

# THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

## BY-LAW NO. 24-35

Being a By-law to Govern the Proceedings of Council and Committee Meetings of the Corporation of the Township of Malahide.

**WHEREAS** Section 238 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings, for public notice of meetings and for electronic participation in meetings;

**NOW THEREFORE, be it resolved Council of The Corporation of the Township of Malahide HEREBY ENACTS AS FOLLOWS:**

1. By-laws 17-97, 20-83, 22-14 and all previous by-laws related to meeting procedures of Council and Committee, including amending by-laws, are hereby repealed.
2. That this By-law shall come into effect on the final passing thereof.

**READ a FIRST and SECOND** time this 20<sup>th</sup> day of June 2024.

**READ a THIRD** time and **FINALLY PASSED** this 20<sup>th</sup> day of June 2024.

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Mayor, D. Giguère

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Clerk, A. Adams

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## 1. SHORT TITLE

- 1.1. This By-law shall be known as "The Procedural By-law" for The Corporation of the Township of Malahide.

## 2. DEFINITIONS IN THIS BY-LAW

### ***General Terms and Legislation***

- 2.1. "Municipality" means The Corporation of the Township of Malahide.
- 2.2. "Municipal Act" means the Municipal Act, S.O. 2001, Chapter 25, as amended.
- 2.3. "MCIA" means the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended.
- 2.4. "MFIPPA" means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.
- 2.5. "Planning Act" shall mean the Planning Act, R.S.O. 1990, c.P. 13, as amended.

### ***Council Positions and Titles***

- 2.6. "Council" shall mean the Council of the Corporation of the Township of Malahide.
- 2.7. "Mayor" shall mean the Head of Council of the Corporation of the Township of Malahide.
- 2.8. "Deputy Mayor" shall mean the member of Council elected or appointed to this position, who exercises the Mayor's powers and responsibilities in the absence of the Mayor.
- 2.9. "Acting Head of Council" shall mean the Deputy Mayor when the Mayor is absent or vacates or the office of the Mayor is vacant or, when the Mayor and Deputy Mayor are absent or vacates or the offices of the Mayor and Deputy Mayor are vacant, the member of Council who is appointed by Council to act from time to time in the place and stead of the Mayor and who shall exercise all of the rights, powers and authority of the Head of Council while so acting.
- 2.10. "Councillor" shall mean a person elected or appointed as a member of Council but does not include the Mayor or Deputy Mayor.
- 2.11. "Member" shall mean a member of Council, a member of a Committee or both as the context requires.

### ***Staff Positions and Titles***

- 2.12. "Staff" shall mean persons employed by the Corporation of the Township of Malahide.
- 2.13. "CAO" shall mean the Chief Administrative Officer of the Township of Malahide and includes any official of the Municipality appointed by Council to exercise the power(s) of the CAO in the absence of the CAO.
- 2.14. "Clerk" shall mean the Clerk or Committee Clerk of the Corporation of the Township of Malahide as the context requires and includes the Deputy Clerk and any official of the Municipality appointed by Council to exercise the power(s) of the Municipal Clerk in the absence of the Clerk or Deputy Clerk.

### ***Meeting Positions and Titles***

- 2.15. "Chair"
- (1) in the case of the Council shall mean the Mayor, Deputy Mayor or the Member appointed to act as Chair during the absence of the Mayor and Deputy Mayor from a Meeting or a portion of a Meeting. While acting as Chair the Member shall exercise all of the powers and responsibilities of the Mayor under this Procedural By-law.
  - (2) in the case of a Statutory Public Meeting, Public Meeting or a Court of Revision Hearing, Chair shall mean the Mayor, Deputy Mayor or the Member, whoever presides over a portion of the Meeting of the Statutory Public Meeting, Public Meeting or a Court of Revision Hearing as provided for in this Procedural By-law.
  - (3) in the case of a Committee, Chair means the Member appointed as such by the Committee.
- 2.16. "Vice Chair" in the case of a Committee shall mean such Member of a Committee who has been appointed to act in the place and stead of the Committee Chair when such Chair is absent from a meeting of the Committee for any cause and who shall exercise all the rights, power and authorities of the Chair.
- 2.17. "Committee Clerk" shall mean the staff person employed by the Corporation of the Township of Malahide to exercise the power(s) of the Clerk in a Committee Meeting.

### ***Meetings, Committees and Local Boards***

- 2.18. "Meeting" shall mean any Regular or Special Meeting of Council, including a Statutory Public Meeting, Public Meeting or a Court of Revision Hearing where,
- (1) a quorum of members is present, and
  - (2) 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.
- 2.19. "Committee" shall mean any ad hoc, advisory, joint, standing or other committee, subcommittee or similar entity of which at least 50 percent of its composition are also members of Council or local boards.
- (1) "Local Board" shall mean a municipal service board, transportation commission, board of health, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board, conservation authority, police service board, or public library.
- 2.20. "Ad Hoc Committee" means a special purpose committee of limited duration, appointed by Council to consider a specific matter and automatically dissolved upon submitting its final report, unless otherwise directed by Council.
- 2.21. "Advisory Committee" means a committee appointed by Council to act in an advisory capacity on operational and strategic issues during the full term of Council.

- 2.22. "Joint Committee" means a committee involving collaboration between multiple municipalities or the municipality and other organizations or levels of government to address regional issues or shared services.
- 2.23. "Standing Committee" means a committee appointed by Council for responsibility over permanent and ongoing functions.
- 2.24. "Statutory Committee" means a committee mandated by legislation with specific responsibilities defined by law, such as a committee of adjustment.

### ***Recommendations and Decision-Making Mechanisms***

- 2.25. "Recommendation" means a proposal put forward by a member, staff, or external party for consideration by Council or Committee.
- 2.26. "Motion" means a proposal to be decided by Council or Committee that is moved by a member and seconded by another member. When adopted by vote, it becomes a Resolution.
- 2.27. "Direction" means informal instruction or guidance given by Council to staff or committees regarding specific actions or initiatives. Directions may not require formal adoption or approval through vote. They serve as a means for Council to express its intentions of preference.
- 2.28. "Resolution" shall mean a formal expression of opinion or intention adopted by Council through a vote.
- 2.29. "By-law" means a formal legal instrument enacted by Council that may be enforced to regulate various aspects of municipal governance. Bylaws may be used to regulate control, or govern specific activities, behaviours, or matters within the jurisdiction of the municipality.

### ***Other Meeting Definitions***

- 2.30. "Abstain" shall mean to refrain from voting. Should a member abstain from voting, their vote is counted in the negative unless the member is not participating in the vote due to a declared conflict on a matter before the Council or Committee.
- 2.31. "Delegation" shall mean a person or group of persons desiring to verbally present information or to make a request to Council or Committee.
- 2.32. "Electronic Participation" shall mean participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk.
- 2.33. "Point of Order" shall mean a statement made by a Member during a Meeting drawing to the attention of the Chair a breach of the Rules of Procedure.
- 2.34. "Point of Privilege" shall mean the raising of a question that concerns a Member, or all of the

Members of Council or Committee, when a Member believes that his rights, immunities or integrity or the rights, immunities or integrity of Council, Committee or staff as a whole have been impugned.

- 2.35. "Quorum" means the minimum number of Members that must be present at a meeting to make the proceedings of that meeting valid, as established by the Municipal Act, 2001, as defined in Section 5.9 herein
- 2.36. "Recorded Vote" shall mean the written record of the name and vote of every Member present when the vote is called on any matter or question during a Meeting of Council.
- 2.37. "Rules of Procedure" shall mean the rules and requirements contained within this Procedural By-law.
- 2.38. "Website" shall mean the Township of Malahide website address identified as [www.malahide.ca](http://www.malahide.ca)
- 2.39. Unless the context otherwise requires, in this Procedural By-law the words used in the female gender shall include the male gender and the singular shall include the plural, and vice-versa, as the context requires.

### 3. GENERAL PROVISIONS

- 3.1. Applicability: Save as otherwise provided herein, the procedural rules and requirements of this by-law shall be observed in all meetings and shall be the rules and requirements which govern the order of their business.
- 3.2. Principles of the Procedural By-law.
  - (1) The principles of openness, transparency and accountability to the public guide the municipal decision-making process. In the context of Council/Committee proceedings, this is accomplished by:
    - (a) ensuring the decision-making process is understood by the public and other stakeholders;
    - (b) providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements;
    - (c) exercising and respecting individual and collective roles and responsibilities provided for in this by-law and other statutory requirements; and
    - (d) the protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals have the opportunity to participate.
  - (2) The principles of parliamentary law governing Council and Committees include:
    - (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) all 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.

### 3.3. Suspension of Rules and Procedures

- (1) Notwithstanding Section 3(1) of this by-law, the rules and regulations contained herein that are discretionary and not mandatory under statute may be temporarily suspended by a majority vote, with the exception of the following circumstances:
  - (a) where required by-law;
  - (b) contractual agreements binding the Municipality;
  - (c) amending this by-law; and
  - (d) quorum requirements

### 3.4. Issue not Addressed

- (1) If an issue is raised that is not expressly addressed in this by-law, the issue shall be decided by the Chair, subject to an appeal to the Members.
- (2) All points of order or procedure not provided for in these Rules of Procedure shall be decided in accordance with the rules of procedure known as Robert's Rules of Order.

### 3.5. Video Equipment, Recording Devices and Cellular Telephones

- (1) All communication devices shall be switched to 'silent' upon entering the location where any Council/Committee Meeting is being held.
- (2) The Municipality will make every reasonable effort to ensure that live streaming and video recordings are available to the public. However, there may be situations where the live streaming and video recordings may be unavailable or delayed due to technical difficulties. Meetings will not be cancelled, postponed or delayed due to technical issues with live streaming or recording of meetings if Council Chambers is physically open and accessible to the public.
- (3) The official record of all Council/Committee Meetings shall be the written minutes in accordance with the Municipal Act, Section 239 (1) which states that minutes of meetings are to be recorded without note or comment by the Clerk.
- (4) Video files from live streaming on the internet are part of the public realm and, as such, are subject to alteration by a member of the public with no municipal control over such alterations.
- (5) The Municipality assumes no liability associated with any alterations that may be made by a member of the public on the internet.

## 4. DUTIES OF COUNCIL & COMMITTEES

### **4.1. Duties of the Mayor:**

- (1) It shall be the duty of the Mayor to carry out the responsibilities of Head of Council set forth in the Municipal Act, in addition to the following responsibilities:

- (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 manner prescribed by this Procedural By-law, all motions presented by Members;
  - (d) to recognize any Member who wishes to speak and to determine the order of speakers;
  - (e) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of the proceedings;
  - (f) to decline to put to vote motions which contravene the provisions of the Procedural By-law;
  - (g) to enforce the provisions of the Procedural By-law
  - (h) to enforce on all occasions the observance of order and decorum among the Members;
  - (i) to call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the Council Chambers, or the place of Meeting, as the case may be;
  - (j) to cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting and, if necessary, to direct the Clerk to seek appropriate assistance from the Ontario Provincial Police Service;
  - (k) to authenticate, by signature, all By-laws and Meeting minutes;
  - (l) to rule on any points of order raised by Members;
  - (m) to represent and support the decisions of Council, declaring its will and explicitly and implicitly obeying its decisions in all things;
  - (n) to adjourn the Meeting when the business is concluded, or if considered necessary by the Mayor because of grave disorder, to adjourn the sitting without putting to the vote any question, or suspend the sitting for a time to be named;
  - (o) to nominate for Council consideration the Members of Council to serve on Committees or to request advice or nominations from members of Council for appointment to such committees;
  - (p) to consult with the Clerk and CAO on the preparation of the agenda pursuant to Section 6.1 of this Procedural By-law.
- (2) By virtue of office, the Mayor is appointed as an ex-officio member of every Committee, with the right to participate fully and vote, unless prohibited By-law.
  - (3) Where a Committee is established by reference to a particular number of Members without specifically providing for membership of the Mayor, such number is automatically increased by one, except where prohibited by law.

#### **4.2. Duties of the Deputy Mayor**

- (1) Where the Mayor gives notice to the Clerk that they will be absent from the Municipality, or of their absence through illness, or their office is vacant, or vacate the chair, then the Deputy Mayor shall act in their place and instead of the Mayor and, while so acting, has and may exercise all the rights, powers and authority of the Head of Council.



#### **4.3. Duties of the Members of Council**

- (1) It shall be the duty of the Members to carry out the role of Council as set forth in the Municipal Act, in addition to the following responsibilities:
  - (a) to deliberate on the business submitted to Council;
  - (b) to vote when a motion is put to a vote, except where otherwise disqualified from doing so by law;
  - (c) to represent and support the decisions of Council, declaring its will and explicitly and implicitly obeying its decisions in all things
  - (d) to Chair the portion of a Meeting for which the Member is the appointed Chair and assume the duties of the Mayor as detailed in Section 4.1; and
  - (e) to apply and respect the Rules of Procedure
- (2) Council Members shall adhere to the Council Code of Conduct as adopted by Council and as amended from time to time.
- (3) Act as an alternate lower-tier member to attend County Council where the Municipality gives notice to the County Clerk of the absence of a County Councillor in accordance with the Elgin County Procedural By-law.
- (4) No member of the Council shall have power to direct or interfere with the performance of any work for the Corporation of the Township of Malahide.

#### **4.4. Duties of the Committee Chair:**

- (1) It shall be the duty of the Chair to:
  - (a) open the Committee Meeting by taking the Chair and calling the Members to order;
  - (b) to announce the business before the Committee in the order in which it is to be acted upon;
  - (c) receive and submit, in the manner prescribed by this Procedural By-law, all motions presented by Members;
  - (d) recognize any Member who wishes to speak and to determine the order of speakers;
  - (e) put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of the proceedings;
  - (f) decline to put to vote motions which contravene the provisions of the Procedural By-law;
  - (g) enforce the provisions of the Procedural By-law;
  - (h) enforce on all occasions the observance of order and decorum among the Members;
  - (i) call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the Council Chambers, or the place of Meeting, as the case may be;
  - (j) cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting and, if necessary, to direct the Committee Clerk to seek appropriate assistance from the Ontario Provincial Police Service;
  - (k) authenticate, by signature, all Meeting minutes;
  - (l) rule on any points of order raised by Members;
  - (m) represent and support the decisions of the Committee;

- (n) adjourn the Meeting when the business is concluded, or if considered necessary by the Chair because of grave disorder, to adjourn the sitting without putting to the vote any question, or suspend the sitting for a time to be named;
- (o) consult with the Committee Clerk on the preparation of the agenda pursuant to Section 6.1 of this Procedural By-law.

**4.5. Duties of the Committee Vice Chair**

- (1) Where the Chair gives notice to the Committee Clerk that they will be absent from the Municipality, or of their absence through illness, or their position is vacant, or they to act, then the Vice Chair shall act in their place and instead of the Chair and, while so acting, has and may exercise all the rights, powers and authority of the Chair.

**4.6. Participation of the Committee Chair in Debate**

- (1) The Chair who presides over any part of a Meeting may state relevant facts and their position on any matter before Council or Committee without leaving the chair, which may take place immediately prior to the vote, but it shall not be permissible for the Chair to move a motion or debate without first leaving the chair.
- (2) If, during a Meeting of Council or Committee, the Chair desires to leave the chair to move a motion or take part in the debate pursuant to Section 4.6(1), or otherwise, the Chair shall call on the Vice Chair or, in their absence, another Member to preside until the Chair resumes the chair.

**4.7. Duties of the Committee Members**

- (1) It shall be the duty of the Members to carry out the following responsibilities:
  - (a) to deliberate on the business submitted to the Committee;
  - (b) to vote when a motion is put to a vote, except where otherwise disqualified from doing so by law;
  - (c) to represent and support the decisions of the Committee;
  - (d) to Chair the portion of a Meeting for which the Member is the appointed Chair and assume the duties of the Chair as detailed in Section 4.6; and
  - (e) to apply and respect the Rules of Procedure
- (2) Council Committee Members shall adhere to the Council Code of Conduct as adopted by Council and as amended from time to time.
- (3) Non-Council Committee Members shall adhere to the Employee Code of Conduct as adopted by Council and as amended from time to time.
- (4) No Member shall have power to direct or interfere with the performance of any work for the Corporation of the Township of Malahide.

**5. MEETINGS**

**5.1. Place of Meeting**

- (1) Unless otherwise directed by Council, all Regular and Special Meetings shall be held in Council Chambers at Springfield & Area Community Services Building, 51221 Ron McNeil Line in Springfield, Ontario.

## **5.2. Inaugural Meeting**

- (1) The first Meeting of Council following a regular election shall be held at a date and time set by the Clerk in accordance with the Act. The Clerk shall be responsible for the location, content and format of the Agenda for the Inaugural Meeting and all arrangements related thereto.
- (2) At the Inaugural Meeting, each Member present shall make their Declaration of Office and sign Council's Code of Conduct.

## **5.3. Regular Meetings**

- (1) Regular Meetings of Council shall be held on the first and third Thursday of each month commencing at 7:00 p.m., unless such a day is a Statutory Holiday, or on such other day and time as may be determined from time to time by resolution of Council.
- (2) Notwithstanding Section 5.3(1) of this by-law, in January, July and August, a Regular Meeting of Council shall only be held on one scheduled Thursday, as set by Council commencing at 7:00 p.m., unless such a day is a Statutory Holiday, or on such other day and time as may be determined from time to time by resolution of Council.
- (3) Pursuant to Sections 5.3(1-2) of this By-law, when a Regular Meeting falls on a Statutory Holiday, the meeting shall occur on the following business day.

## **5.4. Special Meetings**

- (1) In addition to Regular Meetings, the Mayor may, at any time, summon a Special Meeting of Council by giving direction to the Clerk stating the date, time and purpose of the Special Meeting.
- (2) The Clerk shall summon a Special Meeting of Council when requested to do so in writing by a majority of Members, at the time mentioned in the request.
- (3) Written notice of a Special Meeting of Council shall be given to all Members at least twenty-four (24) hours before the time appointed for such Meeting and shall be delivered electronically via e-mail to their respective municipal e-mail address.
  - (a) The written notice shall indicate the nature of the business to be considered at the Special Meeting as well as the date, time and place of the Meeting.
- (4) No business other than that indicated in the written notice shall be considered at the Special Meeting.
- (5) All Special Meetings of Council shall be held at the location of the last Regular Meeting of Council unless an alternative location is specified in the notice of Special Meeting.

## **5.5. Emergency Meeting**

- (1) Notwithstanding any other provision of this by-law, on urgent and extraordinary occasions, an Emergency Special Meeting of the Council may be called by the Mayor without advance notice being given by the Clerk pursuant to this By-law, to consider and deal with such urgent and extraordinary matters.
  - (a) In this case, the consent of a majority of the Members to hold such a Meeting without advance notice is necessary.

- (2) Notwithstanding any other provision of this by-law, on urgent and extraordinary occasions, Council may, by Resolution, authorize the holding of a Regular or Special Meeting at a location outside the Municipal boundaries.

**5.6. *Statutory Public Meetings, Public Meetings, Court of Revision Hearings, Hearings or Information Sessions Held Under the Planning Act, Development Charges Act and Other Applicable Legislation***

- (1) Council from time to time may conduct a Statutory Public Meeting, Public Meeting, Court of Revision Hearing, Hearing or other Information Session for any purpose giving such Notice as may be deemed necessary or required by law, or the Municipality's Public Notice By-law, as amended from time to time.
- (2) If Council is required by law to hold a Statutory Public Meeting, Public Meeting, Court of Revisions Hearing, Hearing or other Information Session the Rules of Procedure outlined herein shall govern.

**5.7. *Meetings Open to Public***

- (1) Subject to Section 5.8 of this Procedural By-law, Meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.
- (2) Physical access to the place of meeting and/or a digital stream that is capable of and/or enables the public to hear, or watch and hear, all Members participating in the Meeting constitutes an open meeting.
- (3) The Chair may request that members of the public vacate the Council Chambers if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the Meeting until order is restored in the Council Chambers.

**5.8. *Closed Meetings***

- (1) Except as otherwise provided herein, all Meetings shall be open to the public.
- (2) Council may, by Resolution, close a Meeting or part of a Meeting to members of the public if the subject matter being considered is:
  - (a) the security of the property of the Municipality or Local Board;
  - (b) personal matters about an identifiable individual, including Municipal and Local Board Employees;
  - (c) a proposed or pending acquisition or disposition of land by the Municipality;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality;
  - (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which the Council is authorized by another provincial statute to hold a closed meeting;
  - (h) information explicitly supplied in confidence to the municipality of local board by Canada, a province or territory or a Crown agency of any of them;
  - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if

disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
  - (l) 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;
  - (m) an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ontario Ombudsman, a municipal Ombudsman, or meeting investigator; or
  - (n) an educational or training session provided that no member discusses or otherwise deals with a matter in a way that materially advances the business or decision-making of the Council, local board, or committee. No motion, resolution, by-law, debate, agreement in principle consensus, straw vote, recommendation or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an educational or training session.
- (3) A motion by Council to close a Meeting or part of a Meeting to the public shall state:
- (a) The fact of the holding of the closed meeting; and
  - (b) The general nature of the subject matter to be considered at the closed Meeting.
- (4) Where a Meeting or part of a Meeting is closed to the public, Council shall request those persons not specifically invited to the closed Meeting to vacate Council Chambers and discontinue digital streaming and recording as the case may be.
- (5) A Meeting or part of a Meeting shall not be closed to the public during a vote except where permitted by law including, without limitation, Section 239(6) of the Municipal Act, which allows a Meeting to be closed to the public during a vote pursuant to sections 239 (2) or (3) and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Municipality or persons retained by or under a contract with the Municipality, and Council deems that it is in the best interests of the Municipality to do so.
- (6) Notwithstanding Section 5.8(5), the vote on a resolution approving a contract for the acquisition or disposal of land, including the sale of road allowances, shall be conducted in open session.
- (7) The Motion to rise from "In Camera" shall include the time that Council arose. The Clerk shall record without note or comment all resolutions, decisions and other proceedings at a Meeting of Council when it is closed to the public.
- (8) Members shall ensure that confidential matters disclosed to them during closed Meetings are kept confidential. Any breach of confidential matters disclosed during closed Meetings shall be subject to the sanctions contained in the Council Code of Conduct.

### **5.9. Quorum**

- (1) A quorum of Council shall be four (4) Members.
- (2) A quorum of a Committee shall be a majority of the Members of the Committee.
- (3) If a Quorum is not present within fifteen (15) minutes after the time appointed for the Meeting, the Clerk or designate shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting or other Meeting called in accordance with the provisions of this Procedural By-law.

### **5.10. Public Notice of Meeting**

- (1) Public notice of each regularly scheduled Meeting shall be deemed to be given by making the agenda available for viewing on the Municipal Website by 4:30 p.m. on the Tuesday preceding the regularly scheduled Meeting, unless circumstances prevent this from occurring whereby the Clerk will post the Agenda as soon as practicable.
- (2) Notice of Special Meetings shall be posted on the Municipal Website not less than twenty-four (24) hours before the time appointed for the Special Meeting.
- (3) Where an Emergency Special Meeting of Council is held in accordance with Section 5.5, notice of the Emergency Special Meeting shall be posted on the Municipal Website, as soon as practicable.
- (4) Lack of sufficient notice, as provided for herein, shall not affect the validity of holding a Meeting, Special Meeting or any action taken thereat where a majority of Members are present and the Meeting is open to the public pursuant to Section 5.7 of this by-law.

### **5.11. Adjournment – Due Hour**

- (1) Except as provided in Section 10.15, a Regular or Special Meeting of Council shall adjourn at the hour of 11:00 p.m., if in session at that time, and shall reconvene at such other day and time as Council, by resolution, may direct, or the next regularly scheduled Meeting of Council.

### **5.12. Cancellation of Meeting**

- (1) The Mayor/Chair or the Deputy Mayor/Vice Chair, in the Mayor's/Chair's absence, or the Clerk, in the absence of both the Mayor/Chair and Deputy Mayor/Vice Chair, may cancel any Meeting of Council/Committee if of the opinion that sufficient cause or an emergency warrants such action. The Clerk shall inform as many Members as they are able to reach.
  - (a) Sufficient cause for the purposes of Section 5.12(1) shall include the following:
    - (i) If the Clerk determines in advance that Quorum will not be achieved;
    - (ii) If a Meeting is Cancelled by Council/Committee recommendation;
    - (iii) In the event of an emergency or imminent weather event; or
    - (iv) Where the Meeting is no longer required due to a lack of forecasted agenda items as advised by the Clerk.

### **5.13. Electronic Participation**

- (1) A Member who is unable to attend a Council/Committee Meeting in person may participate in that Meeting by electronic or other communication facilities if:

- (a) the facilities enable all participating Members, whether attending in person or through electronic participation, to hear and be heard by all other Members.
  - (b) except for all or any part of the Council Meeting that is closed to the public, the electronic or other facilities are capable of and enable the public to hear, or watch and hear, all Members participating in the Meeting.
- (2) A Member who intends to participate in any such Meeting by electronic or other communication facilities shall give to the Clerk Notice of that intention at least 24 hours prior to the commencement of such Meeting, provided that, if Notice of such Meeting is provided less than 24 hours prior to its scheduled commencement, then the Member shall give to the Clerk as much notice as possible prior to commencement of such Meeting.
  - (3) In all such circumstances, the Clerk will, as soon as reasonably possible, provide the Member intending to attend by electronic participation with instructions on how to connect to and participate in that Meeting by electronic or other communication facilities.
  - (4) There shall be no limit upon the number of Members who may attend a Meeting of Council/Committee by electronic or other communication facilities.
  - (5) Each Member attending the Meeting by electronic or other communication facilities shall notify the Chair and other Members when he or she joins the Meeting and, if and when applicable, upon leaving the Meeting.
  - (6) Any Member attending and present during a Meeting by electronic or other communication facilities shall be counted for purposes of quorum at the commencement of and at any point in time during the Meeting.
  - (7) Any Member attending and present during a Meeting by electronic or other communication facilities may vote on any matter being considered in such Meeting and that vote shall be counted.
  - (8) The method of vote shall be as determined by the Chair and may be unrecorded or recorded. Any members participating electronically without video abilities will be asked by the Chair to vote verbally.

**5.14. Failure to Vote/and or Respond**

- (1) If the Member, whether present in person or electronically after two (2) attempts, fails to vote and/or respond to the call of their name, then the vote is recorded as 'no', unless directed otherwise by the Chair.

**6. AGENDAS AND MINUTES**

**6.1. Council Meeting Agenda**

- (1) The Clerk, in consultation with the CAO and Mayor, shall cause to be prepared an electronic Agenda generally under the following headings for the use of the Members at the Regular Meetings of Council:
  - (a) Call to Order
  - (b) Approval of the Agenda
  - (c) Disclosures of Pecuniary Interest
  - (d) Announcements
  - (e) Adoption of Minutes of Previous Meeting(s)

- (f) Public Meetings & Committee of Adjustment
- (g) Delegations
- (h) Approval of Business (Consent Agenda)
- (i) Unfinished Business
- (j) New Business
- (k) By-laws

Council will then recess and Committee of the Whole convenes:

- (l) Business for Consideration
- (m) Unfinished Business
- (n) New Business
- (o) Correspondence

Committee of the Whole adjourns and Council reconvenes:

- (p) Closed Session
- (q) Confirmatory By-law
- (r) Adjournment

## **6.2. Committee Meeting Agenda**

- (1) The Committee Clerk, in consultation with the Committee Chair, shall cause to be prepared an electronic Agenda generally under the following headings for the use of the Members at a Committee Meeting (does not include the Committee of the Whole):
  - (a) Call to Order
  - (b) Approval of the Agenda
  - (c) Disclosures of Pecuniary Interest
  - (d) Announcements
  - (e) Adoption of Minutes of Previous Meeting(s)
  - (f) Delegations
  - (g) Unfinished Business
  - (h) New Business
  - (i) Adjournment
- (2) The business of the Committee Meeting shall be considered in the order as it appears on the Agenda, unless otherwise decided by a vote of the majority of the Members present and voting.

## **6.3. Meeting Minutes**

- (1) The Clerk shall cause the Minutes to be taken of each Meeting of Council/Committee whether it is closed to the public or not. These minutes shall include:
  - (a) the place, date and time of the Meeting;
  - (b) the name of the Members and the record of attendance of the Members;
  - (c) should a Member enter after the commencement of the Meeting or leave prior to
  - (d) adjournment, the time shall be noted;
  - (e) declarations of pecuniary interest;
  - (f) all resolutions of the Meeting without note or comment.
- (2) The following shall apply for Meeting Minutes of Council:



- (a) Following approval of the Minutes, the Minutes shall be signed by the Mayor and the Clerk.
  - (b) The Clerk shall ensure that the Minutes of the last Regular and Special Meetings of Council are posted on the Municipal website and prepared in accordance with Section 6.7 of this Procedural By-law.
  - (c) The Minutes of each Meeting shall be presented to Council for confirmation at the next Regular Meeting.
- (3) The following shall apply for Committee Meeting Minutes:
- (a) The draft Minutes of each Committee Meeting shall be presented to Council for information at the next Regular Meeting.
  - (b) Recommendations from Committees requiring approval from Council will be brought forward by report from the Committee for consideration at a Council Meeting.
  - (c) The Minutes of each Committee Meeting shall be presented to the Committee for confirmation at the next Committee Meeting.
  - (d) Following approval of the Minutes, the Minutes shall be signed by the Committee Chair and the Committee Clerk.
  - (e) The Clerk shall ensure that the Minutes of the Committee Meeting are posted on the Municipal website and prepared in accordance with Section 6.7 of this Procedural By-law.

#### **6.4. Inquiries**

- (1) Members may make inquiries to the CAO for Meeting of Council or appropriate Department Head for Meetings of Committees, relating to any recommendation, by-law, motion or other matter connected with the business of Council/Committee.
- (2) Any inquiry should be submitted to the CAO or appropriate Department Head in writing at least 24 hours in advance of the meeting at which it is to be made.
- (3) Staff will endeavour to provide responses to all member inquiries prior to the meeting, while copying all members in the consolidated responses.
- (4) Members shall not debate a matter with a staff member.

### **7. ORDER OF PROCEEDINGS – COUNCIL & COMMITTEES**

#### **7.1. Call to Order**

- (1) As soon as a Quorum is present after the hour set for the holding of the Meeting, the Mayor/Chair shall take the chair and call the Members present to order.
- (2) If the Mayor/Chair does not attend a Meeting within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Deputy Mayor/Vice Chair shall preside over the Meeting and shall exercise all duties and responsibilities of the Mayor/Chair as outlined in this Procedural By-law until the Mayor/Chair is present at the Meeting and able to perform their responsibility to assume the chair.
- (3) If the Deputy Mayor/Vice Chair is also not present within fifteen (15) minutes after the time set for the Meeting and a quorum is present, the Clerk shall call the Meeting to order,

and the Members present shall appoint a Presiding Member who shall act as Chair of the Meeting until the arrival of the Mayor/Chair or Deputy Mayor/Vice Chair, whoever is the first to arrive and is able to assume the chair.

### **7.2. Approval of the Agenda**

- (1) Members may review, and propose any amendments if necessary to the agenda. This may involve adding, removing or re-arranging items on the Agenda of a Regular Meeting of Council or a Committee Meeting.
- (2) Despite Section 7.2(1) there shall not be additions to an Agenda of a Special Meeting of Council.

### **7.3. Disclosures of Pecuniary Interest**

- (1) Where a Member, either on their 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 at which the matter is the subject of consideration, the Member shall:
  - (a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
  - (b) not take part in any discussion of or vote on any question with respect to the matter; and
  - (c) not attempt in any way before, during and after the meeting to influence the voting on any such question.
- (2) Where the Meeting is not open to the public, in addition to complying with the requirements of Section 7.2(1), the Member shall immediately leave the Meeting or part of the Meeting during which the matter is under consideration.
- (3) Where a Member is absent from a Meeting which includes a matter for which the Member has a pecuniary interest, the Member shall disclose this interest and otherwise comply at the first Meeting attended by him after the particular Meeting.
- (4) A Member shall file with the Clerk a written statement of any interest declared by the Member in accordance with the MCIA and its general nature, and the Clerk will make the disclosure publicly available and will maintain a registry of written statements of disclosure.

### **7.4. Announcements**

- (1) Members may share announcements about upcoming community events, give recognition for achievements or contributions by individuals or groups in the community, express gratitude, share general information about conferences or seminars attended, or present awards.

### **7.5. Adoption of Minutes**

- (1) Minutes of previous Meetings shall be listed under this section of the Meeting Agenda.
- (2) Previous Meeting Minutes may be disposed of through a single resolution or, alternatively, any Member may request that one or more be separated and voted on separately.

#### **7.6. Delegations**

- (1) Delegations shall be conducted in accordance with Section 8 of this by-law.

#### **7.7. Business for Approval (Consent Agenda) – Council Meetings Only**

- (1) Council may determine approval on items that were received for recommendation from a previous Committee of the Whole session.
- (2) Where unanimous approval of the consent agenda is not obtained, a Member may remove or pull an item from the consent agenda for further discussion or deliberation.

#### **7.8. Unfinished Business**

- (1) This section provides consideration for items that were previously discussed, deliberated, or initiated in previous meetings but were not fully resolved or completed at that time. These items are carried forward to be revisited, continued or concluded.
- (2) For Council Meetings only, this section allows Members an opportunity to address specific items for further discussion or deliberation that were removed or pulled from the consent agenda for Business for Approval.

#### **7.9. New Business**

- (1) This section provides an opportunity for Members to consider new items to finalize for approval.
- (2) Items for this section shall be introduced at the Approval of the Agenda.
- (3) For Council Meetings only, these items must meet the following requirements:
  - (a) Time-sensitive in nature;
  - (b) Has a clear connection to the interests of the Municipality; and
  - (c) Requires an immediate action or decision within the jurisdiction of the Municipality with limited time for discussion and deliberation of Council.
- (4) For Council Meetings only, despite Section 7.9(3) to ensure the expediency of development related decisions, Planning Reports shall always be introduced as New Business during the Council portion of the meeting.

#### **7.10. By-laws – Council Meetings Only**

- (1) Every By-law, when introduced, shall be in written form and shall contain no blanks, except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the number and date to be affixed.
- (2) When the by-laws are reported with or without amendment, they shall be forthwith given first, second and third reading in a single motion at the same Meeting on the affirmative vote of the majority of the Members present and voting.
- (3) Every By-law which has been enacted by Council shall be numbered and dated, and shall be signed by the Mayor, or their designate, and the Clerk, sealed with the seal of the Municipality and, thereafter, shall be retained under the control of the Clerk.

### **7.11. Committee of the Whole – Council Meetings Only**

- (1) The Committee of the Whole is a procedural mode of operation in which all members of Council sit as a committee to discuss and debate matters in a more informal and flexible setting.
- (2) The rules governing the procedure of Council and the conduct of the Members of Council, shall be observed in Committee of the Whole, so far as they are applicable, except that:
  - (a) Recorded votes shall not be permitted; and
  - (b) more latitude may be allowed in discussions, as determined by the Chair.
- (3) The results of votes taken during the Committee of the Whole are not final decisions of Council, rather they are recommendations which will be given further consideration and finally voted on under regular rules of Council.
- (4) Business for Consideration – Committee of the Whole:
  - (a) This section provides for Council to consider recommendations on items such as staff and committee reports, draft bylaws and draft policies.
- (5) Unfinished Business:
  - (a) This section provides consideration for items under “Business for Consideration” that were previously discussed, deliberated, or initiated in a previous meeting but were not fully resolved or completed at that time. These items are carried forward to be revisited, continued, or concluded.
- (6) New Business – Committee of the Whole:
  - (a) This section provides an opportunity for Members to add new items for consideration.
  - (b) Items for this section shall be introduced at the Approval of the Agenda.
  - (c) These items must meet the following requirements:
    - (i) Materialized after the publication of the Agenda;
    - (ii) Time-sensitive in nature;
    - (iii) Has a clear connection to the interests of Municipality; and
    - (iv) Requires an action or decision within the jurisdiction of the Municipality for Council to consider.
- (7) Correspondence – Committee of the Whole:
  - (a) All Correspondence, including petitions, intended to be presented to Council shall be legibly written or printed, shall not contain any defamatory, impertinent or improper matter or language, shall identify the author(s) by name and municipal address and shall be filed with the Clerk before it is presented to Council.
  - (b) Correspondence shall not be placed on the Agenda if the identity of the author or authors cannot be confirmed.
  - (c) No person, except a member of Council or an authorized Municipal employee, shall before or during a meeting of Council, place on the desks of Members or otherwise distribute any material whatsoever.
  - (d) Correspondence, including emails, intended for Council or a committee is generally received as public information subject to MFIPPA. The Clerk shall be advised of any confidential items, the general nature of the confidentiality and will determine whether the item meets identified criteria for confidential correspondence and

whether it will be circulated within the Agenda, circulated under separate cover or provided in the Closed Agenda.

- (e) Every item of Correspondence shall be delivered to the Clerk no later than Friday at 12:00 p.m. of the week prior to the Meeting. The Clerk, at their own discretion, is delegated the authority to direct the item of Correspondence or a summary thereof to the appropriate Agenda. The Clerk shall ensure that a summary of the content of the correspondence is prepared and included in the Agenda.

**7.12. Closed Session**

- (1) See section 5.8.

**7.13. By-law to Confirm the Proceedings of Council – Council Meetings Only**

- (1) At the conclusion of all Regular and Special Meetings of Council and prior to Adjournment, a Confirming By-law shall be brought forward to confirm the actions of the Council at that Meeting in respect of each Motion, Resolution and other action taken and a Confirming Bylaw, when introduced, shall be taken as having been read and shall be voted on without debate.

**7.14. Adjournment**

- (1) See Sections 10.15.

**8. DELEGATIONS**

- 8.1. Persons desiring to verbally present information on matters of fact or to make a request to Council or Committee shall give notice, including specific details regarding the subject of their address to the satisfaction of the Clerk no later than 12:00 p.m. Friday of the week prior to the Meeting.
- 8.2. No delegation shall be permitted regarding:
  - (1) Labour relations and negotiations
  - (2) Any employee relations
  - (3) Litigation or Potential Litigation Matters
  - (4) Advertisements for products or services
  - (5) Bidders or Potential Bidders
  - (6) Election campaigning
  - (7) Requests for Financial Assistance and Fee Waivers Outside of Established Processes
  - (8) Matters which are not within the Council/Committee's jurisdiction
  - (9) Matters which have been decided upon by Council during the current term of Council and requests for reconsideration
  - (10) Matters which have been referred to staff for a report, until the matter is before Council or Committee
  - (11) Matters which are the subject of an Education and Training Session
- 8.3. Notwithstanding Section 8.1, a person wishing to present information is not required to give written notice nor be listed on the agenda with respect to a matter before Council for which the public has been given notice of the Public Meeting under the Planning Act, any

other Act, or according to Municipal Policy, as required.

- 8.4. Each person addressing Council/Committee shall step up, and shall give their name and address in an audible tone of voice for the record. All remarks shall be addressed to Council/Committee as a body and not any member or staff thereof. Delegations shall be limited to speak for no more than fifteen (15) minutes and be so advised in advance of their delegations. An extension to speak may be decided, without debate, by a majority of Members present. Where a Delegation wishes to provide Members with written communication, including a petition, supporting the Delegation's comments, the communication shall be provided to the Clerk and may be distributed to the Members at the discretion of the Clerk.
- 8.5. No Delegation shall:
  - (1) speak disrespectfully of any person;
  - (2) use improper language or unparliamentary language;
  - (3) speak on any subject other than the subject for which they have received approval to address Council/Committee;
  - (4) disobey the rules of procedure or a decision of the Chair;
  - (5) speak regarding an identifiable individual involved in an on-going by-law investigation or on a by-law enforcement matter;
  - (6) enter into a cross debate with other delegations, administration, members of Council/Committee, or the Mayor/Chair.
- 8.6. Municipal audio-visual equipment may be used to assist in presentations, provided that permission has been obtained for the use of such equipment from the Clerk at the time the presenter(s) contacts the Clerk to register for the meeting. The presentation material must be provided to the Clerk by 12:00 p.m. Friday the week prior to the scheduled day of the Meeting.
- 8.7. Members shall be permitted to ask questions of delegates only to clarify their submissions or to elicit further information from them that is relevant to their submission.
- 8.8. Council/Committee may refuse to hear delegations when, in the opinion of Council/Committee, the subject of the presentation is beyond the jurisdiction of the Municipalities, is a repetitive topic, or is a topic deemed to be frivolous.
- 8.9. Delegates may be permitted to participate electronically in a Meeting following procedures and requirements set out by the Clerk and subject to the following:
  - (1) electronic means of participating must be available for the Meeting;
  - (2) electronic participation must be clear and uninterrupted and allow for two-way communication, and if any unreasonable delay or interference is caused to the Meeting as a result of the Electronic Participation, the connection will be terminated

## 9. RULES OF DEBATE AND CONDUCT

### **9.1. Conduct of Members**

- (1) No member shall:
  - (a) speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, of 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 or speak disrespectfully against Council/Committee, against any Member or against any officer or employee of the Municipality;
  - (c) speak on any subject other than the subject being debated;
  - (d) disobey the Rules of Procedure or a decision of the Chair, whoever is in the chair for the Meeting or a portion of the Meeting, on questions of Points of Order or procedure or upon the interpretation of the Rules of Procedure except where the ruling of the Chair is reversed by the Council/Chair pursuant to this by-law. If a Member persists in any such disobedience after having been called to order, the Chair shall forthwith order that Member to vacate the Council Chambers or room in which the Meeting is being held, but if the Member apologizes, he may, by majority vote of the Members, be permitted to retake his seat;
  - (e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability; or
  - (f) where a matter has been discussed in a Closed Meeting, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the closed Meeting to any person.
- (2) Address the Chair
- (a) Any Member desiring to speak shall signify their desire to speak in such manner as the Chair may direct, and upon being recognized by the Chair, shall address the Chair, only.
- (3) Order of Speaking
- (a) When two or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, so signified first and next recognize in order the other Members.
- (4) Point of Privilege
- (a) Where a Member considers that their integrity, the integrity of the Council/Committee, as a whole, or the integrity of staff has been impugned, the Member may, on a Point of Privilege, rise with the consent of the Chair for the purpose of drawing the attention of Council/Committee to the matter.
  - (b) When a Member is permitted to raise such matter of privilege, it shall take precedence over other matters, but the Member shall not be permitted to enter into any argument or introduce any Motion related to the Point of Privilege.
  - (c) When the Chair considers that the integrity of staff has been impugned or questioned, the Chair may permit staff to make a statement to Council/Committee.
  - (d) When a Point of Privilege is raised, it shall be considered and decided by the Chair immediately and the decision of the Chair under this section shall be final.
- (5) Point of Order
- (a) When a Member desires to call attention to a violation of the Rules of Procedure, the Member shall ask leave of the Chair to raise a Point of Order and, after leave is

granted, shall succinctly state the Point of Order to the Chair and the Chair shall then decide upon the Point of Order and advise the Member of the decision

- (6) Appeal of Ruling of Chair
  - (a) With respect to a ruling on either a Point of Privilege or a Point of Order, if the Member does not appeal immediately thereafter to Council/Committee, the decision of the Chair shall be final.
  - (b) If the Member wishes to appeal the decision of the Chair, they shall appeal immediately to Council/Committee, otherwise the decision of the Chair is final.
  - (c) If the decision is appealed, the Chair will give concise reasons for their ruling and will call a vote by Council/Committee, without debate on the following question: "Will the ruling be sustained; and the decision of Council/Committee, is final. The Chair may vote on this question. In the event of a tie of votes, the ruling of the Chair shall be deemed to be sustained.
- (7) Members Speaking
  - (a) When a Member is speaking, no other Member shall interrupt the Member except to raise a Point of Order.
- (8) Questions Read
  - (a) 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.
- (9) Speak Once – Reply
  - (a) No Member shall speak more than once to the same question without leave of Council/Committee except that a reply shall be allowed to be made only by a Member who has presented the motion, but not by any Member who has moved an amendment or procedural motion in response to that motion.
- (10) Time Limited
  - (a) No Member, without leave of Council/Committee shall speak to the same question or in reply for longer than five (5) minutes.
- (11) Questions
  - (a) A Member may ask a question for the purposes of obtaining information relating only to the matter under discussion and such questions must be stated concisely and asked only through the Chair.
  - (b) Notwithstanding Section 9(11)(a) when a Member has been recognized as the next speaker, then immediately before speaking, such Member may ask a question through the Chair, concerning any matter connected with the business of the Municipality currently under discussion but only for the purpose of obtaining information, following which the Member may speak.

## 10. MOTIONS

### **10.1. Reading**

- (1) All motions must be introduced by a mover and a seconder before the Chair may put the question or motion on the floor for consideration. If no Member seconds the motion, the motion shall not be on the floor for consideration and therefore it shall not be recorded in the minutes.



- (2) Notwithstanding Section 10.1, if a motion is printed in the Agenda as either a separate item or as part of a Report, it need not be read in its entirety unless requested to do so by a Member of Council/Committee but shall be deemed as read for the purposes of introducing the Motion.

**10.2. *Withdrawn***

- (1) After a motion is properly moved and seconded, it shall be deemed to be in possession of Council/Committee, but may be withdrawn by the mover at any time before decision or amendment.

**10.3. *Motion Ruled Out of Order***

- (1) Whenever the Chair is of the opinion that a motion is contrary to these Rules of Procedure, the Chair shall rule the motion out of order.

**10.4. *Not Within Jurisdiction of Council/Committee***

- (1) A Motion in respect of a matter which requires the exercise of a legislative power by Council/Committee which is not within its jurisdiction shall not be in order at a Meeting of Council/Committee.

**10.5. *Motions Without Notice and Without Leave***

- (1) The following matters and motions may be introduced orally by a Member without written notice and without leave, except as otherwise provided by this Procedural By-law, and shall be decided without debate:
  - (a) a point of order or privilege;
  - (b) to adjourn;
  - (c) to table the question without directions or instructions;
  - (d) to suspend the Rules of Procedure;
  - (e) to lift from the table;
  - (f) to divide the question;
  - (g) to refer (without instructions);
  - (h) question be now put; and
  - (i) to recess.
- (2) The following motions may be introduced orally by a Member without notice and without leave, except as otherwise provided by this Procedural By-law, and may be debated:
  - (a) to refer with direction (direction for referral only to be debatable);
  - (b) to table with instructions (instructions for tabling only to be debatable);
  - (c) to amend; and
  - (d) to rescind.

**10.6. *Priority of Disposition***

- (1) A motion properly before Council/Committee for decision must be disposed of before any other motion can be received except a motion in respect of matters listed in Section 10.5.

### **10.7. Motion to Amend**

- (1) A motion to amend:
  - (a) Motion to Amend
  - (b) shall relate to the subject matter of the main motion;
  - (c) shall not be received proposing a direct negative to the question; and
  - (d) shall be put to a vote in reverse order to the order in which the amendments are made.

### **10.8. Question be Now Put**

- (1) A motion that the question be now put:
  - (a) is not debatable cannot be amended
  - (b) cannot be proposed when there is an amending motion under consideration, except for the purpose of moving that the amending motion be put;
  - (c) when resolved in the affirmative, requires that the question, motion, amending motion or
  - (d) motion as amended, whichever is under consideration be put forward immediately without
  - (e) debate or amendment;
  - (f) can only be moved in the following words, "that the question be now put"; and
  - (g) requires an affirmative vote of two-thirds (2/3) of the Members present and voting.

### **10.9. Motion to Refer or Defer/Postpone**

- (1) A motion to refer or to refer back or to defer or to postpone the question may include instructions respecting the terms upon which the question is to be referred or deferred or postponed.
- (2) A motion to refer or to refer back or to defer or to postpone the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (3) A motion to refer or to refer back or to defer or to postpone the question may not be amended except where instructions are included, in which case, only the instructions may be amended in accordance with the provisions in Section 10(9)(2).

### **10.10. Motion to Table**

- (1) A motion simply to table is not debatable except where instructions are included, in which case, only the instructions shall be debatable. Such motion cannot be amended.
- (2) A motion to table with some condition, opinion, or qualification added to the motion shall be deemed to be a motion to defer or postpone made under Section 10(9).
- (3) The matter tabled shall not be considered again by Council/Committee until a motion has been made to lift from the table the tabled matter at the same or subsequent Meeting.
- (4) A motion to lift a tabled matter from the table is not subject to debate or amendment.

**10.11. Motion to Divide**

- (1) A motion containing distinct proposals may be divided and a separate vote shall be taken upon each proposal contained in a motion if decided upon by a majority vote of the Members present and voting.

**10.12. Motion to Rescind**

- (1) A motion to rescind a previous action of Council/Committee requires a two-thirds (2/3) vote of the Members present and voting provided that notice has been given at the previous Meeting or in the Agenda for the Meeting, and in case the aforesaid notice has not been given, the motion to rescind requires a two-thirds (2/3) vote of the Members present and voting.
- (2) A motion to rescind is not in order when action has been taken on the order of Council/Committee of which it is impossible to revise. The part of an order of Council/Committee which has not been acted upon, however, may be rescinded.

**10.13. Reconsideration**

- (1) A resolution, by-law or any question or matter (except one of indefinite postponement) which has been adopted previously by Council may be reconsidered by Council subject to the following:
- (2) only a Member who voted thereon may make a Motion to Reconsider;
- (3) such motion must be supported by two-thirds of the Members present and voting in favour of such reconsideration before the matter is re-opened for debate;
- (4) debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
- (5) if a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on; and
- (6) a vote to reconsider a particular matter or decision will not be considered more than once during the term of Council.

**10.14. Motion to Recess**

- (1) A motion to recess shall provide for Council/Committee to take a short intermission within a Meeting which shall neither end the Meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were when interrupted.
- (2) A motion to recess is not debatable, but it is amendable as to the length of the recess and is not in order when another motion is on the floor.

**10.15. Motion to Adjourn**

- (1) A motion to adjourn is not debatable or amendable and shall always be in order except:
  - (a) when another Member is in possession of the floor;
  - (b) when a vote has been called;
  - (c) when the Members are voting; or
  - (d) when a Member has indicated to the Chair their desire to speak on the matter before Council/Committee.

- (2) A motion to adjourn, if carried, without qualification, will bring a Meeting or session of the Council/Committee to an end.
- (3) A motion to proceed beyond the hour of 11:00 p.m.:
  - (a) shall not be amended or debated;
  - (b) shall always be in order except when a Member is speaking or the Members are voting; and
  - (c) shall require the support of a majority of the Members present and voting.

## 11. NOTICE OF MOTIONS

- (1) A Member of Council may file a Motion or Notice of Motion to be placed on the Council Agenda with the Clerk no later than 4:00p.m on the Friday of the week preceding the Council Meeting at which it is to be presented for consideration and dealt with.
- (2) Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice.

## 12. VOTING ON MOTIONS

- (1) Immediately preceding the taking of a vote on a motion, the Chair may state the question in the form introduced and shall do so if required by a Member.
- (2) 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.
- (3) Every Member present at the Meeting, when the question is put, shall vote thereon unless disqualified under the Municipal Conflict of Interest Act to vote on the question.
- (4) Except where the Member is disqualified under the Municipal Conflict of Interest Act from voting, if a Member abstains from a vote when a question is put, that Member shall be deemed to have voted in the negative.
- (5) Each Member has only one vote.

### 13.1 **Unrecorded Vote**

- (1) The manner of determining the decision of the Council/Committee on a motion shall be at the direction of the Chair and may be by voice, show of hands, standing, or otherwise.

### 13.2 **Recorded Vote**

- (1) Immediately preceding or after the taking of a vote on a motion, a Recorded Vote may be requested by a Member at which time each Member present, except a Member who is disqualified from voting by any Act, shall announce his vote openly and the Clerk shall record his name and his vote on the question.
- (2) The order in which Members, present and voting, vote on Recorded Votes shall be:
  - (a) Ward Councillors (in ascending numerical order);
  - (b) Deputy Mayor; and
  - (c) Mayor

## 14. CONDUCT OF THE AUDIENCE

- 14.1. Members of the public who constitute the audience in the Council Chamber, or other such place where a Meeting is held in accordance with Section 5 of this Procedural By-law, during a Meeting shall respect the decorum of Council/Committee, maintain order and quiet and may not:
- (1) address Council/Committee without permission;
  - (2) interrupt any speaker or action of the Members or any person addressing Council/Committee;
  - (3) speak out;
  - (4) behave in a disorderly manner; or
  - (5) make any noise or sound that proves disruptive to the conduct of the Meeting.
- 14.2. Placards, signs, posters, etc. or any advertising devices shall not be permitted in the Council Chambers, or any other location in which Council/Committee may conduct their business.
- 14.3. The Mayor/Chair may request that a member or members of the public vacate the Council Chambers or any other location in which Council/Committee may conduct their business if their behaviour is deemed to be disruptive to the business at hand.

## 15. ADMINISTRATION

- 15.1. This By-law shall be administered by the Clerk.
- 15.2. The Clerk shall be delegated authority to make minor clerical, typographical or grammatical corrections to any Council record or documentation, including but not limited to: by-laws, Motions, resolutions, Agendas and/or minutes. Said corrections are to be made to ensure correct and complete implementation of the decisions and actions of Council and its Committees.