

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW NUMBER 08-81**

**BEING A BY-LAW TO AMEND BY-LAW 07-160 GOVERNING COUNCIL  
PROCEDURES FOR THE CORPORATION OF THE TOWNSHIP OF  
LAKE OF BAYS**

**WHEREAS** Section 238 (2) of the Municipal Act, s.o.2001, c. 25, as amended, requires that every municipality shall pass a procedural by-law governing the calling, place & proceedings of meetings;

**AND WHEREAS** Council enacted By-law #07-160 on December 4<sup>th</sup>, 2008;

**AND WHEREAS** the Council of the Corporation of the Township of Lake of Bays deems it expedient to amend the rules governing the proceedings of the meetings of the Council and the public as a means of protecting the rights and privileges of its members.

**THEREFORE** be it enacted that By-law #07-160 be amended as follows:

- Section 2.30(r) Motions / Reconsideration

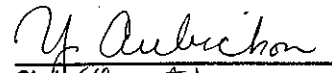
**READ** a FIRST and SECOND time this 8<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk (Deputy)

**READ** a THIRD time and finally passed this 8<sup>th</sup> day of July, 2008.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk (Deputy)

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## 1.0 PURPOSE

1.01 To provide a policy of Council procedures, as is stated in By-law # 07-160

## 2.0 POLICY

This policy has been developed to comply with section 238 (2) of the Municipal Act, s.o. 2001 c.25 as amended.

### 2.01 Interpretation

- (a) "Acting Mayor" means a member appointed by the Mayor and approved by Council to act in place of the Mayor.
- (b) "Advisory Committee" means a committee of Council where the majority is stakeholders and where the Chair will be a representative of Council. The committee only makes recommendations to Council, there is no line of authority.
- (c) "By-law" means By-law 07-160 being a by-law to adopt Council procedures
- (d) "Chair" means the person presiding at the meeting whether it be the Head of Council or any other member,
- (e) "Clerk" means the Clerk of the Corporation of the Township of Lake of Bays.
- (f) "Closed Session" means a meeting or portion of a meeting that is not open to the public under the authority of section 239 of the *Municipal Act, s.o. 2001, c.25 as amended*.
- (g) "Committee" means any standing or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.
- (h) "Committee Chair" means the Chair of a Standing Committee of Council.
- (i) "Corporation" means the Township of Lake of Bays.
- (j) "Council" means the Council of the Township of Lake of Bays consisting of 1(one) Mayor, 2( two) District Councillors & 4 (four) Local Councillors.
- (k) "Deputation/Delegation" shall mean a person/group making a verbal presentation to Council or Committee.

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- (l) "Head of Council" shall mean the Mayor of the Corporation of the Township of Lake of Bays or designate.
- (m) "Mayor" means the Head of the Council of the Corporation of the Township of Lake of Bays
- (n) "Meeting" shall mean any Regular or Special meeting of Council, or a local board or a committee of either of them.
- (o) "Member" means a Member or ex officio member of the Township of Lake of Bays Council or committee appointed by Council.
- (p) "Municipal Election" shall mean a general, Township-wide municipal election.
- (q) "Quorum" means the majority of the whole number of Members required to constitute Council or a Committee. For Closed Session and Council purposes four (4) members of the 7 member Council constitutes a quorum.
- (r) "Recorded Vote" means the recording of the name and vote of every Member voting on any matter or question.
- (s) "Rules and Procedure" means the rules and regulations provided in this by-law.
- (t) "Standing Committee" means a committee of Council.
- (u) "Substantive Motion" means motion of Council except the following:
  - (i) to extend the time of the meeting;
  - (ii) to refer;
  - (iii) to amend;
  - (iv) to lay on the table;
  - (v) to adjourn;
  - (vi) to move the previous question;
  - (vii) to suspend the Rules of Procedure; or
  - (viii) with respect to a point of order or personal privilege

## 2.02 Role of Council

- i) It is the role of Council, per Section 224 of the *Municipal Act, 2001*, as amended:
  - a) To represent the public and to consider the well-being and interests of the municipality;
  - b) To develop and evaluate the policies and programs of the municipality;

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- c) To determine which services the municipality provides;
  - d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
    - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
  - e) To maintain the financial integrity of the municipality; and
  - f) To carry out the duties of council under this or any other Act, 2001, c. 25, s.224.
- ii) The Mayor shall chair Council meetings, unless the Mayor is unavailable, in which case the Acting Mayor will chair the Council meeting.

### **2.03 Duties of the Mayor**

- i) It is the role of the Mayor per Section 225 of the Municipal Act, 2001 as amended:
  - a) To act as Chief Executive Officer of the municipality;
  - b) To preside over Council meeting so that its business can be carried out efficiently and effectively;
  - c) To provide leadership to Council;
    - (c.1) Without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council as described in Section 2.02 of this By-law and Section 224 of the Municipal Act, 2001, as amended;
  - d) To represent the municipality at official functions; and
  - e) To carry out the duties of the Head of Council under the Municipal Act or any other Act
- ii) For the purposes of the Township of Lake of Bays Emergency Plan if the Mayor is unavailable, the Acting Mayor shall be the alternate.

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#### **2.04 Head of Council as Chief Executive Officer**

- i) It is the role of the Head of Council, per Section 226.1 of the Municipal Act, 2001, as amended:
  - a) Uphold and promote the purposes of the municipality;
  - b) Promote public involvement in the municipality's activities;
  - c) Act as the representative of the municipality both within and outside the municipality and promote the municipality locally, nationally and internationally; and
  - d) Participate in and foster activities that enhance the economic social and environmental well-being of the municipality and its residents.

#### **2.05 Duties of the Acting Mayor**

Except as outlines in section 2.03, where the Mayor gives notice to the Township Clerk that he/she will be absent from the Town, or his/her absence through illness, or his/her office is vacant, then the Acting Mayor shall act in the place of the Mayor, and while so acting, may exercise the rights, powers and authority of the Head of Council.

#### **2.06 Duties of the Clerk**

- a) Attend all meetings of Council/Closed Session and to record the proceedings of all such meetings, in addition to any required clerical support staff;
- b) Cause notice of each regular and special meeting of Council or Committee, together with the agenda and all matters so far as are known to be sent to each member of the said Council;
- c) Record or cause to be recorded without note or comment all resolutions, decisions, and other proceedings of the Council and/or Closed Session meetings;
- d) Keep in the office of the Clerk or in a place appointed for that purpose for the time period references in the Township's Records Retention By-law any audio tape made of Council and or Public Meeting proceedings;
- e) Forward a copy of all resolutions, enactments and orders of the Council and Committees to those concerned in order to provide notice;

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- f) If requested by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- g) Keep the official records of the Township, including the minutes of the proceedings of Council and Committees;
- h) Keep in the Office of the Clerk, or in a place appointed for that purpose, the originals or copies of all by-laws and all minutes of the proceedings of Council;
- i) Make such minor clerical, typographical or grammatical deletions, additions or other changes in form to any by-law, motion, resolution and/or minutes as may be required for the purpose of ensuring correct and complete implementation of the actions of Council;
- j) Forward, by way of delegated authority, housekeeping or consolidations by-laws directly to Council for consideration;
- k) Perform such other duties as are prescribed by law or by direction of Council;
- l) Be a Municipal Officer for the Corporation of the Township of Lake of Bays.

**2.07 Duties of the Chief Administrative Officer**

- a) Review all staff recommendations and reports prior to their submission to Council and Closed Session and, when deemed necessary, to submit comments on the said reports;
- b) Assist the Council to discharge its responsibilities and, in a non –partisan manner, to aid Council members to carry out their duties;
- c) Attend Council and Closed Session meetings with the right, if with the consent of the Chair, to speak but not to vote; and to attend meetings of any other Committees as he/she sees fit;
- d) In the absence of the Clerk, to act as Deputy Clerk during Closed Session portions of Council meeting;
- e) Exercise general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality;

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- f) Without limiting the generality of the foregoing, to perform such other duties as may be necessary to fulfill the intent of the Chief Administrative Officer appointed by by-law and to exercise the powers which, from time to time, may lawfully be assigned by the Council

## **2.08 Rules of Procedure Adopted**

The proceedings of the Council and all Committees thereof, the conduct of the Members and the calling of meetings shall be governed by the provisions of the Act and the rules and regulations contained, except as provided herein. The rules of parliamentary procedure as contained in Robert's Rules of Order shall be followed for governing the proceedings of Council and the conduct of its Members.

## **2.09 Execution of Documents**

Whenever to give effect to any resolution or by-law of the Corporation, or to perform any of the statutory duties of the Corporation the execution of any document is required, the Chair and the Clerk are hereby authorized for, and in the name of, the Corporation to execute and to affix the seal of the Corporation to such documents.

## **2.10 Recording Equipment**

- (a) At the meetings of Council or of its Committees, the use of cameras, electrical lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by any person other than the recording secretary of the meeting, including but not limited to, members representatives of any news media whatsoever or members of the public is prohibited unless authorized in advance by the Mayor or Committee Chair as the case may be; and
- (b) When exercising the discretion to authorize the use of equipment such as described in (a) regard shall be had as to whether the use will be a distraction to the meeting and also as to whether there is a recording secretary of the Corporation present with the capability of providing a complete record of the meeting.

## **2.11 Chair**

The Chair shall be an ex-officio Member of all Standing and other committees of the Council and shall be entitled to vote at meetings.

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## **2.12 Duties of Chair**

It shall be the duty of the Chair or other presiding officer:

- (a) to open the meeting of Council by taking the Chair and calling the Members to order;
- (b) to announce the business before the Council in the order in which it is to be acted upon;
- (c) to receive and submit, in the proper manner, all motions presented by the Members of Council;
- (d) to put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- (e) to decline to put to vote, motions which infringe upon the rules of procedure;
- (f) to restrain the Members, when engaged in debate, within the rules of order;
- (g) to enforce on all occasions, the observance of order and decorum among the Members;
- (h) to call by name, any Member persisting in breach of the rules of order of the Council, therefore ordering him/her to vacate the Council Chamber;
- (i) to receive all messages and other communications and announce them to the Council;
- (j) to authenticate by his/her signature, when necessary, all by-laws, resolutions and minutes of Council;
- (k) to inform the Council when necessary, or when referred to, for the purpose on a point of order or usage;
- (l) to select Members who are to serve on Committee when directed to do so by a resolution of the Council or the rules of procedure;
- (m) to represent the support of the Council, declaring its will implicitly and obeying its decisions in all things;
- (n) to adjourn the meeting when the business is concluded; and

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(o) if considered necessary because of grave disorder, the Chair may adjourn the sitting without question put, or suspend the sitting for a time to be named.

### **2.13 Place**

Meetings of the Council shall be held at the Municipal Building in Dwight, in the Council Chamber, unless otherwise designated by resolution of Council.

### **2.14 Regular Meetings**

(a) Subject to subsections (b) and (c) meetings of the Council shall be held once per month on a Tuesday, commencing at 1:00 pm. Should a Closed Session deemed to be necessary by the senior municipal official/designate or Mayor, it shall be scheduled to commence at the end of the regular meeting.

(b) When a Council meeting under section 2.14 (a) falls on a public holiday, civic holiday or a day on which a municipal election or municipal by-election is being held, the Council shall meet at the same hour the following day, which is not a public, civic holiday or a day on which a municipal election or municipal by-election is being held unless otherwise provided by resolution of Council.

(c) Council may, by resolution, cancel or re-schedule the next regular Council meeting to be held under section 2.14 (a).

(d) When a "Regular Meeting" is to be held a time, day or place other than as set out in Section 2.07 & 2.08, Council shall give notice at least once of such meeting, by publication in a newspaper, provided there is sufficient notice to publicize the change of the meeting.

(e) The Clerk shall ensure that the agenda for each regular meeting of Council shall be made available or be delivered to each member of the Council, at the address provided to the Clerk by the Member for delivery of such notice, not less than seventy-two (72) hours before the hour appointed for the holding of such meeting. At the same time, the Clerk shall also ensure that the agenda is provided to the Chief Administrative Officer/Treasurer and Department Heads.

All meetings will be open to the public and no person will be excluded except where Council or Committee agree to meet in "Closed Session" for confidential discussion in accordance with this By-law.

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(f) The Chair of Council or Committee may , if it appears that storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising the Clerk and as many members as they are able to reach. Postponement shall not be for any longer than the next regularly scheduled meeting of Council or Committee.

(g) The office of a member of a Council or Committee becomes vacant if the member is absent from the meetings of Council or Committee for three consecutive months without being authorized to do so by a resolution of council

## **2.15 Special Meetings of Council/Committee**

(a) The Chair may at any time summon a special meeting of the Council/Committee;

(b) Upon receipt of the petition of the majority of the members of the Council/Committee, the Clerk shall summon a special meeting for the purposes and at the time mentioned in the petition;

(c) Once received by the Clerk, no member may remove his/her name from a petition filed under this section;

(d) Notice of all special meetings of the Council/Committee setting forth the matters to be considered at such special meeting shall be given to all members of the Council or Committee either:

(i) by prepaid first class mail deposited in Her Majesty's post office or by prepaid courier service not less than forty-eight (48) hours in advance of the time fixed for the meeting; or

(ii) by delivery to the residence or place of business of the member, not less than twenty-four hours in advance of the time fixed for the meeting, and the Clerk shall give such other notice of the meeting to the members by telephone or otherwise as best he/she can within the circumstances.

(e) At special meetings, the Council/Committee shall not consider or decide upon any matter not set forth in the notice calling the meeting, without the consent, recorded in the minutes, of all the members of Council/Committee; and

(f) Notwithstanding this section, on urgent and extraordinary occasions, with the consent of two-thirds of all the members of Council/Committee recorded in the minutes, an emergency special meeting of the Council may be called by the Chair and held to consider and deal with such urgent and extraordinary matters.

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- (g) The 48 or 24 hour notice required by section 2.15 (d)(i) & (ii) may be waived in the case of emergency as may be determined by the Mayor (or Acting Mayor) and/or Chief Administrative Officer/Treasurer (or designate)
- (h) Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.
- (i) The Chair of a Special Council or Committee may , if it appears that storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising the Clerk and as many members as they are able to reach. Postponement shall not be for any longer than the next regularly scheduled meeting of Council or Committee.
- (j) The Clerk to the best of their abilities shall provide notice of cancellation to Council, staff, media and all other interested parties a minutes of two (2)hours in advance of any Council, Committee, public meeting, information session or hearing in the case of severe inclement weather

## **2.16 Commencement of Meeting**

### **(a) Presiding Officer**

The Chair shall preside carrying out the duties authorized by section 2.12.

### **(b) Calling to Order**

As soon as after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Chair shall take the Chair and call the meeting to order. A quorum of Council is 4 members of the 7 member Council.

### **(c) Absence of Chair**

Subject to the provisions of the Act, in case the Chair does not attend within fifteen minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and the appointed Chair, if a quorum is present, shall preside until the arrival of the Chair and while so presiding the Acting Chair shall have all the powers of the Chair and shall be entitled to vote in the event of an equality of votes.

## **2.17 No Quorum**

Lack of quorum for a Council meeting may be resolved by one of the following procedures:

- (a) If no quorum is present to enable a meeting to commence one-half hour after the time appointed for a meeting of the Council or Committee, the Clerk shall,

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at the request of a majority of the Members present call the roll and record the names of the Members present and the Members shall stand discharged from waiting further;

(b) When in the chair and/or Clerk's opinion, a Council or Committee meeting should not convene at the scheduled hour because of weather conditions or other unforeseen emergency on the day of a Council or Committee meeting that has been properly called then the Chair may:

- (i) direct the Clerk to notify the members that the meeting will stand adjourned, not cancelled, at the appointed hour to reconvene at the same time of commencement on the next following day, or at such other time and place as the Chair shall then determine; or
- (ii) cancel the meeting, if in the Chair's opinion, it is not essential to deal with the agenda before the next regular meeting.

(c) If during the course of a Council meeting a quorum is lost then the Chair may;

- (i) declare that the meeting stand adjourned, not ended, to reconvene at such time and place as the Chair shall then determine; or
- (ii) cancel the balance of the meeting, if in the Chair's opinion, it is not essential to deal with the balance of the agenda before the next regular meeting; and

(d) The Clerk shall give notice to the general public and Council of any meeting so adjourned and to be reconvened as best the Clerk can within the time available.

## **2.18 Agenda**

The Clerk shall have prepared and printed for the use of the members at the regular meetings of Council an agenda using the following headings:

- (a) Meeting Called to Order
- (b) Approval of Agenda
- (c) Disclosure of Pecuniary Interest
- (d) Tenders
- (e) Deputation/Delegations
- (f) Minutes
  - (i) To be Adopted
  - (ii) To be Received
- (g) Committee Resolutions for Consideration

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- (h) Reports and By-laws
- (i) Correspondence
- (j) Municipal Councillors' Reports
- (k) Mayor's Report
- (l) Unfinished Business
- (m) Closed Session
- (n) Business Arising from Closed Session
- (o) Confirming By-law
- (p) Adjournment

## **2.19 Deputations/Delegations**

- (a) Persons desiring to present information on matters of fact or make a request of Council shall give notice to the Clerk not less than 1 (one) week before the commencement of the meeting of the Council but by special permission may be heard on leave of the Council, but shall be limited to speaking to not more than 10 minutes except that a deputation consisting of more than 5 persons shall be limited to two speakers each speaking not more than 10 minutes.
- (b) Notwithstanding section 2.19(a), Council may, by resolution, allow an unscheduled delegation to make a presentation to Council.
- (c) Notwithstanding section 2.19(a), the Mayor, by leave of Council, may grant an extension of the ten minute time limit to anyone, or all, delegations in attendance and may allow more than two speakers when a delegation/deputations of more than five is in attendance.
- (d) A maximum of four (4), ten (10) minute delegations at each regular council meeting shall be set aside.
- (e) No delegation shall:
  - i) speak disrespectfully of any person
  - ii) use improper language or unparliamentary language
  - iii) speak on any subject other than the subject for which they have received approval to address Committee/Council
  - iv) disobey the rules of procedure or a decision of the Chair of Council or Committee.

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f) Upon the completion of comments to Committee or Council by a delegation, any discourse between members of Council and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only. Members of Council shall not enter into debate with the delegation respecting their comments.

g) Members of the public attending a Council and/or Committee meeting shall respect the decorum of Council or Committee and refrain from public outburst; shouting; or behaviour intended to disrupt the debate, discussion and/or general proceedings of the Council/Committee. The Mayor or Chair may request that a member or members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Mayor or Chair may unilaterally suspend the meeting until order is restored in the Council Chambers.

## **2.20 Minutes**

(a) Minutes shall record:

- (i) the place, date and time of the meeting;
- (ii) the name of the presiding chair and the record of the attendance of the members;
- (iii) the reading, if requested, correction, adoption and receiving of minutes of prior meetings; and
- (iv) to record, without note or comment, all resolutions, decisions and other proceedings of the council *Sec 228(1)(a) Municipal Act, s.o 2001,c.25 as amended.*

(b) Are delivered with the agenda for the next regular meeting, unless unforeseen circumstances arise.

(c) The following minutes shall be adopted by Council:

- (i) Council;
- (ii) Finance and Corporate Services; and
- (iii) Planning Matters (Council)
- (iv) Closed Session

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(d) The following minutes shall be received:

- (i) Accessibility;
- (ii) Cemetery;
- (iii) Committee of Adjustment;
- (iv) Emergency Management Program Committee;
- (v) Fire Advisory;
- (vi) Heritage;
- (vii) Library; and
- (vii) Parks, Recreation and Trails

(e) Committees under clause (c)(ii) and (d) may bring forth any recommendations from their Committee to Council under the Council agenda heading "Committee Resolutions for Consideration".

## **2.21 By-laws**

- (a) Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedures or to comply with the provision of any Act. Each by-law shall be complete with the exception of the date of passing of readings and signatures of the Mayor and Clerk.
- (b) Every by-law shall have three readings prior to being passed.
- (c) All readings of the by-laws may be introduced in the same motion, duly moved and seconded, specifying the number and title of the by-law, giving them a First Reading. The by-law may be debated and amended before Second and Third Reading. After the second and third reading of the motion the by-law shall be decided without debate or amendment.
- (d) The Clerk shall set out on all by-laws enacted by Council, the date of the reading thereof.

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(e) Every by-law which has been enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Chair and the Clerk and shall be deposited by the Clerk for safe-keeping.

(f) A draft by-law may be presented in writing to Council for discussion and amendments if required prior to its passing at a Council meeting.

## **2.22 Committee Resolutions for Consideration**

Any Committee as indicated in 2.20 (c) and (d) may at their discretion bring forth any specific recommendation to Council, for consideration, of passing of a resolution.

## **2.23 Communication/Petitions**

(a) Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk

(b) Every petition or communication shall be delivered to the Clerk not less than 1 (one) week before the commencement of the meeting of the Council, and if in the opinion of the Chair it contains any impertinent or improper matter or language, the Chair shall decide whether it should be included in the agenda for a Council meeting.

(c) Notwithstanding subsection (b) hereof, Council may, by resolution, receive the submission of a petition or communication at any regular Council meeting.

(d) Subject to the decision of the Chair under subsection (b) hereof, the Clerk shall read the substance thereof to the Council but any Member may require the reading of part or all thereof

(e) All petitions or communications on any subject within the responsibility of a Standing Committee shall on presentation, unless otherwise disposed by Council forthwith, be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council.

(f) All correspondence marked to Mayor and Council will be available for public viewing.

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## **2.24 Closed Sessions**

- (a) The meetings of Council and Committees shall be open to the public, with the exception of subsection (b) and no person shall be excluded from a meeting that is open to the public except for improper conduct.
- (b) A meeting of Council and Committees shall be closed to the public when the subject matter under consideration involves:
- (i) the security of the property of the municipality or local board;
  - (ii) personal matters about an identifiable individual, including municipal or local board employees;
  - (iii) a proposed or pending acquisition or disposition of land for municipal or local board purposes;
  - (iv) labour relations or employee negotiations;
  - (v) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (vi) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (vii) a matter in respect of which a Council, board, committee or other body has authorized a meeting to be closed under another Act
- (c) A meeting shall be closed to the public if the matter related to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, commission or other body is designated as head of the institution for the purposes of the Act.
- (d) Before holding a meeting or part of a meeting that is to be closed to the public, a Council or local board shall state by resolution;
- (i) the fact of the holding of the closed meeting; and
  - (ii) the general nature of the matter to be considered at the closed meeting.
- (d.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

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- a) The meetings held for the purpose of educating or training the members.
  - b) At the meeting, no member discusses otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- (e) Subject to subsection (f) a meeting shall not be closed to the public during the taking of a vote
- (f) Despite subsection (e) a meeting may be closed to the public during the taking of a vote if;
- (i) Subsection (b) or (c) permits or requires a meeting to be closed to the public; and
  - (ii) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local boards, or persons retained by or under contract with the municipality or local board.
- (g) Each Member of Council acknowledges that all matters discussed in closed session shall remain confidential until brought forward in open session.
- (h) Each Member of Council shall not use, at any time, any such confidential information for the Member's own benefit or purposes or for the benefit or purpose of any person, firm, corporation, or other business entity
- (i) When a "Closed Session" meeting is necessary, it will be a requirement that the minutes shall be prepared and presented to the next meeting of regular Council

## **2.25 Confirming By-law**

At the end of each regular Council meeting a confirming by-law shall be presented to Council not to debate but only to confirm and adopt by by-law the decisions already taken at the Council meeting. It therefore is to be considered for accuracy then decided without debate and without the necessity of further declarations of conflict of the Members. The

Confirming by-law shall require only one reading prior to it being passed and shall be signed by the Mayor and Clerk only.

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## **2.26 Rules of Debate in Council**

### **(a) Speaking to Question of Motion**

- (i) Every Member previous to speaking to any question or motion shall first address the Chair;
- (ii) When two or more members request to speak, the Chair shall designate the member who has the floor who shall be the member who, in the opinion of the Chair, first rose; and
- (iii) The Chair may on any question request an official of the Corporation to respond or provide information to assist Council or clarify the matter.

### **(b) Participation of Chair - State Facts and Position**

The Chair may state relevant facts and the Chair's position on any matter before the Council without leaving the Chair, but it shall not be permissible for the Chair to debate a question without first leaving the Chair.

### **(c) Leaving the Chair**

If the Chair desires to leave the Chair for the purpose of taking part in the debate or otherwise, the Chair shall call on the Acting Chair to fill his/her place until he/she resumes the Chair.

- (d) Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute.
- (e) If any Member present at a meeting of the Council when a question is put and a Recorded Vote taken does not vote, he/she shall be deemed as voting in the negative except where it is prohibited from voting by statute.
- (f) When a Recorded Vote is requested by a Member, or is otherwise required, the Clerk shall record the name and vote of every Member on any matter or question.
- (g) If a Member disagrees with the announcement of the Chair that a question is carried or lost he/she may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a Recorded Vote to be taken.

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- (h) When the Chair calls for the vote on a question, each Member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room or speak to any other Member or make any noise or disturbance.
- (i) When a Member is speaking no other Member shall pass between him/her and the Chair or interrupt him/her except to raise a point of order.
- (j) Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
- (k) No Member shall speak more than once to the same question without leave of the Council, except that a reply shall be allowed to be made only by a Member of the Council who has presented the motion to Council, but not by any Member who has moved an amendment or a procedural motion.
- (l) No Member, without leave of the Council shall speak to the same question, or in reply, for longer than ten minutes.
- (m) Asking of Questions
- (i) A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated succinctly and asked only of the previous speaker.
- (ii) Notwithstanding subsection (i), when a Member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Chair or an official of the Corporation on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak.
- (n) Introductions of Motions
- (A) The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules and Procedures:
- (i) a point of order or personal privilege

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(ii) presentation of petitions

(iii) to lay on the table; and

(iv) to move the previous question.

(B) The following motions may be introduced without notice and without leave, but such motions shall be in writing signed by the mover and seconder except as otherwise provided by these Rules of Procedure:

(i) to refer

(ii) to adjourn

(iii) to amend; and

(iv) to suspend the Rules of Procedure

(C) Except as provided by paragraph (A) above, all motions shall be in writing and signed by the mover and seconder.

(o) In all unprovided cases in the proceedings of the Council the matter shall be decided by the Chair having regard to Robert's Rules of Order, subject to an appeal to the Council upon a point of order.

## **2.27 Points of Order and Privileges**

(a) The Chair shall preserve order and decide questions of order

(b) Questions of Point of Order

(i) When a member rises to a point of order he/she shall ask leave of the Chair to raise a point of order and after leave is granted he/she shall state the point of order to the Chair and sit down and remain seated until the Chair shall have stated and decided the point of order.

(ii) Thereafter, a Member shall only address the Chair for the purpose of appealing to the Council from the Chair's decision.

(iii) If no Member appeals, the decision of the Chair shall be final.

(iv) The Council, if appealed to, shall decide the question without debate and its decision shall be final.

(c) Where a Member considers that his/her integrity or the integrity of the Council has been impugned, he/she may as a matter of personal privilege rise at any time, with the consent of the Chair for the purpose of drawing the attention of the Council to the matter.

## **2.28 Conduct of Members of Council (refer to Council Code of Conduct passed November 6, 2007)**

No Member in addressing the Council or a Committee of Council shall:

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- (a) speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor General, the Lieutenant Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- (b) use offensive words or unparliamentary language in or against the Council or against any member of Council or Staff;
- (c) speak of any subject other than the subject in debate;
- (d) criticize any decision of the Council except for the purpose of moving in accordance with the provisions of section 2.30 (r) that the question be reconsidered; and
- (e) disobey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in case a Member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Council", but if the Member apologizes he/she may; by vote of the Council, be permitted to re-take his/her seat.

## **2.29 Duties of the Public**

- (a) No person, except Members and officers of the Council, shall be allowed to come within the Council table during the sittings of the Council without permission of the Chair of the Council.
- (b) No person shall, before or during a meeting of the Council, place on the desks of Members or otherwise distribute any material whatsoever unless such information is approved by the vote of Council.

## **2.30 Motions**

### Notice of Motions

- (a) Notice of all new motions except motions listed in subsection (A) and (B) of 2.26, shall be given in writing delivered to the Clerk at least 1 (one) week, preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing over the signature of the mover and the seconder and shall be complete and correct.

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(b) When a Member's notice of motion has been called from the Chair in two successive meetings and not proceeded with, it shall be dropped from the agenda unless Council otherwise decides.

(c) If at the third meeting, such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

(d) **Dispensing with Notice**

Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members present and voting.

(e) **Seconding**

A motion must be formally seconded before the presiding officer can put the question or a motion before it can be recorded in the minutes.

(f) **Presentation of Motion by Chair**

When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Chair before debate. The mover shall be entitled to speak first thereon if he/she so elects.

(g) **Ultra Vires**

A motion in respect of a matter which is ultra vires the jurisdiction of Council shall not be in order

(h) **Withdrawal**

After a motion is read or stated by the Chair, it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.

(i) **Priority of Disposition**

A motion properly before the Council for decision must receive disposition before any other motion can be received except motions in respect of matters listed in.

subsection (A) and (B) of 2.19

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(j) Procedure – Next Meeting

A motion call in the order in which it stands upon the agenda of the routine of business of a meeting and which is not decided by Council, shall be allowed to stand retaining its precedence upon the agenda of the routine of business of the next regular meeting of the Council

(k) Reference of a Committee

(i) A motion to refer a matter under discussion by the Council to a Committee of the Council or an official shall preclude all amendments of the main question until it is decided.

(ii) A motion to refer back a question to Committee, with or without instructions, may be amended but must receive disposition by Council before the question, or an amendment to the questions and when made prior thereto, before decision on a motion for the previous question or postponement.

(l) Postponement

(i) A motion to lay on the table is debatable but cannot be amended

(ii) A matter tabled shall not be considered again by the Council until a motion has been made to take up the tabled question at the same or a subsequent meeting of the Council.

(iii) A motion to take up a tabled question is not subject to debate or amendment.

(iv) A motion that has been tabled at a previous meeting of Council cannot be lifted off the table unless notice thereof is given equal to the notice required in section 2.30

(v) A motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn and cannot be taken from the table

(m) Amendment

A motion to amend:

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(i) shall be presented in writing;

(ii) shall receive disposition of Council before a previous amendment of the question;

(iii) only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main question;

(iv) shall be relevant to the question to be received;

(v) shall not be received proposing a direct negative to the question;

(vi) a separate and distinct disposition of a question may be proposed by way of amendment;

(vii) shall be put in the reverse order to that in which it is moved

(n) The Previous Question

A motion for the previous question:

(i) cannot be amended;

(ii) cannot be proposed when there is an amendment under consideration;

(iii) shall preclude all amendments of the main question;

(iv) when resolved in the affirmative the question is to be put forward without debate or amendment;

(v) can only be moved in the following words, "That the question be now put"; and

(vi) may be voted against by the mover and seconder

(o) Motion to Adjourn

(i) Shall always be in order except as provided by this Rule;

(ii) When resolved in the negative, it cannot be made again until after some intermediate proceedings shall have been completed by Council;

(iii) Is not in order when a member is speaking or during the verification of a vote; and

(iv) Is not in order immediately following the affirmative resolution of a motion for the previous question.

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(p) Privilege

A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and when settled, the question so interrupted shall be removed to the point where it was suspended.

(q) Motion to Divide

A motion containing distinct proposals may be divide by leave of Council

(r) Reconsideration

- (i) A motion to reconsider a decided matter shall only be moved by the member who voted with the majority on the original motion.
- (ii) A motion to reconsider a decided matter at the same meeting shall require the approval of two-thirds support of the whole Council
- (iii) A motion to reconsider a decided matter at a subsequent meeting shall require the approval of a majority of Council.
- (iv) A motion to reconsider:
  - a) is not debatable
  - b) is not amendable;
  - c) cannot be considered if the action approved in the motion cannot be reversed
  - d) suspends action on the motion to which it applies until it has been decided.
- (v) Each member of Council shall be responsible for making a determination on how the Member voted on a specific matter. The Clerk shall not record or note in the minutes how a member votes unless a request for a recorded vote has been made.
- (vi) No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided.
- (vii) No debate on a motion to reconsider a decided matter shall be permitted; however, the mover of a motion may give notice at the next regular meeting of Council and may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.

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- (viii) If a motion to reconsider is decided in the affirmative, then consideration of the original matter shall become the next order of business.
- (ix) When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.

### **2.31 Voting on Motions**

#### Question Stated

- (a) Immediately preceding the taking of the vote, the Chair may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He/she shall state the question in the precise form in which it will be recorded in the minutes
- (b) After a question is finally put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared

#### (c) Vote by Mover

All motions may be supported or opposed by the mover and seconder.

#### (d) Division of Question

A separate vote shall be taken upon each proposal contained in a question divided with leave of Council.

#### (e) Vote Not Allowed

A Member not present before the result of the vote on a question is declared shall not be entitled to vote on that question.

#### (f) Unrecorded Voted

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

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(g) Recorded Vote

- (h) When a Member present requests a recorded vote, all Members present at the Meeting must vote in alphabetical order, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law.
- (i) The names of those who vote for and other who voted against shall be noted in the minutes. The recording person shall call the names of the Members and announce the results.
- (j) If any Member at a Meeting does not vote when a questions is put and a recorded vote taken, he/she shall be deemed as voting in the negative, except where he/she is prohibited from voting by statute.

### **2.32 Conflict of Interest**

The member shall leave the room during which the matter is under consideration.

As per the Municipal Conflict of Interest, Chapter M.50, Duty of Member, Section 5:

- (a) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
- (i) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - (ii) shall not take part in the discussion of, or vote on any question in respect of the matter; and
  - (iii) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- (b) Where the meeting referred to in subsection (a) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

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(c) Where the interest of a member has not been disclosed as required by subsection (a) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (a) at the first meeting of the Council or Committees of Council, as the case may be, attended by the member after the meeting referred to in subsection (a)

### **2.33 Advisory Committees**

- (a) There shall be the following Advisory Committees of Council, which shall meet at various times of the year:
- (i) Accessibility Committee
  - (ii) Cemetery Committees
  - (iii) Committee of Adjustment
  - (iv) Community Emergency Management Committee
  - (v) Finance & Corporate Services Committee
  - (vi) Heritage Committee
  - (vii) Library Board
  - (viii) Parks, Recreation & Trails Committee
  - (ix) Planning Advisory Committee
- (b) The Mayor shall appoint the Chairs and alternate Chair of all Advisory Committees from amongst the Members, which appointments are to be reviewed and approved by Council.
- (c) Advisory Committee may be comprised of electors, Council Members and employees of the Township. Advisory Committees are to be created primarily for the purpose as approved by Council. The Mayor shall be an ex officio member of each Advisory Committee.
- (d) Council shall approve the terms of reference and criteria for the Advisory Committees.
- (e) Under special circumstances Council may for reasons of obtaining special expertise, at its discretion, appoint people who are not electors in the Township of Lake of Bays.
- (f) The majority of the members of an Advisory Committee shall constitute a quorum.

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- (g) Should there be any vacancy on an Advisory Committee during the Term; Council may fill that vacancy for the period remaining of the Term of Council.
- (h) Members of Council other than members of the Committee may attend the meetings of any committee, but shall not be allowed to vote; nor may they take part in any discussion or debate except by permission of the majority of the members of the committee.
- (i) When appointing members to an Advisory Committee, Council shall appoint one of the members as Chair and indicate who the "Alternate Chair(s)" will be if the Chair is unable to attend at any meeting of the Advisory Committee. Alternatively, Council may allow an Advisory Committee to select its own Chair.
- (j) Council may, at any time, discontinue any Advisory Committee referred to in this section or replace any Advisory Committee Member.
- (k) Agendas to be distributed at least 48 hours in advance of such meeting date.
- (l) The Chair of a committee may call a special meeting provided that the members of the committee are given at least 1 (one) weeks notice of the date, time and place of the meeting and that a notice of the meeting be published in the newspaper and posted on the township website.
- (m) All committee minutes shall be reviewed and approved by the individual committee and signed by the Chair presiding at the meeting. Minutes shall then be brought forward to Council for either "approval" or "received" as per section 2.20 (c) & (d) Any recommendations from Committee to Council will be placed on the Council agenda under section 8 "Committee Resolutions for Consideration".
- (n) Cancellation or change of time, day or place, must be made at least 1 (one) week prior to the meeting date, to all Committee Members, Mayor Chief Administrative Officer and Clerk's Department. Such notification to be made in writing or by telephone. If given enough notice, the cancellation will appear on the Township website in addition to an advertisement in the newspaper.
- (o) The office of a member of a committee becomes vacant if the member is absent from the meetings of committee for three consecutive months without being authorized to do so by a resolution of council.

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### **2.34 Repeal of By-law**

- (a) This by-law shall not be amended or repealed except by a majority vote of the Members of the Council other than the Chair
- (b) No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal has been given at a previous Regular Meeting of the Council and the waiving of this notice by the Council is prohibited.
- (c) In accordance with the "Notice of Provisions" in the new *Municipal Act, 2001, c.25, s.251 as amended*, no amendment or repeal of this By-law shall take place until notice is published in the local newspaper fourteen (14) days prior to the proposed action being taken.
- (d) If the proposed by-law is not passed at the council meeting specified in the notice, but consideration of the matter is deferred, no further notice is required, if a public statement is made at the meeting that the matter has been deferred and that the municipality intends to adopt or amend the by-law at a later council meeting specified in the public statement. This also applies to any further deferrals of the matter.

### **3.01 Administration**

The Clerk's Department shall follow this policy.

### **4.01 Attachments**

By-law 07-160

By-law 08-81 (Amendment to Reconsideration)