

**The Township of Cavan Monaghan**

**By-law No. 2023-08**

**Being a by-law to govern the calling, place and proceedings of meetings**

**“Otherwise known as the Procedural By-law”**

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## **The Township of Cavan Monaghan**

### **By-law No. 2023-08**

#### **Being a by-law to govern the calling, place and proceedings of meetings**

**Whereas** pursuant to Section 238(2) of the Municipal Act, 2001, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**Whereas** pursuant to Section 238(2.1) of the Municipal Act, 2001, as amended, the procedure by-law shall provide for public notice of meetings;

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

#### **1. Definitions:**

- a) "Abstain" means a member who is lawfully entitled to vote but chooses not exercise their right to vote on a matter, and in such cases in abstention shall be deemed as a negative vote.
- b) "C.A.O." means the Chief Administrative Officer of the Township of Cavan Monaghan designated by by-law.
- c) "Chair" means Mayor or Presiding Officer of a meeting.
- d) "Clerk" means the Clerk of the Township of Cavan Monaghan designated by by-law.
- e) "Closed Meeting or Session" means a meeting or portion thereof, closed to the public in accordance with Section 239 of the Municipal Act, 2001, as amended.
- f) "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 percent of the members are also members of one or more councils or local boards.
- g) "Council" means the Council of the Township of Cavan Monaghan.
- h) "Ex-officio" members may participate but not vote on such a committee, and not affect quorum. The Mayor is considered an ex-officio member of all Advisory Committees, other than those to which the Mayor has been appointed as a member.

- i) **"Local Board"** does not include police services boards or public library boards.
- j) **"Majority"** means more than half.
- k) **"Mayor"** means the Head of Council as set out in the Municipal Act, 2001.
- l) **"Meeting"** means any regular, special or other meeting of a council, of a local board or of a committee of either of them where:
  - i. A quorum of members is present, and
  - ii. 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.
- m) **"Member"** means a member of the Council of the Township of Cavan Monaghan or any member of a committee to which this by-law applies.
- n) **"Pecuniary Interest"** means a direct or indirect pecuniary interest of a member of Council within the meaning of the Municipal Conflict of Interest Act.
- o) **"Point of Order"** means an issue or concern regarding conformity to this By-law and/or the rule of order of Council, difficulty in continuation of a meeting, improper, offensive or abusive language, notice that discussion is outside the scope of a motion or notice of motion, or irregularities in the proceedings.
- p) **"Point of Privilege"** means a concern about the honour, dignity, character, rights of professionalism of the Mayor, members of Council or members of staff.
- q) **"Quorum"** means a majority of the members of Council.
- r) **"Recorded Vote"** means a written record of the name and vote of each member who votes on a question and of each member present who does not vote.
- s) **"Tie Vote"** means there is a tie of votes on any motion, this shall be deemed to have been decided in the negative (motion defeated).

## **2. General**

- a)
  - i. The rules of procedure contained in this by-law shall be observed in all proceedings of the Council and Committee(s) and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees
  - ii. All points of order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance, as far as reasonably practicable, with the rules of Parliamentary Law as contained in Robert's Rules of Order.
- b) In this by-law, words in the singular include the plural and vice versa, and all references to gender are intended as gender neutral, present tense includes the future.
- c) In all matters and under all circumstances the members shall be guided by and shall have regard for the Municipal Conflict of Interest Act, R.S.O. 1990.
- d) The Head of Council, or as the case may be, the designated Chair, if it appears that inclement weather or a like occurrence which may be reasonably expected to prevent such members that would constitute a quorum from attending a meeting, may 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.

## **3. Video Equipment & Recording Devices**

- a) The use of cameras, electric lighting equipment, television cameras and any other device mechanical, electronic or of similar nature used for transcribing or recording proceedings by auditory or visual means may be permitted by resolution of Council and upon such conditions as Council deems necessary.
- b) The meetings for the Council of the Township of Cavan Monaghan are livestreamed and recorded.
- c) If the meeting is interrupted and cannot proceed with its live feed, the meeting will be recessed for up to fifteen (15) minutes, or until the live feed is resumed. If the live feed cannot be resumed within fifteen (15) minutes the meeting will be considered adjourned. Council and/or the Committee will meet at the next regularly scheduled meeting date or at the call of the Chair and proper notice shall be given.

## **Meetings, Quorum and Notice**

### **4. Regular Council Meeting**

- a) All Regular Meetings of Council shall be held in the Municipal Building, 988 County Road 10, Millbrook, in the Council Chambers. Meetings are held on Mondays at 1:00 p.m. with an approved annual meeting schedule by Council resolution, save and except that in the months of July which there is no scheduled meeting and August there shall be one Regular Meeting. If Monday is a Statutory or Civic Holiday, the Council shall meet at the same hour on the following day, which is not a Statutory or Civic Holiday. The approved annual meeting schedule will then be placed on the Township website and on the Municipal Office bulletin board.
- b) The Inaugural Meeting of Council shall take place on the first Monday following November 15 in the year of the regular election.
- c) Council Meetings shall be limited to a maximum of six (6) hours.
- d) Unfinished business of a Regular Council Meeting shall be adjourned to the next Regular Council Meeting.
- e) The Clerk, with the approval of the Head of Council, may cancel a meeting of Council when, in their opinion, there is sufficient cause to do so.

### **5. Special Meeting**

- a) The Head of Council may at any time summon a Special Meeting of Council, or upon receipt of a petition of the majority of the members of Council, the Clerk shall call a Special Meeting for the purpose and at the time and place set out in the petition.
- b) The only business to be transacted at a Special Meeting of Council is that which is listed in the notice of meeting or agenda.
- c) All Special Meetings of Council shall be held at the Municipal Office, unless an alternative location is specified in the notice of meeting or agenda.

### **6. Emergency Meeting**

- a) Notwithstanding any other provision of this by-law, an Emergency Meeting of Council may be called by the Chair without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available.

- b) The only business to be dealt with at an Emergency Meeting shall be business dealing directly with the emergency or extraordinary situation.
- c) The lack of receipt of a notice of, or an agenda for, an Emergency Meeting by any member shall not affect the validity of the Emergency Meeting or any action taken thereat.

## **7. Electronic Participation at Meetings**

- a) Notwithstanding the provisions of the Procedural By-law a member of Council may participate electronically in a meeting that is either open or closed to the public and in doing so may be counted in determining whether or not a quorum of members is present at any point in time.
- b) Electronic meetings are those held by means of telecommunication instruments including but not limited to telephones, computers and video conferencing.
- c) Members must provide notice to the Clerk by 4:30 p.m. on the day prior to the meeting to ensure the proper technology is enabled to make electronic participation available.
- d) All votes during a meeting where some or all members are participating electronically shall be recorded votes.
- e) Where the Rules of Procedure conflict with the need to facilitate electronic participation, the Chair shall have the authority to modify the Rules of Procedure to ensure members can effectively electronically participate in the meeting.
- f) The Clerk or designate may provide for the electronic participation of Staff, including electronic participation of the Clerk or designate.
- g) In the event that members of the public are not permitted to attend a Regular Meeting or Special Budget Meeting of Council and electronic participation of the public cannot be facilitated due to the emergency, the public will be requested to provide their comments in writing to the Clerk at least three (3) hours prior to the meeting. Any Special or Emergency Meeting of Council will not allow for public comment submissions.
- h) If the meeting is interrupted and the live feed cannot be resumed within fifteen (15) minutes the meeting will be considered adjourned. The names of the

members present shall be recorded in the minutes of the meeting and any decisions of Council and/or Committee up to the point in time of the interruption, will be recorded and the remainder of the items will be discussed at the next regularly scheduled meeting or at the call of the Chair and proper notice shall be given.

## **8. Closed Session**

a) As per the Municipal Act, meetings or part of meetings may be closed to the public if the subject matter being considered is related to:

- i. The security of the of the municipality or local board;
- ii. personal matter about an identifiable individual, including municipal or local board employees;
- iii. a proposed or pending acquisition or disposition of land by the municipality or local board;
- iv. labour relations or employee negotiations;
- v. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- vi. 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 may hold a Closed Meeting under another Act;
- viii. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- ix. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- x. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality to local board and has monetary value or potential monetary value; or
- xi. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sch. 1, s. 26.

b) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- i. a request under the Municipal Freedom of information and Protection of



- Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- ii. an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsmen appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sch. 9, 22.
- c) A meeting of a council or local board of a committee of either of them may be closed to the public if the following conditions are both satisfied:
- i. the meeting is held for the purpose of educating or training the members.
  - ii. at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sch. A, s.103 (1).
- d) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of them shall state by resolution,
- i. the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting; or
  - ii. in the case of a meeting under subsection (3.1) (Educational or training sessions), the fact of the holding of the Closed Meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sch. A, s. 103 (2).
- e) All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township or persons retained by or under contract with the Township, or to rise from closed session.
- f) Members shall ensure that confidential matters disclosed and materials provided to them during closed session are kept confidential. Members shall return to the Clerk all printed material and delete all electronic material provided for the purpose of closed session at the conclusion of the member session portion of the meeting. Violation of these confidentiality provisions may result in the member being expelled from future Closed Session Meetings.
- g) If members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Clerk or the Chair, in advance of the meeting.

## **9. Order & Quorum**

- a) The Mayor shall be the Chair of all Regular monthly Meetings of Council, Special and Emergency Meetings.
- b) The Mayor shall call the meeting to order at the time appointed for a meeting or as soon as a quorum is present.
- c) In the case where the Mayor is not present with fifteen (15) minutes after the time appointed for a meeting of Council, the Deputy Mayor shall call the members to order.
- d) In the case where no quorum is present fifteen (15) minutes after the time appointed for a meeting, the Clerk shall record the names of the Council members present and the meeting shall stand adjourned until the date of the next meeting of Council called in accordance with the provisions of this by-law.
- e) During an absence of the Mayor and the Deputy Mayor of Council, from the municipality for a prolonged or designated period, the three (3) Ward Councillors, if a quorum is present, are designated to act as the Chair for the Regular Meetings, in alphabetical order on a rotational basis.
- f) During an absence of the appointed Council Representative from an Advisory Committee or Committee of Council, an alternate Council Representative may attend in their place with the same voting rights and powers.
- g) Where the number of members who are unable to participate in a meeting by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, is such that, at that meeting the remaining members are insufficient to constitute a quorum then, despite any other general or special act, the remaining number of members shall be deemed to constitute a quorum provided such number is not less than two (2). When the remaining number of members is two, the concurrent votes of both are necessary to carry any resolution, by-law or other measure.

## **10. Notice of Meetings**

- a) The posted agenda shall be considered as adequate notice of Regular and Special Meetings of Council.
- b) Public Notice of Regular Meetings and scheduled Special Budget Meetings shall be affected by posting the meeting agenda on the Township website and on the Municipal Office bulletin board no later than five (5) calendar days immediately preceding the meeting.
- c) The date, time and location of the meeting, together with all matters to be included

in the order of business shall be included in the Public Notice. In the event the meeting date and/or time and/or location is changed, the Public Notice will be affected within a similar time frame for the new meeting date.

- d) The Clerk shall deliver notice of each Special Meeting of Council to each member by personal contact, telephone, facsimile or electronic mail at least forty-eight (48) hours before the time set for such Special Meeting and in the notice shall specify the business to be transacted. An agenda constitutes such notice and shall also be posted on the Township website and on the Municipal Office bulletin board.
- e) The forty-eight (48) hours' notice required by Section 9(d) may be waived in the case of an Emergency Meeting as determined by the Head of Council.
- f) Lack of receipt of the notice shall not affect the validity of holding the meeting nor any action taken at the meeting.

## **Agenda & Order of Business**

### **11. Agenda**

- a) Agendas shall be generally formatted by the Clerk under the following headings but modifications or the order of business may be affected without requiring an amendment to this by-law:

- Call to Order
- Approval of the Agenda
- Disclosure of Pecuniary Interest and the General Nature Thereof
- Closed Session
- Report from Closed Session
- Delegations
- Minutes
- Minutes from Committees and Boards
- Reports
- General Business
- Correspondence for Action
- Correspondence for Information
- By-laws
- Unfinished Business
- Notice of Motion
- Confirming By-law
- Adjournment

- b) All material to be included in the agenda, including Closed Session materials, shall be delivered to the Clerk not later than 12:00 p.m. five (5) business days

prior to the meeting date.

- c) An item of business not listed on the agenda cannot be introduced at a Council Meeting without a unanimous vote of Council members present.

## **12. Disclosure of Pecuniary Interest**

- a) It shall be the responsibility of each member of Council to identify and disclose any pecuniary interest and the general nature thereof as defined in the Municipal Conflict of Interest Act, in any item or matter before the Council or Committee. Members who require legal advice concerning any potential conflicts are required to retain independent legal advice and shall not contact the municipal solicitor for such advice.
- b) Where a Council member, either on his/her own behalf or while acting, by with or through another, has any pecuniary interest, direct or indirect in any matters and is present at a meeting at which the matter is the subject of consideration, the member shall:
  - i. prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - ii. not take part in the discussion;
  - iii. not vote on any question in respect of the matter; and
  - iv. not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- c) Where a meeting is not open to the public the Council member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration, and also disclose the interest, but not the general nature of that interest at the next meeting that is open to the public.
- d) Where the interest of a Council member has not been disclosed by reason or absence from the particular meeting, the member shall disclose the interest and otherwise comply at the first meeting attended by the member after the particular meeting.
- e) The Clerk shall record the particulars of any disclosure of pecuniary interest made by the Council member and any such record shall appear in the minutes of that particular meeting.
- f) At a meeting which a member discloses an interest, or as soon as possible afterward, the member shall file the Disclosure of Pecuniary Interest Form (Schedule A) with the Clerk of the municipality or the secretary of the committee or local board, as the case may be.

### **13. Delegations**

- a) Any delegation that wishes to address Council for the purpose of making a verbal presentation to Council, will complete and sign a "Delegation Request" form and submit it to the Clerk along with any presentation not later than 12:00 p.m. five (5) business days prior to the Council Meeting. If in the opinion of the Clerk or Chief Administrative Officer, the statement provided does not contain a sufficiently clear statement of the issues or matters to be dealt with at Council, the request for delegation time will be returned for clarification and re-presentation.
- b) Any delegation that has previously appeared before Council regarding the same matter will not be permitted to address Council within six (6) months of the initial visit, unless in the opinion of the Clerk there is new information that is pertinent to the matter.
- c) The Clerk, in consultation with the Chief Administrative Officer, may refuse a delegation when there has been at least one (1) public meeting held at which the public has been provided the opportunity to make a formal presentation to Council on that particular subject within the previous six (6) months.
- d) The Clerk in consultation with the Chief Administrative Officer may refuse to hear delegations or presentations, or to receive communications when, in their opinion, the subject of the material is beyond the jurisdiction of the Council, is providing unsolicited promotion of products and services or where it contains obscene or defamatory content.
- e) Delegations shall be listed on the agenda in the order set by the Clerk and the length of agenda shall be considered when approving the number of delegations at each meeting.
- f) Delegation shall be limited to fifteen (15) minutes to address Council. Delegates will be advised of the ten (10) minutes time limit for the presentation, the time limit of five (5) minutes for questions and the restriction of two (2) presenters in advance of the delegation. This time may be extended at the discretion of Council and with a motion of unanimous support.
- g) Members of the public attending a Council Meeting shall respect the decorum of Council, shall not display signs or placards and refrain from speaking disrespectfully, using offensive language, public outbursts, shouting or behaviour which disrupts the debate, discussion and/or general proceedings of the Council.

## **Conduct of Meeting Proceedings and Those in Attendance**

### **14. Conduct of Council Meeting Proceedings**

- a) It shall be the duty of the Chair to:
  - i. open the meeting of Council by taking the Chair and calling the members to order;
  - ii. announce the business before the Council in the order in which it is to be acted upon;
  - iii. receive and submit, in the proper manner, all motions presented by Council members;
  - iv. put to vote all questions which are moved and seconded, and to announce the result;
  - v. decline to put to vote motions which infringe the rules of procedure;
  - vi. restrain the members, within the rules of order, when engaged in debate;
  - vii. enforce on all occasions the observance of order and decorum among the Council members and those in the gallery;
  - viii. authenticate, by his/her signature all by-laws and minutes of Council;
  - ix. inform the Council, when necessary, on a point of order usage;
  - x. represent and support the Council, declaring its will, and implicitly obeying its decisions in all things;
  - xi. ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council; and
  - xii. adjourn the meeting when the business is concluded.

### **15. Conduct of Council Members**

- a) No member shall:
  - i. speak disrespectfully of any other person;
  - ii. use offensive words or unparliamentary language in or against the Council or against any member in a discriminatory manner;
  - iii. speak on any subject other than the subject in debate;
  - iv. criticize any decision of Council except for the purpose of moving that a question be reconsidered;
  - v. disobey the rules of Council or a decision of the Chair or Council on questions of order or privilege or upon the interpretation of the rules of Council;
  - vi. violate the confidentiality of any matter considered in Closed Session.
- b) Every elected or appointed official or delegation shall address his/her remarks to the Chair. When two or more persons wish to speak, the Chair shall designate the person who has the floor.
- c) When a person is speaking, no other person shall interrupt that person except a member raising a point of order or privilege.

- d) Council members shall refrain from behaviour that could constitute an act of disorder or misbehaviour:
  - i. is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
  - ii. prejudices the provision of a service or services to the community.
- e) Council members shall acknowledge that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions and Council members shall not publicly criticize individual members of staff in a way that casts doubt on their professional competence and credibility.
- f) A member who is called to order shall immediately cease to speak. Any member who persists and ignores the Chair's call to order or the conduct that gave rise to the Chair's call to order may be ordered to leave the meeting by the Chair.
- g) A member must apologize first but the continued presence of the member remains at the decision at the discretion of the Chair.

#### **16. Conduct of Members of the Public**

- a) Members of the public who constitute the audience in the Council Chambers during a Council Meeting are expected to maintain order and quiet and shall not:
  - i. address the Council consensus of the Council members;
  - ii. interrupt any speech or action of the Council members or any other person addressing the Council; or
  - iii. display or have in their possession, during a Council Meeting, picket signs or placards in any location where a Council Meeting is being held.
- b) Any member who persists and ignores the Chair's call to order or the conduct that gave rise to the Chair's call to order may be ordered to leave the meeting by the Chair.

#### **17. Petitions & Communications**

- a) Every communication, including a petition intended to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper language and shall be signed by at least one person and filed with the Clerk. In addition, such communication must include the name and address of at least one of the authors. No anonymous correspondence will be accepted or provided to Council.

- b) Communication received by the Clerk and addressed to Council will be provided to the Council members and originals will be kept in the Clerk's Department.

#### **18. Unfinished Business**

- a) The items listed in the order of the topics set out in the agenda of prior meetings which have not been dealt with by Council shall be noted and repeated on each subsequent agenda under Unfinished Business until disposed of by Council, or unless removed from the agenda by resolution of Council.

#### **19. Reading of By-laws**

- a) Every by-law shall be introduced upon motion by a member of the Council and any number of by-laws may be introduced together in one motion, but Council shall, at the request of a member, deal separately with any by-law. Every by-law shall have three (3) readings prior to it being passed. A member of Council may introduce all three readings of a by-law within the same motion, duly moved and seconded. If Council so determines, a by-law may be taken as read.
- b) Every by-law which has been passed by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor and the Clerk and shall be deposited by the Clerk in the Municipal Office for safekeeping.
- c) The Head of Council, or in the Head's absence, the Deputy Mayor and the Clerk are hereby authorized to sign all agreements and other municipal documents that have been approved by Council.
- d) At the conclusion of every Regular, Special and Emergency Council Meeting prior to adjournment, a confirming by-law shall be brought forward to confirm the actions of the Council at the meeting in respect of each motion, resolution and other action taken. A confirming by-law when introduced, shall be taken as having been given three readings and shall be voted on without debate.

#### **20. Rules of Debate**

- a) Every member prior to speaking to any question or motion shall formally address the Chair.
- b) The Chair shall designate the member who has the floor when two or more members request to speak.
- c) No member shall be deemed to have precedence or seniority over any other member.



- d) A member shall not speak more than twice to any motion unless otherwise permitted by the Chair, except the member who has made the motion shall be allowed to reply for a maximum of five (5) minutes.
- e) Every motion or amendment stated by the Chair shall be deemed to be in the possession of the Council and can only be withdrawn before a decision, and with the consent of the mover.
- f) When the Chair calls a member to order, that member shall cease speaking until the Point of Order is dealt with and that member shall not speak again to the matter under discussion without the permission of the Chair unless to appeal the ruling of the Chair.
- g) Every Council member present at a meeting of the Council when a motion is stated shall vote on the motion unless disqualified by statute.

## **21. Recorded Vote**

- a) When a member present requests a recorded vote, all members present at the meeting must vote, unless otherwise disqualified by statute. A request for a recorded vote can be made before or immediately after the taking of a vote on any motion.
- b) Each member name shall be called out by the Clerk in a random order and shall be recorded in the minutes.
- c) All votes during a meeting where some or all members are participating electronically shall be recorded votes.

## **22. Motions**

- a) All motions shall be seconded before being debated or put from the Chair. When a motion is seconded, and at the request of a Council member, it may be read by the Clerk before being voted upon.
- b) If the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
- c) The following matter and motions may be introduced orally without notice and be decided without debate:
  - i. A point of order

- ii. A point of privilege
  - iii. A motion to adjourn
  - iv. A motion to defer
  - v. A motion to refer
  - vi. A motion to suspend the rules of procedure
  - vii. A motion to recess
- d) When a motion is under debate, no motion shall be received other than a motion to; amend, defer, or refer.
- e) Motion to amend – Only one amendment at a time can be presented to the main motion and when an amendment has been decided, another may be introduced. The amendment shall be voted on, and once carried, the main motion as amended, shall be put to a vote.
- f) Motion to defer (table) – A “motion to defer” a matter to a certain date shall be open to debate to determine as to the date to which the matter is deferred.
- g) Motion to refer – A “motion to refer” a matter under consideration shall be open to debate and shall include the terms on which the matter is being referred, the reason for the referral and the time at which it is to be returned.
- h) Motion to put the question – A “motion to put the question” (close debate):
- i. Shall not be amended;
  - ii. Shall not be debated;
  - iii. Shall apply to the motion or amendment under debate at the time when the motion to put the question is made.
- i) Motion to withdraw – After a motion is read or stated by the Chair, it shall be deemed to be in the possession of Council. Once in the possession of Council, a request, from the mover, to withdraw a motion shall be in order and, on hearing no objections, the motion shall be considered withdrawn without the necessity of consent from the seconder of the motion. If a member objects to the motion being withdrawn, the motion shall be voted on accordingly.
- j) Motion to reconsider – A motion requesting to bring back, for further consideration, an identical motion which has already been voted on by Council.
- A motion to reconsider:
- i. Is not in order when another has the floor;
  - ii. Must be seconded;
  - iii. Debate must be confined to reasons for or against reconsideration;
  - iv. Is not amendable;
  - v. Cannot be reconsidered.

A motion may be reconsidered provided that a member who voted with the majority on the original motion moves for reconsideration of the original motion.

When a motion for reconsideration is made at the same meeting at which the question to be reconsidered was dealt with, the motion for reconsideration shall be resolved at that meeting and shall require the support of a majority of the members present.

When a motion for reconsideration is made at a meeting subsequent to that at which the question to be reconsidered was dealt with, the motion for reconsideration shall be initiated by a notice of motion and shall follow that procedure as outlined in this by-law.

A motion to reconsider suspends action on the motion to which it applies until it has been decided.

No motion shall be reconsidered six (6) months after the original motion and shall not be reconsidered more than once.

### **23. Notice of Motion**

- a) A member who wishes to introduce a new motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall provide the motion in writing to the Clerk at the conclusion of the meeting.
- b) A notice of motion shall be read aloud and not be considered or debated until the next Regular Meeting of which the mover of the motion is in attendance.
- c) A notice of motion that is called for by the Chair at two (2) successive meetings and not proceeded with shall be dropped from the agenda.

### **24. Point of Order**

- a) The Chair shall preserve order and decide questions of order.
- b) When a member raises a point of order, he/she shall state the Point of Order to the Chair who shall then decide upon the Point of Order and advise the members of the decision.
- c) Unless a member immediately appeals the Chair's decision to the Council, the decision of the Chair shall be final.
- d) If a member appeals to the Council on a Point of Order, Council shall hear the

reasons for the appeal from the appellant. The decision will be made by a majority vote of Council and shall be decided without debate and shall be final.

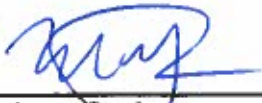
**25. Suspension of Rules**

- a) Any procedure required by this by-law may be suspended with unanimous consent of the members of Council present, save and except that any statutory requirement with respect to proceedings.

**26. By-law No. 2021-60 is hereby repealed in its entirety.**

**27. That this by-law shall be known as the Procedural By-law for the Council of the Township of Cavan Monaghan.**

**Read a first, second and third time and passed this 6<sup>th</sup> day of February, 2023.**

  
\_\_\_\_\_  
**Matthew Graham**  
Mayor

  
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**Cindy Page**  
Clerk