



**Hurononia West OPP  
Detachment Board  
Procedure By-law 24-01**

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## By-law Number 24-01

### Huronia West OPP Detachment Board

#### Being a By-law to govern the proceedings of the Huronia West OPP Detachment Board, and to govern the conduct, duties and responsibilities of its members and the calling of meetings

(Procedure By-law)

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**Whereas** section 67 (1) of the Community Safety and Policing Act, 2019, (the Act) states that there shall be an O.P.P. detachment board in accordance with the regulations made by the Minister, for each detachment of the Ontario Provincial Police that provides policing in a municipality;

**And Whereas** the Huronia West OPP Detachment provides policing services to the Township of Clearview, Township of Springwater and the Town of Wasaga Beach;

**And Whereas** the Ministry of the Solicitor General in 2023 approved the establishment and composition of the Huronia West OPP Detachment Board;

**And Whereas** section 46 (1) of the Community Safety and Policing Act, 2019, states that subject to the regulations made by the Minister, if any, a police service board shall establish its own rules and procedures in performing its duties under this Act and the regulations;

**And Whereas** the Huronia West OPP Detachment Board deems it expedient and necessary to establish rules governing the proceedings of the Board, the conduct of its Members and the calling of meetings, pursuant to the Community Safety and Policing Act, 2019 and amendments.

**Now Therefore** the Huronia West OPP Detachment Board hereby enacts as follows:

#### 1. Definitions

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1.1. For the purpose of this by-law the following definitions shall apply:

**“Act”** means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, as amended.

**“Board”** means the Huronia West OPP Detachment Board.

**“By-law”** means this Procedure By-law as amended by the Board from time to time. The Procedure By-law may also be referred to as the Procedural By-law.

**“Chair”** means the member elected as Chair of the Board or the presiding officer of the Meeting.

**“Committee”** means a committee of the Board which is established by the Board in accordance with Section 11.

**“Council”** means the Councils of The Corporation of the Township of Clearview, The Corporation of the Township of Springwater and The Corporation of the Town of Wasaga Beach.

**“Days”** means calendar days exclusive of Saturdays, Sundays and Statutory Holidays.

**“Deputation”** means an address to the Board or its Committee(s) at the request of a person or representative of a group or organization wishing to speak.

**“Detachment Commander”** means an Ontario Provincial Police Detachment Commander reporting to the Huronia West OPP Detachment Board.

**“Improper Conduct”** means behaviour which causes any obstruction to the deliberations or proper conduct of a meeting.

**“Inspector”** means an Ontario Provincial Police Inspector reporting to the Huronia West OPP Detachment Board.

**“Member”** means a member of the Huronia West OPP Detachment Board.

**“Municipality”** means the Municipalities of The Corporation of the Township of Clearview, The Corporation of the Township of Springwater and The Corporation of the Town of Wasaga Beach.

**“Motion to Defer”** means a motion made for the purpose of disposing of a matter with or without any proposed amendment, by delaying its consideration indefinitely or until some specified time or event.

**“Motion to Receive”** means a motion made for the purpose of acknowledging receipt of a particular item and placing the item in the records of the Board for future reference.

**“Motion to Refer”** means a motion made for the purpose of disposing of a matter under consideration, with or without any proposed amendment, by referring it and seeking its consideration by any designated Committee, body or official.

**“Point of Order”** means the raising of a question for the purpose of calling attention to any departure from the terms of this By-law or the customary modes of proceedings in debate or in the conduct of the Board’s business.

**“Point of Procedure”** means a question directed to the Chair to obtain information on the rules of the Board bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order or understand the effect of a motion.

**“Quorum”** means a majority of the Members of the Board pursuant to the Act.

**“Recorded Vote”** means a vote for which the Board Secretary records all Members present and how they voted.

**“Secretary”** means the Secretary of the Huronia West OPP Detachment Board.

**“Vice-Chair”** means the Member elected as the Vice-Chair of the Board and to act as the Chair in their absence.

## **2. Interpretation**

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- 2.1 This By-law will be interpreted to be consistent with the following principles:
- a) The majority of Members have the right to decide;
  - b) The minority of Members have the right to be heard;
  - c) All Members have the right to information to help make decisions, unless otherwise prevented by law;
  - d) Members have a right to an efficient meeting;
  - e) All Members have the right to be treated with respect and courtesy; and
  - f) All Members have equal rights, privileges and obligations, subject to additional rights, privileges and obligations granted to the Chair.

## **3. Application**

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- 3.1 Subject to subsection 3.3, the rules of procedures set out in this By-law will be observed in all proceedings of the Board, other than in proceedings conducted pursuant to Part VII, Part IX, Part X, Part XI, and Part XII of the Act, and will govern the order and dispatch of business conducted by the Board.
- 3.2 The rules of procedure contained in this By-law, with necessary modifications, are likewise applicable to a Committee.
- 3.3 All points of order or procedure for which rules have not been provided in this By-law will be decided by the Chair, as far as is reasonably possible, in accordance with the rules of parliamentary procedure as contained in Robert’s Rules of Order.

- 3.4 The Board may waive any rules of procedure established by this By-law as it considers appropriate.
- 3.5 Notwithstanding section 3.4, the Board cannot waive the following rules:
- a) Meetings open to the public;
  - b) Quorum necessary for Board and committee meetings;
  - c) Reconsidering decisions; and,
  - d) Amending the procedure by-law.

#### **4. Composition of the Board**

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- 4.1 Pursuant to O.Reg. 135/24, the composition of the Board consists of the following:
- Two members appointed by each of the following municipalities, who are members of the council of the municipality, for a total of six members: Township of Clearview, Township of Springwater and Town of Wasaga Beach; and,
  - One member appointed by each of the above municipalities, who is neither a member of the council of, nor an employee of, the municipality, for a total of three members; and,
  - Two members appointed by the Minister.

#### **5. Selection of Chair and Vice Chair**

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- 5.1 In accordance with Section 36 (1) and (2) of the Act, the members of the Board shall, at the first meeting in each year, select from amongst its members, a Chair and Vice Chair for one year.
- 5.2 The election of Chair shall be conducted by the Secretary.
- 5.3 The election of the Vice Chair shall be conducted by the Chair.
- 5.4 Any votes required under this section, shall be taken as described by the provision of Section 244 of the Municipal Act, 2001, as amended, which requires that each member present indicate their vote openly and that no vote be taken by ballot or any other method of secret voting.

#### **6. Duties & Responsibilities of the Board**

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- 6.1 The Board shall be responsible for those duties as set out in the Act as applicable and shall at all times discharge those duties in accordance with the Board's Code of Conduct. Key roles and responsibilities of the Board are to:

- Consult with the Commissioner regarding the selection of a detachment commander and otherwise participate, in accordance with the regulations made by the Minister, in the selection of the detachment commander;
- Determine objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or their designate;
- Advise the detachment commander with respect to policing provided by the detachment;
- Monitor the performance of the detachment commander;
- Review the reports from the detachment commander regarding policing provided by the detachment; and,
- On or before June 30 in each year, provide an annual report to the municipalities and band councils regarding the policing provided by the detachment in their municipalities or First Nation reserves.

## **7. Duties of the Chair**

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7.1 It shall be the duty of the Chair to:

- a) Preside at all meetings of the Board;
- b) Open the meeting of the Board by taking the chair and calling the Members to order;
- c) Receive and submit, in the proper manner, all motions presented by the Members;
- d) Put to vote all questions, which are duly moved and to announce the result thereof;
- e) Decline to put to a vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board;
- f) Ensure the Members, when engaged in debate, act within the rules of procedure;
- g) Enforce on all occasions the observance of order and decorum among the Members;
- h) Call by name, any Member persisting in breach of the rules and procedure and to order them to vacate the room in which the meeting is being held;
- i) Inform the Board on any point of order as deemed necessary;
- j) Adjourn the meeting upon motion duly moved when the business is concluded;

- k) Adjourn the sitting without a question being put or suspend or recess the sitting for a time to be specified by them, if considered necessary;
- l) Vote with Members on any questions;
- m) Act as the spokesperson for the Board or designate the Vice-Chair or the Board Secretary to do so;
- n) Represent the Board at public or official functions or designate another Board Member to do so;
- o) Sign all documents for and on behalf of the Board including but not limited to by-laws, resolutions, orders and agreements which have been approved by the Board;
- p) In coordination with the Board Secretary, set the agenda for all meetings;
- q) Report on the activities of the Huronia West OPP Detachment Board to the Councils of the Township of Clearview, Township of Springwater and the Town of Wasaga Beach as requested;
- r) Perform any and all other duties when directed to do so by motion of the Board; and,
- s) Where appropriate, expel or exclude from a meeting any person for improper conduct.

## **8. Duties of the Vice-Chair**

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- 8.1 When the Chair is absent or refuses to act, the Vice-Chair will act in their place, and, while acting, will have the authority, rights, duties and powers of the Chair.
- 8.2 If the position of Chair becomes vacant, the Vice-Chair, if willing, will act in their place and assume the position of Chair for the remainder of the term until an election is held at the first meeting in the calendar year. If the Vice-Chair assumes the position of Chair, an election will be held for the position of Vice-Chair at the next regular meeting. If the Vice-Chair declines to assume the position of Chair, the Members will elect an interim Chair.

## **9. Agenda**

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- 9.1 The Board Secretary will prepare an agenda, for approval by the Chair, for the use of the Members at the meetings of the Board.

- 9.2 For a regular Board meeting, below is the order of business:
- 1) Closed Session (if required)
  - 2) Call to Order
  - 3) Declarations of Disqualifying Interest
  - 4) Approval of Minutes from Previous Meeting(s)
  - 5) Deputations/Presentations
  - 6) Detachment Commander Report
  - 7) Correspondence
  - 8) Reports and Items for Consideration
  - 9) By-laws
  - 10) Adjournment
- 9.3 Any Member may submit an item to be put on an agenda provided that it is received by the Board Secretary prior to the agenda deadline and subject to Board Secretary and Chair approval.
- 9.4 The agenda for each regular meeting will be available to each Member at least seven (7) days before the scheduled meeting. The agenda shall be posted publicly on the Board's website(s).
- 9.5 The Board will deal with matters in the order established by the order of business as shown on the agenda. The Chair may, at their discretion, alter the established order to facilitate the business of the meeting.
- 9.6 Any Member may add new business to the agenda after the Agenda Deadline if it relates to an urgent matter and the Board consents to the addition.
- 9.7 The Chair will use their reasonable efforts to satisfy the notice provisions set out in this section. Failure to satisfy any of the notice provisions contained in this section does not invalidate the meeting or any proceeding at the meeting.
- 9.8 Every letter, petition and other correspondence addressed to the Board shall be received by the Secretary of the Board who shall:
- a) where, in the opinion of the Secretary, the subject matter of any communication is properly within the jurisdiction of the Board, place it on the agenda for the next regular meeting of the Board to be dealt with during such meeting;

b) where, in the opinion of the Secretary, and confirmed by the Chair, the subject matter of any communication is properly within the jurisdiction of the Police Service, shall refer it to the Detachment Commander for necessary action and a report presented at the next Board meeting if required.

9.9 Personal information and opinions in communications are part of the public record unless the author of the communications specifically requests the removal of their personal information when submitting it. Requests for removal of information are at the discretion of the Board Secretary, and personal information in this context does not include the name/author of the communication, as communications will not be anonymous.

## **10. Minutes**

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10.1 The Board Secretary will take minutes of each meeting of the Board, without note or comment, which will include:

- a) the place, date and time of the meeting;
- b) the name of the Chair and the attendance of the Members, senior staff of the Huronia West OPP Detachment, senior staff of the partner municipalities, and the names of presenters and persons making deputations;
- c) the names of Members absent;
- d) the confirmation and correction, if required, of the minutes of the previous meeting;
- e) declarations of interest; and
- f) all resolutions and other proceedings of the meeting.

10.2 Unless otherwise decided by the Board, the minutes of each Board meeting will be submitted for confirmation or amendment to the Board at its next regular meeting or as soon thereafter as is reasonably practicable.

10.3 The approved public minutes of the Board, will be posted on the Board's website.

## **11. Committees of the Board**

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11.1 The Board may, at any time, appoint two or more Members to a Committee to exercise any authority conferred to the Board in order to address any matter within the jurisdiction of the Board.

11.2 The rules governing the procedures of the Board and the conduct of Members will be observed in all Committee meetings so far as they are applicable.

- 11.3 The Chair will be an ex-officio Member of any Committee appointed pursuant and will be entitled to vote as a Member of any such Committee.
- 11.4 The Board will appoint Members to Committees for a specified period of time.
- 11.5 The Board will appoint a Chair of each Committee.
- 11.6 Members who are not Members of a specific Committee may attend meetings of that Committee and may, with the consent of the Chair of that Committee, take part in the discussion, but will not be counted in the quorum or entitled to make motions or to vote at these meetings.
- 11.7 The Committee will report on its work to the Board as directed by the Board.
- 11.8 The Board may establish ad hoc Committees of limited duration, to inquire and report on a particular matter or concern. An ad hoc Committee will dissolve automatically upon submitting its final report to the Board.

## **12. Regular Board Meetings**

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- 12.1 The regular meetings of the Board will be held at least four times each year pursuant to Section 43 (1) of the Act, or more frequently at the direction of the Board or call of the Chair.
- 12.2 The Board will hold its regular meetings according to the schedule and locations set annually and approved by the Board, or at such other place or time as may be determined by the Board. Regular meetings are open to the public unless otherwise closed pursuant to Section 44 of the Act.
- 12.3 Regular meetings will not be scheduled for a time which conflicts with a regular meeting, or a meeting previously called of the Councils of the Township of Clearview, Township of Springwater or the Town of Wasaga Beach, or any of its committees on which Members sit.
- 12.4 The Chair will preside at all Board meetings. In the event the Chair does not attend a meeting within thirty (30) minutes after the time appointed for the meeting, the Vice-Chair will call the Members to order and will preside until the arrival of the Chair. If the Chair and Vice-Chair are not in attendance, then those Members in attendance will, by resolution, appoint one of themselves to act as Acting Chair for that meeting or until the arrival of the Chair or Vice-Chair.
- 12.5 The Board may alter the meeting schedule as it considers necessary.

### **13. Special Board Meetings**

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- 13.1 The Chair may, at any time, call a special meeting of the Board on twenty-four hours' notice and will do so whenever requested in writing by a majority of the Members of the Board.
- 13.2 The Board Secretary may give notice of special meetings to the Members of the Board by electronic means.
- 13.3 The notice calling a Special meeting of the Board will state the business to be considered at the Special meeting and no business may be considered at a Special meeting of the Board other than that specified in the notice, unless approved by the Board.
- 13.4 Special meetings will not be scheduled for a time which conflicts with a regular meeting, or a meeting previously called of the Councils of the Township of Clearview, Township of Springwater or the Town of Wasaga Beach, or any of its committees on which Members sit, unless all Council Members who are also Board Members consent to the time of the special meeting.
- 13.5 Notwithstanding any other provision contained in this section, the Chair may cancel a Special meeting if they called the meeting. The Chair may only cancel a Special meeting that was requested by the Members if a majority of the Members consent to the cancellation.

### **14. Closed Session Meetings**

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- 14.1 The Board may retire into a Closed Session specifically called for that purpose, if the subject matter being considered is in accordance with section 44 of the Act.
- 14.2 No people other than Members and those permitted by the Board will attend Closed Session meetings, and all others will vacate the meetings when asked by the Chair.
- 14.3 All information pertaining to a confidential meeting will be treated as confidential by all persons in attendance unless the Board agrees to disclose it publicly.
- 14.4 During a Closed Session meeting, the Board may move any item from the Closed Session agenda to a public agenda.
- 14.5 Before holding a Meeting or part of a Meeting that is to be closed to the public, the Board shall approve a motion stating the following:

- a) The fact that the Meeting will be closed to the public;
  - b) The reasons the Board has determined it is necessary to exercise its' discretion to close the Meeting to the public; and,
  - c) The general nature of the matter to be considered at the Closed Meeting.
- 14.6 The agenda for a Closed Session meeting shall be distributed to Members of Board (confidentially) as early as possible prior to the Meeting.
- 14.7 No vote shall be taken at a Meeting which is closed to the public unless:
- a) The subject relates to an item as described in the recommendation to go into a Closed Session as voted in the open session of the Board; or,
  - b) The vote is for procedural matters or giving directions or instructions to officers, employees, or agents of the Board.
- 14.8 The Board Secretary shall record in the minutes of the Meeting the reason for the Board going into a Closed Session.
- 14.9 The Board Secretary shall record all vote(s)/direction(s) provided during a Closed Session which relate only to the direction provided by the Board.
- 14.10 The minutes are the official record of the Closed Session Meeting.
- 14.11 Upon coming out of a Closed Session, the Chair shall verbally, or by motion, report the progress made during the Closed Session. If there is nothing to report, the Chair shall state that.
- 14.12 The rules governing the procedure of the Board and the conduct of its Members shall be observed in a Closed Session so far as they are applicable.

## **15. Electronic Meetings**

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- 15.1 The Board may, at the direction of the Chair, hold a regular or special meeting where some or all Members participate electronically and are not physically present in the same location.
- 15.2 Electronic participation shall mean participation by teleconference or video conference.
- 15.3 Where a meeting is being held in accordance with section 15.1:
- a) notice of the meeting and instructions on how members of the public can view and/or participate in the meeting will be included in the agenda and/or notice for the meeting;

- b) any Member participating in the meeting electronically will be deemed present for the purposes of Quorum and Voting under the By-law, and for all other purposes; and,
  - c) this By-law will apply to the meeting with any other necessary modifications as may be required.
- 15.4 In the event of technical failure during the meeting, the Board may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a Member or the Board can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made prior to the technical failure.

## **16. Quorum**

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- 16.1 As soon as possible after the hour fixed for a meeting of the Board, and where a quorum is present, the Chair will take the chair and call the meeting to order.
- 16.2 If a Quorum for a Board meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, or the resumption of a meeting after an adjournment or recess, the Board Secretary will record the names of the Members present and the meeting will stand adjourned until the time identified in a motion to “fix the time to which to adjourn”, or the next regular meeting of the Board.
- 16.3 If Quorum is lost during a meeting of the Board, the Chair will, upon determining that a Quorum is not present, request the Board Secretary to call for a Quorum period of fifteen (15) minutes, or until a Quorum is present, whichever is sooner.
- 16.4 If there is still no Quorum of the Board after fifteen (15) minutes, the meeting will stand adjourned and the Board Secretary will record the names of the Members present. In this case, all unfinished business will be carried forward to the next meeting of the Board.

## **17. Deputations**

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- 17.1 Persons wishing to make a deputation to the Board regarding an item not already on a meeting agenda will only be heard at regular meetings, provided the following requirements are met:
- a) the request must be received no later than five (5) calendar days before the Agenda Deadline for the meeting;
  - b) the request must be made to the Board Secretary in writing or by email;

- c) the request must set out the particulars of the matter and include a copy of any materials that will be presented;
  - d) the request must indicate the name, telephone number and email address of the person who will speak to the matter; and
  - e) the request must pertain to a matter that falls within the jurisdiction of the Board.
- 17.2 Upon receipt of the notice requesting a deputation and provided the requirements in section 17.1 are met, the Chair in consultation with the Board Secretary may decide to:
- a) list the deputation on the agenda of any future meeting; or,
  - b) direct the Board Secretary to respond in writing without the need for a formal deputation, and not put the matter on the agenda; or
  - c) refuse the request.
- 17.3 Any person providing information and/or comments at a public or open meeting, whether verbally or written, will be considered by the Board as consent to the individual's personal information and comments. This information may become part of the public record.
- 17.4 Unless otherwise directed by the Board, deputations will be restricted to ten (10) minutes and will be addressed only to the stated business. The time allotted for any deputation may be extended or reduced as considered necessary at the discretion of the Board.
- 17.5 A deputation on behalf of any organization or group may be made by more than a single representative but the entire submission on behalf of an organization or group will be limited to ten (10) minutes. If a person is speaking both on their own behalf and as a representative of an organization or group, the entire submission will be limited to five (5) minutes.
- 17.6 Upon the completion of a deputation to the Board, any discourse between Members and the persons making the deputation will be limited to Members asking questions for clarification for up to five (5) minutes. Members of the Board will not enter into debate with the person making the deputation.
- 17.7 A person making a deputation will not:
- a) speak disrespectfully of any person;
  - b) use offensive words or language;
  - c) speak on any subject other than the subject for which they have received approval to address the Board;

- d) speak concerning the conduct of a police officer or make a complaint against a police officer or member of the Huronia West OPP Detachment, staff and Members of the Board; or
- e) disobey the rules of procedure or a decision of the Chair.

17.8 The Chair may curtail any deputation or debate during a deputation for Improper Conduct or any other breach of this By-law and where, after giving a caution, the Chair rules that the deputation is concluded, the person or persons appearing will immediately withdraw.

## **18. Code of Conduct and Conflict of Interest**

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18.1 Board Members will be governed by the Community Safety and Policing Act, 2019, as amended and O. Reg. 409/23 as it relates to the code of conduct and conflict of interest of Members.

18.2 A Board Member shall promptly disclose any conflict of interest:

- a) to the chair of the board; or
- b) if the conflict of interest involves the chair, to the Inspector.

After making the disclosure the member shall disclose the conflict at the next meeting of the Board.

18.3 A Board Member shall not participate in discussion of or voting with respect to matters at Board meetings if the member has a conflict of interest in the matter.

18.4 The Board Secretary will record in reasonable detail, the particulars of any disclosure of conflict of interest made by a Member at a meeting, and the particulars will appear in the minutes of that meeting of the Board.

## **19. General Conduct of Board Members**

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19.1 No Member will:

- a) use offensive words or language in meetings of the Board;
- b) speak on any subject other than the subject in debate;
- c) criticize any decision of the Board at a meeting except for the purpose of moving that the question be reconsidered; or
- d) disobey the rules set out in this By-law or a decision of the Chair on questions of order or procedure as set out in this By-law or resolution of the Board, or on the interpretation of the rules of the Board.

- 19.2 If a Member persists in a breach of section 19.1 after having been called to order by the Chair, the Chair shall without debate put the question, "Shall the member be ordered to leave for the rest of the meeting?"
- 19.3 If the Board votes in the affirmative, the Chair shall order the Member to leave for the rest of the meeting.
- 19.4 If the Member apologizes, the Chair, with the approval of the Board, may permit the Member to return to the meeting.

## **20. Conduct of the Public**

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20.1 Members of the public in attendance at a meeting will not:

- a) address the Board without permission;
- b) bring signage, placards or banners into meetings and will refrain from any activity or behaviour that would interfere with Board deliberations; or
- c) engage in Improper Conduct.

If a member of the public contravenes any of the above rules of conduct, the Chair may expel the person(s) from the meeting for improper conduct.

## **21. Rules of Debate**

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- 21.1 Every Member, prior to speaking to any question or motion shall first be recognized by the Chair.
- 21.2 When a Member is speaking, no other Member shall pass between them and the Chair or interrupt them, except to raise a point of order or personal privilege.
- 21.3 Any Member may require the question or motion under discussion to be read at any time during the debate but not as to interrupt a Member while speaking.
- 21.4 Questions may only be asked of:
- a) a Member who has already spoken on the matter under discussion;
  - b) the Chair;
  - c) an official of the Huronia West OPP Detachment, staff in attendance from either the Township of Clearview, the Township of Springwater or the Town of Wasaga Beach; and
  - d) any other person in attendance who may be able to assist the Board.

- 21.5 When a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Chair on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak to the motion.
- 21.6 The following matters may be introduced by Members at a meeting of the Board without written notice and without the consent of the Board:
- a) a point of order or procedure;
  - b) a motion to suspend or not follow a rule of procedure;
  - c) a motion to recess or adjourn the meeting;
  - d) a motion that the vote on a matter be taken; and
  - e) other motions of a purely procedural nature.
- 21.7 A point of order may be called by a Member to bring attention to:
- a) any breach of the rules of procedure of the Board;
  - b) the use of improper, offensive or abusive language; or,
  - c) statement of the fact that the matter under discussion is not within the scope of the proposed motion.
- 21.8 When a Member wishes to raise a point of order, the Member shall ask leave of the Chair to raise the point of order and after leave is granted the Member shall state the point of order to the Chair and no further business shall be conducted until the Chair has decided and stated the point of order.
- 21.9 Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Board.
- 21.10 Any Member may appeal the decision of the Chair to the Board, which shall decide the question: "that the Board oppose the decision of the Chair". Members shall vote upon the question without debate, deferral or adjournment, upon a majority vote of Members present. The Chair shall call the vote and announce the results. If no Member appeals, the decision of the Chair shall be final.
- 21.11 If a Member arrives late to a Meeting, any prior debate or discussion shall not be reviewed without the unanimous consent of all Members present.

## **22. Motions**

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- 22.1 Every motion, when duly moved and seconded, shall be open to discussion. A motion or amendment thereto, may not be withdrawn without the consent of the mover and seconder.

- 22.2 The Chair shall not move or second any motion but shall vote on every motion. The Chair may appoint a Member to preside in their place and vacate the chair in order to move or second a motion. The Chair shall resume the chair following the vote on the matter.
- 22.3 A motion that has not been seconded will not be recorded in the minutes.
- 22.4 A new motion, when duly moved and seconded, is permitted on any agenda item that has been published as part of the public record.
- 22.5 Every Member present at a Meeting when a question is put, shall vote thereon unless otherwise prohibited by statute, in which case it shall be recorded.
- 22.6 A motion may be voted against by the mover and seconder.
- 22.7 Each Member present and voting shall announce or indicate their vote upon the motion or by-law, openly and individually, and no vote shall be taken by ballot, or any other method of secret voting.
- 22.8 If any Member at a Meeting when a question is put does not vote, shall be deemed to have voted in the negative except where prohibited from voting by statute.
- 22.9 The vote on a motion may only be called after each Member who wished to speak has spoken once.
- 22.10 If a Member disagrees with the announcement of the Chair that a question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and request that the vote be retaken.
- 22.11 In considering unrecorded votes, the manner of determining the decision of the Board on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.
- 22.12 In considering recorded votes the Board Secretary shall ask Members to announce their vote openly and any failure to vote by a qualified Member shall be deemed to be a negative vote. The Board Secretary shall record the names of those who voted for and of those who voted against, in the minutes and announce the results.
- 22.13 Any motion of which there is a tie vote shall be deemed to be decided in the negative.

### **Recorded Votes**

22.14 When a recorded vote is requested by a Member, the Board Secretary shall call the vote and record the name and vote of every Member on any question.

22.15 A request by a Member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter and before any other item of business is brought forward.

22.16 When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair.

22.17 After a question is put on the floor 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.

### **Divide the Motion**

22.18 Upon the request by any Member, and when the Chair is satisfied that a question under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

### **Precedence of Motions**

22.19 When a vote is taken the precedence of motions is as follows, unless otherwise decided by the Board:

- a) Motion to Defer, including a motion to Refer the question;
- b) Motion to amend the main motion; and
- c) Motion to adopt the main motion or to adopt as amended, if any amendments have been carried out.

### **Motion to Defer**

22.20 A motion to Defer a matter that has been previously Deferred shall require a majority vote of the Board.

### **Motion to Refer**

22.21 A motion to Refer a matter to staff shall include the reasons for the Referral.

### **Amendments**

22.22 Only one amendment can be presented to the main motion at one time.

22.23 An amendment must be similar to the motion which it is proposed to amend and cannot negate the intent of the original motion.

### **Motion to Reconsider**

22.24 Subject to section 22.25, after any matter has been decided, any Member may move a motion for reconsideration of the matter. No resolution shall be reconsidered more than once during the term of the Board.

22.25 In the case of a Recorded Vote, after any matter has been decided, any Member who voted with the majority may move a motion for a reconsideration of the matter.

22.26 A resolution that was decided by the Board cannot be reconsidered if action has been taken in implementing the resolution resulting in legally binding commitments that are in place on the date the motion to reconsider is considered by the Board.

22.27 A motion to reconsider:

- a) is not debateable;
- 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.

22.28 No debate on a motion to reconsider a decided matter shall be permitted. However, the mover of a motion to reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such consideration.

22.29 If a motion to reconsider is decided in the affirmative:

- The reconsideration effectively returns the Board to just prior to the original Board decision.
- Reconsideration of the original motion shall then be the next order of business unless the motion specifies a future date.

## **23. By-laws**

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23.1 Every by-law when introduced, will be in typewritten form and will contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and will be complete with the exception of the number and the date of the by-law.

23.2 Every by-law which has been passed by the Board will be numbered, dated and signed by the Chair and the Board Secretary, and will be filed with copies being provided to the Clerk of the Township of Clearview, the Township of Springwater and the Town of Wasaga Beach.

**24. Severability**

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24.1. It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of the Board to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.

24.2. Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

**25. Force and Effect**

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25.1. This By-law shall take force and effect upon final passage hereof.

**By-law Number 24-01 read a first, second and third time and finally passed this 4<sup>th</sup> day of December, 2024.**

**Original signed by**

\_\_\_\_\_  
Brian Smith, Board Chair

**Original signed by**

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Nicole Rubli, Board Secretary