

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NO. 24-017

**A By-law to govern the proceedings of Council
and the Committees of Council and the conduct of its members and
to repeal By-laws 22-012, 22-065, 23-019 and 23-062**

WHEREAS Section 238 (2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, states that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

NOW THEREFORE the Council of The Corporation of the Township of Tiny enacts as follows:

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Section 1 – Definitions

In this By-law,

- 1.1. **'the Act'** means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;
- 1.2. **'amend'** means to alter or vary the terms of a main motion without materially changing its purpose and **'amendment'** has a corresponding meaning;
- 1.3. **'by-law'** means a by-law in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of council;
- 1.4. **'call the question'** means to end debate on a pending proposal and bring it to an immediate vote;
- 1.5. **'Chair'** means the Member presiding at any meeting of Council or Committee;
- 1.6. **'challenge'** means to appeal the ruling of the Chair;
- 1.7. **'clear days'** means the days (working and holiday), excluding the day when the notice is being given and the day of the meeting.
- 1.8. **'Clerk'** means the Clerk of the Township or his or her designate;
- 1.9. **'closed meeting'** means a meeting or part of a meeting of Council or a Committee, which is closed to the public as permitted by **the Act** and may also be referred to as an **'in camera'** meeting;
- 1.10. **'committee'** means a Standing Committee, Licensing Tribunal, Selection Committee or an Advisory Committee or Task Force established by Council from time to time;
- 1.11. **'Committee of the Whole'** means a committee of Council composed of all the Members present, sitting as a Committee of the Whole;
- 1.12. **'Council'** means the Council for the Township;
- 1.13. **'defer'** means to delay consideration of a matter by Council or Committee until a specified time or event;
- 1.14. **'Deputy Mayor'** means an individual elected at large who acts in place of the Mayor;
- 1.15. **'electronic participation'** means a member of Council who participates remotely in any open or closed Council or committee meeting via electronic means and has the same rights and responsibilities as if they were in physical attendance, including the right to vote, and shall count towards a quorum of members. The electronic means must enable the Member to hear and to be heard by the other meeting participants. Acceptable formats may include teleconference, video

conference or other interactive communications as deemed appropriate by the Clerk in consultation with the Chief Administrative Officer and Information Technology Services.

- 1.16. **'emergency'** means an emergency as defined by the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended.
- 1.17. **'holiday'** means:
 - 1.17.1. any holiday as defined in *The Legislation Act, 2006, S.O. 2006, c.21*, Schedule F, Section 88(2); or
 - 1.17.2. any holiday proclaimed by Council as a Civic Holiday.
- 1.18. **'main motion'** means any motion except the following:
 - 1.18.1. a motion to extend the time of the meeting;
 - 1.18.2. a motion to refer;
 - 1.18.3. a motion to amend;
 - 1.18.4. a motion to defer;
 - 1.18.5. a motion to reconsider;
 - 1.18.6. a motion to adjourn.
- 1.19. **'majority'** means, for the purpose of voting, unless otherwise specified, more than half of the Members of Council or committee present at the vote and not prohibited by statute from voting.
- 1.20. **'Mayor'** means the Head of Council and, in this by-law, means the Deputy Mayor when the Deputy Mayor is acting in place of the Mayor, or such Member appointed as Acting Head of Council as may be appointed by by-law or resolution pursuant to Section 242 of *the Act*;
- 1.21. **'meeting'** means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,
 - 1.21.1. A quorum of members is present, and
 - 1.21.2. members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 1.22. **'Member'** means a Member of Council and includes the Mayor and Deputy Mayor;
- 1.23. **'motion'** means a proposal by a Member for the consideration of Council or a Committee that is moved by a Member and seconded by another Member;
- 1.24. **'new business'** requires the consent of the majority of Members present and is intended to share information on matters which may have arisen subsequent to the production and distribution of the agenda;
- 1.25. **'notice of motion'** means advance notice given by a member, at a Regular Meeting of Council advising Council that a motion, as provided in writing to the Clerk, will be brought forward for inclusion on a future Committee of the Whole agenda;
- 1.26. **'notice/advertise'** means that advertising of any meetings, motions, by-laws, directions, agendas or meetings of Council that require notice be given, in addition to any other form of notice, shall be posted on the official Township website showing the date and time of the posting;
- 1.27. **'pecuniary interest'** means a direct or indirect pecuniary interest in a matter before Council as determined by the *Municipal Conflict of Interest Act, R.S.O. 1990 c.M.50*, as amended.

- 1.28. **'point of order'** means a question by a Member with respect to any departure from the Procedure By-law or in the practised conduct of Council or Committee business;
- 1.29. **'point of privilege'** means a request to the Chair to immediately consider and take action to remedy a situation negatively affecting the rights or privileges of Council members or of Council as a whole, despite other pending business currently before Council;
- 1.30. **'present'** means a Member attending a meeting either in person or by electronic participation.
- 1.31. **'Presiding Officer'** means:
- 1.31.1. in reference to a Council meeting, the Mayor or, in the absence of the Mayor, the Deputy Mayor, acting as the Chair of the meeting or such Member chosen from a quorum of Members present to preside over a Council meeting in the absence of the Mayor and the Deputy Mayor; or
- 1.31.2. in reference to Committee meetings, the Chair of the meeting;
- 1.32. **'recorded vote' means:**
- 1.32.1. a written record, by the Clerk, of the name and vote of each Member who votes on a question and of each Member present who does not vote;
- 1.32.2. that all Members including the Mayor are required to vote in alphabetical order, beginning with the requestor, unless disqualified by statute;
- 1.32.3. a failure to vote by a Member, including the Mayor, who is not disqualified by statute, shall be deemed to be a negative vote and will be recorded as such.
- 1.33. **'refer'** means to send or direct a question or an issue to staff or a committee to be answered or resolved;
- 1.34. **'quorum'** means a majority of the members of the municipal council.
- 1.35. **'Third Party'** means elected representatives (municipal, provincial and federal), local and county-wide community groups, organizations or associations; public sector or crown corporations; not-for-profit, charitable organizations; and private sector businesses that are under contract to work with the municipality or the County of Simcoe, or have been specifically invited by staff or Council to delegate;
- 1.36. **'Township'** means the geographical area of the Township of Tiny or the municipal corporation, as the context requires.

Section 2 – Application

- 2.1. The rules of procedure shall be observed in all proceedings of Council and shall also be the rules for the order and dispatch of business for the Council, the Committee of the Whole and other committees of Council.
- 2.2. All matters relating to the proceedings of Council and committees for which rules have not been provided within this by-law and its appendices, shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of Robert's Rules of Order.
- 2.3. In the event of any conflict between the provisions of this Procedure By-law and the provisions of the authority referred to in Section 2.2, the provisions of this Procedure By-law shall apply.
- 2.4. The provisions of this Procedure By-law are subject to any statutory provisions in effect from time to time and in the event of any conflict between such statutory

provisions and the provisions of this Procedure By-law, the statutory provisions shall apply.

- 2.5. In the absence of any statutory obligation, the rules contained within this Procedure By-law may be suspended or altered for a single occasion with the consent of a majority of the Members present and voting.

Section 3 – Closed Meetings

- 3.1. All meetings of Council, the Committee of the Whole and other committees of Council shall be open to the public but may be closed when the subject matter under consideration relates to:
- 3.1.1. the security of the property of the municipality or any local board;
 - 3.1.2. personal matters about an identifiable individual, including municipal or local board employees;
 - 3.1.3. a proposed or pending acquisition or disposition of land for municipal or local board purposes;
 - 3.1.4. labour relations or employee negotiations;
 - 3.1.5. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or a local board;
 - 3.1.6. the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 3.1.7. a matter in respect of which Council or a committee has authorized a meeting to be closed under another Act;
 - 3.1.8. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - 3.1.9. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - 3.1.10. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - 3.1.11. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 3.2. A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, board, commission or other body is head of the institution for the purposes of that *Act*.
- 3.3. A meeting shall be closed if the subject matter relates to an ongoing investigation respecting the municipality, local board or a municipally controlled corporation by the Ombudsman of Ontario, a locally appointed Ombudsman or an appointed closed meeting investigator.
- 3.4. A meeting may be closed to the public if the meeting is held for the purpose of educating or training the Members, provided that at the meeting no Member shall discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council or committee, as the case may be.

- 3.5. A meeting or part of a meeting may be closed to the public only if closing the meeting to the public complies with all statutory provisions in effect at that time.
- 3.6. Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution:
 - 3.6.1. the fact of the holding of the meeting; and
 - 3.6.2. the general nature of the matters to be considered at the closed meeting.
- 3.7. Matters discussed in a closed session meeting which require a decision will be brought forward to an open meeting of Council or committee.
- 3.8. A meeting shall not be closed to the public during the taking of a vote unless the following conditions are **both** satisfied:
 - 3.8.1. Sections 3.1, 3.2, 3.3 or 3.4 permits or requires a meeting to be closed to the public; **and**
 - 3.8.2. only if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality or persons retained by or under contract with the municipality.
- 3.9. Council or Committee shall be required to state by resolution that they have risen from the meeting.
- 3.10. All records or minutes of a meeting under this section shall state the time that the meeting commenced and ended.

Section 4 – Council Meetings / Committee of the Whole

- 4.1. **The first Meeting of Council:**
 - 4.1.1. shall be held on a date determined by the Clerk not later than 31 days after the commencement of its term;
 - 4.1.2. shall not proceed with business until after the declarations of office have been made by all Members who present themselves for that purpose;
 - 4.1.3. shall deem the newly elected Council to be organized within the meaning of the *Act* when the declarations of office have been made by a majority of the Members and it may be deemed organized and business may be proceeded with notwithstanding the failure of any of the other Members to make such declarations.
- 4.2. **Regular Meetings of Council:**
 - 4.2.1. Unless otherwise decided by Council, regular meetings of **Council, Closed Session**, shall be held every third Wednesday at 12:30 p.m. or another designated time as deemed appropriate, prior to Council meeting in Open Session, at the Township Council Chambers, 130 Balm Beach Road West, Tiny, Ontario, unless otherwise provided for in this By-law.
 - 4.2.2. Unless otherwise decided by Council, regular meetings of **Council, Open Session**, shall be held every third Wednesday at 2:00 p.m. at the Township Council Chambers, 130 Balm Beach Road West, Tiny, Ontario, unless otherwise provided for in this By-law;
 - 4.2.3. Unless otherwise decided by Council, regular meetings of **the Committee of the Whole** shall be held every third Wednesday immediately following the regular meeting of Council at the Township Council Chambers, 130 Balm Beach Road West, Tiny, Ontario, unless otherwise provided for in this By-law;

- 4.2.4. A maximum break of thirty minutes between the regular meeting of Council and the Committee of the Whole Meeting may be taken, as required, to facilitate any arrangements for the Committee of the Whole Meeting.
- 4.2.5. On the Wednesday of the week preceding a Regular Meeting of Council/Committee of the Whole Meeting, at 5:00 p.m. Council may hold public meetings under the provisions of the *Planning Act*.
- 4.2.6. When a regular meeting day for Council and/or its committees falls on a holiday, the day following said holiday shall be considered the regular meeting day or as otherwise determined by a majority of Council.

4.3. **Special Meetings of Council:**

- 4.3.1. In addition to regular meetings, the Mayor may, at any time, summon a special meeting of Council by giving written direction to the Clerk stating the date, time and purpose of the special meeting;
- 4.3.2. The Clerk shall also summon a special meeting of Council when requested to do so, in writing, by a majority of the Members;
- 4.3.3. The Clerk shall give each Member notice of a special meeting of Council at least forty-eight (48) hours in advance of the time appointed for the special meeting either by:
 - 4.3.3.1. emailing a copy of the notice to the Member; or
 - 4.3.3.2. leaving a copy of the notice for the Member at the Township office; or
 - 4.3.3.3. leaving a copy of the notice at the place of residence of the Member.
- 4.3.4. The notice requirement in subsection 4.3.3 shall not apply to a special meeting summoned, with time constraints, to deal with a genuine emergency;
- 4.3.5. In the event of an emergency meeting with time constraints, the Clerk shall use his or her best efforts to give notice of the emergency meeting and its purpose to each Member, either verbally or in writing and notice shall be given as far in advance of the meeting as the Clerk deems practicable.
- 4.3.6. No business other than that stated in the notice of the special or emergency meeting shall be considered at the special or emergency meeting.
- 4.3.7. For Special Council and Committee of the Whole meetings, deputations or public comment periods may be permitted at the discretion of the Mayor or Chair in consultation with the Clerk. If deputations or public comment periods are not permitted, the agenda outline will be modified accordingly.

4.4. **Meeting Cancellation:**

In the event it becomes necessary for Council to cancel a regular or special meeting of Council, or Committee of the Whole meeting, it may only be done with the consent of a majority of the Members.

4.5. **Adjournment:**

- 4.5.1. The latest hour for adjournment for the Regular Council / Committee of the Whole Meetings shall be 8:00 p.m. Council may extend the hour of adjournment by resolution approved by all Members present.

- 4.5.2. The latest hour for adjournment of a Planning Public Meeting shall be 10:00 p.m. Council may extend the hour of adjournment by resolution approved by all Members present.

Section 5 – Public Notice

- 5.1. Public notice of regularly scheduled meetings of Council, Committee of the Whole or other committee, shall be given by posting to the schedule of meetings on the Township's website not less than five (5) clear days in advance of the date of the meeting.
- 5.2. Public notice of special meetings of Council or Committee of the Whole or other committee shall be given by posting to the schedule of meetings on the Township's website not less than one (1) clear day in advance of the date of the meeting.
- 5.3. Notwithstanding subsection 5.2, public notice of a special meeting of Council or Committee of the Whole or other committee called to deal with an emergency, shall be given by posting a notice on the door of the Council Chambers or such other place as the meeting is held.
- 5.4. Notwithstanding subsections 5.1, 5.2 and 5.3, public notice of a meeting of Council or Committee of the Whole or other committee that is closed to the public, shall be given by the passing of a resolution by Council or Committee of the Whole or other committee, at a meeting open to the public stating:
- 5.4.1. the fact of the holding of the closed meeting; and
 - 5.4.2. the general nature of the meeting's subject matter; and
 - 5.4.3. the legislative provision allowing for the holding of the closed meeting.
- 5.5. Notwithstanding subsections 5.1 and 5.2, in the event the Township's website is not operational, public notice of a meeting shall be given by posting a notice on the door of the Council Chambers, in the case of a regularly scheduled meeting, not less than five (5) clear days in advance of the date of the meeting and, in the case of a special meeting, not less than one (1) clear day in advance of the date of the meeting. The public notice shall be subsequently posted to the Township's website once normal operation has been restored.
- 5.6. If, by oversight or otherwise, the meeting notice required by subsections 5.1, 5.2, 5.3, 5.4 and 5.5 is not given in the manner prescribed, said meetings shall not be void or void-able by reason of such failure to give notice or the insufficiency of any notice and no proceeding at that meeting shall be void or void-able by reason of such failure to give notice or the insufficiency of any notice.

Section 6 – Proceedings

- 6.1. **Council:**
- 6.1.1. When there are sufficient members present to constitute a quorum at the time set for the commencement of the meeting, or as soon thereafter as the quorum is present, the Mayor shall assume the Chair and call the Members to order.
 - 6.1.2. A majority of the Members shall constitute a quorum.
 - 6.1.3. In the event the Mayor has indicated that he or she will not be present or does not attend within fifteen (15) minutes of the hour appointed for a meeting, or if this Office is vacant, or if the Mayor refuses to act, the Deputy Mayor shall call the Members to order and if a quorum is present, shall preside during the meeting or until the Mayor arrives or until the closing of the meeting.
 - 6.1.4. In the event that both the Mayor and the Deputy Mayor, shall not be in

attendance within fifteen (15) minutes of the hour appointed for a meeting, or if the Mayor and Deputy Mayor refuse to act, the Clerk shall call the Members to order if a quorum is present (which quorum would only be constituted by the presence of all remaining Members) and a Presiding Officer shall be chosen by resolution approved by the majority of Members present to preside during the meeting until the arrival of the Mayor or Deputy Mayor or, in the event of their continued absence or refusal to act, until the close of the meeting.

- 6.1.5. The Presiding Officer shall have all the powers of the Mayor at the meeting and shall be entitled to vote as a Member.
- 6.1.6. If there is no quorum within thirty minutes of the time set for the meeting, the Clerk shall call the roll and record the names of the Members present and the meeting shall stand adjourned and the agenda for that meeting shall be considered at the next regular meeting prior to the agenda for the next regular meeting or at a Special Meeting called for that purpose.
- 6.1.7. As per Section 228 of *the Act*, it is a requirement that the Clerk or designate be in attendance for every meeting of Council as defined under Section 1 - Definitions of this by-law.
- 6.1.8. Prior to a particular matter being addressed, members shall declare any pecuniary interests they may have, and the general nature thereof, in connection with that matter pursuant to the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended. Such members shall then be precluded from participating in any way regarding the matter in question.
- 6.1.9. Where the number of members who, by reason of the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*, as amended, s.7(1) (declaration of pecuniary interest), are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient numbers to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute quorum, provided such number is not less than two.

6.2. **Committee of the Whole:**

- 6.2.1. When Council resolves itself into Committee of the Whole, the Mayor may appoint a Member to act as Chair and then vacate the Chair.
- 6.2.2. The Chair of the Committee of the Whole may appoint another Member to act as the Chair in his or her absence.
- 6.2.3. A majority of the Members shall constitute a quorum of the Committee of the Whole.
- 6.2.4. Unless otherwise decided by a majority vote of the Council, no report shall be referred to the Committee of the Whole unless the report has been previously presented and delivered to the Members.
- 6.2.5. The Chair of the Committee of the Whole shall maintain order in the Committee.
- 6.2.6. The Chair of the Committee of the Whole shall have all the powers and duties of the Presiding Officer except for an appeal from the ruling of the Chair that shall be made to the Presiding Officer in Council that, in most cases, will be the Mayor. The decision of the Presiding Officer shall be final.
- 6.2.7. The rules governing the procedures of the Council and the conduct of

the Members shall be observed in the Committee of the Whole so far as they are applicable.

6.3. Electronic Participation – During Emergency Situations:

- 6.3.1. Meetings of Council, of a local board or of a committee may be held electronically, provided adequate notice is given, under the following circumstances, to the extent and in the manner set out in this By-law:
 - 6.3.1.1. A State of Emergency as declared in accordance with section 4 and/or section 7.0.1 (1) of the *Emergency Management and Civil Protection Act* that impacts the ability to conduct in-person meetings.
 - 6.3.1.2. Health and safety restrictions are in effect (i.e., extreme weather event) as determined by the Chief Administrative Officer in consultation with the Clerk and Mayor or as recommended by the Municipal Emergency Control Group;
 - 6.3.1.3. Restrictions or guidelines as set out by the Simcoe Muskoka District Health Unit, the Ontario Provincial Police or the Province of Ontario, are in effect, that impact the ability to conduct in-person meetings.
- 6.3.2. A member of council, of a local board or of a committee may participate fully in a meeting by electronic means and shall be counted in determining whether quorum of members is present.
- 6.3.3. Electronic participation applies to regular, special, emergency and closed sessions of council and meetings of local boards and committees. The Clerk may recommend to the Mayor and Chief Administrative Officer whether a closed session meeting with electronic participation is appropriate depending on the nature of the topic proposed to be discussed.
- 6.3.4. Members, attending through electronic participation, shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote, in open or closed session, unless otherwise prohibited by law or in other subsections of this by-law.
- 6.3.5. Acceptable formats of electronic participation may include teleconference, video conference, or other interactive communications as deemed appropriate by the Clerk in consultation with the Chief Administrative Officer and Information Technology Services. Video conferencing shall be the preferred method of electronic participation, but the Clerk may allow for electronic participation by any means provided that there are audio capabilities for the participants which can be integrated into the Township's live streaming capabilities
- 6.3.6. In the event of technical failure during the meeting, Council may take a recess of not more than 15 minutes to allow staff to reinstate the electronic participation. If one to two member(s) can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made.

If quorum is no longer achieved due to technical difficulties, the meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.
- 6.3.7. In the event the meeting is solely livestreamed and the livestreaming capabilities cannot be reinstated, the meeting shall be deemed

automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. The adjournment will not affect the validity of the meeting or decisions made prior to the livestreaming being unavailable. Notice of the disruption shall be noted in the minutes of the meeting.

- 6.3.8. The Clerk, in consultation with the Mayor and Chief Administrative Officer, may allow for an electronic deputation or third-party presentation if appropriate given the nature of the deputation. If circumstances are not appropriate to allow for a deputation or third-party presentation, as determined by the Clerk, a written submission may be made to the Clerk's office in advance of the meeting.

6.4. **Electronic Participation – During Routine Periods:**

- 6.4.1. A member of Council, local board or committee may be permitted to participate fully in a meeting by electronic means provided that quorum of members is physically in attendance.
- 6.4.2. Electronic participation applies to regular, special, emergency and closed sessions of council and meetings of local boards and committees. The Clerk may recommend to the Mayor and Chief Administrative Officer whether a closed session meeting with electronic participation is appropriate depending on the nature of the topic proposed to be discussed.
- 6.4.3. A member of Council shall be permitted to participate fully in a meeting via electronic participation for a total of three Regular Council/Committee of the Whole Meetings annually. This excludes any Special Meetings of Council or Special Meetings of the Committee of the Whole.
- 6.4.4. In reference to a committee member, the member shall be permitted to participate fully in a meeting via electronic participation for a total of three meetings annually.
- 6.4.5. A member of Council, a local board or committee who participates in a meeting through electronic means is deemed to be present at the meeting, in open and closed session, and shall be counted in determining whether or not a quorum of members is present at any point in time. If the member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made.
- 6.4.6. The member of Council, a local board or committee shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote, in open or closed session, unless otherwise prohibited by law or in other subsections of this by-law.
- 6.4.7. Acceptable formats of electronic participation may include teleconference, video conference or other interactive communications as deemed appropriate by the Clerk in consultation with the Chief Administrative Officer and Information Technology Services. Video conferencing shall be the preferred method of electronic participation, but the Clerk may allow for electronic participation by any means provided that there are audio capabilities for the participants which can be integrated into the Township's live streaming capabilities
- 6.4.8. In the event of technical failure during the meeting, Council may take a recess of not more than 15 minutes to allow staff to reinstate the member attending by electronic participation. If the Member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made.

If quorum is no longer achieved due to technical difficulties, the meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. Notice of the disruption shall be noted in the minutes of the meeting.

- 6.4.9. In the event the meeting is solely livestreamed and the livestreaming capabilities cannot be reinstated, the meeting shall be deemed automatically adjourned after twenty (20) minutes of the technical failure. A subsequent meeting to deal with those items not dealt with shall be scheduled as soon as possible thereafter. The adjournment will not affect the validity of the meeting or decisions made prior to the livestreaming being unavailable. Notice of the disruption shall be noted in the minutes of the meeting.
- 6.4.10. Any Member wishing to participate electronically in a meeting shall send notice to the Clerk or appropriate Staff Resource at least 24 hours prior to the start time of the meeting to provide staff an opportunity to make necessary arrangements for the technological needs of electronic participation.
- 6.4.11. Opportunities to participate electronically shall be permitted on a first come first serve basis, as managed through the Municipal Clerk or appropriate Staff Resource.
- 6.4.12. The Clerk and Chair shall not participate electronically but shall be physically present in the Council Chambers.
- 6.4.13. In the event the Chair of the meeting requires electronic participation, the Chair shall be appointed to a member of Council that is physically present.
- 6.4.14. The protocol for participating electronically during routine periods shall be set out by the Municipal Clerk and may be amended from time to time.

Section 7 – Agendas

- 7.1. The Clerk shall prepare an agenda for the use of Members at all regular and special meetings of Council (other than Council Public Meetings dealing with planning matters) as follows:
- 7.2. The **Regular Meeting of Council, Closed Session**, shall commence at 12:30 p.m. or another designated time as deemed appropriate and as required, prior to meeting in **Open Session** which shall commence at 2:00 p.m.

Regular Council

Call to Order/ Opening of Meeting by Mayor/Chair

- A. Acceptance of Agenda
- B. Moment of Silent Reflection/Land Acknowledgement Statement
- C. Declaration of Pecuniary Interest
- D. Motion to Move into Closed Session
- E. Confidential/Closed Session

Open Session – 2:00 p.m.

- F. Motion to Rise Open Session
- G. Motions Arising from Confidential/Closed Session

- H. Announcements/Presentations
 - I. Deputations Public Comment Period (15-minute allotment)
For matters on the current Regular Meeting of Council agenda only – 3 minutes per speaker, restricted to one agenda item.
 - J. Deputations to Council
For matters not on the current Regular Meeting of Council or Committee of the Whole agenda - 10 minutes per deputation with a limit of two per meeting.
The Mayor or Presiding Chair, upon agreement of Council, has the ability to extend the time limit of an individual speaker.
 - K. Reports of Consultants and Third Parties
 - L. Adopting/Receiving of Minutes of Previous Meetings
 - L.1 Minutes of Council, Advisory Committees and Other Meetings
 - L.2 Minutes of Closed Session Committee of the Whole/Council Meetings
 - L.3 Committee of the Whole Reports
 - M. Matters for Consideration
 - N. New Business
 - O. Notice of Motion
 - P. By-laws
 - Q. Confirmatory By-law
 - R. Adjournment
- 7.3. The Clerk shall prepare an agenda for the use of Members at all regular and special meetings of the **Committee of the Whole** under the following headings:
- A. Acceptance of Agenda
 - B. Declaration of Pecuniary Interest
 - C. Reports of Consultants or Third Parties
 - D. Staff Reports
 - D.1. Consent Items
 - D.2. Matters for Consideration
 - E. Committees
 - E.1 Consent Items
 - E.2 Matters for Consideration
 - F. Discussion of motion(s) for which notice has been previously given
 - G. Communications:
 - G.1 Consent Items
 - G.2 Matters of Consideration
 - H. New Business
 - I. Public Comment Period (15-minute allotment)
For matters on the current Committee of the Whole agenda only – 3 minutes per speaker, restricted to one agenda item.

J. Confidential/Closed Session

K. Adjournment

- 7.4. The Clerk shall use his or her best efforts to ensure that copies of the agenda for regular meetings of Council are delivered to each Member so that they will be received, in each case, by the Friday immediately preceding the regular meeting.
- 7.5. The Clerk shall use his or her best efforts to ensure that copies of the agenda for regular meetings of Council are distributed to all pertinent municipal officials and staff by the Friday immediately preceding the regular meeting and further, to ensure the agenda is made available to the public by posting it on the Township website by 12 noon on the Friday immediately preceding the meeting.
- 7.6. Failure by the Clerk to meet the schedule set out in Sections 7.4. and 7.5., will not invalidate the Council meeting or any proceeding thereat.
- 7.7. All submissions for inclusion on the agenda for the Committee of the Whole and regular meeting of Council, including Notices of Motion pursuant to subsection 9.12. of this By-law, shall be in the possession of the Clerk not later than 12 noon on the Tuesday of the week prior to the date on which the agenda is to be distributed to the Members.
- 7.8. For Special Meetings, the agenda shall be prepared as the Mayor, or in the case of a petition from Members, the Clerk, may direct.
- 7.9. The agenda for the Public Meeting of Council dealing with matters under the *Planning Act* shall be in the possession of the Clerk not later than noon on the Tuesday of the week prior to the Planning Public Meeting of Council.

Section 8 – Rules of Debate

- 8.1. No Member shall be deemed to have precedence or seniority over any other Member.
- 8.2. Before speaking to a question or motion, a Member shall be recognized by the Chair and placed on the speakers' list.
- 8.3. When a Member is speaking, no other Member shall pass between that Member and the Chair or interrupt that Member except to raise a point of order or privilege.
- 8.4. A Member may request, without explanation, that a recorded vote be taken.
- 8.5. A Member may request the question or motion under discussion to be read at any time but not so as to interrupt a Member who is speaking to the question or motion.
- 8.6. A Member may ask a question only for the purpose of obtaining facts or clarification relevant to the matter under discussion.
- 8.7. Questions shall not be used as a means of making statements or assertions and may be asked of the previous speaker, the Chair or an official of the Township.
- 8.8. The following points and motions may be introduced orally without written notice and without leave:
 - 8.8.1. a point of order;
 - 8.8.2. a point of privilege;
 - 8.8.3. a motion to adjourn;
 - 8.8.4. a motion to call the question;
 - 8.8.5. a motion to recess.
- 8.9. The following motions may be introduced without notice and without leave, but

shall be in writing and signed by the Mover and Seconded:

- 8.9.1. to amend;
 - 8.9.2. to suspend the rules of procedure;
 - 8.9.3. to refer (see Section 9.14.); and
 - 8.9.4. to go into closed session (if all procedural requirements of Section 3 – Closed Meetings have been met **and** the matter is of an urgent nature.)
- 8.10. In directing the course of debate, the Chair shall:
- 8.10.1. designate the Member who has the floor when two or more Members wish to speak;
 - 8.10.2. read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided for within this Procedure By-law.
- 8.11. In addressing the Council, no Member shall:
- 8.11.1. use indecent, offensive or insulting language in or against the Council or any Member thereof or against any member of staff;
 - 8.11.2. criticize any decision of Council;
 - 8.11.3. disobey the ruling of Council or a decision of the Chair on questions of order or practice or on the interpretation of the rules as provided within this Procedure By-law.

Section 9 – Voting on Motions

- 9.1. The adoption of a resolution can only be accomplished by way of a motion. The following conditions shall apply:
- 9.1.1. All motions must be made in writing;
 - 9.1.2. All motions must be moved and seconded before debate;
 - 9.1.3. A motion must be read out by the Chair or designate.
- 9.2. The Chair may not move or second any motion but may vote on a motion. The Chair may appoint a member to preside in their place and vacate the chair in order to move or second a motion. The Chair will resume the chair following vote on the matter.
- 9.3. After a motion is read or stated by the Chair it shall be deemed to be in the possession of Council but may, by a majority vote of Council, be withdrawn at any time before decision or amendment.
- 9.4. Every Member present at a meeting of Council or Committee of the Whole when a question is put, shall vote unless prohibited by statute, in which case the Clerk shall record the name of the Member and the reason that the Member is prohibited from voting.
- 9.5. When a vote is taken on a motion and a tie results, the motion is deemed to be lost.
- 9.6. If any Member at a meeting of Council or Committee of the Whole abstains from voting when the question is put, the Member shall be deemed to have voted in the negative except where the Member has been prohibited from voting by statute. Upon a recorded vote as per s. 1.32.3., it shall be recorded as such.
- 9.7. When a recorded vote is requested by a Member, immediately before or after the question is put, the Clerk shall record the name and vote of every Member alphabetically by surname, beginning with the requestor, and upon completion the

Clerk shall announce the results.

- 9.8. When the Chair calls for a vote on a question, each Member shall occupy his or her seat and shall remain there until the result of the vote has been declared by the Chair and during this time, no Member shall walk across the room or speak to any other Member or make any noise or disturbance.
- 9.9. After a question is put by the Chair, 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.
- 9.10. No meeting shall be closed to the public during a vote and no vote shall be taken by ballot or by any other method of secret voting and every vote so taken shall be of no effect, except where it is permitted by statute.
- 9.11. Notwithstanding subsection 9.10., a meeting may be closed to the public during a vote if the following conditions are **both** satisfied:
 - 9.11.1. the vote relates to an issue permitting the meeting to be closed to the public in accordance with Section 3 -Closed Meetings of this By-law;
and
 - 9.11.2. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under a contract with the Township.
- 9.12. **Notice of motion:**
 - 9.12.1. Notice of all new motions, except motions listed in subsection 8.8., shall be given in writing:
 - 9.12.1.1. at a meeting of Council, but shall not be debated until the next regular meeting of Committee or if no future Committee of the Whole meeting has been scheduled, to regular Council; or
 - 9.12.1.2. delivered to the Clerk not later than noon on the Tuesday of the week prior to the date of the meeting at which the notice of motion is to be introduced.
 - 9.12.2. Where a Member's notice of motion has been called by the Chair at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
 - 9.12.3. Where Council has determined not to drop a notice of motion from the agenda and at the second meeting such notice of motion is called by the Chair and not proceeded with, it shall be deemed to have been withdrawn.
- 9.13. **A motion to amend:**
 - 9.13.1. is open to debate;
 - 9.13.2. shall be presented, duly moved and seconded;
 - 9.13.3. shall be made only to a previous motion or to amend an amendment to the motion;
 - 9.13.4. shall be relevant to the motion to be decided;
 - 9.13.5. shall not be received if, in essence, it constitutes a rejection of the main motion;
 - 9.13.6. shall be put in the reverse order (i.e. an amendment to the amendment, then the amendment as amended, then the main motion as amended).
- 9.14. **A motion to refer the question:**

- 9.14.1. is open to debate;
 - 9.14.2. shall include the name of the individual or body to whom the question is to be referred; and
 - 9.14.3. may include instructions respecting the terms upon which the question is to be referred;
 - 9.14.4. a motion to refer is not debatable except where instructions are included, in which case, only the instructions shall be debatable;
 - 9.14.5. a motion to refer may be amended in accordance with subsection 9.13. of this By-law.
- 9.15. **A motion to adjourn shall always be in order except:**
- 9.15.1. when a member is speaking or during the taking of a vote; or
 - 9.15.2. immediately following the affirmative resolution of a motion that a vote on the question now be taken; or
 - 9.15.3. when a Member has already indicated to the Chair that he or she desires to speak on the motion; or
 - 9.15.4. when resolved in the negative, cannot be made again until Council has conducted further proceedings.
- 9.16. **A motion to call the vote:**
- 9.16.1. cannot be amended;
 - 9.16.2. cannot be proposed when there is an amendment under consideration;
 - 9.16.3. when resolved in the affirmative, shall be forwarded by voting on the motion, without debate or amendment;
 - 9.16.4. when resolved in the negative, shall be followed by resumption of debate; and
 - 9.16.5. shall be in order except when a Member is speaking or before the first-time speakers' list is exhausted.
- 9.17. **A motion to reconsider:**
- Council may reconsider an entire resolution that was decided by any term of Council.
- 9.17.1. Subject to paragraphs 9.17.2 and 9.17.3 of this subsection, after a question is been decided on, it shall not be reconsidered during the term of Council unless a motion to reconsider is carried by the majority of the Members present and voting; and
 - 9.17.2. Only a member who voted with the majority on the question or who was absent from the vote or who was not a Member of Council at the time may move or give notice for a reconsideration of that question;
 - 9.17.3. Debate on a motion for reconsideration must be confined to reasons for or against reconsideration;
 - 9.17.4. Such a reconsideration can either amend the previous decision or rescind it. No resolution shall be reconsidered more than once during the term of Council. A motion to reconsider shall not be reconsidered.
 - 9.17.5. A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by Council.

- 9.17.6. Despite subsection 9.17.2, in the event that section 7(1) of the *Municipal Conflict of Interest Act* (Remedy for Lack of Quorum) is applied, any member who does not have a disqualifying interest, may move or give notice for a reconsideration of that question.
- 9.18. **A motion to defer:**
- 9.18.1. is not open to debate;
 - 9.18.2. is not subject to amendment; and
 - 9.18.3. applies to the main motion and any amendments thereto under debate at the time the motion to defer is made.
- 9.19. The following motions are in order of procedural priority:
- 9.19.1. to adjourn;
 - 9.19.2. to recess;
 - 9.19.3. to request information;
 - 9.19.4. to call the question;
 - 9.19.5. to refer;
 - 9.19.6. to defer;
 - 9.19.7. to amend.
- 9.20. The following motions/points are not debatable:
- 9.20.1. to adjourn;
 - 9.20.2. to defer;
 - 9.20.3. to suspend the rules;
 - 9.20.4. point of order;
 - 9.20.5. point of privilege.
- 9.21. A motion in respect of a matter that is outside the jurisdiction of Council shall not be in order.
- 9.22. Every motion duly moved and seconded, shall be received by the Chair and shall then be open for discussion prior to the vote being taken.
- 9.23. No Member shall speak more than once on the same motion except:
- 9.23.1. when considering a report from committee or staff; or
 - 9.23.2. to explain a part of his or her speech that may have been misinterpreted; or
 - 9.23.3. with Council's leave after the list of first-time speakers has been exhausted; or
 - 9.23.4. in reply for clarification if he or she is the Member who presented the motion; or
 - 9.23.5. that Member (or Members) who presented the motion, may if the Member so wishes, notwithstanding any other provisions in the rules of procedure, speak last to the motion before the vote is taken; or
 - 9.23.6. to raise a point of order or privilege.
- 9.24. Immediately preceding the call for the vote, the Chair shall state the question in the form introduced if requested by a Member.
- 9.25. When the vote is called, the disposition of the motion shall be determined by a

show of hands.

- 9.26. All resolutions in order to be valid shall require a majority of votes from the Members present and voting.
- 9.27. Any order or direction to staff of The Corporation to do any matter or thing must emanate from a resolution of Council, recognizing that the authority of the Committee of the Whole and other committees is limited to making recommendations to Council.

Section 10 – Conduct of Meetings

- 10.1. All members of Council shall govern themselves in accordance with Council's Code of Conduct and Council-Staff Relations Policy.
- 10.2. It shall be the duty of the Chair to:
 - 10.2.1. preserve order and decorum, decide questions of order (subject to an appeal to Council by any Member);
 - 10.2.2. open the meeting by assuming the Chair and calling the Members to order;
 - 10.2.3. announce the business before the Council in the order in which it is to be considered;
 - 10.2.4. receive and submit in the proper manner all motions presented by the Members;
 - 10.2.5. put to a vote all motions properly moved and seconded, or that necessarily arise in the course of the proceedings, and announce the results of the vote;
 - 10.2.6. decline to put to a vote all motions that contradict the rules contained within this Procedure By-law;
 - 10.2.7. restrain the members when engaged in debate, following the rules contained within this Procedure By-law;
 - 10.2.8. enforce on all occasions the observance of order and decorum among the Members;
 - 10.2.9. call by name any Member persisting to breach the rules of order contained within this Procedure By-law;
 - 10.2.10. receive all messages and other communications and announce them to the Council;
 - 10.2.11. authenticate by signature, when necessary, all by-laws, resolutions and minutes of the Council;
 - 10.2.12. represent and support Council, declaring its decision in all things;
 - 10.2.13. ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of Council;
 - 10.2.14. adjourn the meeting without putting the question in the event of grave disorder arising in the Council Chambers;
 - 10.2.15. adjourn the meeting when business has been concluded.

Section 11 – Decorum

- 11.1. No Member shall:
 - 11.1.1. disturb another Member or Council itself by any unruly or disorderly conduct;

- 11.1.2. ignore the rules of Council or disobey the decision of the Chair or the Council on questions of order or procedure as contained within this Procedure By-law;
- 11.1.3. be permitted to retake his or her seat at any meeting after being ordered by the Chair to vacate after committing a breach of any rule of order of Council as contained within this Procedure By-law, without first making an apology and receiving consent of the Council expressed by a majority vote of the other Members present, determined without debate;
- 11.1.4. speak until he or she has addressed themselves to the Chair;
- 11.1.5. walk across or out of the Chambers or make any noise or disturbance when the Chair is calling the vote on a motion and shall occupy his or her seat while a vote is being taken and until the results have been declared.

Section 12 – Minutes

- 12.1. The minutes shall record:
 - 12.1.1. the date, place and time of the meeting;
 - 12.1.2. the names of the Chair, Members and staff in attendance;
 - 12.1.3. the reading, if requested, corrections and adoption of the minutes of prior meetings;
 - 12.1.4. all other proceedings of the meeting without note or comment.

Section 13 – Petitions and Communications

- 13.1. Every communication, including petitions designed to be presented before Council, shall be legibly written or printed and shall not contain any obscene or inappropriate matter or language and shall be signed and dated by at least one person, filed with the Clerk and shall include an address, telephone, and/or email address where return correspondence or contact may be directed.
- 13.2. Petitions shall be submitted as per the Township’s Petition Policy available on the Township website.
- 13.3. Unless otherwise stipulated, communications must be received in the Office of the Clerk by noon on the Tuesday of the week prior to the next Council/Committee of the Whole meeting for inclusion on the agenda.

Section 14 – Deputations and Public Comment Periods

- 14.1. **Deputations – For Matters Not on the Current Council or Committee of the Whole agendas:**
 - 14.1.1. Persons wishing to make a scheduled deputation on matters of fact or to make a request through Council, must complete the prescribed form available on the Township website and submit same to the Clerk no later than noon on the Tuesday of the week prior to the meeting of Council at which they wish to make the scheduled deputation.
 - 14.1.2. Scheduled deputations to Council may be heard by leave of Council and shall be limited to not more than ten (10) minutes regardless of how many people will speak, unless extended by agreement of Council.
 - 14.1.3. Notwithstanding subsection 14.1.1, Council may, by a majority vote, entertain deputations with less notice than otherwise required within this by-law.

- 14.1.4. Scheduled deputations may be limited to no more than two (2) submissions per Council meeting or as per the Clerk's discretion in consultation with the Mayor and CAO.
- 14.1.5. Once a deputation is made, Council shall:
 - a) direct the matter to staff for a report;
 - b) defer the matter to budget deliberations; or
 - c) receive as information and take no further action.
- 14.1.6. All scheduled deputations, whether in person or virtual, must be in public session.

14.2. **Public Comment Periods – For Matters on the Current Council or Committee of the Whole Agenda Respectively:**

- 14.2.1. A public comment period shall be held at the beginning of the Regular Meeting of Council and at the end of the Regular Committee of the Whole Meeting (prior to any closed session) for items on the respective meeting's agenda.
- 14.2.2. Those participating in the public comment period shall do so in compliance with the Public Comment Period Procedures available on the Township website.
- 14.2.3. The public comment shall be limited to fifteen (15) minutes and not more than three (3) minutes per speaker. The Mayor or Presiding Chair, upon agreement of Council, can extend the time limit of the public comment period or an individual speaker to accommodate more requests.
- 14.2.4. Each speaker is permitted to speak to one (1) item only from the respective agenda.
- 14.2.5. Comments received during the public comment period shall be received as information only, unless otherwise directed by Council.
- 14.2.6. All public comment periods, whether in person or virtual, must be in public session.

Section 15 – Taping and/or Recording of Meetings

- 15.1. Regular Committee of the Whole and Council meetings, as well as Special Meetings of Council shall be livestreamed through the Township's YouTube channel.

The inability to livestream a Meeting, that is not solely livestreamed, will not prohibit the Meeting from commencing or continuing.

Any Council Meeting held outside of the Council Chambers will be exempt from live streaming and audio recording.

The official record of all Council Meetings shall be the written minutes in accordance with the *Municipal Act*, Section 239 (1) which states that minutes of meetings are to be recorded without note or comment by the Clerk or designate.

Closed session Council Meetings shall not be live streamed or audio recorded.

- 15.2. Council or Committee of the Whole meetings, may be taped, televised or otherwise electronically or mechanically recorded by a cable television company, by any other licensed telecommunications company or by any freelance person provided such taping, televising or recording is carried out within the designated area and in such a manner as to not interfere with the proceedings of the meeting. The designated area means the area where the public is seated or at the rear of the

meeting place.

- 15.3. If, in the opinion of the Chair of the meeting, the use of recording equipment or devices is deemed to be disruptive to the conduct of the meeting, the recording privileges may be withdrawn from any offending party. The ruling of the Chair shall be final unless a Member appeals the ruling to Council which shall then decide upon the appeal without debate.

Section 16 – Use of Electronic Communication Devices

- 16.1. All cell phones, pagers and any other electronic communication devices shall be turned off or set on mute upon entering the Council Chamber or other meeting locations.

Section 17 – By-Laws

- 17.1. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any Act and shall be complete with the exception of the signatures of the Mayor and the Clerk.
- 17.2. Unless otherwise requested, all By-laws proposed for adoption shall be passed in one Motion.
- 17.3. Should Council determine that a specific by-law be considered in Committee of the Whole, it shall be referred to the Committee of the Whole for consideration prior to the third reading of that specific by-law.
- 17.4. Every by-law enacted by Council shall be numbered and dated and shall be sealed with the Corporate seal and duly signed by the Mayor and the Clerk.
- 17.5. A confirmatory by-law shall be passed at the end of every meeting of Council to confirm the proceedings at that meeting. The confirmatory by-law shall be listed on the agenda of every regular Council meeting as the last item considered by Council prior to adjournment.

Section 18 – Suspension of Procedure By-Law

- 18.1. Any section contained within this Procedure By-law may be temporarily suspended, in the absence of any statutory obligation, following a majority vote of the Members present at the meeting.

Section 19 – Severability

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

Section 20 – Title

- 20.1. The short title for this by-law shall be “The Procedure By-law.”

Section 21 – Repeal/Amendments

- 21.1. By-laws 22-012, 22-065, 23-019 and 23-062 are hereby repealed.
- 21.2. No amendment or repeal of this By-law or any part thereof shall be considered at any meeting unless notice of the proposed amendment conforms to the provisions of the Township of Tiny Notice Requirements By-law.

BY-LAW PASSED AND ENACTED THIS 13th DAY OF MARCH 2024.

THE CORPORATION OF THE TOWNSHIP OF TINY

MAYOR, David Evans

CLERK, Sue Walton