THE COPORATION OF THE

TOWNSHIP OF JOLY

BYLAW NUMBER A-2024-006

BEING A BYLAW TO ESTABLISH RULES GOVERNING THE PROCEEDING OF COUNCIL, THE CALLING OF MEETINGS AND CONDUCT OF MEMBERS, STAFF AND THE PUBLIC

Legal Authority

Scope of Powers

Section 8(1) of the Municipal Act¸ 2001, S.O. 2001, c.25, ("Municipal Act") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5 (1) of the Municipal Act provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the Municipal Act provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise

Preamble

Council for the Corporation of the Township of Joly ("Council") acknowledges that a Municipality is a level of government and requires formality and procedures in Meetings so that clear, informed, written decisions, direction, Resolutions and By-laws can be both adopted and implemented. Council, pursuant to section 238 of the Municipal Act, 2001, is required to establish the procedures governing the Meetings of Council and Committees, the conduct of its Members and the calling of Meetings.
that a municipality shall adopt rules governing the proceedings of Council, the calling of Meetings and the conduct of Members, Staff and the Public;

Decision

Council of the Corporation of the Township of Joly deems it in the best interest of Municipality of Joly to establish and approve a bylaw governing the procedures which

address the rules of order which shall be observed in all proceedings of Council, Committees of Council and Local Boards unless specifically provided otherwise.

In addition to this By-law, Members of Council are governed by the following documents and legislation:

- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act*
- Municipal Code of Conduct
- *Municipal Elections Act*
- *Municipal of Freedom of Information and Protection of Privacy Act*
- *Accessibility for Ontarians with Disabilities Act*
- *Occupational Health and Safety Act*
- Workplace Harassment/Workplace Violence Policy
- Staff Council Relations Policy
- *Planning Act*
- Accountability and Transparency By-law
- Remuneration of Council Members
- Appointment of Deputy Mayor

Members of Council shall be familiar with the above-noted documents and legislation and shall rely upon them when making decisions and exercising their powers.

Direction

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF JOLY ENACTS AND BE IT ENACTED AS FOLLOWS:

1. That the Procedural Bylaw attached hereto be adopted.

2. That any previous Bylaws pertaining to a Procedural Bylaw, resolution number 2021-028 or similar, are hereby rescinded.

3. That this Bylaw comes into effect on the date of passing.

Bylaw read a first, second and third time and finally passed at a meeting of Council on the 9th day of April, 2024

Original singed

Mayor Brian McCabe

Original copy signed

Municipal Administrator Jennifer Martin

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1. Definitions

In this By-law:

1.1 Ad-Hoc Committee

"Ad-Hoc Committee" means a Committee to advise Council on a specific issue or project. An Ad-Hoc Committee shall be governed by clear terms of reference, set out in a Resolution or By-law which includes language indicating when the Committee will cease to exist.

1.2 Agenda

"Agenda" means the list of business to be conducted at a meeting.

1.3 Chair

"Chair" means the person presiding at a Meeting.

1.4 Chief Administrative Officer

"Chief Administrative Officer" means the person appointed by the Municipality pursuant to Section *229* of the *Municipal Act*.

1.5 Clerk

"Clerk" means the person appointed by the Municipality pursuant to Section *228* of the *Municipal Act*, and other relevant legislation including Municipal Administrator.

1.6 Council

"Council" means the elected Members of the Municipal Council.

1.7 Council Package

"Council Package" means a copy of the Agenda, Reports and all other information that Members require prior to a Meeting.

1.8 Closed Meeting

"Closed Meeting" means a Meeting of Council or Committee that is not open to the public pursuant to Section *239* of the *Municipal Act* or other legislation. Closed Meeting Agenda's will be available during Closed Meeting.

1.9 Deputy Mayor

"Deputy Mayor" means a Member of Council appointed, in accordance with the Municipality's policies, to act in the place of the Mayor when the Mayor is absent.

1.10 Electronic Meeting

"Electronic Meeting" means a Meeting where any Member is not physically present but participates via electronic means of communication. Such Member does not count for Quorum. The Member participating electronically can vote. The Member participating electronically may not participate in a Closed Meeting.

1.11 Emergency Meeting

"Emergency Meeting" means a meeting, held without written notice where there is insufficient time to provide notice of a Special Meeting, to deal with an Urgent Matter confronting the Municipality.

1.12 Ex Officio

"Ex Officio" means that the Mayor is a Member of all Committees of Council established by Council unless prohibited by law. The Mayor, as an Ex Officio Member, is not entitled to vote unless legally specified otherwise.

1.13 Head of Council

"Head of Council" means the Mayor or, in the absence of the Mayor, the Deputy Mayor.

1.14 Local Board

"Local Board" means a Local Board as defined in the *Municipal Act*, and shall include the Public Utilities Commission, Police Services Board, Health Service Board and Public Library Board.

1.15 Meeting

"Meeting" means any regular, special or other Meeting of Council, a Local Board or a Committee where a Quorum of Members is present, and 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 as stated in Section *238* of the *Municipal Act*.

1.16 Member

"Member" means a Member of Council, Local Board or Committee

1.17 Motion

"Motion" means a written question moved and seconded by two Members, presented at a Meeting, read by the Chair or Clerk/Secretary subject to debate, amendment and voting by Council or a Committee. When a Motion passes, it becomes a Resolution or By-law.

1.18 Municipal Act

"*Municipal Act*" means the *Municipal Act*, 2001 SO 2001, c *25* as amended.

1.19 Municipality

"Municipality" means the Municipal Corporation of the Township of Joly.

1.20 Officers

"Officer(s)" means a person, such as the Clerk, Treasurer, Chief Building Official, Fire Chief and Integrity Commissioner, who holds a position of responsibility with definite rights and duties prescribed by statute or By-law.

1.21 Order of Business

"Order of Business" means the sequence of business to be introduced and considered in a Meeting.

1.22 Point of Procedure

"Point of Procedure" is a verbal statement made by a Member to the Chair when the Member believes there has been a contravention of the rules laid out in the Procedural By-law.

1.23 Presentation

"Presentation" means a person or group (including a Member, staff or Public) who provides information to Council or a Committee.

1.24 Quorum

"Quorum" means a majority of Members of Council or Committee.

1.25 Recorded Vote

"Recorded Vote" means a vote in Council or Committee where the names of the Members and the position in favour or against a Motion are recorded in the minutes.

1.26 Regular Meeting

"Regular Meeting" means a scheduled Meeting held at regular intervals in accordance with the approved schedule of Meetings.

1.27 Report

"Report" means a written or other Report from the Chief Administrative Officer, Clerk, Department Heads, Staff or Committee which is approved by the Chief Administrative Officer or Clerk.

1.28 Resolution

"Resolution" means a Motion that has been approved by Council.

1.29 Special Meeting

"Special Meeting" means a Meeting that is called for a specific time and for a specific purpose to deal with an important matter that has arisen between Regular Meetings.

1.30 Standing Committee

"Standing Committee" means a Committee comprised solely of Members of Council.

1.31 Unfinished Business

"Unfinished Business" means matters listed in the Agenda which have not been dealt with in their entirety at a previous Meeting.

1.32 Urgent

"Urgent" means, for the purposes of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:

a. Danger to the life, health or safety of individuals;
b. Damage to property;
c. An interruption of the essential services provided by the Municipality;
d. Immediate and significant loss of revenue by the Municipality;
e. Legal Issue and/or
f. Prejudice to the Municipality.

2. General Meeting Rules

2.1 Rules – to be observed at all times

The rules contained in this By-law shall be observed in all Meetings of Council and with necessary modifications in every Committee Meeting.

2.2 Suspending Procedural By-law

This By-law may be suspended, except for those rules or regulations set out by legislation, with the consent of at least two-thirds of the Members of Council and may be suspended before, during or after a Meeting.

2.3 Mayor

The Mayor shall act as the Chair for all Council Meetings. The Mayor may delegate his or her authority to Chair any Meeting.

2.4 Absence of Mayor

In the absence of the Mayor, if he or she refuses to act or if the office is vacant, the Deputy Mayor shall carry out the Mayor's duties and shall have all the rights, powers and authority of the Head of Council.

2.5 Absence of Deputy Mayor

If both the Mayor and the Deputy Mayor are unable to act as Head of Council for a Meeting, Council shall appoint an Acting Mayor who shall have all the rights, powers and authority of the Head of Council for the purposes of that Meeting. The Clerk shall call the Meeting to order.

2.6 Meeting Location

Unless otherwise authorized by Council, all Meetings of Council shall be held in the Council Chambers, at the Municipal Office, located at 28 Municipal Lane, Strong Township, Ontario.

2.7 Clerk

A Clerk or Deputy Clerk must be present at all Council Meetings or other Meetings where there is a Quorum of Council. The Clerk or Deputy Clerk may attend by electronic means. The Municipal Administrator shall be known as "Clerk"

2.8 Quorum

2.8.1 Quorum must be present at all Meetings.

2.8.2 If Quorum is not present fifteen (15) minutes after the time appointed for the Meeting, the Meeting will be automatically adjourned until the next Regular Meeting or until a Special Meeting is called to deal with matters intended to be dealt with at the adjourned Meeting.

2.8.3 The Clerk shall record the names of the Members present at the fifteen (15) minute time limit, will include those names on the Minutes for the adjourned Meeting and will include those Minutes on the Agenda for the next Meeting.

2.8.4 If at any time during a Meeting there is not Quorum, the Meeting shall automatically be recessed until there is Quorum again or until the Chair adjourns the Meeting.

2.8.5. If at any time Council cannot be present at any meeting where their presence is required, they must notify the Clerk via phone, email, or text prior to the meeting in question.

2.9 Minutes

2.9.1 Minutes of all Meetings will be recorded without note or comment.

2.9.2 After approval, minutes of all Meetings, except Closed Meetings, will be posted in accordance with the applicable municipal policies.

2.10 Arriving Late/Leaving Early

If a Member arrives after a Meeting has started or leaves before the end of the Meeting, the Clerk will record in the minutes the time of arrival/departure. If a Member needs to leave before the end of a Meeting, they must inform the Chair and be excused. The best practice is to advise the Chair at the beginning of Meeting that the Member needs to leave before the end of the Meeting.

2.11 Staff Attendance

Staff have a statutory duty to provide advice to Council. As such, staff, and particularly Officers and Department Heads, are expected to attend Council Meetings and to provide advice on a regular basis. Staff and Officers shall attend Meetings of Council when required by the Municipal Administrator. If staff cannot attend meeting due to illness or out of office for any reason they must notify the Municipal Administrator

2.12 Declaration of Conflicts of Interest

2.12.1 Where a Member has a pecuniary interest and discloses that interest in accordance with Section *5* of the *Municipal Conflict of Interest Act*, the Member will:

1. Provide a written statement of the interest and its general nature to the Clerk in accordance with Schedule A;
2. Will vacate seat at the Council Meeting while the issue is considered; and
3. Will take no steps to influence the decision in any way, either prior to, during or after the Meeting, even if the Member did not attend the Meeting where the matter was discussed.

2.12.2 If the Member is not at a Meeting where a matter in which they have a conflict of interest was discussed, they must declare the conflict at the next Meeting and complete the written statement. Alternatively, if the Member knows they will not be at the Meeting where they have a conflict of interest in an item Council will consider, they can advise the Clerk and complete the declaration prior to the Meeting.

2.12.3 Members will, at all times, comply with their statutory obligations pursuant to the *Municipal Conflict of Interest Act*.

2.13 Rules of Debate

2.13.1 The Chair shall preside over the Meeting, ensure good order and decorum, and rule on procedural questions.

2.13.2 All Agenda items to be discussed are to proceed by Motion.

2.13.3 Each Motion requires a moving Member and a seconding Member. If no Member agrees to move or second the Motion, the item will be struck from the Agenda and will not be subject to debate.

2.13.4 The Chair or the Clerk will read the Motion or question.

2.13.5 The mover has the first right of speaking on the Motion, after the Chair.

2.13.6 The seconder has the next right of speaking on the Motion after the Chair and the mover have spoken.

2.13.7 After the Chair, the mover and the seconder have spoken, the Chair will canvas each remaining Member for their opinion on the Motion.

2.13.8 After being recognized by the Chair, every Member shall respectfully acknowledge the Chair before speaking on any matter.

2.13.9 A Member shall not speak a second time on a matter until all Members have had a chance to speak, except:

a. With permission of Council;
b. If questioned by another Member;
c. To explain comments which the Member believes have been misunderstood; or,
d. In the case of the mover of a Motion, in reply just before the Chair and after everyone else has spoken.

2.13.10 No Member, without the permission of Council or the Committee, shall speak to a matter or in reply for longer than five (5) minutes.

2.13.11 Motions and amendments to a Motion must be moved and seconded in writing and signed by the mover and seconder.

2.13.12 A Motion may be withdrawn at any time prior to the vote thereon with the consent of the majority of Members present.

2.13.13 When a matter is being debated, no other Motion shall be entertained other than a Motion:

a. To refer the matter to a certain body;
b. To amend the Motion;
c. To defer the Motion;
d. To adjourn the Meeting;
e. That the vote be taken.

2.13.14 A Motion to refer or defer shall be heard before any Motion or amendment, except a Motion to adjourn.

2.13.15 A Motion to refer shall require direction as to the body to which it is being referred and a date the body is to Report to Council or Committee. A Motion to refer is not debatable.

2.13.16 A Motion to defer must give a reason and a date to which the matter is deferred. Only the date of deferral is debatable.

2.13.17 A Motion that the vote be taken shall not be entertained by the Chair until each of the Members has had an opportunity to speak on the matter at least once.

2.13.18 Once a Motion that the vote be taken is passed, the original Motion and any amendments shall be voted upon without further debate.

2.14 Conduct

Members are required to follow the Municipality's Code of Conduct during all Meetings.

2.14.1 No Member shall:

a. Speak disrespectfully of the Mayor, Deputy Mayor, Member, Staff, or any Member of the Public;
b. Engage in private conversation while in the Council Chambers in such manner as to interrupt the proceedings of Council;
c. Speak on any subject other than the subject in debate;
d. Speak in open Council about matters discussed in a Closed Meeting until authorized by Council;
e. Interrupt a Member who is speaking by speaking out, or making a noise or disturbance, except to raise a procedural question; and
f. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee.

2.14.2 At a Meeting, no person shall:

a. Speak disrespectfully of the Mayor, Deputy Mayor, a Member, any staff person, or any Member of the Public;
b. Use offensive words;
c. Disobey the procedural rules or the decisions of the Chair or of the Council or Committee;
d. Leave his or her seat while a vote is being taken and until the results of the vote are declared;
e. Make any disruptive noise or disturbance;
f. Enter the Meeting while a vote is being taken;
g. Walk between a Member who is speaking and the Chair; and
h. Display signs or placards, applaud, engage in conversation or any other behaviour, which may disrupt debate.

2.14.3 Electronic devices must be silenced during a Meeting and must not be used to disrupt a Meeting.

2.14.4 No persons, except Members, the Clerk or the Secretary of a Committee, may approach Members without permission from the Chair.

2.14.5 No person shall speak aloud at a Meeting or address Members without first receiving permission from the Chair.

2.14.6 All remarks shall be addressed to the Chair. Members of the Public will not routinely be recognized and permitted to speak during a debate. Members of the Public may not be recognized unless:

a. Consent is given by a majority of Council; and
b. The Member(s) of the Public are speaking to an item on the Agenda.

2.14.7 Any person who contravenes any of the rules in this By-law are guilty of misconduct and, after an initial warning, may be removed from the Meeting by the Chair.

2.15 Questions during Debate

2.15.1 A Member may, through the Chair, ask a question arising out of or request an explanation of the previous speaker's remarks.

2.15.2 A Member may, through the Chair, ask questions during the discussion on any item on the Agenda and ask questions on the item to any staff of the Municipality in attendance at the Meeting.

2.15.3 Any Member may, at any time during the debate, request that a Motion under discussion be read by the Chair. A Member may only make such a request once and may not interrupt another Member while they are speaking.

2.16 Points of Procedure

2.16.1 When a Member believes there is a violation of the By-law, the Member shall state that they wish to raise a Point of Procedure. Once recognized by the Chair, the Member shall raise the Point of Procedure. A Point of Procedure can only be raised during the Meeting.

2.16.2 Upon raising the Point of Procedure, a Member shall explain the violation of the rules and the Chair shall rule upon the Point of Procedure.

2.16.3 Once the Point of Procedure has been dealt with, the debate shall resume, unless the ruling has changed this procedure.

2.16.4 Any Member may appeal a ruling of the Chair by announcing their appeal to the Members. An appeal must be made immediately following the Chair's ruling. If the appeal is not made immediately, the Chair's ruling shall be final.

2.16.5 Upon appeal, the Member shall state the reasons for the appeal. The Chair may then indicate why the appeal should be rejected.

2.16.6 Without debate on the appeal, the Members, apart from the Member making the appeal and the Chair, shall vote on the appeal.

2.16.7 If the appeal is upheld by the majority of voting Members, the Chair shall change his or her ruling accordingly; if the appeal is rejected then the ruling stands.

2.16.8 No Member shall disobey the rules of Council or a decision of the Mayor, Chair or Council on questions of order or procedure or an interpretation of the rules of Council.

2.16.9 Where a person (including a Member) has been warned about misconduct and has continued the conduct, the Chair may expel the person from the Meeting. If such person refuses to leave, the Chair may recess or adjourn the Meeting without any Motion to do so until such time as the person has left the Meeting room.

2.16.10 If the person engaging in misconduct is a Member and the Member apologizes, he or she may, by vote of the majority Council, be permitted to retake his or her seat.

2.17 Voting – General

2.17.1 Once the vote is called by the Chair, no Member shall speak to any issue, ask any question or present any other Motion until the vote has been taken.

2.17.2 Voting shall be by way of a "show of hands" in favour or against, except when a Recorded Vote is requested.

2.17.3 A Member may request a Recorded Vote on any Motion. Such request may be made before, during or after the vote. When a Recorded Vote is requested, the Clerk shall call each Member's name in alphabetical order and request and record their vote on the Motion. Notwithstanding the alphabetical calling of names, the Chair shall vote last in a Recorded Vote. After completion of a Recorded Vote, the Clerk shall announce the result.

2.17.4 If a Member present at a Meeting fails to or refuses to vote, their vote will be counted as a vote against the Motion.

2.17.5 The Chair shall announce the results of the vote once the vote is completed.

2.17.6 If during a non-recorded vote, a Member disagrees with the Chair's results of the vote, the Member may object immediately to the Chair's declaration and require a Recorded Vote be taken.

2.17.7 If there is a tie vote, the Motion will be defeated.

2.17.8 When the question under consideration contains multiple options/issues, the Motion shall be split without requiring a separate Motion and each option/issue will be voted on separately. The Motion shall be split without debate.

2.18 Corrections

A Motion containing a minor or typographic error may be corrected on the request of the mover and seconder and the correction shall be made in writing on the face of the Motion and initialed by the mover and seconder.

2.19 Amendments

The following rules shall apply to amendments to Motions:

a. A "Motion Amendment" is a change to the question asked in the Motion;
b. An "amendment to an amendment" is a change to the proposed Motion Amendment;
c. Only one amendment (whether a Motion Amendment or an amendment to an amendment) can presented at a time;
d. When an amendment has been decided upon, another may be introduced;
e. The order of voting shall be:
    1 an amendment to an amendment shall be voted upon;
    2 a Motion Amendment shall be voted upon next, and
    3 the Motion, as amended, shall finally be voted upon.

An amendment which is simply a rejection of the Motion will not be permitted.

2.20 Voting – Reconsideration

2.20.1 When a Motion has been decided, any Member who voted with the majority may move for the Motion to be reconsidered. The reconsidering of the Motion shall be called the "Motion to Reconsider". Members who are not in the majority cannot move for a Motion to Reconsider.

2.20.2 Before a Motion to Reconsider is heard, the Motion to Reconsider must be added to the Agenda. The Motion to Reconsider shall only be added to the Agenda upon Council's approval.

The process whereby a Motion to Reconsider is added to the Agenda is set out below:

a. A Member who voted in the majority shall move for the Motion to Reconsider to be added to the Agenda.
b. The Chair shall ask the Member to affirm that they voted with the majority.
c. The Chair shall hold a vote whereby the Members shall vote on whether to allow the Motion to Reconsider to be added to the Agenda.
d. When the Member is moving to have the Motion to Reconsider added to the Agenda of the same Meeting as that at which the Motion was originally voted on, **the majority** of Members must agree to add the Motion to Reconsider to the Agenda.
e. When the Member is moving to have the Motion to Reconsider added to the Agenda of a Meeting other than that at which the Motion was originally voted on, **a 2/3 majority** (4 of 5 Members if all Members present) must agree to add the Motion to Reconsider to the Agenda.
f. Once the Motion to Reconsider is added to an Agenda, the Motion to Reconsider follows the same process as all other Motions.
g. No Motion shall be reconsidered more than twice in the same calendar year.
h. A Motion to Reconsider of any decided matter shall not operate to stop or delay an action on the decided matter.
i. Debate on a motion to add a Motion to Reconsider to the Agenda must be confined to reasons for or against reconsidering the Motion.
j. No Committee shall reconsider any question decided by Council during the current term nor consider any other matter, which could involve a decision inconsistent with such Council decision, unless specifically authorized by Council.

3. Roles and Responsibilities

3.1 Head of Council (*Municipal Act, s.225*)

It is the role of the Head of Council to:

a. Act as Chief Executive Officer ("CEO") of the Municipality;

b. Preside over Council Meetings so that its business can be carried out efficiently and effectively;
c. Assign the seating arrangements in Council Chambers for all Members prior to the First Meeting of Council;
d. Provide leadership to Council;
e. Provide information and recommendations to Council with respect to the role of Council;
f. Represent the Municipality at official functions;
g. Uphold and promote the purposes of the Municipality;
h. Promote public involvement in the Municipality's activities;
i. Act as the representative of the Municipality both within and outside the Municipality and promote the Municipality locally, nationally and internationally;
j. Participate in and foster activities that enhance the economic, social and environmental well-being of the Municipality and its residents; and
k. Carry out duties prescribed by the *Municipal Act*.

3.2 Chair

It is the role of the Chair to:

a. Open Meetings by calling the Meeting to order;
b. Address the business listed on the Agenda;
c. Receive and have read to Council all Motions presented by Members;
d. Put to a vote all Motions which are moved and seconded, and announce the result of the vote;
e. Decline to put Motions to a vote which breach the Procedural By-law or other Legislation;
f. Enforce, on all occasions, order, polite conduct and decorum among all present at a Meeting;
g. When, in the Chair's opinion, the words or conduct of any person, including a Member, is in contravention of the Procedural By-law or is causing unreasonable disruption to the Meeting, rule the person out of order and require the person to cease the activity or vacate the Meeting;
h. Provide information to Members on any matter relating to the business of the Municipality;
i. Authenticate by signature all By-laws, Resolutions and Minutes;
j. Rule on any points of order raised by Members;
k. Maintain order, and, where it is not possible to maintain order, adjourn Meetings to a time to be named by the Head of Council without any Motion being put forward; and
l. Call for the adjournment of the Meeting when business is concluded.

3.3 Deputy Head of Council (*Municipal Act s.242*)

3.3.1 In the event the Head of Council is absent from the Municipality, the Deputy Head of Council shall act in his or her absence and shall have all the rights, powers, and authority as the Head of Council.

3.3.2 If the Deputy Head of Council is unable to act in the place and stead of the Head of Council and Quorum is present at the Meeting, the Clerk shall call the Meeting to order and another Councillor shall be appointed by Council to act as the presiding official and shall preside over the Meeting.

3.4 Council (*Municipal Act, s. 224*)

It is the role of Council to:

a. Represent the public and to consider the well-being and interests of the Municipality;
b. Develop and evaluate the policies and programs of the Municipality;
c. Determine which services the Municipality provides;
d. Ensure that administrative practices and procedures are in place to implement the decisions of Council;
e. Ensure the accountability and transparency of the operations of the Municipality, including the activities of the senior management of the Municipality;
f. Maintain the financial integrity of the Municipality; and
g. Carry out duties of council prescribed by the *Municipal Act*.

3.5 Clerk (*Municipal Act, s. 228*)

It is the duty of the Clerk to:

a. Record, without note or comment, all Resolutions, decisions and other proceedings of Council;
b. If required by any Member present at a vote, record the name and vote of every Member voting on any matter or questions;
c. Keep the originals or copies of all By-laws and of all minutes of the proceedings of Council;
d. Perform other duties required under the *Municipal Act* or any other *Act*; and
e. Prepare Council packages for all Members to pick up or send electronically;
f. Perform any other duties as assigned by the Municipality.

The Clerk, where appropriate, may delegate, in writing, the duties of the Clerk to another person in accordance with Section *228(4)* of the *Municipal Act*.

3.6 Staff (*Municipal Act, s.227*)

It is the duty of Staff to:

a. Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
b. Undertake research and provide advice to Council on the policies and programs of the Municipality; and
c. Carry out other duties required under the Act and other duties assigned by the Municipality.

3.7 Chief Administrative Officer (*Municipal Act, s. 229*)

It is the duty of the Chief Administrative Officer to:

a. Exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operation of the Municipality; and
b. Perform such other duties as are assigned by the Municipality.

3.8 Members of the Public

It is the role of Members of the Public to:

a. Attend Meetings which are open to the public;
b. Follow the rules of order, polite conduct and decorum;
c. Provide input and information to Council only at Meetings, or portions of Meetings specifically designed for public engagement and in a manner dictated by Council (eg. writing, in person, electronic, etc.)

4. Meetings

4.1 First Meeting

4.1.1 The First Meeting of the newly elected or acclaimed Council after a regular election shall be held on the fourth Tuesday in November at 5:30 pm.

4.1.2 At the First Meeting, the Clerk shall administer the declarations of office and oaths of allegiance, and the Code of Conduct for all Members.

4.1.3 No business shall be conducted at the First Meeting until the declarations of office and oaths of allegiance and Code of Conduct have been administered to all Members.

4.2 Regular Meetings

4.2.1 Time and Place. Regular Meetings shall be held on the second Tuesday of each month at 5:30 pm.

4.2.2 Election Year. Following a regular election, Council shall only meet as is deemed necessary by the Head of Council and the Clerk, until the new term of Council takes effect.

4.3 Special Meetings

4.3.1 A Special Meeting is a Meeting that is called for a specific time and for a specific purpose to deal with an important matter that must be dealt with before the next Regular Meeting.

4.3.2 The Head of Council. The Head of Council may, at any time, summon a Special Meeting by providing a Notice of the Meeting to Members and the Clerk twenty-four (24) hours before the Meeting.

4.3.3 Upon receipt of a petition from the majority of Council, the Clerk may summon a Special Meeting by providing a Notice of Meeting to Members twenty-four (24) hours before the Special Meeting.

4.3.4 The only business to be dealt with at a Special Meeting is that which is listed in the Notice of the Meeting.

4.3.5 Special Meetings may be open or closed, depending on the business of the Special Meeting, as provided in the *Municipal Act*.

4.4 Electronic Participation

4.4.1 Members who are not physically present for a Meeting, but participate via electronic means of communication shall be counted for the purposes of determining Quorum. The Member so participating can vote, but may not participate in a Closed Meeting.

4.4.2 Notwithstanding section 4.4.1 or anything to the contrary herein, during an emergency declared in accordance with the provisions of the *Emergency Management and Civil Protection Act*:

(a) Members participating in a meeting via electronic means of communications may be counted for the purposes of determining Quorum;

(b) Members participating in a meeting via electronic means of communication may participate in Closed Meetings;

(c) the Head of Council or delegate may chair a meeting electronically;

(d) the Clerk Treasurer may clerk a meeting electronically;

(e) Meetings may proceed even though any or all Members and/or the Clerk Treasurer are participating electronically;

(f) Meetings may be made open to the public by live-stream on an appropriate internet-based platform, by telephone conference, or by other available electronic means; and

(g) All time limits and time parameters in this By-law may be amended to reflect reasonable timelines in the circumstances of the emergency and such amendments shall be recorded in the minutes. For greater clarity, this is intended to allow Council to wait for Quorum for more than fifteen (15) minutes before or during a meeting in light of potential communication difficulties and to lengthen or shorten timelines for notice and other procedures as required in emergency circumstances.

4.4.3 In deciding to hold a Meeting electronically pursuant to section 4.4.2(f), Council shall consider whether health and safety issues dictate that members of the public should not gather together in Council chambers, including but, not limited to, cases of epidemic or pandemic. When Council makes such a decision, the reasons for the decision not to permit physical attendance by the public shall be recorded in the minutes. Council shall have regard to recommendations and advice from the applicable authority including, but not limited to the Provincial Government or Public Health Authorities.

4.4.4 Should Council decide to hold a Meeting electronically, Meeting agenda shall include information on how the public may be provided access to the web link, phone number or other electronic means of public participation.

4.5 Emergency Meetings

4.5.1 An Emergency Meeting may be called by the Head of Council and/or the Clerk, without written notice, to deal with an Urgent Matter.

4.5.2 The Clerk Treasurer will attempt to notify all Members and the appropriate staff about the Urgent Meeting in the most expedient manner available and as soon as possible. The Clerk shall make a reasonable effort to advertise the Urgent Meeting to the public.

4.5.3 Only business dealing directly with the Urgent Matter shall be dealt with at the Emergency Meeting.

4.5.4 Quorum is still required at an Emergency Meeting.

4.5.5 These provisions shall apply, with necessary modifications, to Committees and Local Boards.

4.6 Closed Meetings

4.6.1 A Closed Meeting is a Meeting, or a portion of a Meeting, that is not open to the Public.

4.6.2 No Member, Officer or employee shall disclose the subject matter or deliberation of a Closed Meeting, unless expressly authorized to do so by Council or the Committee.

4.6.3 After the Closed Meeting is adjourned the Chair shall report to the public:

a. That the Meeting has resumed open session; and,
b. The general nature of the matters dealt with in the Closed Meeting.

4.6.4 **Permissive Closed Meetings**. A Meeting may be closed where the matter to be discussed is, as contemplated in Section *239 (2)* of the *Municipal Act*, as follows:

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 employer 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;
h. 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;
i. 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;

j. 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
k. 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.

A Meeting may be closed if the Meeting is held for the purpose of educating or training the Members and at the Meeting no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

4.6.5 **Mandatory Closed Meeting**. A Meeting must be closed if the subject matter being considered is, as detailed in Section *239 (3)* of the *Municipal Act*, as follows:

a. A request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the Council, Board, Commission or other body is the head of an institution for the purposes of that *Act*;
b. An ongoing investigation respecting a Municipality, a Local Board or a municipality controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in Subsection *223.13 (1)* of the *Municipal Act*, or the Investigator referred to in Subsection *239.2 (1)* of the *Municipal Act*.

A meeting must be closed if the subject matter being considered is a harassment, complaint or investigation, pursuant to the *Occupational Health and Safety Act*.

4.7 Cancelled Meetings

4.7.1 A Meeting may be cancelled by the Head of Council, in consultation with the Clerk Treasurer, in the following instances:

a. Quorum cannot be achieved;
b. By Council Resolution;
c. In the event of an unforeseen, significant event; or
d. The Meeting is no longer required.

4.7.2 For the purposes of section 4.6, an unforeseen, significant event includes, but is not limited to, the following:

a. Safety concern for participants in the Meeting, including Members and Members of the Public (ex. Snow storm, closing of highway);
b. Loss of heat/electricity or water;

c. Clerk/deputy clerk's inability to attend;
d. A state of emergency;
e. The inability of a required participant to attend; and/or
f. The Meeting becomes redundant.

4.7.3 The Clerk Treasurer will attempt to notify all Members and the appropriate staff about the cancelled Meeting in the most expedient manner available and as soon as possible. The Clerk Treasurer shall make a reasonable effort to advertise to the public that the Meeting has been cancelled.

5. Notice of Meetings

5.1 Annual Schedule of Meetings

5.1.1 The Clerk shall, by December 31st of each calendar year, submit a schedule of the upcoming Regular Meetings for each Council year for consideration and adoption by Council.

5.1.2 The Clerk shall post on the municipal website notice of all Meetings. This posting will constitute notice to the public of the Meeting.

5.1.3 Prior to the first Meeting in January of each year, the Clerk shall post on the municipal website the schedule for all Regular Meetings for the calendar year.

5.1.4 The Clerk may amend the schedule from time to time with the direction of Council to reflect scheduling conflicts and holidays. The Clerk's amendments shall be circulated to all Members and will be posted on the municipal website as soon as possible after the amendments are made.

5.1.5 The Clerk shall give at least twenty-four (24) hours' notice to the public of all Special Meetings and Committee Meetings unless the time for notice is waived unanimously by Members who are in attendance at the Special Meeting or Committee Meeting.

5.1.6 Where a statute or the Notice By-law requires, notice will be published in accordance with the statute/By-law. The notice will also be posted on the municipal website.

5.1.7 Nothing in this Procedural By-law prevents the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

5.1.8 Lack of receipt of notice or failure to comply with the notice provisions of this Procedural By-law shall not invalidate the Meeting or any decision of Council or the Committee made at the Meeting.

6. Agenda

6.1 Agenda

6.1.1 It shall be the duty of the Municipal Administrator Clerk to prepare the Agenda of all Meetings in consultation with the Mayor. Where there is a dispute about including or excluding an item from the Agenda, the Clerk's decision shall be final.

6.1.2 All Council Agendas shall be prepared by the Clerk in writing and shall be in accordance with the attached Schedule B.

6.1.3 The Council Meeting shall consider the items to be dealt with in accordance with the order that is set out in the Agenda unless otherwise decided by Resolution of the Members present at the Meeting.

6.1.4 Items on the Agenda, but not dealt with at the Meeting, will be placed on the next Regular Meeting Agenda under "Unfinished Business" unless set to a subsequent Meeting by Resolution of the Members present.

6.1.5 If a Member wishes to add an item that is not otherwise on the Agenda, when Council is considering the Meeting Agenda, the Member shall advise Council of the item and the Member shall require a two-thirds majority (4 of 5 Members if all Members present) vote to have the item considered.

6.1.6 All items to be included on the Agenda will be provided to the Clerk by Members, or the Public no later than noon (12 pm) on the Thursday prior to the Meeting day. Staff Reports for a Meeting will be finalized and filed with the Clerk no later than noon (12 pm) on the Thursday prior to the Meeting.

6.1.7 Members wishing to have a matter placed on the Agenda will provide the Clerk with their request via email using the template attached as Schedule E.

6.1.8 Individuals or Bodies wishing to have a matter placed on the Agenda will provide the Clerk with their request via email using the template attached as Schedule E.

6.1.9 The Mayor and Municipal Administrator Clerk may decline to add items and/or Reports to an Agenda. Reasons to decline include, but are not limited to the following:

a. More time is required to prepare Staff Reports for Council;
b. The Delegation Request Form was not submitted by the deadline;
c. The Delegation Request Form is incomplete;
d. The subject matter of the Delegation is outside of the jurisdiction of Council;
e. The subject matter is with respect to a matter that should be discussed in a Closed Meeting;
f. The Meeting Agenda is already too lengthy;
g. The subject matter is set to be discussed on another Agenda;
h. The issue is frivolous or vexatious;
i. The issue has been or is to be considered by the Committee of Adjustment;
j. Council has previously considered or decided the issue and a Delegation has appeared before Council with respect to the same issue;
k. Council previously indicated that it will not hear further from this Delegation; or
l. The issue should be referred to the Administrative Department for action.

Council Packages will be available to Council no later than four (4 pm) on the Friday before the Meeting.

6.2 Closed Meeting Agenda

6.2.1 In the event the Clerk receives items for a Closed Meeting Agenda, they shall be placed on the Closed Meeting Agenda and provided to Council in a separate confidential Council Package during the Closed Meeting.

6.3 Adjournment

6.3.1 A Motion to adjourn does not need a seconding Member;

6.3.2 A Motion to adjourn a Meeting will be considered at any time except the following:

a. When another Member has been recognized by the Chair and is speaking on a matter, or
b. During the taking of a vote.

6.3.3 If a Motion to adjourn is defeated, the moving Member may not bring another Motion to adjourn until the Agenda is completed.

6.4 Curfew

Meetings shall be automatically adjourned at 9:30 pm unless otherwise determined by Resolution passed by a majority of the Members present.

6.5 Committees/Appointments

6.5.1 Committees and Appointments will be governed as per Policy/Schedule C.

6.6 Electronic Participation

6.6.1 In the event a member makes a request to participate via electronic means, the member must arrange this with the Municipal Administrator before the meeting.

6.7 Amendment

6.7.1 Any provision contained in this By-law may be repealed, amended or varied and additions may be made to this By-law by a majority vote, provided that no Motion for that purpose may be considered unless notice thereof has been given in accordance with the Municipality's Notice By-law.

6.8 Mandatory Review

6.8.1 This By-law shall have a mandatory review in one year following the date of approval.

6.9 Repeal – Enactment

6.9.1 That By-law 2014-018 and amendments thereto be and are hereby repealed.

6.9.2 This By-law comes into force and takes effect on the date of enactment.

Read a first and second time this 9th day of April, 2024.

Read a third and final time and enacted and passed this 9th day of April, 2024

7. Schedules to the By-law

Schedule A – Conflict of Interest
Schedule B – Agenda and Consent Agenda
Schedule C – List of Committees/Appointments
Schedule D – Staff Report Template
Schedule E – Delegation/Member Template

Schedule A – Conflict of Interest

Council Member's Declaration of Pecuniary Interest

Pursuant to Subsection 5.1, if the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 (in force and effect on March 1, 2019), Council members must complete this form prior to the Council meeting at which they will be making a declaration of pecuniary interest, direct or indirect. Each member who is declaring a pecuniary interest shall read the statement at the appropriate time during the applicable meeting, then provide this written statement to the Clerk.

Declaration:

I, _____, declare a pecuniary interest
(Print Full Name)

In item _____ on the _____ Council agenda.
(Agenda Item #) (Date of Council Meeting)

I am making this declaration because (General nature of potential pecuniary interest):

_____

_____

I confirm that I will not vote on the matter, I will not take part in discussion on any question in respect of the matter, and I will not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

_____ _____
Signature Date

Municipal Administrator's Acknowledgement:

Received on _____ by _____
(Date) (Print Name)

_____
Signature of Clerk or Designate

Schedule B – Agenda and Consent Agenda

Township of Joly

Meeting Agenda

May 14, 2024 - Regular Meeting of Council - 05:30 PM

1.	CALL TO ORDER
2.	APPROVAL OF AGENDA
3.	DECLARATIONS OF DISQUALIFYING INTEREST (PECUNIARY)
4.	APPROVAL OF THE MINUTES OF THE MOST RECENT MEETING(S)
5.	COUNCIL DIRECTION FROM THE PREVIOUS MEETING-
6.	DELEGATIONS
7.	ROADS REPORT
8.	LEGISLATIVE MATTERS
8.1	Consent Agenda
8.2	Committee (Internal/External Reports)
8.3	Public Hearings: Planning/Zoning Matter
8.4	By-Laws for Consideration
9.	ADMINISTRATIVE MATTERS
10.	LEADERSHIP ISSUES
11.	CLOSED SESSION
11.1	Purpose
11.2	Return to Open Meeting and Report Nature of Discussion in Closed Session.
12.	CONFIRMATORY BY-LAW
13.	ADJOURNMENT

Schedule C – List of Committees/Appointments

LOCAL COMMITTEES & SHARED SERVICES WITH JOLY REPRESENTATION

Committee	Meeting Schedule	Meeting Location	Reps
Almaguin Highlands Health Centre Committee (AHHC)	Monthly 1st (first) Thursday at 10:00 am	Almaguin Highlands Health Centre Boardroom	Tom Bryson
Almaguin Recycling Initiative Hazmat Service	Spring & fall as required at 6:00 pm	Strong Township Municipal Office	Budd Brown
Almaguin Community Economic Development (ACED)	Monthly 4th (fourth) Thursday at 6 pm	Strong Township Municipal Office	Chris Nicholson
Central Almaguin Planning Board	Monthly 1st (first) Wednesday at 5:30 pm	Village of South River Municipal Office	Chris Nicholson
French Severn Forest Local Citizens Committee	As required with daytime meetings	Bracebridge or Parry Sound	Tom Bryson
High Rock Committee	As required with daytime meetings	Village of Sundridge Municipal Office	Bill Black
Joint Building Committee	Monthly 3rd (third) Thursday at 6pm	Strong Township Municipal Office	Budd Brown
Provincial Offences Act Advisory Committee	Bi-annually at 1:30 pm	Via Zoom	Tom Bryson
Sundridge District Medical Centre Committee	Monthly 3rd (third) Tuesday at 6:00 pm	Village of Sundridge Municipal Office	Budd Brown & Tom Bryson
Sundridge Strong Joly Arena Committee	Monthly 1st (first) Wednesday at 5:30 pm	Sundridge Strong Joly Arena	Bill Black & Brian McCabe
Sundridge Strong Recreation Committee	Monthly 1st (first) Thursday at 7:00 pm	Village of Sundridge Municipal Office	Brian McCabe Bill Black
District of Parry Sound Municipal Association	Bi-annually all day meetings	Moves around District	5
TRI Council	Bi-annually or as required at 6 pm	Township of Strong Municipal Office or Village of Sundridge Municipal Office	5

LOCAL BOARDS WITH MULTIPLE MUNICIPALITIES REPRESENTED BY ONE REPRESENTATIVE

Committee	Meeting Schedule	Meeting Location	# Reps & Rep Area
Eastholme for the Aged	Daytime unsure how frequent	Eastholme, Powassan	1 for Village of Burk's Falls, Townships of Joly, Strong & Municipality of Magnetawan
EMS	Unsure how frequent appear to be around 6:30 pm	Parry Sound Fire Hall, Parry Sound	1 for Villages of South River, Strong, Townships of Joly, Machar & Strong
DSSAB (District Social Services Administration Board)	Monthly - 2nd (second) Thursday at 7:00 pm	DSSAB Office, Parry Sound	2 for Villages of South River & Sundridge, Townships of Joly Machar, Strong & Municipality of Magnetawan
NBPSDHU (North Bay Parry Sound District Health Unit)	~6 per year on 4th (fourth) Wednesday of selected month at 5:20 pm	NBPSDHU Nipissing Room, North Bay	1 for Town of Kearney, Village of Burk's Falls, Townships of Armour, Joly, McMurrich/Monteith, Perry, Ryerson & Municipality of Magnetawan
Community Emergency Management Committee	Once a month	Village of South River, Village of Sundridge, Township of Strong, or Township of Joly	Mayor Brian McCabe Bill Black and Staff

Schedule D – Staff Report Template

871 Forest Lake Road
P.O. Box 519, Sundridge, Ontario P0A 1Z0

Telephone (705) 384-5428
office@townshipofjoly.com

DATE:

SUBJECT:

INITIATED BY:

STATEMENT ON THE SUBJECT:

RECOMMENDATIONS:

1.)
2.) .

It is recommended

BACKGROUND/ANALYSIS:

CONFORMANCE WITH VISION AND GENERAL PLAN:

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

OFFICE OF PRIMARY RESONSIBILITY:

FISCAL IMPACT:

ATTACHMENTS:

Schedule E – Delegation/Member Template

DELEGATION REQUEST FORM

A delegation is an opportunity to appear before Council or Committee to discuss a matter or concerning an item on the agenda prior to Committee or Council's consideration of the matter. Please refer to page 2 of this form for further information regarding engaging Council through a Delegation.

Completed Forms shall be submitted to the Clerk and can be dropped off or mailed to the municipal Office Attn: Municipal Adminstrator, 871 Forest Lake Road P.O. Box 519 Sundridge, ON P0A 1Z0: or Emailed to municipal.admin@townshipofjoly.com

Delegate Information

Last Name:

First Name:

Mailing Address:

Email Address:

Contact Number:

Meeting Information

Council Meeting Date Requested:

Please state the purpose of the delegation (subject matter must be concerning an item on the Agenda):

Signature:

Date:

Personal information contained on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act,* and will be used for the purpose of providing correspondence relating to matters before Council.

Please note that all meetings are open to the public except where permitted to be closed under legislated authority. Council meetings agenda and minutes are available on the Township's website. Questions about this collection should be forwarded to the Municipal Adminstrator.

Engaging Council through a Delegation

A delegation is an opportunity to appear before Council or Committee concerning a matter or an item on the agenda prior to Committee or Council's consideration of the matter.
Council welcomes and encourages public input. A person wishing to make a delegation shall submit a request to the Municipal Adminstrator Clerk.

How to Delegate, as per Procedural By-Law:

- Persons intrested in appreaing before Committee or Council shall give notice to the Clerk no later then **noon (12 pm) on the Thursday prior to the Meeting day.**
- The Clerk will confirm your placement on the agenda once the form and supporting documents are received.
- Material relating to your delegation must be provided with the completed Delegation Request Form. If you are unable to provide your material prior to the distribution of the agenda, please bring material with you and have 6 copies for distribution to council.
  Please note that USB keys with delegation material are prohibited.
- Individuals shall be limited to two (2) delegations per calendar year on the same subject matter.
- No persons, without the permission of Council or the Committee, shall speak to a matter or in reply for longer than fifteen (15) minutes.
- The appropriate way to address Council is to preface their surname with *Mayor* or *Councillor*, for example, *Mayor Smith*
- All questions or comments shall be made through the chair.
- Delegates must provide a copy of their speaking notes and any additional information they present for inclusion in the public record.
- Council may not respond to a delegation during the meeting at which it occurs. Members may seek clarification from the speaker but will not enter into a debate or discussion on the subject matter.

No Person shall:

- Speak disrespectfully of the Mayor, Deputy Mayor, a Member, any staff person, or any Member of the Public
- Use profane or offensive words or insulting expressions and shall not impugn the reputation of any individual member.
- Disobey the procedural rules or the decisions of the Chair or of the Council or Committee
- Leave his or her seat while a vote is being taken and until the results of the vote are declared
- Make any disruptive noise or disturbance
- Enter the Meeting while a vote is being taken
- Walk between a Member who is speaking and the Chair
- Applause or display any type of approval or disapproval during Council or Committee

Regular meetings are held on the second Tuesday of every month at 5:30PM. For information on committee meeting dates, please visit our website.

For more information or assistance regarding a delegation to Council please contact the Clerk at 705-384-5428 or by e-mail to municipal.admin@townshipofjoly.com