effective Jan 1/10"

"By-law 2009-139
Effective Jan 1/10"

SPECIAL MEETINGS

- (6) The Mayor may at any time summon a special meeting of Council upon twenty-four (24) hours' written or oral notice to the members of Council, which notice shall be given through the Clerk, and the notice shall set out the date, time, place and the item(s) to be considered at the special meeting.
- (7) Upon receipt of a petition of the majority of the members of Council, the Clerk shall summon a special meeting for the purpose and at the time set out in the petition. Twenty-four (24) hours' written or oral notice shall be given through the Clerk and the notice shall set out the date, time, place and the item(s) to be considered at the special meeting.
- (8) In the case of an emergency, as defined in the *Emergency Management Act* or such other matter of an urgent nature that requires action prior to the next Council meeting, the Mayor may call a special meeting in such a way as he/she deems best without regard to the time for notice.

4. **CALLING A MEETING TO ORDER AND QUORUM**

GENERAL

- (1) As soon after the hour fixed for the holding of the meeting of Council or Committee as a quorum is present, the Mayor or Chair shall call the meeting to order.
- (2) If no quorum is present twenty (20) minutes after the time appointed for a meeting of the Council or committee, the Clerk or Chair shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting.
- (3) If a member is unable to attend a meeting, they are to inform the Clerk or Chair as to the nature of the absence in order that it be recorded as personal business, other municipal business or illness.
- (4) In the event that the Mayor or Chair does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council or committee, the Acting Mayor or Vice-Chair shall preside until the arrival of the Mayor or Chair, and while presiding, shall have all the powers of the Mayor or Chair.

5. **DUTIES OF THE CHAIR**

ACTING MAYOR

- (1) When the Mayor is unable to carry out his/her duties through illness or otherwise, when the Mayor is absent from the office in the course of his/her duties, or on vacation or an approved leave, there shall be an Acting Mayor who shall have all the powers and duties of the Mayor and shall chair all meetings in the absence of the Mayor.
- (2) Each month, in rotating alphabetical order, a member shall be designated as Acting Mayor if the need arises in that month and shall chair all meetings in the absence of the Mayor. However, at the beginning of a new term, those Councillors returning will chair twice in rotating alphabetical order prior to all Councillors being included in the alphabetical rotation.
- (3) At the beginning of each term of office, the Clerk shall prepare and circulate a list setting out the months during which each member may be called upon to hold the position of Acting Mayor.
- (4) Should any designated member be unable to carry out the duties of the Acting Mayor, the designation will automatically pass to the next member in the alphabetical listing and to the next, and so on if necessary, until the position can be filled.

- (5) In the event of the Mayor being unable to act on behalf of the municipality, the Acting Mayor will assume the duties of the Mayor.

DUTIES OF THE PRESIDING OFFICER

- (6) It shall be the duty of the Mayor or other presiding officer to:
- (a) open the meeting by taking the chair and calling the members to order,
 - (b) announce the business in the order in which it is to be acted upon,
 - (c) receive and submit, in the proper manner, all motions presented by the members,
 - (d) put to a vote all motions which are moved and seconded when necessary or motions that arise in the course of the proceedings and to announce the results,
 - (e) decline to put to vote motions which infringe upon the rules of procedure,
 - (f) restrain the members, when engaged in debate, within the rules of order,
 - (g) enforce, on all occasions, the observance of order and decorum among the members,
 - (h) do all matters to permit the meetings to proceed in an orderly and efficient manner,
 - (i) authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes,
 - (j) receive all messages and other communications and announce them,
 - (k) adjourn the meeting when the business is concluded, and
 - (l) to adjourn the sitting without question or suspend the sitting for a time to be named by him/her, if he/she considers it necessary, because of grave disorder.

6. COUNCIL AGENDA

- (1) The Clerk shall prepare and print an agenda for regular meetings of Council.
- (2) (a) The agenda outline shall be as follows:
- 1. Call to Order
 - 2. Approval of Agenda
 - (i) Identify any Urgent Business
 - 3. Disclosure of Pecuniary Interest – Closed Meeting and Council Workshop
 - 4. Closed Meeting
 - 5. Council Workshop
 - 6. Prayer and O Canada
 - 7. Summary of Addendum Agenda Items
 - 8. Disclosure of Pecuniary Interest – Other Matters
 - 9. Introductions of new staff
 - 10. Delegations/Presentations
 - 11. Council Communications/Inquiries and Announcements
 - (i) Announcements
 - (ii) Urgent Business
 - (iii) Notices of Motion – printed with the agenda
 - (iv) Notices of Motion – presented at the meeting
 - (v) Council Inquiry
 - 12. Regular Business
 - 13. Receipt of Minutes

- (i) Council
 - (ii) Committees of Council
 - (iii) Other
 - 14. Proclamations
 - 15. Correspondence Package
 - 16. Public Question Period
 - 17. By-laws
 - 18. Adjournment
- (b) An agenda for a special Council, Council workshop or committee meeting is not required to include all outline headings listed above.
- (c) In the event of Council meetings consisting of an afternoon session and an evening session, the opportunity for a public question period will be made available in both the afternoon and evening sessions.
- (3) Business shall be considered in the order set forth on the agenda, unless otherwise decided by Council or the committee.
- (4) At the time of approval of the agenda, a change in the order of items listed on the agenda for the consideration of the regular business items may be permitted on a majority approval of the members.
- (5) At the time of approval of the agenda, additions to the Council agenda items for discussion of an urgent business matter may be permitted by majority approval of the members present.
- (6) The items on the agenda not dealt with before the meeting is adjourned shall be noted and repeated on the next agenda. This includes items of business not tabled due to lack of time.
- (7) At the time of approval of the agenda, the Clerk may propose additions to the agenda for the Council meeting subject to Council approval.
- (8) Any person, member of Council, or member of staff, at any time prior to the preparation of the agenda, may file in writing with the Clerk an item for inclusion on the Council agenda. Agenda preparation takes place on the Wednesday preceding a meeting of Council.
- (9) Not less than forty-eight (48) hours, including weekends and holidays, before the time appointed for the holding of a regular meeting of Council, the Clerk shall deliver to each member an agenda and all related materials.
- (10) An agenda for a special meeting shall be provided prior to or at the special meeting.
- (11) It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and any and all special and standing committee meetings held more than seven (7) days prior to a regular meeting are included on the next meeting agenda for approval.

7. MINUTES

- (1) The Clerk shall prepare minutes for all Council, Committee of the Whole and standing committee meetings including closed meetings.
- (2) The minutes of a meeting shall record, without note or comment:
- (a) the place, date and time of meeting,
 - (b) the name of the presiding officer(s) and record of attendance of the members which shall indicate reason for absence,

- (c) the reading, if required, correction and adoption of the minutes of prior meetings, and
 - (d) all the other proceedings of meetings.
- (3) Such minutes as referred to in subsection 7(1) may be adopted by Council without having been read at the meeting considering the question of their adoption.
- (4) (a) The Clerk shall tape the open meeting proceedings of Council by audio tape, unless it is impossible to do so.
- (b) Where a Council workshop is held in Council Chambers, the Clerk shall tape the workshop proceedings.
- (c) The audio taped proceedings are not intended to, and do not, replace the written minutes of the proceedings of Council as adopted by resolution by Council.
- (d) In the event of a conflict between the audio taped proceedings and the written proceedings, the written proceedings as adopted by resolution by Council shall govern.

8. DELEGATIONS

- (1) Delegates shall give notice to the Clerk in writing no later than twenty-four (24) hours before the preparation of an agenda. This notice shall include the person's complete name, address, telephone number, reasons for their appearance and if applicable, the name, address, and telephone number of any person, corporation or organization which they are representing.
- (2) Persons who, subsequent to the preparation of the agenda and prior to the commencement of a meeting request to be heard, and apply in writing to the Clerk may be heard upon majority approval at the time of approval of the agenda. The following criteria will be considered:
- (a) urgent business, and
 - (b) matters listed on the agenda.
- (3) The delegation will be allowed to speak for five (5) minutes maximum, followed by a ten (10) minute period for clarification. Debate will not be permitted at this time.
- (4) The priority in which delegations are heard shall be in accordance with the following:
- (a) known and listed delegations,
 - (b) delegations who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, apply to the Clerk in writing to be heard on a particular matter, if the matter is scheduled agenda business or if the matter is as defined under urgent business, and
 - (c) delegations that are heard in accordance with Subsection 2(5) (suspension of the rules).
- (5) If a staff report is required to provide further information as a result of a delegation, the matter shall be referred to the appropriate staff to report back to Council.
- (6) Members of staff, consultants or agencies may be asked to present an oral or written briefing report at the appropriate time during the meeting dealing with a specific item of business. Such information is not classified as a delegation.

9. PETITIONS, COMMUNICATIONS AND CORRESPONDENCE

- (1) Every petition, communication and correspondence to be presented to the Council shall be legibly written or printed, dated and contain a brief description of the subject matter and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk. The Clerk shall not accept any petition, communication or correspondence that is not signed.
- (2) Every petition, communication and correspondence shall be delivered to the Clerk no later than 4:30 p.m. on the Tuesday of the week preceding the Council meeting, except if the subject matter relates to an item listed on the agenda. If, in the opinion of the Mayor, it contains any obscene or improper matter or language, the Mayor shall decide whether it should be included in the agenda for a Council meeting.
- (3) Subject to the decision of the Mayor, under the aforesaid provisions, the Clerk shall convey the substance of each communication to the Council, but any member may require the reading of part or all thereof.

10. COMMITTEE OF THE WHOLE

- (1) Council may, by motion, move into Committee of the Whole, at any time.
- (2) The rules governing the procedure of Council and the conduct of members, shall be observed in Committee of the Whole, so far as they are applicable except that:
 - (a) motions may be moved orally,
 - (b) motions do not require a seconder,
 - (c) recorded votes are not allowed,
 - (d) more latitude may be allowed in discussions, as determined by the committee, and
 - (e) Committee of the Whole proceedings shall be ratified by Council prior to action being taken as a result of the proceedings.

11. COMMITTEES

- (1) A Committee may be established by Council at any time as is deemed necessary for consideration of matters within its jurisdiction.
- (2) The Mayor shall be an ex-officio member of all committees and shall be entitled to all the rights of membership in a committee.
- (3) Membership on a subcommittee shall be from among the members of the committee to which the subcommittee shall report.
- (4) Membership on a committee may be extended to non-members of Council.
- (5) The Clerk or an employee of the corporation designated by the Clerk shall provide support to a committee.
- (6) No committee shall meet while Council is in session.
- (7) A committee meeting held within the Town Hall shall adjourn no later than 10:00 p.m. and in any event shall not be held or continue after 5:00 p.m. on a Friday.

- (8) Items not considered prior to the adjournment of the meeting shall be placed on the next agenda.
- (9) The office of a member of a committee becomes vacant if the member is absent from the meetings of the committee for three (3) successive months without being authorized to do so by recommendation of the committee. Where meetings are not held at least once a month the office of a member of a committee becomes vacant if the member is absent for three (3) successive meetings.
- (10) The term of office for the members of a committee is for a term concurrent with that of the Council appointing the Members, or until their successors are appointed, unless otherwise provided for in the appointment by-law or resolution.
- (11) The rules governing the proceedings of Committee of the Whole, and the conduct of members shall be observed by a committee including the rules of delegation.
- (12) Council may appoint, when deemed expedient, an ad hoc committee to act on specific business, and such committee shall meet as often as is necessary to formulate a concluding summary report to Council.
- (13) An ad hoc committee may submit an interim report to Council, as considered necessary.
- (14) Upon receipt of a final report from an ad hoc committee, the ad hoc committee shall be automatically dissolved unless otherwise recommended.
- (15) Every committee and local board shall provide to the Clerk annually, in the month of October, a schedule of the meetings of the committee or local board for the following calendar year.
- (16) The Clerk shall ensure that the schedule of meetings of the committees and local boards are posted on the Town of Caledon website.
- (17) Every committee and local board shall provide to the Clerk the minutes of their meetings within two weeks of the date when the meeting occurred.
- (18) The Clerk shall ensure that the minutes of the committee and local board meetings are posted on the Town of Caledon website.

12. CONDUCT

- (1) No Member shall:
 - (a) speak disrespectfully of any person;
 - (b) use offensive or foul words or unparliamentary language; or
 - (c) deliberately disobey the Rules of Procedure or a decision of the Mayor, or of the Council on questions of order or practice or upon the interpretation of the rules of the Council, subject to Section 18.
- (2) If a member persists in any such disobedience after having been called to order by the Mayor, the Mayor may forthwith put the question, with no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Council". If the member apologizes he/she may, by vote of the Council, be permitted to retake his/her seat.
- (3) No one shall use cameras, cell phones, audio and video recording equipment, "Blackberries" or similar devices during a meeting of Council or committee in a manner which may disrupt or interfere with the proceedings of the Council or committee meeting.

13. **DEBATE**

- (1) Every member, prior to speaking to any question or motion, shall indicate his/her intention to speak to the Mayor.
- (2) When two or more members indicate desire to speak, the Mayor shall designate the member who, in the opinion of the Mayor, indicated first, as the member to have the floor.
- (3) When a member is speaking, no other member shall interrupt him/her except to raise a point of order or personal privilege.
- (4) Any member may require the question or motion under discussion to be read at any time during debate but not so as to interrupt a member while speaking.
- (5) A member may speak initially on a question or motion for five (5) minutes maximum. A member may have a second opportunity to speak for a further five (5) minutes during debate.
- (6) The mover may request the right to be the last member to speak on the matter.
- (7) A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such a question must be stated concisely and asked only of the Mayor, or through the Mayor.
- (8) Notwithstanding subsection 13(1), when a member has been recognized as the next speaker, then immediately before speaking, such member may ask a question of the Mayor on the matter under discussion but only for the purpose of obtaining information, following which the member shall speak.
- (9) Notwithstanding the provisions of section 13, and in addition thereto, the Mayor may terminate debate in respect of a regular business item where the time allocated for the consideration of the item has expired.

14. **MOTIONS**

- (1) The following matters and motions with respect thereto may be introduced orally without written notice, except as otherwise provided by these rules of procedure:
 - (a) a point of order or matter of personal privilege,
 - (b) to table,
 - (c) to defer,
 - (d) to refer,
 - (e) that Council resolve itself into Committee of the Whole and/or rise into Council,
 - (f) to suspend the rules of procedure,
 - (g) to recess, and
 - (h) to adjourn.
- (2) Except as provided by paragraph 14(1) above, all motions shall be in writing and signed by the mover and seconder.

- (3) Motions to adjourn or to table are not debatable. Motions to defer are not debatable; however, where the time is specified, only the time is debatable.
- (4) The question may only be called after each member who wishes to speak has spoken once. A member may call the question in lieu of speaking a further time.
- (5) In Council meetings, a motion must be formally seconded before it can be recorded in the minutes, or the presiding officer can put the question.
- (6) When a new motion is presented in Council in writing, it shall be read aloud, or if it is a verbal motion, it shall be stated by the Mayor or mover before debate.
- (7) After a motion is read or stated by the Mayor or mover, it shall be deemed to be in possession of the Council, but may, with the unanimous permission of Council be withdrawn on a motion brought by the mover of the original motion, at any time before decision or amendment.
- (8) A motion properly before Council for decision must receive disposition before any other motion can be received, except motions in respect of matters listed in subsections 14(1) or 16.
- (9) A motion called in the order in which it stands in the routine business of the agenda, and which is not decided by Council, shall be allowed to stand. It shall retain its precedence on the agenda at the next regular meeting of the Council.
- (10) A motion to refer a matter under discussion by the Council shall preclude all amendments of the main question until it is decided.

15. NOTICE OF MOTION

- (1) Notice of all new motions, except motions listed in Section 14, shall be given in writing and delivered to the Clerk, and shall be dealt with at the next meeting or at the meeting as directed by the mover.
- (2) A notice of motion that is printed with the agenda may be voted on at the same meeting as notice has been provided for through the distribution of the agenda.
- (3) Each notice of motion shall be submitted to the Clerk in writing with the mover identified and shall be complete and correct.
- (4) The said motion must have a seconder prior to debate.
- (5) Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of a simple majority of the Members present.

16. AMENDMENT

- (1) An amendment to a motion:
 - (a) shall be presented in writing;
 - (b) shall be disposed of before a previous amendment or the question;
 - (c) shall be relevant to the question. Relevancy shall be determined by the chair and subject to appeal by a member.
 - (d) shall not be directly negative to the question; and

- (e) shall be disposed of in the reverse order to that in which it is moved.

17. OTHER MOTIONS

- (1) A motion to put the previous question:
 - (a) cannot be amended,
 - (b) shall, unless defeated, preclude all further amendments of the main questions, or of any amendments thereto,
 - (c) when resolved in the affirmative, the question is to be put forthwith without debate or amendment,
 - (d) shall not be in order until each member who wishes to speak on the question has spoken once.
- (2) A motion to call the question (call the vote):
 - (a) cannot be amended,
 - (b) shall be with respect to the motion, or the amendment that is to be voted on next, in accordance with section 16 of this by-law,
 - (c) when resolved in the affirmative, the question is to be put forthwith without debate or amendment,
 - (d) shall not be in order until each member who wishes to speak on the question has spoken once.
- (3) A motion to adjourn shall not be made at a meeting of Council until a by-law confirming the proceedings of the Council at that meeting to the time of adjournment has been presented to and dealt with by the Council.
- (4) A motion to adjourn shall always be in order, except as provided by this section,
 - (a) when resolved in the negative it cannot be made again until after some intermediate proceedings shall have been completed,
 - (b) is not in order when a member is speaking or during the taking of and determination of a vote,
 - (c) is not in order immediately following the affirmative resolution of a motion for the previous question, and
 - (d) is not debatable unless a specified time is indicated in the motion in which case the specified time only is debatable.

18. RECONSIDERATION

- (1) No motion, once voted on, may be reconsidered at the same meeting, except in accordance with this section. A motion made to reconsider a motion at the same meeting must have a two-thirds (2/3) majority vote of the members of Council.
- (2) No motion, once voted on, may be reconsidered at a subsequent meeting of Council within one (1) year of the date voted on, except in accordance with this section. A motion made to reconsider a motion at a subsequent meeting within one (1) year from the date of the decision of Council shall be in the form of a notice of motion given pursuant to subsection 15(1). The motion to reconsider must have a two-thirds (2/3) majority vote of the members of Council. Council may, by two-thirds (2/3) majority vote, verbally waive the requirement for a notice of motion.

- (3) No discussion of the main question shall be allowed until the Council shall have voted to reconsider the main question, but the member who moves the motion or gives the notice of motion, may have the privilege of stating his/her reasons for doing so.
- (4) No motion or decision shall be reconsidered more than once within one (1) year, nor shall a motion or notice of motion to reconsider be considered more than once within one (1) year .
- (5) A motion to reconsider can be made only by a member of Council who voted with the prevailing side.

19. POINTS OF ORDER AND PRIVILEGE

- (1) The Mayor or chair shall preserve order and decide questions of order.
- (2) A member can rise on a point of order when he/she considers that:
 - (a) there has been a breach of the rules of order,
 - (b) there is a defect in the constitution of any meeting,
 - (c) improper, offensive or abusive language has been used,
 - (d) the matter under discussion is not within the scope of the motion,
 - (e) there has been any other informality or irregularity in the proceedings.
- (3) When a member rises on a point of order, the member shall ask to be recognized. The Presiding Officer shall recognize the member. The member shall state the point of order and may refer to the pertinent section of the by-law. The member shall await response until the Presiding Officer shall have decided the point of order. The Presiding Officer shall state the reason for the decision and may refer to the pertinent sections of the by-law.
- (4) A member may challenge the ruling of the Presiding Officer for the purpose of appealing to the Council or committee from the Presiding Officer's decision. For the purpose of appealing to the Council or committee from the Presiding Officer's decision, a member shall appeal to Council or committee through the Presiding Officer.
- (5) If no member appeals, the decision of the Presiding Officer shall be final.
- (6) The Council or committee, if appealed to, shall decide the question without debate and its decision shall be final.
- (7) When a member considers that his/her integrity, rights or interests or the integrity, rights or interest of the Council or committee as a whole has been impugned, he/she may, as a matter of personal privilege, rise at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council or committee to the matter.
- (8) A motion on a matter of privilege shall receive disposition of Council or committee forthwith upon receipt and when settled, the question so interrupted shall be resumed from the point where it was suspended.

20. VOTING

- (1) All voting shall be conducted in accordance with the provisions of the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act*.
- (2) All members at the table, shall vote yea, nay or abstain on all questions except as provided by law.

- (3) If a member, present at a meeting of the Council or committee, abstains from voting, he/she shall be deemed as voting in the negative, except where he/she is prohibited from voting by law.
- (4) Immediately preceding the taking of a vote, the Presiding Officer may state the question in the form introduced or in such revised form as the mover and seconder have agreed to, and in which it is to be recorded in the minutes, and shall do so, if requested by a member.
- (5) 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.
- (6) A separate vote shall be taken upon each proposal contained in a question divided on the request of any member.
- (7) A member not present before the calling of the vote has commenced, shall not be entitled to vote on that question.
- (8) Subject to subsection 20(11), the manner of voting on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
- (9) The Presiding Officer shall announce publicly the result of the vote, stating whether the motion is carried or defeated.
- (10) In the case of written resolutions, the Presiding Officer shall record the result of the vote on the motion, stating whether the resolution is carried or defeated.
- (11) The Presiding Officer, in exercising the right to vote, shall vote at the same time as other members.
- (12) When a recorded vote is requested, a recorded vote shall be taken and members shall either indicate an affirmative vote when members are asked "Those in favour?", or indicate a negative vote when members are asked "Those opposed?".
- (13) When a recorded vote is requested by a member, the Presiding Officer shall ask those members in favour to stand, then those opposed to stand. The Clerk shall record the name and vote of every member.
- (14) Following the recording of votes cast in a recorded vote, the Clerk shall state publicly the number of votes in the affirmative and the number of votes in the negative. The presiding officer will then publicly state whether the vote is carried or defeated.
- (15) A request for a recorded vote can be made immediately before or immediately after an unrecorded vote is taken.
- (16) In the event that a recorded vote is taken subsequent to an unrecorded vote, the results of the recorded vote shall prevail.
- (17) In regard to recorded votes and unrecorded votes, if a member disagrees with the announcement of the Presiding Officer that a question is carried or lost, he/she may, but only immediately after the declaration by the Presiding Officer, object to the Presiding Officer's decision and the vote shall be retaken.

21. **BY-LAWS**

- (1) Every by-law shall have three (3) readings in order to be passed.
- (2) The first reading of a by-law shall be decided without amendment or debate.

- (3) If Council so determines, a by-law may be taken as read, unless otherwise required.
- (4) The three (3) readings and passage of a by-law may be completed at the same time at one Council meeting.
- (5) The clerk shall endorse on all by-laws enacted by Council the date of the three (3) readings and passage thereof.
- (6) Every by-law which has been enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Mayor and shall be deposited by the Clerk in his/her office for safekeeping.

22. **CLOSED MEETINGS**

- (1) Except as provided in this by-law all meetings shall be open to the public.
- (2) In accordance with the *Municipal Act, 2001*, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
 - (a) the security of the property of the municipality or local board;
 - (b) personal matters about an identifiable individual, including municipal or local board employees;
 - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.
- (3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- (4) A meeting held for the purpose of educating or training the members of Council, local board or a committee may be closed to the public, provided that no member discusses or otherwise deals with any matter in any way that materially advances the business or decision-making of the Council, local board or committee.
- (5) Before holding a meeting or part of a meeting that is to be closed to the public, Council, local board or committee shall state by resolution or recommendation:
 - (a) the fact that the Council, local board or committee is convening into a closed meeting and
 - (b) the general nature of the matter to be considered at the closed meeting, and in the case of an educational or training session, state that it is to be closed under section 239, subsection 3.1 of the *Municipal Act, 2001*.
- (6) A meeting shall not be closed to the public during the taking of a vote except where:

- (a) subsection 22(2) or 22(3) of this by-law permits or requires a meeting to be closed to the public; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town.
- (7) It is the duty and obligation of each member
- (a) to keep in confidence any matter discussed in a closed meeting of Council and any committee thereof until it is discussed at a meeting held in public,
 - (b) to refrain from discussing any matter raised in a closed meeting of Council or any committee thereof with any person other than a person present at the closed meeting until it is discussed at a meeting held in public, and
 - (c) to return any reports, documents or any other material received in respect of a matter discussed in a closed meeting of Council or any committee thereof to the Clerk at the conclusion of the closed meeting.
- (8) A member shall not in any way disclose to any person or other body, by any means, any reports or items, or disclose the nature or content of any reports or items or discussions, regarding any matter that is confidential and/or part of a closed meeting, without approval of such release by Council.
- (9) Where a member has knowledge that another member has failed to discharge a duty or obligation described in section 21 the member shall inform the Mayor.
- (10) Where the Mayor has received information which provides reasonable and probable grounds for the Mayor to believe that a member has failed to discharge the duty or obligation described in section 22, the Mayor shall:
- (a) inform Council in a closed meeting of the information received;
 - (b) afford the member who has allegedly failed to discharge the duty and obligation, an opportunity to be heard and to respond; and
 - (c) request the advice of Council whether the member who has allegedly failed to discharge the duty and obligation be required to leave the closed meeting during discussion of the matter which the member has failed to keep confidential.
- (11) Where the Council has required that a member leave the closed meeting during the discussion of a matter which the member has failed to keep confidential, the member shall leave the meeting and the meeting place.
- (12) Where a member:
- (a) has left the closed meeting at the request of Council; and
 - (b) subsequently provided an undertaking to Council that he or she will no longer fail to keep in confidence the matter discussed in a closed meeting, the member may attend and participate again in the discussion of the matter in a closed meeting.
- (13) The Clerk shall be responsible to maintain a confidential copy of all original documentation distributed during the closed meeting, and shall keep a record of the meeting in accordance with the *Municipal Act, 2001*.
- (14) A copy of any report or document circulated as part of an agenda regarding a confidential matter shall be returned to the Clerk at the end of the meeting for destruction.

- (15) On reconvening in public session, the Chair shall accept a motion to resolve the matter publicly, or alternatively advise that direction had been given to staff during the closed session in accordance with the *Municipal Act, 2001*.

23. **LENGTH OF MEETINGS**

- (1) Subject to Subsection 23(2) of this by-law, a Council meeting shall not carry on past 11:00 p.m. local time. It shall at that time, without requiring a motion or resolution, be adjourned unless a motion to continue receives at least two-thirds (2/3) majority vote of the members of Council.
- (2) A Council meeting shall not be adjourned until a by-law confirming the proceedings of that meeting to the time of adjournment has been presented to and dealt with by the Council.
- (3) Where a meeting is automatically adjourned in accordance with Subsection 23(1), business that was not dealt with at that meeting shall be placed on the agenda for the next regular meeting of Council.

24. **WORKSHOP**

- (1) Council workshop meeting dates will be established through the approval of the annual Council Meeting Schedule.
- (2) A Council workshop shall be coordinated through the Clerk.
- (3) A Council workshop may include open meeting and closed meeting business in accordance with the rules of the Procedural By-law, council policy and applicable legislation.
- (4) A Council workshop may be held as part of a Council meeting.
- (5) An agenda will be prepared which shall include the subject, date, time and location of the meeting and the applicable outline headings from a Council meeting agenda.
- (6) Notice of a Council workshop shall be given in accordance with the rules governing Council meetings.
- (7) Quorum of Council is not required for a Council Workshop to proceed.
- (8) The Clerk's Office will prepare minutes of Council workshops summarizing the item(s) without note or comment.
- (9) A member of the public who does attend will be permitted to observe the workshop during a public session. Delegations are not heard during a Council workshop.
- (10) No Council decision shall be made at a Council workshop. A matter requiring a decision shall be reported back to Council for consideration and approval.

25. **NOTICE**

- (1) The Clerk shall provide the public with notice of the Council and Committee schedule by annually posting a calendar of the meetings on the Town of Caledon website. Any amendments to, or cancellations of the meeting dates shall be posted as required.
- (2) (a) The meeting agenda shall constitute notice of each meeting. The agenda shall include the location of the meeting and all relevant material on a matter to be considered by Council.

(b) Notice shall be provided by:

- (i) posting the agenda on the Town's website and
- (ii) making it available at Town Hall

on the Friday prior to the Council meeting and subsequent to the material being forwarded to the members of Council, the Chief Administrative Officer and to the department heads.

(c) Notice of a Special Meeting of Council shall be provided by posting the agenda on the Town's website and making it available at Town Hall as soon as it is available subsequent to the material being forwarded to the members of Council, the Chief Administrative Officer and to the department heads.

(d) Where it is not feasible to post the agenda on the website, the agenda will be available at Town Hall."

(3) Addendum items identified prior to 12:00 noon on the Monday prior to the Council meeting shall be posted on the Town's website, and the members of Council shall be made aware of the Addendum Agenda through email notification.

(4) The notice policy attached as Schedule A to this by-law and forming part of this by-law is hereby adopted.

26. **REPEAL**

By-laws Numbered 2003-210, 2007-116, 2008-36, 2009-004, 2009-029 and 2009-043 are hereby repealed.

27. **EFFECTIVE**

This by-law shall come into effect on the day of enactment.

By-law read three times and finally
passed in Open Council
this 7th day of July 2009.

Marolyn Morrison, Mayor

Karen Landry, Clerk

SCHEDULE A
To By-law 2009-088

Policy No.:



CORPORATE

POLICY

APPLICABILITY: The Corporation of the Town of Caledon

SUBJECT: NOTICE POLICY

PURPOSE

The purpose of this policy is to meet the provisions of section 270 of the *Municipal Act, 2001* which requires that all municipalities adopt and maintain policies with respect to the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

POLICY STATEMENT

1. Notice of intention to pass by-law / notice of meeting

- (1) Manner of notice
 - (a) Where notice of intention to pass a by-law or notice of meeting is required to be given, notice shall be published in a manner that would provide reasonable notice to the public, including
 - (i) publication in a newspaper,
 - (ii) posting on the Town of Caledon website,
 - (iii) listing the item on a council agenda,
 - (iv) prepaid mail,
 - (v) distribution of a flyer, and
 - (vi) posting in Town of Caledon facilities.
 - (b) Where service is required under this policy upon a specific land owner or occupant, service shall be by either personal service or pre-paid registered mail to the last known address of the owner or occupant, as the case may be.
- (2) Time of notice
 - (a) Where notice of intention to pass a by-law or notice of meeting is required to be given, such notice shall be provided in the time frame prescribed by any applicable law, and if not so prescribed, notice shall be given as appropriate in the circumstances.
 - (b) If the proposed by-law is not passed at the council meeting specified in a notice in Section 1, but consideration of the manner is deferred, no further notice is required under Section 1 if a public announcement is made at the initial meeting that the matter has been deferred and that the municipality now intends to adopt or amend the by-law at a later council meeting specified in the public announcement. This paragraph applies to any further deferrals of the matter.
- (3) Content of notice
 - (a) Unless otherwise prescribed in any applicable law, where notice of intention to pass a by-law or notice of public meeting is required to

- (b) identification of the authority under which the notice is being given,
 - (c) a description of the purpose of the meeting, or the purpose and effect of the proposed by-law
 - (d) the date, time and location of the meeting at which the matter will be considered
 - (e) a description of how and where comments and/or objections can be made and the deadline for receiving such comments or objections,
 - (f) a map or other description of the lands affected by the proposal, and
 - (g) instructions for obtaining additional information.
- (4) Purpose of the notice
- (a) Notice of the intention to pass a by-law and/or notice of a meeting may be provided for
 - (i) A restructuring proposal
 - (ii) change of name of the municipality
 - (iii) designation of business improvement area
 - (iv) change in composition of council
 - (v) creation of wards
 - (vi) council meeting
 - (vii) a procedure by-law
 - (viii) a local improvement by-law
 - (ix) permanently closing a public highway
 - (x) changing name of a public highway
 - (xi) council vacancy declaration
 - (xii) meetings of local boards and committees, or
 - (xiii) any other matter which Council considers appropriate.

2. Annual budget

- (1) The notice provisions in this policy shall apply
 - (a) to the adoption by council by resolution or by by-law of the annual budget, and
 - (b) to any amendments to the annual budget which result in a material changes to the tax levy.
- (2) Notice of any amendments to the annual budget other than those described in Subsection 2(1)(b) shall be provided to the public by inclusion of the item in the council agenda and this shall constitute reasonable notice.
- (3) Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

3. Emergency provisions

- (1) If a matter arises, which in the opinion of the Mayor, in consultation with the Chief Administrative Officer and the Treasurer, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a state of emergency is declared by the head of council, or his or her designate, or the Premier of Ontario, the notice requirements of this policy maybe waived and notice which is reasonable under the circumstances will be provided.

4. Improvements to service

- (1) Unless otherwise designated by any applicable law, notice of improvements in the efficiency and effectiveness of the delivery of services by the Town of Caledon and its local boards; and barriers identified by the Town and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be published in the newspaper at the same time as prescribed in the *Municipal Act, 2001* for the publication of the financial statements of the Town.

5. General provisions

- (1) Where specific by-laws or legislation has been enacted prescribing requirements in respect of notice, the notice provisions set out in such by-law or in such legislation shall prevail over the provisions of this policy.
- (2) No notice shall be required under this policy where the provision of notice will interfere with the ability of council to conduct business with respect to a matter permitted by law to be considered in a closed meeting of council.
- (3) Nothing in this policy shall prevent the use of more comprehensive methods of providing notice or providing longer periods of notice.
- (4) The notice policies contained herein will be reviewed at least once during the term of each council, or more frequently, as determined by council.