

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2023-089

**Being a by-law to govern the proceedings of Council and
Committee Meetings for The Corporation of the Township of
Muskoka Lakes.**

CONSOLIDATED

<u>Table of Contents</u>	<u>Page</u>
1. Definitions.....	3
2. General Provisions.....	5
2.1 Inaugural Meeting.....	5
2.2 Location and Times of Meetings.....	6
2.3 Rules and Regulations.....	6
2.4 Mayor.....	6
2.5 Absence of Mayor / Chair.....	6
2.6 No Quorum Present.....	7
2.7 Additional Duties of Mayor / Chair.....	7
2.8 Open Meetings.....	7
2.9 Township Council and Standing Committee Reports.....	7
2.10 Procedures for Public Meetings.....	7
2.11 Appointment of Standing Committees, Advisory and Ad Hoc Committees	7
2.12 Committee of the Whole.....	8
2.13 Standing Committees.....	8
2.14 Participation by Non-Committee Members at Standing Committees.....	8
2.15 Advisory Committees.....	8
2.16 Ad Hoc Committees (Working Groups)	8
2.17 Delegations, Petitions and Communications.....	8
2.18 Conduct of Members of the Public.....	8
2.19 Electronic Meetings.....	9
2.20 Hybrid Meetings.....	10
3. Motions	10
3.5 Notice of Motion.....	11
4. Rules of Debate and Voting on Motions.....	11
4.14 Recorded Votes at Township Council and Committee Meetings.....	12
5. Conduct of Members.....	12
6. Points of Order and Privilege.....	12

7.	Agendas.....	12
7.1	Regular and Special Agendas.....	12
7.2	Supplementary Agenda.....	13
7.3	Consent Agenda.....	13
8.	Minutes.....	13
8.7	Recording Equipment.....	14
9.	By-laws.....	14
10.	Public Notice of Meetings.....	14
11.	Amendments to this By-law.....	15
12.	Repeals.....	15
13.	Severability.....	15
14.	Conflict with other By-laws.....	15
15.	Short Title.....	15
16.	Effective Date.....	15

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Being a by-law to govern the proceedings of Council and Committee Meetings for The Corporation of the Township of Muskoka Lakes.

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

AND WHEREAS Section 238 (2.1) of the Act provides that, the procedure by-law shall provide for public notice of meetings;

AND WHEREAS the definitions as prescribed in the Act shall apply to this by-law;

AND WHEREAS the Municipal Council of the Corporation of the Township of Muskoka Lakes deems it advisable to enact a by-law to govern the proceedings of Council and Committees.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. DEFINITIONS

1.1 In addition to the definitions as described in the Act, the following definitions shall apply in this by-law:

1.1.1 “Acting Deputy Mayor” means a Member of Council appointed by by-law to act in the absence of both the Mayor and the Deputy Mayor.

1.1.2 “Ad Hoc Committee (Working Group)” means a Committee created by Council with a defined ending, to report directly to Council or Committee on a specific matter.

1.1.3 “Adjourn” means to end the proceedings to another time or place.

1.1.4 “Adopt” means to approve an action or recommendation, or to approve minutes of prior Meetings.

1.1.5 “Advisory Committee” means a Committee comprised of Council and Citizen Members established for a designated purpose, titled, and appointed, including a Chair and Vice Chair but does not include a Standing Committee or Ad Hoc Committee.

1.1.6 “Agenda” means the written order of business.

1.1.7 “Alternate Member” means a Member of Council appointed by by-law as an alternate member to the District council to act in place of a person who is a Member of the councils of both the Township and the District, when the person is unable to attend a meeting of the District council for any reason. This appointment is for a term concurrent with the term of the appointing Council.

1.1.8 “Business Day” mean any day, excluding Saturdays, Sundays, and any public holiday.

1.1.9 “Chair” means the Chair of a Standing or Advisory Committee appointed by the Township Council or in the case of Committee of the Whole and Council, the Mayor.

1.1.10 “Chief Administrative Officer” means a person appointed under section 229 of the Act, for the Township.

1.1.11 “Citizen Member” means a citizen that meets the following candidate qualifications as a Committee applicant;

- is at least 18 years old,
- is a Canadian citizen,
- is an eligible elector (resident, owner or tenant of land or spouse of owner or tenant) in the Township, and
- has been duly appointed to the Committee.

- 1.1.12 “Clerk” means a person appointed under section 228(1) of the Act, and includes deputy clerks appointed under section 228(2) of the Act, for the Township.
- 1.1.13 “Closed Session” means a Meeting or part of a Meeting closed to the public pursuant to the exceptions provided in Section 239 of the Act.
- 1.1.14 “Committee” means a committee established by Council including any Advisory Committee
- 1.1.15 “Committee of the Whole” means a Committee comprised of all of the Township Council Members sitting as a Committee whose purpose is to facilitate discussion and detailed examination of specific matters of Township business and, which reports to Council. The rules as provided for in this by-law shall also apply to Committee of the Whole.
- 1.1.16 “Consensus” unless otherwise specified, shall mean the concurrence of Council or Committee by the majority of the Members present, by a show of hands.
- 1.1.17 “Consent Agenda” means a list of items on the Agenda that are repetitive or routine in nature, which may be adopted by one motion of Council.
- 1.1.18 “Council” means the Mayor and the Members of Council duly elected to serve on the Council for the Township.
- 1.1.19 “Delegation” means a person / group making a presentation at a Council or Committee Meeting.
- 1.1.20 “Deputy Mayor” means a Member of Council appointed by by-law to act in the absence of the Mayor.
- 1.1.21 “District” means the District Municipality of Muskoka.
- 1.1.22 “Electronic Meeting” means a meeting called and held via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and without in-person attendance.
- 1.1.23 “Emergency” means a situation or impending situation caused by the forces of nature, an accident, an international act, or other event or circumstance constituting a danger of major proportions to life or property.
- 1.1.24 “Enact recommendations” means to endorse a Committee Meeting recommendation for action.
- 1.1.25 “Hybrid Meeting” means a meeting held both in-person and through electronic participation.
- 1.1.26 “Improper Conduct” means conduct that causes an unreasonable interference with or obstruction of the deliberations of Council or Committee Meetings.
- 1.1.27 “Mayor” means the head of Council.
- 1.1.28 “Meeting” means any Regular, Special or other Meeting of Council, of a local board or of a Committee of either of them, 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.
- 1.1.29 “Member” means a Member of Council or of a Committee.
- 1.1.30 “New Business” refers to a heading of an approved Meeting Agenda format. Members may, at this time, raise issues and questions not considered previously during the Meeting. Members can debate the item and request that a staff report be brought forward at an appropriate Meeting in the future. This section shall not permit a motion unless brought in accordance with this by-law.
- 1.1.31 “Point of Order” means when a Member believes that the rules of procedure are being violated and calls upon the Mayor or Chair for a ruling and an enforcement of the rules.

- 1.1.32 “Point of Privilege” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that their integrity or that of a Member or Township employee has been impugned or questioned by a Member.
- 1.1.33 “Public Comments” refers to comments made by the members of the public during the time provided for such comment during a Council or Committee Meeting regarding any Agenda item.
- 1.1.34 “Public Meeting” means a legislated public meeting during a Council or Standing Committee Meeting when the public is invited to make comment on an Agenda item as required by and set out in specific legislation.
- 1.1.35 “Quorum” means a majority of the Members of Township Council, a Standing Committee, an Advisory or Ad Hoc Committee.
- 1.1.36 “Recommendation” refers to resolutions contained in Committee minutes.
- 1.1.37 “Recorded Vote” means a vote on which the name and vote of every Member voting is recorded in writing, by the Clerk.
- 1.1.38 “Regular Meeting” means a Council or Standing Committee Meeting scheduled pursuant to the approved schedule.
- 1.1.39 “Session” means the monthly meeting cycle of Council and Standing Committees commencing with the scheduled Council Meeting of any given month and extending to the day prior to the Meeting of Council of the month next following.
- 1.1.40 “Special Meeting” means a Council or Standing Committee Meeting not scheduled pursuant to the approved meeting schedule.
- 1.1.41 “Standing Committee” means a Committee comprised exclusively of Council members and established for a designated purpose, titled, appointed and scheduled, including a Chair and Vice Chair, but does not include an Advisory Committee or Ad Hoc Committee.
- 1.1.42 “Tie Vote” refers to any question on which there is a tie vote, which shall be deemed to be lost, except where otherwise provided by any act.
- 1.1.43 “Township” means The Corporation of the Township of Muskoka Lakes or the geographic area that it represents as the context may require.
- 1.1.44 “Township Council policy in association with this by-law” means a policy adopted by a resolution of Council to implement the terms of this by-law.
- 1.1.45 “Township Website” means the official Township website.
- 1.1.46 “Two-thirds vote” means a two-thirds vote of the Members present and eligible to vote.
- 1.1.47 “Vice Chair” means the Vice Chair of a Standing or Advisory Committee appointed by the Township Council or in the case of Committee of the Whole, the Deputy Mayor.

2. GENERAL PROVISIONS

2.1 Inaugural Meeting

- 2.1.1 The first meeting of Township Council will be held on the first Tuesday after November 15th following a regular election, at a time to be determined by the Clerk. The term of Council is four years, beginning on November 15th in the year of a regular election.

2.2 Location and Times of Meetings

- 2.2.1 Meetings of Township Council, Committee of the Whole and Standing Committees of Council shall be held at the Municipal Building, 1 Bailey Street, Port Carling, Ontario, in the Council Chambers, unless otherwise designated by resolution of Township Council, Committee of the Whole or Standing Committee. If it is determined that the location of a meeting must be changed and time does not permit for the passage of a resolution, the location may be changed by the Chief Administrative Officer, Clerk or designate.

- 2.2.2 Regular Meetings of Township Council, Committee of the Whole and Standing Committees of Council shall be held on a monthly meeting schedule commencing in July 2019 as set out and established by Township Council policy in association with this by-law. Township Council, Committee of the Whole or Standing Committees of Council may, by resolution, cancel or reschedule the respective Meetings. If it is determined that the Meeting must be cancelled or rescheduled and time does not permit for the passage of a resolution, the Chief Administrative Officer, Clerk or designate may cancel or reschedule the Meeting.
- 2.2.3 Meetings may be cancelled due to extenuating circumstances, including but not limited to, an Emergency, or if there is not sufficient business to be conducted, as determined by the Mayor or Chair, in consultation with the Chief Administrative Officer and the Clerk.
- 2.2.4 The Mayor or the Chair may, at any time, call a Special Meeting of Township Council or their respective Standing Committee. The Mayor may call a Meeting of the Committee of the Whole. Alternatively, the Clerk shall call a Special Meeting for the purpose and at the time mentioned as described in a petition received from the majority of the Members.
- 2.2.5 Advisory Committee Meetings shall be held at the location, date and time as specified in the respective establishing and appointing by-law, the Council approved mandate / terms of reference, or pursuant to the respective legislative requirement. The Chair may, at any time, call a Special Meeting of the respective Committee.

2.3 Rules and Regulations

- 2.3.1 Rules and regulations shall be governed by the most recent edition of Robert's Rules of Order, as amended from time to time, except as otherwise set out in this by-law.
- 2.3.2 The procedures contained in this by-law shall govern Township Council, Committee of the Whole and all Standing Committees. Notwithstanding section 2.3.1 of this by-law, the rules and regulations contained herein may be suspended by a Two-thirds vote. A Township Council policy in association with this by-law may be suspended by a majority vote of the Members present at the Meeting.
- 2.3.3 The provisions of this by-law shall govern the proceedings of Advisory Committee Meetings, with necessary modifications as deemed appropriate by the Advisory Committee.

2.4 Mayor

- 2.4.1 The Mayor shall preside at all meetings of Township Council and Committee of the Whole. The Mayor shall be an ex-officio Member of all Standing Committees, shall be entitled to vote at all Meetings and shall be included as a Member for Quorum purposes. The Mayor shall not be an ex-officio Member of all Advisory and Ad Hoc Committees, shall not be entitled to vote at all Meetings and shall not be included as a Member for Quorum purposes, except where otherwise specified.
- 2.4.2 In addition to what is described in the Act, the role of the Mayor shall be established by Township Council policy in association with this by-law.

2.5 Absence of Mayor / Chair

- 2.5.1 In case the Mayor or Chair do not attend within 15 minutes after the time appointed for a Meeting of Township Council, Committee of the Whole, Standing Committee or Advisory Committee, the Deputy Mayor or Vice Chair shall take the Chair. They will call the members to order and while so presiding, they shall have all the powers and duties of the Mayor or Chair until the Mayor or Chair arrives.
- 2.5.2 If in Emergency circumstances when the Mayor, Deputy Mayor or Acting Deputy Mayor are all absent, in the case of a scheduled Township Council or Committee of the Whole meeting, or when the Chair or Vice Chair are both absent, in the case of a scheduled Standing Committee, or Advisory Committee Meeting, and there is a Quorum present for the said Meeting, a presiding officer may be appointed to Chair the Meeting from a Consensus of those Members present. This shall be so noted in the minutes of the respective Meeting.

2.6 No Quorum Present

- 2.6.1 If no Quorum is present within 30 minutes after the time appointed for a Meeting of the Township Council, Committee of the Whole, Standing Committee, Advisory Committee, or Ad Hoc Committee, the Clerk or designate shall record the names of the Members present and the Meeting shall stand Adjourned.
- 2.6.2 When a loss of Quorum occurs during a Council or Committee Meeting resulting in the inability to conduct further business, and it is determined that a Quorum cannot be restored after 30 minutes from the loss of Quorum, the Clerk will Adjourn the Meeting. The matters of business not conducted during the Meeting shall be placed on the next Regular Council or Committee Meeting Agenda. Alternatively, the Mayor or Chair may call a Special Meeting to conclude the unfinished business.

2.7 Additional Duties of Mayor / Chair

- 2.7.1 Additional duties of the Mayor and Chair are described in the most recent edition of Robert's Rules of Order, as amended from time to time.
- 2.7.2 The Mayor or Chair shall ensure that the Meetings are conducted in an orderly and respectful manner.
- 2.7.3 The Mayor or Chair shall call for appropriate recesses and lunch breaks to accommodate and respect all those in attendance at the Meetings.

2.8 Open Meetings

- 2.8.1 All meetings of Township Council, Committee of the Whole and Standing Committees shall be open to the public, except for those cases as described in Section 239 of the Act. All Closed Sessions of Township Council, Committee of the Whole and Standing Committees shall comply with Section 239 of the Act.
- 2.8.2 Advisory Committees, as indicated in sections 2.11, 2.15, and 2.16 of this by-law, shall be subject to Section 239 of the Act, if at least 50 per cent of the Members (including any ex-officio Members) are also Members of Township Council.
- 2.8.3 The Closed Session format shall be established by Township Council policy in association with this by-law.

2.9 Township Council and Standing Committee Reports

- 2.9.1 The format of reports to Township Council or Standing Committees shall be established by Township Council policy in association with this by-law.

2.10 Procedures for Public Meetings

- 2.10.1 The procedures for Public Meetings may be established by Township Council policy in association with this by-law, subject to any statutory requirements.

2.11 Appointment of Standing Committees, Advisory Committees and Ad Hoc Committees

- 2.11.1 The Mayor shall, when deemed necessary either by legislation or by circumstance, select Members who are to serve on Standing Committees, Advisory Committees and Ad Hoc Committees, including the selection of the Chair, Vice Chair, Deputy Mayor, Acting Deputy Mayor and Alternate Member, if required. These appointments shall be confirmed by by-law or by resolution of Township Council.

The Mayor may, in his or her sole discretion, remove Members from any Committee, or rescind the appointment of a Member as the Chair, Vice Chair, Deputy Mayor, and Acting Deputy Mayor. These appointment changes shall be confirmed by by-law or by resolution of Township Council.

- 2.11.2 Mandates and terms of reference for Standing Committees shall be established by Township Council policy in association with this by-law.
- 2.11.3 If not established by separate Township Council by-law, mandates and terms of reference for Advisory and Ad Hoc Committees appointed by Township Council may be established by Township Council policy in association with this by-law or by resolution of Township Council.

2.12 Committee of the Whole

2.12.1 Committee of the Whole, while used sparingly, permits all of the Members of Council to sit as a Committee for a specific matter of single focus and allows for a broad discussion on the single topic, including but not limited to a draft by-law, a proposal, the budget, or the strategic plan, where the rules of debate are relaxed.

2.12.2 Any motion to move to Committee of the Whole shall include the purpose of the Meeting.

2.13 Standing Committees

2.13.1 A Standing Committee is established for a term concurrent with the term of the appointing Council or until otherwise determined by Council. The rules as provided for in this by-law shall apply to Standing Committees. Standing Committees make Recommendations and report to Council.

2.14 Participation by Non-Committee Members at Standing Committee Meetings

2.14.1 Meetings of Standing Committees shall be open to all Members of Council who may, with the permission of the Standing Committee Chair, take part in discussion or debate after Members of the Committee have had the first opportunity to speak, however, only Members of the Standing Committee may make motions and vote.

2.14.2 The non-committee members, who are also Members of Council, who attend a Standing Committee Meeting, if they so choose, are permitted to sit at a separate section of the Council table. The Standing Committee Chair shall identify any Members of Council who is attending as observers and explain their limited role.

2.14.3 Members of Council may attend Standing Committee Meetings to which they have not been appointed, without constituting a Quorum of Township Council, as public notice for the Standing Committee Meeting would have been given in accordance with this by-law, and not as a Meeting of Township Council.

2.15 Advisory Committees

2.15.1 An Advisory Committee is established for a term concurrent with the term of the appointing Council or until otherwise determined by Council. The rules as provided for in this by-law shall apply to Advisory Committees. Advisory Committees make Recommendations and report to an assigned Standing Committee.

2.16 Ad Hoc Committees (Working Groups)

2.16.1 An Ad Hoc Committee may be appointed at any time in order to consider a specific matter and who shall report to Council or Committee. When established, the appointment resolution shall include:

- i. The name of the Ad Hoc Committee;
- ii. A clear mandate;
- iii. Member composition (with less than 50% of membership being a member of Council);
- iv. A sunset provision being the date and meeting which the Ad-Hoc Committee must report back and will cease to exist.

2.16.2 If an Ad Hoc Committee requires extra time, the Working Group or Staff representative may request the additional time to Council/Committee.

2.16.3 Citizen members of Ad Hoc Committees shall be confirmed electors of the Township of Muskoka Lakes.

2.16.3.1 Notwithstanding section 2.16.3, citizen members who are not residents of the Township of Muskoka Lakes may be considered for specific expertise in relation to the mandate of the Ad Hoc Committee,

2.16.4 Meeting times and locations as well as the method and manner of distribution of the agendas shall be as determined by the Ad-Hoc Committee.

2.16.5 Only the Members of an Ad Hoc Committee shall participate in, debate or ask questions at Ad Hoc Committee meetings.

2.16.6 Ad Hoc Committees cannot exercise authority over staff.

2.16.7 The intent and standards of the Township Code of Conduct shall apply to all members of Ad Hoc Committees

2.17 Delegations, Petitions, and Communications

2.17.1 The procedure for Delegations, Petitions, and Communications are attached as "Schedule A" and form part of this By-law.

2.18 Conduct of Members of the Public

2.19.1 In accordance with the Act, the Mayor or Chair, depending on the meeting, may expel any person for Improper Conduct at a meeting.

2.19.2 Without limiting the generality of the foregoing, no person at a Meeting shall:

2.19.2.1 speak aloud or address Members without first receiving permission of the Mayor or Chair to do so;

2.19.2.2 speak disrespectfully of any persons;

2.19.2.3 use profane or offensive words or insulting expressions against the Council or Committee or against any Member, staff or guest;

2.19.2.4 resist the rules of Council or disobey the decisions of the Mayor, Chair, Council or Committee on questions of order or practice or upon the interpretation of the rules of Council or Committee;

2.19.2.5 leave their seat or make any noise or disturbance while a matter is being considered or discussed by Council or Committee while a vote is being taken and until the results of such vote are declared;

2.19.2.6 disturb another or the Council, Committee, staff or guest by any disorderly conduct disconcerting to the speaker or the assembly;

2.19.2.7 interrupt any Member while speaking through speaking out, noise or disturbance; or

2.19.3 Detailed procedures addressing Improper Conduct may be established by Township Council policy in association with this by-law.

2.19 Electronic Meetings

2.20.1 Electronic Meeting – An Electronic Meeting shall be determined by the Chair

2.20.2 Quorum and Voting for Electronic Meeting – Members participating in an Electronic Meeting, shall be counted for purposes of Quorum at the commencement, and at any point in time during the Meeting, and shall be entitled to vote as if they were attending the meeting in person.

2.20.3 Closed Session – An Electronic Meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with this section.

2.20.4 Public Notice of Electronic Meeting – A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically observe the open session of such Electronic Meeting.

2.20.5 Invited Delegations and Public Comments – Invited Delegations and Public Comments shall take place electronically, or in writing, if the Chair has called for the meeting to be held electronically.

2.20.6 Application and Conflict – Notwithstanding the foregoing, the Council Procedural By-law shall continue to apply to an Electronic Meeting held pursuant to this section. Where there is a conflict between this section and another section of this By-law, this section, except that this Section and any Provincial legislation or order shall prevail to the extent of any conflict.

8.20 Hybrid Meetings

8.21.1 Determination of Meeting

- 8.21.1.1. Hybrid Meetings are meetings which are held both in-person and through electronic participation.
- 8.21.1.2. Unless otherwise determined by the Chair and stipulated on the agenda, all meetings shall be held as a Hybrid Meeting in accordance with this by-law and any Hybrid Meeting Protocol, as developed and amended as necessary, by the Clerk.
- 8.21.1.3. Due to special circumstances as decided by the Chair, some meetings may be held in-person only, rather than as a Hybrid Meeting without the option for electronic participation.

8.21.2 Hybrid Meeting Participation

- 8.21.2.1. Consultants, Invited Presenters, or members of the public who wish to provide a delegation or presentation at a Council or Committee meeting may attend in the meeting room or through electronic participation when the meeting is held as a Hybrid Meeting.
- 8.21.2.2. Council or Committee members and Staff may attend meetings in-person or by electronic participation in a manner as determined by the Clerk.
- 8.21.2.3. Members of Council or Committee shall notify the Clerk or Recording Secretary as soon as possible if they will be attending the Hybrid Meeting electronically.

8.21.3 Viewing

- 8.21.3.1. Members of the public who wish to attend a Hybrid Meeting to observe the meeting without participating, may attend in person in the meeting room or through the Township's electronic video streaming service provided on the Township's website.
- 8.21.3.2. Should technical issues arise with the live stream where quorum is present in the room, the Chair may choose to continue the meeting. If a recording is possible, it may be uploaded at a later time.

8.21.4 Technical Requirements

- 8.21.4.1. Members participating electronically shall be responsible for testing and ensuring the reliability of their connection prior to the start of the meeting.
- 8.21.4.1. Audio and video conferencing into a Hybrid Meeting shall be considered a secondary option for attending an in-person meeting. In all circumstances, Delegations, Invited Presenters, or members of the public providing Public Comment are encouraged to attend in-person. Should technical issues arise with video or audio conferencing where quorum is present, the in-person meeting may continue. The Chair may choose to table the matter to allow time for the attendee presenting electronically to re-join the meeting or continue on with the matter without input from the attendee presenting electronically.

8.21.6. Application and Conflict

- 8.21.6.1. Notwithstanding the foregoing, the Procedure By-law shall continue to apply to a Hybrid Meeting held pursuant to this Section, except that this Section and any Provincial legislation or order shall prevail to the extent of any conflict.

3. MOTIONS

- 3.1 All matters pertaining to motions that are not included in this by-law shall be governed by the most recent edition of Robert's Rules of Order, as amended from time to time.
- 3.2 Except as provided by section 3.1 of this by-law, all motions shall be written and signed by the mover and seconder.
- 3.3 For the purposes of reading of motions, the Mayor or Chair is not required to formally read attachments, schedules, appendices or other documentation that may be incorporated by reference into a motion.

- 3.4 With the permission of a majority of the Members present and eligible to vote, the reading of lengthy motions may be waived by a show of hands.
- 3.5 Notice of Motion
- 3.5.1 To place a matter before Council or a Standing Committee for a decision, a notice of the proposed motion is required. The form of the required notice shall be the proposed resolution. A proposed resolution may include one or more items on which a decision is being sought.
- 3.5.1.1 Notice of all new motions, shall be given in writing and delivered to the Clerk at least two (2) hours before the posting of the supplementary Agenda as outlined in this by-law and shall be printed in full and included with either:
- the Agenda for the Council or Standing Committee Meeting; or
 - the supplementary Agenda.
- 3.5.1.2 The placement of a motion on the Agenda or supplementary Agenda in accordance with section 3.5.1 of this by-law shall be deemed notice.
- 3.5.1.3 New motions placed on the supplementary Agenda by the Clerk, or designate shall not be considered or voted upon until the next subsequent meeting, except with the consent of a Two-thirds vote.
- 3.5.1.4 All motions shall be submitted to the Clerk, in writing, under the signature of the mover and the seconder complete and in an appropriate format.
- 3.5.1.5 A motion is not complete unless it includes copies of any and all attachments, schedules, appendices or other documentation incorporated by reference into the motion.
- 3.5.1.6 Any motion may be introduced without notice if the Council or Standing Committee, without debate, dispenses with notice by a Two-thirds vote.
- 4. RULES OF DEBATE AND VOTING ON MOTIONS**
- 4.1 Every Member previous to speaking to any question or motion shall raise their hand and be recognized by the Mayor or Chair.
- 4.2 When two or more Members want to speak simultaneously, the Mayor or Chair shall designate the Member who has the floor, who, in the opinion of the Mayor or Chair, first indicated a desire to speak.
- 4.3 The Mayor or Chair may, on any question, request the Chief Administrative Officer to respond or provide information to clarify the matter.
- 4.4 The Mayor or Chair may state relevant facts and their positions on any matter before the Township Council, Committee of the Whole or Standing Committee without leaving the Chair, but it shall not be permissible for them to debate a question without first leaving the Chair.
- 4.5 If the Mayor or Chair desires to leave the Chair for the purpose of taking part in the debate, as indicated in section 4.4 of this by-law, the Deputy Mayor or Vice Chair shall assume the role of Mayor or Chair until after the vote on the motion is taken and the result has been declared.
- 4.6 Every Member present at a Meeting of Township Council, Committee of the Whole or Standing Committee, when a question is called, shall have one vote, unless disqualified from voting by any act or by disclosure of interest.
- 4.7 If a Member who is present fails to vote at a Meeting of Township Council, Committee of the Whole or Standing Committee, at the time of the vote and is qualified to vote, the Member's vote shall be deemed to be a negative vote.
- 4.8 When the Mayor or Chair calls for the vote on a question, Members shall occupy their seats and shall remain until the result of the vote has been declared.
- 4.9 Any Member may require the question or motion under discussion to be read for clarification at any time during the debate.
- 4.10 During the debate, any Member may request the Mayor or Chair to immediately call the vote

on the question, ending the debate. In this case, the vote on the main motion only moves forward, after an affirmative Two-thirds vote on the question of whether to call the vote.

- 4.11 No member, without leave of the Township Council, Committee of the Whole or Standing Committee, shall speak to the same question or in reply, for longer than five minutes in total.
- 4.12 After a question is finally called by the Mayor or 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.
- 4.13 The manner of determining the decision of the Township Council, Committee of the Whole or Standing Committee on a motion shall be at the discretion of the Mayor or Chair and may be by show of hands or as may otherwise be considered prudent.
- 4.14 Recorded Votes at Township Council and Committee Meetings
 - 4.14.1 The Clerk, on a Recorded Vote, shall immediately record the name and vote of every Member present, except a Member who is disqualified from voting by any act. The vote will be called in alphabetical order except that the Mayor's or Chair's vote will be called last. If any Member present at a Meeting requests, the Recorded Vote on a question, will be called in reverse order.
 - 4.14.2 If a Member disagrees with the announcement of the Mayor or Chair at a Township Council, Committee of the Whole or Standing Committee Meeting, that a question is carried or lost, that Member may object but only immediately after the declaration of the vote, and request a Recorded Vote.
 - 4.14.3 Recorded Votes are not permitted during Closed Session.

5. CONDUCT OF MEMBERS

- 5.1 The Township Code of Conduct for Members of Council and Local Boards shall apply at Township Council, Committee of the Whole, Standing Committee, Advisory Committee and Ad Hoc Committee meetings as applicable and shall be established by Township Council policy in association with this by-law.

6. POINTS OF ORDER AND PRIVILEGE

- 6.1 All matters pertaining to Points of Order and Privilege are governed by the most recent edition of Robert's Rules of Order, as amended from time to time, and shall be determined by the Mayor or Chair.

7. AGENDAS

7.1 Regular and Special Agendas

- 7.1.1 The Clerk or designate, in consultation with the Chief Administrative Officer, shall prepare and make available to Township Council and the public by the end of the Business Day on the Friday immediately before the Regular Township Council Meeting, an Agenda for the Township Council, Committee of the Whole and Standing Committee Meetings, by posting the Agenda on the Township Website, unless extenuating circumstances arise. Due to the timing of the posting, all items may not necessarily be included on the Agenda. For Special Meetings, the Clerk or designate shall prepare and make available, to Township Council and the public, at least 24 hours prior to the hour appointed for holding such meeting, the Agenda, unless extenuating circumstances arise.
- 7.1.2 The Clerk, or designate, shall accept Agenda items from staff, the Mayor or Chair, and from Members of Council or Standing Committees, up to the agenda deadline. The procedure for this may be established by Township Council policy in association with this by-law.
- 7.1.3 The format for Township Council, Standing Committee, Committee of the Whole and Special Meeting Agendas shall be prepared as established by Township Council policy in association with this by-law.
- 7.1.4 The business of each Meeting shall be taken up in the order in which it stands upon the Agenda, unless otherwise determined by the Mayor or Chair.
- 7.1.5 Agendas and reports for Closed Session shall be produced and distributed in a manner to ensure and maintain confidentiality. All Members must take such steps

to ensure confidentiality.

- 7.1.6 Members of Council or Committee are encouraged to notify the Clerk or designate when the Member is aware that they will be absent from any Meeting to ensure Quorum.

7.2 Supplementary Agenda

- 7.2.1 The Clerk or designate shall, no later than 2:00 pm one Business Day prior to a Regular Township Council, Committee of the Whole or Standing Committee Meeting, prepare and make available to Township Council and the public, the supplementary Agenda for the respective Meeting by posting the Agenda on the Township Website, unless extenuating circumstances arise. The supplementary Agenda shall be verbally acknowledged by the Mayor or Chair. A resolution shall not be required.

7.3 Consent Agenda

- 7.3.1 The Clerk, or designate, as part of the Township Council Agenda shall bring one Consent Agenda motion to pass minutes of Township Council and Standing Committee Meetings, and to enact recommended action items from the Standing Committees, in the usual course of business.
- 7.3.2 A Member of Council can request an item to be singled out from the Consent Agenda to allow debate or for a separate vote and such request shall be accommodated without question or debate. The remaining matters of business contained in the Consent Agenda are voted on collectively.
- 7.3.3 Each separated item shall be voted on individually in the usual course of business.

8. MINUTES

- 8.1 Minutes of Township Council, Committee of the Whole and Standing Committee Meetings shall record:
- 8.1.1 the place, date and time of the Meeting;
- 8.1.2 the names of the Mayor or Chair and of the Township employees and the record of the attendance of the Members, including regrets;
- 8.1.3 the adoption, the reading (if requested by a Member), and the correction of the minutes of prior Meetings to verify their accuracy; and
- 8.1.4 all the resolutions, decisions and other proceedings of the Meeting without note or comment.
- 8.2 The Clerk or designate shall include the draft minutes of the last Regular Township Council Meeting, and all Special, Committee of the Whole and Standing Committee Meetings held more than 7 Business Days prior to a Regular Meeting, with the Agenda as indicated in section 7.1.1 of this by-law, unless extenuating circumstances arise. Minutes of Closed Session shall be produced and distributed in a manner to ensure and maintain confidentiality.
- 8.3 The minutes referred to in section 8.2 of this by-law, are a record of that Meeting's events. Only corrections in the form of errors or omissions may be made at the time of the adoption of minutes.
- 8.4 At the Regular Meeting of Township Council, all Regular and Special Township Council, Committee of the Whole, and Standing Committee Meeting draft minutes shall be adopted. Minutes of Closed Sessions shall, when required, be adopted in Closed Session by Township Council.
- 8.5 Any Recommendation included in the draft Standing Committee Meeting minutes which Council wishes to enact will be enacted for action by way of resolution.
- 8.6 Following the passage of the confirming by-law by Township Council, decisions of Township Council shall not be reopened for a period of two (2) Sessions from the date of the passage of the applicable confirming by-law.
- 8.7 Recording Equipment
- 8.7.1 Meetings not held in the Council Chambers may not be webcast due to the required equipment only being available in the Council chambers. Additionally, if there are technical difficulties beyond the Township's control, webcasting will not be

provided for that specific Meeting. Procedure for webcasting may be established by Township Council policy in association with this by-law.

- 8.7.2 Audio or video recordings of Meetings are at the sole discretion of Council. Any and all audio or video recordings of open session Township Council or Standing Committee Meetings made by the recording secretary, are for convenience only and shall not, under any circumstances, be deemed to be official records. Without limiting the generality of the foregoing, no person shall, at any time, make any request for certification of an audio or video recording of a Township Council or Standing Committee regardless of the purpose for which the audio or video recording is intended to be used.
- 8.7.3 When exercising the discretion to authorize the use of equipment such as described in section 8.7.2 of this by-law by the media or the public, regard shall be had as to whether the use will be a distraction and disruption to the conduct of the Meeting and also as to whether there is a recording secretary present with the capability of providing a complete record of the Meeting.
- 8.7.4 No signs, placards or banners may be brought into or displayed during Meetings; and no flash photography will be allowed.

9. BY-LAWS

- 9.1 Every by-law shall receive three readings by Township Council before being passed. Debate may occur at any reading. All by-laws may receive all three readings combined in one motion with a number of by-laws being grouped together, except for those mentioned in section 9.2 of the by-law. It is also permissible to withdraw a by-law from the motion and deal with it separately.
- 9.2 Exception. For zoning by-law amendments under the *Planning Act*, the first and second reading of a by-law shall be combined in one motion and considered with debate, if necessary. Prior to third reading, any amendments shall be done by resolution declaring whether the amendments are minor in nature and do not require further public circulation notice. Zoning by-law amendments will not be grouped together. When a zoning by-law amendment is reported without amendment, it may be read a third time at such time as may be appointed by Township Council.
- 9.3 At the end of each Regular or Special Township Council Meeting, a confirming by-law shall be presented to Township Council to confirm and adopt by by-law the decisions already taken at the Township Council Meeting. Each decision so adopted, and each by-law and resolution enacted at that Meeting, are hereby deemed to conform to the procedural requirements of this by-law.
- 9.4 Every by-law which has been enacted by Township Council shall be numbered and dated and shall be sealed with the seal of the Township and signed by the Mayor and the Clerk and shall be deposited by the Clerk in the Clerk's office for safekeeping.

10. PUBLIC NOTICE OF MEETINGS

- 10.1 Public notice of Regular and Special Meetings of Township Council, Committee of the Whole or a Standing Committee shall be provided by posting the Agendas as described in section 7.1.1 of this by-law. A paper copy of the Agenda shall also be posted on the Township office bulletin board on the date of the meeting.
- 10.2 Public notice of cancelling a Township Council, Committee of the Whole or Standing Committee Meeting shall be provided by posting a notice of cancellation on the Township Website as soon as possible after the cancellation has been determined.
- 10.3 In the case of an Emergency, Special Meetings of Township Council, Committee of the Whole or a Standing Committee may be held without prior public notice.
- 10.4 Public notice of Advisory and Ad Hoc Committee Meetings, where at least 50 per cent of the Members (including any ex-officio Members) are also Members of Township Council, shall comply with the notice requirements as indicated in sections 10.1, 10.2, and 10.3 of this by-law, unless extenuating circumstances arise.

11. AMENDMENTS TO THIS BY-LAW

- 11.1 This by-law shall not be amended, repealed or replaced except by a Two-thirds vote.

12. REPEALS

12.1 That By-law 2019-079 and 2020-036 are hereby repealed upon the date this by-law comes into force and effect.

13. SEVERABILITY

13.1 That in the event any provision or part thereof, of this by-law, is found by any court or tribunal of competent jurisdiction to be ultra vires or otherwise invalid, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.

14. CONFLICT WITH ANY OTHER BY-LAW

14.1 In the event of any conflict between any provisions of this by-law and any other by-law or policy of the Township, this by-law shall prevail.

14.2 In the event of any conflict between any provisions of this by-law and the provisions of a Provincial or Federal statute or other legislation, the applicable legislation shall prevail.

14.3 In the event of any question as to the interpretation or application of any of the rules herein, the matter shall be determined by the Mayor or Chair.

15. SHORT TITLE

15.1 That for reference and administrative purposes, this by-law shall be known and may be cited as the Township "Council Procedure By-law".

16. EFFECTIVE DATE

16.1 This by-law shall come into force and effect on the date of passing.

READ a first, second and third time and finally passed this 12th day of July 2023.

Mayor Peter Kelley

Clerk, Crystal Paroschy

SCHEDULE "A" TO BY-LAW 2023-089 - DELEGATIONS, PETITIONS, AND COMMUNICATIONS

A Guide to Communicating with Council

Township Council encourages members of the public to express their views and concerns on governance issues to Township Council.

The Township of Muskoka Lakes is committed to ensuring that members of the public have prompt, efficient, fair, and effective opportunities to contact and communicate with members of Council.

Presenters shall respect the formal nature of Council meetings and abide by the underlying parliamentary principles associated with dignity and decorum in public meetings. Specifically, presenters shall refrain from making negative or inappropriate references to any individuals or groups, including but not limited to members of Council or Committee, Township Staff, civic group or agencies or other citizens of the Township of Muskoka Lakes and shall use polite, professional and respectful language.

1. Council Correspondence
 - 1.1. Any correspondence received from a public entity, association or government organization will be listed as Correspondence on the next appropriate meeting agenda.
 - 1.2. Letters or electronic mail containing profanity or submitted anonymously will not be circulated or responded to.
 - 1.3. With the exception of planning application correspondence, all Council correspondence received by the Township is submitted to Council via the Clerks Department.
2. Invited Presentations
 - 2.1 Council or Committee may invite specific persons, experts, organizations, or groups to make a public presentation to any meeting open to the public on any matter within its jurisdiction.
 - 2.2 The Chair, or staff member with approval of the Chair, may request that the Clerk place on the agenda an invited presentation no later than five (5) full business days prior to, and not including, the date of the meeting.
 - 2.3 The time limit for each Invited Presentation shall be as determined by the Chair.
3. Delegations
 - 3.1 The public may request to make a delegation at any open meeting of Council or Committee on any matter within its mandate seven (7) days prior to, and not including the date of, the Township Council or Committee meeting.
 - 3.1.1. All delegation requests shall be submitted to the Clerk by email, regular mail, fax or in person in the prescribed manner as approved by the Clerk.
 - 3.2 All delegation requests shall only appear on an agenda upon approval of the Chair and Clerk.
 - 3.3 Delegates shall be limited to not more than five (5) minutes.
 - 3.4 Delegates appearing before Council or Committee shall provide a copy of their presentation and all materials to the Clerk to be placed in the agenda no less than five (5) business days prior to, and not including the date of, the Township Council or Committee meeting.
 - 3.4.1 Unless approved by the Clerk, any presentations and materials received after this time will not be accepted.
 - 3.4.2 For environmental considerations, paper materials shall be discouraged.

- 3.5 Delegates shall:
- a. Not speak disrespectfully;
 - b. Not use offensive language;
 - c. Speak only about the subject as approved on the Agenda;
 - d. Obey the Procedural By-law and any ruling from the Chair.
- 3.6 The Chair may end a delegation if there is disorder or a failure to follow the rules.
- 3.7 If the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw from the delegation table.
- 3.8 No delegate shall be permitted to speak on a matter that is not within the jurisdiction of the Council or Committee. The Clerk and CAO will determine if a matter is within the jurisdiction of Council or Committee.
- 3.9 The Chair has the authority to deny a delegation request:
- a. If it is in contravention to other legislation or contractual obligations;
 - b. In order to not give one person or group an unfair advantage over another person or group;
 - c. If the delegate, or group they are representing, has already delegated on generally the same subject within a 12-month period;
 - d. If the delegation is with the sole purpose of generating publicity or promotion for a for-profit organization/business.
4. Public Comment
- 4.1 Any member of the public may request to make comment on any open meeting of Council or Committee matter that is listed on the agenda up to twenty-four (24) hours prior to the start of the Township Council or Committee meeting.
- 4.1.1 All requests shall be submitted to the Clerk by email, fax or in person in the prescribed manner as approved by the Clerk.
- 4.2 Public comment shall be limited to not more than five (5) minutes.
- 4.3 Members of the public appearing before Council or Committee shall provide a copy of any presentation materials to the Clerk at the time of their request.
- 4.3.1 Unless approved by the Clerk, any presentation materials not received prior to the start of the meeting will not be accepted.
- 4.3.2 For environmental considerations, paper materials shall be discouraged.
- 4.4 Applicants or their agents or representatives may speak to a planning application file on a Planning Committee Agenda, that does not fall under a statutory public hearing, without submitting a public comment request.
- 4.5 Public Comments shall adhere to sections 3.5, 3.6. and 3.7 of Schedule "A" to this by-law.
- 4.6 The Chair has the authority to deny a delegation request:
- a. If it is in contravention to other legislation or contractual obligations
 - b. If the comments are with respect to a by-law on a Council Agenda that has already been discussed at the Committee level and in the absence of new information or developments as determined by the Chair;
 - c. If the comments are with respect to a set of Committee minutes before Council for ratification in the absence of new information or developments as determined by the Chair;

d. If the request is not specific to the Agenda Item.

5. Rules for Non-Statutory Hearings (Public Meetings)

5.1 During a Non-Statutory Hearing (Public Meeting) portion of a meeting where Council or Committee has called for input from the public on a specific matter, delegations may be permitted from the gallery without prior registration.

5.2 All communications about a matter on a meeting agenda that the Clerk receives, becomes part of the public record.

5.2.1 Personal information and opinions in communications are part of the public record, unless the author of the communication requests the removal of his or her personal information when submitting it or the Clerk determines the personal information contravenes the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990.

5.3 The Chair may end a presentation if there is disorder or a failure to follow the rules.

6. Petitions – Communication

6.1. An organizer of a public petition may deliver the petition in person or send it by mail, fax, or e-mail to the Clerk and must:

a. Be in legible handwriting, in printed form, or in printable form;

b. Contain a contact name, mailing address and telephone (or email) of the organizer for confirmation;

c. Contain a statement or position that the signatories are supporting on each page;

d. Contain each petitioners name (printed), address and signature;

e. Not contain any obscene or improper matter or language.

6.2 Only those petitions which pertain to matters under the jurisdiction of Council or Committee shall be received.

6.3 The Petition will be summarized and added to a subsequent agenda in the following manner: Group or Name, Statement and number of signatures.